

A descriptive analysis of the Hungarian legislation in the areas of accessibility, disability and equal treatment, with special reference to tourism/mobility¹

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Introduction

According to the WHO's latest estimate 1.3 billion people on Earth, 16% of the total global population, have a disability, and this number is growing (<https://www.who.int/news-room/fact-sheets/detail/disability-and-health>). The question of whether people with disabilities will have access to a supportive environment that takes their specific needs into account throughout their lives, or whether they will have to suffer some form of disability, is therefore a very important one.

Accessibility itself, as a complex term, naturally covers a number of areas, the main themes of which can be outlined as follows:

- Built environment: accessibility of the built environment includes the appropriate design and construction of buildings, public spaces and infrastructure to ensure that they are easily accessible to people with disabilities. This may include: barrier-free entrances, ramps, lifts or lifts instead of stairs, doors and corridors of appropriate width, etc.
- Transport: accessible transport means that transport infrastructure is accessible and adapted to the needs of people with disabilities. This can include appropriate vehicles, accessible stops, flat access, and easy access to information for people with disabilities.
- Digital accessibility: information, websites and applications on the internet and electronic devices must be made accessible for people with different disabilities. This includes the appropriate design of websites and applications to allow, for example, the use of screen readers, easy navigation and other assistive devices.
- Communication and information: in this area of accessibility, it is important that information and communication are easy to understand and accessible for people with disabilities. This includes the use of easy-to-read fonts or, for example, the appropriate preparation of texts and documents for reading aloud.

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- Services and administration: in this area of accessibility, public and private services and administration should be designed to be accessible and usable by people with disabilities. This means, for example, providing appropriate means of communication and accessible customer services.
- Education and employment: accessibility is a priority in education and in the workplace. Educational institutions must comply with accessibility standards and ensure equal access to education for people with disabilities. In addition, accessibility in the workplace must be a priority to ensure that people with disabilities have the opportunity to work and develop their careers.

These are therefore the most important areas where the development of a legislative environment is essential in the field of complex accessibility regulation, with the main aim of promoting equal opportunities and ensuring equal participation for all, regardless of their disability status (GONDA T. - RAFFAY, Z. 2021, FARKAS J. - PETYKÓ, CS. 2019, 2020, FARKAS, J. - RAFFAY, Z. - PETYKÓ, CS. 2022)

Legal regulation has a huge role to play in creating good and ethical practice (FARKAS J. - CSILLAG S. - FEKETE-FROJIMOVICS ZS. 2022). In our opinion, the legal regulation of disability and accessible tourism in Hungary is basically adequate; the basic legislation on this issue has been adopted over the last 3 decades and the harmonisation of legislation in this field has been achieved during the accession process to the European Union. The problem is rather the practical implementation of the legal provisions. In our short summary study we aim to provide a comprehensive overview of the most important relevant Hungarian legislation.

Presentation of the global context of the relevant related legislation

Among the legal regulations concerning this issue, the Convention on the Rights of Persons with Disabilities, adopted by the United Nations in 2006 and also promulgated in Hungary, is worth highlighting, which obliges the States Parties to ensure access for persons with disabilities to sports, recreational and tourist facilities and services (Act XCII of 2007).

This issue can of course affect any member of society, just think of our ageing population, which is why the image of ageing societies gives the problem a special weight today. Special needs in old age are common to practically everyone, but there are also many other life situations which may give rise to special needs: e.g. people undergoing rehabilitation after an accident, families with young children, etc.

In addition to the above, the UNWTO, the United Nations World Tourism Organization, is committed to promoting accessible tourism, and has dedicated the 2016 World Tourism Day to this theme. The organisation has made a number of recommendations and published a handbook on the issue (UNWTO 2016).

As a further milestone in this field, the European Parliament resolution of 29 October 2015 on new challenges and visions for the promotion of tourism in Europe stresses the importance of developing sustainable, responsible and accessible tourism; the principle of "tourism for all"; and that full accessibility and affordability of tourism is a key element for the sustainability of

the sector. The resolution recommends that Member States develop a Europe-wide, uniform and transparent labelling scheme for accessible offers and make accessibility a criterion for support in the context of economic support programmes for the tourism sector (European Parliament resolution of 29 October 2015 on new challenges and ideas for promoting European tourism https://www.europarl.europa.eu/doceo/document/TA-8-2015-0391_HU.html).

