

Basic Case Info	Country & Topic	Claim	Outcomes	Holding	Related judgments
Case ref.: 105.K.702.037/2022/22 Court: Budapest-Capital Regional Court Date: 12.10.2023 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Housing	The plaintiff argued that the defendant's interested party violated the Hungarian Equal Treatment Act by allowing or failing to prevent the relocation of families of a certain ethnicity from one segregated area in Nyíregyháza to another, thus maintaining illegal segregation based on ethnicity and socioeconomic status. The plaintiff also claimed that the interested party further segregated minority children in preschools and primary schools, creating ethnically homogenous classrooms. The plaintiff sought a court order to annul the defendant's rejection of its desegregation application and to mandate new desegregation efforts.	Procedural outcome: The Court dismissed the plaintiff's claim. Outcome: The Court upheld the ombudsperson's decision to reject the plaintiff's complaint and concluded that the interested party on the defendant's side did not engage in unlawful territorial or educational segregation.	The Court held that the defendant's decision in rejecting the allegations of unlawful territorial segregation and educational discrimination was lawful. The actions of the interested party, such as dismantling a segregated housing estate, and improving living conditions, reduced segregation overall, even if segregation increased in one location. While segregation was not fully eliminated, the decrease in segregation means that the interested party cannot be held liable for maintaining segregation. Moreover, since neither the defendant nor the interested party were the maintainers or organizers of schooling at the cited ethnically segregated school, there was no basis for claims of educational segregation.	Budapest-Capital Regional Court, judgment No. 105.K.701.748/2021/8, 22.06.2021 (jump to judgment); Curia (supreme court), judgment No. Pfv.IV.20.241/2015/4, 22.04.2015 (jump to judgment)

Case ref.: 23Sa/88/2020 Court: Regional Court Nitra Date: 30.11.2022 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Language use	The plaintiff claimed that the failure of the first defendant to issue a complete bilingual version of the applicant's birth certificate was unlawful and infringes on her right to documents in a minority language and her right of access to her own documents as part of her right to respect for private and family life and her right to equal treatment. The defendants' conduct discriminates against her on the basis of language and belonging to a national	Procedural outcome: The Court granted the motion of the plaintiff and found a violation. Outcome: The Court determined that the failure to issue a complete bilingual version of the plaintiff's birth certificate by the first defendant and issuing instead a partially bilingual document that only included the plaintiff's personal data was only included in the Slovak language, was unlawful.	The Court held that compliance with the national and European legal provisions on minority language use requires authorities to issue a complete bilingual version of the applicant's birth certificate instead of only including personal data in the Slovak language on a bilingual form.	Regional Court in Nitra, Slovakia, judgment No. 23Sa/90/2019-48, 22.07.2020 (jump to judgment)
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Case ref.: Kfv.IV.37.139/2022/9 Court: Curia (supreme court) Date: 27.09.2022 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sought to overturn administrative decisions that mandated special education and asked for a mandate of placement in integrated education alongside non-disabled peers in an institution that is better suited to their abilities. The plaintiff cited concerns about the impartiality of the expert and resulting violations of rights, including the right to inclusive education under the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC) as well as, the right to equal treatment and non-discrimination.	Procedural outcome: The Curia found the plaintiff's request for review partially justified and annulled the lower court's judgment, remanding the case for rehearing. Outcome: The Curia annulled the lower judgment and remanded the case for rehearing, finding against the lower court that there is jurisdiction to investigate the allegations. The court of first instance was mandated to determine whether the previous administrative decisions and procedural errors violated the plaintiff's right to equal treatment and a decision that fully complies with constitutional requirements under the CRC and the CRPD. The Curia found, on the other hand, that the first-instance court had appropriately addressed the plaintiff's allegations of bias and affirmed that the ad hoc expert's opinion was reliable and impartial.	The Curia held that administrative courts have jurisdiction to rule on violations of equal treatment, against the lower court's position that such claims should be litigated in a separate, civil procedure.	Budapest-Capital Regional Court, Hungary, judgment No. 41.K.701.887/2020/59 (not available in the official database)
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Case ref.: 17Co/37/2021 Court: Regional Court Banská Bystrica Date: 30.06.2022 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff, the Slovak Republic, claimed to be the owner of forest lands as the legal successor of the Czechoslovak Republic, which acquired them through confiscation under Coll. SNR Decree of the President of the Republic Nos. 104/1945.	Procedural outcome: The judgment of the Court of First Instance was reversed by the Court of Appeal dismissing the claim in its entirety. Outcome: The Court of Appeal found that the defendant is the owner of the land confiscated under the confiscation decree and not the plaintiff, reversing the decision by the Court of First Instance. The Court of Appeal argued that the defendant acquired the title in a bankruptcy proceeding and according to the Bankruptcy Act, the good faith purchaser becomes owner regardless of whether the seller was owner, and that evidence presented by the state (plaintiff) was not enough to establish bad faith.	The Court of Appeal found that confiscated property cannot be considered as state property in the case where the land was acquired through the Bankruptcy Act, allowing for property acquisition even from a non-owner in bankruptcy proceedings.	District Court in Revúca, Slovakia, judgment No. 4C/18/2018-492 , 03.12.2020 (not available in the official database); District Court Revúca, Slovakia, judgment No. 4C/18/2018-186, 08.01.2019 (not available in the official database); Regional Court in Banská Bystrica, Slovakia, judgment No. 15Co/23/2019-253 (not available in the official database); District Court in Revúca, Slovakia, judgment No. 4C/18/2018-523, 08.01.2021 (not available in the official database)
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Case ref.: 9Co/104/2021 Court: Regional Court Nitra Date: 28.04.2022 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff sought a declaration that she is a co-owner of the real estate mentioned in the petition of the claim, registered in the Land Register on the factual basis that the defendants were registered as co-owners of the real estate.	Procedural outcome: The Court of Appeal annulled the judgment of the Court of First Instance and referred the case back to the Court of First Instance for further proceedings and a new decision. Outcome: The Court of Appeal concluded that, although the Confiscation Commission had issued a decision that the disputed agricultural property was not confiscated, that decision alone is not sufficient for the defendants to conclude that there has been deconfiscation, since the subsequent decisions of the competent authorities do not so indicate. The lower court failed to address the defendants' claims that they had been in possession in good faith since the decision on the registration of the title in 2003.	The Court of Appeal referred to the decision by the Supreme Court stating that the Decree No. 104/1945 is to be considered as legally binding regardless of missing documents. It is furthermore stated that the passage of time is a material fact which must be given factual effect and should be given adequate consideration in court, in this case the good-faith possession of the plaintiff since 2003	District Court Nové Zámky, Slovakia, judgment No. 4C/19/2018-311, 31.05.2021 (not available in the official database)
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Case ref.: 8.Pf.20.817/2021/4 Court: Budapest Court of Appeal Date: 22.03.2022 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Housing	The plaintiff alleged that the defendant failed to fulfil its statutory obligations in child protection, allowing the unlawful removal of children from families due to financial hardship and ethnic origin constituting as direct discrimination and a violation of equal treatment. The claim focused on the defendant's failure to conduct targeted assessments, develop an action plan, and provide professional guidelines to prevent such removals. The plaintiff argued that the absence of child protection, financial, family and housing support measures contributed to systemic discrimination, particularly against national minority-origin children who were disproportionately affected. The plaintiff sought a declaratory judgment confirming the violations and requested corrective measures, including statistical data collection, a county-wide survey on child protection services, the establishment of a professional working group, and the development of professional guidelines. The plaintiff demanded an action plan to eliminate discriminatory child removals.	Procedural outcome: The Court of Appeal upheld the first-instance judgment but revised it in part, and found that the plaintiff's claim was partially well-founded. Outcome: The Court ruled that the earliest probable starting date for the violation was September 2015, not 2004 (as alleged), as the claimant failed to provide evidence for an earlier date. The court confirmed that the defendant violated personality rights by failing to issue methodological guidance to prevent child removals due to financial hardship. However, it dismissed the claim of ethnic discrimination, finding no sufficient evidence that national minority-origin children were disproportionately removed beyond the broader issue of poverty. The defendant was ordered to issue methodological guidance within 12 months to ensure compliance with the prohibition of further violation (removing children from their families solely for financial reasons). Further requests, for statistical data collection, targeted inspections, and systemic reforms, were rejected as going beyond legal obligations.	The Court held that to establish a violation under the Equal Treatment Act, the claimant must demonstrate that harm occurred and that the affected group had a protected characteristic at the time, however, claims based on historical violations require clear, contemporaneous evidence—references to systemic issues over decades are insufficient. In cases of long-standing violations, courts assess the earliest point at which credible evidence directly supports the claim. Policy reports, international human rights findings, and research studies alone are not enough unless they demonstrate a direct link between the defendant's omissions and the alleged harm. If evidence emerges from a later period, the earliest provable date must be used, affecting which laws apply. The mere existence of systemic discrimination or poverty does not establish liability—a direct causal link must be between specific significant omissions and the harm suffered contributing to the violation. Courts can require compliance with statutory obligations (e.g., methodological guidance), but they cannot dictate broader policy reforms (e.g., statistical data collection, targeted inspections, systemic oversight). Judicial intervention is limited to enforcing existing legal duties—mandating new	Budapest-Capital Regional Court, Hungary, judgment No. 27.P.20.939/2020/44, 22.09.2021 (original decision)
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Case ref.: 105.K.704.241/2021/11 Court: Budapest-Capital Regional Court Date: 09.11.2021 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sought annulment of the decision of the Commissioner for Fundamental Rights that did not find that assigning school security officers primarily to schools attended predominantly by Roma children constitutes indirect discrimination, harassment, and legitimizes segregation, in violation of the Equal Treatment Act. The plaintiff sought a declaration of discriminatory practices, an order to withdraw school security officers from the affected schools and a requirement for the institutions to develop an anti-bullying action plan.	Procedural outcome: The Court found the plaintiff's claim well-founded. Outcome: The Court annulled the defendant's order due to procedural violations and ordered new proceedings.	The court found procedural violations in the rejection of the plaintiff's complaint. The defendant erroneously invoked res judicata and lack of jurisdiction since no substantive decision had been made on the plaintiff's prior complaint and the plaintiff challenged the practical application of the school security program, not the legislative framework itself. The court ordered the defendant to examine the merits of the complaint, focusing on whether the school security program violated the principle of equal treatment and constituted indirect discrimination or harassment.
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Case ref.: 1Cdo/65/2021 Court: Supreme Court Date: 29.09.2021 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiffs sought to establish the ownership of the confiscated immovable property stating that they were the legal heirs of their mother, who was the heir of the testatrix by will of the original owner of the properties at issue and who, they claimed, was the owner of the disputed properties at the time of her death. Furthermore, they questioned the legality of the seizure of land as the property was confiscated at the time of the testatrix's death, by virtue of Slovak National Council Regulation of 23 August 1945, No 104/1945 Coll., on the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians and traitors and	Procedural outcome: The appeal was rejected and the lower judgment confirmed. Outcome: The Supreme Court dismissed the plaintiffs' appeal arguing that the Appellate Court correctly concluded that the confiscation and transfer of property took place ex lege by virtue of Slovak National Council Regulation of 23 August 1945, No 104/1945 Coll., on the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians and traitors and enemies of the Slovak nation, and the state would remain owner even if 'the unlawfulness or nullity of the contested confiscation decisions were proven'.	The Supreme Court stated that conditions for confiscations had been fulfilled under the regulations of the Slovak National Council (SNR). The transfer of ownership rights occurred as a matter of law and upon the effectiveness of regulations and regardless of any potential unlawfulness or nullity of decisions, line with the opinion expressed by the Supreme Court ruling which was reviewed by the Constitutional Court of the Slovak Republic.	District Court in Martin, Slovakia, judgment No. 9 C 98/2012 (not available in the official database); Regional Court of Žilina, Slovakia, judgment No. 10 Co 158/2016 (č. I. 577) , 29.11.2016 (not available in the official database); Regional Court of Žilina, Slovakia, judgment No. 10 Co 116/2018, 28.05.2020 (not available in the official database)
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Case ref.: 27.P.20.939/2020/44 Court: Budapest-Capital Regional Court Date: 22.09.2021 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff organization, bringing an actio popularis claim, sought a declaration from the Court that the defendant engaged in a discriminatory practice by failing to fulfill its duties to prevent the removal of children from their families on the grounds of their material conditions (direct discrimination) and national (Roma) origin (indirect discrimination). It asked the Court to order an end to the discriminatory practice and a series of additional measures: the collection of statistical data on the practice, a targeted survey of children in temporary care, a problem map and professional guide, in cooperation with experts, and an action plan to prevent discrimination in removals.	Procedural outcome: The Court found discrimination and ordered an end to the discriminatory practice. Outcome: The Court found that the defendant failed to fulfil its legal obligation to make sure that institutions under its authority do not engage in discriminatory practices in the removal of children from their families, and with this omission violated the children's right to equal treatment on the grounds of material conditions and national origin. The judgment ordered the defendant to cease the discriminatory practice, to collect and publish statistical data on the practice, to conduct a survey (audit) on discrimination based on material conditions and national origin, and to verify the enforcement of the judgment. The Court rejected the plaintiff's further claims for injunction.	Discriminatory practice can be established by reliance on statistical evidence, partly taken from audits by state institutions. Defendant as a state institution has authority and related responsibilities to make sure that the practices of the removal of children from their families do not constitute discrimination, and the failure to act constitutes discrimination. The remedies sought need to meet standards of enforceability and can include positive obligations to collect data and conduct a survey on whether discriminatory practices have been eliminated.	Budapest-Capital Regional Court, Hungary, judgment No. 27.P.24.736/2017/43 (not available in the official database); Budapest Court of Appeal, Hungary, judgment No. 32.Pf. 20.749/2019/7-II. (not available in the official database); Budapest Court of Appeal, Hungary, judgment No. 8.Pf.20.817/2021/4, 22.03.2022 (jump to judgment)
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Case ref.: 105.K.701.748/2021/8 Court: Budapest-Capital Regional Court Date: 22.06.2021 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Housing	The plaintiff, a local government brought an action against the decision of the defendant (Commissioner for Fundamental Rights as legal successor to the now defunct Equal Treatment Authority), seeking its annulment. The plaintiff stated that unlawful residential segregation of Roma had not been established, contrary to the decision of the Equal Treatment Authority. Furthermore, the plaintiff claimed that it had made efforts to improve the development of the site as well as the living conditions through professional and financial resources and that the defendant incorrectly assessed documents and as a result failed to acknowledge the plaintiffs' efforts.	Procedural outcome: The Court annulled the defendant's decision that was challenged by the plaintiff and found that unlawful segregation could not be established. Outcome: The Court found that the plaintiff successfully discharged its duties to abolish segregation concerning the renovation and resettlement project in question and, as a result, unlawful segregation could not be established under the Equal Treatment Act. The Court found that the renovations of the flats showcase that the plaintiff fulfilled its obligations. The defendant's decision was considered incomplete, a mere assumption was not enough to establish violations under the Equal Treatment Act. The defendant's reasoning was found incomplete and it also failed to comply with the statutory time limits for its proceedings. The defendant wrongly concluded that the plaintiff had additional obligations to abolish segregation. The obligation imposed by the defendant's decision was therefore unlawful, and the decision was annulled.	The Court held that the plaintiff did not violate the Equal Treatment Act in regard to the defendant's decision which imposed the obligation to establish segregation in Settlement 1, while it confirmed that segregation can also be committed through omission (failure to act) and that, according to precedent, the statute of limitation cannot run out in the case of ongoing violations. While the fact of segregation was not disputed, the Court found that the plaintiff showed satisfactory evidence to curb segregation through the development of flats and other social programmes.	Curia (supreme court), judgment No. Pfv.IV.20.241/2015/4, 22.04.2015 (jump to judgment); Budapest-Capital Regional Court, judgment No. 105.K.702.037/2022/22, 12.10.2023 (jump to judgment)
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Case ref.: 11S/133/2019 Court: Regional Court Nitra Date: 20.04.2021 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Language use	The plaintiff claimed that the District Office of Nitra acted unlawfully, under the act on the use of languages of national minorities, when finding that documents submitted, including a document in the Hungarian language, to obtain a license to work as translator and interpreter did not meet the necessary requirements and asked for the annulment of the Office's decision and for new proceedings.	Procedural outcome: The Administrative Court annulled the decision of the defendant and the decision of the District Office, as upheld by the District Office on appeal, and referred the case back for further proceedings. Outcome: The Court ruled in favor of the plaintiff, annulling the previous decisions due to inadequate reasoning and sent the case back to the first-instance administrative authority. The Administrative Court found that the administrative authorities failed to provide sufficient justification for their decisions, which would be required under rule of law standards. The Court also indicated its reservations regarding the plaintiff's substantive claims regarding the adequacy of the documents, including the fact that a document is in Hungarian, citing the fact that the plaintiff did not declare to belong to a minority and that all other documents were provided in the Slovak language.	The Administrative Court declared that the administrative decision should be understandable for the public, should set out clearly the reasons for the conclusions, and connect the factual findings to the legal evaluation. The Court elaborated on the standards regarding the substantive evaluation and declared that the burden is on the plaintiff to show the fulfilment of legal requirements for the profession. The judgment also declared the plaintiff's objection to not accepting the Hungarian document as 'irrelevant', pointing out the failure to declare belonging to a minority and noting that all other communication took place in Slovakian.	-
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Case ref.: Pf.I.20.214/2020/10 Court: Debrecen Court of Appeal Date: 24.09.2020 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs claimed that Roma children in Heves County faced indirect discrimination through biased diagnostic methods that disproportionately classified them as having special educational needs. The first-instance court ruled in their favour, and they sought a second instance ruling reaffirming this discrimination while demanding corrective measures, including annual monitoring, public disclosure, and expert training. In their appeal, they requested a preliminary ruling from the CJEU, arguing that public-sector discrimination should be enforceable through civil law beyond declaratory rulings. They stressed that effective remedies required mandatory corrective action and ethnic statistical data collection based on perception. The plaintiffs argued that failing to hold administrative bodies accountable violated Hungarian constitutional law and EU anti-discrimination rules under the Racial Equality Directive, effectively denying Roma children justice and reinforcing systemic segregation.	Procedural outcome: The Court of Appeal upheld the first-instance court's ruling and mandated specific corrective measures based on the plaintiff's request. Outcome: The Court of Appeal upheld the finding of indirect discrimination against Roma children due to biased assessments of special educational needs. It confirmed that the third defendant misdiagnosed Roma children, while the first and second defendants failed to prevent this discrimination, through adequate supervision and intervention. Roma children of school age have been subjected to indirect discrimination based on their ethnicity, having been subject to non-culture-neutral diagnostic tools which led to the establishment of special educational needs at a significantly higher rate than other school-age children with normal abilities who are not Roma. The court ordered the second defendant to conduct annual monitoring for five years, publishing the results. Some enforcement requests, such as professional training and infrastructure improvements, were rejected for lack of specificity. The request for a CJEU preliminary ruling was also denied.	Indirect discrimination occurs when facially neutral policies disproportionately harm a protected group, as seen in the misdiagnosis of Roma children as having special educational needs. Public institutions must actively prevent discrimination and failure to intervene establishes state liability. Civil courts can enforce equal treatment rights by ordering corrective measures and can order the collection of ethnic data based on perception to monitor discrimination.	Eger Regional Court, Hungary, judgment No. 12.P.20.166/2014/92, 10.03.2016 (jump to judgment)
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Case ref.: 17C/15/2019
Court: District Court
Poprad
Date: 22.09.2020
Original decision
Judgment in English

