



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues prior to submission of the combined second and third periodic reports of Hungary\*

#### A. Purpose and general obligations (arts. 1-4)

1. Please inform the Committee if the State party has reviewed its legislation, including Act XXVI of 1998 on the rights and equal opportunities of persons with disabilities, and harmonized it with the provisions of the Convention.
2. Please inform the Committee about measures to ensure full and effective participation of persons with disabilities through their representative organizations, including those representing women, girls and boys with disabilities, in the review and design of all disability-related legislation and policies, and in other policy and decision-making processes. In particular, please provide information about: (a) the number of meetings held by the National Council on Disability since the review of the State party's initial report to the Committee (CRPD/C/HUN/1); (b) the resources allocated to the Council since 2012; and (c) the Council's current membership.
3. Please inform the Committee about the implementation status of the action plan (2015-2018) for the implementation of the national programme on disability (2015-2025) and the human, technical and financial resources allocated to it.

#### B. Specific rights (arts. 5-30)

##### Equality and non-discrimination (art. 5)

4. Please provide detailed information on the monitoring of anti-discrimination legislation and any complaints mechanisms, remedies and sanctions to uphold the prohibition of disability-based discrimination. Please inform the Committee about measures to ensure that all of its legislation explicitly prescribes that failure to provide reasonable accommodation in all spheres of life to persons with all types of disabilities, including children, constitutes a prohibited act of discrimination.

##### Women with disabilities (art. 6)

5. Please inform the Committee about measures to empower and ensure equality for women and combat discrimination, including multiple and intersectional forms of discrimination against women and girls with disabilities, including against Roma women and girls with disabilities, in all areas of life. Please also provide information about any "temporary special measures" for women and girls with disabilities.

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\* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).



6. Please inform the Committee about measures to mainstream a gender perspective in the State party's disability-related legislation, policies and programmes. In the same vein, please also provide information about measures to ensure that legislation, policies and programmes on equal rights and opportunities for women and girls take into account the rights and interests of women and girls with disabilities.

**Children with disabilities (art. 7)**

7. Please inform the Committee about measures to make available the human, technical and financial resources, especially at the local level, necessary to promote and expand community-based rehabilitation and other services in their respective local communities to children with disabilities and their families, in order to enable children with disabilities to live with their families both in urban and rural areas. In particular, please provide data on the number of professionals providing services to boys and girls with disabilities and how any austerity measures have affected the provision of those services.

8. Please indicate any steps taken to repeal legislative provisions allowing for the institutionalization of children with disabilities. Please inform the Committee about the number of children placed in institutions and detailed data, including the financial and other resources allocated to measures taken to de-institutionalize children with disabilities, including earmarked financial support provided to families of children with disabilities. In view of the previous concluding observations by the Committee on the Rights of the Child (CRC/C/HUN/CO/3-5, para. 37), please also provide information about any steps taken to discontinue the separation of children from their parents because of poverty and lack of housing and to prohibit the placement of children in care institutions owing to the economic situation of families and about the measures taken to provide different forms of support to families in disadvantaged situations. Please provide data on the number of children with disabilities who have been separated from their parents. According to information before the Committee, children with autism are frequently taken away from their parents. Please clarify whether the State party is envisaging to prohibit this procedure.

**Awareness-raising (art. 8)**

9. Please provide information on measures taken to translate, distribute and promote the Committee's concluding observations and general comments among the population.

**Accessibility (art. 9)**

10. Please inform the Committee about the current status of accessibility throughout the State party, including by providing updated data. Please provide information about whether all public services provided by the State party, all educational, health and social services, and all municipality client services — both with regards to new buildings and constructions, transportation services and information and communications technologies, including websites — have been made fully accessible both in urban and rural areas, in line with State party's legislation and Committee's previous concluding observations. According to information before the Committee, the renovation of the metro line 3 in Budapest will not respect accessibility standards. Please indicate whether the State party intends to change the current plans in order to ensure that the renovated metro line will be fully accessible in line with the Convention.

11. Please inform the Committee about progress made in making all the automatic teller machines accessible for use by persons with disabilities, especially blind persons and persons with intellectual disabilities, including those machines operated by the OPT Bank.

