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# EUROPEAN SOCIAL CHARTER

9th National Report on the implementation of the European Social Charter

submitted by

## THE GOVERNMENT OF HUNGARY

Article 7, 8, 16 and 17

for the period 01/01/2014 - 31/12/2017

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## CYCLE 2019

**Ministry of Human Capacities**

# National Report

# Fifteenth Report

**on the implementation of the commitments undertaken in the Revised European Social Charter**

**Submitted by:**
**The Government of Hungary**

**covering the period from 1 January 2014 to 31 December 2017**

**Budapest, 2018**

Pursuant to Article C of Part IV of the Revised European Social Charter (hereinafter: Charter), the implementation of the commitments undertaken in the Charter falls under the same control as those undertaken in the European Social Charter. Pursuant to the reporting procedure set out in Article 21 of Part IV of the European Social Charter, the reporting obligation covers the adopted articles of the European Social Charter. Based on the decision of the Committee of Ministers of the Council of Europe No. CM(2014)26 adopted at its 1196th meeting held on 2 April 2014, the 2018 National Report covers the topic entitled "Children, families and migrants".

The report covers the implementation of the following Article 7(1) and Articles 8, 16 and 17 of the Charter, ratified and approved by Hungary, for the reporting period between 1 January 2014 and 31 December 2017:

Hungary prepared its previous report on these provisions of the Charter in its 11th National Report.

This National Report was prepared on the basis of the questionnaire approved by the Committee of Ministers of the Council of Europe on 26 March 2008, and with a view to the above-mentioned decision adopted on 2 April 2014. The report incorporates the answers of the Government to the specific questions and statements raised by the European Committee of Social Rights (hereinafter: ECSR) in its Conclusions published in 2015 on the report concerning the provisions falling within the thematic group "Children, families and migrants".

Given that, pursuant to Article 23 of the Charter, national organisations with membership in international employer and employee organisations can deliver an opinion on this National Report, the Report was sent to the relevant Parties of the (Hungarian) National Economic and Social Council (NGTT).

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## 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:***

***1. 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) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### 1. Rules applicable to employees

The Fundamental Law of Hungary dedicates a separate article for the prohibition of the employment of children, and it sets out separate legal provisions for ensuring the protection of young people and parents at work [Article XVIII(1) and (2) of the Fundamental Law].

Therefore, Hungarian labour law takes into account the needs of certain vulnerable groups stemming from their special situation, and defines alternative provisions for them compared to the general regulations, which is justified by the increased demand for protection of the groups concerned. The special provisions concerning young employees were established accordingly.

The entry into force of Act I of 2012 on the Labour Code (hereinafter: Labour Code) made no significant changes to the regulations concerning young employees as compared to the previous reporting period.

The link between labour regulations and civil law is reflected by the provision according to which persons of limited legal capacity may only establish employment with the consent of their legal representative. The consent of the legal representative is required for the amendment or termination of an employment contract, and for legal declarations on undertaking commitments (Section 21(4) of the Labour Code). Pursuant to Act V of 2013 on the Civil Code (hereinafter: Civil Code), a minor is of limited capacity if he/she is of the age of 14 to 18 years and is not incompetent (Section 2:12 of the Civil Code).

A change compared to the previous regulations in this field is that instead of defining the group of persons requiring legal representation (earlier: persons with limited legal capacity), the Labour Code provides a list of those falling under the scope of the provisions, including young employees and employees with partially limited disposing capacity in respect of the set of cases related to employment (Section 21(4) of the Labour Code).

#### 2. Rules applicable to government officials

During the reporting period, until November 2016, under Section 39 of Act CXCIX of 2011 on civil service officials (hereinafter: Civil Service Officials Act), government service relationship

could be established with persons with a clean criminal record, with proper capacity and with at least secondary school qualifications. In November 2016 this rule was changed so that instead of the requirement relating to secondary school qualifications, the requirement for secondary baccalaureate qualifications was introduced.

The Civil Service Officials Act also provides for the possibility of granting scholarship, which is regulated in relation to the support of administrative professional practice (Section 47 of the Public Service Officials Act).

### 3. Rules applicable to public servants

According to Act XXXIII of 1992 on the legal status of public servants, public servant relationship could be established during the reporting period with persons over the age of eighteen, with a clean criminal record, who have Hungarian citizenship or have the right of free movement and residence in line with a separate legal act, or have the legal status of immigrants or residents, and are not subject to criminal proceedings for a crime defined by law.

### 4. Rules applicable to professional members of the armed forces

With regard to Act XLIII of 1996 on the service relationship of the professional members of the armed forces (hereinafter: the former Armed Forces Act), until 30 June 2015 the regulations in force were the same as the ones included in the previous report.

According to the provisions of the former Armed Force Act, professional service relationship could only be established with persons over the age of 18 (who also complied with the other conditions set out in the law) [Section 37(1) of the former Armed Forces Act].

The regulations set out in Act XLII of 2015 on the service relationship of the professional staff of law enforcement organisations (hereinafter: the new Armed Forces Act) did not change even after the new law entered into force, therefore service relationship can be established with persons over the age of 18 (who also comply with the other conditions set out in the law) [Section 33(1)a) of the new Armed Forces Act].

**Rules applicable to soldiers**

In the reporting period, on the basis of Article XXXI(1) of the Fundamental Law, all Hungarian citizens are obliged to defend the country. Consequently, the Fundamental Law requires the protection of the country as a general obligation. In addition to the forms of fulfilling the obligation of defending the country, it also stipulates that the detailed rules relating to defence obligations shall be defined in a cardinal act.

In accordance with this, based on Section 31(1) and (1a) of Act CCV of 2012 on the legal status of private soldiers (hereinafter: Private Soldiers Act), service relationship can be established with Hungarian nationals over the age of 18, who have proper capacity, have a permanent address in Hungary or reside there, are suitable for service on the basis of their health, mental and physical status, and no legal grounds for exclusion apply to them. Thus, in time of peace exclusively persons over the age of 18 can establish service relationship with the Hungarian Army. The

defence obligations during a state of crisis or preventive defence are determined in paragraphs (3)–(6) of the above Article of the Fundament Act. In accordance with this, during a state of national crisis, or if the National Assembly decides so in a state of preventive defence, adult male Hungarian citizens with residence in Hungary shall perform military service. The forms and the detailed rules of performing military service are determined in a cardinal act. For the duration of a state of national crisis, adult Hungarian citizens with residence in Hungary may be ordered to perform work for national defence purposes, as provided for by a cardinal act. For adult Hungarian citizens with residence in Hungary civil protection obligation may be prescribed in the interest of performing national defence and disaster management tasks, as provided for by a cardinal act. In the interest of performing national defence and disaster management tasks, everyone may be ordered to provide economic and material services, as provided for by a cardinal act.

To specify the above provisions of the Fundamental Law, pursuant to Section 5(4) of Act CXIII of 2011 on national defence and the Hungarian Army, and on measures to be introduced by means of special legal orders, persons bearing military service obligations below the age of 18 may not be summoned for military service until they turn 18. Accordingly, during a period of crisis or even in a state of preventive defence, only persons of full age that is persons over the age of 18 are subject to military service obligations, the obligation to perform work for national defence purposes, and civil protection obligation.

### 2) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR is requesting that the report should contain a list of jobs classified as light work, and it requests information on the rules applicable to the employment of persons below the age of 16, aimed at participation in cultural, artistic, sporting and advertising activities. The ECSR has found that the situation in Hungary is not in compliance with Article 7 1 of the Charter on the grounds that the definition of light work is not precise enough, as it is not specified what can and cannot be regarded as light work.**

The concept of light work is difficult to define, and in a changing economic environment it is difficult to create an up-to-date and exhaustive list. For this reason, besides having a system of labour law requirements, the Hungarian legislation defines occupational safety and health limit values to ensure the protection of young employees. Therefore, as presented in and during defending the 2014 National Report, in addition to the provisions included in Joint Decree of the Ministry of Social and Family Matters and the Ministry of Health No. 3/2002. (II. 8.) on the minimum workplace safety requirements, account should also be taken of Decree of the Ministry of Welfare No. 33/1998. (VI. 24.) on the medical examination of and report on occupational, professional and personal hygienic aptitude. This Decree contains regulations relating to allowing work specifically with regard to young age, i.e. in Hungary the suitability of young employees for performing a given task must be examined in general, and not only in respect of specific duties. Preliminary regular and extraordinary medical examinations aimed at checking suitability for the performance of duties and professional suitability continuously ensures the verification of suitability.

Decree of the Ministry of Welfare No. 33/1998. (VI. 24.) also contains a list of burdens excluding or allowing subject to conditions the employment of underaged persons within an employment relationship, and also a list of working conditions, in the case of the existence of which it is necessary to perform a risk assessment in the framework of a suitability check in order to be able to employ underaged persons.

The opinion on suitability for a position is issued with regard to the position specified by the employer, based on the requirements and characteristics of the given position, being aware of the young employee's health status and personal qualities. In this context the employer must specify in writing the rules relating to occupational suitability tests, as well as the tasks related to these tests, including the aim and frequency of regular occupational suitability tests. A physician specialised in occupational health must be consulted when elaborating the rules at work.

If requested by the body examining fitness for the job, the employer must submit all data relating to the job and the workplace that it finds necessary for issuing an opinion or that is requested by the body issuing an opinion. If the body assessing fitness for the job and professional suitability intends to find out more about the working environment, the employer must make it possible on the working site.

It is a general requirement to perform medical examinations aimed at checking fitness for the job and professional suitability. Employees, apprentices and jobseekers who did not attend the preliminary regular or extraordinary examination aimed at checking fitness for the job and professional suitability, and those who were not qualified as suitable at the examination, may not be employed in the given position or on the given area of work, may not receive vocational training and may not carry out such activities.

Based on the above, the Hungarian legislation in force contains appropriate guarantees for the protection of young employees' health and moral development against burdens at work, the inspection of which is generally ensured in the framework of the public healthcare system in accordance with the rules of the medical profession, with regard to all types of work, with the employees' active participation.

- **The ECSR is requesting information concerning whether the maximum limit of eight working hours per day also applies to light work performed by persons under the age of 15, i.e. what is the allowed daily or weekly duration for light work performed by persons under the age of 15.**

The Labour Code in force does not set out divergent provisions among the rules relating to the employment of young employees concerning whether the work performed by them can be classified as light work or not. The provisions of the Labour Code ensuring the protection of young employees' health and moral development are applicable in general to this group of persons.

Pursuant to Section 34(3) of the Labour Code, by authorisation of the guardian authority, young persons under sixteen years of age may be employed for cultural, artistic, sporting or advertising activities. Light work performed by persons under the age of 15 is governed by the provisions of

the Labour Code applicable to young employees. The concept of young employee is defined in Section 294(1)a) of the Labour Code as any employee under the age of eighteen.

The Labour Code contains the following provisions to ensure protection for young employees:
*"Section 114(1) Young employees may not be ordered to work at night and may not be ordered to work overtime.*
*(2) The daily working time of young employees is limited to 8 hours, and the number of working hours performed under different employment relationships shall be added up.*
*(3) As regards young employees:*
*a) the maximum duration of working time banking is one week,*
*b) if the scheduled daily working time is over four and a half hours or six hours, the break-time provided shall be at least thirty minutes or forty-five minutes, respectively,*
*c) the daily rest period allocated shall be at least twelve hours.*
*(4) In the case of young employees Section 105(2) and Article 106(3) shall not apply.*
*(Section 105(2) In the case of an irregular work schedule the weekly rest days may be scheduled irregularly as well.*
*Section 106(1) In lieu of weekly rest days, each week workers shall be given at least forty-eight hours of uninterrupted weekly rest period.*
*(3) In the case of an irregular work schedule, in lieu of the weekly rest period specified in Subsection (1) workers may be allocated – in accordance with Subsection (2) – the uninterrupted weekly rest period comprising at least forty hours in a week and covering one calendar day. Workers shall be provided at least forty-eight hours of weekly rest period as an average of working time banking or the payroll period.)*
*Section 119(1) Young employees shall be entitled to five extra days of leave each year."*

Furthermore, in order to ensure protection for young employees, Section 4 of the Labour Code stipulates that the provisions of the Labour Code pertaining to young employees shall also apply mutatis mutandis to the employment of persons under the age of eighteen within a non-employment relationship. In particular, it also applies to young employees' agent or entrepreneur status.

- **The ECSR recalls that domestic work (help at home) also falls within the scope of Article 7 1, disregarding the fact that work is not performed for a company in economic or legal terms, and officially children are not regarded as employees. Furthermore, the ECSR recalls that States Parties must also monitor whether the conditions for domestic work exist.**

The Fundamental Law of Hungary dedicates a separate article to the prohibition of the employment of children and the protection of young people at work, which must be taken account of during the formulation of employment regulations (Article XVIII(1)–(2) of the Fundamental Law).

In compliance with international legal standards, the Labour Code sets out general prohibitive rules and restrictive provisions with regard to the employment of children and young persons, and domestic work does not in any way constitute an exception to such rules and provisions.

Pursuant to the Labour Code, workers must be at least sixteen years of age, and any person of at least fifteen years of age receiving full-time school education may enter into an employment relationship during the school holidays. This is in compliance with Act CXC of 2011 on public education, according to which compulsory education lasts until a pupil turns sixteen years of age. However, by authorisation of the guardianship authority, young persons under sixteen years of age may be employed for cultural, artistic, sports or advertising activities. Furthermore, within the meaning of the Labour Code, young employee shall mean any worker under the age of eighteen (0–18 years old).

Within the framework of special provisions relating to young employees, the Labour Code provides for prohibitions on work at night and overtime work, and stipulates in general that young employees are not allowed to work at night (between 10.00 p.m. and 6.00 a.m.)

- **The ECSR is requesting that the report should contain information about the number and nature of the infringements detected, and on the sanctions imposed.**

The provisions included in Act XXXI of 1997 on the protection of children and on guardianship administration (hereinafter: Child Protection Act), the operation of the child protection system and the employment regulations altogether represent a provision ensuring protection for the victims of illegal child labour. This group of individuals is not specified in the Child Protection Act, but the performance of illegal child labour qualifies as a vulnerable situation for children, as it prevents or hinders children's physical, mental, emotional or moral development.

To prevent and eliminate the illegal employment – and, thus, the vulnerability – of children, pursuant to Section 17(1)k) of the Child Protection Act and as of 1 January 2011, the employment authority forms a part of the child protection alert system. This means that the labour inspector is legally obliged to inform the family and child welfare service, along with the guardianship authority, if he/she learns that a child is illegally employed or exposed to the risk of illegal employment. The guardianship authority takes the measures required for the termination of the child's vulnerable situation. In case of suspicion of a crime committed against the child, the guardianship authority initiates criminal proceedings.

In harmony with the provisions of the Child Protection Act, Section 3(1)a) of Act LXXXV of 1996 on labour inspection specifies that inspections shall cover age limits. Pursuant to Section (1)g), in case the labour authority identifies an infringement concerning the age limit related to the employment relationship, he/she shall notify the child welfare service about the vulnerability of the child. In this regard, pursuant to Section 6/A(1), the inspector shall propose imposing a labour fine, and such fine shall be imposed, if the employer has breached the applicable regulations on the age limit related to the employment relationship (including the ban on child labour).

The data below – collected by the Hungarian Central statistical Office (thereinafter: HCSO) within the framework of the OSAP data collection relating to family and child welfare services since the entry into force of the above provisions – show the number of reports sent by the labour authority in the past years:

| | The number of the signals sent by the detention and signalling system | Signals sent by the employment authority therefrom |
|---|---|---|
| 2011 | 206 395 | 175 |
| 2012 | 198 334 | 97 |
| 2013 | 183 561 | 376 |
| 2014 | 177 878 | 72 |
| 2015 | 168 773 | 438 |
| 2016 | 136 620 | 366 |
| 2017 | 124 694 | 83 |

*Source: HCSO Statistical Yearbook*

## ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO THE 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:***

***1. 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) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### I. Rules applicable to employees

In the reporting period, in the context of the implementation of this Article the legal provisions did not change.

#### II. Rules applicable to public service officials

Pursuant to Section 110(1)–(3) of Act CXCIX of 2011 on Public Service Officials (hereinafter: Public Service Officials Act), mothers shall be entitled to 24 weeks of uninterrupted maternity leave. Act LXXXV of 2014 on the amendment of certain acts on legal status amended the above section of the Public Service Officials Act by stipulating that it is compulsory to use two weeks of the 24 weeks to which mothers are entitled. Maternity leave shall also be provided to a woman who has been given custody of a child for the purpose of adoption. Unless otherwise agreed, maternity leave shall be allocated so as to commence maximum 4 weeks prior to the expected date of birth. Pursuant to Section 110(5) of the Public Service Officials Act, the duration of maternity leave, except where entitlement is specifically linked to work, shall be recognised as time spent at work. It follows from this that public service officials are entitled to their salary during maternity leave, except for certain allowances expressly linked to work, such as allowances related to commuting to the workplace. Pursuant to Act LXXXIII of 1997 on the benefits of compulsory health insurance, public service officials are entitled to the same benefits as those having an employment relationship.

#### III. Rules applicable to the professional members of the armed forces

**Maternity leave**

Act CCV of 2012 on the legal status of private soldiers (hereinafter: Private Soldiers Act) is applicable to the members of the military staff. Sections 115–117 of the Private Soldiers Act set out provisions relating to maternity leave, which were amended several times during the reporting period.

Until July 2015 the following regulations were in force:

Mothers are entitled to 24 weeks of uninterrupted maternity leave. At the mother's request, maternity leave shall be allocated so as to commence maximum 4 weeks prior to the expected date of birth. Absentee pay shall be due for the period of the maternity leave. For the rest of the maternity leave absentee pay shall be due for

a) women who have been given custody of an infant for the purpose of adoption, from the date of taking care,
b) guardians who take care of an infant on the basis of a final decision, from the date of appointment,
c) the biological father taking care of an infant, if the woman who gave birth to the child leaves the household where the child is taken care of, in a certified way, because of her health status, from the date indicated on this certificate, until the day when this health status terminates,
d) the biological father taking care of an infant, if the woman who gave birth to the child dies, from the date of her death,
e) men who have been given custody of an infant for the purpose of adoption, if the woman who intended to co-adopt the child together with the man leaves the household where the child is taken care of because of her health status as certified by the health care service provider, from the date indicated on this certificate, until the day when this health status terminates,
f) men who have been given custody of an infant for the purpose of adoption, if the woman intending to adopt the child dies, from the date of her death,
g) men who have been given custody of an infant for the purpose of adoption on their own, from the date of taking care.

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 until the end of the first year following birth. The duration of maternity leave, except where entitlement is specifically connected to service, shall be recognised as time spent at work. No absentee pay is due for members of the staff, who perform work in return for remuneration in the framework of any legal relationship, or who in person perform their occupational activity for which an official licence is required, not including intellectual activity. Staff members shall be entitled to unpaid leave until their child turns 3 years of age, for the purpose of taking care of the child. Such unpaid leave shall be allocated on the days requested by staff members.

The maternity leave shall end:

a) if the child is stillborn,
b) if the child dies, on the 15th day following death,
c) on the day following placement of the child – according to the provisions set out in legislation – into temporary custody, temporary or permanent foster care, or in a social institution with room and board for over 30 days.

If the child is stillborn, the period of leave shall be no less than 6 weeks from the date of birth. Staff members shall be entitled to unpaid leave for providing care for a child in person until the child reaches the age of 10, during the period of receiving child-care allowance.

<u>As from July 2015 the regulations have been amended as follows:</u>

Mothers shall be entitled to 24 weeks of maternity leave, and they shall be obliged to use two weeks of this period. At the mother's request, maternity leave shall be allocated so as to commence maximum four weeks prior to the expected date of birth. The period remaining from the maternity leave as specified above shall be allocated to:

a) women who have been given custody of an infant for the purpose of adoption, from the date of taking care,
b) guardians who take care of an infant on the basis of a final decision, from the date of appointment,
c) the biological father take care of an infant, if the woman who gave birth to the child leaves the household where the child is taken care of, in a certified way, because of her health status, from the date indicated on this certificate, until the day when this health status terminates,
d) the biological father take care of an infant, if the woman who gave birth to the child dies, from the date of her death,
e) men who have been given custody of an infant for the purpose of adoption, if the woman who intended to co-adopt the child together with the man leaves the household where the child is taken care of because of her health status as certified by the health care service provider, from the date indicated on this certificate, until the day when this health status terminates,
f) men who have been given custody of an infant for the purpose of adoption, if the woman intending to adopt the child dies, from the date of her death,
g) men who have been given custody of an infant for the purpose of adoption on their own, from the date of taking care.

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 until the end of the first year following birth. The duration of maternity leave, except where entitlement is specifically connected to service, shall be recognised as time spent in service relationship. During maternity leave no pay is due for members of the staff, who perform work in return for remuneration in the framework of any legal relationship – not including activities performed in the framework of foster parent employment relationship – or who in person perform their occupational activity for which an official licence is required, not including intellectual activity. Staff members shall be entitled to unpaid leave until their child turns 3 years of age, for the purpose of taking care of the child. Such unpaid leave shall be allocated on the days requested by staff members.

<u>Regulations in force in December 2017, at the end of the reporting period:</u>
Mothers shall be entitled to 24 weeks of maternity leave, and they shall be obliged to use two weeks of this period. At the mother's request, maternity leave shall be allocated so as to commence maximum four weeks prior to the expected date of birth. The period remaining from the maternity leave as specified above shall also be allocated to:

a) women who have been given custody of a child for the purpose of adoption, from the date of taking care,
b) guardians who take care of a child on the basis of a final decision, from the date of appointment,

c) the biological father take care of a child, if the woman who gave birth to the child leaves the household where the child is taken care of, in a certified way, because of her health status, from the date indicated on this certificate, until the day when this health status terminates,
d) the biological father take care of a child, if the woman who gave birth to the child dies, from the date of her death,
e) men who have been given custody of a child for the purpose of adoption, if the woman who intended to co-adopt the child together with the man leaves the household where the child is taken care of because of her health status as certified by the health care service provider, from the date indicated on this certificate, until the day when this health status terminates,
f) men who have been given custody of a child for the purpose of adoption, if the woman intending to adopt the child dies, from the date of her death,
g) men who have been given custody of a child for the purpose of adoption on their own, from the date of taking care.

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 until the end of the first year following birth. The duration of maternity leave, except where entitlement is specifically connected to service, shall be recognised as time spent at service. During maternity leave no pay is due for members of the staff, who perform work in return for remuneration in the framework of any legal relationship – not including activities performed in the framework of foster parent employment relationship – or who in person perform their occupational activity for which an official licence is required, not including intellectual activity. Staff members shall be entitled to unpaid leave until their child turns 3 years of age, for the purpose of taking care of the child. Such unpaid leave shall be allocated on the days requested by staff members.

According to Section 7c) of Order of the Ministry of Defence No. 5/2013. (I. 21.) containing the equal opportunities plan of the Ministry of Defence, within the opportunities offered by the budget, the Ministry of Defence develops a legal background to ensure certain benefits and aids to people belonging to certain employment groups, in particular, parents, mothers and single parents. Section 11 of the same Order stipulates that the Ministry of Defence regards employees who are on unpaid leave taken out for the purpose of childcare as equivalent employees. With a view to this, the Ministry remains in contact with its employees even during the period of child care leave, and provides help for them to return to work. Military organisations also have equal opportunities plans, but these plans may have different contents, and in this regard we are not able to supply uniform data in every respect. However, the possibility of introducing regulations is open and available for all military organisations.

The provisions of Act XLIII of 1996 on the service relationship of the professional members of the armed forces (hereinafter: the former Armed Forces Act) in force until 30 June 2015 are the same as the ones included in the previous report.

Act XLII of 2015 on the service status of professional members of law enforcement agencies (hereinafter: the new Armed Forces Act) has been in force since 1 July 2015, and its Section 149 contains provisions applicable to maternity leave.

*"Section 149(1) Members of the professional staff who are pregnant women and women giving birth shall be entitled to maternity leave of twenty four consecutive weeks, from which they shall be obliged to use two weeks. Maternity leave shall be allocated so as to commence four weeks prior to the expected date of birth.*
*(2) The period of the maternity leave shall end:*
*a) if the child is stillborn, on the sixth week following death;*
*b) if the child dies, on the fifteenth day following death;*
*c) on the day following placement of the child into temporary custody, temporary or permanent foster care, or in a social institution with room and board for over thirty days.*
*(3) The period of maternity leave shall be no less than six weeks from the date of birth.*
*(4) 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 until the end of the first year following birth.*
*(5) Women, provided that they do not use leave for medical purposes as set out in Section 148, shall be entitled to working time reduction of one hour twice daily during the first six months of breastfeeding, and thereafter of one hour daily until the end of the ninth month. The working time reduction shall be multiplied by the number of twins."*

Section 142(2) of the new Armed Forces Act stipulates that absentee pay is due for the period of the maternity leave (which shall be the average of the sum of the amounts of the basic salary and the regular additional salary, calculated pro rata temporis – Section 168(1) of the new Armed Forces Act).

It must be pointed out that as from 1 January 2018 the scope of the provision of the new Armed Forces Act applicable to maternity leave has been extended to adoptive parents too.

**Childbirth allowances**

As regards childbirth allowances, Decree of the Ministry of Defence No. 12/2013. (VIII. 15.) on certain benefits in cash and in kind, and on social welfare benefits must be mentioned. Section 15 of this Decree provides for childbirth allowances, which contained the following in the last month of the period in question (December 2017):

Members of the staff and public servants employed fulltime are entitled to childbirth allowances, if during the existence of their legal relationship they have a child or adopt a maximum 6-month-old child by final decision, and they take care of the child in their own household, also including the case, when the child is temporarily placed in a healthcare institute for the purposes of medical treatment. The amount of such allowances is 200% of the chargeable base valid at the time when the child is born or adopted, per child. If both parents or adoptive parents are members of the staff of a defence organisation, – disregarding whether these are the same organisations or not –, childbirth allowances can be granted only to one of them. Army officer candidates and deputy officer candidates are entitled to childbirth allowances in accordance with the rules applicable to staff members, except that the amount of the allowances is 20% of the chargeable base valid at the time when the child is born or adopted, per child. This shall also apply to the widows or cohabitees of deceased army officer candidates or deputy officer candidates.

Pursuant to Section 120(1) of the Private Soldiers Act, medical leave for the purposes of parental care shall be due for

a) women, who breastfeed their sick child – under hospital treatment – under 12 months old, until the child turns 12 months old,
b) staff members, to take care of their sick child, on the basis of a medical certificate specifying the child's disease, for a term included therein, until the child turns 12 months old,
c) staff members, to take care of a sick child aged 1–3 years, for a period of 84 calendar days per year and per child,
d) staff members, to take care of a sick child aged 3–6 years, for a period of 42 calendar days per year and per child; for a single parent, for 84 calendar days,
e) staff members, to take care of a sick child aged 6–12 years, for a period of 14 calendar days per year and per child; for a single parent, for 28 calendar days.

The period of medical leave as specified in Subsection (1)a–b) allocated for the purposes of taking care of a child shall be due for the parents jointly, if both parents are members of the staff. The period of medical leave as specified in Subsection (1)c) allocated for the purposes of taking care of a child shall be due for parents separately, if both parents are members of the staff. Before 1 January 2017, the wording of this second paragraph was: the period of medical leave allocated for the purposes of taking care of a child shall be due for the parents jointly, if both parents are members of the staff. Pursuant to Section 121(1)b), an amount equivalent to 100% of the absentee pay was due in the above cases for 30 days, until 1 July 2015. After this date the wording of the legal act was changed to stipulate that a part of the pay pro rata temporis is due in the above case.

**Protection against dismissal**

Pursuant to Section 67(1) of the Private Soldiers Act, the service relationship cannot be terminated by notice during the following terms and for 30 days thereafter (only the sections relevant for this report are mentioned here):

a) the period of pregnancy,
b) 3 months following giving birth; maternity leave and any unpaid leave for nursing or caring for a child; and the period until the child reaches 3 years of age without using unpaid leave,
c) in the case of female members of the armed forces, while receiving treatment related to a human reproduction procedure according to law, for up to 6 months from the beginning of such treatment,
d) in case of mandatory placement of the child into foster care prior to adoption, 6 months in respect of the member of the staff waiting for adoption of a child – or, based on the decision of a married couple waiting for joint adoption of a child, in respect of the spouse undertaking more duties while nursing the child – from the mandatory placement of the child into foster care or, if the child is released from foster care prior to the expiry of 6 months, the period of mandatory foster care.

Protection as in point b) without using unpaid leave is due for the parent who used unpaid leave for the last time.

The Private Soldiers Act also ensures remedy for members of the military staff. Members of the staff may submit requests related to issues concerning the service relationship in writing to the entity exercising the employer's rights, by keeping the chain of command. Unless otherwise provided by law, members of the staff may submit a service complaint against the legal statement – or the lack of such statement – made by the exerciser of the employer's rights. Members of the military staff also have the possibility of appeal, as unless otherwise provided by the Private Soldiers Act, staff members may appeal in writing against the decision at first instance within 15 days after it is communicated; furthermore, they may also turn to the court.

**Working time reduction for nursing mothers**

The provision included in Section 108(1) of the Private Soldiers Act, mentioned in the report, was in force in the reporting period too. According to this provision nursing mothers are exempted from service for 1 hour twice daily, or 2 hours twice daily in the case of twins during the first 6 months of nursing, and thereafter for 1 hour daily, or 2 hours daily in the case of twins until the end of the 9th month, provided that they do not use medical leave.

**Night work**

Pursuant to Section 96(5) of the Private Soldiers Act, female members of the staff may not be scheduled for night service from the time their pregnancy is diagnosed until their child reaches 1 year of age. Service taking place between 10:00 p.m. and 6:00 a.m. shall be regarded as night service.

**Prohibition of hazardous, harmful and hard work**

Pursuant to Section 103(3) of the Private Soldiers Act, female members of the staff may not be ordered to work overtime from the time their pregnancy is diagnosed until their child reaches 3 years of age, and single parents may not be assigned to such duties until their child reaches 3 years of age. In other respects, the entity exercising the employer's rights shall ensure, in particular, safe and healthy conditions for service performance, and pursuant to Section 95(5) female members of the staff, as from the time their pregnancy is diagnosed until their child reaches 3 years of age, and single parents until their child reaches 3 years of age may be required to work in stand-by duty or in continuous duty only with their consent.

## IV. Cash benefits

**Insurance-based benefits pursuant to Act LXXXIII of 1997 on the benefits of compulsory health insurance[1]**

- **Pregnancy-confinement benefit / Infant care fee**

As from 1 January 2015 the term pregnancy-confinement benefit was renamed infant care fee.
This benefit can be used by the mother (or, in exceptional cases – e.g. if the mother dies or is ill – by the father or the guardian in the foster family), who has at least 365 days of insurance in the period of two years before the child is born. The pregnancy-confinement benefit / infant care fee

[1]Health insurance cash benefits that women giving birth may be entitled to are described in detail in the context of Article 16.

is a benefit provided during the period of maternity leave (24 weeks) and is in proportion with the salary; it amounts to 70% of the average salary.

- **Child care fee**

Parents having at least 365 days of previous insurance are entitled to child care fee; such entitlement can start only after the expiration of the pregnancy-confinement benefit / infant care fee or the equivalent period (168 days).

According to the legal provisions in force until 31 December 2015, the child care fee was due for a period equivalent to the period covered by insurance, but until the child turned 2 years of age at the latest.

As from 1 January 2016, the child care fee is due independently from the period covered by insurance, until the child turns 2 years of age.

As from 1 January 2014, in the case of twins the child care fee is due until the child turns 3 years of age at the latest. The child care fee amounts to 70% of the average salary, but may not exceed 70% of the double of the prevailing mandatory minimum salary (HUF 178,500 in 2017).

- **Degree-holders' child care fee**

As from 1 January 2014, the group of persons entitled to child care fee was extended to include full-time students in higher education. Such students are entitled to the so-called "degree-holder's" child care fee with regard to their child born after 31 December 2013.

The degree-holders' child care fee is due from the day when the child is born until the day when child turns 1 year of age. (As from 1 January 2018 the child care fee is due from the day when the child is born until the day when child turns 2 years of age.)

The monthly amount of the degree-holders' child care fee:

i. in the case of students attending a first undergraduate course, or participating in higher-level vocational training or higher education vocational training, 70% of the mandatory minimum salary valid on the first day of the entitlement period, a gross amount of HUF 89,250 in 2017.
ii. in the case of students attending a master's course, an undivided course or a doctor's course, 70% of the guaranteed wage minimum valid on the first day of the entitlement period, a gross amount of HUF 112,700 in 2017.

**Universal benefits granted under Act LXXXIV of 1998 on family support (hereinafter: Family Support Act)**

Uninsured parents who are not entitled to the pregnancy-confinement benefit (infant care fee) or child care fee may receive child care allowance under the Family Support Act (child care benefit as from 1 January 2016), which is a family support benefit of a fixed amount regardless of the beneficiary's insurance history or income. Insured parents may also claim the child care benefit after the expiration of the child care fee.

The monthly amount of the child care benefit is the lowest amount of the current minimum old-age pension. The lowest amount of the minimum old-age pension in the reporting period was HUF 28,500.

The child care benefit is paid until the child reaches 3 years of age; in case of twins until the children reach the compulsory school attendance age; and in case of permanently sick or severely disabled children the allowance is paid until the child turns 10 years of age.

**Changes during the reporting period affecting the child care benefit:**

**As from 1 January 2014**

- The policy programme entitled "extra child care fee" – which also affects the rules applicable to the child care benefit – has been introduced. According to this
  - those receiving child care benefit can carry out paid employment after their child turns 1 year of age, without a time limit,
  - child care benefits (infant care fee, child care fee, child care benefit) can be claimed with regard to several children at the same time, with regard to children born one after the other. Parents can be entitled to child care benefit for a maximum of two children at the same time, on the condition that twins born from the same pregnancy shall be regarded as one child. (Earlier on, in the case of children of different ages the child care benefit was only due with regard to one child.)

**As from 1 January 2016**

- Instead of the old term child care allowance, the benefit was renamed child care benefit.
- Those receiving child care benefit can carry out paid employment after their child turns 6 months of age, without a time limit.

## 2) RELEVANT DATA AND STATISTICS

**Evolution of the expenditure on child care benefit between 2014–2017** (million HUF)

| | **2014** | **2015** | **2016** | **2017** |
|---|---|---|---|---|
| Expenditures on child care allowance * | 60 250,1 | 62 163,3 | 62 862,1 | 61 371,6 |

**Child care benefit as from 2016.*
*Source: Acts on the implementation of the budget of the relevant year. In regard of 2017, the bill on discharge*

**Evolution of the number of beneficiaries of child care benefit between 2014–2017**
(average number of beneficiaries per month)

| | **2014** | **2015** | **2016** | **2017** |
|---|---|---|---|---|
| Number of persons benefited from child care allowance* | 161 226 | 163 376 | 162 992 | 164 297 |

**Child care benefit as from 2016.*
*Source: 1919 OSAP data collection by the Hungarian Central Statistical Office and the Hungarian State Treasury*

### 3) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR is asking whether the term of the mandatory leave to be used in the case of childbirth is also two weeks.**

Yes. In relation to leaves, pursuant to the provisions of Act I of 2012 on the Labour Code (hereinafter: Labour Code), mothers are entitled to 24 weeks of maternity leave provided that they are obliged to use two weeks of this period, and the maternity leave shall be allocated so as to commence maximum four weeks prior to the expected date of birth. Maternity leave as determined by law shall also be provided to a woman who has been given custody of a child for the purpose of adoption.