An analytical presentation of the relevant Hungarian legislative environment

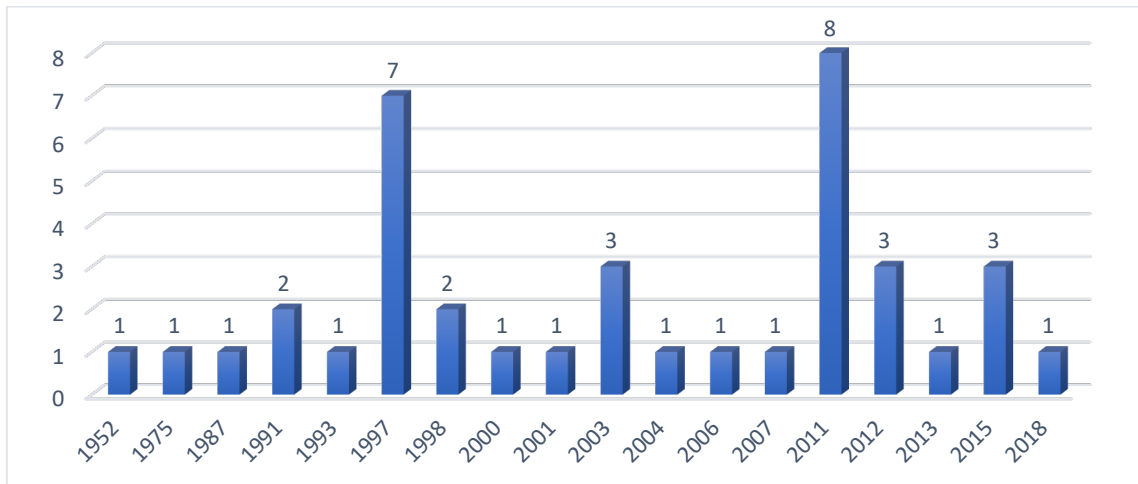
For a descriptive analysis of Hungarian legislation in the areas of accessibility, disability and equal treatment, we can rely heavily on the comprehensive collection of legislation of the National Association of Disabled People's Association (MEOSZ), Hungary's most important professional organisation in this field. An examination of the legislation shows that a paradigm shift has taken place since the 1990s, thanks (also) to the focus on human rights. This shift in approach is based on the idea that people with disabilities should not be hidden or excluded from others, but should be given the same opportunities as able-bodied people, thus promoting social inclusion. In this context, their social care has been transformed, with personalised services and better living conditions available to them.

In summary, 256 pieces of legislation currently in force in Hungary contain some level of accessibility-related subject matter, of which 39 can be considered relevant to the issue. The following list of legislation, in whole or in part, affects the lives of people with disabilities and promotes equal access:

- Fundamental Law (Accessibility is not specifically mentioned, but equal opportunities and social inclusion are)
- Act CLI of 2011 on the Constitutional Court
- Act CXI of 2011 on the Commissioner for Fundamental Rights
- Act CXXV of 2003 on equal treatment and the promotion of equal opportunities
- Act XXVI of 1998 on the Rights of Persons with Disabilities and Ensuring their Equal Opportunities (FOT.)
- Government Decree 141/2000 (VIII. 9.) on the rules for the classification and review of severe disability and the payment of disability allowance
- Parliamentary Decision 15/2015 (IV. 7.) on the National Disability Programme (2015-2025)
- 1653/2015 (IX. 14.) Government Decision on the Action Plan for the implementation of the National Disability Programme for the years 2015-2018
- Act CXCI of 2011 on benefits for persons with reduced capacity for work and amending certain Acts
- Government Decree 327/2011 (XII. 29.) on the procedural rules concerning benefits for persons with reduced capacity for work
- NEFMI (Minsutry of National Resources) Decree No 7/2012 (II. 14.) on the detailed rules for complex certification
- Government Decree 74/2015 (III. 30.) on the National Rehabilitation and Social Office

