



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities Eighth session

#### Summary record of the 81st meeting

Held at the Palais des Nations, Geneva, on Thursday, 20 September 2012, at 3 p.m.

*Chairperson:* Mr. McCallum

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** (*continued*)

*Initial report of Hungary* (CRPD/C/HUN/1; CRPD/C/HUN/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Hungary took places at the Committee table.*
2. **The Chairperson** said that the dialogue with the delegation of Hungary was being transmitted via the Internet, mainly so that persons with disabilities who had been unable to travel to Geneva could follow the discussion. He pointed out that, in accordance with rule 60 of the Committee's rules of procedure (CRPD/C/4/2), Mr. Gombos would not take part in the dialogue because he was a national of the State party under consideration. Hungary had been one of the first countries to ratify the Convention and the only one to have always had a citizen among the Committee members.
3. **Mr. Soltész** (Hungary) said that by the end of communist rule, Hungary had fallen considerably behind in terms of the rights of persons with disabilities. Until then, they had been considered helpless, incapable of living autonomously in society and in need of constant care. The political transition of the 1990s had gone hand in hand with a paradigm shift: the concept of equality of rights had emerged, including with respect to persons with disabilities. Act No. XXVI of 1998 on the rights and equal opportunities of persons with disabilities had laid the groundwork for the first National Disability Programme. In keeping with the new rights-based approach, persons with disabilities were no longer viewed from a paternalistic standpoint as charity cases but as full-fledged rights holders, and the new objective was to make all necessary efforts to foster the conditions for them to exercise their rights as autonomously as possible.
4. As early as 30 March 2007, the Parliament had unanimously adopted the Convention and related Optional Protocol and had approved the associated ratification act on 25 June 2007, thereby making Hungary the first country in the world to ratify both the Convention and its Optional Protocol simultaneously. In order to make them more accessible to their prime beneficiaries, the Official Journal had published a version in Braille, a Hungarian sign-language version on DVD and a plain-language version, an initiative that was the first of its kind anywhere in the world. As a result, the Convention was the text of reference in disability matters, the starting point and criterion for any relevant discussion, legal or otherwise, as well as the foundation of both main strategic tools, namely, the National Disability Programme and its associated medium-term action plan.
5. The active role played by Hungary, as Vice-President of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, in promoting the use of sign-language interpreters should not be overlooked. Initiatives of that nature had made the United Nations more accessible to persons with hearing impairments and had encouraged the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to guarantee accessibility of the conference rooms and buildings they used in Geneva. Those measures, which Hungary had been among the first to finance, constituted significant progress in the interaction between persons with disabilities and the main treaty bodies and organizations protecting human rights.
6. Since the initial report had been drafted, Hungary had undertaken to dismantle the main specialized institutions inherited from the past, as part of a 30-year deinstitutionalization plan begun in 2011. They would be partially replaced with centres, of which many had already been established throughout the country, where the type of care and requisite staff were determined on the basis of three levels of need: day-care facilities,

residential facilities with capacity for up to 10 people and homes providing medical services reserved for no more than 50 persons with severe disabilities. The allowances for persons with disabilities and the system for assessing the degree of unfitness for work had been under reform since 1 January 2012. Persons who were deemed too unfit for integration into the workplace would receive an allowance enabling them to live decently. Assessment of unfitness for work was conducted with a view to integration into the workplace and maximum autonomy. A reform of the transport allowance scheme for persons with severe motor disabilities, launched in September 2011, had made it possible to significantly increase benefits and, from September 2012, to expand the system to persons with autism or visual, hearing or intellectual impairments. On 1 January 2012, Parliament had adopted a law on integration to promote the recruitment of persons with limited fitness for work, including through conditional exemption from employer contributions.

7. A high-level meeting on disability and development would be held on 23 September 2013, on the eve of the general debate at the sixty-eighth session of the United Nations General Assembly. As a member of the European Union, Hungary intended to remind the other Member States of the European Disability Strategy 2010–2020, especially the objective of promoting equal opportunities, which was key in that context and for which the Hungarian Government had pledged special funding. The Government was planning a call for tenders for a total of 5 billion forint to carry out accessibility projects. Under a Government decree promulgated in 2012, the authorities and civil society had embarked on a consultation process to revise disability legislation so as to incorporate the fundamental values and terminology of the Convention. The Government also intended to review the composition of the National Council on Disability and, in 2013, to formulate a new National Disability Programme for the period 2013–2019.

