

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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In 2006, a complainant of Roma nationality entered into a mortgage loan agreement with a financial institution. Due to the fact that he was unable to pay the installments of the loan, he incurred a debt, and subsequently, enforcement proceedings were initiated against him in order to collect the claim.

In his complaint, he wrote that he tried to reach an agreement with the applicant for enforcement, he also applied for the handover of his property to Nemzeti Eszközkezelő Zrt., but in 2018 he had to face the fact that the procedure for taking over his property failed due to the lack of measures to request enforcement. The complainant also objected in his current complaint to this fact and the resulting vulnerable situation.

The Minority Ombudsman informed the complainant in detail about the rules of jurisdiction and her investigation options. She indicated that, due to the passage of time, she cannot investigate the lack of action by the person requesting enforcement, nor can she approach the body requesting enforcement in order to conclude an installment payment agreement.

After reviewing the documents provided to her, the Minority Ombudsman drew the complainant's attention to the court's information according to which, in the execution procedure, as a non-contentious procedure, the court cannot take evidence in the context of the termination of the claim, as in the absence of the consent of the person requesting the execution, the court must reject the debtor's unilateral request to terminate the execution procedure.

She indicated to the complainant that this had also happened in his case, considering that the person seeking enforcement had specifically disputed the complainant's request for termination, did not recognize the full payment of the debt, or the statute of limitations on the enforceability of the claim, therefore the court saw no basis for terminating the enforcement procedure in a non-litigious way.

However, the Minority Ombudsman drew the complainant's attention to the court ruling mentioning that if the debtor continues to claim that he does not owe the person seeking enforcement, he can initiate legal proceedings for the termination of enforcement against the applicant. During the litigation, the court may conduct an evidentiary procedure in connection with the termination of the claim, and if the legal conditions for this are met, it may terminate the enforcement procedure even in the absence of the consent of the person requesting enforcement.

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The Minority Ombudsman recommended that the complainant consult with a legal representative or a lawyer in order to review the legal options still available to him and determine the next steps regarding his enforcement case. At the same time, she also indicated the contact details of the probation and justice department of the competent county government office, in case his financial situation would not allow him to hire a lawyer. Finally, the Minority Ombudsman also informed the complainant in detail about other information related to enforcement and the additional legal options available during enforcement as regulated in the Act LIII of 1994 on Judicial Enforcement.