Eger Regional Court
No 12.P.20.489/2015/402.

The Egri Tribunal has appointed the -name of the chairman of the board of trustees- chairman of the board of trustees (address of the chairman of the board of trustees), represented by the **Chance for Children from Disadvantaged background Foundation** (address of the foundation) and the Morley Allen & Overy Law Firm (Administrator: Dr. Sahin-Tóth Balázs, lawyer (address of lawyer), Gárdos Füredi Mosonyi Tomori Law Office (address of administrator: Dr. Péter Gárdos, administrator), Dr. Hernádi Eleonóra Law Office (address of administrator: Dr. Eleonóra Hernádi, lawyer) and Dr. Kegye Adél, lawyer (address of lawyer), represented by **-I.r. plaintiff's name-** (address of I.r. plaintiff) **I.r., -name of plaintiff II-** (address of plaintiff II) **II.r., -name of plaintiff III-** (address of plaintiff III) **III.r., -name of plaintiff IV-** (address of plaintiff IV) **IV.r., -name of plaintiff V-** (name of plaintiff V) **V.r., -name of plaintiff VI-** (address of plaintiff VI) **VI.r., -VII.r. name of plaintiff-** (VII.r. address of plaintiff) **VII.r., -VIII.r. name of plaintiff-** (VIII.r. address of plaintiff) **VIII.r., -IX.r. name of plaintiff-** (IX.r. address of plaintiff) **IX.r., -X.r. name of plaintiff- (**X.r. address of plaintiff) **X.r., -XI.r. name of plaintiff-** (XI.r. address of plaintiff) **XI.r., -XII.r. name of plaintiff-** (address of plaintiff XII.**r.**) **XII.r., -XIII.r. name of plaintiff-** (address of plaintiff XIII.**r.**) **XIII.r., -XIV.r. name of plaintiff-** (address of plaintiff XIV.**r.**) **XIV.r., -XV.r. name of plaintiff- (address of plaintiff** XV.r.) **XV.r., -XVI.r. name of plaintiff-** (address of plaintiff XVI.r.) **XVI.r., -XVII.r. name of the applicant-** (XVII.r. address of the applicant) **XVII.r., -XIX.r. name of the applicant-** (XIX.r. address of the applicant) **XIX.r., -XX.r. name of the applicant-** (XX.r. address of the applicant) **XX.r., -XXI.r. name of the applicant-** (XXI.r. address of the applicant) **XXI.r., -XXII.r. name of the applicant-** (XXII.r. address of the applicant) **XXII.r., -name of plaintiff-** (address of plaintiff in r. XXIII) **r. XXIII, name of plaintiff-** (address of plaintiff in r. XXIV) **r. XXIV, and name of plaintiff-** (address of plaintiff in r. XXV) r. XXV**, name of plaintiff-** (address of plaintiff in r. XXVI) **r. XXVI, name of plaintiff-** (address of plaintiff in r. XXVII) **r. XXVII, -name of plaintiff-** (address of plaintiff XXVIII.r.) **XXVIII.r., - name of plaintiff-** (address of plaintiff XXIX.r.) **XXIX.r., - name of plaintiff-** (address of plaintiff XXX.r.) XXX.**r., - name of plaintiff-** (address of plaintiff XXXI.**r.) XXXI.r., - name of plaintiff-** (address of plaintiff XXXII.r.) **XXXII.r., -name of plaintiff-** (address of plaintiff XXXIII.r.) **XXXIII.r., -name of plaintiff-** (address of plaintiff XXXIV.r.) **XXXIV.r., -name of plaintiff-** (address of plaintiff XXXV.r.) **XXXV.r., -name of plaintiff- (address of plaintiff** XXXVI.r.) **XXXVI.r., -name of plaintiff-** (address of plaintiff XXXVII.r.) **XXXVII.r., -name of plaintiff-** (address of plaintiff XXXVIII.r.) **XXXVIII.r., -name of plaintiff-** (address of plaintiff XXXIX.r.) **XXXIX.r., -name of plaintiff-** (address of plaintiff XL.r.) **XL.r., -name of plaintiff-** (address of plaintiff XLI.**r.) XLI.r., -name of plaintiff-** (address of plaintiff XLII.r.) **XLII.r., -XLIII.r. Name of plaintiff-** (XLIII.r. Plaintiff's address) **XLIII.r., -XLIV.r. Name of plaintiff-** (XLIV.r. Plaintiff's address) **XLIV.r., -XLV.r. Name of plaintiff-** (XLV.r. Plaintiff's address) XLV.r., **-XLVII.r. Name of plaintiff-** (XLVII.r. Plaintiff's address) **LXVII.r., -XLVIII.r. name of plaintiff-** (XLVIII.r. plaintiff's address) **XLVIII.r., -XLIX.r. name of plaintiff-** (XLIX.r. plaintiff's address) **XLIX.r., -L.r. name of plaintiff- (**L.r. plaintiff's address) **L.r., -LI.r. name of plaintiff-** (LI.r. plaintiff's

address) **LI.r., -LII.r. name of plaintiff-** (LII.r. plaintiff's address) **LII.r., -LIII.r. name of plaintiff-** (LIII.r. plaintiff's address) **LIII.r., -LIV.r. name of plaintiff-** (LIV.r. plaintiff's address) **LIV.r., -LV.r. name of plaintiff- (LV**.r. plaintiff's address) LV.r.**, -LVI.r. name of plaintiff- (**LVI.r. plaintiff's address) **LVI.r., -LVII.r. name of plaintiff-** (LVII.r. plaintiff's address) **LVII.r., LVIII.r. name of plaintiff-** (LVIII.r. plaintiff's address) **LVIII.r., -LIX.r. name of plaintiff-** (LIX.r. plaintiff's address) **LIX.r., -LX.r. name of plaintiff- (**LX.r. plaintiff's address) LX**.r., -LXII.r. name of plaintiff-** (LXII.r. plaintiff's address) **LXII.r., and -LXIII.r. plaintiff-** (LXIII.r. plaintiff's address) **LXIII.r.** plaintiffs - the **name of -I.r. defendant-** (I.r. defendant's address) **I.r.**, represented by Székács & Partners Law Office (administrator Dr. György Székács 3200 Gyöngyös, Jókai út 9.), and the **name of the defendant -II.r.** represented by Dr. Tamás Őszy, lawyer (address of lawyer), of Őszy Law Office, and the defendant **-II.r.** represented by Dr. Tamás Őszy, lawyer (address of lawyer), and the defendant **-III.r. represented by** Dr. Tamás Őszy, lawyer (address of lawyer), and the defendant **-III.r. represented by** Dr. Tamás Őszy, lawyer (address of lawyer), and the defendant **-III.r. represented by** Dr. Tamás Őszy, lawyer (address of lawyer), have made the following

J U D G M E N T :

The Tribunal finds that, from 27 January 2004 to 31 December 2012, in the school of Defendant I.r. and Defendant II.r., which is maintained by Defendant III.r., from 1 January 2013, Defendants I and II.r. violated the provisions of the I.r. I.R.'s individual right to equal treatment by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010 and 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education.

The Court orders the 1st and 2nd defendants to pay jointly and severally to the 1st plaintiff within 15 days HUF 1,200,000 (one million two hundred thousand) in non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a II.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating and discriminating against him in the school years 2009/2010, 2010/2011 and 2011/2012 by providing him with a lower standard of education and also by unlawfully segregating the Defendants II and III in the school year 2012/2013.

The Court orders the 1st and 2nd defendants to pay jointly and severally to the 2nd applicant HUF 1,200,000 (one million two hundred thousand) within 15 days by way of non-pecuniary damages.

Orders the defendants II and III to jointly and severally pay to the applicant II HUF 300,000 (three hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1

January 2013, in the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the applicant III's right to equal treatment as an individual by unlawfully segregating him in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education.

The Court orders the 1st and 2nd defendants to pay jointly and severally to the 3rd applicant HUF 2,400,000 (two million four hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant's personal rights in the school of the defendant I.r. I. from 1 January 2013 in the school of the defendant II.r. III. maintained by the defendant III.r. was violated by the defendant I. and II.r. Defendants I and II by unlawfully segregating the applicant in the 2010/2011 and 2011/2012 school years and by indirectly discriminating against her by providing her with a lower standard of education, and by Defendants II and III by unlawfully segregating her in the 2012/2013 school year.

The Court orders the 1st and 2nd defendants to jointly and severally pay to the 4th applicant HUF 800,000 (eight hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Court orders the defendants I-II-III to jointly and severally pay to the applicant IV within 15 days HUF 300,000 (three hundred thousand) as compensation for non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant's personal rights was violated by the school of the defendant I.r. and II.r. from 1 January 2013 in the school of the defendant II.r., which is maintained by the defendant III.r., in the school of the defendant I.r. and II.r. by unlawfully segregating him and indirectly discriminating against him by providing him with lower standards in the school year 2011/2012, and by unlawfully segregating him in the school years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

The Court orders the defendants I and II to pay jointly and severally to the applicant I and II the sum of HUF 400,000 (four hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff I-II-III the sum of HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

Orders defendants II and III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in respect of non-pecuniary damages to the defendant. VI. F 1,200,000 (one

million two hundred thousand) to the applicant.

The Tribunal finds that in the school of the defendant I.r. from 27 January 2004 to 31 December 2012, and from 1 January 2013 in the school of the defendant II.r. maintained by the defendant III.r., the defendant I.r. and II.r. violated the provisions of the Code of Civil Procedure. VII. by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary damages, the sum of EUR 1,000,000 to the defendant. VII. to the applicant in the sum of HUF 2,000,000 (two million).

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant's personal rights was violated by the school of the defendant I.r. and II.r. from 1 January 2013 in the school of the defendant II.r., which is maintained by the defendant III.r., in the school of the defendant I.r. and II.r. from 1 January 2013. Defendants I and II by unlawfully segregating her in the 2011/2012 school year and indirectly discriminating against her by providing her with a lower standard of education, and by Defendants II and III by unlawfully segregating her in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years.

Orders the defendants I and II to jointly and severally pay to the applicant No.VIII the sum of HUF 500,000 (five hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff VIII-III the sum of HUF 300,000 (three hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Court orders the defendants II and III to pay jointly and severally to the applicant VIII the sum of HUF 1,200,000 (one million two hundred thousand) within 15 days by way of non-pecuniary compensation.

The Tribunal finds that from 27 January 2004 to 31 December 2012, in the school of the defendant I.r., from 27 January 2004 to 31 December 2012, and from 1 January 2013, in the school of the defendant II.r., maintained by the defendant III.r., the school of the defendant Kk. The personal right of the applicant IX. to equal treatment was violated by the defendants I. and II. by unlawfully segregating him in the school years 2009/2010, 2010/2011 and 2011/2012 by providing him with a lower educational standard and by indirectly discriminating against him and by the defendants II. and III. by unlawfully segregating him in the school years 2012/2013 and 2013/2014.

Orders the defendants I and II to jointly and severally pay to the applicant n.IX the sum of HUF 1,200,000 (one million two hundred thousand) within 15 days by way of non-pecuniary damages.

Orders the defendants I-II-III to jointly and severally pay to the applicant I-II-III the sum of HUF 300,000 (three hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants II and III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. IX. to the applicant for damages in the amount of HUF 300,000 (three hundred thousand).

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.X.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating him and indirectly discriminating against him by providing him with a lower standard of education during the 2010/2011 school year and by unlawfully segregating him during the 2013-2014 school year, except for the period from 8 November 2013 to 8 May 2014.

Orders the defendants I and II to jointly and severally pay to the applicant X.k. the sum of HUF 400,000 (four hundred thousand HUF) within 15 days by way of compensation for non-material damage.

Orders the defendants II and III to pay jointly and severally to the applicant X.k. HUF 100,000 (one hundred thousand) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XI.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary compensation, the sum of EUR 1,000,000 to the defendant. XI.r. 1.600.000 Ft.

Orders the defendants I-II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in respect of non-pecuniary damages to the defendant. XIr. 300.000 Ft.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a

kk.XII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and III by unlawfully segregating him in the 2011/2012 school year and indirectly discriminating against him by providing him with a lower standard of education, and also by unlawfully segregating Defendants II and III in the 2012/2013 and 2013/2014 school years.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary compensation, the sum of EUR 1,000,000 to the defendant. XII. to the applicant for damages in the amount of HUF 400,000 (four hundred thousand).

The Court orders the defendants I-II and III to pay jointly and severally to the applicant n.k.XII within 15 days HUF 300,000 (three hundred thousand) in compensation for non-pecuniary damage.

The Court orders the defendants II and III to pay jointly and severally to the applicant No.XII the sum of HUF 300,000 (three hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that in the school of the defendant I.r. from 27 January 2004 to 31 December 2012, and from 1 January 2013 in the school of the defendant II.r. maintained by the defendant III.r., the defendant I.r. and II.r. violated the provisions of the Code of Civil Procedure. XIII's right to equal treatment as an individual by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary compensation, the sum of EUR 1,000,000 to the defendant. XIII. to pay to the applicant 1.600.000 (one million six hundred thousand) Ft.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XIV.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and III by unlawfully segregating her in the 2009/2010 and 2010/2011 school years and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the 2012/2013 school year.

The Court orders the defendants I and II to pay jointly and severally to the applicant in the amount of HUF 800,000 (eight hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II and III to pay jointly and severally within 15 days by way of non-pecuniary damages to the applicant. XIV. to pay HUF 300,000 (three hundred thousand) in damages.

The Tribunal finds that in the school of the defendant I.r. from 27 January 2004 to 31

December 2012 in the school of the defendant I.r. and from 1 January 2013 in the school of the defendant II.r. from 1 January 2013 in the school of the defendant III.r., the defendant I and II.r. violated the right of the applicant kk.XV.r. to equal treatment as an individual by unlawfully segregating her in the school year 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to pay to the defendant the sum of EUR 1,000,000 by way of non-pecuniary compensation to the applicant. XV. jointly and severally HUF 500,000 (five hundred thousand).

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, the right of the applicant XVI to equal treatment as an individual in the school of the defendant I and II in the school maintained by the defendant III, by unlawfully segregating her in the school years 2010/2011 and 2011/2012 and indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

The Court orders the 1st and 2nd defendants to pay jointly and severally to the 16th applicant HUF 1,000,000 (one million) within 15 days as compensation for non-pecuniary damage.

The Court orders the defendants I-II-III to jointly and severally pay to the applicant XVI HUF 300,000 (three hundred thousand HUF) within 15 days as compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XVII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating the applicant in the school years 2009/2010 and 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

The Court orders the defendants I and II to pay jointly and severally to the plaintiff in cc.XVII within 15 days the sum of HUF 1,000,000 (one million) by way of non-pecuniary damages.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff I-II-III the sum of HUF 300,000 (three hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I and II understood the applicant XIX's individual right to equal treatment by unlawfully segregating her in the school years 2006/2007, 2007/2008, 2009/2010 and 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XIX the sum of HUF 1,600,000 (one million six hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I infringed the applicant XX's right to equal treatment as an individual by unlawfully segregating him and indirectly discriminating against him by providing him with a lower standard of education in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011.

Orders the defendants I and II to jointly and severally pay to the applicant XX the sum of HUF 2,000,000 (two million) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a XXI.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating him in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the school year 2012/2013.

Orders the defendants I-II to jointly and severally pay to the applicant XXI the sum of HUF 2,400,000 (two million four hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to jointly and severally pay to the applicant XXI HUF 300,000 (three hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that from 27 January 2004 to 31 December 2012, in the school of the defendant I.r., from 27 January 2004 to 31 December 2012, and from 1 January 2013, in the school of the defendant II.r., maintained by the defendant III.r., the school of the defendant Kk. XXII. was infringed by the defendants I and II. by unlawfully segregating him in the school years 2008/2009, 2009/2010 and 2010/2011 and by indirectly discriminating against him by providing him with a lower standard of education, and by the defendants II and III. by unlawfully segregating him in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXII the sum of HUF 800,000 (eight hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. XXII.r. 300.000 (three

hundred thousand) Ft.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, the right of the applicant No XXIII in the school of the defendant No III, in the school of the defendant No II, which is maintained by the defendant No III, to equal treatment of persons was infringed by the defendant Nos I and II by the fact that, during the school year 2011/2012, on 12 January 2012, the applicant No XXIII was subjected to a discrimination of the same kind of treatment as a person. and also indirectly discriminated against him by providing him with a lower standard of education, and by the defendants II-III by unlawfully segregating him in the school years 2015/2016 and 2016/2017.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXIII the sum of HUF 250,000 (two hundred and fifty thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Court orders the defendants II and III to pay jointly and severally to the applicant XXIII HUF 600,000 (six hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that from 27 January 2004 to 31 December 2012, in the school of the defendant I.r., from 27 January 2004 to 31 December 2012, and from 1 January 2013, in the school of the defendant II.r., maintained by the defendant III.r., the school of the defendant Kk. XXIV. was infringed by the defendants I and II. by unlawfully segregating him in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education, and by the defendants II-III. by unlawfully segregating him in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXIV the sum of HUF 1,600,000 (one million six hundred thousand HUF) within 15 days by way of non-pecuniary damages.

Orders the defendants I-II-III to pay jointly and severally to the applicant I-II-III within 15 days HUF 300,000 (three hundred thousand) in non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XXV.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and II by unlawfully segregating him in the 2010/2011 school year and by indirectly discriminating against him by providing him with a lower standard of education, and by Defendants II and III by unlawfully segregating him in the 2014/2015, 2015/2016 and 2016/2017 school years.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary compensation, the sum of EUR 1,000,000 to the defendant. XXV.r.

500.000 (five hundred thousand) Ft.

Orders the defendants II-III to pay jointly and severally to the applicant No.XXV the sum of HUF 900,000 (nine hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, at the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the applicant XXVI's right to equal treatment as an individual by unlawfully segregating him in the school years 2006/2007, 2007/2008, 2008/2009 and 2009/2010 and by discriminating against him by providing him with a lower standard of education.

Orders the 1st and 2nd Defendants to pay jointly and severally within 15 days HUF 1,600,000 (one million six hundred thousand HUF) in non-pecuniary damages to the applicant XXVI.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában az I. és II.r. alperes megsértette a XXVII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát azzal, hogy a 2003/2004-es tanévben 2004.január hó 27. napjától kezdődően jogellenesen elkülönítette és részére alacsonyabb oktatási színvonalat nyújtva, őt közvetett hátrányos megkülönböztetésben is részesítette.

Orders the defendants I and II to pay jointly and severally to the applicant XXVII HUF 200,000 (two hundred thousand HUF) by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában az I. és II.r. alperes megsértette a XXVIII.r. alperes egyenlő bánásmódhoz fűződő személyiségi jogát azzal, hogy a 2006/2007-es, a 2007/2008-as, a 2008/2009-es, a 2009/2010-es és a 2010/2011-es tanévben, illetve a 2011/2012-es tanévben 2012. By 12 January 2011, he was also indirectly discriminated against by being unlawfully segregated and subjected to lower educational standards.

Orders the defendants I and II to jointly and severally pay to the applicant XXVIII HUF 2,200,000 (two million two hundred thousand two hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XXIX. r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants II and III infringed the right to equal treatment of the individual by unlawfully segregating her in the 2011/2012 school year and by indirectly discriminating against her by providing her with a lower standard of education, and by

unlawfully segregating her in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXIX.k. HUF 500,000 (five hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to jointly and severally pay to the plaintiff XXIX.kk. the sum of HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

Orders the defendants II-III to jointly and severally pay to the applicant XXIX the sum of HUF 1,200,000 (one million two hundred thousand) within 15 days by way of non-pecuniary compensation.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013 until 12 January 2012, the defendant I and II violated the applicant's right to equal treatment as an individual in the school of the defendant I and II, which is maintained by the defendant III, by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 until 12 January 2012 and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXX.r. the sum of HUF 1,400,000 (one million four hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, at the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the right to equal treatment of the applicant XXXI by unlawfully segregating her in the school years 2008/2009, 2009/2010 and 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XXXI HUF 1,500,000 (one million five hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the right to equal treatment of the applicant XXXII by unlawfully segregating her from 27 January 2004 in the school year 2003/2004 and in the school years 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XXXII HUF

1,000,000 (one million) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XXXIII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating him in the 2011/2012 school year and by indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years.

Orders the 1st and 2nd defendants to pay jointly and severally, by way of non-pecuniary damages, the sum of EUR 1,000,000 to the applicant. XXXIII. to the applicant in the sum of HUF 400,000 (four hundred thousand).

Orders the defendants I-II-III to jointly and severally pay to the applicant I-II-III the sum of HUF 300,000 (three hundred thousand HUF) within 15 days by way of non-pecuniary compensation.

The Court orders the defendants II and III to pay jointly and severally to the applicant XXXIII HUF 1,200,000 (one million two hundred thousand) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, the personal right to equal treatment of the applicant XXXIV in the school of the defendant I and II in the school maintained by the defendant III, by unlawfully segregating him in the school years 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education, and also by unlawfully segregating him in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant XXXIV HUF 800,000 (eight hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to jointly and severally pay to the applicant XXXIV HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, the personal right to equal treatment of the applicant No XXXV.k. in the school of the defendant No II, maintained by the defendant No III, was infringed by the defendants No I and No II by unlawfully segregating him in the school year 2011/2012 and by indirectly disadvantaging him by providing him with a lower standard of education and by the defendants No II and No III by unlawfully segregating him in the school year 2013/2014.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXXV

the sum of HUF 400,000 (four hundred thousand HUF) within 15 days by way of compensation for non-material damage.

Orders the defendants II and III to jointly and severally pay to the applicant XXXV the sum of HUF 300,000 (three hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I and II infringed the applicant's right to equal treatment as an individual by unlawfully segregating her in the school year 2009/2010 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXXVI the sum of HUF 500,000 (five hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, the personal right to equal treatment of the applicant XXXVII in the school of the defendant XXXVII, maintained by the defendant III, was infringed by the defendants I and II by unlawfully segregating him in the school year 2010/2011 and by indirectly discriminating against him by providing him with a lower standard of education and by the defendants II and III by unlawfully segregating him in the school years 2012/2013 and 2013/2014.

Orders the defendants I and II to jointly and severally pay to the applicant XXXVII HUF 500,000 (five hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to jointly and severally pay to the applicant XXXVII HUF 300,000 (three hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

Orders the defendants II-III to jointly and severally pay to the applicant XXXVII HUF 300,000 within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the right of the applicant XXXVIII to equal treatment of persons by indirectly discriminating against her by providing her with a lower standard of education for the school years 2010/2011 and 2011/2012, which were unlawfully segregated.

The Court orders the defendants I and II to pay jointly and severally to the applicant XXXVIII HUF 1,000,000 (one million) within 15 days as compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XXXIX.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and III by unlawfully segregating the applicant in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant No.XXXIX.k. the sum of HUF 1,600,000 (one million six hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal orders the defendants I-II-III to pay jointly and severally to the applicant I-II-III within 15 days HUF 300,000 (three hundred thousand HUF) in non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant's personal rights in the school of the defendant I.r. I. and II.r. II. maintained by the defendant III.r. from 1 January 2013, was violated by the defendant I.r. and II.r. Defendant I.XII.XL.XII. unlawfully segregated the applicant in the school year 2010/2011 and indirectly disadvantaged her by providing her with a lower standard of education and Defendant II.III.r. unlawfully segregated her in the school years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary damages, the sum of EUR 1,000,000 to the defendant. XLI.r. 400.000 (four hundred thousand) Ft.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff XLI-III the sum of HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

Orders the defendants II and III to jointly and severally pay to the applicant XLI the sum of HUF 1,200,000 (one million two hundred thousand) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.XLII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and III by unlawfully segregating her in the 2010/2011 and 2011/2012 school years and indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years.

Orders the defendants I and II to jointly and severally pay to the applicant XLII within 15 days the sum of HUF 800,000 (eight hundred thousand HUF) by way of compensation for non-pecuniary damage.

Orders the defendants I-II-III to pay jointly and severally to the plaintiff XLII-III within 15 days HUF 300,000 (three hundred thousand HUF) in compensation for non-pecuniary damage.

The Court orders the defendants II and III to pay jointly and severally to the applicant XLII within 15 days the sum of HUF 1,200,000 (one million two hundred thousand) by way of non-pecuniary compensation.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., From 1 January 2013, in the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II violated the right to equal treatment of the applicant XLIII by unlawfully segregating her in the school year 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XLIII the sum of HUF 400,000 (four hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I and II infringed the right to equal treatment of the applicant XLIV by unlawfully segregating him from 27 January 2004 in the school year 2003/2004 and in the school years 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XLIV HUF 1,000,000 (one million) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II in the school of the defendant II maintained by the defendant III, the defendant I infringed the right to equal treatment of the applicant XLV by unlawfully segregating her in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant XLV HUF 3,000,000 (three million) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a

kk.XLVI.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I, II, III and III.r. infringed the right to equal treatment of the individual by unlawfully segregating him in the school year 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the school years 2012/2013, 2013/2014, 2014/2015 and 2015/2016.

Orders the defendants I and II to jointly and severally pay to the applicant XLVI within 15 days HUF 500,000 (five hundred thousand HUF) by way of non-pecuniary damages.

The Court orders the defendants I-II-III to pay jointly and severally to the applicant XLVI within 15 days HUF 300,000 (three hundred thousand) in non-pecuniary damages.

Orders the defendants II-III to jointly and severally pay to the applicant XLVI HUF 900,000 (nine hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I and II infringed the applicant's individual right to equal treatment by unlawfully segregating her in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education.

The Court orders the defendants I and II to pay jointly and severally to the applicant XLVII.kk. within 15 days the sum of HUF 2,000,000 (two million) by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, the right to equal treatment of the individual of the applicant XLVIII in the school of the defendant I and II in the school of the defendant II maintained by the defendant III by unlawfully segregating her in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant XLVIII within 15 days the sum of HUF 3,000,000 (three million) by way of compensation for non-material damage.

Orders the defendants I-II-III to jointly and severally pay to the applicant XLVIII HUF 300,000 (three hundred thousand HUF) within 15 days by way of non-pecuniary compensation.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, in the school of defendant I.r. from 1 January 2013, defendant I and defendant II.r. in the school of

defendant III.r., which is maintained by defendant III.r., the defendant I and II.r. violated the provisions of Art. by unlawfully segregating the applicant in the school years 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education.

The Tribunal orders the 1st and 2nd defendants to pay jointly and severally to the applicants in the amount of HUF 1,500,000 (one million five hundred thousand HUF) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant, Mr L.r., in the school of the defendant, Mr II.r., maintained by the defendant, Mr III.r., from 1 January 2013, was infringed by the defendant, Mr I.r. and Mr II.r. by unlawfully segregating him in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the school year 2012/2013.

The Court orders the defendants I and II to pay jointly and severally to the applicant 1.600.000 (one million six hundred thousand) HUF within 15 days as compensation for non-pecuniary damage.

The Court orders the applicants I-II-III to jointly and severally pay the applicant I.L.r. HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, the right to equal treatment of the applicant's personality in the school of the defendant defendant defendant r.III, r.II, in the school of the defendant r.III, r.I and r.II, r.I and r.II, r.I and r.II, r.I and r.II, respectively, was infringed. by unlawfully segregating him in the 2009/2010 and 2010/2011 school years and by indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the 2012/2013 and 2013/2014 school years.

Orders the defendants I and II to pay jointly and severally to the applicant jointly and severally, within 15 days, the sum of HUF 800,000 (eight hundred thousand HUF) by way of compensation for non-material damage.

Orders the defendants I-II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LI.r. 300.000 (three hundred thousand) Ft.

Orders the defendants II and III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in respect of non-pecuniary damages to the defendant. LI.r. 300.000 (three hundred thousand) Ft.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1

January 2013, at the school of the defendant defendant defendant r. I and defendant r. II, maintained by defendant r. III, the defendant r. I and defendant r. II infringed the applicant r. LII's right to equal treatment as an individual by refusing to grant her the right to equal treatment for the school year 2003/2004, from 27 January 2004 to 31 December 2004. In particular, by unlawfully segregating and indirectly discriminating against him from 27 January 2003 and in the school years 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010 by providing him with a lower standard of education.

Orders Defendants I and II to jointly and severally pay to Plaintiff LII within 15 days HUF 3,500,000 (three million five hundred thousand HUF) in non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában az LIII.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. by unlawfully segregating her in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

Orders the defendants I and II to jointly and severally pay to the applicant LIII the sum of HUF 2,000,000 (two million) within 15 days by way of compensation for non-material damage.

The Court orders the defendants I-II-III to jointly and severally pay to the applicant LIII HUF 300,000 (three hundred thousand) within 15 days by way of non-pecuniary damages.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II in the school of the defendant II maintained by the defendant III, the defendant I infringed the right of the applicant LIV to equal treatment as an individual by unlawfully segregating her from 27 January 2004 onwards in the school year 2003/2004 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant LIV the sum of HUF 200,000 (two hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, in the school of defendant I.r. from 1 January 2013, in the school of defendant II.r. maintained by defendant III.r., the defendants I.r. and II.r. violated the provisions of the C.L.V.r. The I.I. and I.R.L.s infringed the applicant's individual right to equal treatment by unlawfully segregating the applicant in the school years 2009/2010 and 2010/2011 and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of

non-pecuniary damages, the sum of EUR 1,000,000 to the defendant. LV.r. 1.000.000 (one million) Ft.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant's personal rights in the school of the defendant I.r. I and II.r. II, which is maintained by the defendant III.r. from 1 January 2013, was violated by the defendant I.r. and II.r. by unlawfully segregating him in the school year 2011/2012 and by indirectly discriminating against him by providing him with a lower standard of education, and by unlawfully segregating him in the school years 2012/2013 and 2013/2014.

Orders the defendants I-II to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LVI.r. 500.000 (five hundred thousand) Ft.

Orders the defendants I-II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LVI.r. 300.000 (three hundred thousand) Ft.

Orders the defendants in Rs. II-III to pay jointly and severally within 15 days by way of non-pecuniary compensation to the defendant. LVI.r. 300.000 (three hundred thousand) Ft.

The Tribunal finds that in the school of the defendant I.r. from 27 January 2004 to 31 December 2012, and from 1 January 2013 in the school of the defendant II.r. maintained by the defendant III.r., the defendant I.r. and II.r. violated the provisions of the Code of Civil Procedure. LVII.r.'s right to equal treatment as an individual by unlawfully segregating her in the 2010/2011 school year and by indirectly discriminating against her by providing her with a lower standard of education.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff LVII-II-II the sum of HUF 500,000 (five hundred thousand HUF) within 15 days as compensation for non-pecuniary damage.

The Tribunal finds that from 27 January 2004 to 31 December 2012, in the school of the defendant I.r., from 27 January 2004 to 31 December 2012, and from 1 January 2013, in the school of the defendant II.r., maintained by the defendant III.r., the school of the defendant Kk. LVIII. was infringed by the Defendants I and II by unlawfully segregating him in the school year 2010/2011 and by indirectly discriminating against him by providing him with a lower standard of education and by the Defendants II and III by unlawfully segregating him in the school years 2012/2013, 2013/2014, 2014/2015 and 2015/2016.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary damages, the sum of EUR 1,000,000 to the defendant. LVIII.r. 400.000 (four hundred thousand) Ft.

The Court orders the defendants I-II-III to jointly and severally pay to the plaintiff LVIII the sum of HUF 300,000 (three hundred thousand) within 15 days as compensation for non-pecuniary damage.

Orders the defendants II and III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LVIII. to pay to the applicant 900.000 (nine hundred thousand) HUF.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., 2013. január hó 1. napjától a III.r. alperes fenntartásában működő II.r. alperesi iskolában a kk.LIX.r. felperes egyenlő bánásmódhoz fűződő személyiségi jogát az I. és II.r. Defendants I and II by unlawfully segregating him in the 2011/2012 school year and by indirectly discriminating against him by providing him with a lower standard of education, and by Defendants II-III by unlawfully segregating him in the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 school years.

Orders the defendants I and II to pay jointly and severally within 15 days, by way of non-pecuniary damages, the sum of EUR 1,000,000 to the defendant. LIX.r. to pay to the applicant HUF 400,000 (four hundred thousand).

Orders the defendants I-II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LIX.r. 300.000 (three hundred thousand) Ft.

Orders the defendants II-III to pay jointly and severally, within 15 days, the sum of EUR 1,000,000 in non-pecuniary damages to the defendant. LIX. r. to pay to the applicant HUF 900,000 (nine hundred thousand).

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, at the school of the defendant I and II, which is maintained by the defendant III, the defendant I and II infringed the right to equal treatment of the applicant LX by unlawfully segregating her from 27 January 2004 onwards in the school year 2003/2004 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to jointly and severally pay to the applicant LX the sum of HUF 200,000 (two hundred thousand HUF) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, in the school of defendant I.r. from 1 January 2013, defendant I and defendant II.r. in the school of defendant III.r., which is maintained by defendant III.r., the defendant I and II.r. violated the provisions of LXI.r. by unlawfully segregating the applicant in the 2010/2011 and 2011/2012 school years and by indirectly discriminating against him by providing him with a lower standard of education.

Orders the defendants I and II to pay jointly and severally to the applicant LXI HUF 1,000,000 (one million) within 15 days by way of compensation for non-material damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the right to equal treatment of the applicant LXII.r. in the school of the defendant LXII.r. in the school of the defendant LXII.r. from 27 January 2004 to 31 December 2012, in the school of the defendant LXII.r. from 1 January 2013, in the school of the defendant LXII.r. in the school of the defendant LXII.r. from 27 January 2004 to 31 December 2012, was infringed by the defendant LXII.r. by unlawfully segregating her in the school years 2010/2011 and 2011/2012 and by indirectly discriminating against her by providing her with a lower standard of education, and by unlawfully segregating her in the school year 2012/2013.

Orders the defendants I and II to pay jointly and severally to the applicant LXII HUF 1,000,000 (one million) within 15 days by way of compensation for non-material damage.

The Court orders the defendants I-II-III to pay jointly and severally to the applicant LXII HUF 400,000 (four hundred thousand HUF) within 15 days by way of compensation for non-pecuniary damage.

The Tribunal finds that, from 27 January 2004 to 31 December 2012, the I.r., from 1 January 2013, in the school of the defendant I and II, maintained by the defendant III, the defendant I and II infringed the right to equal treatment of the applicant LXIII by unlawfully segregating her in the school years 2008/2009, 2009/2010 and 2010/2011 and by indirectly discriminating against her by providing her with a lower standard of education.

Orders the defendants I and II to pay jointly and severally to the applicant LXIII HUF 1,500,000 (one million five hundred thousand HUF) within 15 days by way of non-pecuniary compensation.

The Court dismisses the applicants' action as unfounded.

The Tribunal shall order the applicant I.r. to pay to the defendant I-II-III.r. the sum of HUF 50,800 (fifty thousand eight hundred) within 15 days.

The Tribunal shall order the applicant II to pay to the defendants I-II and III the sum of HUF 158,750 (one hundred and fifty-eight thousand seven hundred and fifty) within fifteen days.

Orders the applicant III to pay to the defendant I-II-III the sum of HUF 69,850 (sixty-nine thousand eight hundred and fifty-five) in costs within 15 days.

The Tribunal shall order the applicant No. IV to pay to the defendant Nos. I-II-III the sum of HUF 25,400 (twenty-five thousand four hundred and fifty) in costs within fifteen days.

The Tribunal shall order the applicant V.r. to pay to the defendant I-II-III.r. the sum of 92,500 (ninety-two thousand five hundred) HUF in costs within 15 days.

Obliging the court of law to order the kk. VI. to pay to the defendant I-II-III. the sum of HUF 69,850 (sixty-nine thousand eight hundred and fifty-five) within 15 days.

Obliging the court of law to order the kk. VIII.r. to pay to the defendant I-II-III.r. the sum of HUF 63,500 (sixty-three thousand five hundred) within 15 days.

The Tribunal shall order the Claimant r.k.IX. to pay to the Respondent r.r. I-II-III. the sum of HUF 44,450 (forty-four thousand four hundred and fifty) in costs within 15 days.

The Tribunal orders the plaintiff kk.X.r. to pay to the defendant I-II-III.r. the sum of 92,500 (ninety-two thousand five hundred) HUF in costs within 15 days.

Obliging the court of law to order the kk. XI.r. to pay to the defendant I-II-III.r. the sum of 38.100 (thirty-eight thousand one hundred) HUF within 15 days.

Obliging the court of law to order the kk. XII.r. to pay to the defendant I-II-III.r. the sum of 31.750 (thirty-one thousand seven hundred and fifty) HUF within 15 days.

Obliging the court of law to order the kk. XIII.r. to pay to the defendant I-II-III.r. the sum of 57.150 (fifty-seven thousand one hundred and fifty) HUF within 15 days.

Obliging the court of law to order the kk. XIV. to pay to the applicant I-II-III. the sum of 57.150 (fifty-seven thousand one hundred and fifty) HUF within 15 days.

Obliging the court of law to order the kk. XVI.r. to pay to the defendant I-II-III.r. the sum of HUF 171,450 (one hundred and seventy-one thousand four hundred and fifty) within 15 days.

Obliging the court of law to order the kk. XVII.r. to pay to the defendant I-II-III.r. the sum of 44.450 (forty-four thousand four hundred and fifty) HUF within 15 days.

The Tribunal orders the XIXth applicant to pay to the I-II-IIIth defendants the sum of 89,900 (eighty-nine thousand nine hundred) HUF in costs within 15 days.

The Tribunal shall order the XXth applicant to pay to the I-II-IIIth defendants the sum of HUF 31,750 (thirty-one thousand seven hundred and fifty) within 15 days.

The Tribunal shall order the applicant No. XXI to pay to the defendant Nos. I-II-III the sum of HUF 50,800 (fifty thousand eight hundred and fifty) within fifteen days.

Obliging the court of law to order the kk. XXII.r. to pay to the defendant I-II-III.r. the sum of HUF 88,900 (eighty-eight thousand nine hundred and ninety) within 15 days.

Obliging the court of law to order the kk. XXIII.r. to pay to the defendant I-II-III.r. the sum of HUF 41,275 (forty-one thousand two hundred and seventy-five) within 15 days.

Obliging the court of law to order the kk. XXIV.r. to pay to the defendant I-II-III.r. the sum of HUF 38,100 (thirty-eight thousand one hundred and one) in costs within 15 days.

Obliging the court of law to order the kk. XXV.r. to pay to the defendant I-II-III.r. the sum of HUF 57,150 (fifty-seven thousand one hundred and fifty-five) within 15 days.

The Tribunal shall order the XXVIth applicant to pay to the I-II-IIIth defendants the sum of HUF 57,150 (fifty-seven thousand one hundred and fifty-five) within fifteen days.

The Tribunal orders the XXVIIth applicant to pay to the I-II-IIIth defendant the sum of HUF 19,050 (nineteen thousand and fifty) within 15 days.

The Tribunal shall order the Claimant XXVIII to pay the Respondent I-II-III within 15 days the sum of HUF 50,800 (fifty thousand eight hundred and eighty) in costs.

Obliging the court of law to order the kk. XXIX.r. to pay to the defendant I-II-III.r. the sum of HUF 63,500 (sixty-three thousand five hundred) within 15 days.

Orders the tribunal kk. XXX.r. to pay to the defendant I-II-III.r. the sum of HUF 38,100 (thirty-eight thousand one hundred and one) in costs within 15 days.

The Tribunal shall order the XXXII. plaintiff to pay to the I-II-III. defendant the sum of 225,250 (two hundred and twenty-five thousand two hundred and fifty) HUF in costs within 15 days.

Obliging the court of law to order the kk. XXXIII.r. to pay to the defendant I-II-III.r. the sum of HUF 69,850 (sixty-nine thousand eight hundred and fifty) within 15 days.

The Tribunal shall order the XXXIVth applicant to pay to the I-II-IIIth defendant the sum of HUF 152,400 (one hundred and fifty-two thousand four hundred) in costs within 15 days.

Obliging the court of law to order the kk. XXXV.r. to pay to the defendant I-II-III.r. the sum of HUF 82,550 (eighty-two thousand five hundred and fifty) within 15 days.

The Tribunal orders the XXXVII.r. applicant to pay to the I-II-III.r. defendant the sum of HUF 57,150 (fifty-seven thousand one hundred and fifty) in costs within 15 days.

The Tribunal orders the applicant r. XXXIX.kk. to pay the defendant r. I-II-III.r. the sum

of HUF 69,850 (sixty-nine thousand eight hundred and fifty-five hundred and fifty-five) in costs within fifteen days.

The Tribunal shall order Claimant XL.r. to pay to Defendants I-II-III.r. the sum of HUF 63,500 (sixty-three thousand five hundred) in costs within 15 days.

Obliging the court of law to order the kk. XLI. to pay to the defendant I-II-III. r. the sum of 101.600 (one hundred and six thousand six hundred) Ft.

The Tribunal orders the applicant No.XLII.kk. to pay the defendant No.I-II-III.r. the sum of HUF 76,200 (seventy-six thousand two hundred and twenty) in costs within 15 days.

Obliging the court of law to order the kk. XLIII.r. to pay to the defendant I-I-Ii-III.r. the sum of HUF 6350 (six thousand three hundred and fifty) within 15 days.

Obliging the court of law to order the kk. XLIV.r. to pay to the defendant I-II-III.r. the sum of HUF 222,250 (two hundred and twenty-two thousand - two hundred and fifty) within 15 days.

Obliging the court of law to order the kk. XLVI.r. to pay to the defendants I-II. and III.r. the sum of HUF 50,800 (fifty thousand eight hundred) within 15 days.

The Tribunal shall order the XLVIII. plaintiff to pay the I-II-III. defendant the sum of HUF 12,700 (twelve thousand seven hundred) in costs within 15 days.

Obliging the court of law to order the kk. L.r. to pay to the defendant I-II-III.r. the sum of 38.100 (thirty-eight thousand one hundred) HUF within 15 days.

Obliging the court of law to order the kk. LI.r. to pay to the defendant I-II-III.r. the sum of 133.350 (one hundred and thirty-three thousand three hundred and fifty) HUF within 15 days.

The Tribunal orders the applicant LIII. to pay to the defendant I-II-III. within 15 days the sum of HUF 44,450 (forty-four thousand four hundred and fifty) in costs.

The Tribunal shall order the applicant LIV to pay to the defendant I-II-III the sum of HUF 50,800 (fifty thousand eight hundred) within 15 days.

Orders the applicant LV.r. to pay to the defendant I-II-III.r. the sum of 31.750 (thirty-one thousand seven hundred and fifty) HUF within 15 days.

Obliging the court of law to order the kk. LVI.r. to pay to the defendant I-II-III.r. the sum of HUF 25,400 (twenty-five thousand four hundred) within 15 days.

Obliging the court of law to order the kk. LVIII.r. to pay to the defendant I-II-III.r. the sum of HUF 88,900 (eighty-eight thousand nine hundred and ninety) within 15 days.

Obliging the court of law to order the kk. LIX.r. to pay to the defendant I-II-III.r. the sum of 57.150 (fifty-seven thousand one hundred and fifty) HUF within 15 days.

The Tribunal shall order the applicant LX.r. to pay to the defendant I-II-III.r. the sum of HUF 82,550 (eighty-two thousand) within 15 days.

The Tribunal shall order the applicant LXII.r. to pay to the defendant I-II-III.r. the sum of HUF 6,350 (six thousand three hundred and fifty) in costs within 15 days.

An appeal against the judgment may be lodged within 15 days of service of the judgment at the Debrecen Court of Appeal, but may be lodged in triplicate at the Egri Court.

The court informs the parties that legal representation is mandatory for the party lodging an appeal (cross-appeal) against the judgment in the proceedings before the Court of First Instance. The acts and statements of a party in proceedings without legal representation shall be null and void unless the party has applied for leave to be represented by a lawyer acting in an advisory capacity or the court is obliged to reject the application for other reasons. If the party in the appeal proceedings does not have legal representation or fails to arrange for the replacement of the legal representation which has ceased to exist despite being invited to do so, the court shall dismiss the appeal of its own motion.

The court informs the parties that the court of appeal may decide the appeal out of court if

- jointly requested by the parties before the expiry of the time limit for appeal,
- if the appeal concerns only the payment of interest, the payment or amount of costs, the payment of unpaid fees or costs advanced by the State, or only the provisional enforceability, the time limit for performance or the authorisation of payment by instalments, or if it is directed only against the grounds of the judgment and the appellant has not requested a hearing in the appeal.

If the appellant party, either in the appeal or at the request of the court of appeal, or the opposing party at the request of the court of appeal, requests a hearing, the appeal shall be heard at a hearing.

I n d o c o l a s:

-The municipality was granted the municipal status on 15 July 2013 and has 2860 inhabitants.

The name of the 2nd defendant in -village 1 is the only elementary school in the small town, and its area of operation is the administrative area of -village 1.

The public education institution of defendant II was maintained by defendant I until 31 December 2012.

On 12 December 2012, the Mayor of the municipality as the transferor and the Director of the Klebelsberg Centre for the Maintenance of Institutions as the transferee signed the transfer agreement on the transfer of the public education institution to state maintenance.

As of 1 January 2013, the school of the defendant II.r. became the responsibility of the Klebelsberg Centre for the Maintenance of Institutions.

As a legal entity with an autonomous budget and autonomous management, the defendant III.r. - name of the defendant III.r. - took over the maintenance of the public education institution of defendant II.r. from the Klebelsberg Centre for the Maintenance of Institutions, among others, as of 1 January 2017.

At present, the defendant III is still the maintainer of the name of the defendant II of the - Settlement 1.

The plaintiffs, some of whom are minors and some of whom are adults, are current and former pupils of the defendant's primary school in the second respondent's primary school.

In 2007, 221 children were still studying in the three-level primary school, in a total of 19 classes.

On 31 May 2007, the Education Office carried out an on-site inspection at the school of respondent II, a report of which was recorded.

The minutes were signed by the headmaster on behalf of the respondent school II.r. - name of the headmaster.

Page 8 of these minutes contains a table with three headings.

The first field contains the class symbol, the second field the number of classes and the third field the estimated number of Roma pupils.

According to this table, on 31 May 2007, the total number of pupils in the primary school of the respondent was 221, of which the estimated number of Roma pupils was 106.

Pupils with special educational needs also studied at the public education institution in the second respondent.

On 17 October 2011, the -name of the Foundation- Foundation brought an action as plaintiff against -name of defendant I.r. as defendant I.r. and name of defendant II.r. as defendant II.r. before the Egri Tribunal.

In the action in the public interest brought on the basis of a personal lawsuit, the Egri General Court, by decision of 12.P.20 of 6 December 2012.351/2011/47, the court of

Egri found that, in the school of defendant defendant defendant II, which is maintained by defendant I.r., with the exception of the first class which started in the school year 2012/2013, in the period after 27 January 2004, by maintaining the separation of pupils belonging to the Roma ethnic minority from pupils not belonging to the Roma ethnic minority in connection with the class classification, children belonging to the Roma ethnic minority and children not belonging to this ethnic minority were unlawfully separated from each other.

By the same judgment, the Egri General Court also found that, also as of 27 January 2004, the children thus unlawfully segregated had been discriminated against in the school of defendant II, maintained by defendant I.r., by providing them with a lower standard of education, and therefore ordered defendants I. and II.r. to cease the above violations, and ordered defendant I. and II.r. to cease the infringements described above by applying a method of class classification of children of Roma and non-Roma ethnicity which excludes unlawful segregation, starting from the school year following the date of the judgment becoming final, in order to put an end to the unlawful situation established.

However, the Egri General Court, by the above judgment, dismissed the applicants' action.

Defendants I and II appealed against the judgment of the Court of First Instance, while the applicant filed a cross-appeal, also claiming to be the successor of defendant I.

The Metropolitan Court of Appeal, by its judgment of 7 October 2014 under the number 2.Pf.20.305/2013/20, did not affect the non-appealed part of the judgment of the court of first instance, and upheld the appealed provision with the clarification that the obligation to cease and desist the infringement is incumbent on the defendant III.

The Metropolitan Court of Appeal, in its order No. 2.Pf.20.305/2013/10/I. of 12 November 2013, found that the defendant II.r. had been succeeded by the defendant I.r., which is now the defendant III.r., which is the successor in the lawsuit.

However, the applicant filed an appeal against this order of succession, but the Curia as the reviewing court dismissed the applicant's appeal of its own motion by its order Pkf.IV.24.542/2014/2 of 19 March 2014.

Subsequently, the Metropolitan Court of Appeal issued its order No. 2.Pf.20.305/2013/20. at the continuation hearing held on 7 October 2014, by which it determined that the legal successor of the defendant I.r. is the defendant III.r. with regard to the maintenance tasks of the public education institution and its public education tasks.

On 22 January 2015, the applicant filed an application for review against the final judgment, but the Curia upheld the final judgment in its judgment of 25 March 2015, number Pfv.IV.20.097/2015/3.

On 4 December 2015, an application was filed at the Egri Regional Court under No 12.P.20.489/2015/1, in which 63 applicants asserted their claims against the defendants I-II and III.

In the personal injury action, the plaintiffs named as defendant I as defendant I the name of defendant I, defendant II as defendant II, and defendant III as defendant III the name of the successor in title to defendant I.

In the proceedings at first instance, the Court of First Instance, by its order number 206, held that the successor in title of the defendant III.r. was the name of the defendant III.r. and that the name of the defendant I.r. was dismissed from the suit.

Minor Plaintiff I. Plaintiff I.r. was born on September 11, 2001.

The minor applicant I is the stepbrother of the minor applicants XLII and XLIII.

The minor plaintiff I started her primary education in the 2008/2009 school year at the school of defendant II.

Prior to that, on 5 November 2007, the ... Educational Counsellor and the ... Day Nursery School on the basis of a request from ... The Expert and Rehabilitation Committee for the Assessment of Learning Ability examined the kindergarten child, who was then in a large group, and the expert opinion showed that the minor applicant I.r. did not have special educational needs.

The minor plaintiff I was a student in class 1/b in the 2008/2009 school year, and at the request of her mother, the principal of the defendant school II decided that she could repeat the first grade.

Subsequently, the minor plaintiff I.r. was a student in class 1/b in the school year 2009/2010 and in class 2/b in the school year 2010/2011.

Also on 7 February 2012, the minor plaintiff I.r. was examined by the ... on the basis of a request from the school of the respondent II.

The expert's opinion recommended the transfer of the minor plaintiff I.r. to the second grade of a different primary school with a different curriculum.

Paragraph 8 of the expert opinion contains the finding that the minor plaintiff I is entitled to special care appropriate to his special educational needs, that the place of care is the school of defendant II and that the mode of care is integrated.

In the school year 2011/2012, the minor plaintiff I.r. was a pupil of the defendant school II.r. in class B in the second grade and started her primary school education from the

following school year at ... The applicant started his studies at the Vocational School and Nursery School of the Unified Institute for Specialised Pedagogical Services in the second year of his studies.

A ... District Office of the ... District Office of the Government Office terminated the protection of the minor applicant I.r. by decision of 22 February 2016, as the conditions for its protection were no longer met.

Subsequently, the minor plaintiff I.r. was placed in a residential home in settlement 4 and started his primary education in settlement 5 at the ... He continued his education at the Kindergarten, Primary School, School for Skills Development, School for Development Education and College of the Unified Institute for Special Education Methodology.

- o -

-name of applicant No II - applicant No II was born on 3 August 1998 and was a minor at the time of filing the application.

In the school year 2005/2006, the second applicant started her primary education at the second defendant school.

Prior to that, on 21 April 2004, at the request of the Day Nursery School of Settlement 1, the ... the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Centre for Special Educational Methods examined the applicant, Mr II, who is under 6 years of age, and classified him as a child with special educational needs.

Already on the basis of the request of the defendant school II, a further examination of the applicant II took place on 7 June 2007, during which the ... Expert Committee for the Assessment of Learning Ability and Rehabilitation also found that the applicant II. had special educational needs.

However, in its expert opinion on the mandatory review of the applicant II of 11 November 2009, the ... Expert Committee for the Assessment of Learning Ability and Rehabilitation had already concluded that the applicant II. was not considered to have special educational needs as from the 2010/2011 school year.

The 2nd applicant attended all 8 classes of the primary school in the name of -II.r. alpers- and only repeated the 3rd class.

Plaintiff II was a student in grade d in both years 1-2 and 3 of elementary school, but was a student in grade 8/d in Defendant II's school in the 2013/2014 school year. On the other hand, Plaintiff II.r. was a class b student (4/b-5/b-6/b-7/b) in the same school in the 2009/2010 school year, the 2010/2011 school year, the 2011/2012 school year and the 2012/2013 school year.

The applicant in grade II studied in a consolidated class for 7 of the 9 years of schooling, but did not complete grades 5 and 8 of primary school in a consolidated class.

After completing his primary school education, the second applicant was admitted to the ... He was a pupil at the Damjanich János Vocational Secondary School and College of the Vocational Training Centre in settlement 2 between 27 September 2014 and 27 February 2015.

The second applicant wished to become a baker, but decided not to continue his studies at the above-mentioned vocational school.

A ... Government Office ... District Office, dated 28 June 2017 - Decision No.

- o -

Plaintiff III was born on 26 June 1999.

The third applicant started his primary education in the school year 2006/2007 in the second defendant school and finished his primary education in the school year 2013/2014.

The applicant started the 2012/2013 school year at the primary school of the defendant, grade III, but on 21 January 2013 he was admitted to the primary school of the defendant, grade ... Primary School and Secondary School of the -II.r. defendant, and again only from 22 August 2013 onwards was he enrolled at the -II.r. defendant.

Plaintiff III was a student in grade A of the primary school in grade 8 in the 2013/2014 school year, but was in grade B in all subsequent school years.

The third applicant continued his secondary education at - Settlement 3, was admitted to the ... However, at the request of his parents, his student status was terminated on 2 May 2016.

