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EUROPEAN SOCIAL CHARTER

Comments submitted by
the group of NGOs concerning the 19th National Report on
the implementation of the European Social Charter

submitted by
THE GOVERNMENT OF HUNGARY
Articles 7, 8, 16, and 17
for the period 01/01/2018 – 31/12/2021

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on 30 June 2023

CYCLE 2023

VALIDITY



NGO information to the European Committee of Social Rights

For consideration of the 19th periodic report of

Hungary

Submitted by:

Validity Foundation - Mental Disability Advocacy Centre

Hungarian Civil Liberties Union

Autism Advocacy Association

Step-by-Step Association

30 June 2023

I. OVERVIEW

1. This written submission provides an update on the information on the implementation of the European Social Charter (hereafter “Social Charter”) by Hungary. The Government submitted the 19th report on the implementation of, inter alia, Article 17 of the Social Charter to the European Committee of Social Rights (hereafter “the Committee”) on 21 December 2022. The submitting international and domestic NGOs would like to provide the Committee with information on the failure to implement the right to inclusive education appropriately.
2. This submission has been written jointly by Autism Advocacy Association, Hungarian Civil Liberties Union, Step-by-Step Association and Validity Foundation - Mental Disability Advocacy Centre.
3. **Validity Foundation** – Mental Disability Advocacy Centre is an international non-governmental human rights organisation which uses legal strategies to promote, protect and defend the human rights of adults and children with intellectual and psychosocial disabilities. Validity’s vision is a world of equality where emotional, mental and learning differences are valued equally; where the inherent autonomy and dignity of each person are fully respected, and where human rights are realised for all persons without discrimination. Validity holds participatory status at the Council of Europe, and special consultative status at ECOSOC. For more information, please visit www.validity.ngo.
4. **Hungarian Civil Liberties Union** (“HCLU”) is a human rights NGO with a focus on protecting the rights of persons with disabilities in Hungary, especially those with intellectual and psychosocial disabilities. HCLU provides legal aid concerning legal capacity, inclusive education and independent living as well as litigating strategic cases for people with disabilities who consider themselves as victims of human rights violations. HCLU also carries out advocacy projects to empower persons with disabilities and their families. For more information, please visit www.tasz.hu.
5. **Autism Advocacy Association** was founded in 1988 which is now known as the Hungarian Autistic Society (“AOSZ”). It has played a major role in the interest advocacy of people living with autism spectrum disorder and their families for 35 years. This national umbrella organisation, which is strategically very important, includes more than 90 member organisations. In Hungary, it represents the interests of nearly 100 000 families with autistic member in supporting persons with autism and their families, advocacy issues, awareness raising, networking and international relations with stakeholders. For more information, please visit www.aosz.hu.
6. **Step-by-step Association** is a non-profit organisation founded by parents who are raising children with disabilities. The organisation was formed due to the realisation that they can assert their children’s rights better together. The organisation aims to promote the rights and interests of children with disabilities in order to have all the development and medical help children need, and, with the right education and support, enable them to live an independent, fulfilling life. For more information, please visit: www.lepjunkhogylephessenek.hu

II. GENERAL COMMENTS

7. Despite Hungary ratified Article 15 of the European Social Charter, we respectfully ask the Committee to examine the implementation of the right to inclusive education in Hungary under Article 17 (2) as well. We request that the general assessment of whether children in vulnerable situations have equal access to education should also cover children with disabilities.
8. As the Committee has already stressed, “Article 15§1 of the Charter does not exclude that relevant issues relating to the right of children and young persons with disabilities to education (...) may be examined in the framework of Article 17§§1 and 2 of the Charter.”¹ In addition, “allegations relating to discrimination based on disability are to be taken into consideration under Article 17 (...) as **it guarantees the rights of all children to education**, including children with disabilities.”²
9. We are convinced that the Council of Europe institutions are united in their position that “education is one of the most important public services in a modern State,”³ and that “**all children**, including children with disabilities, **have the right to access an inclusive education** – which has been recognised as the **most appropriate means to guarantee the fundamental principles of universality and non-discrimination** - that is appropriate to their abilities and needs, and that serves their best interests.”⁴
10. Given that the Charter is a living instrument, it should be interpreted “in the light of the present-day conditions, in view of actual or emerging human rights issues”⁵ and “so far as possible, in harmony with other rules of international law of which it forms part,”⁶ therefore also with the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD Committee, in its General Comment No. 4, **emphasised “the general nature” of inclusive education** - i.e., that the concept of inclusive education is not limited to children with disabilities – when it stressed that one of **the core features of inclusive education is “the respect for and value diversity. All members of the learning community are equally welcome and must be shown respect for diversity** irrespective of disability, race, colour, sex, language, linguistic culture, religion, political or other opinion, national, ethnic, indigenous, or social origin, property, birth, age or other status.”⁷
11. Even though inclusive education had originally been connected predominantly to disability, in light of the present-day conditions, this is no longer the case. Inclusive education is “an approach and philosophy that underpins educational improvement”⁸ and “seeks to address the **learning needs of all (...) with a specific focus on those who**