*"Labour Code, Section 127(1) Mothers shall be entitled to 24 weeks of maternity leave, and they shall be obliged to use two weeks of this period.*
*(2) Maternity leave shall also be provided to a woman who has been given custody of a child for the purpose of adoption.*
*(3) Unless otherwise agreed, maternity leave shall be allocated so as to commence maximum four weeks prior to the expected date of birth.*
*(4) 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 until the end of the first year following birth.*
*(5) The duration of maternity leave, except where entitlement is specifically connected to work, shall be recognised as time spent at work."*

- **The ECSR is requesting information concerning the legal securities in place in order to avoid unnecessary pressure on employees aimed at shortening the maternity leave: for example, whether there are regulations in place against discrimination at work based on sex or parental responsibility; whether agreements concerning maternity leave have been concluded with social partners to protect women's freedom of choice, and whether the collective agreements provide any further protection. Furthermore, the ECSR is requesting information about the general legislative framework relating to maternity (e.g.: does parental leave exist, in the framework of which one of the parents is entitled to paid leave following maternity leave, and how proportionate is it to when a woman wants to go on maternity leave for less than 6 weeks).**

The Government of Hungary lays great emphasis on creating a family-friendly approach in the minds of the public. The priorities determined in view of solving the demographical crisis include improving the situation of families and encouraging the birth of children. In the interest of achieving these aims, the Government seeks to take the burden off families and provide financial support for them. The creation of a society based on families and work is in the focus of the policy, and priority actions are aimed at the reconciliation of working life and family life. It means actions both at micro-level (increasing work-based support) and at macro-level (increasing employment and the number of births in parallel).

In order to achieve the above aims, in recent years several rebates applicable to contributions, as well as employment measures promoting flexible employment have been introduced, and the constrains on work and returning to work have been eliminated.

**Measures taken in the field of employment regulations:**

The Fundamental Law of Hungary provides for the protection of parents at work. In line with this, the employment regulations in force contain special provisions relating to women, and within the group of employed women, the law also sets out special provisions relating specifically to pregnant women, women who have recently given birth, and women raising children.

The Labour Code contains atypical forms of employment (e.g. call for work, job sharing, employee sharing) aimed at the reconciliation of working life and family life.
In particular, the law provides that employers are obliged to amend the employment contract based on the employee's proposition to part-time work covering half of the daily working time until the child reaches the age of three (or, in the case of employees with 3 or more children, until the child reaches the age of five).

Employed women are entitled to leave for the duration of the maternity leave. Pregnant women and women giving birth are entitled to twenty-four weeks of maternity leave, and they are obliged to use two weeks of this term. Furthermore, maternity leave is also provided to women who have been given custody of a child for the purpose of adoption. Another provision of the Labour Code aimed at the protection of families is that both parents are entitled to extra leave with regard to their children and also to unpaid leave used for taking care of their child. When the child is born, 5 days of paid leave – 7 days in the case of twins – is provided for the father.

In order to protect employed women, the Labour Code sets out prohibitive and restrictive rules in respect of parents raising children. There is a prohibition on dismissal during pregnancy, maternity leave, unpaid leave used for taking care of a child, and in respect of women while receiving treatment related to a human reproduction procedure (for up to six months from the beginning of such treatment). This constitutes an absolute prohibition on dismissal, so during the above periods the employer may not declare dismissal and may not terminate the employment relationship by notice.

In addition to this, there is a restriction on dismissal in respect of mothers or single fathers until the child turns three, in which case the employment relationship can only be terminated where there is a valid reason. When exercising the restriction on dismissal, the conditions specified by law are "fixed", i.e. there is no room for broad interpretation. Given that employers are obliged to continue to employ employees returning from maternity leave or from unpaid leave used for taking care of a child, the restriction on dismissal cannot serve as a "loophole" enabling the employer to terminate the employee's employment relationship "without reservation". In each case, the restriction on dismissal should reflect the employer's obligation to consider all the jobs that suit the employee's abilities, qualifications and experience, and offer such jobs to the employee.

In respect of working time reduction due to mothers nursing their children, the Labour Code provides that such employees are exempt from the fulfilment of their availability and working obligations for one hour twice daily, or two hours twice daily in the case of twins, during the first six months of breastfeeding, and thereafter for one hour daily, or two hours daily in the case of twins, until the end of the ninth month.

With regard to rest periods and night work the law provides that from the time the employee's pregnancy is diagnosed until her child reaches 3 years of age (in the case of single parents, until their child reaches 3 years of age) an irregular work schedule may be used only upon the employee's consent, weekly rest days may not be allocated irregularly, and overtime work, stand-by duty or night work cannot be ordered. An employee raising his/her child as a single parent may be required to work overtime or in stand-by duty (with a few exceptions) only with his/her consent as from the time his/her child reaches 3 years of age up to the time when the child reaches 4 years of age.

In order to protect mothers taking care of their children, the Labour Code also provides that employees may not be transferred to work at another location without their consent, from the time their pregnancy is diagnosed until their child reaches three years of age.

Employees' working environment must be adapted to their health status, or if it is not practically possible, then they must be offered a suitable job, if they cannot be employed in their original position, from the time their pregnancy is diagnosed until their child turns one year old. Pregnant employees must be discharged from work duty if no position appropriate for their medical condition is available. Such employees are entitled to the base wage normally paid for the job offered, which may not be less than their base wage fixed in the employment contract.

**Eliminating the barriers to work and returning to work**

Within the regulations relating to the child care fee, the provisions relating to work were modified first as from 1 January 2014 so that after the child turned one year of age, it was allowed to perform work while receiving child care fee, and then this possibility was extended from 1 January 2016 so that there is no restriction on work, and gainful activity can be performed now during the entire period of receiving child care fee. Similarly, the possibilities in respect of the child care benefit (previously referred to as child care allowance ) have also been extended: As from 1 January 2016 those receiving such benefits are allowed to perform gainful activity after their child turns 6 months of age.

**Rebates on contributions:**

The Job Protection Action Plan was launched on 1 January 2013 with the aim to facilitate returning to work by providing rebates on contributions. In the framework of this, employers may claim tax benefits in respect of employees receiving child care fee, child care allowance or child-raising support.

According to the regulations in force, tax benefits are differentiated depending on the number of children. Generally, during the first 2 years of employment entire exemption is granted from the payment of public fees and charges by the employer, and in the 3rd year of employment only half of the social contribution tax must be paid on (gross) wages, but no more than HUF 100,000.

If the employee is entitled to family allowance in respect of 3 children, then for 3 years the employer is exempted from the payment of public fees and charges levied on the employment relationship, and for 2 years the employer must pay only half of the social contribution tax on (gross) wages, but no more than HUF 100,000.

**Employment regulations relating to non-discrimination:**

The requirement of equal treatment is fully reflected in Hungary's Labour Code. Section 12(1) of the Labour Code on the requirement of equal treatment states that in connection with employment relationships, and, in particular, the remuneration of work, the principle of equal treatment must be strictly observed. In addition to the requirement reflected by the principle of "equal wages for equal work", the above Section gives a definition of wages and determines the indicators for determining the equal value of work.

The detailed rules relating to non-discrimination in respect of sex and those bearing family obligations are set out in Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter: Equal Treatment Act). This Act clearly stipulates that employers are obliged to comply with the requirement of equal treatment in respect of employment relationships.

In accordance with the above legal act, it is understood as an act of direct negative discrimination if an action results in a person or a group being treated unfavourably due to their actual or perceived gender, marital status, or because of being a mother (pregnant) or father, as compared to how another person or group in a comparable situation is, has been or would be treated.

Actions that cannot be regarded as constituting direct discrimination and seemingly comply with the requirement of equal treatment shall be regarded as acts of indirect discrimination, where as a result of such acts certain persons or groups having specific characteristics as specified in the legal act are placed at a significantly greater disadvantage as compared to the disadvantage other persons or groups in a comparable situation suffered, suffer or would suffer.

According to the Equal Treatment Act, it constitutes a violation of the requirement of equal treatment, in particular, if the employer discriminates against the employee directly or indirectly, especially when determining and ensuring working conditions; and when determining and providing benefits due on the basis of the employment relationship or other relationship aimed at work, especially wages as determined in the Labour Code.

## ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO THE 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:***

***2. 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) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### A. Rules applicable to employees

The provisions of the Labour Code relating to the prohibition of dismissal were slightly amended in the reporting period with a view to providing equal treatment for parents.

According to the earlier regulations, mothers were entitled to protection against dismissal, when both parents used unpaid leave for taking care of their child. This constituted a breach of the principle of equal treatment, therefore earlier Section 65(6) of the Labour Code was deleted. The legislative amendment is contained in Section 122 of Act LXVII of 2016 on establishing the central budget of Hungary for 2017, adopted by the National Assembly at its sitting on 7 June 2016. The amendment entered into force on 18 June 2016.

#### B. Rules applicable to public service officials

Pursuant to Section 70(1)a), b) and f) of the Public Service Officials Act, the employer may not terminate the employment relationship by notice during the pregnancy or maternity leave of the public service official, or while such female official is receiving treatment related to a human reproduction procedure, for up to 6 months from the beginning of such treatment. Pursuant to Section 70(2) of the Public Service Officials Act, for the purposes of protection from discharge, the date of giving notice of the dismissal shall be taken into account. Consequently, dismissal may not be communicated to the public service official concerned during pregnancy or maternity leave, thus the notice period, which shall begin at the earliest on the day following the date when dismissal is communicated pursuant to Section 68(2) of the Public Service Officials Act, may not even begin. Pursuant to Section 70(3) of the Public Service Officials Act, a government official may refer to her pregnancy only if she has informed the employer thereof before the notice was given. As from 12 December 2014 the rule changed, according to which the assertion of the prohibition on dismissal linked to pregnancy was subject to the woman informing the employer about this before the dismissal was communicated to her. Such information can be provided by the woman upon the communication of discharge, or even during the period of discharge. So if the public service official finds out about her pregnancy at a later point, she is obliged to inform her employer about it immediately. Consequently, the employment regulation generally in force

before 2012 has been restored in connection with the unconditional prohibition of discharge due to pregnancy. As from 18 July 2016 a procedural simplification was included in the legal act: in such cases the employer may one-sidedly withdraw the discharge, and the public service official's consent is not required for this; by this the application of the legal consequences of invalidity can be avoided.

In case of unlawful termination of an employment relationship, the procedure of legal remedy is different for civil servants (including public service administrators) and for government officials (including government administrators and professional managers). Pursuant to Section 190(2)(a) of the Public Service Officials Act, government officials may turn to the Arbitration Commission for Government Officials (hereinafter: Arbitration Commission) in relation to the termination of government service to enforce their claim arising from a specific relationship. Government officials may appeal against the decision of the Arbitration Commission in court within 30 days from the communication thereof. Consequently, government officials may only turn to court in relation to the termination of their government service after the procedure of the Arbitration Commission has been completed. Civil servants, on the other hand, may turn directly to court to enforce all of their claims arising from public service relationship under Section 238(1) of the Public Service Officials Act.

Pursuant to Section 193(1) of the Public Service Officials Act, in the case of the termination of the legal relationship contrary to the protection against discharge, government officials may request continued employment in their original job. Pursuant to Section 193(3) of the Public Service Officials Act, in the case of unlawful termination, government officials' unpaid salary (and other emoluments) shall be paid as well as compensation for damage resulting from the unlawful termination of their legal relationship. The part of the unpaid salary (and other emoluments) or the damages that have been reimbursed from other sources or that could have been reimbursed through the exercise of reasonable diligence need not be reimbursed. If in the case of the unlawful termination of the government service relationship the government official does not request to be placed back in his/her original position, the court may oblige the employer to pay an amount equivalent to at least two or maximum twelve months of the government official's emoluments (lump sum compensation).
In addition to this, government officials may request compensation for other damage suffered, including

- unpaid salary (but only until the day on which the legal relationship was unlawfully terminated by the employer)
- other unpaid other emoluments (for example allowances in lieu of leave, length of service award, cafeteria benefits),
- other damage (for example medical costs, travel and telephone costs incurred while looking for a job, etc.).

### C. Rules applicable to the professional members of the armed forces

In respect of the former Armed Forces Act, the regulations in force until 30 June 2015 are the same as the ones included in the previous report.

Section 88 of the new Armed Forces Act, which entered into force in the reporting period, regulates the protection of employed women against discharge as follows.

*"Section 88(1) The service relationship shall not be terminated by notice during the periods defined below:*
*a) during illness and medical leave, and the period of the medical fitness examination commenced for medical purposes,*
*b) the period of caring for a sick child, and unpaid leave allocated for the purpose of caring for a sick child or for providing home care and nursing for a close relative,*
*c) the period of pregnancy, the period of three months after giving birth, maternity leave and any unpaid leave allocated for nursing or caring for a child, and also until the child reaches three years of age, even without using unpaid leave,*
*e) in the case of mandatory placement of the child into foster care prior to adoption, as provided for in specific other legislation, six months in respect of the member of the professional staff waiting for adoption of a child – or, based on the decision of a married couple waiting for joint adoption of a child, in respect of the spouse undertaking more duties while raising the child – from the mandatory placement of the child into foster care or, if the child is released from foster care prior to the expiration of six months, the period of mandatory foster care,*
*f) in the case of female members of the professional staff, while receiving treatment related to a human reproduction procedure according to law, for up to six months from the beginning of such treatment.*
*"*
*(3) For the purposes of the protection determined in Subsection (1), the date of giving notice of the discharge shall be taken into account. The date of giving notice of the discharge is the day when the employer's written order on discharge is handed over to the member of the professional staff as set out in Section 6(4).*
*(4) Protection as in Subsection (1)c) without using unpaid leave is due for the parent who used unpaid leave for the last time."*

Exceptional cases are described in the new Armed Forces Act, when the prohibitions of discharge cannot be asserted. In particular, according to Section 88(2) the prohibitions of discharge listed in Section 88(1) do not apply to the members of the professional staff, if

a) they have become unsuitable because they do not comply with the requirement of so-called impeccable lifestyle,
b) as a rule in force from 1 January 2016, they have become unsuitable from the aspect of national security, because threat to national security was established during their national security screening, and following their discharge from their original service position or during the period of being paced at disposal they do not accept the service position offered to them, or the period of being placed at disposal expires without any service positions becoming available for them,
c) they have become unworthy of professional service, because while not in service they committed an act representing a serious threat to public confidence in the operation of the law enforcement body, and because of this the law enforcement body cannot be expected to maintain their service relationship,
d) they qualify as pensioners, or

e) they have requested to be discharged themselves, with regard to the special entitlement of women having 40 years of eligibility period for old-age pension.

### 3) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR is requesting information concerning whether the regulations presented in the previous report contain any exceptions relating to the public sector and the armed forces?**

In Hungary the specific acts on legal status provided for protection against dismissal, similarly to the general provisions included in the Labour Code. For this reason, the legal act amendment described under point 1 – the extension of protection against dismissal during maternity leave to both parents – took place by amending Section 70(5) of Act CXCIX of 2011 on Public Service Officials and Section 67(3) of Act CCV of 2012 on the legal status of Hungarian private soldiers.

- **The ECSR is requesting information concerning whether there is a maximum threshold of compensation for damage due in the case of unlawful dismissal. If there is, does this maximum threshold cover both material and non-material damage, or the injured party can claim compensation for non-material damage through other legal means (e.g. non-discrimination rules)? Further questions are whether both types of damages are determined by the same court, and how long it takes on average to determine damages.**

Pursuant to Section 82 of the Labour Code, the employer shall be liable to provide compensation for damages resulting from the unlawful termination of an employment relationship. Compensation for loss of income from employment payable to the employee may not exceed twelve months' absentee pay. In lieu of the above, employees may demand payment equal to the sum of absentee pay due for the notice period, in the case that their employment is terminated by the employer.

- **The ECSR is requesting information concerning whether the entry into force of the Labour Code or any other regulations resulted in changes in respect of the situation, which was previously in compliance with Article 8(2) in accordance with the 2011 Conclusions.**

No changes have taken place in the relevant legislation since the last report.

- **The ECSR is requesting information concerning whether in the case of the unlawful termination of the employment relationship the injured party is entitled to have his/her employment relationship restored, and whether appropriate compensation for damage is available in the cases when the employment relationship cannot be restored.**

Pursuant to the provisions of the Labour Code, at the employee's request the court shall reinstate the employment relationship, if the employment relationship was terminated by notice during the

period of pregnancy, maternity leave, or while receiving treatment related to a human reproduction procedure, for up to six months from the beginning of such treatment.

In respect of the entitlement arising following the reinstatement of the employment relationship and linked to the length of employment, the period between the termination and reinstatement of the employment relationship shall be regarded as time spent in employment. According to the law, the employee's outstanding wages and other emoluments shall be paid as well as damages in excess of these. The employee's absentee pay shall also be taken into consideration as part of the outstanding wages. When calculating the amount of outstanding wages and other emoluments, the amount that the employee has earnt or could have reasonably earnt, when applicable, and the amount of the severance pay paid upon the termination of the employment relationship shall not be taken into consideration (Section 83 of the Labour Code).

## ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO THE 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:***

***3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;***

### 1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### A. Rules applicable to employees

In the reporting period, in the context of the implementation of this Article the legal provisions did not change.

#### B. Rules applicable to public service officials

Pursuant to point e) of Section 79 of the Public Service Officials Act, public service officials shall be exempted from the requirement of availability and from work if they are nursing mothers, for 1 hour twice daily, or 2 hours twice daily in the case of twins during the first 6 months of breastfeeding, and thereafter for 1 hour daily, or 2 hours daily in the case of twins until the end of the 9th month. Pursuant to Section 144(3)b) of the Public Service Officials Act, public service officials shall be entitled to salary for the working time reduction used for nursing.

#### C. Rules applicable to the professional members of the armed forces

In respect of the former Armed Forces Act, the regulations in force until 30 June 2015 are the same as the ones included in the previous report.

The new Armed Forces Act, which entered into force in the reporting period, also provides working time reduction for mothers nursing their infants, as follows:

*"Section 149(5) Women, provided that they do not use leave for medical purposes as set out in Section 148, shall be entitled to working time reduction of one hour twice daily during the first six months of breastfeeding, and thereafter of one hour daily until the end of the ninth month. The working time reduction shall be multiplied by the number of twins."*

Medical leave is a special legal instrument within the regulations relating to the law enforcement staff, and the possibility of using such leave is regulated in Section 148. The working time reduction mentioned above can be used provided that the nursing mother does not use medical leave:

*"Section 148(1) Medical leave for the purposes of taking care of a child shall be due for*

*a) mothers nursing their child who receives treatment in hospital and is younger than 1 year old,*
*b) parent, foster parent and surrogate parent members of the professional staff, if they take care of their sick child, until the child reaches 1 year of age,*
*c) parent, foster parent and surrogate parent members of the professional staff, if*
*ca) they take care of a sick child aged between 1–3 years, for 84 calendar days per year and per child,*
*cb) they take care of a sick child aged between 3–6 years, for 42 calendar days per year and per child; for 84 calendar days in the case of single parents,*
*cc) they take care of a sick child aged between 6–12 years, for 14 calendar days per year and per child for 28 calendar days in the case of single parents,*
*d) parent, foster parent and surrogate parent members of the professional staff, if the child is treated in an institute providing special inpatient care, on the grounds of staying in such institute providing special inpatient care*
*da) until the child reaches 1 year of age,*
*db) if the child is aged between 1–3 years, at the extent determined in point c) subpoint ca),*
*dc) if the child is aged between 3–6 years, at the extent determined in point c) subpoint cb),*
*dd) if the child is aged between 6–12 years, at the extent determined in point c) subpoint cc).*
*(2) With regard to the child's disease, in addition to what is determined in Subsection (1), medical leave may be allocated to parent, foster parent and surrogate parent members of the professional staff on the grounds of equity, through the proper application of Section 50(3) of Act LXXXIII of 1997 on the benefits of compulsory health insurance,*
*a) if they take care of their sick child aged between 12–18 years at home, or*
*b) for the duration of the hospital treatment of a child aged between 12–18 years, if the parent stays with the child in an institution providing inpatient care.*
*(3) For the purposes of Subsections (1) and (2) parent can mean the biological or adoptive mother or father, the spouse living with the biological or adoptive mother or father, or the guardian."*

## ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO THE 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:***

***4. to regulate the employment for night work of pregnant women, women who have recently given birth and women nursing their infants;***

### 1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### A. Rules applicable to employees

In the reporting period, in the context of the implementation of this Article the legal provisions did not change.

#### B. Rules applicable to public service officials

Pursuant to Section 99(3) of the Public Service Officials Act, public service officials may not be ordered to work at night, in particular, from the time the official's pregnancy is diagnosed until her child reaches 3 years of age, or in the case of single parent government officials until their child reaches 3 years of age. Pursuant to the explanatory provision set out in Section 6(5) of the Public Service Officials Act, night work shall mean work carried out between 10 p.m. and 6 a.m. This provision of the Public Service Officials Act covers all public service officials without any exception at all.

#### C. Rules applicable to the professional members of the armed forces

In respect of the former Armed Forces Act, the regulations in force until 30 June 2015 are the same as the ones included in the previous report.

Section 136 of the new Armed Forces Act, which entered into force in the reporting period, regulates the employment for night work of pregnant mothers, mothers who have recently given birth, and nursing mothers.

*"Section 136(1) In respect of the professional staff,*
*a) female members, from the time their pregnancy is diagnosed until their child reaches one year of age, and*
*b) single parent members until their child reaches ten years of age, if the child cannot be supervised by others,*
*shall not be scheduled to perform night service or twenty-four-hour service."*

### 2) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR is requesting information concerning whether the provisions presented in the previous report cover all employees in the public and private sector. Furthermore, the ECSR wishes to know whether there are any exceptions relating to the duration of the prohibition, for example in respect of certain professions. The ECSR would also like to clarify whether affected female employees are transferred to day work until their child reaches 3 years of age, and what rules apply, if such transfer is not possible.**

The general legal framework of the Labour Code provides for the prohibition of night work covering all jobs, determining the same durations, i.e. employees, from the time their pregnancy is diagnosed until their child reaches 3 years of age, and single parent employees until their child reaches 3 years of age, may not be ordered to do night work. The employer is obliged to adapt protected employees' working conditions and/or work schedule to their health status, and if there are objective obstacles to this, then such employees must be offered a job suiting their health status, and if they cannot be employed in a position suiting their health status, then they must be discharged from work. The Labour Code does not allow derogations from the general prohibitive rules. (The rules relating to working conditions suiting employees' health status are presented in detail in our answer to the question raised under Article 8 (1).

## ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO THE 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:***

***5. 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) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### A. Rules applicable to employees

The employment regulations presented in the previous report changed in the reporting period as described above, regarding the favourable arrangement of the working conditions, but this change does not affect directly the established set of rules that allows underground work performed by women.

Pursuant to Section 53(1) and (3) of the Labour Code, employers shall employ their employees in accordance with the rules and regulations pertaining to contracts of employment and employment regulations and, unless otherwise agreed by the parties, provide the necessary working conditions. Workers shall be employed for work of such nature which is not considered harmful with a view to their physical condition or development.

In November 2017, Hungary amended the provisions of the Labour Code ordering the transfer of employees to other positions or their discharge, laid down to protect pregnant women, women who have recently given birth, and nursing mothers. In order to be able to avoid the exposition of pregnant employees and employees raising young children to risks at work, the amended legal act prescribes that the employer must rearrange first of all the affected employees' working conditions and/or work schedule, and only if there are objective obstacles to this is the employer obliged to offer the employee a position suiting her state of health (Section 51(3) and Section 60(1) of the Labour Code. Section 202(1)–(2) of Act CLIX of 2017 on the amendment of the acts linked to the entry into force of the Act on the General Rules of Public Administration, and certain other acts – adopted by the National Assembly at its sitting on 14 November 2016 – provides for the amendment. The amended provisions entered into force on 1 January 2018.

#### B. Rules applicable to public service officials

Pursuant to Section 49(1) of the Public Service Officials Act, a female public service official shall be temporarily assigned to a job corresponding to her health status, or the working conditions on her current job shall be accordingly modified, from the determination of her pregnancy until her child reaches the age of one year, if she cannot be further employed in her

job on the basis of the presentation of a medical certificate concerning job aptitude. This provision applies uniformly to all jobs, i.e. also to employees working in jobs where they are exposed to radiation injury or to regular double health hazard. Pursuant to Section 49(2) of the Public Service Officials Act, public services officials as defined in Subsection (1) shall be exempted from their working obligation, if their appropriate employment by the employer suiting their health status is not possible. Pursuant to Section 49(3) of the Public Service Officials Act, public service officials are entitled to remuneration suiting the job offered to them, which cannot be less than the remuneration they received in their earlier job. They are entitled to a remuneration for the period of exemption from work obligations, unless they refuse the offered job without a good reason. Pursuant to the Public Service Officials Act, such employees are transferred to other positions on a temporary basis, which can last from the time their pregnancy is diagnosed until their child reaches one year of age, after which their employment shall continue in their original job.

### C. Rules applicable to the professional members of the armed forces

In respect of the former Armed Forces Act, the regulations in force until 30 June 2015 are the same as the ones included in the previous report.

Section 135 of the new Armed Forces Act, which entered into force in the reporting period, contains regulations with the same content prescribing reduced service period:

*"Section 135(3) In a highly dangerous service position – in facilities exposed to high-frequency and ionizing radiation, toxic substances or the risk of infection because of the presence of biological agents, or in underground facilities, under artificial climate conditions – the daily service time involving such activity may not exceed six hours even in case of uneven work schedule.*

The new Armed Forces Act "compensates" for service in highly dangerous positions by providing extra leave: Members of the staff are entitled to extra leave of 14 days for recreational purposes.

*"Section 146(1) With a view to preventing health impairment deriving from permanent and above-average physical, mental stress, and preserving physical fitness, in addition to the extra leave laid down in Section 143, members of the professional staff shall be entitled to fourteen days of extra leave for recreational purposes, if they perform service*
*a) in a highly dangerous position, in facilities exposed to high-frequency and ionizing radiation, toxic substances or the risk of infection because of the presence of biological agents, or in underground facilities, under artificial climate conditions,*
*b) as pilots flying an airplane or helicopter, on-board attendants, bomb-disposal experts or divers exposed to direct threat to life, or in a position for performing counter-terrorism activities determined by the Minister."*

## 2) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR recalls that in accordance with Article 8(5) of the Charter a prohibition shall be included in national legislation relating to the employment of pregnant women, women who have recently given birth, and mothers nursing their infants in underground mines (except for women in top positions, where they do not do physical work, provide healthcare and welfare services, and spend a short training period in the underground sections of mines). The ECSR is requesting to clarify in the report the special restrictions in place with regard to pregnant women, women who have recently given birth, and mothers nursing their infants, who do work in underground mines.**

Convention No. 45 adopted by the 19th session of the General Conference of the International Labour Organisation, according to which the Members States that have ratified the documents are obliged to prohibit the employment of women for underground work in any mine, was transposed into Hungary's legislation in force by Act I of 1939. However, during the European Union's legal harmonisation process, there was a need for arranging Hungarian occupational health rules according to up-to-date criteria; such rules included, in particular, restricting the employment of women and men in underground mines for health reasons, which was accomplished by adopting Decree of the Ministry of Welfare No. 33/1998. (VI. 24.) on the medical examination of and report on occupational, professional and personal hygienic aptitude.

With regard to the position of the General Court of the European Union, according to which the rules of Convention No. 45 of the International Labour Organisation on the employment of women for underground work were contrary to the Community's rules on equal opportunities and equal treatment[2], Hungary – similarly to all other EU Member States – had to denounce the Convention.

As our occupational health legislation in force provides appropriate protection in case the Convention is repealed, following the above judgement of the European Court of Justice Hungary denounced the Convention on 30 May 2008.

The legal act in force does not prohibit underground work in mines performed by women, while at the same time it provides for appropriate protective measures with regard to the group of persons involved in such activity. Annex 8 to Decree of the Ministry of Welfare No. 33/1998. (VI. 24.) on the medical examination of and report on occupational, professional and personal hygienic aptitude sets out due restrictions imposed for medical reasons on underground work performed by men and women, of which Hungary has already reported in the previous national report.

- **The ECSR is requesting clarification as to what kind of restrictions are in place in the private and public sector concerning pregnant women, women who have recently given birth and mothers nursing their infants, who perform work in the**

[2] On 1 February 2005, the European Court of Justice – in its precedent-setting judgment delivered in the case Commission of the European Communities v Republic of Austria – established that the provisions of Convention No. 45 of the International Labour Organisation were contrary to Community law, and ordered the denunciation of the Convention, in particular, to eliminate incompatibilities.

**course of which they are exposed to hazards induced by the following: lead, benzene, ionizing radiation, high temperatures, vibrations or antivirals.**

Our employment legislation in force sets out appropriate protective rules to protect employees exposed to lead, benzene, ionizing radiation, high temperatures, vibrations or antivirals. Annexes 8 and 9 to Decree of the Ministry of Welfare No. 33/1998. (VI. 24.) on the medical examination of and report on occupational, professional and personal hygienic aptitude sets out restrictions imposed for medical reasons on the employment of the affected group of persons, of which Hungary has already reported in the previous national report.

- **The ECSR is requesting clarification as to how the national court explains the term "dismissal without due cause" in the light of the relevant case-law, in the context of transferring pregnant women, women who have recently given birth and nursing mothers to other positions. Furthermore, the ECSR is asking whether women who have been transferred to another position or discharged from work because of their pregnancy are entitled to return to their original position following the expiration of the period of protection. A further question is whether the provisions of the Labour Code and the Public Officials Act mentioned above cover all employees in the public and private sector.**

Our employment legislation in force does not contain provisions relating to pregnant women, women who have recently given birth and nursing mothers returning to their previous positions following the expiration of the period of protection, the Labour Code does not impose such obligation on the employer.

The mandatory rules cover all employees in all branches of economy both in the public and private sector and according to the Labour Code derogations from these general rules in the collective agreement are allowed only to the benefit of workers.

## 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) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

#### A. Health insurance benefits

Act LXXXIII of 1997 on the benefits of compulsory health insurance (hereinafter: Health Insurance Act) sets forth provisions on child care benefits depending on the insured period. In the reporting period, in the relevant legislation substantial changes occurred in relation to the child care fee.

On the basis of the regulations in force on 31 December 2013, the changes can be summarised as follows:

- **Infant care fee**

Those women are entitled to infant care fee, who were insured for 365 days over a two-year period before giving birth, and

a) gave birth during the insurance period or within 42 days after the termination of their insurance, or
b) gave birth during the period of disbursement of accident sick pay after 42 days following the termination of their insurance or within 28 days after the termination of the disbursement.

The following must be included in the 365-day insurance period required for eligibility for the infant care fee:

a) the duration of the disbursement of accident sick pay, infant care fee or child care fee after termination of the insurance,
b) 180 days from the period of full-time studies exceeding 1 year at secondary or higher education institutions,
c) the duration of the rehabilitation allowance or rehabilitation benefit.

The infant care fee is payable for a duration corresponding to the duration of the maternity leave, and up to the 168th day after the child is born, except where the provision concerning maternity leave is applied with respect to children born prematurely by virtue of the law.

The infant care fee is payable for the period remaining from the duration of the maternity leave

- to the woman who agreed to care for an infant with the intention of adoption, from the date of the provision of care;
- to the guardian in the foster family who takes care of the infant on the basis of a final decision, from the date of appointment;
- to the biological father taking care of the infant, if the woman who gave birth to the child leaves the household where the child is taken care of, in a certified way, because of her health status, from the date indicated on this certificate, until the day when this health status terminates;
- to the biological father taking care of the infant, if the woman who gave birth to the child dies, from the date of the death;
- to the man who agreed to take care of the child with the intention of adoption, if the woman who intends to co-adopt the child together with the man leaves the household where the child is taken care of, because of her health status as proven by the health care service provider by a form with contents in accordance with the Government decree issued on the implementation of the Health Insurance Act, from the date stated in the certificate until such condition continues;
- to the man who agreed to take care of the infant with the intention of adoption, if the woman intending to adopt the child dies, from the date of the death;
- to the man who agreed to take care of the infant individually with the intention of adoption, from the date of the provision of care;
- As from 1 January 2018, the infant care fee is also payable to the biological father taking care of the infant, if the custody right of the woman who gave birth to the child terminated, from the date of termination.

The infant care fee amounts to 70% of the daily average wage.

- **Child care fee**

An insured parent is entitled to the child care fee, if he/she is raising the child in his/her own household and has been ensured for 365 days over a two-year period before the child was born, or a parent who received infant care fee, and whose insurance relationship expired during the time of payment of the infant care fee, provided that this parent became entitled to the infant care fee during his/her insurance relationship and was insured for 365 days over a two-year period before the child was born.

The following must be included in the 365-day insurance period required for eligibility for the child care fee:

a) the period of payment of accident sick pay after the termination of insurance;
b) 180 days from the period of full-time studies exceeding 1 year at secondary or higher education institutions,
c) the duration of the rehabilitation allowance or rehabilitation benefit.

The child care fee is due from the day following the expiration of the infant care fee or the period corresponding to it at the earliest, until the child reaches 2 years of age or in the case of twins until they reach 3 years of age.

The amount of the child care fee is 70% of the daily average wage, but not more than 70% of the double of the currently valid minimum wage.

- **Degree-holders' child care fee**

As from 1 January 2014, the group of persons entitled to child care fee was extended to include those entitled to the degree-holders' child care fee.

This benefit can be provided first of all to women who comply with all of the following criteria:

- they are not entitled to child care fee (for example because they do not have insurance, or they have insurance but they were not ensured for at least 365 days over a 2-year period before their child was born),
- they had active student relationship during at least two semesters in an institute of higher education in a full-time Hungarian-language course within a two-year period before their child was born, on the condition that only one active student relationship can be taken into account for one semester. In order to have two active semesters, a student relationship of a total of 260 days is required during the active semesters within a two-year period before their child was born.
- their child is born during their student relationship, or within 1 year following the suspension or termination of their student relationship,
- they are raising their child in their own household,
- they are Hungarian citizens or citizens of another EEA State, and
- they are registered as residents in Hungary at the time when their child is born.

The biological father is entitled to degree-holders' child care fee, if he complies with all the eligibility criteria listed above, and the woman who gave birth to the child dies or does not comply with any one of the eligibility criteria and is not entitled to child care fee under the general rules.

The degree-holders' child care fee is payable from the day when the child is born until the child reaches one year of age (from 1 January 2018 this benefit is payable until the child reaches two years of age).

The monthly amount of the degree-holders' child care fee:

- in the case of students attending a first undergraduate course, or participating in higher-level vocational training or higher education vocational training, 70% of the mandatory minimum salary valid on the first day of the entitlement period, a gross amount of HUF 89,250 in 2017.
- in the case of students attending a master's course, an undivided course or a doctor's course, 70% of the guaranteed wage minimum valid on the first day of the entitlement period, a gross amount of HUF 112,700 in 2017.

**<u>Legislative amendments made after 1 January 2014</u>**

- **Pregnancy-confinement benefit / Infant care fee**

As from 1 January 2015, the term pregnancy-confinement benefit was renamed infant care fee.