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Plaintiff IV was born on 30 December 1998.

The brother of the 4th plaintiff, who is not a party to the lawsuit, -brother's name- also studied in the name of the 2nd defendant, attended all 8 classes in the school of the 2nd defendant as a student in class A, in which children belonging to the gypsy ethnic minority and children not belonging to this ethnic minority studied together.

The 4th applicant started his primary school education in the school year 2005/2006 and was a grade A pupil in all 4 years of primary school.

Plaintiff IV also began his upper schooling as a grade A student, but failed in the

2009/2010 school year, after which Plaintiff IV completed the repeated 5th grade as a grade B student in the 2010/2011 school year and was a grade B student at Defendant II's elementary school for the two subsequent school years.

However, in the 2013/2014 school year, he finished his primary school studies as a class A pupil in the IV.r. class.

A ... On 29 April 2005, at the request of the Day Nursery School, the ... The Expert and Rehabilitation Committee of the Centre for Educational Methodology and Educational Counselling for Learning Disabilities assessed the applicant, No IV, and classified the large group kindergarten as a child with special educational needs.

The same qualification is also contained in the expert's report of 24 October 2007, already drawn up on the basis of the application of the defendant primary school II.

However, the expert opinion on the compulsory review of 18 November 2009 already states that the fourth applicant does not have special educational needs from the 2010/2011 school year.

The IV.r. plaintiff has completed two grades in upper secondary school by studying in a consolidated class, in the 2011/2012 school year she was a student of the 5-6 consolidated b. class, while in the 2012/2013 school year she was a student of the 5-6-7 consolidated b. class.

The IV.r. plaintiff studied to be a salesman -seat 3 on the ... Secondary School, where he enrolled on 27 June 2014, but his student status was terminated on 22 September 2016 at the request of his parents.

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Plaintiff V was born on August 5, 1996.

In the school year 2003/2004, the applicant V started his studies at the school of defendant II as a pupil in grade A.

On 17 March 2004, at the request of the defendant school, the defendant school II examined the ... On 17 March March 2004, the Expert and Rehabilitation Committee of the Centre for Special Needs Education, which was responsible for testing the learning ability of the applicant, V.r., who was then in the first grade, found that he had special educational needs but that his current level of achievement was below the level required for him to start the second grade of primary school.

The applicant V.r. attended the repeated first grade in the school year 2004/2005, the second grade in the school year 2005/2006 and the third grade in the school year 2006/2007, both as a student in grade D.

The applicant V completed his primary school education in the school year 2011/2012, having been a pupil in grade c of the defendant's primary school II in grades 4, 5, 6, 7 and 8.

The applicant V.r. was admitted on 10 July 2012 to the ... Vocational Training Centre Damjanich János Vocational Secondary School, Technical College and College.

The applicant V.r. was studying to become a coachworker, but his apprenticeship was terminated on 10 November 2014 due to his unjustified absences.

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Minor Plaintiff VI. was born on April 29, 2004.

Plaintiff VI, a minor, is the brother of Plaintiff XI.

The minor plaintiff VI started her primary education in the school year 2011/2012 at the school of defendant II.

The minor plaintiff VI was a class B student of the defendant -Respondent II in the school years 2011/2012 , 2012/2013, 2013/2014, 2014/2015 and 2015/2016.

The minor plaintiff VI had classmates in the first, second, third, fourth, fifth and sixth grades who were all of Gypsy origin.

Even before the minor applicant VI started her primary education at the ... On 19 May 2010, on the basis of a request from the Day Nursery School, an expert examination was carried out on ... He was examined at the Educational Counselling Centre of the Unified Institute for Special Pedagogical Methods and Vocational School.

The minor applicant No.VI was reviewed in the same school on 15 November 2012 and 28 November 2014, both reviews included the finding that the minor applicant No.VI suffers from integration, learning and behavioural difficulties, therefore it is justified that he should attend individual or small group developmental training sessions of 2x45 minutes per week at the primary school.

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Minor -Appellant VII, name of plaintiff VII, was born on 10 May 2012.

The applicant VII, a minor, has seven siblings, and is the youngest child in the family.

The minor applicant VII started her primary school education in the 2008/2009 school year at the primary school of defendant II.

The minor plaintiff VII was a b student in the lower school of the -defendant VIII‖ in the

school years 2008/2009 , 2009/2010, 2010/2011 and 2011/2012, but in the upper school he was a student of the same elementary school in grade A in all grades until his graduation.

The minor applicant VII.r. in the lower school was only studying in the fourth grade in the 2011/2012 school year in a consolidated class B.

- o -

Plaintiff VIII, a minor, was born on December 6, 2013.

The minor plaintiff VIII started her primary school education in the school year 2011/2012 at the school of defendant II.

The minor plaintiff VIII was a student in class B of the defendant II. in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

The minor applicant VIII was the head of class in the first, second, third, fourth, fifth and sixth grades, all of which were headed by class teacher 1.

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Minor Plaintiff IX was born on July 24, 2002.

The minor applicant IX is the brother of the minor applicant XIV.

The minor applicant IX started her primary school education in the school year 2009/2010 in the defendant school II, where she was a pupil in the lower school only in the school years 2009/2010, 2010/2011, 2011/2012, 2012/2013 and 2013/2014.

The minor applicant IX.r. repeated the third grade.

The minor plaintiff IX continued his studies as a class A pupil in the name of the defendant II from the school year 2014/2015.

The minor IX.r. applicant was in the third grade of the consolidated class B in both the 2011/2012 and 2012/2013 school years.

On the basis of the application of the defendant school II, the ... On 13 November 2012, the Educational Counsellor of the Unified Institute for Special Pedagogical Methodology and Vocational School examined the minor IX. plaintiff, and the expert opinion includes the suspicion of learning difficulty as the reason for the request for examination.

The part of the expert opinion dated 16 November 2012 contains the conclusion that there is a probability of special educational needs, therefore they request an expert

examination of the child in order to assess the special educational needs.

However, in order to assess the probable special educational needs, the expert examination of the minor applicant IX did not take place after 13 November 2012.

- o -

Minor Plaintiff X. Plaintiff X.r. was born on January 15, 2003.

The minor applicant X started her primary school education in the school year 2010/2011 at the school of defendant II.

The minor plaintiff X. has been a student of the defendant II. of Gyöngyöspata since the age of 5, starting from the school year 2014/2015.

In the school year 2010/2011, the minor X.r. was a pupil in class B of the defendant school II, while in the school year 2011/2012 he was a pupil in class D of the same primary school.

However, the minor plaintiff X.r. was again a pupil of the defendant school II.r. in the school year 2013/2014 only from 9 May 2014, since he was a pupil of the elementary school in the street name of -village 6‖ between 18 November 2013 and 8 May 2014.

In the school year 2011/2012, the minor plaintiff X.r. studied in a consolidated class at the school of defendant II.r.

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Minor - Plaintiff XI was born on the 11th day of February 2012.

The minor applicant XI started her primary school education in the 2008/2009 school year in the first grade B at the school of defendant II.

The minor plaintiff XI was also studying in class B in the name of the defendant XI in the second, third, fourth and fifth grades in the academic years 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

The minor applicant XI had unjustified absences of more than 150 hours in the school years 2010/2011, 2011/2012 and 2012/2013.

However, as of the 2013/2014 school year, starting from the sixth grade, the minor plaintiff XI was already studying in grade A at defendant school II.

The minor plaintiff XI.r. is the ... Vocational Training Centre ... Szakgimnáziuma, Szakközépiskolája és Kollégiumának a tanulója, ahol a 2016/2017-es tanévben kezdte meg rendvédelmi szakon tanulmányait érettségit is adó képzés keretében.

- o -

Minor -Appellant No. XII was born on 28 December 2004.

The minor plaintiff XII started her primary education in the school year 2011/2012 at the school of defendant II.

The minor plaintiff XII was a student of the defendant II in the first, second and third grades of the school year 2011/2012, 2012/2013 and 2013/2014 in class b. Starting from the school year 2014/2015, he was transferred to class a. of the defendant II school from the fourth grade.

Already on the basis of the request of the defendant School II, an expert examination of the minor plaintiff XII took place on 7 May 2012 at settlement 3.

A ... On 14 May 2012, the Educational Counsellor of the Unified Institute for Special Pedagogical Methodology and Vocational School issued a professional opinion stating that the child has a learning disability and is entitled to developmental employment in accordance with his BTMN status.

The minor plaintiff XII was not enrolled in a consolidated class at the defendant school II.

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Plaintiff XIII, a minor, was born on January 18, 2001.

The minor applicant XIII started his primary education in the school year 2008/2009 in the school of defendant II.

The minor plaintiff XIII was a student of the defendant II in class B during his lower secondary education in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012.

The minor XIII.r. plaintiff was no longer a student of the defendant school II.r. in the school year 2012/2013 as of 21 January 2013, until that date he had been studying in the consolidated class 3-4/b.

The minor plaintiff XIII repeated the third grade, however, from the fourth grade onwards he was already a grade A student at the defendant school II.

The minor plaintiff XIII, however, did not finish the 2015/2016 school year in the name of defendant -II, because in the month of February 2016, 6 of the 6 children were placed in a reformatory institution.

However, until the time when the minor plaintiff XIII was studying at the school of defendant II, he was also taught by a development teacher twice a week, since the minor plaintiff XIII had already been placed in the status of BTMN on the basis of the expert report of 12 February 2008.

- o -

Plaintiff XIV, a minor, was born on June 26, 2001.

The minor plaintiff XIV is the brother of the minor plaintiff IX, their father, who is divorced from the children's mother and is currently serving a prison sentence, is caring for the two children -XIV is the name of the mother of the plaintiff - and is also raising their child with the children's father -XIV is the name of the father of the plaintiff.

The minor applicant XIV started her primary education in the 2008/2009 school year at the school of defendant II.

At the request of parents, the principal of the 2nd respondent school allowed the repetition of the first year of primary school, which was therefore considered a preparatory year for the school year.

The minor plaintiff XIV completed this first grade at the school of defendant II as a student in the first A. class.

However, the minor plaintiff XIV completed the repeated first grade in the school year 2009/2010 as a class B student and was a class 2/b student of defendant II in the school year 2010/2011.

The minor plaintiff XIV was then in class 3/d in the school year 2011/2012, and in the school year 2012/2013 he was again transferred to class b and was a student in class 4/B.

The minor plaintiff XIV started upper secondary school in the school year 2013/2014 as a class A student and was also a class A student in the defendant school II (5/a-/6/a) in the following school year 2014/2015.

The minor applicant XIV was a private student in class 7/a in the 2015/2016 academic year.

The minor plaintiff XIV studied in a combined class in the school years 2011/2012 and 2012/2013, in which the third and fourth grade students of the defendant school II studied together.

- o -

The minor plaintiff, named Plaintiff XV, was born on March 28, 2003.

The minor plaintiff XV started his primary education in the school year 2010/2011 in class 1/b in the school of defendant II, under the supervision of a class teacher - class teacher 1.

The non-merged class 1/b had 9 pupils in the 2010/2011 school year.

The minor Plaintiff XV transferred to class A in the second grade in the 2011/2012 school year and has continued to study in class A every school year thereafter.

- o -

Plaintiff XVI was born on January 21, 1998.

The brother of the applicant XVI is the minor applicant XVII.

In the school year 2005/2006, the applicant XVI started her primary education at the defendant II primary school,

Prior to this, on 14 April 2004, the ... On the basis of a request from the Day Nursery School of ... Specialist Committee for the Assessment of Learning Ability and Rehabilitation of the Centre for Educational Methodology examined the six-year-old child and concluded that he had special educational needs.

In respect of the applicant XVI, on 9 November 2010, at ... of 9 November 2010 by the Educational Counsellor of the Unified Pedagogical Methodological Institute and Vocational School, it is stated that the applicant XVI is still entitled to developmental education in accordance with the status of BTMN.

Plaintiff XVI in the name of Defendant -II was a student in grade D in each of the first five grades and was enrolled in a combined class.

The applicant completed his primary education in grade 8/a, but prior to that he was a student in grades 6 and 7 b in the school year 2010/2011 and 2011/2012.

In the school year 2012/2013, the applicant XVI. repeated his class in the consolidated class 7/B.

After completing his primary education, the applicant XVI was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Vocational School and College, where he studied welding in settlement 2, but was unable to obtain a qualification.

Subsequently, the applicant XVI was admitted to the ... Vocational Training Centre ... Szakgimnáziuma, Szakközépiskolája és Kollégiumára -rwlwpüléa 3-re, ahol, saját döntése alapján a tanulói jogviszony már az első évfolyamon megszűnt.

- o -

The minor applicant No. XVII was born on 3 October 2001.

The minor plaintiff XVII started her primary education in the school year 2009/2010 at the school of defendant II.

Prior to this, on 15 June 2009, the ... On the basis of a request from the Educational Counsellor of ... Expert and Rehabilitation Committee for the Assessment of Learning Ability, the plaintiff, who was then a kindergarten pupil in the large group, was examined by the Unified Pedagogical and Vocational Service and found to be eligible for special care services for his special educational needs.

The expert's opinion dated 15 June 2009 specified the name of the defendant -II.r. as the place of care and the mode of care as integrated education.

The minor plaintiff XVII. has been studying in grade A in the upper grades since the school year 2013/2014, while she started her primary education as a student in grade 1.b. and studied in grade 2.b. and 4.b. in the school years 2010/2011 and 2012/2013.

However, the minor plaintiff XVII was a student in class 3.d. in the school year 2011/2012.

The minor applicant XVII. was only enrolled in a combined class in the school years 2011/2012 and 2012/2013.

- o -

Plaintiff XIX was born on November 28, 1998.

The XIXth applicant is the brother of the XXth applicant.

Already in ... On the basis of an application from a day nursery ... The expert opinion of the Expert Rehabilitation Committee of the Centre for Educational Methodology for the Assessment of Learning Ability of the ... The review report drawn up on 11 November 2009 by the Single Service for Special Needs Education and Vocational Training of the Learning Ability Assessment and Rehabilitation Committee already stated that, as from the 2010/2011 school year, the applicant XIX no longer had special educational needs.

The XIXth applicant started her primary education in the school year 2005/2006 at the 2nd defendant school.

The XIXth plaintiff repeated the first year in which he was a student of class 1.d. In the school year 2006/2007, he was a student of class 1.b. of the 2nd defendant.

The XIXth applicant was a pupil of the 2nd and 4th grade of the 2nd respondent school in the school years 2007/2008 and 2009/2010, but in the school year 2008/2009 he also completed the third grade as a pupil of the 3rd grade.

The applicant XIX started the school year 2010/2011 as a pupil in class 5.b. However, on 24 May 2014, his pupil status with the defendant school II. was terminated and he started his primary education at the ... Primary School and Vocational Secondary School.

A ... Government Office ... District Office of ..., by decision No. -decision number- dated 4 August 2015, terminated the foster care of the applicants XIX and XX with effect from 13 August 2015 and placed the two children -name of the grandparent of the applicant XIX- in the household of their grandparent.

The operative part of the above-mentioned decision ruled that the guardianship of the grandparent of the applicant's grandparent -XIXth applicant's grandparent- was revived, while the parental custody of the parents of the applicant's XIXth and XXth applicants was suspended.

On 15 December 2014, the XIXth applicant was admitted to the FM-ASZK-... Agricultural Secondary School and College, where the student status of the applicant XIX, who is no longer in compulsory education, ended in the 2015/2016 academic year.

- o -

The applicant XX was born on 18 November 1999.

In the school year 2005/2006, the applicant XX started her primary education at the school of defendant II.

Plaintiff No. XX was a student in the lower school in all four grades, in the school years 2006/2007, 2007/2008, 2008/2009 and 2009/2010, in the class B of the defendant's name in the second grade, but only in the fourth grade in a consolidated class.

The applicant XX started the school year 2010/2011 as a pupil in class 5.b. However, like his brother XIX, he also ceased to be a pupil of the defendant school II on 24 May 2011, and he started his primary school studies at the ... Primary School and Vocational School.

On 15 December 2014, the applicant XX, like his brother, was admitted to the FM-ASZK-... Agricultural Vocational School and College as a student of agricultural engineering.

- o -

-The former name of applicant XXI - applicant XXI - was born on 1 October 1999, only a few years before the application was lodged, and since then applicant XXI has been

called applicant XXI - applicant XXI.

In the school year 2006/2007, the applicant XXI started his primary education at the school of defendant II.

At the end of the 2015/2016 school year, the student status of the applicant XXI terminated at the end of the 2015/2016 school year with the defendant school II, after he turned 16 on 1 October 2015.

The applicant XXI was a student of class 6.a. and class 7.a. in the school years 2013/2014 and 2014/2015, respectively, and completed the repeated 7th grade as a student of class A, and as a private student in the school year 2015/2016, during which he failed the requirements of the grade exams in 5 subjects.

However, the applicant XXI was a pupil of the defendant school II in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 as a pupil of class 1.b, 2.b, 3.b, repeated 3.b, 4.b, repeated 4.b and 5.b respectively.

The plaintiff XXI. was a kindergarten student in the ... Day Nursery School and his mother, - plaintiff XXI.r.'s mother's name - were examined on 22 March 2006 by the ... On 22 March 2006, on the basis of an examination carried out by the Expert and Rehabilitation Committee of the Centre for Educational Methodology and Educational Counselling, which concluded that the applicant, whose first name is -r. XXI.r. - has special educational needs and that a follow-up examination may take place in the 2007/2008 school year.

The applicant XXI, however, was not peer reviewed during his primary school studies.

- o -

Plaintiff XXII, a minor, was born on 10 November 2001 and began her primary education in the 2008/2009 school year at Defendant II's school.

The mother of the minor plaintiff XXII, plaintiff r. XXII, died on 1 August 2015, and therefore the ... Government Office ... By decision No. XXII. applicant and his 6 siblings, also minors, to adopt them into the paternal grandparent family, namely the grandparent of the applicant's grandparent XXII.

A ... Government Office ... Járási Hivatala ezt követően a 2017. február 23. napján kelt -határozat száma- számú határozatával a hivatkozott kiskorú gyermekek vonatkozásában gyámul kirendelte -XXII.r. felperes nagyszülője 2 neve- apai nagyszülőt is azzal, hogy a kiskorúak részére korábban már gyámként kirendelt -XXII.r. felperes nagyszülője 1 neve-t gyámügyi tisztségében megtartotta.

The minor plaintiff XXII was already a student in class A in the upper primary school of defendant II from the school year 2013/2014, but completed the school year

2011/2012 as a student in class 3b.

However, the minor applicant XXII was a student in class B in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

The minor XXII.r. completed all 4 grades of the lower school as a b. grade pupil by repeating grade 1 in the school year 2009/2010 as a 1.d. grade pupil.

The minor plaintiff XXII was already a student in the upper grade A of the defendant elementary school of defendant II when he was examined on 17 June 2014 and 2 December 2015 by the ... Specialist Pedagogical Service ... on the basis of an application by the name of the defendant, the defendant in the second instance.

Both expert opinions found that the applicant, who was a minor, had difficulties with integration, learning and behaviour.

- o -

The minor applicant XXIII was born on 19 October 2003 and started her primary education in the school year 2011/2012 at the school of defendant II.

Already in ... On the basis of an application from a day nursery ... Unified Institute for Special Pedagogical Methods and Vocational School Educational Counsellor of 7 November 2008, concluded that the minor applicant No. XXIII has a learning disability and is entitled to developmental employment in accordance with the status of BTMN.

Minor - Plaintiff's name is XXIII- Plaintiff's brother is minor XXV- Plaintiff's name is XXV-, Plaintiff's name is XXVIII-, and minor XXX- Plaintiff's name is XXX-.

The family moved to Canada on 15 January 2012, and only moved back to Hungary on 27 September 2014, settlement 1.

The minor plaintiff XXIII started the school year 2011/2012 as a student in class 1.b., but his student status with the defendant school II. was only valid until 12 January 2012.

The minor plaintiff XXIII. became a student of the defendant school II. again as of November 11, 2014, as a student in grade 4.b.

The minor plaintiff XXIII was a pupil of class 5.b. and 6.b. in the school year 2015/2016 and 2016/2017 in the school year of defendant II.

The minor plaintiff XXIII. was examined on 29 September 2015 and 6 January 2017 by the ... Specialist Pedagogical Service ... and found that the child suffers from integration, learning and behavioural difficulties.

- o -

The applicant in Case XXIV was born on 21 October 2001 and started his primary education in the 2008/2009 school year at the school in Case II.

The XXIV applicant was a grade A pupil of the 2nd respondent school from the school year 2013/2014, starting from grade 6, but before that he had completed the primary school years 1-5 as a grade B pupil in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

After completing his primary education, the applicant, Mr XXIV, was admitted to the ... Vocational Training Centre ... Secondary School and Vocational College of the XXIV. applicant is studying in the catering and tourism branch of the Hospitality and Tourism Section of the XXIV.

- o -

The minor plaintiff XXV was born on 27 October 2002 and started his primary school education in the school year 2010/2011 as a pupil in grade 1.b. at the school of defendant II.

The minor applicant XXV was in grade 2.d. during the school year 2011/2012 until he and his family moved to Canada on January 12, 2012.

The minor applicant XXV moved back to Hungary with his family on 27 September 2014.

The minor plaintiff XXV. was again a pupil of the defendant -II. from 11 November 2014.

One day earlier, on 10 November 2014, a record was dated 10 November 2014, which attests that on 10 November 2014, in addition to the minor applicant XXV, his two brothers, the minor applicant XXIII and the minor applicant XXX, also appeared at the scheduled differential examination.

This record also contains the decision that the Defendant School II admits Plaintiff XXX, a minor in the name of Plaintiff XXX, to Class 6A, and Plaintiff XXIII, a minor in the name of Plaintiff XXIII, and Plaintiff XXV, a minor in the name of Plaintiff XXV, to Class 4D.

The minor plaintiff XXV was a pupil in the 5th and 6th grade of the defendant elementary school in the 2015/2016 and 2016/2017 school years.

On 4 June 2015, at the request of the defendant school II, but with parental consent, an expert examination of the minor plaintiff XXV took place.

A ... Specialist Pedagogical Service ... has concluded that the child has difficulties in

integration, learning and behaviour and is therefore entitled to employment in accordance with his BTMN status.

- o -

Plaintiff XXVI was born on 31 December 1998 and started his primary education in the school year 2005/2006 as a pupil of grade 1.d. in the school of defendant II.

The minor plaintiff XXVI was already a student in grade 1 of the repeated grade 1 in the school year 2006/2007 in the name of the defendant -II-.

The minor XXVI. plaintiff also attended 3 more classes of the lower grade as a b.grade student in the school years 2007/2008, 2008/2009 and 2009/2010.

On 7 June 2007, the applicant XXVI. was examined by the ... Learning Ability Expert and Rehabilitation Committee of the Unified Pedagogical and Vocational Service and concluded in the review opinion that the applicant XXVI. is mildly mentally handicapped.

A ... The review opinion of the Expert and Rehabilitation Committee for the Assessment of Learning Ability, drawn up by the Unified Pedagogical Specialist Service and Professional Service on 14 November 2009, concluded that there had been no change in the condition of the applicant, No XXVI, who continued to have special educational needs, mild intellectual disability and an integrated care system.

The XXVI applicant did not continue his studies and did not apply to any secondary school.

- o -

Plaintiff XXVII was born on 21 November 1996 and began his primary education in the 2003/2004 school year as a student in grade 1.d. at Defendant School II.

The XXVII.r. plaintiff completed the remaining 7 grades of primary school as a class c student.

After completing his primary school education, the applicant, No XXVII, was admitted to the ... Vocational Training Centre ... Vocational Secondary School of the Vocational Secondary School and College of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Vocational Secondary School of the Centre of Vocational Education and Training of the applicant.

- o -

Plaintiff XXVIII was born on 15 October 1999 and started his primary education in the school year 2006/2007 at the school of Defendant II.

The applicant, grade XXVIII, started the 2011/2012 school year as a grade 6.b. student, but on 13 January 2012, she and her family moved to Canada.

Prior to that, however, the applicant had completed grades 1 to 5 of primary school as a b-grade pupil in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011.

On 15 December 2014, after the applicant XXVIII had moved back to Hungary from Canada with her family, her mother submitted an application to the principal of the defendant II, requesting that her child XXVIII be allowed to continue his primary education as a private student, because although her child had completed the appropriate grades in the Canadian school system during the three years he had been in Canada, he had not been given a report card on his performance.

The applicant in grade XXVIII completed the requirements of grade 8 as a private student in the academic year 2016/2017.

- o -

The minor applicant XXIX was born on 1 September 2003 and started her primary education in the school year 2011/2012 at the school of defendant II.

The minor plaintiff XXIX.r. has completed grades 1-6 of primary school as a b.grade student in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

The minor applicant No. XXIX did not study in a consolidated class in the 6 grades described above.

- o -

The minor applicant XXX was born on 19 December 2001 and started her primary education in the school year 2009/2010 at the school of defendant II.

Plaintiff XXX, a minor, was not enrolled at Defendant School II until January 12, 2012, when he and his family moved to Canada.

After the minor plaintiff XXX. moved back with his family to settlement 1, he again became a pupil of the defendant II., but completed the last 3 grades of primary school in the school years 2014/2015, 2015/2016 and 2016/2017 as a pupil in grade A.

At the same time, the minor plaintiff XXX.r. was a student in the lower primary school of the defendant elementary school II.r. in the school years 2008/2009, 2009/2010,

2010/2011 and 2011/2012 until 12 January 2012.

The applicant, XXX, a minor, was admitted to the ... High School on 23 June 2017.

The applicant XXX, who is a minor, is still a pupil as a pastry student.

- o -

Plaintiff XXXI was born on 25 January 1999 and began his primary education in the 2005/2006 school year at Defendant School II.

Plaintiff XXXI attended Grade 1, repeated Grade 1, and Grade 2 as a C student, and was also a C student of Defendant -Respondent II in Grades 5-6.

Plaintiff XXXI graduated as a grade A student in grade 8, as she was a grade A student in both the 2013/2014 and 2014/2015 school years at Defendant School II.

The XXXI.r. plaintiff was a b.grade student at the II.r. defendant school for 3 school years, 2008/2009, 2009/2010, and 2010/2011, and was in a consolidated class for all 3 school years.

Plaintiff XXXI repeated grade 3 and was a student in grade 4 in grade 4.d. of the name of Defendant II.

With regard to the special needs pupil, the applicant XXXI, already on 11 April 2005, the ... The expert opinion of the Expert Committee for the Assessment of Learning Ability and Rehabilitation of the Centre for Educational Methodology and Educational Counselling concluded that he had a learning disability.

After completing his general education, the plaintiff XXXI was admitted to the ... Vocational and Technical School, where he studied to become a florist.

- o -

Plaintiff XXXII was born on 21 November 1996 and began his primary education in the 2003/2004 school year at Defendant School II.

The plaintiff XXXII was a grade D student in grade 1, then a grade D student in grades 2, 3, 4, and 5 of the defendant -defendant II-, but he graduated as a grade A student, because he was already a grade 8 student of the defendant II school in the school year 2012/2013.

In the school year 2010/2011 and in the school year 2011/2012, the applicant XXXII.r. studied in class 6.b., 7.b., in a combined class, with a class teacher - class teacher 2 names.

The applicant XXXII. is a pupil with special educational needs from 22 May 2003 at the ... The review report of the Commission for Special Needs Education and Rehabilitation of the Unified Pedagogical and Vocational Service of the Expert Committee for the Assessment of Learning Abilities of 13 January 2008 and of 14 November 2009 states that the defendant -II.

On 22 August 2013, after completing his primary school education, the plaintiff XXXII was admitted to the ... Vocational Training Centre ... Szakgimnázium Szakközépiskola és Kollégiumába, ahol -település 2-ban péknek tanult, azonban tanulói jogviszonya az igazolatlan hiányzások miatt 2014. január hó 28. napján megszűnt.

- o -

Minor - Plaintiff XXXIII - Plaintiff XXXIII was born on December 1, 2003 and began her primary education in the 2011/2012 school year at Defendant School II.

A ... Municipal Guardianship Office, by decision number -decision number- dated 4 August 2004, appointed the grandmother of the minor applicant XXXIII. as guardian, -XXXIII. applicant's grandmother's name-, after the Gyöngyös Municipal Court had placed her granddaughter with her by a final judgment under number 5.P.20.423/2004/7.

While the plaintiff XXXIII, a minor, was examined by the ... Expert and Rehabilitation Committee for the Assessment of Learning Ability, and in its expert opinion of 13 January 2011, it recommended that the child be integrated into the -II. defendant's name‖ from the 2011/2012 school year.

However, the minor plaintiff XXXIII completed grades 1-6 of primary school as a B student, and was a B student of defendant -II in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, but did not study in a combined class during the 6 years.

- o -

Plaintiff XXXIV was born on 20 September 1997 and started his primary education in the school year 2004/2005 at the defendant school II, where he studied in grades A in the first and second years and in grade D in the following third year.

The school status of the applicant XXXIV. was terminated in the school year 2013/2014, as the legal representative of the applicant XXXIV., who was not in compulsory school age at that time, initiated the termination of the school status of his child, who was no longer in compulsory school age, in a written statement dated 25 November 2013.

The plaintiff XXXIV was a class B student of the defendant -II- in the school years 2010/2011, 2011/2012 and 2012/2013.

The XXXIV applicant repeated the 6th grade.

In respect of the pupil with special educational needs from 26 March 2004 onwards, on 12 November 2007 and 14 November 2009, the ... on 14 November 2009 and on 14 November 2009, both of which were drawn up by the Special Needs Education and Rehabilitation Committee's Specialist Service and the Specialist Service of the Integrated Educational Service.

The XXXIV applicant did not continue his education and works as a public worker.

- o -

Plaintiff XXXV, a minor, was born on 17 January 2003 and began her primary school education in the 2010/2011 school year at Defendant School II.

The minor plaintiff XXXV. was already a student of class A in the upper school of the -II. defendant's name- from the school year 2014/2015, but completed the school year 2011/2012 as a student of class 2.d.

The minor plaintiff XXXV. was a b.grade student in the school of defendant school XXXV. for 3 school years, in the school year 2010/2011 in grade 1, in the school year 2012/2013 in grade 3 and in the school year 2013/2014 in grade 4.

The minor applicant XXXV was granted BTMN status in November 2008.

- o -

Minor - Plaintiff XXXVI - Plaintiff XXXVI was born on May 11, 2002 and began her primary school education at Defendant School II in the 2009/2010 school year.

The minor plaintiff XXXVI was a class B student in grade 1 of the -defendant's name- in grade 1, moved to grade A in grade 2 in the 2010/2011 school year and attended grades 2, 3, 4, 5, 6, 7, and 8 of the elementary school as a class A student.

The applicant XXXVI. was admitted on 23 June 2017 to the ... secondary school, where he is studying as a pastry chef in settlement 3, having successfully completed the requirements of grade 9.

- o -

Plaintiff XXXVII, a minor, was born on August 31, 2003, and began her primary school education in the 2010/2011 school year at Defendant School II.

On 1 June 2010, before the start of primary school, the minor plaintiff XXXVII. was examined by the ... The Educational Counsellor of the Unified Methodological Institute for Special Needs Education and Vocational School and concluded in a review opinion dated 4 June 2010 that the child has a learning disability and continues to be eligible for

developmental employment in accordance with the BTMN status.

The minor plaintiff XXXVII. was already a class A pupil of the defendant -II. from the school year 2014/2015 onwards, while he had completed the school year 2011/2012 as a class 2.d pupil.

The minor XXXVII. plaintiff attended grades 1, 3, and 4 of the defendant school II. in 3 grades, in the school years 2010/2011, 2012/2013, 2013/2014, in grade 1, 3, and 4.

- o -

Plaintiff XXXVIII was born on 20 July 1996 and began his primary education in the 2003/2004 school year at Defendant School II.

The XXXVIIIth plaintiff was a grade A student in grades 1-7 of the -IInd defendant-, but in the 2009/2010 academic year, he failed to meet the grade 7 requirements in 7 subjects in grade 7.

The XXXVIII.r. plaintiff subsequently completed the repeated 7th grade as a b.grade student in the school year 2010/2011 and continued to study in grade 8 b.grade in the school year 2011/2012.

On 28 June 2012, after completing his primary education, the applicant XXXVIII. was admitted to the ... Vocational Training Centre ... Szakgimnáziuma Szakközépiskola és Kollégiumába, ahol péknek tanult, azonban tanulói jogviszonya az igazolatlan hiányzásai miatt 2014. november 10. napján megszűnt.

- o -

Plaintiff XXXIX was born on February 4, 2000, and began his primary education in the 2007/2008 school year at Defendant School II.

On the basis of the application of the defendant school II, the ... On 3 September 2012, the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical Specialist Service and Professional Service examined the plaintiff XXXIX.r. and in an expert opinion dated 12 September 2012, concluded that the child with special educational needs in the name of the defendant -II.r. should be taught in an integrated way.

The XXXIXth applicant has attended all 4 classes of the upper secondary school as a class A pupil since the school year 2013/2014, while in the school year 2007/2008 he was a pupil of class 1.d of the IInd applicant school.

At the same time, the XXXIXth applicant repeated the 2nd and 3rd grades of primary school, and was a student in the 2nd, 3rd and 4th grades of the 2nd, 3rd and 4th grades of the 2nd defendant school in the 2008/2009, 2009/2010, 2010/2011, 2011/2012 and

2012/2013 school years.

The plaintiff XXXIX and his three siblings are being raised by their father, their mother moved away from the family in 2012.

After completing his primary school education, the XXXIXth applicant was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Vocational School and College, where he studied painting, but his apprenticeship was terminated on 18 September 2017.

- o -

Plaintiff XL was born on September 14, 1997, as the brother of Plaintiff XL.r., and began his primary school education at Defendant School II.r. in the school year 2005/2006.

Plaintiff XL.r. is a student with special educational needs whose review was held on November 11, 2009.

A ... According to the expert opinion of 18 November 2009 of the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical Specialist Service and Professional Service, there has been no change in the condition of the applicant XL, who continues to be a child with special educational needs and is to be educated in an integrated way in the name of the defendant -II.

Plaintiff XL was a student in grades 1, 2, and 3 in class C, in grades 4 and 5 in class D, and in grades 6, 7, and 8 in class C of the name of Defendant II.

- o -

The minor -appellant XLI.r. was born on 3 November 2002 and started his primary education in the school year 2010/2011 at the school of respondent II.

Already in ... The expert opinion drawn up on 21 January 2009 by the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical Specialist Service and Professional Service of the Commission for the Assessment of Learning Ability concluded that the minor applicant XLI was entitled to special care appropriate to his special educational needs.

The expert review of the minor plaintiff XLI.r. took place on 9 October 2012, at the ... In its expert opinion dated 11 October 2012, the Single Pedagogical Service and Professional Service of the Expert and Rehabilitation Committee for the Assessment of Learning Ability concluded that the child's condition had not changed, that he still had special educational needs and that he should be educated in an integrated way in the name of the defendant -II.r.

The minor plaintiff XLI completed grade 2 in the school year 2011/2012 as a student in

grade D, after having been a student in grade 1 in grade D in the school year 2010/2011 in the defendant school II.

In the school year 2012/2013, the minor applicant XLI. was transferred back to class B in grade 3.

Subsequently, the minor plaintiff XLI. repeated grade 4 as a grade B student and was a grade B student in grades 5 and 6 in the 2015/2016 and 2016/2017 school years, also in grade B, at the defendant school II.

- o -

Plaintiff XLII, a minor, was born on November 6, 2002, and began her primary school education in the 2010/2011 school year at Defendant School II.

The minor plaintiff XLII was examined on 14 April 2011 by the ... The Educational Counsellor of the Unified Institute for Special Education and Methodology and Vocational School and, in an expert opinion dated 19 April 2011, assessed the child as having special educational needs and concluded that he was unable to meet the requirements for the first grade.

Subsequently, the minor plaintiff XLII was exempted from evaluation and grading by the principal of the defendant school II, and therefore completed grade 1 in the same class as the other students, but as a preparatory grade in grade 1.b.

The minor applicant XLII. subsequently attended the repeated 1st grade as a b.grade pupil in the school year 2011/2012.

The minor plaintiff XLII attended grades 2, 3, 4, 5, and 6 in the 2012/2013, 2013/2014, 2014/2015, 2015/2016, and 2016/2017 school years as a b.grade student at the defendant school in the second grade.

The minor plaintiff XLII. r. in the ... On 10 January 2012, he was examined by the Learning Ability Expert and Rehabilitation Committee of the Unified Pedagogical Specialist Service and Professional Service and, in the expert opinion dated 2 February 2012, in addition to stating that he was entitled to special care services for his special educational needs, recommended that he be educated in the name of the defendant -II.r. in an integrated manner.

A ... The review opinion of the County Expert Committee of the Pedagogical Specialist Service of 4 April 2014 also contains the recommendation that the care of the minor plaintiff XLII be provided in an integrated manner in the school of the defendant II.

-The Registrar of the Mayor's Office of the Municipality of Settlement 1, the name of the minor plaintiff XLII was protected by a decision numbered Decision No.

A ... Government Office ... District Office of the District Guardianship Office of the District Office of the District of ..., by decision No. -Decision No. - dated 12 October 2013, as a result of its review, found that the conditions for the protection were no longer met and therefore terminated the protection of the minor applicant No. XLII.

- o -

Plaintiff XLIII, a minor, was born on 9 August 2004, and began his primary school education in the 2011/2012 school year as a student in grade 1.b. at Defendant School II.

As of 1 September 2012, the minor plaintiff XLIII is no longer a pupil of defendant -II, because, at the request of his mother, he started the 2nd grade of primary school in another primary school in -village 3.

The minor plaintiff XLIII. and his brother, together with the minor plaintiff XLII., were ... by decision number -decision number- dated 4 August 2015, which was issued by the ... Government Office ... District Office, by Decision No. -Decision of 14 August 2017.

However, the ... Government Office ... District Office of ..., by decision No. -decision number- dated 18 August 2017, ordered the placement of the minor plaintiff XLII. and the minor plaintiff XLIII. in foster care as of 24 August 2017.

A ... Government Office ... also found in the operative part of the same decision that the minor applicants XLII. and XLIII. were suffering from a cumulative disadvantage.

- o -

Plaintiff XLIV was born on 25 July 1996 and began his primary education in the 2003/2004 school year at Defendant School II.

Plaintiffs XLIV, XLV, XLVIII, and the minor plaintiffs XLVI and XLVII are brothers and sisters.

The plaintiff XLIV. was examined on 9 May 2003, when he was still in a large group of kindergarten children, by the ... Since that date, the applicant XLIV. r. has been classified as a child with special educational needs.

A ... The review report of the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical and Professional Service of the Commission for the Assessment of Learning Ability of 14 November 2009 states that the child with dyslexia and dysgraphia should be educated in an integrated way in the name of the defendant -II.

Plaintiff XLIV repeated grades 2 and 3, and was a grade D student in grades 2, 3, 4, 5, and 6 in the 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, and 2009/2010

school years at Defendant School II.

On the other hand, Plaintiff XLIV was a Grade 1 B student of Defendant II in the 2003/2004 school year and a Grade 1 B student of Defendant II in Grades 7 and 8, and in both the 2010/2011 and 2011/2012 school years.

After completing his primary school education, the applicant was admitted to the ... Vocational Training Centre ... Vocational Secondary School and College, where he is studying to become a welder.

The XLIV.r. applicant was a full-time student between 22 August 2012 and 7 February 2013 at the ... Vocational Training Centre ... Szakgimnáziuma Szakközépiskola és Kollégiumának, amely tanulói jogviszonyát igazolatlan hiányzásai miatt határozattal szüntették meg.

- o -

The applicant XLV, applicant XLV, was born on 25 December 1999 and started his primary education in the school year 2006/2007 at the school of defendant II.

The XLV.r. plaintiff attended the 7th, 8th grade as a class A student in the school years 2012/2013 and 2013/2014.

On the other hand, the plaintiff XLV was a class B student in classes 1, 2, 3, 4, 5 and 6 in the academic years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 of the defendant -II.

The applicant XLV had a child in May 2016 and is still living with his parents, doing casual work.

On 22 August 2014, after completing his primary education, the applicant XLV was admitted to the ... Vocational Training Centre ... Szakgimnáziuma Szakközépiskola és Kollégiumába, ahol eladónak tanult, azonban igazolatlan hiányzásai miatt tanulói jogviszonya 2016. október 14. napján megszüntetésre került.

- o -

Plaintiff XLVI, a minor, was born on November 11, 2003, and began her primary school education in the 2011/2012 school year at Defendant School II.

A ... On 4 January 2011, the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical Specialist Service and Professional Service examined the kindergarten child, who was then in a large group, and in its expert opinion of 2 February 2011, it concluded that the minor plaintiff XLVI. was entitled to special care services in accordance with his special educational needs and that he should be taught in an integrated way in the name of defendant -II. as of 1 September 2011.

The review reports for the minor applicant XLVI of 29 October 2012 and 4 January 2016 both state that the child's care is justified in an integrated manner at the school of the defendant II.

The minor plaintiff XLVI.r. was transferred to class A in the 6th grade in the 2016/2017 school year, but before that she had attended the 5th grade of primary school in class B in the 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016 school years.

The minor plaintiff XLVI was not in a consolidated class.

- o -

Plaintiff XLVII, a minor, was born on February 12, 2001, and began her primary school education in the 2008/2009 school year at Defendant School II.

The minor plaintiff XLVII.r. was studying in the upper secondary school in class A in all 4 grades from the school year 2012/2013.

At the same time, the minor plaintiff XLVII.r. was a b.-grade student in all 4 grades of the lower school in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 of the defendant -II.r.

The minor applicant XLVII. was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Technical College and College.

The minor applicant XLVII.r. - settlement 7 is receiving training in the police sector.

- o -

Plaintiff XLVIII was born on 19 September 1998 and began his primary education in the 2005/2006 school year at Defendant School II.

A ... On 9 March 2005, the Expert and Rehabilitation Committee of the Centre for Educational Methodology and Educational Counselling, which examines the learning ability of the applicant XLVIII, then a kindergarten pupil in a large group, examined the applicant and, in its expert opinion of 21 March 2005, stated that he had special educational needs.

The applicant in grade XLVIII was not able to complete the requirements of grade 1, but was transferred to grade 1.b in the repeat grade 1 in the school year 2006/2007, which he successfully completed.

A ... On 7 June 2007, the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical and Vocational Service examined the applicant XLVIII and, in its opinion of 24 October 2007, concluded that the special

educational needs of the applicant XLVIII, who has an average level of intelligence, would cease to exist from the 2007/2008 school year.

The XLVIII.r. plaintiff was still repeating grade 5 and was a b.grade student of the -II.r. defendant- in the school years 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

After completing Grade 6, the applicant XLVIII started the 2013/2014 school year as a Grade 7.a. pupil from 1 September 2013 and completed the last two years of primary school as a Grade A pupil.

The XLVIII.r. applicant did not continue his education, but continues to work in agriculture on a casual basis.

- o -

Plaintiff XLIX, a minor, was born on January 10, 2003, and began her primary school education in the 2009/2010 school year at Defendant School II.

In the 2012/2013 school year, the minor plaintiff XLIX.r. was transferred to class A in grade 4 and attended all 4 classes of the upper primary school as a class A pupil.

At the same time, the minor XLIX.r. was studying in grades 1, 2 and 3 of the school year 2009/2010, 2010/2011 and 2011/2012.

On 23 June 2017, after completing his primary school education, the minor applicant XLIX was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Vocational College and College, where he studied welding.

- o -

Minor Plaintiff L. Plaintiff L.r. is the brother of minor Plaintiff XLIX.r., born on November 9, 2001, and began her primary school education in the 2008/2009 school year at Defendant School II.

On September 1, 2013, the minor plaintiff L.r. was transferred to class A and completed the 2013/2014 school year as a class A student.

The minor plaintiff L.r. was also a student of the defendant school in grades 7 and 8 in the school year 2014/2015 and in the school year 2015/2016.

At the same time, the minor applicant L.r. completed the 1st-5th grades of primary school as a B student in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

On 23 June 2016, after completing his primary education, the minor applicant L.r. was

admitted to the ... Secondary School - Settlement 3 as a waiter pupil.

- o -

Plaintiff LI.r., a minor, was born on October 15, 2001, and began her elementary education in the 2009/2010 school year at Defendant School II.

The brother of the minor Plaintiff LI.r. Plaintiff LIV is named Plaintiff LIV.r., Plaintiff LII is named Plaintiff LII.r., and Plaintiff LIII is named Plaintiff LIII.r.

Already on 12 November 2008, the ... The expert opinion of the Commission for the Assessment of Learning Ability and Rehabilitation of the Unified Pedagogical Specialist Service and the Professional Service concluded that the minor applicant LI.r. was entitled to special care services for his special educational needs.

Also in the ... The expert opinion of the Expert and Rehabilitation Committee for the Study Ability Test of the Unified Pedagogical Special Service and Professional Service of 16 December 2011 contains the finding that the minor plaintiff LI.r. has special educational needs, whose integrated education is justified in the name of the defendant -II.r.

The same statement is made in ... of 2 April 2014 by the County Expert Committee of the Pedagogical Specialist Service in respect of the minor applicant LI.r.

Plaintiff LI.r., a minor, repeated grades 2 and 5.

The minor LI.r. applicant's mother passed away, and her father subsequently applied in January 2016 for her daughter to continue her primary school education as a private student in the second half of the 2015/2016 school year.

Although the minor applicant LI.r. did not start the 2016/2017 school year as a private student, she completed the remaining part of the school year as a private student as of 20 February 2017, based on her father's repeated request.

The minor plaintiff LI.r. was a 5th and 6th grade student at the defendant school in 2015/2016 and 2016/2017.

The minor LI.r.plaintiff was a pupil of the -II.r. defendant‖ in class 2.d. in the school year 2011/2012 and in class 5.a. in the school year 2014/2015, while he completed the lower 4 classes of the school year 2009/2010, 2010/2011, 2012/2013 and 2013/2014 as a pupil of class B.

The minor plaintiff LI.r. studied in the 2011/2012 and 2012/2013 school years in a consolidated class at the defendant school LI.r. II.

- o -

Plaintiff LII was born on September 23, 1995, and began his primary education in the 2002/2003 school year at Defendant School II.

Plaintiff LII was a student in grades 2, 3, 4, 5, 6, 7, and 8 of the elementary school, and was a student in grade B. He was also a student in the name of Defendant -II in the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, and 2009/2010.

The applicant LII.r. had special educational needs from 13 February 2002, and his special educational needs ceased only from the school year 2007/2008.

However, the ... The supplementary expert opinion of the Educational Counsellor of the Unified Institute for Special Pedagogical Methodology and Vocational School of 18 January 2010 stated that the child has a learning disability and is eligible for developmental employment in accordance with the BTMN status.

On 24 June 2010, after completing his primary education, the applicant LII.r. was admitted to the ... Vocational Secondary School and Vocational School, from which he was removed on 30 June 2014, following the termination of his compulsory education.

Subsequently, the applicant LII.r. married and had a child.

- o -

Plaintiff LIII was born on April 17, 2000, and began his primary education in the 2007/2008 school year at Defendant School II.

On 20 March 2009, on the basis of a request from the respondent school II, the ... The educational counsellor of the Unified Institute for Special Pedagogical Methods and Vocational School for Vocational Education and Training examined the LIII. plaintiff on 20 March 2009 and, in a professional opinion dated 15 May 2009, concluded that he had a learning disability and that he should be placed in a developmental placement in accordance with his BTMN status.

Plaintiff LIII attended all 4 grades of the upper primary school as a grade A student, while in the 2007/2008 school year, the defendant II was a grade 1.d student.

The applicant LIII.r. repeated the 1st and 3rd grade of primary school.

Plaintiff LIII was a student in grades 1, 2, 3, and 4.b. of Defendant School II in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012, and 2012/2013.

On 27 June 2017, after completing his primary school education, the applicant LIII. r. was admitted to the ... Vocational Training Centre ... Vocational Secondary School and College of the Vocational Training Centre.

The applicant - settlement 3 of LIII.r. passed the professional level examination.

- o -

Plaintiff LIV was born on March 22, 1994, and began his primary education in the 2002/2003 school year at Defendant School II.

The plaintiff LIV was a b.grade student of the defendant -name of the defendant LII- in grade 2 only in the school year 2003/2004.

The applicant LIV.r. completed the repeated 2nd grade in the school year 2004/2005 as a pupil in 2nd grade.

The plaintiff LIV., who has special educational needs, was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Technical College and College, where he learned the trade of carpentry and plastering.

The apprenticeship of the applicant LIV was from 22 June 2011 to 30 June 2015, and he obtained a certificate of apprenticeship as a carpenter, plasterer and wallpaperer.

- o -

Plaintiff LV.r., a minor, was born on 16 January 2002, started his primary education in the school year 2009/2010 and finished it in the school year 2016/2017 at Defendant School II.

The minor applicant LV.r. did not repeat any of his primary school classes.

The minor plaintiff LV.r. was a student in class 3/d in the school of defendant II.r. in the school year 2011/2012, after which he was transferred to class A in the school year 2012/2013 and attended the grades 4-5-6-7 and 8 as a student in class A in the name of defendant -II.r.

The minor plaintiff LV.r. was a first and second grade B student at the defendant school in 2009/2010 and 2010/2011, but did not attend a combined class during those school years.

The minor LV.r. applicant, after completing his primary school education, was admitted on 23 June 2017 as a full-time student to the ... Vocational Training Centre ... Vocational School and College of the Vocational College of the University of Applied Sciences, where he is a student in the masonry class.

- o -

Plaintiff LVI, a minor, was born on July 22, 2004, and began her primary school

education in the 2011/2012 school year at Defendant School II.

On 17 March 2011, it was established that the minor LVI.r. applicant suffers from integration and behavioural difficulties.

The minor plaintiff LVI.r. was a class B student in the first three grades of primary school in the academic years 2011/2012, 2012/2013 and 2013-2014, and was subsequently transferred to class A as of September 1, 2014 and attended grade 4 and the first three grades of upper primary school as a class A student.

The minor applicant LVI.r. was exempted from the assessment by merit in foreign languages during his primary school studies.

- o -

Plaintiff LVII, a minor, is the brother of Plaintiff LVII, a minor, and Plaintiff LVI, a minor.

The minor plaintiff LVII started her primary education in the school year 2010/2011 at the school of defendant II.

In September 2009, the minor LVII. applicant was found to have difficulties with integration, learning and behaviour.

A ... On 14 November 2012, the Educational Counsellor of the Unified Institute for Special Pedagogical Methodology Vocational School examined the minor LVII. plaintiff and in the expert opinion dated 14 November 2012, stated that her BTMN status will be terminated at the end of the 2012/2013 school year.

The minor LVII.r. plaintiff was only a class b student in the first grade in the school year 2010/2011 in the defendant school II.r. In the school year 2011/2012 he was transferred to class a and attended the other classes of the elementary school as a class a student.

- o -

Minor -Lappellant No.LVIII-appellant No.LVIII was born on 22 March 2003 and started his primary education in the school year 2010/2011 at the school of respondent No.II.

In relation to the minor LVIII. r. applicant, the ... on 20 February 2009, the Specialist Report prepared by the Educational Counsellor of the Unified Educational Methodological Institute and Vocational School stated that the applicant suffers from difficulties in integration, learning and behaviour, and that therefore developmental employment in accordance with his BTMN status is justified.

The student status of the minor plaintiff LVIII with the defendant -II was terminated on September 8, 2016, as the family moved from settlement 1 to settlement 8. Prior to that,

however, the school of defendant-appellant-II had transferred the minor plaintiff-appellant LVIII to class A in the repeated fifth grade from 1 September 2016, but due to the family's move, he had only been studying in that class for 7 days.

The minor plaintiff LVIII was a student of class 2/d in the academic year 2011/2012, but he was a student of class B in the name of defendant -II in the academic years 2010/2011, 2012/2013, 2013/2014, 2014/2015, 2015/2016.

The minor LVIII. applicant repeated grades 4 and 5 respectively.

A ... Government Office ... District Office of ..., by its decision of 6 November 2015 -decree number-, also granted protection to the minor plaintiff LVIII. and his brother LIX.

The decision did not affect the right of custody of the legal representatives of the minor LVIII.

The minor plaintiff LVIII and his brother, the minor plaintiff LIX, were not students at the school of defendant II during the period between 10 February 2014 and 2 April 2014, both of them studying at other primary schools.

- o -

Minor -LIX.r. Plaintiff- LIX.r. Plaintiff was born on May 7, 2014, and started her primary education in the 2011/2012 school year at the primary school of Defendant II.

The minor plaintiff LIX.r. was also only a pupil of the defendant -II.r. until 8 September 2016, as he moved with his family to settlement 8 on that date.

The minor applicant LIX.r. started the repeated 5th grade as a grade A student on September 1, 2016.

The minor plaintiff LIX.r. was a class B student in the first five grades of primary school in the academic years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016 in the school of defendant II.r., but did not attend a consolidated class.

In respect of the minor applicant LIX.r., already before the start of primary school on 18 March 2011, the ... on 18 March 2011, prepared by the Educational Counsellor of the Unified Institute for Special Pedagogical Methods and Vocational School, stated that the child suffers from difficulties in integration, behaviour and learning.

- o -

-The applicant LX was born on 11 October 1996 and started his primary education in the school year 2003/2004 at the school of defendant II.

The applicant LX.r. attended primary school from the school year 2006/2007 onwards

as a pupil in class C in grades 4-5-6-7 and 8, while in the school year 2004/2005 and 2005/2006 he was in grades 1 and 2/d respectively.

The applicant LX. repeated the first grade of primary school in the school year 2003/2004 and was a pupil of class 1/b. of the defendant II.

