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EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF HUNGARY

- Article 7, 8, 16, 17
  for the period 01/01/2010 – 31/12/2013

- Complementary information on Articles 13§1 and 14§2 (Conclusions 2013)

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2 February 2015

CYCLE 2015

National Report

Eleventh Report

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

Submitted by
the Government of Hungary

for the period from 1 January 2010 to 31 December 2013

Budapest, 2014

The Fundamental Law of Hungary as a catalogue of fundamental rights and obligations lays down the economic and social rights declared in the Revised European Social Charter (hereinafter: Charter) in order to protect and ensure the principal common values, such as family, order, home, work and health. The Fundamental Law highlights the importance of the protection and dignity of families and human life as well as the obligation to work according to the individual abilities and opportunities in order to ensure the living. The Fundamental Law also stipulates that Hungary strives to ensure proper housing and access to public services for all. In order to establish social security the Fundamental Law enshrines the system of social services and measures. By enforcing an appropriate balance between individualistic approach and community aspects, the Fundamental Law ensures the right to access to social services in real-life situations, which still has great importance.

The Government of Hungary seeks to develop a labour-based society, where livelihood and social well-being of citizens of active age, who are in proper state of health, can be ensured by value-creating work appropriate to their skills. The Government has a particular responsibility and role in creating opportunities and wishes to contribute to eliminate social differences by ensuring equal opportunities. Governmental measures taken in order to ensure the social inclusion of disadvantaged persons and groups are focusing to economic and social rights drafted in the Charter.

The Government is committed to delivering outcomes that go beyond international obligations, by taking further policy measures it seeks to meet the objectives and basic requirements set out in the Charter. The Government will develop and operate Hungary's legal and institutional systems accordingly.

Pursuant to Article C of Part IV of the 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 articles of the European Social Charter which have been accepted. Based on the Decision of the Committee of Ministers of the Council of Europe No. CM(2014)26 adopted at its meeting No. 1196 held on 2 April 2014, the 2014 National Report covers the topics "Children, families and migrants" and "Health care, social security and social protection".

The report covers the implementation of the following articles of the Charter, ratified and approved by Hungary, for the reporting periods indicated in the Table:

Provision	Reference period covered by the Report
Article 7, paragraph 1	From 1 January 2010 to 31 December 2013
Article 8, paragraph 1	From 1 January 2010 to 31 December 2013
Article 8, paragraph 2	From 1 January 2010 to 31 December 2013
Article 8, paragraph 3	From 1 January 2010 to 31 December 2013
Article 8, paragraph 4	From 1 January 2010 to 31 December 2013
Article 8, paragraph 5	From 1 January 2010 to 31 December 2013
Article 16	From 1 January 2010 to 31 December 2013
Article 17	From 1 January 2010 to 31 December 2013
Article 17, paragraph 1	From 1 January 2010 to 31 December 2013

Article 17, paragraph 2	From 1 January 2010 to 31 December 2013
Article 13, paragraph 1	Current legal status
Article 14, paragraph 1	Current legal status

Hungary prepared a report on Articles 7, 8, 16 and 17 in the 7th National Report, and on Articles 13 and 14 in the 9th National Report, therefore we update and supplement the information already provided in those reports in the framework of the reporting obligation set forth for 2014.

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 includes 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 2012 about the report on the provisions relating to the thematic group “Children, families and migrants”, as well as the Conclusions of 2013 in relation to Article 13(1) and Article 14(1) concerning the topic “Health, social security and social protection”.

Given that, pursuant to Article 23 of the Charter, national organisations with membership in international employers' and employees' organisations may deliver an opinion on this National Report, the Report was sent to the relevant sides of the National Economic and Social Council of Hungary (NGTT).

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LIST OF LEGISLATION REFERRED TO IN THE NATIONAL REPORT

- Fundamental Law of Hungary
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- Law-decree 11 of 1979 on the enforcement of punishments and measures (Law-decree on Punishments)
- Act XXII of 1992 on the Labour Code (former Labour Code)
- Act XXIII of 1992 on the legal status of civil servants (Civil Servants Act)
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- Act III of 1993 on social administration and social services (Social Administration Act)
- Act LXXVIII of 1993 on certain rules of the lease and alienation of residential and non-residential premises (Lease Act)
- Act XCIII of 1993 on labour safety (Labour Safety Act)
- Act XXXIV of 1994 on the police
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- Act CXVII of 1995 on personal income tax (Personal Income Tax Act)
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- Act LXXV of 1996 on labour inspection (Labour Inspection Act)
- Act CXIII of 1996 on home savings and loan associations
- Act XXXI of 1997 on the protection of children and the administration of guardianship (Child Protection Act)
- Act LXXXIII of 1997 on the benefits of compulsory health insurance (Health Insurance Act)
- Act XIX of 1998 on criminal proceedings (Criminal Proceedings Act)
- Act XXVI of 1998 on the rights and equal opportunities of persons with disabilities
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- Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (Equal Treatment Act)
- Act I of 2007 on the admission and residence of persons with the right of free movement and residence (Free Movement Act)
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- Act XXIX of 2009 on registered civil partnership and and the amendment of related legislation and certain other legislation to facilitate proving the relationship of civil partners
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- Act CVI of 2011 on public employment and on the amendment of legislation related to public employment and other legislation
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- Act I of 2012 on the Labour Code (Labour Code)
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- Act V of 2013 on the Civil Code (Civil Code)
- Act XXVII of 2013 on the amendment of certain acts on social matters and child protection related to the Magyary Simplification Programme, and on the amendment of other acts
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- Government Decree 140/1996. (VIII. 31.). on the execution of Act XLIII of 1996 on the service relationship of the professional members of the armed forces
- Government Decree 215/1996. (XII. 23.) 215/1996. (XII. 23.) on the state subsidy of savings for housing
- Government Decree 12/2001. (I. 31.) on the housing-related state subsidies
- Government Decree 4/2005. (I. 12.) on the detailed rules of undertaking and enforcing state guarantee related to housing loans provided to young people
- Government Decree 191/2008. (VII. 30.) on the order of the financing of aid services and community care services
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- Decree 33/1998. (VI. 24.) NM (Minister of Welfare) on the medical examination of/report on occupational, professional and personal hygienic aptitude
- Decree 3/2002. (II. 8.) SZCSM–EüM (Minister of Social and Family Affairs and Minister for Health) on the minimum workplace safety requirements
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- Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities) on the operation of public education institutions and on the use of names of public education institutions

- Decree 59/2013. (VIII. 9.) EMMI (Minister of Human Capacities) on the national syllabus for boarding schools
- Government Decision 1004/2010. (I. 21.) on the National Strategy for the Promotion of Gender Equality – Directions and Objectives 2010–2021
- Instruction 1/2013. (I. 8.) ORFK (National Police Headquarters) on placing in service and the use of child-friendly interview rooms

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

The Fundamental Law of Hungary in force as of 25 April 2011 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 arising 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.

Act I of 2012 on the Labour Code (hereinafter: "Labour Code"), which entered into force on 1 July 2012 in Hungary, did not significantly change the legal regulations concerning young workers that had been in force during the previous reporting period.

The labour law provisions applicable to young workers are set in the Labour Code, as well as in the legal provisions relating to health and safety at work and occupational safety. Pursuant to the Labour Code, workers must be at least 16 years of age; and any person of at least 15 years of age receiving full-time school education may enter into an employment relationship during the school holidays (Section 34(2) of the Labour Code). Subject to authorization by the guardianship authority, young persons under 16 years of age may be employed for the purposes of performance in cultural, artistic, sports or advertising activities (Section 34(3) of the Labour Code).

The above provisions are in line with Act CXC of 2011 on national public education (hereinafter: "Public Education Act"), regulating the issue of compulsory education, pursuant to which every child is obliged to participate in institutional education. Compulsory education lasts until a student turns 16 years of age (Section 45(1) and (3) of the Public Education Act). The compulsory education of students with special educational needs may be extended, on the basis of the expert opinion of the committee of experts and the decision of the director of the school, until the end of the academic year when they turn 23 years of age.

The compliance with the prohibition of child labour is controlled by the labour inspectorate under Act LXXV of 1996 on labour inspection (hereinafter "Labour Inspection Act"), which sanctions all arising violations by the prohibition of employment, the obligation to terminate the irregularity and the imposition of a labour fine (point a) of Section 3(1) of the Labour

Inspection Act). In these cases the labour inspectorate shall notify the guardianship authority, as well (points a), b), e), i) and j) of Section 6(1) of the Labour Inspection Act).
Pursuant to the Labour Code, young worker shall mean any worker under the age of eighteen (point a) of Section 294(1) of the Labour Code), and the Labour Code sets out stricter rules concerning the protection of young workers (Section 114 and Section 119(1) of the Labour Code).

For the purposes of the protection of young people, the Labour Code provides for that the provisions of the Code pertaining to young workers shall also apply to the employment of persons under the age of 18 within a non-employment relationship (Section 4 of the Labour Code).

It is included among the general provisions of the Labour Code that workers shall be employed for such work which is not considered harmful with regard to their physical condition or development (Section 51(3) of the Labour Code).

The previous regulations have changed and persons of limited legal capacity may only establish employment subject to the consent of their legal representative. The consent of the legal representative is required for the amendment or termination of an employment contract, or to the undertaking commitments (Section 21(4) of the Labour Code). Pursuant to Act V of 2013 on the Civil Code (hereinafter: "Civil Code"), a minor shall be of limited legal capacity if he or she is of the age of 14 to 18 years and is not incompetent (Section 2:12 of the Civil Code).

Specific provisions of the Labour Code relating to young workers

Young workers may not be ordered to work at night and may not be ordered to work overtime (Section 114(1) of the Labour Code).

The daily working time of young workers is limited to 8 hours, and the number of working hours performed under several employment relationships shall be added up (Section 114(2) of the Labour Code).

As regards young workers:

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 (Section 114(3) of the Labour Code).

In the case of young workers the provision which sets out that in case of an irregular work schedule weekly rest days may be allocated irregularly shall not apply (Section 114(4) of the Labour Code).

Young workers shall be given at least forty-eight hours of uninterrupted weekly rest period even in case of an irregular work schedule (Section 114(4) of the Labour Code).

Young workers shall be entitled to 5 working days of additional holiday each year; the last year when such benefit is applicable shall be the year when the young worker reaches 18 years of age (Section 119(1) of the Labour Code).

The Labour Code, among the provisions related to the compensation for damages of the worker caused by the employer, provides for that the amount of damages awarded to a young worker shall be reviewed upon his reaching 18 years of age or after 1year following his/her graduation from vocational training, and the damages for the subsequent period shall be established in accordance with any changes in the young person's working capacity or in his/her education (Section 174(2) of the Labour Code).

The provisions of the Labour Code on the employment of young workers comply with the relevant articles of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

No significant changes were made to the legal provisions pertaining to young workers in the reporting period. With regard to this, it was not necessary to implement administrative measures.

3) ANSWERS TO THE QUESTIONS OF ECSR CONCERNING THIS PARAGRAPH

- **The ECSR asks whether the law accepts any exceptions as to certain economic sectors or economic activity as described above, and if so, which sectors and forms of economic activities they are.**

The provisions of the Labour Code do not allow for exceptions in respect of any sectoral specificities to the legal acts laid down for the purposes of protecting young people. The Code provides for that the provisions of the Labour Code pertaining to young workers shall also apply to the employment of persons under the age of 18 within a non-employment relationship (Section 4 of the Labour Code).

- **The ECSR requests that a list of jobs considered to be light work be made available.**

With respect to general employment requirements, the Labour Code stipulates that workers shall be employed for work of such nature which is not considered harmful with regard to their physical condition or development (Section 51(3) of the Labour Code). An important element of the text is the part about the physical development of workers, because this is especially relevant to young workers. Therefore, employers must pay special attention to which actual work or task they assign young workers within the position specified in the employment contract. Hungarian regulations apply the work energy classification method to determine the working conditions on objective grounds. The governing regulations are included in Joint Decree 3/2002. (II. 8.) SZCSM–EüM (Minister of Social and Family Affairs and Minister for Health) on the minimum level of safety requirements for workplaces. Pursuant to the Decree, the degree of difficulty of the work shall be determined on the basis of the concept of work energy flow necessary for its performance. Thus, four categories were established: intellectual work, light physical work, moderately heavy physical work and heavy physical work. The job categories are assigned to these four categories based on several typical characteristics and case-by-case inspections (Annex 1 to Joint Decree No 3/2002 (II.8.) SZCSM–EüM), however, no list is available which would include a directory of the occupations according to the indicated breakdown.

- **The ECSR also wishes to know what rules govern the employment of young persons aged under 16 for the purposes of performance in artistic, sports, modelling or advertising activities.**

From the regulations on young workers, the Labour Code allows for derogations from the provision defining the lower age limit in the above mentioned cases.

- **The ECSR recalls that the effective protection of the rights guaranteed by Article 7 (1) cannot be ensured solely by legislation; the legislation must be effectively applied in practice and rigorously supervised. The labour inspectorate has a decisive role to play in this respect. The ECSR also notes that a total of 45 cases involving young persons and children were detected by the labour inspectorate where the rules on the employment of young people and children were violated. The ECSR asks for the national report to contain up-to-date information about the activities of the labour inspectorate.**

In Hungary, the enforcement of rules concerning work is set out in Act XCIII of 1993 on labour safety (hereinafter: "Labour Safety Act"). The Labour Inspection Act provides for the inspection of labour rules.

The activity of the Directorate of Occupational Safety and Labour Affairs of the National Labour Office concerning labour inspection performed in relation to young workers in the reporting period can be summarised as follows.

Legal background of the inspection

According to Section 77 of the Labour Code, similarly to previous legislation, the Labour Code provides, by way of derogation from the general provisions on employment relationship, for stricter requirements for employers relating to the employment and working conditions of protected worker groups. The Labour Inspection Act defines the inspection of compliance with the legal provisions pertaining to the employment of women, young persons and persons with changed working capacity as a separate scope of inspection [point e) of Section 3(1) of the Labour Inspection Act].

The Labour Code regulates the specific provisions on the employment of incapable workers separately, among the special employment relationships, and even though it does not specify their inspection among that of protected worker groups, they also belong to this field of inspection due to their place in the system.

The Labour Inspection Act vests authority with the inspectorate in relation to the fulfilment of age requirements relating to the legal status of workers, including the prohibition of child labour, and the formality of the legal declaration (consent of the legal representative) [Section 3(1)(a) of the Labour Inspection Act].

In case the special provisions pertaining to the employment of women, young persons and persons with changed working capacity are violated, the inspector prohibits further employment in case it cannot be sustained due to the gravity of the infringement and the grievance cannot be remedied within a short time. The execution of the decision on the prohibition of further employment may be ordered regardless to any appeal.

In case of temporary agency workers, the basic working and employment conditions of temporary agency workers shall be, for the duration of their assignment, at least those available to the workers employed by the user enterprise under employment relationship, and in particular compliance with the provisions on the protection of pregnant women and nursing mothers, as well as young workers shall be ensured. For the duration of the assignment, the user enterprise is liable for complying with the provisions on working time and rest period, as well as the special provisions on protected worker groups [point b) of Section 219(2) of the Labour Code].

In case of school cooperative employees, the user of the service shall ensure, for the duration of work assignment at the user of the service, compliance with the provisions on the protection of women, young persons and persons with changed working capacity, and the basic working and employment conditions of the school cooperative's employee shall be at least those available to the workers employed by the user of the service under employment relationship. The employer and the user of the service shall bear joint and several liabilities for ensuring the latter conditions. It follows from the nature of the provisions on protected worker groups that the Labour Code allows for derogations from the statutory provisions only in favour of the worker.

Special rules and restrictions apply to certain aspects of the work of young workers due to their vulnerability for their age (age limits, work restrictions). The scope of labour inspection is also wider for young workers than for adult workers, because it not only covers cases where young workers are in a legal relationship aimed at employment, but also where they are employed in other relationships aimed at work (work performed under a work contract or service contract; voluntary work performed in the public interest; personal contribution of the member of the cooperative provided for the cooperative).

Therefore, labour inspections must at all times include the examination of whether it can be suspected that the employers being inspected may have infringed the aforementioned rules. The inspected employer must therefore always make a declaration, to be recorded in the minutes, on whether the employer employs minor workers, i.e. persons who have not reached the age of 18. If the employer employs minors, the inspection must always be extended to the employment conditions of young workers, as well as compliance with the employment restrictions and prohibitions. When hearing the workers as witnesses, the workers must also make a declaration on whether they are aware of the fact that the employer employs or has employed minor or young workers.

General statements on young workers based on the experience of recent years

In recent years, the labour inspectors had to take action against the inspected employers typically due to the following irregularities relating to the special labour provisions on young workers:

- night work prohibited by law;
- violation of rules concerning daily and weekly working time;
- ordering of overtime work;
- violation of rules concerning rest periods;
- work performed without an employment contract or without notification to the authorities;
- employment of a minor between the age of 15 and 18 without the consent of his or her legal representative.

Infringement of the special provisions concerning young workers occurred most frequently in the field of trade and catering in the inspection period. Besides the infringement of the special provisions concerning young workers, violations of the general rules (violation of the rules on keeping records of working time, violation of the rules on the protection of wages, failure to provide information on the commencement of employment) were also frequent.

Case studies:

Example 1: During a concentrated inspection in October 2012, the labour inspectors conducted inspections at a nightclub in Bács-Kiskun county, and found 8 people working in the club. It was established from the documents presented by the representative of the employer that one young worker pursued work at night at the site of the inspection. The young worker started the shift at midnight, which ended at 5.00 a.m. The inspectors prohibited further employment of the young worker in night shifts, and ordered the immediate enforcement of the decision regardless to any appeal.

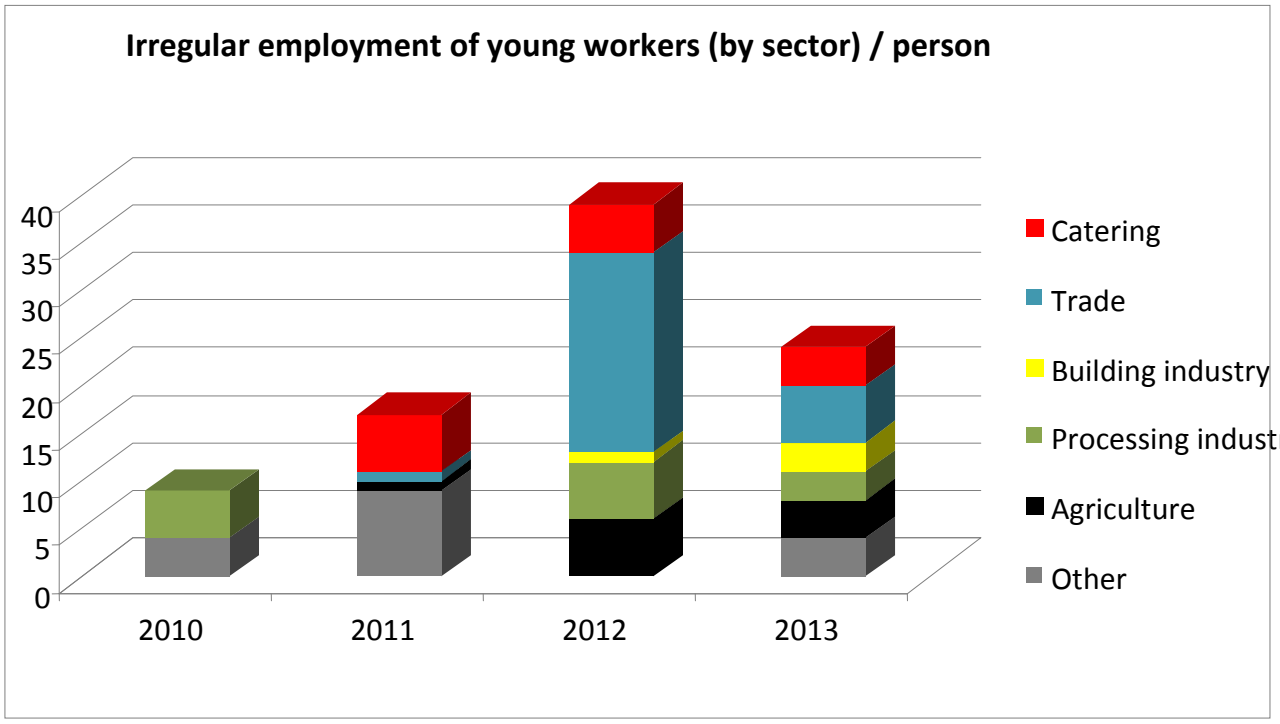
Example 2: The labour inspectors carried out an on-site inspection at a company in Fejér county, during which they established that one worker did not reach the age of 18 and did not have the consent of his/her legal representative necessary for establishing the employment relationship. The labour inspectors prohibited the employment of the worker during the inspection due to the lack of f the legal representative' consent. The employment contract, attendance sheet and work schedule of the worker were presented, based on which it was established that the employer had violated the special rules governing the employment of young workers. The young worker worked more than the daily 8 hours provided for in law. It also happened that the worker's daily rest period was less than 12 hours and the employer determined a monthly working time frame despite that the law only allows for weekly working time banking at the most.

Example 3: The labour inspectors conducted an on-site inspection at a shopping centre in Fejér county, where a young worker below the age of 18 was performing construction work as an unskilled worker. The inspectors established that the limited liability company had violated the legal provision on the formality of the legal declaration necessary for the establishment of employment, since the young worker did not have the written consent of the legal representative, which is necessary for the establishment of an employment relationship.

Example 4: On the basis of a complaint, the labour inspectorate inspected a school cooperative employer in Zala county, which was in a contractual relationship with a waste treatment company. The workers worked as waste sorters. It was established on the one hand that the school cooperative concluded an employment contract with 3 young workers, but failed to obtain the consent of the legal representatives. The employer obtained these consents during the inspection. Six persons were affected by an infringement related to the notification of the employment relationship, because the school cooperative notified the National Tax and Customs Office about the commencement of the employment relationship of the workers concerned (2 to 5 days) after the date of the conclusion of the employment contracts. It was also established that financial loss had been caused. It was proven that the employer had not paid shift supplement to 2 workers for January 2013. Finally, it was established in respect of 3 workers that the time worked had not been recorded in their timesheet for 1 day each.

Example 5: A labour inspection was conducted at a school cooperative in Zala county on the basis of a complaint regarding failure to pay wages. The employer employed 61 people as traffic counters. In the employment contracts, the tenth day of the month following the given month was defined as the deadline for the payment of wages. It was established that the wages of 12 people for June and July 2013, and the wage of 49 people for July 2013 were paid by the school cooperative late, namely only on 11 September 2013. Since the employer stopped the violation during the inspection, the inspectors only delivered the decision on the establishment of the irregularity, but the imposition of a labour fine was not justified.

The outcome of the labour inspection of employers and employees regarding young workers are shown below.



Source: Database managed by the Directorate of Occupational Safety and Labour Affairs of the National Labour Office

Illegal child labour

In Hungary, it can be established from the data related to labour inspections during the reporting period that the labour inspectorate revealed only one or two cases of illegal child labour in the period under review. Due to the low number of cases revealed, it is not possible to determine a trend or to draw general conclusions. The inspected cases are related almost exclusively to the agriculture and the construction industry. Furthermore, it can be established that the typical form of child labour is undeclared work, because workers below the defined age limit cannot be notified to the workers' database, and since this work is illegal, it can only be revealed during on-site inspection.

The labour inspectorate carried out a significant number of inspections in the fields most affected by child labour in the period concerned, and such inspections always included the examination of the legality of the employment of persons working at the premises regardless to the initial purpose of the inspection. Labour inspections are carried out especially in those sectors and fields where undeclared work is the most typical, such as seasonal agricultural

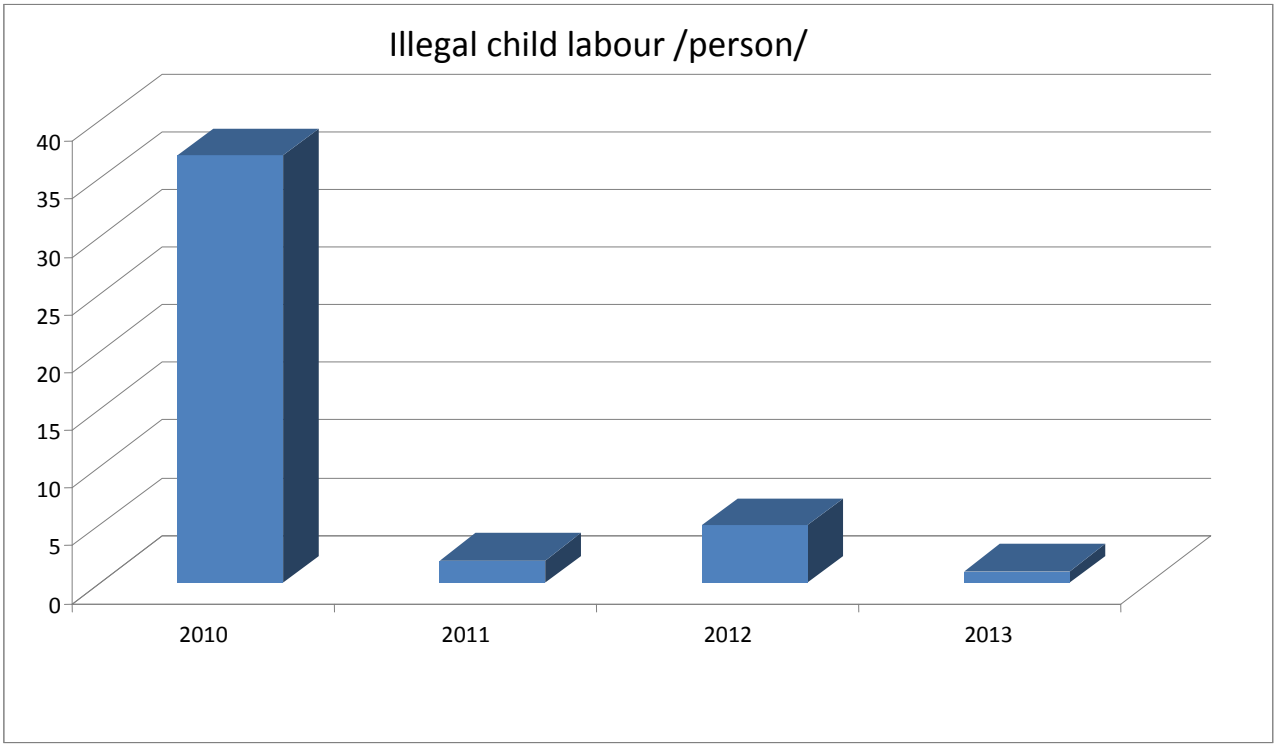
work, where child labour is presumably used. The county inspectorates concerned perform more intensive inspections in all tourist seasons at the employers in the resort areas, thus, in particular, at the employers at Lake Balaton, and also at bigger construction sites. Since all of these inspections primarily focus on undeclared work, we believe they can provide a good overview of the "penetration" of child labour.

In the framework of the fundamental rights project titled "Dignity of Labour", launched in 2012, the Commissioner for Fundamental Rights examined the enforcement of the recommendations included in his previous report, of the same subject, for official measures to be taken for revealing and combating child labour. In this context, the official labour procedures conducted with regard to the employment of children and young workers in the years 2010-2012 were also examined. The report on this subject formulated recommendations for the promotion of the enforcement of children's rights above all, primarily in respect of the communication with the child protection institutions and authorities, as well as the fulfilment of reporting obligation.

Having regard to the recommendations of the ombudsman, rules of procedure to be followed during the inspection of the employment of young workers were laid down to ensure the better enforcement of the law in force and promote the enhanced protection of children's rights during labour inspections, as well as to facilitate the unified law enforcement activity of the specialised administrative bodies for the occupational safety and labour affairs of the metropolitan and county government offices.

Based on the above, the results of the labour inspection of employers and employees regarding illegal child labour are shown below.

	2010	2011	2012	2013
Illegal child labour	37	2	5	1



Source: Database managed by the Directorate of Occupational Safety and Labour Affairs of the National Labour Office

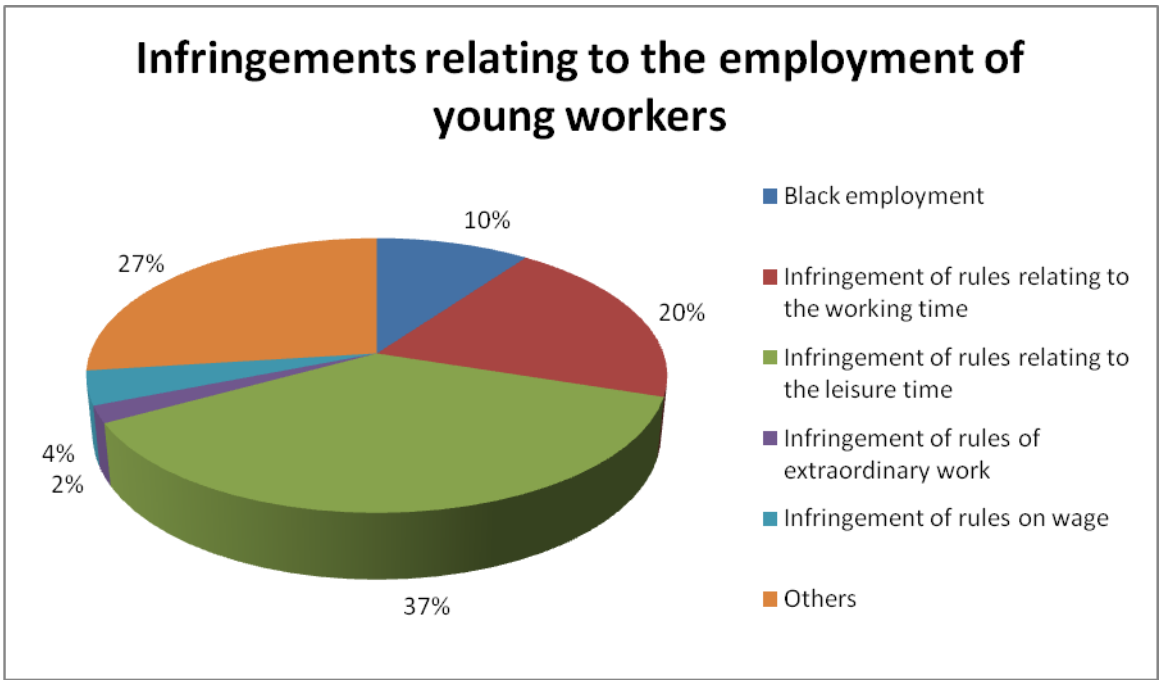
Targeted inspection (2014)

The labour inspectorates of the specialised administrative bodies of the metropolitan and county government offices carried out targeted inspection of the enforcement of rules governing protected workers between 17 March 2014 and 4 April 2014. In the course of the targeted inspection, the labour inspectorate examined the enforcement of the provisions and instructions concerning people who receive enhanced labour law protection, such as young people, while taking account of the legal and professional standards, with the primary focus on the promotion of the rights and lawful employment of the indicated worker groups. The goal of the authority was to reduce the number of violations of the special legal provisions on the group concerned because the violation of the special rules (amount of working time and rest period, work schedule) would cause an increased workload and the violation of the general rules would lead to even more serious consequences.

Within this context, the main direction of the inspections was the examination of the special rules (enforcement of the right of workers to rest and compliance with the legal provisions on working time) governing certain protected workers and the detection of serious infringements (employment without an employment contract or without notification to the authorities, irregularities in the amount and protection of wages that affect the financial security and subsistence of workers). Besides, the authority also examined compliance with the legal provisions on the records of working time, the issue and delivery of the certificates related to the termination of employment and due to the workers, and the occurrence of accounting in relation to the termination of employment.

In the course of the targeted inspection, the inspectorates selected the employers to be inspected primarily on the basis of the characteristics of their area of competence and the experience gained during previous inspections and the data of partner authorities. The inspections mainly focused on employers pursuing processing, trading and catering activities.

According to the experience gained from the targeted inspection, most of the infringements relating to the employment of young workers were detected in the field of catering during the series of inspections. The most frequent of the special labour irregularities was that the employer had assigned the employee to work in night shifts or to do overtime or to work more than 8 hours a day, or the employer failed to provide the 12-hour daily rest period or rest breaks in accordance with the legal regulations.



- **The ECSR recalls in its Conclusions that regarding work done at home, States are required to monitor the conditions under which it is performed and report about the relevant inspections.**

In Hungary, the enforcement of labour regulations is governed by the Labour Safety Act. The scope of the Labour Safety Act covers all organised work, irrespective of organisational or ownership structure, however, work done at home is not covered by this Act, that is, the residence of natural person employers (other than the registered seat of a private entrepreneur) is not considered to be a workplace (Section 9(1) of the Labour Safety Act).

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

The Fundamental Law of Hungary in force as of 25 April 2011 dedicates a separate article for ensuring of the protection of young people and parents at work by means of separate measures in the legal system [Article XVIII (2) of the Fundamental Law].

I. Labour regulations

A. Rules governing employment

The rules governing parental leave provided for pregnant women and women giving birth were included in Section 138(1) to (4) of Act XXII of 1992 on the Labour Code (hereinafter: "former Labour Code") until 30 June 2012.

Section 138(1) of the former Labour Code was amended as of 1 January 2012, in line with Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC. Pursuant to the amendment, women who have been given custody of a child for the purpose of adoption also have the right to parental leave, and the amendment also ensures that the rights acquired, or in the process of being acquired, by the worker until the date as from parental leave starts remain unchanged until the end of the parental leave, and that these rights still apply at the end of the parental leave.

Therefore, Hungarian labour law takes into account the diverging 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. Accordingly, specific provisions were defined within the group of employed women in line with Act CCXI of 2011 on the protection of families that govern pregnant women and women who have recently given birth or are raising children.

The labour regulations on employed women are contained in the Labour Code on the one hand, and in the legal provisions relating to workplace health and safety and occupational safety. The new Labour Code, in effect from 1 July 2012, provides for these specific provisions as before.

Pregnant women and women giving birth shall be entitled to twenty-four weeks of parental leave provided that the mother shall be obliged to take 2 weeks of parental leave, and the

parental leave shall be allocated so as to commence maximum 4 weeks, prior to the expected date of birth [Section 127(1) and (3) of the Labour Code].

The duration of parental leave, except where entitlement is specifically connected to work, shall be recognised as time spent at work [Section 127(5) of the Labour Code].

Parental leave shall also be provided to a woman who has been given custody of a child for the purpose of adoption [Section 127(2) of the Labour Code].

The period of parental leave shall end if the child is stillborn, if the child dies, on the 6th week following death; if the child dies, on the 15th day following death; on the day following placement of the child, according to the provisions set out in specific other legislation, into temporary custody, temporary or permanent foster care, or in a residential social institution for over 30 days [Section 129(1) of the Labour Code].

If the child receives treatment in an institute for premature infants, the unused portion of the parental leave may be used after the child has been released from the institute up to the end of the first year following birth [Section 127(4) of the Labour Code].

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

B. Rules governing public service officials

Before 1 March 2012, the right of public service officials to labour law protection in case of maternity was defined by the former Labour Code as a background law. The two acts on the legal status of public servants, namely Act XXIII of 1992 on the legal status of civil servants (hereinafter: "Civil Servants Act") and Act LVIII of 2010 on the legal status of government officials (hereinafter: "Government Officials Act"), in force as of 6 July 2010, did not contain provisions different from those of the former Labour Code in this respect. Act CXCIX of 2011 on the public service officials (hereinafter: "Public Service Officials Act"), which entered into force on 1 March 2012, regulated, on the one hand, the legal status of public service officials (government officials, civil servants, government administrators and public service administrators) in a uniform code and, on the other hand, excluded the applicability of certain provisions of the former Labour Code as background law with respect to public service officials.

Pursuant to Section 110(1) to (3) of the Public Service Officials Act, the mother shall be entitled to 24 weeks of uninterrupted parental leave. Parental leave shall also be provided to a woman who has been given custody of a child for the purpose of adoption. Unless otherwise agreed, parental leave shall be allocated so as to commence maximum 4 weeks prior to the expected date of birth. Pursuant to Section110(5) Public Service Officials Act, the duration of parental leave, except where entitlement is specifically connected to work, shall be recognised as time spent at work. From this follows that public service officials are entitled to their salary during the parental leave, except for certain allowances expressly linked to work, such as allowances related to commuting to the workplace.

C. Rules governing the professional members of the armed forces

In line with previous reports, the provisions of Act XLIII of 1996 on the service relationship of the professional members of the armed forces (hereinafter "Armed Forces Act") apply to the professional members of the law enforcement bodies. The provisions of the Armed Forces Act on parental leave were not amended in the reporting period, just clarified as follows:

"Section 95 (1) The member of the armed forces who is pregnant or giving birth shall be entitled to the parental leave provided for in labour law. The parental leave shall be allocated so as to commence 4 weeks prior to the expected date of birth.
(2) The period of the parental leave shall end:
(a) if the child dies, on the 6th week following death;
(b) if the child dies, on the 15th day following death;
(c) on the day following placement of the child into foster care.
(3) The period of leave shall be no less than 6 weeks from the date of birth.
(4) If the child receives treatment in an institute for premature infants, the unused portion of the parental leave may be used after the child has been released from the institute up to the end of the first year following birth."

Women, if they do not take the leave for medical purposes, shall be entitled to working time reduction of 1 hour twice daily during the first 6 months of breastfeeding, and thereafter of 1 hour daily until the end of the 9th month. The working time reduction shall be multiplied by the number of twins.

Pursuant to Section 96(1) of the Armed Forces Act, a member of the armed forces shall be entitled to unpaid leave at the times requested by the worker for the purpose of taking care of his/her child, from the day following the lapse of the parental leave, for a male member of the armed forces from the birth of the child, in case of an adopted or foster child from the officially certified starting date of adoption or foster care until the child turns three years of age, and in case of twins until the end of the year when the twins reach compulsory school attendance age. Unpaid leave shall be granted in case of a permanently sick child or child with severe disabilities, until the child turns 12 years of age; in case of sickness, until the child turns 12 years of age for the purpose of taking care of the child at home.

II. Cash benefits

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

- **Pregnancy-confinement benefit**

A mother (or, in exceptional cases, e.g. in case of death or sickness of the mother, the father or the guardian) having at least 365 days of insurance before delivery may claim pregnancy-confinement benefit. The pregnancy-confinement benefit is a benefit provided during the period of parental leave (24 weeks) and is proportional to the salary; its sum is 70% of the average salary.

[1] The health insurance cash benefits that women giving birth may be entitled to are detailed in Article 16.

- **Child care fee**

Child care fee is an insurance-based benefit to insured persons that is paid after the expiry of the disbursement of the pregnancy-confinement benefit until the child reaches 2 years of age (from 1 January 2014, in case of twins, until the twins reach 3 years of age). Its sum is also 70% of the previous average salary, but may not exceed 70% of the double of the prevailing mandatory minimum salary (137,200 HUF in 2013).

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

An uninsured parent who is not be entitled to the pregnancy-confinement benefit or child care fee may receive child home care allowance") under the Family Support Act, which is a family support benefit of a fixed amount regardless of the insurance history or income of the beneficiary. Insured parent may also claim the child home care allowance after the expiry of the child care fee.

The monthly amount of the child home care allowance 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 28,500 HUF. Parents who raise 3 or more twins are entitled to the child home care allowance after each child from 1 January 2011, while previously they were only entitled to twice the child home care allowance, i.e. the sum paid after two children regardless of the number of the twins.

Child home care allowance 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 a permanently sick child or child with severe disabilities the allowance is paid until the child turns 10 years of age.

Changes during the reporting period affecting the child home care allowance:

From 1 January 2011

- The period of disbursement of the child home care allowance was restored from 2 years to 3 years by the Government. The amendment was made with retrospective effect, that is, it also affected parents whose children were born between 1 May 2010 (when the shortened two-year period of disbursement of child home care allowance entered into force) and 31 December 2010. The restoration of the period of disbursement of the child home care allowance until the child reaches the age of 3 affected around 58 000 children in February 2014.
- The time limit of work which can pursued while receiving the child home care allowance was set at 30 hours per week (previously, a gainful activity could be pursued without limitation).
- Child raising support can be paid again to parents who raise three or more children, from age 3 of the youngest child, with regard to the fact that this benefit can be granted following the expiry of the child home care allowance.
- Child home care allowance for adopted children was introduced to facilitate the domestic adoption of traumatised children over the age of 3 with different levels of trauma. The child home care allowance for adopted children allows for either of the adopting parents to be entitled to the allowance for 6 months after adopting a child under 10 years, even if he or she was no longer eligible or would be eligible for a

period less than 6 months (due to the age of the child) under the general rules. The sum of the child home care allowance for adopted children equals to the general amount of the child home care allowance, i.e. 28,500 HUF a month. The beneficiary may be engaged in gainful activity for a period not exceeding 30 hours per week while receiving the allowance.

- Parents who care for 3 or more twins are entitled to the child home care allowance after each child, while previously they were only entitled to twice the child home care allowance, i.e. the sum paid after 2 children. In 2013, 9,271 families a month on average received child home care allowance for twins.

The extra child care fee package, affecting the regulations of child home care allowance, was introduced on 1 January 2014, the details of which are to be found in the chapter on Article 16.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The legal framework has been in place for many years and is continuously applied.

3) KEY DATA AND STATISTICS

Evolution of the expenditure on child home care allowance between 2010 and 2013
(million HUF)

	2010	**2011**	**2012**	**2013***
Child home care allowance expenditure	65,046.7	64,767.5	63,739.9	61,811

Source: Budget Implementation Acts of the given year
**Source: Bill on the implementation of Act CCIV of 2012 on the 2013 central budget of Hungary*

Evolution of the number of beneficiaries of child home care allowance between 2010 and 2013
(average number of beneficiaries per month)

	2010	**2011**	**2012**	**2013**
Number of beneficiaries of child home care allowance	178,532 persons	169,721 persons	168,037 persons	161,274 persons

Source: Central Statistical Office

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 governing employment

Following the entry into force of the Labour Code as of 1 July 2012, the rules on the prohibition of termination of employment by notice are contained in the new Labour Code. Accordingly, the employer may not terminate the employment by notice during pregnancy, during parental leave, during a leave of absence taken without pay for caring for a child and, in the case of women, while receiving treatment related to a human reproduction procedure, for up to six months from the beginning of such treatment (points a), b) and e) of Section 65(3) of the Labour Code).

The Labour Code contains clarification in relation to the period of receiving treatment related to a human reproduction procedure, pursuant to which women are entitled to such protection for up to six months from the beginning of such treatment. Employed women receiving treatment related to a human reproduction procedure that started before 1 July 2012 were entitled to such protection during the period of the treatment and until 31 December 2012 the latest (Section 7(4) of Act LXXXVI of 2012 on the transitional provisions and amendments regarding the entry into force of Act I of 2012 on the Labour Code).

The provisions of the Labour Code referred to above shall only apply if the worker has informed the employer thereof before the notice was given.

The Commissioner for Fundamental Rights criticized the abovementioned legal provisions and requested for the resolution of the Constitutional Court. On 30 May 2014 the Court set out the unconstitutionality of the text "prior to the dismissal notice" in Section 65 (5) of Act I of 2012 on Labour Code therefore annulled it. The referred provision of the Labour Code has remained in force with the following text: "The employee can refer to circumstances (pregnancy, human reproductive process) defined under points a) and e) of Subsection (3) only if he/she has informed the employer thereabout"[2].

[2] Decision of the Constitutional Court 17/2014. (V. 30.) on the unconstitutionality and the annulment of the text „prior to the dismissal notice" in Section 65(5) of the Act I of 2012 on the Labour Code.

B. Rules governing public service officials

Pursuant to points a) and b) of Section 70(1) the Public Service Officials Act, the employer shall not terminate employment by exemption during the pregnancy or parental leave of the public service official. Pursuant to Section 70(2) of the Public Service Officials Act, for the purposes of the protection from exemption, 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 parental 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, the government official may refer to her pregnancy only if she has informed the employer thereof before the notice was given.

In case of wrongful 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 the decision of the Arbitration Commission at the 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 is 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.

C. Rules governing the professional members of the armed forces

The Armed Forces Act regulates the protection from exemption of work duty as follows:

"Section 58 (1) A service relationship shall not be terminated by exemption from work duty during the periods defined below and in the 30 days following those periods:
b) the period of caring for a sick child, and the leave of absence without pay 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 3 months following giving birth; parental leave and any leave of absence without pay for nursing or caring for a child; and the period until the child reaches three years of age without using leave of absence without pay;
e) in case of mandatory placement of the child into foster care prior to adoption, as provided for in specific other legislation, six months for the member of the armed forces waiting for adoption of a child – or, based on the decision of a married couple waiting for joint adoption of a child, 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 expiry of six months, the period of mandatory foster care."

