**The right of persons with disabilities to social protection in Hungary**

The main acts promoting social inclusion of people with disabilities in Hungary are:

* The Fundamental Law of Hungary
* Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities (Equal Treatment Act)
* Act XXVI of 1998 on the Rights and Ensuring the Equal Opportunities of People with Disabilities (Disabled Persons Act)
* Act CLIV of 1997 on Health Care (Act on Health Care)
* Act LXXX of 1997 on the Eligibility for Social Security Benefits and Private Pensions and the Funding of These Services
* Act LXXXI of 1997 on social insurance pensions
* Act LXXXIII of 1997 on mandatory health insurance
* Act III. of 1993 on Social Administration and Social Services
* Act XCIII of 1993 on Work Safety (Work Safety Act)
* Act IV of 1991 on Job Assistance and Unemployment Benefits

With regard to human rights, the key **international document** is undoubtedly the United Nations Convention on the Rights of Persons with Disabilities. Hungary was among the first countries to ratify the document. The Convention brought a paradigm shift in Hungarian and international disability strategies inasmuch as it introduced a human rights-based approach. The principal human rights notion is that people with disabilities are not subject to charitable acts but holders of rights who need to be supported principally through the creation of opportunities for autonomy and for independent living and through equal access to employment and services, rather than through allowances and benefits.

Hungary ratified the Optional Protocol to the Convention as well, which makes the individual complaints mechanism accessible for those concerned. When individuals or groups feel that the Hungarian state breached the Convention and they have already used all legal remedies available in Hungary, they may file a notice to the Committee on the Rights of Persons with Disabilities.

Hungary also ratified ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and ILO Convention No. 159 Concerning Vocational Rehabilitation and Employment. Human Rights documents like the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights have become part of the domestic legal system therefore these regulations are also directly applicable.

With regard to the rights of persons with disabilities, the key legal document in **Hungarian legislation** is **Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities** (Act on the Rights of Persons with Disabilities). It can be said that at the time of its adoption, this act was a unique piece of legislation and was one of the principal reasons why the UN honoured Hungary with the Roosevelt International Disability Award in 2000.

The primary objective of the act is to guarantee the rights of persons with disabilities, and thus to promote their equal opportunities, independent living and active involvement in social life.

The Act on the Rights of Persons with Disabilities contains – among other provisions – the major fields of measures to be implemented for the achievement of these objectives, and prescribes the obligation of accessibility for maintainers of governmental and self-governmental services.

Moreover, the Act on the Rights of Persons with Disabilities provides for specific rights of people with disabilities, such as – to give but a few examples – the rights to rehabilitation, to aid, to assistance services, to early development and the right to have integrated or protected access to the labour market.

The principal cash benefit (social benefit) is the disability allowance. Those severely disabled people are entitled to this monthly cash benefit who are not capable of independent living or need permanent assistance. The objective of the allowance is to provide financial contribution to the mitigation of the social disadvantages resulting from severe disabilities. The allowance is provided regardless of the income of the person with severe disability. Additionally, **Government Decree No 102/2011 of 29 June 2011 on mobility concessions for people with severely reduced mobility** provides for car purchase and adaptation allowances. These are also financed from taxes, not dependent on payment of contributions, in order to facilitate the social integration and participation of people with disabilities. Eligible persons are persons with severely reduced mobility or other disabilities (reduced mental capacity, autism, impaired vision, impaired hearing).

Another point worth mentioning is that the Act on the Rights of Persons with Disabilities created a basis for the organisation of disability policies as it stipulates that the Parliament is invited to approved a long-term strategy, a **National Disability Programme** which have been implemented as follows:

1. **100/1999. (of 10.12.) OGY on** **the National Disability Program**
2. **10/2006. (of 16.02.) OGY on the National Disability Program**

Both documents have to be renewed periodically; therefore, the system provides a framework for the Hungarian disability policy for a long period of time. The concerning mid-term plans contain the exact definition of task, the persons responsible, the required financial resources and the deadline of completion.

The Hungarian Parliament this year adopted its third decision **15/2015 (of 07.04. ) OGY on the National Disability Program (2015–2025)**. We attach this decision in full (English translation).

