

## CASE LAW MOSAIC

**Complainants of Roma nationality complained that the guardianship authorities had terminated the placement in family of two of their grand-children / children by their grand-parents and decided to take them into foster care. The complainants also complained that they were not informed of the decision of the guardianship authority and that when they received it later, they were unable to interpret the appeal notice. They also complained that the guardianship authorities did not try to find guardians for the children within the family.**

The Minority Ombudsman, following the police's rejection of a report of atrocities against a Roma family, has sent a signal to the competent prosecutor general to investigate whether the case involves a suspicion of violence against a member of the community.

A Member of Parliament has complained to the Minority Ombudsman that a teacher in a primary school in a town in northern Hungary is treating Roma pupils and their parents inappropriately. Most of the parents have good daily contact with the teachers, and there are a number of projects for children's development in addition to the compulsory lessons. However, a few years ago, the complaint report indicated that, in addition to the good experiences, there were many problems with one of the mathematics teachers in the institution.

A complainant of Ukrainian nationality living in Hungary turned to the Minority Ombudsman for help, complaining about the actions of the common representative of the condominium property she owned and the statements she made in public at the condominium's general meeting, which insulted her Ukrainian nationality.

A Roma complainant with a lung disease and his spouse turned to the Minority Ombudsman for help in settling the rent arrears of an oxygen concentrator they had rented, sharing their difficulties in making a living. In their petition, they indicated that they felt that they had been discriminated against because of their Roma origin.

One complainant complained that the districts of Tetemvár and Ózugró in Miskolc are not connected to the city's public transport network, which raises the possibility of discrimination against Roma residents living there, primarily in terms of access to public education, employment, health and social services.

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The complainants challenged the decision of a guardianship authority in Eastern Hungary to terminate the placement in family of two minor grandchildren of the complainant grandparent.

They also complained that the grandparent's position as guardian had been terminated and the minors had been taken into foster care, despite the fact that the grandparent had been raising the grandchildren in his own household since birth.

They complained that they had not been informed of the decision and that they had learned of the decision from the head of the kindergarten. They complained that in the decision – which they later received in person – the parts on contact had been blacked out, and they also disputed the content of the decision. They also told that the information on the remedies was not clear for them.

They also complained that the guardianship authorities did not try to find guardians within the family for the children, although they believed that there was a suitable person to act as a guardian.

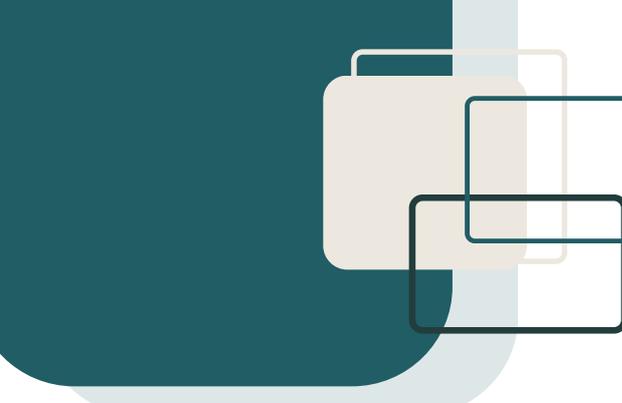
In addition to his complaint, the complainant grandparent reiterated that the termination of the placement in family and the failure of the guardianship authority to ensure contact with his grandchildren were unjustified.

In order to learn as much as possible about the case, the Minority Ombudsman contacted the head of the relevant district office (guardianship authority).

The reply of the head of the office revealed that the guardianship authority had duly summoned the complainant parent in writing in the case of the taking into foster care of minors, who, according to the postal delivery certificate, had personally received the summons. However, given that the complainant had not complied with the summons, the guardianship authority was unable to obtain his statement as a parent in relation to the persons within the family who were fit to act as guardians.

In the case, the Minority Ombudsman found, on the basis of the acknowledgement of receipt returned to the guardianship office for the delivery of the information and the decision sent to the guardianship office, that the complainants had also been informed of the decision to take the children into foster care, as one of their relatives had received the notice as a substitute recipient.

The Minority Ombudsman primarily explained to the complainants the legal background of the institution of placement in family and the main provisions applicable to it, and also provided information on the content of the appeal contained in the decision. She also reminded the complainants that the guardianship authority is available at any time to help them clarify their interpretation of the contested decision and/or any comments they may have on the remedy. The Minority Ombudsman also explained the contact provisions of the contested decision.



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Finally, the Minority Ombudsman stated that the guardianship procedure for the placement of minor children in family is again under way, based on a new application by the grandparent. In the meantime, the personal contact with the grandparents and the telephone contact with the children's parents had been settled by a new decision of the guardianship authority, and the Minority Ombudsman informed the complainants of the details of this decision.