1. **Legislative and policy framework**

It can generally be observed that disability law lacks elaborate provisions on equal dignity and equal treatment. Hungarian disability law regulates the specific provisions and support for the disabled. Nonetheless, there is no specific legislation on hate-crime and deconstructing social barriers and discrimination vis-à-vis persons with disabilities.

Some basic care mechanisms are regulated by the laws that stipulate the criteria of using the individual services, which more or less cover the needs of the social groups concerned. However, the service sector needs to be modernized in many respects both in the case of state-owned institutions and in those that are maintained and operated by the church.

a) With regard to the social groups concerned, the **Fundamental Law of Hungary** contains the following provisions:

*Creed:*

We hold that human existence is based on human dignity.

We hold that we have a general duty to help the vulnerable and the poor.

*The state’s protection obligation*

*Article I* (1) The inviolable and inalienable fundamental rights of MAN shall be respected. It shall be the primary obligation of the State to protect these rights.

(2) Hungary shall recognize the fundamental individual and collective rights of man.

(3) The rules for fundamental rights and obligations shall be laid down in an Act. A fundamental right may only be restricted to allow the effective use of another fundamental right or to protect a constitutional value, to the extent absolutely necessary, proportionate to the objective pursued and with full respect for the essential content of such fundamental right.

*The right to equal human dignity*

*Article II* Human dignity shall be inviolable. Every human being shall have the right to life and human dignity; the life of the fetus shall be protected from the moment of conception.

*Equal opportunities, non-discrimination*

*Article XV* (1) Everyone shall be equal before the law. Every human being shall have legal capacity.

(2) Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, color, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status.

(3) Women and men shall have equal rights.

(4) By means of separate measures, Hungary shall promote the achievement of equality of opportunity and social inclusion.

*Protection of vulnerable social groups*

(5)By means of separate measures, Hungary shall protect families, children, women, the elderly and persons living with disabilities.

*Enforcement of social rights*

*Article XIX* (1) Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to assistance in the case of maternity, illness, disability, handicap, widowhood, orphanage and unemployment for reasons outside of his or her control, as provided for by an Act.

(2) Hungary shall implement social security for the persons referred to in Paragraph (1) and for other persons in need through a system of social institutions and measures.

(3) The nature and extent of social measures may be determined in an Act in accordance with the usefulness to the community of the beneficiary’s activity.

(4) Hungary shall contribute to ensuring the livelihood for the elderly by maintaining a general state pension system based on social solidarity and by allowing for the operation of voluntarily established social institutions. The conditions of entitlement to state pension may be laid down in an Act with regard to the requirement for stronger protection for women.

*The right to physical and mental health*

*Article XX* (1) Everyone shall have the right to physical and mental health.

b) In other aspects, it is the **Social Act** (Act III of 1993) that regulates the frameworks of residential care homes, home support, as well as the care provided in the context of the village administration service.

c) Act XXVI of 1998 on t**he Rights and Ensuring the Equal Opportunities of People with Disabilities (Disabled Persons Act)** contains special conceptual definitions and the description of the support system.

d) Act CXXV of 2003 on **Equal Treatment and Promotion of Equal Opportunities (Equal Treatment Act)** promotes presence in the different service sectors, which ensures the efficient protection of the rights of those persons who are discriminated against.

e) Act XCII of 2007 on the Promulgation of the UN Convention on the Rights of Persons with Disabilities and the Additional Protocol (**CRPD**). It is a full-fledged mechanism for protecting fundamental rights.

**Admission procedures to social or healthcare services, including involuntary admissions**

Admission is based on a waiting-list system; the average waiting time may be rather lengthy, as there is an increasing number of applications. Admission to an institution close to the place of residence may bring further difficulties to the system. Admission into social care homes is voluntary, however, if the person has restricted legal capacity (is under guardianship), he or she may be admitted to an institution even against his or her will.

**Access to support to live independently in the community**

In the framework of home support, the care needed for maintaining independent living should be provided in the beneficiary’s own residential environment. More precisely, in the context of personal care, the supporting relationship should be established and maintained with the beneficiary, the care and nursing tasks should be performed, furthermore, among others, support should be provided with keeping the hygiene of the residential environment, with household activities, as well as in the prevention and aversion of emergencies.

**Access to free or affordable healthcare:**

The healthcare system in Hungary is available to persons with disabilities on the same basis as for other members of society, it is available free of charge (although a social security contribution is to be paid along with the taxes). However, the availability and accessibility of rehabilitation goods and services is a key challenge.

1. **(a) Hate crime, hate speech**

A recent development regarding hate-crime is the new police protocol on hate crimes. Order nr. 30 of 2019. explicitly mentions mental or physical disability as an indicator for hate crime. The order contains elaborate guidelines on how to deal with cases of hate crime and how to identify hate crime.

 **2. (b) Access to justice**

In general, persons with disabilities have the same access to justice as any other person. Legal assistance may be granted in case of lack of financial means (e.g. free of charge legal representation or granting an alleviation of procedural costs). The new Criminal Procedure Code establishes the category of persons requiring special treatment: persons with (single or multiple) disabilities are explicitly prescribed by law as entitled to special treatment to support them throughout the procedure (in case they participate as victims or witnesses).

1. **The Hungarian NHRI has no specific and targeted practice on the matter.**
2. **The Hungarian NHRI has no specific and targeted practice on the matter. Civil society plays a crucial role in the awareness raising process. The NHRI has no knowledge of significant and widespread initiatives, campaigns, training or research.**
3. **The Hungarian NHRI has no specific and targeted practice on the matter.**

Data on the enforcement of the rights of the social groups concerned are gathered from the government and civil sectors in the context of the Human Rights Working Group at the Ministry of Justice.

 - Thematic Working Group on the Rights of the Elderly

 - Thematic Working Group on the Rights of Persons with Disabilities

1. Basic Professional Dementia Program

*Program supporting the special daycare and residential care services provided to persons with dementia* (Catholic Service of Charity)

1. Home alarm system (Market-based service)
2. Special basic programs of civil society organizations for the disabled (Down Foundation, Hand in Hand Foundation (Kézenfogva Alapítvány), Hungarian Association for Persons with Intellectual Disability (ÉFOÉSZ))