Section 67 of Act CCV of 2012 on the legal status of private soldiers (hereinafter: "Private Soldiers Act") regulates protection from exemption of work duty as follows:

"Section 67 (1) A service relationship shall not be terminated by exemption from work duty during the periods defined in points a) to g) and in the 30 days following those periods:

a) during illness and leave for medical purposes, and the period of medical examination of the worker by a committee of doctors commenced for medical purposes;
b) the period of caring for a sick child, and the leave of absence without pay for the purpose of caring for a sick child or for providing home care and nursing for a close relative or a registered partner;
c) the period of pregnancy;
d) 3 months following giving birth; parental leave and any leave of absence without pay for nursing or caring for a child; and the period until the child reaches 3 years of age without using leave of absence without pay;
e) leave of absence without pay for the permanent foreign mission of the spouse;
f) in the case of women 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;
g) in case of mandatory placement of the child into foster care prior to adoption, 6 months for 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, 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."

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 governing employment

Since 1 July 2012, the rules governing working time reduction of women nursing their child are laid down in the Labour Code. Accordingly, women 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 [point e) of Section 55(1) of the Labour Code].

Pursuant to point b) of Section 146(3) of the Labour Code, breastfeeding mothers shall be entitled to absentee pay for this period [point b) of Section 146(3) of the Labour Code].

Pursuant to Section 118(1) to (4) of the Labour Code, workers shall be entitled to extra vacation time as follows for children under twelve 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.

The extra vacation time shall be increased for children with disabilities by 2 working days per child. For the purposes of entitlement to extra vacation time, a child shall first be taken into consideration in the year of his/her birth and for the last time in the year in which he/she reaches the age of 16. Upon the birth of his child, a father shall be entitled to 5 days of extra vacation time, or 7 working days in the case of twins, until the end of the second month from the date of birth, which shall be allocated on the days requested by the father. Such leave shall be provided also if the child is stillborn or dies.

B. Rules governing 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 point b) of Section 144(3) of the Public Service Officials Act, the public service official shall be entitled to salary for the working time reduction used for nursing.

C. Rules concerning the professional members of the armed forces

There were no significant changes in the legislation in the reporting period.

The provisions of the Armed Forces Act, in effect from 1 July 2013, clarified the possibility to use leave for medical purposes as follows:

"Section 94 A member of the armed forces is entitled to medical leave for childcare in the following cases:
a) until the child reaches 1 year of age, for a woman nursing her child who receives treatment in hospital;
b) until the child reaches 1 year of age, for the mother, the single father, the foster parent or the substitute parent caring for the child;
c) the parent, foster parent and substitute parent being a member of the armed forces
ca) to take care of a sick child who is older than 1 year but younger than 3 years, 84 calendar days per year and per child
cb) to take care of a sick child who is older than 3 years but younger than 6 years, 42 calendar days per year and per child (for a single parent, 84 calendar days);
cc) to take care of a sick child who is older than 6 years but younger than 12 years, 14 calendar days per year and per child (for a single parent, 28 calendar days)."

Pursuant to point g) of Section 108(1) of the Private Soldiers Act, women shall be exempted from military service 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 nursing, and thereafter for 1 hour daily, or 2 hours daily in the case of twins until the end of the 9th month, if they do not use leave for medical purposes.

As regards vacation, Section 109(5) of the Private Soldiers Act provides that members of the armed forces shall be entitled to extra vacation time of two working days for one child, 4 working days for two children, and a total of 7 working days for more than two children for children under 16 years of age. The extra vacation time shall be increased for children with disabilities by 2 working days per child. As to the allocation of vacations, the Ministry of Defence intends to take into account, besides its obligations defined in law, the operational breaks of child care facilities and educational institutions when allocating the normal annual vacation of its employees with children below 14 years of age.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The legal framework has been in place for many years and is continuously applied.

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

- **The ECSR enquires whether the situation of women employed in the public sector is identical to the one described in the previous report.**

Please see the answers provided in points B and C.

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 in 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 governing employment

The Labour Code defines the rules governing the prohibition of night work. Pursuant to the Labour Code, night work shall mean work carried out between 10 p. m. and 6 a. m. (Section 89 of the Labour Code).

Pursuant to the Labour Code, the provisions on working time and rest periods shall apply with the exceptions set out in law from the time the employee's pregnancy is diagnosed until her child reaches 3 years of age and, if a single parent, until the child reaches 3 years of age (points a)-b) of Section 113(1) of the Labour Code). The workers mentioned above may not be ordered to work in night shifts.

For the workers mentioned above 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 [Section 113(2) and (3) of the Labour Code].

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 [Section 113(5) of the Labour Code].

B. Rules applicable to public officials

Pursuant to Article 99(3) of the Public Service Officials Act, public service officials may not be ordered to work in night shifts, *inter alia*, from the time the official's pregnancy is diagnosed until her child reaches 3 years of age. Pursuant to the explanatory provision set out in point 5 of Section 6 of the Public Service Officials Act, night work shall mean work carried out between 10 p.m. and 6 a.m.

C. Rules concerning the professional members of the armed forces

Pursuant to Article 86(1) of the Armed Forces Act, the following members of the professional staff may not be scheduled into night service or 24-hour duty:
a) female members from the time the worker's pregnancy is diagnosed until her child reaches 1 year of age, and
b) members raising child as a single parent, until the child reaches 6 years of age, if the child cannot be supervised by others.

Pursuant to Sections 95 and 96 of the Private Soldiers Act, female members of the staff, as from the time the member's pregnancy is diagnosed until her child reaches 3 years of age, may be required to work in stand-by duty or in continuous duty only with their consent, and a member raising his/her child as a single parent may not be assigned to such duties until the child reaches 3 years of age. In addition, female members of the staff may not be scheduled to night shift from the time the worker's pregnancy is diagnosed until her child reaches one year of age. Pursuant to Article 99(1) of the Private Soldiers Act, the person exercising the rights of the employer shall authorise the member of the armed forces upon his/her written request to perform partial service up to the child reaching 3 years of age, if the service schedule of the staff member can be performed in partial service.

Article 103(1) of the Private Soldiers Act provides for that a female member of the staff, from the time her pregnancy is diagnosed until her child reaches 3 years of age, may not be ordered to work overtime, and a worker raising his/her child as a single parent may not be assigned to such duties until the child reaches 3 years of age. Pursuant to Section 106 of the Private Soldiers Act, the staff member may only be ordered to guarding, duty or stand-by services with his/her consent if he/she raises a child below the age of 6 as a single parent and cannot provide for the child's supervision on his/her own.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The legal framework has been in place for many years and is continuously applied.

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 governing employment

No changes regarding the prohibitions and restrictions concerning the employment of women and the protection of women caring for their children were made in the reporting period compared to the previous report until the entry into force of the Labour Code.

The Labour Code, in effect from 1 July 2012, includes prohibitions and restrictions identical to the previous legislation. The legislation in effect does not prohibit the underground work of women in mines, however, Schedule 8 to Decree 33/1998. (VI. 24.) NM (Minister of Welfare) on the medical examination of/report on occupational, professional and personal hygienic aptitude sets out due restrictions on the underground work of men and women for medical purposes, which Hungary already covered in the previous national report.

Labour law sets out further provisions on workers raising children besides the already mentioned prohibitions and restrictions.

A worker may not be obliged to work at another location without the worker's consent from the time her pregnancy is diagnosed until her child reaches 3 years of age [point a) of Section 53(3) of the Labour Code].

A worker shall be offered a job fitting for her state of health if considered unable to work in her original position according to a medical opinion from the time her pregnancy is diagnosed until her child reaches 1 year of age. The pregnant worker shall be discharged from work duty if no position appropriate for her medical condition is available. The worker shall be given the base wage normally paid for the job offered, which may not be less than her base wage fixed in the employment contract. The base wage shall be payable for the duration of discharge, except if the job offered is refused without good reason (Section 60 of the Labour Code).

The basic working and employment conditions of pregnant women and nursing mothers are such that shall be, for the duration of their assignment, applied to the temporary agency workers employed [Section 219(2) of the Labour Code].

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.

According to Section 113(1) and (3) of the Labour Code, the provisions on working time and rest periods shall apply differently to a worker caring for his/her child as a single parent as he/she may be required to work overtime or in stand-by duty – with 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. The scheduled daily working time of workers employed under conditions exposed to harmful effects as defined by the provisions concerning employment shall not exceed 8 hours in respect of night work.

B. Rules applicable to public officials

Pursuant to Section 49(1) of the Public Service Officials Act, a female public servant shall be temporarily assigned to a job corresponding to her health condition, 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. Section 49(2) of the Public Service Officials Act provides that a public offer falling within the scope of Subsection (1) shall be discharged from the work obligation if she cannot be employed by the employer corresponding to her health condition. Section 49(3) of the Public Service Officials Act sets forth that the public official shall be entitled to remuneration corresponding to the job offered, which shall not be less than her remuneration in her earlier job. She shall be entitled to a remuneration for the period of discharge from work obligations in case she refuses the offered job with good reason.

C. Rules concerning the professional members of the armed forces

On grounds of Section 85(2) of the Armed Forces Act, in the case of highly dangerous service assignment, the daily service time involving such activity may not exceed 6 hours even in case of uneven work schedule (reduced service time).

Pursuant to Section 23(2) and (3) of Government Decree 140/1996. (VIII. 31.) on the execution of Act XLIII of 1996 on the service relationship of the professional members of the armed forces, overtime service in the highly dangerous service assignments may not be ordered, except as defined in Section 87 (3) of the Armed Forces Act.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The legal framework has been in place for many years and is continuously applied.

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

- **The ECSR requested information if the situation of women employed in public service is the same as the situation described in the previous report.**

See what is described in points B and C above.

ARTICLE 16 - THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

In order to ensure the conditions for the full development of the family, being the fundamental unit of the society, the Parties agree to promote the economic, legal and social protection of the families by instruments, such as the social and family benefits, taxation solutions, family housing allowance, support to 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 insurance period. There were no fundamental changes during the reporting period, but only a few details changed.

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

Regulations in force on 31 December 2013

- **Pregnancy-confinement benefit**

A person is entitled to the pregnancy-confinement benefit who was insured for 365 days over a period of two years before the birth, and

a) gave birth during the insurance period or within 42 days after the termination of the insurance, or
b) gave birth during the period of disbursement of accident sick pay after 42 days following the termination of the 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 pregnancy-confinement benefit:

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

The pregnancy-confinement benefit is payable for the duration corresponding to the duration of the maternity leave, and up to the 168th day after the birth of the child, except where the provisions concerning maternity leave are applied with respect to children born prematurely by virtue of the law.

The pregnancy-confinement benefit is payable, for the period remaining from the duration of the maternity leave,

- to a woman who agreed to care for an infant with the intention of adoption, from the date of the provision of care;
- to a guardian who cares for the infant on the basis of a final decision, from the date of appointment,
- to the biological father caring for the infant, if the woman who gave birth to the child died, from the date of the death;
- to a man who agreed to care for a 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 car for owing to her medical condition as proven by the health care service provider by a form with contents in accordance with the Government decree issued on the execution of the Health Insurance Act, from the date stated in the certificate until such condition continues;
- to the man who agreed to care for the infant with the intention of adoption, if the women intending to adopt the child dies, from the date of the death;
- a man who agreed to care for an infant individually with the intention of adoption, from the date of the provision of care;

The pregnancy-confinement benefit amounts to 70% of the daily average wage.

- **Child care fee**

An insured parent is entitled to the child care fee if he or she is bringing up the child in his/her own household and has been ensured for 365 days in the two years before the submission of the application for a childcare fee (for a mother, before the birth of the child), or a mother who received pregnancy-confinement benefit, whose insurance relationship expired during the time of the payment of PCB, provided that she became entitled to the pregnancy-confinement benefit during his/her insurance relationship and she was insured for 365 days in the two years before giving birth;

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

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

The payment of the child care fee does not start before the expiry of the pregnancy-confinement benefit or the end of the corresponding period, and is payable for a period corresponding to the number of days covered by insurance over the two years, in the case of the mother who gave birth to the child, from the birth, respectively other persons, from becoming eligible, but until the child reaches 2 years of age at most.

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

Legislative changes after 1 January 2010

- **Pregnancy-confinement benefit**

From 1 May 2010, the prior insurance relationship necessary for being eligible for the pregnancy-confinement benefit increased from 180 days to 365 days (Section 40(1) of the Health Insurance Act).

From 1 May 2010, 180 days from the full-time studies exceeding 1 year at secondary or higher education institutions must be included in the 365-day insurance period necessary for the eligibility for pregnancy-confinement benefit [point b) of Section 40(2) of the Health Insurance Act].

From 1 July 2011, the duration of the sick leave may not be included in the 365-day prior period necessary for the eligibility for pregnancy-confinement benefit [Section 40(2) of the Health Insurance Act].

- **Child care fee**[3]

From 1 May 2010, the prior insurance relationship necessary for being eligible for the child care fee increased from 180 days to 365 days [Section 42/A of the Health Insurance Act].

From 1 May 2010, the following must be included in the 365-day insurance period necessary for eligibility for the child care fee:

a) the period of the sick leave or accident sick pay after the expiry of the insurance;
b) 180 days from the full-time studies exceeding 1 year at secondary or higher education institutions,
c) the duration of the disbursement of the rehabilitation allowance [Section 42/A(4) of the Health Insurance Act].

From 1 May 2010, the child care fee is payable for the duration corresponding to the number of days covered by insurance over the 2 years before the eligibility, but until the child turns 2 years of age at most (Section 42/B of the Health Insurance Act).

From 1 July 2011, the following must be included in the 365-day insurance period necessary for eligibility for the child care fee:

a) the period of the payment of accident sick pay after the expiry of the insurance;
b) 180 days from the full-time studies exceeding 1 year at secondary or higher education institutions,
c) the duration of the disbursement of the rehabilitation allowance [Section 42/A(4) of the Health Insurance Act].

The amendment of the Health Insurance Act was designed to make a closer link between the period covered by insurance and the pregnancy-confinement benefit and child care fee, and to ensure that the child care fee is paid for a period at most which corresponds to the period spent by the parent in insurance. To this end, the law provided that the shortest period under insurance, which creates eligibility for claiming the pregnancy-confinement benefit and the child care fee, increased from 180 days to 365 days.

[3] Introduced from 1 January 2014, the extra child care fee instruments are detailed in the framework of the presentation of the family support system as a whole.

B. Family support system

In Hungary, one element of the instruments ensuring the right of the families to social, economic and legal protection is the family support system.

The following laws set forth the basic rules for the financial support to families (as at 31 December 2013):

I. Act LXXXIV of 1998 on family support (hereinafter: "Family Support Act"), with respect to the family allowance, child home care allowance, child-raising support and birth grant,,
II. Act XXXI of 1997 on the protection of children and the guardianship administration (hereinafter: "Child Protection Act"), in respect of the regular child protection allowance,
III. Act CXVII of 1995 on personal income tax (hereinafter: "Personal Income Tax Act"), in respect of the family tax benefit.

I. Family support under the Family Support Act

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

1. family allowance;
2. child home care allowance,
3. child-raising support,
4. birth grant.

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 recognized by the Hungarian authorities as refugees 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) No 883/2004 on the coordination of social security systems,
- from 1 January 2011, in respect of the birth grant, 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 a 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.

Pursuant to Section 17(1) of Act LXXX of 2007 on asylum (hereinafter: "Asylum Act"), protected persons shall, unless an Act or Government Decree provides otherwise, shall have the rights and obligations of refugees, so the personal scope of the Family Protection Act extends also the refugees and stateless persons recognized by Hungary as well as the protected persons.

1. Family allowance (child-raising benefit, schooling benefit – as at 31 December 2013)

The state pays the family allowance with a monthly frequency to contribute to the costs of child-raising and schooling.

From 30 August 2010, two forms of the family allowance were introduced:
- child-raising benefit from the birth of the child until the start of compulsory education,
- after which schooling benefit is paid

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

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

a) a biological or adoptive parent, spouse living together with the parent, the person who wants to adopt a child raised in his or her own household, where the relevant procedure is already in progress (hereinafter: "parent"), foster parent, professional foster parent, guardian, furthermore, a person at whom the child is temporarily placed, with regard to the child raised in his or her own household, until 31 October of the year in which the child becomes obliged for compulsory education,
b) the head of the children's home with respect to the child raised in the children's home who is not yet obliged for compulsory education, until 31 October of the year in which the child becomes obliged for compulsory education,
c) the head of the social institution with respect to the child placed in the institution who is not yet obliged for compulsory education, until 31 October of the year in which the child becomes obliged for compulsory education.

A permanently sick person or person with severe disabilities who turned 18 years of age is entitled to the child-raising benefit in his or her own right from the time his or her right for the schooling support expires.

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

a) with respect to moderately or severely mentally handicapped or deaf-blind children over 16 years of age, on the basis of an expert opinion establishing the special educational needs,
b) with respect to children over 16 years of age, who completed their compulsory education in the framework of developer training-education or developer school education.

The following persons are entitled to the schooling benefit:

a) a parent; foster parent; professional foster parent; guardian; a 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 decision of the guardianship authority as being entitled 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 becomes subject to compulsory schooling and for the entire duration of the compulsory education, and

ab) in respect of the child (person) who continues his or her studies in a public education institution following the termination of the compulsory schooling,

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 director of the reformatory institution or the commander of the penitentiary institute, with respect to the child subject to compulsory schooling raised in the reformatory institution or detained in the penitentiary institute, for the entire duration of the compulsory schooling.

The parent of a student with severe and multiple disabilities is eligible for the schooling benefit until the completion of compulsory schooling regardless of the form of participation in compulsory schooling.

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

a) both of his or her parents have died,
b) his or her parent living in his or her household, who is maiden, unmarried, divorced or separated from his or her spouse, has died,
c) he or she has dropped out from temporary or permanent raising,
d) his or her guardianship ceased owing to his or her coming of age,
e) he or she is not living in the same household with the person entitled to the schooling benefit (parent, foster parent, professional foster parent, guardian, or the person at whom the child is temporarily placed), or
f) the schooling benefit was paid to him or her already before he or she came of age as laid down in the decision of the guardianship authority authorizing leaving the parent's home,

until the last day of the academic year in which he or she turns 20 years of age, or if he or she is a student 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, turns 23 years of age.

If a condition under points a) to f) above occurs after coming of age, but before the date the compulsory schooling ceases, the person eligible for the family allowance becomes eligible for the schooling benefit in his or her right from the date he or she comes of age.

The schooling benefit is payable until the completion of compulsory schooling 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.

The payment of the schooling benefit should be suspended if the child misses 50 compulsory classes without proper justification. The need for the suspension must be reviewed on a regular basis, and it can be resumed if the child did not miss more than 5 classes without proper justification in the reviewed period.

Monthly amount of the family allowance (in 2013)

a) Family with a single child: 12,200 HUF
b) Single parent raising one child: 13,700 HUF
c) Family with two children, per child: 13,300 HUF
d) Single parent raising two children, per child: 14,800 HUF

e) Family raising three or more children, per child: 16,000 HUF
f) Single parent raising three or more children, per child: 17,000 HUF
g) Family raising permanently ill child or child with severe disabilites, or in respect of a permanently ill child or child with severe disabilities living in an institution or placed at a foster parent or professional foster parent, 23,300 HUF
h) Single parent raising a permanently sick child or child with severe disabilities child, in respect of the permanently sick child or child with severe disabilities, 25,900 HUF,
i) In respect of an adult with severe disabilities 20,300 HUF,
j) Child living in an institution or placed at a foster parent or professional foster parent, or a temporarily placed child, 14,800 HUF.

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

2. Child home care allowance (as at 31 December 2013)

Child home care allowance is payable to the parent, foster 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 they reach the age of compulsory schooling or, in the case of permanently sick child or child with severe disabilities, until they reach the age of 10.

Grandparents are also entitled to the child home care allowance after the child has reached the age of 1.

The adoptive parent is also entitled to the child home care allowance for a period of 6 months from the date of placement of the child in pre-adoption care.

The head of the Treasury may, acting in discretion, establish eligibility for the child home care allowance 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 or 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 summer day-care home, kindergarten or school day-care.

The monthly amount of child home care allowance equals the minimum amount of the old-age pension, which is 28,500 Ft. As of 1 January 2011, in the case of twins, the amount is multiplied by the number of children. (Earlier, an amount after 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 home care allowance. The duration of the payment of child home care allowance is considered to be service period entitling to pension.

In accordance with the rules in force in 2010, a person receiving the child home care allowance was not permitted to pursue any gainful employment until the child reached the age of 1, but was permitted to pursue such activity without any limitation after the child turned 1 year of age. A grandparent receiving the child home care allowance was not permitted to pursue any gainful employment until the child reached the age of 3, but was permitted to pursue such activity for not more than 4 hours a day thereafter or without any time limitation if the activity was pursued in his or her home.

From 1 January 2011 to 31 December, 2013, a person receiving the child home care allowance 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 or her home. A person receiving the child home care allowance was permitted to pursue gainful employment without any time limitation after the permanently sick child or child with severe disability 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 the child home care allowance was entitled to the child home care allowance after 1 child only. A grandparent receiving the child home care allowance 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 or her home.

From 1 January 2014, the person receiving the child home care allowance may pursue any gainful employment without any time limitation after the child reached the age of 1, in accordance with the changes implemented in the framework of the extra child care fee measures.

3. Child-raising support (as at 31 December 2013)

Child-raising support is due to the parent, foster parent or guardian who is raising at least three minors in his or her own household. The support is payable from the date the youngest child reaches the age of 3 and until he or she reaches the age of 8.

The amount of the child-raising support, irrespective of the number of children, equals the minimum amount of old-age pension, which is 28,500 HUF in 2013, from which pension contribution is deducted. The duration of the payment of child-raising support is considered to be service period entitling to pension.

In 2010, a person receiving the child-raising support was permitted to pursue gainful activity for a period not exceeding 4 hours a day, or without any time limitation if he or she was working in his or her home.
From 1 January 2011, a person receiving the child-raising support was permitted to pursue gainful activity for a period not exceeding 30 hours a week, or without any time limitation if he or she was working in his or her home.

4. Birth grant (as at 31 December 2013)

The following persons are entitled to the birth grant after childbirth:

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

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

If the woman eligible for the birth grant dies before receiving the birth grant, the birth grant 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 birth grant 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 withdrew 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, except if the child protection care resulting in removal from the family is terminated within six months from the childbirth and the mother continues to provide for raising the child.

The birth grant is due to the beneficiary also if the child was stillborn.

The amount of the birth grant, per child, equals 225% of the lowest amount of the old-age pension at the time of the birth of the child (in 2013, 64,125 HUF), or 300% in the case of twins (in 2013, 85,500 HUF).

II. Child protection cash benefits under the Child Protection Act

1. Regular child protection allowance

The regular child protection allowance is intended to assist the families in need to care for the child at home. The notary of the municipal government determines the child's eligibility to receive the regular child protection allowance if the assets of the family caring for the child does not exceed the legal threshold and the amount of the per capita income does not exceed

- 140% of the minimum of the old-age pension in effect from time to time (in 2013, 39,900 HUF),
  - 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 studies according to the day-time teaching schedule 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;
- 130% of the minimum of the old-age pension (in 2013, 37,050 HUF), in other cases.

The regular child protection allowance entitles to a support provided 2 times per year in the form of the Erzsébet voucher (the amount of which was 5,800 HUF/child in 2013), as well as certain benefits in kind (e.g., normative support of child catering, free textbooks).

The following persons are entitled to receive the cash allowance, which used to be an independent form of support by 1 April 2013, but now is an element of the regular child protection allowance (formerly known as additional child protection allowance): the relative appointed as the guardian of the child receiving the regular child protection allowance who accepts the child in his or her family if he or she is obliged to maintain the child and he or she receives a pension, early retirement allowance, service allowance, ballet artist's annuity, miner's temporary annuity, benefits to persons with changed working capacities or annuity to seniors, or any other benefit which falls within the scope of the legal act on increasing pension-like social benefits.

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

2. Kindergarten attendance benefit

Eligibility criteria for the kindergarten attendance benefit by 31 August 2013:

The notary of the municipal government pays a cash support to the child receiving the regular child protection benefit, at the hand of his or her parent, who enrolled his or her three- or four-year-old child to the kindergarten and ensures regular kindergarten attendance by the child, and his or her eligibility for receiving the regular child protection benefit prevails, first after the enrolment of the child in the kindergarten and then on the second and subsequent occasions after the enrolment of the child in the kindergarten, in June and December of the given year as long as the kindergarten care relationship continues.

The payment of the cash support is also subject to the parent exercising the parental care of the child making a voluntary declaration in the proceedings before the notary to the effect that he or she successfully completed his or her studies pursued not more than in the 8th grade of the school by the time he or she turned 3 years of age.

The eligibility criteria for the kindergarten support changed from 1 September 2013:
The eligibility of the parent or guardian accepting the child in his or her home can be established for the kindergarten support, whose child

a) is with multiple disadvantages according to the notary's determination, and
b) the child actually starts participating in kindergarten education no later than the start of the kindergarten academic year in which the child reaches the age of 5 and, in the period immediately before filing the request, the child attended kindergarten on a regular basis for at least 2 months in accordance with the Government decree on guardianship authorities and on the procedures of child protection and guardianship affairs.

The amount of the cash support has not changed during the reporting period: for each child, it is 20,000 HUF for the first time, then 10,000 HUF per occasion per child.

3. Advance on child maintenance payment

The child maintenance payment can be advanced by the state if the child maintenance payment has been finally ruled upon by the court, but the person required to pay the child f maintenance fails to meet his or her payment obligation, and collection by the court is temporarily impossible. A further condition of advance payment is that the person caring the child is unable to provide the child with the necessary care and the amount of average per capita monthly income in the family raising the child does not reach the double of the minimum old-age pension.

The guardianship authority prepays the amount set forth in the court's decision to be paid as child maintenance payment or, if the amount of the child maintenance payment is set forth as a percentage, it prepays the basic amount provided, that, from 1 January 2012, but the amount of advanced child maintenance payment may not exceed 50% of the lowest amount of old-age pension per child.

The advance payment of the child maintenance can be ruled for a maximum of 3 years. In justified cases, the prepayment of the child maintenance can be re-ordered.

4. Irregular child protection support

The board of representatives of the municipal government grants the child an irregular child protection support, of the amount determined by decree, if the family raising the child has temporary subsistence problems, or is in an irregular situation which threatens their subsistence. In particular, children and families must be granted the irregular child protection support, on a case by case basis, whose provision cannot otherwise be provided or they need financial support owing to extra expenses incurred occasionally, including, in particular, protecting the foetus of a pregnant mother in a social crisis, expenses related to prepare for the reception of the child, communication with the family of the child accepted for raising, or assisting the return of the child to the family, sickness or schooling.

The irregular child protection support, as an independent form of benefit, ceased from 1 January 2014. From that date, in case of a crisis situation, municipality government aid, created through the merger of the temporary aid, the funeral assistance and the irregular child protection support, can be granted.

III. Family tax allowance according to the Personal Income Tax Act

The family tax allowance was introduced to the Hungarian tax system on 1 January 1999. The family tax allowance reduces the tax on the combined tax base as a tax allowance (Section 29/A of the Personal Income Tax Act). The family tax allowance reduces the combined tax base of the parents raising the children.

The allowance may be claimed after the dependent beneficiaries by the individual who is entitled to the family allowance under the Act on family support (with the exception when the family allowance is paid to the head of the children's home, head of the social institution or the director of the reformatory institution), as well as the pregnant woman and her spouse living in the same household, the child (person) entitled to the family allowance in his or her own right; or an individual who receives disability allowance.

Persons in respect of whom family allowance is paid under the Family Support Act may be considered as dependent beneficiaries, as well as persons entitled to the family allowance in their own right, the foetus (twin foetus) during the pregnancy (from the 91st day of conception to the date of birth), and individuals receiving disability allowance (Section 29/A(4) of the Personal Income Tax Act).

To determine the amount of the tax allowance, the dependent beneficiaries as well as any persons taken into account when determining the amount of the family allowance under the Act on family support must be included in the number of the dependants.

In 2010, namely, at the beginning of the reporting period, the family tax allowance could only be claimed if the number of dependants reached 3. The rate of the allowance was 4,000 HUF/child in the case of those raising 3 or more children.

Claiming the tax allowance was linked to an income limit (Section 42 of the Personal Income Tax Act, in force from 1 January 2009). The total amount of the allowance could be claimed up to certain income limit only, above which the allowance could be claimed at a reduced rate

(the part exceeding 15% of the part of the income exceeding the limit from the amount of the calculated family discount).

The limits were as follows:

a) 7,620,000 HUF, if the number of dependants reached 3, but did not exceed 3 on any day of the tax year,
b) 8,255,000 HUF, if the number of dependants exceeded 3, but did not exceed 4 on any day of the tax year,
c) 8,890,000 HUF, if the number of dependants exceeded 4, but did not exceed 5 on any day of the tax year,
d) 9,525,000 HUF, if the number of dependants exceeded 5, but did not exceed 6 on any day of the tax year,
e) 10,160,000 HUF, if the number of dependants reached 6 on any day of the tax year.

The new scheme of the tax allowance, introduced in 2011, is available to all economically active families raising children, as the gross monthly amount of the tax base reduction is 62,500 HUF/month/child in the case of 1 or 2 children, respectively 206,250 HUF/month/child in the case of 3 or more children.

As regards the net amounts, the discount can be claimed in the amount of 10,000 HUF net/month/child in the case of 1 or 2 children, respectively 33,000 net/month/child in the case of 3 or more children.

The allowance may be claimed by either parent, or can be divided between the parents.
While the amount claimed under this title was only 13 billion HUF in 2010, in 2011, 1,017,000 parents with children could receive a total of 180 billion HUF of family tax allowance. In 2012, 184 billion HUF of tax allowance was claimed by 1,105,000 persons per month on average. And in 2013, 1,114,000 parents received a total tax allowance of 185 billion HUF.

In 2014, the family tax allowance scheme was extended, and now the allowance can be claimed not only from the personal income tax, but also the pension contribution and the health insurance contribution, that is, 33% of the gross wage instead of 16% thereof.

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

From 30 August 2010, two forms of the family allowance were introduced:
- child-raising benefit from the birth of the child until the start of compulsory education,
- after which schooling benefit is paid.

The schooling benefit is payable until the completion of compulsory schooling 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, turn 23 years of age.

From the 2010/2011 academic year, the schooling benefit is subject to the child regularly attending school. In case the number of hours missed by the child without proper justification reached 50, the benefit was paid to a so-called family support current account, from which the schooling benefit was paid in kind to the children in need who receive the regular child

protection allowance during the period of suspension, while the other children could get it, also in kind, only if they visited the school on a regular basis again.

From 2012, the schooling benefit is interrupted, rather than suspended, in the case of children over 16 years of age, who amount to more than half of the regularly absent children, which means that the family allowance is not paid at all for the duration of the interruption.

From the 2012/2013 academic year, the same legal consequence applies to all children in case of failing to attend the school, regardless of the age or the income status of the family, namely, that the payment of the schooling benefit is suspended and the family allowance is not paid with retrospective effect once the child attends the school again. From the 2012/13 academic year, the termination of suspension, that is, resuming the payment of the schooling benefit is possible if the child did not miss more than 5 mandatory classes. Prior to that academic year, the interruption or suspension could only be terminated if the child did not miss any class at all.

From 1 January 2011:

- the Government restored the duration of the payment of the child home care allowance from 2 years to 3 years. The amendment was retroactive, meaning that it also involved parents whose children were born between 1 May 2010 (entry into force of cutting the child home care allowance to 2 years) and 31 December 2010. The restoration of the period of disbursement of the child home care allowance until the child reaches the age of 3 affected around 58 000 children in February 2014.
- The time constraint of work pursued while receiving the child home care allowance was set at 30 hours per week (instead of gainful activity which could be previously pursued with no time limitation).
- Given the fact that the child-raising support can be determined after the expiry of the child home care allowance, the child-raising support can be paid, again, to the parents with three or more children once the child reaches the age of 3.
- In order to assist the adoption in Hungary of children over 3 years of age who have suffered several traumas, the adoptive parent's child home care allowance is available. The adoptive parent's child home care allowance entitles either of the adoptive parents to claim the child home care allowance for 6 months after adopting a child under 10 years if, according to the general rules, he or she would not be eligible for it any more or would be eligible for it for a period less then 6 months (due to the age of the child). The amount of the adoptive parent's child home care allowance equals the general amount of the child home care allowance, that is, 28,500 HUF per month. Gainful activity up to 30 hours a week may be pursued while the aid is paid.
- It is a change affecting the parents raising 3 or more twins that they receive the amount of the child home care allowance after each twin child while earlier they were entitled to the aid after not more than two children, namely the double amount only. In 2013, 9,271 families per month on average claimed the child home care allowance with regard to their twins.
- Owing to the increase of the minimum wage, the maximum gross amount of the child care fee increased by more than one-third between 2010 and 2014 (from 102,900 HUF to 142,100 HUF), while the net amount thereof increased even more due to the family benefit as well (e.g., in the case of a family with two children, from 86,000 HUF to 125,154 HUF).

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

- A parent who would return to his or her workplace before the expiry of the child care support can do so without any restriction while maintaining the child care fee or the child home care allowance after the child reached the age of 1.
- The benefits may be paid combined with respect to children born one after the other: the parent will not forfeit the child care support if, during the term of the disbursement of the previous benefit, another child is born after 31 December 2013, after whom he or she claims additional childcare support.
- A mother who has a student relationship exceeding 2 active semesters in full-time higher education training may become eligible for the child care fee until the child reaches the age of 1.
- The duration of the child care fee paid with respect to twins is extended by 1 year, so the fee can be paid until the children turns 3 years old.

C. Social welfare services

From 1 January 2010, the Child Protection Act introduced a new daytime form of care, namely the family child care, which was established along the lines of family day-care, but differs in that one can care for fewer children (3) and the composition of the age group is also different (children of 2-4 years of age). The new forms of service broadened the range of daytime care for children which provides the mothers an additional possibility to place their children due to the fact that the child home care allowance was reduced from 3 years to 2 years. (Restoring the child home care allowance until the child reaches the age of 3 took place in February 2011.)

From 1 January 2011, the Child Protection Act provides that the opening hours of nurseries in the summer must be expressly approved by the maintainer. In this context, it determines the period during the summer, when the nursery is closed.

From 1 January 2011, the Child Protection Act was amended to the effect that the municipal governments can, in addition to maintaining the nursery, satisfy the demand above the accommodation by providing family day-care. The change had an impact on reducing the shortage of daytime accommodation of children under 3 years of age, and it also created a significant number of jobs.

In relation to the licensing of the operation of family day-care, simplifying the licensing procedure is specifically supported by the change, namely that if a family day-care is established in an apartment and the number of children it cares for does not exceed 7, then the acting authority is not required to obtain the prior consent of the competent building authority as a specialised authority.

From 1 January 2012, the Child Protection Act allows the number of agreements made with the parents to exceed the capacity specified in the operating permit of the family day-care. This can be done so that the number of children using the service at the same time must not exceed the capacity specified in the operating permit. This measure is favourable for the service providers due to better utilization.

From 1 January 2012, the Child Protection Act authorizes the nurseries to claim a fee not only for the meals, but also for the care. The law leaves it up to the maintainer to decide whether it makes use of the possibility provided by the law.

Indigent families, families with a low income or raising several children or raising a child with disabilities or sick child can use the service free of charge. According to the law, those involved in the scope of beneficiaries, as well as living in temporary care or placed at professional foster parents or children's home on a temporary basis, as well as children received for temporary or permanent care are also exempt from paying a fee for care.

As regards the families outside the scope of beneficiaries, the amount of the personal usage fee is determined proportionally to the income and may not exceed 25% of the net per capita income of the family (care and meals combined).

Municipal government maintainers have the option to determine the personal usage fee at a lower level. In the case of parents with a lower income, this will not cause a substantially greater financial burden than present. On the other hand, those having higher incomes will be able to contribute to the costs at a higher rate, noting that such costs are really low in comparison to the prices of market-based services, so a much fairer funding system is implemented.

The budgetary act provided that, from 1 January 2013, the amount of the state contribution to the meals of children cared for in nurseries, who receive the regular child protection allowance, increased by over 30% to 102,000 HUF/child/year, from 68,000 HUF/child/year in the previous year.

The budgetary act also provides that, also from 1 January 2013, the state contribution may be claimed at the rate of 200%, after children with disabilities cared for in nurseries if the child has an expert opinion issued by the panel of experts.

Act CLXXI of 2010 amending certain acts on social welfare services, child protection, family support, disability and employment amended and supplemented Section 17(4) of the Child Protection Act owing to the deficiencies of the operation of the detection and warning system and the lack of a sanction for failing to fulfil the reporting and cooperation obligation.

(4) If the person specified in points a)-i) and k) of Subsection (1) or an employee of a body specified in points a)-i) and k) of Subsection (1) fails to comply with their duty to report or cooperate, as specified in Subsection (2) and (3), the guardianship authority - upon alert or ex officio - notifies the person exercising disciplinary authority, and makes a proposal to initiate a disciplinary procedure against the person concerned. In case of suspicion of a crime committed against a child the guardianship authority initiates a criminal procedure.

Act CVI of 2011 on public employment and amending acts related to public employment and other acts supplemented Section 51 of the Child Protection Act with the following Subsections (4)-(9) effective from 27 July 2011:

(4) Temporary family homes may operate crisis centres. (can be operated from 1 January 2012)
(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 family support and 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 an abused person.
(7) As part of the halfway house service, an abused family leaving the crisis centre 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) the abused be employed in a legal relationship for which social insurance is payable;
b) the abused undertakes to participate in a savings programme specified by separate law; and
c) the abused undertakes to participate in a programme aimed at social reintegration specified by separate law.
(9) The operation of the crisis centre shall be supported by the state by way of a financing agreement concluded with maintainers selected in accordance with the rules of procedure specified by law. The financing agreement shall be concluded for three years, unless specified otherwise by law."

Supported housing, as a new form of service inserted in Act III of 1993 on social administration and social welfare services (hereinafter: "Social Act"), was introduced on 1 January 2013.

Supported housing is a housing or social welfare service provided to people with disabilities, psychiatric diseases or addictions, as well as homeless persons, which provides the following, in accordance with the age, health status and self-care ability, in order to maintain or promote the independent life of the person receiving the support:

a) housing service,
   support and maintain independent living, case management by applying techniques falling within the scope of mental health or social work and other supporting techniques,
b) support ensuring the monitoring of the living conditions of the beneficiary,
c) based on the complex assessment of the beneficiary's needs, if necessary:
   da) meals,
   db) nursing and care,
   dc) development,
   dd) services facilitating participation in social life.

The housing service can be provided in three forms:

a) in an apartment or house designed for a maximum of 6 people, or
b) in an apartment or house designed for a maximum of 7-12 people, or
c) in a complex of apartments or buildings designed to accommodate up to 50 persons.

The services supporting independent living are provided on the basis of the complex survey of the needs of the beneficiary.

After 1 January 2013, new capacities for the institutional nursing and care of persons with disabilities, mental health problems and addiction may be designed

a) in the case of the conversion of large institutions, only by means of supported housing,

b) in case of the establishment of a new institution, only in the apartment or house according to the supported housing (in an apartment or house designed for a maximum of 6 persons, or an apartment or house designed for 7-12 persons).

Improvements concerning the social welfare services:

The Social Infrastructure Operational Programme (SIOP) 3.4.2-11/1 "Renovation of out-dated residential institutions maintained by the municipal governments, state, churches or non-profit entities" application scheme, with a budget of 5.77 billion HUF, was published in September 2011 The modernization of residential institutions aims to improve the quality of life of the residents, overcome the poor infrastructural conditions and lack of equipment in the institutions as well as to humanise and modernize the living conditions. The content of this facility is consistent with Act XXVI of 1998 on the rights and equal opportunities of people with disabilities and the strategy on the replacement of social institutional capacities providing nursing care to persons with disabilities.
In order to cover a part of the requests received, and as a result of the modification of the action plan in October 2012, the budget of the scheme increased from 5.77 billion HUF to 7.01 billion HUF. A total of 58 projects were subsidized with 6.8 billion HUF in the framework of the application.
In the specialist social care domain, 47 winning applicants received grant of 5,810,728,330 HUF in total.

In 2011, the Government decided to replace capacities of social institutions providing nursing and care to a large number of persons with disabilities. The strategy developed for the years 2011-2041 sets the direction of the conversion process for institutions providing nursing and care. The tasks for the first three years of the 30-year strategy are set out in Government Decision 1257/2011. (VII. 21.), while the implementation thereof is ensured by the SIOP 3.4.1-A facility. Four applications were received in phase I, and two applications were received in phase II of the facility. All applications were accepted for a total grant amount of 5.87 billion HUF.
In line with the content of the Strategy, the Social Renewal Operational Programme - SROP 5.4.5 and SROP 5.4.1 facilities provide additional support to the applications implemented in the framework of the SIOP-3.4.1-11/1 scheme.
One of the priority sub-targets of the SROP 5.4.5-11/1 "Dissemination of professional knowledge for designing physical and info-communicational accessibility" priority project is to prepare the specialists concerned for the replacement of capacities of the social institutions providing nursing and care to people with disabilities and the development and operation of mentoring network which supports the transformation.

The SROP 5.3.3. project is designed to reduce the number of people living on the street, to support the social re-integration of people living on the streets and public spaces by means of employment and housing support, as well as social work to promote the retention thereof (*individual case management, housing and job search advice, job retention issues, etc.*). The source of the entire program was 2.75 billion HUF, and was announced on several occasions from 2008 to 2013. So far, more than 700 people have received support nationwide, and 500 more are expected to be supported.

Funded from domestic sources, the *Back from the street* programme is designed to implement application programmes aimed at preventing and ceasing crisis situations threatening life, reduce the number of homeless people living in the street. Through programmes using innovative and customized solutions, which are adjusted to the local conditions, the forced

living on the streets of individuals, couples, groups or families in or threatened by a crisis situation can be ceased and their housing problems can be solved on the long term. From the source of over 200 million HUF provided between 2008 and 2013, 302 persons received assistance to date to surrender their living on the street, of whom 90% were able to stop living on public grounds and change their housing conditions on the long term. In the framework of this scheme, support now is provided to another 100 people.

In order to support the effective performance and operation of street services, the Ministry of Human Capacities provided 30 million HUF in 2012 and another 40 million HUF in 2013 for the purchase of new motor vehicles. The vehicles were purchased by the Hajléktalanokért Közalapítvány (Public Foundation for the Homeless) in the framework of a public procurement procedure, and a total of 21 vehicles were purchased. To acquire the right to operate the motor vehicles, the Hajléktalanokért Közalapítvány announced an open tender, approved by the competent ministry, to the organisations engaged in street social work and providing care for the homeless.

Within SROP 5.4.1-12/1 "Modernisation of social services, strengthening of the central and regional strategic planning capacities, establishing the background of social policy decisions" Priority Project, of a total value of 1.62 billion HUF, developments including the following are implemented: preparation of uniform professional regulations and methodological recommendations and protocols for the social basic and special social care, basic child welfare provision and special child protection provisions.

In the context of the SROP 5.4.2-12/1 "Central social information developments" Priority Project, of a total value of 2.08 billion HUF, the development and computerization of the records and the financing and capacity systems of the social welfare services and special child protection provisions, certain proceedings of the guardianship administration and the records of the service providers take place.

Legislative changes concerning the Child Protection Act and child protection benefits:

Until 31 August 2013, the definition of the term "disadvantaged and multiple disadvantaged children" was included in Act LXXIX of 1993 on public education.

From 1 September 2013, Section 67/A of the Child Protection Act contains the concept of disadvantaged or multiple disadvantaged child (young adult) and establishes the rules for the determination thereof, as official measures falling within the scope of child protection services. The new regulation provides a broader scope to compensate for situations of disadvantage or multiple disadvantage, on the one hand as regards the age of those affected (0-25) and on the other hand as regards the relevant sectors (previously, only the public education sector used this concept and provided allowances in this respect). The re-interpretation of the concept leads to the more detailed and problem-sensitive knowledge of the disadvantaged and multiple disadvantaged children and facilitates a more accurate personal and regional targeting in the existing supports and services (e.g., more frequent special care, or visit by the district nurse, of the families of multiple disadvantaged children), generates new support opportunities (e.g., use of "Biztos Kezdet" (Sure Start) Children's Home) and can clarify the target groups of future domestic and EU developments.