12. Please inform the Committee about measures to further strengthen the monitoring mechanisms in order to ensure accessibility, especially regarding resources allocated to the removal of accessibility barriers, and regarding the continued training of relevant monitoring staff and staff required to provide accessible services, for example, in public institutions. Please provide information about measures to implement targets 11.2 and 11.7 of the Sustainable Development Goals.

**Right to life (art. 10)**

13. Please inform the Committee about any deaths since 2012 of children with disabilities or adults with disabilities in institutions, and the results of investigations into such cases. Please indicate whether the State party is envisaging to introduce independent investigations into the deaths of persons with disabilities in institutions, as is currently done with regards to deaths occurring in prisons.

**Situations of risk and humanitarian emergencies (art. 11)**

14. Please inform the Committee about the steps taken to ensure that legislation and policies on protecting the population against disasters and natural emergencies include measures to provide adequate and timely assistance to persons with disabilities in situations of risk and humanitarian emergencies.

15. Please provide comprehensive information about the situation of refugees and asylum seekers with disabilities. In that regard, please also provide information on the measures taken to ensure their full access to all rights under the Convention.

**Equal recognition before the law (art. 12)**

16. Please specify the steps taken to abolish all guardianship regimes and substituted decision-making and fully replace them with supported decision-making that is in line with the Convention, and general comment No. 1 (2014) on equal recognition before the law. Please inform the Committee about ways in which the individual's choice, will and preferences are respected when providing that individual with support in decision-making. According to information before the Committee, persons providing "support in decision-making" can provide support to 45 persons simultaneously. Please indicate any steps taken to reduce that number with a view to ensuring quality support.

**Access to justice (art. 13)**

17. Please inform the Committee about provision of procedural accommodations to persons with different types of disabilities in different judicial proceedings. Please also inform the Committee about any systematic and mandatory training on human rights of persons with disabilities, including training on the Convention to members of the judiciary and law enforcement officers.

**Liberty and security of the person (art. 14)**

18. Please inform the Committee about measures to repeal provisions in legislation that allow for the deprivation of liberty on the basis of disability, including psychosocial or intellectual disabilities, and adopt measures to ensure that health-care services, including all mental health care services, are based on the free and informed consent of the person concerned.

**Freedom of torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

19. Please clarify whether the State party has implemented the recommendation made by the Human Rights Committee in 2010 (see CCPR/C/HUN/CO/5, para. 14) to consider establishing an independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations. Furthermore, please indicate whether any legal amendments have been made to the Health Care Act in order to prohibit involuntary placement in psychiatric institutions and involuntary treatment.

20. Please clarify whether the use of chemical, mechanical and physical restraint is legal in psychiatric institutions and other forms of institutions and, if it is, please provide information on any steps taken towards outlawing such procedures. Please indicate whether the State party is taking steps to abolish the use of isolation and, if it exists, the physical restraint of children with intellectual and/or psychosocial disabilities.

21. According to information before the Committee, persons with disabilities living in institutions are frequently subjected to abuse and mistreatment. Please elaborate on any

preventative steps taken by the State party and whether there have been any investigations against alleged perpetrators and what has been the outcome.

**Freedom from exploitation, violence and abuse (art. 16)**

22. Please inform the Committee about effective measures to ensure protection of women, men, girls and boys with disabilities from exploitation, violence and abuse, in accordance with the Convention. In particular, please provide information about the establishment of protocols for the early detection of violence, above all in institutional settings, provision of procedural accommodation to gather testimonies of victims, and prosecution of those persons responsible, as well as ensuring the redress for victims, and their access to effective recovery, counselling, rehabilitation and social reintegration services and programmes. Please also clarify whether services provided are age-, gender- and disability-sensitive and accessible.

**Protecting the integrity of the person (art. 17)**

23. Please clarify whether the State party has fully prohibited forced sterilization of women with disabilities, i.e. without their free and informed consent, and repealed or amended Act CLIV of 1997, as recommended by the Committee on the Elimination of Discrimination against Women in its previous concluding observations (see CEDAW/C/HUN/CO/7-8, para. 33 (b)).

**Living independently and being included in the community (art. 19)**

24. Please provide updated information on the status of the deinstitutionalization process. Please inform the Committee about effective measures taken to ensure that an adequate level of funding is made available to effectively enable persons with all types of disabilities to: (a) enjoy the freedom to choose their residence on an equal basis with others; (b) have access to a full range of in-home and other community services for daily life, including personal assistance, instead of congregate care; and (c) are provided with the necessary reasonable accommodation, with a view to supporting their inclusion in their local communities.