Country: Slovakia
Minority:
Hungarians
Topic: Property

The plaintiff claimed that immovable property owned by the state belonged to their predecessors and was not acquired in a lawful manner, the conditions for confiscation were not fulfilled, hence the property should be registered under the plaintiff's name.

Procedural outcome: The action was dismissed.
Outcome: The Court concluded that because of the lack of a compelling legal interest in the action for a declaratory judgment, the lack of standing in the proceedings and the proven loss of the right of ownership by confiscation, the action must be dismissed. The Court furthermore stated that the claimant did not prove that there had been no loss of ownership of the property right under Coll. SNR Decree of the President of the Republic Nos. 104/1945 and 108/1945 Coll., the so-called Benes Decrees.

The Court decided that the Slovak Republic as the rightful owner lawfully acquired land under the confiscation regulation, ex lege, regardless of separate individual administrative decision. The plaintiff bears the burden of proof for proving the opposite.

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Case ref.: 23Sa/90/2019 Court: Regional Court Nitra Date: 22.07.2020 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Language use	The plaintiff claimed that the Registry Office acted unlawfully and violated her right to documents in a minority language when it denied issuing a fully bilingual birth certificate and issued a document that is only partly bilingual, the personal data of the plaintiff is only presented in the Slovak language.	Procedural outcome: The Court granted the plaintiff's request and declared that the defendant's failure to issue a complete bilingual version of the applicant's birth certificate was unlawful. Outcome: The Court concluded that the issuing of a birth certificate in a bilingual form in which the data was given only in the Slovak language was unlawful and directly interfered with the plaintiff's rights protected by law. The Court furthermore referred to the case as a conflict with the State's compliance with its international law obligations in the field of the rights of national minorities, which the defendant had violated by unlawful intervention, even though they took precedence over domestic legislation.	The Court held that the defendant's failure to issue the applicant's birth certificate in a bilingual version deprived her of her rights. The issue of such a birth certificate was considered by the Court as unlawful also in the light of the international treaties which the Slovak Republic has ratified and which are therefore binding on it, including the European Charter for Regional or Minority Languages, the right to use a minority language in official relations. The Court held that compliance with the national and European legal provisions on minority language use requires authorities to issue a complete bilingual version of the applicant's birth certificate instead of only including personal data in the Slovak language on a bilingual form	Regional Court in Nitra, Slovakia, 23Sa/88/2020, 30.11.2022 (jump to judgment)
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Case ref.: 10Co/116/2018	Country: Slovakia	The plaintiffs claimed that they inherited agricultural land which was, but should not have been, confiscated under Regulation No. 104/1945 Coll. of the Slovak National Council of 23 August 1945 on "the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians, as well as traitors and enemies of the Slovak nation". They sought a declaration that they are co-owners arguing, among others that their ascendant who was owner at the time did not fall under the confiscation measure, being of Norwegian	Procedural outcome: The Court dismissed the plaintiffs claim and the judgment of the Court of First Instance was upheld. Outcome: The Court concluded that, because of the confiscation of the property, the legal predecessors of the plaintiffs lost title to them and therefore cannot be designated as inheritors. To the specific claim of nationality, the Court responded that this is an issue of administrative law that cannot be reviewed in the present civil law proceedings.	Confiscation under Regulation No. 104/1945 Coll. of the Slovak National Council of 23 August 1945 on "the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians, as well as traitors and enemies of the Slovak nation", including on the basis of not being of German or Hungarian nationality, cannot be challenged in a civil law proceeding, as it is a matter of administrative justice.	District Court in Martin, Slovakia, judgment No. 9C/98/2012, 15.01.2018 (not available in the official database); Regional Court of Žilina, Slovakia, judgment No. 10 Co 158/2016 (č. I. 577), 29.11.2016 (not available in the official database)
Court: Regional Court Žilina	Minority: Hungarians				
Date: 28.05.2020	Topic: Property				
Original decision					
Judgment in English					

Case ref.: Pfv.IV.21.556/2019/22 Court: Curia (supreme court) Date: 12.05.2020 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs, former students, argued that the defendants, the elementary school and the municipality, had violated their right to equal treatment by segregating them based on ethnicity and providing lower-quality education. They maintained that they were entitled to non-pecuniary damages of HUF 500,000 per school year per plaintiff and that compensation in kind, such as educational courses, was not a valid alternative to monetary compensation for violations of personality rights.	Procedural outcome: The Curia upheld the contested provisions of the final judgment, rejecting the defendants' petition for review. Outcome: The review was limited to the legal challenge in the appeal: the possibility of in-kind compensation and the amount of damages. The Curia confirmed that monetary compensation is the only method for awarding non-pecuniary damages. Given the nature of the claims (segregated education claimed by former students), restoring the original state is impossible, and compensation in kind is not legally available. Additional training as in-kind compensation could be offered by the defendants cannot replace monetary compensation. Further, it is only possible where the plaintiffs accept it and mandating by court order would be unlawful and unenforceable. The Court added that the defendants' offer was in any case vague and lacked detail. The Curia determined that the compensation amounts awarded by the appellate court were not excessive, in the sum of HUF 500,000 per year for unlawful segregation and lower-quality education, and HUF 300,000 per year for unlawful segregation alone. The amounts adequately consider the factors of awarding non-pecuniary damages: the severity of the violation, its repeated nature, the degree of fault, and the	The Curia held that monetary compensation is the only legally recognised method for awarding non-pecuniary damages. Restoring the original state is conceptually impossible in cases of personality rights violations, and compensation in kind is not legally permitted. However, if the defendant voluntarily offers an alternative form of compensation (such as a service or in the present case educational training) and the injured party accepts it through an out-of-court agreement, this may be valid as a contractual settlement.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3, 25.03.2015 (jump to judgment)
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Case ref.: 9Co/51/2019 Court: Regional Court Nitra Date: 12.03.2020 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff claimed the property of the previous owner of land had become the property of the State by virtue of the confiscation. The confiscation applied to all property, throughout the whole of the country, regardless of whether it was noted in the land-registry entries. The confiscation took place under Slovak National Council Regulation No. 104/1945 Sb. on the confiscation and expeditious distribution of the landed property of Germans, Hungarians or even traitors and enemies of the Slovak nation.	Procedural outcome: The Court of Appeal confirmed the contested judgment of the Court of First Instance. Outcome: The Court of Appeal upheld the judgment of the Court of First Instance as being factually correct and established that based on evidence the property of the plaintiff had been confiscated, and the State is the rightful owner. The original owner was considered to be Hungarian, under the resolution of the Presidium of the National Council of the Slovak Republic No 11987/45, and hence lost the property ex lege, regardless of the status in land registry.	The Court of Appeal stated that the Court of First Instance correctly referred to Resolution No 11.987/45, which resolved to confiscate with immediate effect and without compensation for the purposes of land reform all agricultural property. Furthermore, the questioning of legal relations established decades ago is inappropriate and would undermine legal certainty.	District Court of Topolčany, Slovakia, judgment No. 5C/20/2018-170, 12.11.2018 (not available in the official database)
Case ref.: 10C/16/2020 Court: District Court Bratislava II Date: 04.03.2020 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff alleged property rights over a territory involved in an inheritance dispute and asked the court to prohibit the legal disposition, sale, or encumbering of the land in question as an interim measure.	Procedural outcome: The Court rejected the motion for interim measure. Outcome: The Court did not find enough evidence that the applicant has demonstrated standing, necessity, and urgency, also given that almost fifty years passed after the death of the testatrix.	For an interim measure, the applicant has to provide evidence for standing (having a claim), necessity and urgency, e.g. by proving that the defendant has engaged earlier in practices addressed by the interim measure.	-

Case ref.: 6C/29/2019
Court: District court
Piešťany
Date: 19.09.2019
Original decision
Judgment in English

Country: Slovakia
Minority: Roma
Topic: Public
utilities

The plaintiffs claimed that the defendant committed a breach of the principle of equal treatment by not providing potable water to residents of Roma origin, living in a segregated area. The plaintiffs asked the Court to order that the defendant provide drinkable water of at least 20 litres per day as an interim measure

Procedural outcome: The Court denied the motion for interim measure and dismissed the plaintiffs' claim. Outcome: The Court rejected the application for interim relief as it was not sufficiently specific to be enforceable. The obligation to provide 'drinking water in a volume of at least 20 litres per person per day' does not specify, according to the Court, the exact time limit, the entitled persons, and the means of providing water.