In order to provide social child catering in the summer, every year the minister responsible for the protection of children and the youth regulates in a degree how and in what extent the state contributes to the duties of the municipal governments [Decree 11/2010. (IV. 20.) SZMM

(Minister for Social Affairs and Labour on the detailed rules of the claiming, disbursement and accounting of the grant provided in year 2010 to the municipal governments for social child catering in summer]. Decree 16/2011. (IV. 29.) NEFMI (Minister of National Resources) on the detailed rules of the claiming, disbursement and accounting of the grant provided in year 2011 to the municipal governments for social child catering in summer; Decree 23/2012. (IV. 18.) NEFMI (Minister of National Resources) on the detailed rules of the claiming, disbursement and accounting of the grant provided in year 2012 to the municipal governments for social child catering in summer; Decree 30/2013. (IV. 30.) EMMI (Minister of Human Capacities) on the detailed rules of the claiming, decision-making mechanism, disbursement, use, accounting and auditing of the grant provided in year 2013 to the municipal governments for social child catering in summer].

Social child catering in summer is designed not to leave children in need without care during the summer break in the kindergarten or school and to provide them warm food once a day, preferably combined with spending the leisure time usefully.

A new system was introduced in 2011 in respect of social child catering in summer, which has the advantage that the majority of the sources was paid to the most disadvantaged and underprivileged settlements, so meals could be provided to more children in these settlements as earlier, and the following changes have occurred in the summer catering of children:

- the municipalities participating in the programme gave healthier and better quality food to the children, as the amount of the support per child increased from 370 HUF to 440 HUF;
- the foods must be prepared from raw materials produced in at least 30% by small farmers or agricultural contractors;
- the territorial condition of the fulfilment of the above condition is that the vendor must produce the raw material within a radius of 40 km.

D. Housing-related state subsidies

1. Overview

Allowances in this context, as presented in the previous National Report, were partly terminated from 1 July 2009.

From 1 October 2009, Government Decree 134/2009. (VI. 23.) on the state subsidy of the housing loans of young people and families with several children introduced the interest subsidy of young people and families with several children and the subsidized-interests on modernization loans of persons of age which were targeted to a much narrower scope of beneficiaries.

The development of a new home-building programme commenced and, as a result, the home-building allowance was introduced by Government Decree 256/2011. (XII. 6.) on home-building allowance from 1 January 2012. The idea behind the Government decision was to facilitate access to housing for families raising or wishing to have children as well as boost the building of modern, high-quality and energy-efficient homes.

Another important element of the Home-making Programme is to offer affordable Hungarian Forint-based housing loans to the families. From 6 March 2012, Government Decree 341/2011. (XII. 29.) on home-making interest subsidy introduced the home-making interest

subsidy, which can be claimed for buying or building a new home, buying a second-hand home or the modernization of the home. The interest subsidy makes the Forint-based loans easier available by establishing more favourable and less risky loan conditions for families who wish to buy a home.

Pursuant to Government Decree 12/2001. (I. 31.) on the housing-related state subsidies, accessibility support may be claimed by persons with physical disability for building or buying a new accessible home, or making an existing home or residential building accessible.

From 1 February 2005, Government Decree 4/2005. (I. 12.) on the detailed rules for the undertaking and enforcement of state guarantee for the housing loans of young people, the state guarantee provides state guarantee of payment, to the debit of the central budget and subject to certain limits, to young couples, cohabiting partners or persons raising their children alone and being entitled to benefits, who are under 35 years of age, for the part of the housing loan contracted from a credit institution for building/buying a home, which is not covered by the credit security value of the real estate to be built/purchased.

From 1 January 1997, the detailed rules on housing savings funds and are set out by Act CXIII of 1996 on housing savings funds and Government Decree 215/1996. (XII. 23.) on the state subsidy of housing savings. The state provides a considerable degree of subsidy to the savings made in the framework of the housing savings funds system, and in addition a loan with a subsidized interest rate can be claimed when collecting the deposit and the state subsidy. The rules of housing savings were amended from 1 January 2011: the subsidized period increased, the circle of beneficiaries was extended and the contracts can now be combined. As a result, larger amounts of own source can be created to finance the planned housing investment on the basis of housing savings.

From August 2011, the possibility of repayment at a fixed exchange rate and the accumulation credit line were newly introduced in the exchange rate cap scheme, which offers help to people and families who could avoid to be threatened by economic bankruptcy in case their monthly instalments, the amount of which has increased due to their foreign-exchange denominated loan, is reduced.

2. Housing supports and the exchange rate cap scheme

The following persons are considered beneficiaries for the purposes of the support ,and can make use of the support subject to meeting the legal requirements:

a) Hungarian nationals and other persons who are entitled to the rights of Hungarian nationals under separate legislation,
b) persons with the right of free movement and residence who exercise the right of free movement and residence exceeding three months in the territory of Hungary in accordance with Act I of 2007 on the admission and residence of persons with the right of free movement and residence (hereinafter: "Free Movement Act"), and have a residence registered in accordance with Act LXVI of 1992 on the records of the personal data and address of citizens (hereinafter "Personal Data Records Act"),
c) third-county nationals, if having the legal status of immigrant or established persons under Act II of 2007 in admission and residence of third-country nationals (hereinafter: "Third-country Nationals Act"),
d) stateless persons, if recognized as a third-country national under the Act on the admission and residence of third-country nationals,

e) refugees or protected persons, if having the legal status of refugees or protected persons pursuant to the Act on asylum.

- **Loans with subsidized interest for young people and families with several children**

Loans with subsidized interest for young people and families with several children may be claimed

- by adult persons who have not reached the age of 35 and raise not more than 1 child (young person), or
- by adult persons who have not reached the age of 45 and raise at least 2 children (persons with several children)

on condition that, where they live in a partnership, the age limit also applies to their spouse, civil partner or registered civil partner at the time of submission of the application.

The construction cost of the home (without the value of land proportion, but including value added tax) must not exceed 25 million HUF in Budapest and the cities of county rank, respectively 20 million HUF in other settlements.

The amount of the loan with subsidized interest available for the construction of a home must not exceed 12.5 million HUF in Budapest and the cities of county rank, respectively 10 million HUF in other settlements.
The state provides an interest subsidy for paying the interest on the loan for the first 20 years of the term.

Rate of the interest subsidy (as a percentage of the government securities' yield)
(according to the terms at the time the loan is requested)

up to the age of 45, in case of 6 or more children	up to the age of 45, in case of 5 children	up to the age of 45, in case of 4 children	up to the age of 45, in case of 3 children	up to the age of 45, in case of 2 children	up to the age of 35, in case of not more than 1 child
70%	64%	59%	55%	52%	50%

- **Housing loan for modernization with subsidized interest to adult persons**

Adult persons can use a loan for home modernization, which is interest-subsidized by the state. The state provides an interest rate subsidy for paying the interest on the loan for the first 20 years of the term. The rate of the interest subsidy is 40% of the government securities' yield defined by the law. The combined rate of the interest payable by the debtors on the loan and other charges may not be less than 6%.

- **Home-building grant ("szocpol")**

For homes with B or better energy certificate, home-building grant may be taken from 1 January 2010 for

a) building a new home based on a building permit issued,
b) buying a new home with an occupancy permit (or official certificate in proof of acknowledgement of occupation) ,

by the following persons:

- natural persons (spouses, civil partners, singles) after their living children, and
- couples who have not reached the age of 40, regardless of the number of children, if they undertake to have a maximum of 2 children (advanced home-building grant),
- a person who has taken the home-building support after his or her previously born child, also after his or her child born subsequently, for the repayment of the debt arising from the housing loan contract made with the credit institution, in the amount and subject to the conditions at the time the housing loan contract made with the credit institution was concluded.

The purchase price of the home, excluding the value added tax and the price of the plot, should not be more than 300,000 HUF per square metre or, for low energy consumption homes, 350,000 HUF per square metre, calculated on the basis of the total net floor-space of the home. The heated useful floor-space of the home should not exceed 160 m2. The home-building grant, whose amount depends on the number of children and the size of the home, is disbursed in one sum:

Heated useful floor-space of the home	in the case of 2 dependent children	Heated useful floor-space of the home	in the case of 3 dependent children	Heated useful floor-space of the home	in the case of 4 or more dependent children
60-75 m^2	HUF 800,000	70-85 m^2	HUF 1,200,000	80-95 m^2	1,600,000 HUF
75.01-90 m^2	HUF 1,000,000	85.01-100 m^2	1,500,000 HUF	95.01-110 m^2	HUF 2,000,000
90.01-160 m^2	1,300,000 HUF	100.01-160 m^2	HUF 2,000,000	110.01-160 m^2	2,500,000 HUF

The amounts of subsidy in the table must be multiplied by the following index numbers:
- In the case of buying a home of energy grade A: the multiplier is 1.1,
- In the case of buying a home of energy grade A+: the multiplier is 1.2,
- In the case of buying a low energy consumption home: the multiplier is 1.3.

- **<u>Home creation interest rate subsidy:</u>**

Claiming the loan with interest rate subsidy for building/buying a new home or buying, expanding or modernising a second-hand home makes it easier for the families to obtain a home by using the support.
Characteristics of the interest subsidy:
- The loan with interest rate subsidy may be claimed until 31 December 2014.
- The duration of the interest rate subsidy is not more than 5 years however, term of the loan may be longer.
- The rate of the interest rate subsidy is constant during the period covered by the interest subsidy, and evolves as below, expressed as a percentage of the government securities' yield:

	number of children	during the 1st-5th years of repayment
New home	0-2 children	60 %
	3 or more children	70 %
Second-hand home, expansion, modernisation	–	50 %

Thresholds:

- in the case of buying or building a new home, the procurement cost of the residential property, excluding the plot price and the value added tax, may not exceed 30 million HUF;
- in the case of buying a second-hand home with at least every modern convenience, the purchase price of the home may not exceed 20 million HUF,
- in the case of expansion or modernisation, the budget approved by the credit institution, including the value added tax, may not exceed 15 million HUF.

Amount of the available loan with interest subsidy:

- for buying a new home, up to 15 million HUF,
- for buying a second-hand home, up to 10 million HUF,
- for expansion and modernisation, up to 10 million HUF.

- **Accessibility support**

Accessibility support is available for building or buying a new accessible home or making the existing home or residential building accessible if the claimant or his or her close relative (spouse, lineal kin, adopted, step- and foster child, adoptive, step- and foster parent, brother or sister) or civil partner is living with disabilities. The amount of the support is up to 250,000 HUF per person.

The support is for financing the extra costs of the person with physical disability necessary for the proper use of homes designed for use by persons without disability and built according to the general building regulations in force.

- **State guarantee**

The guarantee means that the state grants joint and several guarantee, to the debit of the central budget and subject to certain limits for the part of the housing loan contracted from a credit institution for building a home, which is not covered by the credit guarantee value of the real estate to be built. The state guarantee may be claimed by young married couples, civil partners or singles raising children, who are under the age of 35, if they have least 30% own source.

The cost of building/buying a new home (including the value added tax, but excluding the price of the land proportion) may not exceed 15 million HUF in Budapest and the cities of county rank, respectively 12 million HUF in other settlements. And the purchase price of the second-hand home may not exceed 12 million HUF Budapest and the cities of county rank, respectively 8 million HUF in other settlements.

If used, one-off guarantee fee of 2% is payable for the part of the loan covered by state guarantee. The loan covered by the guarantee may only be Forint-denominated.

- **Housing savings**

Those having housing savings receive a state subsidy after their savings placed in housing savings deposit, which is 30% of the deposited amount, but not more than 72,000 HUF per

year. The shortest mandatory period of the saving is 4 years. When the deposit is withdrawn, a loan may be claimed from the housing savings fund.

- **Repayment at a fixed exchange rate and accumulation credit line**

Act LXXV of 2011 on the Fixing of exchange rates used for the repayment of foreign exchange-denominated loans and the order of the forced sale of residential properties, and Government Decree No 57/2012. (III. 30.) on the reimbursement in relation to the repayment exchange rate of foreign currency loans and on supporting to public employees, entered into force on 12 August 2011.

The following persons are considered natural persons for the purposes of the support and can use of the support subject to meeting the legal requirements:

a) Hungarian nationals and other persons who are entitled to the rights of Hungarian nationals under separate legislation,
b) persons, who exercise the right of free movement and residence exceeding three months in the territory of Hungary in accordance with the Free Movement Act, and have a residence registered in accordance with Personal Data Records Act,
c) third-county nationals, if having the legal status of immigrant or established persons under the Act II of 2007 on the admission and residence of third-country nationals,
d) persons legally recognised as stateless under Act II of 2007 on the admission and residence of third-country nationals.

Every natural person, who is living in Hungary and whose existing and valid property based foreign exchange denominated loan is denominated in Swiss Franc, Euro or Japanese Yen, and repay the loan in Forint, may enter the exchange rate protection system by claiming an accumulation credit line. The new exchange rate cap ensures that the loan debtor can pay the instalments at a fixed exchange rate for 60 months or, if earlier, until the expiry of the foreign exchange denominated loan as follows:

- in the case of Swiss Franc: 180 HUF/CHF,
- in the case of Euro: 250 HUF/EUR,
- in the case of Japanese Yen: 2.50 HUF/JPY.

The monthly instalments consist of two parts:

- capital share, which is used for repaying the (originally received) capital of the loan,
- loan cost ratio, which means the loan cost paid on the loan amount (interest and administrative costs).

The capital part of the difference of the instalment calculated at the (original) daily exchange rate and the instalment calculated at the fixed exchange rate is added to the accumulation credit line.. The client is not required to pay the loan cost ratio of the difference of the instalment. So it does not accumulate on the credit line.

The amount accumulated on the accumulation credit line shall not be paid during the period of fixed exchange rates. This amount and the interest thereof for the remaining term are payable in equal monthly instalments after the expiry of the fixed period.

If, during the period of the fixed exchange rate, the daily exchange rate exceeds the so-called highest exchange rate on the date the current instalment on the foreign exchange denominated loan is collected, then the difference of the instalment calculated at the daily exchange rate

and the highest exchange rate is paid by the Hungarian State for the client (i.e., the exchange rate difference not only for the loan cost ratio, but the capital share as well).

Under the law, the highest exchange rates are as follows:

- in the case of Swiss Franc: 270 HUF/CHF,
- in the case of Euro: 340 HUF/EUR,
- in the case of Japanese Yen: 3.30 HUF/JPY.

E. Rules concerning the professional members of the armed forces

Section 114 of Act XLIII of 1996 on the service relationship of the members of the armed forces (hereinafter: "Armed Forces Act") sets forth the allowances to the members of the professional staff, including housing, vacations and support for founding a family. The detailed rules thereof are laid down by the decrees and orders issued by the competent minister. The following rules were issued in relation to housing:

- Decree 44/2012. (VIII. 29.) BM (Minister of Interior) on employer loans for housing purposes,
- Order 37/2012. (VIII. 31.) BM on employer loans for housing purposes,
- Decree 40/2000. (XII. 12.) BM on the use of non-residential accommodation and living quarters under the control of the organs of internal affairs, and the rules on the contribution to the rent and the subtenancy fee,
- Order 36/2012. (XII. 24.) BM on the use of non-residential accommodation and living quarters under the control of the organs of internal affairs, and the rules on the contribution to the rent and the subtenancy fee,
- Decree Act 75/2013. (XII. 18.) BM on the implementation of Act LXXVIII of 1993 on certain rules of the lease and alienation of residential and non-residential premises,
- Decree 21/2008. (IX. 23). IRM (Minister of Justice and Law Enforcement) on the non-refundable housing support to the non-commissioned officers and ensigns of the Budapest Police Headquarters, the Metropolitan Correctional Institute and the Budapest Penitentiary Institution and Prison.

It is also possible to grant social support or request salary pay in advance in individual cases. Ensuring the housing of the staff is given a special attention in this context.

Section 115 of the Armed Forces Act details the types of supports. Accordingly,

a) provision of a state-owned home under the control of the Ministry or the armed force, by establishing the highest amount of the rent;
b) supporting the purchase of a private-owned apartment by means of an interest-free loan and non-refundable grant;
c) provision of one-off paid financial support to solving the demand for a home;
d) in case of renting a home owned by the municipal government but under the control of the Ministry or the armed force, rent subsidy or subtenancy fee contribution aligned with the income of the person (family) income;
e) accommodation in own hostel or bed-sitter to singles and childless married couples;
f) contribution to the housing costs to those having a home;
g) support to use a loan provided by a credit institution for acquiring the ownership of a home.

In order to grant the advance on salary and judge the social and housing supports, the employers determined to set up decision-making committees and operate a special machinery within the economic division to implement the decisions in accordance with the legislation.

2) KEY DATA AND STATISTICS

I. Data relating to benefits under the Health Insurance Act

Data of those claiming the pregnancy confinement benefit

Year	Average monthly number of claimants	Expenditure on one claimant, HUF/month
2010	27,289	114,631
2011	24,769	120,345
2012	25,223	125,873
2013	24,230	131,289

Data of those claiming the child care fee

Year	Average monthly number of claimants	Expenditure on one claimant HUF/month
2010	94,682	81,356
2011	87,717	83,959
2012	81,839	91,050
2013	81,234	96,661

Source: CSO OSAP, sheet I of the "Health Insurance Statistical Report" No. 1514: Regular data supply on social insurance pay-offices
Data collection of the Special Administrative Bodies of the Health Insurance Fund of the Metropolitan and County Government Offices

II. Data concerning the family support system:

Budgetary expenditure spent on family support from 2010 to 2013(million HUF)

Support	2010	2011	2012	2013*
Family allowance	363,930.1	353,566.7	346,071.7	336,994.8
Child home care allowance	65,046.7	64,767.5	63739.9	61,811.0
Child-raising support	13,081.5	13,455.4	13,809.4	13,905.8
Birth grant	5,729.8	5,608.0	5,472.1	5,248.4

Source: Budget Implementation Acts of the given year
Source: Bill on the implementation on Act CCIV of 2012 on the implementation of the central budget of Hungary for the year 2013

Budgetary expenditure spent on child protection support from 2010 to 2013(million HUF)

Support	2010	2011	2012	2013*
Regular child protection allowance and complementary child protection support	7,055.3	6,995.0	6,742.9	6,439.1
Kindergarten attendance benefit	473.49	575.8	601.6	600.9
Irregular child protection support	2,108.6	1597.4	1386.9	1317.8

Source: Act on the implementation of the budget of the given year, CSO
**Bill on the implementation on Act CCIV of 2012 on the implementation of the central budget of Hungary for the year 2013, preliminary data of the CSO*

Change in the amount of the family support between 2010 and 2013 (HUF/month*)

Support	2010	2011	2012	2013
Child home care allowance	28,500			
- for twins	57,000	28 500 x number of children		
Child-raising support	28,500			
Birth grant*	64,125			
- for twins	85,500			
Regular child protection allowance*	5,800	5,800	5,800 (from October 2012, in the form of Erzsébet vouchers)	
Kindergarten attendance benefit*	1st occasion: 20 000 HUF, 2nd and each subsequent occasion: HUF 10,000			
Complementary child protection support	6 270 (+ allowance of 8,400 HUF two times per year)			
Irregular child protection support *, **	6,303	5,797	6,031	5,870***

*The benefits are payable on a monthly basis, regardless of the number of children, with the following exceptions:
- the birth grant is a one-off paid support and, in case of twins, is payable for each child,
- the regular child protection allowancw is an amount payable twice a year,
- the kindergarten attendance benefit is an amount payable twice a year.
- by 31 December 2013, the complementary child protection support could be disbursed not on a monthly basis, but occasionally, addressing a crisis arising in the family.
** Average amount per case
*** Preliminary data

Number of people receiving family support/child protection benefits between 2010 and 2013 (persons/month)

Support		2010	2011	2012	2013
Family allowance	number of families	1,224,042	1,190,707	1,167,640	1,149,796
	number of children	1,993,850	1,933,498	1,891,431	1,841,497
Child home care allowance		178,532	169,721	168,037	161,274
Child-raising support		39,275	37,829	38,608	37,411
Birth grant (number of families)		87,048	84,396	86,196	85,512
Regular child protection allowance		598,506	592,375	572,184	547,633*
Kindergarten attendance benefit**		N/A	33,325	34,773	35,685*
Complementary child protection support		1 362	1 259	1 166	1 131*
Irregular child protection support**		186,912	152,517	139,529	126,663*

* Preliminary data

** Number of children receiving the support in the given year

Source: Hungarian Statistical Office

Proportion of those receiving family support between 2010 and 2013, compared to the number of population (%)

Support		2010	2011	2012	2013
Family allowance	families	12.2	11.9	11.8	11.6
	children	19.9	19.4	19	18.6
Child home care allowance		1.8	1.7	1.7	1.62
Child-raising support		0.4	0.37	0.38	0.38
Birth grant (number of families)		0.9	0.84	0.86	0.86
Regular child protection allowance		6	5.9	5.8	5.5*
Kindergarten attendance benefit		N/A	0.33	0.35	0.36*
Complementary child protection support		0.01	0.01	0.01	0.01*
Irregular child protection support		1.9	1.5	1.4	1.3*

* Preliminary data

Number of population: Thousand persons

1 January 2010	10,014
1 January 2011	9,986
1 January 2012	9,932
1 January 2013	9,909

Source: Hungarian Statistical Office

Housing supports Number of contracts												
Year	200		201		201		201		201		Total	
Title of support	number	amount (mHUF)	number	amount (mHUF)	number	amount (mHUF)	number	amount (mHUF)	number	amoun (mHU	number	amoun (mHUF)
Home-building grant [Gov. Decree 256/2011. (XII.6.)]	-	-	-	-	-	-	56	797,	51	735,	1 083	1 533,3
Home creation int. rate subsidy [Gov. Decree 341/2011. (XII.29.)]	-	-	-	-	-	-	61	2862.1	8127	42	8744	45
Loans with subsidized int. for young people and fam. [Gov. Decree 134/2010. (VI.23.)]	5	375,	88	6	80	6	83	5 935,4	28	2 281,6	2864	21
Total	5	375,	88	6	80	6	2 016	9	8928	45	12	68

Source: Ministry for National Economy

In 2013, the number of disadvantaged children and young adults was 28,032 as established by the guardianship authority.

Nationwide data on the amount of support and the number of children receiving social summer meals

Year	Budgetary sources	Number of children receiving meals	Number of settlement claiming catering	Duration of catering
2010	2.4 billion HUF	131,000	2,443	44-54 days
2011	2.4 billion HUF	119,739, from state support 16,218, from locality government own force **135,957**	1 430	45-55 days
2012	2.4 billion HUF	102,230, from state support 3,040, from locality government own force **105,270**	1 064	44-54
2013	2.4 billion HUF	109,656, from state support 3,177, from locality government own force **112,833**	1 170	44-54

Source: Ministry of Human Capacities

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

- **ECSR request information on the definition of "family" in the national law.**

Since 1 April 2013, Section (1) of Article L) of the Fundamental Law, being the supreme legal instrument, defines the concept of family, and states that "family ties shall be based on marriage and/or the relationship between parents and children". It also stipulates that "Hungary shall protect the institution of marriage, as the union of a man and a woman established by voluntary decision and the family as the basis of the survival of the nation". Based on this formulation, family means the conjugal union of a man and a woman, and the cohabitation of parents either in marriage or civil partnership, or single parents, and one or more children.

In accordance with the above, Book Four (Family Law) of Act V of 2013 on the Civil Code, which is in force since 15 March 2014 (hereinafter: "Civil Code") contains the provision on the parent-child relationship and marriage. On the other hand, the regulation of civil partnership is placed in a different location, namely Book Six (Law of Contracts), as it is as a kind of a contractual relationship, and the Family Law Book mentions briefly only some family law aspects thereof. This also reflects that civil partnership has family law relevance only in case of a common child.

- **The ECSR concluded that, as a result of the procedure presented in relation to the eviction of families, the affected families become homeless, which is a violation of the Charter obligations.**

In our view, qualifying the eviction of unlawfully occupied homes as a reason for homelessness is unrealistic and inappropriate. Persons who unlawfully occupy the apartment of others should constantly count on that they should cease the unlawful status sooner or later - if not voluntarily, then due to state force. In such cases, Act LIII of 1994 on Judicial Execution (hereinafter: "Judicial Execution Act") provides a rapid procedure, so it serves both public and legitimate private interests. The right to ownership and the restoration thereof necessary in case of the unlawful violation thereof cannot be opposed, or be disadvantaged, to the claim for the right for housing on a social basis vis-á-vis the state (prevention of/ceasing homelessness). The procedure of the Judicial Execution Act applicable in such cases is intended to ensure that the eviction of the apartment takes place as timely and effectively as possible, while the legislation - in our view - properly serves the protection of the rights of the occupants of the apartment as well. The civil law framework, applicable for synallagmatic legal relationships, does not supplement the provision of housing on the basis of social aspects (either for families or other persons), or the lack, or the improper functioning thereof. The civil law instruments are not suitable for preventing homelessness or supporting the families in need, as these instruments are aimed at eliminate unlawful situations and reduce or pay the damage caused by the infringement.

Section 183 of the Judicial Execution Act contains provision on the eviction of unlawfully occupied apartments as follows:

"Section 183 (1) The court shall order the eviction of an apartment occupied unlawfully by way of a ruling adopted in non-judicial proceedings, and without issuing an enforcement order. An appeal filed against such ruling shall have no suspensory effect.
(2) A petition for the eviction of an apartment occupied unlawfully shall be submitted to the district court where the property in question is located. It shall contain
a) the particulars of the petitioner, and the method of contacting him or her at short notice;
b) the full address of the property,
c) particulars of the owner of the property;
d) the name(s) of the tenant(s) who lived in the property before the occupation, and their legal title;
e) particulars of the persons staying in the property, the number of such persons and whether there is a minor among them;
f) the action requested (Section 183(1));
g) description of the premises or storage facility designated by the petitioner as the place where the obligor's belongings will be deposited at the cost and risk of the obligor.
(3) If the petition is in compliance with the requirements set forth in Subsection (2) the court shall adopt a ruling according to Subsection (1) within five working days from the date when submitted..."

So the court may order the eviction on the basis of a variety of data only. The ruling adopted timely with a view to the legitimate interests of the petitioner may be appealed (Section 213(1) of the Judicial Execution Act). Although the fact of the appeal itself does not have a suspensive effect, the circumstances presented therein may give rise to the suspension on execution or repealing the ruling rendered in the first instance. Nevertheless, the persons living in the apartment can prove the title to use the apartment on the basis of ownership title by using number of documents, as all such documents are made or prepared with the involvement of the court, other authority, a notary public or a lawyer. Section 2(5) of Act LXXVIII of 1993 on certain rules of the lease and alienation of residential and non-residential premises (hereinafter: "Lease Act") sets forth that the validity of renting out an apartment shall be subject to drawing up the contract in writing; so the persons living in the apartment under that legal title can also easily verify the legal title for their staying in the apartment.

According to the definition of point 13 of Section 91/A of the Lease Act, "user without a legal title" means any person who is using the apartment (premises) without the consent of, or an agreement with, the lessor or, in the case of a right to designate or select the lessee, the holder of such right. It should be noted that the "supremacy" of the family relationship over lease is also demonstrated in Section 21(1) and (2) of the Lease Act, which provide that the lessee may admit other persons in the apartment usually with the lessor's written consent only, except for his or her minor child and the child of his or her child born during the time they are living together; the lessee may admit his or her spouse, child, the child of his or her admitted child or parent in the apartment owned by the municipal government also without the written consent of the lessor as well.

„*Section 183(3)… It contains instructions to the executor to take action for the eviction of the property within 3 working days after the costs of the execution procedure are advanced, and to notify the chief of the competent police department along with the competent guardianship authority if a minor is involved.*
(4) The court shall deliver such decree forthwith by service of process to the petitioner and to the executor.
(5) The executor shall serve the decree in person in the presence of a police officer or a witness on the person of legal age who stays in the apartment in question, and shall order this person to vacate the apartment together with any other persons in the apartment and to remove all their belongings within 2 days."

Considering the above, the eviction does not take place within 3 days of the court's decision. This is so because section 183(3) of the Judicial Execution Act provides that the court instructs the executor to vacate the apartment within 3 working days after the costs of the execution are advanced. The determination of the costs and giving notice to the petitioner thereof takes days, and the procedure is suspended until the advance is actually given, i.e. the date of payment [point e) of Section 51 of the Judicial Execution Act]. The term "take action" means the relating to the eviction, rather than the "successful" completion of the eviction. Delivering the court ordered eviction in person can greatly contribute, in addition to what is laid down in the written documents, to answering the questions of the evacuated person concerning the procedure and to clarify the conduct expected from him or her in time.

"Judicial Execution Act, Section 183 (6) If, at the time of the on-site proceedings there is no one to be found in the property, other than a minor, the executor shall post the court ruling and the report on the on-site proceeding on the entrance door of the apartment.

(7) The executor shall inspect performance after two days, by police assistance if necessary, on the site, and shall proceed to have the residential suite vacated. If a minor is involved in the case, a representative of the guardianship authority shall also attend the on-site procedure.
(8) If, at the time of the second proceeding there is no one to be found in the property, other than a minor, the executor shall order the things and articles located in the apartment to be removed and deposited into the storage facility designated by the petitioner, and delivers the minor(s) staying in the apartment to the representative of the guardianship authority, who provides for their temporary placement.
(9) In the case defined in Subsection (8) the executor shall post the report on the on-site proceeding on the entrance door of the property in which to specify the place where the things and articles from the property were deposited and the guardianship authority which has taken custody of the minor(s) in the property. The things and articles removed from the property shall be handled in due compliance with the provisions of Section 182(2) and (3)."

Thus, the execution procedure has regard to the minor child's best interests, and also to that the vacation of the movable property located in the unlawfully occupied apartment and their separation from the owner do not result loss/destruction thereof, which can mitigate/prevent the damage of the owner in the event of a potentially successful legal remedy procedure.

Summary of the realization of the five conditions of eviction:

- "Consultation with the stakeholders for an alternative solution instead of eviction" should not play a role in the case of an unlawful occupant as unlawful occupants do not have a title for staying in the apartment because, in this case, the right of the owner to his or her property would suffer harm.
- "The obligation to provide information in reasonable time prior to the eviction" is fulfilled in respect of those who can count on moving out from the moment they unlawfully move into the property; several days/weeks from the decision of the court are available for moving out.
- "The right to legal remedy" is also respected as legal remedies are available against both the court's decision and the measures of the executor.
- The case of the unlawful occupation of residential property is not an exception from "access to legal assistance", meaning that one can address the institutions of legal assistance in these cases as well.
- The criterion of "damages for the unlawful eviction" is not compromised, either, as the general principles of compensation apply in such cases, too.

- **The ECSR requires detailed information for determining the fulfilment of the requirement to ensure appropriate housing for the families relating to the requirements set out its conclusions.**

Section 7(1) of the Child Protection Act that states that the child shall be separated from his/her parents or other relatives only for his/her own interest, in cases and in the manner determined by law. Children shall not be separated from their family due to endangerment resulting from financial reasons alone. Accordingly, the Child Protection Act entitles the parents to receive information about the services aimed at helping them to raise their child and receive actual help to raise their child. The system of child protection provides different services in cash and in kind in order for the child to be raised in their own family, and under basic child-welfare provisions it also provides services to the child and the family.

Temporary care is provided in three forms: substitute parent, temporary children's home and temporary home for families.

Of the three types of services, the biggest capacities are provided in the temporary homes for families:

	Total temporary capacity	Capacity of temporary homes for families
Second half of	4,936	3,899
2013.	4,838	3,885

Source: Central Statistical Office

The number of children who resorted to temporary care was 7,513 in 2012, which is about the same as in the previous years. Preliminary data from 2013: 7,317 persons. The main cause of resort was the housing problem, which involves both inadequate housing conditions and homelessness. In year 2012, the total number of instances was 11,889, of which 3,756 were housing-related reasons. Preliminary data from 2013: 12,099 instances, of which 4,523 were housing-related problems.

The temporary family home may provide temporary care upon the parent's request to the whole family or to some members of the family and to their children, as well as to a pregnant mother who is in crisis, as needed. The temporary family home provides services as needed; the duration of care shall not exceed one and a half years for each family. It is mandatory for every local government with a population over 30,000 to provide a temporary family home.

- **The ECSR seeks information about the measures to improve the housing conditions of Roma families.**

Solving the housing difficulties faced by Roma people is realized through measures aimed at the disadvantaged people. So it is not specifically targeting an ethnic group because, in their case, housing is not a difficulty due to their nationality,, but a problem-oriented and pragmatic approach is being applied.

The reduction of overhead costs, implemented in three phases, and the settlement of the situation of those having foreign exchange-denominated housing loans, are the measures which reach everyone and best improve the situation of the poorest, including many Roma people.

The scope of the beneficiaries is significantly expanded by raising the income threshold per consumption unit of the eligibility for the housing support to 250% of the minimum amount of the old-age pension (by over 80% compared to the same period in 2011, 377,398 persons in 2013). The abolition of the regulation on the ratio of home maintenance expenses within the income also contributed to the expansion of the subsidized circle. In addition, the introduction of the assets investigation created the opportunity to support the most vulnerable households who are the least able to care for themselves. Strengthening the provision of in kind support ensured that the support is used in a targeted and intended manner, and the procedure for establishing the support has also been simplified. According to the data, 19.5 billion HUF from the central budget was disbursed under the title of home maintenance support in 2013.

The housing strategy, which is about to be approved, is designed to manage the housing difficulties of the poorest and provide a sustainable and long term solution. The strategic goal is to improve the housing conditions to support the inclusion of those living in settlements which are barely suitable for human living, by largely taking into account the individual circumstances, and to establish a complex development policy until 2020 for the management/clean-up of settlement-like housing.

The primary goal of creating opportunities for housing is to create interventions by which an individual is able to manage his or her own housing and living conditions so that they comply with the social norms and acceptance. The strategy does not wish to manage only the efficient and equitable use of the EU funds, but also tries to provide a framework to all national and local actions planned in the domain to ensure that these problems, which are so complex socially, are managed along uniform principles, regardless of the type of the source. The strategy typifies the settlements, which cannot be handled in the same manner. The conceptual extension of the strategy aims at the continuity and the proper identification of the changes.

Programmes

- The "Trust and Work" ("Bizalom és munka") model programme for those living in segregated neighbourhoods started in eight locations, with a budget of 410 million HUF, in late 2011, under the coordination of the Türr István Training and Research Institute (hereinafter: "TKKI"). The following were the programme locations: Ózd: "Velence telep" and "Hétes-telep"; Szolnok: Motor utca; Komló, Vajszló; Nyíregyháza: "Huszár-telep", Keleti lakótelep and Tiszaroff. Almost 6,000 citizens, of which 5,200 were Roma, were affected by the programme. Approximately 600 citizens received training, mentor assistance and health screening tests; 100 flats in poor condition were renovated with the involvement of those concerned.

- The experience of this programme was used in the complex Roma settlement programme launched with the support of the SROP 5.3.6 scheme. The programme's target groups include the Roma and non-Roma individuals and families who are living in settlements or settlement-like or segregated living environment, are multiple disadvantaged, have low or outdated school qualifications and typically face social and financial problems. On the other hand, the programme offers services to the settlements as a whole which support the social inclusion of disadvantaged people and their integration into the life of the settlement. The programme is based on continuous professional presence, and includes social, community development, educational, health care, training and employment elements. 22 applications in the first round and another 18 applications in the second round, so a total of 40 applications in the TÁMOP invitation for applications received a grant. Government Decision 1736/2013. (X. 11.) increased the budget of the programme of 5.73 billion HUF with another 2.31 billion HUF, so the programmes on the reserve list can also be launched. In the framework of the 40 winning programmes, the work started in 59 segregated areas with the involvement of over 3,300 people, of whom more than 2,100 people participate in training.

- Linked to the SROP 5.3.6 programme is the SIOP 3.2.3.A scheme, published in 2013, which is a facility to support housing investments related to the complex Roma settlement programmes with a budget of 2.58 billion HUF.

- Closely linked to the SROP 5.3.6-11/1 Complex Roma settlement programme, which provides complex human services, it creates an opportunity for the winning applications to implement housing investments: building new social rental apartments outside the Roma settlement, and renovation and upgrading of existing buildings.

- To monitor the implementation of the complex Roma settlement programmes, a technical support programme starts at the TKKI under the SROP 5.3.6.B facility, which is also linked

to the application programme to assist the deprived communities to integrate as well. The budget thereof is 820 million HUF.

- A housing strategy linked to the settlement programmes was developed with the assistance of the State Reform OP (State Reform Operational Programme) 1.1.19. programme, which establishes the programmes planned for the 2014-2020 period.

- In 2013, the work for developing the national segregation map commenced with the involvement of the Central Statistical Office.

- **The ECSR requests information on the measures taken as part of the "Legyen Jobb a Gyermekeknek!" (Making Things Better for Children) national strategy.**

Since 2011, the aims and objectives of the "Legyen Jobb a Gyermekeknek! ("Making Things Better for Children") National Strategy are a part of the National Social Inclusion Strategy (hereinafter: "NTFS"), so the measures related thereto are included in the NTFS action plan as well.

The Sure Start Children's Homes were previously established in the framework of the SROP 5.2.2 and 5.1.1 facilities. From 2010, the sub-regional complex Children Opportunities programmes include the Children's Homes as well. Based on the SROP 5.2.3-A-11/1 call in 2011, 6 other regions began the implementation of the children opportunities programme in the autumn of 2012, from a budget of 3 billion HUF. In these projects, a total of 11 Children's Homes were established. On the basis of the 2012 round of applications, the 12 most disadvantaged micro-regions received support of nearly 6.988 billion HUF, from which at least 3 Children's Homes are established in each region (36 in total) . In addition, the SROP 5.1.1. projects of most deprived micro-regions include 3 new Children's Homes within the SROP-5.1.1-11/1/A-2012 (total budget of the facility: 1,214 million HUF) and the SROP-5.1.1-11/1/B-2012 (total budget of the facility: 771.3 million HUF) calls. At the end of 2013, the services of the Sure Start Children's Homes were available in a total of 113 locations. They are funded partly from domestic and partly from EU sources.

In order to regulate the Sure Start Children's Homes at the level of legislation, the Child Protection Act was amended with effect from 1 January 2013, and now it expressly lists the service among the basic child welfare services. The detailed rules of the professional tasks and operating conditions of the Sure Start Children's Homes are laid down in Decree 15/1998. (IV. 30) NM (Minister of Welfare) on the professional tasks and operating conditions of child welfare and child protection institutions and persons providing personal care.

Expansion of nursery capacities; action plan: In order to improve the life chances of children and support the earliest employment of those returning from parental leave after giving birth, it is necessary to expand the day-care for children in the most disadvantaged regions. The problem was that no data were collected about the number of disadvantaged or multiple disadvantaged children cared for in the individual service forms. With effect from 1 September 2013, the concepts of disadvantage and multiple disadvantages were inserted in the Child Protection Act by means of (Section 45 of) Act XXVII of 2013 on the amendment of certain acts on social and child protection matters related to the Magyary Simplification Programme and the amendment of other acts. Once the terms were defined in the Child Protection Act, it is now possible to carry out data collection both in the public education and the child welfare, child protection and social institutions. The Central Statistical Office data collection in 2014 already involves the new terms and the related data collection (e.g., nurseries, Sure Start Children's Homes). Pursuant to point III/3 of Act CCXXX of 2013 on the central budget of Hungary for 2014, differentiated funding is provided from 1 January

2014 after the care of disadvantaged children (105% of the specific amount) respectively multiple disadvantaged children (110% of the specific amount) cared for in nurseries.

Expansion of nursery capacities: In 2012, the nursery capacities were expanded after a repeated call for applications in one of the most disadvantaged regions of Hungary, which is significantly inhabited by the Roma. In the framework of sub-measure, 8 existing institutions were renewed and modernized in the Northern Hungarian region (586 places) and 172 new places are being created in 4 institutions from a budget of 2.2 billion HUF. The applications are in the process of implementation. Overall, in order to improve access to the day-care of children under 3 years of age, particularly the number of places in the nurseries, 211 organizations in 7 regions establish 107 new institutions with over 6,000 new places from over 28 billion HUF of EU funds between 2010 and 2014, and 4,800 existing places are modernized and 1100 new jobs are created.

From autumn of 2015, kindergarten attendance from the age of 3 will be compulsory, which requires the continuous expansion of kindergarten capacities in the micro-regions lacking services.

In order to broaden the kindergarten attendance of disadvantaged children at the age of 3, the kindergarten capacity is expanded by nearly 5,000 in the framework of the regional operational programmes in the micro-regions where the number of disadvantaged and multiple disadvantaged children so justifies, or where kindergarten service cannot be operated otherwise.

The equal opportunity grants of the public education system are linked to the implementation of the NTFS, which is designed to ensure that the family's socio-economic status is less dominant in the school achievement of the child, to encourage the use of effective and innovative teaching methods and to support the kindergarten attendance and school achievement of the disadvantaged and multiple disadvantaged children. For the measures see point III of Part A "Schooling and Training" relevant to Article 17 (Support for vulnerable groups of pupils).

- **The ECSR requests information on the current child placement opportunities, in particular, whether the services are adapted to the circumstances of the parents especially in terms of capacity, and if the parents have to pay a financial contribution.**

Over the past four years, the Government was committed to encourage the women's labour market participation and to support the return of women to the labour market by improving the day-care of children, such as the capacity development of nurseries. In the framework of the New Széchenyi Plan, the Regional Operational Programme has provided and provides sources for developing and expanding the capacities of institutions offering nursery care and family daytime care services. The measure aims to provide access to the daytime care of children to those living in settlements lacking services by establishing the infrastructure of new services and developing the infrastructure of the existing benefits as well as the creation of new capacities, regardless of whether it is a mandatory task of the municipal government or the municipal government voluntarily agrees such task in accordance with the needs and demand in that municipality. The Government also aims to promote the reconciliation of work and family life, thereby increasing the participation in the labour market of parents raising small children.

a) Nursery care

According to the information of the Intermediate Body (MAG Zrt.), applications for the development of nurseries could be submitted for 7 calls for applications in 2009, respectively 13

calls for applications in 2011-2012, and the budget of the grant was approximately 32 billion HUF. Based on the information available, 6 beneficiaries withdrew from the support and, in 3 cases, the Intermediate Body withdrew from entering into the contract.

According to the data of the Intermediate Body of November 2013, 211 organizations in 7 regions (Southern Great Plain, Southern Transdanubia, Northern Great Plain, Northern Hungary, Central Transdanubia, Central Hungary, Western Hungary) establish 107 new institutions with over 6,000 new places from over 28 billion HUF between 2010 and 2014, and 4,800 existing places can be modernized and 1100 new jobs can be created.

So the number of new nursery capacities created over the past three years, namely from 2010 to 2013, was 3,613, which means 299 new nursery groups and jobs for nearly 600 pedagogues of small children. Another 2,570 places were renewed and modernized.

Compared with the previous years, the number of municipalities increased (2011: 345, 2012: 380, and 2013: 397), which operate early childhood care, so the data clearly show that the developments were targeted.

Statistical data

The number of nurseries and their capacities have continuously increased from year to year. Based on the preliminary data related to 2013, the number of operating nurseries was 724 with a capacity of 37,756, and 36,923 children were enrolled at the national level. The average occupation rate of the nurseries was 98%. The number of children rejected due to shortage of capacity was 2,153; this number is decreasing year by year (4,167 in 2011, 2,511 in 2012). The institutions were open 233 days a year on average (more already in 2011 and 2012 than in the previous years). The (average) number of infants per nursery teacher is 5.4.

In 2013, 1,539 places were created, while 621 places were terminated during the year. During the reporting period, the number of nursery places increased by 5,240.

Changes in the number of nursery places (2010-2013)

Year	Active		Number of children enrolled	Number of children enrolled in nursery per 1,000 children below the age of 3	Occupation percentage calculated from the number of enrolled children	Number of nurses assigned	Of this: % ratio of skilled nurses
	institutions	places					
2010	668	32,516	35,782	124.4	102.3	6,346	92.8
2011	689	35,450	36,685	134.2	103.9	6,628	94.4
2012	704	36,635	37,163	135.7	101.0	6,753	96.2
2013	724	37,654	36,819	137.3	97.8	6,908	97.7

Source: CSO

Based on the above figures, it can be established that 14% of the age-group (children below the age of 3) could access nursery care.

The demand for nursery places is the greatest among the children between 2 and 3 years (54%) and over 3 years (35%) of age; the ratio of children below 1 year is negligible (0.4 %), although it has slightly increased compared to the previous year (0.1% in 2012).