As from 1 January 2018, the biological father taking care of the infant may also be entitled to infant care fee, if the custody right of the woman who gave birth to the child terminates. [Section 40(4)h) of the Health Insurance Act]

- **Child care fee**[3]

In the framework of the extra child care fee policy programme, which was introduced on 1 January 2014:

- The benefits can now be paid combined with regard to children born one after the other: parents will not lose the child-raising support if they have another child during the term of the disbursement of the benefit, after 31 December 2013, with regard to whom they claim further child-raising support. Previously parents received child-raising support only with regard to one child at the same time. (Section 39 of the Health Insurance Act)
- The duration of the child care fee paid with regard to twins has been extended by 1 year, so this benefit can be paid until the child turns 3 years old. [Section 42/B(1a) of the Health Insurance Act]
- Parents intending to return to their workplace after the expiration of the child care fee can do so without any restriction while maintaining the child care fee, after their child reaches the age of 1. [Section 42/Ca) of the Health Insurance Act]
- The entitlement to child care fee has been extended to those having a student relationship in a full-time higher education course (degree-holders' child care fee). (Section 42/E of the Health Insurance Act)

As from 1 January 2015 a provision has been introduced to determine the period of entitlement to the child care fee, if the child dies during the period of entitlement [Section 42/C(1)g)–h) of the Health Insurance Act]

- Entitlement to the child care fee terminates on the first day of the month following the date of death, or if less than 15 days remain after the date of death until the first day of the month following the date of death, then the entitlement terminates on the 16th day following the date of death.
- In the case of twins,
  - if one of the children dies within the period determined in the first paragraph – provided that this child has no more than one siblings from the same pregnancy – the child care fee is due in accordance with the general rules, until the end of the period determined in the first paragraph, until the child turns 2 years of age at the latest.
  - if one of the children dies within 1 year after the period determined in the first paragraph – provided that this child has no more than one siblings from the same pregnancy – entitlement to the child care fee terminates on the first day of the month following the date of death, or if less than 15 days remain after the date of death until the first day of the month following the date of death, then the entitlement terminates on the 16th day following the date of death.

[3]The policy programme entitled "extra child care fee", which was introduced on 1 January 2014, is presented in the framework of describing the family support system as a whole.

As from 1 January 2016:

- entitlement to the child care fee starts after the expiration of the infant care fee at the earliest, and lasts until the child reaches 2 years of age, independently from the term of previous insurance. [Section 42/B(1) of the Health Insurance Act]
- gainful activity can be performed already from the first day of being entitled to child care fee (following expiration of the infant care fee), while receiving child care fee. [Section 42/C(1) of the Health Insurance Act lost effect on 1 January 2016]
- gainful activity can be performed without any limitation in time from the 169th day after the child is born, while receiving degree-holders' child care fee. [Section 42/E(4a) of the Health Insurance Act]

As from 1 January 2017, in order to be entitled to child care fee, persons other than the mother claiming the child care fee (e.g. father, guardian in the foster family) are required to have 365 days of insurance history over the two-year period before the child is born. Previously they were required to have 365 days of insurance history over the two-year period before the day of submitting their claim for the benefit. [Section 42/A(1) of the Health Insurance Act]

As from 1 January 2018 the entitlement to degree-holders' child care fee lasts until the child turns 2 years of age. [Section 42/E(2) and (4) of the Health Insurance Act]

The amendment to the Health Insurance Act was aimed at supporting families having and raising children as widely as possible, while ensuring the freedom of choice. Child care benefits can now be claimed with regard to several children at the same time, and the restrictions on performing work while receiving child care benefits have been terminated, so now it is possible to work from the time the child turns six months old while receiving child care fee or child care benefit. The aim of introducing the degree-holders' child care fee was to support students in higher education and recent graduates in having children.

## B. Family support system

In Hungary, the family support system is one of the policy elements ensuring the right of the families to social, economic and legal protection. The basic rules of cash benefits provided for families are laid down in Act LXXXIV of 1998 on family support (hereinafter: Family Support Act) with regard to the family allowance, the child care benefit, the child-raising support and the maternity support, and in Act XXXI of 1997 on the protection of children and the administration of guardianship (hereinafter: Child Protection Act) with regard to the regular child protection allowance.

- **Family supports under the Family Support Act**

The family supports under the Family Support Act are as follows:

- family allowance,
- child care benefit,
- child-raising support,
- maternity support.

The personal scope of the Family Support Act extends to the following persons living in the territory of Hungary:

- Hungarian nationals,
- persons having the legal status of immigrants or residents, and persons recognised by the Hungarian authorities as refugees, or persons enjoying subsidiary protection, or stateless persons,
- persons with the right of free movement and residence (EU citizens, family members of EU nationals from a third country, family members of Hungarian nationals from a third country),
- with the exception of the maternity support, persons falling within the scope of eligible persons under Regulation (EC) 883/2004 on the coordination of social security systems,
- from 1 January 2011, in respect of the maternity support, all women lawfully staying in Hungary, who attended prenatal care on at least 4 occasions in Hungary during their pregnancy, or once in the case of premature delivery;
- from 1 July 2011, third-country nationals holding a permit (EU Blue Card) authorising stay and employment in areas in which high-level qualifications are required,
- from 1 January 2014, third-country nationals holding a single permit, provided that their employment was permitted for a period exceeding 6 months (as from 30 September 2016, for a minimum period of 9 months in the case of persons transferred within the company).

**Family allowance (child-raising benefit, schooling support – as at 31 December 2017)**

The State pays family allowance on a monthly basis to contribute to the costs of child-raising and schooling. From 30 August 2010, two forms of family allowance were introduced:

- child-raising benefit from the birth of the child until the start of compulsory education,
- after which schooling support is paid

to families entitled to family allowance with regard to their child.

The following persons are entitled to the child-raising benefit:

a) biological and adoptive parents, spouse living together with the parent, the person who wants to adopt a child raised in his/her own household, where the relevant procedure is already in progress; cohabitant living together with the parent, if he/she and the child subject to the benefit live in the same household habitually, and he/she has been registered as cohabitant of the given parent for a minimum of one year in the Register of Declarations of Cohabitants, or he/she testifies his/her cohabitation with the parent by presenting an official document issued at least a year prior to applying for the benefit (hereinafter together referred to as: parent); foster parent; guardian; furthermore, the person in whose custody the child was placed temporarily, with regard to the child raised in his/her own household, until 31 October in the year when the child starts compulsory school education,
b) the head of the children's home, with regard to the child raised in the children's home who is not yet obliged to start compulsory school education, until 31 October in the year when the child starts compulsory school education,
c) the head of the social institution, with regard to the child placed in the institution who is not yet obliged to start compulsory education, until 31 October in the year when the child starts compulsory school education,

d) the commander of the detention facility or juvenile correctional facility, with regard to the child not yet obliged to start compulsory school education, who is placed at the mother-child department of the detention facility or at the department of the juvenile correction facility where juveniles can be placed together with their children, until 31 October in the year when the child starts compulsory school education.

A permanently sick or severely disabled person over the age of 18 is entitled to the child-raising benefit in his/her own right from the time his/her right for the schooling support expires.

The following persons are entitled to the child-raising benefit from the date of the termination of eligibility for schooling support paid with regard to the child until the child turns 18 years of age: the parent; foster parent; guardian; the person at whom the child is temporarily placed; the head of the children's home; the head of the social institution

a) with regard to children with moderate or severe mental disability or deaf-blind children over 16 years of age, on the basis of an expert opinion establishing special educational needs,
b) with regard to children over 16 years of age, who have completed their compulsory education in the framework of developer training-education or developer school education,
c) with regard to children over 16 years of age, who are not capable of independent life and are not self-reliant because of their serious disease or disability, following the termination of their obligation to participate in compulsory education.

The following persons are entitled to schooling support:

a) the parent; foster parent; guardian; the person at whom the child is temporarily placed; the head of the children's home; the head of the social institution; and the person named in the guardianship authority's decision on being allowed to leave the parent's home

    aa) with regard to the child subject to compulsory schooling, from 1 November of the year when the child is obliged to start compulsory school education, for the entire duration of compulsory school education, and

    ab) in respect of the child (person) who continues his/her studies in a public education institution following the termination of the obligation to participate in compulsory school education, until the last day of the academic year in which the child (person) turns 20 years of age, or the child with special educational needs, who is not eligible for a disability benefit on the basis of the act on the rights and equal opportunities of persons with disabilities, turns 23 years of age.

b) the head of the juvenile correctional facility or the commander of the detention facility, with regard to the child raised in the juvenile correctional facility or detained in the detention facility,

    ba) where the child is obliged to participate in compulsory school education, for the entire duration of compulsory school education,

    bb) where the child's obligation to participate in compulsory school education has expired, and the child continues studying at a public education institute, until the last day of the academic year in which the child turns 18 years of age.

The parent of a pupil with severe or multiple disabilities is eligible for schooling support until the completion of compulsory schooling regardless of the form of fulfilling the obligation relating to compulsory school attendance.

A person conducting studies in a public education institution after the termination of his/her compulsory schooling is entitled to schooling support in his/her own right, if

a) both of his/her parents have died,
b) his/her parent living in his/her household, who is maiden, unmarried, divorced or separated from his/her spouse, has died,
c) his/her foster care has terminated,
d) his/her guardianship ceased owing to him/her coming of age,
e) he/she is not living in the same household with the person entitled to schooling support (parent, foster parent, guardian, or the person at whom the child is temporarily placed), or
f) the schooling support was paid to him/her already before he/she came of age as laid down in the guardianship authority's decision on being allowed to leave the parent's home,

until the last day of the academic year in which he/she turns 20 years of age, or if he/she is a pupil with special educational needs but is not eligible for a disability benefit on the basis of the Act XXVI of 1998 on the rights and equal opportunities of persons with disabilities, until the last day of the academic year in which he/she turns 23 years of age.

If a condition under points a)–f) above occurs after coming of age, but before the termination of the obligation of compulsory school attendance, the person eligible for family support becomes eligible for schooling support in his/her right from the date he/she comes of age.

The schooling support is payable until the termination of the obligation of compulsory school attendance or, if the child is still studying in a public education institution, until the end of the academic year in which the child turns 20 years of age, or a child with special educational needs, who does not receive a disability benefit, turns 23 years of age.

Disbursement of the family allowance shall be suspended, if the child obliged to participate in nursery school education misses 20 nursery school education days without proper justification, or if the child obliged to participate in compulsory school education or the child studying at an educational institute following the termination of his/her obligation to participate in compulsory school education misses 50 compulsory school lessons without proper justification. The need for the suspension must be reviewed on a regular basis, and it can be lifted if in the reviewed period the child did not miss more than 3 nursery school education days or more than 5 compulsory school lessons without proper justification.

The amount of the family allowance did not change during the reporting period.

**Child care benefit (as at 31 December 2017)**

Child care benefit is payable to the parent or the guardian until the child raised in their own household turns 3 years of age or, for twins, until the end of the year in which the child reaches the age of compulsory schooling or, in the case of permanently sick or severely disabled children, until they reach the age of 10.

Grandparents can also be entitled to child care benefit after the child has reached the age of 1.

The adoptive parent is also entitled to child care benefit for a period of 6 months from the date of placement of the child in pre-adoption care, if the child has reached the age prescribed in principle with regard to claiming child care benefit, until the child reaches the age of 10 at the latest.

The head of the authority acting in family support affairs may, in the exercise of his/her discretionary power, establish the eligibility for child care benefit of the person raising the child, if the parents of the child are prevented from raising the child for a period in excess of three months; or he/she may determine or extend the same until the beginning of the elementary school studies of the child, however, until the child reaches the age of 8 at most if, owing to illness, the child cannot be raised in an institution providing for the day-care of children or in a summer day-care home, nursery school or school day-care.

The monthly amount of the child care benefit equals the minimum amount of the old-age pension, which is HUF 28,500. In the case of twins, the amount is multiplied by the number of children. (Earlier, an amount due for 2 children, namely the double amount was payable regardless of the number of the twins.) Pension contribution is deductible from the amount of the child care benefit. The duration of the payment of the child care benefit is considered to be service period entitling to pension.

Between 1 January 2011–31 December 2013, a person receiving child care benefit was not permitted to pursue any gainful employment until the child reached the age of 1, but was permitted to pursue such activity for not more than 30 hours a week after the child reached the age of 1, or without any time limitation if the activity was pursued in his/her home. A person receiving the child care benefit was permitted to pursue gainful employment without any time limitation after the permanently sick or severely disabled child reached the age of 1 or, in the case of twins, without any time limitation after the children reached the age of 1, provided that in the case of twins the person receiving child care benefit was entitled to child care benefit with regard to 1 child only. A grandparent receiving the child care benefit was permitted to pursue gainful employment for not more than 30 hours a week after the child reached the age of 3, or without any time limitation if the activity was pursued in his/her home.

From 1 January 2014, in accordance with the amendments made in the scope of the extra child care fee policy programme, persons receiving child care benefit were allowed to pursue gainful employment without any limitation in time after the child reached the age of 1, while from 1 January 2016 gainful employment can be pursued without any limitation in time while receiving child care benefit, from the day the child turns 6 months of age. Grandparents receiving child care benefit are still allowed to pursue gainful employment for not more than 30 hours per week after the child reaches the age of 3, or without any time limitation if the activity is pursued in their home.

From 1 January 2014 another amendment was also introduced in the scope of the extra child care fee policy programme, according to which child care benefits (infant care fee, child care fee, child care benefit) can be claimed with regard to several children at the same time, with regard to

children born after one another. Parents can be entitled to child care benefit with regard to a maximum of two children at the same time, so that twins born from the same pregnancy shall be regarded as one child. (Earlier on, in the case of children of different ages the child care benefit was only due for one child.)

**Maternity support (as at 31 December 2017)**

The following persons are entitled to maternity support after childbirth:

a) women who have attended prenatal care on at least 4 occasions during their pregnancy, or once in the case of premature delivery;
b) adoptive parents if the adoption was permitted in a legally binding manner within 6 months after the child was born;
c) guardians, if the child was placed in their custody based on a legally binding decision within 6 months after the child was born.

From 1 January 2011, women lawfully staying in Hungary at the time maternity support is claimed are also entitled to maternity support, provided that they have attended prenatal care in Hungary on at least 4 occasions during their pregnancy, or once in the case of premature delivery.

From 2 June 2017, persons delegated to foreign mission or spouses employed at a foreign delegation as set out in Act LXIII of 2016 on foreign mission and permanent foreign service (Foreign Service Act), who have attended prenatal care on at least 4 occasions during their pregnancy, or once in the case of premature delivery, are entitled to maternity support.

If the woman eligible for maternity support dies before receiving the maternity support, the maternity support is payable to the father who lived in the same household with the mother or, in the absence of such, the person who will provide care for the child.

No maternity support is payable if

a) prior to the birth of the child, the parents consented to the adoption of the child by means of a declaration, except if, in case of a claim submitted within six months of the birth, they withdraw the declaration of consent to the adoption of the child,
b) the child born receives child protection care resulting in removal from the family on the basis of the final decision of the guardianship authority, except if the child protection care resulting in removal from the family is terminated within six months from childbirth and the mother continues to raise the child.

Maternity support is due to the beneficiary also if the child is stillborn. The amount of maternity support, per child, equals 225% of the lowest amount of the old-age pension valid at the time when the child is born (HUF 64,125 in 2017), or 300% in the case of twins (HUF 85,500 in 2017).

- **Child protection cash benefits under the Child Protection Act**

**Regular Child Protection Benefit**

Regular child protection benefit is aimed at helping families in need to care for the child at home.

According to the rules in force in the period between 1 January 2014 and 31 December 2016:
The notary of the municipal government determines the child's eligibility to receive regular child protection benefit if the assets of the family caring for the child remain below the legal threshold and the amount of their per capita income does not exceed

- 140% of the minimum of the currently valid old-age pension (HUF 39,900),
  - if the child is cared for by a single parent or by another legal representative, or
  - if the child is permanently sick or severely disabled, or
  - if the child who has come of age pursues fulltime studies and has not yet turned 23 years of age, or is studying in a fulltime higher education institution and has not yet reached the age of 25;
- 130% of the minimum of the old-age pension (HUF 37,050), in other cases.

The regular child protection benefit entitles to a support provided twice a year in the form of Erzsébet vouchers (HUF 5,800/child), as well as certain benefits in kind (e.g. normative support for child catering, free textbooks).

The following persons are entitled to receive cash benefits forming an element of the regular child protection benefit (formerly known as supplementary child protection support): the relative appointed as the guardian of the child receiving regular child protection benefit who accepts the child in his/her family if he/she is obliged to maintain the child and he/she receives a pension, early retirement allowance, service allowance, ballet artist's annuity, temporary miner's annuity, benefits to disabled workers or annuity to seniors, or any other benefit falling within the scope of the legal act on increasing pension-type social benefits.

The monthly amount of the benefit equals 22% of the minimum old-age pension (HUF 6,270). In addition, twice a year (in August and November) they also receive an allowance as defined in the budgetary act, the amount of which has been HUF 8,400 since 2009.

From 1 January 2017
The amount of benefit in kind granted twice a year to children entitled to regular child protection benefit (which used to be HUF 5,800) was increased from 2017. The basic amount of this in-kind benefit is HUF 6,000 for children other than disadvantaged/multiply disadvantaged children, while it has been increased to HUF 6,500 for disadvantaged/multiply disadvantaged children.

From 1 January 2018
The income threshold for eligibility for regular child protection benefit has been increased.
Starting from this date, the child is regarded eligible to receive regular child protection benefit, if the assets of the family caring for the child remain below the legal threshold, and the amount of their per capita income does not exceed

- 145% of the minimum of the currently valid old-age pension (HUF 41,325),
  - if the child is cared for by a single parent or by another legal representative, or
  - if the child is permanently sick or severely disabled, or
  - if the child who has come of age pursues fulltime studies and has not yet turned 23 years of age, or is studying in a full-time higher education institution and has not yet reached the age of 25.

- 135% of the minimum of the old-age pension (HUF 38,475), in other cases.

**Kindergarten attendance benefit**

As from 1 September 2015, the provisions of the Child Protection Act relating to kindergarten attendance benefit were set aside in relation to the introduction of compulsory nursery school attendance. With regard to the fact that the benefit was granted to the entitled person twice a year, it was disbursed for the last time in June 2015. The benefit has been replaced by a new support.

**Advancing child maintenance allowance**

In the reporting period there were no significant changes concerning this benefit.

## C. Summary of the key reforms implemented in respect of the family support system during the reporting period

The extra child care fee was introduced from 1 January 2014:

- Parents intending to return to their workplace after the expiration of the child care benefit can do so without any restriction while maintaining the child care fee or the child care benefit after the child reaches the age of 1.
- The benefits can now be paid combined with regard to children born one after the other: parents will not lose the child-raising benefit, if they have another child during the term of the disbursement of the previous benefit, after 31 December 2013, with regard to whom they claim further child-raising benefit.
- A mother who has a student relationship exceeding 2 active semesters in full-time higher education may become eligible for the child care benefit until the child reaches the age of 1.
- The duration of the child care benefit paid with regard to twins is extended by 1 year, so the allowance can be paid until the child turns 3 years old.

As from 1 January 2014:

- The personal scope of the Family Support Act covers third-country nationals living in Hungary and holding a single permit, provided that their employment was permitted for a period exceeding 6 months (from 30 September 2016, for a minimum period of 9 months in the case of persons transferred within the company).
- At the same time as introducing the foster parent legal relationship, the entitlement of foster parents to child care benefit or child-raising support was terminated.

As from 1 September 2015:

In addition to suspension on the grounds of the unjustified absence of the child obliged to participate in compulsory school education, the disbursement of family allowance can also be suspended, if the child obliged to participate in nursery school education misses 20 nursery school education days without proper justification. The need for the suspension must be reviewed on a regular basis, and it can be lifted if in the reviewed period the child does not miss more than 3 nursery school education days without proper justification.

As from 1 January 2016:

- In Article 2 of the Family Support Act concerning the personal scope of the act, persons recognised as persons enjoying subsidiary protection have also been included.
- The group of persons entitled to family allowance has been extended, and now the cohabitant living together with the parent can also be entitled to family allowance (if he/she and the child subject to the benefit live in the same household habitually, and he/she has been registered as cohabitant of the given parent for a minimum of one year in the Register of Declarations of Cohabitants, or he/she testifies his/her cohabitation with the parent by presenting an official document issued at least a year prior to applying for the benefit).
- The old term "child care allowance" has been renamed "child care benefit".
- Those receiving child care benefit are allowed to pursue gainful employment after their child turns 6 months of age, without a time limit.

As from 1 January 2017:

- Parents are entitled to child-raising benefit with regard to children over 16 years of age, who are not capable of independent life and are not self-reliant because of their serious disease or disability, following the termination of their obligation to participate in compulsory education (from the date of the termination of eligibility for schooling support until the child turns 18 years of age).

As from 2 June 2017:
Hungarian nationals delegated to permanent foreign mission, and spouses employed at a foreign delegation, who have attended prenatal care on at least 4 occasions during their pregnancy, or once in the case of premature delivery, are entitled to maternity support.

Amendments introduced from 1 January 2018:

- The biological mother, adoptive parent or guardian of the child who is a Hungarian national born abroad and living outside of Hungary is entitled to maternity support, provided that the child is registered at birth in Hungary.
- Furthermore, the biological mother, adoptive parent or guardian of the child who was born abroad, lives outside of Hungary and has a "Hungarian ID" is entitled to maternity support, provided that the law of the child's neighbouring State of residence prohibits having dual nationality.
- In addition to those delegated to permanent foreign mission pursuant to the Foreign Service Act, Hungarian nationals delegated to permanent foreign mission pursuant to another legal act are also entitled to maternity support, including spouses and cohabitants living together with them in the same household.

## D. Social welfare services

**Temporary family homes**

Pursuant to the Child Protection Act, temporary family homes provide their services within the framework of basic child-welfare services, as a form of temporary child care. Temporary family homes provide services for children as needed, and they make it possible for parents and for pregnant mothers in a social crisis situation to be habitual residents of the home.

The primary aim of temporary family homes is to contribute to the enforcement of children's right to not being separated from their parents and families on the grounds of vulnerability resulting exclusively from financial reasons. Temporary homes enable the placement of children together with their parents. They accommodate parents and children who have become homeless because of lifestyle problems or other social or family crisis situations, those seeking protection, battered and pregnant mothers, as well as mothers with a child who have just been discharged from the maternity ward.

In addition to providing safe accommodation, the staff of the institutes also organises developing programmes for children, as well as after-school convergence and community programmes. They provide lifestyle, labour market, legal and psychological counselling for parents. All this is aimed at strengthening the family and reducing the negative effects of psychological harm. Where justified, residents leaving the institute are assisted in finding accommodation, and support is provided for them. They also operate so-called exit houses and several other services, the use of which is subject to application, in order to provide gap-filling help for starting an independent life.

In 2017 the preparation of a legislative amendment started, aimed at setting up external units for temporary family homes.

In order to support the successful discharge of the residents of temporary family homes and reduce the number of returnees, a new amendment to the Child Protection Act enters into force on 1 January 2018, which makes it possible for temporary family home operators to set up external capacities. From the beginning of next year, temporary family homes, at external units set up within the limits of their capacities, will be able to provide their services for families that are capable of living independently, with a minimal amount of support. Currently, families can stay in temporary family homes for 12 months, which can be extended by a further period of 6 months, if necessary. At external units families can stay for a total period of 3 years, which also includes the time spent in a temporary family home.

The 2019 Budget Law already contains the financing of the external units of temporary family homes. 70% of the amount of support relating to temporary family homes can be granted in relation to external units.

In the framework of the EFOP-2.2.3-17 project entitled "Modernisation of temporary and rehabilitation institutions", organisations operating temporary family homes can submit applications concerning the improvement of temporary conditions. The financial allocations envisaged for the applications amount to HUF 3.8 billion, and applications could be submitted from 15 May 2017. In respect of temporary family homes, the acquisition of real property, the construction of new buildings, the reconstruction, extension or modernisation of existing buildings can be planned with a view to setting up external units, and the conditions of the material environment and accessibility can be established.

Since the introduction of the regulations relating to capacity, the new services set up by the controlling local authorities, and the new capacities set up as a result of extension bear the obligation of admission. Even before, services forming part of the compulsory duties of local

authorities were approved by the financing system independently from the available capacities. As a result of the amendment, controlling local authorities are now eligible for state support, disregarding the time-frame of the procedure relating to admission, if the social service providing personal care is financed from the chapter specified in Article 14(3) of Act CXCV of 2011 on public finance. The number of local authorities setting up temporary family homes may also increase, given that local authorities that are not obliged to perform the task will also be exempted from the obligation of admission as from 12 July 2017.

Regulations in force on 31 December 2017:

*"Section 51(1) Upon the homeless parent's request, the child and the parent and adult sibling of the child under 21 – or under 24, if he/she has a pupil, student or adult education legal relationship with a public education, higher education or adult education institute or service provider – may be placed together in a temporary family home, if in the absence of placement their housing would not be ensured and as a result of which the child would be separated from his/her parent or family. The existence of the adult sibling's pupil, student or adult education legal relationship must be certified on a 6-monthly basis.*

*(2) Temporary family homes provide care jointly for a minimum of twelve, but a maximum of forty adults and children. Temporary family homes may be operated as a site in a flat or family house with a total capacity of eleven. The total capacity of sites shall not extend two times the total capacity of the institution at the registered seat.*

*(3) During care provided jointly for adults and children, the temporary family home*

*a) hosts children and their parents who became homeless or seek protection for reasons of lifestyle problems or other social and family crisis,*

*b) hosts abused or pregnant women in crisis, mothers and children leaving the maternity ward, and the cohabitant or husband of a pregnant woman upon the request of the pregnant woman,*

*c) provides temporary care for children in need of care and hosts their homeless parents,*

*d) offers help to parents in taking care of and educating their child as needed,*

*e) ensures that parents can live together with their child and provides them care as needed,*

*f) offers legal, psychological and mental help to parents, in addition to providing care,*

*g) participates – in cooperation with the child welfare service – in eliminating the causes that called for temporary care, in resolving the family's situation and in eliminating homelessness.*

*(4) Exclusively temporary family homes are allowed to operate as crisis centres.*

*(5) The crisis centre hosts an abused person who is in crisis for reasons of violence between relatives and who shall be considered an abused person in accordance with the act on the institution of restraint for reasons of violence between relatives and the person living in a common household with them, whose support is their obligation under law, contract or judicial decision (hereinafter jointly referred to as "abused family").*

*(6) The crisis centre,*

*a) within its principal activity and for a maximum of eight weeks*

*aa) provides an abused family with housing and, if necessary, with catering, clothing, mental health and healthcare services*

*ab) participates, in cooperation with the child welfare service, in eliminating the reasons calling for crisis management, in resolving the family's and the individual's situation and in eliminating homelessness;*

*b) as part of its ancillary activity it may provide a halfway house service for a maximum of five years in order to help the social reintegration of abused persons.*

*(7) As part of the halfway house service, abused families leaving the crisis centre, the secret shelter or the temporary family home shall be provided with assistance in housing and lifestyle, if needed.*

*(8) The criteria for using halfway house services are that*

*a)*

*b) the abused person undertakes to participate in a savings programme specified in separate legislation; and*

*c) the abused person undertakes to participate in a programme aimed at social reintegration specified in separate legislation.*

*(9) Exclusively temporary family homes are allowed to operate as secret shelters.*

*(10) Secret shelters provide accommodation for abused persons and their children, who are in a crisis situation or have become homeless because of domestic violence, as well as abused families as defined in Subsection (5).*

*(11) Secret shelters provide the following services for persons defined in Subsection (10):*

*a) for a maximum period of six month*

*aa) they provide housing and, if necessary, catering, clothing, mental healthcare, and provide help in accessing healthcare,*

*ab) they participate – in cooperation with the child welfare service – in eliminating the causes that called for the use of secret shelter services, in resolving the family's and the individual's situation and in eliminating homelessness,*

*ac) they provide help in the treatment of mental harm caused by abuse, and provide legal counselling to protect interests,*

*b) for a maximum period of five years, in the scope of their supplementary activities, they can provide halfway house services to support the social reintegration of abused persons."*

*"Section 145(2g) Instead of the provisions included in Subsections (2a)–(2f), the provisions of Section 58/A(2a)–(2f) of the Social Administration Act shall be applied to temporary children's homes and temporary family homes, so that in the case of external units set up in the framework of temporary family homes the support granted by law shall be due even without admission."*

**Supported housing**

Housing support, a new form of service provided for in Act III of 1993 on social administration and social welfare services (hereinafter: Social Administration Act), was introduced on 1 January 2013; in the reporting period this form of service was subject to further modifications.

Based on experience obtained from the replacement of homes for disabled persons accommodating a large number of people and from the newly introduced supported housing services, the relating provisions of the Social Administration Act were reviewed, in the scope of which social services to be provided and certain issues related to the complex assessment of needs were reconsidered too.

The most significant change is that in the framework of supported housing, besides housing services, case management and other services aimed at supporting participation in social life, the elements of the services to be ensured were also determined. The specific service elements to be provided for users are selected on the basis of the result of a complex assessment of needs. According to the new rule, nine service elements – supervision, meals, care, skills development,

counselling, pedagogical help, special education assistance, transportation and household assistance or assistance replacing household – were listed, which cover the comprehensive groups of potential activities. The elements of the service provided must also be included in an agreement concluded with the user. In order to facilitate the application of legislation, the basic services through which the individual service elements can be provided are also laid down in the legal act.

*Regulations in force on 31 December 2017:*

*"Section 75(1) Supported housing is an allowance provided to people with disabilities, psychiatric diseases – not including people with dementia – or addictions, suiting age, health status and self-care ability, in order to maintain or support their independent living, including, in particular, the following:*

*a) housing service*

*b) case management by applying techniques falling within the scope of mental health or social work and other supporting techniques, to support and maintain independent living,*

*c) assistance in using public services and other services supporting participation in social life,*

*d) based on the complex assessment of the beneficiary's needs, if necessary:*

*da) supervision,*

*db) meals,*

*dc) care,*

*dd) skills development,*

*de) counselling,*

*df) pedagogical help,*

*dg) special education assistance,*

*dh) transportation,*

*di) household assistance or assistance replacing household.*

*(2) The operator may provide the service elements falling under Subsection (1)d) through the following:*

*a) by means of an agreement concluded with a social service provider or institution under Subsection (3) with a view to the provision of the service element,*

*b) as part of supported housing, by meeting the professional headcount and material conditions,*

*c) by means of the social services under Subsection (3), which are also operated by it, or*

*d) by means of an organisation entered in the register of service providers by a final decision, whose scope of activities involves the service elements under Subsection (1)d), in accordance with the rules on performing institutional services by organisations outside the institution.*

*(3) In the cases specified in Subsection (2)a) and c)*

*a) supervision can be provided by means of alarm system domestic help, support service or day-care,*

*b) meals can be provided in the scope of the provision of meals or day-care,*

*c) attendance can be provided by means of domestic help, basic community service, support service or day-care,*

*d) skills development can be provided by means of basic community service, support service or day-care,*

*e) counselling can be provided as basic community service, support service, day-care or family and child welfare service,*

*f) pedagogical help can be provided as support service, day-care, family and child welfare service or children's day-care,*
*g) special pedagogical assistance can be provided as support service, day-care or family and child welfare service,*
*h) transportation can be provided as support service or village supervisor and farm supervisor service,*
*i) household assistance or assistance replacing household can be provided as domestic help, day-care or support service,*
*via organisations entitled to provide such services based on their registration in the register of service providers.*
*(4) In the case specified in Subsection (2)d), the service elements can be provided by organisations entered in the register of service providers by a final decision, whose data entered in the register of service providers clearly include the designation of the activity specified in Subsection (1)d).*
*(5) Housing services can be provided*
*a) in an apartment or house designed for a maximum of six people, or*
*b) in an apartment or house designed for seven to twelve people, or*
*c) in a block of apartments or buildings designed to accommodate up to fifty persons.*
*(6) Supported housing can be provided – except in the case specified in Subsection (7) – following a complex assessment of the needs, or in the case of disabled persons following a basic examination and a complex assessment of needs, on the basis of the results thereof.*
*(7) If the beneficiary is transferred to supported housing from an institution providing attendance and care or a residential home for attendance and care, the complex needs assessment of the beneficiary shall be carried out by the head of the institution while providing ongoing care for the beneficiary. The complex needs assessment shall be used as the basis for determining the service elements under Subsection (1)d), but the outcome thereof shall not affect the eligibility for supported housing.*
*(8) If the beneficiary is transferred to subsidised housing from an institution providing attendance and care with a capacity exceeding 50, the capacity of the institution providing attendance and care shall be reduced by the number of beneficiaries transferred to subsidised housing.*
*(9) Furthermore, the rules on residential institutions shall be applied to supported housing, taking into account that*
*a) the service can be provided for a definite or indefinite period, depending on the results of the complex needs assessment,*
*b) Section 58/A (2) and (2a), Section 85/B, Section 94(1)b)–d) and Subsections (2)–(3), Section 94/A(4), Section 99, Section 99/A and Section 105 are not applicable."*

**The replacement of institutional capacities**

On 21 July 2011, the Government accepted Government Decree 1257/2011. (VII. 21.) on the strategy of replacing the capacities of residential social institutions providing care and nursing to persons with disabilities, and on the governmental tasks related to its implementation, which was a decisive step in the transition to community-based services.

The original timeframe of the strategy was 30 years. In 2016, the first five years of the strategy's implementation ended, and there was a need to summarise the available knowledge and

experience and plan the next period based on facts and recent legal changes, with the involvement of all shareholders, along the entire spectrum of the policies relevant to the strategy. Therefore Government Decree 1023/2017. (I. 24.) on the 2017–2036 long-term concept concerning the replacement of the capacities of residential social institutions providing care to persons with disabilities, which shortens the timeframe of the entire deinstitutionalisation process from the original period (2011–2041) by 5 years (2016–2036) was elaborated with wide professional and NGO participation, and published in January 2017. The concept was prepared by summarising recent experience, reflecting the human rights viewpoint, and considering recent legal changes, focusing on community-based care to be provided for persons with disabilities. The Government of Hungary aims to deinstitutionalise 10,000 persons with disabilities, moving them from large residential institutions to community-based forms of housing.

During the 2014–2020 EU financial period the replacement process will continue. Three European Union projects (EFOP-2.2.2-16, VEKOP-6.3.2-17, EFOP-2.2.5-17) are in progress entitled "Development of Transition from Institutional to Community-based Care" for the various regions with a budget of HUF 89 billion. The projects are aimed at the complete replacement of institutional service forms having a capacity of more than 50 per authorisation holder in respect of the target groups, offering care and nursing to persons with disabilities, psychiatric patients and persons with addictions, and at the creation of high quality community-based forms of service responding to residents' needs.