Important is also the **Equal Treatment Act** (hereinafter: ETA) The Preamble of the ETA refers to every person’s right to live as a person of equal dignity and declares that the promotion of equal opportunities is principally duty of the State. The Preamble also states that the goal is to provide effective legal aid to those suffering from negative discrimination. Based on the ETA plaintiffs whose rights have been infringed enjoy appropriate legal remedies provided by administrative law against those violating their rights. The ETA as a general anti-discrimination act forbids the violation of equal treatment based on various grounds. The list of more than 25 items (protected characteristics, circumstances and situations) includes discrimination based on disability as well. The ETA deals with discrimination in the fields of employment, social security and health care, education, housing as well as sale of goods and use of services. The Act describes the personal scope, those who have to observe the principle of equal treatment: institutions which provide public task in a broad sense, like the Hungarian State, local and minority governments, armed forces, public foundations, elementary educational institutions, private pension funds, etc.

A breach of the principle of equal treatment means

* direct negative discrimination,
* indirect negative discrimination,
* harassment,
* unlawful segregation,
* retribution and
* instruction to discriminate.

In terms of human rights, the creation of **Act CXXV of 2009 on** **Hungarian Sign Language** and the use of Hungarian Sign Language has to be mentioned. The Parliament adopted the bill without dissenting votes or abstentions. The adoption of the act marked the introduction of a regulation on sign language whose content may be regarded as outstanding even at the international level, since it recognises sign language as an independent, natural language and people with hearing disabilities as a language minority community. Moreover, the act specifies that it is the obligation of the state to operate a national network of sign language interpretation services, and guarantees free sign language interpretation services for people with hearing disabilities and for the deaf blind. It also makes the opportunity of bilingual primary education available (the main language of instruction being sign language) as of 2017, and makes it obligatory for television channels to provide subtitles for their programmes.

The XV. article of the Fundamental Law of Hungary declares: “By means of separate measures, Hungary shall promote the achievement of equality of opportunity and social inclusion”. Besides that, the Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities states in its preamble that the promotion of equal opportunities is principally the duty of the State. In terms of this obligation the Network of Family, Equal Opportunity and Volunteer Houses is operating throughout the country. The Network of Family, Equal Opportunity and Volunteer Houses is a nation-wide series of county centres which represents social policy goals of the Government at the local level, helps the cooperation and networking among local NGOs and other stakeholders of disadvantaged social groups, enhance the consideration of social policy goals and the work of these organizations at the local decision-making processes,  battle against the existing prejudices in the wider society concerning disadvantaged social groups, and push to strengthen the spirit of tolerance in general. The Network consists of 19 county offices and one in the capital, Budapest. At the centre of the offices’ work the following discriminatory dimensions, factors causing disadvantaged position stand: disabilities, gender, age (with special focus on youth and the elderly), deep poverty (especially the Roma, children, and ones live in deprived regions). Besides that there is a strong emphasis on families. The most important mission of the offices is to take actions against segregation and discrimination, to lower the level of opportunity differences, and to shape public discourse to combat prevailing prejudices in society and enforce social solidarity.

In Hungary the main body with overall responsibility to ensure the compliance with the principle of equal treatment is the **Equal Treatment Authority** (hereinafter: Authority). The Authority is responsible for investigating the complaints filed because of the violation of the principle of equal treatment and enforcing that principle. The procedure may be initiated by natural persons who suffered disadvantage (in person or through their representatives), heads or representatives of legal persons, interest representation organizations or bodies submitting a complaint as actio popularis, in a complaint submitted to the Authority.

Since 2006 **equal opportunity secretariat** has been operating, nowadays in the Ministry of Human Capacities. The **Commissioner for Fundamental Rights** is also a safeguard of people with disabilities. His office deals with the disability issue with high priority**,** and upon request investigates cases.

Also **civil organisations** are active participants in this field, Hungary presents all the representative organizations’ opinion in decision making and in the disability-related legislation. The Hungarian Decree-Law 1330/2013 rules the rights of National Disability Council (hereinafter: Council) to be involved in disability-related legislation. The Council can take amendments, suggestions for the Minister, responsible for equal rights. The Council participate in the preparation process of National Disability Programme.

You are kindly informed that, for the time being, no statistics are available upon which information could be withdrawn as regards disability statistics, especially concerning poverty and income inequalities.

Although these information are very important indicators, we only have data available on [*http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability\_statistics*](http://ec.europa.eu/eurostat/statistics-explained/index.php/Disability_statistics)website.