Based on the preliminary data of 2013, the fee that may be charged for nursery care has been introduced in 309 institutions out of the 724 active nurseries, i.e. in 42% of the institutions. Compared to the data of 2012, there was only a 2% increase in the number of institutions that made use of the opportunity. However, it should be noted that, last year, the maintaining institutions usually introduced the new fee from April, so this is why the number was lower.
The number of children enrolled in the nurseries was 37,654 on 31 May 2013. Thus, based on the preliminary data, nursery care fee was paid by those not exempted in respect of 29% of the enrolled children, while 15% of the enrolled children were exempted from the nursery care fee.

In addition to their basic task, the nurseries may also provide the parents other services, such as periodic babysitting, play groups, children's hotel and consultation. The number of users of the various services decreased by more than 50 % year-on-year, to 13,382 persons.

- temporary babysitting was used by: 4,339 persons
- play group: 4,913 persons
- other services: 2,813 persons
- children's hotel: by 24 persons.

Nursery care may be organised by the actors of the public and private sectors, and can be maintained by the church as well. The maintenance of nursery capacities is characterised by the prevalence of the settlements' municipal governments, which is not surprising, as the Child Protection Act allocated it to the responsibilities of the municipal governments, demanding the operation of nurseries in settlements with a population exceeding ten thousand.

b) Family daytime care service

Based on the figures provided by the Intermediary Body for November 2013, 10 organisations in 4 regions (South Lowlands, South Transdanubia, Central Hungary, Western Transdanubia) receive/have received grants of almost HUF 450 million, as a result of which 32 new services are established in 13 locations, offering about 220 new places and creating over 30 new jobs.

Statistical data

One of the reasons for establishing family daytime service centres was to ensure the availability of a service that can flexibly adjust to the needs in those settlements where the operation of a nursery is not justified or where nursery care is available, but the number of places is not sufficient to meet the demand. Family daytime care service is able to receive a wider age-group (from 6 months to 14 years) compared to the nursery and kindergarten care and operate with smaller groups (5-7 children), at the same time being less cost-intensive. Its flexibility greatly contributes to harmonising the requirements of the families and the employers, and creates jobs in the given residential environment.

We have figures about the family daytime care centres since 2007; at that time, they offered 638 places, which increased to 7,419 places by 2013 based on the preliminary data, i.e. there was an over eleven-fold increase. Based on our data from 2007, there were 101 family daytime care

facilities which, similarly to the number of places, increased more than eleven-fold to 1154 by 2013.

During the reporting period, the capacity of family daytime care increased by almost 2,600 places, while the number of new family daytime care facilities went up by 460, which created new jobs for 460-900 persons depending on the number of children that a family daytime care facility can accommodate.

Evolution of the number of family daytime care places (2010-2013)

Year	Active		Number of accommodated children	Number of children enrolled	Number of children enrolled younger than 3 years
	number of family daytime care facilities	number of places			
2010	694	4,861	7,200	3,920	2,324
2011	857	6,253	13,032	4,992	2,744
2012	1,038	7,365	10,990	6,517	3,305
2013	1,108	7,991	12,382	6,899	3,522

Source: Central Statistical Office

Based on the preliminary data of 2013, the number of children taken care of in the family daytime care facilities was 6,899, of which 3,522 were below 3 years of age, 2,094 of kindergarten age and 1283 of school age. Thus, it can be stated that the demand for the care is the greatest among the children below 3 (50%) years of age, which is followed by the children of kindergarten age (30%) and the children of school age (20%). The number of children below 1 year of age is negligible (0.5%) in the family daytime care facilities.
Of the children nursed in family daytime care facilities:

- protected children: 28,
- number of children receiving regular child protection allowance: 524,
- children with disabilities: 11,
- socially disadvantaged children: 266,
- multiple disadvantaged children: 169.

Most of the family daytime care facilities are operated by civil organisations, but the number of family daytime care facilities organised by the municipal governments is also increasing; family daytime care facilities maintained by the church have also appeared, albeit yet in a small number. Based on the data it can be also stated that the ratio of the institutions maintaining the family daytime care facilities is exactly the opposite of the nursery care, as the majority of the nurseries are maintained by the municipal governments, while the family daytime care facilities are operated by service providers maintained by civil organisations.

In terms of the children's day-care, the preliminary data of 2013 show that nursery care was available in 397 settlements, including the 23 districts of the capital, while family daytime care services were provided in 330 settlements, including 22 districts of the capital. Thus, it can be established that nursery care and family daytime care is provided in 30 and 22 settlements more,

respectively, compared to the figures of 2011 presented above; nevertheless, it is necessary to further enhance the services in respect of the capacity available for this age-group.

c) Kindergarten service

The (gross) participation rate of the kindergarteners compared to the age-group of 3-6 years was 86% in 2012/2013. If the children over the age of 3 who are still looked after in nurseries and children of 6 years of age enrolled in primary schools are taken into account, then 94.5% of the 3-6 year old children are taken care of in nurseries, receive kindergarten or primary school education. (Statistical Bulletin, Year-book of Education, 2013)

Kindergarten education, organised as a public education duty amount the public duties, is free of charge (not including the participation in child catering within the meaning of the Child Protection Act).
The following services must be provided free of charge in the kindergartens maintained by the municipal governments, the nationality self-governments and the associations of municipal government:

- kindergarten activities, classes and, within the mandatory weekly time frame, catch-up classes for children with integration, learning or behavioural disorders, chronically sick children and children with special education needs,
- health development of children – *as stipulated by law* – and mandatory regular health control,
- processing of the knowledge designed for the activities and classes related to the implementation of the pedagogical programme, as well as the extra-institutional cultural, artistic sport or other activities, excursions, open-air kindergarten, serving daily physical education,
- use of the kindergarten facilities and tools; and
- use of special education counselling, early development and care, individual development and development for children with severe disabilities.

Pursuant to Section 72 of Act CXC of 2011 on national public education (hereinafter: "Public Education Act"), the parents of multiple disadvantaged children are entitled to receive financial assistance for the kindergarten education of their children. For the kindergarten support easing the financial burdens of and facilitating participation in kindergarten education, see the data published in point II of Part B "Family Support System" above on the child protection cash benefit under the Child Protection Act.

Pursuant to the Child Protection Act, kindergarteners receiving the regular child protection allowance are entitled to *inter alia* free catering. Furthermore, children of families with three or more children, as well as chronically sick children or children with disabilities are entitled to preferential catering with a discount of 50%.

Pursuant to the Public Education Act in force since September 2012, as of September 2015, the mandatory nursery attendance age will be reduced to 3 years from the present 5 years. The objective of the measure is to lay the foundation of the subsequent successful progress in school. To that end, the kindergarten capacities have been developed since 2011 from the central budget and EU funds. According to the data of 31 December 2013, 4,999 new places were established based on the grant agreements concluded by then.

- **ECSR requests information on the counselling services available for families, irrespective of their composition and social circumstances.**

Services of the family support service: counselling on social, lifestyle, mental hygiene issues, organising access to the service for those struggling with financial difficulties, facilitating the resolution of functional disorders or conflicts in the family, organising community building, individual and group therapeutic programmes, family therapy community-building programmes serving the strengthening of family relations, conflict management mediation programmes, facilitation of social integration.

- **ECSR requests current information whether the National Association of Large Families still enjoys the privileged role presented in the previous report, or other family organisations representing other types of families may also play an increasing role.**

Meanwhile the consultation bodies mentioned in the previous report ceased to exist, or they continue their operation with a different name and composition (e.g. National Economic and Social Council). The National Association of Large Families (hereinafter: "NOE") is still among the organisations the objectives of which have considerable impact on the government's family and demographic policy; therefore the cooperation is still strong, albeit it takes the form of periodic consultations or ad hoc programmes and events rather than through formal bodies. The privileged role of NOE compared to other family organisations is also attributable to the fact that it has the longest history (established in 1987) and the largest number of members, and it is an association that is extremely well-organised at the territorial level as well.

Families with many children are in a special situation compared to other types of families (e.g. with one or two children, or with no child, etc.), bearing in mind the housing, subsistence and other problems manifested more prominently due to the larger number of dependants, which also justifies the need for organised f interests representation before the governmental decision-making bodies. In addition to NOE, the government also regularly consults civil and church family organisations, including organisations representing the interest of families with young children or children with disabilities.

- **ECSR requests current information on the rights and obligations of married couples with regard to their own and the spouse's children. Furthermore, it also requests information on the legal means of settling marital disputes and disputes related to children.**

Book Four of the Civil Code, which entered into force on 15 March 2014, provides for the rights and obligations of the spouses in relation to each other in the chapter titled Marriage. Title XII (Parental Custody) of the chapter titled Kinship of the Civil Code provides for the obligations of parents in respect of their children and the content of parental custody.

According to the Civil Code, the marital relationship extends to personal and property rights and obligations. The rights and obligations of spouses are equal in terms of their personal and property relations, in light of the principle of equality of the spouses regulated as a principle by the n Family Law Book (Section 4:3). Sections 4:24-4:28 of the Code defines the legal framework of personal relationships: they include Section 4:24 on the mutual cooperation and support obligation of spouses, Section 4:25 governing decision-making powers, the rule in Section 4:26 concerning the choosing of home, which is a part of these power, but is highlighted due to its importance, as well

as Sections 4:27-4:28 on married names. The property rights and obligations of the spouses in relation to each other are regulated in Title VI on the Rights in property arising out of a matrimonial relationship (Sections 4:34-4:85) of Book Four. In relation to the rights and obligations of spouses, it is also worth mentioning the institution of spouse support, regulated in Title V of Book Four (Sections 4:29-4.33) of the Civil Code. In relation to the statutory regulation of spouse support, the Civil Code provides the opportunity for the spouse to claim maintenance from his or her spouse upon the termination of the matrimonial relationship or, in case of divorce, from his or her former spouse in case he or she is unable to support himself or herself for reasons beyond his or her control.

Title XII in the Part Kinship of the Family Law Book of the Civil Code regulates the content of parental custody, certain issues pertaining to the exercise thereof and the decision on parental custody in more details and in a more transparent structure than in the rules previously in force (Sections 4:146-4:185). Section 4:146(2) gives an itemised list of the rights and obligations arising from parental custody, according to which parental custody covers the right to select the minor child's name, to provide care, to determine the child's place of abode, to handle his/her financial affairs, including the right and obligation of representing the child in legal forums, and the right to appoint and exclude guardians. It is a basic principle that parental custody must be exercised by the parents in collaboration with each other in the interest of the child's proper physical, intellectual and moral development. In exercising parental custody jointly, the rights and obligations of the parents are equal. The parents must inform their child about the decisions that pertain to the child, and they must permit the child of sound mind to express his or her opinion before the decision is made, and to take part in making the decision together with his/her parents in cases defined by law. Parents must take the child's opinion into consideration to the appropriate degree, having regard to the child's age and maturity.

In connection with the rights and obligations existing in the parent-child relationship, in addition to the abovementioned, the provisions of the Family Law Book governing the maintenance of relatives, in particular, the maintenance of minors, should be also mentioned.

If a dispute arises between the spouses on the exercise of their rights and obligations in relation to each other and to their child, or in the absence of an agreement (including a contract containing the mutual wish of the spouses), the decision is often made by the guardianship authority as a forum of legal remedy, the official decision of which may naturally be contested at the court. The guardianship authority may, in certain cases, determine the child's name (Section 4:151) and decide in disputes related to the exercise of joint parental custody (Section 4:166). However, the issues as to which parent should exercise parental custody (Section 4:167) and where the child should be accommodated if the exercise of parental custody jeopardises the interest of the child, no longer belong to the powers of the guardianship authority; these issues (including the cessation and restoration of parental custody) are decided by the court (Sections 4:169, 4:191 and 4:192).

In the absence of an agreement the spouses may also turn to the court directly for the purpose of remedying their rights. The Civil Code stipulates separate powers for the court to establish the existence or non-existence of the marriage where it cannot be clarified in administrative proceedings (Section 4:6); the court is also entitled to annul the marriage (Section 4:14) and to establish the validity thereof (Section 4:19), but the court most often decides on the dissolution of marriage and certain related disputes (e.g. maintenance or the right of the spouse or the child to use the home) if the marriage has fully and irreparably deteriorated (Section 4:21). Termination of the conjugal property by the court may also be requested (Section 4:54), and the court may also decide,

upon request, any unsettled issues related to the distribution of the conjugal common property [Section 4:57(3)].

In the case of separated parents, guaranteeing the exercise of the visitation rights bears special importance in the interest of the child. The obligation to make a visitation helpdesk available is regulated by the Child Protection Act and Decree 15/1998 (IV. 30.) NM (Ministry of Welfare) on the professional tasks and operating conditions of child welfare and child protection institutions and persons provide personal care, Section 7/B of which determined the purpose of the visitation helpdesk. In addition to providing a neutral location for the child and the parent or other persons entitled to liaise with child which is suitable for meeting and spending time together,

a) provision of conflict management and assistance services, or
b) at the request of those concerned or at the initiative of the guardianship authority, providing child protection mediation services which are designed to help resolve the conflicts between the parties and reach an agreement between them, and to ensure compliance therewith by both parties, or
c) provision of visitation helpdesk services with independent professional methodological programme.

The obligation to provide this service was prescribed for settlements with population over 40,000 as part of child welfare primary care, which at present means 48 centres. Since the municipal governments may also provide the service voluntarily, additional visitation helpdesks are available at a number of points in the country.

- **ECSR requests information on the access to family mediation services and particularly whether those are available free of charge, the distribution of them within the country and the efficiency thereof.**

In addition to the guardianship authority proceedings (child protection mediation) it should be noted that, based Act LV of 2002 on mediation (hereinafter: "Mediation Act"), it is possible to settle family legal disputes within the framework of the general rules pertaining to the mediation procedure. The register kept by the minister in charge of justice includes over 1000 persons, so this service is available nationwide. According to the data reported by the mediators, 70% of the mediation procedures initiated in family law disputes ends with an agreement.

In June 2013, the Mediation Act was supplemented with the legal institution of court mediation, based on which the courts' duly qualified and designated staff members may, upon request, also conduct mediation procedure in litigations in progress in order to reach an amicable settlement between the parties. Based on the data published on birosag.hu, at present there are 56 such court mediators (court secretaries or judges) in the country. Court mediation is free from stamp duty.

As from 15 March 2014 the Civil Code -with effect also to the pending cases – amended the mediation, which up to this date was available exclusively on a voluntary basis, with the following two provisions in respect of a narrow personal and material scope. Both the court and the guardianship authority may oblige the parties to subject themselves to the mediation:

Section 4:172 [Mediation in actions brought in disputes in connection with the exercise of certain rights of custody]
In justified cases, the court may order the parents to submit to mediation in the interest of properly exercising parental supervision and to ensure their cooperation to that end, including the right to maintain direct contact between the parent living separate and apart and the child.

"Section 4:177 [Mediation in proceedings of the guardianship authority]
The guardianship authority may, upon request or ex officio if deemed necessary for the protection of the child's best interest, order the parent having the right of custody and the parent living separate and apart to submit to mediation in the interest of ensuring the cooperation and safeguarding the rights of the parent living separate, including communication between the parent living separate and the child."

According to Section 30/B (1) of Government Decree 149/1997. (IX. 10.) on child protection and guardianship proceedings provides that, in the interest of propagating and helping the practice of mediation proceeding available in visitation matters and of successful conflict management, the parties to the child protection mediation procedure (in general, the parents entitled to and obliged for visitation) jointly appoint a mediator from the mediators listed in the directory of mediators. In the course of the regulation and implementation of the visitation, the acting authority (court, guardianship authority) must take into consideration Article 9 (3) of the Convention on the Rights of the Child, dated in New York on 20 November 1989, and promulgated by Act LXIV of 1991, according to which the child is entitled to maintain regular personal relations and direct contact with both parents, unless this conflicts with the interest of the child. In the interest of enforcing this important right of children, Government Decree 149/1997. (IX. 10.) on child protection and guardianship proceedings guarantees the possibility of relying on mediation both during the regulation of the visitation and the proceedings aimed at the implementation of the visitation, which often proves to be even more problematic.

The detailed provisions of mandatory mediation applicable to the judge are stipulated in Act III of 1952 on the Code of Civil Proceedings (hereinafter: "Civil Proceedings Act"), while those applicable to the clients (parents) are set out in the Mediation Act. The parents obliged to submit to mediation may turn to court mediators (free of charge), mediators who made a declaration of submission (4,000 HUF /hour/client) or any other mediator, who may undertake to provide information in their matter on the legal institution of mediation at the market price (it is mandatory to participate in this) and the conduct of the mediation procedure (this is still voluntary).

Municipal governments with a population over 40,000 and the cities of county rank, regardless of the population, are obliged to operate a child welfare centre. According to the statistical figures from 2012, there are 48 child welfare centres in Hungary. One of the special services of the centres is the visitation helpdesk, the purpose of which is, in addition to provide a neutral location for the meeting and being together for the child and the parent or other person entitled to visitation, to provide conflict management and assistance services or, at the request of the persons concerned or at the initiative of the guardianship authority, to organise child protection mediation proceedings. The purpose of the latter is to help resolve the conflicts and reach agreement between the parties, ensure that such agreement is adhered to by both parties and, after prior consultation with the guardianship authority that ordered the supervised visitation, to provide a supervising expert or facilitate the presence of other experts engaged with supervision.

The child welfare service facilitates the resolution of family conflicts through child protection mediation between the involved family members and by applying other conflict management and family therapy methods, or proposes to rely on such services. The child welfare service is available everywhere, thus, it is able to refer such services irrespective of the fact that the service is provided by somebody else. The mediation provided by the child welfare centres is free of charge for the local population. This service is available in settlements with population exceeding 40,000 and in the cities of county rank.

In case of a mediation procedure ordered with regard to the interests of the child living within the family or in foster care, or provided at the request of the parents the regional child protection specialist service provides a mediator in order to establish proper cooperation between the parents or with the child. The mediator provides a service to the parent and child concerned within a mediation procedure supported at the headquarters of the regional child protection specialist service, the guardianship authority or the child welfare service. This service is available since 15 March 2014.

Upon using the supported mediation procedure provided by the regional child protection specialist service, an amount equivalent to 3% of the mandatory minimum salary is paid as a fee for the mediation procedure, from which an exemption may be requested. A parent raising a child eligible for regular child protection allowance is entitled to use the supported mediation procedure free of charge.

- **ECSR requests information on the means used for combating domestic violence against women.**

1. **Measures taken between 2010 and 2014 to decrease domestic violence and improve the care for the victims.**

1.1. Criminal law regulation of domestic violence

Act C of 2012 on the Criminal Code (hereinafter: "Criminal Code"), which entered into force on 1 July 2013, Section 212/A of which classified domestic violence as an independent criminal law fact. The legislator created the new category with regard to the social relationships where the criminal offence constitutes an actual threat to the marriage, family or the children. At the initiative of the Ministry of Human Capacities (hereinafter: "EMMI"), the notion of relatives was extended as regards the fact of domestic violence to include former spouses, former partners, guardians and persons under guardianship. The message of the new category is that the Hungarian government firmly rejects all forms of domestic violence and that the offenders commit a criminal offence, for which they must answer at court.

1.2. Reform and stabilisation of the operation of the crisis management system

In 2005, a Regional Crisis Management Network commenced its operation within the framework of a model programme, to provide assistance for the victims of domestic violence. The crisis centres promote the elimination of crisis situations that evolved as a result of the violence, by providing complex and, if necessary, comprehensive care. In 2011, the system was reformed and modernised on the basis of the lessons learnt. In 2011, the operation of the crisis management centres and the related half-way/transitional houses, supporting the social reintegration of victims, received legislative support through the amendment of the Child Protection Act. In addition, the amendment to Decree 15/1998. (IV. 30.) NM (Minister of Welfare) on the professional tasks and operating conditions of child welfare and child protection institutions and their staff providing personal care incorporated provisions related to crisis centres.

As opposed to the former practice of the Government, which provided budgetary funding to the operation of crisis centres and half-way/transitional houses on a year-by-year basis, a three-year

framework contract was signed in 2011, which, in addition to introducing a tendering system, created more stable and predictable operating conditions than before.

In 2011, the Ministry of Human Capacities elaborated the so-called Professional Guidelines applicable to all members of the provision system, which define the purpose and target group of the services, as well as the specific services. The obligation to make a visitation helpdesk available is regulated by the Child Protection Act and Decree 15/1998. (IV. 30.) NM (Minister of Welfare) on the professional tasks and operating conditions of child welfare and child protection institutions and persons providing personal care, which – amongst others – expanded the coverage area of the crisis centres, thereby permitting that – irrespective of their original operating licence – they can receive victims from the entire territory of Hungary. A system has thus been created in practice, which provides more proportionate opportunities for the victims to access crisis management services, thereby contributing to the better enforcement of equal opportunities.

1.3. Expansion of the crisis management system

Four new crisis management centres were established in Hungary with state support during 2011-2012, thereby increasing the number of places available to the victims of domestic violence. The so-called Secret Shelter, operating under constant conditions and with extended capacity since 2012, represents a special element of crisis management, by providing 29 places for the victims of domestic violence being in severe, life threatening situation.

1.4. Prevention

A pilot project was launched in 2012 with the support of the Ministry of Human Capacities, which was aimed to prevent victimisation in the age group of 14-18 years. In the first stage of the pilot programme, awareness-raising classes and sensitivity training sessions held by form teachers at schools, or within the framework of other training courses, reached 551 students. The experience clearly confirmed the need for the programme as the awareness of young people is extremely low and superficial in terms of domestic violence, violence and human trafficking, which increases their vulnerability. The objective of Phase II of the programme (2013-2014) is still to help avoid becoming a victim, but the knowledge enhancing and sensitivity training sessions focus on the technical schools and vocational secondary schools due to higher assumed exposure there. A training within the framework of the programme was organised for the experts working in the crisis management centres to ensure that each centre becomes capable of organising prevention sessions within its own district, thereby laying the foundation of the nationwide roll-out of the programme. According to the plans, the training program will receive accreditation in 2014.

1.5. Awareness raising

In combating domestic violence, the resolution of latency is extremely important to ensure that the victims recognise and identify the signs of violence as soon as possible, be aware that they are entitled to and have the opportunity to ask for help and that they do not have to wait until their or their children's life is directly exposed to threat. It is therefore important to emphasise the unacceptability of domestic violence as widely as possible. A national attitude shaping and awareness raising campaign, with the support of the Ministry of Human Capacities, was implemented for this purpose in spring 2014 on Facebook, in the radio, television and the printed media.

1.6. International measures

Cyprus when given the Presidency of the European Union in the second half of 2012, initiated the adoption of the Council conclusions entitled Combating violence against women and providing services helping the victims of domestic violence. The to-do-list defined by the Council conclusions was supplemented, at the request of Hungary, by the implementation of prevention programmes covering a wide range of the society.

Hungary joined the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 14 March 2014. The signing of the Convention was prepared by an inter-ministerial working group, with the active participation of EMMI.

2. Support system for victims of domestic violence

2.1. OKIT (National Crisis Management and Information Telephone Service)

The National Crisis Management and Information Telephone Service (hereinafter: "OKIT") has been in operation in Hungary since 2005. OKIT, which can be called toll-free 24 hours a day, provides information for the victims of domestic violence and human trafficking and, when necessary, coordinates the immediate placing of the victims in the crisis centres.

2.2. Crisis centres

In Hungary the so-called crisis centres provide those victims of domestic violence with accommodation and complex services who are forced to leave their home, with or without children, because of violence. The crisis centres, integrated in the system of the families' temporary shelters, provide battered women with help in their own right rather than in the right of their child.[4]

The crisis centres provide:

- sheltered accommodation and full physical attendance, if necessary,
- expert help (lawyer, psychological assistant, social worker),
- assistance through social work: the experts represent the interest of the victims, provide family care, cooperate with the members of the signalling system and other institutions and organisations involved during the violence.

Key services of the crisis centres:

- search for a safe home,
- assistance in resolving lifestyle problems,
- search for and administration of source of income,
- mapping external family relations,
- strengthening the parental role,

[4] The temporary family home provides home-like provision to families who have become homeless because of a lifestyle, social or family crisis, under the basic child welfare provision which provides personal care, in order to preserve family unity.

- psychological counselling,
- mediation of health care services,
- provision of community programmes.

In addition to the above, legal and childcare counselling are also common.
The crisis centres liaise with OKIT, as well as with the family support and child welfare service having competence locally and at the victim's address, the police, the families' temporary shelters, mothers' homes, the local healthcare system, the local educational institutions and, if necessary, with the guardianship and other authorities.

At present, 14 crisis centres operate in Hungary, offering 98 places. In addition, the Secret Shelter (with 29 places), which receives victims of serious domestic violence whose lives are in danger, is a special component of crisis management. In 2013, the crisis centres received 1195 persons in total (43 single women, 354 mothers with children, 786 children, 1 single man, 3 fathers with children and 23 battered families).

2.3. Half-way/transitional houses

The social reintegration of those taken care in the crisis management centres and the prevention of secondary victimisation are supported by the halfway houses on the way out, which provide long-term housing maximum 5 years, professional and, most importantly, legal and psychological assistance to the tenants. The half-way/transitional houses operate in Hungary since 2006; at present there are 4 such institutions.

The victims leaving the crisis management system stay 2 years on average in the half-way/transitional houses. After that, they typically rent a flat or move to social tenement flats, 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 the insulter. This is one reason why the expansion of the number of half-way/transitional houses is given priority in the development of the welfare system.

3. Statistical data

Number of victims received in the crisis centres

2010	
Type of victim	**Number of victims**
Single woman	59
Woman with child(ren)	425
Children	968
Men	3
Total	1480
2011	
Type of victim	**Number of victims**
Single woman	24
Woman with child(ren)	249
Children	512
Men	0
Total	798

2012	
Type of victim	**Number of victims**
Single woman	26
Woman with child(ren)	275
Children	659
Men	2
Total	989
2013	
Type of victim	**Number of victims**
Single woman	43
Woman with child(ren)	354
Children	786
Men	4
Total	1 195

Source: Ministry of Human Capacities

Figures related to the operation of OKIT

	2010		**2011**		**2012**		**2013**	
	qty	**% compared to the number of successful (received) calls**	**qty**	**% compared to the number of successful (received) calls**	**qty**	**% compared to the number of successful (received) calls**	**qty**	**% compared to the number of successful (received) calls**
Successful (received) calls	**19,560**	**100%**	**14,151**	**100%**	**12,012**	**100%**	**10,262**	**100%**
Calls related to domestic violence	2,185	11.17	2,021	14.28	2,343	19.51	2,693	26.24
	Number of cases (qty)	%	Number of cases (qty)	%	Number of cases (qty)	%	Number of cases (qty)	%
Initiation of institutional accommodation (qty)	592	100%	539	100%	496	100%	441	100%

Source: National Crisis Management and Information Telephone Service

- **ECSR requests information on the measures taken for the protection of Roma families.**

The majority of the programmes aimed at improving the income position of Roma people are not targeted solely at the Roma, but, in general, at the socially disadvantaged people. Namely, we do not apply an ethnic focus, which is meaningless anyway, as their income is not low due to their being Roma, but the general social circumstances, but, instead, pursue a complex problem-oriented and pragmatic approach. Elements of the complex approach: support of families (child raising, healthcare), improving the education level (facilitating the education of children, scholarship for Roma students, adult education, retraining), improving the employment level (Job Protection Action Plan, extra child-care fee) and, where necessary, providing temporary employment (public employment programmes, employment programmes, employment co-operative, social economic programmes), housing measures.

The agreement between the National Roma Nationality Self-Government and the Government lists quantified objectives for the employment of Roma people thus improving their income position. The decrease of the housing costs and the extension of the housing subsidies (see above), as well as making the social benefits more targeted all serve the purpose of improving the income position of Roma people.

The so-called subsistence support also serves the the existential safety of unemployed persons involved in education, including a large number of Roma people, which is designed to provide a living during the education in cases when the client has no other source of income.

- **In its conclusions ECSR established that the three-year legal residence defined as an eligibility criterion for family support benefits is too long, and as such the Hungarian regulation is not in line with the provisions of Article 16 of the Charter, as the right to equal treatment is not guaranteed to the applicants of third countries.**

In response to the opinion of ECSR, the personal scope of the Family Support Act has been modified since the formulation of the response of Hungary given in autumn 2012. . Since 1 January 2014, third-country nationals are also entitled to family support, even in the absence of a residence permit or an EU Blue Card, if they stay in Hungary in possession of a single permit, provided that employment was permitted for them for a period exceeding six months [point f) of Section 2 of the Family Support Act].

The persons holding a single permit are employees coming from a third country or staying legally in the territory of one of the member states within the meaning of Directive 2011/98/EU on single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

In summary, those persons who are not citizens of a European Union Member State or another country that is a party to the Agreement on the European Economic Area, or citizens having equivalent legal status in terms of the freedom of movement and residence based on an international treaty (EEA citizens) may be entitled to the benefits under the Family Support Act without obtaining a residence permit in the following cases:

- The family members of Hungarian citizens and EEA citizens have the right to freedom of movement and residence since 1 January 2008 therefore they do not have to confirm any prior residence.

- As regards the maternity benefit under the Family Support Act, the personal scope of the Family Support Act was extended since 1 January 2011 in order to protect the health of mothers and children. According to the amendment, women residing legally in Hungary are entitled to the maternity benefit as long as during their pregnancy they attended prenatal care in Hungary on at least 4 occasions during their pregnancy, or once in the case of a premature delivery. In this case, the confirmation of prior residence is not required, either.
- Since 1 January 2012, third-country nationals holding a work permit for highly qualified work and a residence permit (EU Blue Card) may also avail themselves of the benefits under the Family Protection Act without confirming prior residence.
- Since 1 January 2014, third-country nationals holding a single permit may avail themselves of the benefits under the Family Protection Act without confirming prior residence provided that the employment was authorised for a period longer than 6 months.

As a result of the extension of the personal scope of the Family Protection Act to persons holding a single permit, third-country nationals taking a job in territory of Hungary for a period longer than six months become eligible for the benefits under the Family Protection Act.

In our opinion, the amendments above brought the Hungarian regulation in conformity with Article 16 of the Charter.

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

A. Schooling and education

I. Legal framework and reforms in the area of public education:

In 2010, the implementation of a comprehensive reform commenced in the area of public education, the measures of which have been introduced gradually. Act CXC of 2011 on national public education (hereinafter: "Public Education Act") was adopted and enters into force gradually from September 2012. A new National Core Curriculum and the frame curricula were issued, which entered into force in September 2013 in grades 1, 5 and 9, to be continued in an ascending scheme. From January 2013, the state took over the municipal governments' school maintenance duties and the introduction and operation of the public education institutions' school inspectorate, assessment and mentoring system are in progress. From September 2013, the teachers' career model has been introduced in several steps, and the sector developed a medium-term public education strategy and a strategy to prevent early school leaving.

The key objective of the reforms is to improve the quality of public education, the access to education and the education level, as well as to reduce the early school leaving rate.
The essential principles underlying the objectives include the need to redefine the role and responsibility of the state in the area of public education and assuming a more emphasised role by the state. The takeover of the schools by the state is an important step in offsetting the geographic, regional and institutional differences and improving equity in education.

The objectives were defined considering the fact that, in the Hungarian system of education, the success at school largely depends on the socio-economic background of the students, thus, the reduction of educational selection and the impact of the family background on the students' performance are fundamental challenges for all players of education.

With this in mind, Hungary takes complex policy measures to ensure the right to high quality education for all children, increase the educational level and thereby contribute to social inclusion. This complex framework comprises of the following elements:

- statutory provisions related to the fundamental rights and against discrimination,
- systemic reforms and measures covering the organisation of the educational system as a whole,
- targeted measures and programmes of strategic nature to support the progress of vulnerable student groups: supporting disadvantaged and multiple disadvantaged children, including Roma children, and children with special education needs.

Pursuant to the Public Education Act, all children must be enrolled in school and participate in the institutional education and learning. Pursuant to the Fundamental Law and the Public Education Act, primary and secondary education is free of charge and available for all until the secondary school-leaving examination or the completion of the first vocational examination.
Kindergarten education in the institutions maintained by the state and the municipal governments as well by other institutions taking part in the performance of the duties of the state, and the use of pedagogical assistance services complementing kindergarten and school education, as well as the provision of dormitory are free of charge for children and students who participate in free education and comply with the specified conditions (Section 2 of the Public Education Act).

Rights and obligations of students and parents

Section 46 of the Public Education Act lays down that the rights of children and students, including, amongst others,

a) to receive education and training that correspond to their skills, interests and endowments, and continue their studies bearing in mind their capabilities,
b) to be educated and trained in a safe and healthy environment in educational and training institutions, and to have their daily routine at the kindergarten and their school study order scheduled by integrating rest periods, leisure and physical exercise and by giving opportunities for sports and meals in compliance with their age and maturity,
c) to receive education and training corresponding to their ethnic status,
d) to receive information and knowledge in an objective and multifaceted manner in the course of teaching during the entire pedagogical programme and activity of state schools,
e) to use kindergarten, school and boarding school service at public education institutions operated by the church or private entities,
f) their personal rights, including, particularly, their right to the free development of their personality, right of self-determination, freedom of action and right to family and private life are respected by the educational institutions,
g) to receive special benefits, care or rehabilitation benefits in accordance with their condition and personal endowments,
h) to apply to the ombudsman for education rights.

Children and students have the right to receive catering and school supplies free of charge or at a reduced price at the educational institution depending on their family's financial circumstances or, in specific cases, upon request.

Pursuant to Section 72 of the Public Education Act, the obligations and rights of parents include, amongst others,

a) to provide for the necessary conditions required for the intellectual, physical, emotional and moral development of their children and to ensure that their children fulfil their obligations, and to provide all the assistance which may be reasonably expected from them in cooperation with the institution, and to monitor their children's development,

b) to ensure the participation of their children in kindergarten education and complete the compulsory education,
c) parents have the freedom to choose kindergarten, school or boarding school in compliance with their children's abilities, skills and interests and their own religious and ideological convictions and ethnic status,
d) the parents of multiple disadvantaged children are entitled to receive financial assistance for the kindergarten education of their children,
e) to become acquainted with the pedagogical programme and policy of the educational institution and receive information about the provisions thereof,
f) to receive detailed and substantial information about their children's development, conduct, school progress, as well as advice and assistance for their education,
g) to initiate the establishment of parents' organisation and participate in the work thereof,
h) to participate, in person or through proxies, in the decision of issues impacting their interests,
i) to apply to the ombudsman for education rights.

II. Regulation pertaining to the compulsory school attendance age and information with regard to the lowering thereof

Pursuant to the Public Education Act effective since 1 September 2012, the compulsory school attendance age is 18 year for all students who started the 9th class in the 2011/2012 academic year or earlier. The compulsory school attendance ends upon turning 16 for those students who started their studies in the 9th class after that date.

The indicator which shows the actual number of years spent by the students in the school system and the number of years during which almost all of the young people receive education are more accurate than the compulsory school attendance age alone. For this reason we try to focus on ensuring that successful efforts are made to improve the quality of learning and teaching, to utilise the available years better and to keep as many students as possible in the school system even beyond the compulsory school attendance age, up until obtaining their school-leaving certificate or profession.

At the end of 2013, a medium-term strategy to prevent early school leaving was prepared. The document was accepted after consultations by the Government in November 2014 (Government Decision 1603/2014. (XI.4.) on the *Medium-term strategy to prevent early school leaving without qualification).* One of the key objectives of the strategy is to develop flexible student paths and personalised learning and teaching methods in the light of reducing the compulsory school attendance age. Measures serving prevention, intervention and compensation were defined to help students participate in the school system education even after the compulsory school attendance age.

III. Support of vulnerable groups of students

The law stipulates the definition of vulnerable groups of students requiring special care and pedagogical attention (socially disadvantaged, multiple disadvantaged children and children with special educational needs). The statutory application of the definitions also serves the proper targeting of the programmes and measures creating opportunities while preventing illegal segregation. The definitions are laid down in Section 67/A of Act XXXI of 1997 on the protection

of children and guardianship administration (hereinafter: "Child Protection Act") and point 25 of Section 4 of the Public Education Act.

The support includes benefits aimed at reducing the burdens of families living under difficult financial circumstances (see point 1 below) and targeted programmes designed to promote the successful school progress of children (see point 2 below).

1. **Financial support, in kind benefits:**

Section 20/C of the Child Protection Act provides that the parents of multiple disadvantaged children, who

- enrolled their children of 3 or 4 years of age in the kindergarten, and
- ensure that their children regularly attend the kindergarten, and
- are eligible for the regular child protection allowance,

receive financial support from the guardianship authority. The key objective of this support is to ensure that the most vulnerable children are also enrolled in kindergarten education, which facilitates later the successful progress at school.

Pursuant to Act 2013 of CCXXXII on schoolbook supply, all students participating in daytime school education who are

- permanently sick,
- have, based on opinion of the committee of experts, physical, visual or hearing, intellectual disability, dyslexia or live with multiple disabilities upon the simultaneous existence of several disabilities, struggle with autism spectrum disorder or other psychological developmental diseases,
- living in families raising three or more minors or dependent children,
- already of legal age and entitled to schooling support in their own right, or
- receiving regular child protection allowance,

receive the schoolbooks free of charge.

A benefit in kind connected to the regular child protection allowance is the subsidised school catering for disadvantaged or multiple disadvantaged children.

2. **Programmes and measures to promote the school progress of socially disadvantaged and multiple disadvantaged children and students:**

One of the fundamental measures that serve the prevention of early school leaving is the extension of early childhood education. Pursuant to the Public Education Act effective since September 2012, the mandatory nursery age limit will be reduced to 3 years from the current 5 years as of September 2015. The objective of the measure is to lay the foundation of the subsequent successful progress in school. To that end, the kindergarten capacities have been developed since 2011 from the central budget and EU funds. According to the data of 31 December 2013, 4,999 new places were established based on the grant agreements concluded by then.

Pursuant to Section 27(2) of the Public Education Act, since 1 September 2013, the education and teaching in primary schools must be so organised in the morning and afternoon teaching periods that the classes end not earlier that at 4 pm. The purpose of this measure is to provide the students assistance for the preparation for the lessons or ensure their participation in programmes of their interest where their family is unable to provide the same.

In order to promote the integrated education of socially disadvantaged and multiple disadvantaged students and their success at school and compensate their social disadvantages, we support kindergarten development programmes and pre-conditioning for the unfolding of potentials and integration, i.e. an Integration Pedagogical System (hereinafter: "IPS") from domestic funds (Sections 171-173 of Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities) on the operation of public education institutions and on the use of names of public education institutions). Areas supported by the measures: integrated education, institutional development, pedagogical reform, personalised support of learning, cooperation with the social environment of schools, liaison with parents. The impact analysis prepared on IPS shows that the programme has brought a general improvement in the school progress of the students of the participating schools.

The Arany János Talent Development Programme (hereinafter: "AJTP"), the Arany János Boarding School Programme and the Arany János Boarding School Vocational School Programme (hereinafter: "AJKSZP") are designed to prepare the vulnerable student groups (disadvantaged and multiple disadvantaged secondary and vocational school students, students participating in the child protection specialist programme and students classified vulnerable in social terms) for higher education and successful integration in the labour market. One of the key objectives of the programmes is to prevent drop-out. The programmes provide personalised pedagogical, social, cultural and health development in an inclusive education environment. The content requirements of the programmes are stipulated by the frame curricula and the boarding school syllabus [Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities) on the operation of public education institutions and on the use of names of public education institutions; Decree 59/2013. (VIII. 9.) EMMI (Minister of Human Capacities) publishing the national core programme for boarding schools]. In the 2012/2013 and the 2013/2014 academic years alike, over 4,000 disadvantaged or multiple disadvantaged, vulnerable students participated in the programme, the annual budget of which is close to 3 billion HUF.

Results: the admission ratio of AJTP graduates was 68-100%, with an average of around 80 %. The AJKP institutions can reach 3% of multiple disadvantaged students; however, the quality and manner of working with the students is exemplary owing to the pedagogical tools used in the programme and the programme's focus on the target group. The drop-out rate in the AJKSZP programme is well below the national average: 13% over four years and 3% annually.

The purpose of the opportunity-creating sub-programmes of the "*Útravaló Grant Programme*" is to promote the success of socially disadvantaged students, particularly of Roma students, at school. The objective of the "Road to Secondary School" sub-programme is to prepare the students for continued education in secondary school providing secondary school leaving certificate; the "Road to Secondary School Leaving Certificate" sub-programme helps students complete their secondary school studies; while the "Road to Profession" sub-programme contributes to eliminating the learning difficulties of vocational school students. Given that the ratio of students of Roma origin is particularly high among the students with the worst chance to continue their education and bearing in mind the provisions of the framework agreement concluded between the Government and the National Roma Nationality Self-Government, not less than 50% of the applicants admitted in the programme must be of Roma origin.

In addition, two programmes were launched between 2012 and 2013 with a budget of HUF 4 billion each, financed from European Union funds, which primarily support the inclusive education programme of public education institutions. The aims of priority project Social Renewal Operative Programme (hereinafter: “SROP) 3.3.8 "Development of public education institutions on the

principle of equal opportunities" priority project serves the improvement of 138 public education institutions (from kindergartens to secondary schools) with the inclusion of approximately 3,500 socially disadvantaged students. The SROP 3.3.10 “Support for initiatives strengthening further education” facility expressly promotes the success of socially disadvantaged students in secondary schools and their further education through developing secondary institutions. The implementation of the programme started in 91 institutions in 2013, with the involvement of almost 2,000 socially disadvantaged students. The SROP 3.3.14 "Development of national and international twin schools" facility was announced in June 2013, with a budget of HUF 4.45 billion (about 1.5 million EUR), with the aim to establish relations between the institutions educating socially disadvantaged students in different ratios. The implementation started in 165 institutions with the involvement of at least 4,000 students, of whom minimum 1600 are multiple disadvantaged students.

The SROP 3.3.9 "Support of A and C Tanoda-type programmes" schemes were introduced in July 2012, and aim to support the success of socially disadvantaged, particularly Roma, students through out-of-school personalised activities. Within the framework of the project, the budget of which was 4 billion HUF in 2013 (and 5.3 is billion HUF since 2014), 125 and, from 2014, another 43 school enrichment institutions (tanoda) implement their programmes with the involvement of minimum 3,360 and maximum 5,040 students. The SROP 3.3.9 “Support for Second-Chance type programmes” facility, with the aim of reintegrating students who have dropped out of the public education system into the system and helping them to graduate from school, was also published in July 2012. At present, 28 projects are implemented with the involvement of approximately 560 students.

The Public Education Act introduced the Bridge Programme concept. As of 1 September 2013, the Public Education Bridge Programmes provide young people with an opportunity who were not admitted to secondary school after finishing the primary school (Bridge I) or who formerly experienced only failure in school and, therefore, were unable to finish the primary school, but already turned 16 (Bridge II). In this year's programme, 2,700-3,000 persons receive personalised enhancement education. The Bridge Programmes help them stay in or find their way back to the world of education and training.

To promote the success at school of children and students with special educational needs, the specialised service scheme providing counselling on the education of handicapped children, early development, training and care, etc. was reformed in 2013 (and continues in 2014 as well). The purpose of the reforms is to improve the access of children and students with special educational needs, requiring special attention, to high quality services. Hungary participates in the work of the European Agency for Special Needs and Inclusive Education, an international organisation dealing with the inclusive education of students with special educational needs.

Completed in 2013, the Public Education Development Strategy defines the development directions of the sector for the period 2014-2020 in line with the priority objectives of the European Union's Europe 2020 Strategy. It attaches special importance to the measures aiming at the reduction of the ratio of early school leaving and to the support of inclusive education. The key guiding principles of the Public Education Strategy include, amongst others, the enhancement and development of the students' material knowledge, skills and capabilities, the development of the teachers' methodological approach, the support of innovation and talent at all levels of public education, the improvement of teachers' training and the ensuring of their professional development.

The purpose of the national strategy aimed at preventing early school leaving, which was completed and was awaiting approval when this report was compiled, is to identify the directions and measures

of intervention in the area of prevention, compensation and adjustment that can help improve the national schooling and educational level and, indirectly, reduce the threat of unemployment, poverty and social exclusion. The strategy defines areas of intervention starting from the early childhood education to the upper secondary level of education. Accomplishing our objectives is supported by tools such as the extension of high-quality early childhood education, the strengthening of basic skills, organisation of education to promote success at school (measures supporting student groups requiring the special attention of teachers, modern pedagogical methods, extracurricular programmes, see the "tanoda" programmes), and adjustment programmes (Bridge programs, "second-chance programmes").

