

## CASE LAW MOSAIC

The complainant submitted her complaint to the Minority Ombudsman in the context of her difficult financial circumstances and her problems in finding a job, claiming that her husband was discriminated because of his Roma origin. The Minority Ombudsman did not have the competence to examine the general nature of the complaint, which primarily complained of financial difficulties, but considered it important to provide the complainant with detailed information.

A Roma petitioner complained that the registrar did not enter his details in the birth register of a minor, despite the fact that the court had declared him to be the father of the minor. He also indicated that he would like the guardianship office to allow him to have contact with the minor and to annul the adoption of the minor. The Minority Ombudsman provided the complainant with full information to make him understand his situation and options.

**A petitioner of Roma nationality complained about the circumstances of determining medicine support on the basis of equitableness. The delay of almost six weeks could have been caused by an administrative error within the organisation, and the Minority Ombudsman sent a letter of formal notice to the competent authority asking it to correct its practice of accepting applications.**

A petitioner of Roma nationality living in a small rural village complained to the Minority Ombudsman because he said his grandson had been shamed in kindergarten. According to the complainant, the child had been brought to the institution with a short haircut the morning of the incident, which the kindergarten considered was probably due to a lice infestation, and therefore they called the district nurse. The nurse examined the scalp of the child and family members but found no infestation. As it turned out, there had been previous conflicts between the family and the institution, which the family perceived as discrimination because of their Roma origin.

A complainant of Roma nationality turned to the Minority Ombudsman about a procedure for the payment of water charges. The Minority Ombudsman did not have the competence to investigate the payment order procedure contested by the complainant, but considered it important to inform the complainant in detail about the case.

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A complainant complained about the procedure for submitting an application for the use of a medicinal product not included in the social security system/not available on prescription on the basis of equitableness. He claimed that his late partner had been discriminated against because of her Roma origin during the individual application for equitableness. On the basis of the patient's application form drafted by the treating physician, the medical institution's application for equitableness was received by the competent National Health Insurance Fund Manager with a delay of almost six weeks. The decision of the Fund Manager was received by the complainant after the death of his partner.

In order to fully understand the background of the case, the Minority Ombudsman contacted the director general of the medical institution, who in his reply explained the delay by an administrative error: an incorrect e-mail address and internal transmission problems. The medical institution sent the request to the Fund Manager on three occasions, but the first two requests were not sent to the e-mail address specified for equitableness applications, only the third request was sent to the correct e-mail address. Only the third of these requests generated a reply.

In order to clarify the matter further, the Minority Ombudsman asked the director general of the Fund Manager for information on the rules applicable to the case and on the general practice regarding the handling of e-mail requests sent to a wrong address or department.

The director general of the Fund Manager explained in his reply letter that the request sent to the Fund Manager's e-mail address did not qualify for the initiation of an individual equitableness procedure under section 26 of the Act LXXXIII of 1997 on Compulsory Health Insurance Benefits. Starting such a procedure requires a submission in order to apply the use of product purchased under public procurement and financed on an itemised basis, in accordance with the procedure published on the Fund Manager's website, to the e-mail address provided for the initiation of that procedure.

In his reply letter, the director general pointed out first of all that in the e-mail sent to the Fund Manager's e-mail address the administrator of the medical institution had referred to the incorrect addressing of the first two requests received, but he explained that these requests did not concern the opening of the equitableness procedure. The director-general also indicated that, in accordance with the rules on the management of files, individual requests for equitableness received at the e-mail address used for the products purchased under public procurement should in any case be forwarded to the department responsible for receiving equitableness requests as soon as possible.

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From the director general's replies and from the documents available to the Minority Ombudsman, the classification of the received e-mails was not clear, i.e. whether they concerned a procedure for itemized financing or an individual equitableness procedure. It was also not clear, in the absence of the relevant documents, exactly what action had been taken by the Fund Manager in relation to these e-mails. It could also be inferred from the case that the information provided to health care providers was incomplete or not up-to-date.

In the course of the investigation of the complaint, the Minority Ombudsman did not find any violation of fundamental rights due to the contradictory information available, and therefore closed the procedure. In her closing letter, however, she indicated to the director general of the Fund Manager that in the future more attention should be paid to receiving requests sent to the wrong e-mail address, to reporting the wrong address to health care providers and to forwarding the wrongly sent request to the appropriate department as soon as possible. The Minority Ombudsman also asked that up-to-date information on the exact procedures and contact details of the Fund Manager's procedures be provided to health care providers, with particular attention to changes in the meantime, in order to avoid possible misdirection of mails in the future.