



Convention on the Rights of Persons with Disabilities

Distr.: General
8 November 2019

Original: English

Committee on the Rights of Persons with Disabilities

Follow-up progress report on individual communications*

A. Introduction

1. The present report was prepared pursuant to article 5 of the Optional Protocol to the Convention, which states that the Committee will hold closed meetings when examining communications under the Optional Protocol and, after examining a communication, will forward its suggestions and recommendations, if any, to the State party concerned and to the petitioner. The report is also prepared in line with rule 75, paragraph 7, of the rules of procedure of the Committee, which stipulates that the Special Rapporteur or working group will regularly report to the Committee on follow-up activities, to ascertain the measures to be taken by States parties to give effect to the Committee's Views.

2. The present report sets out the information received by the Special Rapporteur for follow-up on Views between the twenty-first and twenty-second sessions pursuant to the Committee's rules of procedure, and the analyses and decisions adopted by the Committee during its twenty-second session. The assessment criteria were as follows:

Assessment criteria

Compliance

A Measures taken are largely satisfactory

Partial compliance

B Substantive measure(s) taken, but additional information and/or action is required

Non-compliance

C Reply received but measures taken do not implement the Views/recommendations

No reply

D No reply to all or parts of recommendations following reminder(s)

B. Communications

1. *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011)

Views adopted: 9 September 2013

* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).



1. *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011)

First reply from the State party:	Received on 26 March 2014 (see CRPD/C/12/3).
Authors' comments (first set):	Received on 5 May 2014 (see CRPD/C/12/3).
Decision adopted at the eleventh session:	Follow-up letter sent to the State party on 8 May 2014 (see CRPD/C/12/3), with a deadline for comments of 7 November 2014.
Second reply from the State party:	Received on 8 July 2014 (see CRPD/C/12/3).
Authors' comments (second set):	Received on 25 August 2015.
Third reply from the State party:	Received on 29 June 2015 (see CRPD/C/16/3).
Decision adopted at the fifteenth session:	Follow-up ongoing. Follow-up letter sent to the State party on 14 June 2016 (see CRPD/C/16/3), with a deadline for comments of 9 August 2016.
Fourth reply from the State party:	Received on 12 August 2016 (see CRPD/C/16/3).
Authors' comments (third set):	Received on 17 August 2016 (see CRPD/C/16/3).
Action taken:	Follow-up letter sent to the State party on 18 November 2016 (see CRPD/C/17/3).
Fifth reply from the State party:	Received on 17 January 2017 (see CRPD/C/17/3).
Authors' comments (fourth set):	Received on 10 March 2017 (see CRPD/C/17/3).
Closed meeting of the Special Rapporteur with the State party:	6 April 2017
Decision adopted at the seventeenth session:	"D" assessment: follow-up ongoing. Follow-up letter sent by the Special Rapporteur on 23 November 2017, with a deadline for response of 23 January 2018.
Sixth reply from the State party:	Received on 10 July 2018 (see CRPD/C/21/3).
Authors' comments (fifth set):	Received on 18 June 2019.

The authors confirmed that the compensation amounts had been transferred to their bank accounts. However, the four authors whose legal capacity was restricted regarding the handling of property did not have access to the amounts as any related decisions had to be made by their guardians and the guardianship authorities, contrary to the requirements of article 12 (2) of the Convention, under which States parties recognized that persons with disabilities enjoyed legal capacity on an equal footing with others. They noted that the Civil Code stated that a guardian's decisions over property must serve the interest of the person under guardianship and that the guardian must take account of, but was not bound by, that person's opinion.

Action taken

The authors' comments were transmitted to the State party, with a deadline for response of 20 August 2019.

Decision

On 20 September 2019, the Special Rapporteur held a meeting with a representative of the State party's permanent mission in order to discuss possible avenues to ensure the authors' effective access to the compensation that they had received and to achieve compliance with article 12 of the Convention. At the meeting, the Special Rapporteur recalled the status of implementation of the Committee's Views, and expressed the Committee's concern that the authors did not have access to the compensation that had

1. *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011)

been transferred to their respective bank accounts. She also recalled the importance of

States parties revisiting their conceptualization of guardianship. In that connection, she underlined that it was important for the support required by persons with psychosocial disabilities in the decision-making process to be conceptualized as an accompaniment to and not a substitution for the capacity to decide. Lastly, she recalled that follow-up information had been due since August 2019. The representative of the State party indicated that she would share those concerns with the capital.

Follow-up ongoing. A formal reminder will be sent to the State party regarding the pending follow-up information due on 20 August 2019.

2. *F v. Austria* (CRPD/C/14/D/21/2014)

Views adopted:	21 August 2015
First reply from the State party:	Due on 9 March 2016. Received on 24 February 2016 (see CRPD/C/16/3).
Author's comments (first set):	Received on 22 June 2016 (see CRPD/C/16/3).
Action taken:	Follow-up letter sent by the Special Rapporteur to the State party on 5 December 2016 (see CRPD/C/17/3).
Second reply from the State party:	Received on 24 January 2017 (see CRPD/C/17/3).
Action taken:	State party's follow-up observations transmitted to the author for comments with a deadline for response of 13 April 2017.
Author's comments (second set):	Received on 27 January 2017 (see CRPD/C/17/3).
Decision adopted at the seventeenth session:	"B" assessment: follow-up ongoing. Follow-up letter sent by the Special Rapporteur on 21 November 2017, with a deadline for response of 23 January 2018.
Third reply from the State party:	Received on 20 January 2018 (see CRPD/C/21/3).
Author's comments (third set):	Received on 19 June 2019.

The author confirmed that the decree on tramways had been adopted and requested that the follow-up procedure be discontinued.

Decision

The Committee regrets that the individual recommendations were not implemented, in particular with regard to the payment of compensation to the author. At the same time, the Committee welcomes the adoption of the amended decree on tramways, including a provision on barrier-free accessibility. In view thereof and taking into account the author's request for the discontinuance of the follow-up procedure, the Committee decides to discontinue the follow-up procedure with "C" assessment for the individual remedy, and "A" assessment for the general remedy.
