



## – 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 <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by Hungary

Between 2002 and 2019, Hungary submitted 7 reports on the application of the 1961 Charter and 8 reports on the application of the Revised Charter.

The [8<sup>th</sup> report](#), submitted on 14/12/2018, covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29). The report was submitted too late for examination.

The 9<sup>th</sup> report, which was to be submitted by 31/10/2018, should concern the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

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<sup>1</sup> 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](#).

<sup>2</sup> 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 <sup>3</sup>

### Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016

► *Article 10§5 – Right to vocational training - Full use of facilities available*

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

► *Article 15§1 – Right of persons with disabilities to independence, social integration and participation in the life of the community - Vocational training for persons with disabilities*

It has not been established that the right of persons with disabilities to mainstream education is effectively guaranteed.

► *Article 15§2 – 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 equality of access to employment is effectively guaranteed for persons with disabilities.

► *Article 15§3 – 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 effective remedies are guaranteed for persons with disabilities who allege discriminatory treatment;
- It has not been established that persons with disabilities have effective access to housing.

### Thematic Group 2 « Health, social security and social protection » - Conclusions 2017

► *Article 3§2 – Right to safe and healthy working conditions - Safety and health regulations*

Self-employed and domestic workers as well as other categories of workers are not protected by occupational health and safety regulations.

► *Article 11§1 - Right to protection of health - Removal of the causes of ill-health*

Measures taken to reduce the maternal mortality have been insufficient.

► *Article 12§1 - Right to social security - Existence of a social security system*

- The minimum amount of old-age pensions is inadequate;
- The minimum amount of jobseeker's aid is inadequate;
- The maximum duration of payment of jobseeker's allowance is too short;
- The minimum amount of rehabilitation and invalidity benefits, in certain cases, is inadequate.

► *Article 13§1 - 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.

► *Article 14§1 - Promotion or provision of social services*

Equal access to social services is not guaranteed for lawfully resident nationals of all States Parties.

### 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*

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

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 2015**

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

The definition of light work is not sufficiently precise.

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

- Evicted families can be left homeless;
- It has not been established that there is an adequate supply of housing for vulnerable families (Conclusions 2017 and 2015);
- Roma families do not have access to adequate housing;
- Equal treatment of nationals of other States Parties with regard to family benefits is not ensured because the length of residence requirement is excessive.

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

The maximum period of pre-trial detention for minors is excessive.

► *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 the educational field.

**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§3 - Conclusions 2016
- ▶ Article 1§4 - Conclusions 2016
- ▶ Article 9 - Conclusions 2016

**Thematic Group 2 « Health, social security and social protection »**

- ▶ Article 3§3 - Conclusions 2017

**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 »**

- ▶ Article 8§1 - Conclusions 2015

## **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

### **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.