The complex educational and psychological examination of the applicant LX.r. took place on 9 May 2003.

A ... Centre for Specialised Pedagogical Services recommended, on the basis of an examination of the applicant LX.r., a kindergarten pupil in a large group, that she should start her normal primary school education in the 2003/2004 school year in the first class of the primary school in the municipality of 1, but that she should receive 3-5 hours of literacy development per week.

After completing his primary education, the applicant LX. was admitted to the ... Vocational Training Centre ... College of the Centre for Vocational Education and Training, but did not actually start his secondary education.

- o -

Plaintiff LXI. was born on 22 January 1996 and began his primary school education in the 2002/2003 school year as a student in class 1/b at Defendant School II.

The applicant LXI. repeated the first grade in the school year 2003/2004, but in this school year he was already in grade 1/a, he attended the first six grades of primary school as a grade A pupil in the school years 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010.

The applicant LXI.r. repeated the 5th and 6th grade, in the school year 2010/2011 he was transferred to the 6th grade b.

The applicant LXI.r. turned 16 years old on 22 January 2013.

The applicant LXI. did not complete the requirements of grade 6 in the school year 2011/2012, and was a private student in grade 7.b. in that school year.

Since May 2002, the applicant LXI... The expert opinion of 28 June 2007 of the Single Pedagogical Service and Professional Service of the Learning Ability and Rehabilitation Committee of the Specialist Committee for the Assessment of Learning Ability stated that his special educational needs would cease from the school year 2007/2008.

However, the ... The addendum to the expert opinion of the Educational Counsellor of the Unified Institute for Special Pedagogical Methodology and Vocational School of 18 January 2010 stated that the applicant LXI. is entitled to developmental employment in accordance with the status of BTMN.

- o -

Plaintiff LXII was born on 4 January 1999 and began his primary education in the 2005/2006 school year at Defendant School II.

The LXII applicant was a pupil with special educational needs from March 2005 until 28 June 2006 and was placed in BTMN status from 31 July 2008.

The LXII.r. plaintiff has not repeated a year of lower primary school, completing both 1st, 2nd, 3rd and 4th grades as a grade A student.

The LXII.r. plaintiff was also in class 5.a. in the 2009/2010 school year, but had to repeat grade 5.

Subsequently, the LXII.r. plaintiff was a b. student in the 5th, 6th and 7th grade in the school years 2010/2011, 2011/2012 and 2012/2013.

The plaintiff LXII. subsequently graduated as a student of class 8.a. from the -name of defendant LXII. at the end of the school year 2013/2014.

After completing his primary school education, the applicant LXII was admitted to the ... Secondary School of LXIIII, as an apprentice.

The applicant LXII.r. successfully passed the level examination in the school year 2015/2016.

- o -

Plaintiff LXIII was born on 26 December 1999 and began his primary school education in the 2006/2007 school year at Defendant School II.

A ... In its expert opinion of 3 April 2006, the Expert and Rehabilitation Committee of the Centre for Educational Methodology and Educational Counselling for Learning Disabilities concluded that the applicant LXIII. has special educational needs.

A ... The Learning Ability Rehabilitation Committee of the Unified Pedagogical and Vocational Service subsequently examined the plaintiff LXIII on 18 March 2019 and concluded in a review opinion dated 26 March 2009 that there had been no change in the status of the plaintiff XLIII, who continued to be a special educational needs child with integrated education in the name of the defendant -II.

Plaintiff LXIII was a grade C student in both the 2006/2007 school year and the repeated first grade in the 2007/2008 school year.

He was also a class c student of the defendant school LXIII in grades 5 and 6 in the

school year 2011/2012 and 2012/2013.

However, the applicant LXIII.r. attended the last two years of primary school as a grade A pupil in the 7th and 8th grades in the school years 2013/2014 and 2014/2015.

In the three school years 2008/2009, 2009/2010 and 2010/2011, the plaintiff LXIII. was a class B student of the defendant II. in grades 2, 3 and 4, respectively, and in all three grades he was in a combined class.

On 25 June 2015, after completing his primary education, the applicant LXIII was admitted to the ... Vocational Secondary School and Vocational School, where he studied flower arranging on a full-time basis.

However, on 8 May 2018, his student status was terminated due to dropout.

Out of the 63 plaintiffs who filed the application, only plaintiff XVIII, the name of plaintiff XVIII had withdrawn his application before the conclusion of the hearing, the Tribunal, by its final order No. 12.P.20.489/2015/68/I of 19 October 2016, terminated the proceedings in respect of plaintiff XVIII and defendants I-II-III.

The teaching staff of the defendant's name in grade II currently consists of 11 teachers.

During the period covered by this action, the name director of the defendant defendant in the second degree forwarded to the ... Social and Children's Welfare Institution for the following applicants, on the grounds of a high number and repeated absences.

Both the material and staffing conditions of the school of respondent II made it possible to ensure that the 62 applicants in the personality action would not receive a lower standard of education from the 2012/2013 school year onwards.

-kk. The name of the applicant in the XXVth class,
-XXI,
-I. name of the applicant,
-kk. The name of the plaintiff X,
-kk. The name of the applicant is VI,
-kk. VII.r. Name of applicant-
-kk. Name of applicant IX
-kk. The name of the XIIIth applicant,
-kk. The name of the applicant is XXII,
-kk. Name of the applicant XXXIII,
- kk. XXXV,
-XXXVII,
- kk. Name of applicant XXXIX.
-kk. XLI.r. Name of applicant,

-kk. The name of the XLII plaintiff,
-kk. Name of the XLIIIth applicant,
-kk. LI.Name of plaintiff,
-kk. Name of plaintiff LVIII,
-kk. LIX.r. Name of applicant.

The Tribunal examined the facts of the case on the basis of the parties' submissions, the Egri Tribunal 12.P.20.351/2011, the testimony of the witnesses: -Department Head 1, -Department Head 1, -Director of the Department, -Department Head 2, -Department Head 3, -Department Head 4, -Department Head 5, -Department Head 6, -Department Head 7, -Department Head 8, -Department Head 9, -Department Head 10 and -Department Head 11, and the documentary evidence available to it.

In his application, the first applicant asked the Court to declare that the first and second defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality education in those school years.

In its application, the applicant I.r. requested that the court order the defendants I-II-III.r. to pay jointly and severally HUF 2,000,000 as compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

In his application, the applicant also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant in the second instance requested the Court to declare that the defendants in the first and second instance violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the second applicant requested that the Court of First Instance order the first, second and third defendants jointly and severally to pay HUF 4,000,000 in compensation for non-material damage, together with the statutory interest on this amount from 14 June 2013 until the date of payment.

In his application, the applicant II also requested that the defendants be ordered to pay the costs of the proceedings.

In his application, the third applicant asked the Court to declare that the defendants I-II-III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the third applicant requested that the court order the defendants I-II and III jointly and severally to pay HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 14 June 2013 until the date of payment.

In his application, the applicant III also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant in the fourth category asked the Court to declare that the defendants in the first and second categories had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2010/2011, 2011/2012 and 2012/2013 school years and by providing him with a lower quality education in those school years.

In his application, the applicant in the fourth category requested the court to order the defendants in the first and second categories jointly and severally to pay HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on that amount from 14 June 2013 until the date of payment.

In its application, the applicant IV also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant V.r. asked the Court to declare that the defendants I-II and III.r. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2004/2005, 2005/2006 and 2006/2007 and by providing him with a lower quality of education in those school years.

In his application, the applicant V.r. requested that the Court of First Instance order the defendants I-II and III.r. jointly and severally to pay the sum of HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2007 until the date of payment.

In his application, the applicant V.r. also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant VI. requested the Court to declare that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with a lower quality of education in those school years.

In its application, the applicant No.VI.k. requested the court to order the defendants Nos.I-II-III. jointly and severally to pay the sum of HUF 3,000,000 in compensation for non-material damage, together with the statutory interest on this sum from 15 June 2017

until the date of payment.

A kk. VI. also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant VII requested the Court to declare that the defendants I-II and III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

In his application, the applicant VII.k. requested the court to order the defendants I-II-III.r. jointly and severally to pay the sum of HUF 2,000,000 in compensation for non-material damage, as well as the statutory interest on this sum from 15 June 2012 until the date of payment.

A kk. VII. also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant VIII. requested the Court to declare that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with a lower quality of education in those school years.

A kk. VIII. requested the court to order the defendants I-II-III. jointly and severally to pay HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

A kk. VIII. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, r.IX.k., asked the Court to declare that the defendants r.I-II and r.III. violated his right to equal treatment by segregating him on the grounds of his nationality in the academic years 2009/2010, 2010/2011, 2011/2012, 2012/2013 and 2013/2014 and by providing him with a lower quality of education in those academic years.

A kk. IX. requested that the court order the defendants I-II-III. jointly and severally to pay HUF 2.500.000 as compensation for non-material damage, as well as the statutory interest on this amount from 13 June 2014 until the date of payment.

In its application, the applicant, kk.IX.r., also sought an order that the defendants pay the costs of the proceedings.

A kk. In her application, the applicant X.r. requested the Court to declare that the defendant I-II and III.r. violated her right to equal treatment by segregating her on the grounds of her nationality in the school years 2010/2011, 2011/2012, 2012/2013 and 2013/2014 and by providing her with a lower quality of education in those school years.

A kk. In his application, the applicant X.r. requested the court to order the defendants I-II-III.r. jointly and severally to pay HUF 2,000,000 in compensation for non-material damage, together with the statutory interest on this amount from 13 June 2014 until the date of payment.

In his application, the applicant kk.X.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, r.k.XI., asked the Court to declare that the defendants r.I-II and r.III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with lower quality education in those school years.

In its application, the applicant, Mr XI.k., requested that the Court of First Instance jointly and severally order the defendants I-II and III.r. to pay the sum of HUF 2,500,000 as compensation for non-material damage, as well as the statutory interest on this sum from 14 June 2013 until the date of payment.

In his application, the applicant also requested that the defendants be ordered to pay the costs of the proceedings.

A kk. In his application, the applicant, r. XII, asked the Court to declare that the defendants r. I-II and r. III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013 and 2013/2014 and by providing him with a lower quality of education in those school years.

A kk. XII. requested that the court order the defendants I-II-III. jointly and severally to pay HUF 1,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 13 June 2014 until the date of payment.

A kk. XII. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, r.k.XIII., asked the Court to declare that the defendants r.I-II and r.III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

A kk. XIII. requested that the court order the defendant I-II-III. jointly and severally to pay HUF 2,500,000 in compensation for non-material damage, together with statutory interest on this amount from 14 June 2013 until the date of payment.

In his action, the applicant, Mr XIII.kk., also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant r.k.XIV. asked the court to declare that the defendant r.r. I-II-III. violated his right to equal treatment by segregating him on the grounds of his

nationality in the school years 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in these school years.

A kk. XIV. requested that the court order the defendants I-II-III. jointly and severally to pay HUF 2,000,000 in compensation for non-material damage and the statutory interest on this amount from 14 June 2013 until the date of payment.

A kk. XIV. also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant, r. XV, asked the Court to declare that the defendants r. I-II and r. III had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2010/2011 school year and by providing him with a lower quality of education in that school year.

A kk. In his application, the applicant, Mr XV., requested that the Court of First Instance jointly and severally order the defendants, Mr I-II-III., to pay HUF 500,000 in compensation for non-material damage, together with the statutory interest on this amount from 15 June 2011 until the date of payment.

A kk. XV. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant XVI requested the Court to declare that the defendants I-II and III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the applicant XVI requested that the court order the defendants I-II-III jointly and severally to pay the sum of HUF 4,000,000 in non-pecuniary damages, together with the statutory interest on that sum from 14 June 2013 until the date of payment.

In its application, the applicant XVI also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant in the XVIIth category asked the Court to declare that the defendants in the I-IInd and IIIrd categories had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2009/2010, 2010/2011, 2011/2012 and 2012/2013 school years and by providing him with a lower quality of education in those school years.

The applicant XVII requested that the court order the defendants I-II-III to pay jointly and severally the sum of HUF 2,000,000 in compensation for non-material damage, together with the statutory interest on this sum from 14 June 2013 until the date of payment.

In his application, the applicant in Case XVII also sought an order that the defendants pay the costs of the proceedings.

In his application, the XIXth applicant asked the Court to declare that the I-II and III defendant had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011 and by providing him with lower education in those school years.

In its application, the XIXth applicant requested that the Court of First Instance order the I-II and IIIrd defendants jointly and severally to pay the sum of HUF 3,000,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2011 until the date of payment.

In its application, the applicant XIX also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant XX asked the Court to declare that the defendant I-II-III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011 and by providing him with a lower quality of education in those school years.

In its application, the applicant XX. requested that the defendants I-II. and III. be ordered jointly and severally to pay the sum of HUF 2,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2011 until the date of payment.

In its application, the applicant XX also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant XXI requested the Court to declare that the defendants I-II and III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the XXI applicant requested that the court order the I-II and III defendants jointly and severally to pay HUF 3,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 14 June 2013 until the date of payment.

In its application, the applicant XXI also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, Mr XXII.kk., asked the Court to declare that the defendants I-II and III.r. had violated his right to equal treatment by segregating him on

the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

A kk. XXII. requested that the court order the defendants I-II. and III. to pay jointly and severally the sum of HUF 2,500,000 in compensation for non-material damage, as well as the statutory interest on this sum from 14 June 2013 until the date of payment.

A kk. XXII. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, Mr.XXIII.kk., asked the court to declare that the defendants I-II and III.r. violated his right to equal treatment by segregating him in the school years 2011/2012, 2015/2016 and 2016/2017 on the grounds of his nationality and by providing him with a lower quality of education in these school years.

In its application, the applicant No.XXIII.kk. requested that the court order the defendant Nos.I-II-III.k. to pay jointly and severally the sum of HUF 1,500,000 as compensation for non-material damage, as well as the statutory interest on this sum from 15 June 2017 until the date of payment.

In his action, the applicant, Mr XXIII.kk., also sought an order that the defendants pay the costs of the proceedings.

A kk. XXIV. applied for a declaration that the defendants I-II and III. had violated his right to equal treatment by segregating him in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 on the grounds of his nationality and by providing him with a lower quality of education in those school years.

A kk. XXIV. requested that the court order the defendants I-II. and III. to pay jointly and severally the sum of HUF 2,500,000 in compensation for non-material damage, as well as the statutory interest on this sum from 14 June 2013 until the date of payment.

A kk. XXIV. also sought an order that the defendants pay the costs of the proceedings.

A kk. XXV. requested the Court of First Instance to declare that the defendant I-II-III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2010/2011, 2011/2012, 2014/2015, 2015/2016 and 2016/2017 and by providing him with lower quality education in those school years.

A kk. XXV. requested that the court jointly and severally order the defendant I-II-III. to pay HUF 2,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

A kk. XXV. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant in the XXVIth category asked the Court to declare that

the defendants in the I-II and IIIrd categories had infringed his right to equal treatment by segregating him on the grounds of his nationality in the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010 and by providing him with a lower quality of education in those school years.

In his application, the applicant in the XXVIth action requested that the court order the defendants in the I-II and IIIth actions to pay the sum of HUF 2,500,000 in compensation for non-material damage, together with the statutory interest on this sum from 15 June 2010 until the date of payment.

In his application, the applicant in Case XXVI also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant in the XXVIIth category asked the Court to declare that the defendants in the I-IInd and IIIrd categories had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2003/2004 school year and by providing him with a lower quality education.

In its application, the applicant in Case XXVII requested that the Court of First Instance order the defendants in Cases I-II and III jointly and severally to pay the sum of HUF 500 000 in compensation for non-material damage, together with interest on that sum from 15 June 2004 until the date of payment.

In his application, the applicant in Case XXVII also sought an order that the defendants pay the costs of the proceedings.

In his application, the XXVIIIrd applicant requested the Court to declare that the I-IInd and IIIrd defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

In its application, the XXVIIIth applicant requested that the court order the I-IIth and IIIrd defendants to pay jointly and severally HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

In his application, the applicant in Case XXVIII also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant, r. XXIX, requested the Court to declare that the defendant, r. I-II and r. III, violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with a lower quality of education in those school years.

A kk. XXIX. requested that the court order the defendants I-II. and III. to pay jointly and severally HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

In his application, the applicant also requested that the defendants be ordered to pay the costs of the proceedings.

A kk. In his application, the applicant XXX.r. asked the Court to declare that the defendants I-II and III.r. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

A kk. XXX.r. requested that the court jointly and severally order the defendants I-II. and III.r. to pay HUF 2,000,000 in compensation for non-material damage, together with statutory interest on this amount from 15 June 2012 until the date of payment.

Akk. In his application, the applicant XXX. also sought an order that the defendants pay the costs of the proceedings.

In his application, the XXXI applicant asked the Court to declare that the I-II and III defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2008/2009, 2009/2010 and 2010/2011 school years and by providing him with a lower quality education in those school years.

In its application, the XXXI applicant requested the Court to order the I-II-III defendants to pay jointly and severally the sum of HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2011 until the date of payment.

In his application, the applicant XXXI also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, Mr A.XXXII, requested the Court of First Instance to declare that the defendants I-II and III had infringed his right to equal treatment by segregating him on the grounds of his nationality in the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

In its application, the XXXII applicant requested the Court to order the I-II-III defendants to pay jointly and severally the sum of HUF 4,500,000 in compensation for non-material damage, together with the statutory interest on this sum from 15 June 2012 until the date of payment.

In his application, the XXXII applicant also sought an order that the defendants pay the costs of the proceedings.

A kk. XXXIII. applied for a declaration that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with a lower quality of education in those school years.

A kk. XXXIII. requested that the court order the defendant I-II-III. to pay jointly and severally HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

A kk. XXXIII. also sought an order that the defendants pay the costs of the proceedings.

In his application, the XXXIV applicant asked the Court to declare that the I-II and III defendants had infringed his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the XXXIVth applicant requested that the Court of First Instance order the I-II-IIIth defendants to pay jointly and severally the sum of HUF 3,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 14 June 2013 until the date of payment.

In his application, the XXXIV applicant also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant XXXV. asked the Court to declare that the defendants I-II and III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2010/2011, 2011/2012, 2012/2013 and 2013/2014 and by providing him with lower quality education in those school years.

A kk. In his application, the applicant XXXV. asked the court to order the defendants I-II. and III. to pay jointly and severally HUF 2,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 13 June 2014 until the date of payment.

In his application, the applicant, Mr XXXV.kk., sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant XXXVI. asked the Court to declare that the defendants I-II and III. violated his right to equal treatment by segregating him on the grounds of his nationality in the 2009/2010 school year and by providing him with a lower quality education in that school year.

A kk. In his application, the applicant XXXVI. asked the Court to order the defendants I-II. and III. jointly and severally to pay HUF 500,000 as compensation for non-material damage, together with the statutory interest on this amount from 15 June 2010 until the

date of payment.

A kk. XXXVI. also sought an order that the defendants pay the costs of the proceedings.

In his application, the XXXVII applicant asked the Court to declare that the I-II and III defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2010/2011, 2011/2012, 2012/2013 and 2013/2014 school years and by providing him with a lower quality of education in those school years.

In its application, the XXXVIIth applicant requested that the court order the I-IIth and IIIth defendants jointly and severally to pay HUF 2,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 13 June 2014 until the date of payment.

In his application, the XXXVII applicant also sought an order that the defendants pay the costs of the proceedings.

In his application, the XXXVIIIth applicant asked the Court to declare that the I-II and IIIrd defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the 2010/2011 and 2011/2012 school years and by providing him with a lower quality of education in those school years.

In its application, the XXXVIIIth applicant requested that the Court of First Instance order the I-IInd and IIIrd defendants jointly and severally to pay the sum of HUF 1,000,000 in damages for non-material damage, together with the statutory interest on that sum from 15 June 2012 until the date of payment.

In his application, the applicant XXXVIII.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant r.kk.XXXIX.k. requested the court to declare that the defendants r.I-II and r.III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with lower quality education in these school years.

In his application, the applicant, Mr XXXIX.kk., requested that the court order the defendants I-II and III.r. to pay jointly and severally the sum of HUF 3,000,000 as compensation for non-material damage, as well as the statutory interest on this sum from 14 June 2013 until the date of payment.

In his application, the applicant kk.XXXIX..r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant kk.XL.r. requested the Court to declare that the defendants I-II and III.r. had violated his right to equal treatment by segregating him on

the grounds of his nationality in the school years 2008/2009 and 2009/2010 and by providing him with a lower quality education in those school years.

A kk. XL.r. requested the court to order the defendants I-II-III.r. to pay jointly and severally the sum of HUF 1,000,000 in compensation for non-material damage, together with the statutory interest on this sum from 15 June 2010 until the date of payment.

In its application, the applicant kk.XL.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant kk.XLI.r. asked the Court to declare that the defendants I-II and III.r. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with lower quality education in these school years.

In its application, the applicant, Mr XLI.kk., requested that the Court of First Instance order the defendants, Mr I-II. and Mr III. to pay jointly and severally HUF 3,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

In his action, the applicant in case XLI.kk. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, r. XLII.kk., requested the Court to declare that the defendants r. I-II and r. III. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 and by providing him with lower quality education in these school years.

In its application, the applicant in case XLII.kk. requested that the court order the defendants in cases I-II and III.r. to pay jointly and severally HUF 3,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

A kk. XLII. also sought an order that the defendants pay the costs of the proceedings.

A kk. XLIII. applied for a declaration that the defendant I-II. and III. had violated his right to equal treatment by segregating him in the school year 2011/2012 on the grounds of his nationality and by providing him with a lower quality of education in that school year.

A kk. XLIII. requested that the court order the defendants I-II. and III. jointly and severally to pay HUF 500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

A kk. XLIII. also sought an order that the defendants pay the costs of the proceedings.

In his application, the XLIV applicant requested the Court to declare that the I-II and III defendants had infringed his right to equal treatment by segregating him on the grounds of his nationality in the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

In its application, the XLIV applicant requested that the Court of First Instance order the I-II and III defendants jointly and severally to pay the sum of HUF 4,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2012 until the date of payment.

In his application, the applicant XLIV also sought an order that the defendants pay the costs of the proceedings.

A kk. XLV. applied for a declaration that the defendant I-II and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

A kk. XLV.r. requested the court to order the defendants I-II. and III.r. jointly and severally to pay HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

A kk. XLV. also sought an order that the defendants pay the costs of the proceedings.

A kk. XLVI. requested the Court of First Instance to declare that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016 and by providing him with lower quality education in those school years.

A kk. XLVI. requested that the court order the defendants I-II. and III. to pay jointly and severally HUF 2,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2016 until the date of payment.

A kk. XLVI. also sought an order that the defendants pay the costs of the proceedings.

A kk. XLVII. applied for a declaration that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

A kk. XLVII.r. requested that the court order the defendant I-II-III.r. jointly and severally to pay HUF 2,000,000 as compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

A kk. XLVII.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the XLVIII applicant asked the Court to declare that the I-II and III defendants had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In his application, the XLVIII applicant requested that the court order the I-II and III defendants jointly and severally to pay HUF 3,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 14 June 2013 until the date of payment.

In his application, the XLVIII applicant also sought an order that the defendants pay the costs.

A kk. XLIX.r. applied to the Court of First Instance for a declaration that the defendants I-II and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

A kk. XLIX.r. requested that the court order the defendants I-II. and III.r. jointly and severally to pay HUF 1,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2012 until the date of payment.

A kk. XLIX.r. also sought an order that the defendants pay the costs of the proceedings.

A kk. In his application, the applicant L.r. asked the Court to declare that the defendants I-II and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with a lower quality of education in those school years.

In its application, the applicant, Mr L.K., requested that the court order the defendants I-II and III jointly and severally to pay the sum of HUF 2,500,000 in compensation for non-material damage, together with the statutory interest on this sum from 14 June 2013 until the date of payment.

A kk. L.r. also sought an order that the defendants pay the costs of the proceedings.

A kk. LI.r. applied for a declaration that the defendant I-II and III.r. had violated his right to equal treatment by segregating him on the grounds of his nationality in the academic years 2009/2010, 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2015/2016 and 2016/2017 and by providing him with a lower quality of education in those academic years.

A kk. LI.r. requested that the court order the defendants I-II. and III.r. to pay jointly and severally HUF 3,500,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2017 until the date of payment.

A kk. LI.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LII asked the Court to declare that the defendants I-II and III had infringed his right to equal treatment by segregating him on the grounds of his nationality in the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010 and by providing him with a lower quality of education in those school years.

In his application, the applicant LII also requested the Court to order the defendants I-II and III jointly and severally to pay the sum of HUF 3,500,000 in compensation for non-material damage, together with interest on that sum from 15 June 2010 until the date of payment.

In his action, the applicant LII.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LIII requested the Court to declare that the defendants I-II and III violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013 and by providing him with lower quality education in those school years.

In its application, the applicant LIII. requested that the court order the defendants I-II. and III. to pay jointly and severally the sum of HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this sum from 15 June 2013 until the date of payment.

In his action, the applicant LIII also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LIV asked the Court to declare that the defendants I-II and III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2003/2004 and 2004/2005 and by providing him with a lower quality of education in those school years.

In its application, the applicant in LIV also requested that the Court of First Instance order the defendants in I-II and III jointly and severally to pay the sum of HUF 1,000,000 in compensation for non-material damage, together with interest on that sum from 15 June 2005 until the date of payment.

In his application, the applicant LIV also sought an order that the defendants pay the costs of the proceedings.

A kk. LV.r., the applicant asked the Court to declare that the defendants I-II and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2009/2010, 2010/2011 and 2011/2012 and by providing him with a lower quality of education in those school years.

In its application, the applicant, Mr LV.k.r., requested the Court to order the defendants I-II and III.r. to pay jointly and severally the sum of HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on that sum from 15 June 2012 until the date of payment.

In its application, the applicant kk.LV.r. also sought an order that the defendants pay the costs of the proceedings.

A kk. LVI.r. applied to the Court of First Instance for a declaration that the defendants I-II and III.r. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013 and 2013/2014 and by providing him with a lower quality of education in those school years.

In its application, the applicant, Mr LVI.kk., requested that the Court of First Instance order the defendants, Mr I-II. and Mr III. to pay jointly and severally the sum of HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on this sum from 15 June 2014 until the date of payment.

In his application, the applicant kk.LVI.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant, r.kk.LVII., asked the court to declare that the defendants r.I-II and r.III. had violated his right to equal treatment by segregating him in the 2010/2011 school year on the grounds of his nationality and by providing him with a lower quality of education in that school year.

In its application, the applicant in cc LVII requested that the court order the defendants in cc I-II and III to pay jointly and severally HUF 500,000 in compensation for non-material damage, together with statutory interest on that amount from 15 June 2011 until the date of payment.

A kk. LVII. also sought an order that the defendants pay the costs of the proceedings.

A kk. LVIII. applied for a declaration that the defendant I-II. and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016 and by providing him with a lower quality of education in those school years.

A kk. LVIII. requested that the court order the defendants I-II. and III. to pay jointly and severally HUF 3,000,000 in compensation for non-material damage, as well as the statutory interest on this amount from 15 June 2016 until the date of payment.

In his action, the applicant, LVIII.kk., also sought an order that the defendants pay the costs of the proceedings.

A kk. LIX.r. applied for a declaration that the defendant I-II and III. had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016 and by providing him with a lower quality of education in those school years.

A kk. LIX.r. requested that the court order the defendants I-II. and III.r. to pay jointly and severally the sum of HUF 2.500.000 as compensation for non-material damage, together with the statutory interest on this sum from 15 June 2016 until the date of payment.

A kk. LIX.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LX.r. requested the Court to declare that the defendants I-II and III.r. had infringed his right to equal treatment by segregating him in the school years 2003/2004, 2004/2005 and 2005/2006 and by providing him with a lower quality of education in those school years.

In his application, the applicant LX. asked the Court to order the defendants I-II. and III. jointly and severally to pay the sum of HUF 1 500 000 in compensation for non-material damage, together with interest on that sum from 15 June 2006 until the date of payment.

In its application, the applicant LX.r. also sought an order that the defendants pay the costs of the proceedings.

In her application, the applicant LXI.r. requested the court to declare that the defendants I-II and III.r. violated her right to equal treatment by segregating her in the school years 2010/2011 and 2011/2012 on the grounds of her non-nationality and by providing her with a lower quality of education in those school years.

In its application, the applicant LXI. requested that the court order the defendants I-II. and III. jointly and severally to pay the sum of HUF 1,000,000 in damages for non-material damage, together with the statutory interest on that sum from 15 June 2012 until the date of payment.

In its application, the applicant LXI.r. also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LXII.r. asked the court to declare that the defendants I-II and III.r. violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2011/2012 and 2012/2013 and by providing him with a lower quality education in those school years.

In its application, the applicant LXII requested that the court order the defendants I-II and III to pay jointly and severally HUF 1,500,000 in compensation for non-material damage, together with the statutory interest on this amount from 14 June 2013 until the date of payment.

In his application, the applicant LXII also sought an order that the defendants pay the costs of the proceedings.

In his application, the applicant LXIII requested the Court to declare that the defendants I-II and III had violated his right to equal treatment by segregating him on the grounds of his nationality in the school years 2008/2009, 2009/2010 and 2010/2011 and by providing him with a lower quality education in those school years.

In its application, the applicant LXIII requested the Court to order the defendants I-II and III jointly and severally to pay the sum of HUF 1,500,000 in compensation for non-material damage, together with interest on that sum at the statutory rate until 15 July 2011.

In his application, the applicant LXIII also sought an order that the defendants pay the costs of the proceedings.

The I.r. In its counterclaim, the defendant requested the Court to take into account the I-II-III-IV-V-V-VI-VII-VIII-IX-X-X-XI-XII-XIII-XIV-XV-XVI-XVII, XIX-XX-XXI-XXII-XXIII-XXIV-XXV-XXVI-XXVII-XXVIII-XXIX-XXX-XXXI-XXXII-XXXIII-XXXIV-XXXV-XXXVI-XXXVII-XXXVIII-XXXIX-XL-XLI-XLII-XLIII-XLIV-XLV-XLVI-XLVII-XLVIII-XLIX-L-L-LI-LII-LIII-LIV-LV-LVI-LVII-LVIII-LIX-LIX-LX-LX-LXI-LXII, and LXIII.r. and order that the costs of the proceedings be borne by the applicant.

A II.r .In its counterclaim, the defendant I-II-III-IV-V-V-VI-VII-VIII-IX-X-X-XI-XII-XIII-XIV-XV-XVI-XVII, XIX-XX-XXI-XXII-XXIII-XXIV-XXV-XXVI-XXVII-XXVIII-XXIX-XXX-XXXI-XXXII-XXXIII-XXXIV-XXXV-XXXVI-XXXVII-XXXVIII-XXXIX-XL-XLI-XLII-XLIII-XLIV-XLV-XLVI-XLVII-XLVIII-XLIX-L-L-LI-LII-LIII-LIV-LV-LVI-LVII-LVIII-LIX-LIX-LX-LXI-LXII, and LXIII.r. and order that the costs of the proceedings be borne by the applicant.

A III.r. In its counterclaim, the defendant sought the annulment of the I-II-III-IV-V-V-VI-VII-VIII-IX-X-X-XI-XII-XIII-XIV-XV-XVI-XVII, XIX-XX-XXI-XXII-XXIII-XXIV-XXV-XXVI-XXVII-XXVIII-XXIX-XXX-XXXI-XXXII-XXXIII-XXXIV-XXXV-XXXVI-XXXVII-XXXVIII-XXXIX-XL-XLI-XLII-XLIII-XLIV-XLV-XLVI-XLVII-XLVIII-XLIX-L-L-LI-LII-LIII-LIV-LV-LVI-LVII-LVIII-LIX-LIX-LX-LXI-LXII, and LXIII.r. and order that the costs of the proceedings be borne by the applicant.

The I-II-III-IV-V-V-VI-VII-VIII-IX-X-X-XI-XII-XIII-XIV-XV-XVI-XVII, XIX-XX-XXI-XXII-XXIII-XXIV-XXV-XXVI-XXVII-XXVIII-XXIX-XXX-XXXI-XXXII-

XXXIII-XXXIV-XXXV-XXXVI-XXXVII-XXXVIII-XXXIX-XL-XLI-XLII-XLIII-XLIV-XLV-XLVI-XLVII-XLVIII-XLIX-L-LI-LII-LIII-LIV-LV-LVI-LVII-LVIII-LIX-LIX-LX-LXI-LXII, and LXIII.r. are in part well founded.

I.

The court took the following Hungarian and international legal provisions into account in the personal lawsuit, in the light of the subject matter of the lawsuit, by assessing the following contexts.

The 62 plaintiff attended primary school in the name of the defendant -II.r. for several years.

In the context of their status as students and in the context of the legal relationship in the case, the Tribunal examined the context in which the following expressions, uttered by the parties or witnesses during the evidentiary proceedings, could also be subject to legal assessment:

-unlawful segregation
-indirect discrimination
-equal treatment
-discrimination against a person
-equality of rights,
-equal opportunities
-discrimination
-positive discrimination
-apartheid
-segregation
-integration
-selection

Pursuant to Article 1 a) of Act CLXXVII of 2013 (Civil Code), unless otherwise provided by this Act, the provisions of Act V of 2013 on the Civil Code (hereinafter: Civil Code) shall apply to facts and legal relationships arising after its entry into force.

Pursuant to Section 8 (1) of the Civil Code, the provisions of the Civil Code on the sanction for the violation of personality rights shall apply to violations committed after its entry into force.

However, Article 8(2) of the Civil Code not only states that civil claims based on rights relating to persons infringed before the entry into force of the Civil Code shall be subject to the provisions of the law in force at the time of the infringement, but also that the provisions of the law in force before the entry into force of the Civil Code shall apply to infringing conduct - including omissions - continuously proved to have started before the entry into force of the Civil Code, even if the end of the infringing conduct falls after

the entry into force of the Civil Code.

In the personal injury action, the court took the legal position, in light of the second turn of Article 8(2) of the Civil Code, that the relevant provisions of Act IV of 1959 (old Civil Code) apply to the civil claims asserted by the plaintiffs, because the defendants had started to testify to their infringing conduct (omission) before 15 March 2014, but they continued to testify to it after the entry into force of the new Civil Code.

Pursuant to Article 75 (1) of the Civil Code, everyone is obliged to respect the rights of the person, which are protected by law.

The elimination of discrimination and the extension of equal opportunities were also regulated by 8 Community directives.The creation of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (Ebtv.) served to harmonise the law with Community law.

One of the 8 Community directives concerned by the harmonisation was Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

However, even before the enactment of this Act, the Constitutional Court had already ruled in its Decision No. 61/1992 (20.11.1992) that the State as a public authority is obliged to ensure equal treatment for all persons residing on its territory and in this context may not discriminate between them, since the prohibition of discrimination that infringes the right to human dignity, as set out in Article 70/A (1) of the Constitution, extends to the entire legal system.

Article 76 of the old Civil Code gives an example of the rights of a person who is particularly protected, and since 27 January 2004 also the violation of equal treatment.

Pursuant to Act V of 2013 (new Civil Code) § 2:43 (c), discrimination against a person is a violation of the rights of the person. In the context of the legal relationship at issue, the infringement of equal treatment and discrimination against a person have the same legal content, and therefore the Tribunal did not consider it appropriate to include discrimination against a person as a separate legal ground in the operative part of the judgment for the period from 15 March 2014.

Article 70/A (1) of the Constitution stipulated that the Republic of Hungary shall guarantee human and civil rights to all persons residing in its territory, without distinction of any kind (namely: race, colour, sex, language, religion or political or other opinion, national or social origin, property, birth or other status).

The Fundamental Law of Hungary entered into force on 1 January 2012.

Article XV(2) of the Fundamental Law states that Hungary guarantees fundamental rights to all without distinction of any kind, such as race, colour, sex, disability,

language, religion, political or other opinion, national or social origin, property, birth or status.

The Constitution (Act XX of 1949) regulated the right to education by stating that the Republic of Hungary shall ensure the right to education for its citizens (Article 70/F (1)).

At the same time, Article X of the Fundamental Law also states that Hungary shall ensure freedom of scientific research and artistic creation, and freedom of learning and, within the limits prescribed by law, freedom of teaching, in order to acquire the highest possible level of knowledge.

In addition, Article XI, paragraph 2 of the Fundamental Law states that every citizen has the right to education, and Hungary shall ensure this right by extending and universalising public education, by providing free and compulsory primary education, free and accessible secondary education and higher education for all, and by providing financial support for those who receive education, as defined by law.

At the same time, Article 67(1) of the Constitution also states that in the Republic of Hungary every child has the right to such protection and care from his or her family, the State and society as is necessary for his or her proper physical, mental and moral development.

The basis for the proper intellectual development of children is free primary education provided by the state, which is of paramount importance for children's development, as it is essential for them to acquire the skills they need to thrive in the future.

Taking into account the provisions of the Constitutional Court's Decision No. 9/1990 (IV.25.), the prohibition of discrimination on equal dignity and the fundamental rights positively formulated in the Constitution should be taken into account as the limit of positive discrimination.

According to the case-law of the European Court of Justice, objective and unjustified equal treatment of persons in a comparable situation is discrimination.

That the state has the right to provide different treatment in the interest of equal opportunities is also confirmed by the practice of the Constitutional Court, which in its decision No.61/1992 (20.11.1992) also stated that the state has the right and to a certain extent the obligation to take into account the differences that actually exist between people in the course of legislation.

The applicability of positive discrimination did not even arise in the context of the litigation, the tribunal, on the basis of the plaintiffs' applications maintained before the end of the trial, only had to rule on the question whether the defendants had infringed one of the 62 applicants' personal rights, namely their personal right to equal treatment.

One of the lawyers representing the applicants also submitted a written preparatory

document containing the whole of his substantive intervention, including the term apartheid, before the hearing was closed, under No 402/F.

Apartheid is the policy of racial segregation applied to the white minority in the Union of South Africa and its successor state, the Republic of South Africa, until 1994.

This term is essentially political in nature and cannot be interpreted in the context of the litigation in the personality litigation.

In contrast, the vernacular also uses another term, not just for racial segregation, but for all forms of segregation.

This term is segregation, a term which is also contained in the expert reports submitted by the Defendants II and III in the case, which were drawn up by the expert committees that had been appointed in respect of the applicants concerned.

In the personal injury action, the plaintiffs sought to prove that school segregation had occurred in the defendant's school in the second degree because the plaintiffs' integrated education was not provided by the name of the defendant in the second degree.

These two contradictory terms, which do not have any legal content, were both invoked by the parties in the context of the litigation.

-Witness 4 also referred to selection as a value-free concept in the context of segregation in primary school and in some context of creating homogeneous classes.

However, in the personality case, the tribunal could only assess the terms with legal content (equal treatment, unlawful segregation, indirect discrimination), since the plaintiffs maintained their action on these grounds and requested the defendants to be punished.

The tribunal also assessed the following international legal contexts when deciding how the relevant provisions of the Civil Code and the Civil Procedure Code should be applied in the context of the litigation.

The prohibition of discrimination is included in several international treaties to which Hungary is a party.

In accordance with Act 8 of 1969. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), promulgated by decree law in 1969, states that racial discrimination is "any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin and which has the purpose or effect of nullifying or impairing the recognition, equal enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

And Article 26 of the International Covenant on Civil and Political Rights (ICCPR), promulgated by Decree-Law No.8 of 1976, states that every person has "the right to equal protection of the law without discrimination" and that "the law shall prohibit all discrimination and shall afford to all persons equal and effective protection against all forms of discrimination.

Parliament promulgated the Convention on the Rights of the Child, adopted in New York on 20 November 1989, by Act LXIV of 1991.

Article 2 of the Convention on the Rights of the Child states that States Parties to the Convention shall respect and ensure to children within their jurisdiction the rights set forth in the Convention without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, and without discrimination between children or their parents or legal guardians.

The Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950, the European Convention adopted, shall be applicable to Hungary from 5 November 1992, since this Convention, together with its several Additional Protocols, was promulgated by Act XXXI of 1993.

Article 14 of this Convention prohibits discrimination, providing that the enjoyment of the rights and freedoms set out in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion or other political opinion, national or social origin, association with a national minority, property, birth or other status.

In its judgment in Willis v. United Kingdom, delivered on 11 June 2002, the European Court of Human Rights defined discrimination as the discriminatory treatment of persons without objective and reasonable justification.

At the same time, the European Court of Human Rights, in its judgment of 13 November 2007 in the case of DH and others v Czech Republic, also stated that, as a result of their troubled history and their persistent rootlessness, the Roma constitute a particularly disadvantaged and vulnerable minority that requires special protection.

Pursuant to Section 8(e) of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Ebtv.), direct discrimination is deemed to be a provision which results in a person or group being treated less favourably than another person or group in a comparable situation because of their actual or perceived nationality.

According to § 9 of the Equal Treatment Act, indirect discrimination is deemed to be a provision which does not constitute direct discrimination and which appears to comply with the requirement of equal treatment, if it places certain persons or groups of persons with the characteristics defined in § 8 in a significantly more disadvantageous position than that in which another person or group in a comparable position was, is or would be

in.

At the same time, Section 10 (2) of the Ebtv. states that a provision which, on the basis of the characteristics defined in Section 8, separates certain persons or a group of persons from persons or a group of persons in a comparable situation to them, without being expressly permitted by law, constitutes unlawful segregation.

II.

<u>The connection between the previous public interest litigation and the present action in personam.</u>

Pursuant to Paragraph (1) of Article 18 of Act CXXV of 2013 (Ebtv.), in proceedings for violation of the requirement of equal treatment - in particular, in actions for the enforcement of personality rights, labour disputes, civil service disputes - civil and interest representation organisations and public authorities may act as representatives on the basis of the authorisation of the aggrieved party, unless otherwise provided by law.

Pursuant to Section 20 (1) c) of the Equal Treatment Act, civil and interest representation organisations may also bring actions for the enforcement of personality rights, employment actions and actions relating to public service before a court for violation of the requirement of equal treatment, if the violation of the requirement of equal treatment or the imminent threat thereof is an essential characteristic of the personality of an individual based on a characteristic as defined in Section 8 and the violation or the imminent threat thereof affects a larger group of persons that cannot be precisely defined.

On 17 October 2011, the -name of the Foundation- Foundation, as the plaintiff, brought an action before the Heves County Court against -name of defendant I.r. and the name of defendant II.r.

The Egri General Court in its judgment of 6 December 2012 under No.12.P.20.351/2011/47. stated in its reasoning that the plaintiff foundation had a right of action in the public interest litigation pursuant to Section 20 (1) c.) of the Ebtv.

The Egri Court of First Instance found that, with the exception of the first class which started in the school year 2012-2013, in the school maintained by the defendant defendant defendant I.r., defendant II., in the period after 27 January 2004, by maintaining the separation of pupils belonging to the Roma ethnic minority from pupils not belonging to the Roma ethnic minority in connection with class placement, children belonging to the Roma ethnic minority and children not belonging to this minority were unlawfully separated from each other.

The Egri General Court also found in its judgment under No. 12.P.21.351/2011/47 that, also from 1 January 2004, the children thus unlawfully segregated were discriminated against by providing them with a lower standard of education in the school of defendant

II maintained by defendant I, and therefore ordered the defendants I and II to cease the above violations.

The Egri General Court also ordered the defendants I and II to cease the infringement by applying a method excluding unlawful segregation in the classification of children of Roma ethnicity and children not belonging to this ethnicity in the class starting from the school year following the entry into force of the judgment, but dismissed the plaintiff's action as to the remainder.

In its judgment of first instance, the court of first instance did not find that the defendants had directly discriminated against pupils with special educational needs in the education of pupils with special educational needs, while the children of Roma origin attending the school of the second respondent school had been indirectly discriminated against.

In its judgment of first instance, the Court of First Instance also failed to find that unlawful segregation had occurred in connection with the celebrations at the school of defendant school II, the meals and lunches in the canteen of the school of defendant school II and the swimming lessons.

In addition, the Court of First Instance also rejected the applicant's claim for a declaration of infringement, which sought to establish that children of Gypsy origin were indirectly discriminated against on the basis of their ethnic origin, also by the fact that the day care centre only admits children whose both parents work.

The Metropolitan Court of Appeal, by its judgment of 7 October 2014, number 2.Pf.20.305/2013/20, did not affect the non-appealed part of the judgment of the court of first instance, and upheld the appealed order with the clarification that the obligation to cease and desist the infringement is incumbent on the -successor in title of defendant I.r. defendant III.r. defendant.

The Curia upheld the final judgment in the previous proceedings by its judgment of 25 March 2015 under the number Pfv.IV.20.097/2015/3.

The reasoning of the first instance judgment in the previous proceedings stated that the plaintiff foundation had fulfilled its burden of proof (probability) under Article 19(1) of the Ebtv, whereas the defendants, in connection with the exculpatory evidence required of them under Article 19(2) of the Ebtv, had not proved the circumstances leading to their exemption from liability, namely that the requirement of equal treatment had been observed.

In the preceding proceedings, the defendants I and II did not submit an evidentiary motion for the appointment of a forensic educational administration expert, therefore, subject to the special rules of evidence, the court, shifting the burden of proof to the defendants, also found in its judgment that the defendants I. and II were also discriminated against by providing children who were unlawfully segregated with a lower standard of education at the school of defendant II maintained by defendant I from

27 January 2004.

Prior to the conclusion of the hearing, the Tribunal also presented the material of the previous public interest litigation in the context of the present case.

It is not disputed that the -name of the Foundation- Foundation was entitled to bring the action in the public interest litigation.

Since in the previous public interest litigation the Curia upheld the final judgment of the Metropolitan Court of Appeal during the review procedure, the final judgment was also applicable to the present litigation brought by the private plaintiffs.

In their summary preparatory document under number 376, the applicants submitted that a public interest litigation is a type of litigation whose nature is such that, even without participation in the litigation, the decision to be given affects the rights of all persons whose rights are otherwise affected by the subject-matter of the litigation, and that it follows that the scope of the judgment directly extends to all persons actually affected, and that therefore the decision to be given shapes the legal relations of the persons concerned even without participation in the litigation.

In the same preparatory document, the applicants submitted that the personality relationship is a legal relationship with an absolute structure and that, therefore, the final judgment in the previous action can be considered as a judgment on the merits of the 62 applicants' claims, by virtue of its erga omnes and universal effect.

The defendants only partially shared the plaintiffs' view, and during the evidentiary proceedings they separately identified the school years in relation to which they did not dispute that the court should take into account the final judgment in the previous action.

It is not disputed that the judgment of first instance was delivered on 6 December 2012, during the 2012/2013 school year.

Both the 1st and 2nd defendants appealed against the first instance judgment, and the Court of Appeal of the Metropolitan Court of Appeal did not issue its final judgment until 7 October 2014, i.e. after the start of the 2014/2015 school year.

However, on 30 December 2014, the plaintiff foundation filed an application for review against the final judgment, which sought to have the Curia annul the decision of the Metropolitan Court of Appeal and issue a new decision upholding all the plaintiff's claims.

For the above reasons, the Tribunal found that the 2011/2012 school year was the last school year in relation to which the courts had ruled in the previous public interest litigation, and therefore the Tribunal ruled on the basis of the evidentiary procedure in the present litigation for the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years following that school year.

Following the final judgment in the previous public interest litigation, which found that, with the exception of the first class starting in the 2012/2013 school year, the first class of 27 January 2004 was not in order. The Court of First Instance also found that, in the period following the first day of the school year starting on 27 January 2013, the pupils belonging to the Gypsy ethnic minority were unlawfully segregated and that the children thus unlawfully segregated were also provided with a lower standard of education, discriminating against them in the 2004/2005, 2005/2006, 2006/2007, 2007/2008 and 2007/2008 school years, a 2008/2009-es, a 2009/2010-es, a 2010/2011-es, valamint a 2011/2012-es tanévvel összefüggésben a 62 felperesnek jelen perrel összefüggésben csupán annyit kellett bizonyítania a személyiségi jogsértés megállapításával összefüggésben, hogy az érintett tanévekben a jogellenes elkülönítéssel érintett b. classes for the purposes of the administrative exclusion in question.

Since in the preceding public interest litigation the defendants I and II did not request the taking of evidence by forensic educational administration experts, they deprived themselves of the opportunity to prove in the context of the excusal evidence that they did not provide lower educational standards to the unlawfully segregated pupils belonging to the Roma ethnic minority, nor did they discriminate against them even indirectly.

However, the Tribunal examined, solely on the basis of the evidence adduced in the present case, which applicants were segregated and in which school years, and in which school years the defendants provided them with a lower standard of education, discriminating against them, in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 school years.

In the preceding public interest litigation, the Egri General Court stated in the grounds of its judgment under No. 12.P.20.351/2011/47 that since the defendants had not acted against the spontaneous segregation that may have occurred independently of their intentions, they had also committed indirect discrimination by maintaining the infringement without any activity of unlawful segregation, in the light of the General Recommendation No. 19 of the UN High Commissioner for Human Rights on racial segregation and apartheid.

Thus, in the previous public interest litigation, the court of first instance, on the basis of the evidentiary proceedings conducted, found the defendants liable not in connection with the establishment of the unlawful segregation, but in connection with its actual maintenance.

In the present action brought by the private plaintiffs, the Court of First Instance also found, on the basis of the evidentiary proceedings, that the defendants' liability could only be established in relation to the maintenance of unlawful segregation in respect of the plaintiffs and the school years in relation to which the operative part of the judgment of first instance found that the defendants had infringed the right of a plaintiff to equal treatment.

However, the Tribunal found, on the basis of the evidence in the present case, that during the five academic years in question the applicants were no longer provided with a lower standard of education by the defendant school in the second instance and were not thereby indirectly discriminated against.

The defendant II.r. in the personal lawsuit filed a counterclaim on the merits under No. 12.P.20.489/2015/11/A/4 at the hearing held on 3 February 2016.

On page 8 of this preparatory document, the defendant II.r. submitted that, in his view, the final judgment in the previous lawsuit was contrary to the law, which raises the question of whether, after the final judgment has become binding, the Hungarian State II.r. defendant acts lawfully if it complies with the legal provisions in force at the time or if it complies with the final court judgment binding it.

The plaintiff's application was filed on 4 December 2015 at the Egri District Court.

However, Article 6 of Act CLXI of 2011 on the Organisation and Administration of Courts states that the court's decision is binding on everyone, and therefore the respondent's argument cannot be upheld in law.

It was not the defendants, but the plaintiff who filed an application for review against the final judgment, however, pursuant to Section 273 (3) of the Civil Procedure Code, the filing of an application for review does not have suspensive effect on the enforcement of the decision, the Curia could only suspend the enforcement of the decision upon request.

The Tribunal found, on the basis of the evidentiary procedure carried out, that after the date of the final judgment in the previous public interest litigation, the defendants or their successors in title, after the date of the final judgment in the previous public interest litigation, did the following in order to comply with their obligation to cease and desist.

In 2015 and 2016, the name of the second defendant was still ... School District Centre, the ... In October 2015, only one year after the final judgment was delivered, the School District Centre was asked by the -name of the company- Ltd -name of the defendant - name of the defendant -name of the company- to provide an expert opinion on the class placement practices of the defendant school in the second instance.

-name of witness 11- forensic educational expert on 30 November 2015 at
-name of company- Ltd. provided the expert opinion prepared by him, however, after 15 December 2015, the referent of the ... school district -name of consultant- was contacted in writing by -name of witness 11- the forensic educational expert in connection with the expert opinion on 26 February 2016, the expert opinion was already handed over directly to -name of consultant-, which was not partially modified in its content, only in its form.

The defendant II attached to the personal lawsuit a written declaration of the director of the defendant II school -principal name- dated 5 January 2018, stating that the educational programme of the defendant II was adopted at the meeting of the board of governors held on 22 June 2016.

In the light of the above, the court examined in the personality action which plaintiffs and from which school year onwards the defendants had proven that they had actually fulfilled their obligation to cease and desist from the infringement of personality based on the final judgment, after 6 December 2012.

III.

<u>General findings for all the applicants in relation to the claims for infringement of personality rights.</u>

In their application, the applicants rely on the provisions of the Civil Code.84(1)(a) of the Civil Code, the Court of First Instance was asked to declare that the defendants had infringed the applicants' right to equal treatment by segregating them on the grounds of their nationality and by providing them with a lower quality of education, in breach of the provisions of the Equal Treatment and Equal Opportunities Act 2003. CXXV of 2003 (Ebtv.), § 8 (e), § 10 (2) and § 27 (3), as well as § 76 of the Civil Code Act IV of 1959 (the Civil Code).

In the personality case, the political references of the parties had no legal relevance, the tribunal only assessed the facts that were legally relevant for the assessment of the legal relationship, and ignored the political references of the parties.

At the same time, the court took into account the decision of the Debrecen Court of Appeal Pf.I.20.031/2013/4., it indicated in the operative part of its judgment, in respect of all 62 applicants, which, in its legal view, the conduct of the defendants infringed the individual rights of each applicant to equal treatment, so that the operative part of the judgment would indicate which defendants infringed the individual rights of the applicants to equal treatment in respect of which academic years and on how many grounds.

In the context of the application of the objective sanction, the tribunal took the following position on the issues contested by the parties.

<u>1. Statute of limitations objection</u>

The tribunal, which had both jurisdiction and competence, also found, in relation to the application of the subjective sanction, that the defendants' plea of limitation was unfounded for the following reasons:

Although the plaintiffs also claimed in their preparatory document No 376 that claims arising from the infringement of personality rights are not time-barred, this position of

the plaintiffs is wrong, as only a few authors have formulated this position in their works on legal theory, but this legal position was not adopted either by the old Civil Code or by the new Civil Code, and therefore the judges in personality cases could not share this position in their application of the law.

