



EUROPEAN COMMISSION

Directorate General
Regional Policy
Czech Republic, Germany, Hungary, Netherlands, Slovakia
Hungary

Brussels,
DG REGIO F4/ES/ (D)2012

Subject: Hungarian tender for de-institutionalisation

Dear Mr Lewis,

Thank you for your letter (Ref. Ares(2012)574322 – 11/05/2012) concerning the Hungarian tender for de-institutionalisation which was issued on 27 January 2012 by the Hungarian Ministry of National Resources. In your letter you drew our attention to your concerns that the tender violates Article 19 of UN Convention on the Rights of Persons with Disabilities (CRPD).

The European Commission is well aware of the current developments in the field of transition from institutional to community-based care in Hungary. In 2009, in the absence of a clear strategy regarding de-institutionalisation or overall picture of the state of large institutions in Hungary, the Commission recommended that a strategic document should be drawn up, in particular with regard to people with disabilities living in large institutions. A first draft national strategy was subsequently the subject of discussion at a seminar which took place at the end of 2010, in which representatives of our services participated. A number of experts (including the signatories of your letter), members of the independent Ad Hoc Expert Group on the Transition from Institutional to Community-based Care (which was set up by former Commissioner Spidla and whose report was published by the Commission in September 2009) also participated in this seminar and drew attention to a number of substantial problems in the Hungarian proposals.

In the spirit of the principle of sound financial management, the Commission has expressed its opinion on the calls as a member of the Monitoring Committee of the Social Infrastructure Operational Programme, initiated trilateral meetings and sent a letter to Mr Soltesz, Secretary of State for Social, Family and Youth Affairs expressing their concerns in December 2011. In this letter the Commission underlined the importance of involving the representatives of the people with disabilities in the implementation and

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monitoring of the strategy in accordance with the principle "nothing about us, without us" and pointed out the critical issue of setting up "home centres" for 50 people. The Commission strongly recommended carrying on with the full de-institutionalisation process in order to fully comply with Art 19 of the United Nations Convention of the Rights of People with Disabilities.

This implies that State Parties shall take effective and appropriate measures to facilitate the realisation of the right to independent living, by ensuring that:

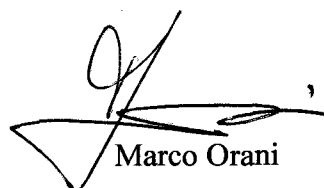
- (a) persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs

The implementation of the operational programmes is carried out in shared management with the member states. Thus, the managing authority of the Social Infrastructure OP is responsible for the terms of the call for proposal and for the choice of individual projects. Moreover, the newly established National Body of De-institutionalisation ("Intézményi Férőhely Kiváltást Koordináló Országos Testület") will assess the applications before they receive financing from Structural Funds. 50 per cent of the members of this Body are civil organisation representatives along with members of academia and government. This structure (the managing authority together with the National Body of De-institutionalisation) should ensure that the projects approved for support will guarantee the rights of persons with disabilities, mainly their right to choose their preferred living arrangements, and have access to services and facilities meeting their needs and allowing them to be included in the community.

As for the future measures financed from Structural Funds, the Commission considers that having a thorough evaluation of the measures undertaken in the framework of the Social Infrastructure OP and related measures financed from the European Social Fund in this programming period are imperative for informed negotiations of the 2014-2020 programmes.

We are grateful for your continued effort to ensure the transition from institutional to community-based care and I hope that our cooperation will contribute to the improvement of the process. Indeed, the Commission remains at your disposal should you have any questions.

Yours sincerely,



Marco Orani

Copies to: Commissioner Hahn, Mr Johan Ten Geuzendam (DG Justice D3)