



European  
Social  
Charter

Charte  
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## **EUROPEAN SOCIAL CHARTER**

1st National Report on the implementation of  
the European Social Charter

submitted by

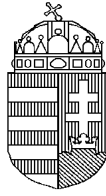
**THE GOVERNMENT OF HUNGARY**

(Articles 7, 8, 16 and 17  
for the period 01/01/2004 – 31/12/2009)

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Report registered by the Secretariat on 22 June 2012

**CYCLE 2011**



**Seventh National Report on  
the Implementation of the European Social Charter**

**Submitted by the Government of Hungary  
for the period from 1 January 2004 to 31 December 2009**

**Budapest, May 2012**

Pursuant to Article C of Part IV of the Revised European Social Charter, the implementation of the commitments undertaken in the said charter falls under the same control as those undertaken in the European Social Charter. The reporting procedure defined by Article 21 of Part IV of the European Social Charter covers those articles of the European Social Charter which have been accepted. Pursuant to Decision CM (2006)53 of 3 May of 2006 of the Committee of Ministers of the Council of Europe, the National Report of 2010 covers the issues related to children, families and migrants.

This is the first National Report that covers the implementation of the commitments undertaken in the Revised European Social Charter. The report covers the implementation of the following articles of the European Social Charter and the Revised European Social Charter ratified and approved by Hungary for the reporting periods indicated in the chart:

Provision	The reference period covered by the Report
Paragraph (1) of Article 7	22 July 2004 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (1) of Article 8	1 January 2004 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (2) of Article 8	1 January 2004 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (3) of Article 8	1 January 2004 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (4) of Article 8	1 January 2004 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (5) of Article 8	1 June 2009 – 31 December 2009 (Revised Charter)
Article 16	1 January 2005 – 31 May 2009 (Charter) + 1 June 2009 – 31 December 2009 (Revised Charter)
Article 17	1 January 2004 – 31 May 2009 (Charter)
Paragraph (1) of Article 17	1 June 2009 – 31 December 2009 (Revised Charter)
Paragraph (2) of Article 17	1 June 2009 – 31 December 2009 (Revised Charter)

Of the articles above, Paragraph (5) of Article 8 and Paragraphs (1) and (2) of Article 17 are covered for the first time. The third and fourth National Reports cover the implementation of the other articles for the reporting period from 1 January 2004 to 31 December 2004; the present Report updates and adds to the information given in the previous Reports.

This National Report has been prepared on the basis of the questionnaire approved by the Committee of Ministers of the Council of Europe on 26 May 2008; in addition it contains the replies of the Government to the questions put by the European Committee of Social Rights in its Conclusions XVII-2 of 2005 and XVIII-1 of 2006.

Taking the fact into consideration that according to Article 23 of the Charter, those national organisations that are members of international organisations of employers and employees may give their opinion on the National Report, the Report has been sent to the competent Parties of the National Economic and Social Council (NGTT).

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## **MAJOR PIECES OF LEGISLATION REFERRED TO IN THE PRESENT NATIONAL REPORT**

Constitution: Act XX of 1949 on the Constitution of the Republic of Hungary

Ötv.: Act LXV of 1990 on Local Governments (Local Governments Law)

Mt.: Act XXII of 1992 on the Labour Code (Labour Code)

Szocstv.: Act III of 1993 on Social Administration and Social Benefits (Social Benefits Law)

Ltv.: Act LXXVIII of 1993 on the Rules Applicable to the Treatment and Alienation of Housing Units and other Premises

Közokt.tv.: Act LXXIX of 1993 on Public Education (Public Education Law)

Act LIII of 1994 on Judicial Enforcement

Szja tv.: Act CXVII of 1995 on Personal Income Tax

Hszt.: Act XLIII of 1996 on the Service Relations of the Professional Members of the Armed Forces (Armed Forces Members Service Relation Law)

Gyvt.: Act XXXI of 1997 on the Protection of Children and Guardianship Administration (Child Protection Law)

Ebtv.: Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System

Be.: Act XIX of 1998 on Criminal Proceedings (Criminal Proceedings Law)

Cst.: Act LXXXIV of 1998 on Family Support (Family Support Law)

Hjt.: Act XCV of 2001 on the Legal Status of Career and Contractual Soldiers of the Hungarian Armed Forces

Act IX of 2002 on the Amendment of the Protection of Children and Guardianship Administration

Act CXVI of 2003 on the 2004 Budget of the Republic of Hungary and on the Three-Year Budgetary Frameworks

Etv.: Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Equal Opportunity Law)

Act LVII of 2005 on the Amendment of Act XXII of 1992 on the Labour Code (Mt.)

Act XCI of 2005 on the Amendment of Act IV of 1978 and of other Acts

Act CXXVI of 2005 on the Reform of the System of Family Benefits

Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence

Act II of 2007 on the Admission and Residence of Third-Country Nationals

Act LXXIX of 2008 on the Amendment of Certain Acts for the Protection of Public Order and the Functioning of the Judiciary

Hktv.: Act LXXII of 2009 on the Restraining Orders applicable due to Violence between Family Members

149/1997. (IX. 10.) Government Decree 149/1997 (IX.10.) on Guardianship Authority and on Child Protection and Guardianship Procedure

Ebtv. vhr.: Government Decree 217/1997 (XII. 1.) on the Implementation of Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System

Government Decree 339/2007 (XII. 15) on the Amendment of Certain Government Decrees on Social Issues

Cst. vhr.: Government Decree 223/1998 (XII. 30.) on the Implementation of Act LXXXIV of 1998 on the Support of Families

Government Decision 1092/2007 (XI. 29.) on the Governmental Tasks Related to the Implementation of Parliamentary Decision 47/2007. (V.31.) on the National Strategy 'Making Things Better for Our Children' (2007-2032)

Government Decree 1105/2007. (XII. 27.) on the Governmental Action Plan Related to the Decade of Roma Inclusion Strategic Plan for 2008 and 2009

## Article 7 – THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

*With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:*

*Paragraph (1) of Article 7: to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;*

### 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

In the reporting period, no major modifications were made in the legislation on juvenile employees.

Subjects of labour relationships are provided for Sections 71-75 § of Act XXII of 1992 on the Labour Code (Labour Code). As stipulated by Section 72§ (1), all persons entering into an employment relationship as employees **must be at least 16 years of age**. Persons of restricted capacity may also enter into an employment relationship without the permission of their legal guardians. For the purposes of employment-related matters, employees under 18 years of age shall be construed as **young workers**. [Labour Code, Section 72 § (3)]

An employment relationship may be entered into by a person of at least 15 years of age pursuing elementary school, vocational school or secondary school full-time studies during the school holiday period. [Labour Code, Section 72 § (4)]

Young persons under 16 years of age may enter into an employment relationship only with the consent of their legal guardians. [Labour Code, Section 72 § (5)]

Young persons subject to compulsory full-time schooling may be employed by way of derogation from the provisions laid down in Sections (1) and (4) for the purposes of performance in artistic, sports, modelling or advertising activities upon prior authorization by the competent authority. [Labour Code, Section 72 § (7)]

In regard to the performance of work by persons under 18 years of age by means other than an employment contract the provisions above shall duly apply. Furthermore, the provisions of this Act pertaining to the employment of young workers shall also be observed. [Labour Code, Section 72/A. §]

Women and **young persons** shall not be employed in work which may result in detrimental effects in respect to their physical condition or development. The particular jobs for which women or young persons may not be employed, or may only perform if specific working conditions are provided or on the basis of a preliminary medical examination, shall be determined by legal regulation. [Labour Code, Section 75 § (1)]

### Special Labour Code Provisions Pertaining to Young Persons:

- The working time of young persons must not exceed eight hours daily or 40 hours weekly. The working time cycle of young persons shall not be longer than one week.
- For the purposes of working time limits, the time of work performed for several employees shall be accounted on an aggregate basis, (for work time spent in employment and in an engagement relationship). [Labour Code, Section 129/A. § (1)]
- Any young person whose working time is over four and half hours daily shall be entitled to at least 30 minutes of break-time.
- The daily resting period shall be at least 12 hours for young persons.
- The following provisions shall not apply to young workers: for certain irregular work schedules, the collective agreement may reduce the daily resting period for eight hours; the provision of an uninterrupted resting period instead of the resting days per week; combining resting days.
- Young persons cannot be employed to work night hours, for special work duty or for stand-by or on-call duty.

### Paid annual holiday

Young employees shall be entitled to five extra days of holiday time each year. The last time such benefit applies shall be the year when the young person reaches 18 years of age. [Labour Code, Section 132 § (1)]

*The sections of the Labour Code on the employment of young persons are in conformity with the relevant sections of the Council Directive 94/33/EC of 22 June 1994 on the protection of young persons at work.*

Section 29 of Act LXXVI of 1993 on Vocational Training specifies that a study contract may be concluded after the successful completion of the first year of the training course and, consequently, the practical training of vocational school in real-life workplace conditions shall take place after the pupil has reached the age of 16 years.

### **2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

In the reporting period, legislation on young workers did not undergo major changes; as a result, no administrative measures were needed for such an introduction.

### **3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.**



## Article 8 – THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

*With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:*

*Paragraph (1) of Article 8: to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;*

### 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

No major changes were made to the legislation in the reporting period. Women in the pregnancy period or giving birth shall be entitled to 24 weeks of maternity leave. If possible, such leave shall be scheduled so as to commence four weeks prior to the expected time of giving birth. [Labour Code, Section 138 § (1)] For the period of time during which an employment relationship is suspended, the employee shall be entitled to holiday time for the duration of maternity leave [Labour Code, Section 130. § (2) b.)], i.e. when defining the length of holiday time, the suspension period shall be taken into consideration.

Maternity leave shall end: if the child is stillborn, six weeks subsequent to such birth; if the child dies, on the fifteenth day following death; on the day following placement of the child – according to the provisions set forth in other specific legislation – into temporary custody, temporary or permanent foster care, or in a residential social institution for over 30 days. If the child receives treatment in an institute for premature infants, the unused portion of the maternity leave may be used after the child has been released from the institute up to the end of the first year following birth. [Labour Code, Sections 138 § (2)-(4)]

*The Labour Code is in harmony with the relevant Articles of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.*

The provision of Act XCV of 2001 on the Legal Status of Career and Contractual Soldiers of the Hungarian Armed Forces (hereinafter referred to as Hjt) apply to women who work as employees of organisations of the armed forces. In regard to maternity leave, Section 102 § of Hjt serves as a guideline. The Section stipulates that pregnant employees or employees giving birth are entitled to a period of maternity leave defined by the Labour Code.

As referred to in the previous reports, for professional members of the law enforcement bodies provisions of Act XLIII of 1996 on the Service Relation of Professional Members of the Armed Forces (hereinafter referred to as Armed Forces Members Service Relation Law) serve as guidelines. Regulation on maternity leave did not change in the reporting period.

For the period of maternity leave, the woman is entitled to **pregnancy-confinement benefit (TGYÁS)**. TGYÁS is health insurance benefit in cash and is regulated by Act LXXXIII of 1997 on Compulsory Health Insurance Benefits (Ebtv.).

Pursuant to Sections 40-42 of Ebtv,

A woman is entitled to pregnancy-confinement benefit if she was insured for at least 180 days in the two years before giving birth, and

- gives birth during the period of being insured or within 42 days after the expiry of her insurance, or
- gives birth later than 42 days after the expiry of her insurance while receiving sickness benefit, benefits for accident-related injuries, or gives birth within 28 days after the expiry of the payment of such benefits.

For the calculation of the 180 days of insurance required for being eligible for the pregnancy-confinement benefit, the following periods shall be taken into account:

- the period of the payment of sickness benefit, accident benefit, pregnancy-confinement benefit or child-care fee after the expiry of insurance,
- the periods of full-time studies in an institution of higher education longer than a year,
- the period of the payment of rehabilitation annuity.

A woman who took a newborn child into foster care for the purpose of adopting him or her is also entitled to pregnancy-confinement benefit as of the day of taking the child into foster care for the rest of the maternity leave period.

During the payment period, the person entitled to TGYÁS may not be engaged in gainful employment.

The pregnancy confinement benefit is 70% of the daily average wage. The amount of the benefit shall be defined on the basis of average income of a calendar day that serves as a basis for the calculation of health insurance contribution (**gross income**) of the calendar year preceding the first day of the entitlement period. If in the calendar year preceding the first day of entitlement period the insured person did not have income of at least 180 calendar days, TGYÁS shall be calculated on the basis of the daily average of the income of 180 calendar days preceding the first day of the entitlement period. If the insurance period is uninterrupted, the daily income of 180 calendar days shall be taken into account until the first day of the calendar year preceding the first day of entitlement at the maximum. If the entitled person does not have an income of 180 calendar days that serves as the basis for the calculation of health insurance contribution, the daily amount of pregnancy-confinement benefit shall be calculated on the basis of one-thirtieth of the minimum wage – valid on the first day of the entitlement period – multiplied by two. However, if the income of the insured person that serves as a basis for the calculation of the health insurance contribution paid in money is less than the minimum wage multiplied by two, his or her actual wage shall be taken into consideration.

In the Hungarian system, parents may take unpaid parental leave after the termination of the maternity leave. In this period, until the child reaches two years of age, the parent is entitled to child-care benefits. The amount of such benefits is 70% of the average wage but not more than HUF 83,000 per month (in 2004 and 2005) and 70% of the minimum wage doubled by two (as of 2006).

Pursuant to Act LXXXIV of 1998 on Family Support, the parent who is not insured and is not entitled to pregnancy-confinement benefit or to a child care fee is entitled to **child home care allowance (GYES)**, a family support allowance the amount of which is fixed and independent of whether the person entitled is insured and of his or her financial position. After the expiry of the child-care fee, the insured parent is also entitled to GYES. The monthly amount of GYES is the lowest amount of the minimum old-age pension. In 2004, the lowest amount of the old-age minimum pension was HUF 23,200. Until 2009, this amount changed several times; in 2009, it was HUF 28,500 (for twins, the amount was multiplied by two). Parents are entitled to GYES until the child reaches three years of age (for twins, until the end of the year when the children reach school-age) or, for a child who is permanently ill or severely disabled, until the child reaches ten years of age. No major modifications were made to the entitlement to GYES during the reporting period.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The legal framework has been in existence for years; its implementation is ongoing.

**3. Please provide pertinent figures, statistics or any other relevant information to demonstrate that the level of maternity benefit is adequate.**

Those persons who have been insured for an adequate period of time are entitled to pregnancy-confinement benefit (TGYÁS) during the period of maternity leave. The amount of the benefit is 70% of the daily average wage. TGYÁS is a taxable income yet not subject to a health insurance or pension contribution deduction. Consequently, the amount of TGYÁS is almost equal to that of the net wage.

Parents may take unpaid parental leave after the termination of the maternity leave. In this period, until the child reaches two years of age, the parent is entitled to child-care benefits paid in money. The amount of such benefits is 70% of the average wage of a calendar day but not more than 70% of the minimum wage doubled by two (in 2009, HUF 100,100).

A parent who is not insured is entitled to child home care allowance. The amount of the allowance is the lowest amount of the old-age minimum pension (in 2009, HUF 28,500 for one child; net HUF 25,793).

In addition, the parent receives a one-off birth grant. The amount of birth grant per child is equal to 225% of the lowest amount of the old-age pension valid at the time of the birth of the child (in 2009, HUF 64,125).

The parent is also entitled to family allowance as a contribution to the costs of the bringing up and schooling of the child. For one child, the amount of family allowance was HUF 12,200 in 2009.

Consequently, for those receiving child home care allowance the amount of the benefit received in the first month after the birth of the child (in 2009, HUF 102,118 for one child) is higher than the amount of the net minimum wage (in 2009, HUF 57,815) and, in the period after that is approximately two-thirds of this amount (in 2009, HUF 37,993 for one child).

***Paragraph (2) of Article 8: to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Pursuant to Act LVII of 2005 on the Amendment of Act XXII of 1992 on the Labour Code (Mt.), Section 90. § (1) d.) specifies that employers shall not terminate an employment relationship by ordinary dismissal during a treatment related to a human reproduction procedure as specified in other legislation, during pregnancy, for three months after giving birth, or during maternity leave.

For the prevalence of these restrictions, the date of announcement of the dismissal shall be taken into account.

For the professional members of the law enforcement bodies, the Armed Forces Members Service Relation Law specifies – among the provisions prohibiting service relationship upon recall – in Section 58. § (1) c) *that* service relationship may not be terminated upon recall during pregnancy, within three months after giving birth, during maternity leave and unpaid childcare leave or within 30 days after the termination of such leave, or – even if the parent does not take unpaid leave – until the child reaches three years of age and within 30 days after the child reaches three years of age.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The legal framework has been in existence for years; its implementation is ongoing. In the event of suspected infringement, the injured party has the right to appeal to the Authority of Equal Treatment or to the Court of Labour.

**3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

***Paragraph (3) of Article 8: to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

No major changes were made to the legislation in the reporting period.

Pursuant to Section 138. § (6) of the Labour Code, ‘During the first six months of breastfeeding, a woman shall be entitled to two hours of time off work each day, and one hour daily thereafter up to the end of the ninth month period.’ In respect to multiple births, the time off work shall be commensurate with the number of children.’

Section 151. § (2) specifies that for the duration of the time off work for nursing an infant employees shall be paid absentee pay.

Pursuant to Section 94. § of Armed Forces Members Service Relation Law, professional members who are bringing up a child are entitled to medical leave in order to take care of their children – this includes mothers nursing children who are under the age of one year and are receiving treatment in hospital.

Pursuant to Section 95. § (5) of Armed Forces Members Service Relation Law, if a professional female member of the armed forces does not take the medical leave granted by Section 94. §, she is entitled to one hour of work allowance two times per day in the first six months of nursing and, after that, one hour of work allowance per day until the end of the ninth month period. In respect to multiple births, the time off work for nursing shall be commensurate with the number of children. No changes were made to the regulations in the reporting period.

Pursuant to Section 101. § of Act XCV of 2001 on the Legal Status of Career and Contractual Soldiers of the Hungarian Armed Forces (Hjt.), a member of the armed forces is entitled to medical leave for childcare in the following cases:

- a) until the child reaches one year of age, for a woman nursing her child who receives treatment in hospital;
- b) to take care of a sick child, on the basis of a medical certificate that contains the medical diagnosis of the child’s illness, for the period defined therein, until the child reaches one year of age;
- c) to take care of a sick child who is older than one year but younger than three years, 84 calendar days per year and per child;
- c) to take care of a sick child who is older than three years but younger than six years, 42 calendar days per year and per child (for a single parent, 84 calendar days);
- c) to take care of a sick child who is older than six years but younger than 12 years, 14 calendar days per year and per child (for a single parent, 28 calendar days).

If a woman does not take the medical leave granted by Section 101. §, she is entitled to one hour of time off work two times per day in the first six months of nursing and, after that, one hour of time off work per day until the end of the ninth month period. In respect to multiple births, the work time allowance for nursing shall be commensurate with the number of

children.

The provisions of Hjt were fully implemented at the Ministry of Defence in the reporting period; the heads/commanders of the individual military organisations guaranteed such rights of the professional members concerned. No notification or complaint has been submitted to the network of equal opportunities of the Ministry of Defence or to the Committee of Female Soldiers of the Hungarian Army. In general, the women employed in this special field exercise their right to protection during the whole period of maternity very efficiently.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The legal framework has been in existence for years; its implementation is ongoing.

***Paragraph (4) of Article 8: to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

No major changes were made to the legislation in the reporting period.

Pursuant to Section 117 of the Labour Code (Mt), *night work* shall mean work carried out between 10 p. m. and 6 a. m.; *night shift* shall mean night work carried out on the basis of work in alternating shifts; *night worker* shall mean any worker who regularly works on a night shift as a normal course or works during night time for at least one fourth of his/her annual working time.

Section 117. § (1) of the Labour Code defines afternoon and night shift for shift work.

Section 117. § (2) makes it possible for collective agreements to derogate from this definition of night shift; however, the period of night work cannot be less than seven hours, and shall include the period between midnight and 5 a. m.

For workers carrying out night work on a regular basis, the Act defines special protective clauses. Thus, pursuant to Section 121. § (2) of Labour Code, employers shall provide for the health examination of the employees prior to and at regular intervals during employment. If the health examination of an employee states that night work may be detrimental to the employee's health or that his/her illness is directly related to night work, such employee must be transferred to day work.

Pursuant to Section 119. §, employers shall ensure that the work schedule of employees is assigned in consideration of the nature of the work and in accordance with occupational safety and health requirements.

On the basis of special reasons, certain restrictions apply to the night work of certain groups of employees as follows:

**- A woman, from the time her pregnancy is diagnosed until her child reaches one year of age, may not perform night work; no deviation from this provision shall be considered valid.** The prohibition of night work applies for a single man bringing up a child under one year of age as well. [Labour Code, Section 121. §; Labour Code, Sections 127. § 6. a-b.]

Pursuant to Sections 72. § (3) and 129/A. § (5) of Labour Code, young workers – employees under 18 years of age – may not perform night work.

Section 146. § of the Labour Code specifies regulations on the remuneration of night work. It specifies that in the case of night work employees shall be paid a 15% wage supplement in addition to their regular personal basic wage. If night work is performed in shifts the employee shall be entitled to a shift supplement for night shifts. The amount of this supplement is 30%. Employees working in continuous shifts shall be entitled to an additional 10% shift supplement for night shifts.

Pursuant to Section 86. § (1) of Armed Forces Members Service Relation Law, it is prohibited to assign a female professional member to night service or 24-hour service from the time her pregnancy is diagnosed until her child reaches one year of age, or to assign a female professional to such services until her child reaches six years of age, if she is a single parent and the child cannot be taken care of by another person.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The legal framework has been in existence for years; its implementation is ongoing.



***Paragraph (5) of Article 8: to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.***

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

In 1938, Hungary ratified the *Convention Concerning the Employment of Women on Underground Work in Mines of all Kinds of the International Labour Organization*, adopted in the 19<sup>th</sup> ILC session, and announced it in Act I of 1939.

According to Article 1 of the Convention, the term ‘mine’ includes any undertaking for the extraction of any substance from under the surface of the earth. Article 2 stipulates that no female, whatever her age, shall be employed in underground work at any time. Article 3 defines case-by-case exemptions (e.g. females holding positions of management who do not perform manual work).

No problems had occurred with regard to the implementation of the Convention, until during the accession negotiations with the European Commission the Commission urged Hungary to annul the Convention as soon as possible as it found the provisions of the Convention to be in conflict with the *acquis communautaire* in regard to equal opportunities and equal treatment. The Hungarian delegates did not act accordingly and cited several reasons for this.

Meanwhile, it has become an urgent matter to take steps in regard to the annulment of the Convention. The reasons for this are as follows: the European Court of Justice, in its ruling of 1 February 2005 (C-203/0, Commission of the European Communities v Republic of Austria) established that the provisions of the Convention are in conflict with the community law (and a measure to be taken to eliminate the conflict is, among others, the annulment of the Convention), and as of 30 May 2007, a one-year period started when annulment again became possible.

Apart from Act I of 1939, there is no other existing legislation that prohibits the employment of women in work carried out underground. The restriction of the employment of women and men in work carried out underground for health reasons is regulated by Annex 8 of Decree 33/1998. (VI.24.) of the Ministry of Welfare on the medical examination and evaluation for the purpose of aptitude tests, medical examination and personal hygiene tests.

Pursuant to Section 12. § of Act L of 2005 on the Annulment of International Agreements, provisions of Chapters II-IV (*The procedure preceding the recognition of the compulsory scope of international agreements; The recognition of the compulsory scope of international agreements; The promulgation and temporary implementation of the agreements*) apply to the annulment of international agreements; accordingly, a precondition of the annulment of Convention No. 45 was authorisation by the Parliament. Hungary annulled Convention No. 45 on 30 May 2008.

*The Labour Code contains the following prohibitions and restrictions on the employment of mothers and on the protection of women nursing their infants:*

- Women and young persons shall not be employed in work which may result in detrimental effects in regard to their physical condition or development. The particular jobs for which women or young persons may not be employed, or may only perform if specific working conditions are provided or on the basis of a preliminary medical examination, shall be determined by legal regulation. [Labour Code, Section 75 § (1)]
- On the basis of a medical report pertaining to employment, a woman, from the time her pregnancy is diagnosed until her child reaches one year of age, with her approval shall be temporarily reassigned to a position suitable for her condition from a medical standpoint, or her working conditions shall be modified as appropriate, or – if this is not possible – she shall be exempted from work while receiving her wages. Her wages shall not be less than her previous average earnings. [Labour Code, Section 85. §]
- A woman from the time when her pregnancy is diagnosed until her child reaches one year of age and a single man bringing up a child under one year of age shall not be used for special work duty (on-call duty). No deviation from this provision shall be considered valid. [Labour Code, Sections 127. § 6. a-b.]
- A woman may not be obliged to work in a different locality without her consent as of the time of her pregnancy up to the time when her child reaches three years of age.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The legal framework has been in existence for years; its implementation is ongoing.

**Questions put by the European Committee of Social Right (Conclusions XVII-2)**

**Paragraph (1) of Article 8**

**The Committee wishes to have further information on how the calculation is made in Hungary prior to it concluding on whether the level of maternity benefit is adequate, in this respect it considers that while 70% of gross pay is adequate, 70% of net pay may not be.**

The pregnancy confinement benefit is 70% of the daily average wage. The amount of the benefit shall be defined on the basis of the average income of a calendar day that serves as a basis for the calculation of health insurance contribution (**gross income**) of the calendar year preceding the first day of the entitlement.

For detailed information, see: Paragraph (1) of Article 8

## Paragraph (2) of Article 8

**The Committee had previously found that the situation concerning the prohibition of dismissal was satisfactory; however it asked whether there were exceptions to the rules prohibiting dismissal during maternity leave.**

### 1.

Pursuant to Section 90. § (1) d.) of the Labour Code, employers shall not terminate an employment relationship **by ordinary dismissal** during a treatment related to a human reproduction procedure as specified in specific other legislation, during pregnancy, for three months after giving birth, or during maternity leave. The regulation, however, does not prohibit dismissal **by extraordinary dismissal**.

The cases of extraordinary dismissal defined in Section 96. § of Labour Code are as follows:

(1) The employer or the employee may terminate employment by extraordinary dismissal if the other party

- a) significantly violates a material obligation arising from employment wilfully or through gross negligence, or
- b) otherwise manifests a practice which frustrates the continued maintenance of employment.

(2) The provisions of Section 89 (2)<sup>1</sup> shall be duly applied regarding the cause for extraordinary dismissals. Prior to the employer's announcement of extraordinary dismissal, an opportunity shall be given to the employee to become informed about the reasons for the planned action and for defence against the complaints raised against him or her, unless it may not be expected of the employer as a result of all the applicable circumstances.

(3) The cases for which the legal consequences set forth in Section (1) apply may be stipulated in the collective agreement or employment contract, within the framework of Section (1).

(4) The right of extraordinary dismissal shall be exercised within a period of 15 days of gaining knowledge of the grounds for such dismissal, but no more than within one year of the occurrence of such grounds, or in the event a criminal offense up to the statute of limitation.

If a body is entitled to exercise the right of extraordinary dismissal, the date of gaining knowledge shall be the date when the body - acting as the body exercising employer's rights - is informed of the circumstance giving rise to the extraordinary dismissal.

