

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.

**Office of the Commissioner for Fundamental Rights
Secretariat of the Minority Ombudsman**

1055 Budapest, Falk Miksa u. 9-11.
nemzetiseg.info@ajbh.hu



CASE LAW MOSAIC

In a previous complaint submitted six years ago, the Roma complainant reported that the rental property in which they lived with their three minor children burned down, so they asked the mayor of the settlement for help in solving their housing situation. The local government provided an emergency apartment for the family, in which the complainant currently lives with his six minor children and his partner. According to the petitioner, due to their Roma origins and six minor children, it is almost impossible for them to rent an apartment from private individuals, therefore they wanted to apply for a municipal rental apartment, but their requests were always rejected.

In a new submission, the complainant indicated that they had to leave the rental apartment provided by the municipality as a temporary solution based on a court decision, which caused a serious problem for their family, and unfortunately they were still unable to submit a successful application to rent another apartment in the municipality.

The complainant also indicated a special problem in relation to the application for various subsidies and the submission of applications. Currently, they only have a settlement-level address, which is why they did not have access to certain subsidies and benefits. The complainant also indicated that, together with the court costs, they had accumulated a debt of approximately two million forints towards the municipality.

In order to get a more complete overview of the family's housing situation and the difficulties related to the address at the settlement level, the Minority Ombudsman contacted the mayor of the given settlement, as well as the head of the family and child welfare service.

The information received revealed that the complainant's previously registered permanent address was declared fictitious, at which point their permanent residence became settlement-level. In his briefing, the mayor emphasized that the provision of a settlement-level address does not constitute an obstacle to applying for and using social and child welfare subsidies and benefits.

Regarding the use of the regular child protection benefit, the mayor also indicated that the complainant is entitled to it, but this year the petitioner submitted an application to the mayor's office only for extraordinary settlement support, and did not request any other benefits. In his reply letter, the deputy commissioner informed the complainant in detail about the conditions for entitlement to the regular child protection discount, as well as the application process.

CASE LAW MOSAIC

In his response letter, the mayor also informed the Minority Ombudsman that due to the family's existing public debt, the complainant is not entitled to social rental housing benefits, and currently is only able to rent apartments on a cost basis or on a market basis.

Regarding the repayment of their debt, he noted that an agreement on paying in installments or another agreement providing a payment discount can only be entered into with those who have a lease or other legal relationship of use approved by the competent committee of the representative body of the local government.

Based on the inquiry, the regionally competent family worker informed the Minority Ombudsman that the staff of the center have been dealing with the family for several years within the framework of primary care. According to their information, the petitioner visited the family support center several times, with the request that he would like to move into a temporary home for families, as long as the home is located in the surrounding settlements and his family can stay together. Of the five homes visited by the family helper, the institution received a response from only one, and unfortunately the family was not admitted there.

The Minority Ombudsman does not have the authority to investigate the civil-law legal relationship between the municipality and the tenant, and cannot influence or review municipal decisions made in housing matters. In view of her scope of competence, she may not examine the activity, procedure or decision of the court.

At the same time, the Minority Ombudsman pays special attention to the protection of the rights of the nationalities living in Hungary, as well as the vulnerable and most endangered social groups, especially children. In her closing letter, the Minority Ombudsman, in view of the existing situation, asked the mayor, primarily with regard to the priority interests of the six minor children, to take the initiative for the temporary and long-term settlement of the complainant's housing problem, compatible with local regulations, and fairness.