



NEWS REPORT

Update of flash report nr:	507-HU-23
Date:	21 December 2010
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Title:	Metropolitan Appeals Court upholds decision condemning food chain for denying access of a visually impaired man with guide-dog
Country:	Hungary
<u>Context</u>	
Issue at stake:	Whether denial of access of a guide-dog constitutes discrimination
Ground of discrimination:	Disability
Source:	National court decision (not yet officially reported)
Field:	Access to goods and services
Legislative provisions:	Articles 75, 76 and 84 of the Civil Code and Article 8 of the Equal Treatment Act

Content

Case: The visually impaired plaintiff wanted to enter a shop of one of the great supermarket chains of Hungary on 8 October 2009 with his guide-dog but he was told that he had to leave the dog outside. Base on the action of the plaintiff represented by the Hungarian Helsinki Committee, the Metropolitan Court, established on 18 March 2010 that the plaintiff's right to equal treatment had been violated, forbade the future violation, obliged the defendant to apologize in a private letter and granted non-pecuniary damages in the requested amount of HUF 500 000 (EUR 1700) for the plaintiff. The defendant appealed against the decision and while it acknowledged that the denial of access was not in line with the Hungarian laws, it requested that no compensation would be granted for the plaintiff, since the plaintiff had failed to prove the damages he had suffered as a result of the violation.

Decision of the Court: In its decision delivered on 7 December 2010, the Metropolitan Appeals Court upheld the first instance decision. It



emphasised that it is common knowledge that for a person with a disability, the denial of access on the basis of the disability is extremely humiliating. Denial of the entry of the dog amounts to denial of entry on the basis of disability, since the dog and the owner constitute an inseparable unit. Therefore, the fact that moral damages had been suffered could be established without any further evidentiary procedure, simply on the basis of common knowledge.

Internet link source and additional information: not yet published