25. Please inform the Committee about the use of the European Union structural funds and national funds, including reallocation of those structural funds provided to residential institutions, including “small home communities”, and financial resources provided to personal assistance and other support services in local communities, including support for the de-institutionalization of boys and girls with disabilities.

**Personal mobility (art. 20)**

26. Please provide detailed information on access to mobility equipment and aids for persons with disabilities, including the development of low-cost universal-design appliances.

**Respect for home and the family (art. 23)**

27. Please inform the Committee about effective measures to enable men and women with disabilities who are of marriageable age to marry and found a family, and to provide adequate support services to men and women, boys and girls with disabilities to enable them to live with their families instead of being placed in an institution.

**Education (art. 24)**

28. Please explain in detail how the State party is working towards providing quality inclusive education at all levels of the education system with a view to fully replacing all forms of special education with inclusive education. In particular, please provide information about effective measures to: (a) ensure that an adequate level of funding is made available to provide reasonable accommodation to children with disabilities on the basis of the student’s individual requirements, including with regards to school transportation; (b) provide students with disabilities with required support within the general education system, including with a view to ensuring that they do not leave school

earlier than their peers without disability; (c) ensure the full inclusion of Roma children with disabilities into the mainstream education system; and (d) continue training teachers and all other educational staff to enable them to work in inclusive educational settings. Please inform the Committee about measures to implement targets 4.5 and 4 (a) of the Sustainable Development Goals.

#### **Health (art. 25)**

29. Please inform the Committee about the steps taken towards providing accessible, gender-sensitive, mainstream and quality public health-care services, including accessibility to public health-care facilities and the equipment used therein throughout the entire State party and on an equal basis with others. In view of the concern expressed by the Committee on the Elimination of Discrimination against Women in its previous concluding observations, namely, that women with disabilities are excluded from gynaecological and breast-screening tests and about the limited access to and inadequate quality of sexual and reproductive health services for women with disabilities (see CEDAW/C/HUN/CO/7-8, para. 32), please indicate whether any steps have been made to ensure the access by women with disabilities to quality sexual and reproductive health services, and all screening tests on an equal basis with others.

30. Please inform the Committee about any mandatory and systematic training of health-care professionals on human rights of persons with disabilities.

#### **Work and employment (art. 27)**

31. Please inform the Committee about measures taken to implement effectively the disability-specific provisions of the Labour Code and the principle of equal remuneration for work of equal value, and to develop programmes to increase employment opportunities for women and men with disabilities in the public and private sectors and their inclusion in the open labour market. Please provide information about measures taken to implement target 8.5 of the Sustainable Development Goals.

#### **Adequate standard of living and social protection (art. 28)**

32. According to information before the Committee, the disability pension system was replaced in 2012 by a disability benefit scheme. Please provide detailed information on the disability benefit scheme. Please specify any steps taken towards bringing assessment of disability and the necessary benefits fully into line with the Convention. Please also provide information on any earmarked compensation schemes with regard to disability-related extra expenses incurred by persons with disabilities and their families.

#### **Participation in political and public life (art. 29)**

33. Please inform the Committee about measures taken to fully harmonize article XXXVI of the Constitution with provisions of the Convention, and revoke and amend its provisions and provisions of any other legislation that restrict an individual's right to vote for persons under guardianship. Please also provide information about any progress made regarding the provision of mobile ballot boxes and regarding accessibility of all voting stations.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

34. Please inform the Committee about measures to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

#### **Statistics and data collection (art. 31)**

35. Please inform the Committee on the measures envisaged to develop a unified and comprehensive data collection system that includes children with disabilities and takes into consideration the situation of specific groups of persons with disabilities who may be subject to multiple forms of exclusion.

**International cooperation (art. 32)**

36. Please inform the Committee about measures to make national implementation of the 2030 Agenda for Sustainable Development and international cooperation accessible and disability-inclusive. Please provide information on how representative organizations of persons with disabilities are involved in the international cooperation and implementation of the Sustainable Development Goals in the State party.

**National implementation and monitoring (art. 33)**

37. Please inform the Committee about effective measures to set up an independent monitoring mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and article 33 (2) of the Convention, and to ensure the full participation of civil society, especially representative organizations of persons with disabilities, in the monitoring process and framework.

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