- Act LXXX of 1997 on persons entitled to social security benefits and private pensions and on the coverage of these services
- Act LXXXI of 1997 on Social Insurance Pension Benefits
- Act LXXXIII of 1997 on Compulsory Health Insurance Benefits
- MT Decree No 83/1987 (XII. 27.) on invalidity benefits
- Act III of 1993 on Social Administration and Social Benefits
- Act LXXXIV of 1998 on Family Support
- Decree No 5/2003 (II. 19.) of the Ministry of Social Affairs and Employment of the Republic of Finland on illnesses and disabilities entitling to higher family allowances
- Act CLIV of 1997 on Health Care
- Act XCVIII of 2006 on the General Rules for the Safe and Economical Supply of Medicinal Products and Medical Devices and the Marketing of Medicinal Products
- Decree No 14/2007 (III. 14.) of the Ministry of Health on the inclusion of medical aids in social security benefits, ordering, distribution, repair and loan of medical aids with benefits
- Government Decree 12/2001 (I. 31.) on State aid for housing
- Act LXXXII of 1991 on Motor Vehicle Tax
- Government Decree No 102/2011 (VI. 29.) on transport benefits for persons with severe reduced mobility
- Government Decree 218/2003 (XII. 11.) on the parking card of persons with reduced mobility
- Joint Decree No 1/1975 (II. 5.) of the Ministry of Transport and Communications of 5 May 1975 on the rules of the road (Kresz)
- Act CXC of 2011 on National Public Education
- EMMI (Ministry for Human Resources) Decree No 15/2013 (II. 26.) on the operation of pedagogical institutions
- Act LXXVIII of 1997 on the Shaping and Protection of the Built Environment
- Government Decree 253/1997 (XII. 20.) on national settlement planning and building requirements (OTÉK)
- Act V of 2013 on the Civil Code
- Act CLXXV of 2011 on the right of association, the status of public benefit and the operation and support of non-governmental organisations
- Act CLXXXI of 2011 on the Court Register of Non-Governmental Organisations and the Procedural Rules Related thereto
- Act CXL of 2004 on the General Rules of Administrative Procedure and Services
- Act III of 1952 on the Code of Civil Procedure
- Act CLV of 1997 on Consumer Protection
- Act I of 2012 on the Labour Code
- Act IV of 1991 on the promotion of employment and unemployment benefits
- Act LXXV of 2018 on Accessibility of Websites and Mobile Applications of Public Sector Organisations

Figure 1. Number and year of adoption of legislation addressing accessibility issues



Source: own collection

With the help of the MEOSZ's professional analysis, it can be stated that one of the most important starting points and the basis for many relevant areas is **Act XCII of 2007 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto** and **Act XXVI of 1998 on the Rights of Persons with Disabilities and Ensuring their Equal Opportunities**.

Accessibility, as an ever-widening concept, can be clearly seen in the regulations originally adopted in the context of *accessibility of the built environment, which, according to the definition of Act LXXVIII of 1997 on the Shaping and Protection of the Built Environment* (hereinafter: the Act), "*the built environment is accessible if its comfortable, safe and independent use is ensured for all people, including individuals or groups of people with health impairments who require special equipment or technical solutions. The built environment is defined as that part of the built environment which is the result of a conscious construction work and which is primarily intended to create the conditions for individual and community existence.*"

In line with MEOSZ's analysis, this means that, contrary to the everyday terminology that accessibility is nothing more than the modification or conversion of existing buildings and facilities, which make them accessible to people with disabilities - **the definition of the above-mentioned law covers much more complex areas, so that accessibility, in addition to serving the interests of people with disabilities, also benefits other users in society with special needs, such as the elderly, children, mothers or people who use temporary assistive devices** (<https://www.meosz.hu/mozgaskorlatozott-vagyok/akadalymentesites-egyetemestervezes/>).