### E. Rules applicable to the professional members of the armed forces

Act XLII of 2015 on the service relationship of the professional staff of law enforcement organisations (the new Armed Forces Act), which entered into force in the reporting period, provides broad social, welfare and cultural support for the law enforcement staff (Sections 170–176). Furthermore, the allowances provided by the Hungarian State to all citizens are also available to the professional staff (e.g. allowance for first married couples, family tax allowance, housing support allowances, etc.):

*"Section 170(1) Refundable and non-refundable social, welfare and cultural allowance and support can be provided for members of the professional staff. These, in particular, include the following:*
*a) holiday support,*
*b) support for starting a family,*
*c) social support,*
*d) salary advances, and*
*e) study grant, training and upskilling support.*
*(2) Holiday support can be provided for members of the professional staff, based on outstanding work performance. The amount of the holiday support also includes holiday support for staff members' spouse, cohabitant and dependent children living in the same household with them.*
*(3) Members of the professional staff are entitled to reduced transport fares as specified by law, when using scheduled inter-urban public means of transport.*
*(4) In addition to the allowance and support specified in Subsection (1), the Minister, in a decree, can determine further social, welfare and cultural allowance and support for members of*

*the professional staff, their close relatives, as well as for retired staff members and their close relatives.*
*(5) When determining social, welfare and cultural allowance and support as specified in Subsections (1) and (4), their types and amounts, the criteria for provision and the related procedural rules shall be determined in a ministerial decree."*

In addition to the allowance and support that can be provided in accordance with the legal act, the Minister can determine further forms of benefits in a decree. The competent Minister shall also determine the amount of benefits, as well as the criteria and the procedural rules relevant to the given allowance or support. In the context of support, special attention is devoted to the housing of staff members:

*"Section 171(1) Housing support can be provided for members of the professional staff, which includes, in particular, the following:*
*a) providing a state-owned apartment managed by the Ministry or the law enforcement organisation, with a view to service performance, for rent (hereinafter: official lodgings),*
*b) rent subsidies or contributions provided for renting municipal or private apartments,*
*c) financial support for the acquisition of an apartment, house or property needed for housing, by providing interest-free loans or non-refundable grants,*
*d) provision of one-time financial assistance for solving housing needs,*
*e) accommodation in a hostel or apartment,*
*f) contributing to costs incurred in connection with housing,*
*g) state support for claiming a loan from a credit institution provided for acquiring the ownership of a home,*
*h) providing an apartment covered by the right of the law enforcement organisation to designate or select tenants, for rent."*

In the framework of the three-pillar career model for the members of the law enforcement staff *(1st pillar: promotion and salary scheme, 2nd pillar: housing, 3rd pillar: annuity scheme for ensuring existential security for members of the staff who are unable to perform service for medical reasons)* the aim is to set up a housing support scheme focusing on widening the scope of certain existing elements of the support scheme, and on expanding the range of budget sources available for the disbursement of support.

In particular, the State's role as joint and several guarantor should be noted, as laid down in the new Armed Forces Act, similarly to other branches of the public sector:
*"Section 172(1) If the amount of the state-subsidised loan taken out by members of the professional staff from a credit institution to build or purchase a home exceeds the highest rate of the mortgage lending value determined by the credit institution, the State undertakes to act as joint and several guarantor. Members of the professional staff can use such State guarantee via the credit institution entering into contractual obligations with the State."*

As from 1 January 2017, the law enforcement health-impairment benefit scheme was introduced in the new Armed Forces Act, as a new legal instrument. The new legal instrument provides assistance in continuing the employment of members of the professional staff with a certain degree of health impairment (at least 20%) in an appropriate position, or, in the case of health

impairment above 50%, in discharging them from work based on the Minister's permission – besides the payment of benefits – with a view to maintaining their existential situation and circumstances. This legal instrument is subject to the provisions of Decree of the Ministry of Interior No. 54/2016. (XII. 22.) on law enforcement provisions based on health impairment applicable to law enforcement organisations controlled by the Minister of Interior.

- **Social protection**

**Housing support system**

The forms and amounts of housing support, the criteria of eligibility, and the rent charged for apartments and hostel beds managed by the Ministry headed by the Minister of Defence can be determined in a differentiated manner with regard to the type of service relationship, staff group, rank, service position, and social and family circumstances, in a ministerial decree [Decree of the Ministry of Defence No. 19/2009. (XII. 29.) on housing subsidies provided by the Ministry of Defence].

When determining the extent of housing needs, in respect of the persons living together, the tenant (applicant), the tenant's spouse (cohabitant), children (adopted, fostered, stepchild), grandchildren, as well as the tenant's parents, adoptive, foster and stepparents must be taken into consideration.

Forms of housing support:

a) allocation of apartment at the disposal of the Ministry of Defence,
b) providing accommodation in a hostel or apartment,
c) non-refundable grant,
d) loan extended by the employer,
e) rent subsidy (supplement),
f) contribution to running the apartment,
g) contribution to rent.

**Public foundation support**

The Government, with its Resolution No. 1138/2004. (XII. 11.), established the Hungarian Army Social Policy Public Foundation, short name: Army Public Foundation, as the legal successor of the Hungarian Army Social Policy Foundation.

By cooperating in performing tasks relating to family support and supporting the elderly, in training members of the Army at a disadvantage on the labour market and promoting their employment, and in providing related services, the Public Foundation has a public-service mission as specified in Section 140(1)–(2)c) and g), and Section 238(2) 22 of the Private Soldiers Act; in Section 152(1)d) and (4) of the Public Officials Act, and in Section 85(5)q) and (7)a)–ab) of the Public Servants Act.

In the case that there is social need, the Public Foundation provides aid or services to:

a) staff members, such as persons with large families at a disadvantage or in a serious life situation, families with two children, single parents and career starters,
b) persons who retired from the Army, persons receiving service emoluments, deceased persons' close relatives and spouses under the Hungarian Army's social protection,

c) whose
   - service relationship – in the case of members of the professional staff – terminated as a result of an accident or disease related to the performance of service duties;
   - legal relationship or employment relationship – in the case of civil servants, public servants and employees falling with the scope of the Labour Code – terminated as a result of an accident or disease related to their work, deceased persons' close relatives and spouses under the Hungarian Army's social protection,

d) provides support for organising holidays for the staff members and for the children, orphans and half-orphans of families at a disadvantage or in a serious life situation who are under the Hungarian Army's social protection.

- **Legal protection**

**a) Rules applicable to work**

**Command to perform service tasks**

Pursuant to Section 49(4) of Act CCV of 2012 on the legal status of private soldiers (hereinafter: Private Soldiers Act), members of the staff can be transferred to different premises upon their consent from the time their pregnancy is diagnosed until their child turns 3 years of age, if they are raising their minor child as single parents, or if they are taking care of their close relative or spouse requiring permanent care.

**Service time schedule**

Pursuant to Section 95(5) of the Private Soldiers Act, female members of the staff, as from the time their pregnancy is diagnosed until their child reaches 3 years of age, may be required to work in stand-by duty or in continuous duty only with their consent, and members raising their child as single parents may not be assigned to such duties until the child reaches 3 years of age.

**Part-time service**

Section 99(1) of the Private Soldiers Act was not amended in the past three years; it lays down the following provisions: the exerciser of the employer's rights shall authorise members of the professional staff upon their written request to perform part-time service – until their child reaches three years of age, or in the case of disabled children until they reach five years of age, and in the case of staff members raising three or more children until their child reaches five years of age –, if the service schedule of the staff member can be performed in the scope of part-time service. Subsection (4) of the same Section: if the exerciser of the employer's rights allows part-time service, such service shall start on the first day of the month following authorisation at the earliest, and it shall last for a term as determined in the authorisation, but, at the latest, until the child reaches three years of age, or in the case of disabled children until they reach five years of age, and in the case of staff members raising three or more children until their child reaches five years of age. The fact of performing part-time service shall be recorded in the job description.

**Guarding, duty or stand-by service, and other stand-by activity based appointment for tasks related to international obligations**

Pursuant to Section 106(2) of the Private Soldiers Act, service commands shall be communicated to the members of the staff in a timely manner, as determined in a ministerial decree. In the case

described in Section 103(3), members of the staff may not be ordered to perform service for a term other than or exceeding 12 hours. Staff members may only be ordered to perform service with their consent, if they are raising a child below the age of 6 as single parents and cannot provide for the child's supervision on their own.

**b) Rules applicable to leave**

**Basic and extra leave**

Pursuant to Section 109(5) of the Private Soldiers Act, staff members are entitled to extra leave as follows for children under 16 years of age:

a) 2 working days for one child,
b) 4 working days for two children,
c) a total of 7 working days for more than two children.

Extra leave shall be increased with regard to children with disabilities by 2 working days per child.

**Extra leave due when a child is born**

Pursuant to Section 114(1) of the Private Soldiers Act, upon the birth of his child, a father shall be entitled to 5 working days of extra leave, or 7 working days in the case of twins, until the end of the 2nd month from the date of birth at the latest, which shall be allocated on the days requested by the father. Such extra leave shall be provided also if the child is stillborn or dies.

- **Economic protection**

**Benefits**

Pursuant to Section 140(1) of the Private Soldiers Act, refundable or non-refundable, cash, in-kind or personal care, social, welfare and cultural supports and benefits (hereinafter together: benefits) can be granted in the framework of providing human services or social care.
Support to be granted to close relatives or spouses of the staff members can also be ordered in a ministerial decree.

Such benefits shall include, in particular:

a) support for starting a family,
b) salary advances,
c) social support,
d) contribution to meals,
e) reduced transport fees,
f) prevention benefits,
g) support promoting employment,
h) holiday support,
i) study grant, training, upskilling and retraining support,
j) placement in an institute also providing personal care,
k) family support services, and
l) sport and cultural services.

The people entitled to the benefits, the form, amount, criteria of the benefits, the assessment and settlement procedure, and the rules of repayment are determined in a ministerial decree. Holiday support can be provided for members of the staff, based on outstanding work performance. The amount of the holiday support also includes holiday support for staff members' spouse, cohabitant and dependent children living in the same household with them.

## 2) RELEVANT DATA AND STATISTICS

### I. Data relating to benefits under the Health Insurance Act

**Data of those claiming pregnancy confinement benefit / infant care fee**

| Year | Average annual number of recipients, person | Expenditure for one recipient, HUF/month |
|---|---|---|
| 2014 | 24,753 | 138,997 |
| 2015 | 25,886 | 146,736 |
| 2016 | 26,931 | 158,536 |
| 2017 | 27,989 | 162,427 |

**Data of child care fee claimants**

| Year | Average annual number of recipients, person | Expenditure for one recipient, HUF/month |
|---|---|---|
| 2014 | 83,701 | 104,547 |
| 2015 | 85,970 | 110,896 |
| 2016 | 91,126 | 118,607 |
| 2017 | 97,470* | 130,087 |

*Source: OSAP (National Statistical Data Collection Programme), Sheet I of "Health Insurance Statistical Report" No. 1514: Regular data supply on social security pay-offices*

### II. Data concerning the family support system:

**Budgetary expenditure spent on family support in 2014–2017** (million HUF)

| Year | Family support | Child care allowance* | Child-raising support | Maternity support |
|---|---|---|---|---|
| 2014 | 329,246.9 | 60,250.1 | 12,487 | 5,767.4 |
| 2015 | 322,986.8 | 62,163.3 | 11,910.1 | 5,570.7 |
| 2016 | 316,950.1 | 62,862.1 | 11,502.8 | 5,861.1 |
| 2017 | 314,467.2 | 61,371.6 | 11,090.3 | 5,788.4 |

**Child care benefit as from 2016.*
*Source: Acts on the implementation of the budget of the relevant year. In regard of 2017, the bill on discharge.*

**Change in the amounts of family support in 2014–2017 (**HUF/month*)

| Support | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|
| **Child care allowance*** | 28,500 | | | |
| - in case of twins | 28,500 x number of children | | | |
| **Child-raising support** | 28 500 | | | |
| **Maternity support**** | 64,125 | | | |
| - In case of twins | 85,500 x number of children | | | |

**Child care benefit as from 2016*

***The benefits are payable on a monthly basis, regardless of the number of children, with the following exceptions:*

*- maternity support is a one-time support, in the case of twins it is payable with regard to each child.*

**Evolution of the number of those receiving family support/child protection benefits in 2014–2017**

| Support | | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|
| Family allowance | number of families (person/month) | 1,134,556 | 1,108,302 | 1,094,004 | 1,090,651 |
| | number of children (person/month) | 1,836,618 | 1,796,726 | 1,773,047 | 1,770,582 |
| Child care allowance* (person/month) | | 161,226 | 163,376 | 162,992 | 164,297 |
| Child-raising support (person/month) | | 36,101 | 34,587 | 33,381 | 32,941 |
| Maternity support (number of families) (person/year) | | 87,408 | 88,242 | 89,073 | 87,640 |

**Child care benefit as from 2016*

*Source: HCSO*

**Proportion of family support beneficiaries in 2014–2017, compared to the entire population (%)**

| Support | | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|
| Benefited from family allowance | families (person/month) | 11,5011,49 | 11,2611,25 | 11,1511,13 | 11,1411,13 |
| | children (person/month) | 18,6118,59 | 18,2518,23 | 18,0718,04 | 18,0918,07 |
| Child care allowance (person/month) | | 1,63 | 1,66 | 1,66 | 1,68 |
| Child-raising support (person/month) | | 0,37 | 0,35 | 0,34 | 0,34 |
| Maternity support (number of families) (person/year) | | 0,89 | 0,90 | 0,91 | 0,9089 |

Population:

| | |
|---|---|
| 2014 | 9,866,468 |
| 2015 | 9,843,028 |
| 2016 | 9,814,023 |
| 2017 | 9,787,966 |

*Source: HCSO*

The reason for the slight reduction in the number of persons receiving family allowance since 2014 is that the number of children born now – being the new entitled persons – is below the

number of 18–20-year old persons whose entitlement is terminating, consequently family allowance is disbursed to a fewer number of children altogether, which can be explained by demographic developments. The reduction in the number of persons receiving maternity support is also ascribable to the fact that fewer children are born.

The number of persons receiving child care benefit or child-raising support is reducing, because an increasing number of people, including parents with young children, start work and thus become entitled to insurance-based benefits (of higher amounts), such as the infant care fee and the child care fee. Consequently, they claim these benefits instead of the benefits due upon subjective right.

**Budgetary expenditure spent on child protection support in 2014–2017**(million HUF)

| Support | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|
| Regular child protection benefit | 5,798.8 | 5,223.0 | 4,631.5 | 4,401.9 |
| Kindergarten attendance benefit * | 556.03 | 251.76 | | |
| Advancing child maintenance allowance | 1,969.5 | 1,771.6 | 1,520.9 | 1,293.4 |

*Source: Acts on the implementation of the budget of the relevant year.In regard of 2017, the bill on discharge*
**Source: HCSO*

**Evolution of the number of child protection benefit recipients in 2014–2017** (thousand persons/month)

| Support | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|
| Regular child protection benefit | 494.3 | 442.2 | 392.6 | 340.6* |
| Kindergarten attendance benefit** | 33.03 | 22.8 | | |
| Child maintenance fee advancement** | 17.18 | 15.35 | 13.7 | 12.3** |

*Source: HCSO*
**Source: Preliminary data provided by the HCSO*
***Number of children receiving support in the given year*

### 3) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **The ECSR concluded that the Hungarian situation did not comply with Article 16 of the Charter as displaced families may become homeless, and no appropriate housing is ensured for vulnerable families and Roma families.**

**With regard to the finding of the ECSR, the above information provided in relation to Article 16 is supplemented as below:**

**<u>Complex programmes for slums in Hungary</u>**

1. **Complex programmes for slums in the 2007–2013 programming period (EU sources)**

With regard to the housing conditions of the Roma population, the problem that needs a most urgent solution is improving the situation of citizens living in segregated areas. Such a solution requires the elimination of disadvantages (in employment, education, healthcare, community,

housing and access to services) that have been deteriorating from generation to generation. Developments rest on continuous professional presence in the target area (settlement-type social work).

In the 2007–2013 EU programming period calls for applications were issued within the different operational programmes seeking to focus on human developments and infrastructural developments while applying a complex approach. Such calls included projects such as "5.3.6. Complex programmes for slums" in the framework of the Social Renewal Operational Programme (TÁMOP), and "3.2.3/A. Supporting housing investments" in the framework of the Social Infrastructure Operational Programme (TIOP).

First, in the scope of the TÁMOP 5.3.6-11/1. project entitled "Complex programmes for slums" a total number of 55 settlements (25 of them with non-urban status and 30 having urban status) implemented programmes to facilitate the social and territorial integration of marginalised groups in peripheral life situations, from EU sources of HUF 8.04 billion.

Figures:

- Financial allocation of the programme: HUF 8.04 billion
- Funds used by applicants: HUF 7,870,538,857
- Number of successful applications: 57, of which 55 applicants concluded a contract
- Number of segregated areas reached with the programme: 66

| **Denomination of indicator** | **undertaken value (person)** | **factual value (person)** |
|---|---|---|
| Number of persons involved in the program | 4,520 | 5,673 |
| Number of persons involved in other programs as a result of the program | 1,043 | 1,364 |
| Number of persons in gainful employment for at least 3 months within 6 months after the closure of the Individual development plan | 214 | 410 |
| Number of employed persons | 289 | 704 |
| Number of persons accomplished the practical training at workplace | 1,332 | 2,018 |
| Number of persons participated in the training | 2,732 | 3,213 |
| Number of persons successfully completed the training (number of persons gained a qualification) | 1,763 | 2,735 |
| Number of persons got out with positive results | 2,847 | 3,468 |

In the scope of the TIOP-3.2.3.A-13/1. project entitled "Supporting housing investments" 8 settlements were granted support (HUF 1.87 billion altogether) with a view to starting and strengthening desegregation processes, creating social housing, and supporting housing mobilisation.

With a view to complexity, the TIOP 3.2.3. A. project provided the housing element for the TÁMOP 5.3.6-11/1. "Complex programmes for slums" project, which could be used for the

construction of new apartments and the renovation and modernisation of existing buildings outside segregated areas.

The project achieved the following results were achieved on 8 locations:

| Name of indicator | Value |
|---|---|
| Number of reconstructed apartments | 73 |
| Number of persons affected by the housing investment | 488 |
| Net floor area of the reconstructed apartments | 3,470.22 sqm |
| Net floor area of the reconstructed residences | 2,961.42 sqm |
| Number of reconstructed residences | 17 |
| Number of newly built social maisonettes | 39 |
| Number of families affected by the housing investment | 132 |

In summary of the above it can be concluded that by 2015–2016, 55 complex programmes for slums were implemented in 66 segregated areas. Over 5,000 persons were involved in the programme. 3,000 people completed the training programmes successfully; 61% of them were Roma citizens.

The housing elements of the programme were implemented in segregated areas receiving support through social welfare work on a continuous basis. Renovation or building work was carried out in 8 settlements, in 112 dwellings (39 newly built; 73 renovated). The housing conditions of about 500 members of 132 families were improved.

## 2. Complex programmes for slums in the 2014-2020 programming period

The Hungarian Government concluded a Partnership Agreement with the European Commission in 2014 to lay the grounds for the Operational Programmes of the 2014–2020 programming period, and the projects implemented in the framework of these.

One of the convergence objectives or commitments reflected in the Partnership Agreement is that every 7th slum should be involved in the rehabilitation programme. According to data included in the map of segregated areas, taking into consideration 1,384 segregated areas, it means 197 segregated areas to be involved (in the framework of TOP, EFOP, VEKOP projects).

**Three operational programmes are aimed at the integration of people living in segregated areas:**

- Regional and Settlement Development Operational Programme (TOP) – segregated areas of towns with county rights and towns; Available funds: HUF 48.796, about 200 applications are expected
- Competitive Central Hungary Operational Programme (VEKOP) – segregated areas of Budapest and Pest County; Available funds: HUF 13.802, about 20 applications are expected
- Human Resources Development Operation Programme (EFOP) – non-urban segregated areas; Available funds: HUF 44.16, about 100 applications are expected

The Operational Programmes have an integrated approach, namely that the implementation of the complex programme requires both ESF and ERDF type interventions. The improvement of

housing conditions in itself will not bring about sustainable results unless it is coupled with preventive human assistance that offers continuous support.

The burden of deprivation and disadvantages through generations cannot be resolved by the disadvantaged or those settlements that are in a disadvantaged situation on their own. In order to curtail the resulting social inequalities, coordinated political interventions are needed with process management and the involvement of properly prepared experts. Social and economic problems are concentrated into regions. Based on the data of the 2011 census, a national database and a map of segregated areas was prepared, and in accordance with the legislation amended in 2014 [Government Decree 314/2012. (XI. 8.)], in addition to showing the segregated areas on a map, it also contains the main data and social characteristics of these segregated areas. On the basis of the database, on the territory of Hungary, in 709 settlements – 482 of which are settlements having non-urban status (villages and small towns) – there are 1,384 segregated settlements or underdeveloped settlement parts embedded in a settlement, inhabited mainly by the Roma. These areas are hit by serious unemployment, social and healthcare problems and the scarce access to services at the same time.

The complex programmes for slums launched to handle segregated life situations are aimed at eliminating these peripheral life situations.

In 2015, following a long preparation process, in its Resolution No. 1686/2015.(IX. 25.), the Government adopted a policy strategy providing a basis for handling slum-like housing for the 2014-2020 period, which serves as the key document of the new development cycle.

The general objective of the strategy is to eliminate slums, which are often hardly suitable for human living; and in some cases – by largely taking into account individual circumstances – to rehabilitate slums and integrate them within the settlements; and to establish the basis for directions and contents of the targeted policy applicable until 2020.

The main objective of the strategy is to present and institutionalise a set of tools for hindering the re-establishment of slums, degrading parts of settlements and settlements – collectively, housing marginalisation and the spatial concentration thereof, – in order to stop segregation and exclusion processes, and to eliminate current living situations in slums; in order to eliminate slum-like housing in the long term.

In the 2014–2020 programming period – as per the provisions of Hungary's Partnership Agreements, and with the use of EU funds – we intend to implement interventions to improve the local population's situation and to promote their integration in one in every seven segregated areas.

In accordance with the delineation included in the Partnership Agreement, in the case of settlements having non-urban status, financing for developments aimed at segregated areas can be received through calls within the Human Resources Development Operational Programme (EFOP) entitled "1.6.2. Complex programmes aimed at the liquidation of segregated living conditions" (ESF) and "2.4.1. Complex programmes aimed at the liquidation of segregated living conditions" (ERDF), while in the case of settlements having urban status, such developments can

receive support through calls within the Regional and Settlement Development Operational Programme (TOP) entitled " 4.3.1. Rehabilitation of deteriorated urban areas", "5.2.1. Complex programmes at local level for strengthening social cooperation", "6.7.1. Rehabilitation of deteriorated urban areas of towns with county rights", "6.9.1. Complex programmes at local level for strengthening social cooperation", and through calls within the Competitive Central Hungary Operational Programme (VEKOP) entitled "6.2.1. Improving the living conditions of the low-status population living in deteriorated districts of Budapest, their social and physical rehabilitation", 6.2.2. "Improving the living conditions of the low-status population living in deteriorated areas of Pest County, their social and physical rehabilitation", 7.1.4. "Complex programmes aimed at the liquidation of segregated living conditions" (ESF).

In summary:

- the Human Resources Development Operational Programme (EFOP) supports complex programmes for slums in settlements having non-urban status.
- in the framework of social urban rehabilitation projects: the Regional and Settlement Development Operational Programme (TOP) serves segregated areas of towns with county rights and towns, while the Competitive Central Hungary Operational Programme (VEKOP) serves segregated areas in Budapest and Pest county.

In the framework of the EFOP the programme for slums is launched in over 100 slums, while in the framework of the TOP it is launched in a similar number of settlements having urban status. Accordingly, the complex programme for slums is expected to be implemented in over 200 settlements. One of the fundamental objectives pursued during the developments is that human and infrastructural developments should be even more closely linked to each other as before, so for example in the framework of the two calls within the EFOP applicants can only receive support, if they successfully apply for both projects.

The EFOP 1.6.1. "Supporting developments aimed at convergence" project is aimed at providing professional support for the applicants.

The data needed for the delineation and map representation of the areas of settlements that are segregated and in danger of segregation are provided by Government Decree No. 314/2012. (XI. 8.) on the urban development concept, the integrated urban development strategy and the means for urban management, and on certain particular legal instruments for urban management, as amended by Government Decree 342/2014. (XII. 19.) amending certain government decrees on area planning, settlement development, and settlement planning.

A significant part of the Roma population lives on concentrated locations, often in settlement parts in the worst situation. It is important to point out that not only Roma people live in segregated areas, so obviously the developments are also aimed at the non-Roma population of the given segregated areas, but these developments also reach other inhabitants of the settlements, for example via service houses, which are compulsory elements of the programme and must be situated outside segregated areas, on integrated locations.

When planning the programme, there was significant emphasis on offering support possibilities for individuals – in the field of education, training, community development child-raising, etc. –

that help them strengthen their individual skills and labour market positions and create a more plannable future vision, and contribute to safer and more sustainable housing conditions improved through infrastructural development.

Both in previous and new calls for applications, in the framework of housing developments it was/is possible to construct new social housing and renovate existing apartments owned by local authorities or communities. In the latter case there are examples of TIOP developments already achieved. For example in György telep (slum) in Pécs, a complete block of terraced houses was renovated in different stages, with the temporary relocation of the residents. For this period the local authority provided temporary housing for the families affected in vacant properties at its disposal, and after the completion of the renovation work the families were able to move back to their apartments fitted with conveniences.

In the calls for applications the sponsor emphasised that local authorities were expected to operate the renovated and newly built apartments as social apartments during the maintenance period. Another criterion laid down in the call for applications was that provided that the tenants do not infringe the terms and conditions set out in the lease contract, they have a pre-emption right in case the local authority decides to sell the apartment.

In the framework of the EFOP there are 3 projects linked to each other and supplementing each other, aimed at the convergence of slums. The EFOP 1.6.1. priority project provides professional assistance to the specialists in charge of implementation. The EFOP 1.6.2. project is aimed at providing human support, and social work based on presence, and it is supplemented by the 2.4.1. project, which ensures housing elements for the target group living in slums.

EFOP-1.6.1.–VEKOP-16-2016. priority project entitled "Supporting inclusion programmes and cooperation schemes"
Objective: supporting the social inclusion and integration of disadvantaged people living in extreme poverty, providing professional methodological support for the complex programmes for slums and coordinating their set of tools.
Sources: HUF 2.2 billion
Implementer: Directorate-General for Social Affairs and Child Protection
Start of implementation: 1 November 2016
Sub-objectives:

- Propagation of a uniform methodology for inclusion and sharing experience through professional preparation and knowledge sharing and professional programmes relating to TOP and VEKOP beneficiaries.
- In respect of EFOP beneficiaries: Providing continuous professional and methodological assistance to complex programmes for slums, increasing their efficiency starting from the phase of preparing applications, through the implementation period and until the end of the maintenance period (e.g. management preparation, targeted preparation of professional implementers, etc.), supporting social work based on presence with tools directly reaching the target group (e.g. experiential experts).
- Increasing the efficiency and subsequent sustainability of the projects realised in the settlements, strengthening their local social acceptance, cooperating in solving conflict

situations, generating mutual joint action possibilities, triggering a quality change in the cohesion between Roma and non-Roma individuals and communities.

- Setting up and extending regional cooperation schemes, coordinating the work of cooperating partners with a view to sharing local development experience, proven tools, the management of occurring problems and knowledge sharing as widely as possible, increasing by this the acceptance and efficiency of the implemented projects.
- Providing professional support for interventions and processes aimed at mitigating regional differences and reversing settlement exclusion processes by propagating the uniform methodology for inclusion elaborated in the predecessor project (TÁMOP-5.3.6/B) and applying it to suit specific local expectations.
- Supporting the implementation of housing intervention programmes with a uniform methodological background.
- Participating in the standardisation of making individual and family development plans, providing expert support to establish the professional background for case management on a uniform basis in work performed in slums with the aim of integrating this practice in the work of the local social care system.
- Supporting local specialists participating in the implementation of slum projects (management and social field), along a set of well-reasoned professional criteria (inclusion methodology and set of tools). In the interest of implementation it is necessary to support slum projects by providing professional supportive coordination and counselling, which may also guarantee real results reached by the slum projects realised in the settlements in improving the living conditions of the people living there, in facilitating access to services, and – resultantly – reducing the number of people living in poverty and in need, and maintaining the results. The aim is to provide support for the applicants via the priority project, as a result of which even those living outside of segregated areas can support implementation in the context of integration.
- The multiple (intersectional) social and economic exclusion of Roma women constitutes a significant social problem, as well as their low participation in public life. This problem is handled in the framework of the complex programme for slums, via a special tool included in it, by reducing the multiple (intersectional) exclusion of Roma women, strengthening community-building and increasing their participation in public life. If there is demand, they will also be provided support to become a civil organisation. This is supported by activities such as training courses, programmes organised for members of the Roma women's community, encouraging by this their participation in public life, or establishing direct relationships with Roma women and setting up cooperation schemes, counselling, etc. As a result of the actions, at least 50 Roma women's communities and 20 Roma women's organisations are expected to be established.

**EFOP–1.6.2.: Complex programmes aimed at providing support in segregated life situations (ESF)**

Objective: to facilitate the social inclusion and integration of disadvantaged people who are living in a segregated residential environment and are under the poverty line.

Funds available: the planned budget available for support upon issue of the call: HUF 21.31 billion.

Applicants targeted: applications are expected from local authorities of settlements having non-urban status

It is compulsory to involve 1 consortium partner: A foundation or association having professional experience in the implementation of inclusion-type projects.
Deadline and manner of submitting aid applications: Applications for support in the framework of the call can be submitted between 17 April, 2017 and 17 April,2019.
Amount and extent of aid:

- The amount of non-refundable aid that can be requested: minimum HUF 45 million, maximum HUF 200 million.
- The aid can be maximum 100% of the total eligible costs.

Period available for the implementation of the project: Minimum 36 months and maximum 48 months are available for the physical completion of the project following the start of the project or – if the project is not started before the entry into force of the aid contract – following the entry into force of the aid contract.

**Description of the target group**
The programme's target group includes Roma and non-Roma individuals and families living in slums or in a slum-like or segregated living environment, who are multiply disadvantaged, have low or outdated school qualifications and typically face social and financial problems. On the other hand, the programme also offers services to the settlements as a whole to support the inclusion of disadvantaged people and their integration into the life of the settlement. The aim is to eliminate disadvantages that have been deteriorating from generation to generation by involving members of families where the inclusion of the entire family can be supported via different projects.

**The scheme has the following sub-objectives (possibility of integration)**

- To improve the access of people living in slums and in a slum-like environment to services (including social, community, training, healthcare and labour market services);
- To increase the level of education of the people involved;
- To increase the number of people joining programmes aimed at facilitating social inclusion (especially education, training and employment programmes);
- To increase the number of persons finding jobs among those living in the target area.
- To increase the proportion of children enrolled in nursery school among children living in a slum-like environment;
- To improve the opportunities of school-aged children / young people involved in the programme in school progress, and to improve their academic results and opportunities for spare time activities;
- To improve the health status of the persons living in the target area;
- To improve and maintain access to public services needed for the target group, improve and maintain communication between the public service providers and the target group;
- To reduce the number of people suffering from addictions;
- To increase the preparedness of the target group for habitual residence in an integrated environment;
- To increase the willingness of those living in an integrated environment to accept others, and to reduce discrimination against families living in or moving out of slums;
- To improve community cohesion within the settlement;

- To improve the ability to make use of possibilities of accessing support aimed at promoting the conditions for independent housing (Family Housing Allowance, purchasing a building lot at a preferential price, interventions aimed at establishing employment relationship).

**Main interventions aimed at achieving the objectives:**

- assessment of the local situation;
- preparing an intervention plan for complex individual and community development based on diagnosis;
- involvement;
- social work based on presence;
- adult education;
- employment;
- development of labour market competences, promoting the acquisition of work experience;
- improving access to local human services, enhancing their coordination;
- providing social, community development, educational and health services
- ensuring access to services;
- awareness-raising activities to reduce discrimination;

**EFOP–2.4.1.: Complex programmes aimed at providing support in segregated life situations**

Objective: In the framework of the scheme the projects contribute to the physical and social integration of marginalised communities into majority society by improving housing conditions and promoting gradual mobilisation.
Available funds: HUF 22.85 billion
Applicants requesting support: Local authorities having non-urban status that received support under the related EFOP-1.6.2. call.
Period available for the implementation of the project: Maximum 28 months are available for the physical completion of the project following the start of the project or – if the project is not started before the entry into force of the aid contract – following the starting date of the project recorded in the aid contract.

**Description of the target group**

The target group of this scheme includes people and families living in poverty and in social exclusion in underdeveloped, peripheral settlement parts supported under the EFOP scheme "1.6.2. Complex programmes aimed at the liquidation of segregated living conditions" (ESF).

**Objectives and the logic of intervention**

This scheme supplements the interventions of the EFOP scheme "1.6.2. Complex programmes aimed at the liquidation of segregated living conditions" (ESF) by supporting housing investments and making available the Csillag (Star) Service House and the Csillag Service Point. Housing investments serve the purposes of social integration: they contribute to the physical and social integration of marginalised communities into the majority society without contributing to segregation, isolation or exclusion.

In the framework of housing investments the spatial and social integration of marginalised communities into the majority society as mentioned above must be ensured by improving housing conditions, improving conveniences and the access to energy supply, by gradual mobilisation. Similarly to the logic of intervention applied in the 2007–2013 period, the aim of supporting projects under this call is to launch and strengthen desegregation processes by constructing new social apartments and supporting housing mobilisation. Investments aimed at constructing and renovating social apartments can be realised first of all on locations situated in an integrated environment, or where social tenements were created and renovated at locations situated in an integrated environment, or where the connection of the segregated environment to the integrated residential environment of the host community can be ensured.

**Sub-objectives:**

1. Improving housing conditions
   - by launching and strengthening desegregation processes – promoting relocation from the slum environment and housing mobilisation
   - by constructing new social apartments
   - through residential building developments
   - by eliminating apartments in critical condition unsuitable for living, in the interest of relieving segregation

2. Developing environmental infrastructure, facilitating access to services
   - by reducing backwardness
   - by managing the problems of environments harmful to health, creating a liveable residential environment
   - by improving access to services (setting up a service house on the property owned by the entity applying for support with a view to providing a community area for events and for human services linked to the implementation of the project – services based on presence, service point – to be used both by those living on the targeted area and by other residents of the settlement).

### 3. Sure Start Children's Centres

The aim of Sure Start Children's Centres is to ensure the healthy development of disadvantaged and multiply disadvantaged children aged 0–3 – including Roma children –, compensate for their disadvantages and improve their parents' child-raising competences. The service is used jointly by parents and their children under kindergarten age.

The establishment and operation of children's centres is closely linked to the Community framework strategy on the Roma, the National Strategy entitled "Make Things Better for Children!" (2007–2032), and the Hungarian National Social Inclusion Strategy.

Establishment of the children's centres started on the basis of the British Sure Start programme, with national model experiments in 2003, and then it accelerated in the 2007–2013 EU programming period, when over 100 children's centres were set up first of all in the most disadvantaged small regions, and in disadvantaged small settlements and slums densely populated by the Roma.

The real impacts of the children's centres will be felt in the long term, but early intervention – i.e. in due time – can prevent the incurrence of numerous subsequent social costs, and its economic and social benefits can be estimated to amount to many times the costs invested. At the same time, a positive effect can already be observed in the short term in the case of families attending children's centres. Feedback received from nursery schools also confirms that children's centres efficiently contribute to children becoming prepared and ready to start nursery school and to creating a cooperating parental attitude.

A very important step was made in 2013 by including the children's centres established in the framework of EU projects in Act XXXI of 1997 on the protection of children and the administration of guardianship. The main function of Sure Start Children's Centres, as an element of the basic child welfare system, is to focus on the 0–3 age group not reached by the institutional care system. Accordingly, they have a gap-filling role in the child protection system. According to the Child Protection Act, children's centres provide preventive services for children struggling with socio-cultural disadvantages eligible for regular child protection benefits, primarily aimed at ensuring the healthy development of children, overcoming their underdevelopment, strengthening parental competencies, facilitating social convergence provided jointly for parents and children not yet attending nursery school.

