

## 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**

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In his submission, the complainant indicated that the local government contacted him in 2021 with a letter stating that they wanted to expropriate his parents' house and the house he built. In his complaint, he complained of the expropriation procedure as well as its amount.

In order to examine the petition and clarify the facts, the Minority Ombudsman addressed the mayor of the settlement in question.

In his answer, the mayor explained that the municipality established a new health-care facility in the settlement and the related change in vehicle traffic justifies the expropriation.

On several occasions, the municipality contacted the owners of the properties of the relevant topographical lot numbers and presented them with a purchase offer at the market value established by the appraiser. The municipality indicated that if the purchase offer would not lead to results, the city will apply the provisions of Section 2 (c) and Section 3 of the Act CXXXIII of 2007 on Expropriation to acquire the indicated properties within the framework of an expropriation procedure. Given that the vast majority of the co-owners of the properties refrained from the sale at the given value, the local government initiated expropriation proceedings for both properties.

The expropriation procedures were carried out by the competent county government office. After establishing the amounts of compensation to be paid for the expropriation of the properties, the government office rejected the expropriation of the properties in question in favor of the municipality in order to implement the indicated project. According to the justification of the decision, the provision of parking spaces, as a real estate utilization for the purpose affected by the expropriation, is not proportionate to the withdrawal of real estate ownership realized at the same time. According to the proceeding authority, it has not been proven that the parking space can be created only and exclusively on these properties in order to access the given objects. The decisions rejecting the expropriation requests became final.

Based on the above, the Minority Ombudsman found that there is currently no expropriation procedure underway in relation to the properties indicated by the complainant, which would affect or limit the complainant's fundamental right to property. Given that, based on the decision of the acting county government office, the real estate could not be acquired by means of expropriation, and in light of this, no violation of fundamental rights has taken place, the Minority Ombudsman closed her proceedings without further action, by informing the complainant in detail.