B. Protection against abuse

In order to ensure the protection of families as well as children and young persons against negligence, abuse and exploitation, as set out in Article 17, also bearing in mind the principle of 'child-friendly justice', the police provides protection in the course of police procedures to children and, in certain cases, juveniles and young adults subjected to a severe trauma. Order 1/2013. (I. 8.) ORFK (National Police Headquarters) on the rules of putting into use and using child-friendly interview rooms was issued for the purposes of the uniform implementation of Decree No 32/2011. (XI. 18.) KIM (Minister of Public Administration and Justice) on child-friendly interview rooms. The ORFK Order provides, inter alia, for the mandatory use of a child-friendly interview room equipped with an adequate simultaneous audio and video recorder, if the police is hearing witnesses, injured juveniles or witnesses under 14 years of age, or if the increased indulgence towards the witness is required, or when hearing juvenile offenders if they are presumed to have became a victim in the context of the offence.

The Hungarian criminal law in force treats offenders between 14 and 18 years of age different from those of adult age. The effective legal regulations, primarily Act C of 2012 on the Criminal Code (hereinafter: "Criminal Code") and Act XIX of 1998 on Criminal Proceedings (hereinafter: "Criminal Proceedings Act") and Law-decree 11 of 1979 on the enforcement of punishments and measures (hereinafter: "Law-decree on Punishments"), provides for special rules on juveniles.

The most emphatic provision of the Criminal Code concerning juveniles is the aim of punishments and measures. All effective legal regulations emphasize that juveniles may only be sentenced to imprisonment as a last resort. Section 48 (2) of the Law-decree on Punishments provides that special attention shall be given in the course of detention to the education, schooling as well as the personal and physical development of the juvenile.

Pursuant to Sections 210(1) and (2) of Decree 6/1996. (VII. 12.) IM (Minister of Justice) on the rules of the execution of imprisonment and pre-trial detention provide that the regulations on the daily routine of juveniles, the orderliness of their quarters, their movement within the institute as well as sums of money to be spent on their personal needs, taking into consideration the degree of detainment, shall be defined by the commander in the framework of the legal regulations.

When defining the above-mentioned provisions, the specific needs of the age-group shall be taken into consideration, and efforts should be made to avoid any deleterious effect on juveniles. In accordance with the current practice, juvenile detainees are placed in one of the four juvenile penal institutions (juvenile penal institutions: Tököl; Regional Juvenile Penal Institution, Szirmabesenyő; Juvenile Penal Institution, Kecskemét; Juvenile Penal Institution, Pécs), however, virtually all juvenile penal institutions are involved in the enforcement of pre-trial detention and custody.

Protection against abuse in the area of public education:

Pursuant to Section 46 of the Public Education Act,
'The personality, human dignity and rights of children/students shall be respected, and protection shall be provided for them against physical and mental violence. Children and students may not be subject to corporal or psychic punishment, torture or cruel and humiliating retribution or treatment."

Treatment and suppression of school aggression

A three-year development project was implemented and finalized in 2013 in the schools providing vocational training to establish the culture of alternative dispute resolution and introduce its instruments. Its objective was to give effect to the values promoting the non-violent and constructive resolution of conflicts in the educational practice of the participating schools. Its objective was also to facilitate the measurable improvement in the relation of schools and parents, significantly reduce violence in the educational institutes (among students, and among students, parents and teachers) by the application of restorative procedures, reduce drop-out rates, promote the integration and acceptance of disadvantaged children, establish communication and improve cooperation between the participants.

As a result, the teachers of the participating institutes (75 in total acquired a level of conflict management techniques that enable them to apply them in conflict situations arising in the course of their everyday work and pass on these techniques.

The alternative dispute resolution techniques and tools learned and applied in pedagogical practice help to identify, manage and avert conflict situations as well as prevent their deepening or surfacing in violent forms.

The aim of using the experience obtained in schools is to develop a feasible and functioning model that can be implemented in all regions of the country.

Developments implemented as a result of the project:

- Teacher retraining sessions on restorative conflict management techniques.
- Support of teachers in the application of alternative dispute resolution techniques and methods acquired during the training sessions.
- Institutional assistance in forming and developing conflict management procedures. Ensuring the contribution of a mediator in resolving specific disputes.
- Educational materials were developed to facilitate the entire process of identifying and managing conflicts.

A free-of-charge helpline was made available to assist in solving disputes in schools.

C. Child protection

With regard to institutes providing professional child protection services, the state assumed the obligation of care from the county self-governments as of January 2012, and from the cities of county rank and the metropolitan self-government as of 1 January 2013, so the provision of care was standardized in terms of professional child protection services and became the duty of the state alone (Act CXCII of 2012 on the takeover of certain specialised social and child protection institutes by the state and the amendment of certain acts).

On 18 March 2013, the Parliament adopted Act XXVII of 2013 on the amendment of certain acts on social and child protection matters related to the Magyary Simplification Programme and on the amendment of other acts, which amended Act XXXI of 1997 on the child protection and guardianship administration. The Act introduces the legal institution of child protection guardianship as of 1 January 2014. The assigned child protection guardian is responsible for providing suitable care for the child removed from his/her family by an official measure as well as for his/her consistent representation (regardless of the place of care), promoting the exercise of his/her rights and ensuring that the child's opinion is heard. One child protection guardian acts the legal representative of 30 children under care. The amendment is expected to systematically relieve the conflicts of interest existing between the interests of the operator/institute/caregiver and the child in terms of the child's fate, and ensure that all children stay in the system only for the absolutely necessary (shortest possible) time and at the most suitable place of care.

The rights of children placed in child protection care are enforced by prioritising placement at foster parents, which was introduced by the amendment of Child Protection Act adopted by the Parliament in 2013. Accordingly, children under the age of 12 shall be placed at foster parents rather than in children's homes. The provisions of the act will be introduced in a phased manner from 1 January 2014, allowing sufficient time for the preparations. In parallel, as a result of the children's home system becoming more differentiated, more targeted care can be given to teenagers, siblings of greater numbers, children in crisis, children with special needs and young adults with different personality status.

In terms of promoting the social prestige of foster parents, the establishment of the foster parents' employment relationship by adopting the amendment of Child Protection Act on 1 January 2014, is a huge step forward. The foster parenting employment relationship serves the interests of the children as well, since only carefully selected, prepared and esteemed foster parents can be expected to provide high-quality care and education to children.

Before 1 May 2011, unaccompanied minors requesting their recognition were placed in a host station suitable for the separate accommodation and care of minors until they turned 18. Pursuant to the legal provisions on asylum and child protection in effect from 1 May 2011, unaccompanied minors requesting their recognition shall be placed in child protection institutes under the legal regulations on child protection. As a result, the scope of the Child Protection Act extends to unaccompanied minors requesting their recognition as well as children with an admitted status and children recognized as refugees or protected by the Hungarian authorities.

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The National Crime Prevention Council also drew up a programme concerning juvenile detainees in its strategic and action plan. On the basis of the inquiry and support of the National Crime Prevention Council of 13 May 2013, the application of the method of drawing using the right side of the brain and experiential education, and training of 13 tutors selected through tender) was started at the Juvenile Penal Institution (Tököl) on 7 March 2014.

Child protection

The takeover of the obligation to provide care by the state affected a total of 363 professional child protection service facilities and an additional 3,367 foster parents in 2012, and 11 professional child protection service facilities formerly operated by municipalities, 328 foster parents and a total of

3,331 places as well as a budgetary institute operated and managed independently and carrying out management operations related to professional child protection service facilities exclusively operated by the metropolitan self-government in 2013. The maintaining operations of the state in terms of the special children's homes and reformatory institutions formerly maintained directly by the ministry are fulfilled by the General Directorate of Social Affairs and Child Protection (hereinafter: "SZGYF"), a new standardized body operating as a background institute of the Minister of Human Capacities (hereinafter: "EMMI").

On behalf of EMMI, unaccompanied minors seeking recognition were provided with placement and catering by the Hungarian Ecumenical Aid Organisation in the Home for Unaccompanied Minor Refugees rented in the territory of the Bicske Reception Centre between 1 May 2011 and 30 August 2011. Since 31 August 2011, unaccompanied minors applying for asylum in Hungary are placed and provided with care, as well as young adults becoming of age as refugees, are provided with professional child protection after-care services at the Károlyi István Children's Home in Fót. Since February 2013, the temporary placement of children who arrive in our country as unaccompanied minors, but do not apply for asylum, takes place at the Szent Ágota Child Protection Service in a children's home with 18 places operated in Hódmezővásárhely on the basis of a service agreement concluded with the SZGYF.

The compliance of the care given to children raised in child protection care with the rights of children and the work and preparedness of the child protection professionals are supported by the following projects implemented and underway using EU funds within the framework of the New Széchenyi Plan:

- The SIOP 3.4.1.B-11/1 "Component B Child Protection of the Eviction of residential institutes" application scheme, published in September 2011, had a total budget of 3 billion HUF. The aim of the tender is to develop residential children welfare and protection services by the replacing institutes operating in buildings in poor condition and the establishment of institutions and facilities (children's homes, apartment homes, after-care homes, etc.) integrated into a residential environment offering normal and adequate conditions in accordance with the needs of children in care. Eight tenders in the field of professional child protection were awarded a total of 2,210.4 million HUF, and 3 applications in the field of basic child welfare care were given a total of 487.7 million HUF of support (2,700 million HUF in total). In the area of professional child protection services, 7 children's homes operating in large-sized and obsolete premises were replaced and 2 special apartment homes were established, as well as 2 children's temporary homes and 1 families' temporary home were evicted. The final deadline for the physical completion of the projects is 30 June 2015.

- In the SIOP application scheme "Modernization of residential institutes" of code number 3.4.2-11/1, of the Social Infrastructure Operational Programme, 6 tenders in the field of professional child protection were awarded a total of 433.8 million HUF, which facilitated the modernization of 15 apartment homes and 2 children's homes. In the area of basic child welfare care, 5 tenders were given a total of 553.2 million HUF of support, which enabled the modernization of 3 children's temporary homes and 2 families' temporary homes. The 11 winning tenders in the area of child welfare and child protection were granted 987 million HUF in total.
  The final deadline for the physical completion of the projects and their closing is 31 October 2015.

- The project host organization of the SIOP 3.4.3/11/1 "Provision of care in reformatory institutions for boys in the Transdanubian region" Priority Project, of 2,250 million HUF, is the Debrecen Correction Institute of EMMI. As a result of the project, a new correction facility for boys, accommodating 106 persons, will be established in Nagykanizsa, which, according to preliminary plans, will receive juvenile boys in pre-trial detention and those sentenced to correction institution care primarily from South and Central Transdanubia from January 2015. The activities and protocols relating to education in correctional institutions will also be standardised within the framework of this special project, and the project will also comprise training courses for young people for their re-socialisation and the development of their self-supporting skills as well as the strengthening of their presence on the labour market. Planned deadline of the project's physical completion: 30 June 2015; planned deadline of closing the project: 31 August 2015.
  The project implements the measure in point 10 of the Governmental Action Plan for 2012-2014 for the implementation of the National Social Inclusion Strategy which is the schedule to Government Decision 1430/2011. (XII. 13.) on the National Social Inclusion Strategy, namely "Rooms shall be established in the Western Transdanubian region which ensure pre-trial detention and correction institute education for the promotion of the socialization and re-socialization of juvenile offenders as well as ensure and facilitate equal access. The activities of the correction institute should be standardized in order to improve care".

- In the framework of the the SROP 5.4.1-12/1 "Modernisation of social services, strengthening of central and regional strategic planning capacities and the substantiation of social policy decisions" Priority Project, of a total value of 1,62 billion HUF, approx. 820 million HUF is provided, in addition to other developments, for preparing uniform professional regulations for the services provided within the scope of basic child welfare services and professional child protection services as well as for developing methodological recommendations and protocols.

- In the SROP 5.4.2-12/1 "Central social information improvements" Priority Project, of a total value of 2,08 billion HUF, the digitalization of the administration systems of basic child welfare services, professional child protection services and certain procedures of the guardianship administration takes place.

- Within the framework of the SROP 5.4.10-12/1 "Modernisation of the system of social training courses" priority project, approximately 5.3 billion HUF is used for the renewal of training courses and continuous development courses for foster parents and for the elaboration of training courses and continuous development courses, as well as related materials, preparing people to attend to the tasks of child protection guardians and foster parents' advisers. Furthermore, the continued professional development of those working in positions involving the provision of personal care in the fields of basic child welfare services and professional child protection services is also carried out within the scope of this programme; management training courses will also be devised regarding social services, basic child welfare services and professional child protection services.

3) KEY DATA AND STATISTICS

The number of children given child protection services between 2010-2013, by the means of type of care

31 Dec. of the given year	At foster parents (persons)	In children's homes and apartment homes, after-care homes, apartment homes (persons)	In other places (at care-giving homes or external child protection accommodation falling under the effect of the Social Act) (persons)	Total (persons)	**Share of children placed at foster parents (%)**
2010	12,270	8,479	669	21,418	57.28
2011	12,632	8,371	446	21,449	58.89
2012	12,906	8,218	410	21,534	59.93
2013	**13,457**	**7,770**	**401**	**21,628**	**62.22**

Source: CSO OSAP 2010-2013 Datasheet No. 1209

Number of those receiving specialised child protection care, broken down by minors and adults, between 2010-2013, on 31 December of each year

	2010 (persons)	2011 (persons)	2012 (persons)	2013 (persons)
aged 0-17	17,792	18,287	18,464	18,674
aged 18-25	3,626	3,162	3,070	2,954
total	21,418	21,449	21,534	21,628

Source: CSO OSAP 2010-2013 Datasheet No. 1209

Number of juveniles serving pre-trial detention and of students in correction facilities under final decision, based on data submitted by SZGYF:

Institution	Headcount 2011 12. 31.		Headcount 2011 12. 31.		Headcount 2012 12. 31.		Headcount 2013 12. 31.	
	Pre-trial detention	Education in reformatory institution	Pre-trial detention	Education in reformatory institution	Pre-trial detention	Education in reformatory institution	Pre-trial detention	Education in reformatory institution
Aszód (boys)		125		128		127		101
Budapest (boys)	83		89		109		101	
Debrecen (boys)	77	33	71	33	53	32	93	37
Rákospalota (girls)	15	20	24	17	12	19	12	12
Total	175	178	184	178	174	178	206	150

Headcount figures of juvenile detainees (based on the annual headcount statistics of the law enforcement bodies)

2010				
		Men	**Women**	**Total**
In pre-trial detention		191	10	201
Out of which	Under arrest up to the time the first instance judgement is given	159	9	168
	Convicted based on a non-final verdict	32	1	33
		Men	Women	Total
Convicted based on a final verdict		351	9	360
Out of which	In juvenile prison degree	186	5	191
	In juveniles correctional facility degree	165	4	169
Total number of detainees in the juvenile enforcement degree:				**561**

2011				
		Men	**Women**	**Total**
In pre-trial detention		147	9	156
Out of which	Under arrest up to the time the first instance judgement is given	134	8	142
	Convicted based on a non-final verdict	13	1	14
		Men	Women	Total
Convicted based on a final verdict		345	10	355
Out of which	In juvenile prison degree	192	8	200
	In juveniles correctional facility degree	153	2	155
Total number of detainees in the juvenile enforcement degree:				**511**

2012				
		Men	**Women**	**Total**
In pre-trial detention		189	7	196
Out of which	Under arrest up to the time the first instance judgement is given	169	7	176
	Convicted based on a non-final verdict	20	0	20
		Men	Women	Total
Convicted based on a final verdict		309	9	318
Out of which	In juvenile prison degree	174	5	179

	In juvenile correctional facility degree	135	4	139
Total number of detainees in the juvenile enforcement degree:				**514**

2013				
		Men	**Women**	**Total**
In pre-trial detention		165	13	178
Out of which	Under arrest up to the time the first instance judgement is given	141	12	153
	Convicted based on a non-final verdict	24	1	25
		Men	Women	Total
Convicted based on a final verdict		288	12	300
Out of which	In juvenile prison degree	165	6	171
	In juvenile correctional facility degree	123	6	129
Total number of detainees in the juvenile enforcement degree:				**478**

4) ANSWERS TO THE QUESTIONS OF THE ECSR CONCERNING THIS PARAGRAPH

- **ECSR requests information on the tasks of the children's rights representative.**

The children's rights representative provides for the protection of the rights of children in child protection care, as specified by law, and helps the children to become familiar with their rights and how to enforce them, as well as their obligations and how to fulfil those. The children's rights representative pays special attention to the protection of children with particular or special needs. He/she monitors the child protection-related activities in the kindergartens, schools, boarding schools and the specialised pedagogical service, and facilitates the enforcement of the children's rights. In justified cases, he/she contacts the maintainers of the above institutions and, if necessary, initiate proceedings before the guardianship authority.

Functions of the children's rights representative under the Child Protection Act:

- he/she helps the children to formulate their complaint and may initiate the investigation thereof;
- he/she helps the child to access care corresponding to his/her condition, supports the children in the case discussion at the child welfare service and articulating the relevant remarks and questions at the placement meeting held by the regional specialised child protection service;
- he/she acts at the request of the child's parent or other legal representative, the child, young adult or the children's self-government, and acts on the basis of the request of the interest representation forum,
- he/she represents children in cases related to educational supervision based on the appointment of the guardianship authority,
- may present proposals if he/she detects any breach of law

- for imposing a child protection administrative fine;
- to the guardianship authority, for holding a discussion with the parties affected by the breach of law in order to prevent recurrence of the breach (with the involvement of experts, if needed);
- to the maintainer or operator, for retraining the person who breached the law.

Improving the legal knowledge and legal awareness of the public as well as providing information to the children and the public are high-priority tasks of the children's rights representatives. The representatives fulfilling tasks relating to the children's rights take part in the implementation of the SROP 5.5.7-08/1 project and, in that context, organise a number of public forums.

In 2013, 18 chief children's rights representatives carried out the relevant tasks covering the country. Typically, 1 person is responsible for 1 county, however, there are areas where the rights protection representative's service area is bigger than a county. In 2013, the minimum requirements relating to the activity of children's rights representatives were laid down based on which they are required to pursue their activities. Under the minimum requirements, visits to children's homes became differentiated on the basis of the types of children's homes.

Although the legal regulation only provided for an obligation to ensure consultation hours in the regional offices of the National Centre for the Rights of Patients, Persons Taken Care of, Children and Documentation ("OBDK") at the time of drafting the minimum requirements, OBDK wished to ensure direct access to the children's rights representatives, so it decided in favour of establishing a mandatory facility visiting scheme. In the course of 2013, this was stipulated in the law.

Institute	**Consultation hours**	**Remark**
Children's home	Every 3 months	Regular contact with the foster parent networks and primary care institutions. Presence is mandatory in the meetings convened for the placement of children with special needs, although this is a priority task of the children's rights representatives in other cases as well. Contact with public education institutions through the heads of school districts.
Extraordinary children's home	Every 2 months	
Special children's home	Once every month	
Regional specialist child protection service	Once every month	

The children's rights representatives strive to ensure their availability also for children living with foster parents. Improvement the efficiency in this area is a priority task for 2014, which is also justified by the prioritisation of placements at foster parents. Besides widening the role of children's rights representatives, it should be noted that pursuant to the amendment of the Child Protection Act, adopted in 2013 and coming into effect in 2014, the legal representation of all children living in child protection care, hence, children living with foster parents, will be ensured by child protection guardians in civil servant status with the regional specialised child protection services.

In 2013, the children's rights representatives were contacted on the telephone and in mail in a total of 2,261 cases. This typically included a request for information (amounting to 69% of the enquiries), while the complaints amounted to 19% of all instances.

The children's rights representatives received the most requests from institutes of professional child protection care, thus, primarily, from ordinary and special children's home, however, the number of violations within the family was also high. Violations within the family are characterised by that the children's rights representatives were typically contacted with regard to the enforcement of children's visitation where the parents get divorced. Requests regarding violations in public education institutes are also worth mentioning, which mainly related to enrolment, disciplinary procedures and exclusions from schools.

- **ECSR requests information on whether the lowest age limit for matrimony is the same for men and women, if not, then on the reasons of any difference.**

Pursuant to Section 4:9 (2) of Act V of 2013 on the Civil Code, there is no difference in the lowest age limit for matrimony with respect to the sex of the minor.

"Section 4:9 [The lowest age limit for matrimony]
(2) The guardianship authority may authorise the marriage of a minor with limited legal capacity over the age of sixteen in cases provided for by law."

- **The ECSR requests information on how the prohibition of corporal punishment is ensured in practice.**

The crimes of assault and battery, domestic violence and harassment of minors under the Criminal Code are considered with regard to the regulation of corporal punishment.

The criminal offence of the harassment of minors (Section 208 of the Criminal Code) is an immaterial crime and is considered accomplished by the occurrence of an emergency situation. The perpetrator of the crime can only be a person responsible for the raising, custody or care of the child (e.g. parent or guardian), spouse of the parent or guardian and parent bereft of a right of custody, if he/she lives in the same household or apartment with the minor. A responsibility similar to the parents' responsibility of raising, custody and care falls to persons working with and for minors, in an employment relationship or civil assignment, etc., in institutes for the education, treatment and care of minors, social organizations or associations, etc. The conduct of committing the criminal offence is a serious misconduct resulting in the endangerment of the minor's physical, mental, moral and emotional development. In considering whether the delict of endangerment was realized, all circumstances of the case as well as the minor's personality, age, etc. shall be assessed, however, the legislator does not differentiate between slight, moderate and severe cases of endangerment. If the court finds that besides the occurrence of endangerment, visible physical or mental injury was also sustained, then the court shall, establishing a slight or severe assault and battery under Section 164 of the Criminal Code, impose a cumulative sentence.

Under the fact of assault and battery, the result of the conduct is the injury of physical integrity or health. The offence shall be in causal connection with the conduct of the perpetrator. The slight and severe cases of assault and battery are considered more seriously if a person unable to defend himself/herself or express will, or a person with disability is subjected to it, or if it causes permanent disability or severe injury to health.

In this context the coming into effect of the Criminal Code allows for the applicability of domestic violence. Pursuant to the definition in point 14 of Section 459(1) of the Criminal Code, a relative is a lineal relative, adopted and foster child, including cohabiting stepchildren, and direct relative of the spouse or civil partner. In practice, this includes the descendants (children) of a given person,

and applies to adopted, foster and stepchildren as well as the children of the spouse or civil partner. Accordingly, the fact of domestic violence applies to children living in the family in a broader sense. Assault and battery and illegal restraint [Sections 164(5) and (6) and Section 194(2) of the Criminal Code], which are threatened with the same punishment as domestic violence, do not appear in point b) of Subsection (1) of the fact of domestic violence, therefore, these facts can be established, in case of multiple perpetration, cumulatively. In accordance with the above, the endangerment of a minor and assault and battery may be considered cumulatively.

If the endangerment of a minor occurs through the perpetration of assault and battery against a minor which qualifies as domestic violence, then this fact will be considered in combination with the endangerment of a minor, consequently assault and battery under Section 164 of the Criminal Code is not applicable.

A pilot project was launched in 2012 with the support of EMMI, which is designed to prevent victimisation in the 14-18-year-old age group. In the first stage of the pilot programme, awareness-raising classes and sensitivity training sessions held by form teachers at schools, or within the framework of other training courses, reached 551 students. The experience clearly confirmed the need for the programme as the awareness of young people is extremely low and superficial in terms of domestic violence, violence and human trafficking, which increases their vulnerability. The input and output surveys relating to the form-teachers' lectures showed that as little as a 45-minute class can significantly expand the knowledge of students; in numerous classes the knowledge and awareness of the students on these issues were significantly expanded.

Section 6 (5a) of the Child Protection Act, which entered into force adopted on 15 March 2014, expanded the range of children's rights by a new right, according to which children have the right for that experts acting to protect them, including, in particular, in order to recognise and terminate abuse of children, should apply uniform principles and methodology. In this context, the regulation on confidential data management provides a guarantee, under which the data of the institute or person reporting a case of child harassment or neglect to the guardianship authority must be managed confidentially even without a request to that effect.

See the title "Protection against abuse" in Part B on the provisions regarding the prohibition of corporal punishment affecting the public education system and the programme promoting its implementation in practice.

- **The ECSR requests information on the placement of children at foster parents and the conditions of placing children in foster care.**

The Child Protection Act included the priority of placing children, irrespective of their age, at foster parents rather than placing them in institutions. Pursuant to the amendment adopted in 2013, which came into effect in 2014, children under the age of 12 shall be placed at foster parents as a general rule. The reason for this definition was to reinforce the right to be brought up in a family within the field of professional child protection, based on a specific provision. The implementation of the changes in the field of special child protection services is supported by coordinated transitional provisions and by superposed measures aiming at the improvement of the care system. Pursuant to the transitional provisions of the Child Protection Act, children under 12 who receive special child protection services shall be placed at foster parents in a scheduled manner. In 2014, children under three years of age living in children's homes are placed at foster parents while, in 2015, the main task will be to place children between the ages of 3 and 6 at foster parents and, in 2016, children between the ages of 6 and 12 will be placed at foster parents.

Another amendment to the Child Protection Act adopted in 2013, which came into effect on 1 January 2014, introduced the standardized employment relationship of foster parents. The rights of children living in child protection care to stability and attachment are also guaranteed by a transitional provision, according to which the place of care shall not be changed on grounds that their foster parents' legal relationship was transformed into employment.

Simultaneously with the legislative changes aimed at reinforcing foster parenting and as a result of the measures implemented by EMMI to train foster parents and create more free places at foster parents, the number of foster parents increased further nationwide by 207 during 2013 (from 5,546 to 5,753).

The SROP 5.4.10 "Modernisation of Social Training Systems" priority project ensures the implementation of training and further education aimed at the improvement of foster parenting. A 500-hour foster parenting vocational training course was launched in the second half of 2013. The reason for setting the new requirements was to professionalise foster parenting in order to improve the quality of care and to make foster parents better prepared at dealing with more complex challenges.

Based on figures of CSO OSAP (Central Statistical Office National Programme for Statistical Data Collection) it can be established that the number of children receiving special child protection services has been continuously rising since 2007 (with the exception of 2009, when a decrease can be observed compared to the previous year). However, the number and ratio of children placed at foster parents is steadily rising, even though the number of minors in professional care also increased, so it can be established that the priority of placing children at foster parents is applied within the child protection system for some years.

If the last two years are assessed, the figures of CSO OSAP for 2013 show that the ratio of children placed at foster parents is still rising compared to previous years. The number of those receiving special child protection services was 21,628 on 31 December 2013 (minors and adults combined), 13,457 of whom, that is 62.22% of the total, were placed at foster parents. The proportion of those under 18 placed at foster parents is even better: while, on 31 December 2012, 61.41% of the minors (11,339 persons) receiving special care lived in foster families, this was 63.82% (11,918 persons) on 31 December 2013. The assessment of the ratio of the placement of healthy children under the age of 3 at foster parents and in institutions shows that, in recent years, the number and ratio of children with special needs placed in institutions exclusively due to their age were continuously decreasing. Of the healthy children under 3 receiving special care, 29.30% (401 persons) lived in children's homes or in institutions operating within the scope of the Social Act on 31 December 2011. The same figure was 25.28% (380 persons) on 31 December 2012, and 15.39% (281 persons) on 31 December 2013.

The trend is positive regarding the indicators showing the placement of children with disabilities in care. Based on data from 31 December 2011 from the CSO OSAP, the number of children with disabilities (including children with learning disabilities, other disabilities and with multiple disabilities) was 3,158 out of the children receiving special child protection services (18,287 persons). 44.1% (1393 persons) of those were being raised in foster families, 49.7% (1567 persons) were raised in children's homes, and 6.2% (198 persons) were taken care of in the Nursing and Care Home for Persons with Disabilities operating within the scope of the Social Act.

Based on preliminary data of the CSO OSAP of 31 December 2013, the number of children with disabilities (including children with learning disabilities, other disabilities and with multiple disabilities) was 3,140 out of the children receiving special child protection services (18,674 persons), and an additional 24 persons were children with autism. 49.2% of those (1,544 persons and 8 children with autism) are raised in foster families, 45.3% (1424 persons and 11 children with autism) in children's homes, while 5.5% (188 persons and 5 children with autism) are taken care of in the Nursing and Care Home for Persons with Disabilities, operating within the scope of the Social Act.

- **The ECSR requests information on the progress of transforming children's homes into residential homes.**

The currently effective regulations provide that each children's home professional units may consist of 48 places, however, in that framework, groups of 12 children must be formed in order to ensure the homely accommodation of children. A residential home may be operated as a place of care with 12 places. As regards the special children's homes, a children's home with maximum 40 places is divided into groups of 8 children. In case of extraordinary children's homes, a group for children under the age of three may consist of 6, a group for permanently sick children or children with moderate or severe disabilities may include 8 children, while a group for children with slight disabilities may up of 10 children at a time. A special group of the children's home may consist of 8 children, while a special group for children under the age of three may include 6, a group for permanently sick children or children with moderate or severe disabilities may include 8 children, and a group for children with slight disabilities may be made up of 10 children at a time.

De-institutionalisation, in a special sense in the field of special child protection services, started in the beginning of the 1990s and it is still ongoing. The number of those receiving special child protection services was 21,628 on 31 December 2013 (minors and adults combined), 13,457 of whom, that is 62.22% of the total, were placed with foster parents. The proportion of those under 18 placed with foster parents is even better. While on 31 December 2012, 61.41% of the minors (11,339 persons) receiving special care lived in foster families, this figure was 63.82% (11,918 persons) on 31 December 2013. 38% of those cared for live in one of the 400 residential homes (up to 12 places each), approximately 100 children's homes provide care. In 15 counties in the country only low-capacity group homes and children's homes are in operation. There are still 11 large capacity children's homes left. It is essential to replace these with (split them into) group homes and low-capacity children's homes.

In the 2007-2013 planning period, crowded and high-capacity buildings were replaced, with those that could conform with the more family-centric requirements (maximum 12 places in group homes, and maximum 48 places in children's homes) were modernised. They may have admitted children for a long time (8-10 years or even longer), but at the time of their construction, no attention was paid to child placement, professional and energy efficiency considerations.

The number of children needing special care is increasing every year, even in the age group12-16, a lower proportion of whom can be placed with foster parents. 18,464 minors received professional child protection services on 31 December 2012, while this number was 18,674 on the last day of 2013. In order to adequately satisfy diverse and complex needs and to find integrated places for teenage children who cannot be placed with foster parents, it is of absolute necessity to have a differentiated care system in place - as is already the case in some Member States - that offers different forms of care and facilitates preparation for independent living. This, on top of places with

foster parents, means places in different types of children's homes, in group homes and low-capacity children's homes in modern, energy efficient buildings with adequate infrastructure.

- **The ECSR requests information on the conditions and extent of the limitation of right of custody. What are the warranties in the procedure that ensure that children are only removed from families in extraordinary cases? The ECSR requests information on whether the national law ensures an opportunity to appeal against a decision on the limitation of custody rights, taking children into state care and limitation of the children's access to their close relatives.**

The Civil Code, which came into effect on 15 March 2014, includes an important change by integrating the formerly separate family law into the Civil Code, hence, in the early period of the 21st century, Hungary has a modern regulation on family protection that fully satisfies the needs of case-law. There are two particular parts in the Code, where the children's rights and interests are given ultimate priority: on the one hand among the rules on capacity in the Second Book and other hand among the family law provisions of the Fourth Book. The Book on Family Law of the new Civil Code lays down as a principle that the interests and rights of children are given special protection in family relationships.

This basic principle is reflected in several provisions of the Code: the right of children to establish their ties of kindred, the areas of parental custody, adoption and guardianship, the consideration of the opinion of children with a capacity in making judgements, and the principle that children may only be separated from their families in cases stipulated in the law and in their own interest.

The Civil Code contains the principle that, if a child cannot be raised by his/her own family, it must be ensured, if possible, that they grow up in a family environment and that their previous family relations are maintained. The right of the child to be raised in his/her own family and family environment as well as maintaining previous family relations may be limited only in cases provided for in the law and in extraordinary cases in the child's own interests.

The new Civil Code includes the institution of adoption into a family among the rules on the suspension of custody rights. The guardianship authority may only approve that a child is adopted, cared for and raised temporarily by a family designated by the parent(s) exercising custody rights if justified by the parent's health conditions, justified absence or other urgent family circumstances and the adoption of the child serves the best interest of the child.

The Child Protection Act lays down the fundamental rights and obligations of children and their parents, and designates the organizations and persons ensuring the protection of these rights. The catalogue of the children's rights goes beyond the issue of child protection and the exercise of such rights shall not only be ensured by the child protection service providers and the guardianship authority, but also other organizations and persons caring for the children and responsible for arranging issues related to children.

The children's rights set forth in the Child Protection Act and the services and measures for securing these rights are the following:

- The right to being raised in a family environment ensuring the physical, mental, emotional and moral development and healthy bringing up, which shall be facilitated by regular child protection benefits, advancing child support and the child welfare service. The temporary

care of the child together with the parent is also aimed at ensuring the above (temporary home of families).

- The right to being raised in the child's own family, the development of the child's personality, the elimination of circumstances hampering the development of the child and the establishment of an own way of life, which appear, besides the professional child protection service providers, among the responsibilities of the guardianship authority as well, for instance, by ordering placement of the child into protection or establishment of a home-start benefit. The after-care and after-care services are also aimed at promoting these rights of children.
- Disadvantaged and multiple disadvantaged children have the right to receive greater assistance in eliminating the circumstances that hamper their development and in improving their chances, which shall be provided by the kindergarten attendance benefit as well as the programmes of the children welfare service and public education institutions.
- Children with disability and permanently sick children have the right to special care assisting them in their development and the evolution of their personality, which is effected by means of day-time care and professional child protection services.
- The child has the right to be protected against detrimental environmental and social effects and substances harmful to his/her health, which shall be provided by the activities of the child welfare service and placing into protection. In case of children receiving professional child protection services, the enforcement of this right shall be ensured by the service provider.
- Children have the right to have their human dignity respected and to be protected against abuse, whether physical, sexual or psychological, negligence and informational harm. No children shall be subject to torture, corporal punishment or any other cruel, inhuman or degrading punishment or treatment. This right of the child must be promoted by the child protection signalling system for children living in families, as well as the child welfare service and placing into protection. If the protection of the child cannot be ensured otherwise, the child must be removed from his/her family in order to enforce this right. The temporary placement or receipt of the child for raising most often serves the enforcement of this right, and respecting this right of the child is a strong requirement towards the foster parents and the children's home as well.
- Children have the right to access media programmes that are in line with their development and help to extend their knowledge and protect the values of the Hungarian language and culture. They also have the right to be protected against adverse effects, such as incitement to hatred, violence and pornography. The enforcement of this right of the children is the responsibility of the parents or other persons raising the child, and the media providers also have an important role, which is shown in the regulations governing them (e.g. they must mark the age limit for the given programme, harmful contents may not be broadcast).
- Children may be separated from their parents or other relatives only in their own interest, in the cases and in the manner specified by law. Children shall not be separated from their family due to vulnerability resulting from financial reasons alone. Securing this right is a priority task also from the aspect of the functioning of the child protection system, since it draws attention to the significance of prevention. However, a timely intervention in the life of the family is required if justified by the child's interest.
- Children have the right to protection substituting parental care or the care provided by other relatives, either in an adoptive family or in the form of other care aimed at substituting the family. The temporary care of and provision of a home for children under twelve years of age are provided by host parents, except for permanently sick children or children with disabilities, or if the siblings cannot be placed at the host parents together, or if the

placement in an institution is necessary for any other reason. Another important aspect in case of the temporary care of children is when the institutional placement is requested by the parent or legal representative and this is not against the interests of the child (e.g. there is a temporary children's home in the vicinity of the parents' home, by which it can be avoided that the child changes kindergarten or school for a few weeks' or months' time). Based on this right of the child, adoption is the primary tool of protection for the substitution of the family, which gives the child a family again. Children in temporary care should be generally placed at substitute parents, while children taken into custody should be placed at foster parents, which is even more applicable to children under the age of 12, since, in their case, the family environment is of utmost importance for their development.

- Children have the right to maintain contact with both parents even if the parents live in different member states. The guardianship authorities and the bodies cooperating in international communication matters promote the enforcement of this right by regulating and implementing communication.
- Children have the right to freedom of expression and to be informed about their rights and about how to enforce their rights; moreover they have the right to be heard directly or in some other way about every matter concerning their persons or property and to have their opinion taken into consideration based on their age, health and level of development. This right of the child is primarily enforced through the acts of the parents and other persons raising the child, which shall respected by the authorities acting in the matter of the child, including the guardianship authorities. The interviewing of the child, for instance, can also be done via a psychologist expert, if that promises better results and direct hearing would be a great burden for the child. The enforcement of this right of the child is ensured in several specific provisions of the Child Protection Act and the Civil Code (e.g. regulation of parental custody, assignment of a guardian, designating the place of care).
- The child has the right to lodge a complaint at the fora specified in this act with regard to issues related to him/her, and initiate proceedings at court or at other bodies set out in the law in case his/her fundamental rights are infringed. The child may enforce this right through his/her legal representative, but the child's complaint and opinion also play an important role in the activity of the children's rights representative and the child protection guardian. The commissioner for fundamental rights promotes the enforcement of this right of the child using his/her special means.

Section 4:169 (in Chapter XII) of the Civil Code provides for the child's placement at a third party. Accordingly,

"If the court considers that the exercise of custody by the parents jeopardizes the child's best interest, it may place the child under the care of a third party, provided that such third party requests the placement him/herself. In that case, that person shall be appointed as the guardian, while the parent's rights of custody are suspended."

And the rules of Chapter XIX set out the provisions on the suspension, cancellation and termination of the parent's right of custody by the court.

It should be noted with regard to the remedies available against the limitation of the parent's right of custody that in an action for the termination of parental custody, the court's decision may be appealed (Chapter XVII of Act III of 1952 on civil proceedings), and the court may, with a view to the future of the child, restore parental custody if the reason for its termination no longer exists and there is no other reason for its termination (Section 4:192 of the Civil Code).

It should be emphasized that Section 4:2 (2)–(4) of the Civil Code provides the following as principles: "All children have the right to grow up in their own family. If raising a child in his own family is not an option, all possibilities should be explored to find ways for the child to grow up in a family environment and to maintain prior family ties. The right of children to grow up in their own families, or alternatively in a family setting, and to maintaining prior family ties may be limited in cases defined by law, under exceptional circumstances and in the best interests of the child."

The exceptional nature of the limitation of parental custody is provided for in the detailed rule in Section 4:149 of the Civil Code: "The court or other competent authority may restrict or withdraw the parent's rights of custody in exceptional and justified cases specified by law, where this is deemed necessary for the protection of the child's best interest."

- **The ECSR established that the 2-year maximum duration of pre-trial detention is too long, therefore, it is not in line with the Charta.**

Since 1 July 2013, the Criminal Proceedings Act differentiates between the maximum duration of pre-trial detention of juveniles older and younger than 14. Accordingly, the duration of pre-trial detention ordered for juveniles under the age of 14 at the time of committing the criminal offence, may not exceed 1 year. The duration of pre-trial detention ordered for juveniles over the age of 14 at the time of committing the criminal offence, may not exceed 2 years. The Criminal Proceedings Act also defines three exceptions from the this rule, namely the case of pre-trial detention ordered or maintained after announcing the final verdict, and the cases pending court proceedings at third instance or repeated proceedings through repeal (Section 455 of the Criminal Proceedings Act). Pursuant to Section 454 of the Criminal Proceedings Act, the pre-trial detention of juveniles under the age of 14 at the time of committing the criminal offence shall be effectuated in correctional institutes, while the pre-trial detention of juveniles above the age of 14 shall be effectuated in correctional institutes or penal institutions.

"Section 454 (1) Even in the cases specified in Section 129 (2), the pre-trial detention of a juvenile offender may only be applied if this is necessary due to the gravity of the criminal offence.
(2) The pre-trial detention of the juvenile offender shall be executed in
a) correctional institute or
b) penal institution.

(3) The place of pre-trial detention shall be decided upon by the court, taking into consideration the personality of the juvenile offender and the nature of the criminal offence he is charged with.
(4) During the period of the pre-trial detention, the court may change the place of pre-trial detention at the motion of the prosecutor, the defendant or the defence counsel. Prior to the decision taken during the preparation of the trial, the decision thereon shall be adopted by the court ordering the pre-trial detention, respectively, thereafter, by the court proceeding in the criminal case.
(5) If the pre-trial detention of the juvenile offender is executed in a correctional institute, and the court decides on the temporary custody of the juvenile offender in a penal institution or a police holding cell, the competence and jurisdiction of the court shall be governed by the provisions of Subsection (4).
(5a) The pre-trial detention of juveniles under 14 at the time of committing the criminal act shall be effectuated in correctional institutes.
(6) In the course of pre-trial detention, juvenile offenders shall be separated from the offenders of legal age.
Section 455 The pre-trial detention shall be terminated

a) after the lapse of two years after the commencement of the execution of pre-trial detention ordered against a juvenile offender over the age of 14,
b) after the lapse of one year after the commencement of the execution of pre-trial detention ordered against a juvenile offender under the age of 14,
unless the pre-trial detention was ordered or maintained after the announcement ofthe conclusive decision, or a repeated procedure is in progress in the case due to repeal.'

It should be emphasized that the Criminal Proceedings Act specifies requirements in addition to the general rules with regard to the pre-trial detention of juveniles. The primary aim of pre-trial detention is to ensure the presence of the accused person, and to prevent the accused person from evading the proceedings, hamper the proceedings by destroying or altering evidence (or attempting to do so) or complete the commenced criminal act, or, commit any further criminal acts punishable with a prison term. Accordingly, Section 129 (2) of the Criminal Proceedings Act specifies the reasons giving grounds to ordering the restriction of freedom, which the law-maker supplements with the condition that the committed act must be extraordinarily severe. The criminal acts carrying an highly severe punishment are (e.g. murder, kidnapping) considered to be crimes of extraordinary severity, however, criminal acts committed in a criminal association, in an organized manner, as a series of acts or on a commercial scale are be considered crimes of extraordinary severity. However, with regard to juveniles, but with the exception of the three cases mentioned above, the duration of pre-trial detention may not exceed two years even in the event of criminal acts of such severity.

The European Court of Human Rights (hereinafter: "Court") explained on several occasions that lengthy detentions may be justified, but only in cases where public interest justifies the maintenance of a coercive measure notwithstanding the presumption of innocence, which is considered with a greater weight than the requirement to respect personal freedom. In assessing the reasonable deadline, the Court takes into account a number of factors. The complexity of the case, the behaviour of the affected person and any delays on the part of the authorities are important circumstances. As regards the first factor, it is for instance obvious that the complexity of facts and the volume of the documents make the assessment of the case more complex even in case of criminal proceedings against juveniles. The duration of the pre-trial detention coming near to the upper limit of two years may be justified also by the behaviour of, or an attempts to escape by, the juvenile. It should be noted with regard to the third above-mentioned factor that the law-maker has made serious efforts in recent years to accelerate and facilitate the proceedings, hence made several amendments to the Criminal Proceedings Act. Finally, it is a serious argument for longer periods of pre-trial detention that in case of juveniles the acceptance of criminal behaviours and way of life can often be traced back to the relatives and friends living in their environment, that is, to the criminal environment. In such cases the longer, potentially 2-year period of pre-trial detention might result in the loosening or breaking up of criminal ties, hence the realistic risk of repetition of offences might also reduce to a great extent.

Other amendments have also been made recently with regard to pre-trial detention. The law prescribes for the courts, as a guarantee, to regularly review the justification of the actual detention of the accused person serving a pre-trial detention at the stage of court proceedings. Pursuant to the Criminal Proceedings Act, if the duration of the pre-trial detention ordered or maintained after the submission of the bill of indictment exceeds six months and the court of first instance did not bring a final verdict, then the first instance court shall review the justification of pre-trial detention. The second revision is carried out after 1 year by the court of second instance. After this, the court before which the procedure is in progress performs the revision every six months. In practice, the issue of the measure to be taken in relation to the pre-trial detention used to be a problem in the proceedings before the court where the accused person was in pre-trial detention, but the procedure

was suspended by the court for some reason (e.g. due to initiating a procedure at the Constitutional Court). Therefore, the amendment introduced by Act CLXXXVI of 2013 on the amendment of certain criminal law acts and other related acts makes it clear that the justification of pre-trial detention ordered or maintained after the submission of the bill of indictment can be assessed by the court in suspended cases as well [Section 132(2a) of the Criminal Proceedings Act€. It should be noted here that Act CXII of 2013 on certain acts necessary for improving the timeliness of criminal procedures integrated the rule into the Criminal Proceedings Act, under which in cases where the accused person is in pre-trial detention, the criminal proceedings must be conducted with urgency.