At EUROSTAT income is a key measure of the economic well-being of individuals. Calculations are based on the [European statistics on income and living conditions (EU-SILC)](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AEU_statistics_on_income_and_living_conditions_%28EU-SILC%29), which is the reference source for statistics on income, poverty and living conditions in the [European Union (EU)](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AEuropean_Union_%28EU%29).

In EU-SILC, disability is approximated according to the concept of global activity limitation, which is defined as a “limitation in activities people usually do for at least the past six months because of health problems”. This is considered to be an adequate proxy for disability, both by the scientific community and disabled persons' organizations.





Figure 1: The Europe-2020 indicator of at-risk-of-poverty or social exclusion (AROPE)
*Source:* Eurostat



Table 1: People at-risk-of-poverty, severely materially deprived, living in households with very low work intensity, and at-risk-of-poverty and social exclusion (Percentage of the eligible population), by country and level of activity limitation, 2011 - Source: Eurostat 

Figure 2: At-risk-of-poverty rate (%) for the population aged 16 or more with activity limitation, before and after social transfers, by country, 2011 - Source: Eurostat

Figure 3: Percentage of the employed population aged 16 or more who are at-risk-of-poverty, by country and level of activity limitation, 2011 - Source: Eurostat

Main statistical findings

Being at-risk-of-poverty or social exclusion (AROPE): higher prevalence among the population with activity limitation

The indicator "at risk of poverty or social exclusion", abbreviated as [AROPE](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AAt_risk_of_poverty_or_social_exclusion_%28AROPE%29), measures the percentage of people who are either at risk of poverty, or severely materially deprived or living in a household with a very low work intensity. The AROPE is the headline indicator to monitor the [Europe 2020 Strategy](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AEU_2020_Strategy) poverty target.

In 2011, about 31 % of the population aged 16 or more in the [EU-28](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AEU-28) and having an activity limitation was at risk of poverty or social exclusion, compared with 21 % of those with no limitation. Similar results were obtained for the [at-risk-of-poverty rate](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AAt-risk-of-poverty_rate) (19 % vs. 15 %), [severe material deprivation rate](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3ASevere_material_deprivation_rate) (12 % vs. 7 %) and the share of individuals aged less than 60 and living in households with very low work intensity (25 % vs. 8 %). The latter result reflects a more difficult access to the labor market for people with activity limitation.

There are significant differences across countries, yet in all of them people without activity limitation are on average less exposed to the risk of poverty and social exclusion than those with some activity limitation. Severe material deprivation is more frequent in Eastern European countries. For instance, more than half of those with an activity limitation in Bulgaria (59 %) are also severely materially deprived, while the share is 2 % in Luxembourg and Switzerland. With regard to the two other components of AROPE (being at-risk-of-poverty and living in a household with low work intensity), the gaps between countries are less significant. For instance, the at-risk-of-poverty rate after [social transfers](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3ASocial_transfers) for people with activity limitation varies from 8 % in Iceland and 10 % in the Netherlands up to 26 % in Cyprus, 27 % in Greece and 30 % in Bulgaria.

The decisive importance of social transfers for people with activity limitation

People with activity limitation rely heavily on social transfers. In 2011, almost 70 % of the EU-28 population aged 16 or more and having some activity limitation would have been at risk of poverty if social transfers (social benefits, allowances and pensions) had not taken place. In comparison, 38 % of the population with no activity limitation would have been at-risk-of-poverty. The [rate before social transfers](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary%3AAt-risk-of-poverty_rate_before_social_transfers) for those with an activity limitation ranged from 54 % in Switzerland and 55 % in Denmark to 78 % in Greece and 79 % in Lithuania. The at-risk-of-poverty rate for the population with an activity limitation fell to 19 % of the EU-28 population after taking social transfers into account. Similar impacts were observed in all countries.

In-work poverty: people with activity limitation more exposed than people with no limitation

Regardless of whether an activity limitation exists or not, being in employment reduces the risk of poverty. In 2011, 9 % of the employed population aged 18 or more in the EU-28 was at-risk-of-poverty, while the share was 16 % for all persons of the same age group. Nevertheless, employment does not make the risk of poverty disappear. In-work poverty, that is poverty among the employed population, is a key indicator of the labor market integration of people having an activity limitation. In the EU-28, 11 % of those in employment and having an activity limitation were at-risk-of-poverty. The highest values were observed in Spain (15 %), Portugal (16%), Greece (22 %) and Romania (25 %), and the lowest in Finland (3 %) and the Netherlands (5 %). Not having an activity limitation reduced the poverty risk to 9 %.