

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.

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

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



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The complainant and her husband turned to the Minority Ombudsman because, in their opinion, they had continuously experienced hostile and discriminatory treatment from the authorities of the local government since their property, which was operated as a tourist accommodation in a village on the Lake Balaton, was put into use. The essence of their complaint was that the municipality did not uniformly apply the various official regulations, and due to the husband's Roma origin, possession protection proceedings were initiated against them on several occasions citing reasons that were not objected to in the case of other residents. On the other hand, in the possession protection disputes they initiated, they asked the municipality for help in vain, their request was rejected.

In order to get to know the background of the petition as thoroughly as possible and to inform the complainant, the Minority Ombudsman contacted the clerk municipal notary the settlement.

According to information obtained from the notary, the municipality's office had contact with the complainant in several official cases. In one case, the complainant's neighbor initiated possession protection proceedings against them, because of cameras placed on their property and the storm drain leading to the neighbor's plot. In addition, several neighbors living in the street complained about the loudness of the complainant's husband and his guests. In its decision, the municipality partially approved the possession protection requests.

In her submission, the complainant also complained that the municipality, despite its promise, did not check on the spot that their neighbor's large biting dog regularly jumped into their yard. In this regard, the notary informed the Minority Ombudsman that a municipal inspection had taken place, but the dog in question was not the neighbor's dog. However, the actual owner of the dog was asked to properly lock the animal, which was done, and no further complaints have been received since then.

Based on the information available to her, the Minority Ombudsman established that the municipality had initiated possession protection proceedings and sent letters of inquiry to the complainant in cases where this was the duty of the notary in charge, therefore she closed the proceedings without further action.

In her closing letter, however, she drew the attention of both the complainant and the municipality to the fact that a long-term satisfactory settlement of the disputed issues is only possible if a mutual dialogue in good faith serving the interests of all can be established between the parties involved. In this regard, the Minority Ombudsman referred to the Act LV of 2002 on Mediation Service as an opportunity provided by law, according to which the parties can use mediation as a special litigation prevention, conflict management and dispute resolution procedure. The purpose of this is to adopt a written agreement containing the solution to the settlement of the dispute between the parties based on the mutual agreement of the parties interested in the dispute – with the involvement of a third party (mediator) not involved in the dispute.