¹ ECSR, Mental Disability Advocacy Centre (MDAC) v. Belgium: Complaint No. 109/2014, para 103.

² Ibid.

³ Velyo Velev v. Bulgaria App no 16032/07 (ECHR, 27 May 2014) para 33, G.L. v. Italy App no. 59751/15 (ECHR, 10 September 2020) para 49 (G.L. v. Italy).

⁴ Çam v. Turkey App no 51500/08 (ECHR, 23 February 2016) para 64.

⁵ See, e.g., ECSR, Autism-Europe v. France, Collective Complaints No. 13/2002, Decision of 4 November 2003; Transgender Europe and ILGA-Europe v. The Czech Republic, Collective Complaint No. 117/2015, Decision of 15 May 2018.

⁶ ECSR, Defence for Children International (DCI) v. Netherlands, Complaint No.47/2008, para 35.

⁷ CRPD Committee 'General comment No. 4 (2016) 'Article 24: Right to inclusive education' (25 November 2016) CRPD/C/GC/4 para 12 (e).

⁸ Peter Caton, 'Inclusive Teaching for Children with Disabilities' (2013) IDDC Paper, Teachers for All, p 10.

are vulnerable to marginalisation and exclusion.⁹ It is a “process of addressing and responding to the diversity of needs of all learners by increasing participation in learning, cultures, and communities and reducing exclusion within and from education.”¹⁰

12. The right to an inclusive education of all students, as set out in the CRPD, has become generally accepted in the international, and especially in the European community. Where “European consensus” is concerned, the Committee has already established that the CRPD “reflects existing [European] trends in the sphere of disability policies.”¹¹
13. Moreover, the European position is clear that **“inclusive education goes far beyond the issue of disability.** It treats diversity as an asset which helps prepare individuals for life and active citizenship in increasingly complex, demanding, multicultural and integrated societies. Inclusive education **aims to promote citizenship and the common values of human rights, freedom, tolerance and non-discrimination through education.**”¹² The latter statement is **in line with the Charter’s ‘human rights approach’** concerning disability as it “is (...) seen (...) [in the Charter] as a question of citizenship affecting the whole community, which must remove the barriers and **put an end to exclusion.**”¹³
14. It should be under general scrutiny all the more so **because children with disabilities in Hungary confront essentially the same systemic challenges and are subjected to the same violations as their Roma or immigrant peers,** which have been vigorously brought to light over the last year by the conflict in Ukraine. For instance, during a discussion¹⁴ held on 27 January 2023 between representatives of various organisations that concerned the educational situation of children fleeing from the Ukrainian war, the **complete lack of political willingness and adequate coordination by the Hungarian state** were identified as **major obstacles to the social/educational inclusion** of migrant children, especially of those with Roma origin. It has been raised that, in order to safeguard children's right to education, the state should provide better support to schools, **at least by ensuring development instructors, special education teachers, psychologists, and training teachers** in order to facilitate children’s inclusion. These support services needed for the inclusion of migrant children are identical to those necessary for the inclusive education of children with disabilities.
15. **School segregation, including forced home schooling and poor quality of education** is also a **common concern, especially for Roma children and children with disabilities.** “Although [educational] segregation [on the ground of race and ethnicity] is officially illegal, more than 20% of Roma pupils attend “segregated” schools in Hungary. These are understood to be non-specialised schools in which an ethnic

⁹ UNESCO, ‘Overcoming Exclusion through Inclusive Approaches in Education: A Challenge and a Vision, Conceptual Paper’ (UNESCO 2003), p 4.