With a view to the successful integration of children in nursery school and the successful social integration of children and families, Sure Start Children's Centres cooperate especially with the family and child welfare service, the family and child welfare centre, the district nurse service, the nursery school, other locally accessible institutions providing services for children and for families with children, and, where required, with other members of the child protection alert system.

In 2014 the Government supported the operation of 112 children's centres in Hungary, and by 2018 this number increased to 186. Presently, 110 Sure Start Children's Centres are operating from national budget resources (86 of them are operated by local authorities, 2 of them by the church, 19 by civil organisations, and 3 by business organisations), and 76 children's centres are planned to be established from EU resources following the methodological example of those set up from domestic resources.

- **The ECSR is requesting information about measures taken against domestic violence and about ensuring appropriate shelter for victims.**

Act C of 2012 on the Criminal Code (hereinafter: Criminal Code) makes it possible for courts to ban out perpetrators committing exploitation of child prostitution, promoting prostitution, procuring, indecent exposure or harassment from one or more settlements or from a certain part of a given settlement or the country.

Act LXXII of 2009 on restraining applicable in the case of violence in close relationships provides for distancing to be ordered before instituting criminal proceedings (provisional precautionary distancing), i.e. if the victim of violence is the accused person's relative, then distancing can be ordered, the primary aim of which is to handle the phenomenon of domestic

violence before the situation gets more serious, or before a crime with irreparable consequences is committed.

Pursuant to Act XIX of 1998 on criminal proceedings (hereinafter: the former Criminal Proceedings Act), it was also possible to order distancing before the institution of criminal proceedings – regardless of the family relationship between the accused and the victim – if there was a reasonable suspicion of a crime punishable by a sentence of imprisonment (10–60 days), under the effect of which the accused person – regardless of any legal title – was obliged to leave the place of residence shared with the victim, and was not allowed to visit the institutes/places normally visited by the victim. The restraining order also meant the prohibition of meeting in person, or getting in contact via means of communication, i.e. on the telephone or by electronic means. Act XC of 2017 on criminal proceedings (hereinafter: the new Criminal Proceedings Act), which entered into force on 1 July 2018, maintains the main rules of restraining, but makes significant changes to the period of restraining, which has been limited so far. Restraining ordered before crimination lasts until the court of first instance delivers its decision during the preparation of the trial, but for a maximum period of four months, which can be prolonged by maximum four months on each occasion, so that the ordering court remains responsible for extending this period even after a period of 12 months has passed. Following crimination, the restraining order is reviewed every six months. The compulsory six-monthly review period of the restraining order valid until the final decision of the court of first instance is announced, issued or maintained following crimination, shall be counted from this date.

In the new Criminal Proceedings Act, criminal supervision appears as a real and true alternative for arrest. Criminal supervision is a generic term for house arrest, home detention order, which were also regulated in the former Criminal Proceedings Act, and also criminal prohibition and the obligation to report. The new Criminal Proceedings Act makes it clear that the institution of the restraining order is not always suitable for ensuring the presence of the accused person, and it can be interpreted as a means for preventing reoffending only in relation to the victim. As a result of the changes made to criminal supervision a flexible instrument has been elaborated, which can be suitable for achieving all objectives. However, this delineation does not mean the substantive limitation of the applicability of the restraining order. In the new system of enforcement measures, restraining and criminal supervision can be ordered simultaneously. Consequently, in a case when restraining would be justified and appropriate, but would not be sufficient by itself, because, for example, the ordering of an enforcement measure is also justified in order to ensure the presence of the accused, then the possibility of issuing a restraining order is not excluded. In such cases, restraining can be ordered in order to ensure the objectives that can be achieved through restraining, and, in line with this, criminal supervision can also be ordered to ensure the presence of the accused person.

With regard to the transposition of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, both the former Criminal Proceedings Act and the new Criminal Proceedings Act entering into force on 1 July 2018 contain special provisions on persons with special needs. Persons with special needs are victims of sex offences and, but – based on other aggravating circumstances (such as the violent nature of the offence, relationship between the victim and the accused, etc.) – victims

of domestic violence may also belong to this special group of persons enjoying enhanced protection. One of these special provisions, in particular, lays down that special tolerance must be shown to these persons, and special efforts must be made to apply, where appropriate, all procedural legal instruments that may reduce the burdens and hardships that these persons have to face during criminal proceedings. Communication with such persons should be clear and understandable; situations resulting in any unnecessary encounters between a person with special needs and any other person involved in the proceedings (especially, if being qualified as a person with special needs was based on his/her relationship with the given person) should be avoided; repeated procedural acts affecting such persons with special needs should be avoided, and the presence of a helper selected by the person with special needs should be ensured during certain procedural acts. In the case of certain specific offences (sex offences, domestic violence offences), at the victim's request the hearing must be held by a person of the same gender as the victim. A video recording can be made of procedural acts during which the participation of a person with special needs is required. A closed session can also be ordered to protect persons with special needs; and the possibility of hearing persons with special needs via a closed-purpose communication network is also ensured.

With regard to the transposition of Directive 2012/29/EU, as from 1 November 2015, Act CCXL of 2013 on the imposition of punishments, measures, certain enforcement measures and detention for petty offences provides for a broader range of possibilities – with regard to enforcement measures and sanctions – for notifying victims – independently from the type of offence – both during criminal proceedings and in the stage of the enforcement of the sentence.

## ARTICLE 17 – THE RIGHT OF CHILDREN AND YOUNG ADULTS TO 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:***

***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;***

### 1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT THE LEGISLATION, RELEVANT DATA AND STATISTICS

#### I. Schooling and education

As from 1 September 2015, the obligation to participate in compulsory nursery school education – four hours a day – starting from the age of three was introduced in Hungary (Section 8(2) of Act CXC of 2011). According to the provisions in force before, compulsory participation in nursery school education was prescribed from the age of five. The aim of this amendment was to ensure successful school progress at a later stage, with special respect to supporting children with social-economic disadvantages. (For more detail see the provisions described below.)

Following the amendment of Government Decree 229/2012. (VIII. 28.) on the implementation of the Public Education Act, which entered into force on 19 October 2016, an early alert and pedagogical support scheme for preventing early school leaving and drop-out was introduced at national level. The authorisation to amend Government Decree 229/2012. (VIII. 28.) was granted in Section 94(4)x) of Act CXC of 2011 on national public education (hereinafter: Public Education Act).

The early alert and pedagogical support scheme draws attention to those situations and areas in need of development that could contribute to the prevention of drop-out – both at student-teacher level and at institutional development and management level. Before this there was no such scheme at national level. (For further information on the operation of the scheme see below.)

Legislative amendments due to infringement proceedings concerning segregation in education
The European Commission initiated infringement proceedings against Hungary in May 2016 for the improper implementation and application of Directive 2000/43/EC in the field of education. Following the infringement proceedings the following legislative amendments were made:

- The Public Education Act and Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter: Equal Treatment Act) explicitly prohibit segregation; all discriminative measures taken by institutions (schools) or their operators are regarded unlawful. Considering the European Commission's concerns on the interpretation and practical implementation of this prohibition – especially in relation to nationality and church schools –, the Hungarian Parliament amended both acts on 13 June 2017. The amendment entered into force on 1 July 2017. As a result of the amendments made to the Equal Treatment Act and the Public Education Act, the guarantees preventing segregation have been strengthened. Pursuant to the amendment, education is lawful only if it satisfies all the requirements of education based on religious faith and all the requirements of nationality education at the same time, therefore students take part in that – based on their free and uninfluenced choice – based on religion and nationality. Furthermore, additional requirements to ensure the equivalence in quality of nationality education provided to Roma pupils have been added to the legal act.

- With a view to the implementation of the two legislative amendments, there was a need to amend the nationality directive with Decree of the Ministry of Human Capacities No. 17/2013. (III. 1.) on issuing the guidelines relating to pre-school education for nationalities and the guidelines relating to school education for nationalities. The amendment guarantees that in the course of applying for admittance to nationality education, parents get full and unbiased information, based on which they make voluntary decisions in choosing nationality education. This provision strengthened the conditions required for parents' responsible decision-making. The amendment is also significant, because it allows parents to withdraw their statement even during the academic year.

Amending the regulations relating to school districts: The regulations applicable to primary school districts contribute to eliminating the undesirable effects of the free choice of school, preventing and hindering school segregation: when determining the district boundaries of primary schools having compulsory admission duties, the social-economic status of the families living in the surroundings of the school must be taken into consideration [Decree of the Ministry of Human Capacities No. 20/2012. (VIII. 31.) on the operation of public education institutions and on the use of names by public education institutions]. As from 1 January 2017, educational district centres exercise the right to agree on determining district boundaries.

In the academic year 2016/2017, from 59 school district centres 32 operators submitted proposals concerning the modification of primary school district boundaries. Of these, eight operators requested the competent government offices to make changes specifically in order to make the distribution of pupils with special educational needs and pupils with disadvantages and multiple disadvantages more balanced, in each case coordinated with the heads of the affected institutions of public education.

With a view to strengthening inclusive education, the preparation of the regulations relating to networks of mobile special education teachers and mobile conductors started in autumn 2014. The duty of the mobile network of special education teachers and conductors shall be to provide experts with appropriate professional qualifications as required for the education of children / students with special education needs for educational institutions performing the pre-school or school education of children / students with special education needs partly or fully together with peers and students in the same pre-school group or school class, in case the educational institution do not have the necessary specialists. First the relevant framework for the Public Education Act was clarified, and it entered into force in January 2015. Then a working group consisting of representatives of the profession and the Government started to elaborate the detailed rules. The majority of the rules elaborated entered into force on 1 September 2017.

Special skills development schools prepare pupils with moderate intellectual disability for start in life, and make it possible for them to learn easily attainable work processes so that they can start work, and provide knowledge needed for starting work and starting in life. In the scope of renewing the content of special skills development vocational schools, a new concept was elaborated together with 18 new framework curricula belonging to it, which entered into force on 1 September 2017. New sectoral content was added to these framework curricula, and vocational practice at company premises has become generally applicable in such type of schools.

Pursuant to the amendment of Government Decree No. 326/2013. (VIII. 30.) on the promotion of teachers and on the implementation of Act XXXIII of 1992 on the legal status of public servants in public education institutions adopted in November 2017, supplementary pay for work in difficult circumstances shall be paid also to those, who do not work in disadvantaged settlements, but are involved in the implementation of a pedagogical programme aimed at the successful progress of disadvantaged children and pupils. (For further information see below.)

As from 12 July 2017, Act XCV of 2017 on amending Act XXXI of 1997 on the protection of children and the administration of guardianship (hereinafter: Child Protection Act) with a view to strengthening the child protection system, and on amending other legal acts, introduced an amendment affecting the obligation of secrecy borne by members of the teaching staff in the interest of the early indication of risks to children. With a view to the timely recognition, early alleviation and solution of the problems faced by individuals, families and children, the State operates a detection and alert system in the framework of the child welfare system. Teachers and staff directly supporting educational activities are obliged to report the vulnerability of children to the child welfare service provider via the head of the educational institute, or initiate official proceedings in the case that the child is abused, neglected, or exposed to any other serious risks. According to the new provision, in such situations the consent of the affected person or the person otherwise authorised to dispose of data is not required for forwarding information.

## II. Child protection

**Free-of-charge and discount institutional catering services for children, and free-of-charge catering services for children during holidays**

In the past years Hungary has taken a number of steps to help the nurturing of children living in families under unfavourable financial conditions. Within this, in line with the National Reform Program under strategy 'Europe 2020' and in adherence to its goals and measures to mitigate poverty, the Hungarian National Social Inclusion Strategy also addresses the necessity to expand the scope of beneficiary children who receive catering services free of charge or at a discount price.

Upon the parent or the legal representative's request, children shall be provided catering services in consideration of their age, either in the form of institutional catering or catering services for children during holidays. In 2010 as many as HUF 28.7 billion was allocated from the central budgetary system to such municipality duties, which rose to HUF 52.6 billion by 2014. Due to continuous improvement, the sum was increased to HUF 61.08 billion in 2015, HUF 71.74 billion in 2016, and to HUF 73.91 billion in 2017. Act C of 2017 on the central budget of Hungary for year 2018 proposes even higher appropriations. It allocates almost HUF 79.3 billion for municipality catering services for children. Within this amount, approximately HUF 6.67 billion is intended for catering services for children during holidays, which have become a statutory obligation for local authorities.

As of 01 January 2016, it is a mandatory task for local authorities or municipalities to provide catering services to children during holidays. In the framework of this, upon their parents or legal representatives' request, disadvantaged or multiple disadvantaged children, who receive regular child protection benefit, shall be given a free hot meal for lunch during the holidays. These children, who number around 208,000, shall receive such food on at least 43 workdays during the summer holidays but not longer than the summer vacation. Hot meals shall be ensured for them during the autumn, winter and spring break as well for the holidays' duration, and on the appropriate workdays when nursery schools and kindergartens are closed. Children in lack of a relationship with any institution, who are typically day-nursery pupils between 5 months and 2.5 years of age, may receive such catering services for at least 43 workdays during the summer holidays, but not longer than the summer vacation. Just like pupils and students, they may as well benefit from the services on the workdays during the autumn, winter and spring school breaks, as per the respective EMMI Decree defining the schedule for the academic year.

2,287 municipalities requested central budgetary appropriations for catering services for children during holidays, through which as many as 133,521 children could receive hot meals countrywide during the summer holidays of 2017. This figure was 95,557 in the spring break, while the number of beneficiary children reached 104,559 and 112,927 during the autumn and winter break respectively. It may be concluded then that, on average, 63.9% of disadvantaged and multiple disadvantaged children could benefit from catering services during the summer holidays of 2017. This implies that an unprecedented number of settlements got involved in providing catering services to a great number of vulnerable children during the summer holidays, as an in-kind benefit.

Catering services for children during holidays have become a statutory municipality task on grounds that these services should be available to every vulnerable child. In the former tender/aid scheme, municipality involvement was restricted to a voluntary basis. Irrespective of the most disadvantaged settlements, higher levels of municipality contributions were coupled with grants

that failed to reach the current amount. Municipality engagement required a considerable investment of the local governments' own resources. At the same time, catering services for children during summer holidays tended to have a quantitatively smaller outreach than they do now, currently affecting every school break or holiday.

**Summer catering services for vulnerable children (as of 2016, catering services for children during holidays), data for the period 2014-2018**

| Year | Budgetary resource | children benefited from catering (person) | | Number of local governments requested | period of the catering |
|---|---|---|---|---|---|
| | | from allowance | from own source | | |
| 2014 | 2,64 billion HUF | 115,667 | 3,724 | 1,270 | 44-54 days |
| 2015 | 3 billion HUF | 130,496 | 3,830 | 1,482 | 43-53 days |
| 2016 | 5,3 billion HUF | 140,228 | | 2,195 | 43-70 days |
| 2017 | 6,67 billion HUF | 133,521 | | 2,287 | 43-65 days |
| 2018 | 6,67 billion HUF | N/A | | N/A | 43-61 days |

*Source: 2014-2015. Ministry of Human Capacities (EMMI), Department of Child Protection and Guardianship, as of 2016 the Department for the Budgets of Local Authorities under the Ministry of National Economy.*

In 2017 the number of children who took advantage of catering services during holidays was 4.8% lower than in the year when these services became a statutory obligation for local authorities. Nonetheless, the 4.2% growth in the number of service providing municipalities suggests an improved targetedness of the benefit: catering services became available in a larger number of settlements.

The primary cause of the slight drop in the number of beneficiary children should be sought in the eligibility conditions for regular child protection benefit. Practically their tightening, which is an underlying factor in the establishment of a child's disadvantaged or multiple disadvantaged status, also affected the entitlement criteria for catering services during holidays. State Treasury data for August 01 in the previous year show that in 2016 as many as 452,007 people received regular child protection benefit. In the meantime, it may be concluded from the statistics on the Erzsébet vouchers that were claimed by the municipalities on grounds of child protection, that this figure shrank to 350,885 by the year 2017. Apparently, the group of beneficiaries got smaller, which may be explained by the significant salary increase perceived in the national economy.

From 01 January 2018 onwards, the wage limit for the regular child protection benefit was raised to 135-145% of the minimum old-age pension, from its previous 130-140%. Consequently, the number of children applying for catering services during holidays will also increase, or at least it is not expected to further decline.

The utilization of the benefit is subject to the request of the vulnerable child's parent or legal representative. This means that such catering services shall only be provided by the local authority if a request for them has been filed by the parents. In order to make sure that the vulnerable child's parents will, in the possibly widest scope, request catering services for their offspring during the holidays, Government Decree 328/2011 (XII. 29.) on fees for child welfare

and child protection services and the assessment of eligibility stipulates that the notary of the municipality shall, in writing, notify the respective parents or other legal representatives of the possibility of catering services for children during holidays. The eligible child's family shall be visited by a colleague from the family and child welfare service to provide assistance with the completion and submission of the statement and form that is necessary for the application.
The notaries of the municipalities have all been notified of this task in a separate letter by the Department. The heads of the family and child welfare services and that of the family and child welfare centre have been informed about their communication responsibilities in connection with catering services during summer holidays, so that these services have a better outreach to vulnerable kids. In 2017 special emphasis was put on the communication and task management duties of those municipalities where catering services failed to be provided during the holidays in 2016.

For more details in connection with the achievements in institutional catering services for children, please consult the response to the question raised by ECSR regarding Article 17(2).

**Child protection against abuse and bullying**

It has been included in the Child Protection Act since 15 March 2014 that children have the right to make sure that the experts acting in their protection, in particular with a view to identifying and eradicating child abuse, apply common principles and a single methodology. In this way, the supply scheme shall mandatorily apply the methodological guidelines approved by the Minister of Human Capacities. The guide titled ”Sector-neutral common principles and a single methodology for the identification and elimination of child abuse through a child protection detection and signalling system” is

available on the department's website. In order to familiarize and promote the practical application of the guide, in 2014 the Department invited a number of government offices to hold technical consultations in each county and the capital. Accordingly, through these government offices, which have a secondary competence as a court of guardians, professionals in guardianship authorities, at primary child welfare service providers and special child protection institutes could take part in technical consultations in the given county or the capital. The methodological guide was issued again in the spring of 2016 and 2017, in a revised form. Its revised versions now covered the structural changes in the family and child welfare service system.

Pursuant to Section 11 (1b) of the Child Protection Act, the cases of child abuse in special child protection institutes and correctional institutes shall, in the future, be investigated and treated in adherence to the institutional, operational and sectoral methodology approved by the minister, which shall be published on the Ministry's website. The methodology for the identification and common treatment of child abuse shall be introduced and first applied in H1 2018. The methodology shall also be adopted in child protection institutions specialized on unaccompanied minors.

The obligatory application of this common organizational, operational and sectoral management method is to avoid cases of child abuse in special child protection institutes and correctional

institutes, and to investigate and handle the cases, should they have already happened. The related adoption of the guidelines is expected to have a number of beneficial impacts.

- Cases of child abuse are anticipated to be better managed. Their treatment will become better structured on an organizational and operational level as well, it will be more focused and the administration will get faster. Since any case of abuse is a crisis event both on the beneficiary's side, and on an organizational and operational level, it is essential that crisis events receive efficient, professional and proper treatment to resolve the conflict and prevent potential further negative consequences.
- Child abuse will significantly drop in special child protection institutes and correctional institutes through the protocol, by enhancing the exploration of any such case. In this sense, the protocol does not only boost the exploration, but will work as a deterrent.
- It will preclude the occurrence of unjustified suspicions and systematic erroneous conclusions concerning the child abuse cases.

The further training programme for the prevention and identification of child abuse, targeted at professionals in the child welfare and child protection and care systems, is only one of the many qualified, thematic professional training courses that are available free of charge. The training, which serves the purpose of child protection against abuse, has been designed and implemented with a number of other courses under priority project EFOP-3.8.2-16 and VEKOP-7.5.1-16 "The enhancement of social human resources". The special project, which was launched on 01 October 2016, could rely on a budget of HUF 13.68 billion.

In the case of child protection institutes (such as correctional institutes, youth detention institutes and children's homes), audits are carried out by the Commissioner's Office for Fundamental Rights under the OPCAT (Optional Protocol to the Convention Against Torture) mechanism. The Office started its relevant operations in Hungary in the reference period.

Act CXLIII of 2011 on the Promulgation of the Optional Protocol to the Convention (hereinafter referred to as the Protocol) was adopted by the Parliament on 24 October 2011. OPCAT, which is an optional protocol of the UN Convention, has been designed to ensure the practical enforcement of the prohibition to commit torture, impose cruel, inhumane or humiliating punishment or practice any treatment of its kind. The Protocol created a scheme through which independent international and national committees make regular site visits to locations where people have been deprived of their freedom and liberty.

**Obligatory professional disqualification, tightened assessment rules for suitability and the revised prescription of victim protection**

Pursuant to Act C of 2012 on the Civil Code (hereinafter: Btk.), as amended, from 01 December 2017 onwards, offenders who infringe minors (under 18) in their freedom of sexual behaviour and commit sexual violence against them shall be definitively banned from pursuing any profession or activity in the framework of which they could, in any form, be responsible for the education, supervision, nurturing, or medical treatment of any child or would be in contact with any such person in an authoritative or other influential way. The suspension shall be definitive in order to ensure the children's proper protection, with due regard to the gravity of the offence.

Therefore, Btk. excludes the possibility of any case where the offenders, having committed any such crime against minors, could again get in direct contact with these children through their profession. Definitive professional disqualification, thus, serves as a deterrent from any such offence, and also strengthens the defence of those who could be exposed to these crimes due to their age.

The endangerment of minors involves any behaviour that threatens and jeopardizes their physical, mental, moral and spiritual development. Professional disqualification is mandatory in this case as well. Yet, as regards the severity of the offence, the obligatory nature of the suspension may be disregarded based on a Court judgement, if overriding interests are justified.

Inquiry experiences have confirmed that, within the child protection scheme, those entities whose empowerment covers the protection of rights and their control could have been aware of the weaknesses that were afflicting the concerned managerial activities. Yet, information about such failures did not necessarily become known to the institution's operator and thus he or she could not take into account these details during the repeated process of the manager's appointment. Therefore, it is recommended that the operator verifies the concerned person's leadership capabilities at the time of their designation as head of the special child protection or correctional institute. To this end, in accordance with the latest amendment of Gyvt., effective as of 01 January 2018, the appointer may request an expert opinion from the appointee's former employee or from any person or body that pursued legal protection related tasks at the designated person's former workplace. The opinion shall cover the reasons why the appointee's employment relationship was terminated, putting an end to his or her professional commitments with the former employee. In the case of repeated managerial appointment, the competent entity, in exercise of the employer's rights, shall request an expert opinion from the advocate of children rights, from the guardians responsible for the protection of the child, the advocacy forum and the board of educators. The employer shall also be informed about the findings of the audits that were carried out by the government office, the ombudsman or the public prosecutor's office in the said institution. Should it be about the repeated appointment of the head of the correctional institute or the facility, or the director of the children's home or that of the institute that operates the children's home, the entity, in exercise of the employer's rights, will request further opinion from the competent local authority, based on the location or registered address of the child protection institute, about their cooperation with the said person. In this way, information may be gained about head of the institution and about his or her involvement in the settlement's life. Thus his or her suitability as the head of the boarding institution may get confirmed, now based on a broader perspective.

Similarly, a foster parent's professional suitability is also subject to further examination. Besides undergoing an assessment process concerning his or her environmental, psychological and medical fitness, in the framework of the examination of his or her professional suitability, the prospective foster parent shall, if applicable, also specify in a statement his or her previous legal relationship, with another operator, as a foster parent, professional foster parent or an employed foster parent. The prospective (new) operator shall get in touch with the former operator, requesting reference from him or her about the foster parent and the latter's previous work. The operator will require an expert opinion about the foster parent's behaviour and attitude towards the child, and about the way the foster parent treated the infant. The potential operator shall

gather information about the foster parent's cooperation with the child protection guardian, and if necessary even about his or her collaboration with the biological family, the educational institute, the healthcare provider and the operator. The new operator shall also be informed about the reasons why the previous legal relationship, as a foster parent, was terminated.

Besides the above, as of 01 January 2018 special child protection services have been given a new task. Now these territorial services, which are organized on a county or capital level, shall also be responsible for victim protection, for the sake of efficient crisis management. The latter task, which had not been specified beforehand, has been introduced to help those victimized children who receive special child protection care and to assist the professionals who work with these infants.

Victim protection has been granted special attention in the Hungarian justice policy. In 2017 the Ministry of Justice founded a Victim Crisis Centre in Budapest. Besides the one in the capital, similar crisis centres came into existence in Szombathely and Miskolc in 2018. The mid-term objective is to open further crisis centres in other large cities.

Apart from counselling, the centres provide legal and psychological assistance. They also employ social workers and strive to help those in need with tailored services. Even a crisis room has been created to give shelter to anyone who is forced to flee in a crisis situation. This, however, shall only serve as a temporary alternative, until the official bodies find an ultimate solution to the problem and close the case. The centre has a play corner, with comfortable, cosy rooms, so that the administrative procedures can be carried out in a friendly environment, even though within the four walls of an office.

A victim protection hotline has been available in Hungary since 2011, whose operation became compulsory in 2015. The telephone service may be contacted free of charge on 06-80-225-225. It can provide tailored assistance to victims of crimes and offences against property mainly.

**Action against child prostitution**

The State Secretariat for Societal Affairs and Social Inclusion under the Ministry of Human Capacities (hereinafter: EMMI SZTFÁT) gave a total of HUF 58,467,000 to the Directorate-General for Social Affairs and Child Protection (hereinafter: SZGYF) in December 2014. The grant was allocated for the organization of various programmes to prevent child prostitution, and for the provision of the relevant tools and training courses, alongside the development and introduction of a training programme for the identification, prevention and handling of cases of child abuse. The programme for the prevention of child prostitution was developed for girls who have special needs and receive specialized child protection care that is, for the group exposed to the greatest risk. In the period from December 2014 to May 2015, presentations on theatre and cinema productions were organized, where experts helped the audience interpret and utilize the information received, thus helping the persons under care to understand the importance of the decisions they make in their lives – including the decisions that lead to prostitution.

Upon the request of EMMI SZTFÁT, in 2016 a working group was formed in the National Office for Rehabilitation and Social Affairs (hereinafter: NRSZH) to assess the prevalence of

child prostitution among children in special child protection care. The working group came into existence with the additional purpose of proposing methodological guidelines and recommendations for improvements in the field of prevention, control and victim support. Having been set up, the working group started its operation on 29 September 2016, to further continue its activities, after the succession of NRSZH, as an organizational unit responsible for methodological duties under SZGYF. Working group members came from the management and coordination of the Methodological Department for Child Welfare and Child Protection under SZGYF, while another 20 civil, Church and public organizations and institutions had themselves represented through 37 professionals. The Office of the Commissioner for Fundamental Rights was also among the organizations concerned. As part of the working group's activities, a broad assessment and analysis was made of the prevalence of child prostitution among children in child protection care. Methods for its prevention and control were gathered together with best practices, and finally further proposals were made for the proper treatment and suppression of the phenomenon. The respective findings do not only contribute to the better understanding of child prostitution, which has unfortunately deeply penetrated into special child protection care, but also designate paths and set goals for intervention.

The working group collected 22 methods, which do not only bridge the current gap, but prove to be innovative in their approach and practice as well. These activities, which have been gathered on the institutional stage of child protection, may assist the relevant institutions in their endeavour to eliminate those children's exposure to sexual harassment, child prostitution or human trafficking, who receive special child protection care. Should any offence have happened, victims of child prostitution may as well expect institutional aid from these entities. The organization responsible for the methodological tasks shall undertake to shortly make the working group's findings available to the public. The information, which will be accessible free of charge, will also cover the methods and programmes that the working group gathered during the research. Currently we are working on the preparation of the necessary interventions, based on research results. Programmes for control and preventive action are being planned, alongside the assessment of the practical implementation of the proposals the working group has made.

The Department for Child Protection and Guardianship under the Ministry of Human Capacities, which is the Central Authority appointed by Section 2 of Government Decision 2031/2005 (III.8.), shall actively get involved in the relocation of children of Hungarian citizenship from abroad. Throughout its activities prescribed by the Child Protection Act and its implementing rules, the central authority shall act in cooperation with the Hungarian consulate in the country of residence.

The Ministry of Human Capacities (EMMI) concluded, in its efforts to relocate Hungarian children from Austria that these minors are already taken to Austria in an organized form, where they are forced into prostitution. The Austrian authorities regard these under-aged children as victims of human trafficking, irrespective of whether any signs of coercion may be traced. Therefore, they are not subjected to any judicial follow up or infringement proceeding.

The child protection guardian, the children's home, as a place of care, or the foster parents shall immediately notify the Hungarian police of the disappearance of any child of Hungarian citizenship, who receives special child protection care and who is away from the place of care,

which the guardianship authority had designated, without permission. In this way, besides domestic search, normally an international search warrant is also issued in the SIRENE system for the case.

The Austrian and Hungarian child protection and police authorities work closely together in bringing back to Hungary and later providing assistance to children who have been rendered victims of human trafficking by the Austrian authorities. These children are residing in Austria, have a Hungarian citizenship, receive special child protection care, but have left the care-providing institution, which the guardianship authority had appointed, without permission. With a view to successfully relocating these infants to Hungary, who are in many cases affected by prostitution, a number of consultations have been made. Accordingly, 2018 will be a landmark in their treatment. A procedural order will be applied for the relocation and the safe placement, in special central children's homes, of minors who are hit by the grievances of prostitution abroad and receive special child protection care in Hungary. Cooperation with the competent Austrian authorities will be essential here. The procedural order shall be developed in cooperation with the sectoral management, the major institute of SZGYF and a Church organization, and is anticipated to be adopted and introduced in spring 2018. The department is planning to later apply the procedural order in collaboration with the competent authorities in other countries.

The further training programme intended for the prevention of child prostitution and child trafficking and for action against thereof is only one of the many qualified, thematic professional training courses that are available free of charge. The training, which is targeted at professionals in the child welfare and child protection systems and which serves the purpose of child protection against abuse, has been designed and implemented with a number of other courses under priority project EFOP-3.8.2-16 and VEKOP-7.5.1-16 "The enhancement of social human resources". The special project, which was launched on 01 October 2016, could rely on a budget of HUF 13.68 billion.

**The introduction of employment relationship for foster parents and its evolution**

Foster parents shall provide for the full-scope care and support of those children and young adults in their own household, who have been removed from their families and thus have been temporarily placed or put in foster care, or who have been brought up in the institution of child protection care and currently receive post-care services. Placement under the care of a foster parent should be understood as a transitional period, whose aim is to make sure that the child can re-join its biological family in the shortest time possible. Or, should this prove to be impossible, then the child should be supported in the adoption endeavours, if adoption is a realistic alternative in consideration of his or her age.

Foster parents have been pursuing this challenging activity under employment since 01 January 2014, when foster parent employment was introduced as an option in order to better the prevailing situation. In the application of the previous regulation there were around 5,500 foster parents in the country, from among whom almost 5,200 were working as 'traditional' foster parents, receiving rather low financial compensation and actually no cover for the job. As a matter of fact, the remuneration they received for their foster parenting activities was a monthly amount of HUF 15,000 per child. It should be noticed though, that the content of the work of a ”conventional” and a professional foster parent was practically identical. However, the latter did

their job under an employment contract. Obviously, these circumstances kept the profession's prestige rather low, and jeopardized the extension of foster care.

As of 01 January 2014, any work carried out under a foster parent employment contract shall be compensated through the payment of a fostering fee. The charge shall consist of the basic fee, which equals 30% of the actual minimum wage, as per the Annex, and shall in 20% contain an additional fee after the number of children, and a surplus charge, which in case of need for special care, will amount up to 5% of the minimum wage. Moreover, foster parents will be entitled to comprehensive health and pension insurance, just like paid holidays. With respect to the number of dependant children, the fostering fee may be reduced with the appropriate sum of the family tax allowance. Due to the uninterrupted improvement in their remuneration, "average" foster parents tend to receive three times higher fostering fees than 4 years ago – if they nurture two children, where one of the infants has special needs.

Beyond the age, health, hygiene and placement related criteria, foster parent employment is conditioned to the successful completion of a statutory fostering course (60 hours) and to the foster parents' commitment to attend the relevant foster parent training course. The latter training is included in the Central Educational Programme (hereinafter CEP), which has been approved by the minister, and is listed in the National Qualifications Register (hereinafter OKJ) as well. It shall be completed within two years from the day when the first child or adolescent under the foster parent's care is placed in foster care.

Subsequent to the introduction, on 01 January 2014, of a single system for foster parent employment, the foster parents' preparation and training could rely on the support of priority project TÁMOP 5.4.10-12/1 "The modernization of social trainings", where the interested parties could participate in a free-of-charge OKJ vocational training in 500 hours.

Building on the experiences of the implementation phase, the department amended its regulation concerning foster parent qualifications. From 01 July 2015 onwards, apart from the above OKJ qualification, employment relationships may be established with foster parents if they have the relevant CEP qualifications. Thus foster parents now have a choice of training options. In this modified regulatory environment, the foster parent may decide to take the training that is more favourable for him or her. It is at his or her own discretion to choose which training may be better adapted to his or her lifestyle, circumstances, previous knowledge and goals and objectives.

A working group has been formed under the department's guidance to elaborate on CEP, in close cooperation with a group of qualified experts and professionals in foster parent training. The training method offered by CEP wishes to facilitate the acquisition of the necessary knowledge in an interactive way, with its elements being built into the foster parents' practical activities.

The CEP-based training of foster parents is governed by ESzCsM Decree 29/2003 (V. 20.) on the training and examination requirements for substitute parents, foster parents, and the operators of family daycare facilities, as well as pre-adoption counselling and preparatory courses. The legislation defines the themes, topics and contact hour number for the CEP-based foster parent training, alongside the ratio the classes of theory and practice are represented in. Accordingly,

the training dedicates 98 theoretical classes and 142 hours of practice to transferring the basic technical knowledge about caring and nurturing, together with the mastering of a socially efficient attitude (orientation training), and the familiarization with the intervention tools of child protection (social awareness raising), alongside the theory and practice of foster parenting. The above-mentioned are coupled with an additional 42 hours of related practice and 30 hours of case discussion.

The 240-hour training, therefore, means less burden – in terms of time and practice. Nevertheless, it is more practice-oriented than the 500-hour OKJ foster parent training. Even though the OKJ training has a longer duration, its module scheme and the respective legislations allow for the acceptance of modules completed in other OKJ training courses, just like any other knowledge or practice. As opposed to this, the CEP-based training does not accept any previous knowledge, and nor does it give exemption from the attendance of the classes.

Training sessions under CEP are implemented from a fund of almost HUF 400 million, through priority project EFOP 3.8.2-16 and VEKOP-7.5.1 "The enhancement of social human resources" (hereinafter referred to as priority project). The latter priority project was launched on 01 October 2016, with a budget of HUF 13.68 billion, and ensures the following:

- the foster parents' opportunity to participate in the CEP training free of charge, and
- the development of special training courses and specific training courses for foster parents to facilitate the placement, in foster families, of children with a need for unique care (under 3 years of age, suffering from long-term illnesses or disabilities) or of children with a need for special care (such as children suffering from serious psychological disorders, severe dissocial behavioural patterns, or addiction), and the free-of-charge accessibility of vocational training courses of this kind.