A motion for interim relief should be specific to be enforceable, including a precise time limit, the identification of the entitled persons and the methods of providing relief. The Court found that the obligation to provide 'at least 20 litres per person per day' was 'incomplete, vague, indefinite, and imprecisely worded for the purposes of its enforceability'.

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Case ref.: Pf.I.20.123/2019/16 Court: Debrecen Court of Appeal Date: 18.09.2019 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	Sixty-three students claimed non-pecuniary damages for school segregation, a violation that was established under earlier litigation. The sum of the damages claimed reflected the length and gravity of violations, ranging from five thousand to four million HUF.	Procedural outcome: The Court awarded damages, changing the amounts in some cases and rejected the appeal of the defendants. Outcome: The Court found that the violation by segregated education was already established for the periods covered in the previous proceedings. It agreed with the lower court's judgment in that there was no additional evidence necessary and the reliance on common knowledge concerning the hardships caused by the violations was adequate to ground the claims for non-pecuniary damages. The Court found that the statute of limitation was not running during the previous litigation that established the violation. It rejected the claim of the defendants to award non-financial damages, in the form of educational obligations instead of direct payments.	It is common knowledge that ethnicity-based discrimination has negative effects, there is no need to establish specific psychological effects to ground non-pecuniary damages. While there were individual differences, the fact that plaintiffs suffered the consequences of the same inferior and segregated education as minors suffices to justify the joint consideration as part of the lawsuit. The non-pecuniary damage of 500,000 HUF per school year for segregated education is not excessive considering the relevant court practice.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3,
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Case ref.: 15.P.21.669/2016/35 Court: Budapest Environs Regional Court Date: 17.05.2019 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs (from the German National Minority Municipality) claimed that the defendants (Mayor of the Municipality, President of the Roma Municipality, President of another National Minority Municipality) violated their reputation and honor by falsely implying that they had unlawfully discriminated against Roma children in a German national minority kindergarten group. They argued that the defendants' statements, including that the first plaintiff had "held someone accountable" for the admission of Roma children, were defamatory and misrepresented the facts. The plaintiffs also contended that the defendants' letter (sent to various authorities and human rights organizations) falsely suggested that they had violated anti-discrimination laws and the Fundamental Law of Hungary. They sought a declaration of defamation, an order for the defendants to cease further violations, and	Procedural outcome: The Court dismissed the plaintiffs' claims. Outcome: The Court rejected the plaintiffs' claims ruling that the defendants did not make false statements or defame the plaintiffs. The Court found that the defendants' statements were expressions of opinion rather than factual allegations and therefore did not constitute defamation and the plaintiffs' honour was not violated, as the statements in question were not excessively offensive, degrading, or unjustified. The defendants had acted within the limits of free expression, and their statements were found to be legally permissible under the principles of good faith and fair use of rights.	The court held that statements of opinion, even if critical, do not constitute defamation unless they falsely assert facts or misrepresent reality. It reaffirmed that defamation requires a false factual claim, while opinions and criticism are protected speech, especially regarding public officials. The plaintiffs, as public figures, were subject to higher scrutiny and had to tolerate criticism about their actions. This case establishes that public officials cannot claim defamation for critical opinions, especially in matters of public interest, unless false facts are alleged.	Budapest Court of Appeal, Hungary, judgment No. Pf.20.930/2019/7, 01.23.2020 (original decision)
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Case ref.: 2.Pf.21.145/2018/6/I Court: Budapest Court of Appeal Date: 14.02.2019 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff alleged that the defendant violated the principle of equal treatment by maintaining the segregation of Roma students in multiple schools. Despite being aware of the issue, the defendant failed to take effective measures to eliminate segregation. The plaintiff sought court orders to prohibit new first-grade classes in segregated schools, redefine school district boundaries, and implement desegregation plans with expert involvement. Additionally, the plaintiff requested monitoring of desegregation efforts, amendments to official guidelines, perception-based data collection, and a public interest fine. The claim emphasized that segregation led to lower-quality education and hindered equal opportunities for Roma students. The plaintiff also sought additional financial penalties to ensure compliance with anti-discrimination laws.	Procedural outcome: The Court of Appeal found the plaintiff's claim partially well-founded. Outcome: The Court confirmed that the defendant violated the principle of equal treatment by maintaining school segregation of Roma students. However, it partially modified the first-instance judgment, annulling several enforcement measures, revoking the prohibition on opening new first-grade classes, the requirement to redefine school district boundaries, and the obligation to monitor and publish desegregation progress. It also annulled the directive to amend official guidelines and the mandatory allocation of the public interest fine to civil organisations. The Court argued that some orders exceeded the limits of civil law enforcement. It upheld the requirement for the defendant to implement desegregation action plans with professional support in affected schools and imposed a public interest fine without specific allocation.	The Court reaffirmed that maintaining school segregation of Roma students violates the principle of equal treatment, and education authorities have a positive duty to eliminate it. However, courts cannot override public law mechanisms, such as school districting or administrative governance and must ensure enforceability of orders. Desegregation must be addressed through localized action plans considering municipal conditions, logistics, and educational needs, not blanket bans on first-grade classes or district changes. The court ruled that identifying students as Roma based on external perception, rather than self-identification, violates self-determination rights under the Nationalities Act and international human rights law, making it legally problematic due to lack of consent. It held that official inspections should rely on objective segregation indicators (e.g., demographic patterns, school composition, educational outcomes) rather than perceived ethnicity, and therefore declared perception-based ethnic identification unenforceable.	Budapest-Capital Regional Court, Hungary, judgment No. P.23.675/2015/84, 18.04.2018 (jump to judgment)
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Case ref.: 13.P.20.601/2016/95 Court: Miskolc Regional Court Date: 12.12.2018 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs, alleged systemic discrimination and harassment against Roma residents of segregated areas in Miskolc by municipal authorities, the defendants, through coordinated inspections, discriminatory housing policies, and stigmatizing public communications based on ethnicity and socio-economic status from 2011 to 2015. They claimed these actions aimed to displace Roma residents, violated their rights under the Fundamental Law, Civil Code, and Equal Treatment Act, and fuelled prejudice. The plaintiffs sought a court declaration of the violations, an order of cessation and further prohibition of the unlawful actions, publication of the court's findings and a HUF 10 million public interest fine.	Procedural outcome: The Court partially upheld the plaintiffs' claims. Outcome: The Court found that the defendants discriminated against Roma residents in Miskolc through inspections, housing policies, and public communications targeting them based on ethnicity and socio-economic status, violating their fundamental rights to equal treatment, fair administrative procedures, private life, and informational self-determination. The harassment was also substantiated by defendant acknowledgment of the intimidating atmosphere and anti-Roma communication by the mayor. However, the Court found that the plaintiffs could not substantiate claims that the discriminatory inspections and harassment extended beyond early 2015. As such, claims for ongoing violations after that period were dismissed, and the Court did not apply the sanction of cessation, but prohibited the possible continuation of such unlawful practices. Arguing that the violations affected a large societal group, the Court ordered the defendants to publish the operative part of the judgment online for one year, notify the Hungarian News Agency within 15 days, and required the first defendant to pay a HUF 10,000,000 fine to a charity for social programs.	The Court held that harassment inherently arises from violations of fundamental rights rooted in the breach of the right to human dignity and equal treatment. Unlike direct discrimination, harassment involves a direct affront to human dignity, as demonstrated by coordinated inspections. The Court clarified that proving intent, prejudice, or discriminatory motivation is unnecessary; even ostensibly lawful practices can qualify as harassment if they disproportionately harm a protected group. Furthermore, the Court emphasized concerning the stigmatizing public communications, that the freedom of expression cannot justify conduct that infringes on equal treatment, particularly when exercised by public officials like a mayor. The Court also rejected the argument that harassment cannot apply to mixed or unidentified groups (e.g., socio-economically disadvantaged and/or Roma), affirming that judicial practice allows for broader interpretations of "affected person" under the Equal Treatment Act to include groups with protected characteristics. Regarding just satisfaction, publishing the Court's decision is justified by the broad social impact of the violations; the public interest fine is meant to make up for the	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.059/2019/4, 27.06.2019 (original decision)
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Case ref.: 12.P.20.489/2015/402 Court: Eger Regional Court Date: 16.10.2018 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	Sixty-three students claimed non-pecuniary damages for school segregation, a violation that was established under earlier litigation. The sum of the damages claimed reflected the length and gravity of violations, ranging from five thousand to four million HUF.	Procedural outcome: The Court awarded non-pecuniary damages to the students, ranging from 100,000 to 3,500,000 HUF. Outcome: The Court relied on the fact of segregation established in a previous court proceeding and awarded damages for the period covered therein. It refused to award damages for five additional years because it found that the defendants succeeded in challenging the claim that inferior education was provided to plaintiffs. The Court calculated the damages based on general principles, but individualized based on the concrete circumstances, most importantly the number of years spent in classes where inferior and segregated education was provided.	The Court found that the violation by segregated education and indirect discrimination was already established for the periods covered in the previous proceedings and that this in itself was evidence of a disadvantage for the purposes of compensation, no further individualized evidence was necessary, the resulting harms in the case of inferior and segregated education constitute common knowledge. The non-pecuniary damages are based on the number of years spent in a segregated environment where inferior education was provided. The students' performance, e.g. the number of missed classes or the fact of failing to pass a grade, are not part of the assessment of damages.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3,
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Case ref.: P.23.675/2015/84 Court: Budapest-Capital Regional Court Date: 18.04.2018 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff organisation initiated actio popularis proceedings alleging the violation of equal treatment by maintaining school segregation in twenty-eight schools. It asked the court to order desegregation by through various measures (ban on accepting new students, redistricting, amending regulations, public interest fines).	Procedural outcome: The Court found that the defendant violated its equal treatment obligations regarding the operation of twenty-eight schools. Outcome: The Court found that the defendant is responsible, through omissions in its obligations in supervision and regulation, for school segregation in the twenty-eight institutions. The complexity of the violation warrants the diverse remedial measures proposed by the plaintiff, including the public interest fine that can be justified by the awareness of the defendant of the violations and the longstanding violations.	The violation of equal treatment can consist in the failure to fulfil this obligation in the supervision and regulation of education. Free choice of institution and minority-specific education cannot justify segregation. Ordering specific measures to end violations do not take away the autonomous powers of the executive but define targeted measures that are likely to remedy the situation. In an actio popularis case, damages cannot be ordered but public interest fines can be awarded depending on the defendant's liability.	Budapest Court of Appeal, Hungary, judgment No. 2.Pf.21.145/2018/6/I, 14.02.2019 (jump to judgment)
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Case ref.: 9C/98/2012
Court: Martin District
Court
Date: 15.01.2018
Original decision
Judgment in English

Country: Slovakia
Minority:
Hungarians
Topic: Property

The plaintiffs sought, by an application, a declaration of ownership. They founded their action on the ground that they are the legal heirs of the original owner of the confiscated immovable property.

Procedural outcome: The action was dismissed.
Outcome: The Court stated that the plaintiffs failed to prove the retention and ownership by their predecessors who were Hungarians and lost their property pursuant to Article 1(1) of Slovak National Council Regulation No 104/1945 Coll. on the confiscation and accelerated distribution of the land property of Germans, Hungarians, as well as traitors and enemies of the Slovak nation. The nature of confiscation means that the legal effects took effect upon the entry into force of the regulation. The Court added that a contrary conclusion would make it possible to claim defects in administrative proceedings after an unreasonably long period.

The defendant proved that the confiscation of the disputed properties took place pursuant to the Slovak National Council Regulation. The Court elaborated that confiscation triggers the absolute extinction of the ownership of the previous owner at the moment of its legal binding force. The claims of the defendants for inheritance and ownership were insufficient to challenge this, also considering the passage of time.