In contrast to the old Civil Code, paragraph (1) of the new Civil Code § 2:51 states that a person whose personal rights have been infringed may, on the basis of the fact of the infringement, request a court to declare that the infringement has occurred only within the limitation period.

For the above reasons, the Tribunal examined the merits of the defendants' statute of limitations objection.

The applicants also submitted in their preparatory file No 370 that their claims were not time-barred by the statute of limitations.

In this preparatory document, the applicants submitted that their claim had become enforceable only after the decision of the Curia in the previous public interest litigation, and that the limitation period was therefore suspended pursuant to Section 323 (2) of the Civil Code.

Pursuant to Section 326 (2) of the Civil Code, if the claimant is unable to enforce the claim for a reason that can be excused, the claim may be enforced within one year of the cessation of the obstacle, or within three months if the limitation period is one year or less, even if the limitation period has already expired or is less than one year or three months. This provision shall also apply where the claimant has granted a deferment of performance after the expiry of the limitation period.

The Civil Code does not list the specific obstacles to the enforcement of a claim that lead to the expiry of the limitation period, but it states that any event that prevents the claimant from enforcing his claim for an excusable reason results in the expiry of the limitation period.

At the same time, the case-law establishes equitable conditions for the suspension of the limitation period.

Although the application for review submitted by the plaintiff foundation in the previous public interest litigation did not have suspensive effect, the application for review was aimed at the Curia upholding all the claims submitted in the public interest litigation, since the Metropolitan Court of Appeal upheld the judgment of the Egri Court of First Instance, which had only partially upheld the plaintiff's claim, and therefore, according to the legal view of the court, the Court of Appeal was not entitled to grant the application for review until 2014. The limitation period was suspended from 7 October 2015 until 25 March 2015, the date on which the Curia, in the course of the review proceedings, adopted its decision upholding the final judgment.

The tribunal found that within one year from 25 March 2015, which was considered to be the date of the removal of the obstacle, the plaintiff had also enforced its claim through judicial proceedings, since the plaintiff's private plaintiffs' statement of claim was filed at the Eger Regional Court on 4 December 2015.

2. Representation.

The applicants have attached as an annex to their application the order of the Metropolitan Court of Budapest of 24 June 2015, number 7.Pk.61.61.100/2003/29, which certifies that the new representative of the applicant in the previous public interest litigation, the Chance for Children in Disadvantaged Situations Foundation, -a.8.

As an annex to the application, the applicants also annexed the statutes of the Foundation for Children with Disadvantages, point 4 of which sets out the following as the Foundation's basic objectives:

The short-term objective of the foundation is: to promote equal opportunities and equal treatment of disadvantaged, primarily but not exclusively Roma children, and to ensure access to quality education by:

By desegregating schools, promoting their integration, representing their interests and, as a last resort, enforcing their rights through the justice system. The Foundation takes action in the enforcement of the requirement of equal treatment in the event of violations based on the characteristics listed in Article 8 a-c) of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Act on Equal Treatment and the Promotion of Equal Opportunities).

The courts in the preceding public interest litigation were unanimous in their view that the Foundation for Children with Disadvantages was entitled to bring the action based on Article 20(1)(c) of the Employment Act.

It follows from the foregoing that, in the absence of a statutory provision to the contrary, the Foundation for Children with Disadvantages was, at the time of filing the application, an NGO which the pupils of the school of the 2nd respondent, who had suffered a legal injury, could legally authorise to represent them in the personal injury action as a party (as the plaintiff).

The 63 powers of attorney attached to the plaintiffs' application included a declaration by the authorising plaintiffs that they consented to the use of a lawyer (law firm) by the authorised representative to perform the activities covered by the power of attorney.

A Pp.67(1) c.) of § 67.1, the lawyer and the law firm may also act as authorised representatives in the lawsuit and since, in the absence of a statutory provision to the contrary, the applicants lawfully consented to the use of the Foundation for Children with Disadvantages as an authorised representative of the lawyer and the law firm for the activities covered by the authorisation, therefore the 2015. The lawyer in charge of

one of the law firms covered by the power of attorney dated 2 December 2015 lawfully brought the action on 4 December 2015 on behalf of all 63 applicants.

The 63 powers of attorney both state that the attorney is to represent the principal free of charge, but page 31 of the application also contains a statement that the attorneys are to act free of charge.

At a later stage of the personal lawsuit, the President of the Chance for Disadvantaged Children Foundation also authorized Dr. Adél Kegye, a lawyer, to represent the plaintiffs in the personal lawsuit, and therefore, at the time of the termination of the hearing, three law firms and one lawyer were already providing pro bono legal representation for two of the plaintiffs in the personal lawsuit.

3. Examining active and passive legitimacy in litigation

The Tribunal examined each of the 62 applicants individually on the basis of the evidence submitted to it, to determine whether they had standing in relation to the litigation.

In their preparatory file, lodged before the end of the hearing under No 393, the applicants made a definitive statement, one for each of the years of study, as to which years they wished to bring a claim before the courts.

The Tribunal examined each of the applicants' rights of action separately in relation to each of the academic years indicated by the applicants in the preparatory file and also decided on the merits separately in relation to those academic years, whether the personal right to equal treatment of each of the applicants, who have the right of action, has been infringed by the defendants on one or two counts, whether, in addition to the unlawful segregation of the burden, it can also be established that the applicants were indirectly discriminated against by being provided with a lower standard of education in the said academic years.

The Tribunal, on the basis of the evidentiary proceedings conducted, dismissed the action in its entirety only in respect of two plaintiffs, Plaintiff V, name of Plaintiff V.r., and Plaintiff XL, name of Plaintiff XL.r., on the basis, however, that these two plaintiffs were not studying in any grade in Class B of the defendant II during the period of the suit.

On the basis of the evidence before it, the Court of First Instance took the legal view that the five school years in respect of which the applicants V and XL maintained their application in the preparatory document under No 393 could not be included in the scope of the earlier public interest litigation, since both of these applicants had been pupils in class d of the school of the defendant school II during the five school years in question.

However, the Tribunal found, on the basis of the evidentiary proceedings it had conducted, that both the defendant I-II and the defendant III had passive legitimacy in

the litigation for the following reasons.

In the preceding public interest litigation, the plaintiff foundation asserted a claim against the first defendant municipality and the second defendant school as defendants.

In the previous public interest litigation, the plaintiff foundation, in its cross-appeal, sued the -I.r. defendant's successor in title as the successor in interest to the -I.r. defendant's successor in interest.

The Budapest Court of Appeal, by its order under the number 2.Pf.20.305/2013/10/I, found that the school of defendant II.r. had been succeeded by -I.r. defendant's successor in title-, which is participating in the lawsuit as defendant III.r.

Subsequently, in the preceding public interest litigation, in the course of the second instance proceedings, the Metropolitan Court of Appeal, by its order under the number 2.Pf.20.305/2013/20, also found that the legal successor of the defendant municipality of the I.r. defendant in the performance of the maintenance functions of the public education institution and the III.r. defendant in the performance of its public education functions is the -I.r. defendant's legal successor in name-.

In the preceding public interest litigation, the plaintiff foundation stated in its preparatory document addressed to the Metropolitan Court of Appeal on 2 April 2013 that the dichotomy of the maintenance and the public educational institution ceased to exist as of 1 January 2013, as the -I.r. defendant's legal successor- merged the maintenance and institutional rights.

Based on the provisions of Act CLXXXVIII of 2012 on the opening of state maintenance of certain municipal companies performing public education tasks, the Budapest Court of Appeal established the legal succession based on the law in the previous public interest litigation with regard to both the I. and the II. defendant.

Although the name of the defendant in the second instance had previously been ... However, in the course of the present proceedings at first instance, the legislature considered an organisational and structural restructuring of the schools, which are now state-run, to be justified and enacted a new law to this end.

In the course of the suit, the Tribunal decided the issue of succession by its order number 206, held that the successor in title of the defendant III was the name of the defendant III, and dismissed the name of the defendant I from the suit.

In view of the three orders of subrogation made on the basis of the law, at the time of the termination of the hearing, the defendant in the personal lawsuit was the name of the defendant in the first instance, the defendant in the second instance was the name of the defendant in the second instance, and the defendant in the third instance was the name of the defendant in the third instance.

The legal entities I-II and III have both legal capacity to sue and, according to the legal view of the Tribunal, passive legal legitimacy in the context of the litigation, for the following reasons.

Although the requirement of equal treatment is essentially a negative obligation, the duty to refrain from any conduct that violates the equal human dignity of individuals or groups of individuals on the basis of certain characteristics, the European Court of Human Rights in its judgment in Horváth and Kiss v. Hungary, paragraph 116, stated that the state has specific positive obligations in the case of the perpetuation of past discrimination.

However, the European Court of Human Rights has already ruled on 25 February 1982 in the case of CAMBELL and Cosans v. the United Kingdom that the term respect in Article 2 of the First Additional Protocol means more than to take note of or to take into account, and moreover, in the case of an essentially negative measure, it implies a positive obligation on the part of the State.

Article Q.3 of the Fundamental Law states that Hungary accepts the generally recognised rules of international law, and other sources of international law become part of the Hungarian legal system by being promulgated by law.

Pursuant to Article E.3 of the Fundamental Law, the law of the European Union may also lay down a generally binding rule of conduct within the framework of paragraph 2, and therefore, in the context of the litigation, the Tribunal interpreted Community law within the framework of Article E. of the Fundamental Law.

Pursuant to Article 1 of Act CXC of 2011 on National Public Education, the aim of the Act is to create a public education system that promotes the harmonious physical and mental development of children and young people through the conscious development of their skills, abilities, knowledge, emotional and volitional qualities, health and age-appropriate development, and thus educates people capable of leading independent, moral lives and achieving their goals, reconciling private interests with the public interest, and responsible citizens.

Its main aim is to prevent social exclusion and nurture talent through education and training.

At the same time, Article 2 of Act CXC of 2011 on National Public Education states that the whole of public education is defined by knowledge, justice, order, freedom, equity, moral and spiritual values of solidarity, as well as equal treatment, in addition to education for sustainable development and healthy lifestyles.

Education, including public education, is a national competence, so under Article 6 of the Treaty on European Union and the Treaty on the Functioning of the European Union, the Union only has competence to implement measures to coordinate or complement the action of the Member States in the field of education.

It follows from the above that the sovereign state itself determines the legal environment and organisational structure in which it wishes to operate public education.

At the same time, it follows from the provision of the Fundamental Law that Hungary shall ensure the consistency of international law and Hungarian law that the legislator has an obligation not to ensure that the rules of domestic law do not conflict with an obligation under international law, and that the Hungarian State has an obligation to ensure that the legislator actually enacts the legislation without which the Hungarian State cannot fulfil an obligation under international law.

Although the petitioner had initiated a posteriori examination and annulment of Act CLXVIII of 2007 proclaiming the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community before the Constitutional Court based on its legal position that certain provisions of the Treaty of Lisbon restrict Hungary's sovereignty to such an extent that the Republic of Hungary can no longer be considered an independent state governed by the rule of law by recognising their binding force, the Constitutional Court in its decision 143/2010 (VII.14.AB rejected this petition of the petitioner.

On the basis of the international treaties signed and promulgated by Hungary, the Tribunal held that even after Hungary became a full member of the European Union, it was still free to decide on the organisational structure and legal framework of public education in Hungary, but that it was of paramount importance for the development of children, hogy a jövőbeli boldogulásukhoz szükséges elengedhetetlenül fontos ismereteket már általános iskolai tanulmányaik során megszerezzék, ezért a Magyar Államnak alkotmányos kötelezettsége volt, hogy a perrel érintett időszakban a 62 gyermek a 62 felperes vonatkozásában is gondoskodjon a megfelelő szellemi fejlődésükről, ebben az összefüggésben vizsgálta a törvényszék, hogy a II.In this context, the Court examined whether the school of the defendant, the II. r., had provided the applicants with the opportunity of an education appropriate to their abilities, while ensuring equal treatment.

4. To examine whether the defendants I-II and III are jointly and severally liable to the applicants.

Pursuant to Article 344 (1) of the Civil Code, if several persons jointly cause damage, their liability is joint and several towards the victim and towards each other in proportion to the blameworthiness of their conduct.

The civil law content of joint and several liability is defined in Articles 337-338 of the Civil Code.

In order to establish the existence of a joint tort, the tribunal examined whether there was a certain degree of common intention between the defendants and whether the process leading to the plaintiffs' damage could be considered to be legally unacceptable.

However, whether the defendants acted concurrently or successively in connection with the litigation was irrelevant to the existence of a joint tort.

On the basis of the preparatory document No 393 of the plaintiff, the tribunal found that the first school year concerned by the personality action was the school year 2003/2004, while the last school year was the school year 2016/2017.

Taking into account the decisions of the courts in the previous public interest litigation and in the present personal lawsuit regarding the legal succession, the court took the legal position that the entire period covered by the lawsuit, for all the academic years, could not be jointly and severally imposed on the defendants I-II and III.

Until 31 December 2012, the defendant I. was the maintainer of the school of the defendant II., and as of 1 January 2013, the name of the defendant II. became the name of the -successor of the defendant I. as the maintainer of the public education institution-, which is the legal successor of the defendant III.In the personal lawsuit, the court of law established the fact of legal succession and the name of the legal successor of the defendant I, and dismissed the defendant III from the lawsuit by its order number 206.

For the above reasons, the defendant I and II are jointly and severally liable to the 62 plaintiffs pursuant to Article 344(1) of the Civil Code for the period between 27 January 2004 and 31 December 2012, while the court also found, pursuant to Article 344(1) of the Civil Code, that the defendant II and III are jointly and severally liable to the 62 private individuals in respect of the period after 1 January 2013.

However, following the entry into force of Act CXXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Act on Equal Treatment and the Promotion of Equal Opportunities), Section 76 of the old Civil Code only includes the violation of the requirement of equal treatment as a separate personal right from 27 January 2004.

The 2003/2004 school year, on the other hand, started on 1 September 2003 and ended in mid-June 2004.

In view of the above, the Tribunal, in respect of the applicants who had also brought a judicial claim in respect of the 2003/2004 school year and whose action for non-material damages had not been dismissed by the Tribunal, was also mindful of this circumstance and therefore ordered the defendants I-II and III jointly and severally to pay compensation to the applicants concerned in respect of the 2003/2004 school year for the period after 27 January 2004.

5. Assessing unlawful segregation as a cause of action in the context of infringement actions.

The Egri Tribunal of the 12.P.20.351/2011/47, the Court of First Instance of the Republic of Hungary found that, in the school of defendant defendant defendant II.r., which is

maintained by defendant I.r., with the exception of the first class which started in the school year 2012/2013, the separation of pupils belonging to the Roma ethnic minority from pupils not belonging to the Roma ethnic minority in connection with class classification was unlawful for the period after 27 January 2004, by maintaining the separation of pupils belonging to the Roma ethnic minority from pupils not belonging to the Roma ethnic minority.

Pursuant to Section 7 (1) of Act CXXV of 2003 (Ebtv.), unlawful segregation also constitutes a violation of the requirement of equal treatment.

Pursuant to Section 10 (2) of the Ebtv. in force since 27 January 2004, conduct which, on the basis of the characteristics defined in Section 8, separates certain persons or groups of persons from others without objective justification constitutes unlawful segregation.

According to Article 10 (2), as amended on 1 January 2007, a provision which, on the basis of the characteristics defined in Article 8, separates a person or a group of persons from comparable persons or groups of persons without being expressly permitted by law, constitutes unlawful segregation.

Article 7(2) of the Equal Treatment Act, which was in force prior to this amendment, stated that conduct, conditions, omissions, instructions or practices based on the characteristics listed in Article 8, which, in the light of objective considerations, have a reasonable justification directly related to the legal relationship in question, do not infringe the requirement of equal treatment.

However, the Ebtv. Chapter III contains specific legal provisions in the field of education and training.

Pursuant to Section 27 (3) a) of the Equal Treatment Act, the unlawful segregation of a person or group in an educational institution or in a class or group within an established section of an educational institution constitutes a violation of the requirement of equal treatment.

The judgment of the Egri General Court under No. 12.P.20.351/2011/47. was delivered on 6 December 2012, this judgment was upheld by the court of appeal and the final judgment of the court of second instance was upheld by the Curia in its review.

For the reasons set out above, the final judgment in the earlier public interest litigation in relation to the unlawful segregation as a matter of law has the effect of res judicata in respect of the applicants who proved in the action that they were in class B of the defendant school in the first period of the action on 27 January 2004. The judgment at first instance of 6 December 2012 did not contain any substantive findings in relation to unlawful segregation in the context of the 2012/2013 school year, which began on 1 September 2012, by analogy.

As a result of the above, in the 2003/2004 school year, after 27 January 2004, and in relation to the 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012 school years, the defendants could not successfully challenge the violation of their right to equal treatment in respect of the named applicants, since they unlawfully segregated these children.

However, on the basis of the judgment of the Court of First Instance of Egri in the preceding public interest litigation, it can be concluded that the unlawful segregation of the children concerned in respect of this first period was in fact achieved by the failure to maintain the segregation of pupils belonging to the Roma ethnic minority from pupils not belonging to the Roma ethnic minority in the context of class classification.

The tribunal was unable to establish, even on the basis of the evidentiary proceedings in the personality action, when and how this unlawful practice had actually been established. During the evidentiary proceedings, the Tribunal heard the legal representatives of the minor plaintiffs, and several of the minor plaintiffs' representatives stated that they were also the legal representatives of the minor plaintiffs in the context of the -II.r.II. However, there was a parent (-parent's name-) who stated that he did not have any non-Gypsy classmates either, but several of the minor plaintiffs' legal representatives also stated that he had attended a class at the defendant's school in the name of defendant II during his primary school education in which pupils from a non-Gypsy ethnic minority also attended.

However, in relation to this much earlier period - name of the principal - the testimony of the principal of the defendant school II also shows that the only primary school in the municipality had a much larger number of children during this period.

However, the above circumstance had no legal relevance in the context of the first period, since the fact of unlawful segregation resulting in a breach of equal treatment was established by a final judgment.

At the same time, the Tribunal examined the evidence in the personal lawsuit for the academic years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, independently of the applicants who also claimed in relation to these five academic years that they had been unlawfully segregated from the II.r. Defendants infringed the personality rights of the plaintiffs concerned in relation to which plaintiffs and in which school years during this period by failing to comply with their obligation based on the final judgment, by failing to cease and desist from the infringement of personality rights established by the final judgment.

The current legal provision of the Ebtv. § 28 (2) a.) contains the following.

It is not a breach of the requirement of equal treatment if

a.) in a public educational institution at the initiative and voluntary choice of the parents, organise education based on religious or other philosophical beliefs, the aims or

curriculum of which justify the establishment of separate classes or groups, provided that the participants in the education are not disadvantaged in any way and that the education complies with requirements approved by the State, prescribed by the State or supported by the State.

The current legal provision of § 28.2/A. of the Ebtv. states that the organisation of education on the basis of religious or other philosophical beliefs as defined in paragraph (2) may not lead to unlawful segregation based on the characteristics of § 8.b.-e.).

However, in the context of the legal relationship at issue in the case, the application of Article 28 § 2/B and 28 § 2/B (3) of the Ebtv. could not be applied.

Since it can be concluded with regard to the 62 applicants that it was not at the initiative of their parents or by their parents' voluntary choice that the school of defendant II. organized separate classes, the court examined in connection with this second period whether the defendants could be found to have been unlawfully segregated pursuant to Section 27 (3) a) of the Ebtv.

Prior to the conclusion of the hearing, the defendants in RII and RIII assessed the evidence taken by the court of first instance in separate preparatory documents for each of the 62 applicants, in which they indicated, separately for each applicant and for each school year, which class of the defendant in RII had been attended by the children concerned in the school years in question.

On the basis of these preparatory documents of Defendants II and III and the master sheets submitted by Defendants II and III, the Tribunal examined whether and when the Defendants had complied with their obligation to cease and desist from the personality offence based on the final judgment after 6 December 2012.

In the preceding public interest litigation, the reasoning of the judgment of the Court of First Instance of Egri also contains the finding that the defendants did not invoke the special rules of exemption in the field of either general or public education in connection with the unlawful segregation, since in their view one of the statutory conditions of the comparable situation based on the protected characteristic invoked was not proven by the plaintiff foundation.

Contrary to this position of the defendant, however, the Egri General Court in the previous public interest litigation took the position that the plaintiff had fully complied with its obligation of probability (burden of proof), and therefore, in the absence of successful evidence by the defendant, the unlawful segregation could be established, also in light of the special rules applicable in the litigation.

In the grounds of its judgment of first instance, the Egri General Court also stated that since according to § 8 of the Ebtv. not only unlawful segregation based on actual knowledge, but also on perception, on the basis of belonging to the Roma nationality, also exhausts the provisions of § 10.§ 10 (2), it could be established that the pupils of

Gypsy (Roma) origin were segregated from persons or groups of persons in a comparable situation to them on the basis of the protected characteristic defined in § 8 (e) of the Ebtv.

Pursuant to Article 6 of the Code of Civil Procedure, the court's decision is binding on all, and therefore the court found that, in respect of the applicants in respect of whom the court had imposed sanctions in relation to the 2012/2013 school year and the four subsequent school years, it had found that the applicants' right to equal treatment as individuals had been violated by the unlawful segregation of the applicants, who had not complied with the obligation based on the final judgment ordering the cessation of the infringement of the right to equal treatment as individuals.

Having established beyond reasonable doubt, on the basis of the documentary evidence before it, that during the five school years in question the 62 applicants were in the class with which letter grade at the school of the defendants in the second period, the Tribunal had to decide the question of law as to whether there were any school years among the five school years concerned by this second period in connection with which there was an applicant in respect of whom it was reasonable to find that the defendants had also segregated him during this second period.

6. The applicability of indirect discrimination as a cause of action in the context of actions for infringement.

In the preceding public interest litigation, the operative part of the judgment of the Court of First Instance of Egri, number 12.P.20.351/2011/47, also stated that the Court of First Instance finds that, also from 27 January 2004, the children thus unlawfully segregated were discriminated against by being provided with a lower standard of education at the school of defendant II maintained by defendant I.r.

In the third paragraph of the operative part of the judgment of the Egri General Court, the Court orders the defendants I and II to cease the infringements described above.

It follows from the plurality that the final judgment in the earlier public interest litigation also ordered the defendants to cease the indirect discrimination by providing a lower standard of education as an infringement of personality rights.

In the previous public interest litigation, the special rules of evidence of the Ebtv. were applied, the courts before them both found that the plaintiff foundation had fulfilled its obligation of probability also in relation to this title, while the defendants' exculpatory evidence was also ineffective in relation to this title.

By failing to request the appointment of a forensic educational administration expert in the previous public interest litigation, by failing to take documentary evidence, and by deciding not to file an evidentiary motion to call a member of the teaching staff as a witness, the defendants deprived themselves of the opportunity to challenge the plaintiff foundation's assertion that the 2004. The applicant foundation did not challenge the fact

that after 27 January 2004 the pupils of the Roma ethnic minority attending the defendant school No. II were provided with a lower standard of education and were therefore indirectly discriminated against in the defendant school No. II.

In the grounds of its final judgment, the Metropolitan Court of Appeal found that the plaintiff's claim that the education in class b was of a lower standard was supported by the statement of the principal of the defendant I.r., as it can be established as a fact that the same curriculum was not taught in classes a. and b.

In addition, the Fővárosi Ítélőtábla second instance 2.Pf.20.305/2013/20. refers to the report of the Parliamentary Commissioner for National and Ethnic Minority Rights of 19 April 2011, which refers to the statement of the headmaster of the school of the defendant II.r. that the a. and b. Class b has a greater emphasis on the minimum compulsory subjects and less on extra curricular material, while Class a has a talent management function from the first grade.

The defendant II and III also offered evidence on the merits in the personality action in connection with the latter legal title for the first period of the litigation, attached documentary evidence and also interviewed former and current members of the teaching staff during their testimony for the period between 27 January 2004 and the end of the school year 2011/2012.

Both witnesses submitted that their sense of justice and their professional integrity were violated by the final judgment's finding that there had been discrimination against children of Roma origin attending the school of the defendant school II.

In the legal view of the tribunal, the defendants II and III also discriminated against those applicants in respect of that first period and, in respect of those school years, could not dispute that the children concerned were indirectly disadvantaged by the lower educational standards provided to them by the tribunal in II. by virtue of the erga omnes effect of the final judgment in the public interest litigation, that final judgment also extended to all the applicants who had not been sued and who had successfully established in the present action that that final judgment applied to them.

For the above reasons, despite the very extensive evidence, the Tribunal found, in respect of the applicants and the school years concerned, that the defendants had infringed the individual right to equal treatment of the children concerned on two counts, firstly, by unlawfully segregating them and, secondly, by indirectly discriminating against them by providing them with a lower standard of education.

However, the Tribunal took the view, on the basis of the special rules of evidence applicable in a personal injury action, that in relation to the second period of the action, the applicants in respect of whom the Tribunal found that they had been unlawfully segregated by the defendants had not been provided with a lower standard of education by the defendants (defendant II) and had not been indirectly discriminated against on this other ground, and therefore the action of the applicants concerned was dismissed

for the following reasons.

Pursuant to Paragraph (1) of Article 19 of the Equal Treatment Act, in proceedings for breach of the requirement of equal treatment, the aggrieved party must establish that

a.) the person or group of persons who have suffered harm has been adversely affected
b.) the person or group of persons who suffered the infringement had, at the time of the infringement, or is believed to have had, a characteristic as defined in Article 8.

However, under paragraph (2), in the case of a prima facie case under paragraph (1), the other party must prove that

a.) the circumstances which the injured party is likely to have experienced did not exist, or
b.) the requirement of equal treatment has been complied with or was not required to be complied with in respect of the legal relationship in question.

On the basis of the evidentiary procedure conducted for the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 academic years, the Tribunal came to the conclusion that, although the applicants concerned had fulfilled their obligation of probable cause, the exculpatory evidence of the defendant II-III. r. had led to the result and had successfully proven that the requirement of equal treatment had been observed in respect of the applicants concerned.

In the context of the legal relationship at issue, the defendants could not plead that they were not obliged to comply with the requirement of equal treatment in respect of that relationship, but the Tribunal, on the basis of the evidence before it, found that they were, both together and separately, that the defendants had complied with the requirement of equal treatment and therefore the applicants who were also unlawfully segregated during this second period were not also given a lower standard of education and were therefore not indirectly discriminated against.

As of 1 September 2003, Article 10 (3) a) of Act LXXIX of 1993 on Public Education stipulated that children and pupils have the right to education and training in accordance with their abilities, interests and talents.

In order for an objective sanction for the protection of the right to personality to be applicable, the conduct giving rise to these legal consequences need not be imputable, as the element of direct discrimination as a cause of action is also the less favourable treatment of the applicants in relation to a group in a comparable situation, while the applicants do not infringe the Ebtv. Article 8(e) of the Ebtv., but also sought a declaration on the basis of Article 9 of the Ebtv. that the defendants had also indirectly discriminated against the applicants by providing them with a lower standard of education by unlawfully segregating them.

However, according to § 9 of Act CXXV of 2013, a provision which does not constitute

direct discrimination and which appears to comply with the requirement of equal treatment, which is not in line with Article 8.§-Article 8 of the CXXV, which apparently does not discriminate in a manner that is discriminatory in terms of equal treatment, but which places certain persons or groups with the characteristics defined in Article 8 of the CXXV in a substantially greater disadvantageous position than a person or group in a comparable position was or would be in, is indirect discrimination because the conduct which also results in a breach of the requirement of equal treatment is based on neutral criteria, but nevertheless affects the group with the protected characteristics in a substantially greater proportion than another group in a comparable position to that group.

Section 7(2) of the Equal Treatment Act states that, as from 1 January 2007, unless otherwise provided by this Act, any conduct, measure, condition, omission, instruction or practice does not infringe the requirement of equal treatment,

a.) which restricts a fundamental right of the prejudiced party in a case which is unavoidable for the purpose of the exercise of another fundamental right, provided that the restriction is suitable and proportionate for achieving the aim,

(b) in cases not covered by point (a), there are reasonable grounds, in the objective judgement of the court, directly related to the legal relationship in question.

However, Section 7(3) of the Ebtv. states that in the case of direct discrimination based on a characteristic under Section 8(b) to (e) and unlawful segregation, paragraph (2) shall not apply.

In the context of the second period after 1 January 2007, however, since the indirect discrimination at issue in the action concerned public education, the defendants' exculpatory evidence could only be successful if they could prove that the statutory requirement of equal treatment was actually observed in this context, subject to the provisions of Article 27 of the Equal Treatment Act.

The Tribunal found, on the basis of the evidence before it, that the defendants did not indirectly discriminate against the applicants concerned by providing a lower standard of education during the second period of this action and that, therefore, the applicants' individual right to equal treatment was not infringed.

In the personal lawsuit, the defendant II and III submitted separate preparatory documents for each of the 62 plaintiffs, in which they presented in detail, separately for each plaintiff, and also separately for each academic year and subject, that the -II. In the context of the education provided in the name of the defendant in respect of the applicants concerned in the name of the defendant in the name of the defendant in the second and third pleas in law and main arguments, it is not established on the basis of documentary evidence that they would receive a lower standard of education than pupils in a comparable situation in the same primary school.

At the same time, the Tribunal also found, on the basis of the summary preparatory documents of the sub-claims of Defendants Nos. 395, 396 and 397 in the second and third respondents, that the name of the defendant in the second respondent had complied with the applicable legal provisions of the National Curriculum in the education provided to the named plaintiffs in the personal injury action, that the provisions of the second respondent had been complied with in the education provided to the named plaintiffs in the second respondent's case.During those five school years, the public education institution of the defendant in the first respondent had at its disposal teachers with the requisite statutory qualifications and diplomas who, in accordance with the order of those school years, had taught the lessons required by law in a meaningful manner.

The Tribunal also found, on the basis of the evidence before it, that even for the applicants who were entitled to special treatment, the school of defendant II also provided the developmental activities for the children concerned, as set out in the expert opinions available to it, during those five school years.

In the personal lawsuit, free evidence prevailed, and although the court rejected the evidentiary motion of the defendant II and III to order the forensic educational administration to provide expert evidence, it found on the basis of the evidence available to it that the defendant II and III had effectively proven with documents and witnesses that the requirement of equal treatment had been observed for these five school years.

Witnesses in the personality lawsuit -witness 11 names- were also heard, who is a forensic educational expert and was asked to examine the class assignment practice of the defendant school in the 2nd respondent school after receiving the final judgment in the previous lawsuit.

At the same time, the Tribunal heard as witnesses in the proceedings at first instance, in addition to the Principal of the defendant school in the second degree, the names of -Head of Department 1, -Teacher 2, -Teacher 3, -Teacher 9 and -Teacher 10, the current and former teachers of the defendant school in the second degree.

The Tribunal, on the basis of the testimony of the witnesses and the documentary evidence available to it in respect of the five academic years mentioned above, is satisfied that it cannot be established that the applicants were unlawfully segregated in the 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017 academic years under the II.r. Therefore, since the children concerned were not indirectly discriminated against by the defendants, the Tribunal dismissed the application for a declaration of infringement of personality on this ground of law for the applicants concerned and for the school years concerned.

7. Circumstances affecting the number of school years to be taken into account in the context of the defendants' admonition.

a.) An assessment of the letter grades in which the applicants concerned were enrolled in the school years in question.

In the personal injury action, the Tribunal was able to establish beyond reasonable doubt, on the basis of the pedigree records and other documentary evidence produced by the 2nd and 3rd respondents, the alphabetical class in the name of the -II respondent in the 62 applicants who maintained their claims during the school years covered by their maintained claims.

As an annex to the preparatory document filed under No. 400, Defendants II and III in the personal injury action attached a 14-page document in tabular form under No. 400/A/2, in which, in point d), it stated for each of the 62 plaintiffs, on the basis of the evidence provided, in which school year each plaintiff had attended classes b and d respectively at Defendant II's school.

However, the defendants in the personal injury action have clearly taken the legal position that any possible injunction can only be imposed in connection with the classes with the letter b.

The applicants, in their preparatory file No 393, lodged before the hearing was closed, indicated separately for each of the 62 applicants the total amount of non-pecuniary compensation they claimed for each of the academic years.

In this preparatory document, the applicants also requested that the school years in which they were not in class b but in class d be taken into account for the applicants concerned, in which respect the applicants summarised their factual and legal position in paragraph 3:12 of preparatory document No 376.

On the basis of the evidence in the personal injury action, the tribunal found that there was a plaintiff who had attended both classes A, B and C in the defendant school in the course of his primary school education.

On the basis of the documentary evidence available in the personality action, the court found beyond doubt that the classes with the letters a and c could not be included in the scope of the previous public interest litigation, and at the same time the applicants in the personality action did not allege that the applicants in those classes were unlawfully segregated during the five school years covered by the second period of the litigation, nor that they were indirectly discriminated against by being provided with lower educational standards in those classes.

The applicants submitted in their preparatory document, No 376, that it was not by chance that they could not say which year they had been in which class, since in many cases only the name of the class had changed, but not the names of their classmates. In this preparatory document, the applicants took the legal position that, in the context of the burden of proof of excuse, the defendants had the burden of proving that the composition of the pupils in class d was heterogeneous, that is to say that they were not

segregated classes, and that the quality of education there was equal to or better than that provided in class a.

A személyiségi perben több kiskorú felperesi törvényes képviselő személyes meghallgatása során felmutatta a gyermeke vonatkozásában birtokában lévő bizonyítványt, ezen bizonyítványok alapján a törvényszék megállapította, hogy az érintett felperesek vonatkozásában magából a bizonyítványból nem is állapítható meg, hogy a tanulók bizonyos tanévekben milyen betűjelű osztályban tanultak a -II.r. alperes neve-ban.

It is not disputed that prior to the filing of the application, the Foundation for Children with Disadvantages had also brought another action before the Egri Court, as the school of the second respondent had not previously provided it with the complete documentary evidence which would have made it possible to establish, in respect of the pupils who intended to bring the application, the letter grades in which they had been studying in the school years concerned.

The Egri Tribunal did not have to decide on the merits in the latter case, since in the context of the present personality proceedings the defendants II and III presented the relevant documentary evidence, on the basis of which it could be established beyond doubt that the 62 plaintiffs had studied in the classes with the lettering of the letters in the above-mentioned school years.

At the same time, the 63 plaintiffs in their application for non-pecuniary damages claimed that the defendants should be ordered to pay a total of HUF 290,000,000, with the name of plaintiff XVIII, who withdrew his application at first instance, claiming HUF 4,000,000 in non-pecuniary damages.

Based on the evidence in the personal injury action, the plaintiffs settled their action by claiming that the 62 plaintiffs had claimed a total of 173,500,000 HUF in non-pecuniary damages for 287 school years.

-Director's name- during the hearing of witnesses, the headmaster of the defendant school in the name of defendant school II.r. submitted that classes with the letter d. did not start every school year in the name of defendant school II.r. and that it was primarily the level of financial funding that determined how many classes the school could start in a school year.

The applicants submitted in their preparatory document under No 376 that the defendants had not fulfilled their obligation to provide evidence pursuant to Section 19(2) of Act CXXX of 200 (Act on the Protection of Individuals), and that the consequence of the lack of evidence should therefore be imposed on the defendants by the court, but on the contrary, the court found, on the basis of the evidence in the personal injury proceedings, that the applicants had failed to comply with Section 19(2) of Act CXXX of 200 (Act on the Protection of Individuals).§ Therefore, in respect of the applicants and the school years which, prior to the conclusion of the proceedings, had

also asserted a claim against the defendants in respect of the school years covered by class d, the court dismissed their unfounded action in respect of those school years, since the defendants could not be found liable for any of the claims in respect of those school years.

b.) Legal evaluation of the repeated academic years.

On the basis of the evidence presented in the personal lawsuit, the tribunal found that some of the plaintiffs had repeated certain years of schooling and therefore had studied for several years in certain grades. In connection with the repeated school years, the defendants II and III also referred to the provisions of Article 71(7) of Act LXXIX of 1993 and Article 121(41) of the same Act.

In the first case, the school principal may, at the request of the legal representative of the pupil concerned, authorise the pupil to repeat a year of primary school, while in the latter case the pupil concerned is obliged to repeat the year in question because of failure to meet the academic requirements.

In the legal view of the Tribunal, the school years in which the applicants concerned received an unsatisfactory grade or equivalent at the end of the year or, on the basis of a written request from one of their legal representatives, the headmaster of the school of the second respondent also expressly authorised in writing the repetition of the said year in question, had to be taken into account in the context of the reprimand of the defendants.

In the legal opinion of the Tribunal, the legal relevance of the circumstance for which the pupils concerned repeated a class in primary school is irrelevant, but the legal relevance of the circumstance of the class in which the pupils concerned studied during the repeated years is relevant, because the impeachment of the defendants could only take place in the context of an academic year in which the plaintiffs concerned expressly b. It was only in relation to a school year in which the defendants were in a class with the letter 'C' and it was therefore possible to establish, in at least one of the two cases, that the defendants had actually infringed their individual right to equal treatment.

(c) Legal assessment of the school years during which the applicants concerned were in a combined class.

Paragraph (14) of Article 6 of Act CX of 2009 declared that point 4 of Section II of Annex 3 of Act LXXIX of 1993 on Public Education, No. 3, on the organisation of classes and groups shall be replaced by the following provision:

Point 4 of Title 4, Organisation of combined classes and groups, is replaced by the following.

Classes may be merged in primary schools, in primary art education and in remedial education (§ 27 (8)), but classes may not be merged during the school year. Except in

the case of remedial education, a combined class may be made up of a maximum of four pupils from consecutive school years.

This legislative provision shall enter into force on 1 January 2010.

However, pursuant to Article 95 (1) of Act CXC of 2011 on National Public Education, the Act entered into force on 1 September 2012, with the exceptions set out in paragraphs (2) to (6).

Nor did the final judgment in the previous public interest litigation attribute any legal relevance to the fact that the -II.r. and the court in the present action on personality also took the legal position that the only independent legal relevance in the context of the finding of infringement of personality in relation to the unlawful segregation as a legal ground for the finding of infringement of personality is whether or not the applicants were in class b.

In the legal view of the tribunal, the finding of unlawful segregation was not affected by the mere fact that the applicants concerned were or were not in a consolidated B class.

As regards the other claim of discrimination by providing a lower standard of education, the fact of teaching in a combined class is also not legally relevant, since in theory a school can provide a lower standard of education to a pupil by providing a lower standard of education in both combined and non-conjoined classes.

Although the plaintiff's preparatory document, number 393, indicates by plaintiff and by school year which plaintiffs were in consolidated classes and in which school years, it is also clear from the same preparatory document that the plaintiffs claimed the same amount of non-pecuniary damages against the defendants for the school years in which they were in consolidated classes as for the school years in which no classes were consolidated.

d.) Legal evaluation of the years of private education

Pursuant to Paragraph (5) of Article 45 of the Act, compulsory education may be fulfilled by attending school or, if the pupil's progress is not detrimental to the successful continuation and completion of his/her studies, by private education at the request of the parent.

Sections 75-76 of EMMI Decree No.20/2012 (VIII.31.) on the operation of educational institutions and the naming of public educational institutions stipulate, in relation to the legal obligations of the school director, if the parent as the legal representative submits the relevant application, before the school director decides, on the basis of his/her right granted by Section 46 (6) of the Act, whether the pupil may fulfil his/her compulsory school attendance as a private student in the school year in question.

Pursuant to Article 50 (1) of the Act, a private student is also a student.

However, the Nkt.59(3), the school shall be fully liable for any damage caused to the child or pupil in connection with the pupil's or student's status as a pupil, regardless of fault, with the exception provided for in paragraph 3,a.) of the Civil Code. The provisions of the Civil Code shall apply without prejudice to the provisions of Article 3.1, with the addition that the educational establishment shall be exempt from liability only if it proves that the damage was caused by an unforeseeable cause outside its sphere of activity, but shall not be liable to pay compensation if the damage was caused by the unforeseeable conduct of the injured party.

It is not disputed that the fact that one of their legal representatives submitted a written request for their child to be allowed to complete a school year as a private student cannot be considered legally to be an irresistible act of the applicants concerned as victims.

For the above reasons, since the applicants concerned were also undisputedly pupils of the defendant school in the above-mentioned school years, the school years which they were allowed to attend as private pupils on the basis of the decision of the principal of the defendant school in question should also be taken into account in their respect.

The headmaster of a primary school is not obliged to allow a pupil to complete any academic year as a private student at the request of his/her legal representative, since according to Section 45 (5) of the Act he/she must, before making a decision, examine the merits of the application to determine whether the pupil's request is not detrimental to his/her development, successful continuation and completion of his/her studies.

Since, in the context of the school years concerned by this lawsuit, the headmaster of the defendant school II took the position that it could not be considered disadvantageous for the pupils concerned if he complied with their parents' request, the tribunal had no legal possibility to disregard these school years.

e.) Evaluation of the number of absences in relation to the number of years of study to be taken into account

Paragraph 46 (1) a) of the Act states that pupils are obliged to participate in compulsory and elective classes and other classes and work placements up to 16 hours in primary schools.

However, according to Section 72 (1) (b) of the Act, parents are obliged to ensure that their child fulfils his/her compulsory school attendance.

One of the consequences of the number of unexcused absences in primary education in relation to the pupils concerned may be the repetition of the academic year in question.

Prior to the entry into force of the Nkt., Act LXXIX of 1993 on Public Education, Article 121 (1) 41. (121) of the LXXL of LXXI, it was also considered a failure to meet the academic requirements if a pupil was excluded from school because he/she had missed

more than the permitted number of lessons and his/her pupil status was therefore terminated, or if he/she was not graded at the end of the school year due to his/her unexcused absence from school and the teaching staff ordered him/her to take a grading examination, or has been refused permission to take the examination or to complete the practical requirements because of the number of unexcused absences, or has failed to appear for the examination without being excused or has left without permission.

At the same time, Articles 91/F, 91/G, 91/H, 91/I and 91/J of Government Decree 149/1997 (X.10.) on guardianship authorities, child protection and guardianship procedure regulate the guardianship procedure in connection with unjustified absences from kindergarten and school.

Section 91/G of Government Decree 149/1997 (X.10.) was established by Section 2(2) of Government Decree 236/2012 (VIII. 30.) and this legal provision is in force from 30 September 2012.

However, § 91/F of Government Decree 149/1997 (IX.10.) was established by § 7 of Government Decree 448/2016 (XII.19.) and is only in force from 1 January 2007.

Since the applicants concerned, as pupils, were also students of the school in the years in question, irrespective of the number of unexcused absences, the number of absences was not legally assessable in the context of the legal basis for non-pecuniary damages, and the school years with the high number of absences had to be taken into account in the context of the defendants' warning.

However, in its general findings affecting the amount of non-pecuniary damages, the tribunal expresses its separate factual and legal views on whether these numerous absences could be legally assessed as the plaintiff's contribution to the harm.

IV.

General observations on applications for payment of non-pecuniary damages.

1.General findings in relation to the existence of a legal basis for compensation for non-material damage .

After the tribunal in the personality case found, in the light of the provisions of the Civil Code.8(2), second turn, of § 8.2, that the defendants, although they had not been in possession of the property of the defendant until 15 March 2014. (omission) but had continued to do so after the entry into force of the new Civil Code, it was therefore appropriate for the tribunal, taking into account the subject matter of the action and the international legal context, to also address the comparative assessment of the old and new legal instruments of non-material compensation and damages relevant to the legal relationship in the action.

The old Civil Code regulated the concept of non-pecuniary damage in Title II Liability

for non-contractual damage and unjust enrichment, and in Chapter XXXI the concept of pecuniary damage in the chapter on the amount of compensation.

At the same time, Part Three of the new Civil Code regulates the rights of the personality, including Title XII, which contains the sanctions for the violation of the rights of the personality, including § 2:52 (1)-(3), which regulates the compensation for damages as a new legal instrument.

According to the new Civil Code Article 2:52 (3), the amount of the damages shall be determined by the court as a lump sum, taking into account the circumstances of the case, in particular the gravity of the infringement, its repetitive nature, the degree of imputability, the impact of the infringement on the victim and the environment.

At the same time, the Pécs Court of Appeal delivered its judgment under the old Civil Code (Pf.I.20.293/2011/4), which was also published (BDT.2011.2576.)

The Pécs Court of Appeal stated in the grounds of its decision that the gravity of the infringement, the extent of the imputability and the impact of the infringement on the victim cannot be disregarded in determining the amount of the non-material damages.

It can therefore be concluded that the courts acting under the old Civil Code also attributed legal relevance to the circumstances which the legislator had expressly mentioned in the context of the applicability of the new legal instrument.

The former Constitution of Hungary stated at the very beginning of Chapter XII, Fundamental Rights and Duties, in Article 54 (1), that in the Republic of Hungary every human being has the innate right to human dignity.

And Article II of the Fundamental Law of Hungary, in the chapter on freedom and responsibility, states that human dignity is inviolable.

The AB decision 64/1991 (XII.17.) states that there is a core of autonomy, self-determination of the individual, which is outside the control of everyone else, by which man remains a subject and cannot become a means or an object.

At the same time, the Constitutional Court also stated in the reasoning of its decision No. 23/1990 (X.31.) that "human life and human dignity form an inseparable unity and are the highest value above all others".

According to the third paragraph of Article I of the Fundamental Law, a fundamental right may be restricted only to the extent strictly necessary for the exercise of another fundamental right or for the protection of a constitutional value, in proportion to the aim pursued and with due regard for the essential content of the fundamental right.

However, according to Article 2(1) of Act IV of 1959 (old Civil Code), the law protects not only the property rights of persons, but also their rights in person.

The Civil Code. Article 76 of the Civil Code also defines the violation of the requirement of equal treatment as a named personal right.

Pursuant to Article 2/A (1) of our Constitution, the Republic of Hungary may, in order to participate in the European Union as a Member State, exercise its powers under the Constitution jointly with the other Member States to the extent necessary for the exercise of the rights and fulfilment of the obligations arising from the Treaties establishing the European Union and the European Communities (hereinafter referred to as the European Union), and may exercise such powers independently or through the institutions of the European Union.

The provisions of Community law form an integral part of the Hungarian legal order, which national courts are obliged to take into account (ECJ.2010.2130.)

In the civil case concerned by this decision, the Court of Appeal also stated in the grounds of its judgment that if the decision is addressed to the Member State, effects are produced in relation to individuals only indirectly, through the action of the State, because the Member States are obliged to follow the conduct required by the decision under the so-called loyalty clause (Article 10 EC).

In addition, the reasoning of the same final judgment at second instance also stated that national measures falling within the scope of Community law must be in conformity with the principles of Community law.

At the same time, Article Q, paragraph 3 of the Fundamental Law of Hungary also states that Hungary accepts the generally recognised rules of international law, and other sources of international law become part of the Hungarian legal system by their promulgation in law.

Council Directive 2000/43/EC (29.VI.2000) provides for the application of the principle of equal treatment between persons irrespective of racial or ethnic origin.

Preamble (2) of this Directive states.

In accordance with Article 6 of the Treaty on European Union, the European Union is founded on the principles of liberty, democracy and respect for fundamental rights and freedoms, and on the rule of law, principles which are common to the Member States and which must be respected by the Union as general principles of Community law, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and which derive from the constitutional traditions common to the Member States.

The above-mentioned European Convention was promulgated by Act XXXI of 1993, and therefore the Republic of Hungary undertook to comply with the obligations contained in the Convention even before Hungary was admitted to the European Union.

Preamble 12 of the same European Convention states.
In order to ensure the development of democratic and tolerant societies enabling the participation of all people regardless of racial or ethnic origin, measures in the field of racial or ethnic origin discrimination (discrimination) should go beyond access to self-employment and non-self-employment and cover areas such as education, social protection, including social security and health care, social advantages, access to and supply of goods and services. To this end, all direct and indirect discrimination on grounds of racial and ethnic origin in the areas covered by this Directive (correctly: discrimination) should be prohibited throughout the Community.

Preamble 12 of the European Convention also prohibits discrimination in the field of education.

At the same time, the fight against discrimination and the extension of equal opportunities within the European Union has been regulated by eight Community directives, and the creation of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities has served to harmonise the law with Community law.

One of the Community law directives concerned by the harmonisation was Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

In the light of the above, from 27 January 2004, the defendants were obliged, by reason of the harmonisation of the law, to ensure that the applicants' right to equal treatment as individuals was respected during their primary school studies, by also ensuring that all the provisions of the law which had become part of domestic law as a result of the harmonisation of Community law and Hungarian law and the promulgation of international treaties were complied with.

The applicants also annexed to their application the judgment of the Supreme Court of Justice of 2 June 2010, number Pf.IV.20.510/2010/3.

The Supreme Court stated in the reasoning of this decision that, in line with the case law, the courts had correctly pointed out that the mere finding of a violation of a personal right without proof of the damage suffered does not in itself provide a basis for compensation.

However, the Supreme Court also stated in the reasoning of that decision that, in the light of the final judgment in the previous public interest litigation, the Borsod-Abaúj-Zemplén County Court erred in finding that the harm caused by the unlawful conduct in the case at hand required separate proof.

In support of this position, the Supreme Court stated that the conceptual element of disadvantage, i.e. the infringement in what it is, is the cause of the disadvantage, is the legal element of indirect discrimination as defined in Article 9 of the Act on the

Protection of the Rights of Persons with Public Interest, therefore, in addition to establishing the infringement, no further proof of the infringement is required, since if the final judgment in the previous action established the infringement of indirect discrimination, the disadvantage suffered by the persons affected by the claim in the public interest was also proven.

Pursuant to Article 355 (4) of the Civil Code, compensation shall be paid for the loss of value of the injured party's property and the loss of pecuniary advantage caused by the harmful circumstance, as well as for the compensation or costs necessary to reduce or eliminate the pecuniary and non-pecuniary damage suffered by the injured party.

In line with the position of the Supreme Court, the court took the legal position that in the context of Section 9 of the Ebtv. and in the context of the application of Section 355 (4) of the Civil Code, the same statutory condition of disadvantage carries a different legal content, as in the context of indirect discrimination, disadvantage is implicitly an element of the statutory facts themselves.

However, the plaintiffs did not only claim non-material damages against the defendant in relation to the school years covered by the final judgment in the action, but also in relation to the five school years not covered by the present public interest litigation, and the tribunal therefore took the following legal position in relation to the legal basis for the claim.

In respect of all the school years covered by the previous action, it can be concluded in respect of all the applicants that, in the school years concerned by the unlawful segregation, the defendants also indirectly discriminated against the pupils concerned by providing them with a lower standard of education, and that the final judgment in the previous action therefore in itself established the legal basis for non-material damages, and that, in relation to those school years, the tribunal was required to rule only on the quantum of damages on the basis of the evidence available.

However, non-material damages are not an automatic legal consequence of an infringement of personality rights, and the mere fact that a court finds that a personal right has been infringed does not in itself provide a basis for ordering the infringer to pay damages.

A person whose moral rights have been infringed may only claim non-pecuniary damages against the infringer, even if the other legal conditions are met, if he expressly proves that the infringer's unlawful conduct has caused him harm, the mitigation or elimination of which would justify the award of non-pecuniary damages.

Having dismissed the applicants' claim on one of the grounds in respect of the second period at issue, the five academic years in question, and merely finding that they had been unlawfully segregated during those academic years, the Tribunal did not find that they had also been indirectly discriminated against by the defendants by being provided with a lower standard of education, therefore, the Tribunal held that, in relation to the

years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, the burden of proof was also on the applicants concerned to prove that they suffered a disadvantage in a causal connection with the defendants' unlawful conduct, the mitigation or elimination of which would justify an award of non-material damages.

In the light of this position on evidence, the Tribunal decided on the scope of the evidence to be admitted in the personality proceedings.

In their application, the applicants submitted that the harm suffered by them consisted of two factors: first, they were disadvantaged by ethnic segregation, which created a sense of inferiority, frustration and humiliation, and second, they were disadvantaged by the lower quality of segregated education provided to them, which prevented them from acquiring the competences, which are set out in the development goals related to the literacy areas in the National Basic Plan, thus reducing their chances of being able to develop their personalities adequately in the future, to participate in society with appropriate and sufficient recognition, and to take up a job or activity that will provide them with a decent income in the future.

In the personal lawsuit, free evidence applies, and the plaintiffs, in view of their position on the burden of proof, did not even consider it justified to conduct a full evidentiary hearing for all plaintiffs.

At the same time, the defendants, first and foremost defendants II and III, submitted motions to introduce evidence in the context of counter-evidence and exculpatory evidence, respectively, on the subject of documentary evidence and witness testimony, while at the same time they also considered it appropriate to conduct expert evidence in the personality proceedings.

In the personal injury action, the tribunal provided the possibility for the defendants II and III to prove by documentary evidence and witness testimony that, even if the tribunal could find a personal injury violation, the plaintiffs did not suffer any causal harm that could justify the tribunal also ordering the defendants to pay non-pecuniary damages.

In the personality proceedings, the defendant II and III also submitted an evidentiary motion for the plaintiffs to be examined by a forensic psychologist and a psychiatrist, respectively, but the court rejected the motion of the defendant II and III. The Court of First Instance rejected this request for evidence, since, in view of the subject-matter of the legal relationship, it was not justified to order such expert evidence, and the very extensive evidence provided made it possible to take a well-founded position in respect of all 62 applicants as to whether, in connection with the academic years in question, any actual disadvantage could be established in relation to them which the defendants were obliged to repair.

As for the school years prior to the 2012/2013 school year, the legal relevance of the possible order for expert evidence would have been irrelevant, since according to the legal view of the Tribunal, these school years were covered by the final judgment in the

previous public interest litigation.