In order to further develop the vocational training scheme, the priority project enables the development of special and specific training courses for foster parents, just like the assurance of the free-of-charge accessibility of similar vocational training sessions, which are all meant to facilitate the affected children's placement with foster families. The above training courses are targeted at children with a need for unique or special care (such as children under 3, suffering from long-term illnesses or disabilities, or children suffering from serious psychological disorders, severe dissocial behavioural patterns or addiction), and have been designed to make sure that the children get proper and professional care from their foster parents, who are qualified, well-prepared and committed for this job.

Due to the succession of the priority project's beneficiary, the training courses could not start in 2016, as initially planned. For this reason, in order to ensure the necessary coverage for the foster parents' qualification, the deadline for the acquisition of the respective qualifications was extended by 2 years – the Child Protection Act (Gyvt.), as amended, postponed it from 31 December 2016 to 31 December 2018.

Besides SZGYF, the Minister of Human Capacities appointed six additional organizations in 2017 to manage the foster parents' training and examination as per CEP. They are as follows:

- Szent Lukács Görögkatolikus Gyermekvédelmi Központ
- Szent Ágota Gyermekvédelmi Szolgáltató

- Magyarországi Református Egyház Szeretetszolgálati Iroda
- Magyar Máltai Szeretetszolgálat Máltai Családok Háza Nevelőszülői Hálózat
- SOS-Gyermekfalu Magyarországi Alapítványa
- Fészek Gyermekvédő Egyesület

From among them, four civil and Church organizations actively got involved in the training courses, which are all organized by the priority project. In this way, building on its team of experts, the Hungarian Foundation of SOS-Children's Villages and the Fészek Gyermekvédő Egyesület (Nest Centre for Child Protection) perform their tasks individually in foster parent training. The training organizations are appointed by the minister for a definite period. According to the related legislation, their mandate is for a maximum of 5 years, currently lasting from 01 August 2017 until 31 July 2021.

In the framework of the priority project, the first CEP training courses started on 20 March 2017, and the first exam was held on 11 December 2017. The affected foster parents are automatically notified of the latest courses and groups through a specific network forum. Trainings are free, and the priority project pays special attention to making sure that the training courses are held closest to the foster parents' location.

The above changes in the foster parents' qualification requirements and the introduction of the CEP-based training scheme did not affect the vocational training requirements for foster parents, as per Decree 9/2000 (VIII. 4.) (SzCsM) on the in-service training of professionals providing personal care and on the professional training program and exam (hereinafter: SzCsMr). Notwithstanding, the provision on vocational training requirements is modified in SzCsMr, with effect as of 01 July 2018. Pursuant to Section 2 of SzCsMr, whose scope also covers those in foster parent employment, further education shall be carried out within a certain vocational training period, whose overall duration shall be shortened to 4 years from the current 6 years. The vocational training period will start on the day when the person acquired the relevant qualification as prescribed in the qualification requirements, or on the first day of employment for those who established a foster parent employment relationship.

Among the transitional provisions of SzCsMr, it stands out as an exceptional rule that those persons who had a legal relationship for foster parenting on 31 December 2013 and who had no qualification in the field, were subject to further education. Their obligation for further education, and thus their vocational training period, starts on the first day of the month after the date when the OKJ-based foster parent qualification or the CEP-based fostering qualification was acquired, whichever happened earlier.

It is a new provision again that at least 20% of the prescribed scores for further education shall be obtained through compulsory vocational training. The requirement, which is also applicable to foster parents, stipulates that any person who is subject to further education may acquire the remaining scores by completing a job-related compulsory or optional vocational training course, where the optional training may only give maximum 40% of the scores prescribed for further education. Any person who is required to complete the job-related training shall finish the course, as part of his or her job-specific vocational training obligations, in the first half of the training period.

**The ratio of children and young adults (minors and majors) in special child protection care, based on the form of care, on 31 December in the given year**

| | At foster parents | In children's homes and apartment homes, after care homes and apartment homes (person) | In other places (in nursing-care homes, child protection external rooms covered by the Szt.) (person) | Total | Number of those placed at foster parents (%) |
|---|---|---|---|---|---|
| **2013** | 13,457 | 7,770 | 401 | 21,628 | **62.22** |
| **2014** | 14,349 | 8,209 | 562 | 23,120 | **62.06** |
| **2015** | 14,417 | 8,252 | 475 | 23,144 | **62.29** |
| **2016** | 14,828 | 7,748 | 565 | 23,141 | **64.08** |
| **2017** | 15,281 | 7,521 | 563 | 23,365 | **65.4** |

*Source: HCSO OSAP data gathering no. 1209*

**Number of those receiving special child protection care, broken down by minors and adults, between 2013-2017, on 31 December in the given year**

| | 2013 (person) | 2014 (person) | 2015 (person) | 2016 (person) | 2017 (person) |
|---|---|---|---|---|---|
| **0-17 years of age** | 18,674 | 20,135 | 20,271 | 20,551 | 20,948 |
| **18-25 years of age** | 2,954 | 2,985 | 2,873 | 2,590 | 2,417 |
| **Total** | 21,628 | 23,120 | 23,144 | 23,141 | 23,365 |

*Source: HCSO OSAP data gathering no. 1209*

For more details about the measures concerning prioritised placement with foster parents and the related achievements, please consult the response to the question raised by ECSR regarding Article 17(1).

**Changes in the support of unaccompanied minors**

The Government has committed itself to making every effort to guarantee the safety and security of unaccompanied vulnerable children, and will do its best to make sure that their interests are not infringed. For this reason, they shall not be regarded as immigrants, but as children, just as has been the case so far. The Hungarian child protection scheme is prepared to treat the current situation, and will make sure that the affected children's placement is safe and secure.

Pursuant to Section 48(2) of Act LXXX of 2007 on Asylum, as of 01 May 2011 unaccompanied minors shall be catered for by the special child protection care system. Prior to this, unaccompanied minors were accommodated at the host station of the refugee authority. With a view to providing proper care to unaccompanied minors, in 2011 a children's home was opened to host and cater for unaccompanied minors. The State-run Károlyi István Children's Centre in Fót was established to operate as an independent technical unit.

In 2015 several legislative amendments were made in recognition of the rights and special care needs of unaccompanied minors.

- In order to ensure the legal representation of unaccompanied minors within the shortest time possible, the Hungarian regulation was amended as of 01 August 2015, by obligating the public guardianship authority to assign a child protection guardian for unaccompanied minors, within eight days of receiving the request from the asylum authority.
- The Guardianship Department of Government Office for District V of Budapest was designated to deal with all unaccompanied minor's guardianship cases, including the assignment of a child protection guardian, as a public guardianship authority of first instance, which works with centralized power in all cases of unaccompanied minors, who are placed temporarily in a children's home. Since 15 October 2015, the Child Protection Centre and Territorial Child Protection Specialized Service of Budapest and their child protection guardians have been designated to deal with the child protection guardianship cases of all unaccompanied minors, who apply for asylum and who are temporarily placed into children's home.

In 2015 the administrative staff at the designated guardianship authority was enlarged with 3 more employees, while the child protection guardianship team at the capital's specialized child protection service could welcome 10 new colleagues on grounds of elevated workload. In addition, Government Decision 1545/2015 (VIII. 6.) on the provision of resources necessary for managing the extraordinary immigration pressure, made provisions for the improvement of the technical resources at the latter two organizations, and allocated resources thereto.

The unaccompanied minor shall also be informed about the person of the child protection guardian, and the guardian shall already get in touch with the under-aged during the designation period. Here the notification requirement of the child protection guardian is of paramount importance. In doing so, the guardian will be helped by an interpreter in the institution where the child is taken care of.

The legislative amendment, which was put in place on 15 October 2015, sets rules on the specific professional duties the children's homes and transitional hosting places shall perform in connection with the unaccompanied minors temporarily placed there. It grants special attention to foreign language communication and interpreting, to the provision of appropriate accommodation and supply in consideration of the religious customs and cultural traditions, and to the assurance of the necessary number of specialists. As a result of the legislative amendment, a regulation was made as to what compulsory care instruments to turn to when an emergency due to mass immigration would arise. In this way, it shall also guarantee the enforcement of those unaccompanied minors' rights who have been temporarily placed in institutions.

Experiences so far suggest that those accompanied minors who arrive in Hungary do not consider our country as a destination. As they say, most of them would like to go to Germany or to a Scandinavian country, and most of them leaves the institution and travels to their destination during the time of the guardianship authority's procedure, thus leaving the children's home without a permit. The unaccompanied minor's temporary placement shall be terminated if the child has left the institution without a permit and failed to return within 60 days' time. Nonetheless, an assigned child protection guardian should still be provided during the period. Alternatively, if the child voluntarily returns to the designated home or in case the child is taken

back to the designated place of care, the child protection guardian shall repeatedly get in touch with the infant, who will further receive care and supply.

New places were created in 2015 and 2016, relying on the additional resources that the relevant Government Decisions granted.

- New places were created for unaccompanied minors temporarily placed in the Károlyi István Children's Home in Fót. And this was coupled with some capacity-building in human resources and the extended scope of tangible assets. The beginning of 2015 recorded 34 available places, whose number grew to 82 up to this day. In 2015 another 5 State-funded children's homes and post-care homes got involved in the support of children, in foster care, who were permanently residing in Hungary and had a right to asylum or were persons under protection. These institutions were also involved in the support of young adults who received post-care services and were under international protection.
- In order to get prepared for any crisis situation that mass migration could cause, the children holiday homes, in the asset management of SZGYF, were also assigned the task to support unaccompanied minors under temporary placement. The necessary resources for the renovation works were provided for by Government Decision 1741/2015 (X. 13.) . The necessary infrastructural investments were successfully implemented in 2016 on the designated sites. Yet, no unaccompanied minors have been placed in the said institutions to date.

Pursuant to Act XX of 2017 on the amendment of certain acts to tighten the procedures conducted on the border and in accordance with the related implementing regulations, as of 31 March 2017 the amendment of the legislation governing the placement and support of unaccompanied minors stipulates that, at the time of a crisis situation generated by mass migration, unaccompanied minors who are over 14 and are seeking asylum shall be placed in the transit zone. In this context, unaccompanied minors above 14 shall not be placed under child protection care until their application for refugee status has been closed. (Their support is not regulated by the Child Protection Act.) Since, in this way they do not have a child protection status, they may neither be assigned a child protection guardian. In accordance with Government Decree 149/1997 (IX. 10.) on the guardianship authorities and on child protection and guardianship procedures, as amended, child protection guardians will be assigned to these children as per the Civil Code. In the case of unaccompanied minors above 14, who have been placed in the transit zone, the ad litem appointed guardian's role shall be taken on by the State civil servant who provides legal representation, in the transit zone, for the regionally competent authority acting within its legal assistance responsibilities. In doing so, the appointed legal representative will not be restricted in his or her availability to the accompanied minor in the transit zone.

Unaccompanied minors, under age of 14, seeking asylum and unaccompanied minors who arrive in the country with a non-migratory purpose (and remain unaccompanied for other reasons, such as the parent's accident, illness, criminal proceedings etc.) shall be accommodated and catered for in a special child protection institute, even in the time of a crisis situation caused by mass migration. Such is the ”Károlyi István Gyermekközpont Kísérő Nélküli Kiskorúak

Gyermekotthona" (István Károly Children's Centre, Children's Home for Unaccompanied Minors) in Fót.

As a consequence of the amendment, unaccompanied minors above 14 may only enter the country once their application for asylum has been closed and they have also received a refugee status or are persons under protection. Should the unaccompanied minor, under 14, receive international protection as a result of the asylum procedure, the asylum authority shall, without delay, arrange the child's temporary placement in the children's home, which will ensure special child protection care. Subsequent to this, the appointed guardianship authority shall provide for the assignment of a child protection guardian and the child's admission into foster care. Pursuant to this decision, the unaccompanied minor concerned shall be entitled to the same care and services as children of Hungarian citizenship. Upon reaching the age of majority and once he or she applies for that, the person concerned may be entitled to post-care until the age of 25, provided that his or her livelihood is not ensured or he/she would like to go on further education. The legislative modification did not affect the eligibility criteria for post-care services.

It should be underlined, though, that if no crisis situation has been announced due to mass migration, then irrespective of their age, every unaccompanied minor shall be placed under special child protection care. In this case, the unaccompanied minor's legal representation, who has been catered for by the child protection care system, will be ensured by the child protection guardian, who must be appointed by the guardianship authority within 8 days.

Similarly to any person who takes advantage of the social, child welfare or child protection services, unaccompanied minors that have been placed under special child protection care with a prescribing decision shall have their data recorded, by the competent institution's operator, in the Central Electronic Registry's online records about Service Users, until their placement in the children's home is terminated.

| Date | Number of unaccompanied minors referred into child's homes | Number of unaccompanied minors de facto resided in child's homes |
|---|---|---|
| **31 December 2013** | 67 | N/A |
| **31 December 2014** | 750 | N/A |
| 30 June 2015 | 1,669 | 293 |
| 31 July 2015 | 1,813 | 99 |
| 31 August 2015 | 1,749 | 30 |
| 30 September 2015 | 1,575 | 116 |
| 31 October 2015 | 1,194 | 20 |
| 30 November 2015 | 816 | 38 |
| **31December 2015** | 689 | 18 |
| 31 January 2016 | 561 | 66 |
| 29 February 2016 | 509 | 70 |
| 31 March 31 2016 | 513 | 96 |

| | | |
|---|---|---|
| 30 April 2016 | 888 | 198 |
| 31 May 2016 | 1,117 | 93 |
| 30 June 2016 | 1,136 | 75 |
| 31 July 2016 | 1,056 | 45 |
| 31 August 2016 | 886 | 35 |
| 30 September 2016 | 618 | 47 |
| 31 October 2016 | 484 | 44 |
| 30 November 2016 | 462 | 46 |
| **31 December 2016** | 363 | 41 |
| 31 January 2017 | 278 | 30 |
| 28 February 2017 | 244 | 34 |
| 30 March 2017 | 235 | 25 |
| 28 April 2017 | 212 | 19 |
| 29 May 2017 | 195 | 26 |
| 31June 2017 | 169 | 27 |
| 31 July 2017 | 186 | 29 |
| 31 August 2017 | 174 | 28 |
| 30 September 2017 | 113 | 34 |
| 31 October 2017 | 123 | 30 |
| 30 November 2017 | 123 | 34 |
| **31 December 2017** | 137 | 47 |

It could be concluded that those minors who arrived in Hungary without an accompanying adult had another destination. Notwithstanding, the available data also highlighted that these minors generally tend to spend more time in Fót, before they leave without a permit, than their peers who were temporarily placed there in the spring and summer period of 2015. What is more, some of them even stay or plan to stay in Hungary for a longer time.

The rules regarding the unaccompanied minors in the immigration proceeding didn't change during the reporting period. In order to protect the interests of the unaccompanied minor, the immigration authority is obliged to take immediate action for the appointment of a Trustee at the initiation of the process. In regard of the appointment of Trustees, the competent authority is the Guardianship Division of the Government Office of the Capital City Budapest Office of 5$^{th}$ District.

Even in the immigration proceeding, the unaccompanied minor may not be taken into custody. As a mandatory place of residence for him/her, a reception station for the separated placement of the unaccompanied minors, or in the absence of it, either a child protection facility (Fót), or other public or private accommodation may be designated. The unaccompanied minor may be placed in a private accommodation at a relative not considered as his/her direct family member, if the relative, in a written statement, undertakes the housing, catering and nursing of the minor, and, furthermore, if it is evident that the placement serves the interest of the minor based on the relationship between the minor and the relative. The unaccompanied minor may not be expelled if the family or state care is not insured in the host state.

**Family and child welfare service**

In 2014, in parallel with the reorganization of the public administration system, the compulsory integration of the family support services and child welfare services was also completed. From 2015 on, family support services could only be created together with child welfare services under one single service provider. And starting from 2016, the new institution types, the Family and Child Welfare Service and the Family and Child Welfare Centre were not only associated with structural, but technical integration and the reconsideration of the tasks.

One of the Government's high priority objectives is the creation of opportunities, and the assurance of the children's rights to protection, as guaranteed in the Fundamental Law. The Government has committed itself to giving more comprehensive, more efficient and more focused assistance to families and to those professionals specialized in child protection that are helping them. The basic goal is to make sure that the children receive all the resources and services that are necessary for their physical, mental and spiritual development, and this they shall acquire in their earliest years possible. The accomplishment of this objective is enhanced by the consolidation of the child welfare services, as the first defence line for child protection. Their strengthening is achieved through the rising number of child welfare centres and the underlying integration of child welfare services and family support. Such changes, however, are the result of broad professional consultations so that the measures are built on consensus.

With a view to strengthening the child welfare services, the Child Protection Act stipulates that, as of 1 January 2016, child welfare services and family support may only be provided through one single operator. The underlying reason is that, with this measure, they wish to create a scheme that better serves the children's protection and the families' interest. The institutions, which are accessible in every settlement, shall from now on bear the name 'family and child welfare service'. The municipalities in the district centres will be assigned priority tasks as well, giving grounds to the re-naming of the institution under the title 'family and child welfare centre'.

The Government has quadrupled the child welfare centres by opening family and child welfare centres under the control of the municipalities in the respective district centres. These centres, whose number rose from 48 to 201 across the country, are primarily aimed at the administration of tasks related to authority measures in the field of child protection care. They are responsible for keeping in touch with the guardianship authority, and shall provide special services and counselling (such as psychological advice) that the services fail to offer.
The comprehensive restructuring is meant to strengthen the first defence line for child protection.

The consolidation of basic child welfare services, on the one hand, entails structural changes, and on the other hand, it constitutes a professional reform that views the family and children from a holistic perspective:

- there was urgent need to strengthen the child welfare service's central guidance and coordination role in the child protection scheme,
- the necessary conditions had to be ensured for making sure that the best practices and services in social inclusion are successfully incorporated into the official support scheme, to the extent and in the manner justified,
- the collaboration potentials between the various support schemes shall be efficiently exploited. For example, the normative financing of catering services for children is

inevitably interrelated with the consolidation of the child welfare services. Yet, all these instruments need a proper structure to build on,
- it was justifiable to separate the social support work from the coordinative, punitive-like accompanying activities that were related to authority measures.

The formation of these family and child welfare centres led to the emergence of another actor in the local service scheme, who
- has an overview of the entire district-level human public service scheme,
- keeps track of the children's and families' situation in the settlements within the district,
- monitors the activities pursued by those institutional entities who provide services to the families and children in the district.

The new scheme requires stronger cooperation between the services and the centres, and the Child Protection Act sets forth that the centres should provide technical assistance to the services.

The beginning of 2016 marked the first steps in providing continuous technical support to the restructuring of the family and child welfare services, which relied on the contribution of NRSZH, and as of 01 January 2017 on that of SZGYF respectively. The latter two were responsible for the operation of various methodological working groups, with the involvement of experts in the field. If needed, they also had to propose additional technical regulators to the sector. The central agent's role in this area was taken by National Association of Hungarian Family Support and Child Welfare Services, as a methodological network that provides the necessary technical support background.

The technical support network was created with the underlying goal to build methodological frameworks for the territorial (regional level) coordination of the family and child welfare centres' activities in the districts. These frameworks, showing signs of professional independence, should also have the capability to ensure constant qualitative improvement in the centres' activities.

More closely, the network had the following tasks in 2016:
- The adaptation of best practices and the encouragement of individual innovation
- The extension of network-based learning
- The improvement of the institutions' competence in cooperation, development and service provision

After its adoption in 2016, the Methodological Support Network is expected to be uninterruptedly operational from 2017 onwards. The need for its existence is substantiated by the technical deficiency that the dissolution of the county-level methodological child welfare services and the regional family support methodologies caused in the area. The Network was great support in the seamless transition phase. Nonetheless, the transition process was not completed within a year's time, therefore further methodological support is needed. Its necessity is more than inevitable due to the constantly expanding scope of tasks in the family and child welfare centres (such as the preparation of social diagnosis reports, the introduction of social

activities in kindergartens and schools, case management tasks in connection with replacement etc.).

Specific tasks in 2017:

- The further provision of the cooperation framework, created in 2016, between the various entities in the district centres;
- the adaptation of new procedures and best practices that have been either introduced or are to be introduced, the encouragement of individual innovation;
- the reinforcement of the appropriate conditions in the district, in view of improved technical support activities;
- the promotion and extension of network-based learning on a district level;
- the improvement of the institutions' competence in cooperation, development and service provision;
- professional advancement, the identification of the weak areas, initial collaborations with the border areas, such as the social, healthcare and educational sector, competence development related to the request methodology.

During the reporting period, the Office for Immigration and Asylum (hereinafter: the Office) continuously cooperated with the Family Assistance Services in Budapest and at the countryside in order to assist the refugees and protected persons who have an integration contract based on the Act LXXX of 2007 on asylum, performing their duties derived from this official contract. Furthermore, the Family Assistance Services facilitated the integration by providing the services based on the integration contracts.

**The consolidation of the detection and signalling system in child protection**

It is a minimum requirement for the children's societal-social safety and security that the child protection signalling system is appropriately functioning: it should be able to prevent any case of abuse or exposure. The safety of the family is a matter of the entire society. Therefore, it is vital that families and the professionals in their assistance are not left behind with their difficulties. It is of utmost importance that children are not in the least exposed to a lack of cooperation between these experts. Therefore, it is essential that the signalling system gets strengthened, which is an underlying pillar for sectoral collaborations. There is need for strict legal certainty, which excludes the possibility of failed timely notification by the professionals – may they either be a teacher, a district nurse or a paediatrician.

According to the Section 17 § (1) i) point of the Guardianship Act – in order to promote the raising of children in families, to prevent and eliminate the threats to children – the refugee reception station and the temporal accommodation of refugees provide tasks connected to the statutory child protection system in the framework of their core activity defined by law. According to this law, the reception facilities maintained by the Office are constituted a part of the child protection warning system, they perform their tasks prescribed by law with respect of the children placed there. This task is carried out as the member of the child protection warning system in cooperation with the other members (educational institutions, medical providers, etc.) and, if necessary, with the involvement of the guardianship authorities.

The key points in the strengthening of the child protection detection and signalling system are as follows:

- To redefine the tasks addressed at the organization and operation of the signalling system, together with the competences (on a local, district, county or country level).
- To regulate the sanctioning practice.
- To find a consolidated form for the documentation of the child protection detection and signalling system, alongside its streamlining, simplification and extension.
- To provide training and further education to participating professionals, and to contribute to the local professional workshops.

2 out of the 4 levels of the detection and signalling system were put in place on 1 January 2016, whereas the remaining two levels became operational as of 1 January 2017:

- Local level – the family and child welfare service is to manage the local child protection signalling system, to develop forms of cooperation, and to provide for the operation and documentation thereof. Case conferences are organized and convened on a local level. Moreover, the service's tasks cover the organization of inter-branch case discussions (6 meetings per annum) and the annual seminar, which is a debate forum for the discussion of local problems and current issues. The inter-branch case discussions and the annual seminar will be coordinated by the central advisor of the signalling system.

  As an obligatory requirement, a provision has been made for the compilation of a 'local action plan for the signalling system'. The plan, which shall cover a time-span of 1 year, shall be based on the proposals and measures that have been made for the assessment and efficiency-enhancement of the local child protection signalling system. It shall be prepared subsequent to the annual forum, and incorporate the lessons learnt from the participants' reports about the signalling system. It shall also include the actions proposed in relation to the affected settlement's goals with a view to improving the signalling system's operational efficiency.

- District level – The family and child welfare centre shall provide constant technical assistance to the family carers and the signalling system operators on a district level, and shall respond to their comments, remarks and problems. The district advisor shall be held liable for the technical support of the signalling systems' functioning on a settlement level. The Child Protection Act, as amended in autumn 2016, defines two additional levels (county and national) for the continued strengthening of the scheme.

- County level – Within the Government Office's organizational unit for child protection and guardianship, it is the signalling system's coordinator who is in charge of the settlement level action plans and the support of their development, along with the supervision of compliance and the monitoring of the signalling system's functionality. Should the relevant parties fail to complete their tasks in connection with the signalling system, the coordinator may impose administrative fines. Besides the above, his key task involves complaint management, the investigation of the cases, and decision-making on the necessary preventive steps.

- National level – The task covers the country-wide technical support of the child protection signalling system's proper functioning and the improvement thereof, the development and delivery of training courses, as well as the proposal of regulations and amendments to the sectoral management. For the adequate filing of reports on child vulnerability and to contribute to the system's functionality, a call number shall be introduced for the child protection signalling system, whose accessibility shall be guaranteed country-wide, under a single system.

  Furthermore, it became apparent that the more efficient functioning of the child protection signalling system required the modification of Child Protection Act and other sectoral legislations, just like their related regulations, in purpose of ensuring better safety and security conditions for the children.

  In the signalling party's defence and for the better functioning of the signalling system, Section 17(2a) and 130/A (2) of Gyvt. introduces fundamental rules and regulations in the field from 15 March 2014 on. In this context, the family and child welfare service provider and the guardianship authority shall treat the details of the institution or the person who reported the case of child abuse or neglect, as confidential information, even if no such request has been received. And this also applies to the guardianship office if a case of child abuse, serious neglect or any other reason that poses a serious danger is reported: the data of the child, the witness and the body or person initiating the proceedings shall be managed in confidence, even if this was not requested.

  The above amendment is expected to promote the prevention of child abuse, or its identification in the shortest time possible, so that immediate interventions can be made for the child's protection.

  As of 2016, child welfare services have been granted 10% higher support by the Government. This means that the current fund of HUF 4.5-5 billion was raised by an additional 460 million HUF on a yearly average.

  Disadvantaged regions received more resources so that they could hire more professionals with regard to the number of families in need. Another consideration behind the differentiated resource allocation was to make sure that special services also become available in these disadvantaged areas, and not only in cities with county rights.

The Territorial and Settlement Development Operational Programme offers targeted support for the development of family and child welfare services and centres.

**Social support activities for kindergartens and schools**

The child welfare service may offer social work opportunities in schools to avoid child exposure.

Social work in schools helps the children attending public education institutions, the children's families and the teachers in the public education institutions – both on an individual and group level, by

a) promoting the child's inclusion in teaching and learning based on his or her age, and by developing his or her competences to meet the prescribed academic requirements,
b) mapping the factors barring the child from meeting his or her academic requirements and their eradication,
c) supporting the child in exploiting his or her potentials for educational progress or the future career, and
d) offering solutions to the child's family, or to the child and the family respectively in school matters or in educational and nurturing conflicts arising between them.

The full-scope introduction of social support services in kindergartens and schools is planned to start as of September 2018. The tasks will be accomplished by the family and child welfare centres under the operation of the district seat's municipality. Taken as obligatory duties, they shall be fulfilled in the framework of the centres' special service provision activities.

In view of the introduction of social support services in kindergartens and schools in 2018, the legislative amendments in the autumn of 2017 contained an addendum to Decree of the Ministry of National Economy 15/1998 (IV. 30.) on the professional tasks and the management of child welfare and child protection institutions providing personal care. As per Act C of 2017 on the central budget of Hungary for year 2018, the country-wide adoption of the tasks have been granted the necessary resources for the period September – December in an amount of HUF 1,379.80 million. (It should be noticed that the related annual expenditure totals HUF 5.6 billion.) The tasks will be accomplished by the family and child welfare centres under the operation of the district seat's municipality. Taken as obligatory duties, they shall be fulfilled in the framework of the centres' special service provision activities.

The national introduction is preceded by an EU project (EFOP-3.2.9-16 "The improvement of social support activities in kindergartens and schools"), which focuses on the provision of better social support services in kindergartens and schools. The project is basically a pilot model, which is destined to facilitate the legislative adoption of the tasks and their performance. The project is expected to give answers as to what tools of implementation, what kind of financing indicators, methodological regulators, and laws and regulations are needed for the introduction of these tasks as obligatory instruments as of 2018. Response is awaited in connection with the legislative contents as regards task performance, the headcount of professionals, the documentation and the budgetary background. The project period sets it as a primary task to determine the material of social assistance in kindergartens and schools, to identify the tools of activity and pinpoint their relations to arising problems, and to promote the district's presence in public education.

**The invitation to tender EFOP-3.2.9-16 "The improvement of social support activities in kindergartens and schools" and its description**

The Hungarian Government's call for tender has been addressed at family and child welfare centres, their outsourced service providers and at the consortia that they had established. Projects meeting the tender criteria may receive a non-reimbursable fund within the range of HUF 18 million – HUF 40 million. The tender had an initial budget of HUF 1.7 billion, which was interim extended to HUF 2.07 billion. The current financial envelope amounts to HUF 1.97 billion.

The overall project objective is to improve the social well-being and quality of life among kindergarten pupils, students and youngsters (including the socially disadvantaged children), through stronger primary prevention. The goals also include the provision of the appropriate conditions for social assistance in kindergartens and schools, the improvement of its technical content, and the definition of the human and financial resources needed for the maintenance and systematic introduction of the service.

The implementing agents taking part in the tender shall also adapt the social work methods into the kindergarten and school environment, apart from their social support activities. Through the process of service improvement they will be held liable for the development of a set of tools for social assistance. The social support activities in kindergartens and schools shall be developed in accordance with the local conditions and problems arising within the said organization. The ultimate goal is to develop a technical cooperation system and a single procedure for the child and family welfare services and for public education institutions.

The tenders cover the design and management of service provision, the activity's adaptation to each institution, including the provision of a sufficient number of professionals for the service.

The project's target group:
Direct target group: Family and child welfare centres run by district seat's municipality.
Indirect target group:

- Children and youngsters attending the kindergartens, primary and secondary schools or dormitories in the said district's settlements;
- the parents, foster parents and care-givers concerned;
- the kindergarten teachers and educators concerned and the communities in the affected public education institutions (board of teachers, kindergarten and school group).

Implementing agents participating in the tender are required to make sure that public education institutions are involved in the implementation from at least 3 settlements of the affected districts. At least 2 institution types shall take part in the implementation per settlement, which may be a kindergarten, primary school, secondary school or its dormitory.

Project EFOP-3.2.9-16 "The improvement of social support activities in kindergartens and schools" and the methodological and technical promotion of the national introduction of social support activities in kindergartens and schools shall be implemented and ensured through project EFOP-1.9.4. "The upgrading of the methodological and IT systems in the social sector".

## III. Fight against domestic violence and human trafficking

**Policy background**

**The Hungarian Government expressly condemns any form of domestic violence or violence against women, and is committed to taking steps for the elimination of abuse. The current policy approaches the problem of violence in a more complex way** than earlier. It determines a greater number of intervention areas, in this way ensuring the synergy between the various measures.

**The current support scheme**

The National Crisis Management and Information Hotline service (hereinafter OKIT) may be contacted 24/7 free-of-charge across the country, via any service provider. The hotline service gives information to victims of domestic violence, and helps the abused to find a safe shelter in an acute crisis situation.

Between 01 January 2017 and 30 September 2017 OKIT received 5,649 incoming calls in total. Out of this, 1,545 calls requested help in connection with domestic abuse. During the period from 01 January 2017 until 30 September 2017 OKIT was responsible for the coordination of the placement, in crisis centres, of as many as 747 persons (256 women, 487 children, 4 men).

OKIT will be communicated in several forums to raise awareness of the service's availability. Campaigns with a large societal outreach will be organized, alongside the preparation of brochures and leaflets. Training materials designed for the agents of the child protection signalling system are planned to contain a description of OKIT too.

In Hungary there are so-called crisis centres providing accommodation and complex services to those victims of domestic violence who have been forced to leave their home – either alone or with their children – on grounds of abuse.
The crisis centres provide:

- sheltered accommodation and full physical attendance, if necessary;
- expert help (lawyer, psychological assistant, social worker);
- assistance through social work.

Key services of the crisis centres:

- search for a safe home,
- assistance in resolving lifestyle problems,
- search for and administration of income sources,
- the mapping of external family relations,
- the strengthening of the parental role,
- psychological counselling,
- mediation of health care services,
- provision of community programmes,
- legal counselling and consultation on child care.

The crisis centres liaise with OKIT, as well as with the competent family support and child welfare service in the location and in the region based on the victim's place of residence. They also keep in touch with the police, the families' temporary homes, the local healthcare system, the local educational institutions and, if necessary, with the guardianship and other authorities.

At present there are 15 crisis centres in operation in Hungary. The Secret Shelter (with 29 places) is a special instrument of crisis management, which receives victims of serious domestic violence, whose lives are in danger. The crisis centres and the Secret Shelter provide assistance to an average of 1,200-1,300 victims per year.

Halfway houses are available to support the social reintegration of those whom the crisis management centres cater for. They provide permanent housing for up to 5 years, just like professional and, most importantly, legal and psychological assistance to their tenants. The victims leaving the crisis management system spend, on average, 2 years here. After that, they typically rent a flat or move to social housing units, i.e. they leave the social welfare system. It should be noted that none of those who left the half-way/transitional houses returned to their insulter.

**Key achievements in the legislative field**

- The new Criminal Code, effective as of 01 July 2013, regards domestic violence as an independent counterfeiting offence. (Section 212/A of Act C of 2012)
- On 14 March 2014 Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (known as the Istanbul Convention). The ratification processes are coordinated by the Ministry of Justice (IM).
- As a result of its amendment in 2015, now Child Protection Act specifies the instrument of 'secret shelter' as a new service element.
- In 2015 the Hungarian Parliament adopted a decision on the national strategy objectives for efficient action against domestic violence. This new Parliamentary Decision lays down the national strategy goals for the cause, and designates a path for every sector that is involved in combating domestic violence for the planning and implementation of the strategic documents and the related measures respectively.

**The restructured and consolidated functioning of the support system**

Four new crisis management centres were established in Hungary with state support during 2011-2012, thereby increasing the number of places available to victims of domestic violence. A crisis centre can host 4 to 6 persons. Victims may stay there for 4 weeks, which may be lengthened once with another 4 weeks maximum. Plans are being made to extend this period of support to 6+6 weeks.

The so-called Secret Shelter, which has been operating under constant conditions and with extended capacity since 2012, represents a special element of crisis management. It provides shelter for victims of domestic violence, who are in a severe, life threatening situation. The secret shelter is rather similar to crisis centres as regards its services. Notwithstanding, secret shelters put more emphasis on safety and security, alongside confidentiality. More time is given to relieve the victims of their crisis situation: 6 months are offered for the cause.

In 2014 a new technical protocol was prepared to regulate the work in these crisis centres, with ministerial support, whereas secret shelters and half-way houses received their final technical protocol in 2015.

From 2016 onwards, 50% more fund is allocated from the annual budget to crisis centres, while grants to secret shelters are raised by almost 100%. These crisis centres (just like secret shelters) are built on the scheme of transitional family homes. Care in crisis is understood as a type of special extra service, which is also reflected in the financing. Crisis centres and secret shelters are partially run from the normative funds that transitional family homes receive, while the other part of the financial support comes from an additional grant for duty performance. Currently

crisis centres receive an annual amount of HUF 6 million, whereas this sum is HUF 16 million per year in the case of secret shelters.

The resources available in 2016 also enabled the establishment of new crisis centres and halfway houses. As a result of a tender process, a new crisis centre and two new halfway houses were opened in 2016.

The end of 2016 marked the announcement of a domestic development tender with a budget of HUF 126 million, which allowed crisis centres to purchase so-called 'rescue cars' and other tangible assets as well as IT equipment.

In 2017 the crisis centres and secret shelters could submit tenders for the upgrading of their security systems and for the purchase of tangible assets for their operation in an amount of HUF 1 million each.