¹⁰ Ibid. p 7.

¹¹ ECSR, International Federation of Human Rights (FIDH) v. Belgium, Collective Complaint No. 75/2011, para 112.

¹² European Parliament - Policy Department for Citizens’ Rights and Constitutional Affairs: Inclusive education for learners with disabilities (2017), p 7.

¹³ CoE ‘The European Social Charter – Right to education’ < <https://rm.coe.int/16805abfe7> > last accessed on 3 May 2023.

¹⁴ The online discussion was organised by Terre des Hommes Lausanne. The speakers included the Deputy Commissioner for Fundamental Rights Ombudsman for Rights of National Minorities, a social worker of Terre des Hommes Hungary and representatives of the Romaversitas Foundation and of the Refugee Program of the Budapest Municipality’s Social Centre and Institutions. <<https://www.youtube.com/watch?v=WY1JymvfGi0>> last accessed on 8 May 2023.

minority constitutes the majority in the school or class; a 50% threshold is commonly applied. (...) A **lighter curriculum** is followed in these schools or classes; thus, the education provided is inferior compared with mainstream schools.”¹⁵ In addition, the home-schooled status is used by the educational institutions as a loophole for segregation. Research on education of Roma children has shown that schools, instead of ensuring reasonable accommodations, often “**provide home-schooled status in cases where institutions have to deal with challenging children**”¹⁶ and that **most children who are home-schooled are underprivileged and/or with multiple disadvantages**.¹⁷ It must be noted that underprivileged children and children with multiple disadvantages are social categories, however these terms and the term ‘Roma children’ are often used interchangeably, which “shows the prevailing attitudes towards Roma children in pedagogy and to which extent poverty is ethnicised in Hungary.”¹⁸

16. The same tendencies can be found in the education of **children with disabilities**. **Segregated schools and forced home-schooling based on the ground of disability – as they are also considered “challenging students” for teachers** - remain a significant issue in the country. Contrary to the CRPD's requirements, educational segregation of children with disabilities is allowed by national legislation. In these special schools, however, **children with disabilities found themselves in the exact same situation as their Roma peers**. For instance, these schools do not provide the same curricula as mainstream schools and/or do not provide training opportunities that would allow further learning, leading to the same social consequences, i.e., remaining a strongly isolated group of society.
17. We also cannot ignore the issues of **intersectionality** in the area of education. The case of *Horváth and Kiss v. Hungary*¹⁹ has already demonstrated that Roma children are overrepresented at remedial/special schools due to their systematic misdiagnosis of mental disability. The **educational segregation of Roma children**, which is still a persistent and prevalent problem in Hungary,²⁰ is not only **based on race** but also on their classification as having “**special educational needs**.” At the same time, it cannot be disregarded either that studies suggest that external circumstances, such as living in sustained poverty,²¹ which weighs heavily on the Roma population in Hungary, can have internal effects, e.g., children can develop learning disabilities.²²
18. A comprehensive analysis of the right to education for children requires sensitivity to all multiply marginalised populations. Children with disabilities face multiple

¹⁵ The Report on Hungary of the European Commission against Racism and Intolerance (ECRI) (fifth monitoring cycle), adopted on 19 March 2015 and published on 9 June 2015, para 78.

¹⁶ Báder, Iván: *Integration of Roma children in the light of educational policy decisions* [Cigány gyerekek integrációja az oktatáspolitikai döntések tükrében] (2021), p. 17.

¹⁷ Ibid.

¹⁸ Ágnes, Kende. "A roma gyerekek méltányos oktatását segítő programok lehetőségei az oktatási egyenlőtlenségek rendszerében." *Socio.hu Társadalomtudományi Szemle* 8, no. 1 (2018), p. 148.

¹⁹ *Horváth and Kiss vs. Hungary*, App no. 11146/11 (ECHR, 29 January 2013).