At the same time, the court rejected the evidentiary motion of the defendant II and III for the order of the secondment of a forensic educational administration expert because it could not have any legal relevance for the school years prior to the 2012/2013 school year, since the defendant II and III had successfully applied for the secondment of an expert. In the light of the final judgment in the previous action, the defendant could no longer dispute that it had also indirectly discriminated against the applicants concerned by providing them with a lower standard of education, while for the five subsequent school years the Tribunal took the view that the defendant II. For the second and third additional school years, the Tribunal found that the defendants had satisfied their burden of proof of exculpation by documentary and testimonial evidence, and therefore, for those five school years, the Tribunal did not find that the defendants had also indirectly discriminated against the otherwise unlawfully segregated applicants by providing them with a lower standard of education.

Finally, in the light of the subject matter of the case, the tribunal also assessed the following in relation to the legal basis for non-material damages.

Judgment of the Court of Justice of the European Union (CJEU) of 16 July 2015 in Case C-83/14 - reference for a preliminary ruling under Article 267 TFEU from the European Court of Justice (ECJ), made by decision of 16 July 2015, received at the Court Registry on 16 July 2015, in the proceedings

The relevant essence of the judgment of the Grand Chamber is that the Court of Justice of the European Union interpreted the concept of discrimination broadly in the context of Council Directive 2000/43/EC, as it ruled that the scope of the Race Directive should not be interpreted restrictively, as the principle of equal treatment also protects those who, although they do not belong to the ethnic group concerned, are nevertheless treated unfavourably and suffer a specific disadvantage.

It is not disputed, however, that the 62 applicants can be equally identified as having one of the protected characteristics referred to in Article 8 of the Ebtv., namely their nationality.

Hungary promulgated the International Convention on the Elimination of All Forms of Racial Discrimination, adopted in New York on 21 December 1965, by Decree-Law No. 8 of 1969.

Article 2(d) of Decree-Law No. 8 of 1969 provides that each State Party shall, by all appropriate means, including by legislation if necessary, prohibit and abolish local discrimination by any person, group or organization.

In the context of the legal basis for compensation for non-material damage, the court emphasises that if the need arises on the part of legal officials, school directors or teachers working in public education (public education) to ensure that the effective

catching-up of children with multiple disadvantages is provided at a higher level than hitherto, in the context of that professional objective, they may take any decision only within the framework of the legal provisions in force, and neither good intentions nor any other motive is legally relevant to the existence of a legal basis for compensation for non-material damage.

However, the court also found that § 28(2)(a), (2a), (2b) and (2)(3) of the Ebtv. could not be applied.

Article 28 of the Fundamental Law states that the courts, in their application of the law, shall interpret the wording of legislation primarily in accordance with its purpose and the Fundamental Law.

In determining the purpose of legislation, the preamble of the legislation or the justification for the proposal to enact or amend the legislation must be taken into account in the first instance, and the interpretation of the legislation must be based on the presumption that it serves a moral and economic purpose in accordance with common sense and the common good.

In the personal lawsuit it was justified to apply § 355 (1) of the Civil Code, § 355 (4) of the Civil Code and § 355 (4) of the Civil Code. 84 (1) (e) of the Civil Procedure Act, not only grammatically, but also teleologically and purposefully.

Article XV (2) of the Fundamental Law explicitly states that Hungary shall ensure fundamental rights to all without distinction of any kind, such as race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or other status.

According to the explanatory memorandum to the Fundamental Law, the only exception to the general prohibition of discrimination is the provision of the Fundamental Law under which Hungary also takes measures to eliminate equal opportunities.

In the Court's view, the 3 legal provisions referred to were justified in the context of the legal relationship in question in order to examine whether the defendants had complied with Article XV(2) of the Fundamental Law in the exercise of their rights, taking into account the fact that the highest level of the law also provides for a general prohibition of discrimination.

At the same time, in the Tribunal's view, in the context of the application of the three legal provisions referred to, the proper interpretation also required the Tribunal to take into account the sources of international law that have become part of the Hungarian legal system and that affect the legal relationship in the case, as referred to in the grounds of the judgment, in the light of Article Q(3) of the Fundamental Law.

Hungary, as a sovereign state member of the European Union, is also party to the international treaties referred to in the grounds of the judgment.

Article B(1) of the Fundamental Law states that Hungary is an independent democratic state governed by the rule of law, and the rule of law as an expression presupposes the subjection of public authority to the rule of law.

Article C(1) of the Fundamental Law also states that the functioning of the Hungarian State is based on the principle of the separation of powers.

Having regard to the provisions of Article 25(2) of the Fundamental Law, the ordinary court deciding the parties' private law dispute in the present personal lawsuit was obliged to interpret the relevant legal provisions in the context of the legal relationship in accordance with the Fundamental Law and to take into account their purpose.

2. General observations on the quantum of the plaintiff's claims for non-material damages.

-name of applicant No II- Applicant No II was under 18 years of age at the time of lodging the application.

Prior to the termination of the trial, at the continuation hearing held on 16 October 2018, the mother of the applicant's mother - the name of the applicant's mother - stated that her daughter was 20 years old and that she did not know what to do with her life.

However, one of the lawyers representing the plaintiffs, in a substantive speech before the end of the hearing, said that the court should decide in the personal injury case whether the plaintiffs should be awarded damages for the years lost in the segregated school.

In its application, the 63 applicants sought an order that the defendants jointly and severally pay HUF 201,750,000 in non-material damages.

At the same time, following extensive evidence in the personal injury action, the 62 plaintiffs who maintained their action before the trial was terminated, jointly and severally sought an order that the defendants I-II-III pay HUF 143,500,000 in non-material damages.

However, on the basis of the evidence available to it, the Court of First Instance dismissed two of the applicants' claims in their entirety, upheld 12 of them in their entirety and found 48 of them to be only partially well-founded.

The court ordered the defendants to pay the sum of HUF 89,000,050 in non-material damages in favour of the 60 applicants, as set out in the operative part of the judgment, and dismissed the applicants' unfounded claim for more than this sum.

In the personal injury case, the court had to rule on the question of whether the actual damage caused to the 60 plaintiffs by the defendants' infringement of their personality

rights was recoverable at all, and whether it was so for each of the 60 plaintiffs.

Béni Grosschmid, in his book entitled Chapters on the Law of Obligations, published in 1901, did not support the introduction of the legal institution of non-material compensation, saying that the application of this law would be nothing more than case-by-case legislation.

Nearly 20 years after the introduction of the new legal institution of non-material compensation, an article by Dr. Károly Horeczky entitled "The Legal Institution of Non-Material Compensation" was published in the 1996 issue II of Economy and Law, in which he stated that there is a real danger that non-material compensation will create the possibility of uncontrollable judicial subjectivism in the law of exact compensation.

It is not disputed that even under the new Civil Code, the courts have taken the legal position, based on the evidence available to them in a personal injury action, that the defendant who has infringed personal rights cannot be ordered to pay damages.

The Curia upheld the judgment of the Debrecen Court of Appeal under the number Pfv.IV.21.464/2015/4. in the review procedure.

However, based on its legal position below, the Court of First Instance in the personality proceedings took the view that the application of a finding of infringement of personality was not sufficient to compensate for the violation of the 60 applicants' right to equal treatment and that the defendants should also be ordered to pay the 60 applicants non-material damages.

Not only the legal instrument of compensation for damage, but also the instrument of non-pecuniary compensation, which has its roots in criminal law, has a dual function.

It is not disputed that the primary function of the legal institution of non-material compensation is to compensate, compensate and repair the violation of personality rights by means of material satisfaction.

However, in the Tribunal's view, the second function of the legal instrument had to be taken into account in the context of the litigation, and in the context of this secondary function, both satisfaction and prevention have a legal content which was justified in the decision.

Under Article 15 of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Member States are to introduce effective, proportionate and dissuasive sanctions to ensure that they comply with their obligations under the Directive.

However, it can also be concluded from the case-law of the Court of Justice of the European Union that the obligations of the Member States under Council Directive 2000/43/EC and the obligation of the Member States under Article 5 of the Treaty on

European Union to take all appropriate measures, whether general or particular, to ensure fulfilment of those obligations apply to all the authorities of the Member States, including, mutatis mutandis, the national courts within the limits of their jurisdiction.

In the light of the above, it was appropriate for the tribunal to apply the framework legislation on the legal instrument of compensation for non-material damage in the context of the litigation in such a way that, when determining the amount of compensation for non-material damage, it should also give due weight to, inter alia, the above-mentioned context.

However, in the legal opinion of the tribunal, the circumstances invoked could not in themselves serve as a basis for the defendants' dismissal, and the tribunal, taking into account the dual function of the legal institution of non-material damages, assessed the evidence available to all 60 applicants on the basis of Article 206 (1) of the Civil Code as a whole and assessed it in its opinion.

In their summary preparatory document No. 376, the applicants submitted that for each school year spent in a segregated class and claimed in the personal injury action, they had received 500.000 HUF per academic year for each of the classes in which they have been segregated and for each of the five years of non-material damages claimed in the preceding judgment, they ask the court to recognise that the infringement of personality rights against the most vulnerable persons, which was deliberately perpetuated over a period of years and which also infringes fundamental rights as enshrined in the Fundamental Law, entails a minimum of 500,000 HUF in non-material damages per academic year.

The applicants also argued in the same preparatory document that the HUF 500,000 per applicant per year spent in segregated classes is a minimum amount of non-pecuniary compensation that should be awarded to an applicant whose negative circumstances (family and other) outside school have also reinforced the negative impact of segregated education, and therefore there is no justification for individualising it "downwards".

The defendants, on the other hand, took the legal position that individualisation was justified and necessary in the personality proceedings, since the evidentiary procedure carried out showed that sixty partially or completely different life stories were revealed to the courts.

In the personal injury action, Defendants II and III filed separate preparatory briefs for each of the 62 plaintiffs and evaluated the evidence for each of these plaintiffs in great detail, on a plaintiff-by-plaintiff basis.

In the grounds of its judgment, the Tribunal sets out its factual and legal position in relation to each of the 62 applicants in relation to the claim for non-material damages, but summarises the generalisable findings applicable to all the applicants in this part of the grounds of the judgment.

The applicants submitted in their preparatory document, summary No 376, that the compensation for non-material damage was intended to remedy the two disadvantages suffered by each of the applicants, which they had already referred to in their application.

With regard to the frustration and humiliation of the minority feeling caused by the ethnic segregation alleged by the applicants, the Tribunal highlights the following.

The former President of the Constitutional Court, László Sólyom, said that personality is not legally tangible, it is outside the law, and the measure of it is the individual.

It follows that everything that man himself considers to be of value must be considered as such, since personality itself embodies a general human value.

For the above reasons, people who are different but of equal personality are equally entitled to general protection of personality and, if the legal conditions are met, to non-pecuniary damages.

There is no doubt that certain non-material traumas to the personality can result not only in physical but also in psychological changes, which can be expressed in feelings of inferiority or humiliation.

At the same time, the judicial practice based on the old Civil Code, based on the provisions of the first sentence of paragraph (3) of Article 163 of the old Civil Code, accepted as a well-known fact certain immaterial damages as proven.

However, in the Tribunal's legal view, it was not a matter of common knowledge that the ethnic segregation alleged by the applicants had led to the development of a sense of minority frustration and humiliation, however, the Tribunal accepted as proven, on the basis of the documentary evidence and witness statements available to it in the personality proceedings, that these intangible injuries had in fact occurred in respect of the 60 applicants, and that the development of these psychological changes was clearly attributable to the infringement of personality rights committed by the defendants.

The applicants also claimed that the lower quality of the segregated education provided to them meant that they had not acquired the competences they actually needed to develop their personalities, that they were unable to participate in social life with adequate and sufficient recognition, and that they had lost or reduced the chance of finding work that would provide them with a decent income.

In the context of this disadvantage, however, it is relevant that in the personality action the Tribunal dismissed the claims of the 60 applicants on this ground in relation to five academic years, found against the defendants on only one ground in relation to these five academic years, did not find that the applicants, who were otherwise unlawfully segregated, were also provided with a lower level of education by the defendants, and therefore did not find that they were indirectly discriminated against.

However, on the basis of the final judgment in the earlier public interest litigation, it can be concluded that, during the school years covered by the earlier public interest litigation, the defendants not only unlawfully segregated the applicants concerned, but also indirectly discriminated against them by providing them with a lower standard of education.

Indirect discrimination as a terminus technicus includes the word disadvantage.

The Metropolitan Court of Appeal also stated in the grounds of its judgment in the preceding public interest litigation under the number 2.Pf.20.305/2013/20 that it was a fact that the same curriculum was not taught in classes a and b.

The reasoning of the final judgment refers to the fact that the report of the National Assembly Commissioner for the Rights of National and Ethnic Minorities of 19 April 2011, based on the statement of the headmaster Károly Molnár, contains the finding that there is a difference between classes A and B in terms of teaching methodology and curriculum, since in class B more emphasis is placed on the mandatory minimum subjects and less on additional curriculum, while classes A also have a talent education function from the first grade.

In the grounds of its final judgment, the Metropolitan Court of Appeal stated that the judgment can be enforced without the preparation of a desegregation plan, and that the general objective sanction on the issue of class classification and the provision of an adequate standard of education can also serve as a basis for enforcement, since the demonstration of good conduct on the two issues is clear.

Since the previous public interest litigation was governed by special rules of evidence and the defendants did not offer any evidence on the merits in connection with the exculpatory evidence against them, neither did the plaintiff's claim seeking to have the II.r. In the context of the claim of the defendants in relation to the school years covered by the previous public interest litigation, the defendants no longer have any legal standing to challenge the alleged indirect discrimination in the context of the school years covered by the previous public interest litigation.

It follows from this fact, however, that, in relation to these school years, they cannot successfully dispute that the disadvantages alleged by the applicants in the causal link between the provision of lower educational standards did occur, but that, in relation to the school years not covered by the previous public interest litigation, the Tribunal dismissed the 60 applicants' unfounded claims.

The Tribunal, on the basis of the evidentiary proceedings in the personality proceedings, having considered the evidence available to it, both together and separately, came to the conclusion that the defendant's unlawful conduct in relation to personality, which had actually occurred as a result of the lower educational standards provided to the 60 applicants during those academic years and which was also assessed as indirect discrimination in the final judgment, had resulted in disadvantages for the applicants,

which justified the award of non-material damages in their favour in order to reduce those disadvantages.

In deciding what amount of non-pecuniary damages was appropriate to order the defendants to pay to each of the plaintiffs, the tribunal also assessed the following context.

In the context of the compensatory function of non-material damages, the court also assessed the fact that, taking into account the subject matter of the action, the benefit, also expressed in money, provided by the award of non-material damages, can also serve as indirect compensation in the sense that it can help to alleviate the psychological effects of the personal infringement, and to bring a kind of calm to children and young adults.

At the same time, the Tribunal took into account the following in the context of the criminal law function of the legal instrument.

There is no doubt that "monetary compensation" also has a criminal law function.

Although non-pecuniary compensation, like damages, is also a private law penalty, its primary function is to compensate for the violation of the right to privacy by indirectly providing a pecuniary benefit.

Therefore, repressive (retaliatory) aspects cannot prevail in the application of the legal instrument.

At the same time, the Tribunal considered that, in the context of determining the amount of compensation for non-pecuniary damage, it was also appropriate to take into account the preventive aspects of the legal content of the secondary criminal law function.

In the Tribunal's view, taking into account the subject matter of the case and its international legal context, the Tribunal had to ensure that, in addition to individual prevention, general prevention was also possible, so that the deterrent effect of the judgment could be applied not only to the parties to the case, but also to the public education institutions operating in Hungary.

In the context of the amount of the non-pecuniary damages, the tribunal also assessed the following.

In the personality action, it can be concluded that the defendant's infringement of personality rights can be considered to be extremely serious, as the defendants infringed the 60 plaintiffs' right to equal treatment, a right of personality right to which Hungary, as a member of the European Union, is a party, on two counts, as a Member State and as a State party to the international treaties relied on in the action for a declaration of personality, has fulfilled its legislative obligations under the international treaties and has therefore made the infringement of the legal provisions relied on in the action for a

declaration of personality, which has become part of the domestic legal order, a particularly serious breach of the right to a declaration of personality.

The Tribunal also assessed, in the context of non-pecuniary damages, the fact that the repetitive nature of the infringement of personality could be established in relation to the defendants, since the defendants' conviction covered a total of fourteen academic years.

Pursuant to Section 4 (4) of the Civil Code, if the law does not impose a stricter requirement, in civil law relations the conduct shall be such as is generally expected in the given situation.

In the personal injury case, the court assessed the degree of imputability of the defendants as the fact that for many years they had not acted in a way that would have been normally expected of them in the circumstances.

The name of the defendant in the second instance was municipal for the first period of the case, but was state-owned for the second period of the case.

In the preceding public interest litigation, the Metropolitan Court of Appeal issued its final judgment on 7 October 2014.

With regard to both the period covered by the municipal maintenance of institutions and the period covered by the state maintenance of institutions, it can be concluded that the defendants could be expected, in their specific situation, to take all meaningful measures immediately after their discovery to take the measures they were obliged to take under both domestic and international law in connection with the segregation in the school of the second respondent.

In the preceding public interest litigation, the application was filed at the Heves County Court on 17 October 2011, and this fact was also assessed by the court in the context of imputability.

The impact of the violation of personality on the individual plaintiffs has already been assessed in detail by the tribunal, but it has found that the defendant's violation of personality had a serious impact on the families of the 60 plaintiffs who should be considered as the environment, and the testimony of the legal representatives of several of the minor plaintiffs also indicates that the plaintiffs' parents recognized the disadvantages that would result if their children were not integrated into the education system of the -II.However, the practice of class placement at the Defendant School II has not changed and not all children of Gypsy origin who are good students and perform well have been allowed by the Defendant School II to transfer to Class A.

On the basis of the evidentiary proceedings in the personal injury action, the tribunal also found that several minor plaintiffs were students in class b of the defendant II, whose mother had been allowed to study in an integrated mixed class with a much larger

number of students many years earlier.

For the above reasons, the court in the personality suit found that the defendant's infringement of personality also had a clear negative environmental impact on the families of the plaintiffs concerned.

Finally, the tribunal ruled on the question of whether the legal relationship at issue was capable of giving rise to the application of the apportionment of damages.

The Civil Code. Pursuant to Article 340 (1) of the Civil Code, the injured party is obliged to act in the manner that can be normally expected in the given situation in order to prevent or reduce the damage. He does not have to compensate the part of the damage resulting from the victim's failure to comply with this obligation.

Pursuant to Paragraph (3) of Article 59 of Act CXC of 2011 on National Public Education, the school shall be fully liable for any damage caused to the child in connection with the pupil's educational status, regardless of fault, with the exception of the exception set out in Paragraph (3/A). The provisions of the Civil Code shall apply to compensation for damage, with the addition that the educational establishment shall be exempted from liability only if it proves that the damage was caused by an unavoidable cause outside its sphere of activity. No compensation shall be payable if the damage was caused by the unavoidable conduct of the victim.

Paragraph (3) of Article 77 of Act LXXIX of 1993 on Public Education did not exclude the application of damage sharing.

Under the legal provisions referred to, the liability of a primary school is therefore not based on fault, but on objective liability.

It is not disputed that the said 60 applicants were students of the name of the defendant -II.r. during the academic years mentioned in the preparatory document No. 393 of the plaintiff.

However, the court also found, on the basis of the evidentiary proceedings in the personal injury action, that the damage (non-material damage) suffered by these plaintiffs occurred during the existence of the legal relationship between the educational institution and these pupils.

Since the principle of lex generali derogata lex speciale does not apply in any context in relation to the old Civil Code and the National Public Education Act, it can be concluded that the liability of the school of defendant II is objective, but it is also justified to examine whether the application of the apportionment of damages is justified, while the liability of the defendants I and III is based on the general rules of liability for damages, is not objective, but is based on the principle of the principle of the principle of the apportionment of damages, which is not justified under the Civil Code.84The

justification for the application of damage sharing can also be examined in the context of Article 84(1)(e).

On the basis of the evidence available to it, the tribunal found in the personal injury action that the defendant school II.r. had not proved that the plaintiffs' damage was caused by an unavoidable cause outside its sphere of activity, such an unavoidable cause outside its sphere of activity could not have arisen in the context of the legal relationship in the action, since the school II.The school in question infringed the right to equal treatment of the 60 applicants, who were pupils of the school, on two counts, by disregarding the legal provisions prohibiting the infringement of equal treatment.

In the preceding public interest litigation, the Budapest Court of Appeal also decided on the issue of succession by two orders in the second instance proceedings, while in the present personal status litigation, the Egri Tribunal established the legal successor status of the defendant legal person III.r. by the order it issued.

In view of the above, it can be concluded that, in respect of both the first and the second period of the dispute, the school in question is a party to the dispute, in addition to the defendant school in the second period.

Pursuant to Paragraph (1) of Article 77 of Act CXC of 2011 on National Public Education, the Minister responsible for education shall be responsible for the sectoral management of public education as defined in this Act.

The applicants attached as an annex to their preparatory document under number 376 the judgment of first instance of the Metropolitan Court of Budapest of 18 April 2018, the defendant of which was the Ministry of Human Resources.

According to the legal view of the Tribunal, the legal position taken in the judgment of the Metropolitan Court of Budapest in the public interest litigation is not relevant in the present personality litigation, as the Egri Tribunal did not rule in a public interest litigation and the plaintiff individuals did not even assert a claim for violation of their personality rights against the Minister or Ministry responsible for the management of the sector as defendant.

In the personality proceedings, the Tribunal heard as witnesses the names of -teacher 4, -teacher 5, -teacher 6, -teacher 7 and -teacher 8, who all expressed their professional views on integrated and segregated primary education and explained in detail their professional views on the possibilities and obligations of the larger community, society and the families of the individual pupils in relation to the school.

The tribunal in the personality case conducted an individualized evidentiary assessment of all 62 plaintiffs and examined, assessed and took into account the context of the relevant plaintiffs, not in general.

However, in the legal view of the Tribunal, the international legal context of the

litigation did not preclude the national court from examining the merits of the possible justification for the application of the apportionment of damages in respect of the 60 applicants concerned.

Defendants II and III expressly referred to the provisions of Article 46(1) of the Act, which specifies the obligations of pupils.

Paragraph (1) a) of Article 46 of the Act stipulates that pupils are obliged to participate in compulsory and elective classes and other classes and work placements up to 16 hours in primary schools.

At the same time, the respondents II and III also referred to the statutory provisions regulated by Government Decree 149/1997 (IX.10.), paragraphs 91/F.-91/I, in connection with the high number of unauthenticated absences.

According to the legal position of the court, the number of hours involved in the guardianship proceedings invoked by defendants II and III is not of independent legal relevance, and in light of the provisions of Article 206 (1) of the Civil Code, the court assessed the number of possible unjustified absences of all 60 plaintiffs together with the other evidence in the personal injury case, in order to determine whether it was justified to take this into account in the context of the apportionment of damages.

Since the Hungarian State is a party to the international treaties referred to in the personal injury action, any structural deficiencies and any omission on the part of the Ministry or Minister responsible for sectoral management cannot be interpreted in the context of the apportionment of damages, nor does it affect the independent liability of the defendant I-II-III.

Nevertheless, it can be concluded that the role of the primary school is of paramount importance in the context of strengthening the motivation of pupils, or, if necessary, creating it, since the possible existing disadvantages of pupils, which may be multi-directional and due to various reasons, can be eliminated, or at least reduced by a primary school where children like to go, and where a sense of responsibility and the need for knowledge is developed.

For the above reasons, no general finding can be made in respect of the circumstances relied upon by Defendants II and III in relation to the proposed apportionment of damages in relation to all 60 claimants, and the possibility of apportionment of damages was assessed by the Tribunal in relation to each claimant when it decided the amount of non-material damages.

In the case of an action for the payment of default interest on the principal amount of non-material compensation, the court may, pursuant to Paragraph (3) of Article 206 of the Civil Code, exercise its discretion to decide whether to award the non-material compensation due to the injured party on the basis of the price and value at the time of the occurrence of the damage or at the time of the judgment, provided that the reasons

for its decision must be given.

The Tribunal took the view that the principle of full reparation was satisfied by the non-material compensation determined by taking into account the value at the time of the assessment, and therefore did not order the defendants to pay default interest in favour of the 60 applicants (ECHR 2009.2041., ECHR 2007.1694.)

V.

The Tribunal ruled as follows on the claims maintained by the 62 applicants.

1. Adjudication of the claims maintained by the minor applicant I.r.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also assessed the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

With respect to Plaintiff I, who is a minor, the preparatory document for Defendants II and III, under the number 122, contains the pleaded position of Defendants II and III.

a.) The application of the minor plaintiff I.r. for a declaration of infringement of personality rights (Art.84 (1) a.) of the Civil Code).

The minor plaintiff I.r. requested the application of the objective sanction in relation to a total of four school years, for the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, on two grounds, that the defendants violated her personal right to equal treatment, on the one hand, the minor plaintiff I.r. requested a declaration that in these school years the defendants unlawfully segregated her, on the other hand, by providing a lower educational standard, they also indirectly discriminated against her.

Since in the school year 2011/2012 the minor plaintiff I.r. repeated grade II and was a pupil of the consolidated class 2-3/d, this school year could not be covered by the final

judgment in the previous public interest litigation and therefore the infringement of personality was only established for the other three school years.

Since all three school years are covered by the final judgment in the previous public interest litigation, the court found, in relation to each of these three school years, that the defendants I and II had infringed the rights of the minor I.r. Not only did they unlawfully segregate the minor plaintiff in the school years 2008/2009, 2009/2010 and 2010/2011, but they also indirectly discriminated against the minor plaintiff I.r. by providing her with a lower standard of education in those school years.

Since the last school year affected by the infringement of personality rights was the school year 2010/2011, however, the school of defendant II was only maintained by the Klebelsberg Centre for the Maintenance of Institutions from 1 January 2013, the court found that only the defendant I and II infringed the right to equal treatment of the minor plaintiff I.

<u>b.) An action for payment of non-material damages (Section 84 (1) (e) of the Civil Code).</u>

The court of law, having assessed the evidence available to the minor plaintiff I.r. on the basis of Section 206 (1) of the Civil Code, ordered the defendants I. and II.r. jointly and severally to pay HUF 1,200,000 in non-material damages, and dismissed the unfounded claim of the minor plaintiff I.r. in excess of this amount.

The Tribunal considered it appropriate to award HUF 400,000 in non-pecuniary damages for each of the three academic years affected by the infringement of personality, and therefore ordered the 1st and 2nd defendants jointly and severally to pay HUF 1,200,000 in non-pecuniary damages.

The tribunal also assessed the following with regard to the amount of non-pecuniary damages.

A ... The expert opinion of the Expert and Rehabilitation Committee for the Assessment of Learning Ability of the Unified Pedagogical Specialist Service and Professional Service of 7 February 2012 for the minor defendant I.r., who is entitled to special care and special educational needs, indicated the school of defendant II.r. as the place of care, so that the minor plaintiff I.r. would be educated in the name of defendant II.r. in an integrated way from 11 January 2012.

Nor do the earlier expert reports available in the personal injury action contain any finding that the minor plaintiff I.r. should have been educated in a segregated manner in the earlier school years.

The referenced expert opinion dated February 7, 2012 also contains the finding that the minor -appellant I.r. should be educated in a segregated manner only as of the 2012/2013 school year.

A ... Megei Government Office ... only ordered the placement of the minor plaintiff I.r. in foster care by a decision dated 26 May 2016, therefore this circumstance could not have any legal relevance in the context of the defendant's infringement of personality rights.

2. Adjudication of the applications maintained by the applicant - applicant II.r.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs, in the preparatory document under number 393, indicated separately for each of the 62 plaintiffs in relation to which specific academic years they were asserting a claim in court, and based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document under number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

-name of plaintiff II.r. - with respect to plaintiff II.r., the preparatory document under Defendants II and III.r., Serial No. 121, contains the pleaded position of Defendants II and III.r.

a.) Application of the applicant II. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The second applicant requested the application of the objective sanction in relation to a total of eight school years, for the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, that the defendants had infringed his individual right to equal treatment, on the one hand, that the second applicant requested the application of the objective sanction for the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, and on the other hand, that the defendants had infringed his right to equal treatment.The applicant alleged that the defendants had unlawfully segregated him during those academic years and had also discriminated against him by providing a lower standard of education.

Since the applicant was a pupil of class D in the first, second, third and repeated third grades of the school year 2005/2006, in the school year 2006/2007, in the school year 2007/2008 and in the school year 2008/2009, the applicant was a pupil of class D in the school year 2005/2006, in the school year 2006/2007, in the school year 2007/2008 and in the school year 2008/2009. Therefore, these four school years cannot be included in the scope of the preceding public interest litigation and the Tribunal only imposed the objective sanction on the defendants in relation to the other four school years, namely 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

The tribunal found against the 1st and 2nd defendants on two counts in respect of three academic years 2009/2010, 2010/2011 and 2011/2012, finding not only that the 1st and 2nd defendants had unlawfully segregated the 2nd plaintiff, but also that they had indirectly discriminated against him by providing him with a lower standard of education in those three academic years.

However, after the judgment of the Egri General Court in the previous public interest litigation was delivered on 6 December 2012, the court already found against defendants II and III in connection with the 2012/2013 school year, but only on one ground and only found that defendants II and III had violated the provisions of the Act on the Separation of the Second and Third School Years by maintaining unlawful segregation.However, in relation to that academic year, the Tribunal dismissed the claim of the applicant's claim that, by providing him with a lower standard of education, the defendants II and III had also indirectly discriminated against him.

b.) An action for payment of non-material damages (Section 84 (1) (e) of the Civil Code).

The court of law assessed the evidence available to the second applicant jointly and severally ordered the first and second defendants to pay HUF 1,200,000, while the second and third defendants were also jointly and severally ordered to pay HUF 300,000 in non-material damages.

The second applicant claimed 4.000.000 HUF for non-material damages, for whom the court considered only 1.500.000 HUF for non-material damages to be justified, and dismissed his unfounded claim as unfounded.

Defendants II and III summarized in a table in their preparatory file, cited above under No. 121, the number of certified and unexcused absences of Plaintiff II in each school year.

At the same time, the legal representative of the second applicant did not dispute that her daughter had a higher number of absences in the first grade, but she also claimed that she did not let her daughter go to school for the first two weeks because she was so upset.

Chapter V of the EMMI Decree 20/2012 (VIII.31.) on the operation of educational institutions and the naming of public educational institutions provides for the fulfilment of the obligations of children and pupils, including the rules on the default of children and pupils.

However, three school years of the applicant's school years are covered by the final judgment in the previous public interest litigation, and therefore the legal argument of the defendant II and III concerning the applicant's default could not be accepted in relation to these school years.

However, the Tribunal found, on the basis of the documentary evidence available to it, that of the eight school years in which the applicant II brought proceedings, it was in the 2012/2013 school year that the applicant II had the lowest number of unexcused absences, only 13 teaching hours.

In the light of the above, the Tribunal considered it appropriate to award HUF 400,000 for the first three school years and HUF 300,000 for the fourth school year, the 2012/2013 school year.

3.Adjudication of the claims maintained by the applicant III.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing the 62 applicants.

At the same time, the other lawyer representing the plaintiffs, in the preparatory document under number 393, indicated for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the preparatory summary under number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, the defendants II and III submitted a separate preparatory document for each of the 62 plaintiffs and in this preparatory document the defendants II and III summarised their factual and legal position in detail individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

With respect to Plaintiff III III, Defendants II and III, the preparatory document at Docket No. 123 contains the pleaded positions of Defendants II and III.

a.) Application of the applicant III.r. for a declaration of infringement of personality rights (Article 84 (1) a.) of the Civil Code)

The applicant III.r. applied for the application of the objecitve sanction in relation to a total of seven school years, for the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, seeking a declaration that the defendants had infringed his right to equal treatment, on the one hand, a declaration that the III.In the first, the applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Although the applicant III started the school year 2012/2013 at the school of defendant II, he was not a student of the defendant II during the period from 21 January 2013 to 21 August 2013.

Plaintiff III completed his elementary school education as a grade A student in the eighth grade, but it is undisputed that he was a grade B student at Defendant II's school for each of the seven school years he was sued.

For the reasons set out above, the Tribunal found, in relation to the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, all of which were subject to the final effects of the previous public interest litigation, that the defendants I and II not only unlawfully segregated the plaintiff III, but also discriminated against him by providing him with a lower standard of education.

b.) Action for the payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)

The third applicant sought an order that the defendants pay a total of HUF 3,500,000 in non-pecuniary damages.

On the basis of the evidentiary proceedings conducted by the court, the court ordered the 1st and 2nd defendants jointly and severally to pay HUF 2,400,000 in non-material damages, while the 3rd plaintiff's claim was dismissed in excess of this amount.

Since all of the academic years covered by Defendants II and III's complaint were covered by the final judgment in the prior public interest litigation, Defendants II and III's arguments regarding Plaintiff III's ability and attitude to learning could not be sustained.

<u>4.IV. the name of the applicant IV.r. the adjudication of the claims maintained by the applicant IV.r.</u>

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the applicants indicated in the

preparatory document No 393 for each of the 62 applicants separately in relation to which specific academic years they were pursuing their claims in court and, based on the number of academic years indicated, determined for each of the 62 applicants the amount of compensation they were claiming in the personal injury action, taking into account the provisions of point 3.1 of the summary preparatory document No 376.

At the same time, in the personality proceedings, the defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents the defendants II and III summarised their factual and legal positions in detail individually and specifically for the plaintiffs concerned, and also evaluated the material of the first instance proceedings specifically for the plaintiffs concerned.

As to the name of Plaintiff IV, Plaintiff IV, the preparatory document numbered 126 for Defendants II and III contains the pleaded position of Defendants II and III.

a.) Application of the applicant IV. for a declaration of infringement of personality rights (Article 84 (1) a.) of the Civil Code)

The applicant IV applied for the application of the objective sanction in relation to three school years, 2010/2011, 2011/2012 and 2012/2013, requesting a declaration that the defendants had violated his right to equal treatment as an individual on two counts. First, the applicant seeks a declaration that the defendants unlawfully segregated her for those academic years and indirectly discriminated against her by providing a lower standard of education.

On the basis of the documentary evidence available to the court in the personal injury action, the court found that the plaintiff in the fourth grade was a b-grade student in the repeated fifth grade, sixth grade and seventh grade at the defendant school in the second grade.

On the basis of the evidentiary proceedings in the personal lawsuit, the court found that only the first two school years were subject to the final judgment in the previous public interest litigation, and therefore it imposed two sentences on the defendants I and II only for the school years 2010/2011 and 2011/2012, finding that in these two school years the plaintiff IV was not only unlawfully segregated, but also discriminated against by providing him with a lower standard of education.

However, in relation to school year 3, 2012/2013, the Tribunal found that the school of Defendant II did not indirectly discriminate against the Plaintiff IV by providing a lower standard of education to the Plaintiff IV, and therefore, the Tribunal found only that the Plaintiff IV was unlawfully segregated in respect of Defendants II and III in that school year.

b.) Action for the payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)

The IV.r. plaintiff claimed 4,500,000 HUF for non-material damages, but the court ordered the defendants to pay only 1,100,000 HUF on this claim, while the IV.r. plaintiff's claim was dismissed for more than this amount.

The applicants submitted in their summary preparatory document, number 376, that they seek recognition that the infringement of personality rights of the most vulnerable persons, which was established in the previous case, deliberately perpetuated over a period of years and which also infringes fundamental rights enshrined in the Fundamental Law, entails a compensation of HUF 500,000 per academic year in non-material damages.

On the contrary, the court of law in the personality case took the legal position that the subjective sanction, the claim for payment of non-material damages of the plaintiffs in the case IV. was not justified to be assessed as "lump sum compensation", therefore the court of law conducted the substantive evidence separately for each of the 62 plaintiffs and assessed the evidence available in the personality case as a whole on the basis of the individualized evidence pursuant to Section 206 (1) of the Civil Code.

The tribunal also assessed the following with regard to the amount of non-pecuniary damages.

The loss of the benefits of positive discrimination does not constitute a breach of the requirement of equal treatment (BDT2016.3521.).

At the same time, in the context of the legal relationship at issue, the court found that the defendants had explicitly violated the personal right to equal treatment of 60 plaintiffs, these 60 plaintiffs had not been subjected to positive discrimination at the school of defendant II, and therefore, accordingly, their previous advantages had not been lost, but rather, these students had suffered actual disadvantages, not only theoretical, which had not existed before, but which were not causally related to the defendant's violation of the personal rights.

However, a published case law states that the personal harm experienced by a party is not necessarily the consequence of an infringement of personality, and that harm may arise even without the conduct constituting an infringement of personality being established (BDT2016.3591.).

However, the finding of the case-law in the context of the application of the law cannot be applied in the context of the litigation, as the Tribunal clearly took the legal position that the actual harm suffered by the 60 applicants was the consequence of an infringement of personality rights by the defendants.

Paragraph (3) of Article 206 of the Civil Code states that the court shall determine the amount of damages or other claims, if it cannot be established on the basis of expert opinion or other evidence, at its discretion, taking into account all the circumstances of

the case.

According to the legal view of the Tribunal, the amount of the non-pecuniary damages could not be determined on the basis of expert opinion or other evidence, and therefore the Tribunal in the personal injury action had to assess the amount of the damages on the basis of the nature, gravity and temporal effects of the personal injuries suffered by the 60 plaintiffs.

In view of the above, the Court of First Instance, on the basis of judicial discretion, ordered the defendants to pay a total of HUF 1,100,000 in non-pecuniary damages to the applicant IV.r., as set out in the operative part of the judgment, in that it considered it appropriate to pay HUF 400,000 in non-pecuniary damages for both the 2010/2011 and 2012 academic years, and HUF 300,000 in non-pecuniary damages for the 2012/2013 academic year.

5. Adjudication of the claims maintained by the applicant V.

Having found beyond reasonable doubt on the basis of the documentary evidence before it in the personal injury action that Plaintiff V was a student in grades D in each of the 1st, 2nd, and 3rd grades of Defendant II's school, and therefore, since those school years were not subject to the final judgment in the prior public interest action, the trial court dismissed Plaintiff V's without merit claim and did not enjoin Defendants from prosecuting the claims maintained by Plaintiff V.

However, the legal entity Defendants II and III also submitted their detailed factual and legal position with respect to Plaintiff V's name in the preparatory document under No. 127.

6. Adjudication of the claims maintained by the minor plaintiff VI.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs the amount of damages they were claiming in the personal injury action, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 applicants and submitted these preparatory documents and in these preparatory documents, Defendants II and III individually summarised their factual and legal positions specifically for the applicants concerned and also assessed the evidence taken at first instance specifically for the

applicants concerned.

With respect to Plaintiff VI, Juvenile, Plaintiff VI, Defendants II and III, the preparatory document at Docket Nos. 117 contains the pleaded position of Defendants II and III.

a.) The application of the minor plaintiff VI.r. for a declaration of infringement of personality rights (Art.84 (1) a.) of the Civil Code)

The applicant, a minor in grade VI, applied for the application of the objective sanction in relation to a total of six school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, on two grounds, seeking a declaration that the defendants had violated his right to equal treatment. On the one hand, the applicant, a minor, sought a declaration that the defendants had unlawfully segregated her during those academic years and had also discriminated against her by providing a lower standard of education.

Since only the first of the six school years, the school year 2011/2012, is subject to the final judgment in the previous public interest litigation, the Court of First Instance found that the personal right of the applicant in the first and second cases to equal treatment was infringed by the defendants in the first and second cases by unlawfully segregating him in that school year and indirectly discriminating against him by providing him with a lower standard of education.

However, for the following five academic years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, the Tribunal found only that the Defendants II and III had unlawfully segregated the minor Plaintiff VI. The tribunal also reached the legal conclusion that the defendant's evidence of excusal had led to the result that, in these five school years, the minor plaintiff VI was not indirectly segregated in the school of defendant II.r., since the minor plaintiff VI was not provided with a lower standard of education in the school of defendant II.r., and therefore was not indirectly segregated.

b.) Action for the payment of compensation for non-material damage (Art.

The minor plaintiff VI jointly and severally ordered the defendants I-II and III to pay HUF 3,000,000 in non-pecuniary damages.

At the same time, the court ordered the defendants to pay a total of only HUF 1,900,000 in non-pecuniary damages, with defendants II and III jointly and severally liable to pay HUF 400,000, defendants I-II-III jointly and severally liable to pay HUF 300,000, and defendants II and III jointly and severally liable to pay HUF 1,200,000 to the minor plaintiff VI, and the court dismissed the action of the minor plaintiff VI in excess of this amount.

In its preparatory document No 117, Defendants II and III submitted, in respect of the minor applicant VI, that the child with learning difficulties had a circumstance which prevented or hindered his learning and which could have a significant effect on his

development.

However, in view of the claim asserted by the minor plaintiff VI (violation of equal treatment) in the personality suit, neither the selective mutism of the child nor the circumstances that might have hindered his learning ability in any other context had any legal relevance.

Public education institutions, including primary schools, have an obligation to respect the principle of equal treatment for all pupils.

This obligation applies to pupils of low ability, average ability, good ability and outstanding ability, as well as to children with any mild learning difficulties, special educational needs or difficulties with integration, learning and behaviour. In the case of pupils with different abilities, the primary school is under a legal obligation to comply with the requirement of equal treatment, and therefore the fact that a plaintiff in the personal injury action had a learning disability could not, in itself, be the basis for apportioning damages.

7. Application maintained by the applicant VII.r., who is a minor.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by a lawyer from a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court and, based on the number of academic years indicated, in paragraph 3.1 of the summary preparatory document No. 376, he determined for each of the 62 plaintiffs the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted a separate preparatory document for each of the 62 plaintiffs, and in this preparatory document, Defendants II and III summarised their individualised and detailed factual and legal positions, also specifically for the plaintiffs concerned, and evaluated the evidence taken during the proceedings at first instance, also specifically for the plaintiffs concerned.

With respect to Plaintiff VII, Juvenile, Plaintiff VII, Defendants II and III, the preparatory document at Docket Nos. 118 contains the pleaded position of Defendants II and III.

a.) The application of the minor plaintiff VII. for a declaration of infringement of personality rights (para 84(1)(a) of the Civil Code.

The minor applicant VII applied for the application of the objective sanction in relation

to a total of four school years, the 2008/2009, 2009/2010, 2010/2011 and 2011/2012 school years, on two grounds, seeking a declaration that the defendants had violated her individual right to equal treatment, first, that the minor applicant VII had been unlawfully segregated by the defendants in those school years and, second, that the defendants had indirectly discriminated against her by providing a lower standard of education.

In the personal injury action, the tribunal found with respect to the minor plaintiff VII that he was a b-grade student in all four grades of the lower primary school of defendant school II, and the tribunal also found that these grades were all subject to the final judgment in the previous public interest action, and therefore the tribunal imposed two injunctions on I. and II, finding that during those school years the minor plaintiff VII was not only segregated but also indirectly discriminated against by being provided with a lower standard of education.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The minor plaintiff VII sought to order the defendants jointly and severally to pay HUF 2,000,000 in non-material damages in the personal injury action.

The court found this claim of the minor plaintiff VII to be well-founded in its entirety and ordered the defendants I and II to pay HUF 2,000,000 in compensation for non-material damage to the minor plaintiff VII.

The court assessed the evidence available in respect of the applicant VII. pursuant to § 206 (1) of the Civil Code as not excessive for the following reasons.

In the personal injury action, the tribunal found that the minor plaintiff VII was a grade A student in all four grades of the upper school of the defendant school II.

The 2nd and 3rd defendants stated in the preparatory document under No. 118 that the teaching staff had formed the opinion that the applicant VII could achieve better results with his abilities, but that he was not motivated in his studies, and that regular smoking was a breach of the house rules and that he had also been absent.

According to Article 4 (4) of the Civil Code, if this law does not impose a stricter requirement, the civil law relations shall be conducted in the manner that is generally expected in the given situation.

No one may rely on his or her own misconduct to gain an advantage. A person who has not acted in a way that is reasonable in the circumstances may rely on the fault of the other party.

Although neither the plaintiffs nor the defendants were in a contractual relationship with each other, defendants II and III in the personal injury action could argue that the

application of damages sharing was justified because the plaintiffs did not act as they could be expected to act in the given situation.

According to the legal view of the court, since the court used judicial discretion in determining the amount of non-pecuniary damages for the 60 applicants whose claims were not dismissed in their entirety, we cannot actually speak of the application of actual damage apportionment, since the court merely assessed the evidence available to it individually and as a whole on the basis of Article 206 (1) of the Civil Code.

In view of the legal basis for the warning, the fact that the minor plaintiff VII smoked in school in possible violation of the house rules had no independent legal relevance and the partial lack of motivation could not be assessed against the minor plaintiff.

At the same time, the Tribunal found that the number of unexcused absences of the minor applicant VII in the four academic years in question, assessed together with the evidence relating to the minor applicant VII, did not justify a reduction in the amount of the non-pecuniary compensation.

8. Adjudication of the claims maintained by the minor plaintiff VIII.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs, in the preparatory document under number 393, indicated separately for each of the 62 plaintiffs in relation to which specific academic years they were asserting a claim in court, and based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document under number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III individually summarised their detailed factual and legal positions, specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings, specifically for the plaintiffs concerned.

In respect of the minor plaintiff in the name of plaintiff VIII, the preparatory document under II-III Defendants 149 contains the pleaded position of the defendant II and III Defendants.

Action brought by the minor plaintiff VIII. seeking a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The minor VIII. applicant requested the application of the objective sanction in relation to a total of six school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, the minor VIII.r. that during those academic years the defendants unlawfully segregated him and, by providing a lower standard of education, also indirectly discriminated against him.

Since only the school year 2011/2012 was subject to the final judgment in the previous proceedings in respect of the minor applicant VIII, the court of first instance found against the defendants I and II on two counts only in relation to this single school year, stating that the school year I. and II infringed the right to equal treatment of the minor applicant VIII by unlawfully segregating him during that school year and by indirectly discriminating against him by providing him with a lower standard of education.

However, for the other five school years, the court found against the defendants II and III only on one claim, namely that the minor plaintiff VIII had been unlawfully segregated during these five school years, but dismissed the claim of the minor plaintiff VIII that he had been indirectly discriminated against by being provided with a lower standard of education.

b.) Action for the payment of non-material damages (Art.84 (1) b.), c.) of the Civil Code)

The minor plaintiff VIII requested the defendants to pay a total of HUF 3,000,000.

However, in a personal lawsuit, subject to the provisions of Pp.206(1) the court ordered the defendants to pay a total of only HUF 2,000,000 in non-pecuniary damages, with the defendants I and II jointly and severally paying HUF 500,000, and the defendants I-II-III. Defendants I-III and III are jointly and severally liable to pay HUF 300,000 to the minor plaintiff VIII, and defendants II-III are jointly and severally liable to pay HUF 1,200,000 to the minor plaintiff VIII, but the court dismissed the claim for the amount in excess of this amount.

The minor applicant VIII was also the head of class in the sixth grade in the 2016/2017 school year -class teacher 1.

Page 8 of the preparatory document under II and III Defendants 149 contains the statement made during the hearing of the witnesses -name of Department Head 1.

During the hearing of a teacher of the defendant school II, he was also entitled to take an emotional approach to the lawsuit and the events that led to the initiation of the lawsuit, but the court in the personal injury case could only assess the proven facts that were relevant to the legal relationship in the lawsuit and could only decide on the basis of the legal context.

In light of the above, the tribunal independently assessed all the evidence available in relation to the minor plaintiff VIII, and assessed this evidence individually and as a

whole when deciding on the amount of the non-pecuniary damages.

9.Adjudication of the claims maintained by the applicant IX.r., who is a minor

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff IX, Juvenile IX, the preparatory document under Defendants II and III, line 150, contains the pleaded position of Defendants II and III.

a.) The application of the applicant IX.r., a minor, for a declaration of infringement of personality rights (Article 84 (1) a.) of the Civil Code)

The minor IX. plaintiff applied for the application of the objecitve sanction in relation to a total of five school years, for the school years 2009/2010, 2010/2011, 2011/2012, 2012/2013 and 2013/2014, on two counts, that the defendants violated his personal right to equal treatment, that the minor IX.r. that during those academic years the defendants unlawfully segregated her and, on the other hand, indirectly discriminated against her by providing a lower standard of education.

As three school years, the school years 2009/2010, 2010/2011 and 2011/2012, were included in the scope of the final judgment in the previous public interest litigation in respect of the minor applicant IX, the court of first instance found only in relation to these three school years that the defendants (I and II. (I and II Defendants) violated the right to equal treatment of the minor Plaintiff IX on two counts, not only by unlawfully segregating her during those three school years, but also by indirectly discriminating against her by providing her with a lower standard of education during those school years.

However, the tribunal found only that the minor IX. plaintiff was unlawfully segregated during the 2012/2013 and 2013/2014 school years, but that the minor IX. plaintiff was

not segregated during the 2012/2013 and 2013/2014 school years. plaintiff, the Tribunal did not find that Defendants II and III had also indirectly discriminated against her by providing her with a lower standard of education during these two school years.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The minor plaintiff IX.r. requested that the defendants be ordered jointly and severally to pay a total of HUF 2,500,000 in non-material damages.

However, the court ordered the defendants to pay only HUF 1,800,000 on the basis of the evidentiary proceedings in the personal injury case, while the claim of the minor IX. plaintiff was dismissed for more than this amount.

The court ordered the defendants I and II jointly and severally to pay HUF 1,200,000, the defendants I-II-III jointly and severally HUF 300,000, and the defendants II and III jointly and severally to pay HUF 300,000 in non-pecuniary damages.

Defendants II and III relied in the preparatory document under number 150 on the statement of facts in the application in respect of the minor plaintiff IX that he had been repeatedly abused by teachers at school.

However, in the personal injury case, the tribunal assessed the evidence available to it and came to the conclusion that the fact of these abuses had not been proven.

In the personality suit, the tribunal found that the minor plaintiff IX was transferred to class A in class V of the defendant II school, while it is not disputed that during his primary school education he was in class B in all four grades of the lower school of the -II defendant's name.

The tribunal also assessed the fact that after 13 November 2012, it could be proven that no expert examination of the plaintiff IX, who is likely to have special educational needs, was carried out by an expert committee.

At the same time, the court also assessed the fact that in the continuation hearing held on 14 September 2016, the legal representative of the minor IX.r. applicant - the mother of the IX.r., XIV.r. applicant - also mentioned the fact of the disintegration of his family in relation to the minor IX.r. applicant, in addition to the quality of education.

10. Adjudication of the claims maintained by the applicant X.r., a minor.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory

document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff X, Juvenile, Plaintiff X, Defendants II and III, the preparatory document at Docket No. 151 contains the pleaded position of Defendants II and III.

a.) The application of the minor plaintiff X.r. for a declaration of infringement of personality rights (Art.84 (1) a.)

The minor plaintiff X.r. requested the application of the objective sanction in relation to a total of four school years, for the school years 2010/2011, 2011/2012, 2012/2013 and 2013/2014, respectively, on two grounds, that the defendants violated his right to equal treatment, on the one hand, the minor plaintiff X.r. that during those academic years the defendants had unlawfully segregated her and had also indirectly discriminated against her by providing a lower standard of education.

Since the minor plaintiff X.r. was a pupil in the consolidated class 2-3/d in the school of defendant II.r. in the school year 2011/2012, which cannot be subject to the final judgment in the previous public interest litigation, the defendants could not be adjudicated for this school year.

At the same time, the court also found, on the basis of the pedigree sheets submitted by the defendants II and III in the personality proceedings, that the minor plaintiff X. studied at another public education institution in Hungary in the 2012/2013 school year and only became a student of the defendant II. school again from 9 May 2014.

In the light of the above, the Tribunal held in the operative part of the judgment that, apart from the entire academic year described above, the Defendants II and III had unlawfully segregated the Plaintiff X only in the academic year 2013/2014, with the exception of the period between 8 November 2013 and 8 May 2014.

However, it also rejected the claim of the minor applicant X.r. as regards the objective sanction.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) a.)

The minor plaintiff X.r. asked the defendants to pay jointly and severally 2.000.000 HUF for non-pecuniary damages, but the court ordered the defendants to pay only 500.000 HUF in total on this claim, even though the I. The court ordered the defendants I and II jointly and severally to pay HUF 400,000 and the defendants II and III jointly and severally to pay HUF 100,000 to the minor plaintiff X, and dismissed the minor plaintiff X's claim as unfounded.

The court of law, on the basis of Section 206 (1) of the Civil Code, having assessed the evidence available to the minor plaintiff X.r. as a whole, taking into account the duration of the whole and part of the school year affected by the detention, considered it appropriate to pay HUF 500,000 in non-material damages to the minor plaintiff X.r.

11. Adjudication of the applications maintained by the minor applicant -XI.r. - XI.r.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

In the case of minor -XI.r. Plaintiff- XI.r. Plaintiff, the preparatory document under II and III Defendants No. 152 contains the pleaded position of II and III Defendants.

a.) The application of the minor plaintiff XI.r. for an action for infringement of personality rights (para 84 (1) a.) of the Civil Code)

The minor applicant No.XI applied for the application of the objective sanction in relation to a total of five school years, for the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, seeking a declaration that the defendants had violated his personal right to equal treatment, on the one hand, a declaration that the minor applicant No.XI had violated his right to equal treatment, and on the other hand, a declaration that the defendants had violated his right to equal treatment.r. that during those academic years the defendants unlawfully segregated him and also indirectly discriminated against him by providing a lower standard of

education.

Since four of the five school years, the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, are all subject to the final effect of the previous public interest litigation, the Court of First Instance found that, in respect of these four school years, the I. and II. not only unlawfully segregated him during those academic years, but also indirectly discriminated against him by providing him with a lower standard of education during the same academic years.