The Ministry of Human Capacities (hereinafter: EMMI) is actively involved in the fight against human trafficking. The department provides the victims of human trafficking with safe accommodation. It gives them supply and care if needed, together with legal, psychological and social support, thus contributing to the operation of 'temporary accommodation services'. Year 2014 recorded a substantial rise in the annual financial support that was granted to the first 'temporary accommodation service'. It received 30% more fund, which enabled the extension of its hosting capacity. Moreover, the department appropriated an additional amount for the establishment and operation of a new 'temporary accommodation service' in 2014. The latter was finished in December 2014, ready to start its operation as of 15 January 2015. All in all, the hosting capacity for victims of human trafficking was more than doubled between 2014 and 2015.

**Prevention**

The prevention programme, targeted at the age-group 14-18, relied on EMMI support in its successful implementation between 2012 and 2015. The initiative, whose ambition was to prevent victimization, had an outreach to around 3,600 students. 2016 was a landmark in the programme: it evolved into a national programme through the utilization of development resources. Currently 17 civil organizations are interested in its management.

Experiences so far suggest that the youngsters' knowledge about domestic violence and abuse is rather superficial and thus tends to be insufficient, which further aggravates their exposure and vulnerability. Another problem is that the topic itself is considered taboo. Youngsters, and even adults, refuse to speak about it, and in many cases they themselves fail to recognize their victim status. They do not know whom they can turn to for help, and neither do they know whom they can trust with their problem. The programme has been designed to change this situation.

**Awareness-raising**

The campaign under the slogan "Notice it!" was organized five times between 2014 and 2017, relying on the EMMI’s support. It wishes to stress the unacceptability of domestic violence and underlines the importance of the timely notification of the problem. The campaign also has a website, with separate pages for adults, children and youngsters. It gives a description about the

various forms of domestic violence, the signs of violence and specifies the sources of help, along with the supporters' availabilities. The campaign has received a total of HUF 25 million from EMMI to this day.

Upon the EMMI's request, the Media and Infocommunications Commissioner of the National Media and Infocommunications Authority made a recommendation in 2015, in which it invited the media representatives to not only communicate the related human trafficking and domestic violence based contents on their interfaces. Now they were requested to also indicate the phone number of the National Crisis Management and Information Hotline service (hereinafter: OKIT), with the underlying reason to make help available to everyone.

**Measures implemented from development resources**

During the planning of the development projects, which had been prepared to combat domestic violence, the department took into consideration the Istanbul Convention. The fight against domestic violence is mirrored in two priority projects and two tender constructions, which both rely on development resources.

- The tender "Sure shelter" (EFOP-1.2.5-16), which was announced with a budget of HUF 1.64 billion, is focused on the complex improvement of the support scheme, which provides assistance to victims of domestic violence or human trafficking. At the same time, it is aimed at introducing a new instrument (ambulance for crisis management), which is still lacking from the current system.

  5 new crisis centres, 19 new halfway houses, 6 ambulances for crisis management and 7 secret shelters are expected to open through the tender in 2018.
  According to it, the secret shelters shall have the capacity to provide crisis accommodation to 18 persons, who can turn to them on grounds of a crisis situation due to domestic violence. (Domestic resources shall be allocated, in 2018, for the establishment of an ambulance for crisis management in the Carpathian Basin region.)

<u>Ambulances for crisis management and their duties:</u>

- Victim support: It has the priority ambition to give aid in the shortest notice so that problems may be arranged before violent actions get worse. In this way, the forced leaving of the home may be avoided, and a chance is left to change the abuser's behaviour and to resolve the domestic conflicts.

- Awareness-raising, networking: Besides victim support, these ambulances are involved in raising the society's awareness, on a regional level, of domestic violence and the fight against it, and are engaged in network-building with the participation of various institutional actors in the field.

- In the framework of tender EFOP-1.2.1-15 "Protective network for the families", applications could be submitted for the delivery of prevention programmes against victimization. The tender enables the continuation of the pilot programme mentioned in the "Prevention" section. 17 applicant organizations are working parallel on prevention.

- Priority project EFOP-1.2.4-VEKOP-16 "The upgrading of crisis management services" is delivered from a budget of HUF 1.16 billion, which includes the development of the National Crisis Management and Information Hotline service, as a part of the scheme that gives support to victims of domestic violence. Improvements are many-fold: besides the upgrading of the OKIT database management system, a new service type will emerge in the form of online counselling. The project shall also provide for the human resources that the extra tasks require. Moreover, the priority project will give a framework to the training and awareness-raising of the 5,000 professionals who are working on the child protection signalling system.

  Achievements so far: the OKIT staff has been enlarged with a legal expert, and a needs analysis has been made for the training of those professionals who are working on the child protection signalling system.
  The training will be built on online course materials. This will be supplemented with local courses focusing on awareness-raising.

- Priority project EFOP-1.2.6-VEKOP-17 "Family-friendly Hungary" has three matching points in combating domestic violence. It supports the idea of a national representative survey, which will assess the level of exposure to domestic violence, as well as the general knowledge and attitude in the field. Moreover, it will explain the complexity of domestic violence. The priority project will ensure the organization of a complex, awareness-raising campaign to draw attention to the problem, and contribute to the preparation of communication materials, ready to be widely dispatched with the latest information.

**The aid of the victims of human trafficking**

In 2017, the Authority, with co-financing of the Inner Safety Fund, realized the project entitled „The successful identification of the victims of human trafficking during the proceedings of the Immigration and Asylum Office (BÁH)" with the number of BBA-5.3.4-16-2016-00001. In the framework of the project, a publication entitled „Guide publication to identify the foreign victims of human trafficking" were published, as well as an information material translated into multiple languages, available to the foreign nationals placed in the transit zones. The identification of the victims of human trafficking among persons placed in the facilities maintained by the Office is carried out – in case of suspicion – by the social workers with the use of the questionnaire in the abovementioned guide.

The asylum seekers are assisted by social workers in solving their problems related to the above. In the framework of the Asylum, Migration and Integration Fund, the presence of a psychologist from 25 November, 2017 and a psychiatrist from 24 January, 2018 is ensured in the transit zones. If it is reasoned based on the result of the questionnaire or if the victim of human trafficking himself/herself asks help from the social worker, then the social worker denotes the problem of the person concerned to the psychologist or psychiatrist.

In case of the persons identified as victims of human trafficking, the social workers, or if necessary, the psychologist or psychiatrist carries out a survey regarding the appropriateness of

his/her placement or the necessity of its modification. Furthermore, the assessment of the social, hygienic and medical needs takes place as well. In case of the person identified as victim, if necessary, or at the request of the person concerned the department responsible for the service takes the necessary measures to change the circumstances. In such case, individual placement is possible, or the person concerned has the opportunity to use individual, personalized social work- or health-related supplementary assistance. The Office, if necessary assists the foreign national concerned to the taking of the possible criminal measures and the participation in the criminal proceeding.

Beyond the above, asylum seekers and internationally protected persons can use the 24-hour free anonym helpline maintained by the OKIT, through which the OKIT assist the victims of domestic violence, child abuse, prostitution and human trafficking. It is necessary to emphasize, that the contacts of several other assisting governmental and non-governmental organisations were posted in multiple languages in the transit zones and the host institutions (Victim Assistance Centre of the Ministry of Justice, the contact of the crisis centre of the Baptist Charity, International organisation for Migration (IOM), Blue Line, Terre des Hommes, ect.)

## IV. Rules applicable to the professional members of the armed forces

Act CCV of 2012 on the legal status of soldiers (hereinafter: Hjt.) refers to the child and parent under the following terms and definitions:

- a ‘child with disabilities’ is a child for whom a higher amount of child benefit was determined in accordance with the act on the support of families;
- a ‘child’ is a child raised or cared for in one’s own household according to the legislation on the support of families;
- a 'parent bringing up the child without a partner' is a member of the military personnel, who is raising the child in his/her own household and who is single, unmarried, divorced, or has separated, has become a widow/widower or has no partner.

In the interpretation of Hjt., a youngster is

- a 'candidate junior military officer' who has been admitted to the full-time formal military training programme, and who has a student status and has a service relationship as a candidate junior officer in the meantime;
- a 'candidate military officer' who has been admitted to the bachelor training programme for military officers, and who has a student status and has a service relationship as a candidate officer in the meantime;
- a 'military student with a scholarship' who is not a member of the military personnel, and who does not qualify as a candidate military officer or candidate junior military officer, and
    a) who takes part in a full-time bachelor/master/undivided training programme in higher education or acquires, in the framework of full-time formal vocational training, a qualification that is needed for a military position in the Hungarian Army (hereinafter: Armed Forces). The said qualification must be listed among the State-recognized qualifications in the National Qualifications Register, and
    b) whose studies are supported by the Hungarian Armed Forces under a scholarship agreement, once he/she is granted the relevant scholarship that the minister

founded. Therefore, a military student with a scholarship shall, in a scholarship agreement, undertake to finish his/her studies within a specific period of time and shall afterwards establish a service relationship under the conditions set forth in the scholarship agreement and shall maintain that relationship for a definite period of time.

**Social protection**

Under the umbrella of social care, the following elements are given particular importance: (1) the Béri Balogh Ádám High School Scholarship, founded by the Minister of Defence, (2) the Lippai Balázs Scholarship for Equal Opportunities, and (3) Directive of the Minister of Defence No. 10/2017 (III. 24.) on the order of applying for and awarding student grants to orphans under the care of the Defence Department.

The Béri Balogh Ádám High School Scholarship may only be applied for by full-time secondary school students with a Hungarian citizenship. The applicant students, who must attend a Hungarian high school, must be learning 'military basics' in the semester when the tender for the scholarship is published.

The grant may be awarded to students for one academic year (10 months). The winning applicants must have reached a minimum grade point average of 4.50, must have an outstanding conduct, and must have received at least a 'good' qualification in physical education. The Lippai Balázs Scholarship for Equal Opportunities may be granted to full-time students in secondary or tertiary education, who are either in a disadvantaged situation or admit to be of Roma origin. The winning applicants must be Hungarian citizens and must comply with the tender criteria. They must be learning military basics as an optional subject for their matriculation exam, or must have registered for the subject 'home defence'.

Applications for the annually announced student grant may be submitted for the duration of one academic year (10 months). The applicant students must have reached a grade point average of over 3.00, must have at least good conduct and must not have been subjected to disciplinary adjudication.

Mészáros Lázár Scholarship: a student grant, founded by the Minister of Defence, to ensure the refilling of some special officer and junior officer positions in the Hungarian Army. The said positions require a professional qualification that cannot be obtained with the basic military officer training, and neither can it be acquired through the vocational training for junior military officers.

Concerning education, there are two institutions that cannot be disregarded. The Kratochvil Károly Secondary Military School is run by the Hungarian Ministry of Defence, while the Hungarian Military Academy for Junior Officers provides formal education to candidate junior military officers and manages the common basic military training of the contract rank and file, of candidate junior officers and candidate officers.

**Legal protection**

This may include those cases, governed by Hjt., which have been mentioned earlier. In relation to the military personnel these cases determine the following rights: Section 67 (1) of Hjt., Section 96 (5) of Hjt., Section 103 (3) of Hjt., Section 108 (1)(c)(f)(g) of Hjt., Sections 115-117 of Hjt. and Section 120 (1) of Hjt. Section 226 of Hjt. is also noteworthy, according to which the Faculty's student council may also act as the candidate military officer's representative.

**Economic protection**

Pursuant to Section 143 (1) of Hjt., a supplementary orphan's benefit may be granted to the deceased personnel member's child, if the child is entitled to orphan's benefits. The rate of the supplementary orphan's benefit shall be

a) 50% of the established orphan's benefit, in the case of a hero's orphaned child,
b) 25% of the established orphan's benefit, in the case of an orphaned child to a personnel member whose death was caused by an accident connected to the deceased person's service obligations or by an illness that could be linked to the deceased person's service related work, or
c) 10% of the established orphan's benefit, in the case of an orphaned child, of a deceased personnel member, who is not covered by point *(a)* or *(b)*.

The scholarship, which has been founded with the aim to support those orphans that fall under the care of the Hungarian Armed Forces, may be awarded to persons who fall under the care of the Hungarian Armed Forces and, in the social security system, are eligible for an orphan's benefit. They must take part in formal vocational training, or must be full-time students in primary, secondary or tertiary education. Furthermore, they must meet the following conditions: they have reached a minimum grade point average of 3.00, they have at least good conduct, and they have not been subjected to disciplinary adjudication.

### 2) ANSWERS TO THE QUESTIONS OF ECSR CONCERNING THIS PARAGRAPH

- **The ECSR requests information about the implementation of the measures that were aimed at the placement of minors in foster families**

Foster care improvement and its enhanced role in the support scheme have always been regarded as a priority. This is basically prescribed in the Child Protection Act, which stipulates, in line with the Convention on the Rights of the Child (signed in New York, on 20 November 1989), that every child has the right – primarily – to be brought up in a family and can only be restricted in these rights in his or her own interest.

With a view to guaranteeing the child's right to be brought up in a family, the Child Protection Act sets forth, with effect as of 01 January 2014, that every child who is under 12 years of age and who receives special child protection care, should be placed with a foster parent, and not in an institution. Exemptions are made if the child is suffering from a chronic illness or serious disability, or if the great number of siblings or any other reason would justify the option of institutional placement as a better alternative in the child's interest.

Similar exception rules had to be considered in the gradual and planned placement, into foster care, of younger children, who were under special child protection care on 01 January 2014. In

this context, children under 3 years of age had to be placed with foster parents until 31 December 2014, while infants above 3 but under 6 years of age had to be placed with foster parents until 31 December 2015. Finally, children above 6 but under 12 years of age had to be placed with foster parents until 31 December 2016.

According to the SZGYF, on 31 December 2017 there were altogether 23,387 children and young adults receiving special child protection care and post-care services respectively. Within this, 15,293 persons (65.39%) were placed with foster parents. From among this, the under-aged numbered 20,967. 67.1% of them (14,047 minors) were being brought up by foster families, while another 31.24% (6,550 persons) were living in children's homes, and 1.76% (370 persons), as per the Social Act, were placed in homes providing nursing care to disabled people.

9,557 of the children who are under 12 and receive special child protection care are raised by foster parents, while 1,569 minors are living in children's homes or residential homes. Another 183 persons are catered for in institutions providing nursing care. This means that around 84.5% of the 11,309 children under 12 years of age are being brought up by foster parents in the child protection care system. As regards those under 3 years of age, 2,181 persons are placed with foster parents, 332 are living in children's homes or residential homes, while another 35 are hosted by institutions providing nursing care. In this sense, as many as 85.6% of the 2,548 children who are under 3 and receive special child protection care are being brought up by foster parents.

In recent years, the rate of children with disabilities who receive specialized child protection care and were placed under the care of foster parents has continued to grow. On 31 December 2010, only 50.9% of the disabled children were living under the care of foster parents, yet this rate grew to 55.4% by 31 December 2015. On 31 December 2016, as many as 57.4% of the permanently ill, disabled children were living with foster parents, and their proportion further rose to 58.64% by 31 December 2017.

Pursuant to HCSO and SZGYF data, since the date when the measures became effective, placement with foster families has shown the following proportion in the various beneficiary groups, as compared to 2010:

| | **31 December 2010** | **31 December 2014** | **31 December 2015** | **31 December 2016** | **31 December 2017** |
|---|---|---|---|---|---|
| Rate of children placed at foster parents | 60.80% | 63.73% | 66.41% | 66.97% | 67.09% |
| Rate of children under 12 years of age placed at foster parents | 75.90% | 84.96% | 84.00% | 84.94% | 84.51% |
| Rate of children 3-6 years of age placed at foster parents | 85.05% | 91.10% | 90.40% | 91.37% | 90.76% |
| Rate of children under 3 years of age placed at foster parents | 73.80% | 85.30% | 86.30% | 86.41% | 85.60% |
| Rate of disabled, permanently ill children placed at foster parents | 50.90% | 52.45% | 55.40% | 57.43% | 58.64% |

- **ECSR is continuously monitoring the EU funded projects. These focus on the improvement of boarding institutions for children by replacing the run-down buildings and institutions with establishments integrated into the residential environment so that appropriate conditions can be ensured in the respective care-providing institutions. The projects ended in 2015, and ECSR is requesting information about their outcome.**

The Child Protection Act and its implementing regulations may be understood as special strategic documents to define the replacement of children's homes (foster homes). In the period 2007-2013, replacement and restructuring were successfully managed through the use of TIOP and KMOP sources. The processes were fully completed in 15 counties by the end of 2012, which means that residential homes in these regions can now host a maximum of 12 persons, while the ceiling is 48 in the case of children's homes, for groups of not more than 12.

Tender construction EFOP-2.1.1-16 and VEKOP-6.3.1-16 "The replacement of children's homes, their upgrading and capacity-building", announced in 2016, had the following budgets available:

- HUF 4.59 billion for EFOP (after an additional rise to the budget),
- HUF 1.26 billion for VEKOP.

The submitted winning tenders cover the available resources. Until the assessment deadline of 15 July 2017 as many as 23 applications were submitted for a total grant of HUF 4 587 994 776, whereas in the case of the 10 tenders received under VEKOP the amount totalled HUF 1.1 billion. All tenders submitted under the EFOP or VEKOP construction were found eligible for financial support. The institutes under the developments are planned to be inaugurated March 2020.
Besides replacement, the tender construction makes it possible to

- upgrade and modernize those children's homes and residential homes that have been operational for years with a small number of tenants,
- strengthen the capacity by creating places for children with special or dual care needs, or for hosting tenants in children's homes. Nonetheless, this shall only be accomplished on the basis of the already existing places, since the total capacity cannot be increased on the operators' side.

The replacement of these special child protection care institutions shall not entail or trigger the closing down of children's homes, since the number of places in these institutions shall basically remain the same. It is the infrastructural conditions that will get improved, and the last large institutions will be pulled down in view of a cosier and more familiar provision of care and support. As a result of the replacement process, those children who were until then staying in these institutions shall be relocated to places that are modern and meet the technical and legal requirements. The above-mentioned places shall take the form of residential homes for maximum 12 persons or children's homes for not more than 48 persons.

The affected children's major interests are constantly taken account of during the replacement processes, inasmuch as they include a number of control functions that had been applicable earlier as well. In order to ensure the rights of the child, Child Protection Act lays down the spatial, material and moral conditions that any home providing special child protection care

should meet, and the circumstances they have to ensure during the replacement process. The assessment of the submitted tenders and applications, in all cases, involved the examination of these factors.

- **ECSR has concluded that despite the measures underlining the priority of foster care and despite the large institutions' conversion into residential homes, which was understood as an instrument to upgrade institutional care, overcrowded institutions with a maximum of 48 places still seem to be operational, where one unit can typically host 10 persons. Maintaining its position, ECSR is awaiting a response in the subject matter.**

The replacement process is targeted at the closing down of children's towns, which are typically children's homes in properties that originally had a different purpose. They are outdated and have been used to host a large number of tenants – in some cases as many as 100 persons or even more. The replacement of these institutions is based on the finding that children in care need more optimal conditions for their physical, mental and spiritual development. Quite understandably, the new set of criteria shall rather concentrate on the peculiarities of child care. The Child Protection Act allows the operation of children's homes with up to 48 places, where every independent unit may host a maximum of 12 tenants; therefore their operators are not obliged to replace any such institution. In our understanding, children's homes with up to 48 places cannot be considered overcrowded with an excessive number of places, since independence, professionalism and a cosy environment are all guaranteed within the affected units.

- **ECSR would furthermore like to know if the Hungarian law allows the lodging of an appeal against an authority decision on the parents' restriction in their right of supervision, the child's placement in special care or the restriction of the child's right to liaise with his or her close relatives.**

In keeping with the principles of the UN Convention on the Rights of the Child, and according to the Child Protection Act and its implementing rules, the child's removal from the family is the final tool to turn to in the interest of the child's protection. This may only be applied, in close observation of gradualism, if the child may not be brought up in the family environment despite the assistance provided to that date.

Bearing in mind the rule of law, the effective legislative provisions offer appropriate alternatives for an appeal or judicial review. Moreover, in its activities related to the supervision of the guardianship authorities' activities, EMMI has carried out and is carrying out investigations based on the complaints filed against guardianship authorities of first or second instance. In justified cases the Ministry even takes supervisory measures, as has been the case earlier. It is also engaged in child protection and guardianship activities, in the supervision of the various government offices in the capital and in the counties, while it lays down the technical aspects of the inspection. With a view to monitoring the work in the special child care institutions and in guardianship authorities of first instance, the Ministry of Human Capacities may instruct the government offices in the capital and in the counties, acting within their child protection and guardianship competence, to carry out targeted examinations in the field of child protection and

guardianship, besides their tasks set forth in the control plan. In order to make sure that the enforcement of the rights of the child is not limited by the parents' law enforcement capability, the advocate of children rights at the care-providing institution shall be notified of the guardianship authority's decision about the child's interim placement. The latter advocates work under the Integrated Legal Protection Service of EMMI, and are independent from the family and child welfare centres, which are run by the appropriate municipalities. The guardianship authority shall conduct a hearing in the framework of the fostering procedure to determine the place where the child will be taken care of. The meeting will or may be attended by the advocate of children rights as well. The guardianship authority's decision on the child's placement in foster care shall also indicate the advocate's availabilities, which is crucial for both the parent and the child in possession of his or her judgement abilities.

- **ECSR established that the 2-year maximum duration of pre-trial detention is too long for juvenile crime; therefore, it is not in conformity with the Charter.**

As stipulated in Act XC of 2017 on Criminal Proceedings (hereinafter: new Btk.), detention remains the most severe form of court-ordered supervision, which may be applied only if, pursuant to the material and moral aspects mentioned in the law, the purpose of the court-ordered supervision may not be met through restraining order or probation.

With regard to the judgement practice of the European Court of Human Rights and in order to enforce the principle that detention may not be an early punishment, its maximum duration is, to a smaller extent, modified by the new Btk., based on the applicable penalties. Pursuant to its definition, the detention may last no longer than

- one year if the accused is subject to a proceeding on grounds of a criminal offence that is punishable by imprisonment of not more than 3 years,
- two years if the sentence is not anticipated to be more than 5 years of imprisonment,
- three years if the sentence is not anticipated to be more than 10 years of imprisonment,
- four years if the sentence is anticipated to be more than 10 years of imprisonment

as a result of the criminal proceeding.

Exemptions from under the rule are minimal. The ceiling of 4 years is not applicable in the case of criminal offences that may be sentenced with life imprisonment.
The new Btk. specifies probation as a rational and real alternative for detention, which as a collective term covers home custody, home detention, the criminal ban and the obligation to report to an authority as per Act XIX of 1998 on criminal proceedings (old Btk.).

The institution of bail money undergoes substantial changes, and is converted into an instrument that ensures the observation of the rules of probation and the restraining order. In this way, the scope of possibilities for bail money becomes significantly wider and streamlined at the same time. With the legislation, the underlying recognition is revealed that the number of detention cases should be pushed to the minimum, in line with the European trends, and detention should be restricted to the most justified cases only.

The general conditions of detention are applicable to the under-aged as well. It is a basic requirement, though, that any court-ordered supervision, in the form of imprisonment or the

deprivation of the juvenile's personal liberty, shall be ordered against a minor in an extraordinary case only, and its duration should be kept to the minimum. Following the principle of "special treatment", juvenile offenders shall be arrested only for reasons specified in Section 276(2), provided that such proceedings are unavoidable due to the gravity of the criminal offence. With this set of rules applied to juvenile detention, the new Btk. wishes to highlight the legal policy related objective, according to which the law enforcement agents should make a deliberate differentiation between minors who commit offences of small or medium severity and those juveniles who commit a violent crime, or who may even be top performers as regards their criminal records.

The maximum duration of detention against an under-aged person shall be basically established by his or her age, while the place of detention shall be determined not only by the age, but by the minor's personality and the nature of the criminal offence he or she is charged with. The new Btk. does not make any amendments to the maximum duration of these sentences: in the case of youngsters under 14 it shall be not more than one year, whereas in other cases it can be up to two years long.

## ARTICLE 17 – THE RIGHT OF CHILDREN AND YOUNG ADULTS TO 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:**

**2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.**

### 1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS

Act CCXL of 2013 on the implementation of punishments and penal measures, coercive measures and offence custody (hereinafter: new Prison Code) came into effect on 1 January 2014, which puts special emphasis on individualization, and defines the promotion of social re-integration and the more efficient teaching and employment of the convicts as a selected priority objective. Vocational training and teaching are granted a particularly significant role in the re-integration process.

The student status of juvenile detainees serving final sentences and in pre-trial detention is different inasmuch as a convicted juvenile offender ceases to have a student status with the educational institution prior to his or her admission to the detention institution, while the student status of a detainee in pre-trial detention or in confinement continues. Therefore, contacting the school teacher is both a right and an obligation, which, in addition to supporting the fulfilment of the study obligations, also ensures the emergence of a positive external relationship with the detention institution. The latter appears as an obligation on the part of the convict, in order to ensure, at an appropriate level, the uninterrupted nature of the concerned person's ongoing studies.

Concerning special educational needs, Section 45 (3) of Public Education Act allows the expert committee to extend the affected persons' compulsory education to 23 years of age. The criminally affected juvenile detainees are almost without exception students with special educational needs, therefore their school obligations prevail during their detention as well.

The new Prison Code defines solitary confinement as the most severe form of disciplinary punishment, yet its execution does not allow the juvenile to be barred from school attendance or from any reintegration programme.

Pursuant to Section 247(1) of Act II of 2012 on infringements, infringement proceedings and on the infringement records system (hereinafter: Act on Infringements), “infringements of the obligation to participate in compulsory nursery school education and in school education” shall be subject to sanctions on the ground of committing an offence:

*"Parents or legal representatives*
*a) who fail to enrol children under their parental supervision or guardianship in nursery school or school when due,*
*b) who fail to ensure their seriously or multiply disabled children's participation in education contributing to their development,*
*c) whose children under their parental supervision or guardianship – except for child protection guardianship – are absent without justification from lessons preparing them for school life in the same nursery school year, or from compulsory school lessons in the same academic year, more than allowed by law, commit an offence."*

With regard to the fact that Section 247 of the Act on Infringements does not itself contain all the constituent elements of the offence, the extent of unjustified absence is determined in a separate legal act [Decree of the Ministry of Human Capacities No. 20/2012. (VIII. 31.) on the operation of public education institutions and on the use of names by public education institutions]. The criminal liability of the parents or legal representatives constitutes an element of the child protection system, and offenders are subject to gradually more severe sanctions, if they fail to comply with their obligations. If the extent of unjustified absence determined in the background legislation is exceeded, before prosecution other administrative sanctions are imposed (it is compulsory to notify the child welfare service after 10 lessons missed without justification; after missing 11 education days or 30 school lessons the administrative authority must be notified), while following prosecution further administrative sanctions (child welfare, guardianship authority measures) or, in severe cases, criminal sanctions can be imposed.

As from 1 January 2017 the facts were amended, and it was established by law that prosecution on the grounds of unjustified absence can take place only on one occasion per educational or academic year (except in the case of child protection guardians).

### 2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION, RELEVANT DATA AND STATISTICS

In line with the findings of the PISA survey, the educational attainment forecasts suggest that in order to avoid a recession period in the rising figures of educational attainment, there is definite need for changes in the educational policy to improve the schooling chances of students with an unfavourable family background and to better the situation of under-performing schools.

According to the EU 2020 strategy, the rate of school-leaving without a qualification should be pushed under 10% in an EU average. Hungary has undertaken to reduce this figure to 10% by 2020.

School-leaving[4] without qualification (%):

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| Hungary | 11,5 | 10,8 | 11,4 | 11,8 | 11,9 | 11,4 | 11,6 | 12,4 | 12,5 |
| EU average (EU 28) | 14,2 | 13,9 | 13,4 | 12,6 | 11,9 | 11,1 | 11,0 | 10,7 | 10,6 |

Source: HCSO Labour force survey; Eurostat, LFS, 2018
(http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=edat_lfse_14&lang=en)

Accordingly, in 2014 the Government adopted its mid-term strategy against school-leaving without qualification [Government Decision 1603/2014 (XI. 4.)]. The Strategy is destined to reduce drop-out and early school-leaving by way of encouraging a higher level of qualification and promoting inclusive education. The document identifies the directions of intervention and the measures, in the field of prevention, compensation and correction that may facilitate the improvement of the national schooling and education level, thereby reducing the threat of unemployment, poverty and social exclusion.

The measures for the Action Plan's areas of intervention, which is closely linked to the Strategy, are aimed at preventing drop-out and school-leaving without qualification through the instrument of system, institutional and individual level intervention. The implementation process shall, in any case, require the integrating and complementing coordination of the development objectives and the measures of the related sector-specific policies (such as the healthcare sector, as well as the sectors of social and family affairs, social inclusion, youth policy, vocational training and adult education) and that of the education policy related interventions.

School leaving without a qualification is the result of a process, and the fight against this process can only be successful by taking preventive, intervention and compensatory measures. In accordance with this, 8 areas of intervention are identified in the Action Plan. The target group for the measures, as per the areas of intervention, is formed by those aged between 0 and 24.

**Areas of intervention:**

- identification and modernization of the institutes most affected by early school leaving
- development of inter-sectoral cooperation – at sectoral, regional and local level
- development of cooperation within the local communities, creative partnership
- educator policy and its scope
- early childhood, prevention
- content offer, alternative learning paths
- supportive professional services
- the establishment of a monitoring scheme

**The key measures made under the Strategy's implementation:**

[4]The proportion of people without lower secondary educational attainment, among those aged between 18 and 24, who did not participate in any training within 4 weeks before the data recording. ISCED level 2 of 2011 (in use since 2014) and levels 3A and 3B of ISCED 1997 can be regarded as lower secondary levels of education. The indicator is based on the Eurostat Labour Force Survey, consequently it is a sampling survey data.

- **the extension of compulsory kindergarten attendance**

With a view to consolidating academic success, kindergarten attendance for children over 3 years of age has become obligatory as of September 2015. Consequently, the number of children in kindergartens further increased:

- children of 3 were represented in 80.3% in school year 2014/2015, while their ratio rose to 84.4% by school year 2017/2018
- children of 4 were represented in 94.7% in school year 2014/2015, while their ratio rose to 95.1% by school year 2017/2018
- children of 5 were represented in 95.1% in school year 2014/2015, while their ratio rose to 95.8% by school year 2017/2018

The action, however, required capacity-building in the institutions. Between 2010 and 2016, approximately 9,200 new kindergarten places were created. The introduction of compulsory pre-school education required an increase of kindergarten places. A sum of HUF 2.5 billion was appropriated from the budget of 2016 for the support of such capacity-building endeavours. The programme continued in 2017 as well, in the framework of which the municipalities could submit tenders for kindergarten modernization and the improvement of the infrastructural conditions of catering services for children, in a total of HUF 3.5 billion from central budgetary resources.

The actions for the extension of compulsory kindergarten attendance lay the foundations for a framework with which a gate has been opened to the institutional education of children, where equal opportunities and the same level of access are guaranteed from the earliest years possible. Apparently, this may enhance further education among children, which will also contribute to the decrease in the number of early school-leavers.

In Hungary 91% of Roma children attend kindergarten, which is the highest percentage in the region and is close to the attendance rate of non-Roma children (see the Second European Union Minorities and Discrimination Survey – the Roma – selected findings; European Union Agency for Fundamental Rights (FRA), 2016). The previous survey (EU MIDIS I.) dates back to 2011, when 83% of Roma children attended kindergarten in Hungary. Almost every Roma child of compulsory school age attends an educational institution (FRA 2016: 98%; FRA 2011: 95%).

- **The introduction, in November 2016, of the early warning and teaching support system to prevent drop-outs** [Government Decree 229/2012 (VIII. 28.) ]

The early warning and teaching support system wishes to draw attention to those situations and areas of development that could help avoid drop-outs – on the students' and teachers' side and on an institutional development and management level as well. Through the scheme, data are

gathered, in years 5-12, about the total number of students prone to drop-out[5] and about the types of teaching support the schools provide.

The first time the affected public education institutions provided statistical data about students exposed to drop-out was in the first and second semester of academic year 2016/2017. The first two data-provision periods, whose information supply was unsuitable for personal identification, incorporated 450 operators with a total of 2,789 public education institutions, and 3,902 designated sites for duty performance. Data provision was 100% complete in both cases.

Given the fact that 2017 was the first (pilot) year of the scheme's operation, it will take a few years until the provided data will be sufficient for a time-series analysis.

The warning system contributes to the provision of timely interventions tailored to personal needs and of pedagogical and professional support for students facing challenges that hinder their educational achievement. The warning system is fundamentally aimed at prevention, urging the scheme's actors to search the earliest signs so that reaction to the situation of students, exposed to drop-out, is within the shortest time possible, and is built on an experience-based professional method. Its aim is to provide technical support to student progress and to the technical work of educational professionals and the various institutes, without the inclusion of any sanctioning component. The warning system gathers information about the possible factors behind the exposure to drop-out and about the applied interventions. The recorded features (absences, grade retention, deterioration of the learning outcomes, home schooling rates, disadvantaged status, etc.) show a significant correlation with academic failures that, in turn, lead to drop-out. Pedagogical professional service is also part of the system, which supports teachers in their execution of those technical and methodological developments that are meant to prevent drop-outs.

As per the data supply of June 2017, the number of students exposed to drop-out reached 80,900 in Hungary, which constitutes 10.85% of all full-time students in years 5-12 and those in a full-time training programme in higher education (745,441 people).

In a break-down by the tasks of the educational institutions, the highest exposure to drop-out was recorded among secondary school students (18.03%), while grammar schools were reported to be the least affected (2.64%). The relevant figures were as high as 13.14%, 12.21% and 7.92% in primary schools, vocational grammar schools, and technical and skills development schools respectively.

- **Ambitions to prevent the occurrence of drop-outs and to promote desegregation**

[5] Students exposed to drop-out are students whose learning outcomes in the given academic year are under average, or show a decline of at least 1.1 as compared to the previous year's learning outcomes, and who thus require complex systematic action on the teachers' side (see Section 4(37) of Act CXC of 2011 on National Public Education).

The Educational Authority has been working on a priority project under the title EFOP-3.1.5-16-2016-00001 "The support of institutions exposed to student drop-out". The project concentrates on the selection of institutions for complex institutional development and on their modernization, which covers a total of 243 public education institutions with 300 designated sites for task performance from the convergence region. The complex institutional development process is available to those public education institutions that need improvement based on the ratio of students who are prone to drop out of school, as well as on the efficiency of teaching and learning and the institution's adoption of inclusive education.

The designated sites have been put into the development categories based on different methodological perspectives:

- Institutional category no. 1: the designated sites of task performance, which have been selected based on the segregation index value, are institutional units with a mission to provide school education, and belong to a group of institutions that are exposed to segregation and are subjected to improvement. These institutions have been selected with the method described in a background study to the EFOP indicator titled "The number of multiple disadvantaged students receiving segregated education in the study districts affected by the interventions".
- Institutional category no. 2: public education institutions that are directly affected by students prone to drop-out and that have the following features:
    - Institutions subject to a legal proceeding due to illegal segregation (school segregation), and institutions as per the report of the Office of the Commissioner for Fundamental Rights.
    - Designated sites of primary school task performance, which are under-performing institutions according to the competence assessments, and where the proportion of disadvantaged / multiple disadvantaged students reaches or even exceeds 15%.
    - Primary schools, (which are not under-performing according to the competence assessments, and) where the proportion of the disadvantaged or multiple disadvantaged students is at least 15%. The institutions must also have been selected under priority project TÁMOP 3.1.4-B-13/1 "Public education in schools" (with 29 designated sites for task performance altogether).
    - Grammar schools exposed to drop-outs, where the ratio of disadvantaged or multiple disadvantaged students reaches or exceeds 5%.
- Institutional category no. 3: partner institutions in support of the complex institution development procedure. Here selection was based on the family background index. The underlying 44 designated sites of task performance have been classified into two sub-categories:
    - Designated sites with primary school missions, which in the competence assessments of the past 5 years (2012-2016), tended to perform better than the estimates based on the family background index would have suggested. Alternatively, they may boast with higher pedagogical added value, at the same struggling with a specific (minimum 15%) rate of disadvantaged or multiple disadvantaged students (25 designated sites with a primary school mission).

