



NEWS REPORT

Date:	17 June 2010
Expert:	Kádár, András
Title:	Compensation granted by the Supreme Court to segregated Roma pupils
Country:	Hungary
<u>Context</u>	
Issue at stake:	Non-pecuniary damages granted by the Supreme Court to pupils attending segregated Roma schools in Miskolc
Ground of discrimination:	racial/ethnic origin
Source:	national court decision
Field:	education
Legislative provisions:	Articles 75-76 and 84 of the Civil Code, Articles 7, 8 and 9 of the Equal Treatment Act (Act 125 of 2003)

Content

Case: In 2006, based on an *actio popularis* claim brought by the Chance for Children Foundation (CFCF), the Debrecen Court of Appeal delivered a final and binding judgement in which it establishes that the local council of Miskolc (Northern Hungary) had violated the principle of equal treatment when it integrated seven schools without simultaneously re-drawing the catchment areas, and therefore maintaining the segregation of Roma children. Catchment areas are residential areas from which pupils of a given school all come. School segregation is often the result of the segregation of residential areas (and consequently catchment areas). The integration of the schools would have required a re-drawing of the areas enabling children who used to go to segregated Roma schools to go to schools previously almost exclusively attended by majority pupils. The failure to do so contributed to the maintenance of the segregation between what became, from independent schools, units merged into the same school.

Although the Court obliged the local council to put an end to the violation, the situation did not change. Therefore, in 2007, with pro bono representation by the Morley, Allen & Overy Law Firm, the CFCF assisted five Roma pupils attending the segregated schools in launching a lawsuit.



The plaintiffs claimed that the segregation violated their inherent personal rights protected by the Penal Code, and demanded non-pecuniary damages for the violation. Both the first and the second instance court rejected the claim, on the basis that while segregation could be established, the plaintiffs could not prove that they had suffered moral damages as a result. Therefore, the plaintiffs requested a review of the case from the Supreme Court.

Decision of the Court: Overruling the judgements of the lower courts, in a decision of 2 June 2010, the Supreme Court granted non-pecuniary damages (HUF 100,000 (EUR 370)) to each plaintiff. The Supreme Court stated that irrespective of whether and how the plaintiffs could continue their studies after primary school, segregation as such substantiates moral damages.

Internet link source and additional information:

http://cfcf.hu/miskolc-karteritesi-per_hu.html