

Hungary: UN experts urge end to restrictions on persons with disabilities

GENEVA (16 April 2020) Hungary's laws, policies and practices which often result in persons with disabilities being placed under guardianship, and in many cases being institutionalised, are grave and systematic violations of their rights, UN experts have found after an extensive inquiry.

These are among the findings and recommendations published today by [The UN Committee on the Rights of Persons with Disabilities](#). A delegation from the Committee visited Hungary in January 2019 and interviewed more than 200 individuals, including persons with disabilities living in small and large institutions, organizations of persons with disabilities, as well as judges, and lawyers, members of the parliament, NGO representatives, academics, and human rights defenders.

"At the time of our visit, some 55,000 persons with disabilities in Hungary were under guardianship, having their rights restricted and with no choice or control over their lives," said Jonas Ruskus, Vice-Chair of the Committee.

The Committee noted that Hungary had taken measures to transfer persons with disabilities from larger to smaller institutions. The existing national strategy, however, has yet to dismantle institutional settings and address their extremely harmful and discriminatory effects on children with disabilities' integrity, family life and wellbeing, the report finds. "Nearly 25,000 people with disabilities, including children age under 12, lived in institutions where they continued to face isolation from community life when we visited," Ruskus added.

The Committee found that despite Hungary's steps to expand social protection measures and allowances, people continue to rely on institutions to look after their family members. "We are told that it is really hard for children with disabilities and their families to get support in the community, so they are often placed in institutions, which can be extremely difficult," said Committee member Robert Martin who was part of the delegation.

The Committee also expressed concern about prevailing stereotypes of persons with disabilities, which result in inequality and discrimination. At the time of the inquiry, about 90 per cent of persons with disabilities under guardianship were denied their right to vote and to stand for election.

There is also a persistent paternalistic approach towards persons with disabilities among the judiciary and the legal profession, which interprets the Civil Code restrictions on legal capacity, and the right to vote of persons with disabilities as a "measure of protection". "This discriminates against persons with intellectual or psychosocial disabilities and also impedes the transformation from an out-dated medical approach to the human rights model of disability," said Ruskus.

The Committee found violations of the rights of persons with disabilities to equal recognition before the law, to live independently and be included in the community,

and to equality and non-discrimination in line with the State party's obligation under the [Convention on the Rights of Persons with Disabilities](#). Hungary ratified the Convention in 2007.

The Committee's recommendations include abolishing guardianship regimes, ending institutionalisation on the basis of disability, providing reparations for persons with disabilities seeking redress for being institutionalised, and redirecting financial resources, including from the European Structural and Investment Funds to support independent living and inclusion in the community.

"If the Committee's recommendations are put in place, it will make a difference to the lives of many children and adults with disabilities and their families in Hungary," said Martin.

The full report is available online [here](#).