District Court Martin, Slovakia, judgment No. 9C/98/2012-501, 14.12.2015 (not available in the official database);
Regional Court Žilina, Slovakia, 10Co/158/2016-577, 29.11.2016 (not available in the official database)

<p>Case ref.: Pfv.IV.20.085/2017/9 Court: Curia (supreme court) Date: 04.10.2017 Original decision Judgment in English</p>	<p>Country: Hungary Minority: Roma Topic: Education</p>	<p>The plaintiff claimed that the defendants unlawfully segregated Roma students by designating school district boundaries that disproportionately assigned Roma children to a branch school, resulting in educational disadvantages. The plaintiff sought a court ruling to establish the violation of equal treatment laws and to prohibit the launch of new first-grade classes at the school. Additionally, the plaintiff requested the implementation of a desegregation plan, including adjusting school district boundaries, informing parents, ensuring teacher training, organizing school transportation, and assessing student progress. If necessary, the plaintiff sought the closure of the segregated school and the integration of its students into other institutions, along with the creation and execution of a long-term desegregation plan to ensure compliance with equal treatment laws.</p>	<p>Procedural outcome: The Court found the plaintiff's claim well-founded. Outcome: The Curia confirmed that the defendants violated the principle of equal treatment by maintaining unlawful segregation of Roma students. It ordered the cessation of new first-grade enrolments at the segregated school and required the implementation of desegregation measures. The Curia rejected the defendants' claims that the judgment was unenforceable or that they did not know of the segregation because they did not keep records of the ethnicity of the children. The Court found that Hungary's international legal obligations to combat discrimination justified prioritizing desegregation over free school choice of the parents.</p>	<p>Unlawful segregation violates the principle of equal treatment, even if it results from spontaneous factors like parental school choice or residential patterns. Authorities have an active duty to eliminate de facto segregation and ensure equal access to education. The right to free school choice is not absolute and may be restricted to prevent discrimination and protect other fundamental rights. Courts must conduct interest-balancing analyses using the necessity-proportionality test when fundamental rights conflict. Parents retained school choice among multiple remaining schools, and the state can merge or close schools if necessary. Failure to take proactive desegregation measures constitutes an omission-based infringement. Courts may order specific corrective actions, including school closures, district adjustments, and desegregation plans. Hungary's international obligations against discrimination take precedence, requiring continuous oversight, long-term monitoring, and structured enforcement to sustain desegregation.</p>	<p>Kaposvár Regional Court, Hungary, judgment No. 11.P.21.553/2013/70 11.11.2015 (jump to judgment); Pécs Court of Appeal, Hungary, judgment No. Pf.III.20.004/2016/4, 13.10.2016 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/35, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/7, 07.10.2014 (jump to judgment)</p>
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Case ref.: Pf.III.20.004/2016/4 Court: Pécs Court of Appeal Date: 13.10.2016 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sought a ruling that the first defendant unlawfully segregated Roma students by defining the school district boundaries to concentrate Roma children in the disputed branch school; that the second and third defendants maintained segregation by failing to take corrective measures; and that the fourth defendant neglected its duty to close the school or instruct the relevant authorities to act. The plaintiff requested the prohibition of new first-grade admissions, the implementation of a desegregation plan, including student placement, teacher training, and transportation, and the continuous monitoring of integration. As a secondary claim, the plaintiff sought the school's closure and the students' integration into general schools, arguing that this was the only effective solution to eliminate segregation.	Procedural outcome: The Court of Appeal found the plaintiff's claim partially well-substantiated. Outcome: The appellate court found that the first, third, and fourth defendants violated the requirement of equal treatment by maintaining unlawful school segregation. It partially upheld the plaintiff's claim, prohibiting the second and fourth defendants from enrolling new first-grade students and ordering the first defendant to modify school district boundaries. The second and third defendants were required to develop a desegregation plan with an expert and make it public. The court did not mandate the school's closure or the full integration of students as asked by the plaintiff.	The appellate court reaffirmed that unlawful segregation in public education constitutes a violation of the requirement of equal treatment under even in the absence of intentional discrimination, the passive maintenance of segregation by public authorities is unlawful and violates fundamental rights. Public authorities and school maintainers have a proactive duty to eliminate segregation. It is insufficient for authorities to merely refrain from discriminatory actions; they must take concrete steps to integrate marginalized students, such as revising school district boundaries, implementing desegregation plans, and ensuring equal access to quality education. The ruling also confirmed that school closures or restructuring may be legally mandated to eliminate de facto segregation, provided that alternative schooling options are properly planned and implemented. The court reaffirmed that its role is limited to legal determinations, and that specific measures required for integration should be determined by public education authorities and local governments, as they are best suited to assess local conditions. The right of parents to freely choose schools for their children does not justify maintaining a segregated system,	Kaposvár Regional Court, Hungary, judgment No. 11.P.21.553/2013/70 11.11.2015 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.20.085/2017/9, 04.10.2017 (jump to judgment)
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Case ref.: Pfv.IV.20.702/2015/11 Court: Curia (supreme court) Date: 06.04.2016 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sought a declaration that the defendants, by the implementation of a program meant to help disadvantaged youth starting independent life, violated their rights to equal treatment, human dignity, rest, physical integrity, health, and social security by providing them with alternative housing in a location where social integration is virtually impossible, which amounted to segregation. The plaintiff claimed non-pecuniary and pecuniary damages for lost housing support, unpaid wages, and aftercare services.	Procedural outcome: The Curia upheld the Court of Appeal's judgment. Outcome: The Curia upheld the Court of Appeal's judgment and rejected discrimination claims, stating the harm resulted from poor programme implementation, not the claimant's protected status with a childhood in state care. As no violation of personality rights or health was established, the request for the additional non-pecuniary damages was denied, only leaving in place the pecuniary damages in the amount of the housing support grant.	The Court held that a claim for non-pecuniary damages requires a proven violation of personality rights; programme failure or unfavourable conditions alone do not suffice. Social rights, such as social security and rest, are state obligations, not enforceable personality rights, meaning defendants cannot be held liable for failing to uphold them. Moreover, for liability to be established, there must be a direct causal link between the defendants' actions and the claimant's harm (in this case, their health); external factors do not automatically establish causation. Discrimination claims require proof that harm resulted specifically from a protected characteristic, not a general cause like poor programme execution.	Pécs Regional Court, Hungary, judgment No. P.20.988/2010/112, 30.01.2014 (jump to judgment); Pécs Court of Appeal, Hungary, judgment No. Pf.III.20.089/2014/13, 12.02. 2015 (jump to judgment)
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Case ref.: 12.P.20.166/2014/92 Court: Regional Court of Eger Date: 10.03.2016 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs, representing Roma students, alleged that the defendants engaged in discriminatory educational practices, leading to unjustified placements in special education. They claimed these students were disproportionately labelled as having special needs due to culturally biased diagnostic tools and procedures, with insufficient oversight. The plaintiffs sought recognition of rights violations, an order to cease discriminatory practices, remedies to rectify the situation, and a court order to conduct surveys and trainings.	Procedural outcome: The Court concluded that the defendants failed to meet the evidentiary burden, resulting in a ruling in favor of the plaintiffs. Outcome: The Court partially upheld the plaintiffs' claims, finding that while the defendants had not directly discriminated against Roma children in the county in question, they had engaged in indirect discrimination through biased diagnostic tools, misaligned education, and disproportionately high placement in special schools or remedial classes. The court ruled this violated the principle of equal treatment, compounded by the defendants' failure to fulfill oversight duties. The Court ordered the defendants to cease the violations. It dismissed claims for additional remedies (surveys and trainings), deeming them public law issues beyond civil law.	The Court held that discrimination could occur without intent and qualify as indirect discrimination. In this case, seemingly neutral but culturally biased regulations and diagnostic methods disproportionately disadvantaged Roma students compared to comparable groups, warranting a finding of indirect discrimination. The Court also emphasized the state's positive obligation under national and international law to ensure equal treatment and provide appropriate educational opportunities for Roma students.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.214/2020/10, 24.09.2020 (jump to judgment)
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Case ref.: 11S/67/2015 Court: Regional Court Nitra Date: 09.12.2015 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Language use	The plaintiff claimed that the decision of the defendant authority to stop the erection of a Hungarian monument in the heritage zone of Komárno was unlawful on the grounds of breaching the principle of legal certainty as it was not possible to approve an already implemented plan. The Court was requested to annul the decision and refer the case back to the defendant for further proceedings.	Procedural outcome: The Court dismissed the plaintiffs' action and upheld the decision of the Monument Office. Outcome: The Court stated that the plaintiff misinterpreted the application of the Law on Monuments to his case and acted in bad faith in the original application, not mentioning the intent to write a Hungarian poem on the memorial column. Upon learning about the poem and the possible intent (referring to the date of the Treaty of Trianon), the competent administrative authority was justified in asking the plaintiff to submit further information and to obtain the binding opinion of the Ministry of Culture pursuant to the State Language Act (270/1995) and the failure to do justified the authority to discontinue the proceedings.	The Court held that the plaintiffs' objections were unfounded as the defendant's administrative authority properly justified its decision, including the request for a ministerial opinion under the State Language Act, considering the Hungarian text of the monument, and the failure to do so justified the decision to discontinue the proceedings.	Regional Court Nitra, Slovakia, judgment No. 11S/81/2012-46, 12. 04. 2010 (not available in the official database)
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Case ref.: 11.P.21.553/2013/70 Court: Kaposvár Regional Court Date: 11.11.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff claims that the defendants unlawfully segregated Roma students by drawing discriminatory school district boundaries and failing to eliminate the ongoing segregation. They argue that the second, third, and fourth defendants failed in their legal duty to integrate Roma students and instead maintained the segregated system. The plaintiff requests that the Court order the cessation of segregation, prohibit new first-grade enrollments, and implement a structured desegregation plan. This includes redrawing school district boundaries, ensuring transportation, training teachers, and monitoring student progress. Alternatively, the plaintiff seeks the complete closure of the school and integration of its students into other schools. Additionally, the plaintiff demands interim measures to prevent further segregation.	Procedural outcome: The Court found the plaintiff's claim partially well-founded. Outcome: The Court partially upheld the plaintiff's claim, recognizing that Roma students were unlawfully segregated and ordering the first, second, and fourth defendants to cease the violation. The Court rejected the plaintiff's demand for specific desegregation measures and school closure, ruling that such actions were unenforceable through judicial orders. The Court also denied interim measures, stating that the segregation had persisted for years without an immediate threat justifying urgent intervention. While acknowledging the violation, the Court emphasized that integration should be handled through administrative and political processes rather than judicial enforcement.	The Court held that assigning Roma students to specific school districts, resulting in ethnic segregation, violates equal treatment laws. Authorities have a legal duty to eliminate segregation, as merely tolerating it constitutes an omission-based violation. However, judicial enforcement has limits; courts cannot mandate structural changes like school closures or student reassignment, as these require administrative action. The burden of proof shifts to the defendants once segregation is established. Interim measures require immediate risk, not just longstanding segregation. Forced integration without proper support can lead to re-segregation, and parental school choice cannot justify systemic ethnic separation. This ruling establishes that while courts can recognize and order the cessation of segregation, systemic desegregation must be addressed by policymakers and education authorities.	Pécs Court of Appeal, Hungary, judgment No. Pf.20.004/2016/4, 13.10.2016 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.20.085/2017/9, 04.10.2017 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.21.568/2010/5, 24.11.2010 (jump to judgment); Somogy County Court, Hungary, judgment No. 24.P.21.443/2008/35, 30.11.2009 (original decision); Pécs Court of Appeal, judgment No. Pf.I.20.061/2010/7, 20.05.2010 (jump to judgment)
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Case ref.: 4MCdo/12/2014 Court: Supreme Court Date: 29.09.2015 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff before the Supreme Court, the state asked the Court to reject the claim of the original plaintiff (defendant before the Supreme Court) who sought a declaration that she is a co-owner in the real estate in dispute on the basis of the certificate of inheritance from their legal predecessors who were Hungarians, against Regulation No. 104/1945 Coll. on the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians, as well as traitors and enemies of the Slovak nation.	Procedural outcome: The Supreme Court of the Slovak Republic set aside the judgment of the Regional Court and the judgment of the District Court, at the intervention of the Prosecutor General of the Slovak Republic in the form of an extraordinary appeal, and returned the case to the District Court for further proceedings. Outcome: The Supreme Court concluded that the decisions of the lower courts were based on an incorrect legal assessment of the case, arguing that the effectiveness of the ex lege confiscation by virtue of Regulation No. 104/1945 Coll. on the confiscation and expeditious distribution of the agricultural property of Germans, Hungarians, as well as traitors and enemies of the Slovak nation should not be questioned on the basis of errors in subsequent proceedings. A contrary conclusion would undermine legal certainty after decades of the original transfer of property.	The Court held that the confiscation was valid and errors in the current land register don't reflect the true ownership status of the land. The confiscation remains valid even if the confiscation order was not validly and effectively served on the defendants' predecessors.	District Court Bardejov, Slovakia, judgment No. 6 C 176/2009, 9.11.2011 (not available in the official database); Regional Court Prešov, Slovakia, judgment No. 19 Co 43/2012, 30.04.2013 (not available in the official database)
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Case ref.: 12.P.20.065/2013/128 Court: Eger Regional Court Date: 17.09.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Police	The plaintiff asked the Court to find that the defendants, responsible for police actions in the locality, failed to act to protect local Roma residents against the establishment of a threatening environment by the marches organized by an association that was dissolved, in a separate lawsuit, for infringing on others' rights, and that this constituted harassment. The plaintiff also asked the Court to find that the practice of the police to fine only Roma residents for pedestrian offences constituted direct discrimination. As a remedy, the plaintiff asked the Court to order that the defendant commit not to engage in similar unlawful practices in the future, to develop a policing strategy to deal with similar anti-Roma events, to hold sensitivity trainings for officers, and to publish the court's decision on	Procedural outcome: The Court found that the violations took place, that the defendant was responsible and that it must publish the operative part of the judgment on its website and through the National News Agency. Outcome: The Court found that the defendant's failure to act against the demonstrations that took place in the municipality and that infringed on the rights of Roma residents, and this constituted harassment. The Court declared that the defendant's subsequent practice of imposing fines exclusively only on Roma residents constituted direct discrimination. The Court found it unnecessary to order a specific ban on future violations or the adoption of a targeted strategy and training but ordered the publication of the decision.	The police's failure to intervene in the case of demonstrations that infringed upon the equal dignity of Roma residents created a hostile environment and amounted to harassment. The practice of imposing fines exclusively on Roma residents for pedestrian offences, even if lawful if seen in isolation, violated the obligation of the police to treat everyone equally and amounted to direct discrimination.	Curia (supreme court), Hungary, judgment No. Pfv.21.274/2016/4, 08.02.2017 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.006/2016/5, 13.04.2016 (original decision)