(7) By way of derogation from Section (6), if an employment relationship is terminated by the employee by extraordinary dismissal, the employer shall pay the employee his or her average earnings for a period the same as in the event of ordinary dismissal by the employer, while the provisions pertaining to severance pay shall be duly applied as well. The employee may also claim compensation for any damages incurred.

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<sup>1</sup> Section 89. § (2) of Labour Code.: The employer shall state the reasons for the termination of employment. The justification shall clearly indicate the cause. In the event of a dispute, the employer must prove the authenticity and substantiality of the reason for dismissal.

2.

Section 58. § (2) of Armed Forces Members Service Relation Law defines exceptions from the prohibition of dismissal. Pursuant to existing regulation, the prohibition of dismissal does not apply to the termination of the service relationship of a professional member who is entitled to service pension or disability pension or who has become incapable of performing his or her responsibilities on the basis of Section 56. § (2) *b*) of Armed Forces Members Service Relation Law (i.e. he or she does not meet the requirement of an irreproachable lifestyle).

### **Paragraph (4) of Article 8**

**The Committee had sought further information on the regulation of night work for women who were not pregnant and did not have small children. The Committee repeats its request for any information on night work.**

Pursuant to **Section 75. § (1) of the Labour Code**, women and young persons shall not be employed in work which may result in detrimental effects in regard to their physical condition or development. The particular jobs for which women or young persons may not be employed, or may only perform if specific working conditions are provided or on the basis of a preliminary medical examination, shall be determined by legal regulation.

Pursuant to Section 117 of Labour Code, night *work* shall mean work carried out between 10 p. m. and 6 a. m.; *night shift* shall mean night work carried out on the basis of work in alternating shifts; *night worker* shall mean any worker who regularly works on a night shift as a normal course or works during the night for at least one fourth of his/her annual working time.

Section 117. § (2) makes it possible for collective agreements to derogate from this definition of night shift; however, the period of night work cannot be less than seven hours, and shall include the period between midnight and 5 a. m.

*Rest day*: ‘rest day’ shall mean any period between midnight and 12 p. m. of a calendar day, or – unless otherwise prescribed by provisions pertaining to labour relations or otherwise agreed by the parties concerned – a period of 24 consecutive hours preceding the next shift for workers working in a three- or four-shift work schedule or for employers operating nonstop.

If the scheduled daily working time or the duration of special work duty exceeds six hours, and after each additional three-hour period, the employee shall be entitled to a minimum twenty-minute and maximum one-hour uninterrupted break from work. Where an employee is entitled to more than one break on a working day, the combined duration of these breaks may not exceed one hour. [Labour Code, Section 122. §]

A minimum eleven-hour uninterrupted rest period (daily rest period) shall be provided for employees between the conclusion of daily work and the commencement of work on the following day. By way of derogation, at least eight hours of uninterrupted rest time shall be provided for employees working in split shifts. [Labour Code, Section 123. §]

**For workers performing night work on a regular basis, the Act defines special protective clauses.** Thus pursuant to Section 121. § (2) of Labour Code, employers shall provide for the health examination of the employees prior to and at regular intervals during employment.

An employee shall be transferred to day shift if the medical examination establishes that night duty may jeopardise his or her state of health or that his or her illness is in a causal relationship with working night shifts.

The daily working time of workers employed under conditions exposed to harmful effects as defined by law shall not exceed eight hours in respect to night work. [Labour Code, Section 119.§]

Section 146. § of Labour Code specifies regulations on **the remuneration of night work**. It specifies that in the case of night work employees shall be paid a 15% wage supplement in addition to their regular personal basic wage. If night work is performed in shifts, the employee shall be entitled to a shift supplement for night shift. The amount of this supplement is 30%. Employees working in continuous shifts shall be entitled to an additional 10% shift supplement for night shifts.

## Article 16 – THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

*With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.*

### 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

#### 1. General legal framework of the system of family benefits

In Hungary, one of the guarantees of the right of families to social, economic and legal protection is the system of family benefits.

**The basic regulations on the financial assistance given to families are specified in the following Acts (on 31 December 2009):**

- In respect to family allowance, child home care allowance, child raising support and birth grant, Act LXXXIV of 1998 on Family Support (Family Support Law, Cst.)
- In respect to pregnancy-confinement benefit and child-care fee, Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System (Ebtv.)
- In respect to regular child protection subsidies, irregular child protection support and complementary child protection support, Act XXXI of 1997 on the Protection of Children and Guardianship Administration (Child Protection Law, Gyvt.)
- In respect to family tax benefit, Act CXVII of 1995 on Personal Income Tax (Szja tv.).

#### 1.1. Family benefits specified in Family Support Law:

Cst. specifies the following family benefits:

- a) family allowance
- b) child home care allowance
- c) child raising support
- d) birth grant

**The personal scope of the Act** includes persons who reside in the territory of the Republic of Hungary and

- are Hungarian citizens,
- have been granted immigrant or permanent resident status, or are recognised as refugees or stateless persons by the Hungarian authorities,
- are persons with the right of free movement and residence (EU citizens, third-country national family members of EU citizens or third-country national family members of Hungarian citizens),

- are persons with the entitlement defined in Council Regulation (EEC) No 1408/71(1) of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (with the exception of birth grant).

**a) Family allowance**

The state provides monthly family allowance as a contribution to the costs of bringing up and schooling a child.

The following persons are entitled to family allowance:

- biological parents, adoptive parents, spouses living in the same household as the parent, persons who intend to adopt a child living in their own household and the procedure is ongoing (hereinafter jointly referred to as ‘parent’), foster parents, professional foster parents, guardians, or persons in whose household the child was transferred to temporary care, for the child brought up in the same household,
- guardians and authorized custodians or ad hoc conservators, for children (persons) under guardianship for child protection cared for in a children's home or juvenile facility or placed in a correctional institution,
- the head of a social institution operating in the territory of Hungary, for children (persons) placed in such an institution;
- a person over the age of 18 who is permanently ill or severely disabled, if a higher amount of family allowance was paid for him or her until he or she reached 18 years of age;
- a person named by the guardian agency in a decision that permits him or her to leave the parents’ household.

Family allowance shall be paid until the end of the period of compulsory education; after that – for a child pursuing studies in an institution of public education – until the end of the school year in which the child reaches 23 years of age.

**The monthly amount of family allowance (in 2009)**

- for a family with one child, HUF 12,200,
- for a single parent with one child, HUF 13,700,
- for a family with two children, HUF 13,300 per child,
- for a single parent with two children, HUF 14,800 per child,
- for families with three or more children, HUF 16,000 per child,
- for a single parent with three or more children, HUF 17,000 per child,
- for a family with a permanently ill or severely disabled child, and for a permanently ill or severely disabled child living in an institution or with foster parents or with professional foster parents, HUF 23,300 per child,
- for a single parent with a permanently ill or severely disabled child, HUF 25,900.
- for severely disabled adult person, HUF 20,300,
- for a child living in an institution or with foster parents or professional foster parents, for a child under temporary care, HUF 14,800.

**b) Child home care allowance (GYES)**

A parent, a foster parent and a guardian is entitled to child home care allowance until the child living in the same household reaches three years of age; for twins, until they reach the age of compulsory schooling; for permanently ill or severely disabled children, until the child reaches ten years of age.

After the child reaches one year of age, a grandparent may also be entitled to GYES.

Based on special considerations, the Head of the Treasury may establish the eligibility to child home care allowance of the person taking care of the child if the parents are unable to take care of the child for a period of more than three months, or may establish or extend such entitlement until the child starts his or her primary school studies but not after the child reaches eight years of age, if the child – due to his or her illness – may not be taken care of in a day-care institution for children.

The monthly **amount** of GYES is equivalent to the old-age minimum pension (HUF 28,500); for twins, this amount is doubled (HUF 57,000). GYES is subject to pension contribution deduction. The period of the payment of GYES is treated as a service time for the purposes of eligibility for pension benefits.

The person receiving GYES may not be gainfully employed until the child reaches one year of age; however, after that, he or she may do so without any time limit. A grandparent receiving GYES may not be gainfully employed until the child reaches three years of age; after that, he or she may do so in no more than four hours a day or, if the location of the employment is his or her household, without any time limit.

### **c) Child raising support (GYET)**

A parent, foster parent or guardian is entitled to GYET if he or she is bringing up three or more minor children in his or her own household.

GYET is paid from the time when the child reaches three years of age until he or she reaches eight years of age.

The **amount** of GYET is independent of the number of children and equivalent to the old-age minimum pension (HUF 28,500 in 2009). GYET is subject to pension contribution deduction. The period of the payment of GYET is treated as a service time for the purposes of eligibility for pension benefits.

A person who receives child raising support may be engaged in gainful employment for less than four hours per day, or, if the location of the employment is his or her household, without any time limit.

### **d) Birth grant**

After the birth of a child, the following persons are entitled to birth grant:

- a) a woman who, during her pregnancy, underwent at least four – or, in case of a premature birth, at least one – ante-natal examination;
- b) an adoptive parent if the adoption was permitted by a final decision within six months after the birth of the child;
- c) a guardian, if the child is taken into his or her custody by final decision within six months after the birth of the child.

A person entitled to birth grant keeps his or her entitlement even if the child is stillborn.



The **amount** of birth grant per child is equal to 225% of the lowest amount of the old-age pension valid at the time of the birth of the child (in 2009, HUF 64,125); for twins, the amount is 300% (in 2009, HUF 85,500).

## **1.2 Child home care allowance as specified by Ebtv.**

### **a) Pregnancy-confinement benefit**

See: Paragraph (1) of Article 8

### **b) Child-care fee (GYED)**

The following persons are entitled to a child-care fee:

- an insured parent if he or she has been ensured for 180 days in the two years before the submission of the application for a childcare fee (for a mother, before the birth of the child),
- a mother who received pregnancy-confinement benefit whose insurance relationship expired during the time of the payment of pregnancy-confinement benefit, if she became entitled to pregnancy-confinement benefit during an insurance relationship and she was insured for 180 days in the two years before giving birth;
- and is bringing up the child in her own household.

‘Parent’ denotes biological parents, adoptive parents, spouses living in the same household as the parent, persons who intend to adopt a child living in their own household and the procedure is ongoing, and guardians.

For the calculation of the 180 days of insurance required in order to be eligible for GYED, the following periods shall be taken into account:

- the period of the payment of sickness benefit, accident benefit, pregnancy-confinement benefit after the expiry of insurance;
- the periods of full-time studies in an institution of higher education longer than a year,
- the period of the payment of rehabilitation annuity.

The payment of GYED does not start before the expiry of the pregnancy-confinement benefit or the end of the corresponding period, and ends when the child reaches two years of age. If the woman who gave birth to the child – or the woman who intends to adopt the child – dies or the child is being brought up in another household, the childcare fee shall be paid to the person entitled for the period of entitlement to pregnancy-confinement benefit or for the remaining part of such a period.

The person receiving GYED may not be gainfully employed.

### **The amount of GYED**

The amount of GYED is 70% of the average wage of a calendar day; its maximum monthly amount is the 70% of the minimum wage multiplied by two (in 2009, HUF 100,100). The amount of the benefit shall be defined on the basis of the average income of a calendar day that serves as a basis for the calculation of health insurance contribution (gross income) of the

calendar year preceding the first day of the entitlement. If in the calendar year preceding the first day of entitlement the insured person did not have an income of at least 180 calendar days, GYED shall be calculated on the basis of the daily average of the income of 180 calendar days preceding the first day of entitlement. If the period of insurance is uninterrupted, the income of the 180 calendar days may be taken into account until the first day of the calendar year preceding the first day of entitlement. If the entitled person does not have income of 180 calendar days that serves as the basis for the calculation of health insurance contribution, the daily amount GYED shall be calculated on the basis of one-thirtieth of the minimum wage – valid on the first day of the entitlement period – multiplied by two. However, if the income of the insured person that serves as a basis for the calculation of the health insurance contribution or for the calculation of unemployment benefit is less than the minimum wage multiplied by two, his or her actual income shall be taken into consideration.

### **1.3 Child protection benefits as specified by Child Protection Law:**

#### **a) Regular child protection allowance**

The notary of the municipal self-government establishes that a child is entitled to regular child protection allowance, if the assets of the family bringing up the child is not more than specified by law, and the monthly income per capita is below

- 140% of the amount of old age pension (in 2009, HUF 39,900),
  - if the child is being brought up by a single parent or by another legal representative, or
  - if the child is permanently ill or severely disabled, or
  - if the child who became of age pursues full-time studies and did not reach 23 years of age, or pursues full-time studies in an institution of tertiary education and did reach 25 years of age.
- 130% of the amount of the old-age minimum pension in all other cases.

Regular child protection allowance entails entitlement to regular financial assistance two times a year (HUF 5,800 per child in 2009) and to certain in-kind benefits (e.g. per-capita deduction from the cost of child catering, free textbooks).

#### **b) Kindergarten support**

The notary of the municipal self-government provides financial support to a parent of a child who receives regular child protection allowance if the child is three or four years old and attends kindergarten, and if the parent sends the child to kindergarten regularly and if the entitlement to regular child protection allowance does not cease. Such support is provided after the child is enrolled in the kindergarten (for the first time), and, after that every June and December until the kindergarten education relationship terminates (for the second and other times).

Another condition of the provision of the financial support is that – within a notary procedure – the parent who has custody of the child makes a voluntary declaration that until the child reached three years of age the parent did not successfully complete education higher than the education offered at the eighth grade of primary school.

In 2009, the amount of this financial support was HUF 20,000 per child for the first time, and HUF 10,000 per child for the other times.

### **c) Supplementary child protection support**

A parent is entitled to supplementary child protection support if he or she is a relative who is appointed as the guardian of the child, is obliged to support the child, and receives pension benefit, accident-related invalidity pension, pension-like regular social cash benefit or old-age allowance.

The monthly amount of the supplementary child protection support is 22% of the minimum amount of the old-age pension per child (HUF 6,270 in 2009). In addition, the guardian is entitled to an allowance of HUF 8,400 in July and November.

### **d) Irregular child protection support**

The representative body of the municipal self-government provides irregular child protection support– an amount defined in a municipal self-government decree – if the family that cares for the child faces problems of subsistence or is in an extraordinary situation where its subsistence is endangered. Primarily, those children and families shall be given this irregular support occasionally, who cannot be supported in any other way or are in need of financial assistance, especially due to the pregnancy of a mother who is in a crisis situation, the expenses of preparing the household for the birth of a child, maintaining contact with the family of the child taken into custody, the promotion of the child's return to his or her family, or the child's illness or schooling.

### **e) Advancing child support**

The state advances child support if the court established child support by a final ruling, yet the person obliged to pay fails to comply with the payment obligation and the collection by the courts is temporarily impossible. Another precondition for advancing child support is that the person taking care of the child is not capable of supporting him or her properly, i.e. the establishment of the support is dependent on neediness.

The guardian authority establishes the amount defined in the binding decision of the court or – if the child support is defined as a percentage of the father's wage – establishes a basic amount.

The guardianship authority may establish a lower amount if the parent who takes care of the child is capable of supporting him or her partially. In such cases, the advanced amount shall not be lower than the 50% of the amount established by the courts.

## **1.4 Family tax benefit as specified by the Act CXVII of 1995 on Personal Income Tax**

The family tax benefit was introduced into the Hungarian taxation system as of 1 January 1999. The benefit reduces the tax of the consolidated tax base (tax benefit). (Sections 40.§ (3)-(11) of Act CXVII of 1995 on Personal Income Tax (Szja tv.)).

The family tax benefit shall be granted for beneficiary dependents, to private individuals who are eligible for family allowance according to the Family Support Law as well as to pregnant women and their spouses living in the same household.

Those persons shall be regarded as beneficiary dependents for whom family allowance is provided pursuant to the Family Support Law, including any person who is eligible to receive family allowances in his own right, foetuses (twin foetuses) during pregnancy (from the 91st day after conception until birth) and private individuals who receive disability benefits. (Szja tv. Section 3.§ 60.)

When calculating the amount of the tax benefit, the number of dependents shall include, in addition to beneficiary dependents, the persons who are to be calculated for the purpose of determining the amount of family allowance in accordance with the provisions of Family Support Law.

In 2005 – the beginning of the reporting period –, the monthly amount of the tax benefit was:

- a) for one dependent, HUF 3,000,
- b) for two dependents, HUF 4,000,
- c) for three and more dependents, HUF 10,000.

As of 1 January 2006, families with one or two children were no longer entitled to family tax benefit. A condition for the entitlement was that the number of dependents should be at least three. The amount of the benefit received by persons with three or more children was also reduced (instead of a monthly HUF 10,000 per child, it was reduced to HUF 4,000 per child). The other conditions for receiving family tax support were not modified.

In 2007 and 2008 the amount and the conditions of the benefit were the same as in 2006.

In 2009 the amount and the main conditions of the benefit did not change; however, an income threshold was defined as another prerequisite. (Section 42.§ of Szja tv., in force as of 1 January 2009). The total amount of the benefit was received by persons whose income was lower than the threshold defined. Those with an income above the threshold were eligible only for a reduced amount of benefit (the part over the 20% of income that is over the threshold was deducted from the amount of the family tax benefit).

The thresholds are as follows:

- HUF 6 million, if the number of dependants reached three persons on any day of the tax year yet did not exceed that number on any day of the tax year;
- HUF 6.5 million, if the number of dependants exceeded three persons on any day of the tax year yet did not exceed four persons on any day of the tax year,
- HUF 7 million, if the number of dependants exceeded four persons on any day of the tax year, yet it did not exceed five persons on any day of the tax year,
- HUF 7.5 million, if the number of dependants exceeded five persons on any day of the tax year, however, it did not exceed six persons on any day of the tax year,
- HUF 8 million, if the number of dependants exceeded six persons on any day of the tax year.

## **2. Major reforms with regard to the system of family benefits implemented in the reporting period (2005-2009)**

**In 2006**, the three-element system of family benefits (family allowance, regular child protection support and tax benefit) was replaced by a system that is based exclusively on family allowance.

Pursuant to the amendment, as of 1 January 2006 the amount of family allowances increased by an average 84% and remained dependent on the family type and the number of children being brought up in the family. Parents with disabled children and single parents with children continued to receive a higher amount of family allowance.

However, as a result of the consolidation of financial resources, families with one or two children no longer enjoyed family tax benefits. Families with three or more children remained entitled to family tax benefit; however, the amount of the benefit decreased (instead of a monthly HUF 10,000 per child it was reduced to HUF 4,000 per child).

With the elimination of the regular child protection support, its funds was also incorporated into the resource of the family allowance. A new benefit was introduced: the regular child protection subsidy. Those entitled to this subsidy continue to receive the in-kind benefits previously related to the regular child protection support (normative allowance of child catering, support to buy textbooks, etc.) and support of a specific amount twice a year.

The amendment influenced several aspects of the system of the child home care allowance. After the child reached one year of age, the parent (or the guardian or the foster parent) could engage in full-time work while receiving the child home care allowance.

**In 2007** no major changes occurred in the system of family benefits. The amount of family allowance and the amounts of benefits calculated on the basis of the old-age minimum pension (child home care allowance, child raising support) increased by 6.2% and 5.2%, respectively. (For the exact amounts, see the chart below.)

**In 2008** the amount of family allowance was increased in a differentiated way. For families with three or more children and for single parents bringing up a child, the increase was 6.1-7.9%, while for other family types it was an average of 4.5%. The amount of benefits calculated on the basis of the old-age minimum pension increased by 5%.

**In 2009** as part of the measures taken to tackle the economic crisis, the amount of the family allowance was not increased.

An income threshold was defined as a prerequisite for family tax benefits. For details, see Section 4 on family benefit.

## **3. Child welfare services available for families**

In comparison with the third National Report, the following changes occurred.

The participation of women in the labour market is decisively influenced by bringing up children. The objective of the legislative amendments was to make daycare institutions contribute to family life and work, and to promote women's participation in the labour

market, and, on the other hand – through their role in the field of socialisation – combat child poverty and social exclusion, enhance opportunities for children with multiple disadvantages and counteract such disadvantages.

Act CXXXV of 2005 on Support for Victims of Crime and Compensation provided by the State amended and supplemented Section 17. §. (1) of Act XXXI of 1997 on the Protection of Children and Guardianship Administration (Gyvt.) as of 1 January 2006 with Sections g)-h) on probation officers' services and on the institutional system of organisations that perform tasks related to helping victims and to compensation. These organisations perform tasks related to the child protection system: they promote bringing up children in families, and prevent or address child vulnerabilities.

Section 42/A. § of the amended Child Protection Law provides for the daycare of children of families with a low income as of 1 January 2006. The amendment adds a provision on positive discrimination to the Act; it stipulates that children entitled to a regular child protection allowance shall be treated preferentially during crèche admission. Obviously, this provision on crèche admission applies exclusively to children of employed parents.

‘During crèche admission, a child entitled to a regular child protection subsidy shall be given preferential treatment if his or her parent or other legal representative certifies his or her own employment relationship or any other work-related legal relationship.’

Act CXXXVI of 2005 supplemented Section 43. § of the Child Protection Law with a new paragraph as of 1 January 2006 to provide in family day-care units for services other than basic services (e.g. special counselling, temporary childcare). At present, similar regulations pertain to crèches.

‘(3) Family day-care units may provide families with special counselling, temporary childcare or other services related to childcare as services other than the basic service.’

Act CXVI of 2003 on the 2004 Budget of the Republic of Hungary and on the Three-Year Budgetary Frameworks amended Sections 94. §. (3)-(4) of Child Protection Law as of 1 July 2005, which prescribed certain obligatory tasks for local governments.

‘(3) Local governments and district governments

a) where more than 10,000 permanent residents live shall operate a crèche,

b) where more than 20,000 permanent residents live shall operate a crèche as specified in Section a) and a provisional home for children,

b) where more than 30,000 permanent residents live shall operate a crèche and a provisional home for children as specified in Sections a) and b), and a provisional home for families,

d) where more than 40,000 permanent residents live shall operate a crèche, a provisional home for children and a provisional home for families, as specified in Sections a), b) and c), and a child welfare centre [Section 40. § (3)]

‘(4) Cities with county rights shall operate a child welfare centre irrespective of the number of residents.’

## **4. Assisting families to obtain housing**

### **4.1. State subsidies for housing purposes**

Pursuant to Government Decree 12/2001 (I.31.) on state subsidies for housing purposes, in the period from 2005 to 2009 the following major subsidies were provided to promote the housing of families:

#### **Housing subsidy**

For the construction or purchase of a residential property, the constructor was entitled to housing subsidy for the dependent children living in his or her household or for other dependent family members, as a contribution to the construction expenses or to the payment of the purchase price in the form of a non-repayable state subsidy, provided that the property he or she intended to construct or purchase did not exceed reasonable housing requirements. The amount of housing subsidy was calculated on the basis of the number of dependent children.

A married couple under 40 and without children could undertake to have two children; a married young couple with one child could undertake to have one more children. The amount of the housing subsidy was provided to them as an interest-free loan.

For the purposes of the addition of one room to an existing residential property or – in the case of families with three or more children – of the purchase of an old residential property, the constructor was entitled to housing subsidy for dependent children and other dependent family members living in his or her household. The subsidy was a non-repayable state subsidy; its amount was 50% the housing subsidy provided for the construction of new residential properties.

#### **Home-start assistance for young people**

Married couples under 35, registered partners who have been living in the same household for at least one year or single persons were entitled to home-start assistance (a non-repayable subsidy) to purchase used residential properties and at least with full amenities if the purchase price of the property did not exceed HUF 12 million in Budapest and in towns of county rank or HUF 8 million in other settlements. The assistance was given for children who had already been born. The amount was 50% of the housing subsidy.

#### **Tax refund support**

A private person who constructed or purchased a residential property was entitled to a tax refund support up to 60% of the VAT of expenses but no more than HUF 400,000.

2005. As of 1 February 2005, this form of support was terminated, but clients were still entitled to apply for the support on the basis of construction permits issued before 1 February 2008.

#### **Additional interest subsidy**

Married couples or supported persons with children were entitled to HUF-based loans provided by credit institutions at subsidized interest rates of a maximum HUF 15 million for the purpose of the construction or the purchase of a new residential property, if the expenses did not exceed HUF 30 million. The state interest subsidy was provided for the first 20 years of the term of the loan.

### **Mortgage bonds interest support**

The supported natural persons were entitled to HUF-based loans provided by credit institutions at subsidized interest rates of a maximum HUF 15 million for the purpose of the construction or the purchase of a new residential property. For old residential properties, the threshold was HUF 5 million. The state interest subsidy was provided for the first 20 years of the term of the loan.

### **Accessibility support**

This support contributes to the construction of a housing unit accessible for a severely disabled person. It is a one-off support for one person.

As of 1 July 2009 the housing subsidy, the home-start assistance of young persons and interest rate subsidies were terminated. On 1 October 2009 an interest rate subsidy targeted at a much narrower group of eligible persons was introduced. As a result, it became necessary to formulate a new home-start programme; the first measures entered into force as of 2012.

## **4.2. Methods of taxation**

In the reporting period, the state assisted the housing of families with methods of taxation.

Pursuant to Act CXVII of 1995 on Personal Income Tax, in the tax year of the beginning of repayment and in the four subsequent years the debtor of a loan provided by a credit institution for housing purposes – under certain conditions – was entitled to deduct from tax on his or her consolidated tax base 30% or 50% of the payments he or she paid in the given tax year.

The prerequisites of the tax benefit were as follows:

- 40% of the repayments were deductible as a tax benefit, if the debtor received interest subsidy (loans secured by mortgage), the amount did not exceed HUF 15 million and served the purpose of the construction or purchase of a new residential property or a residential lot in Hungary;
- 30% of the repayments were deductible as a tax benefit, if the amount did not exceed HUF 10 million and served the purpose of a used residential property or the addition of at least one room to the existing property.

There were some restrictions of the tax benefit. On the one hand, the amount deductible under the said tax benefit from the tax payable could not exceed HUF 120,000 per tax year; on the other hand, the total amount of the benefit was provided only to those persons whose income did not exceed a specified income threshold (if the income was above the threshold, a reduced benefit was provided). If the debtor had a spouse (registered partner) who was entitled to child home care allowance for at least six months in the given year, the income threshold was HUF 4,400,000, and the opportunity of a reduced benefit was provided up to a yearly income of HUF 5 million. In other cases, the income threshold was HUF 3,400,000 or HUF 4,000,000.

The legal regulations on the tax benefit were repealed as of 1 January 2007; however, the benefit was still accessible in the four-year period defined previously if the repayment of the tax for which the tax benefit was provided started by 31 December 2006.



## 5. Evictions

a.) The court proceedings of eviction guarantee those safeguards that are required by the right to a fair trial. **The regulation does not contain any element that would result in negative discrimination against the Roma in any way.**

Pursuant to Act LIII of 1994 on Judicial Enforcement, the enforcement procedure starts when those involved are obliged to vacate an immovable property by a court ruling (court-approved settlement) or undertook the obligation to leave the property in a notarial document. As for the former, the safeguards of court procedure conducted with the purpose of making a court ruling (participation in the procedure, taking of evidence, legal remedy, deadlines for performance, e.g.) guarantee the protection of the rights of those involved. In respect to the latter, the rules pertaining to the preparation of public documents and the termination of enforcement provide such protection. The enforcement shall be ordered if the deadline set out for voluntary compliance with the obligation has expired. The court (or, for notarial documents, the notary), when ordering enforcement, sets out another deadline for leaving the residential property voluntarily; coercive actions are taken after the second deadline expires. A decision on coercive action is made by the court, taking into consideration all the circumstances of the case: a fine may be imposed to enforce voluntary eviction or – as a measure of last resort – the court may order eviction with the assistance of the police. During the proceedings, the person involved has the right to extensive legal remedy: has the right to seek legal remedy against the enforcement that was ordered unlawfully (withdrawal of the certificate of enforcement, cancellation of writ of execution), may appeal against court rulings or, in respect of any illegal actions by the bailiff, may file a demurrer of enforcement.