"Section 64/A (1) Criminal proceedings shall be conducted out of turn in the following cases:
a) when the accused person is in pre-trial detention,
b) in case of criminal acts against the life, physical integrity and health committed against minors (Chapter XV of the Criminal Code), criminal acts against the freedom of sexual life and ethics (Chapter XIX of the Criminal Code), criminal acts violating the interest of children or against family (Chapter XX of the Criminal Code), or other violent criminal acts against individuals, if the interest of the minor injured person justifies the urgent conclusion of the criminal proceedings, in particular, if the crime seriously endangered the physical, mental or moral development of the injured person or if the accused person takes care of the injured person's education, custody, supervision, or otherwise lives in the injured person's environment,
c) in a repeated procedure (Chapter XVI),
d) if a restraining order has been adopted against the accused person (Sections 138/A and 138/B), if the diplomatic immunity or other immunities under international law of the accused person was suspended (Chapter XXVIII), in high-priority cases (Chapter XXVIII/A), in a retrial procedure ordered on the basis of a motion for retrial under point e) of Section 408 (1), or based on the decision of the Chairman of the National Judicial Authority or the order of the chairman of the court."

However, efforts should be made to ensure that pre-trial detention lasts for the shortest time possible, that is, if the conditions thereof no longer exist it should be discontinued by simultaneously applying substituting institutions or even without that.

"Section 136 (1) The court, the prosecutor and the investigating authority shall make all efforts to reduce the term of the pre-trial detention as much as possible."

It is important to emphasize that the law-maker makes serious efforts to increase the tendency to impose other enforcement measures instead of pre-trial detention. The Criminal Proceedings Act itself provides for the court may order home detention, house arrest or restraining order instead of pre-trial detention, the first two of which makes it easier for the police to control the enforcement by using a technical instrument tracking the movement of the accused person. Obviously, the rules on processing the case out of turn, on the potentially minimum duration of pre-trial detention as well as the preference for the alternative coercive measures referred to above apply even more in respect of the juveniles.

- **The ECSR requests information on the maximum duration of imprisonment of juvenile defendants.**

With regard to the sanctioning of juveniles committing crimes, the Criminal Code provides the following general rules.
The primarily aim of the penalty or measure imposed on juveniles is to develop the youth in the right direction, and make him/her a useful member of society. In this regard, the rearing and

protection of the juvenile must be kept in mind when selecting the measure or punishment. Punishment must be imposed on a juvenile offender if the application of a measure is not expedient. Only measures can be imposed on persons who were younger than 14 at the time of committing the crime. Measures or punishments involving deprivation of liberty can only be imposed on juvenile offenders if the purpose of the measure or the punishment cannot be achieved in any other way (Section 106 of the Criminal Code). Penalties entailing the deprivation of liberty that may be imposed on juveniles include imprisonment, detention and placing in a reformatory institution. The new Criminal Code sets forth the following rules for the duration of these penalties:

"Imprisonment

Section 109 (1) The minimum term of imprisonment to be imposed upon juvenile offenders shall be one month for all types of criminal acts.
(2) The maximum term of imprisonment that may be imposed upon a juvenile offender over the age of sixteen years at the time the crime is committed shall be:
a) ten years for a crime that carries a maximum sentence of life imprisonment;
b) five years for a crime that carries a prison term of more than five years.
(3) The maximum term of imprisonment that may be imposed against a juvenile offender over the age of sixteen years at the time the crime is committed shall be:
a) fifteen years for a crime that carries a maximum sentence of life imprisonment;
b) ten years for a crime that carries a prison term of more than ten years;
c) five years for a crime that carries a prison term of more than five years.
(4) When calculating the period of limitation and for the purposes of the provisions pertaining to repeat offenders, the durations specified in Subsections (2)-(3) shall apply.

Custodial arrest

Section 111 The minimum duration of custodial arrest to be imposed upon a juvenile shall be three days, its maximum duration shall be thirty days.

Placement in a reformatory institution

Section 120 (1) The court shall order placement in a reformatory institution if proper education of the juvenile can only be provided in an institution. Placement in a reformatory institution may not be ordered against a person over the age of twenty years at the time of sentencing.
(2) The duration of placement in a reformatory institution may be form one year to four years.
Section 121 (1) In ordering placement in a reformatory institution the court shall establish that the juvenile offender may be released from the reformatory institution temporarily after half of the duration of placement as ordered:
a) having spent at least one year in the institution, and
b) if there is reason to believe that the aim of the measure may also be achieved without further confinement in the reformatory institution.
(2) The duration of temporary release shall be the remaining part of confinement, but at least one year."

- **The ECSR requests information on whether the audits of the Hungarian Prison Service found any proof for violating the placement of juveniles in cells or rooms different from that of the adults.**

Juvenile detainees are placed in one of the four juvenile penal institutions (juvenile penal institution: Regional Juvenile Penal Institution in Tököl; Regional Juvenile Penal Institution in Szirmabesenyő; Juvenile Penal Institution in Kecskemét; Juvenile Penal Institution in Pécs), however, virtually all juvenile penal institutions are involved in the enforcement of pre-trial detention and custody. The rate of juvenile detainees in pre-trial detention and convicted by a final court verdict is roughly the same in the different institutions (Pécs: 1/3, Kecskemét: 1/5, Tököl: 1/4, Szirmabesenyő: 1/3). Juvenile detainees are separated in all cases (including their transport) and are placed separate from detainees of adult age. Juvenile detainees are not placed in cells or locations shared with adult inmates. The implementation of this is ensured by the inspections performed on law enforcement authorities. These inspections cover the compliance with rules of placement and separation. The institutions strive to comply with the prescribed isolation, and in case of any deficiencies found in the course of the inspections, the management of the affected law enforcement institute is notified to take the necessary measures.

- **The ECSR requests information on whether imprisoned juveniles have the right to receive education.**

The Law-decree on Punishments discusses the education and training of juveniles subject to law enforcement. Section 48 (2) of the Law-decree on Punishments provides that, in the course of detention, special attention shall be given to the education and schooling of the juveniles. Pursuant to Section 50(1) of the Law-decree on Punishments, juveniles shall be provided the opportunity to participate in skilled worker or vocational training as well as to conduct secondary school studies. Section 105(1) of the Law-decree on Punishments provides that the objective of education in reformatory institutions is to educate and teach the juveniles and provide them professional training in order to make the juveniles a useful member of the society. In addition, the Law-decree on Punishments sets forth the right of juveniles to take part in school system or non-school system education and training, and the obligation of continuing their primary school studies also beyond the compulsory school age (point h) of Subsection (1) and point c) of Subsection (2) of the Law-decree on Punishments).

Compared to the above, Act CCXL of 2013 on the enforcement of punishments, measures, some coercive measures and petty offence detention, which will enter into effect on 1 January 2015 (hereinafter: "Punishments Act") contains much more detailed provisions with regard to this issue. Section 83(3) of of the Punishments Act stipulates as a general rule that the authority responsible for facilitating the reintegration of detainees into the society shall, independently or in cooperation with other organisations, ensures the reintegration activities through the employment, therapeutic treatment and primary and secondary school education, post-secondary education, vocational training and apprentice training of the detainees as well as other reintegration programmes. Participation in education is not only a right, since point j) of Section 133(2) of the Punishments Act imposes the obligation on detainees to participate in training or educational programme suitable for their skills and the features of the law enforcement institution. The conditions of training detainees shall be provided by the law enforcement institution, which is emphasized in several instances by the law: the enrolment of applicants for education, vocational training or further education is the responsibility of the Reception and Detention Commission (point n) of Section 96(1) of the Punishments Act), the conditions of the detainees' education shall be ensured during the prison term (point e) of Section 98(1) of the Punishments Act), and the detainees shall be given the

opportunity to take part in primary school studies in the law enforcement institutions or, if there is no primary school training in a law enforcement institution, then, if requested, the detainee shall be transported to a law enforcement institution capable of providing primary school training (Section 164(2) of the Punishments Act). In addition, pursuant to Section 164(2) of the Punishments Act, detainees shall be provided the opportunity to take part in semi-skilled and skilled worker training, or, if the conditions of the law enforcement institution allow it, vocational training, or, if the commander of the law enforcement institution approves, to commence or continue post secondary education. The participation of detainees in education and training is addressed in detail by the following rules of the Punishments Act:

"Education and training of the convicts

Section 181 (1) The participation in education, vocational training and further training shall not replace the obligation of convicts to participate in work.
(2) A convict participating in primary or secondary school education, as well as vocational training and further training is entitled to receive a pecuniary allowance in the amount of one-quarter of the basic remuneration (hereinafter: "grant") during the training period unless he or she was set to work for reasons occurring within the operations of the penal institution or he or she receives a retirement pension, service contribution, early retirement pension, health damage annuity for miners, temporary miner's benefit.
(3) When determining the scope of persons eligible for the grant, the commander of the penal institution may derogate from Subsection (2) in cases where special circumstances apply.
(4) The penal institution shall conclude an education-training agreement with the convict in respect of the types of of training for which the convict is entitled to receive a grant. The convict shall be informed in the agreement that if he or she starts his or her education in a primary or secondary school, including grammar school, vocational secondary school and vocational school, or vocational training or further training, and he or she voluntarily fails to participate in or unjustifiably interrupts the training, then he or she may be obliged to fully or partially reimburse the incurred costs.
(5) The grant may be established on the basis of a document certifying a school or vocational qualification. The commander of the penal institution may derogate from this provision in exceptionally justified cases.
(6) The convict receiving education may be entitled to a supplementary grant depending on his or her educational results, diligence and behaviour; the assessment and the amount of the supplementary grant shall be decreed.
(7) The grant shall be regarded as wage in respect of the amount to be compulsorily reserved for the release. The amount of monthly deduction shall correspond to the grant amount specified in Subsection (2), i.e., one-quarter of the amount to be compulsorily reserved may be deduced from the basic remuneration.

Based on the decision of the commander of the penal institution, in cases where special circumstances apply, the convict is also entitled to the grant specified in Subsection (2) of Section 181 if he or she pursues
a) vocational education out of the school system,
b) higher education studies.

Allowances for the participants in education, vocational training and further training

Section 183 (1) The working convicts participating in primary or secondary school education, vocational training and further training, or pursuing higher education studies shall be discharged

from their work duties at their own request in each school year for a period specified in the legislation, in order to assist them prepare for their exam.
(2) The discharge is authorized by the commander of the penal institution not earlier than one month before the exam.
(3) The convict pursuing his or her education is entitled to one hour time off work under Subsection (1), at his or her request.
(4) The remuneration of the convict for the period of discharge from work and time off work shall be established on the basis of Sections 258-267.
(5) The provisions of Subsections (1)-(4) shall apply if the penal institution concluded an education-training agreement with the convict.

Vocational training and further training of convicts

Section 184 (1) The vocational training and further training of convicts shall be organised primarily in professions that advance the social inclusion of the convicts after their release or support the work within the penal institution.
(2) The convict may be involved in vocational training and further training at his or her request; the convict's participation in the commenced vocational training and further training is compulsory.
(3) Pursuant to Section 181(4), the convict may be obliged to reimburse the costs either in full or in part.
(4) Education, vocational training and further training may be organised for the convicts, either separately or jointly, by the employer, the penal institution, or any other body or private person authorised by legislation. The costs of education, vocational training and further training shall be borne by the organiser, and the convict may voluntarily contribute to the costs."

The above rules concerning the education and training of convicts also apply to juvenile offenders. Nevertheless, the Punishments Act contains further specific provisions in respect of them. A general expectation of the Punishments Act is that particular care shall be paid to the education, personality and physical development of juvenile offenders, the enforcement of compulsory education and the possibility to obtain the first profession during the execution of the imprisonment. 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 penal 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 appearance of a positive external relationship in the penal institution, which appears as an obligation on the part of the convict. Accordingly, Section 196 of the Punishments Act declares that juvenile offenders may contact the teacher of the educational institution in the interest of their study and exam obligations and personality development.

Section 198(1) of the Punishments Act also helps the pursuit of studies. Accordingly, taking into account their behaviour, study progress and diligence, the juvenile offenders may establish a student status or a private student status with an institution providing education outside of the penal institution with the permission of the commander of the penal institution. Their obligation to attend school and take exams shall be fulfilled in the educational institution.

Juvenile offenders in a reformatory institution shall also be offered the possibility to receive education and training. In the case of juvenile offenders whose placement in reformatory institutions is terminated pursuant to Section 382(1) or point a) of Section 382(2) of the

Punishments Act and wish to finish their commenced studies in the framework of the education or training provided by the reformatory institutions, the reformatory institution shall operate a follow-up care unit.

"Section 382 (1) If a juvenile offender attains his or her twenty-first birthday, the commander shall release him or her from the reformatory institution.
(2) Apart from the cases provided for in Subsection (1), placement in a reformatory institution shall terminate if
a) its duration established by the court expired,
b) the juvenile offender is sentenced to imprisonment during the education in the reformatory institution (Section 122 of the Criminal Code)."

Of the rights of persons in pre-trial detention, the Punishments Act mentions that they may participate, upon request, in primary or secondary school education in accordance with the possibilities of the detention institution. Accordingly, Section 396(1) of the Punishments Act stipulates the following:

"If there is organised primary or secondary school education or vocational training, or any of the re-integration programmes and sessions is provided, the commander may authorize an offender in pre-trial detention to participate in education, vocational training, programme or session if it does not compromise the security of detention and does not conflict with the provisions of the body exercising the right of disposition."

Nevertheless, under the Act, a juvenile offender in pre-trial detention is not allowed to participate in education or training outside of the reformatory institution.

In the case of juvenile offenders placed in a reformatory institution due to the execution of pre-trial detention or a court judgement, participation in school education is ensured as follows. Among the four reformatory institutions operating in Hungary, the institution in Aszód operates an internal school, while the other reformatory institutions provide education and examination for the children on the basis of agreements concluded with other public education institutions. Juvenile offenders over the compulsory school age also participate in the education, and the reformatory school also provides them with a chance to obtain a profession corresponding to their abilities and supporting their placement on the labour market. Teaching and training of children are a part of the education in the reformatory institutions, the practical implementation of which is included in the professional programme of every reformatory school according to the legal provisions. Namely, teaching and training are an integral part of the re-integration and re-socialisation objectives of the reformatory institutions.

Pursuant to Section 45(1) of the Public Education Act, children are subject to compulsory institutional education in Hungary.

Pursuant to Decree 6/1996. (VII. 12.) IM (Minister of Justice) on the rules of the execution of imprisonment and pre-trial detention, the penal institution ensures primary school education and specialist training during the execution of imprisonment. The school equipment, schoolbooks and other educational expenses of the students participating in primary education is provided by the penal institution. The expenses of students participating in other forms of education may be covered.

The educational institution issues a certificate with no reference to the detention.

ARTICLE 17 – THE RIGHT OF CHILDREN AND YOUNG PERSONS 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

The amendment of Act XXXIV of 1994 on the Police entered into force on 1 January 2013, pursuant to which a a student under the age of 14 who, on a school day, was absent from a lesson or a compulsory curricular activity organised by the school without being accompanied by an adult and is not able to give verifiable justification for his or her absence may be accompanied by a police officer to the head of the educational institution, following the prior consultation with the educational institution.

See point A under Article 17 Paragraph (1).

2) MEASURES TAKEN TO IMPLEMENT THE LEGISLATION

The Ministry of Interior, with the involvement of its governed bodies (National Police Headquarters, Hungarian Prison Service Headquarters, National Directorate General for Disaster Management) ensures that Roma youth receive support in schooling and training. The Ministry of Interior ensures the achievement of this objective by operating scholarship programmes and thematic camps.

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

- **The ECSR requests information on the regulation in force regarding the compulsory school attendance age limit and, in particular, the reasons for the decrease of age limit. Furthermore, it requested information how the participation in free education is guaranteed for the disadvantaged families.**

See point A under Article 17 Paragraph (1).

- **The ECSR requests information on the data concerning school absenteeism and the measures taken to avoid absenteeism, as well as their results.**

Regulation, data regarding school absenteeism:

Section 51 of Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities) on the operation of public education institutions and on the use of names of public education institutions, being the execution decree of the Public Education Act, bears in mind that the reason of the unjustified absenteeism should be revealed as soon as possible and, to this end, requires the school to contact the parent in the case of the first unjustified absence. The school is obliged to inform the parent and, in case the student is placed in a boarding school, the boarding school as well, on the first unjustified absence of a school-age child, as well as when the number of unjustified absences of a school-age child amounts to 10 lessons. The public education institution also informs the parent, the child welfare service, the child protection specialist service and the guardianship authority when the number of unjustified absences reaches 10, 30 or 50 lessons. The causes of the absence shall be revealed and the institutions shall co-operate with each other in order to terminate the endangering circumstances.

The child welfare service, with the involvement of the public education institution, shall make an action plan, which, based on cause of the absence revealed, defines the tasks aimed to cease the circumstances causing the unjustified absence that endanger the child or student.

A study analysing the effects of suspending the disbursement of education allowance for families due to unjustified absence[5] states that the educational institutions monitor the attendance of students at school more precisely and always give a signal when the rules require them to do so. According to the study, signalling has a preventive effect and decreased absenteeism since 49% of the students who were absent from 10 lessons without justification reached absence from 50 lessons. The ratio of unjustified absences decreased the most in the case of children who did not drop out of the system, i.e., did not embark on a path of early school leaving.

The survey and data also show that the problem is more complex in the disadvantaged Northern Hungarian region of the country and in the vocational schools where sanctions of this kind cannot bring about a real improvement. Based on the data of the survey, only 10% of the suspension of the disbursement of schooling support was lifted because the student started to attend school again. In most cases, the student reached the age of majority (42%) or became a private student at the parents' request (30%).

[5] Analysis on the experiences of the introduction of schooling support, TÁRKI-TUDOK, 2011

1. Number of absences, students with justified absences and unjustified absences in the primary and secondary schools, in the 2010/2011 - 2012/2013 academic years

Description		Headcount at the end of the academic year	of which								The student status of students over the compulsory school attendance age was terminated due to absenteeism (number of students)
			number of students with unjustified absences	of which					number of students with justified absences	number of students with more than 250 absences (with or without justification)	
				1	2-9	10-29	30-50	over 50			
				number of students with unjustified absences							
In the 2010/2011 academic year	Primary school	759,067	67,537	14,026	26,799	15,290	5,653	5,769	654,695	6,361	699
	Vocational school	122,947	71,060	8,775	28,345	18,554	6,045	9,341	94,289	11,015	2,174
	Special vocational school	9,456	2,799	329	762	657	320	731	6,951	810	165
	Secondary school	232,863	56,696	17,476	29,070	7,908	1 600	642	190,940	2,654	1 519
	Vocational secondary school	246,411	103,907	21,836	52,853	23,609	3,273	2,336	193,750	5,387	1 547
In the 2011/2012 academic year	Primary school	743,513	62,943	11,711	25,004	14,503	5,214	6,511	635,537	7,312	589
	Vocational school	119,570	71,006	7,430	26,923	18,575	5,926	12,152	96,058	12,800	2,633
	Special vocational school	8,998	2,645	272	750	525	274	824	5,943	952	248
	Secondary school	225,372	54,193	16,166	28,257	7,837	1 103	830	181,259	3,903	2,124
	Vocational secondary school	235,783	100,883	19,781	51,153	23,416	3,494	3,039	188,552	6,164	1 739
In the 2012/2013 academic year	Primary school	731,438	55,384	10,422	23,193	12,464	4,042	5,263	626,969	7,056	763
	Vocational school	108,143	60,582	7,565	23,329	15,288	4,556	9,844	83,641	11,368	3,539
	Special vocational school	8,542	2,354	272	702	530	227	623	5,982	659	262
	Secondary school	217,381	48,481	15,359	25,417	6,182	726	797	175,093	3,648	1 995
	Vocational secondary school	222,394	92,104	19,117	45,845	21,788	2,811	2,543	177,169	5,887	1 684

2. Number of absences and children with unjustified days of absence during the attendance of kindergarten tasks

Description		In the 2010/2011 educational year	In the 2011/2012 educational year	In the 2012/2013 educational year
Number of children with unjustified days of absence		20,316	19,083	21,069
of which	Number of children absent for 1-7 days	7,938	7,354	8,408
	Number of children absent for 8-10 days	1 812	1 894	2,333
	Number of children absent for more than 10 days	10,566	9,835	10,328
Kindergarten placement was terminated due to absenteeism (number of children)		196	130	113

Source: Public education statistical data collection, 2011/2012 - 2013/2014 The data for the academic year 2013/2014 is preliminary.

With regard to the abovementioned, we strive for applying measures aimed at a complex approach that can enhance the effectiveness of educational institutions, prevent unjustified absences and, as a result, drop-out. In addition to operating the signalling system used in the case of unjustified absence, e.g.,

- the National Core Curriculum (hereinafter: "Nat"), the primary content regulator of public education pays special attention to improving the acquisition of basic skills, thereby improving the chances for further education and reducing the risk of students dropping out.

- The ratio of drop-out increased in the 9th and 10th years of the vocational schools over the past years so drop-out begun already before students started to learn their profession. With the help of the three-year vocational training introduced by the Government, students can enrol directly into vocational training at a particularly responsive age, have the chance to get acquainted with the practical aspects of their profession in the 9th and 10th grades, and the drop-out rate can be simultaneously decreased.

The Híd (Bridge) programmes, introduced by the Nat, render help to students who perform poor in primary education and give a chance to those who could not finish primary school to continue studies at the secondary level. They also provide young adults over the compulsory school attendance age who dropped out of the formal school system with a chance for education and training.

- **The ECSR concluded that the Roma children are segregated in education, which is contrary to the requirements of the Charter.**

The National Social Inclusion Strategy treats as priorities, among others, the decrease of segregative phenomena and the differences between the Roma and the non-Roma population. Accordingly, within the subject of education and training, one separate area of intervention is the establishment of an inclusive school environment that provides education supporting co-education and breaking segregation and the cycle of passing on inherited disadvantages, in the framework of which attention is paid to kindergarten and school integration alike.

The intention of the Government is not only to prohibit segregated education hindering the convergence of socially disadvantaged children by regulation, but also to take effective measures in order to eliminate spontaneous and deliberately enforced segregation. In order to facilitate this process, Zoltán Balog, the Minister of Human Capacities initiated the Anti-segregation Roundtable in June 2013, comprised of leaders working in education management and professionals active in practice in the field of the integrated education of socially disadvantaged children. The Anti-segregation Roundtable was founded with the specific aim of preparing a consensual document jointly made by Government and non-governmental professionals, which formulates joint recommendations in order to eliminate educational segregation. In addition to determining the immediate tasks, the document also defines the directions of interventions necessary in the short, medium and long terms. The Roundtable also examines the possibilities of recognising, assessing and preventing educational segregation.

Programmes:

- The SROP 3.3.9 A and C facilities "Support for after-school type programmes", designed to support the success of socially disadvantaged students, in particular Roma students, by providing personalised extra-curricular activities were published in July 2012. 125 special schools will implement their programmes in the framework of the scheme with a budget of 4 billion HUF in 2013 (5.3 billion HUF from 2014), and another 43 special schools will implement their programmes with an involvement of minimum 3,360 and maximum 5,040 students. The SROP 3.3.9 "Support for Second-Chance type programmes" facility, with the aim of reintegrating students who have dropped out of the public education system into the system and helping them to graduate from school, was also published in July 2012. The implementation of 28 projects is in progress, with the involvement of an estimated 560 students.

- With the aim of enhancing the chances of socially disadvantaged students for education and further education, the "For the Road – Macika Programme" was launched in the second half of 2011, following the review of the experience of the former "For the Road" Scholarship Programme and programmes financed by the Public Foundation for Hungarian Roma (MACIKA). The Scholarship Programme consists of three equal opportunity sub-programmes ("Road to Secondary School", "Road to Secondary School Leaving Exam", "Road to Vocation"), which are complemented by a new sub-programme under named "Road to Higher Education" from 2012 September. The aim of these programmes is to to enhance the chances of disadvantaged students to enrol in secondary school, successfully finish their studies and acquire a profession, as well as enter higher education studies with the help of mentor activities and scholarships. For the implementation of the programme, a budget of 1.687 billion HUF was available in academic year 2011/2012, 1.944 billion HUF was available in the 2012/2013 academic year and 2.344 billion HUF was available in the 2013/2014 academic year. In addition to equal opportunity scholarship programmes in public education, an equal opportunity invitation to tender titled "Way to the Diploma" was published as a new element in autumn 2013, with the aim of supporting the higher education studies of students living in difficult social conditions, in particular, Roma students. 429 students could be supported from the budget of 133.5 million HUF.

  Altogether, more than 14,000 students (2013/14) and students in higher education receive a scholarship and mentor service in the "For the Road – Macika" programme. More than 6,674 mentor-teachers support the progress of primary and secondary school students. Given that the percentage of children of Roma origin is very high among the students with the lowest chances for further education and education has a key role in convergence, each equal opportunity programme has to have at least 50% involvement from students of Roma origin, in addition to enhancing the number of students newly entering the programme.

- IPR, a pedagogical framework of methodological focus aimed to balance the disparity of opportunities of multiple disadvantaged children in the Hungarian pedagogical practice, was introduced in 2003. With the aim of implementing integrated education, the programme supports public education institutions from national sources. Furthermore, it enables the purchase of low-value instruments for multiple disadvantaged students. Only institutions complying with the integration rates specified in Sections 171-173 of the Government Decree 20/2012. (VIII. 31.) on the operation of public education institutions and on the use of names of public education institutions are entitled to participate in the programme. Currently, one-quarter of the primary schools participate in the programme, which is joined

by kindergartens and secondary schools as well. The IPR covers a total of approx. 1600 public education institutions, almost 80,000 multiple disadvantaged students and 20,000 multiple disadvantaged children. The impact assessment of the IPR shows that the programme led to a general improvement in the development of the students of the participating schools.

- Additionally, two programmes, each financed by European Union funds with a budget of 4 billion, were launched in 2012 and 2013 to primarily support the inclusive educational practice of public education institutions. The SROP 3.3.8 "Equal opportunity-based development of public education institutions" priority project serves the development of 138 public education institutions (from kindergarten to secondary school), with the involvement of approximately 3,500 socially disadvantaged students. The SROP 3.3.10 "Support for initiatives strengthening further education" facility expressly promotes the success of socially disadvantaged students in secondary schools and their further education through developing secondary institutions. The implementation of the programme started in 91 institutions in 2013, with the involvement of almost 2,000 socially disadvantaged students.

- In June 2013, a new facility with a budget of approximately 4.45 billion HUF, that is, the SROP 3.3.14. "Development of domestic and international twin school relations" was announced, which aims to develop relations between institutions educating different proportions of socially disadvantaged students. The programme includes a separate budget for implementing the programmes of institutions educating multiple disadvantaged students in a proportion of more than 15%.

- The Klebelsberg Centre for Institution Maintenance (hereinafter: "KLIK") was established in 2013 which is responsible for the maintenance of the public education institutions operated by the state. The KLIK is also responsible for enforcing the educational aspects of the state, such as the mitigation of inequalities and segregation. The transfer of schools operated by the municipal governments to centralised state management offers an opportunity for the state to define the content of education in addition to regulating its framework by determining the programmes and school districts, thus providing a good opportunity to the desegregation efforts that are a key priority to the current Government.

For the measures taken to prevent and hinder segregation, see point 3 of the answer to the next question of the ESCR below.

- **The ECSR requests comprehensive information on the situation of Roma students with respect to their access to education, in particular to the practical results of measures taken against segregation and the relevant statistical data.**

1. The general legal context of the prohibition on segregation

The definition of segregation describes a condition, which is a result/consequence of behaviour. The result and consequence of the behaviour is unlawful segregation. Based on the international conventions promulgated in Hungary, discrimination does not only include behaviours resulting in, but also behaviours aimed at, discrimination.

General policy recommendation No 7 of the the European Commission against Racism and Intolerance on national legislation to combat racism and discrimination also envisages actions

against segregation, and segregation is also among the prohibited behaviours. The explanatory notes to the recommendation define segregation as follows: "segregation is the act by which a person separates other persons on the basis of racial or ethnic origin without an objective and reasonable justification."

By amending Act CXXV of 2003 on equal treatment and the promotion of equal opportunity (hereinafter: "Equal Treatment Act"), any segregation is unlawful if it does not have a reasonable explanation based on objective consideration. Unlawfulness cannot be established until evidence for an excuse is provided. It is to be expected during the enforcement of law that the weight of social consequences of the segregation should be a key aspect in the consideration during the provision of evidence for an excuse related to segregation, which is the most dangerous form of discrimination regulated by law. Furthermore, it is important that the law enforcement bodies should take into account the sectoral rules and the international norms related to the sector when considering the excuses they may narrow the scope of excuse included in the definition of unlawful segregation.

Hungarian law permits segregated education based on origin in only one case: in the case of ethnic minority education. Ethnic minority education differs from segregation in three important aspects: its voluntarism, the purpose of the segregation, and the provision of equal quality. A decision can only be voluntary if it is made on the basis of adequate information. A decision cannot be considered voluntary if made without being aware of the consequences of the decision. In the case of ethnic minority education, the purpose is to preserve the language and the cultural traditions. This purpose cannot be proven in the case of unlawful segregation. It is relevant that the person subject to the procedure is required to prove the purpose of his or her disposition during the provision of evidence for the excuse based on the realism of ethnic minority education. The preservation of cultural values should not result in a decrease of the quality of education.

Unfavourable treatment against a segregated group is not a condition to the realisation of segregation. The legislator does not require that the disadvantage be proven because segregation in itself is well-known handicap proven by scientific results.

2. Situation concerning the access to quality education of Roma students

Based on the studies of the Institute for Educational Research, around 770 homogeneous Roma primary school classes were in Hungary in 2000; 9,000 Roma students attended these classes, which represents 9.6% of the total number of Roma students. The proportion of Roma students exceeded 75% in 740 classes; more than 10,000 Roma students studied in such classes, which is 11% of the total number of Roma students. The proportion of Roma students was between 50% and 74% in 1230 classes; around 13,000 Roma students attended these classes, which is 14.3% of the total number of Roma students. Of the Roma students, who make up 11% of the total number of primary school students, around one-third of the students, i.e., 32,000 out of 93,000 students,– attended a school class where the majority of the students are of Roma origin. In academic year 1999-2000, 18% of the total number of Roma students attended schools of Roma majority, whereas this proportion was 30% in 2004[6]. Based on a 2010 research,[7] the number of schools of Roma majority

[6] Havas Gábor–Kemény István–Liskó Ilona: Cigány gyerekek az általános iskolában (Roma children in the primary school). Oktatáskutató Intézet–Új Mandátum Könyvkiadó, Budapest, 2002; Havas Gábor–Liskó Ilona: Szegregáció a roma tanulók általános iskolai oktatásában (Segregation in the primary school education of Roma students). Kutatási zárótanulmány (Research closing study) 2004.

[7] Havas Gábor, Zolnay János: Az integrációs oktatáspolitika hatásvizsgálata 2010 (Impact assessment of education policy aimed at integration, 2010), Európai Összehasonlító Kisebbségkutatásokért Közalapítvány (Public Foundation for European Comparative Minority Research) (EÖKIK); Nemzeti Társadalmi Felzárkózási Stratégia (National Social Inclusion Strategy), Budapest, 2011

has increased by 34% since 2004. 70% of these schools cannot ensure the provision of every school programme.

Compared to the 57% of the majority children, only 19% of the Roma students apply to secondary school or vocational secondary school after finishing 8th grade; and only 6% of them advance to secondary school-leaving exam and less than 1% enter higher education due to unsuccessful admission procedures, redirections referring to various reasons and high drop-out rate. (Liskó 2002, 2008; Kemény–Janky–Lengyel 2004; Kertesi 2005)

The Career Survey followed the life of 10,000 young adults on a yearly basis from autumn 2006. The basis of the survey was the population of students attending eighth grade in May 2006, who participated in national competency measurements and filled tests in reading comprehension and mathematics, as well as the family background questionnaires of the competency measurement.

Since one of the most important aims of the survey is to analyse school disadvantages, students with a lower competence result and special educational needs are overrepresented in the sample, compared to their national ratio. The first phase of the Career Survey in 2006 focused on questions concerning the structure and financial situation of the families, early childhood, health history, school history and further education in secondary school of the students questioned. The subsequent data collection phases primarily focused on the school career and the mechanisms of school drop-out.

At almost every level of the test results, a higher share of Roma youth continue their studies in vocational schools than their peers of non-Roma origin (the better results the non-Roma students achieve, the more likely that they do not continue their studies in a vocational school). Furthermore, Roma youth with exceptionally good competence results rather apply to a vocational secondary school than to a secondary school ensuring a better chance for further education. Based on the results of the survey, only 62% of the Roma population who completed primary school are studying full-time in the fourth grade of a secondary school, and only 40% of them were not required to repeat a grade. These shares are 95% and almost 80% respectively in the case of students of non-Roma origin. There is a particularly high rate of students dropping out of the school system and repeating a grade among the students in vocational schools and in evening classes; the transfers between different types of schools are frequent and there is practically no return for students dropping out of the school system.

The educational backlog arises from the poverty and the low level of education of the parents; it does not have any ethnic components[8].

3. Legislative provisions and measures with regard to the prohibition on and prevention of unlawful segregation in the field of public education

– The requirement of equal treatment applies to all education and training carried out in accordance with the requirements approved or ordered by the State, or whose organisation is supported by the State through direct normative budgetary subsidy, or indirectly by State contribution, in particular by cancelling or clearing public charges or by tax credit. Every person shall be treated equally in relation to education and training, particularly in

[8] Kertesi G., Kézdi G.: A roma és nem roma tanulók teszteredményei közti különbségekről és e különbségek okairól (On the differences between the test results of students of Roma and non-Roma origin and the causes thereof), Közgazdasági Szemle, July-August 2012

determining the conditions of joining education, assessing applications, defining and setting the requirements for education, performance evaluation, providing and using services related to education, access to benefits related to education, accommodation and provisions in boarding schools, issuing certificates, qualifications and diplomas available in education, access to career counselling, and in the termination of the relationship related to participation in education. The preservation of the requirement for equal treatment, which involves the establishment of the nullity and invalidity of an unlawful decision, is among the principles of the Public Education Act, which entered into force in September 2012.

- Section 24 of Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities) on the operation of public education institutions and on the use of names of public education institutions serves to eliminate and prevent school segregation by regulating the primary school admission districts: schools responsible for mandatory admission shall not segregate students on the basis of their origin and social situation. Consequently, when setting the district limits of a primary school responsible for mandatory admission, the social and economic status of the families living in the vicinity of the school must be taken into account.
  The provision, which entered into force in September 2012, clarified the conditions for defining the district limits better than before by taking into account the findings of the study analysing the regulation and definition of district limits: it states that where a settlement has more than one school, the member institution shall define the district limit in order to facilitate the elimination of segregation in violation of the Equal Treatment Act , which can be experienced at the level of member institutions. It also clarified the conditions for defining the district limits, and states that where a settlement has more than one school, the entire settlement may not be regarded as a single district, which is a change that also serves to prevent unlawful segregation.

- Pursuant to the UNESCO Convention on the prohibition of discrimination, the Equal Treatment Act contains the prohibition of school segregation and of direct and indirect negative discrimination. The execution decree of the Equal Treatment Act, that is, Government Decree 321/2011. (XII. 27.). on the rules on the development of local equal opportunity programmes, requires the municipal governments to compile local equal opportunities programmes, including a situation analysis and an action plan.

  The following must be revealed in the situation analysis with respect to the equal opportunities in public education of children with multiple disadvantages:
  - rate of segregation between institutions and within the individual institutions;
  - differences between institutions in the efficiency of education;
  - differences in the school results of students;
  - kindergarten care of children with multiple disadvantages.

  The action plan based on the situation analysis must contain the measures serving the termination of educational exclusion. The decree also prescribes the regular review of the fulfilment of measures.

- Under the terms of Government Decree 229/2012. (VIII. 28.) on the execution of the National Public Education Act contains provisions according to which the municipal government shall submit the above mentioned local equal opportunity programme prepared on the basis of the Equal Treatment Act, setting out the equal opportunity measures, to the

school district of the state institution maintenance centre competent in the settlement. The state institution maintenance centre defines the equal opportunities action plan in relation with the fulfilment of the state public education tasks at the levels of the county and each education district in harmony with the equal opportunities programme.

- Section 38 of Government Decree 229/2012. (VIII. 28.) on the execution of the National Public Education Act includes provisions related to official audits and, thus, the identification and elimination of the practice of unlawful segregation. According to the legislation, the government offices take the necessary measures to eliminate segregation or other irregularities identified in relation to the compliance with the requirements of equal treatment. The minister in charge of education also takes the necessary measures to conduct inspections in the cases he obtained knowledge of, or as a result of the inspection conducted by the parliamentary commissioner for fundamental rights. Between 2011 and 2013, EMMI initiated official inspections in 20 settlements.

- The application of the legal definition of groups in need of special treatment and pedagogical care (children with socially disadvantaged, multiple disadvantaged background, children with special educational needs) in legislation also serves the proper targeting of the programmes and measures, as well as the prevention of unlawful segregation (Section 67/A of the Children Protection Act, point 25 of Section 4 of the Public Education Act).

- To promote the school success of socially disadvantaged and multiple disadvantaged students and compensate the disadvantages derived from their social status, kindergarten development programmes, as well as pre-conditioning for the unfolding of potentials and integration are supported from national sources, and the pedagogues participating in the programme receive a salary supplement. The areas supported by the measures are the following: integrated education, institutional development, pedagogical renovation, support for personalised teaching, co-operation between the school and the social environment, contact with the parents (see also the targeted programmes above).

  According to Government Decree 20/2012. (VIII. 31.) EMMI (Minister of Human Capacities), pre-conditioning for the unfolding of potentials and integration may not be granted a support if, in a settlement with more than one school, the share of multiple disadvantaged students exceeds the rate specified in the regulation across the schools and in the case of parallel classes of the same grade.

- The significant test developments introduced over the past few years serve the purpose of improving access to quality education and preventing the unjustified labelling of children with disabilities and students with special educational needs. In order to replace the outdated intelligence tests, the WISC-IV test was, among others, standardised, which is the Hungarian adaptation of one of the tests of a set of tests widely known and used internationally. The content of the scheme was defined by taking into consideration the observations of public organisations on unjustified labelling as disabled and the recommendations of the UN Committee on the Rights of Persons with Disabilities on inclusive education. The developments were in progress also in 2013 and 2014, with the involvement of a non-governmental organisation combating unjustified labelling as disabled.

– Pursuant to Government Decree 110/2012. (VI. 4.) on the publication, introduction and application of the Nat, the knowledge pertaining to social participation now includes the knowledge of basic concepts related to equality of men and women and non-discrimination. The Nat also sets out the communication of the positive attitudes based on full respect for human rights, including respect for equality and democracy, openness towards participating in the democratic decision-making process at every level, and respect for social diversity and cohesion and the values of others. Furthermore, the Nat includes the understanding of the situation of the Roma people, and the education of their history, cultural values and traditions. It ensures the education of the situation, rights, organisations and institutions of Roma people, thereby helping eliminate the stereotypes and prejudices.

- **The ECSR requests information on the fact whether children illegally residing in Hungary and unaccompanied children are entitled to education.**

The right to education of refugee children, the beneficiary children of subsidiary protection and the asylum seeking children

According to Section 45(1) of the Public Education Act, all children are subject to compulsory education in Hungary and shall participate in institutional teaching and education.

Section 92 of the Public Education Act provides that non-Hungarian minor nationals shall be entitled to receive kindergarten care, and shall be subject to compulsory education in Hungary, if

a) they are entitled to the same rights as Hungarian citizens in accordance with the provisions of the Asylum Act,
b) they are entitled to the freedom of movement and residence in accordance with the Free Movement Act ,
c) fall under the scope of the Act on the admission and residence of third-country nationals and have the legal status of immigrant or established persons, or are holding a permit authorising stay in the territory of Hungary.

Non-Hungarian citizens who comply with the above conditions may receive kindergarten care and educational services provided by schools, boarding schools and special pedagogical services subject to the same conditions as Hungarian citizens throughout their compulsory education and during studies commenced during the compulsory education and pursued after the period of compulsory education.
Prior to 1 May 2011, unaccompanied minors seeking recognition were placed at a reception centre suitable for separated accommodation and special catering until they reached the age of 18. From 2009, the asylum authority operated a special home in the reception centre in the framework of a project implemented with the support of the European Refugee Fund. Specially trained social workers provide 24-hour supervision there for unaccompanied minors in order to protect them from man-smuggling and incidental disappearance. Additionally, a number of sessions adapted to the special needs of unaccompanied minors in a targeted way were provided in the home (remedial education, cultural orientation, psychological assistance, skills and competence development, etc.)

Pursuant to the legislative provisions on asylum in force from 1 January 2011, unaccompanied minors seeking recognition shall be placed in the institutions of the child protection institutional system in accordance with the child protection legislation. Accordingly, the scope of the Child Protection Act covers unaccompanied minors seeking recognition, as well as children recognised by the Hungarian authorities as refugees or protected persons. Accordingly, unaccompanied minors seeking recognition are also placed in child protection institutions as of 1 May 2011. On behalf of

EMMI, unaccompanied minors seeking recognition were provided with placement and catering by the Hungarian Ecumenical Aid Organisation in the Home for Unaccompanied Minor Refugees rented in the territory of the Bicske Reception Centre between 1 May 2011 and 30 August 2011. Unaccompanied minors are provided and cared for in the István Károlyi Children's Centre in Fót from 31 August 2011, while unaccompanied minors who do not seek asylum are cared for in an 18-placechildren's home operated by the Szent Ágota Child Protection Service Provider in Hódmezővásárhely from February 2013, in the framework of a service contract concluded with SZGYF.

The admission of unaccompanied minors to the state child protection system also serves the best interests of the children and guarantees their participation in the Hungarian educational system. Beginning from 2011, projects implemented with the support of the European Refugee Fund assist the child protection system in providing care for children from a foreign culture who do not speak Hungarian.

ARTICLE 13 - THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

ANSWERS GIVEN TO THE QUESTIONS RAISED BY THE ECSR REGARDING THE PARAGRAPH

The Committee concludes that the situation in Hungary is not in conformity with Article 13§1 of the Charter on the grounds that:

- **it is not established that adequate assistance is available to any person in need;**
- **the level of social assistance paid to a single person without resources, including the elderly, is manifestly inadequate.**

Hungary has a complex system of care based on need. Care based on need is divided into three categories: income replacement benefits, income supplementary benefits and allowances available in crisis situation. The income replacement benefits and the income supplementary benefits, designed to make certain expenses easier to bear, are available to people living below an income level specified by the law, and several types of provisions are conditional on wealth. The definition of these income and wealth conditions ensures that the allowances reach those who do not have sufficient financial resources to cover their everyday needs.

In general, persons receiving income replacement benefit may also be eligible for other monthly benefits which are aimed at easing the burden of certain recognised expenses.
The benefit for people in active age which may be granted to persons of active working age and the old-age allowance for those who have reached the f retirement age are considered as income replacement benefits.

In addition to the income replacement benefits, assistance for paying housing-related expenses is provided to persons in need in the form of home maintenance support and debt reduction support. The right to home maintenance support is granted for a period of one year and may be granted again if the eligibility conditions are fulfilled. The amount varies depending on the income of the eligible person and the size of habitation, with a minimum amount of 2,500 HUF per month. The average amount was 46,457 HUF per person per year in 2013[9].

The debt reduction support can be provided, for the duration of the debt management service, in one lump sum or in monthly instalments, depending on the decision of the eligible person. As a rule, the duration of the debt management service may be up to 18 months, but, in special cases, may be extended to 60 months. The rate of the debt reduction support may not exceed 75% of the debt being managed, while its maximum amount is 300,000 HUF or, in special cases, 600,000 HUF.

[9] According to preliminary data from the CSO.

Persons in need may receive public health care card to cover their medical expenses.The eligibility period for this provision is one year under the normative or equitable title or two years based on subjective rights, however, may be extended if the eligibility criteria are still fulfilled. According to the data of the National Health Insurance Fund for 2013, the monthly average amount of the public health care was 5,375 HUF.

Municipal government allowance, in the form of benefit in crisis situation, may be provided to those in extreme life situations endangering their means of subsistence or those who periodically or permanently have problems with their means of subsistence. The municipal government allowance was formed by combining three previous types of support (temporary allowance, funeral support and irregular child protection support), and is available since 1 January 2014. According to the data of the Central Statistical Office (hereinafter: "CSO), the average amount of the temporary allowance was 11,482 HUF per person per year in 2012.

The benefits were merged because they served similar objectives, and this measure also made the care system simpler and more transparent.

1. Benefits provided by the Social Act

The benefits available on the basis of Act III of 1993 on social administration and social services (hereinafter: "Social Act") are presented according to the following grouping:

- Income replacement benefits,
- Income supplementary benefits,
- Benefits available in crisis situation.