At the same time, the tribunal only found against the defendants II and III on one claim in the context of the 2012/2013 school year, it only found that the minor plaintiff XI had been unlawfully segregated during this school year, but after the II-III.In the case of the minor plaintiff XI, even though the evidence of exculpatory evidence of the defendants II.III. and III.III. was successful, it did not find that the minor plaintiff XI. was also indirectly discriminated against by providing a lower educational standard to the otherwise unlawfully segregated student.

<u>b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)</u>

The minor plaintiff XI.r. asked the defendants to pay jointly and severally a total of HUF 2,500,000 in non-pecuniary damages.

Taking into account the provisions of Article 206 (1) of the Civil Code, the court ordered the defendants I and II jointly and severally to pay HUF 1,600,000, while the defendants I-II-III jointly and severally to pay HUF 300,000 to the minor plaintiff XI on this claim, while the court dismissed the unfounded claim of the minor plaintiff XI in excess of this amount.

In the personal lawsuit, the tribunal also considered it appropriate to pay HUF 300,000 in non-pecuniary damages to the minor plaintiff XI. in connection with the 2012/2013 school year.

In relation to this school year, the Tribunal considered it appropriate to award HUF 300,000 in non-material damages to all the applicants concerned, also taking into account that the applicants concerned will be sentenced in relation to this school year on one and not two grounds, and also taking into account the fact that the first instance non-final judgment of the Egri Court of First Instance in the previous public interest litigation was delivered on 6 December 2012.

<u>12.Adjudication of the applications maintained by the minor -XII.r. applicant-XII.r. applicant.</u>

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

In the case of minor -XII Plaintiff- XII Plaintiff, the preparatory document under II and III Defendants 159 contains the pleaded position of II and III Defendants.

a.) The application of the applicant XII.r., a minor, for a declaration of infringement of personality rights (Article 84 (1) a.) of the Civil Code)

The minor applicant XII.r. applied for the application of the objective sanction in relation to a total of three school years, for the school years 2011/2012, 2012/2013 and 2013/2014, on two grounds, requesting a declaration that the defendants had violated his right to equal treatment. Firstly, the minor applicant XII sought a declaration that the defendants had unlawfully segregated her during those academic years and had also indirectly discriminated against her by providing a lower standard of education.

Since the school year 2011/2012 is subject to the final judgment in the previous public interest litigation, the Court of First Instance found that, in relation to that school year, the defendants I and II violated the minor plaintiff XII's right to equal treatment as an individual on two counts, not only by unlawfully segregating her in that school year, but also by indirectly discriminating against her by providing her with a lower standard of education.

However, for the school years 2012/2013 and 2013/2014, the Tribunal found in the personality proceedings that, although the defendant had unlawfully segregated the child in classes 2 and 3/b of the defendant's school, he had not indirectly discriminated against him during these two school years, because he had not been provided with a lower standard of education.

b.) Action for the payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)

The minor plaintiff XII. jointly and severally requested the defendants I-II-III. to pay

HUF 1.500.000 for non-pecuniary damages, but the court ordered the defendants to pay HUF 1.000.000 for non-pecuniary damages, in the amount of HUF 400.000 jointly and severally to the defendants I. The court ordered the defendants I-II-III to pay HUF 400,000 jointly and severally to the minor plaintiff XII, and HUF 300,000 jointly and severally to the defendants II-III, and the minor plaintiff XII to pay HUF 300,000 jointly and severally to the minor plaintiff XII, but dismissed the claim of the minor plaintiff XII for more than that amount.

The summary table attached to the preparatory document for Defendants II and III under No. 400, line 400/A/2, refers to the presentation made by the legal representative of the minor XII plaintiff -name of the legal representative of the XII plaintiff- at the continuation hearing on 16 September 2016 that he sent -name of the head of department 1- to the psychologist to find out that my son cannot or does not want to study.

On the basis of the documentary evidence available to it, the Tribunal found that the minor applicant XII had no unexcused absences during the three school years concerned by the sentence.

Defendant's preparatory document II-III under number 159 contains the reference that any absence of more than 150 hours is already of such an extent that effective educational work is impossible, so that no claim for damages can be made for these school years.

Since the school year 2011/2012 is covered by the final judgment in the previous public interest litigation and therefore the Tribunal also found indirect discrimination in relation to that school year, it is not legally relevant how many certified absences the minor applicant XII had in that school year.

At the same time, the defendant II-III. proved by documentary evidence that in the school year 2012/2013 the minor plaintiff XII. had 72 and in the school year 2013/2014 153 unauthenticated hours.

Since, with respect to these two school years, the court found in the personal injury action that the exculpatory evidence of the minor plaintiff XII was successful, the minor plaintiff XII did not receive a lower standard of education in the minor plaintiff XII in the minor school of the defendant II and III during these two school years, it was not legally relevant in the context of these two school years how many hours he had not certified.

<u>13.Adjudication of the action maintained by the minor plaintiff XIII.r.</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory

document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document No. 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of Plaintiff XIII, a minor, Plaintiff XIII, the preparatory document at II.r. and III.r. Defendants' number 154 contains the pleaded position of the II.r. and III.r. Defendants.

a) The application of the applicant XIII.r., who is a minor, for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code).

The minor XIII.r. applicant requested the application of the objective sanction in relation to 5 school years, for the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, he requested a declaration that the defendants violated his personal right to equal treatment on two grounds, on the one hand, he requested a declaration that the minor XIII.r. that during those academic years the defendants unlawfully segregated him and, by providing a lower standard of education, also indirectly discriminated against him.

In the personal lawsuit, the court found on the basis of the documentary evidence available to it that the minor plaintiff XIII.r. was no longer a student of the school of defendant II.r. in the school year 2012/2013 as of 21 January 2013, while he had been a student of the school of defendant II.r. in class B. in the previous 4 school years.

Since these 4 school years are all subject to the final judgment in the previous public interest litigation, the court found in relation to these 4 school years that the defendant I.r. and II.r. had violated the rights of the minor XIII.r. The I.R.I. and II.R. infringed the right to equal treatment of the applicant XIII.R. in two respects, not only by unlawfully segregating him during the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, but also by discriminating against him by providing him with a lower standard of education.

b)Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code).

The minor plaintiff XIII sought to order the defendants I-II and III to pay jointly and severally 2.500.000.-Ft for non-pecuniary damages.

The court of law assessed the evidence available to the minor plaintiff XIII.r. on the basis of Section 206 (1) of the Civil Code and ordered the defendants I.r. and II.r. jointly and severally to pay 1,600,000 HUF in non-pecuniary damages, but dismissed the action of the minor plaintiff XIII.r. on this ground.

The minor plaintiff XIII, who is a BTMN, studied in a consolidated class at the defendant school in the 2011/2012 school year only, and in a consolidated class formed by merging grades 3 and 4.

However, the legal provision in force during this school year, Chapter II, point 4 of Annex 3 of Act LXXIX of 1993 on Public Education, stipulated that in addition to remedial education and basic art education, combined classes may be organised in primary schools, but not more than 4 pupils from consecutive school years.

Therefore, the defendant school II did not commit any infringement of the law in connection with the organisation of the said combined class during this school year.

Defendants II and III proved by documentary evidence that during the four school years concerned by the sentence, the minor XIII plaintiff had a total of 101 hours of unexcused absences, but the number of unexcused absences of the minor XIII plaintiff could not, and did not, result in a violation of equal treatment in connection with these school years.

Since all 4 academic years are covered by the previous public interest litigation, in the present action, the defendant I.r. and II.r. could not even successfully contest on any of the grounds that the right to equal treatment of the minor XIII.r. was violated, while the tribunal assessed all the evidence at its disposal as a whole with regard to the amount of the non-pecuniary damages.

14.Adjudication of the claims maintained by the minor plaintiff XIV.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 individuals.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-pecuniary damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III individually and specifically for the plaintiffs concerned, summarized in detail their factual and legal positions, and evaluated the

evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>With respect to Plaintiff XIV, a minor, Plaintiff XIV, Defendants II and III, the preparatory document at II and III, line 155, contains the pleaded position of Defendants II and III.</u>

<u>a) The application of the minor plaintiff XIV. for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code)</u>

The minor applicant No.XIV applied for the application of the objective sanction in relation to a total of 4 school years, for the school years 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, that the defendants violated her personal right to equal treatment, on the one hand, the minor applicant No.XIV applied for a declaration that in these school years the defendants unlawfully segregated her, on the other hand, by providing a lower educational standard, they also indirectly discriminated against her.

Since the minor plaintiff XIV was a student in the consolidated class 2.d.-3.d. in the school of defendant II in the school year 2011/2012, this school year cannot be included in the scope of the previous public interest litigation, therefore the infringement of personality was only established by the court in relation to the other 3 school years.

Since the school years 2009/2010 and 2010/2011 are covered by the final judgment in the previous public interest litigation, the Court of First Instance found that, in relation to these two school years, the defendants I.r. and II.r. had violated the right to equal treatment of the minor plaintiff XIV.r. on two counts, not only by unlawfully segregating her during these two school years, but also by indirectly discriminating against her by providing her with a lower standard of education.

At the same time, the court of first instance found against defendants II and III in connection with the 2012/2013 school year, but since the exculpatory evidence of defendants II and III was successful in the present personal injury action, it only found that the minor XIV. plaintiff XIV.r. was unlawfully segregated, but dismissed his claim that the Tribunal should also find that he was indirectly discriminated against this school year by providing him with a lower standard of education.

<u>b) Action for the payment of compensation for non-pecuniary damage (Art.84 (1) (e) of the Civil Code)</u>

The minor plaintiff XIV.r. requested that the defendants I.r. and II.r. and III.r. be ordered jointly and severally to pay 2.000.000.-Ft for non-material damages.

However, the court, having assessed the evidence available to it on the basis of Article 206 (1) of the Civil Code, ordered the defendants I-II jointly and severally to pay HUF 800,000, while the defendants I-II-III jointly and severally to pay HUF 300,000 in

damages, while the action of the minor plaintiff XIV was dismissed for more than this amount.

The multiply disadvantaged minor plaintiff XIV and his brother, minor plaintiff IX, are being raised by their father and mother -IX, mother of plaintiff XIV-, as their parents are divorced.

It is not disputed that the minor applicant XIV. also had difficulty in coping with the absence of his mother, and in this context he stated during the hearing of his legal representative that -XIV.r. However, not only in relation to pupils living in a normal family environment, but also in relation to pupils with minor or major family conflicts, the defendant I.r. and II.r. were under a legal obligation to comply with the requirement of equal treatment.

15.Adjudication of the claims maintained by the minor plaintiff in the name of plaintiff XV.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-pecuniary damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III individually and specifically for the plaintiffs concerned, summarised in detail their factual and legal positions, and evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to the minor plaintiff named as Plaintiff XV, Plaintiff XV, the preparatory document at II and III, Defendants' Exhibit 156, contains the pleaded position of Defendants II and III.

a) Application of the minor plaintiff XV. for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code)

The minor applicant No.XV applied for the application of the objective sanction in relation to one school year only, and for the school year 2010/2011, he applied for a declaration that the defendants had violated his personal right to equal treatment on two grounds: first, the minor applicant No.XV applied for a declaration that in this school

year the defendants had unlawfully segregated him and, second, had indirectly discriminated against him by providing a lower standard of education.

It is not disputed that during the school year in question, the minor plaintiff XV was a student in grade 1.b. of the defendant school II, and therefore this school year is subject to the final judgment in the previous public interest action.

In the light of the above, the court found that during the school year, the defendant I-II violated the right to equal treatment of the minor plaintiff XV on two counts, not only by unlawfully segregating her in the 2010/2011 school year, but also by indirectly discriminating against her by providing her with a lower standard of education.

b)<u>Action for payment of compensation for non-pecuniary damage (Article 84 (1) (e) of the Civil Code.)</u>

The court of law, having assessed the evidence available to it in relation to the applicant No.15 in its entirety pursuant to Article 206 (1) of the Civil Code, found the claim of the minor applicant No.15 to be well-founded in relation to the subjective sanction and ordered the defendants No.1 and No.2 to pay this amount in the same manner as the claim, but only.

With regard to the minor plaintiff No.XV, the court found that he was a class B student at the school of defendant No.II only during the school year concerned by the sentence of punishment, as he was already transferred to class A in the school year 2011/2012 and continued to study in class A in the name of defendant No.II in the following school years.

The presentation of the legal representative of the minor plaintiff XV.r. that his daughter is of good ability and diligent was also supported by the documents submitted by the defendants II.r. and III.r. in the personal lawsuit, and with regard to the plaintiff XV.r., who has an exemplary conduct, has shown good academic progress and fulfils his academic obligations, the court clearly took the position that his claim for non-material damages is not exaggerated.

<u>16.Adjudication of the claims maintained by the applicant XVI.</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-pecuniary damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III individually and specifically for the plaintiffs concerned, summarised in detail their factual and legal positions, and evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XVI, Plaintiff XVI's name, the preparatory document for Defendants II and III, Serial No. 157, contains the pleaded position of Defendants II and III.

a) The application of the applicant XVI. for a declaration of infringement of personality rights (Art.84 (1) a) of the Civil Code.

The applicant XVI. applied for the application of the objective sanction in relation to a total of 8 school years, in 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, the applicant sought a declaration that the defendants had infringed his individual right to equal treatment on two grounds, first, that the defendants had unlawfully segregated him in those school years and, second, that they had indirectly discriminated against him by providing a lower standard of education.

However, in the personal lawsuit, the court found, on the basis of the master's sheets attached by the defendants II and III, that the plaintiff XVI was a student of the school of the defendant II during his primary school studies in grades 1-5, and therefore, since these 5 school years could not be included in the scope of the final judgment in the previous public interest litigation, the defendants could not be sentenced in connection with these 5 school years on any of the grounds.

It is not disputed that the applicant was also an A pupil in the final year of primary school at the defendant school in the final year of primary school, but that he was a B pupil in the 6th grade, in the 7th grade and in the repeated 7th grade in the school years 2010/2011, 2011/2012 and 2012/2013 at the defendant school in the defendant school in the final year of primary school.

Since the school years 2010/2011 and 2011/2012 are covered by the final judgment in the previous public interest litigation, the Court of First Instance found that, in relation to these two school years, the defendant I-II violated the right to equal treatment of the applicant XVI on two counts, not only by unlawfully segregating him during these two school years, but also by indirectly discriminating against him by providing him with a lower standard of education.

In the context of the 2012/2013 academic year, however, the Tribunal found that the exculpatory evidence of the defendants II and III was also effective in relation to the applicant XVI, and therefore imposed only one sentence on the defendants II-III.

Although it found that it had also unlawfully segregated the plaintiff in the 2012/2013 school year, it dismissed her claim on the ground that she had also been indirectly discriminated against by the school in the 2012/2013 school year by providing a lower standard of education.

b) An action for payment of compensation for non-material damage (Art.84(e) of the Civil Code).

The XVIth applicant jointly and severally requested the I-IInd and IIIrd defendants to pay 4.000.000.-Ft.

The court, however, considered it justified to impose a fine on the defendants for only 3 academic years, and therefore ordered the defendants I-II jointly and severally to pay 1.000.000.-Ft, while the defendants I-II-III jointly and severally to pay 300.000.-Ft, but dismissed the claim of the XVI. plaintiff on this ground as unfounded.

The Tribunal also decided with regard to the applicant XVI that it is justified to jointly and severally adjudicate all three defendants in the personal injury action in connection with the 2012/2013 school year, and that it is justified to award non-material damages of HUF 300,000 in connection with this school year also on the basis of the evidence available with regard to the applicant XVI.

However, with regard to the 2010/2011 and 2011/2012 school years, the court assessed the evidence available to it on the basis of Section 206 (1) of the Civil Code as a whole, and ordered the 1st and 2nd respondents to pay jointly and severally HUF 500,000.00 in non-pecuniary damages for both of these school years.

With regard to the applicant XVI, the court assessed the fact that he did not repeat grades 1-5 in his primary school studies, but nevertheless continued in grade 6 as a b student in the 2010/2011 school year.

Although the defendant II-III also pleaded with regard to the applicant XVI that the name of the applicant XVI, as a pupil of the defendant II school, did not fulfil his legal obligation, as he accumulated a significant number of absences in the school years 2011/2012 and 2012/2013, the court found that, on the basis of the evidence available, there was no reason to set the amount of the non-pecuniary damages for the applicant XVI at a lower level in relation to these school years.

17. Adjudication of the claims maintained by the minor plaintiff XVII.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory

document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>With respect to the minor plaintiff No. XVII, the preparatory document for Defendants Nos. II and III, line 158, contains the pleaded position of Defendants Nos. II and III.</u>

<u>a)The action of the minor plaintiff XVII. seeking a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))</u>

The minor plaintiff XVII. requested the application of the objective sanction in relation to a total of 4 school years, for the school years 2009/2010, 2010/2011, 2011/2012 and 2012/2013, respectively, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, he requested the declaration that the minor plaintiff XVII.The first was that the defendants had unlawfully segregated him during those school years and had indirectly discriminated against him by providing a lower standard of education.

Since in the school year 2011/2012 the minor plaintiff XVII was a pupil in the consolidated class 2-3.d. in the defendant school II, this school year is no longer covered by the previous public interest litigation, and therefore the court found a violation of personality only in relation to the other three school years.

Since the 2009/2010 and 2010/2011 school years are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to both of these school years, that the defendants I and II had violated the minor plaintiff XVII's right to equal treatment as an individual on two counts, not only had they unlawfully segregated her during these school years, but also had indirectly discriminated against her by providing her with a lower standard of education.

At the same time, in relation to the school year 2012/2013, the tribunal also found in respect of the minor plaintiff XVII that the evidence of the defendants II and III was effective, and therefore dismissed his claim in this respect that he had also been indirectly discriminated against by being provided with a lower standard of education during this school year, but that the defendant II and III had not been able to prove that the plaintiff had been discriminated against.The court also found against the defendants in the second and third categories for unlawfully segregating the minor plaintiff in the

second category during the school year, in violation of his individual right to equal treatment.

<u>b)Action for payment of compensation for non-pecuniary damage (Art.84 (1) e) of the Civil Code.</u>

The minor plaintiff XVII.r. requested that the defendants I.r. and II.r. and III.r. be ordered to pay jointly and severally 2.000.000.-Ft for non-pecuniary damages, however, the court did not consider the evidence available to the minor plaintiff XVII.r. in relation to the Pp. 206 (1), the court ordered the defendants to pay only 1.300.000.Ft for non-pecuniary damages, while the court dismissed the claim of the minor plaintiff XVII.

The court ordered the defendants I.r. and II.r. jointly and severally to pay 1.000.000.-Ft, while the defendants I-II-III.r. jointly and severally ordered the defendants I-II-III.r. to pay 300.000.-Ft for the benefit of the minor plaintiff XVII.r.

In the light of the legal position of the court, the court jointly and severally imposed fines on all three defendants in the personal liability action in connection with the 2012/2013 school year, and considered it appropriate to award 300.000.-Ft in connection with this school year to the minor XVII.r. However, for the other two school years, the court considered it appropriate to award 500.000.-Ft for non-pecuniary damages, and therefore ordered the defendants I-II. jointly and severally to pay 1.000.000.-Ft for non-pecuniary damages in connection with the school years 2009/2010 and 2010/2011.

In this respect, the Tribunal assessed that in the context of the two school years covered by the previous public interest litigation, the Tribunal had imposed two penalties on the defendant I-II, finding on two different grounds that the minor plaintiff XVII, who was a student in the name of the defendant -II, had violated his right to equal treatment.

The tribunal also assessed, in relation to the minor plaintiff No.XVII, the fact that the minor plaintiff No.XVII was entitled to special care provision in accordance with his special educational needs and that the ... In its expert opinion of 15 June 2009, the Unified Pedagogical and Vocational Service of the Expert and Rehabilitation Committee for the Assessment of Learning Ability had already established that the minor plaintiff No. XVII was to be educated in an integrated manner, but that he was not, however, taught in an integrated manner in the school of the defendant school No. II in the 2009/2010 school year and in the 2010/2011 school year.

<u>18.Adjudication of the application maintained by the applicant XIX.r.</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which

specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>In respect of the name of Plaintiff XIX, Plaintiff XIX, the preparatory document under Defendant II-III, number 159, contains the pleaded position of Defendant II-III.</u>

<u>a)The claim of the applicant XIX.r. for a declaration of infringement of personality rights (Article 84 (1) (a) of the Civil Code)</u>

The XIXth applicant applied for the application of the objective sanction in relation to a total of 6 school years, for the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010 and 2010/2011, on two grounds, respectively, that the defendants had violated his personal right to equal treatment, on the one hand, that the XIXth applicant had violated his right to equal treatment and on the other hand, that the defendants had violated his right to equal treatment.The applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since the applicant XIX was a pupil of class D in the school of defendant II in the school year 2005/2006 and in the school year 2008/2009 and therefore these two school years cannot be included in the scope of the final judgment in the previous public interest litigation, the court found a violation of personality only in relation to the other 4 school years.

Since these 4 school years, the school years 2006/2007, 2007/2008, 2009/2010 and 2010/2011, are all subject to the final judgment in the previous public interest litigation, the Tribunal found that the defendants I and II had violated the provisions of Article XIX of the Hungarian Constitution on two counts.The I and II and II.II infringed the applicant's right to equal treatment in two respects, not only by unlawfully segregating him during those four school years, but also by indirectly discriminating against him by providing him with a lower standard of education during those school years.

<u>b)Action for payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)</u>

The XIX. plaintiff requested that the I-II-III. defendants be ordered to pay jointly and severally 3.000.000.-Ft for non-pecuniary damages, however, the court of law did not

consider the evidence available to the XIX. plaintiff in accordance with Pp. § 206 (1), the court ordered the defendants I.r. and II.r. jointly and severally to pay 1.600.000.-Ft for non-pecuniary damages, while the claim of the XIX.r. plaintiff was dismissed as unfounded.

A ... Government Office ... District Office, by decision number -decision number- of 4 August 2015, only terminated the foster care of the applicant XIX.r. and his brother XX.r. and placed the two brothers -name of the applicant XIX.r.'s grandparent- in the household of their grandparent, whose guardianship was revived by this decision, as the parents of the applicants XIX.r. and XX.r. had their parental rights terminated.

With regard to the applicant No XIX, in addition to the circumstances described above relating to his family, the tribunal also assessed the fact that the pupil, who had previously been a pupil with special educational needs, was no longer classified as a pupil with special educational needs as of the 2010/2011 school year, according to the expert opinion of the expert committee.

<u>19.) Name of the applicant XX.r. - Adjudication of the claims maintained by the applicant XX.r.</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>With respect to the applicant XX, the preparatory document of the defendant II-III, number 160, contains the position of the defendant II-III.</u>

<u>a) The claim of the applicant XX. for a declaration of infringement of personality rights (Article 84 (1) (a) of the Civil Code)</u>

The XX.r. applicant requested the application of the objective sanction in relation to a total of 5 school years, for the school years 2006/2007, 2007/2008, 2008/2009,

2009/2010 and 2010/2011, on two grounds, respectively, that the defendants had violated his personal right to equal treatment, on the one hand, the XX.r. applicant requested a declaration that in these school years the defendants had unlawfully segregated him and, on the other hand, had indirectly discriminated against him by providing a lower standard of education.

Since all 5 school years are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to each of these 5 school years, that the defendant I-II had violated the right of equal treatment of the applicant XX on two counts, not only had they unlawfully segregated him during these five school years, but had also indirectly discriminated against him by providing him with a lower standard of education during these school years.

b)<u>Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)</u>
The defendant XX.r. requested that the defendants I-II-III.r. be ordered to pay a total of 2.500.000.-Ft. in non-pecuniary damages.

The court of law assessed the evidence available to the XX.r. plaintiff on the basis of Article 206 (1) of the Civil Code and ordered the I-II.r. defendants to pay 2.000.000.-Ft for non-material damages, while the claim of the XX.r. plaintiff was dismissed on this ground.

The tribunal assessed the evidence available to it in the personal lawsuit and considered it appropriate to award the applicant r. XX. 400.000.-Ft in non-pecuniary damages for each of the five academic years mentioned, for the following reasons.

Also with regard to the applicant XX, the Tribunal assessed that in relation to all five school years, the defendant I-II had violated his right to equal treatment as an individual on two different grounds, while the Tribunal also assessed the fact that the applicant XX, even if only his brother XIX, had ceased to be a student at the defendant II school shortly before the end of the 2010/2011 school year.

The Tribunal, however, assessed the evidence available in relation to the applicant XX as a whole and took the view that there was no justification for ordering forensic expert evidence in relation to the behavioural disorder and learning disability alleged by the defendants II and III.

As the Tribunal did not find that any of the 60 applicants concerned by the second period of the proceedings had been discriminated against by the lower educational standard of the school in which they were offered in the second period of the proceedings, the order for the taking of evidence from a forensic educational administration expert was not justified due to lack of legal relevance.

However, neither in respect of the applicant XX. nor in respect of the other applicants in respect of whom the judgments of the Court of First Instance in Joined Cases II. and

III. The appointment of a forensic psychiatrist or a forensic psychologist was not justified either, since the court was able to take a well-founded position with regard to the psychological and mental consequences of the harm actually suffered by the plaintiffs concerned on the basis of the documentary and witness evidence it had taken, and no specific professional issue arose in the personality proceedings which would have justified the appointment of an expert.

20) Adjudication of the application maintained by the applicant XXI.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, the defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents the defendants II and III individually summarised their factual and legal positions in detail, specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings, specifically for the plaintiffs concerned.

With respect to the XXI applicant, the preparatory document of the II-III defendant 292/A/1 contains the position of the II-III defendant relied upon.

a)The application of the applicant XXI. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The XXI applicant requested the application of the objective sanction in relation to a total of 7 school years, for the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, that the defendants had violated his right to equal treatment, on the one hand, that the XXI applicant requested the application of the objective sanction for the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, and on the other hand, that the defendants had violated his right to equal treatment.The first ground was that the defendants had unlawfully segregated the applicant during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since school years 1 to 6 are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to these six school years, that the

defendant I-II had infringed the right of equal treatment of the applicant XXI on two counts, not only had they unlawfully segregated him during these six school years, but had also indirectly discriminated against him by providing him with a lower standard of education during these school years.

However, in the context of the 2012/2013 school year, which is not subject to the final judgment in the previous public interest litigation, the Tribunal also found, in respect of the applicant XXI, that the exculpatory evidence of the defendants II and III was effective and therefore held that the defendants II and III were not subject to the final judgment in the previous public interest litigation.The Court found that the defendant II.r. and III.III had also unlawfully segregated the plaintiff XXI.r. in this school year, but dismissed as unfounded his claim that he had been indirectly discriminated against by being provided with a lower standard of education in this school year.

b)Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)

The XXI applicant requested that the I-II-III defendants be ordered to pay a total of 3.500.000.-Ft in non-pecuniary damages.

The court, however, assessed the evidence available to the XXI.r. plaintiff on the basis of Article 206 (1) of the Civil Code and jointly and severally imposed on the I-II.r. defendants a fine of 2.400.000.-Ft, while the I-II-III.r. jointly and severally ordered the defendants to pay the sum of HUF 300,000, thus ordering the defendants to pay a total of HUF 2,700,000 on this claim, while the claim of the plaintiff in the XXI.

The Tribunal also assessed the following circumstances in relation to the applicant XXI.

The Tribunal found, on the basis of the evidentiary proceedings conducted, that the applicant XXI.r. was born on 1 October 1999 under the name -XXI.r. applicant's birth name- and has only been called -XXI.r. applicant's name- since his name change.

The tribunal also took into account the fact that, although the ... Centre for Educational Methodology and Educational Counselling, the Expert and Rehabilitation Committee for the Assessment of Educational Ability of the applicant XXI. found, on the basis of its examination of 22 March 2006, that the applicant XXI. was a child with special educational needs who had not been subject to any expert assessment during his primary school studies in the XXI.r. applicant, who, after having had to repeat several grades, ceased to be a pupil of the defendant school r. II at the end of the 2015/2016 school year, having reached the age of 16 on 1 October 2015.

21)Adjudication of the action maintained by the minor plaintiff XXII.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to the minor plaintiff named as plaintiff XXII, the preparatory document for defendant II-III, number 231, contains the pleaded position of defendant II-III.

a)The application of the minor plaintiff XXII. for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code)

The minor XXII. applicant applied for the application of the objective sanction in relation to a total of five school years, for the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, respectively, on two grounds, that the defendants had violated his personal right to equal treatment, on the one hand, he applied for a declaration that the minor XXII.r. that during those school years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

Since in the school year 2011/2012 the minor plaintiff XXII was a pupil of the consolidated class 2-3.d. and this school year could not be included in the scope of the previous public interest litigation, the court found a violation of personality only in relation to the other 4 school years.

Since school years 1-3 are covered by the final judgment in the previous public interest litigation, the court found in relation to each of these 3 school years that the defendant I-II. violated the rights of the minor XXII. Not only was she unlawfully segregated in the school years 2008/2009, 2009/2010 and 2010/2011, but she was also indirectly discriminated against by being provided with a lower standard of education during those school years.

However, the 4th school year, the school year 2012/2013, cannot be included in the scope of the final judgment in the previous public interest litigation, therefore, the court also examined independently with regard to the minor plaintiff XXII.r. whether the documentary evidence and witness testimony of the defendants II.r. and III.r. was effective on the basis of the documentary evidence and witness testimony submitted by

the defendants II.r. and III.r. and conducted by the court.

The tribunal also found, in relation to the minor plaintiff XXII, that the defendants II and III had succeeded in proving excusal, and therefore, in relation to that school year, found only that defendants II and III had unlawfully segregated him, but dismissed his claim that he had also been indirectly discriminated against by being provided with a lower standard of education during that school year.

b) Action for the payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)

The minor plaintiff XXII.r. requested that the substitute plaintiff I-II-III.r. be ordered to pay jointly and severally 2.500.000.-Ft for non-pecuniary damages.

The court, however, evaluated the evidence available to the minor plaintiff XXII. jointly and severally ordered the defendants I-II. to pay 800.000.-Ft, while the defendants I-II-III. jointly and severally ordered the defendants I-II. to pay 300.000.-Ft for non-material damages, but dismissed the unfounded claim of the minor plaintiff XXII.

The tribunal, having considered the evidence available to it in the personality proceedings, both together and separately, came to the conclusion that an award of 1.100.000.-Ft. was justified and sufficient to compensate the minor plaintiff XXII.

The minor applicant's mother XXII passed away on 1 August 2015, after which she and her 6 minor siblings were adopted by a paternal grandparent - the name of the applicant's maternal grandmother XXII - who was later appointed as a guardian.

In the personal lawsuit, the court found that during the school years concerned by the sentence, the mother of the minor plaintiff XXII was still alive, while in the personal lawsuit, the defendant II-III proved by documentary evidence that in the school year 2008/2009 the minor plaintiff XXII had 132 certified and 120 un-certified absences, which was the reason why, in the opinion of the educational staff, she was not eligible for a grade and had to repeat the first grade of primary school.

According to the legal view of the court, the years of schooling in class B with absences exceeding 150 hours had to be taken into account in the personal lawsuit, which could also be covered by the final judgment in the previous public interest litigation, but in the personal lawsuit the court could also legally assess, inter alia, the circumstances in which the multiply disadvantaged minor plaintiff XXII, as a student of the defendant school II, fulfilled his statutory obligations.

22.)Adjudication of the applications maintained by the minor applicant XXIII.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to minor Plaintiff XXIII, Plaintiff XXIII, Defendant II-III's pleaded position is contained in the preparatory document numbered II-III, Defendant 224.

a)The application of the minor plaintiff XXIII. for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code)

The minor plaintiff XXIII. requested the application of the objective sanction in connection with a total of 3 school years, for the school years 2011/2012, 2015/2016 and 2016/2017, respectively, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, the minor plaintiff XXIII. requested a finding that in these school years the defendants unlawfully segregated him, on the other hand, by providing a lower educational standard, and at the same time indirectly discriminated against him.

The minor XXIII Plaintiff's brother is a minor XXV Plaintiff named as Plaintiff XV, XXVIII Plaintiff named as Plaintiff XVIII, and minor XXX Plaintiff named as Plaintiff XXX.

The minor plaintiff XXIII moved to Canada with his family on January 15, 2012 and from there they only moved back to Hungary on September 27, 2014, settlement 1.

For the above reasons, in relation to the 2011/2012 school year, which was the subject of the previous public interest litigation, the Tribunal found that the defendants I and II had infringed the minor plaintiff XXIII's individual right to equal treatment by unlawfully segregating her until 12 January 2012 and by indirectly discriminating against her by providing her with a lower standard of education.

However, for the school years 2015/2016 and 2016/2017, during both of which the minor plaintiff XXIII was also a b-grade student at the school of defendant II, the court found that defendant II-III violated her right to equal treatment, but only on one ground, by unlawfully segregating her, but not the minor plaintiff XXIII.In the case of the

applicant, the court also found that he had not been provided with a lower standard of education at the school of defendant II and had therefore not been indirectly discriminated against, and on this ground the court dismissed his unfounded claim in relation to these two school years.

b)Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)

Defendant XXIII, a minor, sought an order that Defendants I-II-III jointly and severally pay 1,500,000 HUF in non-pecuniary damages.

The court, however, assessed the evidence available to the minor plaintiff XXIII. jointly and severally ordered the defendants I-II. to pay 250,000 HUF, and the defendants II-III. jointly and severally ordered the defendants II-III. to pay 600,000 HUF in non-pecuniary damages, but dismissed the action of the minor plaintiff XXIII. on this ground.

In the personality suit, the references to political content had no legal relevance, and therefore the court did not assess the actual reason for the family's move from Settlement 1 with respect to the minor plaintiff XXIII, nor did the references to the connection between the "guards" and the school of defendant II have any independent legal relevance with respect to either plaintiff.

23.)Adjudication of the action maintained by the applicant Piroska XXIV, a minor in the XXIVth grade

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to minor Plaintiff XXIV, Plaintiff XXIV, Defendant II-III's pleaded position is contained in the preparatory document numbered 240 for Defendant II-III.

a)The application of <u>the applicant XXIV., a minor, for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)</u>

The minor XXIV. applicant applied for the application of the objective sanction in relation to a total of 5 school years, for the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, respectively, on two grounds, that the defendants had violated his personal right to equal treatment, on the one hand, that the minor XXIV.r. that during those school years the defendants unlawfully segregated him and, by providing a lower standard of education, also indirectly discriminated against him.

Since school years 1-4 are covered by the final judgment in the previous public interest litigation, the court found, in relation to these 4 school years, that the defendant I-II had violated the provisions of Article XXIV.r. The first and second respondents unlawfully segregated the applicant XXII.IV. in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, but also indirectly discriminated against her by providing her with a lower standard of education during those school years.

At the same time, the Tribunal also found the exculpatory evidence of the defendant II-III in the context of the 2012/2013 school year to be effective in relation to the minor plaintiff XXIV. In relation to that school year, it found only that the defendant II-III had violated the right to equal treatment of the minor plaintiff XXIV by unlawfully segregating her but not providing her with a lower standard of education in that school year and therefore not indirectly discriminating against her.

<u>b)Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)</u>

The minor plaintiff XXIV. requested that the defendants I-II-III. be ordered to pay jointly and severally 2.500.000.-Ft for non-pecuniary damages.

The court of law assessed the evidence available to the minor plaintiff XXIV. jointly and severally ordered the defendants I-II. to pay 1.600.000.-Ft, while the defendants I-II-III. jointly and severally ordered the defendants I-II. to pay 300.000.-Ft for non-pecuniary damages, but dismissed the action of the minor plaintiff XXIV. in excess of this amount.

The tribunal, having considered the evidence available to it, both collectively and separately, came to the conclusion that an award of 1.900.000.-Ft for non-material damages was justified and sufficient to reduce the non-material damages suffered by the minor applicant XXIV.

It is undisputed that the minor plaintiff XXIV was a student in grade A at the defendant school from the 6th grade onwards, but completed the first five grades of primary school as a student in grade B at the defendant school in the name of the defendant -II.

In addition, the court also assessed, pursuant to Article 206 (1) of the Civil Code, the fact that the minor plaintiff XXIV. continued his secondary education in the catering

sector of the tourism branch of the catering industry after completing his primary school studies in the catering sector of the tourism branch of the tourism branch of the catering industry in settlement 7.

24.)Applications maintained by the applicant XXV.r., a minor

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In the case of the minor plaintiff XXV, the preparatory document No. 292/A/2 of defendant II-III contains the pleaded position of defendant II-III.

a)The application of the minor plaintiff XXV. for a declaration of infringement of personality rights (Article 84 (1) a) of the Civil Code)

The minor XXV. applicant applied for the application of the objective sanction in relation to a total of five school years, for the school years 2010/2011, 2011/2012, 2014/2015, 2015/2016 and 2016/2017, on two grounds, respectively, seeking a declaration that the defendants had violated his personal right to equal treatment, on the one hand, a declaration that the minor XXV.r. that during those school years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

As the minor plaintiff XXV was a student in class D of the defendant school in the school year 2011/2012 and this school year could not be included in the scope of the previous public interest litigation, the court found a violation of personality only for the remaining 4 school years.

Since only the school year 2010/2011 is subject to the final judgment in the previous public interest litigation, the court found that the defendant I-II violated the right to equal treatment of the minor plaintiff XXV on two counts, not only unlawfully segregating

him in this school year, but also indirectly discriminating against him by providing him with a lower standard of education in this school year.

At the same time, the tribunal found, with regard to the other three school years not covered by the previous action, that the defendant II-III had violated the right to equal treatment of the minor plaintiff XXV by unlawfully segregating him, but since the action for the exclusion of the minor plaintiff XXV was also successful in respect of the minor plaintiff II-III, the court held that the defendant had not violated the right to equal treatment of the minor plaintiff XXV.The Court of First Instance dismissed the claim of the minor plaintiff XXV on the other plea, failing to find that during those three school years he was also indirectly discriminated against in the name of defendant -II-II by being provided with a lower standard of education.

b)<u>Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)</u>

The minor plaintiff XXV. requested that the defendants I-II-III. be ordered to pay jointly and severally 2.500.000.-Ft for non-pecuniary damages.

The court, however, evaluated the evidence available to the minor plaintiff XXV. jointly and severally ordered the defendants I-II. to pay 500.000.-Ft, while the defendants II-III. jointly and severally ordered the defendants II-III. to pay 900.000.-Ft for non-material damages, while the court dismissed the unfounded claim of the minor plaintiff XXV. in excess of this amount.

Since in the school year 2010/2011 the personal right to equal treatment of the minor plaintiff XXV was violated by the defendants I-II on two counts, the court, considering the evidence individually and separately, ordered the two defendants concerned to pay non-material damages of 500,000 HUF in connection with this school year.

However, for the other three academic years, the tribunal found against the respondent II-III only on one claim, it found only that he had been unlawfully segregated, and therefore the tribunal ordered the respondent II-III to pay HUF 300,000 each for these three academic years.

With regard to the minor applicant No.XXV, the tribunal assessed the fact that after he had moved back to Hungary with his family on 27 September 2014, he was again in a student status with the school of defendant No.II only from 11 November 2014.

<u>**25.)The claims maintained by the applicant XXVI.r. XXVI.r.**</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory

document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

As regards the applicant XXVI, the preparatory document No 292/A/3 of the defendant II-III contains the pleaded position of the defendant II-III.

a) Application of the applicant in Case XXVI. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The XXVI applicant applied for the application of the objective sanction in relation to a total of five school years, for each of the school years 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010, on two grounds, seeking a declaration that the defendants had infringed his right to equal treatment, on the one hand, a declaration that the XXVI applicant had infringed his right to equal treatment and, on the other, a declaration that the XXVI applicant had infringed his right to equal treatment.r. that during those academic years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

Since in the school year 2005/2006 the plaintiff XXVI. was a class D pupil of the defendant school II. and this school year could therefore not be included in the scope of the previous public interest litigation, the infringement of personality was only established by the court in respect of the four further school years.

Since these four school years are all subject to the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to these four school years, that the defendant I-II. had infringed the provisions of Article XXVI. Not only did they unlawfully segregate the applicant in the school years 2006/2007, 2007/2008, 2008/2009 and 2009/2010, but they also indirectly discriminated against him by providing him with a lower standard of education in those school years.

b)Action for payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)

The XXVI applicant requested that the I-II defendants be ordered to pay jointly and severally 2.500.000.-Ft for non-pecuniary damages.

At the same time, the court of law assessed the evidence available to the XXVI. plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I-II. defendants jointly and severally to pay 1,600,000 HUF in non-pecuniary damages, while the court dismissed the claim of the XXVI. plaintiff on this claim.

The tribunal also assessed, in relation to applicant XXVI, the fact that the ... The Court of First Instance also assessed the fact that, in its review opinion of 14 November 2009, the Single Pedagogical Service and Professional Service of the Expert and Rehabilitation Committee for the Assessment of Learning Ability, the Court of First Instance found that there had been no change in the condition of the applicant No XXVI, who should therefore continue to be taught in an integrated manner.

Nevertheless, the plaintiff was a b.-grade student in all 4 grades in the lower primary school of the defendant school in r.2 and was only transferred to c.-grade from the school year 2010/2011 onwards and then to a.-grade in the school year 2013/2014.

In the preparatory document under number 292/A/3, the defendant II-III. referred to the fact that the plaintiff XXVI., who was still a minor at the time, was not taken to the expert review by his legal representatives on 4 occasions, and after the expert opinion prepared by the expert committee in the 2009/2010 school year, the acting expert committee prepared a review opinion only in the 2014/2015 school year.

The applicant XXVI was born on 31 December 1998, was of age at the time of the delivery of the judgment of first instance, but was still a minor in the years concerned, and the omission of his legal representatives was also to be assessed in the light of the other evidence available to him.

26.)Disposition of the claims maintained by the applicant XXVII.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the applicant XXVII, the preparatory document No 292/A/4 of the defendant II-III contains the pleaded position of the defendant II-III.

a)The application of the applicant in Case XXVII. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The XXVII applicant applied for the application of the objective sanction only in relation to the school year 2003/2004, asking for a declaration that the defendants had violated his personal right to equal treatment on two grounds: first, the XXVII applicant asked for a declaration that in that school year the defendants had unlawfully segregated him and, second, had indirectly discriminated against him by providing a lower standard of education.

In the preceding public interest litigation, the Egri Court of First Instance found, in the operative part of its judgment, that in the school of defendant II, maintained by defendant I.r., pupils belonging to the Roma ethnic minority were segregated and indirectly discriminated against in the period after 27 January 2004.

Therefore, according to the legal position of the defendant II-III, this school year cannot be covered by the final judgment in the previous public interest litigation at all.

However, the tribunal took the legal position that it was justified to find that the defendant I-II. had unlawfully segregated the applicant from 27 January 2004 onwards in the 2003/2004 school year and had also indirectly discriminated against him by providing him with a lower standard of education, in violation of the applicant XXVII.'s right to equal treatment.
As from 27 January 2004, Article 76 of the old Civil Code already expressly mentioned the violation of equal treatment, and therefore, according to the legal opinion of the Tribunal, from that date onwards, the defendant I-II could be legally sentenced in respect of the objective sanction.

b)An action for payment of non-pecuniary damages (Civil Code. § 84 (1) (e))

The XXVII.r. plaintiff requested that the I-II-III.r. defendants be ordered to pay jointly and severally 500.000.-Ft for non-pecuniary damages, however, the court, in relation to the XXVII.r. plaintiff, evaluated the evidence available to it on the basis of Article 206 (1) of the Civil Code, ordered the I-II.r. defendants jointly and severally to pay 200.000.-Ft for non-pecuniary damages, while the XXVII.r. plaintiff's claim for damages in excess of this amount was dismissed as unfounded.

In the personal lawsuit, the tribunal found that the plaintiff in case No. XXVII was a student of class B of the defendant school in case No. II only in the 1st grade, only in the school year 2003/2004, and that he was a student of class C of the defendant school in case No. II for the remaining 7 school years.

In light of the above, the court judged that although the actual disadvantage can be established with respect to the applicant in case XXVII, the award of 200,000 HUF in non-pecuniary damages is justified and sufficient for the reduction of this disadvantage, also taking into account the extent of this disadvantage.

27.)Disposing of the applications maintained by the applicant in the name of the applicant in the XVIIIth place

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the applicant XXVIII, the preparatory document No 292/A/5 of the defendant II-III contains the pleaded position of the defendant II-III.

a)The application of the applicant in Case XXVIII. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The -XXVIII. applicant requested the application of the objective sanction in relation to a total of six school years, for the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, on two grounds, seeking a declaration that the defendants had infringed his personal right to equal treatment, on the one hand, a declaration that the XXVIII.In the first, the applicant claimed that the defendants had unlawfully segregated her during those school years and had also indirectly discriminated against her by providing a lower standard of education.

Since all six school years are subject to the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to each of these six school years, that the defendant I-II had violated the right to equal treatment of the applicant XXVIII on two counts, not only had they unlawfully segregated him in these six school years, but had also indirectly discriminated against him by providing him with a lower standard of education in these school years.

However, since the court also found that the applicant No. XXVIII had moved with his family from Settlement 1 to Canada in the personality case, the court found a violation of personality for both claims for the 2011/2012 school year, but only as of 15 January 2012.

b)Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e))

The XXVIIIth applicant jointly and severally sought an order that the I-II-IIIrd defendants pay the sum of HUF 3,000,000 in non-pecuniary damages.

The court of law assessed the evidence available to the plaintiff XXVIII.r. on the basis of Article 206 (1) of the Civil Code and ordered the defendants I-II.r. to pay 2.200.000.-Ft for non-material damages, while the claim of the plaintiff XXVIII.r. was dismissed on this ground.

With regard to the applicant No.XXVIII, the Tribunal assessed the fact that during his primary school studies in grades 1-5 - and during all five school years - the defendant No.I-II had violated his right to equal treatment on two counts.

Although the preparatory document of the defendant II-III. under number 292/A/5 refers to the minutes of the class placement on 10 November 2014, the contents of this documentary evidence were not legally relevant, since the last school year in relation to which the plaintiff XXVIII. had also asserted a claim in court was the school year 2011/2012.

In the personal injury action, the court also did not find, with respect to plaintiff XXVIII, that the family's decision to continue their lives in Canada with their children was causally connected to the personal injury claims of defendants I and II.

28.)Adjudication of the claims maintained by the applicant XXIX.r., a minor

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory

documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XXIX, Juvenile Plaintiff XXIX, Defendant II-III, the preparatory document numbered 238 contains the pleaded position of Defendant II-III.

a.)The application of the applicant XXIX., a minor, for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The minor XXIX.r. applied for the application of the objective sanction in relation to a total of six school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, on two grounds, respectively, seeking a declaration that the defendants had violated his personal right to equal treatment, on the one hand, a declaration that the minor XXIX.r., that during those school years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

As only the school year 2011/2012 is subject to the final judgment in the previous public interest litigation, the court found that the defendant I-II violated the right to equal treatment of the minor plaintiff XXIX on two counts, not only unlawfully segregating her in the school year 2011/2012, but also indirectly discriminating against her by providing her with a lower standard of education in that school year.

However, for the other five academic years, the Tribunal also found in relation to the minor plaintiff XXIX that the defendant II-III had successfully proved the exculpation and, although the Tribunal found that the defendant II-III had unlawfully segregated the minor XXIX in the academic years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, the defendant II-III had not done so in the academic years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017.r. felperest, azonban a vonatkozásban kiskorú XXIX.rendű felperes neve XXIX.r. felperes keresetét már elutasította, hogy ezen öt tanév során a II.r. alperesi iskolában egyben részére alacsonyabb oktatási színvonalat nyújtva közvetett hátrányos megkülönböztetésben is részesítették volna.

b)Action for payment of compensation for non-pecuniary damage (Section 84 (1) (e) of the Civil Code)

The minor applicant XXIX.r. requested that the defendants I-II-III.r. be ordered to pay HUF 3.000.000.- in joint and several damages.

The court of law assessed the evidence available to the minor plaintiff XXIX.r. on the basis of Article 206 (1) of the Civil Code and ordered the defendants I-II.r. jointly and severally to pay 500.000.-Ft, the defendants I-II-III.r. jointly and severally 300.000.-Ft, while the defendants II-III.r. jointly and severally 1.200.000.-Ft, but dismissed the action of the minor plaintiff XXIX.r. in excess of this amount.

The court, having considered the evidence available to it, both together and separately, came to the conclusion that the payment of non-material damages of 2.000.000.-Ft is justified and sufficient to remedy the non-material disadvantages suffered by the minor plaintiff XXIX.

In the personality proceedings, the court took into account that the minor plaintiff XXIX had completed grades 1-6 of his primary school education in class b at the defendant school II, despite the fact that the defendant II had no expert opinion at all concerning the minor plaintiff XXIX which would have even indirectly indicated that the minor plaintiff XXIX had a limited learning capacity.

29.)Adjudication of the claims maintained by the applicant XXX.r., a minor

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XXX, a minor, Plaintiff XXX, the preparatory document for Defendant II-III, No. 239, contains the pleaded position of Defendant II-III.

a)The application of the minor plaintiff XXX.r. for a declaration of infringement of personality rights (Civil Code. § 84 (1) a) of the Civil Code

The minor applicant XXX.r. requested the application of the objective sanction in relation to a total of four school years. In respect of each of the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, she sought a declaration on two grounds: first, that the defendants had violated her individual right to equal treatment and, second, that the minor plaintiff XXX had unlawfully segregated her during those school years and had indirectly discriminated against her by providing a lower standard of education.

After the court, based on the evidence taken in the personality proceedings, had also

established with regard to the minor plaintiff XXX.r. that he had moved with his siblings and his family from settlement 1 to Canada, abroad, on 15 January 2012, during the 2011/2012 school year, the court also assessed this circumstance in the context of the objective sanction when drafting the operative part.

In the light of the above, the Court of First Instance found that since all four school years were covered by the final judgment in the previous public interest litigation, the defendant I-II. violated the rights of the minor XXX. Not only did they unlawfully segregate the applicant XXXII.R. throughout the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 until 12 January 2012, but they also indirectly discriminated against her by providing her with a lower standard of education during those school years.

b)Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e))

The minor plaintiff XXX.r. requested that the defendants I-II-III.r. be ordered to pay jointly and severally 2.000.000.-Ft for non-pecuniary damages.

At the same time, the court of law assessed the evidence available to the minor plaintiff XXX.r. on the basis of Article 206 (1) of the Civil Code and ordered the defendants I-II.r. to pay a total of 1,400,000 HUF in non-pecuniary damages, while the court dismissed the action of the minor plaintiff XXX.r. in excess of this amount.

The tribunal also assessed the fact that the minor plaintiff XXX.r. was a grade A student of the defendant school in the 2014/2015, 2015/2016 and 2016/2017 school years, after the family moved back to Hungary from Canada.

With regard to the minor plaintiff XXX.r., the court also assessed the fact that after completing his primary school education, on 23 July 2017, he was admitted to the Károly Róbert Secondary School of the Hungarian Maltese Relief Service, where he is studying to become a pastry chef.

30.)Judgment on the applications maintained by the applicant XXXI.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the applicant XXXI, the preparatory document for the defendant II-III, number 292/A/6, contains the pleaded position of the defendant II-III.

a) The action for a declaration of infringement of personality rights of the applicant r. XXXI. § 84 (1) a) of the Civil Code)

The XXXI applicant applied for the application of the objective sanction in relation to a total of three school years: for the school years 2008/2009, 2009/2010 and 2010/2011, he applied for a declaration that the defendants had violated his individual right to equal treatment on two grounds, first, that the defendants had unlawfully segregated him in those school years and, second, that they had indirectly discriminated against him by providing a lower standard of education.

Since all three school years are subject to the final judgment in the previous public interest litigation, the court found, in relation to each of these three school years, that the defendant I-II. had violated the provisions of r. Not only did they unlawfully segregate the applicant in the school years 2008/2009, 2009/2010 and 2010/2011, but they also indirectly discriminated against him by providing him with a lower standard of education in those school years.

b)Action for payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)

The XXXI applicant requested that the I-II-III defendants be ordered to pay jointly and severally 1.500.000.-Ft as compensation for non-material damages.

The court, having assessed the evidence available to the XXXI. plaintiff on the basis of Article 206 (1) of the Civil Code, found the claim of the XXXI. plaintiff to be well-founded with regard to the subjective sanction also with regard to the amount and ordered the I-II. defendant to pay jointly and severally, but only the I-II. defendant to pay 1.500.000.-Ft as non-pecuniary damages.

The tribunal, having considered the evidence available to it, both collectively and separately, found that such an award of non-material damages was justified to mitigate the non-material harm suffered by the applicant XXXI.r., and did not consider the claim of the applicant XXXI.r. to be excessive in this respect.

With regard to the plaintiff XXXI, the Tribunal assessed that only in the three school

years concerned by the conviction, the plaintiff XXXI was a student in class b at the school of defendant II, and in the other school years, the plaintiff XXXI was also a student in classes a, b and c at the school of defendant II.

The court also assessed the fact that the school of defendant II did not have an expert opinion on the case of the learning disabled pupil with special educational needs, which would have justified the non-integrated education of the pupil in the first to third grades of primary school.

In the personality proceedings, the court also found with regard to the XXXI. plaintiff that the reference made in the preparatory document of the II-III. defendant under No. 292/A/6 that in the 2008/2009 school year a separate class with a different curriculum was not started in the lower school, due to the number of pupils, which is why the XXXI. plaintiff was placed in class b, had no legal relevance, while the XXXI.In the preparatory document submitted in the action in personam, that reference is contrary to the statement made by the school of defendant II in the previous public interest litigation that the pupils were allocated to classes on the basis of a random order of arrival of pupils which could not be influenced in any way by the school.

31.)Judgment in the action brought by the applicant XXXII. r. XXXII.