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Case ref.: Kfv.II.37.414/2015/8 Court: Curia (supreme court) Date: 02.09.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff challenged an administrative decision of the administrative authority (elementary school) and the final judgment of the court of first instance (Budapest Environs Administrative Labor Court) both of which dismissed the plaintiff's request to transfer their child to a specific elementary school outside the designated school district. The plaintiff sought judicial review of the decisions, arguing that the denial violated their child's right to free school choice and argued that the administrative authority and the court of first instance failed to consider family circumstances, potential discrimination, segregation.	Procedural outcome: The Curia upheld the lower court's final judgment. The plaintiff's claims of procedural and substantive violations were dismissed as unsubstantiated. Outcome: The Curia found that the administrative decision and the final judgment were adequately reasoned, and consistent with the relevant legal framework, the underlying school decision sufficiently considered the relevant factors, including not simply the location of the school but the child's daily commute. The plaintiff's claims of procedural and substantive violations were dismissed as unsubstantiated.	The Curia affirmed the right to free school choice while stating that the Hungarian law does not create an unlimited entitlement to enroll in any school. Admission to a non-district school is subject to the discretionary authority of the principal, who must balance individual choice with maintaining educational quality for district students. Moreover, the Curia found that the lower court adequately addressed the plaintiff's claims of segregation and discrimination, noting that the plaintiff's child attending a school with a majority Roma student population did not constitute segregation. The Curia argued, specifically, that the fact that the plaintiff's child, alongside other children of Roma origin, belonged to the same school district due to their place of residence, resulting in the school having a majority Roma student body, does not meet the definition of segregation.	Budapest Environs Administrative and Labour Court, Hungary, judgment No. K.28.487/2014/8, No Date (original decision)
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Case ref.: Pfv.IV.20.097/2015/3 Court: Curia (supreme court) Date: 25.03.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff alleged that Roma students were unlawfully segregated at the second defendant's school, maintained by the first defendant. The original claim focused on class allocation practices, inferior education, and violations of equal treatment, including through class assignments, spatial separation, and exclusion from ceremonies and meals. The plaintiff also claimed inferior education quality, and indirect discrimination in after-school care policies. The plaintiff sought an order to cease the segregation and implement a desegregation plan.	Procedural outcome: The Curia upheld the lower judgment, confirming the violation and partly granting the remedies sought by plaintiff. Outcome: The Curia found that the plaintiff failed to prove intentional segregation in class allocation, either before or after 2007. The Court accepted that spontaneous segregation occurred but ruled that the failure to integrate was a passive violation. It confirmed the lower courts' assessment that Roma students got inferior education, amounting to a violation, but determined that differentiation in education quality was not proven to be ethnic discrimination. The requirement for swimming equipment and employment conditions for after-school care were deemed neutral criteria, not based on ethnic discrimination. Space limitations in meal arrangements were considered a reasonable practice, not segregation. The Court held that beyond the requirement to desegregate, education policy changes fell under professional administration.	The Court establishes that unlawful segregation in education can occur through passive maintenance. Education quality, meal arrangements, or extracurricular exclusions must be clearly linked to ethnic discrimination, not neutral policies or socioeconomic factors. Detailed requirements for desegregation, beyond an obligation to end segregation, fall under professional administration, not civil litigation.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20,
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<p>Case ref.: Pfv.IV.20.241/2015/4 Court: Curia (supreme court) Date: 22.04.2015 Original decision Judgment in English</p>	<p>Country: Hungary Minority: Roma Topic: Education</p>	<p>The plaintiff alleged unlawful segregation of Roma children in education, seeking a declaration of nullity for the cooperation agreement and support contract between the municipality and the diocese. The plaintiff claimed the municipality, the first defendant, segregated Roma children by granting free use of a school building, discontinuing school bus services, and providing financial support to the second defendant. The second, third, and fourth defendants were accused of operating segregated schools and classes violating the Equal Treatment Act and fundamental rights related to education and non-discrimination. The plaintiff sought cessation of segregation, restoration of the prior legal situation, termination of the free use of the school building, and integration of Roma children into majority classes.</p>	<p>Procedural outcome: The first instance judgment was altered, and the plaintiff's action was dismissed. Outcome: The Court dismissed the plaintiff's claim in full, ruling that the defendants did not engage in unlawful segregation. It found that the church-run school was established voluntarily based on parents' free school choice and religious convictions, which is permitted under the Equal Treatment Act. The withdrawal of the school bus service and financial support to the church-run school do not substantiate the finding of segregation. The first defendant (the municipality) had no control over the church-run school, and the second to fourth defendants met their burden of proof by demonstrating that segregation was neither intended nor enforced.</p>	<p>The court held that parental free school choice can preclude a finding of unlawful segregation under the Equal Treatment Act, even if a school primarily serves Roma students. A denominational school established for religious and pastoral reasons does not violate anti-segregation laws, provided enrolment is voluntary. The withdrawal of a school bus service, even if it leads to higher enrolment in a nearby minority-majority school, does not constitute segregation unless it is a deliberate act of discrimination. Plaintiffs must prove the likelihood of segregation, but defendants can rebut this by demonstrating compliance with equal treatment laws. Courts must apply strict legal standards, not sociological factors or assumptions about ethnicity. Church-run schools operate under different legal rules than public schools, and state non-discrimination regulations cannot override religious autonomy unless explicitly mandated. The case sets a precedent that voluntary separation based on religious choice does not amount to unlawful segregation.</p>	<p>Nyíregyháza Regional Court, Hungary judgment No. 10.G.40.099/2013/22, 28.02.2014 (jump to judgment); Court of Appeal of Debrecen, Hungary, judgment No. Gf.I.30.347/2014/10, 06.11.2014 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.037/2011/7, 29.06.2011 (original decision)</p>
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Case ref.: 22.P.20.062/2015/2 Court: Budapest-Capital Regional Court Date: 17.02.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff filed a claim against the defendants (editorial offices of a newspaper and an online news portal) requesting a press correction under the Press Act. The plaintiff argued that the defendants' article falsely claimed that the plaintiff legalized racial segregation in Hungary and decides alongside ministers when racial segregation could be applied. Specific statements were highlighted as being defamatory and as misrepresenting the legislative amendment's purpose.	Procedural outcome: The court dismissed the plaintiff's claim. Outcome: The court ruled that the statements in the article constituted value judgments and expressions of opinion rather than factual assertions. The court found no falsification of facts or defamation as alleged by the plaintiff.	The court held that freedom of expression, as protected by the Constitution and Constitutional Court decisions encompasses both factual assertions and value judgments. Even if a statement appears factually phrased, it can still qualify as an opinion depending on its context and purpose. Value judgments, even if harsh or mistaken, fall under the protection of freedom of expression unless they involve deliberate falsification of facts or negligence in verifying facts, which was not proven here. In this case, the article was categorized as opinion/commentary and clearly expressed the author's critical perspective on the plaintiff's role and legislative process on a topic of public interest.	Curia (supreme court), Hungary, judgment No. Pfv.20.216/2016/3, 17.02.2015 (original decision)
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Case ref.: Pf.III.20.089/2014/13 Court: Pécs Court of Appeal Date: 12.02.2015 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Housing	The plaintiff claimed violations of equal treatment, human dignity, rest, and social security due to the failure of a housing and integration program aimed at young people leaving state care. They argued that the first defendant purchased an unsuitable, segregated property despite better alternatives, while the second defendant failed to provide adequate aftercare. The third defendant selected a non-compliant site, and the fourth defendant actively managed the flawed program. The plaintiff requested non-pecuniary damages plus interest for misused housing support, for construction work, and for lost housing support eligibility. They claimed that poor site selection, inadequate maintenance, and lack of	Procedural outcome: The appellate court partially upheld the plaintiff's claims but amended the lower judgment and accepted some of the defendants' claims. Outcome: The Court partially modified the first-instance judgment and omitted findings of personality rights violations (non-discrimination, equal treatment, and social security). The fourth defendant was fully dismissed, as it only executed the programme under the third defendant's instructions. The first and second defendants were found negligent in contract execution, leading to the plaintiff's loss of housing support, but were not liable for discrimination.	The Court established that the failure of a social integration programme does not constitute discrimination if it was intended to promote social inclusion but was poorly implemented. Negative outcomes due to inadequate execution or site selection do not automatically violate equal treatment standards. Liability may arise from negligence in contract execution, causing financial harm to participants, even if no personality rights violations occur. This Court emphasized the distinction between administrative negligence and discrimination.	Pécs Regional Court, Hungary, judgment No. P.20.988/2010/112, 12.02.2015 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.702/2015/11, 06.04.2016 (jump to judgment)
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Case ref.: Gf.I.30.347/2014/10 Court: Court of Appeal of Debrecen Date: 06.11.2014 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff filed a lawsuit against the first defendant, seeking to establish a violation of the principles of equal treatment and to order a desegregation plan, as well as to determine the abuse of rights and the nullity of a contract based on clear violation of public morals.	Procedural outcome: The court of appeal upheld the judgement of the court of first instance, clarifying that the second to fourth defendants were prohibited from carrying out further infringements, omitting the terms "such and similar" infringements. Outcome: The Court found that the actions of the defendants constituted unlawful segregation and therefore violated the principles of Equal Treatment Act, upholding the first instance decision.	The court of appeal found that the defendant had unlawfully segregated Roma children by providing a school building free of charge, terminating a bus school service and the creation of segregated classes. The Court stated that segregation violated the act as it was not based on voluntary parental choice but more lack of proper alternatives. The judgment relied on the precedent set by the Supreme Court's 2008 decision that says that the concept of unlawful segregation implies that it is devoid of the will of the person or group concerned to segregate, i.e. the fact of unlawful segregation necessarily affects the persons concerned adversely.	Curia (supreme court), Hungary, judgment No. Pfv.IV.20.241/2015/4, 22.04.2015 (jump to judgment); Nyíregyháza Regional Court, Hungary judgment No. 10.G.40.099/2013/22, 28.02.2014 (jump to judgment); Court of Szabolcs Szatmár-Bereg County, Hungary, judgment No. P.22.020/2006 (not available in the official database)
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Case ref.: 2.Pf.20.305/2013/20 Court: Budapest Court of Appeal Date: 07.10.2014 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sued the defendants for unlawfully segregating Roma students through class assignments, resulting in a lower quality of education. It further claimed that segregation and discrimination had occurred also regarding school meals, swimming lessons, and after-school care (accessible only if the parents are employed).	Procedural outcome: The Court of Appeal upheld the first instance ruling without modification, finding a violation and ordering an end to segregation. Outcome: The Court confirmed that unlawful segregation had occurred and that the defendants were obligated to cease and remedy the violation. It rejected the plaintiff's additional claims regarding school meals, swimming lessons, and after-school care, citing insufficient evidence of discrimination. The third defendant, as the legal successor of the first and second defendants, was held responsible for implementing the court's decision.	The Court reaffirmed that maintaining or failing to remedy school segregation constitutes unlawful discrimination, even if it arises spontaneously. Under the Equal Treatment Act, segregation based on ethnicity, whether intentional or systemic, violates the principle of equal treatment. Educational institutions and their maintaining bodies have an affirmative duty to prevent and eliminate segregation, and administrative convenience or educational policies cannot justify ethnic separation. The Court also clarified that school segregation arises in a public law context, meaning private law remedies are insufficient, and public law instruments must be used to redress violations. Additionally, the case highlighted that indirect discrimination claims require a clear causal link between the disadvantage and the protected characteristic. The ruling confirmed that after-school care regulations based on parental employment do not inherently constitute ethnic discrimination, as unemployment is a societal issue, not an ethnic one.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3, 25.03.2015 (jump to judgment); Curia (supreme court), Hungary, judgment
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Case ref.: Pf.II.20.898/2013/3 Court: Szeged Court of Appeal Date: 13.05.2014 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs, the Foundation for Disadvantaged Children and the Jászszág Roma Civil Rights Association, filed a public interest lawsuit alleging that the defendants unlawfully segregated and discriminated against Roma students in primary schools. They claimed the lease agreement between the defendants enabled segregation, violating the principle of equal treatment. They sought a declaration of illegality, cessation of segregation, restoration of conditions, and non-pecuniary compensation. However, since the foundation school ceased operations they modified their claims and only requested the nullification of the lease agreement, arguing it was procedurally defective (lacking consent from the Roma Minority Self-Government) and substantively unlawful (violating personal rights). They contended that the contract reinforced educational inequality, leading to inferior conditions for Roma students.	Procedural outcome: The Court of Appeal found the claim unfounded. Outcome: The Courts dismissed the plaintiffs' claim, ruling that they lacked standing to challenge the lease agreement, which had already expired. The Court confirmed the segregation violation; however, it found that ex officio invalidation of the contract would not serve a legal purpose.	The court held that only contracting parties, prosecutors, or authorized entities can seek contract invalidation. Courts cannot annul contracts ex officio. Expired contracts lack justiciable controversy, making invalidation legally irrelevant unless ongoing effects exist. Discrimination claims should be pursued under anti-discrimination laws, not contract challenges. Public interest litigation must use proper legal channels, and procedural objections require clear proof of harm. Repeated claim modifications contribute to delays and weaken procedural arguments. The ruling reinforces that legal standing, appropriate remedies, and procedural constraints are crucial in litigation, ensuring courts do not extend beyond their jurisdiction or entertain moot claims.	Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.095/2010/6, 12.10.2010 (jump to judgment); Szolnok Regional Court, Hungary, judgment No. P.20.904/2013/5 (original decision);
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Case ref.: 10.G.40.099/22 Court: Nyíregyháza Regional Court Date: 28.02.2014 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff filed a lawsuit against the first defendant, seeking to establish a violation of the principles of equal treatment and to order a desegregation plan, as well as to determine the abuse of rights and the nullity of a contract based on clear violation of public morals.	Procedural outcome: The Court found unlawful segregation on the defendant's account but refused to grant the remedy requested by the plaintiff. Outcome: The Court found unlawful segregation based on ethnicity and held defendants responsible for this as they terminated the school bus and provided a segregated building for exclusive use by Roma children. The Court found, however, that the contract which let the church use the building for free was not invalid. The Court refused to grant the remedy of busing and school merger asked by the plaintiff.	The Court held that the defendants' actions caused unlawful segregation based on ethnicity which violated the principles of equal treatment based on ethnicity. The Court ordered the termination of these practices and declared their illegality under the Equal Treatment Act. The Court refused to grant the remedy of busing and school merger as a substantive injunction would not be enforceable in court and would anyway violate the parents' right to free choice of school.	Court of Szabolcs Szatmár Bereg County, Hungary, judgment No. P.22.020/2006 (not available in the official database); Court of Appeal of Debrecen, Hungary, judgment No. Gf.I.30.347/2014/10, 06.11.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.241/2015, 22.04.2015 (jump to judgment)
Case ref.: P.20.988/2010/11 Court: Pécs Regional Court Date: 30.01.2014 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Housing	The plaintiff claimed that defendants violated his right to equal treatment, to social security and other rights by implementing an integration program that provided him with segregated and low-quality housing.	Procedural outcome: The Court found that the defendants violated the prohibition of discrimination and the plaintiff's right to social security. Outcome: The implementation of the integration program showed deficiencies that altogether proved that plaintiff suffered discrimination and contributed to segregation in contrast with the programs stated integration goals. The Court awarded pecuniary and non-pecuniary damages for the material and non-material consequences of the violations.	State institutions can be held responsible for their omissions in the implementation of programs, including an integration project that in fact contributed to the further social integration of the plaintiff.	Curia (supreme court), Hungary, judgment No. Pfv.20.702/2015/11, 06.04.2016 (jump to judgment); Pécs Court of Appeal, Hungary, judgment No. Pf.20.089/2014/13, 12.02.2015 (jump to judgment)

