

– Hungary and the European Social Charter –

Signatures, ratifications and accepted provisions

Hungary ratified the European Social Charter on 08/07/1999 and the Additional Protocol to the Charter on 01/06/2005.

It ratified the Amending Protocol to the Charter on 04/02/2004

Hungary ratified the Revised European Social Charter on 20/04/2009 accepting 51 of the Revised Charter's 98 paragraphs.

It has not accepted the system of collective complaints.

The Charter in domestic law

Article 7§1 of the Constitution: "The legal system of the Republic of Hungary shall ensure harmony between the assumed international law obligations and domestic law'."

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = accepted provisions				

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning Hungary](#) in 2018. The Committee was of the view that Hungary could consider acceptance of Articles 4§2, 4§5, 7§3, 25, 28 and 29.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by Hungary

Between 2002 and 2022, Hungary submitted 7 reports on the application of the 1961 Charter and 11 reports on the application of the Revised Charter.

The [11th report](#), which was submitted on 16/03/2021, concerns the accepted provisions relating to thematic group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30).

Conclusions with respect to these provisions have been published in March 2022.

The 12th report, which was to be submitted by 31/12/2021, should concern the accepted provisions relating to thematic group 3 "Labour rights", namely:

- the right to just conditions of work (Article 2);
- the right to a fair remuneration (Article 4);
- the right to organise (Article 5);
- the right to bargain collectively (Article 6);
- the right to information and consultation (Article 21);
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22);
- the right to dignity at work (Article 26);
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28);
- the right to information and consultation in collective redundancy procedures (Article 29).

Conclusions with respect to these provisions will be published in March 2023.

¹ The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently, each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ³

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 154 – Right to work – Vocational guidance, training and rehabilitation*

It has not been established that the right to vocational guidance in the labour market is guaranteed.

► *Article 9 - Right to vocational guidance*

It has not been established that the right to vocational guidance in the labour market is guaranteed.

► *Article 1055 – Right to vocational training - Full use of facilities available*

It has not been established that equal treatment of nationals of other States Parties residing or working lawfully in Hungary is guaranteed as regards financial assistance for vocational education and training.

► *Article 1552 – Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

It has not been established that there are adequate remedies in the event of discrimination on grounds of disability in employment.

► *Article 1553 – Right of persons with disabilities to independence, social integration and participation in the life of the community - Integration and participation of persons with disabilities in the life of the community*

It has not been established that persons with disabilities have effective access to housing.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 352 – Right to safe and healthy working conditions - Safety and health regulations*

Domestic workers and the self-employed are not covered by occupational health and safety regulations.

► *Article 353 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*

It has not been established that accidents at work and occupational diseases are monitored effectively.

► *Article 1151- Right to protection of health - Removal of the causes of ill-health*

Measures taken to reduce maternal mortality rates have been insufficient.

► *Article 1251 - Right to social security - Existence of a social security system*

- The minimum amount of the old-age pension is inadequate;
- The maximum duration of payment of jobseeker's allowance is too short.

► *Article 1351 - Adequate assistance for every person in need*

- The level of social assistance paid to a single person without resources, including elderly persons, is not adequate.
- There is no right to appeal for certain benefits.

► *Article 1451 - Promotion or provision of social services*

Equal access to social services is not guaranteed to nationals of all States Parties lawfully residing on Hungarian territory.

³ Further information on the situations of non-conformity is available on the [HUDOC database](#).

Thematic Group 3 "Labour rights" - Conclusions 2014

The report was submitted too late for examination; therefore, the Committee was unable to adopt Conclusions in the 2018 cycle.

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2014.

▶ *Article 2§1 – Right to just conditions of work - Reasonable working time*

The working hours of employees on on-call and stand-by duty may be up to 24 hours a day; the weekly working hours of employees on stand-by duty may be up to 72 hours.

▶ *Article 6§2– Negotiation procedures*

No promoting measures have been taken in order to facilitate and encourage the conclusion of collective agreements, even though the coverage of workers by collective agreements is manifestly low.

▶ *Article 6§4 – Right to bargain collectively - Collective action*

- In the civil service, the right to call a strike is restricted to trade unions which are parties to the agreement concluded with the Government;
- The criteria used to define civil servant officials who are denied the right to strike go beyond the scope of Article G of the Charter;
- Civil service trade unions may only call strikes with the approval of a majority of the staff concerned.