The project involves the creation of a set of criteria for institutional analysis and the upgrading of the pedagogical services in relation to the complex institution development and action plan. All

this is to contribute to the pedagogical tasks and processes mentioned in the complex situation analysis and action plan. The task of professional pedagogical service provision should be completed for the affected public education institution / designated site by the competent pedagogical educational centre in the region.

Designated sites with a primary school mission, which in the competence assessments in the past five years (2012-2016) tended to perform better than the estimates based on the family background index would have suggested. In other words, they have a typically higher pedagogical added value, and provide educational services to disadvantaged students, who according to the respective legislation are prone to drop out of school, and whose ratio, along with that of multiple disadvantaged students, does not reach 15% (19 designated sites with a primary school mission).

In 2017 the project welcomed the finalization of a framework for the complex and differentiated institution development scheme, which is destined to prevent school drop-outs by way of applying a new training method. Academic year 2017/2018 will see the preparation of the institution development procedure (including the involvement of the affected institutions, situation analysis and the compilation of a development plan), and will focus on the accomplishment of the action plans for academic years 2018/2019 and 2019/2020.

- **The recognition and acknowledgement of pedagogical work under demanding conditions**

A differentiated wage incentive has been introduced for the recognition of the extra performance that the efficient teaching of multiple disadvantaged students requires. Government Decree No. 326/2013 (VIII. 30.) on the Implementation of Act XXXIII of 1992 on the Promotional System of Teachers and on the Legal Status of Public Employees in General Educational Institutions, as amended and adopted in November 2017, expanded the provision of the bonus, which is available after a job done under demanding conditions, on a task basis. Accordingly, besides those educators who work in the beneficiary settlements, the bonus may as well be disbursed to experts who, even though are not employed in a disadvantaged settlement, still manage programmes that foster the disadvantaged children's or students' progress and enhance their use of skills, their integration or development in kindergartens (see the Integration Pedagogical Scheme – IPR). Extended eligibility for the incentive shall be applicable as of 1 January 2018.

- **The expectation and acknowledgement of competences for inclusive education in teacher qualification**

Expected and acknowledged competences among educators: The development of the student's personality, the enforcement of individual treatment, the possession of the proper methodology that is required for the successful training and education, in the company of other children, of disadvantaged students or students with special educational needs, or of students with learning or behaviour difficulties.

Competences constitute the targets of development for specialist consultants, insomuch as they serve as reference points, as regards the achievements and weaknesses, for educational

inspectors, not to mention the set of criteria for qualifying evaluation. And it is this single view that enables the clear definition of the various competence levels, and designates the path for further development.

- **School social workers**

In order to foster school success and to avoid drop-outs, in January 2016 the scope of funded jobs was extended to include the positions 'school social worker' and 'officer responsible for child and youth protection' (as optional positions). [Government Decree No. 326/2013 (VIII. 30.)]

- **Targeted support for vulnerable student groups**

There are various ongoing programmes that facilitate individual progress, apply modern and differentiated pedagogical methods and provide mentoring assistance to disadvantaged students, including Roma children. Around 4,000 secondary school students take part in the Arany János Talent Programme, the Arany János College Programme and the Arany János College–Vocational School Programme (hereinafter AJCVP) every year, which enhance the eradication of drop-outs among disadvantaged, multiple disadvantaged and vulnerable students, promote their further education and their passing of the matriculation exam and provide complex support to the learning of a profession. The programmes offer pedagogical, social, healthcare and cultural assistance to the participating students.

The students' family background and its features: parents with low levels of education, limited cultural assets, high unemployment risk, where the ratio of those living in deprivation reaches 10-20%. AJCVP has a typically larger proportion of inactive parents with low education levels. The quantitative examination[6] of the success rate in 2014 found that about one fourth of the students would have continued their studies at a lower level or not at all without these programmes.

As regards the creation of educational opportunities, success for disadvantaged and multiple disadvantaged children and students is promoted by individual and complex professional developments, and various services, grants and mentoring activities that enhance the learning path, prevent drop-outs and embrace reinforcement and confirmation.

The scholarship programmes under the title 'Útravaló' (Road to High School, Road to Graduation, Road to Vocation, Road to Degree sub-programmes) are available for disadvantaged students, and among them for the Roma, in every stage in the formal education system. Every year over 13 thousand students benefit from the grants and mentoring assistance the programmes offer.

The programmes that have been designed to prevent drop-out ('Tanoda', 'Second Chance', and the programme against school leaving without a qualification among Roma girls) offer aid to approximately 10,000 students. It is a key ambition of the inclusion process to raise the qualification level among the disadvantaged, particularly Roma students.

[6] Fehérvári, Anikó: Arany János Programme, Hungarian Institute for Educational Research and Development, 2014

- **The inclusive education of students with special educational needs**

The number of public education institutions that provide classroom teaching, in kindergarten and school, to pupils/students of special educational needs (hereinafter SEN) in the framework of inclusive education, shrank by 98% between 2010 and 2016. Those institutions that provide segregated education to children with special educational needs were represented in a proportion 24% lower among educational institutions in 2016/2017 than in 2010/2011. The ratio of institutions that allow the integrated admission of such (SEN) children and students, however, rose by almost 30% in the total of the institutions during the period.
Children with special educational needs again showed a decreasing number in the special needs education system between 2010 and 2016: their ratio diminished by 9.6 percentage points. Children with special educational needs in kindergarten and schools received integrated education in a higher percentage now: their proportion grew from 61% to 70%. Approximately 32% more children received targeted services in academic year 2016/2017 than in 2010/2011, which affected 651 more persons with serious disabilities or multiple disabilities. 2.3 times more children could benefit from special needs education counselling, early childhood development and education and care in 2016/2017 than in 2010/2011, meaning some 4,542 children.

As compared to 2010/2011 the number of children or students that were catered for by special pedagogical services grew by 10%, accounting for 40,071 more people.

**Key data for special needs educational, conductive educational and special educational services between 2010 and 2016**

| | **2010/2011** | **2016/2017** | **Difference between 2010-2016** |
|---|---|---|---|
| Number of special educational, conductive educational institutions | 410 | 312 | -98 |
| - % of all the kindergartens and schools | 8,5 % | 5,8 % | -23,9 % |
| Number of institutions provide integrated education | 3 080 | 3 991 | + 911 |
| - % of all the kindergartens and schools | 63,7 % | 73,7 % | +29,6 % |
| Rate of children, students educated in segregation, % | 39,3 % | 29,7 % | - 9,6 |
| Rate of children, students educated in integration, % | 60,7 % | 70,3 % | +9,6 |
| Developing education number of students | 2 057 | 2 708 | +651 |
| Number of children educated with special educational counselling, early development, education and care | 1 974 | 4 542 | +2 568 |
| Number of children educated by pedagogical services | 412 277 | 452 348 | +40 071 |
| Rate of full time education compared to children, students, % | 24,6 % | 30,3 % | + 9,7 % |

*Source: Public education related statistical data gathering, 2010–2016*

- **The provision of pedagogical technical services**

As of 01 April 2015, the Educational Authority is held liable for the provision of the pedagogical technical services, under the performance of the national public educational duties. The 15 Pedagogical Educational Centres (POC), which operate under the Authority, will ensure that the services are delivered in the same standard across the country, and that they are available to every public education institution or teacher in the statutory areas. Moreover, the public education institutions shall be assured that they receive the necessary and appropriate technical support for their pedagogical work. The POCs are responsible for the provision and coordination of the pedagogical technical services, and shall be held liable for the efficient and full-scope operation of the special counselling services and that of an inspector network, which supervises the teachers' work based on a set of common external criteria. These centres will also have to be able to contribute to the implementation of EU-funded developments. The tasks' planning security shall be determined by the institutions' needs and demand.

The Nationality Pedagogical Educational Centre has been assigned the task to manage the provision of pedagogical technical services for Roma nationality education with a view to enhancing the efficacy in the field (e.g. the consolidation of the quality guarantees concerning infringement procedures). The Authority shall be responsible for the country-wide organization of nationality based pedagogical services. Nationality education will be ensured under the control of the respective nationality government.

- **The assurance of flexible learning paths**

The Vocational Training Bridge Programme has been in operation since 01 September 2016 (see Act LXV of 2015 amending Act CXC of 2011). In the framework of the programme, VET institutions shall train youngsters of compulsory school age or even older, who have no primary school qualifications and show slower progress due to drop-out or school failure. The primary objective is to ensure their inclusion in vocational training or, at least, to prepare them for employment through an opportunity to acquire partial vocational qualifications – all in view of better employability. The training puts special emphasis on the grounding and further development of the students' skills and motivation for life-long learning, and accordingly wishes to place the entire teaching-learning process in the service of the development of competences that are indispensable for learning a profession.

- **Education in the transit zone**

Education started in the transit zones of Tompa and Röszke on 04 September 2017, wherein the task performance of the two transit zones got managed by two academy centres – the Kiskőrös Academy Centre and the Szeged Academy Centre respectively. The Office ensures the instrumental conditions of the education. Such conditions are especially the acquisition of school books, exercise books, teaching tools, other school equipment, developing equipment, as well as the establishment and maintenance of the room suitable for education. With due regard to the student headcount, the centres continuously review the necessary number of teachers. In September 2017 under-aged were registered in 7 family assembly areas and in 1 assembly area

for unaccompanied minors in the transit zone of Röszke, while 4 family assembly areas reported the presence of under-aged in the transit zone of Tompa, whose education shall be ensured by the Hungarian State. Normally, education services are provided by assembly areas.

Education is provided in the following age-groups:

- in family assembly areas for (a) kindergarten pupils, (b) children aged 6-14 and (c) children aged 14-18
- in assembly areas for unaccompanied minors for (c) children aged 14-18.

The pedagogical program, which has been developed by the Hungarian Institute for Educational Research and Development under the Esterházy Károly University, is readily adaptable to the constantly changing composition of the student group, just like to the group's diversity as regards the children's age and language competences.

The curriculum and the training material consider skills development as the core objective, putting the development of areas of intercultural relations, languages, communication, cooperation and thinking into focus. The complex development sessions are meant if not at least to maintain the knowledge the children have earlier acquired, for which they are going to use Hungarian as the language of communication, or English as a bridge language.

- **IN-SCHOOL project**

In October 2017 a decision was made on our participation in the IN-SCHOOL project of the Council of Europe. The project, starting in 2018, will help the participating educational institutions with the practical application of the inclusive training approach, whose aim is to promote the students' success in school (http://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children)

- **Improved early childhood education**

From 2015 onwards, project EFOP-3.1.1-14 "The support of early childhood education" offers a set of options to strengthen the roles and abilities of kindergartens and family daytime care facilities in their creation of opportunities and the compensation of disadvantages. The programme grants special attention to (1) the technical support of compulsory kindergarten education, just like to (2) the efficient performance of the disadvantage mitigating role that is undertaken in the National Sub-programme of Kindergarten Education. Further areas of focus are (3) the development of thematic teacher training programmes for kindergarten workers and the accreditation thereof, (4) the development and qualification of training programmes for the civil servants in charge of the kindergarten services that must be ensured by kindergarten operating municipalities, (5) the support of kindergarten teacher trainings through the provision of state-of-the-art and efficient tools and devices (6) technical contribution to kindergarten teacher trainings through the involvement of trainers, kindergarten process support mentors and quality management consultants for training development, (7) the compilation, preparation and organization of a programme of professional events for kindergarten professionals, stakeholders participating in kindergarten admission, as well as for religious and private operators and the

civil servants in charge of the kindergarten services that must be ensured by kindergarten operating municipalities.

As of 2016, various pedagogical contents for opportunity creation and disadvantage compensation have been shared to be used as an instrument in the professional preparation of experts who directly assist kindergarten teachers, kindergarten managers, young child care workers and of those who directly contribute to the pedagogical work and teaching in the said institutions. Project EFOP-3.1.3-16 "The support of public education measures for social inclusion and integration", which gave the underlying framework to the support, was aimed at making sure that kindergartens became suitable for the efficient education of disadvantaged children, and wished to enhance the children's inclusion in kindergarten activities and promote their success in school. To this end, it focused on trainings and other supportive services to foster the kindergartens' role and ability to create opportunities and compensate for the disadvantages. With a view to preparing and facilitating the transition period from kindergarten to school life, it concentrated on stronger cooperation with schools.

- **Methodological advancements for teachers**

Project EFOP-3.1.2-16, under the title "The methodological preparation of teachers to prevent school-leaving without a qualification", set it as an objective to mitigate school-leaving without a qualification through the methodological upgrading of public education. The development of a Complex Base Program constitutes part of the project, which will be a combination of principles and methods that concentrate on certain fundamental learning enhancing methods in order to foster complex personality development among students. Such principles are (1) cooperation, (2) coequality, (3) community life, (4) normativity and (5) opportunity creation coupled with disadvantage compensation. These principles are transposed and incorporated into the schools' teaching-learning environment through the following basic learning enhancing methods: (1) logic based, (2) movement based, (3) art based and (4) digital methods. With the stimulation of those teaching environments that promote differentiated development in heterogeneous learning groups, we concentrate on the improvement of a learning activity that strengthens personal involvement (life practice) and focuses on adaptive life practice. The adjustment of the school environments, which stimulate personal development and learning, shall be supported by four general methodological elements in relation to the all-day school pedagogical programme. These items are as follows: (1) the application of personalized and tailored pedagogical procedures, (2) solutions for competence-based development, (3) the reinforcement of the student-oriented approach in the relevant goals and activities, and (4) the aggregation of creativity in learning organization.

### 3) ANSWERS TO THE QUESTIONS RAISED BY ECSR REGARDING THIS PARAGRAPH

- **ECSR is awaiting information about unjustified absenteeism and school drop-outs and their statistics**

**<u>Unjustified absenteeism and its statistics</u>**

The number of students affected by unjustified absenteeism has been gradually declining in primary and secondary schools. Their figure in the above institutions was 27% lower in academic year 2015/2016 than in 2011/2012.

In 2011/2012 almost one-fourth (22%) of the primary and secondary school students had a record of at least 1 class that they had stayed away from in an unjustified way, while their ratio shrank to 17% by academic year 2015/2016.

Even those students who had a record of over 50 classes of unjustified absence were represented in a significantly smaller number: their proportion diminished to 1% in primary schools by 2015/2016. As compared to academic year 2011/2012, the rate of those students who had unjustifiably missed more than 50 classes in secondary schools dropped from 3% to 1%.

**Number of students with unjustified absence or with a record of more than 50 lessons of unjustified absence (persons)**

| | 2011/2012 | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 |
|---|---|---|---|---|---|
| **Total number of students missed uncertified lessons** | **282 885** | **250 252** | **231 971** | **215 290** | **207 437** |
| - in primary school | 62 676 | 55 110 | 53 679 | 51 640 | 52 370 |
| - in secondary school | 220 209 | 195 142 | 178 292 | 163 650 | 155 067 |
| **Total number of students missed more than 50 uncertified lessons from students missed uncertified lessons** | **22 552** | **18 573** | **15 584** | **12 703** | **10 872** |
| - in primary school | 6 393 | 5 165 | 5 659 | 5 920 | 5 996 |
| - in secondary school | 16 159 | 13 408 | 9 925 | 6 783 | 4 876 |

**Changes in the number of students with unjustified absence or with a record of more than 50 lessons of unjustified absence, compared to the previous year (%)**

| | 2011/2012 | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 |
|---|---|---|---|---|---|
| **Total number of students missed uncertified lessons** | **..** | **-12%** | **-7%** | **-7%** | **-4%** |
| - in primary school | **..** | **-12%** | **-3%** | **-4%** | **+1%** |
| - in secondary school | **..** | **-11%** | **-9%** | **-8%** | **-5%** |
| **Total number of students missed more than 50 uncertified lessons from students missed uncertified lessons** | **..** | **-18%** | **-16%** | **-18%** | **-14%** |
| - in primary school | **..** | **-19%** | **10%** | **5%** | **+1%** |
| - in secondary school | **..** | **-17%** | **-26%** | **-32%** | **-28%** |

**Proportion of students with unjustified absence or with a record of more than 50 lessons of**

**unjustified absence, in relation to the total student headcount (%)**

| | 2011/2012 | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 |
|---|---|---|---|---|---|
| **Total number of students missed uncertified lessons** | **22%** | **19%** | **19%** | **18%** | **17%** |
| - in primary school | **8%** | **7%** | **7%** | **7%** | **7%** |
| - in secondary school | **39%** | **36%** | **35%** | **35%** | **34%** |
| **Total number of students missed more than 50 uncertified lessons from students missed uncertified lessons** | **2%** | **1%** | **1%** | **1%** | **1%** |
| - in primary school | **1%** | **1%** | **1%** | **1%** | **1%** |
| - in secondary school | **3%** | **2%** | **2%** | **1%** | **1%** |

*Source: Public education related statistical data gathering, 2012/2013 – 2016/2017 (for the academic year that preceded the data gathering)*

The records of absenteeism in academic year 2016/2017 will be accessible from the data gathering in 2017/2018.

**School drop-outs**

The history of drop-outs may be assessed with a process indicator; its definition and statistics can be read below. The drop-out figures show a slight, statistically irrelevant decline as regards academic years 2014/2015 and 2016/2017.

**Subject:** The proportion of school drop-outs in a given academic year, on the level of ISCED 1 and 4 (From among the ones who still had a student status on 1 October in the said academic year, yet failed to have secondary qualifications, which students failed to have the relevant student status on 1 October in the next academic year and lacked secondary qualifications)
- age-group 16-24,
- process indicator, data from 01 October in the given year,
- concerns those who take part in full-time formal education,
- every operator

**Source:** KIR student registry

| Drop-outs without intermediate degree in the age group 16-24 in the school year of 2016/2017 | | | |
|---|---|---|---|
| **Primary task** | **Total number of students** | **Number of drop-out students** | **Rate of drop-out students** |
| primary school* | 10,185 | 3,180 | 31.22% |
| high school | 134,103 | 1,858 | 1.39% |

| | | | |
|---|---|---|---|
| vocational high school ( previously: vocational school) | 120,820 | 5,982 | 4.95% |
| secondary school (previously: vocational school) | 59,512 | 10,368 | 17.42% |
| vocational school (previously: special vocational school) | 1,920 | 274 | 14.27% |
| skill development school | 509 | 45 | 8.84% |
| others | 2,343 | 147 | 6.27% |
| Total | 329,392 | 21,854 | **6.63%** |

** As regards primary schools, the number of school drop-outs covers both students with or without primary qualifications.*

| **Drop-outs without intermediate degree in the age group 16-24 in the school year of 2015/2016** | | | |
|---|---|---|---|
| **Primary task** | **Total number of students** | **Number of drop-out students** | **Rate of drop-out students** |
| primary school* | 9,908 | 3,074 | 31.03% |
| high school | 131,348 | 1,671 | 1.27% |
| vocational high school ( previously: vocational school) | 123,470 | 6,380 | 5.17% |
| secondary school (previously: vocational school) | 66,053 | 11,676 | 17.68% |
| vocational school (previously: special vocational school) | 2,696 | 130 | 4.82% |
| skill development school | 333,475 | 22,931 | **6.88%** |

** As regards primary schools, the number of school drop-outs covers both students with or without primary qualifications.*

| **Drop-outs without intermediate degree in the age group 16-24 in the school year of 2014/2015** | | | |
|---|---|---|---|
| **Primary task** | **Total number of students** | **Number of drop-out students** | **Rate of drop-out students** |
| primary school* | 9,972 | 2,779 | 27.87% |
| high school | 131,475 | 1,943 | 1.48% |
| vocational high school ( previously: vocational school) | 131,135 | 7,455 | 5.68% |
| secondary school (previously: vocational school) | 70,979 | 12,841 | 18.09% |
| vocational school (previously: special vocational school) | 2,840 | 189 | 6.65% |
| skill development school | 346,401 | 25,207 | **7.28%** |

** As regards primary schools, the number of school drop-outs covers both students with or without primary qualifications.*

| **Dropped-outs without intermediate degree in the age group 16-24 in the school year of 2013/2014** | | | |
|---|---|---|---|
| **Primary task** | **Total number of students** | **Number of drop-out students** | **Rate of drop-out students** |
| primary school* | 11,506 | 2,896 | 25.17% |
| high school | 129,899 | 1,811 | 1.39% |
| vocational high school ( previously: vocational school) | 137,896 | 6,335 | 4.59% |

| | | | |
|---|---|---|---|
| secondary school (previously: vocational school) | 68,701 | 10,593 | 15.42% |
| vocational school (previously: special vocational school) | 2,553 | 97 | 3.80% |
| skill development school | 350,555 | 21,732 | **6.20%** |

** As regards primary schools, the number of school drop-outs covers both students with or without primary qualifications.*

- **ECSR is requesting information about the type of assistance that is available to families to be able to cover the hidden costs of primary and secondary education (such as textbooks or school bussing).**

**Catering services for children**

Upon the parent or the legal representative's request, any child shall be provided catering services in consideration of his or her age, either in the form of institutional catering or catering services for children during holidays, as an in-kind benefit. Institutional catering services shall be provided in crèches, kindergartens, and summer daytime care facilities as well as in primary and secondary school dormitories – under locally managed non-boarding-school services, or in the form of school canteen services in primary and secondary school, unless the municipality regulations otherwise order. Further institutions that provide such services are institutions that educate children/students with disabilities and those daytime care facilities, subject to Child Protection Act that provide daytime care to disabled children. In the framework of institutional catering services for children, crèches provide infants with four, while the other institutions supply the pupils/students with three meals a day.

Parallel with the introduction of compulsory kindergarten attendance from the age of 3, the Government substantially extended the scope of beneficiary children who could get free meals in young child care institutions as of 1 September 2015. Consequently, since September 2015, 90% of kindergarten and crèche pupils receive catering services free of charge. It is important to note here that no family is required to prove, with evidence, its status of poverty in order to become eligible for the services: a statement from the parents is sufficient for this purpose. Prior to the measure, children in crèches and kindergartens could take advantage of institutional catering services – free of charge or at a 50% discount price – on the same footing as primary school pupils.

However, the amendment of Child Protection Act, which became effective on 1 September 2015, made the services free for some day-nursery and kindergarten pupils, who until then had to pay a 50% fee for them. The affected children come from families with three or more infants or are permanently ill or suffer from disabilities. Besides this, from 1 September 2015 on, siblings of children suffering from chronic illnesses or disabilities and children coming from families with less than three children are also entitled to such catering services, which are provided free of charge – in crèches 4 times, whereas in kindergartens 3 times a day. Another prerequisite for the eligibility is that the income per capita in these families may not reach 130% of the net minimum wage, which is HUF 119,301 in year 2018.

As of 1 July 2015, eligibility for such catering services is also extended to children in foster care who go to crèche, kindergarten or are full-time students, and to young adults who receive post-

care services. Children placed in foster care and full-time students in post-care are entitled to free textbooks as well.

As a result of the measures, institutional catering services are provided free of charge to

- children in crèches or kindergartens if they
  - receive regular child protection benefit,
  - are permanently ill or suffer from disabilities, or live in a family with a permanently ill or disabled child,
  - live in a family with three or more children,
  - live in a family where, pursuant to the parent's statement, the monthly income per capita is not more than 130% of the actual minimum wage (reduced with the personal income tax, the contributions paid by the employee, as well as with the social and health insurance and the pension contributions, which thus equalled HUF 119,301 in 2018) or
  - have been placed in foster care;
- full-time students in years 1-8, if they
  - receive regular child protection benefit,
  - have been placed in foster care;
- children receiving regular child protection benefit, who have been placed in a daytime care facility specialized on people with disabilities, as per the Social Act, to provide daytime care for disabled children;
- full-time students above years 1-8, if they
  - have been placed in foster care, or
  - receive post-care services.

A normative discount of 50% is given to

- full-time students above years 1-8 if they receive regular child protection benefit;
- full-time students in years 1-8 or above, if they live in a family with three or more infants;
- children suffering from chronic illnesses or disabilities.

According to the HCSO data gathering on children's daytime care for December 31 in the previous year, and as per the EMMI public education statistics for October 1 of the current year, in day-nurseries and public education institutions (kindergartens, primary and secondary schools)

- out of the 1,013,524 children who attended crèche, kindergarten or school in academic year 2014/2015 as many as 527,503 (52.05%),
- in academic year 2015/2016 out of the 1,023,437 children as many as 641,713 (62.7%),
- in academic year 2016/2017 out of the 1,014,663 children as many as 635,858 (62.67%),
- in academic year 2017/2018 out of the 1,010,562 children as many as 626,272 (61.97%)

received institutional catering services free of charge or at a discount price.

**Central budgetary resources for institutional catering services and catering services for children during holidays, 2010-2017 (million HUF)**

| Year | Central budgetary support for institutional child catering | Central budgetary support for summer holiday catering for in-need children - from 2016: holiday child catering | Total |
|---|---|---|---|
| **2010** | 28,711.3 | 2,400 | 31,111.3 |
| **2011** | 31,020.1 | 2,400 | 33,420.1 |
| **2012** | 29,509.9 | 2,400 | 31,909.9 |
| **2013** | 44,799.3 | 2,400 | 47,199.3 |
| **2014** | 52,639.6 | 2,640 | 55,279.6 |
| **2015** | 61,080 | 3,000 | 64,080 |
| **2016** | 66,440 | 5,300 | 71,740 |
| **2017** | 67,240 | 6,670.4 | 73,910.4 |
| **2018** | 72,634.3 | 6,670.4 | 79,304.7 |

Free-of-charge or discount institutional catering services for children may be claimed under one title per child only. Children receiving regular child protection benefit may only be entitled to catering services during the holidays, as per Section 21/C of Child Protection Act if their disadvantaged or multiple disadvantaged status has been confirmed. Notwithstanding, children who are entitled to regular child protection benefit but who fail to comply with the above criteria (regarding the disadvantaged or multiple disadvantaged status) may also get such services, if the municipality provides for that.

During the holidays catering services must be provided to the beneficiary children by the competent municipalities, based on the place of residence, as a statutory task.

In 2016/2017 altogether 11,581 more children and students got free meals in public education institutions than in academic year 2016/2017. In relation to the total number of children/students this means a 1.2% growth.

In 2016/2017 those who received free meals outnumbered the former figures for 2010/2011 by 107,696. In the above period the proportion of those who had free meals grew by 32%.

**Key data about the number of people eating in public education institutions (2010-2016)**

| | 2010/2011 | 2016/2017 | Difference between 2010 and 2016 |
|---|---|---|---|
| Number of children, students receiving catering in public educational institutions | 967,953 | 979,534 | +11,581 |
| Proportion of children, students receiving catering in public educational institutions | 57.8 % | 65.6 % | +1.2 % |
| Number of those receiving free catering | 333,332 | 441,028 | +107,696 |
| Proportion of those receiving free catering | 19.9 % | 29.5% | +32.3% |

*Source: Public education statistical data gathering, 2010–2016*

The number of children who took advantage of institutional catering services – free-of-charge or at a discount price – gradually shrank from academic year 2016/2017 on. An annual decrease of 0.9-1.4% was recorded in their figures after the eligibility conditions for free meals were substantially extended in day-nurseries and kindergartens as of 1 September 2015.

The primary cause of the decline should be sought in the fact that institutional catering services, in primary schools for free and in secondary schools for a discount price, are conditioned to the child's eligibility for the regular child protection benefit. At the same time, State Treasury data for August 01 in the previous year show that in 2016 as many as 452,007 people received regular child protection benefit. In the meantime, it may be concluded from the statistics on the Erzsébet vouchers that were claimed by the municipalities on grounds of child protection that this figure shrank to 350,885 by the year 2017. Apparently, the group of beneficiaries got smaller, which may be explained by the significant salary increase in the national economy.

From 1 January 2018 onwards, the wage limit for the regular child protection benefit was raised to 135-145% of the minimum old-age pension, from its previous 130-140%. Consequently, the number of children applying for free-of-charge or discount institutional catering services will also increase, or at least it is not expected to further decline.

**Free textbooks, textbook subsidy**

Section 46 (5) of Public Education Act determines the beneficiaries who can get textbooks free of charge. It was in academic year 2013/2014 that for the first time textbooks were provided free of charge to students who enrolled in the first year. Free textbooks are given in an ascending system thereafter. In academic year 2016/2017 free textbook supply was extended to each junior year in primary education.

In the application of Government Decree No. 1265/2017 (V. 29.), in academic year 2017/2018 free textbook supply was introduced at the same time for 5-8th graders in primary and for 9th graders in secondary schools respectively. Accordingly, every full-time student in years 1-9, and every person who took part in nationality or special needs education had an individual entitlement to free textbooks.

Textbooks are further provided free of charge, based on the level of deprivation, to students in grades that are not covered by the regulation.

Together with the other beneficiaries, as many as 733,000 students received a subsidy, which meant that two-thirds of all pupils/students were exempted from payment. This was 37,000 more children than in academic year 2015/2016 and 119,000 (+19.3%) more as compared to 2013/2014. It is noteworthy that in academic year 2013/2014 that ratio of beneficiaries (of free textbooks) reached only 54%. As a consequence of this and owing to the reduced price of the textbooks that were published by the State, the parents' expenditure on textbooks shrank by 29.4%: as compared to 2013 now they spent HUF 2.2 billion less on them.

| Year | Number of those benefited from free school book provision (person) | Rate of persons benefited from free school book provision from the total number of those in school year 1-12 | State expenditure (Million HUF) | Payed by parents (Million HUF) |
|---|---|---|---|---|
| **2013** | 614,804 | 54% | 7,756 | 7,267 |
| **2014** | 679,967 | 59% | 7,007 | 6,480 |
| **2015** | 696,580 | 63% | 6,545 | 5,456 |
| **2016** | 733,414 | 67% | 7,326 | 5,129 |
| **2017** | 1million | 85% | 1,000 | 1,590 |

*Source: EMMI, Department of Public Education Strategy*

**Student travel discount**

Student travel discount is available to students upon the presentation of their student licence.
They are entitled to a 50% discount of fares and 90% discount of monthly passes

- for commuting between the school and the place of residence until the end of the secondary school studies, if they are full-time or part-time students,
- for commuting between the institution and the place of residence, if they are full-time or part-time students in tertiary education.

A 50% discount of the fares is available to beneficiaries

- for any travel until the end of the secondary or vocational school studies, if they are full-time or part-time students,
- for any travel, if they are full-time or part-time students in tertiary education,
- for commuting between the school, the institution and the place of residence until the end of their studies, if they are correspondence students in a secondary school or in tertiary education.

Local discounts of the monthly passes (for local road and track-based transportation) are available

- for any travel until the end of the secondary or vocational school studies, if the beneficiaries are full-time or part-time students,
- for any travel, if the beneficiaries are full-time or part-time students in tertiary education.

Travelling is free for any child under 6, who must be accompanied by an adult. Kindergarten pupils above 6 are entitled to a 50% discount [from urban and inter-urban transport fares**,** as per Government Decree 85/2007 (IV. 25.) on discounts in public passenger transport].

- **According to ECSR, the situation in Hungary is not in conformity with Article 17(2) of the Charter on grounds that educational segregation among the Roma is still a prevailing problem.**

The legislative amendments following the infringement proceeding aimed to provide stronger guarantees to prevent the unlawful segregation of disadvantaged children, including Roma children. The legislative modification, which became effective as of 1 July 2017, adopted and incorporated the technical specifications recommended by the European Commission. According

to this, ethnicity or nationality based education is only lawful in the case of nationality education when the purpose of such activities is of a religious kind. The lawful aim behind the above is to maintain the nationalities' languages, along with their cultural identity.

The nationality education policy also contains extra requirements to ensure the equivalence in quality of the nationality education that is provided to Roma pupils. With this amendment, parents may make a voluntary decision as whether to request to take part in nationality education, where the related process of choice is built on the parents' full-scope and unbiased preliminary information. Now the necessary conditions for responsible parental decision-making are granted more attention, and besides their provision, the amendment also contributes to making sure that the demand for the organization of nationality education and the participation therein are both built on a conscious choice of identity. The amendment entered into force on 4 October 2017.

The European Commission has found that the legislative amendments provide proper solution to the underlying reason of the proceeding. However, further practical steps are needed to complete the procedure.

**International conventions incorporated into Hungarian Law**

**(Out of the international conventions listed in the appendix of the questionnaire with regard to Articles 7, 8, 16 and 17)**

| Name of Convention | Date of signature of Convention | Date of ratification, accession | Number of Law |
|---|---|---|---|
| International Covenant on Economic, Social and Cultural Rights (1966) | 25 March 1969 | 17 January 1974 | Law-decree 9 of 1976 on the promulgation of the International Covenant on Economic, Social and Cultural Rights adopted by the 21st session of the General Assembly of the United Nations on 16 December 1966 |
| Optional Protocol to the Convention on the Rights of the Child 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 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000) |
| Convention on the Rights of the Child (1989) | 14 March 1990 | 7 October 1991 | Act LXIV of 1991 on the promulgation of the Convention on the Rights of the Child adopted in New York on 20 November 1989 (1989) |
| European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) | 6 November 1990 | 5 November 1992 | Act XXXI of 1993 on the promulgation of the European Convention for the Protection of Human Rights and Fundamental Freedoms adopted in Rome on 4 November 1950 and its eight additional protocols |
| The Convention on Cybercrime of the Council of Europe | 23 November 2001 | 4 December 2003 | Act LXXIX of 2004 on the promulgation of the Convention on Cybercrime of the Council of Europe adopted in Budapest on 23 November 2001 |
| Convention No. 138 concerning Minimum Age for Admission to | | 28 May 1998 | Act LXIX of 2000 on the promulgation of Convention No. 138 concerning |

| | | | |
|---|---|---|---|
| Employment (1973) | | | Minimum Age for Admission to Employment adopted by the 58th session of the International Labour Conference in 1973 |
| Convention No. 182 on 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 Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour adopted by the 87th 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 |
| Convention No. 103 concerning Maternity Protection (revised) (1952) | | 8 June 1956 | Act LVIII of 2000 on the promulgation of Convention No. 103 concerning Maternity Protection adopted by the 35th session of the International Labour Conference in 1952 |
| Convention No. 183 on the revision of the Maternity Protection Convention (2000) | | 4 November 2003 | Act CXI of 2004 on the promulgation of Convention No.183 on Maternity Protection adopted by the 88th session of the General Conference of the International Labour Organisation |
| 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<br>(tenth individual Directive within the<br>meaning of Article 16 (1) of Directive 89/391/EEC) | | | Act I of 2012 on the Labour Code |
| United Nations Standard Minimum Rules for the Administration of Juvenile | | | Act XIX of 1998 on Criminal Proceedings<br>Act CX of 2017 on criminal |

| | | | |
|---|---|---|---|
| Justice ("Beijing Rules") (1985) | | | Proceedings<br>Law-decree 11 of 1979 on the enforcement of punishments and measures |
| United Nations Guidelines for the Prevention of Juvenile Delinquency (1990) | | | Act XIX of 1998 on Criminal Proceedings<br>Act CX of 2017 on criminal Proceedings<br>Law-decree 11 of 1979 on the enforcement of punishments and measures |