Case ref.: 19Co/43/2012 Court: Regional Court Prešov Date: 30.04.2013 Original decision Judgment in English	Country: Slovakia Minority: Hungarians Topic: Property	The plaintiff, the Slovak Republic, claimed that shares in the disputed immovable property do not belong to the inheritance of the defendants' predecessors because at the time of their death the Slovak Republic was a co-owner of the shares under the confiscation decree by appealing against the decision of the judgement of the Court of First Instance. In its further pleadings, the plaintiff argued that the State had become the owner of the confiscated property and could not therefore allocate the properties to other persons, since it was the owner of them.	Procedural outcome: The judgment of the Court of First Instance was upheld dismissing the claim of the plaintiff. Outcome: The defendants claim of ownership of the disputed properties was upheld rejecting the plaintiffs claim of ownership based on confiscation because, while SNR Regulation No 104/1946 Coll. transferred the property to the state, for this to be effective, a final and enforceable decision on the basis of the regulation, which was missing in this case, and plaintiff did not provide evidence to the contrary. A different conclusion would violate the principle of legal certainty as ownership indicated in the land registry. As a result, the court did not examine the claim of the defendant that Regulation No 104/45 Coll. would be incompatible with EU law.	The conditions for effective confiscation were not fulfilled, specifically the proof of a valid, final and enforceable decision on the basis of which the confiscation and the transfer of ownership of the persons concerned to the State was to take place and therefore the defendants were able to retain ownership.	District Court Bardejov, Slovakia, judgment No. 6 C 176/2009, 9.11.2011 (not available in the official database); Supreme Court, Slovakia, judgment No. 4MCdo/12/2014, 29.09.2015 (jump to judgment)
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<p>Case ref.: 12.P.20.351/2011/47 Court: Eger Regional Court Date: 06.12.2012 Original decision Judgment in English</p>	<p>Country: Hungary Minority: Roma Topic: Education</p>	<p>The plaintiff claimed that the defendants (educational institution and its maintainer) unlawfully segregated Roma children through discriminatory class placement, physical separation, unequal treatment during school events and meals. Roma students allegedly received lower-quality education, including curriculum and swimming disparities, and class mergers violated regulations, directly harming special needs students and indirectly Roma children. The plaintiff also alleged indirect discrimination in the after-school program, which admitted only children with both parents employed. The plaintiff sought to compel the defendants to cease these practices and implement a desegregation plan.</p>	<p>Procedural outcome: The Court partially upheld, in large part, the plaintiff's claims. Outcome: The Court ruled that the defendants engaged in and maintained unlawful segregation of Roma students and found that these students were provided with a lower quality education. It found that segregation occurred through class placement and physical separation, violating the principle of equal treatment. However, claims concerning school events, meals, special needs education, after-school program admissions, and swimming instruction were dismissed. The Court ordered the cessation of segregation and required the defendants to implement class placement methods that prevent segregation.</p>	<p>The Court held that educational institutions, like those maintained by Defendants I and II, are prohibited from recording students' ethnic backgrounds, including perceived Roma ethnicity, as this constitutes direct discrimination. The court found that Roma students were unlawfully segregated at Defendant II's school based on perceived ethnicity, violating the Equal Treatment Act. It also held that segregation can occur passively, without intent, obligating the defendants to address even inadvertent or random segregation. Failing to act violated the principle of equal treatment, as unlawful segregation arises from both actions and omissions. The continued maintenance of segregation is unlawful regardless of responsibility for its creation.</p>	<p>Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3,</p>
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Case ref.: Pfv.IV.20.068/2012/3 Court: Curia (supreme court) Date: 16.05.2012 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff filed a public interest action against the Municipality of Győr, alleging unlawful segregation of Roma and disadvantaged children at a Primary School violating the Equal Treatment Act, alleging discrimination on the grounds of both ethnicity and financial status. The claim sought a declaration of discrimination, an order to cease segregation, and a ban on forming majority-Roma classes.	Procedural outcome: The Court found the plaintiff's petition for judicial review partially well-founded. Outcome: The Curia only addressed the appealed elements of the lower judgment and found that plaintiff had standing to sue also on behalf of children with multiple disadvantages, arguing that financial status is a protected characteristic under the Equal Treatment Act. The Curia confirmed the defendant's liability for unlawful segregation of Roma and children with multiple disadvantages. However, it upheld the dismissal of the claim seeking to eliminate the unlawful situation, reasoning that prohibiting segregated classes could jeopardise the school's operation and that reorganising student placements is a public law matter, beyond civil litigation.	The Curia established that financial status and social origin are protected characteristics under the Equal Treatment Act (as 'social origin' and 'financial status'), allowing public interest lawsuits for discrimination based on economic disadvantage. It reaffirmed that municipalities and school operators can be held liable for unlawful segregation if they maintain conditions leading to separation, even if segregation results from historical factors or parental choice. However, the Curia ruled that civil courts cannot mandate student redistribution ('scattering' of children to other schools in the city), and the remedies cannot lead to school closures. The judgment acknowledges that the plaintiff's 'claim specifying the method for eliminating the harmful situation is concrete, clear, and possibly even formally enforceable', but argues that it risks undermining parental choice or could even render the school's operation impossible. The method for eliminating the harmful situation sought in the claim does not eliminate the state of unlawful segregation that has already materialised and continues to exist within the educational relationships. While courts can declare segregation unlawful, broader structural reforms must be addressed through	Győr-Moson-Sopron County Court, Hungary, judgment No. 3.P.20.950/2008/36, 30.09.2010 (jump to judgment); Győr Court of Appeal, Hungary, judgment No. Pf.V.20.416/2010/3, 04.10.2011 (jump to judgment)
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Case ref.: Pf.V.20.416/2010/3 Court: Győr Court of Appeal Date: 04.10.2011 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff brought an actio popularis lawsuit and sought a declaration that Roma children and children with cumulative disadvantages (e.g., socio-economic status of the child's family) attending the defendant's school had been unlawfully segregated from other children. The plaintiff requested that the court order the defendant to cease the unlawful practice and to eliminate segregation by prohibiting the establishment of classes where Roma students and students with cumulative disadvantages are the majority.	Procedural outcome: The Court of Appeal partially modified the first-instance judgment but maintained the finding of violation. Outcome: The Győr Court of Appeal partially modified the first-instance judgment but upheld the finding that Roma students were unlawfully segregated violating the principle of equal treatment and ordered the defendant to cease the practice. However, it dismissed the claim regarding children with cumulative disadvantages, ruling that the plaintiff lacked standing. The appellate court also annulled the order requiring the defendant to remedy the situation, citing a lack of specificity in the claim. It found that the defendant failed to take effective measures to prevent segregation but rejected the argument that parental consent justified the student composition, as there was no substantial evidence of the parents being aware of all education related information.	The Court held that segregation of Roma students is unlawful, even if not actively created by the defendant, and authorities have a duty to take effective measures to eliminate it. Once discrimination is presumed, the burden shifts to the defendant to prove otherwise, and parental free school choice is not a valid defence without clear evidence of informed decisions. Public interest litigation under the Equal Treatment Act requires that the discrimination concerns an essential personal characteristic; cumulative disadvantages do not qualify as such, and the organization does not have standing to sue on this ground. Courts can order the cessation of segregation, but remedies must be clear and enforceable. Ethnic education does not justify segregation as it should be integrated, and authorities must continuously review school districting to prevent structural discrimination.	Győr-Moson-Sopron County Court, Hungary, judgment No. 3.P.20.950/2008/36, 30.09.2010 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.20.068/2012/3, 16.05.2012 (jump to judgment)
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Case ref.: Pfv.IV.21.568/2010/5 Court: Supreme Court Date: 24.11.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff sought a judicial declaration and review that Roma children attending a particular school maintained by the defendant had been unlawfully segregated from non-Roma students since the 2003/2004 academic year. The plaintiff alleged that these segregated students received an education of a lower standard compared to other schools maintained by the defendant. The plaintiff requested the Court declare the segregation unlawful, order the defendant to cease the violation and remedy the unlawful situation by integrating Roma students into other schools maintained by the defendant.	Procedural outcome: The Supreme Court partially upheld the plaintiff's claims and the final judgment of the court of first instance, rejecting the plaintiff's appeal and granting, in part, the defendant's appeal. Outcome: The Supreme Court found that the defendant violated the principle of equal treatment by maintaining unlawful segregation of Roma students. However, the Supreme Court annulled the lower court's general order requiring the defendant to remedy the segregation without specifying how, ruling that such an order must be clear and enforceable. The Court ruled that the defendant must cease the violation but did not prescribe a specific method for doing so. The plaintiff's request for a specific remedy (redistribution of students) was dismissed as unenforceable. The defendant's cross-review application was partially upheld by challenging their broad obligation to remedy the segregation and rejecting their defense of unintentional 'spontaneous segregation'.	The plaintiff organization has standing under the Equal Treatment Act, but only for violations under the Act, and claims cannot go beyond the scope of the Act. The fact that the performance indicators of the school are lower than those of other schools does not in itself establish indirect discrimination. Maintaining segregation, even if unintentional or indirect, violates the Equal Treatment Act. Public authorities must prevent segregation, and plaintiffs must propose practical enforceable remedies. Courts must issue specific, enforceable remedies under the Civil Code; general anti-segregation orders are unenforceable. Segregation is unlawful regardless of educational quality differences, and courts cannot mandate student redistribution as it falls under public law.	Somogy County Court, Hungary, judgment No. 24.P.21.443/2008/35, 30.11.2009 (original decision); Pécs Court of Appeal, judgment No. Pf.I.20.061/2010/7, 20.05.2010 (jump to judgment)
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Case ref.: Pf.I.20.095/2010/6 Court: Debrecen Court of Appeal Date: 12.10.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs appealed the lower court's decision and claimed that the leasing contract between the local government and the foundation running a local school and a kindergarten is null and void as it maintains segregation and provide inferior quality education to Roma children and children with multiple disadvantages.	Procedural outcome: The Court confirmed the lower court's dismissal of the plaintiffs' claims and only lowered the payable legal costs. Outcome: Plaintiffs can only challenge the validity of the rental contract based on nullity and not on other grounds, lacking standing. The Court held that the separate legal operation of the two educational institutions (the public school and the one run by the private foundation, respectively) excludes the possibility to find segregation, students attending the two schools are not in a comparable situation.	Third parties have to demonstrate legal interest to challenge the validity of a contract, which also holds for the rental contract between the local government and the foundation and which allowed the operation of the private school. The plaintiffs could not prove such interest in this case. Segregation could not be established because students attending the public and the private schools are not in comparable situations.	Supreme Court, Hungary, judgment No. Pfv.20.037/2011/7, 29.06.2011 (original decision); Jász-Nagykunszolnok County Court, Hungary, judgment No. 16.P.20.812/2007/70, 09.12.2009 (jump to judgment)
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Case ref.: 8.K.31.232/2010/3 Court: Budapest-Capital Regional Court Date: 04.10.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff, who was regarded by the defendant as having committed an offence against persons belonging to the Roma minority through speeches and articles and infringed the requirement of equal treatment and constituted harassment against local minority residents, brought an action against the decision of the Equal Treatment Authority, seeking its annulment, arguing that the finding of harassment was, in his view, erroneous and unfounded.	Procedural outcome: The Court annulled the decision of the Equal Treatment Authority and ordered the defendant to examine the procedural issues set out above in the context of a new procedure. Outcome: The decision was annulled as it was not clear from the decision whether the Equal Treatment Authority found that the plaintiff's speeches at the public demonstration fell within the scope of the Equal Treatment Act and were held in an official capacity and does not constitute a measure. According to Court the writing of the article and open letter does not constitute a measure, a procedure or a legal relationship. Therefore, the Equal Treatment Act applying to clear legal relations is not applicable. Furthermore, the authority failed to address the conflict of legal interest of the intervener who was a representative of a social organization initiating the complaint.	The decision of Equal Treatment Authority was unlawful as it did not include a transparent assessment of whether the plaintiff's actions fell within the scope of the Equal Treatment Act, i.e. were committed in an official capacity, without which it cannot constitute harassment. The mayor can participate in a public forum in a non-official capacity, the speech does not constitute a measure, does not create legal relationship, and can fall within the scope of the expression of opinion. The Court argued that a similar assessment is necessary regarding the mayor's newspaper article and open letter.	Supreme Court, Hungary, judgment No. Kfv.39.302/2010/8, 18.10.2011 (original decision)