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the XXXII applicant XXXII, the preparatory document No 292/A/7 of the II-III defendant contains the pleaded position of the II-III defendant.

a.)Application of the applicant XXXII. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The XXXII applicant applied for the application of the objective sanction in relation to

a total of 9 school years: for the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, he applied for a declaration that the defendants had infringed his right to equal treatment, on two grounds, first, that the XXXII applicant had infringed his right to equal treatment and, second, that the XXXII applicant had infringed his right to equal treatment.In the first, the applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

However, since the XXXII plaintiff was a b-grade student of the defendant school in the school years 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010, these six school years could not be included in the scope of the final judgment in the previous public interest litigation, and therefore the infringement of personality was found by the court only in respect of the other three school years.

However, since these three academic years are all subject to the final judgment in the previous public interest litigation, the Tribunal found, in relation to these three academic years, that the defendant I-II. had violated the provisions of the XXXII. Not only was the applicant unlawfully segregated from 27 January 2004 for the 2003/2004 school year and from 27 January 2004 for the 2010/2011 and 2011/2012 school years, but the IIIIII and IIIIII also indirectly discriminated against the applicant by providing him with a lower standard of education.
In the light of its legal position already cited, the Tribunal found that the infringement of personality rights had been committed as of 27 January 2004 for the academic year 2003/2004, but that both claims were against the defendant I-II.

b)<u>Action for payment of compensation for non-material damage (Section 84 (1) (e) of the Civil Code)</u>

The XXXII.r. plaintiff requested that the I-II-III.r. defendants be ordered to jointly and severally pay 4.500.000.-Ft for non-pecuniary damages, however, the court of law did not consider the evidence available to the XXXII.r. plaintiff in accordance with Pp. § 206 (1), the court ordered the defendants I.r. and II.r. jointly and severally to pay 1.000.000.-Ft for the non-material damages, but dismissed the claim of the XXXII.r. plaintiff for the subjective sanction in excess of this amount.

The Tribunal also assessed the fact that on 22 August 2013, the applicant XXXII. was admitted to the ... Vocational Training Centre ... Vocational School and College of the ... According to the review report of the Single Pedagogical and Vocational Service of the Learning Ability Assessment and Rehabilitation Committee of 14 November 2009, the plaintiff XXXII should have been integrated into the education of the defendant school II, but was a pupil of that primary school in class B in both the 2010/2011 and 2011/2012 school years in which he was detained.

32.)<u>Adjudication of the applications maintained by the applicant XXXIII.</u>

The applicants submitted a summary preparatory document under number 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific academic years each plaintiff was claiming in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of point 3.1 of the summary preparatory document under number 376, the amount of non-material damages claimed in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarized their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In the case of Plaintiff XXXIII, a minor, Plaintiff XXXIII, Defendant II-III's pleaded position is contained in the preparatory document under Defendant II-III's Serial No. 292/A/8.

a)The application of the minor plaintiff XXXIII. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The minor plaintiff XXXIII. applied for the application of the objective sanction in relation to a total of six school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, respectively, on two grounds, that the defendants had violated his personal right to equal treatment, on the one hand, he applied for a declaration that the minor plaintiff XXXIII.In the first, the applicant, the third complainant, XXXIIIIII r., claimed that the defendants had unlawfully segregated him during those school years and had also indirectly discriminated against him by providing a lower standard of education.

Since only the school year 2011/2012 is subject to the final judgment in the previous public interest litigation, the court found that the defendant I-II violated the right to equal treatment of the minor plaintiff XXXIII on two counts, not only by unlawfully segregating her in the school year 2011/2012, but also by providing her with a lower standard of education in that school year, and by indirectly discriminating against her.

However, in the context of the other five academic years, the Tribunal took the view that the defendant's exculpatory evidence for one of the claims was successful, and therefore, for the academic years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, it found that the defendant's exculpatory evidence for the other five academic years was not sufficient.However, the Court dismissed the claim of the minor plaintiff XXXIII. in the name of the minor plaintiff XXXIII. on the ground that he was also discriminated

against by being provided with a lower standard of education during these five school years.

b)Action for payment of compensation for non-pecuniary damage (Civil Code. Section 84 (1) (e) of the Civil Code

The minor plaintiff XXXIII requested that the defendants I-II-III be ordered to pay jointly and severally 3.000.000.-Ft as compensation for non-material damages.

At the same time, the court assessed the evidence available to the minor plaintiff XXXIII. jointly and severally, pursuant to Section 206 (1) of the Civil Code, and imposed a fine of 400.000.-Ft. on the defendants I-II. ordered the defendants jointly and severally to pay the amount of HUF 300,000.00, while the defendants jointly and severally ordered the defendants in r. II-III to pay the amount of HUF 1,200,000.00 in non-pecuniary damages, and dismissed the action of the minor plaintiff in r. XXXIII in excess of this amount.

With regard to the minor plaintiff XXXIII, the tribunal also assessed the fact that, although he was examined on 4 January 2011 by the ... Expert and Rehabilitation Committee for the Study of Learning Ability and recommended in its expert opinion of 13 January 2011 that the child should be integrated in the name of the defendant -II.r. from the school year 2011/2012, the minor plaintiff XXXIII. was nevertheless a b-grade pupil of the defendant school -II.r. not only in that school year but also in the following five school years.

At the same time, it was not of independent legal relevance in the personality suit that after the Gyöngyös Municipal Court had placed the minor plaintiff XXXIII. with her granddaughter by a final judgment, the Gyöngyös Municipal Guardianship Office appointed her grandmother as her granddaughter's guardian by a decision of 4 August 2004.

Although the defendant II-III. in the preparatory document under No. 292/A/8 referred to the fact that expert opinions confirm that the minor plaintiff XXXIII. suffers from a cognitive dysfunction, the minor plaintiff XXXIII. felperes vonatkozásában a személyiségi perben olyan szakértői vélemény nem állt rendelkezésre, amely ellátásának módjaként a szegregált oktatást jelölte volna meg, ugyanakkor az a tény, hogy a II-III.r. alperes okiratokkal is igazolta, hogy a kiskorú XXXIII.r. felperes vonatkozásában is a II.r. The fact that the school of defendant II.III. had in fact provided the remedial classes prescribed for him could not have led the court to dismiss the action of the minor plaintiff XXXIII. on the other ground in respect of the five school years not covered by the final judgment in the previous action, and therefore, with regard to the amount of the non-pecuniary damages, account had to be taken of the fact that the unlawful segregation of the minor plaintiff XXXIII. had also existed during these five consecutive school years.

33. Dismissal of the applications maintained by the applicant XXXIV.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>The preparatory document No. 292/A/9 of Defendants II, III, XXXIV, contains the pleaded position of Defendants II and III in respect of Plaintiff XXXIV.</u>

a) <u>The action for a declaration of infringement of personality rights of the applicant in Case XXXIV. § 84 (1) a))</u>

The XXXIV applicant applied for the application of the objective sanction in relation to the 7 school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, requesting a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the XXXIV applicant had violated his right to equal treatment in the context of the XXXIV school year and secondly, that the defendants had violated his right to equal treatment in the context of the school year. In the first, the applicant claimed that the defendants had unlawfully segregated her during those academic years and had also indirectly discriminated against her by providing a lower standard of education.

Having found, on the basis of the evidence adduced in the personality proceedings, that in the school years 2006/2007, 2007/2008, 2008/2009 and 2009/2010 the applicant was a pupil in grade D of grade II of the school of grade XXXIV. and these school years could not be covered by the final judgment in the previous action, therefore the Tribunal found an infringement of personality only in respect of the other 3 school years, in which it was proven that the XXXIV plaintiff was a class B pupil of the -II defendant.

With regard to the applicant XXXIV, the school years 2010/2011 and 2011/2012 are covered by the final judgment in the previous public interest litigation, and therefore the Tribunal found, in relation to these 2 school years, that the school years I and II. The Court of First Instance found that the defendant I and II infringed the XXXIV applicant's individual right to equal treatment on two counts, not only by unlawfully segregating him during those 2 school years, but also by indirectly discriminating against him by providing him with a lower standard of education.

However, for the school year 2012/2013, on the basis of the evidence in the personality proceedings, the tribunal found that the second and third actions were also successful in

respect of the applicant XXXIV. Therefore, the Tribunal dismissed on appeal his claim that he was also indirectly discriminated against in this school year by being provided with a lower standard of education and, in respect of the school year 2012/2013, merely found on appeal that the defendants I and II had been unlawfully segregated.

b) An action for payment of non-material damages (Civil Code. § 84 (1) (e))

The XXXIV applicant requested that the I, II, III defendants be ordered to pay HUF 3,500,0000.00 in non-material damages jointly and severally.

The court, however, assessed the evidence available to the XXXIV. plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I. and II. defendants jointly and severally to pay HUF 800,000.00, while the I., II. and III. defendants jointly and severally HUF 300,000.00, but dismissed the action of the XXXIV. plaintiff on this claim.

The Tribunal also assessed, in relation to the applicant XXXIV, that, in respect of the pupil with special educational needs from 26 March 2004, the ... on 14 November 2009, the report drawn up by the Unified Pedagogical and Vocational Service and Professional Service of the Expert Committee for the Assessment of Learning Ability identified integrated education as the mode of provision, despite the fact that the applicant XXXIV, who was still in class D in the 2009/2010 school year, was already a class B pupil in the following year at the defendant school in class II.

The tribunal also assessed the fact that the applicant XXXIV had not continued his education and was working as a public employee, but neither for the applicant XXXIV nor for the other applicants did the tribunal see any possibility to increase the damages awarded to the named applicants. The Court of First Instance did not find it possible to increase the amount of the award by the amount of the lawyer's fees awardable under IM Decree No 32/2003 (VIII/22).

In their application, the applicants argued that the beneficiaries of the pro bono legal services were not the defendants but the applicants, and that the amount of damages otherwise awarded to each of the applicants should therefore be increased by the Tribunal as set out above.

The Latin term pro bono publico, meaning for the public good, is the actual content of voluntary unpaid professional work or possibly reduced-fee work as a public service.

Pro bono work is also common in the legal profession in the context of advocacy, and for reasons of social responsibility and public interest, the lawyers concerned want to make justice available to those in need.

Unlike traditional volunteering, the skills of specialist professionals are used to provide services to those who could not otherwise afford them.

In the absence of a legal prohibition, the Foundation for Disadvantaged Children, the three law firms and the fourth individual lawyer acted lawfully when they agreed to provide free assistance to enable the 63 individuals to pursue their claims in court, However, neither on the basis of the applicable legal provisions nor on the basis of the case-law, the Tribunal saw no possibility of adding to the amount of the non-material damages otherwise awarded to each of the applicants the costs of their legal

representation.

This amount was clearly not actually paid by the plaintiffs concerned, including the plaintiff XXXIV, and the tribunal could only and exclusively assess the legal context in its decision.

34. **Adjudication of the claims maintained by the minor plaintiff XXXV:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personal injury action, the Defendants II and III submitted separate preparatory documents for each of the 62 applicants, and in these preparatory documents, the Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the applicants concerned, and also assessed the evidence taken during the first instance proceedings specifically for the applicants concerned.

In the case of Plaintiff XXXV, a minor, Plaintiff XXXV, Defendants II, III, the preparatory document numbered 292/A/10 contains the pleaded position of Defendants II and III.

a) The application of the applicant XXXV., a minor, for a declaration of infringement of personality rights (Civil Code. § 84 (1) a) of the Civil Code

The minor applicant XXXV. applied for the application of the objective sanction in relation to a total of 4 school years for the school years 2010/2011, 2011/2012, 2012/2013 and 2013/2014, requesting a declaration that the defendants had violated his right to equal treatment, on two grounds, on the one hand, the application for a declaration that the minor XXXV. r. that during those academic years the defendants unlawfully segregated him and, by providing a lower standard of education, also indirectly discriminated against him.

However, on the basis of the documentary evidence available to it in the personality proceedings, the tribunal found that the minor plaintiff XXXV was a student in grade D at defendant school II in the 2011/2012 and 2012/2013 school years and that, since these two school years could not be covered by the final judgment in the previous public interest litigation, the tribunal found a violation of personality only in respect of the other two school years.

The Tribunal found that the final judgment in the previous public interest litigation was applicable to the 2010/2011 school year, and therefore found that the defendants had violated the right to equal treatment of the minor plaintiff XXXV on two counts, not only by unlawfully segregating her in that school year, but also by directly discriminating against her by providing her with a lower standard of education in that school year.

However, in relation to the 2013/2014 school year, although the Tribunal found that the Defendants II and III had unlawfully segregated the minor plaintiff XXXV, it dismissed the minor plaintiff XXXV's claim on the basis of the successful exculpatory evidence of Defendants II and III, which alleged that she had also been indirectly discriminated against by the Defendant II school by providing her with a lower standard of education during that school year.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e))

The minor plaintiff XXXV. jointly and severally requested the defendants I., II. and III. to pay 2.000.000,- HUF for non-material damages.

The court, however, evaluated the evidence available to the minor plaintiff XXXV. on the basis of Section 206 (1) of the Civil Code and ordered the defendants to pay only HUF 700,000.00, by ordering the defendants I and II. jointly and severally to pay HUF 400,000.00, while the defendants II and III. jointly and severally to pay HUF 300,000.00, but the court dismissed the action of the minor plaintiff XXXV. in excess of this amount.

The substantive intervention of Dr. Adél Kegye, lawyer, is contained in the preparatory document for the plaintiff under 402/F.

This preparatory document contains the following.

The most harrowing part of the trial was when we had to listen to a verbatim account of

a police report which showed that there was a minor among the plaintiffs who was not fed at home and who had therefore applied for state care, so that, in the logic of the state, someone who is poor and not treated well at home cannot be entitled to the same amount of compensation for segregation as someone who lives in more normal family circumstances.

The defendants in the personal injury action did not argue that those who are already hardshiped deserve less, but the tribunal also decided with regard to the minor plaintiff XXXV. by carefully weighing the evidence available to it, both together and separately, when it took a position with regard to each plaintiff as to the extent of the non-material damages that should be awarded to compensate for the non-material harm that actually occurred in their regard.

Although the police report referred to in the plaintiff's objection on the merits was issued in respect of the minor plaintiff XXXIX, it can be concluded in respect of all 60 plaintiffs concerned by the defendants' reprimand that the fact that the plaintiff concerned lived in orderly or disorderly family circumstances was not legally relevant, as the court of law in the personal injury action did not consider the evidence in accordance with the provisions of the Pp. In the personal injury case, the court assessed the evidence on the basis of Article 206(1) of the Civil Procedure Code and determined the amount of the non-pecuniary damages for all 60 applicants.

35. **Adjudication of the applications maintained by the minor applicant -XXXVI:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, the plaintiffs in Chambers II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, the defendant in Chambers II and III summarised in detail their factual and legal positions individually and specifically for the plaintiffs concerned, and also assessed the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

In the case of Plaintiff XXXVI, Plaintiff XXXVI, Minor - Plaintiff XXXVI, Defendants II, III, Preparation Document No. 236 contains the pleaded position of Defendants II and III.

a) The application of the applicant XXXVI., a minor, for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The minor applicant XXXVI applied for the application of an objective sanction in relation to a single school year, the 2009/2010 school year, seeking a declaration that the defendants had violated his individual right to equal treatment by unlawfully segregating him in that school year and by indirectly discriminating against him in the 2009/2010 school year by providing a lower standard of education.

Since this school year is subject to the final judgment in the previous public interest litigation, the court therefore found, in line with the action brought by the minor plaintiff XXXVI, that the defendants I and II had violated the minor plaintiff XXXVI's right to equal treatment as an individual on two counts, not only by unlawfully segregating her during this school year, but also by indirectly discriminating against her by providing her with a lower standard of education.

Since the above-mentioned academic year is undisputedly covered by the final judgment in the previous public interest litigation, there was no legal possibility for the court to take a contrary view in this regard with regard to the minor plaintiff XXXVI on the basis of the evidence supplemented in the personal injury action.

b) Action for payment of compensation for non-material damage (Civil Code. § 84(1)(e) of the Civil Code

The minor plaintiff XXXVI. jointly and severally ordered the defendants to pay HUF 500,000.00 in non-pecuniary damages.

The court, assessing the evidence available to it in relation to the minor plaintiff XXXVI. on the basis of Section 206 (1) of the Civil Code, did not consider the amount of the claim for damages asserted by the plaintiff to be excessive, but ordered only the defendants I. and II. to pay the HUF 500,000.00 non-material damages jointly and severally.

With regard to the minor plaintiff XXXVI, the court assessed the fact that the student, who fulfilled his academic obligations, had exemplary behaviour and was performing far above average, was a student of the defendant II in grade B in only one grade, but in grade 1.

36. **Adjudication of the applications maintained by the applicant XXXVII, a minor:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the provisions of paragraph 3.1 of the summary preparatory document No. 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to the minor plaintiff XXXVII, the preparatory document No. 292/A/11 of Defendants I and II contains the pleaded position of Defendants II and III.

a) The application of the <u>applicant XXXVII., a minor, for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a) of the Civil Code</u>

The minor applicant XXXVII. applied for the application of the objective sanction in relation to a total of 4 school years for the school years 2010/2011, 2011/2012, 2012/2013 and 2013/2014, requesting a declaration that the defendants had violated his right to equal treatment, on two grounds, on the one hand, the application for a declaration that the minor XXXVII. In the first, the applicant, XXXIIIIIIII, claimed that the defendants unlawfully segregated her during those school years and, by providing a lower standard of education, indirectly discriminated against her.

Since in the school year 2011/2012 the minor plaintiff XXXVII was a class D pupil of defendant school II and this school year could not be included in the scope of the final judgment in the previous public interest litigation, the court found a violation of personality only in respect of the other 3 school years.

The school year 2010/2011 is covered by the final judgment in the previous public interest litigation and therefore the Tribunal found, in relation to that school year, that the defendants I and II violated the right to equal treatment of the minor plaintiff XXXVII on two counts, not only by unlawfully segregating her during that school year, but also by indirectly discriminating against her by providing her with a lower standard of education during that school year

However, for the school years 2012/2013 and 2013/2014, which were not subject to the final judgment in the previous public interest litigation, the court found that the defendants II and III had unlawfully segregated the minor plaintiff XXXVII, but after

the minor plaintiff XXXVII. plaintiff, the Tribunal dismissed the minor plaintiff's claim on the ground that the minor plaintiff had been unlawfully segregated from the other two school years by the defendants II and III, and that the minor plaintiff had been indirectly discriminated against by being provided with a lower standard of education during those two school years.

<u>b) Action for payment of compensation for non-material damage (Civil Code. Art. 84 (1) (e) of the Civil Code)</u>

The minor plaintiff XXXVII. asked the defendants I., II. and III. to pay jointly and severally HUF 2,000,000.00 in non-pecuniary damages.

The court, however, assessed the evidence available to the minor plaintiff XXXVII. jointly and severally, on the basis of Section 206 (1) of the Civil Code, and imposed a fine of HUF 500,000.00 on the defendants I. and II, II and III to pay jointly and severally HUF 300,000.00, while defendants II and III were also ordered jointly and severally to pay HUF 300,000.00 in non-material damages, but dismissed the action of the minor plaintiff XXXVII on this ground.

The court, having considered the evidence available to it both separately and collectively, came to the conclusion that an award of HUF 1,100,000.00 in non-material damages was justified and sufficient to remedy the actual disadvantages suffered by the minor plaintiff XXXVII.

The tribunal assessed the fact that the minor plaintiff XXXVII was already a student in grade A in the upper school of the defendant school II, but started the first grade as a student in grade B.

The evidence in the personality proceedings also failed to establish, in relation to the minor plaintiff XXXVII, why the child with learning difficulties was transferred to grade D in grade 2 and then became a grade B student again in grades 3 and 4.

However, with regard to the minor plaintiff XXXVII, the tribunal also assessed that the review report of 4 June 2010 already stated that the minor plaintiff XXXVII was still eligible for developmental employment in accordance with the DTMN status, but that after that date, no documented re-examination by the expert committee for the minor plaintiff XXXVII took place.

37. **<u>Adjudication of the claims maintained by the applicant XXXVIII:</u>**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 individuals.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific

years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also assessed the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XXXVIII, Defendants II, III, Preparatory Document No. 237 contains the pleaded positions of Defendants II and III.

a) The claim of the applicant in the action for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The applicant XXXVIII applied for the application of objective sanctions in relation to 2 school years, for the school years 2010/2011 and 2011/2012, he applied for a declaration that the defendants had violated his individual right to equal treatment on two grounds, on the one hand, the applicant XXXVIII applied for a declaration that in these school years the defendants had unlawfully segregated him and, on the other hand, had indirectly discriminated against him by providing a lower standard of education.

Since both school years are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to both school years, that the defendants I and II had violated the XXXVIII applicant's right to equal treatment as an individual on two counts, not only by segregating her in the school years 2010/2011 and 2011/2012, but also by indirectly discriminating against her by providing her with a lower standard of education in those school years.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e))

The XXXVIII applicant sought an order that the I, II and III defendants be ordered to pay jointly and severally HUF 1,000,000.00 in non-pecuniary damages.

The tribunal, having assessed the evidence available to it in relation to the XXXVIII. plaintiff on the basis of Article 206 (1) of the Civil Code, came to the conclusion that the XXXVIII. plaintiff's claim was not excessive, and therefore ordered jointly and severally, but only the I. and II. defendants to pay HUF 1,000,000.00 in non-pecuniary damages.

With regard to the applicant XXXVIII, the Tribunal assessed the following circumstances.

Plaintiff XXXVIII was a grade A student in the first seven grades of Defendant School II and was only in grade B for the 2010/2011 school year and the 2011/2012 school year, the repeat grade 7 and grade 8.

When the XXXVIII plaintiff was reassigned to grade 7 in class b while the prior public

interest litigation was pending.

Defendants II and III also referred to the obligation of a pupil under the Public Education Act in relation to the applicant XXXVIII, according to which a pupil is obliged to fulfil his/her academic obligations by regular work and disciplined behaviour, according to his/her abilities.

It is not disputed that in the school year 2009/2010, the applicant XXXVIII received unsatisfactory grades in several subjects and completed the requirements of grade 7 as a B student in the school year 2010/2011. However, in the personality proceedings, the Tribunal found, in respect of both that academic year and the subsequent academic year 2011/2012, that the defendants I and II had violated the XXXVIII applicant's personality right to equal treatment, and therefore the fact that the XXXVIII applicant had failed to pass the Grade 7 requirements in several subjects in the previous academic year not affected by the reprimand of defendants I and II had no independent legal relevance.

The Tribunal also assessed, with regard to the applicant XXXVIII, the academic results achieved by the applicant XXXVIII in the 2 academic years concerned by the reprimand of the defendants I and II, and the preparatory documents of the defendants II and III under number 237 also state that in the academic years 2010/2011 and 2011/2012 the applicant XXXVIII obtained average, good and excellent grades in various subjects.

38. **Dismissal of the applications maintained by the applicant XXXIX.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document under number 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study of each plaintiff and the number of years of study indicated, and, taking into account the provisions of point 3.1 of the summary preparatory document under number 376, determined for each of the 62 plaintiffs the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

The preparatory document number 305 of Defendants II and III contains the pleaded position of Defendants II and III with respect to Plaintiff XXXIX.

a) The XXXIXth applicant's name XXXIXth applicant's claims for a declaration of infringement of personality rights (Civil Code, Art. § 84 (1) (a))

The XXXIXth applicant applied for the application of the objective sanction in relation to a total of 6 school years, for the school years 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, on two grounds, respectively, that the defendants had violated his personal right to equal treatment, on the one hand, that the XXXIXth applicant had violated his right to equal treatment and on the other hand, that the XXXIXth applicant had violated his right to equal treatment. In the first, the applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since in the school year 2007/2008 the plaintiff XXXIX was a class D pupil of the defendant school II, this school year could not be included in the scope of the final judgment in the previous public interest litigation, and therefore the infringement of personality was only established by the court in relation to the other 5 school years.

Since the first 4 school years are subject to the final judgment in the previous public interest litigation, the Tribunal found, in relation to these 4 school years, that the defendant I and II had violated the provisions of Art. In particular, I, II and III infringed the applicant's right to equal treatment in two respects, not only by unlawfully segregating her in the school years 2008/2009 and 2009/2010, 2010/2011 and 2011/2012, but also by indirectly discriminating against her by providing her with a lower standard of education in those school years.

However, for the 2012/2013 school year, which was not subject to the final judgment in the previous public interest litigation, the Tribunal found that the certificate of exemption of the defendant in Rs. II and III and the certificate of exemption of the defendant in R. XXXIX were effective. Therefore, the Tribunal dismissed the claim of the XXXIXth applicant on that ground, but also found against the defendants II and IIIrd on another ground in relation to that school year, finding that the XXXIXth applicant was unlawfully segregated during that school year.

b) <u>Action for payment of compensation for non-material damage (Civil Code. § 84(1)(e) of the Civil Code</u>

The XXXIXth applicant requested that the Ith, IInd and IIIrd defendants be ordered to pay jointly and severally HUF 3,000,000.00 in non-pecuniary damages.

The court, however, evaluated the evidence available to the XXXIXth applicant jointly and severally ordered the I. and II. defendants to pay HUF 1,600,000.00, while the I., II. and III. defendants were also jointly and severally ordered to pay HUF 300,000.00 in non-material damages, while the XXXIXth applicant's claim was dismissed as unfounded.

The tribunal also assessed the fact that the defendant XXXIX. In its expert opinion of 12 September 2012, the Unified Pedagogical and Vocational Service of the Expert and Rehabilitation Committee for the Assessment of Learning Ability concluded that the child with special educational needs should be taught in an integrated way at the school of defendant II.

Based on the evidence in the personal lawsuit, the court found that the plaintiff XXXIX and his three siblings are currently being raised by their father, as their mother moved

away from the family in 2012, but the defendants were sentenced for the school years 2008/2009, 2009/2010 and 2010/2011.

In its preparatory document No. 305, Defendant II and Defendant III submitted that the school status of Plaintiff XXXIX, who became an adult during the course of the proceedings, had been terminated by Defendant II on 30 January 2017 and also referred to the application submitted by Plaintiff XXXIX to the competent child protection authority.

The last school year in the personal lawsuit, which was the subject of the defendants' complaint, was the school year 2012/2013 for the plaintiff XXXIX, in which year the plaintiff XXXIX was a student in grade 4.b. of the plaintiff XXXIX of the name of the defendant -defendant II-, therefore the circumstances invoked in the preparatory document of the defendants II and III under number 305 were not legally relevant in the personal lawsuit.

39. **<u>Adjudication of the claims maintained by the applicant XL:</u>**

In relation to the applicant XL, the defendant II and III summarised their factual and legal position with regard to the applicant XL individually and expressly with regard to the applicant XL, and also expressly with regard to the applicant XL, assessed the evidence taken at first instance in the preparatory document under number 306.

On the basis of the preparatory document No. 393, the Tribunal found that the applicant XL had asserted a claim against the defendants in court in connection with 2 school years, the 2008/2009 and 2009/2010 school years.

These two school years, however, cannot be included in the scope of the final judgment in the previous public interest litigation, since in both these 2 school years, the -defendant name of defendant r. II- was a student in class d. Plaintiff name of plaintiff r. XL was a student in class d. Therefore, both with respect to the objective sanction and the subjective sanction, his claim was dismissed by the Tribunal without merit.

40. **<u>Adjudication of the applications maintained by the minor applicant -XLI:</u>**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in light of the provisions of paragraph 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, the defendants III and III submitted separate preparatory documents for each of the 62 plaintiffs in the personal injury action, and in these preparatory documents the defendants II and III individually and specifically for the plaintiffs concerned summarised their factual and legal positions in detail, and also specifically for the plaintiffs concerned evaluated the evidence taken during the first instance proceedings.

In the case of minor Plaintiff XLI, Plaintiff XLI, Plaintiff XLI, the preparatory document under Defendants II and III, No. 307, contains the pleaded position of Defendants II and III.

a) The application of the minor plaintiff XLI. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The minor plaintiff XLI applied for the application of the objective sanction in relation to a total of 7 school years, for the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, on two grounds, seeking a declaration that the defendants had violated his personal right to equal treatment, on the one hand, a declaration that the minor plaintiff XLI had violated his right to equal treatment, and on the other hand, a declaration that the defendants had violated his right to equal treatment. r. that during those school years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

Since the minor plaintiff XLI was a student in grade D in the 2nd class of the defendant school in the school year 2011/2012 and this school year cannot be included in the scope of the final judgment in the previous public interest litigation, the court found a violation of personality only for the school years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, that minor XLI was a student in grade D in the school year 2011/2012. However, it dismissed the other claim for the same school years, because the evidence of the excusal of the minor plaintiff XLI was also successful in relation to the minor plaintiff XLI, and therefore the Tribunal did not find that the minor plaintiff XLI was also indirectly discriminated against by being provided with a lower standard of education.

b) Action for payment of compensation for non-material damage (Art. 84(e) of the Act).

The minor plaintiff XLI jointly and severally requested the defendants I, II and III to pay HUF 3,500,000.00 in non-pecuniary damages.

The court, however, assessed the evidence available to the minor plaintiff XLI. on the basis of Section 206 (1) of the Civil Code, and jointly and severally ordered the defendants I. and II. to pay HUF 400,000.00, and I., I, II and III jointly and severally HUF 300,000.00, and jointly and severally HUF 1,200,000.00 for non-material damages, but dismissed the action of the minor applicant XLI in excess of this amount.

The tribunal assessed the following circumstances in relation to the minor applicant XLI, when it took the position that an award of HUF 1,900,000.00 in non-material damages was justified and sufficient to compensate for the non-material disadvantages suffered by him.

The minor plaintiff XLI was examined on 9 October 2012 by the ... On October 9, 2012, he was examined by the Unified Pedagogical and Vocational Service of the Expert Committee for the Assessment of Learning Ability and Rehabilitation and in the expert opinion dated October 11, 2012, it was also recorded in writing that there was no change in the condition of the child with special educational needs who is entitled to special care, and that he continues to be educated in the name of the defendant -II.r. in an integrated manner. Nevertheless, the minor plaintiff XLI was a Class B student in the school of defendant-II for the academic years 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

However, during the personal hearing of the mother, the legal representative of the minor plaintiff XLI, she also stated that her son complained that he could not go swimming, that he could not use the swimming pool at all during his school studies, but this statement could not have any legal relevance in the personal injury action, since the plaintiff's foundation's claim was rejected as a basic doctrine in the previous public interest action.

In addition, the court also assessed the minor plaintiff XLI in his statement of defence, in respect of which school years and periods he had actually been a student at the school of defendant II.

41. **Consideration of the claims maintained by the applicant XLII, a minor**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XLII, Juvenile, Defendants II and III, the preparatory document at Docket Nos. 230 contains the pleaded position of Defendants II and III.

a) The application of the minor plaintiff XLII. for a declaration of infringement of personality rights (Civil Code. § 84(1)(a) of the Civil Code).

The minor XLII. applicant requested the application of the objective sanction in relation

to a total of 7 school years, for the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, the minor XLII. The first was that the defendants had unlawfully segregated the applicant, XLIIII, during those school years and had also indirectly discriminated against him by providing a lower standard of education.

Since the school years 2010/2011 and 2011/2012 are covered by the final judgment in the previous public interest litigation, the Court of First Instance found that, in relation to these two school years, the defendants I and II violated the minor plaintiff XLII's right to equal treatment as an individual on two counts, not only by unlawfully segregating her in these two school years, but also by indirectly discriminating against her by providing her with a lower standard of education in these two school years.

At the same time, the court found against the other 5 school years, which are not covered by the previous public interest litigation, but in one case, the defendants II and III, that the minor XLII. plaintiff was unlawfully segregated in the school years 2012/2013, 2013/2014, 2014/2015, 2015/2016 and 2016/2017, but in another case, the minor XLII. plaintiff was unlawfully segregated in the same school years.dismissed the unfounded claim of the minor plaintiff XLII on the second ground, because the defendants II and III, having successfully proved that he was not excused, failed to establish that he was indirectly discriminated against by being provided with a lower standard of education during those school years.

b) <u>An action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The minor plaintiff XLII requested that the defendants I, II and III be ordered to pay jointly and severally HUF 3,500,000.00 in non-pecuniary damages.

The court, however, assessed the evidence available to the minor plaintiff XLII, and ordered the defendants I and II jointly and severally to pay HUF 800,000.00, the defendants I, II and III jointly and severally HUF 300,000.00, and the defendants II and III jointly and severally HUF 1,200,000.00.

In deciding that an award of HUF 2,300,000.00 in non-pecuniary damages was justified and sufficient to remedy the non-material harm suffered by the minor plaintiff LXII, the court assessed the following.

A ... Learning Ability Expert and Rehabilitation Committee of the Unified Pedagogical Specialist Service and Professional Service, in its expert opinion of 2 September 2012, in respect of the minor applicant XLII, in addition to stating that the child is entitled to special care provision appropriate to his special educational needs, recommended that the II. However, despite the recommendation of the expert committee, the minor plaintiff XLII was a class B pupil at the school of the defendant -defendant II- in the school years 2013/2014 and 2014/2015, 2015/2016 and 2016/2017.

The minor plaintiff XLII studied in class b of defendant school II in the school years 2015/2016 and 2016/2017, despite the fact that the ... The review report of the County Expert Committee of the Pedagogical Specialist Service of 4 April 2014 also recommended that the minor plaintiff XLII, in respect of whom the ... Government

Office ... District Office, District Guardianship Office, by decision of 12 October 2013, terminated the protection of the applicant ...

42. **Adjudication of the claims maintained by the minor plaintiff XLIII:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the applicants indicated in the preparatory document No 393 for each of the 62 applicants separately in relation to which specific academic years they were pursuing their claims in court and, based on the number of academic years indicated, determined the amount of non-pecuniary compensation claimed for each of the 62 applicants, taking into account the information contained in point 3.1 of the summary preparatory document No 376.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In the case of Plaintiff XLIII, Juvenile, the preparatory document numbered 194 for Defendants II and III contains the pleaded position of Defendants II and III.

a) The application of the minor plaintiff XLIII. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a) of the Civil Code.

The minor plaintiff XLIII applied for the application of the objective sanction in relation to only one school year, the school year 2011/2012, but sought a declaration that the defendants had violated her individual right to equal treatment on two grounds: first, the minor plaintiff XLIII sought a declaration that the defendants had unlawfully segregated her in that school year and had also indirectly discriminated against her by providing a lower standard of education.

Since this school year is not arguably covered by the final judgment in the previous public interest litigation, the Court of First Instance found in relation to this school year that the defendants I and II violated the right to equal treatment of the minor plaintiff XLIII on two counts, not only by unlawfully segregating her in the 2011/2012 school year, but also by indirectly discriminating against her by providing her with a lower standard of education during this school year.

b) Action for payment of compensation for non-material damage (Art.)

The minor plaintiff XLIII sought to order the defendants I, II and III jointly and severally to pay HUF 500,000.00 in compensation for non-material damage.

At the same time, the court of law assessed the evidence available to the minor plaintiff

XLIII. jointly and severally ordered the defendants I, II. to pay HUF 400,000.00, while the court dismissed the action of the minor plaintiff XLIII. on this legal ground.

In the context of the amount of the non-material damages, the Tribunal assessed the fact that in the 2011/2012 school year, the defendant legal entities I and II violated the right to equal treatment of the cumulatively disadvantaged minor plaintiff XLIII on two different legal grounds.

Since the court in the personal lawsuit had only prosecuted the defendants I and II in connection with the school year 2011/2012, it was not legally relevant what events occurred after 1 July 2012 with regard to the minor plaintiff XLIII, who was living in a family situation that was not in dispute.

For this reason, the fact that the minor plaintiff XLIII was taken into the protection of the guardianship authority on 4 August 2015 was not legally relevant in the personality proceedings.

43. **Dismissal of the applications maintained by the applicant XLIV.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the applicant XLIV, the preparatory file No 213/A/2 of the defendant II and III contains the pleaded position of the defendant II and III.

a) The claim of the applicant in the action for a declaration of infringement of personality rights (Civil Code, No. § 84(1)(a) of the Civil Code).

Among the applicants, r. XLIV. was the applicant who brought most of the claims in the personality proceedings in connection with the school year, as it requested the application of the objective sanction in connection with 9 school years, namely 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2008/2009,

2009/2010, 2010/2011 and 2011/2012, it sought a declaration that the defendants had infringed its right to equal treatment as an individual on two grounds, the first of which was the infringement of the right to equal treatment under Article XLIV of the Law on the Protection of Individuals with regard to the Protection of the Rights of All Persons with regard to the Protection of the Processing of Personal Data. In the first, the applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

However, since the applicant was a pupil in grade D in grade II in the 6 school years 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010, the applicant was also a pupil in grade D in grade II in the 6 school years of XLIV. and these school years cannot be included in the scope of the final judgment in the previous public interest litigation, therefore the Tribunal found an infringement of personality only in respect of the other 3 school years and dismissed the unfounded claim of the applicant in Case XLIV for the objective sanction also in respect of these 6 school years.

However, as the other 3 school years were not in dispute to be covered by the final judgment in the previous public interest litigation, the Tribunal found that the defendants I and II had infringed the right to equal treatment of the applicant XLIV by not having included the applicant in the school year 2003/2004 in the school year 2004. In the academic year 2003/2003, from 27 January 2004, and in the academic years 2010/2011 and 2011/2012, the applicant was unlawfully segregated and indirectly discriminated against by being provided with a lower standard of education.

Since all 3 school years were covered by the final judgment in the previous public interest litigation, the legal argument of the defendant II and III that it did not provide a lower standard of education to the plaintiff XLIV in those school years could not be accepted and therefore could not distinguish the name of the plaintiff XLIV accordingly.

b) <u>Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The XLIV applicant sought an order that the I, II and III defendants be ordered jointly and severally to pay HUF 4,500,000.00 in compensation for non-material damage.

The court, however, assessed the evidence available to the plaintiff XLIV on the basis of Article 206 (1) of the Civil Code and ordered the defendants I and II to jointly and severally pay the plaintiff XLIV HUF 1,000,000.00 as compensation for non-material damages, while the court also dismissed the unfounded claim of the plaintiff XLIV on this ground.

The tribunal also assessed, in relation to the applicant in Case XLIV, the fact that, despite the fact that the ... Learning Ability Expert and Rehabilitation Committee of the Unified Pedagogical and Vocational Service, while the review opinion of 14 November 2009 stated that the Specialist Service XLIV.On 14 November 2009, the reviewing court ruled that the name of plaintiff XLIV was to be taught as an integrated student in the name of defendant -II, but that plaintiff XLIV was already a student in class B in the school of defendant -II in the school of the school of defendant -II in the school years 2010/2011 and 2011/2012, despite the fact that he had been studying in class D for the previous 6

years.

Although plaintiff XLIV also claimed during his personal hearing that he was not allowed to swim at the school, since the plaintiff's foundation's claim in this regard was finally rejected in the previous public interest litigation, the court did not assess this claim of plaintiff XLIV.

44. **Dismissal of the applications maintained by the applicant XLVI. applicant XLV.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific years they were asserting a claim in court based on the number of years of study for each plaintiff and, taking into account the provisions of paragraph 3.1 of the summary preparatory document No. 376, determined for each of the 62 plaintiffs the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

The preparatory document No 195 of the Defendants II and III, in respect of the applicant XLV, contains the pleaded position of the Defendants II and III.

a) The applicant's claim for a declaration of infringement of personality rights (Civil Code. § 84 (1) a) of the Civil Procedure Act.

The XLV applicant applied for the application of the objective sanction in relation to a total of 6 school years, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, requesting a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the XLV applicant had violated his right to equal treatment in the context of the school year 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012. The applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since all 6 school years are subject to the final judgment in the previous public interest litigation, the court found that, in relation to all 6 school years, the defendant I and II violated the provisions of Art. Not only did they unlawfully segregate the applicant in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, but they also indirectly discriminated against him by providing him with a

lower standard of education in those school years.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The XLV applicant sought an order that the I, II and III defendants be ordered jointly and severally to pay HUF 3,000,000.00 in compensation for non-material damage.

The court, having assessed the evidence available to the XLV plaintiff on the basis of Article 206 (1) of the Civil Code, came to the conclusion that the amount of the XLV plaintiff's claim was not excessive and ordered the XLV defendants I and II jointly and severally to pay HUF 3,000,000.00 in non-material damages, in the same amount as the claim.

In relation to the assessment of the subjective sanction in respect of the applicant XLV, the tribunal assessed the following.

Plaintiff XLV was a grade B student in the first 6 grades of her elementary school education at Defendant II's school, but was a grade A student in both grades 7 and 8 at Defendant II's school.

With regard to the applicant XLV, who fulfilled his academic obligations towards the primary school and also studied well in the first 6 grades, the court also assessed that he fulfilled his academic obligations towards the defendant school II and also studied well in the first 6 grades of the primary school, which could serve as a basis for his decision to leave the school in 2012. On 1 September 2012, prior to the judgment of the Heves County Court of 6 December 2012 in the preceding public interest litigation, he was able to start grade 7 as a pupil in class A.

At the same time, in the same context, the fact that the applicant was less able to develop his actual abilities in the first six years of schooling is undoubtedly a disadvantage for the applicant in Class XLV, because there was a difference in learning methodology and curriculum between Class A and Class B, since in Class B more emphasis was placed on the compulsory minimum and less on additional curriculum, while Class A also had a talent management task from the first grade.

45. Adjudication of the claims maintained by the applicant XLVI, a minor

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376,

the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff XLVI, Juvenile Plaintiff XLVI, the preparatory document at II and III Defendants' Row 180 contains the pleaded position of Defendants II and III.

a) The application of the applicant XLVI. § 84 (1) (a)) of the Civil Code).

The minor plaintiff XLVI applied for the application of the objective sanction in relation to a total of 5 school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016, and requested a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the minor plaintiff XLVI had violated his right to equal treatment and secondly, that the defendants had violated his right to equal treatment in relation to the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016. The first ground was that the defendants had unlawfully segregated the applicant, XLVI, during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since only the school year 2011/2012 can be included in the scope of the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to that school year, that the defendants I and II had violated the minor plaintiff XLVI's right to equal treatment as an individual on two counts, not only by unlawfully segregating her in the school year 2011/2012, but also by providing her with a lower standard of education in that school year, and by indirectly discriminating against her.

At the same time, the Court of First Instance, in respect of the 4 school years not subject to the final judgment in the previous public interest litigation, found against the defendants II and III on only one claim, stating that in the school years 2012/2013, 2013/2014, 2014/2015 and 2015/2016, the defendants II and III unlawfully segregated the minor XLVI. However, in relation to the same 4 academic years, it dismissed the claim on the other ground, as it did not find, on the basis of the successful evidence of the Defendants' excusal in respect of the same 4 academic years, that the minor plaintiff XLVI was also indirectly discriminated against by being provided with a lower standard of education.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The minor plaintiff XLVI sought to order the defendants I, II and III jointly and severally to pay HUF 2,500,000.00 in compensation for non-material damage.

The court, however, assessed the evidence available to it in relation to the minor plaintiff XLVI., jointly and severally, on the basis of Section 206 (1) of the Civil Code, and imposed a fine of HUF 500,000.00 on the defendants I. and II, II and III to pay jointly

and severally HUF 300,000.00, while defendants II and III were also ordered jointly and severally to pay HUF 900,000.00 in non-material damages, but dismissed the action of the minor plaintiff XLVI on this ground.

The court, considering the evidence available to it in the personal injury case both together and separately, came to the conclusion that the award of HUF 1,700,000.00 in non-material damages was justified and sufficient to reduce the non-material harm suffered by the minor plaintiff XLVI for the following reasons.

Also with regard to the minor plaintiff XLVI, the court assessed that the ... In its expert opinion of 2 February 2011, the Single Pedagogical Service and Vocational Service of the Expert and Rehabilitation Committee for the Assessment of Learning Ability had already concluded that the child, who is entitled to special care services for his special needs, should be educated in an integrated way in the name of the defendant -II.

The same finding is contained in the review report of 29 October 2012 and 29 January 2016, despite the fact that the minor plaintiff XLVI was a B student in the first 5 grades of primary school at the defendant school II.

Since the court found that there had been a violation of the requirement of equal treatment, a violation of the right to personality, in relation to the 2011/2012 school year, it considered it appropriate to award HUF 500,000.00 in non-material damages in relation to this school year.

However, as the conviction of the other 4 school years was based on a single legal ground, the court applied the objective sanction based solely on the fact of unlawful segregation, and ordered the defendants concerned to pay HUF 300,000.00 per school year in non-material damages in relation to these 4 school years.

A II., Although the preparatory document under line 180 of the respondent's application No. III refers in connection with the minor plaintiff XLVI to the way in which, also in view of his SNI status, he implemented the provisions of the expert opinion which he did not contest, and how he provided the prescribed developmental activities for him, however, the minor plaintiff XLVI. The available expert opinions were also legally relevant in relation to the minor plaintiff in the present case in that they prescribed the manner in which the minor plaintiff in the present case was to be educated, which was not taken into account in the defendant school in the course of the five school years in question.

46. **Adjudication of the claims maintained by the applicant XLVII:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the

number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the minor plaintiff XLVII, the preparatory document No. 181 of Defendants II, III contains the pleaded position of Defendants II and III.

a) The application of the minor plaintiff XLVII. § 84 (1) (a))

The minor XLVII. applicant applied for the application of the objective sanction in relation to a total of 4 school years, for the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, on two grounds, that the defendants had violated his right to equal treatment, on the one hand, that the minor XLVII. The applicant, XLIIVII, claimed that the defendants had unlawfully segregated her during those school years and had also indirectly discriminated against her by providing a lower standard of education.

Since all 4 school years are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to each of these 4 school years, that the defendants I and II had violated the minor plaintiff XLVII's right to equal treatment as an individual on two counts, not only by unlawfully segregating her in these 4 school years, but also by providing her with a lower standard of education in these school years, and by indirectly discriminating against her.

b) An action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The minor plaintiff XLVII sought an order that the defendants I, II and III be ordered jointly and severally to pay HUF 2,000,000.00 in compensation for non-material damage.

The court of law assessed the evidence available to the minor plaintiff XLVII. on the basis of Article 206 (1) of the Civil Code and ordered the defendants I. and II. jointly and severally to pay HUF 2,000,000 in non-pecuniary damages for the following.

Although the minor plaintiff XLVII was already a student in class A in all 4 grades in the upper school of the defendant school in the name of defendant II, he was studying in class B in all 4 grades in the lower school in the name of defendant II.

The school year 2012/2013 started on 1 September 2012, so the minor plaintiff XLVII was transferred to class A of the defendant school II before the judgment of the Egri Court of First Instance in the previous public interest litigation was delivered on 6 December 2012.

In connection with the transfer of her son, one of the possible reasons given by his mother was that she thought that he could have been a 4 or 5 - the name of the applicant

-XLVII.r., but she also claimed that if he had not looked like that in the photograph, he would not have been transferred to the mixed class on the basis of his abilities.

The minor applicant XLVII is currently in a police training course which leads to a school leaving certificate. He did not have any serious learning difficulties in the first four years of primary school and basically fulfilled his academic obligations towards the school, so it is in any event a disadvantage for him that in the first four years he was deprived of the opportunity to receive the same level of talent support as he received in the second year of primary school. r. to children in parallel A classes in these 4 grades.

47. **Consideration of the claims maintained by the applicant XLVIII:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

The preparatory document No. XLVIII of the name of the applicant XLVIII of the name of the applicant XLVIII of the name of the defendant II, III of the defendant 182 contains the pleaded position of the defendant II and III.

a) The claim of the applicant in the action for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a) of the Civil Procedure Act.

The applicant XLVIII. applied for the application of the objective sanction in relation to a total of 7 school years, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, requesting a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the XLVIII. In the first, the applicant claimed that the defendants had unlawfully segregated him during those academic years and had also indirectly discriminated against him by providing a lower standard of education.

Since the first 6 school years are covered by the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to each of these 6 school years, that the defendant I and II had infringed the provisions of Article XLVIII of the

Law on the Protection of Children and Young People, on two counts. Not only did they unlawfully segregate the applicant in the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, but they also indirectly discriminated against her by providing her with a lower standard of education in those school years.

However, in the context of the school year 2012/2013, the Tribunal found that the conviction of the Defendants II and III was justified on only one ground, finding that the Defendants II and III had unlawfully segregated the Plaintiff XLVIII, but that the 2012/2013 school year was not covered by the previous public interest litigation. The Court of First Instance also found that the defendants' evidence of the exclusion of the plaintiff in RII and RIII was effective and dismissed his claim on the other ground, as it did not establish that he was indirectly discriminated against in the 2012/2013 school year by providing a lower standard of education.

b) <u>An action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The XLVIII applicant jointly and severally sought an order that the I, II and III defendants pay HUF 3,500,000.00 in compensation for non-material damage.

The court of first instance assessed the available evidence in relation to the applicant XLVIII on the basis of Article 206 (1) of the Civil Code and ordered the applicants I and II jointly and severally to pay HUF 3,000,000, while the applicants I, II and III jointly and severally to pay HUF 300,000 in non-material damages, but dismissed the application of the applicant XLVIII on this ground.

The tribunal, considering the evidence available to it in the personality proceedings, both together and separately, for the school years 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011 and 2011/2012, found that 500.000,00 for the school year 2011/2011, 2011/2010, 2011/2010, 2011/28, 2011/2010, 2011/28 and 2011/12, but only 300.000,00 for the school year 2012/2013, and therefore ordered the defendants to pay a total of 3.300.000,00 HUF in non-pecuniary damages to the applicant XLVIII.

With regard to the plaintiff XLVIII, who did not continue his education and works occasionally, the court assessed that he started his primary education in mixed class 1, but was a b-grade student of the defendant school II for 6 years after the repeated 1st grade.

The mere fact that the applicant in Grade XLVIII was unable to successfully complete the requirements of the first grade could not have resulted in his transfer to Grade B in the repeated first grade, since the school in Grade II did not have at its disposal a report prepared by the expert committee which would have allowed or required segregated education for him.

48. <u>**Adjudication of the claims maintained by the applicant XLIX, a minor:**</u>

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the

lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the minor plaintiff XLIX, the preparatory document under II, III Defendants No. 183 contains the pleaded position of the II and III Defendants.

a) The application of the applicant XLIX. § 84 (1) a))

The minor plaintiff XLIX applied for the application of the objective sanction in relation to a total of 3 school years, for the school years 2009/2010, 2010/2011 and 2011/2012, requesting a declaration that the defendants had violated his right to equal treatment on two grounds, firstly, that the minor plaintiff XLIX had violated his right to equal treatment in relation to the school years 2009/2010, 2010/2011 and 2011/2012. The first was that the defendants had unlawfully segregated the applicant, XLIXIX, during those school years and had also indirectly discriminated against him by providing a lower standard of education.

Since all 3 school years are covered by the final judgment in the previous public interest litigation, the court found, in relation to each of these 3 school years, that the defendant I and II had violated the provisions of Article XLIX of the Children's Act on the protection of minors on two counts. Not only did they unlawfully segregate the applicant in the school years 2009/2010, 2010/2011 and 2011/2012, but they also indirectly discriminated against her by providing her with a lower standard of education in those school years.

b) An action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The minor plaintiff XLIX sought to order the defendants I, II and III jointly and severally to pay HUF 1,500,000.00 in damages for non-material damage.

The court of law assessed the evidence available in relation to the minor plaintiff XLIX, on the basis of Article 206 (1) of the Civil Code, and ordered the defendants I and II jointly and severally to pay HUF 1,500,000.00 in non-material damages for the following reasons.

The minor Plaintiff XLIX was a student in grade A at Defendant School II as of September 1, 2012, began grade 4 as a student in grade A, and has been in grade A continuously in the following school years.

However, a minor who has fulfilled his/her educational obligations, does not have learning difficulties and is of substantially good ability is considered to be a minor XLIX. r. In the case of the applicant, the Court also assessed the fact that, although he was able to continue his studies, in the first three years of his education, the defendants had violated his right to equal treatment, which is guaranteed to him by the Fundamental Law, by infringing his right to equal treatment on two counts, and had made it difficult for him to acquire the competences that were essential for his future well-being in a timely manner and in the appropriate timeframe.

49. **Adjudication of the claims maintained by the applicant L., a minor**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff L., a minor, the preparatory document under Defendants II, III, No. 223/A/3 contains the pleaded position of Defendants II and III.

a) The application of the minor plaintiff L. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The minor applicant L. applied for the application of the objective sanction in relation to a total of 5 school years, for the school years 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, and sought a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the minor L. r. that during those school years the defendants unlawfully segregated him and indirectly discriminated against him by providing a lower standard of education.

Since the first 4 school years are covered by the final judgment in the previous public interest litigation, the court found, in relation to each of these 4 school years, that the defendants I and II had infringed the rights of the minor L. not only unlawfully segregated her in the school years 2008/2009, 2009/2010, 2010/2011 and 2011/2012, but also indirectly discriminated against her by providing her with a lower standard of education in those school years.

However, in the context of the 2012/2013 school year, which was not subject to the final judgment in the previous public interest litigation, the Tribunal found against the defendants in Rs II and III, stating that although the minor plaintiff L. was unlawfully segregated in that school year, he was not provided with a lower standard of education in that school year and, since he was not indirectly discriminated against on that ground, dismissed his claim on that ground.

b) An action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The minor plaintiff L. jointly and severally requested the defendants I., II. and III. to pay HUF 2,500,000.00 in compensation for non-material damages.

The court of law assessed the evidence available in respect of the minor plaintiff L. jointly and severally ordered the defendants I and II to pay HUF 1,600,000.00, and the defendants I, II and III jointly and severally HUF 300,000.00 in non-material damages, but dismissed the action of the minor plaintiff L. in excess of this amount.

The tribunal, having assessed the non-material damage suffered by the minor plaintiff L., considered the payment of HUF 1,900,000.00 in non-material damages to be justified and sufficient to reduce it, for the following reasons.