Thematic Group 4 "Children, families, migrants" - Conclusions 2019

▶ *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

Children under the age of 15 are permitted to perform light work for an excessive duration and therefore such work cannot be qualified as light.

▶ *Article 8§1 – Right of employed women to protection of maternity - Maternity leave*

- It has not been established that there are in law and in practice adequate safeguards to protect employees from pressure to take less than six weeks' postnatal leave;
- It has not been established that career breaks are taken into account when assessing the qualifying period required for a woman to receive maternity benefits;
- The period of 365 days for which employees are required to have contributed to the social security scheme before pregnancy in order to be entitled to maternity leave and maternity benefits is too long;
- The amount of maternity benefits granted to employed women who do not meet the conditions for receiving benefit is insufficient.

▶ *Article 8§5 - Right of employed women to protection of maternity - Prohibition of dangerous, unhealthy or arduous work*

In the event of reassignment to a different post, the law does not guarantee the right of the women concerned to return to their previous job at the end of the protected period.

▶ *Article 16 - Right of the family to social, legal and economic protection*

- Evicted families can be left homeless;
- The protection of Roma families with respect to housing is inadequate.

▶ *Article 17§1 - Right of children and young persons to social, legal and economic protection -assistance, education and training*

- The maximum length of pre-trial detention is excessive;
- Unaccompanied children in transit zones are not adequately protected from violence and abuse.

▶ *Article 17§2 - Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*

Roma children are subject to segregation in education.

The Committee has been unable to assess compliance with the following rights and has invited the Hungarian Government to provide more information in the next report in respect of the following provisions:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 1§2 - Conclusions 2020
- ▶ Article 1§3 - Conclusions 2020
- ▶ Article 15§1 - Conclusions 2020

Thematic Group 2 "Health, social security and social protection"

- ▶ Article 11§2 - Conclusions 2021
- ▶ Article 11§3 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

Thematic Group 3 "Labour rights"

- ▶ Article 2§2 - Conclusions 2014
- ▶ Article 2§5 - Conclusions 2014
- ▶ Article 21 - Conclusions 2014
- ▶ Article 22 - Conclusions 2014

Thematic Group 4 "Children, families, migrants"

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II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)

Thematic Group 1 "Employment, training and equal opportunities"

▶With the Act CLV of 2011 on Vocational Contribution and Support to Training Development, the new vocational contribution system introduced in 2012 strengthens the dual approach to practical education in vocational training provided in schools.

▶The report indicates that Section 12 (1) of the Act I of 2012 on the Labour Code (the new Labour Code) states that the requirement of equal treatment must be complied with in relation to employment. The Act defines the concept of wages (as any remuneration in cash or in kind provided to employees directly or indirectly based on their employment), as well as the factors that need to be taken into account when calculating the equal value of work.

▶Measures taken to enable nationals of other States Parties to have equal entitlement to specific emergency assistance (amendment of the Health Insurance Benefits Act in 2004).

Thematic Group 2 "Health, social security and social protection"

▶In accordance with the Act CXXII of 2015 on Primary Health Service, school health services are now part of the primary health service which is a mandatory responsibility of municipal governments.

▶The amendment to the Labour Safety Act, that came into force on 1 January 2008, introduced the employer's obligation of dealing with psychosocial risk factors.

▶The Recommendations of the International Commission on Radiological Protection (ICRP Publication No. 103, 2007) have been integrated into Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, which Hungary transposed into national law.

Thematic Group 3 "Labour rights"

▶Restrictions on daily or weekly exposure time in the case of occupations subject to extreme temperatures and vibration (Decree no. 26/1996).

Thematic Group 4 "Children, families, migrants"

▶The child protection law of 1997 was amended in 2004 (effective as of 1 January 2005) so as to prohibit all forms of corporal punishment, therefore including such punishment in the home.

▶The Criminal Code, that entered into force on 1 July 2013, introduced the crime of "domestic violence".

▶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 recognised as refugees or protected by the Hungarian authorities.

▶Following the amendments of 2014 to the Family Support Act, the personal scope of family benefits has been extended and now covers third-country nationals holding a single permit, provided that their employment was permitted for a period exceeding 6 months.