The implementation of enforcement is regulated by rules that serve the protection of the special rights and interests of natural persons involved in eviction. In extreme situations, the persons involved may be given assistance and an adequate period of time to prepare for eviction. For instance,

- the obliged party may apply for the suspension of the enforcement procedure if there is a substantial and reasonable case for that (for example, the number of dependants to be supported by the obliged party whether by order or necessity, the permanent or serious illness of the obliged party or his or her dependent, or any natural disaster during the enforcement procedure to which the obliged party has also fallen victim);
- if a legal person asks for the eviction of a residential property, the bailiff – at the request of the natural person involved – may extend the deadline of voluntary eviction set out by the court of origin that ordered enforcement by 90 days;
- the enforcement of eviction of residential properties is not performed in the winter period (from 1 December to 1 March); if the obliged party is a natural person, the eviction is postponed;
- those who are to be removed from their auctioned property have further benefits: those debtors who have no other housing opportunities may apply to the court to postpone eviction by six months before the auction.

b.) The eviction of arbitrarily occupied residential properties is performed within the framework of a different, simplified procedure: such a procedure is ordered by the court in a non-judicial proceeding, with a ruling that may be appealed against but may be subject to preliminary enforcement. After that, the bailiff takes action to enforce eviction from the property within three working days, and notifies the head of the competent police station along with the competent child custody office if a minor is involved.

The bailiff serves the decree in person in the presence of a police officer or a witness on the person of legal age who stays in the residential property in question, and orders this person to vacate the premises within two days. An important point is that if a minor is involved in the case, a representative of the child custody office shall also attend the on-site procedure and if during the eviction procedure minors were left unattended, the representative of the child custody office shall take custody of the minors living in the property, and shall place such minor(s) in a temporary residence. A provision of key importance is that in the case of an arbitrary occupation of a residential property, the state shall provide for the use of such properties by the lawful occupants in special proceedings and, thus, eviction shall take place in the winter period as well. While evaluating these special proceedings, it may be worthwhile to take into consideration the fact that in this case the objective of ‘keeping one’s home’ does not apply: on the contrary, **the objective of the proceedings is the elimination of an unlawful situation** where the use of the residential property by its lawful occupants is made impossible by an arbitrary action.

To sum up, the rules of the coercive evictions of residential properties comply with those procedural requirements that the Charter considers to be necessary for social protection: a court makes rulings on evictions, those involved have the right to legal remedy and – in view of their personal circumstances – fair eviction deadlines are implemented.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

**1. Government Decision 1092/2007 (XI. 29.)** on the Governmental Tasks Related to the Implementation of Parliamentary Decree 47/2007. (V. 31.) on the National Strategy ‘**Making Things Better for Our Children**’ (2007-2032) provides a detailed definition of implementation-related responsibilities.

1. To promote the introduction of the practice of the timely kindergarten admission of children with multiple disadvantages and the transition from kindergarten to school, and to improve the future school performance of such children, a kindergarten network needs to be established which coordinates the activity of the institution of education, of local social and healthcare workers and maintains relations with the parents and, thus, provides for a future adoption of good practices.
2. The tertiary training of experts working with pre-schoolers needs be applied to the age group between 0 and 7 years.
3. An IT background needs to be provided for the formulation, continuous follow-up and review of the indicators of measures and programmes aimed at improving the employment opportunities for parents and for related feedback.
4. In settlements where the service itself or the number of places is inadequate, incentives need to be implemented for the establishment of day-care facilities for children. The municipal self-governments need to be given assistance in the more extensive and better-quality operation of the service system, taking into consideration the opportunities for the operation of alternative forms of such services.
5. Parallel with the reforms of the day-care fee system, a support system needs to be formulated that partially pays the fees payable by the parents of children in need.

6. The professional, legal and operative conditions of integration in crèches and kindergartens need to be formulated, along with the frameworks of the establishment, operation and funding of the institutional system for children of 0-7 years of age.
7. The opening hours of day-care institutions need to be adapted to the parents' work schedule; the resulting extra costs need to be financed by the state.
8. Experts need to examine how children's day-care facilities can contribute more to the early development and the day-care of children with disabilities.
9. To improve children's social security, by 2010 free catering needs to be introduced for those children in the upper four years of primary school who receive a regular child protection allowance.
10. The rules of the systemic operation of child catering in the summer need to be formulated so that children who receive a regular child protection allowance may be provided with one hot meal per day in the summer months; the financial resources for such catering need to be guaranteed. The establishment of the necessary conditions need to be promoted with resources available through the submission of proposals.
11. In order to provide a healthy diet and to improve the quality and conditions of catering, the per-capita subsidy of child catering, eligible costs, the fee system and state subsidies need to be reviewed.
12. With a view to a more efficient implementation of prevention, within the framework of the professional development of the child welfare service, a service system and funding need to be established that adapt to the capacities of local governments.
13. To secure the personal development, successful school performance and social inclusion of children at risk, programmes of family crisis management for children and their families need to be formulated and operated.
14. To improve the quality, efficiency and targeting of the child welfare service, the IT background of services need to be developed through the creation of data bases.
15. To provide a free hotline and anonymous service for children and young persons who are in a crisis situation and seek help, to introduce a harmonised European number to help missing children and to establish an operational centre, the conditions for the reliable operation of the Blue Line Child and Youth Phone Service need to be guaranteed.

## 2. Programmes:

2.1. Within the Regional Operational Programmes of the National Strategic Reference Framework calls for proposals were published under the title ‘The Infrastructural Development of Basic Social Services and Basic Child Welfare Services’. In the period between 2007 and 2012 large **Community funds (more than HUF 21 billion)** were at our disposal **to develop day-care services – especially crèche services – and to establish family day-care centres.** For the purpose of the infrastructural development of basic social service and basic child welfare services (child welfare service, family help, care for the elderly), in the planning period of 2007-2008 106 proposals were accepted (HUF 8,678,000,000), while within the framework of the call for proposals for 2009-2010 86 proposals were accepted (HUF 9 billion). As a result, almost 2,000 new places may be created.

2.2. In 2009 at the expense of the chapter-based appropriation of the responsible Ministry, a call for proposals was published under the title ‘The development of child welfare and child protection services and the performance of methodological tasks’ **to support the establishment of new family day-care centres. 150** proposals were submitted and **121** proposals were awarded support totalling HUF 80 million. The majority of applicants are civil organisations, non-profit business associations, self-employed persons, municipal self-governments or churches (the Evangelical and the Catholic Church).

2.3. In 2008 the National Public Employment Foundation (OFA) launched two programmes to promote the inclusion programme of family care centres:

a) The support of the programme ‘The development of the services of family care centres promoting employment’

The funds available for the support of the programme ‘The development of the services of family care centres promoting employment’ came to HUF 776,400,000. This amount is provided by the Ministry of Social Affairs and Labour – from the centralised funds of the 2008-2009 employment allotment account of the Labour Market Fund - and does not include Community funds.

The Social Act stipulates the cooperation obligation of those receiving the regular social allowance for active-age persons. The definition of the specific rules pertaining to cooperation is the responsibility of the municipal local governments: they are obliged to issue a relevant decree. The data of a survey conducted by the Ministry of Social Affairs and Labour in 2007 show that three-fourths of the 3,167 local governments passed such a decree. 75% of the organisations appointed as co-operators in inclusion programmes were family care organisations. The organisations appointed for cooperation have limited staff and equipment for the performance of these tasks.

The methods and active labour-market tools previously applied – training/retraining, community service, wage subsidies – either did not have an impact on the most underprivileged groups or, if they did, guaranteed income for the long-term unemployed only for a short period of time.

In family care services, there is a wide range of programmes that provide for the management of social and lifestyle problems; however, as shown by the demands of the labour market and employers, the professional aspects and the adequacy of social work carried out with the unemployed needs to be developed.

b) The support of the programme ‘The development of the services of family care centres promoting inclusion’

The funds available for the support of the programme ‘The development of the services of family care centres promoting inclusion’ came to HUF 182,600,000. This amount comes from the centralised funds of 2008-2009 from the Ministry of Social Affairs and Labour – from the employment allotment account of the Labour Market Fund – and does not include Community funds.

The aspect of the labour market is reflected only to a small degree in the training of professional social workers, while experience shows that 70-80% of the persons receiving regular social benefits say that the reasons for their situation were job-related problems or disadvantages in the labour market.

For this reason, the toolkit and methodology of social work needs to be extended.

There is a need for practice-oriented training (training sessions, discussion of cases, mentoring) for social workers employed by family help centres that would provide help in their daily work. The training is intended to extend the toolkit of social work and social assistance. Such an extension of competencies and the related development of certain aspects of the service contribute to a more successful social inclusion – and, in addition, the economic inclusion – of the target group.

3. Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

### 1. Data on the system of family benefits

#### Budgetary expenditure on family benefits in the period from 2005 to 2009

billion HUF

Support	2005	2006	2007	2008	2009
Family allowance	195.0	318.2	348.5	366.0	366.6
Child home care allowance	49.8	54.2	57.1	61.4	64.4
Child raising support	13.8	14.3	13.6	15.9	13.8
Birth grant	5.1	5.6	5.8	5.9	6.5
Pregnancy-confinement benefit	27.1	30.3	33.2	36.8	39.3
Child-care fee	61.3	69.1	77.1	83.8	89.6
Regular child protection support or allowance and supplementary child protection support	44.7	4.6	5.025	5.8	6.6
Kindergarten support (since 2009)	-	-	-	-	0.3
Irregular child protection support	2.9	2.5	2.3	2.2	2.1
Advancing child support	0.822	0.934	1.272	1.272	1.272
Family tax benefit	78.164	14.019	13.588	13.478	13.125

Source: Act on the implementation of the budget of the given year

#### Changes in the amount of family allowance in the period from 2005 to 2009

HUF/person/month

Family type	2005	2006	2007	2008	2009
Family with one child	5,100	11,000	11,700	12,200	12,200
Single parent with one child	6,000	12,000	12,700	13,700	13,700
Family with two children	6,200	12,000	12,700	13,300	13,300
Single parent with two children	7,200	13,000	13,800	14,800	14,800
Family with three or more children	7,800	14,000	14,900	16,000	16,000
Single parent with three or more children	8,400	15,000	15,900	17,000	17,000
Family with a permanently ill or severely disabled child	13,900	21,000	22,300	23,300	23,300
Single parent with a permanently ill or severely disabled child	15,700	23,000	24,400	25,900	25,900
Severely disabled adult person	15,700	18,000	19,400	20,300	20,300

Source: Act LXXXIV of 1998 on Family Support

## The changes in the amount of family benefits in the period from 2005 to 2009

HUF/month\*

Support	2005	2006	From 1 Jan 2007	From 15 February 2007	2008	2009
<b>Child home care allowance</b>	24,700	25,800	26,830	27,130	28,500	28,500
- for twins	49,400	51,600	53,660	54,260	57,000	57,000
<b>Child raising support</b>	24,700	25,800	26,830	27,130	28,500	28,500
<b>Birth grant*</b>	55,575	58,050	60,368	61,043	64,125	64,125
- for twins	74,100	77,400	80,490	81,390	85,500	85,500
<b>The maximum amount of child-care fee</b>	83,000	87,500	91,700		96,600	100,100
<b>Regular child protection support or allowance*</b>	5434	5,000*	5,000		5,500	5,800
	10,800 (if the guardian receives a pension)					
<b>Kindergarten support*</b>	-	-	-	-	-	1. First time HUF 20,000 second, etc. time: HUF 10,000
<b>Supplementary child protection support (as of 2006)</b>	-	HUF 5,676 (+ allowance of HUF 7,500 twice a year)	5,903	5,969	HUF 6,270 (+ allowance of HUF 8,000 twice a year)	HUF 6,270 (+ allowance of HUF 8,400 twice a year)
			(+ allowance of HUF 7,500 twice a year)			
<b>Irregular child protection support**</b>	4,712	4,612	5,014		5,670	6,139
<b>Advancing child support***</b>	7,213	8,016	9,847		10,503	10,413

\*As a rule benefits are provided on a monthly basis, irrespective of the number of children, with the following exceptions:

- birth grant is a one-off support; for twins, it is provided per child,
- regular child protection allowance is an amount given twice a year,
- kindergarten support is an amount given twice a year.

\*\* average amount per case

\*\*\* average monthly amount per capita (Source: Hungarian Central Statistical Office)

Source: 1998. Act LXXXIV of 1998 on Family Support; Act XXXI of 1997 on the Protection of Children and Guardianship Administration

**The numbers of persons receiving family benefits in the period from 2005 to 2009**

1,000 persons/month

Support		2005	2006	2007	2008	2009
Family allowance	number of families	1,265	1,269	1,224	1,247	1,246
	number of children	2,061	2,067	1,997	2,029	2,030
Child home care allowance		161	167	165	167	174
Child raising support		47	46	43	42	40
Birth grant (number of families)		7.8	7.9	7.5	7.9	7.9
Pregnancy-confinement benefit		29.8	30.5	29.3	29.2	29.2
Child-care fee		87	92	94	95	95
Regular child protection support or allowance		663	445	490	513	554
Kindergarten support (since 2009)*		-	-	-	-	23.1
Supplementary child protection support(as of 2006)		-	1.6	1.5	1.5	1.4
Irregular child protection support**		306	254	223	194	185
Advancing child support		9.320	8.916	8.203	7.946	8.846
Family tax benefit		934	125	114	112	109

\*the number of children receiving support in the given year

\*\*the number of persons receiving irregular child protection support in the given year

Source: Hungarian Central Statistical Office

**The ratio of the number of persons receiving family support benefits and the number of population from 2005 to 2009**

%

Support		2005	2006	2007	2008	2009
Receiving family allowance	families	12.55	12.61	12.19	12.43	12.44
	children	20.45	20.53	19.88	20.23	20.27
Child home care allowance		1.60	1.66	1.64	1.66	1.74
Child raising support		0.47	0.46	0.43	0.42	0.40
Birth grant (number of families)		0.077	0.078	0.075	0.079	0.079
Pregnancy-confinement benefit		0.30	0.30	0.29	0.29	0.29
Child-care fee		0.86	0.91	0.94	0.95	0.95
Regular child protection support or allowance		6.58	4.42	4.88	5.11	5.53
Kindergarten support		-	-	-	-	0.23
Supplementary child protection support		-	0.016	0.015	0.015	0.014
Irregular child protection support		3.03	2.52	2.22	1.93	1.85
Advancing child support		0.0923	0.0885	0.0816	0.0792	0.0883
Family tax benefit		9.27	1.24	1.13	1.12	1.09



Number of population:

1,000 persons

1 January 2006	10,077
1 January 2007	10,066
1 January 2008	10,045
1 January 2009	10,031
1 January 2010	10,014

*Source: Hungarian Central Statistical Office*

**The system of family tax benefits 2005-2009**

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Benefit for one child (HUF/month)	3,000				
-- income threshold (HUF/year)	8,000,000				
for two children HUF/month per child	4,000				
-- income threshold (HUF/year)	8,000,000				
for three children HUF/month per child	10,000	4,000	4,000	4,000	4,000
-- income threshold (HUF/year)	8,000,000	6,000,000	6,000,000	6,000,000	6,000,000
for four children HUF/month per child	10,000	4,000	4,000	4,000	4,000
-- income threshold (HUF/year)	8,000,000	6,500,000	6,500,000	6,500,000	6,500,000
for five children HUF/month per child	10,000	4,000	4,000	4,000	4,000
-- income threshold (HUF/year)	8,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Deduction of the benefit	20.0%	20.0%	20.0%	20.0%	20.0%
<b>Number of persons receiving family tax benefit</b>	933,705	124,514	113,676	112,174	109,111
<b>Amount provided as family tax benefit (million HUF/year)</b>	78,164	14,019	13,588	13,478	13,125

*Source: 1995. Act CXVII of 1995 on Personal Income Tax*

## 2. Assisting families to obtain housing

### Budgetary expenditure on assisting families to obtain housing in the period from 2005 to 2009

billion HUF

Support	2005	2006	2007	2008	2009
Housing subsidy	41.7	48.2	42.3	37.0	38.3
Home-start assistance for young persons	16.6	14.6	10.8	9.0	6.5
Tax refund support	6.0	1.9	0.5	0.1	0.1
Additional interest subsidy	46.1	34.1	38.8	36.4	48.9
Mortgage bonds interest support	105.7	98.1	88.3	65.3	63.6
Accessibility support	2.3	2.6	1.8	1.4	1.3

Source: Act on the implementation of the budget of the given year

### A 2005-2009. Tax benefit received with regard to the repayment of housing loans in the period from 2005 to 2009

	The amount of received tax benefit (million HUF)	The number of persons receiving tax benefit
2005	24,600	276,273
2006	28,500	311,752
2007	24,590	248,939
2008	18,613	185,228
2009	13,607	131,357

Source: Tax and Financial Control Administration

### **3. Changes in the basic child welfare services**

The statistical data below cover the period from 1 January to 31 December of a given year.

The supplement of the statistical data published in Article 16 of the third National Report on the Implementation of the European Social Charter:

#### **Child welfare service**

<b>Data of child welfare services 2005-2009</b> <b>(Source: Hungarian Central Statistical Office)</b>					
Year	Number of organizational units	settlements that operate the service	Settlements receiving service	Number of employees	Number of persons receiving service
2005	1,147	1,219	1,556	no data	130,350
2006	901	842	2,132	3,124	122,908
2007	881	820	2,254	3,266	121,539
2008	815	765	2,348	3,196	126,478
2009	817	762	2,360	3,277	127,219

Since 2005 the number of settlements operating services has been gradually decreasing, while the settlements receiving the service is linearly rising. Between 2002 and 2008 the number of operating organizational units decreased by 48%, while the number of settlements receiving the service grew by 61%. Despite the greater burden and the greater geographical region per worker, in 2008 the number of employees was no more than 81.82% of the number in 2002. The number of persons receiving the service decreased drastically (by 37%) between 2002 and 2005. Now it is growing again, and slowly approaching the rate of 2005. On the one hand, the decreasing number of persons receiving such a service shows that those in need use specialised services in a more targeted manner: there are fewer persons who received the service instead of other services due to lack of information or who received the service because the service he or she was looking for did not exist. On the other hand, it shows that there are serious problems in regard to equal access to centralised services in sparsely populated regions with a fragmented settlement structure.

### 3.1. Day-care for children

#### a) Crèches

#### Changes in the number of places in crèches 2005-2009 (Source: Hungarian Central Statistical Office)

Year	Number of operating crèches	Number of places in operating crèches	Out of which: number of places in municipal crèches	Number of admitted children	Out of which: Number of children admitted to municipal crèches
2005	530	23,766	22,909	30,230	29,274
2006	543	24,255	23,344	31,153	30,066
2007	556	24,934	24,083	32,010	31,039
2008	594	25,937	24,848	33,726	32,469
2009	625	26,687	25,465	34,694	33,275

Since 2005 the number of crèches – and, along with it, the number of places in crèches – has been increasing slowly but steadily. The places in crèches are used to an average degree of **120-130%**.

Since 2004 those children who attend crèches and are entitled to a regular child protection allowance have been entitled to free meals, for which service providers are provided per-capita support.

#### The changes in the per-capita support of free catering

	2004	2005	2006	2007	2008	2009	2010
Per-capita support (HUF)	30,000	31,500	50,000	50,000	50,000	65,000	<b>65,000</b>

#### Child-care workers employed in crèches 2005-2009 (Source: Hungarian Central Statistical Office)

Year	Number of child-care workers	Out of which: number of skilled child-care workers
2005	5,416	90.1
2006	5,514	90.6
2007	5,576	89.5
2008	5,788	88.0
2009	6,026	89.6

If compared to the number in previous years, the number of skilled professionals did not increase (it was an average 89%).

**The maximum number of children in a crèche group is ten; for a crèche group of disabled children, it is six. Two skilled childcare workers are needed for each group. On average a childcare worker takes care of six children.**

The professional care of children under three years of age is required for psychological and pedagogical reasons; therefore, it is very important that professional childcare workers study the theory of childcare at institutes of tertiary education. Tertiary education entails more knowledge and a better social position, and guarantees a higher quality. A new approach in the profession is that the main emphasis is not on childcare activities but on activities of development, education and socialisation. On the initiative of the Eszterházy Károly College, at the end of 2008 the Hungarian Accreditation Committee (hereinafter referred to as MAB) decided to establish a BA course on the education of infants and small children. Then Eszterházy Károly College was authorised to launch the course. In autumn 2009 four colleges or universities launched full-time and part-time BA courses on the education of infants and young children.

b) Family day-care units

In regard to family day-care units for 2005 only data on children attending such units are available.

**Some data on family day-care units**  
**2005-2009** (Source: Hungarian Central Statistical Office)

Year	Number of institutions	Number of approved places in family day-care units	Number of children attending family day-care units
2005	-	-	706
2006	60	-	1,198
2007	101	638	1,448
2008	223	1,526	2,621
2009	413	2,762	4,760

The number of family day-care units increased considerably in recent years. As a rule, **family day-care units offer a solution for settlements where the service is not adequate, or the available crèche places are not enough** and do not meet the needs of the families (part-time employment, retraining, alternating work schedule, etc.)

Service providers working in family day-care units are **not obliged to obtain a professional qualification**; however, they have to **successfully** complete a preparatory course specified in relevant legislation.

The majority of family day-care units are operated by **civil organisations**; however, several of them are operated by individuals or corporate enterprises, while the number of such units established by municipal governments is also growing.

Family day-care units have many advantages, including the family-like, flexible system that is suitable for providing a service for a low number of families and their children in small settlements and can adapt to the parents' schedule. The fact that children are organised into small groups makes it possible to provide care which takes into account the stages of development and the needs of each child. Such units relieve the burden on crèches; thus, women have better opportunities in the labour market, as their children are taken care of in safe conditions. The employment of women may contribute to an improvement in the financial situation of the family, equal opportunities in small settlements may be enhanced, and women establishing family day-care units can find employment.

In 2009 a methodological guide of family day-care units was formulated and approved by the Ministry for Health. **The methodological guide** contains, among others, the material conditions of establishment and operation, the principles and requirements of care and education, the basic regulations and necessary documents and standard forms.

(For data on kindergartens, see 17. Article 17)

#### **4. Family care service:**

##### **Data on family care services**

**2005-2009** (Source: Hungarian Central Statistical Office)

Year	Family care services				
	Number of organisational units	Settlements that operate such services	Settlements that receive such service	Number of employees	Number of persons receiving the service
2005	825	779	1,157	..	330,415
2006	738	690	1,935	2,844	399,117
2007	720	655	2,119	3,064	462,141
2008	693	631	2,224	3,035	508,324
2009	715	649	2,309	3,013	512,881

In the period from 2001 to 2009 the number of persons receiving family care service grew dynamically, from 330,000 persons to 512,000. The increase in demand is due to the extension of the scope of the responsibilities of service providers (cooperation with unemployed persons of active age). The number of persons receiving such a service grew in the total population as well. The extension was not proportional in the regions. In several counties with unfavourable economic and social circumstances (e.g. Somogy, Borsod-Abaúj-Zemplén, Bács-Kiskun, Csongrád counties), the ratio of persons receiving such a service to the number of the total population has doubled. However, in other regions of the country, the number of persons receiving family care service stagnated or decreased. In the reporting period, 3-4.5 of the population received family help service. In Budapest and in the counties of regions enjoying better conditions the number of persons receiving such a service is considerably lower than that of the South Great Plain region or the North Great Plain region.

The increase in the number of those receiving family help service was not followed by the increase in the number of employees in this field. In the majority of the counties, the growth in the number of family help centre employees is slower than needed. The accessibility of the service does not depend on the development of the micro regions; however, the size of the settlements does determine if there is such a service available or not: only a small number of settlements with a population under 1,000 have family help centres.

#### Development of methodology

Regional institutions of methodology became fully operative in 2006. During their work, they formulated the methodological recommendations below (until 2009):

- Methodological recommendation on the establishment and operation of a warning system
- Methodological recommendation on the professional programme of a family help service
- Methodological resolution on the role of environmental studies prepared by authorities in the family help service
- Methodological recommendation on the operation of family care services within the framework of associations

#### **5. Evictions:**

The number of cases of implementation (including other proceedings for taking custody of minors, the removal of movable property, making statements, carrying out construction work, etc.) per year was between 3,000 and 4,000 (total number in the country per year). Only some of them were evictions of immovable properties (including residential properties).

For data on domestic violence and child abuse, see the answers to the questions put by the European Committee of Social Rights.

#### **Questions put by the European Committee of Social Right (Conclusions XVIII-1 )**

**The Committee asks for the next report to contain as precise and detailed information as possible on the housing situation of Roma families, which it will examine in the light of the guidelines for the interpretation of Article 16 set out in the general introduction.**



### Measures against eviction:

Government Decree 1105/2007. (XII. 27.) on the Governmental Action Plan Related to the Decade of Roma Inclusion Strategic Plan for 2008 and 2009 stipulates that competent ministries shall overview *‘the regulation and practice of enforcement procedures against persons who arbitrarily occupy a residential property, as well as the service provided by the social service system and the child protection system so that the principle defined in the Act on the Protection of Children – namely, that children shall not be separated from their families for solely financial reasons – may be implemented.’*

A working group was established with the involvement of the competent ministries (Ministry of Local Governments, Ministry of Justice and Law Enforcement, Ministry of Social Affairs and Labour) and of the Office of the Parliamentary Commissioner for the National and Ethnic Minority Rights. The working group was commissioned with the examination of regulations and practice related to the arbitrary occupation of housing units and to evictions due to overdue payments. The working group established that special attention needs to be paid to the implementation of the concept of ‘vulnerability due to financial reasons’ and that a methodology needs to be formulated for the establishment of a unified practice.

At the same time – in order to reduce the number of children removed from their families –, it became necessary to define all measures that need to be taken before the removal of a child. Within this framework,

- The Ministry of Self-Governments prepared surveys on the following issues:
  - How often is eviction implemented due to arbitrary occupation or to overdue payments?
  - What information is available on the situation of evicted families and such residential properties after the eviction?
  - Do the decisions of local governments correspond with Section 3. § (1) of Act LXXVIII of 1993 on the Rules Applicable to the Tenement and Alienation of Housing Units and other Premises?
- The Ministry of Justice and Law Enforcement, in cooperation with the Hungarian Chamber of Court Bailiffs, prepared surveys in 2007 and 2008 on evictions due to various reasons, and compiled a summary of the regulations pertaining to procedural law.
- In order to define the ratio of children removed from families living in segregated Roma communities, the results of these two surveys need to be combined with the data on the segregated communities mapped out in almost 200 settlements by the Ministry of Social Affairs and Labour (on the basis of the data of Central Statistical Office).
- The working group came to the conclusion that an external expert needs to be involved in the work. The expert’s task was to conduct research on the basis of the data collected by the Ministries to define the reasons for the establishment of cases of ‘vulnerability due to financial reasons’ in practice or if the proceedings differ on the basis of the ethnic status of those involved. Further measures would have been defined after that. However, no further measures related to his task were taken.