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Case ref.: 3.P.20.950/2008/36 Court: Győr-Moson- Sopron County Court Date: 30.09.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The claimant, Chance for Children Foundation filed a lawsuit against the Municipality of Győr, alleging that the municipality had unlawfully segregated Roma children and children with multiple disadvantages (MD) at Kossuth Lajos Primary School, violating the principle of equal treatment. The claimant argued that institutional segregation persisted due to the municipality's failure to take effective measures. The lawsuit sought a court declaration of unlawful segregation, an order to cease segregation, and measures to eliminate the unlawful situation, ensuring that future classes would not consist predominantly of Roma and MD children.	Procedural outcome: The Court found the plaintiff's claim partially well-founded. Outcome: The Court ruled in favor of the claimant, establishing that the Municipality of Győr violated the principle of equal treatment by maintaining unlawful segregation of Roma and multiply disadvantaged children at a primary school. The court ordered the municipality to cease the unlawful segregation but dismissed the claimant's request for specific measures. It acknowledged that segregation resulted from demographic factors rather than intentional municipal actions but held the municipality responsible for failing to address it effectively.	Segregation is unlawful even without intent, spontaneous segregation does not absolve liability, and a municipality can be held accountable even if it did not intentionally segregate students but failed to take proactive steps to prevent or eliminate segregation. Even if demographic or social factors cause segregation, the municipality must actively counteract its effects. There's a requirement for active desegregation policies, obligating municipalities to use district boundary adjustments, integration programs, and school placement policies to ensure balanced student composition. Parental choice alone is not a valid justification unless parents had full knowledge of alternative educational options.	Győr Court of Appeal, Hungary, judgment No. Pf.20.416/2010/3, 04.10.2011 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.20.068/2012/3, 16.05.2012 (jump to judgment)
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Case ref.: Pfv.IV.20.510/2010/3 Court: Supreme Court Date: 02.06.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	Following the finding of discrimination - and a violation of personality rights by failing to integrate school district boundaries alongside the administrative and financial integration of educational institutions and by depriving them of access to higher quality education, affecting their future opportunities - established in an earlier actio popularis school segregation case, six pupils brought non-pecuniary damage claims for the same violation, in the amount of 500,000 HUF per person.	Procedural outcome: The Supreme Court partially granted the plaintiffs' petition, annulling the part of the final judgment that denied compensation. Outcome: The Court agreed with the plaintiffs and ordered the payment of damages to them, taking into account the outcome of the earlier lawsuit that had established the violation. The Court argued that proof of harm was unnecessary, as indirect discrimination under the Equal Treatment Act inherently involves disadvantage. It rejected the argument that subsequent personal circumstances (e.g., dropout, pregnancy, detention) excluded the damages claim. The damages amount was set proportionally to the harm suffered based on conditions at the time.	The establishment of a violation of personality rights lead to successful damages claim only in case of proof of actual harm suffered, but this is discharged in the present case by proof of the (indirect) discrimination, as disadvantage is already a constitutive element of the statutory definition of indirect discrimination. After establishing this violation (discriminatory deprivation of the opportunity to enroll in the main school and access to a perceived higher standard of education), no further proof of harm is necessary. The severity of harm affects the amount of damages, not the right to compensation. Subsequent personal circumstances (e.g., dropout, pregnancy, detention) do not negate the occurrence of harm at the time of the violation. Pupils of Roma ethnic origin who had to attend of a segregated school for more than a year were kept in a disadvantaged position, which justifies compensation. The decision reinforces that failure to remedy an ongoing discriminatory situation can constitute a violation, even without active misconduct, and that non-pecuniary damages may be awarded without requiring additional proof of harm.	Debrecen Court of Appeal, Hungary, judgment No. Pf.20.125/2009/4, 19.11.2009 (jump to judgment); Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3, 25.03.2015 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.21.556/2019/22, 12.05.2020 (jump to judgment)
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Case ref.: Pf.I.20.061/2010/7 Court: Pécs Court of Appeal Date: 20.05.2010 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff filed action against the defendant municipality for unlawfully segregating Roma students at a primary school, alleging they received lower-quality education than non-Roma students in other schools. The plaintiff sought a declaration of the violation, the cessation of segregation, and the integration of Roma students.	Procedural outcome: The Court of Appeal reversed the lower judgment and held that the defendant violated the requirement of equal treatment and engaged in segregation. Outcome: The Court confirmed that the defendant had violated the requirement of equal treatment by maintaining the unlawful segregation of Roma students at the primary school where educational outcomes were weaker compared to other schools. In line with the evidentiary standards in equal treatment cases, it was clearly established that the school in question predominantly educated children of Roma ethnicity (approx. 85 per cent). The defendant could not justify the fact of segregation e.g. by reference to parental choice of minority language education, as segregation is not a lawful option even in the case of agreement. However, the Court rejected the finding of indirect discrimination, finding that the conditions in the school were adequate and showed special commitment in some areas. Regarding the segregation, the defendant was ordered to cease the violation and eliminate the unlawful situation, but the court did not specify how segregation should be remedied, stating that such measures fall under public law rather than civil law.	The Court established that maintaining de facto segregation in education constitutes a violation of the requirement of equal treatment under Hungarian and EU anti-discrimination laws. Unlawful segregation does not require intention, it can result from demographic shifts and administrative inaction, and school maintainers have a legal duty to counteract segregation, not just avoid its creation. Parental choice cannot be used as a justification for segregation when systemic barriers limit access to alternative schools or when parents lack full information on available educational opportunities. Indirect discrimination requires the establishment of disadvantages, in this case worse conditions in the segregated school. While courts can declare segregation unlawful and order its cessation, the responsibility for eliminating it falls within the realm of public law, requiring policy-level interventions rather than judicially imposed structural changes.	Curia (supreme court), Hungary, judgment No. Pfv.IV.21.568/2010/5, 24.11.2010 (jump to judgment); Somogy County Court, Hungary, judgment No. 24.P.21.443/2008/35, 30.11.2009 (original decision)
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Case ref.: 16.P.20.812/2007/70 Court: Jász-Nagykun- Szolnok County Court Date: 09.12.2009 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs claimed that the leasing contract between the local government and the foundation running a local school and a kindergarten is null and void, and asked the Court to restore the original situation, declare that the local government, by rental and further measures, maintains segregation and provide inferior quality education to Roma children and children with multiple disadvantages. The defendant should gradually end segregation and discrimination, pay a fine, and express regret publicly for the infringement through the Hungarian News Agency.	Procedural outcome: The Court rejected the plaintiffs' claims and did not find a violation. Outcome: The Court found that the plaintiff did not have standing to challenge the validity of the lease and the contract did not require the consent of the Roma minority self-government. The plaintiff, as an organization with a mission to support Roma children, had standing, under the Equal Treatment Act, to bring action on behalf of Roma children, but not of children in a disadvantaged position. The school foundation was not established by the local government and was already established when the Equal Treatment Act came into force; the lease agreement concerned property and not personality rights; and the contract was of civil and not public nature and was not concluded under pretense. The Court argued that 'the mere existence and operation of two schools does not constitute unlawful segregation' and the mere fact that the local government supported the school foundation does not make it responsible as an official maintainer of the school. The Court did not find discrimination 'because if there were no foundation school, all lower school children would attend the municipal school in the same way', the plaintiff did not prove active wrongdoing beyond the results of parental decision, or	The existence of a local private school and kindergarten and its support by the local government, does not constitute segregation or discrimination, unless wrongdoing is proven, beyond the results of parental decisions, demonstrating that the institutions were created to exclude certain groups. Renting out a building for the purposes of a private school does not make the local government liable for eventual violations of the obligation of equal treatment. A civil organization has standing, within the scope of its mission, to bring actio popularis claims on behalf of the represented group.	Supreme Court, Hungary, judgment No. Pfv.20.037/2011/7, 29.06.2011 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.095/2010/6, 12.10.2012 (jump to judgment); Jász-Nagykun-Szolnok County Court, Hungary, judgment No. 12.K.27.142/2005/19, 09.03.2006 (not available in the official database); Supreme Court, Hungary, judgment No. Kfv.III.37.321/2006/7, 19.09.2006 (not available in the official database)
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Case ref.: Pf.I.20.125/2009/4 Court: Debrecen Court of Appeal Date: 19.11.2009 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs claimed that the defendant's failure to implement school district integration deprived them of access to a higher-quality school, negatively affecting their life opportunities. They sought a declaration of personality and equal treatment rights violation, redress through a public statement, and non-pecuniary damages.	Procedural outcome: The Court of Appeal upheld the first-instance judgment and dismissed the plaintiffs' appeal. Outcome: The Court found that while the defendant's failure to implement school district integration constituted violation of the right to equal treatment, the plaintiffs failed to prove actual, compensable non-pecuniary harm. The appellate court ruled that unlawful segregation does not automatically entitle individuals to non-pecuniary damages, as compensation requires proof of direct harm. It also found that the plaintiffs did not demonstrate that they were denied access to a superior education or that their quality of life suffered as a result of the delayed school integration. The claim for non-pecuniary damages was rejected, and the plaintiffs were ordered to bear secondary litigation costs.	The Court established that just the mere violation of personality rights, including unlawful segregation, does not automatically entitle a plaintiff to non-pecuniary damages. Under Hungarian civil liability law, compensation requires proof of actual harm and a direct causal link between the infringement and the claimed damage. Courts will not presume harm solely based on the existence of an unlawful act; plaintiffs must demonstrate specific and individual detriment beyond the legal violation itself.	Borsod-Abaúj-Zemplén County Court, Hungary, judgment No. P.20.580/2008/24, 26.01.2009 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.I.20.683/2005/7, 09.06.2006 (not available in the official database); Eger Regional Court, Hungary, judgment No. 12.P.20.489/2015/402, 16.10.2018 (jump to judgment); Debrecen Court of Appeal, Hungary, judgment No. Pf.20.123/2019/16, 18.09.2019 (jump to judgment); Supreme Court, Hungary, judgment No. Pfv.IV.20.510/2010/3, 02.06.2010 (jump to judgment); Eger Regional Court, Hungary, judgment No. 12.P.20.351/2011/47, 06.12.2012 (jump to judgment); Budapest Court of Appeal, Hungary, judgment No. 2.Pf.20.305/2013/20, 07.10.2014 (jump to judgment); Curia (supreme court), Hungary, judgment No. Pfv.IV.20.097/2015/3,
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Case ref.: Pf.II.20.509/2009/10 Court: Debrecen Court of Appeal Date: 05.11.2009 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs claimed that the fifth defendant's expert panel violated their personal rights by misclassifying them as mildly intellectually disabled without proper medical diagnosis, leading to placement in special education unsuitable for their abilities. They alleged discrimination based on ethnic origin, social, and economic status, citing the Public Education Act and the Equal Treatment Act. The fourth defendant was accused of failing to supervise the expert panel, which resulted in procedural violations, lack of parental notification, and denial of appeal rights. The misclassification limited educational and career opportunities, preventing access to mainstream secondary education and competitive professions. The plaintiffs highlighted flaws in expert assessments, referencing systemic bias against Roma children. They sought remedial education, non-pecuniary damages and liability of the defendants for	Procedural outcome: The Court of Appeal changed the lower court decision, dismissed the claim, and annulled the order of damages. Outcome: The court determined that the first defendant complied with statutory obligations in admitting the claimants based on expert recommendations and that teachers had no duty to initiate re-evaluations. The Court determined that the fourth defendant failed to fulfil its supervisory duties, but the court found that plaintiffs did not suffer damages as a result. The Court found that the classification of the students was based on their special educational needs justified by severe cognitive impairment, following an assessment in line with the professional consensus prevailing at the time, the determination was unrelated to the students' protected characteristics, and did not constitute discrimination.	The Court held that schools following expert committee recommendations are not liable for discrimination unless misclassification or unlawful action is proven. Educational placement is presumed valid unless expert assessments were improperly conducted. Managing authorities must supervise expert committees but are not liable for undetected procedural errors unless direct harm is shown. Discrimination claims require clear proof that placement was based on bias, not educational needs. Statistical overrepresentation in special education alone does not prove discrimination. The use of intelligence tests, despite cultural biases, cannot ground violations by authorities where alternative assessment methods are not made available by policy-makers.	Supreme Court, Hungary, judgment No. Pfv.20.215/2010/3, 09.06.2010 (original decision); Szabolcs-Szatmár-Bereg County Court, Hungary, judgment No. 3.P.20.035/2008/20, 27.05.2009 (jump to judgment)
