La versión en español la encentrarán abajo.

**Questionnaire**

**Convention on the Rights of Persons with Disabilities**

**Article 5 - equality and non-discrimination**

**Deadline 30 June 2016**

You are invited to provide input to the study on article 5 (equality and non-discrimination) of the Convention, using the following questionnaire.

1. Has your country adopted legislation establishing disability as a prohibited ground of discrimination, including denial of reasonable accommodation as discrimination? Please provide details on any related legal reforms.

**Legal background:**

1. [Act XXVI. of 1998 on the persons with disabilities’s rights and equal opportunities](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800026.TV)
2. [Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0300125.TV)
3. [Fundamental Law of Hungary](http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf) XV. article – the prohibition of discrimination

2. Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the tests and their different elements (500 words).

[**Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities**](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0300125.TV) **CHAPTER II -III**

The Authority shall

- based on an application or in cases defined herein, conduct ex officio an investigation to establish whether the principle of equal treatment has been violated, and make a decision on the basis of the investigation;

- pursuant to the right of claim enforcement in the public interest, initiate a lawsuit with a view to protecting the rights of persons and groups whose rights have been violated;

- review and comment on drafts of legal acts concerning equal treatment;

- make proposals concerning governmental decisions and legislation pertaining to equal treatment;

- regularly inform the public and the Parliament about the situation concerning the enforcement of equal treatment;

- in the course of performing its duties, co-operate with the social and representation organisations and the relevant state bodies;

- continually provide information to those concerned and offer help with acting against the violation of equal treatment;

- assist in the preparation of governmental reports to international organisations, especially to the Council of Europe concerning the principle of equal treatment;

- assist in the preparation of the reports for the Commission of the European Union concerning the harmonisation of directives on equal treatment;

The authority did not examine:

* the Parliament
* the President of the Republic
* the Constitutional Court
* the National Audit Office
* the Commissioner for Fundamental Rights
* the courts
* prosecutors

decisions and actions of public authorities.

Office work period: 75 days

If the Authority has established that the provisions ensuring the principle of equal treatment laid down herein have been violated, they may

- order that the situation constituting a violation of law be eliminated,

- prohibit the further continuation of the conduct constituting a violation of law,

- publish its decision establishing the violation of law,

- impose a fine,

- apply a legal consequence determined in a special act.

The legal consequences can also be applied collectively

In procedures initiated because of a violation of the principle of equal treatment, the injured party or the party entitled to assert claims of public interest must prove that the injured person or group has suffered a disadvantage, and the injured party or group possessing characteristics defined in law.

The other party shall prove that it has observed or in respect of the relevant relationship was not obliged to observe, the principle of.

[Here](http://www.ecoi.net/file_upload/227_tmpphpOs2yV9.pdf) is the law in English, but this is not applicable. Since the law has changed.

3. Does your country apply affirmative actions for combating structural discrimination against persons with disabilities? If so, please describe how are these measures applied and enforced (500 words).

The procedures of the Authority, which has been formulated in 3.

4. Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please describe how these policies are reflected in legislation and policy frameworks (500 words).

[The Fundamental Law of Hungary](http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf) (XV. article – the prohibition of discrimination) states:

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

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

But detailed rules and special rules *(the women and children WITH disabilities)* aren’t.

[Here](http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf) is the Fundamental Law of Hungary in English.

5 Is your country monitoring and collecting disaggregated data on discrimination against persons with disabilities, including gender, age and impairment disaggregation?

In Hungary, the Equal Treatment Authority [deal with](http://szotar.sztaki.hu/search?searchWord=deal%20with%20sth&fromlang=eng&tolang=hun&outLanguage=hun) for the discrimination cases. We have not information or data.

Web page of Equal Treatment Authority: <http://www.egyenlobanasmod.hu/eng>

Please submit with subject [Art 5 Study CRPD] by **30 June 2016** to: [registry@ohchr.org](mailto:registry@ohchr.org)

More about work on the rights of persons with disabilities: <http://www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx>

*Background*

Human Rights Council resolution 31/6 requested the Office of the UN High Commissioner for Human Rights to prepare a study on article 5 of the Convention on the Rights of Persons with Disabilities.