### The housing conditions of the Roma:

A representative survey conducted in 2003 shows that the majority of the Roma live in socially and economically underprivileged regions of Hungary that suffer from disadvantages related to infrastructure and unemployment.

The majority of persons of the Roma ethnic group live in segregated areas or have no access to housing (approximately 500 areas with 110,000-130,000 persons). Surveys show that tens of thousands of families live in segregated, 'slum' areas in housing units with no amenities. The survey points out that the segregation of the Roma was made worse by the segregated construction of residential properties and segregated urban rehabilitation – the objective and the result of such measures was to create or construct segregated residential areas.

#### Programmes and measures:

After the democratic transition, the first governmental measures with the objective of the inclusion of persons living in segregated residential areas were taken in 2005. A pilot programme was launched to tackle the housing and social problems of persons with multiple disadvantages. Within the framework of a call for proposals, local governments that intended to eliminate the social disadvantages of such persons as well as disadvantages with regard to housing, employment and education received support. In 2005, HUF 680 million was allocated for such purposes; nine projects received support totalling HUF 55-90 million.

In 2006 the Ministry of Social Affairs and Labour continued the model programme; in the central budget, HUF 400 million was allocated for such purposes. The National Office for Regional Development and the National Foundation for Employment gave another HUF 70 million and 105 million, respectively. During the proposal procedure, eleven local governments (Domaháza, Füzér, Füzérradvány, Kakucs, Kiskunmajsa, Somogyapáti, Szomolya, Tiszabura, Tornanádaska, Váralja, Zsámbok) and social organisations received support. The Ministry launched the second round of the programme in September 2006; the proposals were evaluated and the contracts were concluded in December. By the end of 2007 the project had been completed in eleven settlements.

In 2008 another seven settlements received HUF 880 million to implement their own programmes.

In 2009 the programme of the housing and social inclusion of persons living in segregated residential areas continued. Within the framework of the calls for proposals 'The elimination of residential segregation', the programme was launched in five settlements (Bódvalenke, Gyulaj, Szigetvár, Tornanádaska, Zákány). The budgetary allocation of the Ministry of Local Governments was HUF 250 million. In September 2009 the Ministry of Social Affairs and Labour published a call for proposals with an allocation of HUF 807 million. The settlements were able to submit their proposals until 29 January 2010.

In addition to the elimination of residential segregation, other measures of social inclusion promote the improvement of the situation of the Roma who live in segregated areas. Such measures intend to provide social help (an expert working group, settlement support paid in money), to promote employment and access to healthcare and to create the conditions of integrated public education.

In the period from 2005 to 2009 342 families moved to new residential properties in an integrated residential area, and 644 residential properties were renovated and provided with amenities.

The objective of the intervention resources managed by the Public Foundation for the Hungarian Roma (hereinafter referred to as MCKA) was to contribute to the elimination and tackling of the social and housing crisis situations faced by the Roma communities.

The objective of the call for intervention proposals published in 2006 was to provide partial support to facilitate the elimination and solution of the social and housing crisis situations faced by Roma minority self-governments, Roma civil organisation and social organisations. Those Roma minority governments, Roma social organisations, associations and foundations with legal personality were eligible to submit proposals whose deed of foundation explicitly mentions activity performed in the interest of the Roma communities, and – with regard to the elimination of crisis situations – have a written agreement concluded with the local government. The maximum amount of support received by one applicant was HUF 1 million. The Advisory Board awarded support to 29 applicants.

In 2007 the Public Foundation and the Ministry of Social Affairs and Labour published a joint call for proposals with regard to the elimination of housing and social crisis situations of individuals, with an allocation of HUF 30 million. Applicants were entitled to submit proposals when housing became impossible and the residential property became life threatening as a result of the deterioration of housing conditions due to natural disasters or natural forces, or in social crisis situations when the family involved had already received a debt management service specified in Act III of 1993 on Social Administration and Social Benefits but still faced a debt problem that endangered their housing. The Advisory Board awarded support to 32 proposals.

In 2008 157 organisations submitted their proposals; the Advisory Board awarded support to 55 proposals (HUF 57,917,000).

2009. By 31 December 2009 the Advisory Board made a decision on 33 proposals: 14 proposals were awarded support (HUF 13,990,000).

#### Integrated social urban rehabilitation:

- Within programmes of the National Strategic Reference Frameworks, 17 successful proposals were selected for the implementation of an integrated social urban rehabilitation. During the proposal process, an opportunity was provided to develop selected segregated areas or deprived and degraded urban areas. The following settlements included the integrated development and rehabilitation of residential areas inhabited by residents of low social status in their proposals: Nagykálló, Tiszavasvári, Kalocsa, Dombóvár, Mohács, Gyöngyös, Kazincbarcika, Sátoraljaújhely and Várpalota.

The Ministry of Social Affairs and Labour established a network of anti-segregation experts to assist the towns in the formulation of action plans and the proposals so that the development of the areas inhabited by residents of low social status would take place in a complex way and in conformity with the requirements prescribed in the Manual on Urban Development issued by the Ministry of Local Governments/Ministry for National Development and Economy.

- In 2009 another call for proposals was published; another nine settlements were awarded resources for development.

**The Hungarian Constitutional Court has set aside a decree on social housing by the Budapest 3rd district local authority on the grounds that it is illegal. The Committee asks for detailed, up-to-date information in the next report on the content of the impugned decrees, the Constitutional Court's decisions.**

a) The question was raised if Section 7 § (2) a) of the local government decree 46/2001. (2002. I. 2.) of the Local Government of Óbuda-Békásmegyer (hereinafter referred to as 'Ör.') infringed a fundamental right. The said Section specifies the conditions for rental of residential and non-residential properties of the local government.

Decision 4/2005. (II. 25.) of the Constitutional Court examined the local government decree which stipulated that – among others – those persons who (by trespassing or in any other way) arbitrarily moved into any residential property in the area of competence of the local government, or was undergoing or had undergone legal proceedings due to the failure to pay rental fees or the fees of other services shall be excluded from the proposal procedure. The petitioner holds that the challenged provision provides for a negative legal consequence of actions performed before the decree was published and, thus, it has a retroactive effect and is in conflict with Section 2. § (1) of the Constitution. Moreover, the provision conflicts with Section 44/A. § (2) of the Constitution, as it exceeded the scope of Decree 35/1993. (XI. 15.) of the Budapest City Council on the social, income and property conditions to be observed for the rental of residential properties owned by district governments of Budapest (hereinafter referred to as 'Kgy.r.'). The petitioner also cites the provisions of Sections 3. § (1) and 86. § of Act LXXVIII of 1993 on the Rules Applicable to the Tenement and Alienation of Housing Units (hereinafter referred to as 'Ltv.'). According to the petitioner, the local government decree (Ör.) conflicts with Section 26. § (1) *b*) of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereinafter referred to as Equal Opportunity Law). The petitioner thinks that the challenged provision **entails discrimination principally directed towards the Roma population** and, therefore, it is in conflict with Section 70/A. § (1) of the Constitution.

The Constitutional Court established that Section 7. § (2) *a*) is unconstitutional, and repealed it on the basis of the following. Pursuant to Section 44/A. § (2) of the Constitution, local representative bodies may issue decrees which may not conflict with legal statutes of a superior order. Section 16. § (1) of Act LXV of 1990 on Local Self-Government (hereinafter referred to as Local Governments Law) specifies that local representative bodies may pass municipal decrees in order to settle local social conditions that are not regulated by law or when so authorized by statute. Pursuant to Section 63/A. § *b*) of Local Governments Law, in Budapest the regulation of the conditions for obtaining residential properties owned by local governments and for exchanging such properties shall fall into the scope of competence of the Budapest metropolitan government. Accordingly, Ltv. contains special provisions for the Budapest metropolitan government and the district governments of Budapest. Pursuant to Section 86. § (1) *a*) of Ltv., in Budapest social, income and property conditions to be observed for the rental of residential properties owned by district governments shall be determined by the Budapest City Council by decree. Section 86. § (2) of Ltv. explicitly specifies that **district governments shall pass decrees within the framework specified by Ltv. and the decree of the Budapest City Council** based on Section (1). In conformity with authorisation by law, the social, income and property conditions to be observed for the rental of residential properties owned by district governments of Budapest shall be determined by the Budapest City Council by decree (Kgy.r). The representative body of districts are bound by the regulations of Kgy.r. with regard to the rental of residential properties owned by district governments on the basis of social, income or property conditions. The Constitutional Court has established that the provisions of Kgy.r. on the social, income and property conditions to be observed for the rental of residential properties owned by district governments of Budapest do not specify grounds for exclusion that would justify the exclusion of those persons who (by trespassing or in any other way) arbitrarily moved into any residential property in the area of competence of the local government, or was undergoing or had undergone legal proceedings due to the failure to pay rental fees or the fees of other services.

The Constitutional Court has also established that **Kgy.r. does not authorise district governments to define other rental conditions.**

The provision challenged in the petition defined another condition for the rental of residential properties on the basis of social, income or property conditions, when it excluded those persons from the proposal process who (by trespassing or in any other way) arbitrarily moved into any residential property in the area of competence of a local government, or was undergoing or had undergone legal proceedings due to the failure to pay rental fees or the fees of other services. This provision **conflicts with Section 86. § (2) of Ltv., and thus violates Section 4/A. § (2) of the Constitution.**

It is evident from the decision of the Constitutional Court that the challenged provision of Ör. was repealed as the municipal decree conflicted with Ltv., a statute of higher rank. According to the consistent practice of the Constitutional Court, a representative body of a local government is entitled to issue regulations based on authorisation conferred by law exclusively within the scope of that authorisation. If the regulation exceeds the scope of authorisation, that part of the regulation which falls outside of the scope of authorisation shall be considered unconstitutional.

As the Constitutional Court repealed the challenged provision of the local government on the basis of conflict with Section 86. § (2) of Ltv. and pursuant to Section 44/A. § (2) of the Constitution, it did not examine if the provision was in conflict with Equal Opportunity Law, and – with regard to Sections 2. § (1) and 70/A. § (1) of the Constitution – it did not perform a constitutional review. **It can be established that the repeal was not due to an infringement of a fundamental right but because the representative body passed a regulation that fell outside its scope of authorisation.**

b) With regard to the infringement of a fundamental right, the following facts need to be emphasised. Pursuant to Section 26. § (1) b), a breach of the principle of equal treatment is when – based on certain characteristics – certain persons are discriminated against during the definition of the conditions of the sale or rental of residential properties or building lots owned by the state or local governments. That is, the requirement of equal treatment must be observed with regard to the provision of housing supports or subsidies provided by the state or by local government and with regard to the provision of interest subsidies, during the definition of the conditions for the sale or renting of residential properties or building lots owned by the state or local governments and with regard to the issue of the occupancy permit or other permits issued by the building authority. These provisions of Equal Opportunity Law are justified by the fact that, unfortunately, it was a recurrent practice to define conditions for housing in a way that excluded persons with certain characteristics (as a rule, persons belonging to the Roma minority) and artificially **segregated** them in a settlement or in an area of settlement. The Act was intended to eliminate situations that raised the issue of segregation. The challenged provision of the Ör. does not conflict with this requirement: its objective could not possibly have been to segregate the Roma in given parts of settlements, as it simply specified that those persons who acquired housing by trespassing should not be given the opportunity to rent a residential property owned by the municipal self-government. Thus its scope includes the Roma and the non-Roma alike. According to the Constitutional Court's consistent practice of the review of subjects other than fundamental rights ('test of reasonability'), a regulation is considered unconstitutional if the legislator differentiates between legal entities who fall under the regulatory scope **arbitrarily, without due reasons.** **In this case, the issue concerns the access of the residents of a given district to residential properties owned by the local government. Therefore – in harmony with the practice of the Constitutional Court – with the application of the test of reasonability it must be examined if there are grounds that justify the provision in question. On the basis of objective consideration, there may be reasonable grounds for the legislator to apply certain restrictions with regard to access to housing; consequently, it is most probable that the provision was not intended to introduce discrimination against the Roma.**

**The Committee notes the information provided on child-care facilities and asks for the next report to contain updated information.**

See: Article 16.

**The Committee asks for up-to-date information on family counselling services.**

Additions to the answers of the third Report.

### Family care service:

A family care service is a personal social service that contributes to the welfare, development and adjustment to the social environment of individuals, families and different community groups through the means and methods of social work. Its target groups are the long-term unemployed, the young unemployed, people with debt and housing problems, people with disabilities, the chronically ill, addicts, patients in psychiatric care, people with drug abuse problems, and other socially deprived people and their families. Family care services operated alongside child welfare services are separated from this service both in their operation and in statistical registers.

Only local governments of municipalities with more than 2,000 inhabitants have an obligation to provide family care services. Local governments of municipalities with less than 2,000 inhabitants only have to ensure access to such services. The specification of the responsibilities and conditions pertaining to family help in the relevant implementation resolutions have strengthened these services. Regional family care methodology centres have gained more ground in the development of social services.

With the start of the integration programme of the regular social allowance system the responsibilities of local governments will also change as family care services take over 80% of such responsibilities. For statistics on family help services please see above (see Article 16).

### Child welfare centres:

The foundations of the work of child welfare services were laid down in Act XXXI of 1997 on the Protection of Children and Guardianship Administration. With the coming of the Act into effect, the care of families with children which up till then came under the competence of guardianship authorities and the after 1989 rapidly developing family care centres was gradually taken over by child welfare centres, one of the compulsory services to be provided by local governments.

### Changes in the funding environment:

The Child Protection Law stipulates that providing access to child welfare services is the mandatory responsibility of every municipality, and differs on the basis of the number of inhabitants. In municipalities with over 40,000 inhabitants it orders the establishment of so-called child welfare centres, which provide special access to the following services in addition to the aid activities of 'traditional' child welfare services: street social work in housing estates, social work in hospitals, 24-hour phone availability of the institution, and providing continuous child access services to promote the access of divorced parents to their children.

It had already become clear at the time of Hungary's accession bid to the European Union, but more especially during the legislative harmonisation activities in the pre-accession process that the provision of services should be planned and implemented on the basis of a new regional principle. Hungary was divided into seven statistical planning regions, among which the region of Central Hungary fell under separate consideration and into a different subsidisation category than the other six regions. The application of the so-called convergence principle means that the traditionally more developed capital and its conurbation face different challenges, and their entitlement to subsidies is more limited than in other regions. Local governments then had a new opportunity to operate institutions in a partnership, which ensured more equal opportunity to access services in previously underdeveloped areas, those with staffing issues due to their remoteness, or those with less service coverage. Within the regions small-regional partnerships were formed in the counties, which concentrated certain social and child welfare services of several municipalities in small-regional centres, which gradually extended to areas previously not provided with services. For statistical data on child welfare centres please see above (Article 16).

Those in need have access to mediation in both types of services, but the providing institutions are not obliged to provide mediation. This tool for resolving family conflicts is mainly appropriate for relationship problems or conflicts between persons in the same living environment, and operates exactly with that purpose in certain family care and child welfare centres.

Based on the provisions of the Act on child protection, municipalities with over 40,000 inhabitants have the mandatory responsibility to establish child welfare centres. The service operates with the usual functions of a child welfare centre plus a set of new elements. These include social work at hospitals, ensuring a 24-hour phone hotline, street social work, and a child access centre. Child access services involve providing help to parents who live separately from their children to exercise their rights of access with the involvement of well-trained social experts. One of the tools of this type of service is mediation.

**The Committee asks for up-to-date information whether and how families' views are taken into account when devising family policies.**

In addition to the bodies named in the third National Report, the government has been in continuous contact with NGOs representing families. It was the National Association of Large Families (NOE) that had the most important role in representing the approx. 14,000 families with three or more children, and during its interest protection work it regularly surveyed the opinions of the member families about measures affecting families and their expected or already experienced effects, and forwarded these to the competent bodies of the ministry.

The association was a member of the Council for the Representation of Women (Nőképviselői Tanács), and the Social Council (Szociális Tanács) and its legal successor, the National Socio-Political Council (Országos Szociálpolitikai Tanács), and the Economic and Social Council (Gazdasági és Szociális Tanács). As a member of these organisations it also conveyed the opinion of other organisations dealing with families on measures affecting families. At the same time, both NOE and other specialised organisations dealing with families received draft legal regulations affecting families for review. With respect to the fact that at the ministry concerned during the reviewed period there was no department specifically for family policies, and communication – due to the ministry's profile – was



fundamentally limited to interest reconciliation activities regarding financial support and the employment of parents bringing up children.

**The Committee notes that the Child Protection Act, which took effect on 1 January 2004, makes it possible for child welfare services to help children and divorced parents who no longer live with their children to maintain regular contact where there has been very serious conflict between the divorced partners. The Committee would like to know how this system works in practice.**

Based on the Provisions of the Child Protection Law every municipality with more than 40,000 inhabitants is obliged to organise the functions of its own child welfare service in a way which guarantees that the activities of street-housing estate social work, hospital social work, the child access centre, and on-call services can all be covered. This service centre is the child welfare centre.

In establishing a child access centre, the child welfare centre may also be chosen as the place of access stipulated by the guardianship authority or a court, in which case the separated parent has the opportunity to contact their child under controlled conditions during the consultation hours. According to legal regulations, experts may only work on duty at the access centre after suitable training, which guarantees the minimally expected professional skills. Based on data from 2009 standby child access services were available at 61 child access centres, which in practice means that the services are available in every district of the capital, in larger cities and the chief towns of the counties.

**The Committee invites the Government to provide an extensive description of the situation on domestic violence against women in accordance with the request contained in the general introduction.**

### **1. Major changes in legislation:**

Parliament adopted the amendment of the Act IV of 1978 on the Criminal Code (hereinafter: Criminal Code) through Act XCI of 2005 on 04 July 2005, which includes restraining measure as behavioural rule that can be ordered within the framework of the probation period. According to the Act coming into force on 01 September 2005, the court or, if the indictment is postponed, the prosecutor may stipulate in its/his/her resolution obligations and bans as behavioural rules and may, within its framework, instruct the protégé to restrain from the injured party, or his/her apartment, place of work or educational institution attended by the injured party.

In addition, it was necessary to introduce the opportunity of restraining measure not only after but also before the end of the procedure. To this end, restraining measure was introduced as a new coercive measure into Act XIX of 1998 on Criminal Proceedings (hereinafter Criminal Proceedings Law) effective as of 01 July 2006.

Restraining may be ordered for a period of ten to sixty days for grounded suspicion of crimes that can be punished with imprisonment upon the initiation of the prosecutor, private prosecutor, substitute civil suitor, injured party, the legal representative of incompetent person

or person of diminished capacity as well as the legal representative of the minor living in the same household with the accused person.

In the course of the period of restraining the accused shall:

- leave the apartment identified in the resolution of the court and stay away from such for the period set by the court;
- stay away from the person identified, the residence and workplace of such person, the educational and training institution attended by such person, the healthcare institution attended by such person, the building attended by such person for religious purposes for the period set by the court;
- stay away from getting in touch with the identified person directly or indirectly.

If the rules on restraining are wilfully infringed, the person subjected to restraining may be put to pre-trial detention or fined, if the former step is unnecessary.

Parliament adopted Act LXXII of 2009 on Restraining Orders applicable due to Violence between Family Members (hereinafter: Act LXXII of 2009, Hktv.) on its 22 July 2009 session, which has been in force since 01 October 2009.

By virtue of Act LXXII of 2009 the following is to be considered violence between family members (close relatives, relatives, ex-spouses, former registered partners, custodians, persons under custody, guardians, and persons under guardianship as defined by the Civil Code):

- activity performed by the abuser to the injury of the abused, seriously and directly jeopardizing dignity, life, the right of sexual self-determination, body and spiritual integrity, and
- default by the abuser to the injury of the abused seriously and directly jeopardizing dignity, life, the right of sexual self-determination, bodily and spiritual integrity (hereinafter jointly referred to as violence between relatives).

Based on Act LXXII of 2009, the police may issue a temporary restraining order for a period of 72 hours if there is a grounded suspicion of violence based on all the circumstances of the incident - with special regard to the facts outlined by the abuser and the abused, the site of the violence between the relatives, the signs of violence between the relatives, the conduct of the abuser and the abused person and the relation between the abuser and the abused person.

When such temporary restraining order is issued, the police shall, *ex officio*, initiate non-litigious court proceedings for ordering such preventive restraining. In addition, the close relative or relative of the abused person, as defined by the Civil Code, may also initiate non-litigious court proceedings for issuing preventive restraining order. Such preventive restraining order may be issued by the court for maximum thirty days; upon its coming into effect the temporary restraining order issued by the police shall expire.

Act LXXII of 2009 also established the legal consequences of the violation of the rules of the restraining order. Pursuant to the amendment to Act LXIX of 1999 on the Petty Offences, the persons violating the rules included in the temporary or final preventive restraining order may be punished with detainment or a fine up to 150 thousand Hungarian forints.

The ungrounded initiation of preventive restraining shall also be considered a violation of rules and may be punished with a fine up to 150 thousand Hungarian forints.

The Criminal Code has sanctioned harassment from 1 January 2008. By virtue of said Act, the person regularly or permanently harassing another person to terrify him/her or to intervene into his/her private life or everyday life arbitrarily, may be punished with imprisonment of up to one year if no other more serious crime is committed. It is a qualified case and is to be punished more seriously if the abused is the former spouse of the abuser or his/her former registered partner or partner, or if the abused is a person under his/her custody, supervision, care or medical treatment.

With effect of 01 February 2009, Act LXXIX of 2008 on certain amendments necessary for the protection of law and order and the operation of justice amended the Criminal Code at several points. The description of violence against the members of national, ethnic, racial or religious groups was changed, *inter alia*, to violence against the members of communities, and the act extended criminal law protection to certain groups of the population and made the preparations for such crimes punishable.

Main provisions of the Criminal Code coming into force on 09 August 2009:

- homicide of a person incapable of defence and violation of personal freedom are qualified cases;

- by virtue of point 18 of Section 137 of the Criminal Code, the person is also regarded as incapable of defence who is temporary or finally unable to resist because of his/her position or condition;

- the term of repeat violent offender was introduced meaning persons committing violent crimes against other persons on three occasions (violent crimes against persons are, *inter alia* e.g. homicide, second degree murder, bodily injury, duress, violence against the members of a community, rape, indecency);

- such repeat violent offender shall not be set on parole and his/her sentence of imprisonment shall not be suspended.

## **2. Institutions protecting the victims of domestic violence:**

The Parliament Resolution No. 45/2003 (16 April) on the development of the national strategy on the prevention and efficient treatment of domestic violence and the Parliament Resolution No. 115/2003 (28 October) on the national strategy of crime prevention in society prescribe and define the duties of the Government.

In line with the above, Hungary has established an institutional system operated with state subsidies.

Its elements are:

- Regional Crisis Management Network – currently 10 in operation with national competence
- National Crisis Telephone Information Service – 24/7 free phone service available from anywhere in the country
- Secret Shelter, a national institute
- The role of the media, the regular organization of national roadshows, conferences, round-table discussions for experts with the purpose of forming public opinion.
- Launching the half-way exit system where the abused are provided with municipality flats as the result of cooperation between the ministry, local governments, nongovernmental organizations operating crisis centres; where they may live for a period of up to five years while they are given help by professionals.

### 2.1. Regional Crisis Management Network

On 25 October 2004, the competent Ministry announced a closed tender for the establishment of a regional crisis network for the temporary homes of families and children that provide accommodation for persons (parents with children, women) who are threatened by or have become victims of domestic violence, and that provide complex assistance to these persons. This presented an opportunity for creating and improving the necessary personal and material conditions and consequently, 4 additional capacities complemented the existing service. Tenders could be submitted by temporary homes that were ready to develop and/or establish further cooperation with localities already participating in the programme.

Winning bidders: 7 non-governmental organizations and an institution maintained by a local government.

The tendered amounts were awarded in the form of grant which could exclusively be used for the development of the temporary homes of families and the provision of services in line with the tender specifications. The programme was launched in January 2005 as a pilot project and has been operating ever since; its elements have been continuously developed.

On 25-27 January and 02-03 February 2005, 33-hour training sessions were held for the winning temporary homes of families and their associated basic service providers and besides, discussions were held to facilitate the processing of local cases and enhancing cooperation in each region.

TABLE SUMMARIZING THE OBJECTIVES OF THE NETWORK

Operational objective	Professional activities
Professional, methodological work	<ol style="list-style-type: none"> <li>1. Obtaining and using the qualification related to the professional care of clients in crisis situation – available in every region</li> <li>2. Collecting and processing information, making surveys and analyses, commissioning experienced specialists by the Ministry ongoing since 2006; professional performance of duties in a comprehensive manner with the maintenance of necessary background information; training courses, supervision, discussion of cases, organized by the Ministry</li> <li>3. Adequate information technology in the field of human services</li> <li>4. Professional counselling for local governments and nongovernmental organizations, supporting the indirect care of target groups; implemented in the organization of the regional network.</li> </ol>
Client care	<ol style="list-style-type: none"> <li>1. Social, administrative and other care, direct assistance for the victims of violence and other persons in crisis situations and for victims with special requirements and persons requiring help.</li> <li>2. The organization and maintenance of employment, training, psychological, legal counselling and information services.</li> <li>3. Mentor-type services, mediation, Family Group Conference</li> <li>4. Professional placement and re-integration of victims in a safe social environment.</li> </ol>
Domestic violence, reduction of the number of crisis situations through communication and information tools	<ol style="list-style-type: none"> <li>1. Making use of social publicity and media opportunities while respecting personality and data protection rights.</li> <li>2. Communicating the planning and implementation of measures and programmes aimed at reducing domestic violence, distributing information leaflets; the members of the network make use of the media operated in the region (local TV channel, press)</li> </ol>
Network building, contact maintenance	<ol style="list-style-type: none"> <li>1. Planning, organizing and implementing measures and programmes aimed at developing the crisis management network, continuous expansion</li> <li>2. Resource development, project management.</li> <li>3. Identification of principal and civil initiations related to the crisis, analyzing and sharing experience.</li> </ol>
Professional support (TA)	<ol style="list-style-type: none"> <li>1. monitoring system</li> <li>2. professional programmes, conferences, workshops</li> <li>3. planning and implementation of communication activities, publications</li> <li>4. public administration reconciliation</li> <li>5. exchanging experience in sector-specific policies</li> </ol>

The most significant feature of the programme is providing immediate protection for the abused. The operation of a complex assistance (with intensive social work, more efficient alarming system and immediate social support, continuous mental hygienic and legal support) and crisis management programme was an additional objective as well as the fulfilment of preventive, care and after-care duties.

The expansion of the network is ongoing; in 2007 an organization providing for a real estate able to accommodate 25 persons simultaneously joined the programme, while in 2008 another real estate was included suitable for the reception of 10 abused persons. Regional programme managers began developing local professional standards in December 2005, and consequently, they have been performing their activities based on said standards since 2006.

The crisis centres participating in the model experiment closely cooperate with the National Crisis Telephone Information Service, authorities competent in the cases of clients, social and child protection and other organizations (members of the alarming system).

In addition to the crisis management network, the system of “Temporary Homes for Families” capable of hosting 2901 people is also operated in Hungary, and this system also receives victims of domestic violence, under rules of law. Some are full of such victims while others receive victims from a waiting list.

Data on the victims of intimate partner violence and child abuse treated in the Regional Crisis Management Network.