This broader approach is also reflected in the recommendation of the so-called CRPD Committee (Committee on the Rights of Persons with Disabilities – the EU framework for the UN Convention on the Rights of Persons with Disabilities) to Article 9, which is presented later in this paper:

"The focus is no longer on legal personality, and not on whether buildings, transport, infrastructure, vehicles, information and communication and services are in private or public ownership. As long as goods, products and services are available to the public or are intended to be available to the public, they should be accessible to all, whether owned by a public authority or a private individual. People with disabilities should have equal access to all goods, products and services intended for the general public in a way that ensures effective and equal access for them and respects their dignity." (<https://www.meosz.hu/mozgaskorlatozott-vagyok/akadalymentesites-egyetem-es-tervezes/>).

A very important area for the study and analysis of the legal regulation **based on the link between accessibility and tourism** is the **Act XCII of 2007 on the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, Articles 9 and 20**, which regulate, among others, accessibility/accessibility and personal mobility:

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 20

Personal mobility

States Parties shall, while ensuring to the maximum extent possible the independence of persons with disabilities, take effective measures to ensure personal mobility, including:

a) enabling the personal mobility of persons with disabilities at a time and in a manner determined by them and at an affordable price;

(b) facilitating access for persons with disabilities to quality mobility supports, equipment, assistive technologies and various forms of personal assistance and mediators, including their provision at affordable prices;

(c) provide training on mobility for people with disabilities and their experts;

(d) encouraging entities producing mobility supports, devices and assistive technologies to take into account the mobility aspects of persons with disabilities.

In terms of legislation, these two articles and the activities they regulate therefore underpin and reinforce the key conditions for personal mobility for people with disabilities.

In the context of the discussion of this topic, it should also be pointed out that the new National Disability Programme (2015-2025) adopted in 2015 states that domestic service providers have not yet sufficiently recognised the tourism opportunities for people with disabilities. Therefore, it is important to update and disseminate existing tourism demand surveys within the tourism profession, as well as to train and sensitise service providers and staff, emphasising the principle of universal design. The aim is, of course, to encourage the operation of tourism packages for people with disabilities, which target accessibility in a complex way and which serve not only equal opportunities but also economic interests.

Summary

For a modern society, creating a barrier-free environment is crucial, as it helps, among other things, to promote equal opportunities and respect for human dignity for all. Accessibility is a priority for the following reasons:

- *Equal opportunities:* ensuring an accessible environment allows people with disabilities to have equal opportunities in education, employment, transport and other areas of society. This helps reduce inequalities and discrimination and enables everyone to contribute to society according to their abilities.

- *Full participation in society*: an accessible environment enables people with disabilities to participate fully in social and economic life. If infrastructure, services and communication are not barrier-free, many people feel excluded and cannot fully participate in society.
- *Human dignity and self-determination*: an accessible environment helps to preserve and respect human dignity. Every person has the right to live independently and to be in control of their own life. Accessibility contributes to empowering people with disabilities to make their own decisions about matters that affect their lives.
- *Economic benefits*: accessibility can also bring long-term economic benefits. Accessible infrastructure and environments enable the participation of people with disabilities in the labour market and contribute to economic growth. It is also an important factor in tourism, as accessible cities and attractions become attractive destinations for tourists.
- *Older and disabled people*: accessibility is not only important for people with disabilities, but also for older and disabled people. An accessible environment helps make their lives easier and contributes to maintaining an independent and dignified life.
- *Legal requirements and international expectations*: in many countries and at international level, laws and directives are required to promote accessibility. In many countries and internationally, accessibility is a legal requirement that must be respected.

Creating a barrier-free environment is therefore not only in the direct interest of – a great percentage and ratio of – people concerned, but also contributes to the development and economic prosperity of society as a whole. It is an investment that has long-term positive effects for all, which is why it is essential to continue to learn about, research and advocate in this field, while at the same time creating a barrier-free legislative environment is of paramount importance for social justice, the protection of human rights and the promotion of equal opportunities in both the international and domestic context.

In summary, creating a barrier-free legislative environment is a top priority in terms of ensuring equal opportunities, protecting human rights, preventing exclusion, designing infrastructure and services appropriately, and delivering economic benefits and meeting international expectations.

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