

A Roma complainant complained that he could not have the period of use of his father's grave extended. The Minority Ombudsman, lacking competence, informed the complainant of the main legal provisions relating to the complaint, in particular the possibilities of legal remedies.

CASE LAW MOSAIC

The family of a complainant of Roma nationality, fearing eviction from a flat rented from the House of Tenants, turned to the Minority Ombudsman for help. The Minority Ombudsman informed the complainant of the conditions for the continued renting of the flat and sent a sign to the local family assistance centre.

A complainant of German nationality made several submissions to the Minority Ombudsman, both in relation to his financial claims in connection with his work in Germany and to clarify his pension issues.

The municipality local government rejected the application for extraordinary settlement support made by the applicant and his partner, who are disadvantaged and have problems in maintaining their livelihood. The complainant contested the decision and asked the Minority Ombudsman for further assistance.

The complainant mother is raising her mentally handicapped and disabled child alone, who requires constant care and supervision, but the father is not fulfilling his child support obligations. The complainant of Roma nationality contacted the Minority Ombudsman in relation to the enforcement of the arrears of maintenance, the payment of the advance child maintenance and the possibility of its enforcement.

In connection with demonstrations held by far-right organisations in certain municipalities, the Minority Ombudsman urged the National Chief Police Captain, as part of more effective action against hate crime, to make the police forces apply in their procedures the current provisions of the criminal law in force on incitement to hatred.

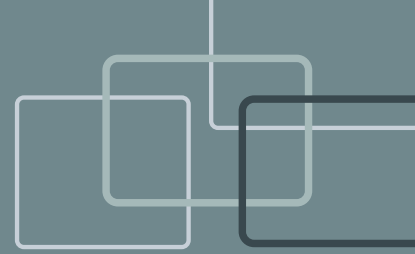
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According to the complaint and the attached documents, the complainant is the sole parent of her child, who is need of constant care of the complainant in every respect from the moment of birth.

In 2018, the district court ordered the father of the child to pay HUF 50,000 per month in child support.

The father did not comply with his obligation to pay, therefore, at the request of the complainant, the guardianship office ordered the State to advance the child support in a 2019 decision, the amount of which was set at HUF 14,250 per month. In a decision of 2022, the guardianship offic increased the amount of the advance child support by the State to HUF 50,000. The advance payment of child support by the State, originally paid for 36 months, expired in June 2022. According to the complainant, the father, who has failed to pay the maintenance, has accumulated debts of more than HUF 2 million.

To the complainant's knowledge, the father of her child is currently working abroad. In a decision of September 2020, the Department of Private International Law of the Ministry of Justice informed her that the search for her child's father abroad had failed and that therefore the procedure for the recovery of maintenance abroad could not be initiated.

In 2021, the complainant filed a complaint against the father of her child at the district police station for failure to pay maintenance, but the proceedings were suspended due to the failure to locate the father abroad.

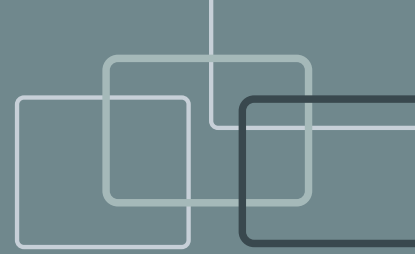
In view of the above, the complainant asked the Minority Ombudsman for assistance and information on other possibilities to claim further support and to recover the outstanding maintenance.

The Minority Ombudsman concluded, on the basis of the documents available to her, that there were no suspicions of any fundamental rights violations in relation to the procedures and decisions taken by the authorities.

She also indicated to the complainant that she could not take any action to trace the father due to lack of competence.

CASE LAW MOSAIC

QUARTERLY INFORMATION BULLETIN OF THE DEPUTY COMMISSIONER FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN HUNGARY , 2022/2



In the information letter, the Minority Ombudsman also drew the complainant's attention to the fact that, under Section 24 (1) of the Act XXXI of 1997 on the Protection of Children and Guardianship Administration, advances may be continued or reintroduced once for a maximum of three years in respect of the same child, provided the conditions are met.

Under the Act and on the basis of the documents available, it is presumed that the complainant may be entitled to a renewed order for the advance child support to be paid. In this connection, the Minority Ombudsman informed the complainant of the procedure and conditions for submitting an application for the State to make a transfer and of the documents to be attached. She also recommended that the complainant should personally visit the local family assistance centre and referred him to some relevant support organisations in order to alleviate her financial difficulties.