2005

Victim type	Number of victims
Single woman	30
Woman with child/children	146
Children	284
Men	12
Total	463

2006

Victim type	Number of victims
Single woman	58
Woman with child/children	220
Children	445
Men	3
Total	727

2007

Victim type	Number of victims
Single woman	64
Woman with child/children	341
Children	762
Men	12

Total	1179
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2008

Victim type	Number of victims
Single woman	53
Woman with child/children	380
Children	858
Men	12
Total	1303

2009

Victim type	Number of victims
Single woman	82
Woman with child/children	420
Children	921
Men	14
Total	1467

The crisis centres make good use of the cooperation with nongovernmental organizations and the media.

The crisis management programme has been introduced through regional and local TV channels; many towns and cities provide assistance to those leaving the programme by searching for “adoptive families” to the abused. Nongovernmental organizations provide assistance through job seeking and providing accommodation.

## 2.2. National Crisis Telephone Information Service (OKIT)

Within the framework of a model experiment and for the modernization of the phone service, a free, 24-hour service was established accessible from anywhere in Hungary: OKIT has been operating since 01 April 2005. The Service staff has qualifications in mental hygiene, social policy and social work.

They perform their duties according to the professional protocol compiled by them.

Within the framework of the 24-hour phone service, two persons receive the calls 24 hours a day and initiate prompt measures after contacting the members of the network, or inform the organizations physically closest to the client of professional aspects if no immediate action is needed. Said colleagues monitor the problem solving and request (and receive) feedback from the client, offices, institutions and authorities involved in improving the conditions of the client.

Before the launch of OKIT, the staff attended a comprehensive professional training course; and their continuous occupational training is an integral part of the operation of the Service even after its launch (e.g. on human trafficking). Furthermore, team meetings, case discussions, supervisions and a modern database provide assistance to their everyday work. The crisis phone service was established and is operated in consideration of international

principles (IFOTES), effective rules of law and the ethical requirements of the profession. 53,426 calls were received in 2008 and 68.26% of which were successfully handled, meaning a 10% rise as compared to previous years.

OKIT is still contacted the most frequently with the following types of problems: family problems, abuses and domestic violence. Experience gained so far shows that the number of female callers is considerably higher than that of male ones. The 2008 rates were 68.42% and 31.58%, respectively. Female callers are primarily mothers with more than one child; there are only few single women among them. Calls related to domestic violence are in the highest number. Seeking advice is more frequent than requesting accommodation.

The Service maintains contact with all authorities, institutions and nongovernmental organizations that are able to and actually act against domestic violence. (Police, National Public Health and Medical Officer Service, National Headquarters of Hungarian Border Guards, etc.)

The Service has established good professional contact with the members of the alarming system: both with institutions and nongovernmental organizations. They maintain daily relationship with the regional crisis management network and communicate where there is vacancy in terms of accommodation. The Government has been supporting the organization of joint experts' days.

### 2.3. Secret Shelter

The shelter was opened in February 2006. Its function is to offer refuge for women who were seriously abused and flee with or without children, and to provide comprehensive solutions to their problems.

### 2.4. Shaping public opinion – changing attitudes

The social information campaign for the dissemination of information related to domestic violence and the OKIT phone number to the widest range of the population was launched in the autumn of 2005 (production and distribution of leaflets). Since 2006 the Government has organized a roadshow to experts and the media every year in order to shape public opinion. In 2007 a press competition was held by the competent authority for the media for the provision of authentic information. The prize is awarded every year.



## 2.5. Half-way exit programme

In 2008 the Ministry of Social Affairs and Labour launched the so-called “half-way exit programme” as a model programme in three counties to enable the abused to avoid returning to the abuser following crisis treatment. Thanks to the programme, the abused may live in a flat provided for by the local government for a period up to 5 years (and is given professional assistance in job seeking). Participation in the programme is subject to the abused person’s commitment to savings, to have a purpose, and to build a financial background in the course of the programme so that s/he should be able to buy a flat through raising credit or to become entitled to request a municipality flat. In the model programme attorneys, psychologists and social educators provide assistance to the abused participating in the programme. Related costs are borne by the Government.

**The Committee wished to know whether the category of foreign nationals with immigration permits allowing them to settle in Hungary also included nationals of other States party to the Charter and to the Revised Charter lawfully residing or regularly working in Hungary on the basis of temporary work or residence permits, or whether an immigration permit allowing a person to settle could only be issued to persons who already had a permanent residence permit, which could in turn be subject to a length of residence requirement.**

**The Committee asks again whether these residence permits are subject to a length of residence requirement.**

As a principal rule, if the citizen of a third country does not have the right to free movement, they are obliged to verify their uninterrupted residency in the Republic of Hungary of several years.

The sets of conditions for permits issued in Hungarian immigration proceedings are as follows:

Foreigners residing in Hungary may have a principal residence registered in Hungary who are in possession of the following permits:

a) Legal requirements in effect stipulated by earlier legal regulations:

- EEA residence permit (the authorities no longer issue this document, but until June 30, 2007 it was issued with a validity period of five years, so valid EEA residence permits may still exist ) a previous period of residency did not need to be verified,
- immigration permit: the principal rule required a residency of several years to be verified, but the regulation also allowed for several exceptions,
- settlement permit: the principal rule required an uninterrupted residency of three years to be verified, but the regulation also allowed for several exceptions (family reunion, Hungarian nationality).

b) Under Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence

- registration certificate: only for EEA citizens, no previous period of residence needs to be verified,
  - residence card for the family members of Hungarian nationals: a previous period of residency does not need to be verified,
  - residence card for the family members of EEA citizens: a previous period of residency does not need to be verified,
  - permanent residence card: as a principal rule, five years of uninterrupted residence in Hungary need to be verified with the following exceptions:
    - a) family member of a Hungarian national – with the exception of spouses -, if the person has been cohabiting with a Hungarian citizen as a family member for at least one year, and
    - b) spouse of a Hungarian national, on condition that the marriage was concluded at least two years prior to applying for a permit, and their cohabitation has not been interrupted since.
- From a practical point of view, it is important to note that those applying for a permanent residence card already have a principal residence in Hungary.

c) under Act II of 2007 on the Admission and Residence of Third-Country Nationals

- national settlement permit: as a principal rule, three years of uninterrupted residence need to be verified with the following exceptions:
  - a) the person has been living for at least a year as a family member - but not a spouse - or a verified ascendant with an immigrated, settled, or as refugee acknowledged third-country national prior to applying for a permit;
  - b) the person is the spouse of a national who has immigrated, settled or is acknowledged as a refugee, on condition that the marriage was concluded at least two years prior to applying for a permit;
  - c) the person used to be a Hungarian national, but their citizenship was annulled, or their ascendant was Hungarian or a Hungarian national.
- EC settlement permit: to acquire a settlement permit issued in line with directive 2003/109/EC, an uninterrupted residence of five years needs to be verified.
- temporary settlement permit: a period of residence in Hungary does not need to be verified for this, but the applicant does need to have a long-term resident status granted by another member state in line with directive 2003/109/EC.

## **Article 17 - THE RIGHT OF CHILDREN AND YOUNG PERSONS TO APPROPRIATE SOCIAL, LEGAL AND ECONOMIC PROTECTION**

*With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:*

*Article 17, paragraph (1): a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;*

*b) to protect children and young persons against negligence, violence or exploitation;*

*c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;*

**Answers related to Article 17 of the European Social Charter (The right of mothers and children to social and economic protection): please see the answers related to article 16, and those below.**

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

1. Under Local Governments Law all local governments of municipalities have to provide for kindergartens and primary education and teaching. The mandatory responsibilities of the local governments of counties include the provision of secondary school and vocational school education, the availability of dormitories, the education of children receiving long-term treatment at public health institutions, and the education and teaching of children with disabilities who cannot be educated with other schoolchildren.

Under Act LXXIX of 1993 on Public Education, all parents are entitled to the right to a free choice in regard to institutions of education and teaching-education. On this basis parents can choose kindergartens, schools or dormitories that are compatible with the skills, abilities and interests of their children, and their own religious convictions, world view, and their national or ethnic background.

Parents have the right to request that the kindergarten, and the school and dormitory in their education programmes and activities should convey information and knowledge in an objective, diverse manner, and also to make faith and religious education available for their children.

Parents have the right to request the help of the mayor at the principal or – should that be lacking - the temporary place of residence of their child to enable them to continue their schooling without an aptitude test or a repetition of a school year, if no school operates in the municipality which could provide education and teaching for all the compulsory number of years.

Parents of special needs children may apply for the help of the mayor at the place of residence of their children to have the necessary conditions for the kindergarten education, and school education and teaching of their children provided in the municipality concerned.

It is the responsibility of the parents to ensure that their children remain in education until the compulsory number of years has been completed. The notary monitors participation in compulsory education, and if necessary orders such if the parents fail to meet their obligation.

2. Changes from the fourth National Report: Government Decision 1092/2007 (XI. 29.) on the Governmental Tasks Related to the Implementation of Parliamentary Decision 47/2007. (V. 31.) on the National Strategy ‘Making Things Better for Our Children’ (2007-2032).

## **2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

1. Local governments are obliged to formulate a plan for the implementation of required activities, and the operation and development of the institutional system necessary for the preparation of decisions at local government level in relation to the organisation of the **public education** activities of the local government. The **local government action plan** specifies the manner of implementation of the local government’s mandatory responsibilities, and also which non-compulsory functions the local government wishes to assume. It also contains ideas related to the operation, maintenance, development and reorganisation of the institutional system. In the drafting phase of the action plan the opinion of the local minority government must also be obtained on all matters involving national or ethnic minorities. In addition the opinion of the chief officers of public education institutions, parents' and student organisations, funding bodies of institutions without a government or local government background, trade unions at municipality level, and – if there is no local minority government in the municipality – the national minority government concerned must be obtained. The local government evaluates the implementation of the local action plan at least every two years, and if necessary revises it.

## **2. The “Making Things Better for Our Children!” decision by Parliament and the Government, and the related action plan**

In the countries of the European Union, thus in Hungary too, children face a higher risk of poverty in households with several children or a single parent. In 2009 the rate of poverty in single parent households with one or more children was 28.1%, while in households with two adults and more than one child it was 27.8%.

The number of children receiving regular child protection allowance can also be regarded as an indicator of poverty. While in 2008 513,000 children received regular child protection allowance, this number exceeded 553,000 in 2009. Indebtedness and an increasing degree of insolvency also affect the housing and everyday lives of families, as well as the schooling of their children, exerting a negative effect on the performance potential of society leading to exclusion and marginalisation.

The government has laid out a long-term strategy to combat child poverty and to stimulate employment.

The Parliamentary Decision “Making Things Better for Our Children!” is on the one hand a comprehensive anti-poverty programme to combat and solve Hungary's most serious societal problems within a 25-year timeframe through improving opportunities for children, and on the other it is an integrated programme the objective of which is to significantly reduce poverty and improve opportunities for children through quality improvement in the educational, healthcare and social services systems and by improving the welfare of children.

The National Strategy identifies the following development areas:

1. employment, improvement of the labour market situation;
2. development of the services for the improvement of the financial situation of families with children;
3. improving the quality, conditions and safety of living and housing;
4. development of institutions and services to facilitate the realization of children's abilities and to promote their successful school careers, thus reducing segregation;
5. development of personal services and specialised care for households with children;
6. promoting a healthier childhood.

The goals and underlying principles of the strategy:

- Eliminating child poverty.
- The need to halt the cycle of poverty.
- The sustainable economic and social development of the country, equal opportunities for children, generally promoting their market-oriented and competitive preparedness, and their access to work.
- A significant reduction of child poverty, and the total integration of children into society.
- The strengthening of the economy through raising employment and wage levels within families.
- A more just distribution of salaries, knowledge and information, improvement of institutional and personal social services, strengthening rights.
- Strengthening integration, social cohesion and institutions promoting the acceptance of shared norms.
- The principle of equal opportunity for access.
- The principle of complexity.
- The principle of societal and local cooperation.
- The principle of prevention.

For the implementation of the Parliamentary Decision the government adopted decision 1092/2007. (XI. 29.) on the Governmental Tasks (2007-2032) Related to the Implementation of Parliamentary Decision 47/2007. (V. 31.) on the National Strategy “Making Better for Our Children!”, which defines the roles of various government actors and ministries in the implementation of the strategy.

#### On the implementation of responsibilities

A series of measures were devised to combat child poverty in relation to the government decree. Of particular significance among these are the measures involving school meals. In

order to guarantee that no children are left without care, the government raised the level of the normative allowance of child catering and gradually extended the scope of entitlement. In addition to the normative allowance of 50%, free meals were provided to children involved in child catering at kindergartens as of September 1, 2003, to children at crèches as of January 1, 2004, to children in the first four years of primary schools as of January 1, 2006, and to children in year five at primary schools and receiving regular child protection allowance as of January 1, 2008.

Under the child protection act, all children in crèche or kindergarten care, and those schooled in the first six years of primary schools who receive regular child protection allowance, are also entitled to free meals. Currently around 220,000 children are entitled to meals free of charge.

The 2009 budget guaranteed the funding bodies of institutions an annual per-capita support of HUF 65,000 per child for reduced-price meals. Children in crèches or kindergartens and enrolled in the first six years of primary schools who receive regular child protection allowance are entitled to free meals. From 2010 deprived schoolchildren in year seven of primary schools will also be entitled to receive free meals.

The family allowance was differentiated, and parallel to this the band threshold from which children are entitled to reduced-price or free meals was continuously indexed to avoid the most deprived layers of society being forced out of the benefits system due to the increasing amount of family support paid.

Entitlement to child catering for a price reduced by 50 %:

- schoolchildren in years 7 to 13 of the school system and receiving a regular child protection allowance,
- children at crèches, kindergartens and schools, who are not entitled to regular child protection allowance, but:
  - a.) are chronically ill,
  - b) suffer from disabilities, and
  - c.) live in families with three or more children.

In addition to the normative allowance further meals benefits can be granted to children on a means-tested basis.

Based on 2009 data of the Central Statistics Office, the number of **children in crèches** is approx. **32,000**, of which almost 100% use mass catering. Based on the 2009/2010 Public Education Journal, the number of **children attending kindergartens** is approx. **329,000**, of which 97.9% use mass catering, while of the approx. **774,000 children in primary schools** 67.4% and of the about **443,000 secondary school pupils** about 20.1% use mass catering.

There are currently approx. **963,000 children using child catering** (crèches, kindergartens, primary and secondary schools).

Including **free meals**:

- for about **7,000 children in crèches**, which represents **19%** of children,

- for **100,000 children in kindergartens**, representing **30.3%** of the children,
- for almost **186,000 of the children in primary schools**, representing **23.9%** of children.

**The summer child catering programme, which was constructed to ensure disadvantaged children receiving regular child protection allowance will be provided with meals during the school holidays has been implemented and extended.** The government has allocated and set aside funds for this in the past few years. The available total funds have been continuously increased. In 2002, 30,000 children received meals from a budget of HUF 200 million, in 2006 and 2007 the budget was an annual HUF 1.2 billion, and around 100,000 children received meals for 30 days in total in both years. In 2008 HUF 1.2 billion was made available, of which 120,000 children could be provided with meals in the summer holidays for 30 days. In 2009 HUF 2.4 billion was made available for the purpose, which financed the meals of approx. 120,000 children for 54 working days covering the whole length of the summer school holidays.

The daily amount of benefit available for one child for summer meals is HUF 370 at most, i.e. HUF 19,980 for the total 54 days.

The source of EU funds for the developments related to Parliamentary Decision 47/2007. (V. 31.) on the National Strategy “Making Better for Our Children!” 2007-2032:

Developments for the establishment of Sure Start Children's Care homes (Biztos Kezdet Gyerekházak) are aligned with the parliamentary resolution. The Sure Start Children's Care homes are essential for the most disadvantaged families, as they offer good quality services in deprived areas (disadvantaged municipalities, regions, segregated groups) to parents and their children at an early age, and therefore play an important role in creating opportunities for children. In 2008 in the tendering procedures for the convergence and Central-Hungary regions under section 5.2.2 of the Social Renewal Operative Plan (Társadalmi Megújulás Operatív Program; hereinafter ‘TÁMOP’), calls for applications were announced for the creation of Sure Start Children's Care homes as a continuation of the earlier Sure Start programmes, with funds amounting to HUF 1,520,000,000 for convergence regions and HUF 200,000,000 for Central-Hungary regions. Based on the calls for applications, 36 children's care homes received a grant. Based on the calls for applications under section 5.1.1 of TÁMOP in 2009 it was possible to establish an additional four Children's Care homes.

The development of integrated small-regional children's aid programmes also relates to the above. In 2009 five small regions applying for assistance within the framework of integrated programmes were given the opportunity to participate in the integrated programme “Integrated local programmes for the reduction of child poverty” under section 5.2.3 of TÁMOP based on the decision of the Most Deprived Regions panel. The underlying goal of this setup is the reduction of poverty, especially child poverty, and the prevention of the regeneration and passing on of poverty in line with the “Making Better for Our Children!” National Strategy. The participating small regions (Sásd, Kistelek, Bátorfyerénye, Baktalórántháza, Heves) received grants totalling HUF 2.59 billion for the implementation of their three-year integrated programmes.

### **3. The contribution of cultural institutions to the realisation of children's intellectual potential**

Cultural institutions – art institutions, libraries, museums, institutions of public cultural education – also contribute to increasing children’s intellectual potential through their programmes supporting non-formal and informal ways of learning, which promote the development of children's and schoolchildren's personalities, the realisation of their creative abilities, and compensation for their disadvantages, while also effectively supporting competence development. The reduction of disadvantages that the school in itself is unable to make up for was a significant focal area in the programmes.

The library and public cultural education programmes (as part of the Social Renewal Operative Programme invites applications for TÁMOP 3.2.3 ‘Constructive communities’, and TÁMOP 3.2.4 ‘Knowledge depot express’) also contributed to reducing the proportion of people living in poverty, and the programme ‘Museums for everyone’ (calls to apply for TÁMOP 3.2.8 ‘Museums for everyone’) supported the objective of reducing societal disadvantages and the rate of dropping out of school.

Within the framework of the Social Infrastructure Operative Programme (Társadalmi Infrastruktúra Operatív Program, TIOP) the programmes for the school-friendly development of museums (TIOP 1.2.2) and comprehensive library development (TIOP 1.2.3) contributed to the realisation of objectives.

#### **4. European Union funding sources for the development of foster parent and children’s home care**

4.1. In 2008 a call for applications was announced as part of the TÁMOP 5.2.5 ‘Integration programmes of children and young persons’ construct.

The aim of the funding was to launch integration and prevention programmes for schoolchildren and young people with disadvantages outside the framework of the educational system, which could compensate for their disadvantages, aid compliance with school expectations and the learning of social patterns, and prepare them for a working lifestyle. As part of this programme, among other summer camp and drug prevention programmes implemented (e.g. shopping centre programmes, safe partying, alternative programmes – supporting clubs for young persons living in housing estates, sports events etc.). Applications were expected between June 20, 2008 and September 10, 2008. Child welfare services, parent substitution networks, temporary homes for children and families, foster parent networks, children’s care homes and their funding bodies were all entitled to apply, if the institutions’ operation permits had been issued at least one year prior to the announcement of the call for applications.

4.2. In 2008 a call for applications was announced for the funding of programmes to assist people of low employability and to promote their independent lifestyle under section TÁMOP 5.3.1 ‘First step’. In the tendering procedure, applications could be submitted for the implementation of programmes to support the entry of young adults living in the child protection care system (children's care homes, with foster parents, in after-care) into the labour market.



4.3. The Institute of Social Policy and Labour's TÁMOP 5.4.1 call for application entitled 'The modernisation of social services' is a priority project, during which it is planned that part of the standards for foster parent care will be formulated. (With respect to the fact that the project was launched later than originally planned the implementation timeframe of the project was also extended but nevertheless completed by November 2011).

## 5. Modernisation of residential care institutions

The first call for application under the Social Infrastructure Operative Programme's (TIOP) section 3.3.2 'The modernisation of residential care institutions' was held, in which applications could be submitted for the modernisation and conversion of children's care homes, and for the conversion of general students' hostels. In 2008 funds totalling HUF 2.2 billion were available for the tendering procedure. 116 applications were received, of which 24 were related to child protection. The panel announced 36 winners, of which 15 successful child protection applications were realised, and subsidies totalling HUF 839,630,000 were paid. As part of the investments, the renovation of three temporary homes for families was launched (the project's financial settlement is currently under way), and the other children's care homes and temporary homes will also be renovated. The winning applications came from 10 counties, and one town of county status.

## 6. Calls for applications with Hungarian funding

Since the drafting of Child Protection Law the competent ministry announced open and restricted calls for applications every year funded by special budget allocations, which support programmes, training and infrastructural investment for the development of basic and specialised services. The summary table below provides a brief overview of the implemented applications broken down according to years and areas.

	<b>Basic care</b>	<b>Specialised care</b>
<b>2004.</b>	<ul style="list-style-type: none"> <li>- Operation of local 'Sure Start' programmes (restricted) – special child welfare services and alternative daytime services</li> <li>- Prevention of domestic violence and child abuse</li> <li>- Publication of materials on child abuse</li> <li>- Development of services for the temporary care of children</li> </ul>	<ul style="list-style-type: none"> <li>- Support for foster parent training,</li> <li>- Ensuring working conditions for professional foster parents</li> <li>- Presentation and elaboration of methodological programmes for children with special needs;</li> <li>- Restricted call for applications for the conversion and establishment of children's homes</li> </ul>
<b>2005.</b>	<ul style="list-style-type: none"> <li>- Operation of local 'Sure Start' programmes (restricted)</li> <li>- Extension of institutions for the temporary care of children, establishment of new institutions</li> </ul>	<ul style="list-style-type: none"> <li>- Restricted call for applications for the conversion and establishment of children's homes</li> <li>- Support for housing solutions for young persons leaving state care due to coming of age before November 1, 1997</li> </ul>
<b>2006</b>	<ul style="list-style-type: none"> <li>- Development of the innovative services of child welfare service providers</li> <li>- Operational support for the on-call contact service of the child welfare service provider</li> </ul>	<ul style="list-style-type: none"> <li>- Ensuring working conditions for professional foster parents</li> <li>- Restricted call for applications for the conversion and establishment of children's homes</li> </ul>

	<ul style="list-style-type: none"> <li>- Improvement of the operational conditions of an existing family day-care centre, and the establishment of a new family day-care centre</li> <li>- Integrated activities in small municipalities for the establishment of family day-care centres</li> <li>- Child minding in the home</li> <li>- Extension of institutions for the temporary care of children, establishment of new institutions</li> </ul>	<ul style="list-style-type: none"> <li>- Support for housing solutions for young people leaving state care due to coming of age before November 1, 1997</li> </ul>
<b>2007</b>	<ul style="list-style-type: none"> <li>- Extension of institutions for the temporary care of children, establishment of new institutions</li> </ul>	<ul style="list-style-type: none"> <li>- Restricted call for applications for the conversion and establishment of children's homes</li> <li>- Improvement of the equipment of children houses</li> <li>- Support for housing solutions for young persons leaving state care due to coming of age before November 1, 1997</li> </ul>
<b>2008</b>	<ul style="list-style-type: none"> <li>- Selection and support for institutions with methodological tasks in the field of child welfare services within the framework of an open call for applications <ul style="list-style-type: none"> <li>- for crèches at regional level;</li> <li>- for temporary homes for families at a national level.</li> </ul> </li> <li>- For the establishment of new institutions for the temporary care of children</li> <li>- Establishment and operational support for the contact service centre of the child welfare service provider</li> <li>- For the support of a preparatory training for substitution parents</li> </ul>	<ul style="list-style-type: none"> <li>- Selection and support for institutions with methodological tasks in the field of child protection services within the framework of an open and restricted call for applications <ul style="list-style-type: none"> <li>- for children's homes at a regional level;</li> <li>- for foster parent networks at a national level;</li> <li>- for specialised local child protection services at a national level.</li> </ul> </li> <li>- Support for the further training of foster parents</li> <li>- Improvement of the operational conditions of foster parent networks</li> </ul>
<b>2009</b>	<ul style="list-style-type: none"> <li>- Development of the cooperation of child welfare and child protection institutions and authorities, promoting contact of children taken into special child protection care and receiving special care to blood relatives for their transfer into family care or declaration of adoptability, with the support of methodological child welfare service providers.</li> <li>- Support for the establishment of a new family day-care centre</li> </ul>	<ul style="list-style-type: none"> <li>- Support for further training for the development of certain competences of the employees at children's homes</li> <li>- Support for the development of home and aftercare services to be provided by towns of county status at the foster parents' place of living</li> <li>- Increasing the number of child access facilities to promote the finding of a home for children taken into care and their contact with blood relatives, and support for the purchase and improvement of the equipment of these facilities</li> </ul>

Between 2004 and 2009 the competent ministry and the government granted the following co-funding from national finances to applicants for basic and specialised care functions in million HUF.

	2004	2005	2006	2007	2008	2009	Total
Basic care	69	44.81	80.83	-	96.2	87.1	2,030.24
Specialised care	88.6	120.0	146.26	214.2	171.9	24.2	3,119.56
<b>Total</b>	<b>157.6</b>	<b>164.81</b>	<b>227.09</b>	<b>214.2</b>	<b>268.1</b>	<b>111.3</b>	<b>5,149.8</b>

*Source: statistics of the competent ministry*

## **7. Hungarian funding resources for the development of foster parent care**

### **7.1. Improvement of operational conditions**

The home and furnishings, household appliances of foster parents are subject to more intensive wear and tear due to the large number of children placed with them. Acknowledging this, the competent ministry provided an opportunity in 2008 (there were also application programmes for the improvement of the operational conditions of foster parent homes, the improvement of their standard of equipment, and the procurement of household equipment, learning aids, sports equipment and toys in 2003, 2004 and 2006) for the improvement of the operational conditions of foster parent families by way of applications. The call for applications was published in 2009.

### **7.2 Training courses**

In 2008 the competent ministry granted a HUF 5,000,000 subsidy from allocated budget funds to train the trainers of foster parents (FIKSZ trainer training). Between January and May 2008 24 persons participated on the trainer training course. Every organisation operating a foster parent network had the opportunity to delegate a participant for the training. Every operator of the networks who indicated their training needs were given a participant quota for the training.

The competent ministry granted a HUF 3,000,000 subsidy from budget allocated funds for the special foster parent training organised in Hungary for the first time. 25 persons participated on the training course (between January and May 2008), all of whom were already active foster parents living in different parts of the country and working for different network operators. In the end, 22 persons completed the training successfully.

The significance of the training programme lies in the fact that before it there was not a single specially trained foster parent in the whole of Hungary, and the completion of this training represents the first step towards the establishment of a kind of care that was entirely lacking from the care of special needs children.

In 2008 a call for applications was announced for the support of the training of foster parents in fields with various topics. This programme serves the development of foster parent skills needed for returning children to their biological families or the preparation of their adoption, with respect to the fact that according to a nationally representative survey of the competent ministry problems exist in this area.

### **7.3 National Convention of Foster Parent Care**

Under the patronage of the minister involved, the ministry and its background organisation, the Institute of Social Policy and Labour successfully organised - and many organisations supported – the first National Convention of Foster Parent Care (in Csillebérc, between May 22 and 24, 2008) with almost 1,000 participants, among them foster parents, children brought up by foster parents, experts supporting foster parents, and the representatives of organisations funding or operating foster parent networks. The three-day event was repeated in 2009 with great success. The realisation of the event was supported by the competent ministry with HUF 3 million both in 2008 and 2009.

