

CASE LAW MOSAICS

A complainant of Roma origin objected to the possession protection procedure of the notary of the competent municipality due to an alleged discriminatory treatment related to her nationality. At the end of the procedure, the Minority Ombudsman drew the attention of both the complainant and the municipality to the possibility of using the conflict management and dispute settlement procedure.

A Roma citizen of a large municipality turned to the Minority Ombudsman with a complaint related to the right of preemption of real estate, objecting to the notification obligation of the local government. The complainant complained that the municipal announcement regarding the exercise of the right of preemption was only published on the Internet, but was not on the municipal notice board, and he also held that they wanted to evict him and his family from their current place of residence because of his Roma origin.

The Minority Ombudsman investigated the application of a complainant of Romanian nationality, who was insulted by her neighbors also because of her origin. Criminal proceedings were initiated in the case for nuisance.

A Roma complainant turned to the Minority Ombudsman for help in his housing case, also sharing his difficulties in starting a life and making a living. He held that he was at a disadvantage when applying for municipal rental housing because of his Roma origin.

A Roma citizen repeatedly lodged a complaint to the Minority Ombudsman in his enforcement case. He complained that the applicant for enforcement refrained from any kind of agreement, and also from authorizing the payment of the complainant's debt in installments. The Minority Ombudsman facilitated the complainant's legal enforcement options by providing detailed information.

A complainant of German nationality alleged that a private person's post on his Facebook page, accessible to the general public, violated his right to honor and reputation, as well as the dignity of the German community, in connection with his nationality.

A person of Roma nationality lodged a complaint to the Minority Ombudsman against a district nurse. In her application, she objected to the nurse's measures taken in the context of her pregnancy care.

**Office of the Commissioner for Fundamental Rights
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According to his submission, a Roma complainant entered into a sales contract as a buyer in 2022 for the transfer of property in the outskirts of a settlement. In the meantime, the owner of the neighboring property, who, according to the complainant, did not live on the neighboring property, only appeared there occasionally, intended to exercise his right of pre-emption. The complainant complained that the municipal announcement regarding the exercise of the right of pre-emption was only published on the Internet, but was not on the municipal notice board. He held that his purchase opportunity failed because he was of Roma origin.

In order to examine the petition and clarify the facts, the Minority Ombudsman turned to the mayor of the large village. In his response letter, the mayor provided the information that, after contacting the competent county government office for the publication of the sale contract in question, the municipality fulfilled all its publication duties within the legal deadline: in addition to publication on the magyarország.hu portal, the announcement was also placed on the notice board in the municipality's building. According to the mayor, the complainant was in the office and checked at the announcement. The mayor attached to his reply letter a file list of the joint municipal office, indicating when the announcement was posted on the municipal notice board and when it was taken down.

The mayor also indicated that after the publication of the announcement, a local resident lodged a request for the registration of the right of pre-emption within the legal deadline. The notifying person qualified as a resident neighbour with respect to the real property subject to the sale and purchase (about which fact the municipal notary issued an official certificate also attached to the mayor's reply letter), in accordance with section 5 item 10 (a) of the Act CXXII of 2013 on the Trade of Arable and Forestry Land (Land Trade Act). According to section 18 (1) (c), his pre-emption right clearly existed, since the neighbouring property was his property. With regard to the fact that, in relation to the relevant property, based on the Land Trade Act, there was a right of pre-emption to the benefit of others, the neighbour was entitled to the right of pre-emption, and he validly exercised this right, thus the concluded sales contract was not validly concluded between the complainant and the sellers, but the beneficiary of pre-emption and the sellers, as stated in clause 7 of the sales contract.



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Given that, based on the above-clarified facts, the municipality in question properly fulfilled its legal obligations regarding the announcement of the contract of sale for the property, and that the person notifying the exercise of the right of pre-emption was actually entitled to pre-emption on the basis of the certificate issued by the notary, the Minority Ombudsman in the case did not reveal any harm to a fundamental right, but informed the complainant in detail about the revealed circumstances.