1.1. Income replacement benefits

The income replacement benefits of the Social Act (employment substituting support, regular social allowance, old-age allowance, nursing fee) are the last resorts of the social welfare system.

The benefit for persons in active age provides support to persons of active working age (over the age of 18 but below the retirement age applicable for them) who are in a disadvantaged labour market situation and do not have the income for subsistence, and their families.

With regard to eligibility for the benefit for persons in active age, subsistence is not provided for if the family's monthly income for one unit of consumption does not exceed 90% of the current minimum old-age pension (25,650 HUF) and they own no assets. Persons entitled to the benefit for persons in active age may receive two types of financial support:

- Employment substituting benefit

Employment substituting benefit is provided to persons in active age who are suitable for employment.

The person eligible for receiving the employment substituting benefit is obliged to register as a jobseeker at and cooperate with the government employment agency, which includes accepting the job opportunity offered to them (including public employment).

The employment substituting benefit is of a fixed amount of 22,800 HUF per month.

According to preliminary data from the CSO, 273,699 persons received employment substituting benefit on 31 December 2013.

- Regular social allowance

Regular social allowance is provided to persons in active age who, for some reason (health condition, age, raising small children) are not suitable for employment.

In accordance with the Social Act, a person is entitled to regular social allowance if he or she is entitled to the benefit for persons in active age and, on the day his or her eligibility starts,

a) he or she is classified as health-impaired, or
b) he or she will reach the age of retirement applicable to him or her within five years, or
c) he or she is raising a child under the age of 14 and the child does not have daytime care, or
d) he or she meets the other conditions defined in a decree of the municipal government.

An eligible person may be granted and receive regular social allowance if he or she agrees to cooperate with the body designated by the municipal government.
The amount of regular social allowance depends on the income and the composition of the family. For a single person, the maximum amount of regular social allowance is 90% of the prevailing minimum old-age pension that is 25,650 HUF in 2014. For families, the amount of regular social allowance may not be higher than 90% of the net salary for public employment[10] that is 45,569 HUF.

In families where, in addition to a person entitled to the regular social allowance, a person entitled to employment substituting support lives as well, the combined amount of the two allowances may not exceed 90% of the net salary for public employment (therefore, the maximum amount of the regular social allowance is 22,769 HUF, since the fixed amount of the employment substituting support is 22,800 HUF).

According to the preliminary data from the CSO, 37,973 persons received regular social allowance on 31 December 2013. According to the data of the CSO, the average amount of the regular social allowance was 25,305 HUF per person in 2012. According to the preliminary data of the CSO, the average amount of the regular social allowance was 25,327 HUF per person in 2013.

- Old-age allowance

The old-age allowance is financial support for elderly persons with no income to cover their livelihood.

The income threshold for eligibility for the old-age allowance is, depending on the age of the eligible person and the type of household he or she lives in, 80% of the minimum old-age pension (22,800 HUF), or 95% (27,075 HUF) or 130% thereof (37,050 HUF). The amount of the allowance is the above amount for persons who have no income, while for eligible persons who have some income, the amount of the allowance is the difference between the above amount and the monthly income of the eligible person.

[10] The amount of the wage for public employment is defined by Government Decree 170/2011. (VIII. 24.) on the official registration and monitoring of social, child-welfare and child protection institutions, services and networks.

According to the preliminary data of the CSO, 6,555 persons received old-age allowance on 31 December 2013. According to the data of the CSO, the average amount of old-age allowance was 26,679 HUF per person per month in 2012. According to the preliminary data of the CSO, the average amount of old-age allowance was 27,468 HUF per person per month in 2013.

- Nursing fee

Nursing fee may be applied for by persons who are nursing a close relative and, consequently, are unable to pursue full-time gainful employment.
The basic amount of the nursing fee, as defined in the Budgetary Act, is 29,500 HUF. In case of a person with severe disability requiring increased nursing, the amount of increased nursing fee is 150% of the basic amount (44,250 HUF).

Introduced from 1 January 2014, the increased nursing fee may be awarded to those nursing close relatives in the most serious condition. A close relative is entitled to the increased nursing fee if he or she is nursing or caring for a person who:

- is over the age of 18 in respect of whom the rehabilitation authority determined, through complex assessment, that the person of reduced working capacity has significant health impairment and is unable to care for him- or herself or require help to do so,
- is not over the age of 18 (or is studying at a public education institution, in which case, family support is payable until the end of the academic year in which they turn 20, or 23 in the case of a student with special educational needs who is not entitled to disability allowance) and receives an increased amount of family support and the medical expert verifying the condition making him or her eligible for a higher amount of family support certifies that he or she needs permanent nursing and care due to his or her illness or disability.

From 1 January 2014, the monthly amount of the increased nursing fee is 180% of the basic amount of the nursing fee that is 53,100 HUF.

The board of representatives of the municipal government, provided that the conditions in the municipal government's decree are fulfilled, may grant a nursing fee to a close relative nursing or taking care of a person over the age of 18 with a long-term illness (equitable nursing fee). In the case of persons above the age of 18, who have a long-term illness, the amount of the nursing fee is defined in the municipal government's decree, however, it is not less than 80% of the basic amount (23,600 HUF).

According to the preliminary data of the CSO, 52,267 persons received nursing fee on 31 December 2013 (in accordance with the prevailing rules, this includes nursing fee of the basic amount and the increased amount). According to the data of the CSO, the average amount of nursing fee was 29,729 HUF per person per month in 2012. According to the preliminary data of the CSO, the average amount of nursing fee was 30,787 HUF per person per month in 2013.

1.2. Income supplementary benefits

These benefits provide assistance in covering certain specified costs of the eligible person, primarily related to housing and their health status.

- Home maintenance support

This is a contribution to persons or families in need of social assistance to meet the regular costs related to the maintenance of their home or non-residential property.

Home maintenance support may be granted in order to pay the gas, electricity and water consumption, district heating, the sewage charges and garbage collection, rent, sublet fee, instalments to pay off a housing loan from a financial institute, the common costs or fuel.

This support is given mainly in kind (direct transfer to the service provider) to cover expenses which, in case of non-payment, would most seriously endanger the housing security of the applicant.

The scope of people entitled to receive the housing maintenance support was significantly expanded from 1 September 2011, when the income threshold was raised from 150% of the minimum old-age pension to 250% thereof.
The amount of the housing maintenance support is calculated according to an equation given in the Social Act, and may vary depending on the size of the home, the number of people living in the household and their income, but is at least 2,500 HUF. In accordance with the current regulations, two types of housing maintenance support may be granted:

a) Normative home maintenance support may be claimed by households where the monthly income per consumption unit does not exceed 250% of the minimum old-age pension (currently 71,250 HUF) and none of the members of the household has any assets;
b) The aim of the home maintenance support related to the debt management service (and granted for its duration) is to enable the debtor to cover his or her housing maintenance expenses while paying off the outstanding amount.

The right to home maintenance support is granted for a period of one year, and may be granted again if the conditions to eligibility still prevail.

According to the preliminary data of the CSO, 378,152 persons received home maintenance support on 31 December 2013. According to the data of the CSO, in 2012, the average amount of the home maintenance support was 44,494 HUF per person per year. According to the preliminary data of the CSO, in 2013, the average amount of the housing maintenance support was 46,457 HUF per person per year.

- Debt management services

The debt management service provides ex-post assistance to households who have accumulated arrears resulting from public utility bills, common overheads, rent or housing loans.

It is only compulsory to operate this scheme in municipalities with a population over 40,000 and in the districts of Budapest, otherwise the municipal government may decide whether or not to launch a debt management scheme (according to the latest data, 149 municipalities provide such facility).

The debt management service consists of three forms of allowances, which, in addition to the financial assistance in debt reduction and home maintenance, also includes debt management counselling for the affected households.
The board of representatives of the municipal government decides on eligibility for the debt management service.

According to the preliminary data of the CSO, 7,027 persons participated in the debt management service on 31 December 2013. According to CSO data, the average amount of debt management support was 105,574 HUF per person in 2012 (during the entire term of the support). According to the preliminary data of the CSO, in 2013, the average amount of the housing maintenance support was 107,192 HUF per person per year.

- Public health care card system

Public health care card is provided to socially deprived persons in order to reduce their expenditure on maintaining and recovering their health condition. In the framework of public health care card, the central budget assumes the costs payable by the patient for medicines, medical devices and rehabilitation treatment in spas. There are three types of public health care:

1. based on subjective right,
2. normative, and
3. equitable public health care.

Eligibility to normative public health care card and public health care card based on subjective right are ruled upon by the district offices, while equitable public health care card eligibility is decided upon by the board of representatives of the municipal government.

According to the data of the CSO, 246,217 persons received normative public health care card and public health care card based on subjective right on 31 December 2013.

- Certificate for health care services

In order to determine eligibility for health care services, the district office establishes the social need of a person if the monthly income per person in his or her family does not exceed 120% (or, in the case of a single person, 150%) of the prevailing minimum amount of old-age pension and his or her family has any assets.

According to preliminary data of the CSO, on 31 December 2013, 109,435 persons had an official certificate entitling them to receive health care services.

1.3. Municipal government allowance

The board of representatives of the municipal government grants municipal allowance, in accordance with its decree, to those in extreme life situations endangering their means of subsistence or who periodically or permanently have problems with their means of subsistence.
Municipal government allowance may also be provided in the form of an interest-free loan which does not classify as a financial service activity. The municipal government aid may be provided on case by case basis or with a monthly frequency for a limited period of time.

Municipal government allowance is primarily intended for persons who are unable to provide a subsistence for themselves or their family by other means, or who require financial assistance due to unexpected, sudden extra expenses (in particular, expenses related to illness, death in the family, damage through natural causes, keeping a child in the case of a pregnant mother in a crisis situation, schooling, preparing for the adoption of a child, maintaining contact with the family of a child in foster care or helping a child to return to his or her family) or the disadvantaged status of their child.

Given that the municipal government allowance is only available since 1 January 2014, no data are available yet on the number of people receiving it. Prior to the introduction of the municipal government allowance, in 2013, 505,900 persons received temporary allowance, funeral support or irregular child protection support, which were combined to create the new form of allowance.

According to the data of the CSO, the average amount of the temporary allowance was 11,478 HUF per person per year in 2012. In the same year, the average amount granted to people receiving the irregular child protection support amounted to 9,929 HUF per person in 2012, while the average amount of the funeral assistance was 23,329 HUF per case in 2012. According to the preliminary CSO figures, in 2013, average per capita amount of the temporary allowance was 12,261 HUF/year, the average per capita amount of the irregular child protection support was 10,404 HUF/year, and the average per capita amount of the funeral support was 23,826 HUF.

1.4. Other benefits

Under the Social Act, the board of representatives of the municipal government may supplement the cash benefits falling within its competence and grant further cash benefits to those in social need in accordance with the rules and conditions specified by its decree.

See also the answers to the questions related to Article 14 paragraph (1) for information regarding citizens living in the States Parties of the Revised European Social Charter.

ARTICLE 14 – THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

(1) to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;

ANSWERS GIVEN TO THE QUESTIONS RAISED BY THE ECSR REGARDING THE PARAGRAPH

The Committee concludes that the situation in Hungary is not in conformity with Article 14§1 of the Charter on the ground that it has not been established that effective and equal access to social services is guaranteed to nationals of all other States Parties.

1. Directive 2004/38/EC (hereinafter: "Free Movement Directive") guarantees the right of free movement and residence to all of the citizens of the European Union and their family members who are third-country nationals under the following conditions:

- First, only if the citizen of the Union and their family members stay in a country other than the Member State of the EU citizen's nationality (need for a cross-border element);
- Second, the Free Movement Directive sets out further conditions regarding the right of residence for more than three months, therefore, economically inactive persons must that they have sufficient resources and sickness insurance cover, and the host country revoke such the right of residence if it finds that the citizen has become an unreasonable burden on its social care system . Moreover, the right of residence may also be revoked referring to public policy, public security or public health reasons, however, such a revocation shall be always based on the individual consideration of the given case. Union citizens and their family members who have resided legally for a continuous period of five years in the host Member State are granted the right of permanent residence, offering them greater protection against the withdrawal of the right of residence or expulsion.

In view of the above, inactive persons residing in a host country for more than three months are, as a rule, not entitled for social benefits, because one of the conditions for residence is that they must prove that they have resources higher than the salary threshold below which they would be entitled to such benefits. Nevertheless, the circumstances of an inactive Union citizen having adequate resources may also change, making such person dependant on the social benefits of the host Member State. In such a case, the Member States, if they have reasonable doubts about the possible improvement of the citizen's circumstances, may examine whether the person imposes "an unreasonable burden" on the social care system, and decide to withdraw their right of residence.

2. Pursuant to Section 6(1) of Act I of 2007 on the admission and residence of persons with the right of free movement and residence (hereinafter: "Free Movement Act"), the right of residence for a period exceeding 90 days within 180 days shall be granted to EEA nationals

a) whose purpose of residence is to engage in some form of gainful employment,
b) who have sufficient resources for themselves and their family members not to become an unreasonable burden on the social care system of Hungary during their period of residence, and have comprehensive sickness insurance cover for healthcare services as prescribed in

specific other legislation, or if they ensure to have sufficient resources for themselves and their family for such services as required by statutory provisions, or

c) who are enrolled at an educational establishment governed by the Public Education Act or the Higher Education Act for the purpose of studying, including vocational training and adult education if offering an accredited curriculum, and have sufficient resources for themselves and their family members not to become an unreasonable burden on the social care system of Hungary during their period of residence, as well as comprehensive sickness insurance cover for healthcare services as prescribed in specific other legislation, or if they ensure to have sufficient resources for themselves and their family members for such services as required by statutory provisions.

Pursuant to Section 7(1) of the Free Movement Act, family members of Hungarian citizens engaged in gainful employment shall have the right of residence for a period exceeding 90 days within 180 days. Pursuant to Section 7(2) of the same Act, the right of residence for a period exceeding 90 days within 180 days extends to the family members of a Hungarian citizen,

a) if the family member or the citizen has sufficient resources for such a family member not to become an unreasonable burden on the social care system of Hungary during their period of residence; and

b) if the family member or the citizen has comprehensive sickness insurance cover for healthcare services to be used by the family member as prescribed in specific other legislation, or if they ensure to have sufficient resources for such services as required by statutory provisions.

3. In addition to the conditions outlined above, Section 21 of Government Decree 113/2007. (V.24.) on the implementation of Act I of 2007 on the admission and residence of persons with the right of free movement and residence provides the following:

„(1) The applicant is considered to have sufficient resources if the household's per capita monthly income reaches the amount of the prevailing minimum old age pension. Persons receiving
a) old-age allowance pursuant to Section 32/B(1),
b) benefit for persons in active age pursuant to Section 33,
c) or nursing fee pursuant to Section 43/B
of Act III of 1993 on social administration and social services for a period exceeding three months shall be considered to lack sufficient resources."

In case the per capita monthly income of the applicant's household fails to reach the amount of the prevailing minimum old age pension, following an income and means test, the competent authority is to decide whether the applicant has sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the social care system of Hungary during their period of residence.

If an applicant residing in the host country for the purposes of studies declares to have sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the social care system of Hungary during their period of residence, the competent authority will decide whether the applicant has sufficient resources without further examinations.

Pursuant to Government Decree 113/2007. (V.24.) on the implementation of the Free Movement Act, in making a decision about the applicant being an unreasonable burden on the social assistance system of Hungary, the competent authority is obliged to consider the other relevant personal circumstances of the EEA nationals or the family member, particularly, with regard to the period of

residence in Hungary prior to the application for a benefit, the duration of the disbursement of the benefit and the permanent or temporary nature of the financial difficulties.

With regard to the administrative practice of Hungary, the number of cases of an EEA national's right of residence being terminated due to the applicant imposing an unreasonable burden on the social care system is rather small. Practical experience shows that in cases, when EEA nationals may have lacked the sufficient resources during the period of their residence in Hungary, their family members (usually their spouses) agreed to maintain them.

Summary:
The right of residence is essentially not based on the length of the period of residence. Pursuant to Act III of 1993 on social administration and social services, (apart from Hungarian citizens) only persons having a special status (refugees, protected persons, immigrants, established or stateless persons) are entitled for social benefits in Hungary. The conditions for acquiring such statuses are governed by regulations outside the social sector.

In addition, the citizens of the countries ratifying the Revised European Social Charter are entitled to municipal aid, meals and accommodation by virtue of their rightful residence in the country if there is a risk to life or physical integrity.

As regards the persons with the right of free movement, the Social Act provides that persons are eligible for the social benefits if they have a registered place of residence and have been exercising their right of residence for a period exceeding three months.

APPENDIX

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		28 May 1998	Act LXIX of 2000 on the

concerning Minimum Age for Admission to Employment (1973)			promulgation of Convention No. 138 concerning 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 (tenth individual Directive within the meaning of Article 16 (1) of			Act XXII of 1992 on the Labour Code

Directive 89/391/EEC)			
United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules") (1985)			Act XIX of 1998 on Criminal Proceedings 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 Law-decree 11 of 1979 on the enforcement of punishments and measures

ANNEX

Key legal regulations

A családok támogatásáról szóló 1998. évi LXXXIV. törvény

Act LXXXIV of 1998 on family support

to Article 8

In effect on 1 January, 2010

Gyermekgondozási segély

20. § (1) Gyermekgondozási segélyre jogosult a szülő – ideértve a kiskorú szülőt a 7. § (5) bekezdésében meghatározott esetben –, a nevelőszülő, a gyám a saját háztartásában nevelt
a) gyermek 3. életévének betöltéséig,
b) ikergyermekek esetén a tankötelessé válás évének végéig,
c) tartósan beteg, illetve súlyosan fogyatékos gyermek 10. életévének betöltéséig.
(2) Amennyiben ikergyermekek esetén a tankötelessé válás éve nem egyezik meg, úgy az (1) bekezdés alkalmazása során a legkésőbb tankötelessé váló gyermeket kell figyelembe venni.
20/A. § (1) A 20. §-ban megjelölt jogosultakon kívül, de az ott meghatározott feltételek mellett a gyermek szülőjének vér szerinti, örökbefogadó szülője, továbbá annak együtt élő házastársa (a továbbiakban együtt: nagyszülő) is jogosult a gyermekgondozási segélyre, ha a gyermek
a) az első életévét betöltötte, továbbá
b) gondozása, nevelése a szülő háztartásában történik, valamint
c) szülei írásban nyilatkoznak arról, hogy a gyermekgondozási segélyről lemondanak és egyetértenek a gyermekgondozási segélynek nagyszülő részéről történő igénylésével.
[…]

21. § A gyermekgondozási segélyben részesülő személy – ide nem értve a nagyszülőt – keresőtevékenységet
a) a gyermek egyéves koráig nem folytathat, kivéve a kiskorú szülő gyermekének gyámját,
b) a gyermek egyéves kora után időkorlátozás nélkül folytathat.
21/A. § (1) A gyermekgondozási segélyben részesülő nagyszülő keresőtevékenységet a gyermek hároméves kora után napi négy órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés az otthonában történik.
(2) Az (1) bekezdés alkalmazásában napi 4 órát meg nem haladó időtartamban folytatott keresőtevékenységnek kell tekinteni, ha a gyermekgondozási segélyben részesülő nagyszülőt a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény rendelkezései szerint a felek megállapodása alapján rendes munkaidőben kizárólag szombaton és vasárnap részmunkaidőben foglalkoztatják oly módon, hogy a rendes és rendkívüli munkaidejének együttes mértéke egy naptári héten a 20 órát nem haladja meg.
(3) A 27. § (1) bekezdésében foglaltakon túl nem jár gyermekgondozási segély a nagyszülőnek, ha – kormányrendeletben meghatározott kivétellel – a gyermeket napközbeni ellátást biztosító intézményben [Gyvt. 41. § (3) bek.] helyezik el.
22. § A kincstár vezetője méltányossági jogkörben eljárva – a 27. §-ban foglalt rendelkezések figyelembevételével – a gyermekgondozási segélyre való jogosultságot

a) megállapíthatja a gyermeket nevelő személynek, ha a gyermek szülei a gyermek nevelésében három hónapot meghaladóan akadályoztatva vannak;
b) megállapíthatja, illetőleg meghosszabbíthatja a gyermek általános iskolai tanulmányainak megkezdéséig, legfeljebb azonban a gyermek 8. életévének betöltéséig, ha a gyermek betegsége miatt gyermekek napközbeni ellátását biztosító intézményben [Gyvt. 41. § (3) bek.] nem gondozható.

In effect on 31 December, 2013

Gyermekgondozási segély

20. § (1) Gyermekgondozási segélyre jogosult a szülő – ideértve a kiskorú szülőt a 11. § (4) bekezdésében meghatározott esetben –, a nevelőszülő, a gyám a saját háztartásában nevelt
a) gyermek 3. életévének betöltéséig,
b) ikergyermekek esetén a tankötelessé válás évének végéig,
c) tartósan beteg, illetve súlyosan fogyatékos gyermek 10. életévének betöltéséig.
(2) Amennyiben ikergyermekek esetén a tankötelessé válás éve nem egyezik meg, úgy az (1) bekezdés alkalmazása során a legkésőbb tankötelessé váló gyermeket kell figyelembe venni.
20/A. § (1) A 20. §-ban megjelölt jogosultakon kívül, de az ott meghatározott feltételek mellett a gyermek szülőjének vér szerinti, örökbefogadó szülője, továbbá annak együtt élő házastársa (a továbbiakban együtt: nagyszülő) is jogosult a gyermekgondozási segélyre, ha a gyermek
a) az első életévét betöltötte, továbbá
b) gondozása, nevelése a szülő háztartásában történik, valamint
c) szülei írásban nyilatkoznak arról, hogy a gyermekgondozási segélyről lemondanak és egyetértenek a gyermekgondozási segélynek nagyszülő részéről történő igénylésével.
[…]

20/B. § (1) A gyermek örökbefogadás előtti gondozásba történő kihelyezésének időpontjától számított hat hónap időtartamig gyermekgondozási segélyre jogosult az örökbefogadó szülő – a házastársi és rokoni örökbefogadás kivételével –, amennyiben a gyermek az örökbefogadás előtti gondozásba történő kihelyezéskor a 20. § (1) bekezdés a)-b) pontjai szerinti életkort már betöltötte, azonban a 10. életévét még nem töltötte be.
(2) Amennyiben a gyermek a 20. § (1) bekezdés a)-c) pontjai szerinti életkort az örökbefogadás előtti gondozásba történő kihelyezést követő hat hónapon belül tölti be, akkor az örökbefogadó szülő 20. § (1) bekezdése szerinti gyermekgondozási segélyre való jogosultsága a gyermek 20. § (1) bekezdés a)-c) pontjai szerinti életkorának betöltését követően a jogosultság kezdő időpontjától számított hat hónap elteltéig meghosszabbodik.
(3) Az (1) és (2) bekezdés szerint gyermekgondozási segélyben részesülő személy kereső tevékenységet heti harminc órát meg nem haladó időtartamban folytathat.
21. § (1) A gyermekgondozási segélyben részesülő személy – ide nem értve a nagyszülőt, az örökbefogadó szülőt a 20/B. § szerinti esetben, továbbá a kiskorú szülő gyermekének gyámját – kereső tevékenységet
a) a gyermek egyéves koráig nem folytathat,
b) a gyermek egyéves kora után heti harminc órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés az otthonában történik,
c) a tartósan beteg vagy súlyosan fogyatékos gyermek egyéves kora után időkorlátozás nélkül folytathat,
d) ikergyermekek esetében a gyermekek egyéves kora után a b) pont szerinti korlátozás nélkül folytathat, azzal, hogy az e pont szerinti feltételekkel keresőtevékenységet folytató személy az

ikergyermekek számától függetlenül az egy gyermek után járó összegű gyermekgondozási segélyre jogosult.
(2) A kiskorú szülő gyermekének gyermekgondozási segélyben részesülő gyámja időkorlátozás nélkül folytathat kereső tevékenységet.
21/A. § (1) A gyermekgondozási segélyben részesülő nagyszülő kereső tevékenységet a gyermek hároméves kora után, a 21. § (1) bekezdés b) pontjában meghatározottak szerint folytathat.
(2) A 27. § (1) bekezdésében foglaltakon túl nem jár gyermekgondozási segély a nagyszülőnek, ha – kormányrendeletben meghatározott kivétellel – a gyermeket napközbeni ellátást biztosító intézményben [Gyvt. 41. § (3) bek.], illetve nyári napközis otthonban, óvodában vagy iskolai napköziben helyezik el.
22. § A kincstár vezetője méltányossági jogkörben eljárva – a 27. §-ban foglalt rendelkezések figyelembevételével – a gyermekgondozási segélyre való jogosultságot
a) megállapíthatja a gyermeket nevelő személynek, ha a gyermek szülei a gyermek nevelésében három hónapot meghaladóan akadályoztatva vannak;
b) megállapíthatja, illetőleg meghosszabbíthatja a gyermek általános iskolai tanulmányainak megkezdéséig, legfeljebb azonban a gyermek 8. életévének betöltéséig, ha a gyermek betegsége miatt gyermekek napközbeni ellátását biztosító intézményben [Gyvt. 41. § (3) bek.], illetve nyári napközis otthonban, óvodában vagy iskolai napköziben nem gondozható.

to Article 16

2. § E törvény hatálya kiterjed – amennyiben nemzetközi szerződés eltérően nem rendelkezik – a Magyar Köztársaság területén élő
a) magyar állampolgárra,
b) bevándorolt vagy letelepedett jogállású, továbbá a magyar hatóság által menekültként, illetve hontalanként elismert személyekre,
c) a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról szóló törvény (a továbbiakban: Szmtv.) szerint a szabad mozgás és tartózkodás jogával rendelkező személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgás és a három hónapot meghaladó tartózkodási jogát a Magyar Köztársaság területén gyakorolja, és a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel rendelkezik,
d) – az anyasági támogatás (IV. fejezet) kivételével – a szociális biztonsági rendszereknek a Közösségen belül mozgó munkavállalókra és családtagjaikra történő alkalmazásáról szóló, 1971. június 14-i 1408/71/EGK tanácsi rendeletben meghatározott jogosulti körbe tartozó személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgáshoz és tartózkodáshoz való jogát a Magyar Köztársaság területén gyakorolja, és – a határ menti ingázó munkavállalókat kivéve – a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel rendelkezik.

Családi pótlék

6. § (1) A gyermek nevelési, iskoláztatási költségeihez az állam havi rendszerességgel járó családi pótlékot nyújt.
(2) A családi pótlék a gyermek védelembe vétele esetén részben természetbeni formában is nyújtható.
(3) A családi pótlék természetben történő nyújtásáról a védelembe vételről határozatot hozó gyámhatóság dönt. Természetbeni formában a családi pótlék védelembe vett gyermek után járó

összegének legfeljebb 50%-a nyújtható, legfeljebb egyéves – indokolt esetben ismételten elrendelhető – időtartamra.
7. § (1) Családi pótlékra jogosult
a) a vér szerinti, az örökbe fogadó szülő, a szülővel együtt élő házastárs, az a személy, aki a saját háztartásában nevelt gyermeket örökbe kívánja fogadni, és az erre irányuló eljárás már folyamatban van (a továbbiakban együtt: szülő), a nevelőszülő, a hivatásos nevelőszülő, a gyám, továbbá az a személy, akihez a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény (a továbbiakban: Gyvt.) 72. §-ának (1) bekezdése alapján a gyermeket ideiglenes hatállyal elhelyezték
aa) a még nem tanköteles,
ab) tankötelezettsége megszűnéséig a tanköteles,
ac) az általános iskolai, középiskolai, szakiskolai (a továbbiakban együtt: közoktatási intézmény) tanulmányokat folytató és a (2) bekezdésben megjelölt életkorú
saját háztartásában nevelt gyermekre tekintettel;
b) a vagyonkezelői joggal felruházott gyám, illetőleg a vagyonkezelő eseti gondnok a gyermekotthonban, a javítóintézetben nevelt vagy a büntetés-végrehajtási intézetben lévő gyermekvédelmi gondoskodás alatt álló gyermekre (személyre) tekintettel, amennyiben az aa)-ac) pontokban meghatározott feltételek valamelyike fennáll;
c) a Magyarország területén működő szociális intézmény vezetője az intézményben elhelyezett gyermekre tekintettel;
d) a tizennyolcadik életévét betöltött tartósan beteg, illetve súlyosan fogyatékos személy, feltéve, ha utána tizennyolcadik életévének betöltéséig magasabb összegű családi pótlékot folyósítottak;
e) a gyámhivatal által a szülői ház elhagyását engedélyező határozatban megjelölt személy, amennyiben az ab)-ac) pontokban meghatározott feltételek valamelyike fennáll.
(2) A közoktatási intézményben tanulmányokat folytató gyermek után a családi pótlék annak a tanévnek a végéig jár, amelynek időtartama alatt betölti a 23. életévét.
(3) Az (1) bekezdés b) pontjában megjelölt gyám, illetőleg eseti gondnok
a) a javítóintézetben nevelt vagy a büntetés-végrehajtási intézetben lévő gyermek (személy) után járó családi pótlék teljes összegét,
b) a gyermekotthonban lévő gyermek (személy) után járó családi pótlék összegének 50%-át
gyámhatósági fenntartásos betétben vagy folyószámlán helyezi el. A szociális intézmény vezetője a családi pótlék teljes összegét az intézmény költségvetésétől elkülönítetten kezeli és biztosítja a személyre szóló felhasználást. A gyermekotthon vezetője a családi pótlék összegének 50%-át az intézmény költségvetésétől elkülönítetten kezeli és a gyermek teljes körű ellátásának kiegészítésére biztosítja a személyre szóló felhasználást.
(4) Az (1) bekezdés, valamint a 12. §, a 20. § és a 23. § alkalmazása szempontjából saját háztartásban nevelt gyermeknek kell tekinteni azt a gyermeket (személyt) is,
a) aki átmeneti jelleggel tartózkodik a háztartáson kívül kül- és belföldi tanulmányai folytatása vagy gyógykezelése okán;
b) akit 30 napot meg nem haladóan szociális intézményben helyeztek el;
c) aki a szülő kérelmére átmeneti gondozásban részesül, vagy szülőjével együtt családok átmeneti otthonában [Gyvt. 49-51. §] tartózkodik.
(5) Ha a kiskorú szülő gyermekének nincs gyámja, vagy ha a 16. életévét betöltött kiskorú szülő a saját háztartásban nevelt gyermekének gyámjával a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény 77. §-ának (2) bekezdése szerint nem él egy háztartásban, a családi pótlékot a kiskorú szülőnek kell megállapítani.
8. § (1)
(2) A tartósan beteg, illetve súlyosan fogyatékos gyermek után vagy személy részére járó magasabb összegű családi pótlék annak a hónapnak a végéig jár, ameddig a betegség, súlyos fogyatékosság fennállását a külön jogszabályban előírtak szerint igazolták.

(3) Családi pótlékra jogosult saját jogán
a) a 7. § (1) bekezdésének d) pontjában megjelölt személy,
b) a közoktatási intézményben tanulmányokat folytató, a 7. § (2) bekezdésében megjelölt életkorú, nagykorú személy,
ba) akinek mindkét szülője elhunyt,
bb) akinek a vele egy háztartásban élő hajadon, nőtlen, elvált vagy házastársától különélő szülője elhunyt,
bc) aki kikerült az átmeneti vagy tartós nevelésből,
bd) akinek a gyámsága nagykorúvá válása miatt szűnt meg,
be) ha a 7. § (1) bekezdésének e) pontja alapján a családi pótlék a nagykorúságát megelőzően is a részére került folyósításra,
bf) aki a 7. § (1) bekezdésének a) pontja szerinti személlyel nem él egy háztartásban.
(4) Ha a közoktatási intézményben tanulmányokat folytató gyermekre tekintettel 18. életévének betöltéséig magasabb összegű családi pótlékot folyósítanak, az ezt követően utána vagy részére folyósított ellátás havi összege meg kell hogy egyezzen a 11. § (1) bekezdésének g), illetve h) pontja alapján megállapított magasabb összegű családi pótlék összegével. Az e bekezdés alapján folyósított ellátás más jogszabály alkalmazásában magasabb összegű családi pótléknak minősül.
9. §
10. § (1) Ugyanazon gyermek (személy) után járó családi pótlék csak egy jogosultat illet meg.
(2)
(3) Ha a gyermek együttélő szülők háztartásában él, a családi pótlékot – együttes nyilatkozatuk alapján – bármelyik szülő igényelheti, mégpedig nyilatkozatuk szerint gyermekenként. Megállapodás hiányában az ellátást igénylő szülő személyéről – kérelemre – a gyámhatóság dönt.
11. § (1) A családi pótlék havi összege
a) egygyermekes család esetén 12 200 forint,
b) egy gyermeket nevelő egyedülálló esetén 13 700 forint,
c) kétgyermekes család esetén gyermekenként 13 300 forint,
d) két gyermeket nevelő egyedülálló esetén gyermekenként 14 800 forint,
e) három- vagy többgyermekes család esetén gyermekenként 16 000 forint,
f) három vagy több gyermeket nevelő egyedülálló esetén gyermekenként 17 000 forint,
g) tartósan beteg, illetve súlyosan fogyatékos gyermeket nevelő család esetén, valamint a 7. § (1) bekezdésének b)-c) pontja szerinti intézményben élő, továbbá nevelőszülőnél, hivatásos nevelőszülőnél elhelyezett tartósan beteg, illetve súlyosan fogyatékos gyermek után 23 300 forint,
h) tartósan beteg, illetve súlyosan fogyatékos gyermeket nevelő egyedülálló esetén a tartósan beteg, illetve súlyosan fogyatékos gyermek után 25 900 forint,
i) a 7. § (1) bekezdésének d) pontja szerinti személy esetén – a 8. § (4) bekezdésében foglaltak kivételével – 20 300,
j) a 7. § (1) bekezdésének b)-c) pontja szerinti intézményben élő, továbbá nevelőszülőnél, hivatásos nevelőszülőnél elhelyezett, a g) és h) pontok alá nem tartozó, továbbá a Gyvt. 72. §-ának (1) bekezdése alapján ideiglenes hatállyal elhelyezett gyermek, a 7. § (1) bekezdésének e) pontja szerinti személy, valamint a 8. § (3) bekezdésének b) pontja alá tartozó személy esetén 14 800 forint.
(2)
(3) A családi pótlékot – függetlenül az igénylés és megszüntetés időpontjától – teljes hónapra kell megállapítani és folyósítani.
(4)
[…]

III. Fejezet
GYERMEKGONDOZÁSI TÁMOGATÁSOK

19. § A gyermeket nevelő szülő, nevelőszülő, illetve gyám a gyermek gondozására tekintettel – havi rendszerességgel járó – gyermekgondozási segélyre, gyermeknevelési támogatásra (a továbbiakban együtt: gyermekgondozási támogatás) jogosult. A nagyszülő gyermekgondozási segélyre a szülő jogán szerezhet jogosultságot.

Gyermekgondozási segély

(See Article 8)

Gyermeknevelési támogatás

23. § Gyermeknevelési támogatásra az a szülő, nevelőszülő, gyám jogosult, aki saját háztartásában három vagy több kiskorút nevel. A támogatás a legfiatalabb gyermek 3. életévének betöltésétől 8. életévének betöltéséig jár.
24. § (1) A gyermeknevelési támogatásban részesülő személy kereső tevékenységet napi 4 órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés otthonában történik.
(2) Az (1) bekezdés alkalmazásában napi 4 órát meg nem haladó időtartamban folytatott keresőtevékenységnek kell tekinteni, ha a gyermeknevelési támogatásban részesülő személyt a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény rendelkezései szerint a felek megállapodása alapján rendes munkaidőben kizárólag szombaton és vasárnap részmunkaidőben foglalkoztatják oly módon, hogy a rendes és rendkívüli munkaidejének együttes mértéke egy naptári héten a 20 órát nem haladja meg.
(3)

A gyermekgondozási támogatási formák közös szabályai

[…]
26. § (1) A gyermekgondozási támogatás havi összege – függetlenül a gyermekek számától – azonos az öregségi nyugdíj mindenkori legkisebb összegével, töredékhónap esetén egy naptári napra a havi összeg harmincad része jár.
(2) A gyermekgondozási segély havi összege ikergyermekek esetén – függetlenül a gyermekek számától – azonos az öregségi nyugdíj mindenkori legkisebb összegének 200%-ával.
[…]

IV. Fejezet
Anyasági támogatás

29. § (1) Anyasági támogatásra jogosult a szülést követően
a) az a nő, aki terhessége alatt legalább négy alkalommal – koraszülés esetén legalább egyszer – terhesgondozáson vett részt;
b) az örökbefogadó szülő, ha a szülést követő hat hónapon belül az örökbefogadást jogerősen engedélyezték;
c) a gyám, ha a gyermek a születését követően hat hónapon belül – jogerős határozat alapján – a gondozásába kerül.
(2) Az anyasági támogatás az (1) bekezdés a) pontja szerinti jogosultat akkor is megilleti, ha a gyermek halva született.
30. § Amennyiben az anyasági támogatásra jogosult nő a támogatás felvételét megelőzően meghal, úgy az anyasági támogatást az anyával egy háztartásban élt apának kell kifizetni, ezen személy hiányában annak a személynek, aki a gyermek gondozását ellátja.
31. § Az anyasági támogatás – gyermekenkénti – összege azonos a gyermek születésének időpontjában érvényes öregségi nyugdíj legkisebb összegének 225%-ával, ikergyermekek esetén 300%-ával.

32. § Az anyasági támogatásra vonatkozó igényt a szülést követő hat hónapon belül lehet benyújtani.
33. § (1) Nem jár anyasági támogatás, ha
a) a szülők a gyermek születését megelőzően nyilatkozatban hozzájárultak a gyermek örökbefogadásához;
b) a megszületett gyermek a gyámhatóság jogerős határozata alapján családból kikerülést eredményező gyermekvédelmi gondoskodásban részesül.
(2) Az anyasági támogatás – a szülést követő hat hónapon belül benyújtott igény esetén – megilleti a jogosultat, ha
a) a gyermek örökbefogadásához való hozzájárulásról szóló nyilatkozatot visszavonták;
b) a családból kikerülést eredményező gyermekvédelmi gondoskodást megszüntetik, és a továbbiakban az anya gondoskodik a gyermek neveléséről.

As at 31 December, 2013

A törvény hatálya

2. § E törvény hatálya kiterjed – amennyiben nemzetközi szerződés eltérően nem rendelkezik – a Magyarország területén élő
a) magyar állampolgárra,
b) bevándorolt vagy letelepedett jogállású, továbbá a magyar hatóság által menekültként, illetve hontalanként elismert személyekre,
c) a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról szóló törvény (a továbbiakban: Szmtv.) szerint a szabad mozgás és tartózkodás jogával rendelkező személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgás és a három hónapot meghaladó tartózkodási jogát Magyarország területén gyakorolja, és a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel rendelkezik,

d) – az anyasági támogatás (IV. fejezet) kivételével – a szociális biztonsági rendszerek koordinálásáról és annak végrehajtásáról szóló uniós rendeletekben (a továbbiakban: uniós rendeletek) meghatározott jogosulti körbe tartozó személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgáshoz és tartózkodáshoz való jogát Magyarország területén gyakorolja, és – a határ menti ingázó munkavállalókat kivéve – a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel rendelkezik,
e) – az anyasági támogatás (IV. fejezet) kivételével – a magas szintű képzettséget igénylő munkavállalás és tartózkodás céljából kiállított engedéllyel (EU Kék Kártyával) rendelkező és a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel vagy tartózkodási hellyel rendelkező harmadik országbeli állampolgárra.

Családi pótlék

6. § (1) A gyermek nevelésével, iskoláztatásával járó költségekhez az állam havi rendszerességgel járó nevelési ellátást vagy iskoláztatási támogatást (a továbbiakban együtt: családi pótlékot) nyújt.
(2) A családi pótlék természetbeni formában történő nyújtásáról a gyermek védelembe vételéről határozatot hozó gyámhatóság dönthet.

Nevelési ellátás

7. § (1) Nevelési ellátásra jogosult

a) a vér szerinti, az örökbe fogadó szülő, a szülővel együtt élő házastárs, az a személy, aki a saját háztartásában nevelt gyermeket örökbe kívánja fogadni, és az erre irányuló eljárás már folyamatban van (a továbbiakban együtt: szülő), a nevelőszülő, a hivatásos nevelőszülő, a gyám, továbbá az a személy, akihez a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény (a továbbiakban: Gyvt.) 72. §-ának (1) bekezdése alapján a gyermeket ideiglenes hatállyal elhelyezték, a saját háztartásában nevelt,
b) a gyermekotthon vezetője a gyermekotthonban nevelt,
c) a szociális intézmény vezetője az intézményben elhelyezett,
még nem tanköteles gyermekre tekintettel, a gyermek tankötelessé válása évének október 31-éig.
(2) Saját jogán jogosult nevelési ellátásra a tizennyolcadik életévét betöltött tartósan beteg, illetve súlyosan fogyatékos személy az iskoláztatási támogatásra való jogosultság megszűnésének időpontjától.
(3) Nevelési ellátásra jogosult – a gyermekre tekintettel folyósított iskoláztatási támogatásra való jogosultság megszűnésének időpontjától a gyermek tizennyolcadik életévének betöltéséig – az (1) bekezdés a)-c) pontja szerinti személy
a) a tizenhatodik életévét betöltött, a sajátos nevelési igény tényét megállapító szakértői vélemény alapján középsúlyosan vagy súlyosan értelmi fogyatékos, illetve siketvak gyermekre tekintettel,
b) azon tizenhatodik életévét betöltött gyermekre tekintettel, aki tankötelezettségét fejlesztő nevelés-oktatás, vagy fejlesztő iskolai oktatás keretében teljesítette.

Iskoláztatási támogatás

8. § (1) Iskoláztatási támogatásra jogosult
a) a 7. § (1) bekezdés a)-c) pontjában meghatározott személy, továbbá a gyámhatóság által a szülői ház elhagyását engedélyező határozatban megjelölt személy
aa) a tanköteles gyermekre tekintettel a gyermek tankötelessé válása évének november 1-jétől a tankötelezettség teljes időtartamára, valamint
ab) a tankötelezettsége megszűnését követően közoktatási intézményben tanulmányokat folytató gyermekre (személyre) tekintettel annak a tanévnek az utolsó napjáig, amelyben a gyermek (személy) a huszadik – a fogyatékos személyek jogairól és esélyegyenlőségük biztosításáról szóló törvény alapján fogyatékossági támogatásra nem jogosult, de sajátos nevelési igényű tanuló esetében huszonharmadik – életévét betölti; továbbá
b) a javítóintézet igazgatója vagy a büntetés-végrehajtási intézet parancsnoka a javítóintézetben nevelt vagy a büntetés-végrehajtási intézetben lévő, és gyermekvédelmi gondoskodás alatt álló, tanköteles gyermekre tekintettel a tankötelezettség teljes időtartamára.
(2) A súlyos és halmozottan fogyatékos tanuló szülője a tankötelezettség teljesítésének formájától függetlenül a tankötelezettség teljesítésének végéig jogosult iskoláztatási támogatásra.
(3) Saját jogán jogosult iskoláztatási támogatásra az a közoktatási intézményben a tankötelezettsége megszűnését követően tanulmányokat folytató személy,
a) akinek mindkét szülője elhunyt,
b) akinek a vele egy háztartásban élő hajadon, nőtlen, elvált vagy házastársától különélő szülője elhunyt,
c) aki kikerült az átmeneti vagy tartós nevelésből,
d) akinek a gyámsága nagykorúvá válása miatt szűnt meg,
e) aki a 7. § (1) bekezdésének a) pontja szerinti személlyel nem él egy háztartásban, vagy
f) ha az iskoláztatási támogatást – a gyámhatóságnak a szülői ház elhagyását engedélyező határozatában foglaltak szerint – a nagykorúságát megelőzően is a részére folyósították,
annak a tanévnek az utolsó napjáig, amelyben a huszadik – a fogyatékos személyek jogairól és esélyegyenlőségük biztosításáról szóló 1998. évi XXVI. törvény alapján fogyatékossági

támogatásra nem jogosult, de sajátos nevelési igényű tanuló esetében huszonharmadik – életévét betölti.
(3a) Amennyiben a (3) bekezdés a)-f) pontja szerinti körülmény a nagykorúvá válást követően, de a tankötelezettség megszűnésének időpontját megelőzően következik be, a (3) bekezdés szerinti személy a nagykorúvá válásának időpontjától jogosult saját jogon az iskoláztatási támogatásra.
(4) Az iskoláztatási támogatást a tankötelezettség fennállása alatt a tanulói jogviszony szünetelésének időtartamára is folyósítani kell.

