



NEWS REPORT

Date:	10 August 2010
Expert:	András Kádár
Title:	Compensation for a visually impaired person for denial of access to services
Country:	Hungary
Context	
Issue at stake:	The Budapest Metropolitan Court granted non-pecuniary damages to a visually impaired person who was not allowed to enter a shop with his guide-dog
Ground of discrimination:	Disability
Source:	National court decision (Budapest Metropolitan Court no.: 40.P.26.486/2009/5)
Field:	Access to goods and services
Legislative provisions:	Articles 75-76 and 84 of the Civil Code, Articles 7, 8 and 9 of the Equal Treatment Act (Act 125 of 2003)

Content

Case: On 8 October 2009, the visually impaired plaintiff wanted to enter a shop of one of the great supermarket chains of Hungary with his guide-dog but the security guard told him that he had to leave the dog outside. The head cashier also confirmed that dogs could not be taken into the shop and consequently the plaintiff was not able to do the shopping himself. The plaintiff – represented by the Hungarian Helsinki Committee – requested the Budapest Metropolitan Court to establish that such a treatment is tantamount to the violation of his right to equal treatment. Furthermore, he asked the court a) to oblige the defendant to apologise through the publication of a statement in a national daily paper; b) to forbid the defendant from future violation; and c) to pay the plaintiff moral damages in the amount of HUF 500,000 (EUR 1,700). The defendant acknowledged that a violation had occurred, but expressed the view that neither the public apology, nor the forbidding of the future violation is necessary. Furthermore, the defendant contested that the plaintiff had suffered any non-pecuniary damage.

Decision of the Court: In its first instance decision of 18 March 2010 (no.: 40.P.26.486/2009/5), the Metropolitan Court established that the plaintiff's right to equal treatment had been violated. It forbade future violation and the defendant to apologise but in a private letter. Non-pecuniary damages corresponding to the requested amount of HUF 500 000 (EUR 1700) were awarded to the plaintiff.

Internet link source and additional information:

http://www.helsinki.hu/dokumentum/FB_itelet_2010_03_18.pdf