- 3. Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.**

#### **1. Education:**

The Annual Journal of Education Statistics compiled by the Ministry of National Resources ([http://www.nefmi.gov.hu/letolt/statisztika/okt\\_evkonyv\\_2009\\_2010\\_100907.pdf](http://www.nefmi.gov.hu/letolt/statisztika/okt_evkonyv_2009_2010_100907.pdf)) contains the following data:

- The number of state and non-state, non-municipality institutions (per type of institution): pages 141 to 146.
- Geographical distribution of educational and teaching institutions: pages 48 to 53.
- School enrolment figures: page 18.

The decreasing trend in the number of children enrolled in kindergartens which started in 1995/1996 stopped in 2005/2006, and the number of enrolments started to grow after a slight drop in the academic year 2007/2008. The number of children in kindergartens dropped by 18% in the past decade due to the unfavourable demographic trends. Taking into account children in crèches above the age of three, and six-year olds already enrolled in schools, 92% of three to six-year olds participate in crèche care, kindergarten care or school education.

The number of educators employed at kindergartens rose slightly compared to the previous academic year, and in comparison to 1995/1996 there are 7.2% fewer educators working in kindergartens. The national average number of children in kindergartens per one kindergarten educator is 10.9%, and the number of children in one kindergarten group is 22.8. Both figures reflect the numbers from the previous year.

The number of teachers at primary schools decreased together with the number of pupils, by about 18% compared to the academic year 2001/2002, and by 1.8% compared to 2009/2010. The number of pupils per teacher is 10.4, and the number of pupils per class is 20.3. Other (non-state and non-religious institutions) have the lowest indices, the number of pupils per teacher being 8.6, and the number of pupils per class being 14.6. In 2009/2010 the number of institutions running primary schools has dropped by 2.2%. The number of institutions performing primary school functions dropped by only 0.6%.

The number of pupils in secondary full-time education demonstrates different changes. The number of pupils in vocational schools increased by 3.9%, while the number of pupils in special vocational schools by 1.9%. The decrease in the number of vocational school pupils by 2.3% in the previous year was followed by a 2.3% increase in 2009/2010. While in 1990/91 44% of pupils in secondary education were enrolled at vocational schools, their ratio dropped to 23.8% by 2009/2010. The ratio of secondary schools providing general education and more successfully preparing pupils for higher education rose from 24.5% to 34.6%. The ratio of pupils in the most popular institutions, the secondary vocational schools jumped from 33.5% to 41.6% (source: Annual Journal of Educational Statistics, 2009/2010).

<b>Number of schools, students and teachers by type of schools and funding bodies</b>									
School year	Total	Public				Ecclesiastical	Other		
		local government of		central budgetary	together	church, denomination	foundation, natural person	other	together
		municipality	county, capital						

<b>Primary (general) schools</b>									
<b>Number of institutions</b>									
2004/2005	<b>3 293</b>	2 792	182	54	3 028	165	70	30	100
2005/2006	<b>3 141</b>	2 726	117	27	2 870	171	74	26	100
2006/2007	<b>3 064</b>	2 641	115	28	2 784	171	75	34	109
2007/2008	<b>2 520</b>	2 100	105	28	2 233	179	77	31	108
2008/2009	<b>2 375</b>	1 947	106	28	2 081	183	78	33	111
2009/2010	<b>2 322</b>	1 888	103	28	2 019	194	77	32	109
<b>Number of pupils</b>									
<b>In full-time and part-time education together</b>									
2004/2005	<b>890 551</b>	778 585	38 647	20 189	837 421	39 811	8 769	4 550	13 319
2005/2006	<b>861 858</b>	783 112	12 884	11 443	807 439	42 139	8 838	3 442	12 280
2006/2007	<b>831 262</b>	750 950	12 167	11 309	774 426	42 076	8 825	5 935	14 760
2007/2008	<b>811 405</b>	728 626	11 796	11 380	751 802	44 754	10 400	4 449	14 849
2008/2009	<b>790 722</b>	706 554	11 596	11 419	729 569	46 789	10 107	4 257	14 364

2009/2010	<b>775 741</b>	689 893	11 280	11 380	712 553	48 661	10 310	4 217	14 527
	<b>In full-time education</b>								
2004/2005	<b>887 785</b>	776 684	38 394	20 189	835 267	39 811	8 694	4 013	12 707
2005/2006	<b>859 315</b>	781 369	12 841	11 308	805 518	42 139	8 758	2 900	11 658
2006/2007	<b>828 943</b>	749 324	12 112	11 210	772 646	42 076	8 735	5 486	14 221
2007/2008	<b>809 160</b>	727 393	11 763	11 298	750 454	44 721	10 295	3 690	13 985
2008/2009	<b>788 639</b>	705 435	11 564	11 238	728 237	46 740	10 057	3 605	13 662
2009/2010	<b>773 706</b>	688 879	11 237	11 199	711 315	48 565	10 263	3 563	13 826
	<b>Number of teachers<sup>1)</sup></b>								
2004/2005	<b>87 116</b>	74 194	5 073	2 022	81 289	4 225	1 162	440	1 602
2005/2006	<b>85 469</b>	75 553	2 643	1 252	79 448	4 477	1 218	326	1 544
2006/2007	<b>83 606</b>	73 624	2 549	1 249	77 422	4 378	1 188	618	1 806
2007/2008	<b>78 073</b>	68 103	2 466	1 199	71 768	4 510	1 343	452	1 795
2008/2009	<b>75 606</b>	65 585	2 363	1 177	69 125	4 703	1 297	481	1 778
2009/2010	<b>74 241</b>	64 225	2 304	1 115	67 644	4 898	1 249	450	1 699
	<b>Vocational schools</b>								
	<b>Number of institutions</b>								
2004/2005	<b>475</b>	219	138	19	376	18	60	21	81
2005/2006	<b>496</b>	229	131	21	381	22	72	21	93
2006/2007	<b>507</b>	231	133	22	386	21	76	24	100
2007/2008	<b>489</b>	220	115	19	354	22	86	27	113
2008/2009	<b>451</b>	204	104	9	317	24	80	30	110
2009/2010	<b>452</b>	205	101	8	314	25	77	36	113
	<b>Number of students</b>								
	<b>In full-time and part-time education together</b>								
2004/2005	<b>126 908</b>	66 704	41 541	2 809	111 054	3 071	9 224	3 559	12 783
2005/2006	<b>126 211</b>	70 603	36 246	2 313	109 162	3 350	10 096	3 603	13 699
2006/2007	<b>124 466</b>	68 650	34 109	2 373	105 132	3 475	11 852	4 007	15 859
2007/2008	<b>129 066</b>	70 621	33 819	2 087	106 527	3 868	14 087	4 584	18 671
2008/2009	<b>128 848</b>	69 175	33 573	2 386	105 134	4 168	13 688	5 858	19 546
2009/2010	<b>135 268</b>	70 595	35 356	2 393	108 344	4 673	14 835	7 416	22 251
	<b>In full-time education</b>								
2004/2005	<b>123 403</b>	65 871	40 511	2 809	109 191	2 892	8 539	2 781	11 320
2005/2006	<b>122 162</b>	69 843	35 386	2 259	107 488	3 058	8 845	2 771	11 616
2006/2007	<b>119 637</b>	68 070	33 791	2 369	104 230	3 215	9 169	3 023	12 192
2007/2008	<b>123 192</b>	70 289	33 658	2 083	106 030	3 538	10 266	3 358	13 624
2008/2009	<b>123 865</b>	69 007	33 491	2 349	104 847	3 874	10 182	4 962	15 144
2009/2010	<b>128 674</b>	70 431	35 245	2 385	108 061	4 168	10 067	6 378	16 445
	<b>Number of teachers<sup>1)</sup></b>								
2004/2005	<b>8 577</b>	4 352	2 914	288	7 554	240	547	236	783
2005/2006	<b>8 938</b>	4 882	2 648	303	7 833	256	601	248	849
2006/2007	<b>8 947</b>	4 861	2 546	303	7 710	307	661	269	930
2007/2008	<b>8 942</b>	4 812	2 551	260	7 623	326	742	251	993
2008/2009	<b>8 706</b>	4 605	2 478	273	7 356	349	692	309	1 001
2009/2010	<b>8 824</b>	4 694	2 444	241	7 379	368	708	369	1 077
	<b>Special vocational schools</b>								
	<b>Number of institutions</b>								
2004/2005	<b>126</b>	47	73	0	120	2	4	0	4
2005/2006	<b>131</b>	51	74	0	125	2	4	0	4
2006/2007	<b>137</b>	53	75	0	128	4	5	0	5
2007/2008	<b>137</b>	55	72	0	127	4	5	1	6
2008/2009	<b>140</b>	54	76	0	130	4	5	1	6
2009/2010	<b>141</b>	56	72	0	128	6	5	2	7
	<b>Number of students</b>								

<b>In full-time and part-time education together</b>									
2004/2005	<b>8 369</b>	3 229	4 462	0	7 691	155	523	0	523
2005/2006	<b>8 797</b>	3 440	4 577	0	8 017	206	574	0	574
2006/2007	<b>9 563</b>	3 922	4 849	0	8 771	228	564	0	564
2007/2008	<b>9 773</b>	3 999	4 998	0	8 997	246	524	6	530
2008/2009	<b>9 809</b>	4 126	5 070	0	9 196	162	442	9	451
2009/2010	<b>10 017</b>	4 300	5 092	0	9 392	176	378	71	449
<b>In full-time education</b>									
2004/2005	<b>8 369</b>	3 229	4 462	0	7 691	155	523	0	523
2005/2006	<b>8 797</b>	3 440	4 577	0	8 017	206	574	0	574
2006/2007	<b>9 563</b>	3 922	4 849	0	8 771	228	564	0	564
2007/2008	<b>9 773</b>	3 999	4 998	0	8 997	246	524	6	530
2008/2009	<b>9 785</b>	4 126	5 070	0	9 196	162	418	9	427
2009/2010	<b>9 968</b>	4 300	5 092	0	9 392	176	378	22	400
<b>Number of teachers<sup>1)</sup></b>									
2004/2005	<b>1 113</b>	395	622	0	1 017	20	76	0	76
2005/2006	<b>1 239</b>	461	676	0	1 137	17	85	0	85
2006/2007	<b>1 379</b>	566	708	0	1 274	27	78	0	78
2007/2008	<b>1 374</b>	551	723	0	1 274	18	80	2	82
2008/2009	<b>1 414</b>	548	774	0	1 322	24	65	3	68
2009/2010	<b>1 499</b>	604	802	0	1 406	24	58	11	69
<b>Secondary general schools</b>									
<b>Number of institutions</b>									
2004/2005	<b>614</b>	307	109	19	435	92	61	26	87
2005/2006	<b>620</b>	316	99	19	434	96	65	25	90
2006/2007	<b>627</b>	310	103	17	430	99	67	31	98
2007/2008	<b>618</b>	303	98	16	417	100	71	30	101
2008/2009	<b>621</b>	297	95	18	410	103	74	34	108
2009/2010	<b>623</b>	295	95	17	407	104	76	36	112
<b>Number of pupils</b>									
<b>In full-time and part-time education together</b>									
2004/2005	<b>238 850</b>	133 134	37 421	7 923	178 478	32 895	10 215	17 262	27 477
2005/2006	<b>243 878</b>	137 882	33 538	8 218	179 638	34 177	11 860	18 203	30 063
2006/2007	<b>246 267</b>	133 399	35 286	7 158	175 843	35 129	13 569	21 726	35 295
2007/2008	<b>243 152</b>	130 398	34 063	6 754	171 215	35 360	15 383	21 194	36 577
2008/2009	<b>242 777</b>	128 891	33 503	7 490	169 884	36 535	15 815	20 543	36 358
2009/2010	<b>239 992</b>	125 635	32 613	7 643	165 891	37 049	15 488	21 564	37 052
<b>In full-time education</b>									
2004/2005	<b>193 366</b>	113 661	31 631	7 109	152 401	31 836	7 191	1 938	9 129
2005/2006	<b>197 217</b>	118 795	29 252	7 548	155 595	32 830	7 884	908	8 792
2006/2007	<b>200 292</b>	117 325	31 414	7 042	155 781	33 635	9 046	1 830	10 876
2007/2008	<b>200 026</b>	116 991	30 893	6 684	154 568	33 941	9 867	1 650	11 517
2008/2009	<b>203 602</b>	117 560	30 804	7 467	155 831	35 051	10 108	2 612	12 720
2009/2010	<b>201 208</b>	114 885	30 123	7 574	152 582	35 412	10 061	3 153	13 214
<b>Number of teachers<sup>1)</sup></b>									
2004/2005	<b>17 816</b>	9 982	2 910	758	13 650	2 944	895	327	1 222
2005/2006	<b>18 213</b>	10 300	2 704	772	13 776	3 044	953	440	1 393
2006/2007	<b>19 284</b>	10 051	2 934	730	13 715	3 081	1 139	1 349	2 488
2007/2008	<b>18 687</b>	9 660	2 754	634	13 048	3 052	1 272	1 315	2 587
2008/2009	<b>18 436</b>	9 414	2 660	698	12 772	3 139	1 250	1 275	2 525
2009/2010	<b>18 363</b>	9 349	2 601	696	12 646	3 216	1 302	1 199	2 501
<b>Secondary vocational schools</b>									
<b>Number of institutions</b>									
2004/2005	<b>794</b>	338	229	34	601	23	126	44	170

2005/2006	<b>797</b>	353	208	32	593	24	134	46	180
2006/2007	<b>807</b>	352	207	31	590	27	137	53	190
2007/2008	<b>765</b>	336	175	31	542	26	146	51	197
2008/2009	<b>704</b>	301	161	20	482	28	141	53	194
2009/2010	<b>684</b>	288	160	19	467	31	136	50	186

**Number of students**

**In full-time and part-time education together**

2004/2005	<b>290 139</b>	133 324	97 016	9 562	239 902	5 919	31 458	12 860	44 318
2005/2006	<b>287 290</b>	142 755	85 510	8 960	237 225	5 908	32 036	12 121	44 157
2006/2007	<b>288 156</b>	140 931	85 735	8 349	235 015	5 848	34 502	12 791	47 293
2007/2008	<b>281 898</b>	135 969	82 041	8 178	226 188	5 427	36 479	13 804	50 283
2008/2009	<b>271 351</b>	130 892	75 791	9 483	216 166	6 251	34 679	14 255	48 934
2009/2010	<b>273 344</b>	127 951	74 791	9 165	211 907	6 912	38 101	16 424	54 525

**In full-time education**

2004/2005	<b>245 302</b>	119 760	83 718	7 299	210 777	4 981	20 192	9 352	29 544
2005/2006	<b>244 001</b>	128 795	74 687	6 906	210 388	4 933	19 689	8 991	28 680
2006/2007	<b>243 096</b>	128 545	75 454	7 106	211 105	5 014	20 084	6 893	26 977
2007/2008	<b>242 016</b>	126 535	74 031	6 794	207 360	4 672	22 716	7 268	29 984
2008/2009	<b>236 518</b>	123 245	70 184	7 792	201 221	4 846	22 326	8 125	30 451
2009/2010	<b>242 004</b>	121 117	70 530	7 549	199 196	5 689	26 034	11 085	37 119

**Number of teachers<sup>1)</sup>**

2004/2005	<b>20 756</b>	10 056	7 543	1 027	18 626	337	1 385	408	1 793
2005/2006	<b>20 871</b>	10 763	6 846	997	18 606	351	1 513	401	1 914
2006/2007	<b>21 254</b>	10 713	6 853	936	18 502	363	1 838	551	2 389
2007/2008	<b>20 187</b>	10 208	6 336	913	17 457	351	1 798	581	2 379
2008/2009	<b>19 452</b>	9 800	5 885	1 000	16 685	375	1 737	655	2 392
2009/2010	<b>19 772</b>	9 655	6 098	1 027	16 780	437	1 924	631	2 555

1) The data contains only the number of teachers for whom this is a main job.

**Number of school-sites by regions**

Regions	School year					
	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
<b>Primary (general) schools</b>						
Budapest	392	391	394	378	376	377
Pest	314	313	315	318	321	321
<b>Central Hungary</b>	<b>706</b>	<b>704</b>	<b>709</b>	<b>696</b>	<b>697</b>	<b>698</b>
Fejér	152	149	151	146	145	145
Komárom-Esztergom	115	114	116	117	112	112
Veszprém	159	159	151	142	138	138
<b>Central Transdanubia</b>	<b>426</b>	<b>422</b>	<b>418</b>	<b>405</b>	<b>395</b>	<b>395</b>
Győr-Moson-Sopron	207	198	195	182	183	179
Vas	126	117	117	104	105	104
Zala	135	133	128	118	117	117
<b>Western Transdanubia</b>	<b>468</b>	<b>448</b>	<b>440</b>	<b>404</b>	<b>405</b>	<b>400</b>



Baranya	171	163	157	154	146	145
Somogy	169	158	158	150	148	146
Tolna	106	103	103	94	90	90
<b>Southern Transdanubia</b>	<b>446</b>	<b>424</b>	<b>418</b>	<b>398</b>	<b>384</b>	<b>381</b>
Borsod-Abaúj-Zemplén	346	339	339	319	304	303
Heves	141	138	135	124	128	126
Nógrád	117	114	115	104	104	102
<b>Northern Hungary</b>	<b>604</b>	<b>591</b>	<b>589</b>	<b>547</b>	<b>536</b>	<b>531</b>
Hajdú-Bihar	171	170	164	163	161	160
Jász-Nagykun-Szolnok	138	133	134	128	130	130
Szabolcs-Szatmár-Bereg	254	251	253	241	236	234
<b>Northern Great Plain</b>	<b>563</b>	<b>554</b>	<b>551</b>	<b>532</b>	<b>527</b>	<b>524</b>
Bács-Kiskun	197	193	190	185	179	179
Békés	154	152	149	135	125	121
Csongrád	126	126	127	116	115	114
<b>Southern Great Plain</b>	<b>477</b>	<b>471</b>	<b>466</b>	<b>436</b>	<b>419</b>	<b>414</b>
<b>Total</b>	<b>3 690</b>	<b>3 614</b>	<b>3 591</b>	<b>3 418</b>	<b>3 363</b>	<b>3 343</b>
<b>Vocational schools</b>						
Budapest	86	85	85	81	79	77
Pest	29	31	35	35	33	39
<b>Central Hungary</b>	<b>115</b>	<b>116</b>	<b>120</b>	<b>116</b>	<b>112</b>	<b>116</b>
Fejér	21	20	20	24	26	29
Komárom-Esztergom	19	21	25	25	22	24
Veszprém	21	22	22	23	24	25
<b>Central Transdanubia</b>	<b>61</b>	<b>63</b>	<b>67</b>	<b>72</b>	<b>72</b>	<b>78</b>
Győr-Moson-Sopron	22	25	26	23	20	23
Vas	16	16	16	16	15	15
Zala	16	17	17	15	17	16
<b>Western Transdanubia</b>	<b>54</b>	<b>58</b>	<b>59</b>	<b>54</b>	<b>52</b>	<b>54</b>
Baranya	19	20	21	23	22	25
Somogy	22	23	24	25	18	26
Tolna	16	16	17	16	16	18
<b>Southern Transdanubia</b>	<b>57</b>	<b>59</b>	<b>62</b>	<b>64</b>	<b>56</b>	<b>69</b>
Borsod-Abaúj-Zemplén	33	35	38	57	52	49

Heves	18	20	20	22	19	18
Nógrád	11	11	10	10	10	10
<b>Northern Hungary</b>	<b>62</b>	<b>66</b>	<b>68</b>	<b>89</b>	<b>81</b>	<b>77</b>
Hajdú-Bihar	28	31	31	29	30	32
Jász-Nagykun-Szolnok	28	30	34	32	32	32
Szabolcs-Szatmár-Bereg	33	35	47	49	55	64
<b>Northern Great Plain</b>	<b>89</b>	<b>96</b>	<b>112</b>	<b>110</b>	<b>117</b>	<b>128</b>
Bács-Kiskun	25	28	37	37	34	33
Békés	24	25	25	24	25	26
Csongrád	24	26	30	34	37	42
<b>Southern Great Plain</b>	<b>73</b>	<b>79</b>	<b>92</b>	<b>95</b>	<b>96</b>	<b>101</b>
<b>Total</b>	<b>511</b>	<b>537</b>	<b>580</b>	<b>600</b>	<b>586</b>	<b>623</b>
<i>Special vocational schools</i>						
Budapest	19	20	22	22	24	24
Pest	7	7	7	7	6	6
<b>Central Hungary</b>	<b>26</b>	<b>27</b>	<b>29</b>	<b>29</b>	<b>30</b>	<b>30</b>
Fejér	7	7	8	10	10	10
Komárom-Esztergom	6	6	6	6	6	6
Veszprém	9	10	9	8	9	8
<b>Central Transdanubia</b>	<b>22</b>	<b>23</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>24</b>
Győr-Moson-Sopron	5	7	7	8	8	8
Vas	3	3	3	3	3	3
Zala	5	5	5	5	5	5
<b>Western Transdanubia</b>	<b>13</b>	<b>15</b>	<b>15</b>	<b>16</b>	<b>16</b>	<b>16</b>
Baranya	7	8	9	9	9	10
Somogy	5	5	7	7	7	6
Tolna	3	3	3	3	3	3
<b>Southern Transdanubia</b>	<b>15</b>	<b>16</b>	<b>19</b>	<b>19</b>	<b>19</b>	<b>19</b>
Borsod-Abaúj-Zemplén	7	7	8	9	9	10
Heves	4	4	5	6	6	6
Nógrád	5	5	5	5	5	5
<b>Northern Hungary</b>	<b>16</b>	<b>16</b>	<b>18</b>	<b>20</b>	<b>20</b>	<b>21</b>
Hajdú-Bihar	10	10	10	10	10	10
Jász-Nagykun-Szolnok	4	4	4	4	4	6
Szabolcs-Szatmár-Bereg	7	7	7	7	7	7
<b>Northern Great Plain</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>23</b>
Bács-Kiskun	8	8	9	9	9	10

Békés	6	6	6	5	5	5
Csongrád	4	4	4	5	5	9
<b>Southern Great Plain</b>	<b>18</b>	<b>18</b>	<b>19</b>	<b>19</b>	<b>19</b>	<b>24</b>
<b>Total</b>	<b>131</b>	<b>136</b>	<b>144</b>	<b>148</b>	<b>150</b>	<b>157</b>
<b>Secondary general schools</b>						
Budapest	183	189	191	186	186	186
Pest	55	60	59	61	63	63
<b>Central Hungary</b>	<b>238</b>	<b>249</b>	<b>250</b>	<b>247</b>	<b>249</b>	<b>249</b>
Fejér	34	37	37	33	36	37
Komárom-Esztergom	23	23	24	23	24	22
Veszprém	24	24	23	23	23	25
<b>Central Transdanubia</b>	<b>81</b>	<b>84</b>	<b>84</b>	<b>79</b>	<b>83</b>	<b>84</b>
Győr-Moson-Sopron	34	35	34	31	33	36
Vas	15	15	16	15	15	15
Zala	13	13	13	14	14	15
<b>Western Transdanubia</b>	<b>62</b>	<b>63</b>	<b>63</b>	<b>60</b>	<b>62</b>	<b>66</b>
Baranya	25	24	24	28	28	33
Somogy	25	24	26	24	23	27
Tolna	18	17	21	22	20	21
<b>Southern Transdanubia</b>	<b>68</b>	<b>65</b>	<b>71</b>	<b>74</b>	<b>71</b>	<b>81</b>
Borsod-Abaúj-Zemplén	32	32	42	53	55	57
Heves	21	21	22	20	20	18
Nógrád	16	18	17	15	15	16
<b>Northern Hungary</b>	<b>69</b>	<b>71</b>	<b>81</b>	<b>88</b>	<b>90</b>	<b>91</b>
Hajdú-Bihar	38	39	45	47	50	50
Jász-Nagykun-Szolnok	32	32	32	35	37	36
Szabolcs-Szatmár-Bereg	57	59	64	72	70	76
<b>Northern Great Plain</b>	<b>127</b>	<b>130</b>	<b>141</b>	<b>154</b>	<b>157</b>	<b>162</b>
Bács-Kiskun	37	37	46	45	46	43
Békés	29	29	37	39	40	39
Csongrád	32	33	34	36	39	35
<b>Southern Great Plain</b>	<b>98</b>	<b>99</b>	<b>117</b>	<b>120</b>	<b>125</b>	<b>117</b>
<b>Total</b>	<b>743</b>	<b>761</b>	<b>807</b>	<b>822</b>	<b>837</b>	<b>850</b>

Secondary vocational schools						
Budapest	197	201	204	189	182	182
Pest	57	61	62	61	57	61
<b>Central Hungary</b>	<b>254</b>	<b>262</b>	<b>266</b>	<b>250</b>	<b>239</b>	<b>243</b>
Fejér	36	35	44	46	45	49
Komárom-Esztergom	34	29	31	30	30	26
Veszprém	31	32	32	31	29	29
<b>Central Transdanubia</b>	<b>101</b>	<b>96</b>	<b>107</b>	<b>107</b>	<b>104</b>	<b>104</b>
Győr-Moson-Sopron	41	43	41	42	38	41
Vas	27	28	27	26	23	23
Zala	24	26	25	26	25	26
<b>Western Transdanubia</b>	<b>92</b>	<b>97</b>	<b>93</b>	<b>94</b>	<b>86</b>	<b>90</b>
Baranya	34	33	35	35	29	28
Somogy	38	40	39	37	26	32
Tolna	21	22	22	22	22	19
<b>Southern Transdanubia</b>	<b>93</b>	<b>95</b>	<b>96</b>	<b>94</b>	<b>77</b>	<b>79</b>
Borsod-Abaúj-Zemplén	53	58	59	64	62	60
Heves	28	29	28	27	26	26
Nógrád	18	17	17	16	17	15
<b>Northern Hungary</b>	<b>99</b>	<b>104</b>	<b>104</b>	<b>107</b>	<b>105</b>	<b>101</b>
Hajdú-Bihar	51	53	54	57	59	59
Jász-Nagykun-Szolnok	40	40	40	38	37	38
Szabolcs-Szatmár-Bereg	55	59	63	62	55	61
<b>Northern Great Plain</b>	<b>146</b>	<b>152</b>	<b>157</b>	<b>157</b>	<b>151</b>	<b>158</b>
Bács-Kiskun	42	44	47	49	47	46
Békés	34	32	33	41	45	42
Csongrád	48	49	53	56	54	54
<b>Southern Great Plain</b>	<b>124</b>	<b>125</b>	<b>133</b>	<b>146</b>	<b>146</b>	<b>142</b>
<b>Total</b>	<b>909</b>	<b>931</b>	<b>956</b>	<b>955</b>	<b>908</b>	<b>917</b>

**Distribution of number of school sites in urban and rural areas**

Type of school	School year											
	2004/2005		2005/2006		2006/2007		2007/2008		2008/2009		2009/2010	
	<i>in towns</i>	<i>in villages</i>	<i>in towns</i>	<i>in villages</i>	<i>in towns</i>	<i>in villages</i>	<i>in towns</i>	<i>in villages</i>	<i>in towns</i>	<i>in villages</i>	<i>in towns</i>	<i>in villages</i>
Primary (general) schools	1717	1973	1739	1875	1750	1841	1680	1738	1676	1687	1682	1661
Vocational schools	461	50	486	51	516	64	521	79	512	74	545	78
Special vocational schools	107	24	114	22	123	21	128	20	131	19	140	17
Secondary general schools	683	60	701	60	730	77	733	89	753	84	761	89
Secondary vocational schools	868	41	888	43	912	44	911	44	871	37	885	32

**Number of students per teachers in full-time and part-time education together**

Type of school	School year					
	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Primary (general) schools	10.2	10.1	9.9	10.4	10.5	10.4
Vocational schools	14.8	14.1	13.9	14.4	14.8	15.3
Special vocational schools	7.5	7.1	6.9	7.1	6.9	6.7
Secondary general schools	13.4	13.4	12.8	13	13.2	13.1
Secondary vocational schools	14	13.8	13.6	14	13.9	13.8

**Number of students per classes in full-time and part-time education together**

Type of school	School year					
	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Primary (general) schools	19.8	19.7	19.6	20.3	20.3	20.3
Vocational schools	25.3	24.5	24.0	24.2	24.2	24.2
Special vocational schools	12	11.7	11.4	11.4	11.1	11.3
Secondary general schools	28.8	28.9	28.9	28.8	28.7	28.7
Secondary vocational schools	26.2	26.1	25.6	25.9	25.6	25.9

*Source: National Journal of Education Statistics, Ministry of National Resources*

**Education of young prisoners:**

One of the outstandingly important fields of management is **occupational programmes**. This term not only includes practical work, but also **primary-level school education, vocational training**, therapeutic activities, and participation in cultural, leisure, sports, personality building, healing and rehabilitation programmes. Besides maintaining physical and mental health, occupational programmes also provide prisoners with the basic and vocational knowledge they can put to use in society, which can help them adjust to a normal lifestyle, and to avoid the aggression and depression triggered by inevitable inactivity.