A családi pótlékra vonatkozó közös szabályok

[…]
11. § (1) A családi pótlék havi összege
a) egygyermekes család esetén 12 200 forint,
b) egy gyermeket nevelő egyedülálló esetén 13 700 forint,
c) kétgyermekes család esetén gyermekenként 13 300 forint,
d) két gyermeket nevelő egyedülálló esetén gyermekenként 14 800 forint,
e) három- vagy többgyermekes család esetén gyermekenként 16 000 forint,
f) három vagy több gyermeket nevelő egyedülálló esetén gyermekenként 17 000 forint,
g) tartósan beteg, illetve súlyosan fogyatékos gyermeket nevelő család esetén, valamint a gyermekotthonban, javítóintézetben, büntetés-végrehajtási intézetben vagy szociális intézményben élő, továbbá nevelőszülőnél, hivatásos nevelőszülőnél elhelyezett tartósan beteg, illetve súlyosan fogyatékos gyermek után 23 300 forint,
h) tartósan beteg, illetve súlyosan fogyatékos gyermeket nevelő egyedülálló esetén a tartósan beteg, illetve súlyosan fogyatékos gyermek után 25 900 forint,
i) a 7. § (2) bekezdése szerinti személy esetén – a (2) bekezdésben foglaltak kivételével – 20 300 forint,
j) a gyermekotthonban, javítóintézetben, büntetés-végrehajtási intézetben vagy szociális intézményben élő, továbbá nevelőszülőnél, hivatásos nevelőszülőnél elhelyezett, a g) és h) pontok alá nem tartozó, továbbá a Gyvt. 72. §-ának (1) bekezdése alapján ideiglenes hatállyal elhelyezett gyermek, a gyámhatóság által a szülői ház elhagyását engedélyező határozatban megjelölt személy, valamint a 8. § (3) bekezdése alá tartozó személy esetén 14 800 forint.
(2) A közoktatási intézményben a tizennyolcadik életévének betöltését követően tanulmányokat folytató azon személyre tekintettel, aki után a tizennyolcadik életéve betöltéséig az (1) bekezdés g) vagy h) pontja szerinti összegben folyósítottak iskoláztatási támogatást, az iskoláztatási támogatást továbbra is a korábban folyósított összegnek megfelelő összegben kell folyósítani. Más jogszabály alkalmazásában magasabb összegű családi pótléknak minősül az (1) bekezdés g)-i) pontja szerinti, valamint az e bekezdés alapján folyósított ellátás.
(3) A tartósan beteg, illetve súlyosan fogyatékos gyermekre tekintettel vagy személy részére járó magasabb összegű családi pótlék annak a hónapnak a végéig jár, ameddig a betegség, súlyos fogyatékosság fennállását a külön jogszabályban előírtak szerint igazolták.
(4) Ha a kiskorú szülő gyermekének nincs gyámja, vagy ha a tizenhatodik életévét betöltött kiskorú szülő a saját háztartásában nevelt gyermekének gyámjával a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény 77. §-ának (2) bekezdése szerint nem él egy háztartásban, a családi pótlékot a kiskorú szülő részére kell megállapítani.
[…]

A tankötelezettség mulasztásával összefüggő rendelkezések

15. § (1) Ha a tanköteles vagy a tankötelezettsége megszűnését követően nevelési-oktatási intézményben tanulmányokat folytató gyermek (személy) – a (2) bekezdés szerinti kivétellel – a

kötelező tanórai foglalkozások tekintetében igazolatlanul mulaszt, a nevelési-oktatási intézmény igazgatójának jelzése alapján a gyámhatóság
a) az adott tanítási évben igazolatlanul mulasztott tizedik kötelező tanórai foglalkozás után felhívja az iskoláztatási támogatás jogosultját a b) pontban meghatározott jogkövetkezményre,
b) az adott tanítási évben igazolatlanul mulasztott ötvenedik kötelező tanórai foglalkozás után – a jelzés beérkezésétől számított 8 napon belül – kezdeményezi a kincstárnál az ellátás szüneteltetését.
(2) Az (1) bekezdésben foglaltakat nem kell alkalmazni, ha a közoktatási intézmény kötelező tanórai foglalkozásai tekintetében
a) nevelőszülőnél, hivatásos nevelőszülőnél elhelyezett,
b) gyermekotthonban elhelyezett,
c) javítóintézetben nevelt vagy büntetés-végrehajtási intézetben lévő, gyermekvédelmi gondoskodás alatt álló,
d) szociális intézményben elhelyezett
gyermek mulasztott.
(3) A kincstár a gyámhatóság kezdeményezésére megszünteti az iskoláztatási támogatás szüneteltetését, ha
a) a gyermek (személy) igazolatlanul mulasztott kötelező tanórai foglalkozásainak száma a Gyvt. 68/A. § (2) bekezdés szerinti felülvizsgálattal érintett időszakban nem haladta meg az ötöt, vagy
b) a (2) bekezdésben meghatározott esetek valamelyike bekövetkezett.
16-18. §

III. Fejezet
GYERMEKGONDOZÁSI TÁMOGATÁSOK

19. § A gyermeket nevelő szülő, nevelőszülő, illetve gyám a gyermek gondozására tekintettel – havi rendszerességgel járó – gyermekgondozási segélyre, gyermeknevelési támogatásra (a továbbiakban együtt: gyermekgondozási támogatás) jogosult. A nagyszülő gyermekgondozási segélyre a szülő jogán szerezhet jogosultságot.

Gyermekgondozási segély

(See Article 8)

Gyermeknevelési támogatás

23. § Gyermeknevelési támogatásra az a szülő, nevelőszülő, gyám jogosult, aki saját háztartásában három vagy több kiskorút nevel. A támogatás a legfiatalabb gyermek 3. életévének betöltésétől a 8. életévének betöltéséig jár.
24. § A gyermeknevelési támogatásban részesülő személy kereső tevékenységet heti harminc órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés otthonában történik.

A gyermekgondozási támogatási formák közös szabályai

[…]
26. § (1) A gyermekgondozási támogatás havi összege – függetlenül a gyermekek számától – azonos az öregségi nyugdíj mindenkori legkisebb összegével, töredékhónap esetén egy naptári napra a havi összeg harmincad része jár.
(2) A gyermekgondozási segély havi összege ikergyermekek esetén azonos az öregségi nyugdíj mindenkori legkisebb összegének 2 gyermek esetén 200%-ával, 3 gyermek esetén 300%-ával, 4 gyermek esetén 400%-ával, 5 gyermek esetén 500%-ával, 6 gyermek esetén 600%-ával.

[…]

IV. Fejezet
ANYASÁGI TÁMOGATÁS

29. § (1) Anyasági támogatásra jogosult a szülést követően
a) az a nő, aki terhessége alatt legalább négy alkalommal – koraszülés esetén legalább egyszer – terhesgondozáson vett részt;
b) az örökbefogadó szülő, ha a szülést követő hat hónapon belül az örökbefogadást jogerősen engedélyezték;
c) a gyám, ha a gyermek a születését követően hat hónapon belül – jogerős határozat alapján – a gondozásába kerül.
(2) Az anyasági támogatás az (1) bekezdés a) pontja szerinti jogosultat akkor is megilleti, ha a gyermek halva született.
(3) E fejezet hatálya a 2. §-ban meghatározottakon túl kiterjed arra az anyasági támogatás igénylésének időpontjában a Magyarország területén jogszerűen tartózkodó nőre, aki a terhessége alatt legalább négy alkalommal – koraszülés esetén legalább egyszer – Magyarország területén terhesgondozáson vett részt.
30. § Amennyiben az anyasági támogatásra jogosult nő a támogatás felvételét megelőzően meghal, úgy az anyasági támogatást az anyával egy háztartásban élt apának kell kifizetni, ezen személy hiányában annak a személynek, aki a gyermek gondozását ellátja.
31. § Az anyasági támogatás – gyermekenkénti – összege azonos a gyermek születésének időpontjában érvényes öregségi nyugdíj legkisebb összegének 225%-ával, ikergyermekek esetén 300%-ával.
32. § Az anyasági támogatásra vonatkozó igényt a szülést követő hat hónapon belül lehet benyújtani.
33. § (1) Nem jár anyasági támogatás, ha
a) a szülők a gyermek születését megelőzően nyilatkozatban hozzájárultak a gyermek örökbefogadásához;
b) a megszületett gyermek a gyámhatóság jogerős határozata alapján családból kikerülést eredményező gyermekvédelmi gondoskodásban részesül.
(2) Az anyasági támogatás – a szülést követő hat hónapon belül benyújtott igény esetén – megilleti a jogosultat, ha
a) a gyermek örökbefogadásához való hozzájárulásról szóló nyilatkozatot visszavonták;
b) a családból kikerülést eredményező gyermekvédelmi gondoskodást megszüntetik, és a továbbiakban az anya gondoskodik a gyermek neveléséről.

In effect from 1 January, 2014 (as regards the responses to the ECSR conclusions).

A törvény hatálya

2. § E törvény hatálya kiterjed – amennyiben nemzetközi szerződés eltérően nem rendelkezik – a Magyarország területén élő
a) magyar állampolgárra,
b) bevándorolt vagy letelepedett jogállású, továbbá a magyar hatóság által menekültként, illetve hontalanként elismert személyekre,
c) a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról szóló törvény (a továbbiakban: Szmtv.) szerint a szabad mozgás és tartózkodás jogával rendelkező személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgás és a három hónapot meghaladó tartózkodási jogát Magyarország területén gyakorolja, és a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint

bejelentett lakóhellyel rendelkezik,

d) – az anyasági támogatás (IV. fejezet) kivételével – a szociális biztonsági rendszerek koordinálásáról és annak végrehajtásáról szóló uniós rendeletekben (a továbbiakban: uniós rendeletek) meghatározott jogosulti körbe tartozó személyre, amennyiben az ellátás igénylésének időpontjában az Szmtv.-ben meghatározottak szerint a szabad mozgáshoz és tartózkodáshoz való jogát Magyarország területén gyakorolja, és – a határ menti ingázó munkavállalókat kivéve – a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel rendelkezik,
e) – az anyasági támogatás (IV. fejezet) kivételével – a magas szintű képzettséget igénylő munkavállalás és tartózkodás céljából kiállított engedéllyel (EU Kék Kártyával) rendelkező és a polgárok személyi adatainak és lakcímének nyilvántartásáról szóló törvény szerint bejelentett lakóhellyel vagy tartózkodási hellyel rendelkező harmadik országbeli állampolgárra,
f) összevont engedéllyel rendelkező harmadik országbeli állampolgárra, feltéve, hogy a munkavállalást számára hat hónapot meghaladó időtartamra engedélyezték.

III. Fejezet
GYERMEKGONDOZÁSI TÁMOGATÁSOK

19. § A gyermeket nevelő szülő, illetve gyám a gyermek gondozására tekintettel – havi rendszerességgel járó – gyermekgondozási segélyre, gyermeknevelési támogatásra (a továbbiakban együtt: gyermekgondozási támogatás) jogosult. A nagyszülő gyermekgondozási segélyre a szülő jogán szerezhet jogosultságot.

Gyermekgondozási segély

20. § (1) Gyermekgondozási segélyre jogosult a szülő – ideértve a kiskorú szülőt a 11. § (4) bekezdésében meghatározott esetben –, a gyám a saját háztartásában nevelt
a) gyermek 3. életévének betöltéséig,
b) ikergyermekek esetén a tankötelessé válás évének végéig,
c) tartósan beteg, illetve súlyosan fogyatékos gyermek 10. életévének betöltéséig.
(2) Amennyiben ikergyermekek esetén a tankötelessé válás éve nem egyezik meg, úgy az (1) bekezdés alkalmazása során a legkésőbb tankötelessé váló gyermeket kell figyelembe venni.
20/A. § (1) A 20. §-ban megjelölt jogosultakon kívül, de az ott meghatározott feltételek mellett a gyermek szülőjének vér szerinti, örökbe fogadó szülője, továbbá annak együtt élő házastársa (a továbbiakban együtt: nagyszülő) is jogosult a gyermekgondozási segélyre, ha
a) a gyermek az első életévét betöltötte,
b) a gyermek gondozása, nevelése a szülő háztartásában történik,
c) a gyermek szülei írásban nyilatkoznak arról, hogy a gyermekgondozási segélyről lemondanak és egyetértenek a gyermekgondozási segélynek nagyszülő részéről történő igénylésével, és
d) a szülő háztartásában nincs másik olyan gyermek vagy ikergyermek, akire tekintettel gyermekgondozási segélyt folyósítanak.
(2) A gyermekkel nem közös háztartásban élő szülő (1) bekezdés c) pontja szerinti egyetértő nyilatkozatát – kérelemre – a gyámhatóság pótolhatja.
(3) Ha a szülő az egyetértő nyilatkozatát visszavonja és azt a (2) bekezdés alapján a gyámhatóság nem pótolja, a visszavonás a nagyszülő gyermekgondozási segélyre való jogosultságát megszünteti. Az ellátást az egyetértés visszavonását tartalmazó nyilatkozatnak az igényelbíráló szervhez történő benyújtását követő hónap utolsó napjától kell megszüntetni.
(4) A nagyszülő részére a gyermekgondozási segélyre való jogosultság az (1) bekezdésben foglalt feltételek fennállása esetén kizárólag akkor állapítható meg, ha
a) ő maga megfelel az ellátásra való jogosultság feltételeinek, és

b) a jogosultsági feltételek a szülő esetében is fennállnak.
(5) A nagyszülő gyermekgondozási segélyre való jogosultságát akkor is meg kell szüntetni, ha olyan kizáró körülmény áll be, amely a szülő az ellátásnak saját maga általi igénybevétele esetén a gyermekgondozási segélyre való jogosultságának elvesztését vonná maga után.
(6) Ha a szülő a gyermek után gyermekápolási táppénzt vesz igénybe, ez a körülmény a nagyszülő gyermekgondozási segélyre vonatkozó jogosultságát nem érinti.
20/B. § (1) A gyermek örökbefogadás előtti gondozásba történő kihelyezésének időpontjától számított hat hónap időtartamig gyermekgondozási segélyre jogosult az örökbefogadó szülő – a házastársi és rokoni örökbefogadás kivételével –, amennyiben a gyermek az örökbefogadás előtti gondozásba történő kihelyezéskor a 20. § (1) bekezdés a)-b) pontjai szerinti életkort már betöltötte, azonban a 10. életévét még nem töltötte be.
(2) Amennyiben a gyermek a 20. § (1) bekezdés a)-c) pontjai szerinti életkort az örökbefogadás előtti gondozásba történő kihelyezést követő hat hónapon belül tölti be, akkor az örökbefogadó szülő 20. § (1) bekezdése szerinti gyermekgondozási segélyre való jogosultsága a gyermek 20. § (1) bekezdés a)-c) pontjai szerinti életkorának betöltését követően a jogosultság kezdő időpontjától számított hat hónap elteltéig meghosszabbodik.
(3) Az (1) és (2) bekezdés szerint gyermekgondozási segélyben részesülő személy kereső tevékenységet heti harminc órát meg nem haladó időtartamban folytathat.
21. § (1) A gyermekgondozási segélyben részesülő személy – ide nem értve a nagyszülőt, az örökbe fogadó szülőt a 20/B. § szerinti esetben, továbbá a kiskorú szülő gyermekének gyámját – kereső tevékenységet a gyermek egyéves koráig nem folytathat.
(2) A kiskorú szülő gyermekének gyermekgondozási segélyben részesülő gyámja időkorlátozás nélkül folytathat kereső tevékenységet.
21/A. § (1) A gyermekgondozási segélyben részesülő nagyszülő kereső tevékenységet a gyermek hároméves kora után, heti harminc órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés az otthonában történik.
(2) A 27. § (1) bekezdésében foglaltakon túl nem jár gyermekgondozási segély a nagyszülőnek, ha – kormányrendeletben meghatározott kivétellel – a gyermeket napközbeni ellátást biztosító intézményben [Gyvt. 41. § (3) bek.], illetve nyári napközis otthonban, óvodában vagy iskolai napköziben helyezik el.
21/B. § A 20/B-21/A. §-ok alkalmazásában nem minősül keresőtevékenységnek a nevelőszülői foglalkoztatási jogviszony keretében folytatott tevékenység.
22. § A kincstár vezetője méltányossági jogkörben eljárva – a 27. §-ban foglalt rendelkezések figyelembevételével – a gyermekgondozási segélyre való jogosultságot
a) megállapíthatja a gyermeket nevelő személynek, ha a gyermek szülei a gyermek nevelésében három hónapot meghaladóan akadályoztatva vannak;
b) megállapíthatja, illetőleg meghosszabbíthatja a gyermek általános iskolai tanulmányainak megkezdéséig, legfeljebb azonban a gyermek 8. életévének betöltéséig, ha a gyermek betegsége miatt gyermekek napközbeni ellátását biztosító intézményben [Gyvt. 41. § (3) bek.], illetve nyári napközis otthonban, óvodában vagy iskolai napköziben nem gondozható.

Gyermeknevelési támogatás

23. § Gyermeknevelési támogatásra az a szülő, gyám jogosult, aki saját háztartásában három vagy több kiskorút nevel. A támogatás a legfiatalabb gyermek 3. életévének betöltésétől a 8. életévének betöltéséig jár.
24. § A gyermeknevelési támogatásban részesülő személy kereső tevékenységet heti harminc órát meg nem haladó időtartamban folytathat, vagy időkorlátozás nélkül, ha a munkavégzés otthonában történik.

A gyermekgondozási támogatási formák közös szabályai

25. § (1) A gyermekgondozási támogatást a gyermekkel közös háztartásban élő szülők bármelyike igénybe veheti. Megállapodás hiányában a támogatást igénylő szülő személyéről – kérelemre – a gyámhatóság dönt.
(2) Ha a szülők egyidejűleg több gyermek után lennének jogosultak a gyermekgondozási támogatás egyik vagy mindkét formájára, úgy a támogatást – ide nem értve a (3) bekezdés szerinti esetet – csak egy jogcímen, és csak az egyik szülő részére lehet megállapítani.
(3) Gyermekgondozási segélyre való jogosultság egyidejűleg legfeljebb két gyermekre tekintettel állhat fenn azzal, hogy e bekezdés alkalmazásában az egyazon várandósságból született ikergyermekeket egy gyermeknek kell tekinteni.

A gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény

Act XXXI of 1997 on the protection of children and the administration of guardianship

As at 1 January, 2010

Rendszeres gyermekvédelmi kedvezmény

19. § (1) A rendszeres gyermekvédelmi kedvezményre való jogosultság megállapításának célja annak igazolása, hogy a gyermek szociális helyzete alapján jogosult
a) a 148. § (5) bekezdésének a) és b) pontjában meghatározott gyermekétkeztetés normatív kedvezményének,
b) a 20/A. §-ban meghatározott pénzbeli támogatásnak,
c) a külön jogszabályban meghatározott egyéb kedvezményeknek
az igénybevételére.
(2) A települési önkormányzat jegyzője megállapítja a gyermek rendszeres gyermekvédelmi kedvezményre való jogosultságát, amennyiben a gyermeket gondozó családban az egy főre jutó havi jövedelem összege nem haladja meg
a) az öregségi nyugdíj mindenkori legkisebb összegének (a továbbiakban: az öregségi nyugdíj legkisebb összege) a 140%-át,
aa) ha a gyermeket egyedülálló szülő, illetve más törvényes képviselő gondozza, vagy
ab) ha a gyermek tartósan beteg, illetve súlyosan fogyatékos, vagy
ac) ha a nagykorúvá vált gyermek megfelel a 20. § (3) vagy (4) bekezdésében foglalt feltételeknek;
b) az öregségi nyugdíj legkisebb összegének 130%-át az a) pont alá nem tartozó esetben,
feltéve, hogy a vagyoni helyzet vizsgálata során az egy főre jutó vagyon értéke nem haladja meg külön-külön vagy együttesen a (7) bekezdésben meghatározott értéket.
[…]

20. § (1) A rendszeres gyermekvédelmi kedvezményre való jogosultság megállapítását a szülő vagy más törvényes képviselő, illetve a nagykorú jogosult a lakcíme szerint illetékes települési önkormányzat polgármesteri hivatalánál terjeszti elő.
(2) A feltételek fennállása esetén a települési önkormányzat jegyzője 1 év időtartamra megállapítja a gyermek rendszeres gyermekvédelmi kedvezményre való jogosultságát.
(3) Az egyéb jogosultsági feltételek fennállása esetén nagykorúvá válása után is jogosult a gyermek a rendszeres gyermekvédelmi kedvezményre, ha
a) nappali oktatás munkarendje szerint tanulmányokat folytat és 23. életévét még nem töltötte be, vagy
b) felsőfokú oktatási intézmény nappali tagozatán tanul és a 25. életévét még nem töltötte be.

(4) Házasságkötés esetén a rendszeres gyermekvédelmi kedvezményre való jogosultságot meg kell szüntetni, ha a jogosult házasságkötése szerinti új családban az egy főre jutó havi jövedelem összege, illetve vagyon értéke meghaladja a 19. §-ban meghatározott jövedelemhatárt, illetve vagyon értékét.
20/A. § (1) A települési önkormányzat jegyzője annak a gyermeknek, fiatal felnőttnek, akinek rendszeres gyermekvédelmi kedvezményre való jogosultsága
a) a tárgyév július 1-jén fennáll, a tárgyév július hónapjában,
b) a tárgyév november 1-jén fennáll, a tárgyév november hónapjában
pénzbeli támogatást folyósít.
(2) Az (1) bekezdés szerinti pénzbeli támogatás esetenkénti összege 2006. évben gyermekenként 5000 forint. A 2006. évet követően a pénzbeli támogatás összegének emeléséről az Országgyűlés a költségvetésről szóló törvény elfogadásával egyidejűleg dönt.

Kiegészítő gyermekvédelmi támogatás

20/B. § (1) Kiegészítő gyermekvédelmi támogatásra az a rendszeres gyermekvédelmi kedvezményben részesülő gyermek gyámjául rendelt hozzátartozó jogosult, aki
a) a gyermek tartására köteles, és
b) nyugellátásban, vagy baleseti nyugellátásban, vagy nyugdíjszerű rendszeres szociális pénzellátásban, vagy időskorúak járadékában részesül.
(2) A kiegészítő gyermekvédelmi támogatásra való jogosultságot a gyám lakcíme szerint illetékes települési önkormányzat jegyzője – határozatlan időre – állapítja meg.
(3) A kiegészítő gyermekvédelmi támogatás havi összege – gyermekenként – az öregségi nyugdíj mindenkori legkisebb összegének 22 százaléka.
(4) A települési önkormányzat jegyzője annak a gyámul kirendelt hozzátartozónak, akinek kiegészítő gyermekvédelmi támogatásra való jogosultsága
a) a tárgyév július 1-jén fennáll, a tárgyév július hónapjában – a július hónapra járó kiegészítő gyermekvédelmi támogatás összege mellett –,
b) a tárgyév november 1-jén fennáll, a tárgyév november hónapjában – a november hónapra járó kiegészítő gyermekvédelmi támogatás összege mellett –
pótlékot folyósít.
(5) A (4) bekezdés szerinti pótlék esetenkénti összege 2006. évben gyermekenként 7500 forint. A 2006. évet követően a pótlék összegének emeléséről az Országgyűlés a költségvetésről szóló törvény elfogadásával egyidejűleg dönt.
[…]

Óvodáztatási támogatás

20/C. § (1) A települési önkormányzat jegyzője annak a rendszeres gyermekvédelmi kedvezményben részesülő gyermeknek a szülője részére, aki a három-, illetve négyéves gyermekét beíratta az óvodába, továbbá gondoskodik gyermeke rendszeres óvodába járatásáról, és akinek rendszeres gyermekvédelmi kedvezményre való jogosultsága fennáll
a) a gyermek óvodai beíratását követően első alkalommal, ha a gyermek óvodai beíratása
aa) az év első felében történik és a gyermek óvodai nevelésben való részvétele óta legalább három hónap eltelt, a beíratás évének június hónapjában,
ab) az év első felében történik, de júniusig nem telt el három hónap, a beíratás évének december hónapjában,
ac) az év második felében történik és a gyermek óvodai nevelésben való részvétele óta legalább három hónap eltelt, a beíratás évének december hónapjában,
ad) az év második felében történik, de a beíratás évében decemberig nem telt el három hónap, a következő év június hónapjában [a továbbiakban az aa)-ad) pont alattiak együtt: első alkalom],

b) a gyermek beíratását követően második és további alkalommal az óvodai nevelési jogviszony fennállásáig
ba) a tárgyév június hónapjában,
bb) a tárgyév december hónapjában,
pénzbeli támogatást folyósít.
(2) Az (1) bekezdés szerinti pénzbeli támogatás folyósításának további feltétele, hogy a gyermek felett a szülői felügyeleti jogot gyakorló szülő, illetve ha mindkét szülő gyakorolja a szülői felügyeleti jogot, mindkét szülő a jegyzői eljárásban önkéntes nyilatkozatot tegyen arról, hogy gyermekének hároméves koráig legfeljebb az iskola nyolcadik évfolyamán folytatott tanulmányait fejezte be sikeresen.
(3) Az (1) bekezdés szerinti pénzbeli támogatás összege a 2009. évben gyermekenként első alkalommal húszezer forint, ezt követőn esetenként és gyermekenként tízezer forint. A 2009. évet követően az összeg emeléséről az Országgyűlés a költségvetésről szóló törvény elfogadásával egyidejűleg dönt.
(4) A helyi önkormányzat rendeletben előírhatja, hogy az első alkalommal folyósításra kerülő pénzbeli támogatás helyett a szülőnek gyermeke részére természetbeni támogatás nyújtható. A természetbeni támogatást a gyermek beíratását követő legfeljebb 15 munkanapon belül kell a szülő rendelkezésére bocsátani.

Rendkívüli gyermekvédelmi támogatás

21. § (1) A települési önkormányzat képviselő-testülete a gyermeket a rendeletében meghatározott mértékű rendkívüli gyermekvédelmi támogatásban részesíti (a továbbiakban: rendkívüli támogatás), ha a gyermeket gondozó család időszakosan létfenntartási gondokkal küzd, vagy létfenntartást veszélyeztető rendkívüli élethelyzetbe került.
(2) Elsősorban azokat a gyermekeket, illetve családokat kell alkalmanként rendkívüli támogatásban részesíteni, akiknek az ellátásáról más módon nem lehet gondoskodni, illetve az alkalmanként jelentkező többletkiadások – különösen a szociális válsághelyzetben lévő várandós anya gyermekének megtartása, a gyermek fogadásának előkészítéséhez kapcsolódó kiadások, a nevelésbe vett gyermek családjával való kapcsolattartásának, illetve a gyermek családba való visszakerülésének elősegítése, betegség vagy iskoláztatás – miatt anyagi segítségre szorulnak.
(3) A rendkívüli támogatás iránti kérelmet a szülő vagy más törvényes képviselő a lakcíme szerint illetékes települési önkormányzat polgármesteri hivatalánál vagy az önkormányzat rendeletében meghatározott szervnél terjeszti elő.

Gyermektartásdíj megelőlegezése

22. § (1) A gyermektartásdíj megelőlegezésének akkor van helye, ha
a) a bíróság a tartásdíjat jogerős határozatában már megállapította vagy van olyan külföldi bíróság, vagy más hatóság által hozott jogerős határozat, amelyet a Magyarországon élő gyermek javára nemzetközi szerződés vagy viszonosság alapján kell végrehajtani, és
b) a gyermektartásdíj összegének behajtása átmenetileg lehetetlen, továbbá
c) a gyermeket gondozó szülő vagy más törvényes képviselő nem képes a gyermek részére a szükséges tartást nyújtani,
feltéve, hogy a gyermeket gondozó családban az egy főre jutó havi átlagjövedelem nem éri el az öregségi nyugdíj legkisebb összegének kétszeresét.
[…]

23. § (1) A gyámhivatal a bíróság által a tartásdíj megfizetésére kötelező határozatában megállapított összeget, százalékos marasztalás esetében az alapösszeget előlegezi meg.

(2) A gyámhivatal az (1) bekezdésben meghatározott összegnél alacsonyabb összeget akkor állapíthat meg, ha a gyermek tartását a gondozó szülő részben biztosítani tudja. A megelőlegezett összeg ebben az esetben sem lehet kevesebb a bíróság által megállapított összeg 50%-ánál.
(3) A gyámhivatal a gyermektartásdíj megelőlegezését elrendelő határozatát a fellebbezésre tekintet nélkül végrehajthatóvá nyilváníthatja.
(4) A gyámhivatal határozata alapján a – székhelye szerinti – települési önkormányzat jegyzője a gyermektartásdíj megelőlegezését a központi költségvetés terhére biztosítja.
24. § (1) Ha a gyermektartásdíj megelőlegezését jogerősen megállapítják, az a kérelem benyújtásától esedékes. A folyósítás időtartama a kérelem benyújtásának napjától az alapul szolgáló ok előrelátható fennállásáig, legfeljebb azonban három évig tart. A feltételek fennállása esetén – függetlenül az adók módjára történő behajtás eredményétől – ugyanazon gyermekre tekintettel, egy alkalommal, legfeljebb további három évre a megelőlegezés továbbfolyósítható, illetve ismételten elrendelhető.
[…]

(8) A megelőlegezett gyermektartásdíjat a kötelezett a Ptk. 232. §-ának (2) bekezdésében meghatározott kamattal az államnak megtéríti. A megelőlegezett gyermektartásdíjnak meg nem térült összegét adók módjára kell behajtani az adózás rendjéről szóló törvény rendelkezései szerint.
(9) A megelőlegezett gyermektartásdíj behajtása során a hátralékra a települési önkormányzat jegyzője adóügyi hatáskörében indokolt esetben méltányosságból részletfizetést vagy kamatelengedést engedélyezhet. A települési önkormányzat jegyzője adóügyi hatáskörében a hátralék teljes összegét akkor engedheti el, ha a kötelezett gyermeke a reá tekintettel megelőlegezett gyermektartásdíjat hagyatéki teherként megörökli.

As at 31 December, 2013

Rendszeres gyermekvédelmi kedvezmény

19. § (1) A rendszeres gyermekvédelmi kedvezményre való jogosultság megállapításának célja annak igazolása, hogy a gyermek szociális helyzete alapján jogosult
a) a 151. § (5) bekezdésének a) és b) pontjában meghatározott gyermekétkeztetés normatív kedvezményének,
b) a 20/A. §-ban meghatározott természetbeni támogatásnak,
c) a külön jogszabályban meghatározott egyéb kedvezményeknek
az igénybevételére.
(1a) A rendszeres gyermekvédelmi kedvezményre jogosult gyermek után a gyermek családbafogadó gyámjául kirendelt hozzátartozó pénzbeli ellátásra jogosult, ha
a) a gyermek tartására köteles, és
b) nyugellátásban, korhatár előtti ellátásban, szolgálati járandóságban, balettművészeti életjáradékban, átmeneti bányászjáradékban, megváltozott munkaképességű személyek ellátásaiban, időskorúak járadékában vagy olyan ellátásban részesül, amely a nyugdíjszerű rendszeres szociális ellátások emeléséről szóló jogszabály hatálya alá tartozik.
(2) A gyámhatóság megállapítja a gyermek rendszeres gyermekvédelmi kedvezményre való jogosultságát, amennyiben a gyermeket gondozó családban az egy főre jutó havi jövedelem összege nem haladja meg
a) az öregségi nyugdíj mindenkori legkisebb összegének (a továbbiakban: az öregségi nyugdíj legkisebb összege) a 140%-át,
aa) ha a gyermeket egyedülálló szülő, illetve más törvényes képviselő gondozza, vagy
ab) ha a gyermek tartósan beteg, illetve súlyosan fogyatékos, vagy
ac) ha a nagykorúvá vált gyermek megfelel a 20. § (2) bekezdésében foglalt feltételeknek;

b) az öregségi nyugdíj legkisebb összegének 130%-át az a) pont alá nem tartozó esetben,
feltéve, hogy a vagyoni helyzet vizsgálata során az egy főre jutó vagyon értéke nem haladja meg külön-külön vagy együttesen a (7) bekezdésben meghatározott értéket.
(3) Az egy főre jutó jövedelem megállapításánál a 131. § (2) bekezdését kell alkalmazni. Ettől eltérni akkor lehet, ha a jövedelmi viszonyokban igazolható ok miatt tartós romlás vélelmezhető.
(4) A (2) bekezdésben meghatározott összeg számításánál – a kérelem benyújtásának időpontjában – közös háztartásban élő közeli hozzátartozóként (gondozó családként) kell figyelembe venni az egy lakásban együtt lakó, ott bejelentett lakóhellyel vagy tartózkodási hellyel rendelkező
a) szülőt, a szülő házastársát vagy élettársát,
b) 20 évesnél fiatalabb, önálló keresettel nem rendelkező gyermeket,
c) 23 évesnél fiatalabb, önálló keresettel nem rendelkező, a nappali oktatás munkarendje szerint tanulmányokat folytató gyermeket,
d) 25 évesnél fiatalabb, önálló keresettel nem rendelkező, felsőoktatási intézmény nappali tagozatán tanulmányokat folytató gyermeket,
e) korhatárra való tekintet nélkül a tartósan beteg és a fogyatékos gyermeket,
f) az a)-e) pontokba nem tartozó, a Csjt. alapján a szülő vagy házastársa által eltartott rokont.
(5)
(6) A vagyoni helyzet vizsgálata kiterjed a (4) bekezdésben meghatározott közös háztartásban élő közeli hozzátartozók vagyonára.
[…]

20. § (1) A feltételek fennállása esetén a gyámhatóság egy év időtartamra, de legfeljebb
a) a (2) bekezdés a) pontja szerinti esetben a nagykorúvá vált gyermek 23. életévének betöltéséig,
b) a (2) bekezdés b) pontja szerinti esetben a nagykorúvá vált gyermek 25. életévének betöltéséig
megállapítja a gyermek, nagykorúvá vált gyermek rendszeres gyermekvédelmi kedvezményre való jogosultságát.
(2) Az egyéb jogosultsági feltételek fennállása esetén nagykorúvá válása után is jogosult a gyermek a rendszeres gyermekvédelmi kedvezményre, ha
a) nappali oktatás munkarendje szerint tanulmányokat folytat és 23. életévét még nem töltötte be, vagy
b) felsőfokú oktatási intézmény nappali tagozatán tanul és a 25. életévét még nem töltötte be,
és a nagykorúvá válását megelőző második hónap első napja, valamint a nagykorúvá válását megelőző nap közötti időszakban legalább egy napig rendszeres gyermekvédelmi kedvezményre volt jogosult.
(3) A rendszeres gyermekvédelmi kedvezményre való jogosultságot, ideértve a 19. § (1a) bekezdés szerinti pénzbeli ellátásra való jogosultságot is, a gyámhatóság – hivatalból vagy kérelemre – felülvizsgálja, ha a megállapított jogosultság időtartama alatt a jogosultsági feltételekben változás következett be.
(4) A rendszeres gyermekvédelmi kedvezményre való jogosultság
a) megszűnik az (1) bekezdésben meghatározott időtartam leteltével,
b) megszüntetésre kerül, ha
ba) a (3) bekezdés szerinti felülvizsgálat azzal az eredménnyel zárul, hogy a jogosultsági feltételek nem állnak fenn, vagy
bb) a gyermek gyermekvédelmi szakellátásba kerül.
20/A. § (1) A gyámhatóság annak a gyermeknek, fiatal felnőttnek, akinek rendszeres gyermekvédelmi kedvezményre való jogosultsága
a) a tárgyév augusztus 1-jén fennáll, a tárgyév augusztus hónapjára tekintettel,
b) a tárgyév november 1-jén fennáll, a tárgyév november hónapjára tekintettel
természetbeni támogatást nyújt fogyasztásra kész étel, ruházat, valamint tanszer vásárlására felhasználható Erzsébet-utalvány formájában.

(2) Az (1) bekezdés szerinti támogatás esetenkénti összegéről az Országgyűlés a központi költségvetésről szóló törvény elfogadásával egyidejűleg dönt.
20/B. § (1)-(2)
(3) A pénzbeli ellátás havi összege – gyermekenként – az öregségi nyugdíj mindenkori legkisebb összegének 22 százaléka.
(4) A gyámhatóság annak a családbafogadó gyámként kirendelt hozzátartozónak, akinek pénzbeli ellátásra való jogosultsága
a) a tárgyév augusztus 1-jén fennáll, a tárgyév augusztus hónapjában – az augusztus hónapra járó pénzbeli ellátás összege mellett –,
b) a tárgyév november 1-jén fennáll, a tárgyév november hónapjában – a november hónapra járó pénzbeli ellátás összege mellett –
pótlékot folyósít.
(5) A (4) bekezdés szerinti pótlék esetenkénti összege 2006. évben gyermekenként 7500 forint. A 2006. évet követően a pótlék összegének emeléséről az Országgyűlés a költségvetésről szóló törvény elfogadásával egyidejűleg dönt.
[…]

Óvodáztatási támogatás

20/C. § (1) Az óvodáztatási támogatásra való jogosultság megállapításának célja a halmozottan hátrányos helyzetű gyermekek minél korábbi életkorban történő rendszeres óvodába járásának elősegítése.
(2) A települési önkormányzat jegyzője az óvodáztatási támogatásra való jogosultságát – kérelmére – annak a szülőnek vagy családbafogadó gyámnak állapítja meg, akinek gyermeke
a) tekintetében a halmozottan hátrányos helyzet fennállását a jegyző a 67/A. § (3) bekezdésében foglaltak szerint megállapította, és
b) legkésőbb annak az óvodai nevelési évnek a kezdetéig, amelyben az ötödik életévét betölti, megkezdi az óvodai nevelésben való tényleges részvételt és a kérelem benyújtását közvetlenül megelőző időszakban legalább két hónapon keresztül a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról szóló kormányrendeletben foglaltak szerint rendszeresen jár óvodába.
(3) Az óvodáztatási támogatás iránti kérelmet a szülői felügyeletet gyakorló szülő vagy a családbafogadó gyám legfeljebb annak az óvodai nevelési évnek a kezdetéig terjesztheti elő, amely évben a gyermek az ötödik életévét betölti.
(4) A települési önkormányzat jegyzője az óvodáztatási támogatást első alkalommal, ha az óvodáztatási támogatásra való jogosultság jogerős megállapítására
a) az előző év december 5-e és a tárgyév június 4-e között kerül sor, a tárgyév június hónapjában,
b) a tárgyév június 5-e és a tárgyév december 4-e között kerül sor, a tárgyév december hónapjában
folyósítja.
(5) Az első alkalmat követően a települési önkormányzat jegyzője a gyermek óvodai nevelési jogviszonyának fennállásáig június és december hónapban további óvodáztatási támogatást folyósít a szülőnek vagy a családbafogadó gyámnak, ha
a) a gyermek továbbra is halmozottan hátrányos helyzetűnek minősül, és
b) a szülő, a családbafogadó gyám a gyermeknek a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról szóló kormányrendelet szerinti rendszeres óvodába járásáról gondoskodik.
(6) Ha az óvodáztatási támogatás iránti kérelmet december 4-éig, illetve június 4-éig benyújtották és a támogatásra való jogosultság feltételei fennállnak, de a kérelem jogerős elbírálására december 4-éig, illetve június 4-éig nem kerül sor, a további óvodáztatási támogatás folyósításának (5) bekezdés szerinti időpontjában kell folyósítani az első alkalommal járó óvodáztatási támogatást. Ha a további óvodáztatási támogatás folyósításának feltételei is fennállnak, akkor az első alkalommal járó és a további óvodáztatási támogatást együtt kell folyósítani.

(7) Az óvodáztatási támogatásra való jogosultság a megszüntetését követően a (2) és (3) bekezdésben foglalt feltételek fennállása esetén ismételten megállapítható, azzal, hogy a rendszeres óvodába járást a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról szóló kormányrendeletben meghatározott időszak tekintetében kell vizsgálni. Ebben az esetben a jogosultat az (5) bekezdés szerinti további óvodáztatási támogatás illeti meg.
(8) A támogatás összege gyermekenként első alkalommal húszezer forint, ezt követően esetenként és gyermekenként tízezer forint.
(9) A települési önkormányzat rendeletben előírhatja, hogy első alkalommal az óvodáztatási támogatást természetbeni formában kell biztosítani.

Rendkívüli gyermekvédelmi támogatás

21. § (1) A települési önkormányzat képviselő-testülete a gyermeket a rendeletében meghatározott mértékű rendkívüli gyermekvédelmi támogatásban részesíti (a továbbiakban: rendkívüli támogatás), ha a gyermeket gondozó család időszakosan létfenntartási gondokkal küzd, vagy létfenntartást veszélyeztető rendkívüli élethelyzetbe került.
(2) Elsősorban azokat a gyermekeket, illetve családokat kell alkalmanként rendkívüli támogatásban részesíteni, akiknek az ellátásáról más módon nem lehet gondoskodni, illetve az alkalmanként jelentkező többletkiadások – különösen a válsághelyzetben lévő várandós anya gyermekének megtartása, a gyermek fogadásának előkészítéséhez kapcsolódó kiadások, a nevelésbe vett gyermek családjával való kapcsolattartásának, illetve a gyermek családba való visszakerülésének elősegítése, betegség vagy iskoláztatás – miatt anyagi segítségre szorulnak.
(3) A rendkívüli támogatás iránti kérelmet a szülő vagy más törvényes képviselő a lakcíme szerint illetékes települési önkormányzat polgármesteri hivatalánál vagy az önkormányzat rendeletében meghatározott szervnél terjeszti elő.

Gyermektartásdíj megelőlegezése

22. § (1) A gyermektartásdíj megelőlegezésének akkor van helye, ha
a) a bíróság a tartásdíjat jogerős határozatában már megállapította vagy van olyan külföldi bíróság, vagy más hatóság által hozott jogerős határozat, amelyet a Magyarországon élő gyermek javára nemzetközi szerződés vagy viszonosság alapján kell végrehajtani, és
b) a gyermektartásdíj összegének behajtása átmenetileg lehetetlen, továbbá
c) a gyermeket gondozó szülő vagy más törvényes képviselő nem képes a gyermek részére a szükséges tartást nyújtani,
feltéve, hogy a gyermeket gondozó családban az egy főre jutó havi átlagjövedelem nem éri el az öregségi nyugdíj legkisebb összegének kétszeresét.
[…]

23. § (1) A gyámhatóság a bíróság által a tartásdíj megfizetésére kötelező határozatában megállapított összeget, százalékos marasztalás esetében az alapösszeget előlegezi meg azzal, hogy a megelőlegezett gyermektartásdíj összege nem haladhatja meg gyermekenként az öregségi nyugdíj legkisebb összegének 50%-át.
(2) A gyámhatóság az (1) bekezdésben meghatározott összegnél alacsonyabb összeget akkor állapíthat meg, ha a gyermek tartását a gondozó szülő részben biztosítani tudja. A megelőlegezett összeg ebben az esetben sem lehet kevesebb az öregségi nyugdíj legkisebb összegének 10%-ánál.
(3) A gyámhatóság a gyermektartásdíj megelőlegezését elrendelő határozatát a fellebbezésre tekintet nélkül végrehajthatóvá nyilváníthatja.
(4) A gyámhatóság a gyermektartásdíj megelőlegezését a központi költségvetés terhére biztosítja.

24. § (1) Ha a gyermektartásdíj megelőlegezését jogerősen megállapítják, az a kérelem benyújtásától esedékes. A folyósítás időtartama a kérelem benyújtásának napjától az alapul szolgáló ok előrelátható fennállásáig, legfeljebb azonban három évig tart. A feltételek fennállása esetén – függetlenül az adók módjára történő behajtás eredményétől – ugyanazon gyermekre tekintettel, egy alkalommal, legfeljebb további három évre a megelőlegezés továbbfolyósítható, illetve ismételten elrendelhető.
[…]

(8) A megelőlegezett gyermektartásdíjat a kötelezett a Polgári Törvénykönyvben meghatározott kamattal az államnak megtéríti. A megelőlegezett gyermektartásdíjnak meg nem térült összegét adók módjára kell behajtani az adózás rendjéről szóló törvény rendelkezései szerint.
(9) A megelőlegezett gyermektartásdíj behajtása során a hátralékra a települési önkormányzat jegyzője adóügyi hatáskörében indokolt esetben méltányosságból részletfizetést vagy kamatelengedést engedélyezhet. A települési önkormányzat jegyzője adóügyi hatáskörében a hátralék teljes összegét akkor engedheti el, ha a kötelezett gyermeke a reá tekintettel megelőlegezett gyermektartásdíjat hagyatéki teherként megörökli.