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Case ref.: Pf.III.20.627/2008/3 Court: Szeged Court of Appeal Date: 30.05.2009 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs claimed that the Second Defendant failed to follow legal procedures in expert examinations, leading to their improper placement in special education. They alleged discrimination, asserting that the First and Third Plaintiffs were classified as mildly intellectually disabled based on their Roma ethnicity. They sought a declaration of liability against both defendants, correction of their educational placement and non-pecuniary damages. They argued that the assessments ignored their ethnic background, violating equal treatment. They also contended that parental consent, given without full information, did not exempt authorities from ensuring fairness.	Procedural outcome: The Court of Appeal found the claim unfounded. Outcome: The first instance court dismissed the plaintiffs' claims, ruling that their placement in special education was justified based on expert evaluations and was not discriminatory. It found no evidence that the defendants violated their right to education or equal treatment. The appellate court upheld the first-instance judgment, concluding that the assessments met professional standards, and that ethnic background was not a decisive factor. The plaintiffs failed to prove adverse discrimination or procedural violations affecting their placement. As a result, their claims for compensatory education and damages were denied.	The court ruled that the plaintiffs failed to prove discrimination or wrongful placement in special education. It held that burden shifting under the Equal Treatment Act requires proof of both a disadvantage and a protected characteristic, but disadvantaged social status alone does not qualify. Courts do not determine education policy but assess compliance with legal frameworks. Expert assessments are valid if professionally conducted, and the opinion of the private expert called by the plaintiffs could not question the conclusion of the forensic expert. Statistical disparities showing overrepresentation do not in themselves prove discrimination. Courts defer to expert evaluations unless proven flawed, and educational inequality claims should be addressed through policy changes, not individual lawsuits.	Bács-Kiskun County Court, Hungary, judgment No. 12.P.20.392/2008/21, 31.10.2008 (jump to judgment)
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Case ref.: 3.P.20.035/2008/20 Court: Nyíregyháza Regional Court Date: 27.05.2009 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs argued that the defendants (educational institutions and the Learning Abilities Examination Committee) violated their fundamental rights and personality rights to equal opportunity and freedom of education by assigning them to inappropriate schools and curricula based on alleged disabilities some of which were claimed to be present due to socio-cultural disadvantages. They argued that the defendants failed to provide necessary pedagogical rehabilitation services and adequate individualized assessments as well as that their parents were denied the right to challenge the committee's opinions and reassignment decisions. The plaintiffs sought a declaration of these violations and damages from the defendants.	Procedural outcome: The court agreed with the plaintiffs, found violations and ordered the payment of damages. Outcome: The court found that defendants violated plaintiffs' right to education and equal treatment by not providing individual assessment and specialized education and by not informing the parents of their options for legal remedy.	The court held that there's a critical importance of identifying, addressing, and justifying the specific educational needs of individuals when dealing with special education requirements. Institutions must provide clear, reasoned assessments of why special education is necessary and offer tailored solutions that consider the specific needs of each person, supported by evidence and expertise while understanding the causes of the learning difficulties or behavioural challenges, whether stemming from organic, social, or other factors. The failure to comply with these requirements amounts to rights violation and gives rise to compensation claims.	Curia (supreme court), Hungary, judgment No. Pfv.20.215/2010/3, 09.06.2010 (original decision); Debrecen Court of Appeal, Hungary, judgment No. Pf.II.20.509/2009/10, 05.11.2009 (jump to judgment)
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Case ref.: 9.P.20.651/2008/12 Court: Hajdú-Bihar County Court Date: 19.11.2008 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiffs sought damages arguing that the municipality's delays and unlawful decisions deprived their child of education. They claimed the notary and school officials missed deadlines, misled them about procedures, and unlawfully required a special education evaluation. Due to these failures, their child missed schooling, was denied proper enrolment, and could not integrate into a community. They also alleged that the municipality initially agreed to fund private education but later shifted the financial burden onto them, preventing their child from continuing education. The plaintiffs argued that these actions caused ongoing harm, justifying their claim for compensation.	Procedural outcome: The Court dismissed the plaintiffs' claims. Outcome: The Court found that the municipality had not unlawfully deprived the plaintiffs' child of education, as it had designated appropriate schools based on expert recommendations. Since the plaintiffs refused to comply with mandatory evaluations, they prevented their child from accessing the educational support required for municipal funding. The Court also held that the plaintiffs bore responsibility for their child's lack of schooling, as they ignored school placement decisions, did not wait for appeal outcomes, and chose an educational path that was not legally supported. Even though the municipality had exceeded statutory deadlines it was partially caused by the plaintiffs' refusal of examinations and the court ruled that this had no direct impact on the plaintiffs.	The Court held that parental refusal to comply with legally required expert evaluations can significantly undermine claims related to school placement and educational rights. The Court emphasized that while parents have the right to choose their child's school, this right is not absolute and must align with the child's abilities and educational needs, as determined by expert assessments. The Court also emphasized that procedural errors and delays in administrative decision-making do not automatically result in liability for damages, especially when the delay is caused, at least in part, by the claimant's own actions or refusals to cooperate.
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Case ref.: Pfv.IV.20.936/2008/4 Court: Supreme Court Date: 19.11.2008 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff alleged that Roma students were unlawfully segregated in separate, poorly equipped school buildings away from other students, violating the principle of equal treatment. The plaintiff argued that segregation was not based on parental choice but resulted from the defendants' decisions. The plaintiff sought a declaration of discrimination and unlawful segregation, an order to cease the practice, and redress for the affected students.	Procedural outcome: The Court reversed the appeal court's decision and found the plaintiff's claim well-founded. Outcome: The Court confirmed that the defendants had engaged in unlawful segregation of Roma students. It ordered the cessation of discriminatory practices and prohibited further segregation. The municipality was required to publicize the ruling through the Hungarian News Agency, ensuring public acknowledgment of the violation. The court removed the specific deadline for compliance, stating that eliminating segregation required a structured implementation plan beyond the lawsuit's scope. It also eliminated the requirement for a formal expression of regret, ruling that publication of the judgment's findings was sufficient for moral restitution.	The Court held that unlawful segregation occurs when students with a protected characteristic, such as ethnic minority status, are separated without an objectively reasonable justification as the burden of proof lies with the defendants to demonstrate either compliance with equal treatment laws or a lawful exemption. Statutory provisions on education, logistical or economic factors cannot justify segregation, and integration must be prioritized. Parental consent must be explicit, informed, and voluntary to support separate schooling. Remedying segregation requires structured implementation, making a specific deadline unenforceable, but further segregation can be prohibited. Public acknowledgment of discrimination, rather than a formal expression of regret, suffices for moral restitution.	Debrecen Court of Appeal, judgment No. Pf.I.20.361/2007/8, 13.12.2007 (jump to judgment); Hajdú-Bihar County Court, judgment No. 6.P.20.341/2006/50, 02.05.2007 (jump to judgment)
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<p>Case ref.: 12.P.20.392/2008/21 Court: Bács-Kiskun County Regional Court Date: 31.10.2008 Original decision Judgment in English</p>	<p>Country: Hungary Minority: Roma Topic: Education</p>	<p>The plaintiffs alleged that the flawed evaluations and recommendations of the defendants (educational institution and educational expert evaluator) placed them in unsuitable schools, violating their personality rights. They also alleged that they were classified as mildly intellectually disabled due to their ethnic origin, constituting direct discrimination. They sought joint liability from both defendants, catch-up education and damages for the violation of their right to equal treatment and education.</p>	<p>Procedural outcome: The Court dismissed the plaintiffs' claims. Outcome: The Court relied on the investigation of an expert committee and determined that the plaintiffs were placed in educational institutions appropriate to their abilities and dismissed their claim. It found no evidence of discrimination based on their ethnic origin or any violation of their personality rights by the defendants. The plaintiffs' academic progress and opportunities for further education supported the validity of the defendants' arguments. There was no legal basis for the plaintiffs' claims for damages or a declaration of wrongdoing.</p>	<p>The Court emphasized the importance of providing substantial evidence when alleging violations of rights to education and equal treatment. While procedural irregularities, such as the absence of documented legal remedy options and signed consent from legal representatives, were noted, these alone were insufficient to establish claims of discrimination. The Court highlighted that claims based on ethnicity or placement in unsuitable schools require concrete evidence of adverse treatment. Citing general statistics do not suffice to establish allegation that would shift the burden of proof, and the absence of such evidence led to the dismissal of the plaintiffs' claims, underscoring the need for both rigorous procedural compliance and robust proof in future discrimination cases.</p>	<p>Szeged Court of Appeal, judgment No. Pf.20.627/2008/3, 30.03.2009 (original decision)</p>
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Case ref.: Pf.I.20.361/2007/8 Court: Debrecen Court of Appeal Date: 13.12.2007 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff claimed the defendants (the municipality and primary schools) unlawfully segregated Roma students, while providing inferior pedagogic resources and conditions. The plaintiff sought a declaration of the violation, cessation of the infringement, implementation of a desegregation plan, and a public apology by the defendants through the Hungarian News Agency.	Procedural outcome: The Court partially amended the judgment of the lower court but maintained the finding of violation. Outcome: The Court partially upheld the defendants' appeal, overturning the first-instance court's finding of unlawful segregation, ruling that the plaintiff failed to provide direct evidence that the defendants engaged in segregational practices. The statistical data presented was deemed insufficient to establish segregation, and the court found that parental choice, school logistics, and other factors influenced student placement rather than deliberate segregation. Consequently, the requirement to prohibit segregation was removed. However, the Court confirmed the existence of discrimination, as Roma students predominantly attended school buildings with inferior facilities. The defendants failed to justify these disparities, constituting a violation of equal treatment laws. The court upheld the order to cease discriminatory practices but ruled that a statement of regret was unnecessary, only ordered the first defendant to send the operative part of this judgment to the Hungarian News Agency.	The Court held that public interest organisations have standing to sue for discrimination affecting an indeterminate group, even without identifying specific victims. It distinguished discrimination from unlawful segregation, ruling that statistical overrepresentation alone does not prove segregation and that direct evidence of intentional ethnic separation is required. In discrimination cases, defendants must prove disparities, but in segregation claims, the plaintiff bears the initial burden of proof. Parental choice and logistical constraints can justify student distribution and do not necessarily constitute segregation. The court upheld discrimination due to unequal facilities but removed the finding of segregation, ruling that general corrective measures were appropriate, while a compensatory remedy like statement of regret was unnecessary in case of unidentified harmed individuals.	Supreme Court, Hungary, judgment No. Pfv.IV.20.936/2008/4, 19.11.2008 (jump to judgment); Hajdú-Bihar County Court, judgment No. 6.P.20.341/2006/50, 02.05.2007 (jump to judgment)
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Case ref.: 6.P. 20.341/2006/50 Court: Hajdú-Bihar County Court Date: 02.05.2007 Original decision Judgment in English	Country: Hungary Minority: Roma Topic: Education	The plaintiff claimed the defendants (the local municipality and two primary schools) unlawfully segregated Roma students in out-of-headquarters educational units, providing inferior pedagogic resources and conditions. The plaintiff sought a declaration of the violation, cessation of the infringement, implementation of a desegregation plan, and a public apology by the defendants through the Hungarian News Agency.	Procedural outcome: The Court found the plaintiff's claim predominantly well-founded, ruling that the defendants failed to meet the legal exceptions required to justify their actions. Outcome: The Court established that the defendants unlawfully segregated Roma students and subjected them to direct discrimination by providing inferior educational conditions. The court ordered the defendants to cease the infringement, prohibited further violations, and required the two schools to eliminate the unlawful situation by the upcoming academic year, and the municipality was ordered to issue a public statement expressing regret for the violations. The court denied the plaintiff's request for a desegregation plan, arguing that the issue could be resolved through various methods, and it is unnecessary for the court to mandate one specific method of ending the violations.	The court held that segregation based on ethnicity constitutes a violation of equal treatment and is inherently discriminatory if it results in disadvantaged conditions for the affected group. The court emphasized that both active and passive conduct that maintains segregation can violate the law and related sanctions apply regardless of intent or culpability. The judgment highlights that providing inferior resources or conditions to marginalized groups exacerbates discrimination. Equal treatment requires tangible equality in access to resources, not just formal compliance. Responsible authorities cannot rely on economic, logistical, or historical justifications to maintain segregated systems. As ending the violation of school segregation can follow different methods, it is unnecessary to restrict the possibilities by judicial mandate through a concrete desegregation plan.	Supreme Court, Hungary, judgment No. Pfv.IV.20.936/2008/4, 19.11.2008 (jump to judgment); Debrecen Court of Appeal, judgment No. Pf.I.20.361/2007/8, 13.12.2007 (jump to judgment)
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