Experience in Hungary and elsewhere suggests that **the education and training levels of offenders sentenced to a term of imprisonment are lower than the average educational levels of the given country's population**. For most prisoners, socialisation processes never took place to the normal degree or quality, and this is also indicated by their low educational level. It therefore clearly follows that their integration into society can be aided (among other things) by educating them and by providing them with the knowledge they have missed out on.

**Prisoners can participate in primary school education on a voluntary basis in all prisons selected for the detention of minors.**

**Number of prisoners involved in primary school education in the academic year  
2009/2010:**

<b>Institution</b>	<b>primary school</b>						
	<b>1-2.</b>	<b>3-4.</b>	<b>5.</b>	<b>6.</b>	<b>7.</b>	<b>8.</b>	<b>total</b>
Penal institution for juvenile offenders, Tököl	17	18	18	18	17	18	106
Regional penal institution for juvenile offenders, Kecskemét			2	3	3		8
Regional penal institution for juvenile offenders, Szirmabesenyő			19		20	21	60
Regional penal institution for juvenile offenders, Pécs		1		2	3	6	12
<b>TOTAL</b>							<b>186</b>

*Source: subsystem for prisoners (FAR) used in penal institutions*

Secondary school education:

The primary goal of this form of education is not to prepare for the final exams at secondary level since the length of prison terms often does not allow for that. The majority of those enrolling in secondary school education in prisons are released during the four-year course. Nevertheless, the organisation of secondary education in penal institutions is a very important responsibility since after finishing year 10 of the education system, new opportunities for participation in vocational training courses may present themselves to the prisoners, which may in turn increase their chances of employment after they are released.

**Number of prisoners involved in secondary school education in the academic year 2009/2010:**

<b>Institution</b>	<b>general and vocational secondary school</b>				
	<b>9.</b>	<b>10.</b>	<b>11.</b>	<b>12.</b>	<b>total</b>
Penal institution for juvenile offenders, Tököl	17	32	17	16	82
Regional penal institution for juvenile offenders, Kecskemét	5	1	1		7
Regional penal institution for juvenile offenders, Szirmabesenyő	17				17
Regional penal institution for juvenile offenders, Pécs	10				10
<b>TOTAL</b>					<b>116</b>

*Source: subsystem for prisoners (FAR) used in penal institutions*

## **2. Temporary care of children**

Amendment of the statistical data published in the fourth National Report on the implementation of the European Social Charter:

### **2.1. Substitute parents**

A form of service providing temporary care in basic child welfare, in which a host family following a special training course provides all-round care at their own home at the request or with the consent of the child and/or the parent(s). Substitute parents may be adults of proper capacity without a criminal record, who successfully complete the training prescribed by legal regulations, and whose personality and conditions enable them to provide the temporary care of a child. Substitute parents provide care and supervision of the child in their own household in a manner that promotes the intellectual, emotional, and ethical development of the child, and best facilitate the child's individual personal fulfilment. Substitute parent care may be provided by independent substitute parents, or by organising a substitute parent network employing at least three substitute parents. Substitute parents are contracted by the institution of local governments in charge of the basic care, or the institutions of specialised child protection care. The child protection act stipulates that child welfare services are obliged to organise a network employing at least three substitute parents.



## 2.2. Temporary home for children

A service providing temporary care for children, which ensures the required all-round care for the child or young person under the age of 18 at the request or with the consent of the parent(s). A fee for the service may be claimed from parents depending on their financial situation. Temporary homes for children may receive children or young persons, who are temporarily left without care and supervision, and whose care is threatened by the financial difficulties of the family. The homeless parent(s) of the child may also be placed at the temporary care facility of the child. Children under the age of 14 may only be separated from their parents in extraordinary justifiable cases. The parent(s) participate(s) in the care of the children as far as their work schedule allows. The uninterrupted institutional care of a child may not exceed one year. It is compulsory to establish the service in all municipalities with a population of more than 20,000. The municipality may decide to conclude a services contract or alternatively pay for the services externally. The institution must provide care for at least 12, but not more than 40 children. Children must be provided with the personal space they need.

### Temporary home for families

A form of basic child welfare care providing temporary care services, which at the request of a parent may be extended to the whole family, certain family members and their children, and to expectant mothers and their unborn children who are in a critical situation.

A fee for the service or provisional payments may be claimed from parents depending on their financial situation. Expectant mothers in a critical situation may be placed at the temporary homes for families alone, or together with their partner/husband. The temporary home for families provides care according to requirements. The institution must provide care for at least 12, but not more than 40 persons at any one time. The period of care for one family may not exceed 18 months. Families must be provided with a separate living room, but expectant mothers in a critical situation may be placed in a shared room until the birth of their child (if they have moved to the home without their partner/husband). Local governments of municipalities with a population in excess of 30,000 are required to establish a temporary home for families. The municipality may decide to conclude a services contract or alternatively purchase the services externally.

**Data of temporary care funding bodies  
2004-2009 (Source: Central Statistics Office)**

Most important data of funding bodies of temporary care during the year				
Year, region, age group	Total	Including		
		placed with substitute parents	placed in a temporary home for children	placed in a temporary home for families
2004	6 420	212	1 365	4 843
2005	6 372	201	1 469	4 702
2006	6 609	151	1 073	5 385
2007	6 518	132	999	5 387
2008	7 327	162	998	6 167
2009	7 331	141	1 023	6 167

### 3. Child protection care

General legal framework:

Legal regulations on the deadline for taking children back from care institutions:

- Act IX of 2002 on Amendment of Act XXXI of 1997 on the Protection of Children and Guardianship Administration, Act CXVI 2003 on the 2004 Budget of the Republic of Hungary and the Three-Year Budgetary Frameworks, Government Decree 339/2007. (XII. 15.) on the Amendment of Certain Government Decrees on Social Issues.

- Act LXXII of 2009 on Restraining Orders applicable due to Violence between Family Members.

Under the Child Protection Law, if a child can neither be brought up in his/her own family, nor can he/she be put up for adoption, the state must guarantee the protection that the child needs. This mainly means placement with foster parents, or if that should prove impossible, then placement in a child care home/temporary home.

Number and ratio of persons receiving child protection care (minors and adults together) per form of care in the period 2004 to 2009:

On 31 <sup>st</sup> December of the reporting year	With foster parents  (persons)	In children's homes:  (persons)	In other places  (persons)	Total  (persons)	Ratio of children placed with foster parents out of the total (%)
2004.	10.686	10.281	770	21.737	49,16
2005.	10.928	10.000	768	21.696	50,37
2006.	11.039	9.564	748	21.351	51,70
2007.	11.109	9.483	655	21.247	52,29
2008.	11.729	9.053	720	21.502	54,55
2009.	12.167	8.714	587	21.468	56,68

*Source: Central Statistical Office*

### **Disciplinary institutions**

The competent ministry maintains four disciplinary institutions (Aszód, Budapest, Debrecen, Rákospalota). A disciplinary institution may have two functions

1. Care of persons put in pre-trial detention by a court
2. Care of persons sentenced to a term in a disciplinary institution by a court.

Two out of the four institutions have a dual function. The Debrecen facility receives boys aged 14 to 19 out in pre-trial detention by a court, or sentenced to a term in a disciplinary institution by a court, while the Rákospalota facility receives girls with the same conditions. The facilities in Aszód and Budapest have a single function. In Aszód, only boys sentenced to terms in a disciplinary facility are placed, and the Budapest facility only receives boys aged 14 to 19 placed in pre-trial detention.

The capacity of these institutions in 2009:

Institution	Allowed capacity (no. of persons)	
	Pre-trial detention	Disciplinary education
Aszód (boys)	0	240
Budapest (boys)	100	0
Debrecen (boys)	60	36
Rákospalota (girls)	22	32
Total	182	308

*Source: statistics by the competent ministry*

**Development of the number of minors in pre-trial detention and disciplinary institutions**

	All institutions				All pre-trial	All disciplinary
	Pre-trial detention, boys	Disciplinary, boys	Pre-trial detention, girls	Disciplinary, girls		
2004	162	155	14	13	176	168
2005	167	137	11	8	178	145
2006	207	142	19	12	226	154
2007	248	147	10	11	258	158
2008	199	180	15	9	214	189
2009	230	162	15	13	245	173

*Source: statistics by the competent ministry*

5. For data on persons on pre-trial detention in prisons please see the following.

FACTS AND FIGURES 2009

<b>Total number of pre-trial detainees</b>										
	Until a first-instance sentence				Number of persons with non-final sentences				No. of persons	%
	Adult		Minor		Adult		Minor			
	Male	Female	Male	Female	Male	Female	Male	Female		
31.12.2008	3269	242	177	10	601	35	21	1	4356	100
31.12.2009	3415	248	160	9	607	40	23	0	4502	100

<b>Distribution of persons detained pre-trial according to the duration of detention</b>						
<b>(31.12.2009)</b>						
Duration	Until a first-instance sentence		Number of persons with non-final sentences		No. of persons	%
	Adult	Minor	Adult	Minor		
Up to 3 months	1222	67	364	13	1666	37
3 to 6 months	875	34	133	5	1047	23.3
6 to 9 months	603	30	96	5	734	16.3
9 months to 1 year	391	17	41	0	449	10
1 to 1.5 years	336	16	12	0	364	8.1
1.5 to 2 years	132	5	0	0	137	3
Above 2 years	104	0	1	0	105	2.3
Total	3663	169	647	23	4502	100

<b>Total number of persons detained pre-trial (31.12.2008)</b>										
	Until a first-instance sentence				Number of persons with non-final sentences				No. of persons	%
	Adult		Minor		Adult		Minor			
	Male	Female	Male	Female	Male	Female	Male	Female		
31.12.2007	2879	195	140	10	548	36	14	0	3822	100
31.12.2008	3269	242	177	10	601	35	21	1	4356	100

<b>Distribution of pre-trial detainees according to the duration of detention (31.12.2008)</b>						
Duration	Until a first-instance sentence		Number of persons with non-final sentences		No. of persons	%
	Adult	Minor	Adult	Duration		
Up to 3 months	1316	77	368	13	1774	40.7
3 to 6 months	798	40	104	6	948	21.8
6 to 9 months	521	26	85	2	634	14.5
9 months to 1 year	342	22	54	1	419	9.6
1 to 1.5 years	301	19	23	0	343	7.9
1.5 to 2 years	130	3	2	0	135	3.1
Above 2 years	103	0	0	0	103	2.4
Total	3511	187	636	22	4356	100

**Distribution of pre-trial detainees due to the duration of detention (31.12.2007)**

Duration	Until the first-instance sentence		Number of persons with non-final sentences		Total
	Adult	Minor	Adult	Minor	
Up to 3 months	1 082	61	290	7	1 440
3 to 6 months	735	33	136	6	910
6 to 9 months	417	20	96	1	534
9 months to 1 year	300	19	41	0	360
1 to 1.5 years	293	12	20	0	325
1.5 to 2 years	135	4	1	0	140
Above 2 years	112	1	0	0	113
Total	3 074	150	584	14	3822

**Distribution of convicted persons according to the severity of prison sentence (31.12.2007)**

	No. of persons	Of which	
		Male	Female
High security prison	3 094	2 960	134
Prison	5 859	5 456	403
Detention centre	719	646	73
Conversion of fine and community work	307	288	19
Juvenile prison	148	140	8
Juvenile detention centre	132	128	4
Total	10 259	9 618	641

**Total number of pre-trial detainees (31.12.2006)**

	Until a first-instance sentence				Number of persons with non-final sentences				Total	%
	Adult		Minor		Adult		Minor			
	Male	Female	Male	Female	Male	Female	Male	Female		
31.12.2005.	2920	230	153	3	625	30	13	2	3981	25.3
31.12.2006	2771	190	150	11	602	51	9	2	3786	25.5

**Distribution of pre-trial detainees due to the duration of detention (31.12.2006)**

Duration	Until the first-instance sentence		Number of persons with non-final sentences		Total	%
	Adult	Minor	Adult	Minor		
Up to 3 months	1081	62	369	3	1515	40.0
3 to 6 months	692	31	123	3	849	22.4
6 to 9 months	372	22	100	3	497	13.1
9 months to 1 year	317	24	42	0	383	10.1
1 to 1.5 years	282	19	19	2	322	8.6
1.5 to 2 years	136	3	0	0	139	3.7
Above 2 years	81	0	0	0	81	2.1
Total	2961	161	653	11	3786	100



### Total number of pre-trial detainees

	Until a first-instance sentence				Number of persons with non-final sentences				Total		%
	Adult		Minor		Adult		Minor				
	Male	Female	Male	Female	Male	Female	Male	Female			
31.12.2004	3054	203	140	4	631	43	25	1	4101	100	
31.12.2005	2920	230	153	8	625	30	13	2	3981	100	

### Distribution of pre-trial detainees due to the duration of detention (31.12.2005)

Duration	Until the first-instance sentence		Number of persons with non-final sentences		total		%
	Adult	Minor	Adult	Minor			
Up to 3 months	1071	59	329	7	1466	37	
3 to 6 months	747	49	118	1	915	23	
6 to 9 months	510	29	123	5	667	17	
9 months to 1 year	266	14	48	1	329	8	
1 to 1.5 years	303	9	37	1	350	9	
1.5 to 2 years	152	0	0	0	152	4	
Above 2 years	101	1	0	0	102	3	
Total	3150	161	655	15	3981	100	

Source: subsystem for prisoners (FAR) used in penal institutions

*Article 17, paragraph (2): to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.*

**1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.**

Under Public Education Law the state provides free and compulsory primary education through state organs and local governments as funding bodies, and within the framework of the functions discharged by the state and the local governments. According to legal regulations, kindergarten care, special educational services supplementing kindergarten and school education, secondary education (general and vocational secondary schools, vocational schools, and vocational training), and dormitory services are all available free of charge.

In regard to regular school attendance, it is the obligation of the parents to ensure that their children stay in education for the compulsory number of years. The notary monitors participation in compulsory education, and if necessary orders such if the parents fail to fulfil their obligation.

**2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

The school must inform the parents, and if the student is housed at a dormitory also the dormitory of the first absence of the pupil without permission, or if an underage pupil whose schooling is no longer compulsory misses a total of 10 classes. In the notice to the parents their attention must be called to the consequences of absenteeism. If the school's notice remains without effect and the pupil is repeatedly absent without permission the school approaches the pupil's parent together with the child welfare service.

If the child is participating in kindergarten education in accordance with the act on public education, and is absent more than seven days within a year, or if a pupil of compulsory schooling age misses ten classes or more within one academic year, the head of the kindergarten or the school director informs the notary in charge of the area where the child has his actual residence and also the child welfare services. Following this notification, the child welfare service immediately formulates an action plan in consultation with the kindergarten, the school and if necessary the dormitory, where in order to discover the reasons for absenteeism, they define the responsibilities with consideration to the interests of the child or pupil related to the elimination of the situation threatening the pupil and causing his absenteeism and also to the fulfilment of the pupil's compulsory schooling requirements.

If a pupil of compulsory school age misses a total of 30 classes a year, the school must inform the child welfare service again, which will cooperate in notifying the parents of the pupil. If a pupil of compulsory schooling age misses a total of 50 classes a year, the school's director informs the notary in charge based on the actual place of residence of the child.

**3. Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.**

There were 25,433 reported cases of absence from compulsory schooling in 2007, and in sharp contrast, a very high 44,361 in 2009. While in 2007 fines were ordered in 8,823 cases, the number in 2009 was 14,620.

Measures to reduce the number of children dropping out of early school:

Reducing the number of children dropping out of early school depends on the encouragement given by the school, the success of the economically and socially most disadvantaged pupils, and on helping them to catch up. This means approx. 20,000 pupils for every single age-year, and requires at least 12 to 13 years of continuous educational care for these children. The number of disadvantaged people is growing within the school-age population (see child poverty). The educational sector has only limited means to help this school-age population to catch up – as the educational problems mainly stem from a combination of socio-cultural, poverty- and employment-related problems –, and even these require cost-intensive and coordinated government programmes.

On the one hand Hungary strives to combat social disadvantages with early development, and on the other provides new opportunities to the segments of society lagging behind by identifying groups particularly likely to drop out of school and with programmes and measures aimed at promoting the successful school career of these groups, with which we can meet our common EU-level objectives.

The Public Education Law provides more opportunities for the entry into care in early childhood. On the one hand, from September 1, 2009 it has extended the entitlement to kindergarten care to children who will reach the age of three within six months from their admission into the kindergarten (or the establishment of such a legal relationship), and on the other, from 2005 it has set as a new priority for kindergarten admissions that it is compulsory to admit children above the age of three from a severely disadvantaged background. In relation to the latter, the incentive system for the participation of severely disadvantaged children in kindergarten care was designed, and entered into effect from September 1, 2009.

Measures related to meeting these objectives:

Name of measures	Short description of measures
<p>Measures to prevent children dropping out of school related to kindergarten and infant education</p>	<p>In order to prevent the development of disadvantages forming before school age, measures supporting child care and education, including the now less wide-spread alternative forms, and measures to improve parenting skills and the reduction of child poverty have an important role to play.</p> <p>The main elements of the measure: compulsory admission of severely disadvantaged children into kindergartens, raising the capacity of kindergartens, kindergarten allowance, and free meals at kindergartens.</p> <p>Kindergartens receive children from the age of three, and it is compulsory to participate in kindergarten care from the age of five.</p> <p>Priority tasks include the development of mother-tongue skills, the expected motoric skills and behavioural patterns for the given age, development of children's physical, mental and intellectual health, socialisation, art education, and proposals for the transfer into school education.</p> <p>In every municipality where there are at least eight children of kindergarten age, and if the parents so require, a kindergarten or at least a mixed crèche-kindergarten group must be operated.</p>
<p>Measures promoting the school success of disadvantaged and severely disadvantaged children and pupils, and those to prevent school failure and dropping out</p>	<p>Skills development courses can be organised to offset the disadvantages stemming from the social background of pupils, within the framework of which the abilities and talents of the pupils can be realised, their development promoted, and their chances for further education can be made more equal. Areas supported by the measures:</p> <ul style="list-style-type: none"> <li>▪ co-education,</li> <li>▪ institutional development,</li> <li>▪ renewal of the teaching profession,</li> <li>▪ individualised learning support for severely disadvantaged pupils,</li> <li>▪ cooperation with the school's social environment,</li> <li>▪ prioritising contacts with the parents.</li> </ul> <p>If the pupil for some reason (poor school results, illness, problems with circumstances, others) is not admitted to an</p>

	<p>institution of secondary education after leaving primary school, he or she may be admitted to year zero of the <b>Bridging Programme (Hídprogram)</b> upon a recommendation from his/her primary school.</p>
<p>Measures promoting the school success of children and pupils with special educational needs</p>	<p>It is the right of children and pupils with special educational needs to receive special care, including specialised education, training and conductive education corresponding to their condition. Special care needs to be provided within the framework of early development and care, kindergarten education, school education and teaching, and developmental preparatory care. The kindergarten education, school education and teaching, and student residence education of children with special educational needs can take place in special-needs educational and teaching institutions, conductive educational institutions, kindergarten groups, kindergarten and school years, classes or groups in schools, or together with the other pupils in the same kindergarten group or year, or school class.</p> <p>The measure also includes the development of the special service educational institutions of public education, such as special-needs counselling, early development and care, developmental preparation, experts' and rehabilitation activities for the assessment of learning abilities, and national experts' and rehabilitation activities, parenting/education counselling, speech therapy services, and educational and career consultation.</p>
<p>Supportive education for pupils who fail to finish primary school</p>	<p>At vocational schools – as part of full-time education – supportive classes may be organised for pupils, who wish to join a vocational training course without having finished primary education. The pupils can acquire the knowledge during their supportive education which is needed to start their vocational training, and can acquire the theoretical and practical knowledge necessary to join a vocational training course in progress.</p> <p>The pupils are prepared for the vocational exams after successfully completing supportive education, during the years of vocational training.</p> <p>The measure contributes to the students gaining a certificate, and leaving the school system with a vocation, thereby enhancing their employability.</p> <p>Within the Bridging Programme classes can also be organised which prepare pupils for the start of a vocational school, who were unable to finish their primary school studies by reaching the age where compulsory schooling ends.</p>

Provisional vocational training	<p>Vocational education and teaching may be organised exclusively in vocational school years for those who have completed primary school by teaching the required elements of the vocational education and the theoretical and practical knowledge elements needed for the practical side of vocational education (which at least for one third of the time should be based on the requirements of the educational block laying the foundations of general knowledge). Incidences of dropping out mainly occur in the first and second years of vocational schools before the actual vocation is taught at all. This means that it is exactly those pupils who leave these schools without any vocational certificate after their compulsory schooling is over, who are sent into further education under the expansion principle to improve their chances in the labour market.</p>
Quality assessment and assessment evaluation tasks for the improvement of public education	<p>The aim of quality development in institutions of public education is to guarantee that the institutions provide services that correspond to social and local needs. To achieve this, public education institutions carry out continuous quality development activities based on self-assessment: they identify their partners, continuously survey their needs and their rate of satisfaction. Based on the analysis of the assessment findings they define their professional goals and the development of services, for the implementation of which they also prepare action plans. They evaluate the realisation of action plans, and use their results for the continuous development of their operation.</p>

Absenteeism, number of pupils absent with and without permission in the academic year of 2009/2010																		
full-time education																		
primary, and general and vocational secondary schools together																		
Source: public education statistics																		
		school years																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
End-of-year number of pupils		98381	96234	96630	95295	97875	100439	103962	108215	117616	110360	112666	103104	55726	19516	2008	30	
Including	number of pupils with absences without permission	5329	5112	5286	6161	10465	13387	17183	20438	50082	50069	54136	49104	26322	9279	726	25	
	including pupils with one class missed without permission	246	269	354	551	1800	2591	3937	5033	9336	10687	10647	10289	4471	1437	97	1	
	pupils with 2 to 9 classes missed without permission	1717	1856	1948	1888	3375	4389	5743	7782	19314	22456	25572	24971	12652	4239	397	18	
	pupils with 10 to 29 classes missed without permission	1526	1427	1444	1856	2553	3051	3564	3993	10262	10861	12248	11763	8106	3274	212	6	
	pupils with 30 to 50 classes permission without permission	651	627	637	666	916	1198	1354	1341	3304	2478	2139	1222	717	271	13	0	
	pupils with more than 50 classes missed without permission	1189	933	903	1200	1821	2158	2585	2289	7866	3587	3530	859	376	58	7	0	
	number of pupils with absences with	83850	81988	81948	81241	82998	85266	88187	92643	98832	94107	95192	86433	41877	13571	1361	30	

	permission																
	number of pupils with absence in excess of 250 missed classes (with or without permission)	995	810	754	1090	1476	1640	2172	2049	7952	4913	4927	1977	935	351	17	0
	number of pupils older than the compulsory schooling age whose schooling was terminated due to absences in the past year	0	4	3	10	14	27	30	43	589	455	1218	488	458	91	6	0



## Questions put by the European Committee of Social Rights (conclusions XVII-2)

**The Committee asks the next report to provide statistics as to the number of children represented by the children's rights representative. It requests confirmation that the representation is also available to children not in protective care.**

Data on the activities of children's rights representatives:

activities of the children's rights representatives	2004	2005	2006	2007	2008	2009
representation of children in relation to educational supervision	2	2	2	4	11	15
questions, complaints inquiries initiated by children	726	1208	1516	2263	2381	1901
initiation of an intervention by the funding body to ensure the observation of children's rights	38	60	98	171	211	129
proceedings of the guardianship authorities initiated in relation to children in protective care	29	41	49	66	79	82

*Source: report by the children's rights representatives*

Based on the above data it can be established that children's rights representatives acted as legal representatives of 36 children in cases related to educational supervision in the reporting period. With respect to the number of children's rights representatives, this representation does not include children living in families. Where necessary, the Civil Code enables the appointment of a legal guardian for children under the supervision of their parents due to a conflict of interest with the legal representative. In addition, children's rights representatives may also act in the interest of children receiving child welfare services and may help the child to exercise their right to complaints, but may not represent them before a guardianship authority or a court of law.

**The Committee asks to provide examples of cases in which permission to provide information on birth parents has not been granted and to add whether there are possibilities to appeal against such decisions.**

Act IV of 1952 on Marriage, Families and Guardianship guarantees both adopted children and adults the right of access to information in regard to their birth parents. The data in the table below show that the number of applications submitted to guardianship authorities by adopted persons for access to information about their origins grew in the reporting years. Only an insignificant amount of requests were rejected, typically in cases where granting access to the information would not have served the interests of the minor. Legal remedy is available against such decisions, and there are isolated examples of it.