8. **Mr. Tatić** (Country Rapporteur) commended the State party for its unfailing commitment to the Convention and its implementation at the national, regional and international levels. He drew attention to a few of the initiatives of which the State party could be proud, including the explicit constitutional prohibition of discrimination on the grounds of disability and the explicit ban of direct and indirect discrimination on the grounds of disability in Act No. CXXV of 2003 on equal treatment and the promotion of equal opportunities. He also mentioned national policies and strategies, tireless promotion and awareness-raising efforts and Act No. CXXV of 2009 establishing the Hungarian sign-language and its use, which had had a regional impact (Serbia, for instance, was using it as a basis for drawing up its own law on the subject).

9. However, he pointed out certain aspects of Hungarian disability policy that remained problematic. Legislation should be brought into line with the Convention by incorporating psychosocial disabilities and making the denial of reasonable accommodation a prohibited form of discrimination. Current foetus protection legislation was also inadequate as it permitted abortion when the foetus was found *prima facie* to have a disability. It would be useful to know whether the State party intended to amend the law in that regard. He commended the State party for deciding to allocate funds to accessibility, but asked why the deadlines for implementing the standards had been postponed. He hoped that it would take the necessary steps to amend legislation with a view to abolishing guardianship and setting up supported decision-making. He requested further information about the use of European Union funds earmarked for relieving overcrowding in institutions for persons with disabilities. He recalled that institutions should not house more than 50 people and that the preferred solution should be for the persons concerned to live as near as possible to their community. He pointed out that restricting the right to vote would be contrary to the Hungarian Constitution. Lastly, he reminded the State party of its obligation to set up an independent mechanism, in accordance with the Paris Principles, for monitoring compliance with and implementation of the Convention and to include civil society in the monitoring process.

*Articles 1 to 10*

10. **Ms. Peláez Narváez** requested additional information about the mechanisms in place, or planned, to guarantee effective participation by civil society, more specifically by persons with disabilities, in monitoring the implementation of the Convention. She asked what measures had been taken to end the intersectional or multiple discrimination suffered by certain categories of the population, in particular the Roma and women with disabilities.

11. **Mr. Langvad** said he was puzzled by the head of delegation's statement: the Convention had been cited as a document providing guidelines when in fact there was a requirement that its provisions should be applied and the rights concerned upheld within a reasonable period. He noted that Hungarian organizations for persons with disabilities were barely represented at the interactive dialogue. Referring to paragraph 36 of the report, he said that mentioning both healthy children and children with disabilities in the same sentence would imply that the medical model, which unfortunately led to stigmatization, was still preferred over the social model and that, accordingly, progress was needed in the approach to disability.

12. He wished to know whether, in addition to the Constitution of 1949, the State party had laws prohibiting all forms of discrimination on the grounds of disability. He also enquired how members of the National Council on Disability were appointed and what support the State provided to organizations for persons with disabilities to facilitate their participation in relevant policymaking. He requested further details about measures taken to ensure the implementation, including through sign-language, specialized websites and adapted public transport, of the law abolishing physical barriers to communication, and asked what proportion of the fleet of city buses met European Union standards of accessibility.

13. **Mr. Ríos Espinosa** said that, according to information provided to the Committee, the Roma population remained largely ostracized and that the children of that community were still channelled to education facilities for persons with disabilities. He requested further information on that topic, including the percentage of Roma children in mainstream education.

14. **Ms. Yang Jia**, referring to the 30-year deinstitutionalization strategy put in place by Hungary in cooperation with the European Union, asked what the fate was of persons with psychosocial impairments and children with disabilities, as they appeared not to be included in the strategy. Regarding accessibility, she requested additional information about the measures taken to offer reduced-rate public transport to persons with disabilities and make air travel easier for them. She asked why the State party had not yet changed its definition of a person with a disability.

15. **Ms. Cisternas Reyes** asked whether, as part of the deinstitutionalization strategy, organizations representing persons with disabilities were adequately consulted and what means were used to ensure that the main persons concerned were satisfied with how the situation was progressing. She also asked what measures the State party was taking to put its equal opportunity policy into effect and ensure that women and girls with disabilities benefited from it.

16. **Ms. Degener** said that she was concerned about the high number of Roma children in specialized schools. It would appear that some of those children were wrongly diagnosed and that Roma children in particular had little access to mainstream education. She requested further explanations about information describing a recent deterioration of the situation of the Roma in Hungary. She asked whether there were programmes specifically geared towards women with disabilities and whether they were protected under the law, especially against violence.

17. **The Chairperson**, speaking as a member of the Committee, referred to information contained in the report to the effect that persons with psychosocial impairments were not classed as disabled and received social protection as psychiatric patients rather than as disabled persons. He said that they should be included in the disabled category in order to better protect them from the discrimination they risked suffering.

18. The issue of reasonable accommodation was not an insuperable problem but was simply a matter of incorporating accommodations into programmes, services and other facilities so that persons with disabilities were not discriminated against; he therefore hoped that a deadline had been set to that effect. He said that the disability action plan should place greater emphasis on human rights and less on the medical aspect. He wished to know more about abortion laws.

