

## CASE LAW MOSAIC

Complainants of Roma nationality complained that the guardianship authorities had terminated the placement in family of two of their grandchildren/children by their grandparents 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.

**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

The Roma complainant complained that he and his family are constantly being harassed because of their origin by the new tenant who has moved into his neighbourhood, which is very upsetting for them and they would like to find a legal solution to the problem. The complainant said that they have been known and respected in the village for a long time and have not experienced any discrimination because of their origin. The neighbour also told them that “you should have been burnt a long time ago” and threatened to burn down their house. On the narrow platform of the train station, the neighbour directly pushed the complainant on his way home from work, raised his hands, shouted abuse and cursed. After disembarking, he declared that “soon you gypsies and Jews will be deported from this station”.

The complainant immediately went to the nearest police station where he was interviewed, but no further action was taken. The complainant's wife lodged a written complaint against the neighbour, but the police station dismissed the “suspected harassment complaint” for lack of a private complaint. According to the reasons given in the decision rejecting the complaint, the complainant's conduct was not intended to cause the victim serious fear, the obscene language he used was merely his own word, and the complainant had not submitted a private complaint.

The Minority Ombudsman contacted the competent county prosecutor and indicated that the decision rejecting the complaint was manifestly wrong to refer to the absence of a private complaint, since the proceedings had been initiated precisely on the basis of the victim's complaint; the reasoning of the decision was inadmissible in terms of content and contained “absurd” arguments. She also pointed out that, in her view, an examination of the factual elements of the basic case of violence against a member of the community was necessary and justified.

In his reply, the Prosecutor General informed the Minority Ombudsman that the decision to reject the complaint had been annulled ex officio and that an investigation had been ordered into the crime of violence against a member of the community.