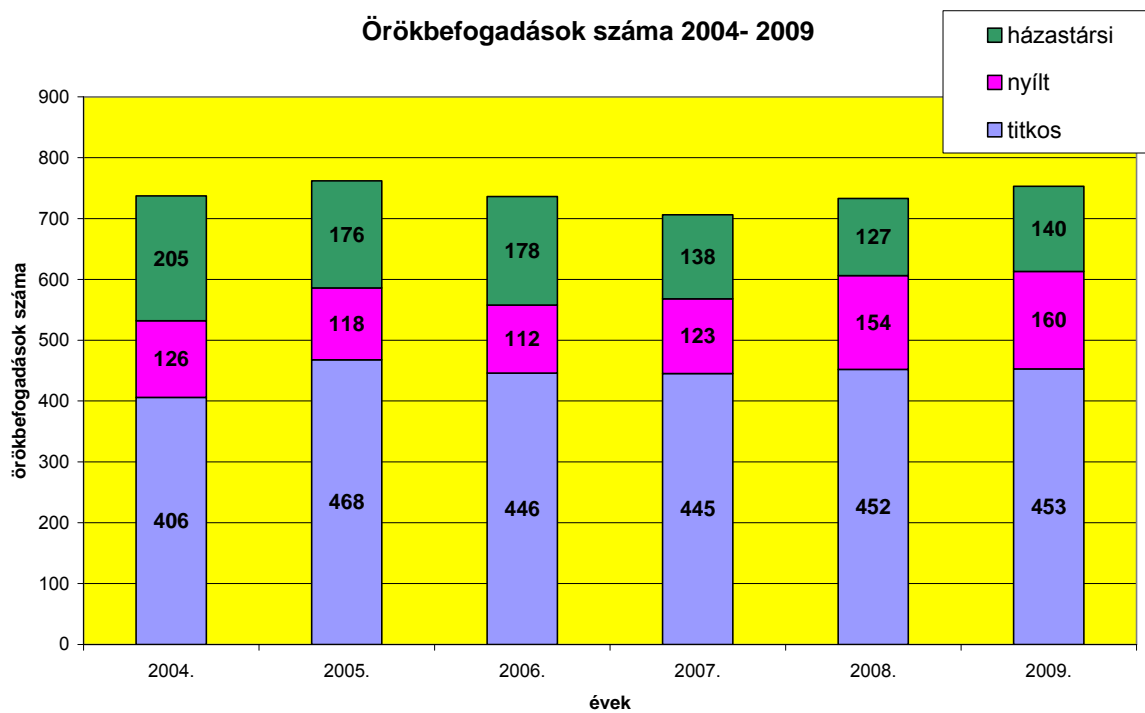
	Number of requests submitted for access to information on origins	Number of requests turned down	Number of legal remedy cases	Number of adoptions permitted
2004	85	4		737
2005	98	4	1	762
2006	104	6		736
2007	115	3		706
2008	119	5		733
2009	129	2	1	753

**Number of adoptions 2004-2009 (please see below)**

By spouse ■

Public ■

Confidential ■



*Source: statistics of the competent ministry*

**The number of at-risk children has declined: in 2001 there were 249,928 at-risk children and in 2002 the number was 235,673, of which 153,297 were at-risk for financial reasons. Since the report does not explain what is meant by financial reasons, the Committee repeats its request for this information.**

Additional information to the answers of the fourth report.

The Child Protection Law stipulates that the fundamental rights of children include the right to grow up in their own family environment, and therefore they can only be separated from their parents or other relatives if this is in their own interest and in cases and in a way specified by the act. It is one of the principal rules of the act that children may not be separated from their families due to endangerment of a purely financial nature.

The low income level of the family and the failure to satisfy certain needs do, however, constitute a case of financial endangerment; Child Protection Law does not use the term 'economic endangerment'.

Financial or livelihood problems as endangering factors are mostly related to the financial situation of the family and the level of income per one family member. In the Child Protection Law, financial benefits and benefits in kind are established on the basis of the minimum old-age pension in effect at any given time in Hungary. If the family's income per person does not reach 130% of the at all times minimum amount of the old-age pension (140% in the case of single-parent families, those bringing up chronically ill and severely disabled children, and families caring for an adult student), the child is entitled to a so-called regular child protection allowance (hereinafter RCPA). As soon as the entitlement to RCPA is established, the child or young adult becomes entitled to free school meals, to a financial benefit twice a year, and to allowances in kind.

The establishment of financial endangerment does not depend on any particular level of income, but is rather assessed on a case-by-case basis, depending on the living conditions of the child and the family. Children exposed to financial endangerment are usually also entitled to RCPA.

Development of the number of endangered children:

Year	Environmental	Behavioural	Financial	Health-related	Total	For thousand children of suitable age
reasons and the related number of registrations of children						
2004	49 365	31 120	135 897	8 983	225 365	115,5
2005	50 229	38 014	126 291	9 060	223 594	116,1
2006	49 132	39 347	112 489	8 832	209 800	110,2
2007	48 823	42 146	105 016	8 464	204 449	108,7
2008	45 170	43 656	100 314	8 310	197 450	106,5
2009	47 616	47 057	95 644	7 058	197 375	108

*Source: Central Statistical Office*

**The Committee recalls that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law. Therefore, it considers that since there is no prohibition in legislation of corporal punishment in the home, the situation cannot be considered to be in conformity with Article 17 of the Charter.**

In accordance with the report drawn up about the meeting of the Governmental Committee of the European Social Charter held on November 30, 2005, the Hungarian representative of the Committee gave the following written response:

“In regard to corporal punishment within the family we have introduced a change in legislation: **the amendments of the Child Protection Law effective as of January 1, 2005 ban all forms of corporal punishment, which ban also applies to families.** Case law will probably change accordingly.”

The underlying principles, system, and care forms of Act XXXI of 1997 on the Protection of Children and Guardianship Administration, and the authorities’ measures in relation to the protective care of children all serve to prevent the endangerment, and therefore also the

maltreatment of children. The observation and exertion of children's rights described in the act are an important guarantee for prevention, and for avoiding reoccurring abuse.

Section 6 of the Child Protection Act stipulates the right of children to “physical, intellectual and ethical development, healthy growth and welfare while living in their own family environment. Children have the right to receive help to grow up in their own family, intellectual self-realisation, for the aversion of situations endangering their development, the integration into society, and the creation of their own independent lifestyle.”

According to subsection (5) of section 6 “children have to right to have their human dignity respected, and to protection against abuse including physical, sexual or mental violence, neglect and damage from information. Children may not be subjected to torture, corporal punishment or any other cruel, inhumane or humiliating punishment or treatment.”

**The Child Protection Law amended as of January 1, 2005 therefore stipulates a total ban on the corporal punishment of children.** In relation to this, there is also an institutional system providing basic child welfare care and also measures by the guardianship authorities and other authorities:

#### Hungarian institutional system providing basic child welfare care

##### a) Child welfare centres

Under the Child Protection Law it is the responsibility of child welfare services to prevent and resolve endangerment of children. To achieve this, the centres operate an observation and alarm system in their municipalities, for which reason they acquire most of their information on child abuse from the members of the observation system, from reports and within their own scope of activities. The psychological care of children endangered by violence or sexual exploitation must be implemented through the counselling centres for parenting operated by the local governments and child welfare centres.

Child welfare services are available in every municipality in the country in one form or another. If the child welfare service receives a report, a family worker visits the family within three days. After the assessment of the situation they will decide whether the suspicion of child abuse can be confirmed.

There are mental health helplines staffed with volunteers operating in a coordinated network in the country, which can provide information about the available forms of paediatric psychological care. Mental health helplines for children can provide background services and special psychological care in certain cases to the victims of sexual exploitation. The ministry grants helplines for child support every year.

Under the Child Protection Law, every large municipality (with more than 40,000 inhabitants) and every town of county status are obliged to provide social work at hospitals on paediatric wards (neglected and abused children) and on maternity wards (mothers in social crises). In these child welfare centres with a series of functions an on-call service (phone availability) must also be established.

We believe it is also important for more and more NGOs to become active both in the preventive and the problem management phases.

#### b) Temporary home for families

Within the scope of the temporary care of children, the Child Protection Law regulates the operation of the institutions where abused mothers fleeing their homes can be placed together with their children in a temporary home for families. Approx. 100 such institutions operate in the country today. Based on legislation, abused mothers may enter the child welfare care system under the rights of their children. The child welfare centre must also be informed of the temporary care, and placement of the child and its parent together, as the child welfare centre and the temporary home for families will cooperate during the time of residence in the management of the family's crisis, and in the resolution of the reasons and situations that lead to abuse and domestic violence.

Specific tasks:

- safety for the caring parent and the child
- opportunity for the caring parent to decide about the future
- trauma management programmes for the caring parent and the child
- conflict prevention counselling
- if necessary, a self-defence course for the parent, the child and the staff

Both the child welfare centre and the temporary home for families may refuse to inform the abusive parent, and may restrict the right of the abusive parent to access to documents, if criminal proceedings are conducted against the abusive parent for crimes committed to the detriment of the other parent or children in general.

#### 1. Measures

##### a). Measures of the guardianship authorities

###### *Notarial guardianship authority*

As long as the child remains in the family, the child welfare centre will continue the care of the family, and perform other tasks necessary to protect the child, providing the necessary services either internally, or purchasing them externally. If the notarial guardianship authority acquires knowledge of circumstances that point to child abuse based on a report or in the scope of its activities, it may deliberate whether the well-founded suspicion of a crime can be established, and whether the removal of the child from his/her family environment is justifiable. To remove the child from the family, the guardianship authority must order the placement of the child into care with a temporary effect under the child protection act, and also must consider whether the municipal guardianship authority should be approached for the removal of the child from the family on a long-term basis.

The centre may also consider adopting a decision as an authority to keep the child in the family and provide protection for him/her through family care.

## *Municipal Guardianship Authority*

The 291 municipal guardianship authorities also have the legal means to handle cases of abuse, and can if necessary order the transfer of the child into care by removing him/her from the family, and in addition to considering reporting the case under criminal law, may also sue the parent(s) to have their supervision rights annulled. The guardianship authority may also restrict the access of a separated parent to a child in the latter's interest, may order supervised contact, and in extreme cases may withdraw the right of access of the abusing parent irrespective of whether or not the child was removed from the family or he/she lives with the other parent.

**2. Progress was made in the reporting period regarding action against violent crimes between relatives. Under Act LXXII of 2009 on the Restraining Orders due to Violence between Family Members,** the police may under Act XXXIV of 1994 on the Police Issue a temporary preventive restraining order during their action on site if they confirm that the immediate protection of life, physical integrity or property justifies such. They also act in the same way if the suspicion of a crime or offence in relation to violence between the relatives arises, but taking restraining measures under criminal proceedings due to an offence is not justified, not even should this be in the interests of the child.

According to the concept of the act, action against domestic violence should rely on multiple pillars in addition to and in conjunction with the intervention into people's private lives by the state through the authorities or public authority. Accordingly, prevention or – if violent acts have already been carried out – the rehabilitation and treatment of the victims and the resolution of problems within the family should be guaranteed through a special system of institutions for assisting victims and the normalisation of family circumstances.

To support the activities of the police, and based on the authorisation granted by the act on violence between relatives, the Government appointed the municipal guardianship authorities as the bodies in charge of the coordination of family protection in Government Decree 331/2006. (XII. 23.) on the Organisation and Scope of Competence of the Guardianship Authority. The responsibilities of the body in charge of the coordination of family protection are regulated in chapter II of the Act LXXII of 2009 (Hktv.), which emphasises - even in its title - that it describes rules for preventive proceedings through the establishment of a warning system linking certain institutions.

The responsibility of the family protection body in these proceedings is conflict management and the provision of information, if possible before the occurrence of any violent act. These proceedings, however, are not a precondition for granting a restraining order, and are only intended to contribute to achieving peace within the family and the timely warning of any threats of violence.

**Child abuse may occur within families and also independent of those. Violence between relatives qualifies as child abuse,** if the violent acts between the relatives directly or indirectly affect a child victim living in the family.



**In cases of violence between relatives, special attention must be given to the involvement of children.** Physical abuse within families, even if not directed at children, still affects them, and therefore qualifies as child abuse. For this reason, the involvement of the child welfare centre and if necessary the guardianship authority is required, police action in itself is not sufficient.

Sections 2 to 4 of the Act LXXII of 2009 (Hktv.) stipulates the responsibilities of the bodies in charge of the coordination of family protection in relation to the prevention of violence between relatives, as part of which bodies in charge of the coordination of family protection also has extensive informative obligations, and shall introduce measures for the prevention and termination of violence between relatives:

- they shall cooperate with other organs, provide mutual information, and give feedback (subsection 4 of section 2 of the Act LXXII of 2009),
- they can initiate disciplinary proceedings belonging to the scope of competence of other bodies or persons (subsection 5 of section 2 of the Act LXXII of 2009),
- they shall grant hearings to the abused and the abuser (subsection 1 and 2 of section 3 of the Act LXXII of 2009),
- they shall provide information to the abused and the abuser about aid options (subsection 3 and 5 of section 3 of the Act LXXII of 2009),
- they shall take minutes of the hearings (subsection 6 of section 3 of the Act LXXII of 2009), which also has the function of collecting information, which may on the one hand help to identify crises at an early stage, and if violent acts are committed it also helps to ensure well-founded intervention on the part of a public authority and/or the police.

The activities of the guardianship authority's administrator in relation to the restraining proceedings are of a preventive nature and not compulsory for the client, and they are not necessarily followed by proceedings of the police authority.

**The Committee wishes to be kept informed of the transformation of children's care homes into residential homes. It asks whether homes with a maximum of 40 children will be further divided into units and how large these units will be.**

The Child Protection Act, which entered into effect on November 1, 1997, ruled on the conversion of children's care homes as described in the act with the deadline December 1, 2002. However, children's homes could not be converted by this deadline as described in the Child Protection Act. After that the deadline was modified on four occasions between 2002 and 2010 (31.12.2004 – Act IV of 2003; 31.12.2005 – Act CXVI of 2003; 31.12.2007 - Act CLIII of 2003; 31.12.2012 – Gov. Decree 339/2007. (XII. 15.)), and the currently effective deadline for the conversions is December 31, 2012. In December 2007 the deadline for the conversion and replacement of children's care homes was defined in accordance with the timeframe of the National Strategy Reference Framework with the aim of making EU funds available to co-finance the costs of the conversions. This is why the deadline for the conversion and replacement of children's care homes was postponed until the end of 2012.

The conversions that started in 1998 also continued between 2004 and 2009, which the funding bodies (mainly county governments) carried out partly out of their own resources, and partly with the help of calls for applications in Hungary.

The conversion of children's homes was entirely completed in 15 care systems in the counties and Budapest. (Since 1998, the state has spent HUF 1.9 billion on the conversion of children's homes within the system of special child protection care by way of calls for applications for Hungarian financing).

The strategic document of the replacement/conversion of children's homes is none other than the section of Child Protection Law and its implementation resolutions on children's homes,

a) in the basic definitions of the Child Protection Law, and in the structure of the child protection care system to be implemented in Hungary, the objectives to establish a care system close to the home (families) was already conceived when the act was drafted, and at the same time it also declared the essential necessity of closing down large-capacity institutions;

c) the compulsory elements of the strategy, such as professional and methodological principles, norms and standards (professional norms for children's care homes, education profiles for functions involving individual care, the conditions of operation, subjecting the issue of operational permits for children's homes to a strict set of rules), etc. and the implementation deadlines were also all defined in Child Protection Law on the related implementation resolutions.

**The Committee asks the next report to provide information on the size of unit in child welfare institutions.**

Services providing temporary care for children are the temporary homes of the children. It is compulsory to establish the service in all municipalities with a population of more than 20,000. The institution must provide care of at least 12, but not more than 40 children. Children must be provided with the personal space they need.

Temporary homes for families are a form of service pertaining to basic child welfare services providing temporary care. Expectant mothers in a critical situation may be placed at the temporary homes for families alone, or together with their partner/husband. The temporary home for families provides care according to requirements. The institution must provide care for at least 12, but not more than 40 persons at any one time. The period of care for one family may not exceed 18 months. Families must be provided with a separate living room, but expectant mothers in a critical situation may be placed in a shared living room until the birth of their child (if they have moved to the home without their partner/husband). Local governments of municipalities with a population in excess of 30,000 are required to establish a temporary home for families.

**The Committee asks for examples of cases where children have turned to the children's rights representative.**

Most children's rights representatives pay regular visits to child protection institutions based on information from the Social and Guardianship (Custodial) Offices of the government offices of the counties and Budapest, they talk with the children, but the children in care do not relate any abuse or maltreatment. Their remarks mainly refer to issues such as too little pocket money or that they are not satisfied with the amount or quality of meals. Children usually complain about the house rules, especially the duration of time away, and other complaints have been made to the representatives.

Children may approach the children's rights representatives voluntarily, who is contacted by the children by way of personal hearings – while care is taken to keep the anonymity of the children –, or through phone, mobile phone and postal contacts put up in the public spaces of all care homes providing child protection services.

Children's rights representatives do not discharge their tasks of legal protection and help in acquainting children with their rights and how to exercise them in respect to all children, but rather carry out their activities in relation to a more restricted group of children. Children's rights representatives are responsible for carrying out the above tasks related to children receiving child protection care.

In accordance with the above, children's rights representatives:

- help children in the formulation of their complaints, and are entitled to initiate reviews into them.
- offer help to children to access care corresponding to their circumstances.
- take action at the request of children, their parents or other legal representative, and the local government in charge of children, if complaints about the care, the prejudice of children's rights, and – in respect to children placed in institutions – a breach of obligations by an employee of an institute are not duly reviewed by a forum for the representation of interests, or there is disagreement with the outcome of such a review or the action taken.

- take action in response to an approach from a forum for the representation of interests requesting action.

**The Committee asks whether the officials from the custodial office interview children during their visit. It also asks whether there are possibilities to rectify emergency situations in shorter periods than 60 days.**

The custodial office of Budapest (or those of its districts) interviews the child if he is sufficiently capable of forming his own views in each case where the child's place of care changes, at which time they also consider taking into account the maturity and age of the child. If necessary, they may also acquire other evidence (e.g. psychological expertise) during the proceedings. The child protection act provides an opportunity for and immediate transfer to another place of care, if the child's interests are severely compromised by the original place of care.

In addition, the Social and Guardianship (Custodial) Offices of the counties and Budapest endeavour to meet children brought up at the particular place of care, or young adults receiving after-care, and conduct interviews under relaxed conditions during their annual or quarterly audits of institutions providing child protection services, and during audits in response to complaints.

Based on information from Social and Custodial Offices, the heads of children's homes and residential homes in several counties informed the Social and Custodial Offices during their audits that there are isolated complaints/remarks from the children regarding care (mainly meals and clothing), but that the employees of the care home/residential home try to manage and solve these within the given community. Experience suggests that most problems are successfully resolved within the care home or residential home, and children do not resort to their right to lodge complaints to interest-representation forums.

To be able to rectify emergencies, the funding body of the given institution is obliged to do everything in its power to ensure that children's rights to protection are observed, and that threatening situations are averted. A good example of this is a case handled by a funding county government, where an employee of a residential home filed a complaint against the head of the residential home in the interest of the children. In the complaint, the employee indicated that there were problems regarding the management of pocket money and that the money allotted for meals, food and children's clothes in the residential home was not sufficient. The complainant also described problems with the material circumstances of the residential home, and specified several examples.

After the complaint, the funding county government, the Social and Custodial Office and the Parliamentary Commissioner for Citizens' Rights conducted an investigation. The Social and Custodial Office together with the Parliamentary Commissioner of Citizen's Rights also conducted a follow-up audit in 2007. The funding body took measures to rectify the established shortcomings, and the Social and Custodial Office and the Parliamentary Commissioner of Citizen's Rights called upon the body involved (funding body, head of institution) to take the necessary steps.

After the audits, the material and housing circumstances in the residential home improved, and the complaints in relation to the care (meals, clothes) were not repeated.

In 2006, FICE (the Hungarian Association of the International Federation of Educative Communities) initiated the review of the complaints of children living in care homes in Fejér

County through the Ministry for Youth, Families, Social Matters and Equal Opportunities. The children reported that there are shortcomings in regard to the meals in the care homes, and that as a result they often go hungry.

**The Committee asks whether children themselves may lodge complaints with regard to their treatment. If so, it also requests the number and types of complaints lodged and the duration within which a decision on the complaint is taken.**

Additional information to the answers of the fourth report.

Children may lodge complaints with their own educators, foster counsellors, or custodians, and also with their custodian care consultant or children's rights representative. They are also entitled to turn to the interest-representation forum, which it is compulsory to set up and operate for children's rights. There were nine persons who lodged complaints with the interest-representation forum between 2004 and 2009, of whom two were young adults receiving after-care. They may also turn to the county governments or those of towns of county status funding their institutions, and also the Social and Custodial Offices, which during their annual audits sought to establish why the number of complaints from children is so low in the counties and Budapest (not more than 35 cases on a national level).

According to the adults working in the care system the reason for this is that the children make their complaints directly to their educators at the residential or care home, to their custodians or foster counsellor, who can rectify them 'on site'.

One case stood out in the reporting period in which 10 young adults from an aftercare home (operated by a foundation) turned to the Social and Custodial Office with complaints about their entitlement to send and receive post at the home, breaches in the confidentiality of correspondence, their treatment, the hygienic conditions at the home and facilities for getting washed. The case was investigated and legal remedy provided with immediate priority.

**The Committee recalls that children should not be imprisoned together with adults. It asks what measures the Government is taking to remedy the situation. The Committee asks whether minors can be detained in isolation and under what conditions.**

Additional information to the answers of the fourth report.

## 1.

According to current practice detained minors are fundamentally placed in the four prisons for the detention of minors, but almost all prisons contribute to providing and arranging pre-trial detention and custody orders.

Detained minors are never placed with adults in the same cell or room. The National Command of Prisons continuously controls the observation of this principle during their prison audits.

In the regional prisons for minors the pre-trial detention of minors takes place as follows:

- a) Kecskemét receives minors detained pre-trial within the competence of the Bács Kiskun county prison,
- b) Pécs receives minors detained pre-trial within the competence of the Baranya county prison,
- c) Szirmabesnyő receives minors detained pre-trial within the competence of the Borsod-Abaúj-Zemplén county prison,
- d) the juvenile offender's prison in Tököl receives minors detained pre-trial within the competence of the Budapest prison.

## 2.

Disciplinary institutions specialise in child protection tasks, and the institutional care of minors in pre-trial and disciplinary detention, and as such do not receive adults.

According to the statistics more than 50% of those ordered to undergo education in a disciplinary institution start their disciplinary sentence after pre-trial detention. This proportion has not changed in the past 25 years.

About two thirds of both girls and boys spend their pre-trial detention in prisons, and only about one third of them are placed in disciplinary institutions. This proportion has not changed for the past 15 years even though it has been possible since 1996 to carry out the pre-trial detention sentence of minors in disciplinary institutions. Experience suggests that pre-trial detentions in disciplinary institutions better serve the appropriate physical, intellectual and ethical development of children and the observation of their right to protection, while pre-trial detentions in prisons may involve effects detrimental to the personality.

A disciplinary institution may have two functions:

1. Care of persons put in pre-trial detention by a court
2. Care of persons sentenced to a term in a disciplinary institution by a court.

The two responsibilities carried out by the disciplinary institutions are to a great extent the same, but there are minor differences. These mainly lie in the fact that different criminal law regulations apply to pre-trial detention and disciplinary institutions in Law-Decree 11 of 1979

on the Implementation of Sentences and Measures, and also in Decree 30/1997.(X.11.) of the Minister for Public Welfare.

In regard to the aim of education and methods, this difference only manifests in the feasibility of planning, planning and duration of educational development, and process planning.

Statistics: see article 17, paragraph (1):

**The Committee recalls that a period of two years detention is considered excessive. It requests that the next report provide the number of minors detained in penal institutions and the length of the detention as well as up-dated figures for minors detained in other institutions.**

Additional information to the answers of the fourth report.

Statistics: see article 17, paragraph (1).

**In accordance with the report drawn up about the meeting of Governmental Committee of the European Social Charter held on November 30, 2005, the Hungarian representative of the Committee gave the following written response:**

“An important issue to add is that pre-trial detention is under judicial control. It can be ordered by the court and it is reconsidered every two months in the first year of the procedure, while every three months in the second year. Each time the pre-trial detention can be prolonged under judicial decision.

The Government of Hungary is committed to reducing the length of criminal procedures. An important step within the series of measures was the amendment of the Criminal Procedure Act in the 2003 which fixed the maximum length of the pretrial detention of minors (aged between 14 and 18) in two years. The next step foreseen is to adopt new rules aimed at reducing the overall length of criminal procedures. These measures are also expected to make the average period of pretrial detention shorter”.

The maximum term of pre-trial detention for minors is two years, but in accordance with section 455 of Act XIX of 1998, it may be extended or ordered to exceed two years in certain cases. In accordance with section 455 on criminal proceedings: “If two years have passed since the start of the pre-trial detention ordered for a minor, the pre-trial detention is terminated, with the exception of a pre-trial detention ordered or maintained after the announcement of a final decision in the given case, or if there are court proceedings in the third instance or proceedings repeated due to the repeal of the original proceedings. (In the case of the minor mentioned in the table under Article 17, where the pre-trial detention was longer than two years the situation was probably the same).

## Appendix

### International treaties integrated into Hungarian legislation

(out of the international treaties mentioned in relation to Articles 7, 8, 16 and 17 in the appendix of the questionnaire)

Title of instrument	Date of signature	Date of ratification, accession, succession	Relevant Hungarian rules of law
International Covenant on Economic, Social and Cultural Rights (1966)	25 March 1969	17 January 1974	Law-Decree No. 9 of 1976 on the promulgation of the Covenant on Economic, Social and Cultural Rights adopted at the 21st Session of the General Assembly of the United Nations on 16 December 1966
UN Convention on the Rights of the Child: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (New York, 25 May 2000)	11 March 2002	24 February 2010	Act CLXI of 2009 on the ratification and promulgation of the UN Convention on the Rights of the Child: Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (New York, 25 May 2000)
UN Convention on the Rights of the Child (1989)	14 March 1990	07 October 1991	Act LXIV of 1991 on the promulgation of the UN Convention dated in New York on 20 November 1989 on the Rights of the Child (1989)
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	06 November 1990	05 November 1992	Act XXXI of 1993 on the promulgation of the European Convention for the Protection of Human Rights and Fundamental Freedoms dated in Rome



			on 04 November 1950 and its Eight Protocols
Council of Europe Convention on Cybercrime	23 November 2001	04 December 2003	Act LXXIX of 2004 on the promulgation of the Convention on Cybercrime of the Council of Europe dated in Budapest on 23 November 2001
ILO Convention No. 138 on the Minimum Age for Admission to Employment		28 May 1998	Act LXIX of 2000 on the promulgation of the Minimum Age Convention No. 138 ratified on the 58 <sup>th</sup> Session of the International Labour Conference in 1973
ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)		20 April 2000	Act XXVII of 2001 on the promulgation of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ratified on the 87 <sup>th</sup> Session of the International Labour Conference in 1999
Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work			Act XXII of 1992 on the Labour Code
ILO No. 103 on Maternity Protection Convention (Revised) (1952)		08 June 1956	Act LVIII of 2000 on the promulgation of the ILO Convention No. 103 on Maternity Protection ratified on the 35 <sup>th</sup> Session of the International Labour Conference in 1952
ILO Convention No. 183 concerning the Revision of the Maternity Protection Convention (2000)		04 November 2003	Act CXI of 2004 on the promulgation of the ILO Convention No. 183 on Maternity Protection ratified by the General conference of the International Labour Organization at its 88 <sup>th</sup> Session
Council Directive 92/85/EEC of 19 October 1992 on the			Act XXII of 1992 on the Labour Code

<p>introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)</p>			
<p>UN Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules” (1985)</p>			<p>Act XIX of 1998 on Criminal Procedure</p> <p><i>Law-Decree No. 11 of 1979 on the Execution of Punishments and Measures</i></p>
<p>UN Guidelines for the Prevention of Juvenile Delinquency (1990)</p>			<p>Act XIX of 1998 on Criminal Procedure</p> <p><i>Law-Decree No. 11 of 1979 on the Execution of Punishments and Measures</i></p>