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NEWS REPORT

Country:	Hungary
Title:	Lack of accessible online cash registers violates the requirement of equal treatment and the CRPD
Date:	5 January 2018
Expert:	Kádár, András
<u>Context</u>	
Issue at stake:	Whether the fact that no accessible online cash registers are available in the Hungarian market is a violation of the rights of those blind or visually impaired persons who would be required to use them in relation to the services or goods they offer
Ground of discrimination:	Disability
Source:	Miscellaneous (Ombudsman's report no. AJB-172/2017)
Field:	Employment
Applicable law:	Articles XII and XV of the Fundamental Law, Act XCII of 2007 on the promulgation of the CRPD (CRPD, Articles 4 and 9)

Content

Case: There are two types of receipts that providers of services and goods may give to their clients: a simplified receipt or a full receipt (indicating a more extensive range of data, including the client's name and address). As of 1 January 2017, certain providers of services, including masseurs, are not allowed to provide simplified receipts unless they use so-called online cash registers (which forward their data to the national tax authority). If they do not own and/or use online cash registers, they must provide their clients with a full receipt.

A blind masseur filed a complaint with the Commissioner for Fundamental Rights (Hungary's Ombudsman) claiming that since there are no online cash registers that are accessible for blind or visually impaired persons, he is unable to fulfil his statutory obligation to provide a receipt, and therefore he may need to suspend his activities as a masseur.

The Ombudsman launched an investigation. He approached the Ministry of National Economy, which confirmed that at present there is no accessible online cash register available in the Hungarian market, but pointed out that the masseur can continue to work, as he is also able to fulfil his obligations by issuing a full receipt.

Conclusion of the Ombudsman: Relying on a number of legal provisions, including Article XV of the Fundamental Law (which declares that everyone shall have the right to freely choose his/her occupation and the right to start an enterprise) and Article 9 of the CRPD (according to which "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to [...]information and

communications, including information and communications technologies and systems”), the Ombudsman concluded in his Report no. AJB-172/2017 that the situation in which “certain taxpayers may only fulfil their obligation to provide a receipt through an online cash register, however, the required equipment is not equally accessible for them, causes a violation with regard to legal certainty, [...] equal dignity, the requirement of equal treatment and the state’s obligation to provide increased protection to persons with disabilities, and is not in line with [Hungary’s] international obligations under Article 4 of the CRPD”.

The Ombudsman requested the Ministry to consult the concerned civil society organizations and to consider the amendment of the decree regulating online cash registers [Decree 48/2013. (XI. 15.) NGM of the Ministry of National Economy] in order to make sure that the decree prescribes equal accessibility of such registers for blind and visually impaired persons.

Key points of analysis: The Ombudsman’s approach to the issue is to be welcomed. Although the lack of accessibility does not make it impossible for blind and visually impaired persons to pursue occupations where the use of an online register would be required (as they can still provide full receipts to their clients), the Ombudsman rightly pointed out that the CRPD places a positive obligation on the states to take appropriate measures to ensure access on an equal basis and that this obligation was violated when the legislator paid no attention to prescribe accessibility of the cash registers.

Internet link source:

https://www.ajbh.hu/documents/10180/2602747/Jelent%C3%A9s+172_2017/da7ba55c-6980-293c-a76b-1f0a4d07e28f?version=1.0.