19. **Mr. Ben Lallahom** asked how it was possible to determine whether a person was disabled without a definition of disability. Pointing out that equal recognition before the law was a significant aspect of the Convention, he expressed concern over the fact that persons with disabilities were so frequently appointed guardians. He feared that the disabled community had not been included in the drafting of the new Civil Code, of which the provisions governing legal capacity were evidently not in keeping with the Convention.

20. **Ms. Maina** said she was concerned about the fact that Hungarian law permitted the institutionalization of persons with psychosocial impairments, in violation of article 14 of the Convention, and asked how the State party intended to eliminate that type of discrimination. She recalled that those citizens were capable of a useful contribution to society, including the economy.

21. **Mr. Kim Hyung Shik** recalled that the Convention was a human rights instrument that concerned not only national authorities but also civil society. He regretted that organizations representing persons with disabilities were not present at the meeting and, more generally, warned States against the temptation of granting themselves a monopoly over the protection of persons with disabilities. He asked whether the human rights of persons with disabilities had been duly incorporated into the new Constitution.

22. **Mr. Al-Tarawneh**, returning to the matter of defining disability, asked whether the State party had taken into account the new statistics published by the World Health Organization and the World Bank in which the number of persons with disabilities as a proportion of the general population had risen from 10 per cent to 15 per cent.

23. **Ms. Peláez Narváez** asked about the authority of the Parliamentary Commissioner for Future Generations, in light of the Hungarian Government's inadequate reply to the Committee's question regarding the situation of children with disabilities (CRPD/C/HUN/Q/1, para. 29). Given that one of the Government's five stated priorities was improving the status of children in Hungary, she asked what measures, currently in effect or planned, were geared specifically to children with disabilities, irrespective of the nature of their disability.

24. **Mr. Tatić** asked about follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women concerning communication No. 2/2003, *Ms. A.T. v. Hungary*, which had revealed that there were no shelters equipped to receive women and children with disabilities. He also asked for additional details about the efforts made to meet the statutory deadlines regarding the elimination of all barriers to accessibility in various domains.

*The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.*

25. **Mr. Soltész** (Hungary) said that Hungary did not consider the Convention as a mere set of guidelines, but rather was striving to implement the instrument. The revised Constitution contained provisions regarding the rights of persons with disabilities and,

although it did not define disability, all the requisite definitions were clearly stated in the Act on persons with disabilities. Civil society organizations were included in all decision-making, such as parliamentary approval of the budget and Government spending. Their representatives were free to travel to Geneva and elsewhere to attend meetings of interest to them and there was a range of support available to disabled persons' organizations. They were also taking part in the legislative reform and always contributed to efforts to implement adopted provisions.

26. There were awareness-raising activities at all education levels — primary, secondary and post-secondary — through which youths could meet persons with disabilities and learn to interact and live with them. As part of a newly launched, complex project, experts would be visiting 700 schools across the country to raise students' awareness of the elderly, persons with disabilities and the Roma. The Government had recently set aside several million forint for accessible elections. The programmes under way should make it easier for persons with disabilities to access both facilities and information technologies.

27. **Mr. Szöke** (Hungary), recalling the information regarding the National Council on Disability in paragraphs 24 and 25 of the initial report, namely, its mixed membership of senior Government officials and members of civil society and its function as a legislative advisory and research body, said that the Council played a crucial role by ensuring the Convention was properly implemented. It could also bring actions before the courts for alleged violations of the rights of disabled persons. Pursuant to a 2011 decree, the composition of the Council would be modified to reduce Government representation and boost civil society presence, thereby considerably improving its operations. Regarding psychosocial impairments, one of the objectives of the Government Decree on the 2012–2013 Action Plan on disability was to review the definition of disability with a view to eventually bringing it into line with the terminology of the Convention. A legal definition of psychosocial impairment should be added by the end of 2012.

28. **Mr. Juhász** (Hungary) said that deadlines for the elimination of all barriers to accessibility differed from one domain to another. Public services had been divided into 10 categories, including health, education and public transport, but the current system was rather complex owing to the fact that local authorities were responsible for managing some of the services, which varied in scale from one municipality to the next. The statutory deadlines ranged from 31 December 2008 to 31 December 2013. Following an initial phase in 2007–2010 that had seen spectacular progress thanks to financial support from the European Union, the Government had carried out assessments to better channel resources earmarked for accessibility of public infrastructure.

29. The regulations in force stipulated that information and communication technologies should be accessible to persons with disabilities, which all bidders should take into consideration in calls for tenders. In addition, a bill had been drafted as part of the National Disability Programme (2012–2013), with a view to guaranteeing persons with various disabilities access to Government and local authority websites and, in the longer term, to those of all public services. Accessibility took a long time to set up. By law all buildings built since 1998 should be accessible to persons with disabilities, but that had not been the case in practice. To correct the situation, the Government had launched a training project for the construction industry, designed in cooperation with representatives of persons with disabilities. Training would be incorporated into post-secondary curricula for the construction and public works sectors.

