

# 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 pre-emption 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 pre-emption 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.**

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A Roma complainant complained about the behavior of the district nurse during pregnancy care, which, according to her submission, she experienced as "condescending", on the one hand because of the comments about her clothing, and on the other hand, because the district nurse also wanted to check the fetal heart function. The complainant considered it worrisome that the district nurse wanted to see their home as well.

In her reply letter, the Minority Ombudsman informed the complainant in detail about the legal provisions related to the district nurse care and the nurse's duties. She drew the complainant's attention to the fact that Annex 2, point 1 of the Decree No. 26/2014 (IV. 8.) of the Ministry of Human Capacities on maternity care contains the tests that district nurses can perform independently in the context of pregnancy care, based on the relevant professional guidelines. Among these is the examination of fetal heart function.

She also informed the complainant that, based on the same legislation, the nurse is obliged to map the social, family and work conditions of the pregnant person. She explained that according to the above decree and the Decree No. 49/2004 (V. 21.) of the Ministry of Social and Family Affairs on district nurse care, the district nurse also carries out family visits as part of pregnancy care.

Based on all of this, the Minority Ombudsman highlighted that the fetal heart function test and the family visit, objected to by the complainant, are among the mandatory duties of the nurse.

In light of the above, the Minority Ombudsman suggested to the complainant – paying particular attention to the interests of her unborn child – that she do everything possible to cooperate with the designated district nurse and consider her advice and suggestions. Finally, she drew the petitioner's attention to the fact that, should she have a complaint against the nurse's behavior in the future, she can report it to the director general of the relevant county hospital, or contact the County Collegiate Nurse Mentor operating with the hospital, or initiate the Ombudsman's or the Minority Ombudsman's procedure again.