

CASE LAW MOSAIC

A Roma complainant appealed to the Minority Ombudsman with a petition objecting to the municipality's expropriation procedure and valuation. According to the complainant, the municipality wanted to expropriate his parents' house and the house he built, but the expropriation value included in the municipality's offer was much less than the real market value of the properties.

A Roma complainant turned to the Minority Ombudsman for help in his housing case. The complainant lives without a legal title with his family in a municipal emergency apartment, therefore their permanent address was declared fictitious. The complainant, who only has a residential address at the settlement level, complained that due to their address problems, they faced many difficulties when applying for benefits. In addition, he complained that their requests for a new municipal apartment were rejected.

A Roma complainant complained that the guardianship authority rejected his request to accept his grandson into the family, on the grounds that he was diabetic. He also reported that he had lost the decision authorizing contact with his grandchildren, and when he inquired on the phone about replacing it, the staff of the guardianship authority spoke to him in an unacceptable tone. In his next submission, in an enforcement case, he objected that he had not received information about the legal basis of the claims and the settlement of his paid and outstanding debts.

The president of the Roma self-government (RNÖ) of a settlement in eastern Hungary addressed several complaints to the Minority Ombudsman. As the authorized representative of his adult child, he complained that his son's mandate as a nationality representative was terminated. In his next complaint, he objected that the local government moved the RNÖ out of the property it had been using since 1995, but did not provide another independent property for the nationality self-government. In a subsequent submission, the complainant complained about an article published in a publication of the local government, which, in his view, contained false statements about his activities as president. In the end, he expressed as a complaint that the RNÖ could not exercise its right to consent when appointing the head of the local kindergarten.

The deputy commissioner investigated the health care conditions of a detainee of Roma origin. The complainant was finally transferred to the penal institute appropriate for his condition.



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The complainant complained about the decision of one of the guardianship authorities in Eastern Hungary, in which his request to adopt his grandchildren into the family was rejected. In order to obtain the most complete information possible, the Minority Ombudsman contacted the head of the competent district office (guardianship authority).

The answer of the head of the office revealed that five of the complainant's eight grandchildren were taken into foster care, and three were adopted into a family and brought up by the grandparents on the other parent's branch of the family.

In January 2023, the complainant submitted an application to the guardianship authority for the adoption of his three minor grandchildren, who had been cared for and raised by the other grandparent since 2012. According to the information received, the guardianship authority rejected the complainant's request because fostering is a procedure initiated at the request of the parent, and in the case under investigation, no such request from the parents was received by the guardianship authority, and the children's foster guardian did not resign from his position either.

In light of all this, the Minority Ombudsman informed the complainant in detail about the response of the guardianship authority, as well as the legal background and conditions of adoption. In any case, the guardianship authority annually reviews the conditions for fostering and terminates the fostering if the parent or foster parent requests it, or if maintaining it endangers the child's development.

According to the information provided by the guardianship authority, the complainant has not submitted an application regarding the other grandchildren since 2018 in order to terminate their adoption, and none of the parents have applied to adopt the children into a family or to change their current status.

With regard to keeping contact, the Minority Ombudsman was informed that the complainant does not keep contact with the children in foster care either in person or by phone.

The guardianship authority was not aware that the complainant had applied for a copy of the decision regulating contact. In its response, the guardianship authority indicated that in the future, the guardianship authority will issue a copy of the decision to the complainant upon request. The Minority Ombudsman informed the complainant in detail about all this.



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In the absence of relevant documents related to the enforcement case, the Minority Ombudsman provided the complainant with general information about the main rules of the enforcement procedure, as well as the legal remedies available during the enforcement. She also drew the complainant's attention to the fact that the decision on the issues of legal basis, accounting, summation, and statute of limitations arising in the execution falls within the jurisdiction of the court.