30. **Mr. Tallodi** (Hungary) said that civil society organizations were taking part in the review of the Civil Code, of which the current version dated back to 1959. As to the definition of disability elsewhere than in the Constitution, he said that the Act on equal treatment promulgated in 2003 set out policy and practical measures to further equality and prohibited all discrimination and segregation, in keeping with the Convention.

31. The new Constitution of 2011 provided for the establishment of an Ombudsman to take over the remit of the Parliamentary Commissioner for Future Generations, as defined in the 2007 law. The mandate of the Ombudsman was to protect all rights, with priority given to the full implementation and promotion of the Convention, for which the Ombudsman had been granted the necessary authority. A new Criminal Code which criminalized domestic violence would enter into force in January 2013.

32. **Ms. Sebestyen** (Hungary) noted that, since joining the European Union, Hungary had contributed significantly to consideration of the Roma issue. Under its presidency, the European Commission had adopted a Framework for National Roma Integration Strategies in 2011, on which each country could base its own strategy. The Framework provided for the adoption of education, employment, health and housing measures to promote the social integration of Roma, including those with disabilities. Equal treatment legislation prohibited all forms of discrimination against Roma children in education. Children with multiple disabilities were supported from early childhood through to post-secondary education. Furthermore, in 2007 the Government had adopted a strategy to reduce child and family poverty.

*Articles 11 to 20*

33. **Ms. Peláez Narváez** said that the State party's replies regarding the measures taken to guarantee the protection of children with disabilities against ill-treatment were insufficient. In its 2006 concluding observations concerning Hungary, the Committee on the Rights of the Child had lamented the lack of disaggregated data on children with disabilities, and had deemed that the percentage of those children living in homes or foster families was very high and that the measures taken for their benefit were inadequate, especially regarding their integration into the school system. She regretted the lack of progress in implementing the recommendations of the Committee on the Rights of the Child. She was also very concerned about the situation of single-parent families raising children with disabilities in extreme poverty. She asked whether there were measures to protect women and children with disabilities against violence.

34. **Ms. Cisternas Reyes** asked whether measures were being taken as part of the reform of the Criminal Code to guarantee access to justice by wards with disabilities. In light of a 2010 recommendation by the Ombudsman regarding the dignity and safety of detainees, she asked what steps the State party had taken to protect the rights of persons with disabilities held in psychiatric detention centres where treatments, isolation measures and transfers were forced on them. She also asked whether a committee on the elimination of cruel, inhuman and degrading treatment had been established, as recommended by the Human Rights Committee in 2010.

35. **Ms. Degener** noted with concern that full guardianship was not prohibited in Hungary and that supported decision-making had not yet been truly instituted. She said that efforts should be made towards that goal to give effect to article 12 of the Convention. She requested statistics regarding persons with psychosocial impairments. Given that alternative detention facilities, such as psychiatric and social protection institutions, which were covered under article 14 of the Convention, were not deemed detention centres, it would be useful to know whether all laws permitting deprivation of liberty on the grounds of disability had actually been reviewed. She was concerned about the fate of persons who, as a result of the deinstitutionalization plan, would become dependent on community-based services for which funding had been reduced.

36. **Mr. Ríos Espinosa**, referring to access to justice, asked what procedural accommodations were planned so that persons with disabilities could launch a civil suit. He also asked about the legal liability of persons with an intellectual or psychosocial impairment who were accused of committing a crime.

37. **Mr. Langvad** said that the Committee was very concerned about the State party's method for social integration of persons with disabilities, namely, placing them in centres of up to 50 residents. The centres were in fact specialized institutions that did not enable persons with disabilities to live in society. He asked if those persons could choose where they lived while benefiting from the services they needed. He also asked what the quantitative objectives and implementation timetable of the deinstitutionalization strategy were.

38. **Ms. Maina** asked when the Government intended to recognize persons with psychosocial impairments as a category of persons with disabilities protected under the Convention. She also asked whether it planned to change the length of the deinstitutionalization process and whether it intended to establish other types of institutions concurrently.

39. **Ms. Quan-Chang** asked whether, given the high number of persons living in institutions, there was a national, independent organization or mechanism for the prevention of torture and other inhuman or degrading treatment.

40. **Ms. Yang Jia** said the Committee was concerned by the fact that disaster relief personnel had no knowledge of the specific needs of persons with disabilities. She asked to what extent new technologies were used to assist persons with visual or hearing impairments, particularly in such situations.

*The meeting rose at 5.55 p.m.*