The minor applicant L. did not fail even once during his primary school studies, he did not have any learning difficulties in the first three grades, he made good academic progress, and therefore the court also considered it a legal disadvantage that in the first grade he had to learn under a teaching methodology that hindered him from fully developing his abilities.

The court did not assess the fact of further education in itself as automatically reducing the extent of the prejudice suffered by the minor applicant L., a waiter, either, because the court assessed the evidence as a whole in the personal injury case pursuant to Section 206 (1) of the Civil Code and, weighing it together and separately, took a position in relation to all 60 applicants as to the extent of the award of non-material damages in their favour in order to reduce the non-material prejudice suffered by them.

50. **Adjudication of the claims maintained by the minor plaintiff LI:**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted

separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to the minor plaintiff LI. plaintiff LI., the preparatory document under Defendants II, III. 213/A/4 contains the pleaded position of Defendants II and III.

a) The application of the minor applicant LI. r. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The minor plaintiff LI. applied for the application of the objective sanction in relation to a total of 7 school years, for the school years 2009/2010, 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2015/2016 and 2016/2017, and requested a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the minor plaintiff LI. r. that during those school years the defendants unlawfully segregated her and, by providing a lower standard of education, also indirectly discriminated against her.

As the minor plaintiff LI was a student in class D in the school of defendant school II in the school year 2011/2012, this school year could not be included in the scope of the previous public interest litigation, and the court therefore found a violation of personality only for the remaining 6 school years.

Since only 2 school years can be included in the scope of the final judgment in the preceding public interest litigation, the court found, in relation to these 2 school years, that the defendants I and II violated the right of the minor LI. plaintiff to equal treatment on two counts, not only unlawfully segregating her in the 2009/2010 and 2010/2011 school years, but also indirectly discriminating against her by providing her with a lower standard of education in these school years.

At the same time, the court of first instance, in relation to the academic years 2012/2013, 2013/2014, 2015/2016 and 2016/2017, which were not covered by the previous public interest litigation, found against the defendants II and III on only one claim, stating that the minor plaintiff LI was unlawfully segregated during these 4 academic years, but after the minor LI. II and III, dismissed his claim on the other ground in respect of these 4 school years, failing to find that he was also indirectly discriminated against by being provided with a lower standard of education during these 4 school years.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The minor plaintiff LI. sought to order the defendants I., II. and III. jointly and severally to pay HUF 3,500,000.00 in damages for non-material damage.

The court of law assessed the available evidence in relation to the minor LI. plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I. and II. defendants jointly and severally to pay HUF 800,000.00, the I., II. and III. defendants jointly and severally HUF 300,000.00, while the II. and III. defendants jointly and severally HUF 300,000.00 in non-material damages, while the action of the minor LI. plaintiff was dismissed for an amount exceeding this amount.

The tribunal, having considered the evidence available to it in the personal injury case, both together and separately, came to the conclusion that an award of HUF 1,100,000.00 in non-material damages was justified and sufficient to reduce the non-material harm suffered by the minor LI.

The court also assessed the fact that the expert opinion of 16 December 2011 and the expert opinion of 2 April 2014 both stated that the integrated education of the child was justified.

At the same time, the court also considered and assessed the fact that, following the death of her mother, in January 2016, her father applied for her daughter to continue her primary education as a private student.

51. **Adjudication of the claims maintained by the applicant LII.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

In respect of the applicant LII, the preparatory document No. 193 of the II, III Defendants contains the pleaded position of the II and III Defendants.

a) The claim of the applicant LII. r. for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))

The applicant LII applied for the application of the objective sanction in respect of a total of 7 school years, for the school years 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009 and 2009/2010, and sought a declaration that the defendants had infringed his right to equal treatment, on two grounds, first, that the defendants had infringed his right to equal treatment and, second, that the school year 2003/2004 had been infringed. r. that during those academic years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

Since all 7 school years are covered by the final judgment in the preceding public interest litigation, the Court of First Instance found, in relation to each of these 7 school years,

that the defendants I and II had infringed the right to equal treatment of the applicant LII on two counts, not only by unlawfully segregating her in the said school years, but also by indirectly discriminating against her by providing her with a lower standard of education during those school years.

The Court of First Instance also ruled in respect of the applicant LII that, although the 2003/2004 school year could be covered by the previous public interest litigation, the infringement of personality could only be established on both counts from 27 January 2004.

b) <u>Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The applicant LII sought to order the defendants I, II and III jointly and severally to pay HUF 3,500,000.00 in compensation for non-material damage.

The tribunal, having assessed the evidence available to it in respect of the applicant LII, jointly and severally ordered the defendants I and II to pay F 3,500,000.00 in non-pecuniary damages pursuant to Section 206 (1) of the Civil Code.

The Tribunal, having considered the evidence available to it in relation to claimant LII, both together and separately, is satisfied that the claim of claimant LII is not excessive and that an award of such non-material damages is justified to mitigate the non-material harm suffered by him for the following reasons.

The applicant LII started his primary school education in the school year 2002/2003 as a pupil in class B of the defendant school II.

On the date of the entry into force of Act CXXV of 2003, the applicant LII was a pupil in grade 2(b) of the defendant II and had attended all 8 grades of primary school as a pupil in grade B.

Although the applicant's special educational needs ceased from the 2007/2008 school year, as he continued to have learning difficulties, he was entitled to developmental employment in accordance with the BTMN status in the subsequent school years.

The same applies to the II., The preparatory document of defendant No. III names the subjects for which the applicant No. LII was exempted pursuant to § 30(9) of Act LXXIX of 1996, but the obligation to comply with the requirement of equal treatment was imposed on the defendants No. LII, who had made good academic progress in the other subjects and fulfilled their academic obligations. However, they failed to comply with this legal obligation because, after the entry into force of the Law on the European Schools Act, they continued to segregate the applicant LII from the school of defendant II unlawfully in each school year until the termination of his pupil status and also indirectly discriminated against him by providing him with a lower standard of education.

After completing his primary school education, the applicant LII got married and had a child, but regardless of this, the compensation of the non-material damage suffered by him in the causal connection with the personal infringement of the defendants I and II is justified by awarding him non-material damages in the legal opinion of the court.

52. **Adjudication of the applications maintained by the applicant LIII.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

With respect to Applicant LIII, the preparatory document under Defendants II and III, Serial No. 184, contains the pleaded position of Defendants II and III.

a) <u>The action for a declaration of infringement of personality of the applicant LIII. § 84 (1) a) of the Civil Procedure Act.</u>

The LIII applicant applied for the application of the objective sanction in relation to a total of 6 school years, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013, requesting a declaration that the defendants had violated his personal right to equal treatment on two grounds, firstly, that the LIII applicant had violated his right to equal treatment in the context of the LIII school year and secondly, that the LIII applicant had violated his right to equal treatment in the context of the LIII school year. r. that during those academic years the defendants had unlawfully segregated him and had also indirectly discriminated against him by providing a lower standard of education.

Since the plaintiff LIII was a class D student in the school of defendant school II in the school year 2007/2008 and this school year could therefore not be included in the scope of the final judgment in the previous public interest litigation, the court found a violation of personality only in relation to the other 5 school years.

Since the academic years 2008/2009, 2009/2010, 2010/2011 and 2011/2012 are all subject to the final judgment in the previous action, the Court of First Instance found, in relation to each of these 4 academic years, that the defendant I and II had infringed Article LIII. In particular, the I. and II. infringed the applicant's right to equal treatment in two respects, not only by unlawfully segregating him during those 4 school years, but also by indirectly discriminating against him by providing him with a lower standard of education during those school years.

At the same time, the court of first instance found against defendants II and III for the school year 2012/2013, which was not subject to the previous public interest litigation, but only on one ground, finding that plaintiff LIII had been unlawfully segregated in that school year as well, but since the action for the dismissal of plaintiff II was also successful against this plaintiff, the court of first instance found against plaintiff II. The court dismissed his action on the other plea in respect of this school year, failing to find that he was also indirectly discriminated against by being provided with a lower standard of education in this school year.

b) Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).

The LIII applicant sought an order that the I, II and III defendants jointly and severally pay HUF 3,000,000.00 in compensation for non-material damage.

The court of first instance, having assessed the evidence available to the LIII. plaintiff on the basis of Article 206 (1) of the Civil Code, ordered the I. and II. defendants jointly and severally to pay HUF 2,000,000, while the I., II. and III. defendants jointly and severally to pay HUF 300,000 in non-material damages, while the LIII. plaintiff's claim was dismissed on this ground.

The tribunal, having considered the evidence available to it in the personal injury action, both together and separately, came to the conclusion that the remedy of the non-material damage suffered by the plaintiff in LIII is also justified by an award of non-material damages, but that an award of HUF 2,300,000.00 in non-material damages to the plaintiff in LIII is justified and sufficient for the following reasons.

The tribunal assessed that the applicant LIII had attended all 4 classes of the lower primary school as a b-grade pupil, in that his right to equal treatment as an individual had been violated in all 4 years of schooling by the defendant I and II on two counts.

The tribunal also assessed the fact that during this school year, Respondents I and II had the same burden of complying with the requirement of equal treatment in relation to Respondent LIII, who had the status of BTMN, as they had in relation to pupils who did not have any learning difficulties.

On 27 July 2017, the applicant LIII was admitted to the ... Vocational Training Centre ... Vocational Secondary School, Technical Secondary School and College, where he also passed the vocational level examination, but in the action in personam no finding can be made in respect of any of the applicants who have actually pursued secondary education that it cannot be inferred from the fact that they have pursued or have pursued secondary education, that there was no actual non-material harm suffered in connection with the infringement of the right to personality such as to justify compensation in the form of an award of non-material damages, nor can it be concluded that any non-material harm suffered ceased to exist, in whole or in part, by the time the applicants concerned had completed their primary education.

53. **Adjudication of the claims maintained by the applicant LIV.**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>Plaintiff LIV. name of Plaintiff LIV. as to Plaintiff LIV. the preparatory document under II, III. defendant 185 contains the pleaded position of the II and III. defendant.</u>

a) <u>The action for a declaration of infringement of personality rights brought by the applicant in LIV (Civil Code. § 84 (1) (a))</u>

The LIV applicant applied for the application of the objective sanction in relation to a total of 2 school years, both for the school year 2003/2004 and 2004/2005, and sought a declaration that the defendants had violated his individual right to equal treatment on two grounds: first, the LIV applicant sought a declaration that the defendants had unlawfully segregated him in these school years and had also indirectly discriminated against him by providing a lower standard of education.

Since the applicant LIV was a pupil in class D in the school of defendant II in the school year 2004/2005, this school year cannot be included in the scope of the final judgment in the previous public interest litigation, the court therefore found an infringement of personality only in relation to the school year 2003/2004, in that the school years I and II were not subject to the final judgment in the previous public interest litigation. infringed the right to equal treatment of the applicant in Grade LIV on two counts from 27 January 2004 onwards, first, by segregating him and, second, by indirectly discriminating against him by providing him with a lower standard of education during the same period.

b) <u>Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The applicant in LIV jointly and severally requested the defendants in I, II and III to pay HUF 1,000,000.00 in compensation for non-material damage.

The court, however, assessed the evidence available to the LIV plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I and II defendants jointly and severally to pay HUF 200,000 in non-material damages, while the court dismissed the unfounded claim of the LIV plaintiff on this ground.

54. **<u>Adjudication of the claims maintained by the applicant LV. r., a minor</u>**

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document No. 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court for each plaintiff and, based on the number of academic years indicated, determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document No. 376, the amount of non-material damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the first instance proceedings specifically for the plaintiffs concerned.

<u>In respect of the minor plaintiff LV. r. plaintiff LV. r., the preparatory document under II, III defendant 186 contains the pleaded position of the II and III defendant.</u>

a) The claim of <u>the applicant LV. r., a minor, for a declaration of infringement of personality rights (Civil Code. § 84 (1) (a))</u>

The LV applicant applied for the application of the objective sanction in relation to a total of 3 school years, 2009/2010, 2010/2011 and 2011/2012, requesting a declaration that the defendants had violated her individual right to equal treatment on two grounds, firstly, that the LV applicant, who is a minor, had been unlawfully segregated by the defendants in these school years and, secondly, that the defendants had indirectly discriminated against her by providing a lower standard of education.

Since the minor plaintiff LV was a student in class D in the school of defendant II in the school year 2011/2012 and this school year cannot be included in the scope of the final judgment in the previous public interest litigation, the court found a violation of personality only in respect of the other 2 school years.

These 2 school years, the school years 2009/2010 and 2010/2011, are covered by the final judgment in the previous public interest litigation, and therefore the court found, in relation to both of these school years, that the defendant I and II had infringed the minor's LV. r., not only were they unlawfully segregated during these 2 school years, but they also indirectly discriminated against him by providing him with a lower standard of education during these school years.

b) <u>Action for payment of compensation for non-material damage (Civil Code. § 84 (1) (e)).</u>

The minor plaintiff LV. asked the defendants I., II. and III. to pay jointly and severally HUF 1,500,000.00 in compensation for non-material damages.

The court of law assessed the evidence available to the minor LV. plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I. and II. defendants to pay HUF 1,000,000.00 in non-material damages, while the court dismissed the unfounded claim of the minor LV. plaintiff for the following reasons.

The court of law, having considered the evidence available to the minor plaintiff LV. in the personal injury proceedings, both together and separately, came to the conclusion that the award of HUF 500,000.00 in non-pecuniary damages to the minor defendant LV. for each of the two academic years covered by the convictions of the defendants I and II is justified for the following reasons.

The minor plaintiff LV started her primary school education in the school year 2009/2010 and was a b-grade student of the defendant school II only in grades 1 and 2, in that she was in grade A in all grades from grade 4 until her graduation.

The minor applicant LV did not repeat any of the classes of the primary school, he fulfilled his obligations as a pupil of the defendant school II during the 2 school years concerned by the sentence.

In the case of the minor LV. r., who does not have a learning disability, the court considered that it was justified to take into account as an actual disadvantage the fact that the full development of his actual talent was limited by the fact that the I. and II. LV, a minor currently studying bricklaying, was only able to acquire the competences necessary for his future success at grades 1 and 2 at a different pace and to a limited extent than his schoolmates in grade A in the same grades.

<u>55. Adjudication of the applications maintained by the minor -LVI.r. applicant- LVI.r. applicant</u>

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

<u>In respect of the minor Plaintiff LVI, Plaintiff LVI, the preparatory document for</u>

Defendants II-III, number 189, contains the pleaded position of Defendants II and III

a.)The application of the minor plaintiff LVI.r. for a declaration of infringement of personality rights (Art.84 (1) a.) of the Civil Code)

The minor plaintiff LVI.r. requested the application of the objective sanction in relation to a total of three school years, for the school years 2011/2012, 2012/2013 and 2013/2014, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, the minor plaintiff LVI.r. requested a declaration that in these school years the defendants unlawfully segregated him, and on the other hand, they also indirectly discriminated against him by providing a lower standard of education.

Since only the first school year can be covered by the final judgment in the previous public interest litigation, the court found that the defendants I and II violated the right to equal treatment of the minor plaintiff LVI on two counts, not only unlawfully segregating her in the 2011/2012 school year, but also indirectly discriminating against her by providing her with a lower standard of education in that school year.

At the same time, in the two school years not covered by the previous public interest litigation, in relation to the school years 2012/2013 and 2013/2014, the court also found, in respect of the minor plaintiff LVI.r., that the exculpatory evidence of the defendant II and III.r. had led to the result on one of the claims, and therefore dismissed the minor plaintiff LVI.r.'s claim for the two school years. However, for both school years, the Tribunal found against Defendants II and III on the other ground, finding that the minor plaintiff LVI.r. was unlawfully segregated in both the 2012/2013 and 2013/2014 school years.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The minor plaintiff LVI. jointly and severally sought an order that the defendants I-II-III. pay HUF 1,500,000 in non-pecuniary damages.

The court, however, assessed the evidence available to the minor LVI.r. plaintiff on the basis of Article 206 (1) of the Civil Code and ordered the I. and II. defendants jointly and severally to pay HUF 500,000, the I-II-III. defendants jointly and severally HUF 300,000, while the II. and III. defendants jointly and severally HUF 300,000, but dismissed the LVI.r. plaintiff's claim in excess of this amount.

When the tribunal awarded the minor LVI.r. 1,100,000 HUF in non-pecuniary damages, it assessed the following circumstances.

With regard to the first school year covered by the previous public interest litigation, the tribunal assessed that the defendants I and II had violated the right to equal treatment of the minor plaintiff LVI on two counts, and therefore ordered the defendants I and II to pay HUF 500,000 in non-pecuniary damages in connection with this school year.

However, for the 2012/2013 and 2013/2014 academic years, the Tribunal found that the defendants were liable for only one claim, and therefore considered it justified the payment of HUF 300,000 in non-pecuniary damages for each of these academic years, for the following reasons.

In their application, the applicants submitted that their non-pecuniary damage consisted of two factors: first, they were disadvantaged by ethnic segregation, which made them feel inferior, frustrated and humiliated, and second, they were disadvantaged by the lower quality of the segregated education they received, which prevented them from acquiring the competences they needed, which are set out in the development objectives related to the literacy areas in the National Curriculum and thus reduced their chances of being able to develop their personality adequately in the future, to participate in social life in a meaningful and valued way and to be able to take up appropriate jobs or activities in the future.

In relation to the minor LVI.r. applicant, the tribunal found in respect of only one school year that he had also been indirectly discriminated against in violation of his individual right to equal treatment, while in relation to three of his lessons the tribunal found that he had also been unlawfully segregated in violation of the same named individual right.

According to the legal opinion of the Tribunal, the conduct of expert evidence in the context of indirect discrimination as a legal ground is not in the interest of the minor either. and the other plaintiffs, because the Tribunal did not find against the defendants on this ground in respect of any of the plaintiffs in relation to the school years not covered by the previous action, but in relation to the school years covered by the final judgment in the previous action, the defendants could no longer claim that they had not provided a lower standard of education for the pupils concerned in those school years.

At the same time, in relation to the unlawful segregation as a legal ground, the Court of First Instance took the view, also in respect of the minor plaintiff LVI and the other plaintiffs, that on the basis of the documentary evidence and testimony adduced, it was established with judicial certainty, both in respect of the 60 plaintiffs concerned, that the fact that, at this decisive stage of their lives, during their primary school studies, they were placed in the II.The unlawful segregation of these children at the defendant school of the first respondent, R. r., at a crucial stage of their life, had the consequence that they were not able to cope with the situation in a way that was appropriate to their age.

The unlawful segregation as an infringement of personality rights had the consequence that in homogeneous classes consisting only of pupils of Gypsy ethnicity, the applicants concerned did not even have the opportunity to be confronted with forms of behaviour unknown to them or to make responsible decisions on their own, even in conflict situations, which they would only have had the opportunity to experience if the unlawful segregation had been abolished by the Second Chamber of the Court of First Instance.r. defendant school at the latest after the entry into force of the Ebtv.

At the same time, the Tribunal considered that the appointment of a forensic psychiatrist or forensic psychologist expert was not justified in order to substantiate the undisputed psychological consequences of the personality violation in respect of any of the applicants, as the principle of free evidence prevailed in the personality proceedings and, after having conducted a comprehensive evidentiary hearing, the Tribunal was able to take a well-founded position on this issue on the basis of the evidence available to it. Nevertheless, in the legal view of the tribunal, in relation to the plaintiffs concerned, including the minor plaintiff LVI.r., it was also necessary to take into account the number of academic years during which the infringement of personality rights had been committed and the fact whether, either before or after the first instance judgment in the previous public interest litigation, the plaintiffs concerned had attended the II.The plaintiffs were also, before or after the date of the judgment in the main proceedings, in the second or third class of the parallel class A or D of the defendant's name, which, although to a lesser extent, may have reduced the psychological consequences of the infringement of personality which had already occurred.

Although the feelings of inferiority, frustration and humiliation associated with unlawful segregation as a violation of personality rights were not a matter of common knowledge in the personality suit, the plaintiffs rightly claimed that the United States Supreme Court had already ruled in the 1954 U.S. Supreme Court decision that the right to be treated as a minority was not a matter of public interest. In a judgment handed down on 17 May 1954, the US Supreme Court of the United States of America ruled that the mere segregation of white and coloured students of similar age and ability on the basis of race creates a sense of inferiority about their status within the community which can never be remedied by affecting their minds and hearts.

The tribunal found that the unlawful segregation as a violation of personality rights affected the 60 applicants at such a sensitive age that the life situations they experienced during those school years have a decisive impact on their future lives.

At the same time, the Tribunal did not share the applicants' view in the personality action that it was not appropriate to individualise the individual applicants, since, despite the finding of a personality offence, it could be concluded that the 60 applicants whose lives were affected by the defendants' action were partly or entirely different.

In the personal lawsuit, the court took the position that, although the international legal context should also be assessed with due weight in the context of the legal relationship at issue, the national court applying Hungarian law had the right and at the same time the obligation to examine the merits of each plaintiff individually, whether the circumstances invoked by the defendants justifying the possible application of damage sharing existed, and how they should be assessed and taken into account in relation to each plaintiff, also in light of the provisions of Article 206 (1) of the Civil Code.

In their summary preparatory document, number 376, the applicants submitted that Article 15 of the Racial Equality Directive requires Member States to introduce effective, proportionate and dissuasive penalties in order to comply with their

obligations under the Directive.

The plaintiffs in the personal injury lawsuit took the position that the named plaintiffs could only have access to an effective and deterrent remedy if they received the minimum amount of compensation they had reserved prior to the trial's termination for each year of schooling in a segregated class.

In the personal injury case, the tribunal did not share this position of the plaintiffs, but based on the extensive evidence on the merits of the case, after a sufficient and justified individualization, it did not apply a symbolic sanction, but when determining the amount of the non-pecuniary damages to be paid by the 60 plaintiffs who were subject to the defendants' sanctions, it assessed and weighed the amount of the damages to be paid by each of the 60 plaintiffs individually, in accordance with the provisions of the Civil Code.206(1) of the Racial Equality Directive, the amount of reparation which, taking into account Article 15 of the Racial Equality Directive, could serve, on the basis of the evidence available to it, to at least reduce the non-material damage actually suffered by the applicants concerned.

56. Adjudication of the claims maintained by the minor plaintiff LVIII.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

With respect to Plaintiff LVII, Juvenile Plaintiff LVII, the preparatory document under Defendants II and III, Serial No. 187, contains the pleaded position of Defendants II and III.

a.) The application of the minor LVII. plaintiff for a declaration of infringement of personality rights (para 84 (1) a.) of the Civil Code)

The minor plaintiff LVII applied for the application of the objective sanction in relation

to one school year, the school year 2010/2011, on two grounds, seeking a declaration that the defendants had violated her individual right to equal treatment, first, that the minor plaintiff LVII had been unlawfully segregated by the defendants during that school year and, second, that the defendants had indirectly discriminated against her by providing a lower standard of education.

Since this school year is subject to the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to this school year, that the defendants I and II violated the right to equal treatment of the minor LVII on two counts, not only by unlawfully segregating her in the 2010/2011 school year, but also by providing her with a lower standard of education in this school year, and by indirectly discriminating against her.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The minor plaintiff LVII asked the defendants I-II-III to pay HUF 500,000 in non-material damages jointly and severally.

The court of law assessed the evidence available to the minor LVII. plaintiff on the basis of Section 206 (1) of the Civil Code, but ordered the I. and II. defendants jointly and severally to pay HUF 500,000 in non-pecuniary damages for the following.

Since the only academic year concerned by the complaint of the defendants I and II is subject to the final judgment of the previous public interest litigation, in the light of the two orders of the Metropolitan Court of Appeal on the issue of succession in the second instance proceedings, the legal entity of defendants I and II is liable to the private plaintiff.

The minor plaintiff LVII was a student in class b of the defendant school LVII only in the first grade, in the school year 2010/2011, and in the other seven grades he was already in class a of the defendant school LVII.

In the context of the minor LVII plaintiff, the Tribunal assessed the fact that the defendant I and II had been reprimanded on two counts in the academic year in question, and found on two different counts that the minor LVII plaintiff's right to equal treatment as an individual had been violated.

At the same time, the court did not consider the claim asserted by the minor plaintiff LVII to be exaggerated because the minor plaintiff LVIII, plaintiff LVII, had already fulfilled his obligation to the school in the first school year.

57. Adjudication of the claims maintained by the applicant LVIII.r., a minor

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the

lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

With respect to the minor plaintiff LVIII, the preparatory document for Defendants II and III, number 188, contains the pleaded position of Defendants II and III.

a.) Application of the applicant LVIII.r. for a declaration of infringement of personality rights (Civil Code, art. 84 (1) a.)

The minor LVIII. applicant requested the application of the objective sanction in relation to a total of six school years, for the school years 2010/2011, 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016, on two grounds, respectively, that the defendants had violated his personal right to equal treatment, on the one hand, that the minor LVIII.r. that during those school years the defendants had unlawfully segregated him and had also discriminated against him by providing a lower standard of education.

Since in the school year 2011/2012 the minor plaintiff LVIII. was studying in the consolidated class 2-3/d, which school year could not be included in the scope of the final judgment in the previous public interest litigation, the court found the infringement of personality against the defendants only for the other five school years.

Only the school year 2010/2011 can be included in the scope of the final judgment in the previous proceedings in respect of the minor plaintiff LVIII, and therefore the court found in relation to this school year that the defendants I and II had violated the provisions of the LVIII.In particular, in the first and second indents of the judgment of the Court of First Instance of the European Communities, the I.I. and II. plaintiff LVIII. were in two respects in breach of her right to equal treatment, not only by unlawfully segregating her in the 2010/2011 school year, but also by indirectly discriminating against her by providing her with a lower standard of education in that school year.

At the same time, in relation to the school years 2012/2013, 2013/2014, 2014/2015 and 2015/2016, which were not subject to the final judgment in the previous action, the court also took the view, with regard to the minor plaintiff LVIII, that the evidence of the

exculpation of the defendant II and III was well-founded with regard to one of the claims, indirect discrimination, and that in these four school years the minor LVIII.Therefore, it found against Defendants II and III on only one claim in connection with those four school years, finding that during those four school years the minor Plaintiff LVIII was unlawfully segregated.

<u>b.) Action for compensation for non-material damage (Section 84 (1) (e) of the Civil Code)</u>

The minor plaintiff LVIII requested that the defendants I-II and III be ordered to jointly and severally pay HUF 3,000,000 in non-pecuniary damages.

The court, however, assessed the evidence available to the minor plaintiff LVIII. jointly and severally ordered the defendants I and II. to pay HUF 400,000, the plaintiffs I-II-III. jointly and severally HUF 300,000, while the defendants II-III. jointly and severally HUF 900,000, while the court dismissed the action of the minor plaintiff LVIII. in excess of this amount.

The tribunal, having assessed the evidence available to it, both individually and as a whole, came to the conclusion that an award of HUF 1,600,000 in non-pecuniary damages was justified and sufficient to compensate the minor LVIII for the non-material harm suffered by the plaintiff, for the following reasons.

The student status of the minor plaintiff LVIII and his brother LIX terminated on 8 September 2016, as the family moved to Bátonyterenye.

For this reason, minor LVIII. plaintiff's name LVIII. plaintiff in the repeated 5th grade only
He was a pupil at the 2nd respondent school for 7 days.

A ... Government Office ... District Office, by its decision of 6 November 2015, also took the minor plaintiff LVIII. and his brother LIX. into protection, but this did not affect the custody rights of their parents as legal representatives.

At the same time, the court also assessed the fact that the minor plaintiff LVIII and his brother were not in a student relationship with the school of defendant II for the period between 10 February 2014 and 2 April 2014.

Defendants II and III, in their preparatory filing No. 188 with respect to the minor plaintiff LVIII, argued that a plaintiff who had more than 150 hours of truancy in a given school year missed a substantial portion of the school year, the individual plaintiffs could only and only suffer the harm they alleged in their complaint if the plaintiff II and III had been absent for a substantial portion of the school year.In the present case, the plaintiffs' claims were based on the fact that they regularly attended classes at the defendant school and were present at the defendant institution in accordance with the timetable. In this context, the tribunal took the legal position in the personal lawsuit that

the law 20/2012 (VIII.31.2012) was not applicable to the right of access to the school's premises..), which, as a legal provision, imposes an obligation on a primary school to take action where a pupil has the number of certified or un-certified absences specified in the legal provision in the school year concerned and the existence of the number of absences specified in that legal provision may have the consequence that the pupil concerned must repeat the school year in question, the Tribunal was nevertheless entitled to examine each school year independently of that fact, whether or not the defendants had infringed the right to equal treatment of the plaintiffs concerned on one or more of the grounds, the Tribunal could not only find that the defendants had infringed the individual right to equal treatment of a plaintiff in relation to a school year in which the pupil may not have been absent or may have had only negligible absences, but could also legally find against the defendants in relation to school years in which the pupils concerned were not entitled to the II.The number of absences referred to in several preparatory documents by Defendants R and III.

58. Adjudication of the action maintained by the applicant LIX.r., a minor

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the material of the evidentiary proceedings conducted in the first instance proceedings specifically for the plaintiffs concerned.

With respect to Plaintiff LIX, Juvenile, Plaintiff LIX, Defendants II and III, the preparatory document at Docket Nos. 190 contains the pleaded position of Defendants II and III.

a.) The application of the minor plaintiff LIX.r. for a declaration of infringement of personality rights (para 84 (1) a.) of the Civil Code)

The minor applicant LIX.r. applied for the application of the objective sanction in relation to a total of five school years, for the school years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016, on two grounds, respectively, seeking a declaration that the defendants had violated his personal right to equal treatment, on the

one hand, a declaration that the minor LIX.r. that during those school years the defendants had unlawfully segregated him and, by providing a lower standard of education, had also discriminated against him.

Since only the school year 2011/2012 was subject to the final judgment in the previous public interest litigation, the court found in relation to that school year that the defendants I and II had violated the right to equal treatment of the minor plaintiff LIX.r. on two counts, not only had they unlawfully segregated her in the school year 2011/2012, but had also indirectly discriminated against her by providing her with a lower standard of education in that school year.

At the same time, in relation to the other school years not covered by the previous public interest litigation, namely the school years 2012/2013, 2013/2014, 2014/2015 and 2015/2016, the Tribunal also found, on the basis of the evidence available to it, that the evidence of the minor plaintiff LIX.r. had led to the outcome of the exculpatory evidence of the defendant II and III.r. on the other claim, and therefore, since the Tribunal did not see any possibility to find that the minor plaintiff LIX.The Court of First Instance dismissed the action for annulment, which sought a declaration that the Court of First Instance had also indirectly discriminated against the minor plaintiff in breach of the right to equal treatment of the minor defendants in the four years of the plaintiff's education, and therefore dismissed the action for annulment, which sought a declaration that the Court of First Instance had also indirectly discriminated against the minor defendants in breach of the right to equal treatment of the minor defendants in the four years of the plaintiff's education. In contrast, for these four academic years, the Tribunal found against Defendants II and III on only one count, finding that the minor Plaintiff LIX was unlawfully segregated.

b.) Non-material damages action for the payment of compensation for non-material damage (Art.84 (1) e) of the Civil Code)

The minor plaintiff LIX.r. requested that the defendants I-II-III.r. be ordered to pay jointly and severally HUF 2,500,000 in non-pecuniary damages.

The tribunal assessed the evidence available to it in relation to the minor plaintiff LIX.r. in accordance with Pp.206§ 206 (1), the court ordered the defendants I and II jointly and severally to pay HUF 400,000, the defendants I-II-III jointly and severally HUF 300,000, and the defendants II and III jointly and severally HUF 900,000, i.e. it considered it justified to award a total of HUF 1,600,000 in non-material damages to the minor plaintiff LIX.r., while the court dismissed the action for damages in excess of this amount for the following reasons.

In relation to the minor applicant LIX.r., the Tribunal also assessed the circumstances which it took into account when deciding what level of non-pecuniary compensation was justified for his brother, the minor applicant LVIII.

In its preparatory document No. 190 filed in respect of the minor plaintiff LIX.r., the

defendants II and III submitted that, like his brother, the minor plaintiff LIX.r. was also removed from the family by the child protection system, and that the defendants II-III also referred to the name of the minor plaintiff LIX.r. in the context of the decision of the court of appeal No. 20/2012 (VIII.31(7) a.) of the EMMI Regulation No. 20/20/2012, that the minor plaintiff LIX. was unable to complete the requirements of grade 5 because he did not attend primary school for a significant part of the school year due to problems in his family.

According to the legal opinion of the tribunal, there was no obstacle to the finding of an infringement of personality in respect of the minor plaintiff LIX.r. for the academic year indicated by the defendants II and III.r., but the provisions of Pp.206(1), the tribunal was entitled to consider all the evidence available to it in the personal injury proceedings, including the factual and legal position expressed in the preparatory document of the defendants II-III.r., and was also entitled to decide how it would weigh it in determining the amount of the non-material damages to be awarded to the minor plaintiff LIX.r.

59. Claims maintained by the applicant LXI.r. in the name of the applicant LXI.r.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

The preparatory document No. 191 of Defendants II and III contains the pleaded position of Defendants II and III with respect to Plaintiff LX.

a.) The application of the applicant LX. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The LX.r. applicant applied for the application of the objective sanction in relation to three school years, the 2003/2004, 2004/2005 and 2005/2006 school years, on two grounds, seeking a declaration that the defendants had infringed his individual right to equal treatment, firstly, that the LX.r. applicant had unlawfully segregated him and,

secondly, that the defendants had indirectly discriminated against him by providing a lower standard of education.

Since the applicant LX.r. was a student in class D of the defendant school II.r. in both the school years 2004/2005 and 2005/2006 and these school years cannot be included in the scope of the final judgment in the previous public interest litigation, the infringement of personality was therefore only established by the court in relation to the school year 2003/2004.

However, in relation to this school year, which was not in dispute and was subject to the final judgment in the public interest litigation, the Tribunal found that the defendants I and II had violated the right of the applicant LX to equal treatment on two counts, not only by unlawfully segregating her from the 2003/2004 school year, but also by indirectly discriminating against her by providing her with a lower standard of education during that school year.

However, the Court of First Instance also found in the operative part of the judgment in respect of the applicant LX that the defendants I and II had infringed the applicant LX's right to equal treatment as an individual in the 2003/2004 school year, but only from 27 January 2004, by unlawfully segregating him and indirectly discriminating against him by offering him a lower level of education.

<u>b.) Action for the payment of compensation for non-material damage (Art.84 (1) a) of the Civil Code)</u>

The LX.r. plaintiff requested that the I. and II.r. defendants be ordered to jointly and severally pay HUF 1,500,000 in non-material damages, however, the court, in its overall assessment of the evidence available to the LX.r. plaintiff pursuant to Section 206 (1) of the Civil Code, ordered the I. and II.r. defendants to pay HUF 200,000 in non-material damages, but dismissed the LX.r. plaintiff's claim in excess of this amount. On the basis of the evidence adduced in the personal injury action, the court found that the applicant LX.r. had been a pupil of the defendant -name of defendant II.r. in the first grade of primary school only, and that in the subsequent grades he had been a pupil of the defendant -name of defendant II.r. in the first grade of primary school only, and that in the subsequent grades he had been a pupil of the defendant -name of defendant II.r. in the second grade of primary school only.

<u>60. Adjudication of the claims maintained by the applicant LXI.</u>

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of

academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

The preparatory document No. 192 of Defendants II and III contains the pleaded position of Defendants II and III with respect to Plaintiff LI.r., Plaintiff LXI.

a.) The application of the applicant LXI.r. for a declaration of infringement of personality rights (Art.84 (1) a) of the Civil Code)

The LXI applicant applied for the application of the objective sanction in relation to a total of two school years, the 2010/2011 and 2011/2012 school years, on two grounds, seeking a declaration that the defendants had violated his individual right to equal treatment, on the one hand, the LXI applicant sought a declaration that in these school years the defendants had unlawfully segregated him and, on the other hand, had provided him with a lower level of education.

Since both school years are subject to the final judgment in the previous action, the Court of First Instance found, in relation to both school years, that the defendants I and II violated the right to equal treatment of the applicant LXI on two counts, not only unlawfully segregating her in the school years 2010/2011 and 2011/2012, but also indirectly discriminating against her by providing her with a lower standard of education in those school years.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The LXI applicant jointly and severally sought an order that the I-II and III defendants pay HUF 2,000,000 in non-material damages.

The court of law assessed the evidence available to the LXI.r. plaintiff on the basis of Article 206 (1) of the Civil Code and, on the whole, upheld the LXI.r. plaintiff's claim for subjective sanction in its entirety, but ordered only the I. and II.r. defendants to pay non-material damages.

Plaintiff LXI studied in grade A in the lower school of Defendant School II and also attended grade A in grade 5 and repeated grade 5 in the 2007/2008 and 2008/2009 school years.

Plaintiff LXI was still in grade A in grade 6 in the 2009/2010 school year, but in the repeat grade 6 in 2010/2011 she was already a grade B student in grade 7 of -Respondent II- and in the 2011/2012 school year she was also in grade B in grade 7, but as a private student.

The preparatory document of the respondent II and III under No. 132 referred to the provisions of Article 69 (3) of the NKM Decree 11/1994 (8.VI.), according to which the private student must be exempted from all compulsory school lessons.

However, this legal obligation, which also imposed a legal obligation on the respondent school, did not prohibit or exclude the possibility for a private student to attend all or part of the compulsory lessons in the absence of a legal obligation.

Specifically with regard to the applicant LXI, one of the claims for indirect discrimination is that the already cited provision of the statement of reasons for the final judgment in the previous public interest litigation in the context of the application of Article II.r. The Court of First Instance clearly stated in the grounds of the final judgment of the Court of Appeal of the Capital that there was a substantive difference between the parallel classes A and B.

On the other hand, as regards the unlawful segregation, the second plea in law also applies to the applicant LXI.r., namely that the classification of the classes was made by the headmaster of the school before the beginning of the two academic years in question and that, accordingly, only after the beginning of the academic year could the headmaster of the school authorise any pupil, including the applicant LXI.r., to follow a course as a private student.

At the same time, the principal of the defendant school in Case II was under no legal obligation to comply with all of these requests, and he could also exercise his discretion in relation to the applicant in Case LXI.

61. Dismissal of the applications maintained by the applicant -LXII.r. applicant- LXII.r. applicant

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted

separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

In respect of the applicant LXII, the preparatory document for the applicant LXII, defendant II-III, number 213/A/5, contains the pleaded position of the defendant II and III.

a.) Application of the applicant LXII.r. for a declaration of infringement of personality rights (Article 84(1)(a) of the Civil Code)

The LXII.r. applicant requested the application of the objective sanction in relation to a total of three school years, for the school years 2010/2011, 2011/2012 and 2012/2013, on two grounds, that the defendants violated his personal right to equal treatment, on the one hand, the LXII.r. applicant requested a declaration that in these school years the defendants unlawfully segregated him and, on the other hand, by providing a lower educational standard, they also indirectly disadvantaged him.

Since only the first two school years were subject to the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to those two school years, that the defendants I and II had violated the LXII plaintiff's individual right to equal treatment on two counts, not only by unlawfully segregating her in the 2010/2011 and 2011/2012 school years, but also by indirectly discriminating against her by providing her with a lower standard of education in those school years.

At the same time, with regard to the 2012/2013 school year, which is not subject to the previous lawsuit, the court also took the view, on the basis of the evidence available to it, that the exculpatory evidence of the defendant II-III was successful on one of the claims, and therefore the defendant LXII. rejected the equal treatment claim against the applicant on the basis that he had also been indirectly discriminated against by being offered a lower standard of education in that academic year and, in respect of the 2012/2013 academic year, merely found that the defendants II and III had unlawfully segregated the applicant LXII from the applicant LXII.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The applicant LXII sought an order that the defendant I-II-III be ordered to pay jointly and severally HUF 1,500,000 in non-pecuniary damages.

The court, however, assessed the evidence available to the LXII.r. plaintiff on the basis of Section 206 (1) of the Civil Code and ordered the I. and II.r. defendants jointly and severally to pay HUF 1,000,000, while the I-II. and III.r. defendants were also jointly and severally ordered to pay HUF 400,000 in non-material damages, but dismissed the

LXII.r. plaintiff's claim on this ground.

The Court of First Instance found the claim of the applicant LXII.r. in connection with the application of the subjective sanction to be predominantly well-founded and ordered the defendants to pay a total of HUF 1,400,000 in non-material damages, as set out in the operative part of the judgment, for the following reasons.

Also in relation to the applicant LXII, the Tribunal assessed that in the academic years 2010/2011 and 2011/2012, the defendant I and II violated his right to equal treatment on two counts.

In addition, the tribunal also took into account in its decision that the plaintiff LXII.r. was a grade A student in all four grades of the lower school of the defendant school LXII.r. and was still a grade A student in the school of the defendant school LXII.r. in the school year 2009/2010. He was a pupil of the defendant in grade 5 only in the repeated grade 5 and in grades 6 and 7, because he graduated from grade 8a in the school year 2013/2014.

Defendants II and III, in their preparatory document 213/A/5 in respect of Plaintiff LXII, argued that dyslexia, dysgraphia and dyscalculia all resulted in learning difficulties for the student with BTMN status.

According to the legal opinion of the Tribunal, the fact that the expert report of 11 December 2009 had already diagnosed the applicant LXII as having an integration, behavioural and learning difficulty could not in itself be a reason to transfer him to class B, thus creating the possibility of a violation of personality.

62. Dismissal of the applications maintained by the applicant LXIII.

The applicants submitted a summary preparatory document under No 376, in which the factual and legal positions applicable to all the applicants were summarised by the lawyer in charge of a law firm representing 62 of the applicants' private clients.

At the same time, the other lawyer representing the plaintiffs indicated in the preparatory document number 393 for each of the 62 plaintiffs separately in relation to which specific academic years they were asserting a claim in court based on the number of academic years indicated, and determined for each of the 62 plaintiffs, in the light of the information contained in point 3.1 of the summary preparatory document number 376, the amount of non-pecuniary damages they were claiming in the personal injury action.

At the same time, in the personality proceedings, Defendants II and III submitted separate preparatory documents for each of the 62 plaintiffs, and in these preparatory documents, Defendants II and III summarised their factual and legal positions in detail, individually and specifically for the plaintiffs concerned, and also evaluated the evidence taken during the proceedings at first instance specifically for the plaintiffs concerned.

Plaintiff LXIII's name as Plaintiff LXIII's name is contained in the preparatory document for Defendants II and III, Serial No. 223, as to Plaintiff LXIII.

a.) Application of the applicant LXIII. for a declaration of infringement of personality rights (Article 84 (1) (a) of the Civil Code)

In relation to a total of three academic years, the applicant LXIII applied for the application of the objective sanction for the academic years 2008/2009, 2009/2010 and 2010/2011, seeking a declaration that the defendants had infringed his individual right to equal treatment on two grounds, first, that they had segregated him and, second, that they had indirectly discriminated against him by providing a lower standard of education.

Since all three academic years are subject to the final judgment in the previous public interest litigation, the Court of First Instance found, in relation to these three academic years, that the defendant I and II had infringed the provisions of Article LXIII.r. Not only did they unlawfully segregate the applicant in the 2008/2009, 2009/2010 and 2010/2011 school years, but they also indirectly discriminated against her by providing her with a lower standard of education in those school years.

b.) Action for the payment of compensation for non-material damage (Art.84 (1) (e) of the Civil Code)

The applicant LXIII jointly and severally sought an order that the defendants I-II and III pay HUF 1,500,000 in compensation for non-material damage.

The court of law assessed the evidence available to the LXIII.r. plaintiff on the basis of Article 206 (1) of the Civil Code and came to the conclusion that the claim of the LXIII.r. plaintiff was not excessive with regard to the subjective sanction, and therefore, in agreement with the claim, but only ordered the I. and II.r. defendants to pay jointly and severally HUF 1,500,000 in non-material damages for the following reasons.

In the personality proceedings, the court established on the basis of the master's certificates available to it that the plaintiff LXIII.r. had been a student of the defendant school II.r. in grades A, B and C during his primary school studies, while at the same time he had studied in grades 2, 3 and 4 in the name of the defendant -II.r. in grade B.

The tribunal also assessed, in relation to applicant LXIII, the fact that the ... In its review opinion of 26 March 2009, the Unified Pedagogical and Vocational Service of the Rehabilitation Committee for the Assessment of Learning Ability not only found that the applicant LXIII. applicant's condition has not changed and she continues to have special educational needs , but also found in the review opinion that the name of the applicant LXIII is an integrated student in the name of the defendant -Related Party II, despite the fact that she was a B student in the school of the defendant -Related Party II in the school years 2008/2009, 2009/2010 and 2010/2011.

V.

Per diem

In the action for an order for costs, the plaintiffs in the action for an order for costs on the merits, in addition to the application of an objective sanction against the defendants, the plaintiffs also requested the court to apply a subjective sanction.

With regard to the single action, taking into account the extent of the 62 non-pecuniary damage claims of the plaintiffs, the registered action fee was HUF 1,500,000 pursuant to Section 42(a) of Act XCIII of 1990 (Act XCIII of 1990).

Taking into account the subject matter of the lawsuit, the identity of the plaintiffs and the purpose of the Chance for Disadvantaged Children Foundation as stated in its articles of association, the three law firms representing the 62 individuals and the fourth individual lawyer also undertook and provided pro bono legal representation during the civil proceedings at first instance, as they wanted to ensure that the individuals had the opportunity to pursue their claims through the courts.

Neither Act LXXVIII of 2017 on the Activities of Lawyers nor any other legal provision prohibits lawyers in Hungary from voluntarily providing access to justice for people who would otherwise not be able to afford it, based on their special legal and professional knowledge.

Part I of Act LXXX of 2003 on Legal Aid contains the grants provided under legal aid and the conditions for receiving them.

Chapter II of Part I of this Act provides that the State shall provide for the representation of the plaintiff by a lawyer in civil proceedings under the legal aid scheme and shall advance or bear the costs of such representation on behalf of the party in civil proceedings as provided for by the Act.

Pursuant to Section 12 a.) of Act LXXX of 2003 (Jot.), support is granted to the party defined in Section 13 and deemed to be indigent, and thus also to the plaintiff who, due to his/her lack of legal knowledge or the complexity of the case, would not be able to represent his/her interests effectively in the proceedings, or to exercise his/her procedural rights effectively.

Taking into account the subject matter of the action and its international legal implications, the 63 applicants could have been represented by a lawyer, also in the light of the provisions of Article 52(1) of the JPO, but the 63 applicants decided that they could exercise their procedural rights in the personality action more effectively if they were represented by lawyers who could support them more effectively than other legal representation, simply because of the social responsibility they assumed in connection with the social problem at the heart of the personality action.

In the context of probation representation, the Tribunal had to take into account the following legal provisions.

IM Decree 32/2003 (VIII.22.) provides for the attorney's fees that may be assessed in court proceedings.

Pursuant to Article 1(1) of this Act, this Regulation shall apply to the charging and determination of the fees and expenses of individual lawyers, European Community lawyers, law firms and barristers who represent a party in civil proceedings.

Pursuant to Article 2(a) and (b) of this Act, a party represented by a lawyer may charge as attorney's fees the amount of the fees stipulated in the retainer agreement between the party and the lawyer, plus the amount of the reasonable out-of-pocket expenses paid by the party to the lawyer as reimbursement of the lawyer.

However, the very essence of pro bono legal representation is that both the individual lawyer and the law firm undertake to represent free of charge, even in court, anyone who, because of their financial means, actually needs it.

In the personal injury case, the court also found beyond doubt, on the basis of the documents submitted by the applicants and the declarations of the applicants and their legal representatives, that none of the 62 applicants had paid any fees or expenses to the three law firms or the fourth individual lawyer.

It is not disputed that the preparation of the statement of claim was time-consuming, taking into account the subject matter of the case and the number of plaintiffs, and the plaintiffs' written submissions under section 402/F.s. indicate that it took almost a year to collect the plaintiffs' data and interview the families.

Pursuant to Article 75 (1) of the Civil Code, litigation costs are all costs incurred in connection with the expedient and good faith litigation of the parties, whether before or outside the court, without prejudice to the exceptions provided for by law.

Pursuant to Section 81 (1) of the new Act CXXX of 2016 on the Code of Civil Procedure, the party may request the reimbursement of the costs of the proceedings by charging the costs.

According to § 78 of Act III of 1952 (the old Code of Civil Procedure), the court shall decide on the costs of the proceedings ex officio, but if the party, including the plaintiff, is represented by a lawyer and wishes to claim any costs as reimbursement in addition to the fees, the court must charge these costs.

At the continuation hearing held on 16 October 2018, prior to the conclusion of the hearing, Dr. Balázs Sahin-Tóth, lawyer, submitted in connection with the plaintiffs' claim for costs that the longer duration of the fieldwork had also resulted in significant

costs, and that therefore the application of the costs calculation was justified, but the plaintiffs had not actually charged their costs in connection with the preparation of the application before the adjournment of the hearing, only a few minutes before the delivery of the judgment at first instance did they also refer to that legal context, but the Tribunal did not consider that this reference by the applicants was a legal basis for the calculation of costs and decided to award costs in the light of the pro bono representation of the applicants.

The tribunal granted personal legal aid to each of the 62 applicants, therefore, in view of the personal legal aid of the defendants I-II and III, the State of Hungary shall bear the advance payment of the action fee pursuant to Article 14 of the Decree No. 6/1986 (26.VI.1986).

The pro bono representation of the plaintiffs by the attorneys, who had won the case in whole or in part, did not entitle the 60 plaintiffs to claim their attorneys' fees incurred in connection with the personal injury action in proportion to their success in the case, since they had not actually incurred any such fees, and neither the Foundation for Children with Disadvantages as the attorney-in-fact, nor the three law firms and the fourth individual attorney had actually charged the expenses of the three law firms and the fourth individual attorney until the time of the conclusion of the trial.

Pursuant to Paragraph (3) of Article 86 of the Civil Code, legal aid does not affect the obligation to reimburse the costs of the proceedings awarded in favour of the opposing party.

The plaintiffs who have been unsuccessful, even if they have been granted legal aid, must pay the defendants' legal costs, consisting of the fees of the representation (Supreme Court Pfv.III.20.961/1993.).

Paragraph (1) of Article 81 of the Civil Code states that in the case of partial success, the court shall decide on the costs of the proceedings taking into account the proportion of the success and the amount of the costs advanced by each party.

Both defendants I-II-III were represented by a lawyer in the personal injury action.

In the personal injury case, the Court of First Instance ruled on the claims of 62 plaintiffs, dismissed the claims of two plaintiffs in their entirety, upheld the claims of 12 plaintiffs in their entirety, including the subjective sanction, and upheld the claims of 48 plaintiffs only in part.

The court determined the amount of the legal costs to be paid by the two plaintiffs and the 48 other plaintiffs to the defendants I-II-III. r., in light of the provisions of Article 86(3) of the Civil Code, based on Article 3(2)(a), (b) and (c) of IM Decree No. 32/2003 (VIII.22.) on the attorney's fees to be assessed in court proceedings.

On the basis of the above, the court ordered the plaintiff I to pay 50.800 HUF, the

plaintiff II 158.750 HUF, the plaintiff III 69.850 HUF, the plaintiff IV 25.400 HUF, the plaintiff V 92.500 HUF, the plaintiff VI.r. felperest 69.850 Ft, a kk.VIII.r. felperest 63.500 Ft, a kk.IX.r. felperest 44.450 Ft, a kk.X.r. felperest 92.500 Ft, a kk.XI.r. felperest, 38.100 Ft, a kk.XII.r. felperest 31.750 Ft, a kk. XIII.r. plaintiff 57.150 Ft, kk. XIV.r. plaintiff 57.150 Ft, kk.XVI.r. plaintiff 171.450 Ft, kk.XVII.r. plaintiff 44.450 Ft, kk.XIX.r. plaintiff 89.900 Ft, kk.XX.r. plaintiff 31.750 Ft, kk.XXI.r. plaintiff 50.800 Ft, kk. XXII.r. 88.900 Ft, kk. XXIII.r. plaintiff 41.275 Ft, kk. XXIV.r. 38.100 Ft, kk. XXV.r. plaintiff 57.150 Ft, the XXVI.r. plaintiff 57.150 Ft, the XXVII.r. plaintiff 19.050 Ft, the XXVIII.r. plaintiff 50.800 Ft, the kk. XXIX. XXX.r.r. plaintiffs 38.100 Ft. kk.XXXIII.r. plaintiffs 69.850 Ft, kk.XXXIV.r. plaintiffs 152.400 Ft, kk.XXXV.r. plaintiffs 82.550 Ft, kk.XXXVII.r. plaintiffs 57.150 Ft, kk. XXXIX.r. plaintiff 69.850 Ft, XL.r. plaintiff 63.500 Ft, kk.XLI.r. plaintiff 101.600 Ft, kk.XLII.r. plaintiff 76.200 Ft, kk. XLIII.r. plaintiff 6.350Ft, kk.XLIV.r. plaintiff 222.250 Ft, kk. XLVI.r. plaintiff 50.800 Ft, XLVIII.r. plaintiff 12.700 Ft, kk.L.r. plaintiff 38.100 Ft, kk. LI.r. plaintiff 133.350 Ft, LIII.r. plaintiff 44.450 Ft, LIV.r. plaintiff 50.800 Ft, LV.r. plaintiff 31.750 Ft, kk. LVI.r. plaintiff 25.400 Ft, kk. LVIII.r. plaintiff for the amount of HUF 88.900, LIX.r. plaintiff for the amount of HUF 57.150, LX.r. plaintiff for the amount of HUF 82.550, while LXII.r. plaintiff for the amount of HUF 6.350.

Eger, 16 October 2018

Dr. Tamás Román s.k.
forensic judge