



Accessible city?

***We cannot afford to build more barriers! – Do EU-funds support accessibility in Europe?***

Background document

## LEGAL BACKGROUND

Accessibility is legally regulated in Czechia, Hungary, and Slovakia. In all three countries, **accessibility is legally enforceable** under the provisions of both national and international law relating to the protection of human rights and fundamental freedoms. All three countries also have ratified the UN CRPD and are running large scale EU-funded programmes aiming at building and refurbishing public services.

In Hungary, the Act on the Rights of Persons with Disabilities (No. 1998/26) and provide a background to accessibility in Hungary, but there have been problems with execution and monitoring ever since. Originally, the deadline for making existing all public buildings accessible was 2005. This deadline was later modified to 2013, then, these deadlines were deleted from the law altogether. In daily practice, the most influential pieces of legislation are the Act on the Protection of the Built Environment (No. 1997/78) and Government Decree (No. 253/1997) on the Requirements for Urban Planning and Construction. On the basis of these laws, architects and rehabilitation engineers are able to decide what should be accessible, and how to make buildings accessible – however, some provisions of these laws remain unclear, for example rules about the accessibility requirements of workplaces.

In Slovakia, citizens who feel discriminated against because of inaccessible environment, product, service or information, may seek protection of their rights on the basis of Act No. 365/2004 Coll. on equal treatment (Anti-discrimination Act), or on the basis of the UN CRPD. In term of physical accessibility, the Decree No. 532/2002 Coll. of the Ministry of the Environment sets out detailed requirements for barrier-free design of buildings intended for public use, and buildings for housing, in terms of the needs of persons with reduced mobility. In 2022, a new building legislation was approved to replace the Building Act (No. 50/1976 Coll.) that dated back to 1976. The new law will not enter into force until 2024 and new implementing decrees need to be prepared before then. In practice, it has been proven that despite the existing legislation (Decree No. 532/2002 Coll.), barrier structures continue to be built.

In the Czech Republic, two main laws regulate this issue: the Building Act 183/2006 Coll. and the Implementing Decree of the Building Act No. 398/2009 Coll. on general technical requirements ensuring barrier-free use of buildings. However, currently the Czech Republic is going through a period of comprehensive recodification of building law.

Importantly, available EU-level standards, more specifically the *EN 17210:2021 on Accessibility and usability of the built environment - Functional requirements*, also exist. However, this and other standards, in practice, are hardly enforceable, as their use – policy analyses show – remains largely voluntary. The wider use and the promotion of these standards would support better, more human rights-compliant built environment.

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*“When we monitored accessibility in the city, we encountered all sorts of things. Solutions for accessibility ‘only in appearance’, which do not meet any accessibility standards! In real life, probably nobody has ever used them. Actually, these pretend solutions endanger the health and life of both the user and their assistant.”*

Roman, disability activist, Slovakia

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## PRACTICE ON THE GROUND

In all three countries there are **systemic problems** with newly built or refurbished buildings that remain inaccessible to many disabled people. In Slovakia, buildings or services that are formally proclaimed to be barrier-free often have a number of shortcomings reported by users, and some of these shortcomings practically exclude groups of disabled people from using a service or building. In Hungary, there is a similar situation: lack of knowledge about accessibility requirements and available standards is so grave, that even authorities or owners that run new or refurbished buildings or services may be unaware of their inaccessibility. In Czechia, analysis by accessibility experts showed that there is a lack of expertise on universal design and rigorous monitoring of plans – thus implementation is often unsatisfactory, resulting in only partly accessible new buildings and services.

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*“So I went to the local clinic, run by the city council. You know it was refurbished few years ago, looks like it’s new. I needed to give urine sample for a screening. I was waiting to be called in when the nurse told me the door was too narrow and I needed to bring my sample from home the next time I come. I was telling to myself: is this what all the money went for? Nice new lift, lights, windows and all, but still inaccessible examination rooms?”*

47-year-old wheelchair-user woman, Budapest, Hungary

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All three countries reported a noticeable gap between written law and how it is implemented and enforced by authorities. Regulations are often breached in EU-funded infrastructural investments as well, for example when authorities build new or refurbish old buildings. This is caused by several factors:

- unsatisfactory implementation of existing legislation in practice due to lack of control mechanisms by authorities, including building authorities and EU-funds authorities;
- lack of appropriate monitoring of accessibility before (i.e. plans) and during the implementation of publicly financed, including EU-funded infrastructural investments – existing monitoring seems superficial and ineffective;
- lack of knowledge about accessibility and universal design standard and solutions among architects, civil engineers etc.;
- lack of knowledge about accessibility and loose compliance with existing laws at public building authorities that authorise buildings;
- lack of awareness of the scale of the problem at EU-funds authorities and other public bodies such as ministries, city councils etc.;
- lack of appropriate knowledge of universal design standards at public authorities that commission buildings and refurbishments;
- lack of educational programmes about universal design for experts, including for engineers, architects, those working at building authorities and other public bodies;
- senior officials at public services often lack awareness about the actual inaccessibility of their buildings and services so they do not think they should further improve their services;
- the absence of motivational incentives;
- shortcomings in legislation – not all existing laws and policies are clear or progressive enough;

- existing legislation in force is not being complied with because the accessibility requirements are quite complex and the obligation to comply with them applies to all actors in the construction process (designer, investor, building authority, building contractor, etc.)

#### EXAMPLES FOR NOT FULLY ACCESSIBLE BUILDINGS WITH EU OR OTHER FUNDING<sup>1</sup>:

- A regional, state-run health clinic in Tata (Western-Hungary), that was renovated after 2013 (EU project number TIOP-2.2.6-12/1B-2013-0026). The clinic serves a region with 41.000 inhabitants.
- A school in Szekszárd (Southern-Hungary) that was refurbished after 2017 (EU project number FOP-4.1.5-16-2017-00037). The school has around 200 pupils.
- A partly renovated university faculty for pedagogy and psychology in Budapest (EU project number KEOP-5.6.0/12-2013-004). The faculty has approx. 2000 students and 200 educators.
- Office of the Municipal District of Prague 12 (population ~55.000), approved and completed in 2021. External access from the parking lot remains inaccessible and internally still a platform is used instead of a ramp or lift.
- Kunsthalle Gallery Prague, a new museum rebuilt from a transformer station, completed in 2022. The main entrance is a ramp is dangerously steep and long, it can hardly be used independently and safely by many disabled people.
- ... and many more buildings that we had no resources to fully evaluate...



One of the quick solutions –  
“Accessible” entrance of a public  
theatre building in Lučenec, Slovakia.

<sup>1</sup> Despite our efforts, due to lack of transparency, we were not always able to identify the project number of buildings supported by EU. It is possible that, unless otherwise stated, not all buildings listed here have received EU funding in the 2014-2021 period.



A dangerously steep (~20%) ramp without handrails and enough space to turn around in a wheelchair – at a newly built kindergarten in Budapest, Hungary.



This toilet in a secondary school in a rural town in Hungary was built after 2017, using EU-funds. Its design ignores accessibility standards – many disabled people would be unable to use it independently.

A steep ramp, without intermittent landing to rest – at the main entrance of an Art Gallery in Prague, completed in 2022.



## OUR PROPOSALS FOR CHANGE

- **Incorporation of universal design principles** into national programmes, as well as development plans, community plans, legislation, technical standards, etc.;
- **inter-ministerial cooperation**, cooperation between governmental bodies, local governments and other actors is necessary;
- **adopt better control and sanction mechanisms at public bodies, including when implementing EU-funds**, to ensure compliance with accessibility requirements – control and sanction mechanisms must be part of all measures and legislation adopted;
- **educate people working in the different sectors** - university students and practitioners in lifelong learning, especially architects, planners, designers, computer scientists, programmers, but also decision-makers and employees of public and non-public service providers,
- **support education and research related to accessibility and universal design**, the development of accessible products, programmes and services in different sectors;
- **promote accessibility and universal design** and their benefits for society as a whole, in order to overcome barriers in people's attitudes;
- **promote the amendment of the Public Procurement Act** to make it mandatory for procurement conditions to include accessibility criteria in the fields of construction, transport and information and communication systems.

We also welcome the enabling horizontal condition implementing the UN CRPD under the programming period of 2021-27. To ensure that Member States will implement mechanism that can prevent supporting inaccessible projects we propose that EC should:

- **prepare guidelines on universal design for Member states;**
- **require accessibility as an exclusionary eligibility condition explicitly stated in each call;**
- **encourage Member states to involve experts on universal design to support applicants to consult their proposals and projects;**
- **encourage Member states to have evaluators trained in universal design.**

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This background paper was edited & written by the team of MEOSZ (Hungary), SOCIA (Slovakia), and NRZP (Czechia) in 2022.

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