²⁰ Humanum, *School Segregation of Roma Children: Discrimination in Education in Hungary* (2016)

<<https://www.humanium.org/en/school-segregation-of-roma-children-discrimination-in-education-in-hungary/>> last accessed on 8 May 2023 and *Szolcsár v. Hungary* App no. 24408/16 (ECHR, 30 March 2023).

²¹ Which is the case in the Roma population in Hungary, see: FRA: *Poverty and employment: The situation of Roma in 11 EU Member States - Survey on Roma* <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-employment-1_en.pdf> last accessed on 9 May 2023.

²² Ryan, James E., *Poverty as Disability and the Future of Special Education Law* (October 1, 2012). *Georgetown Law Journal*, Vol. 101, 2013, Virginia Public Law and Legal Theory Research Paper No. 2012-63, p. 5.

exclusions from the general education system in Hungary, similarly to other populations. The denial of the right to a quality and inclusive education for children therefore directly undermines their inclusion in society.

Recommendation:

- **In light of the above, we kindly request the Committee to adapt its monitoring practices and guidelines concerning accordingly, as well as to accept this submission which seeks to provide information on the Hungarian situation concerning inclusive education of children with disabilities.**

III. SPECIFIC COMMENTS

19. Despite Hungary ratified and promulgated the UN Convention on the Rights of Persons with Disability (hereinafter the CRPD or the Convention) in 2007, setting out the clear obligation of providing inclusive education for students with disabilities, the state systematically fails to comply with it. As it was mentioned above, segregated schools and forced home schooling based on the ground of disability remain a significant issue in the country. In addition to segregation, reasonable accommodations are systematically not or not sufficiently provided to pupils.
20. Over the last two decades, the number of children with “special educational needs” has gradually and significantly increased, almost doubled. In 2022, the “special educational need” was established in case of 105.097 children,²³ which is 5,8 % of all children currently living in Hungary.²⁴ However, these figures probably do not reflect the reality. Due to latency, the real numbers are likely to be much higher. **These numbers show that children affected by the violations constitute a wide range of the young population, making it even more important for the Committee to draw conclusions on the matter.**
21. Concerning the national situation of inclusive education, we would like to draw the Committee’s attention to the fact that the CRPD Committee, in its Inquiry report of 2020²⁵ concerning Hungary, found a “slow progress on inclusive education,”²⁶ in violation of the state’s obligations under article 24 of the Convention, to which the country is a State party. In addition, the CRPD Committee considered “**the violations of the rights of children with disabilities to be both grave and systematic** on account of (a) their extremely harmful and discriminatory effects, (b) the fact that they perpetuate children’s marginalization and vulnerability by negatively affecting their lives, security, best interests, family life, integrity, **education**, human development,

²³ This figure refers to children between the age of 0 to 18. Hungarian Central Statistical Office ‘Number of children and pupils with special educational needs by type of disability’ < https://www.ksh.hu/stadat_files/okt/okt0006.html > last accessed 1 April 2023.

²⁴ Based on the available data, in 2022, there were 1.803.212 children in Hungary (children between the age of 0 to 18). Hungarian Central Statistical Office ‘Population of Hungary by sex and age (2022)’ < <https://www.ksh.hu/interaktiv/korfak/orszag.html> > last accessed 1 April 2023.

²⁵ UN Committee on the Rights of Persons with Disabilities ‘Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention’ (17 September 2020) CRPD/C/HUN/IR/1.

²⁶ Ibid. para 51.

well-being, and (c) **they result from the combined effect and cumulative impact of laws, policies, plans and prevailing disability-based stereotypes.**²⁷

a) Legislative shortcomings

22. The Act XXVI of 1998²⁸ (Hereinafter: **Disability Act or Act on the rights of persons with disabilities**) aims at “ensuring equal opportunities, independent living and active participation in social life for people with disabilities.”²⁹ Even though the law provides that a person with a disability must have equal access to public services³⁰ and it identifies education as a specific target area for equal opportunities, the Act’s concrete provisions do not reflect this intention. Although Article 13 (1) establishes that persons with disabilities “has the right, according to [their] condition and age, to participate in early development, pre-school education, school education (...), developmental preparation (...) as provided for in the relevant legislation,” paragraph (2) - as opposed, for example, to the rules laid down in the European Social Charter - clearly does not aim at prioritising the inclusion of children with disabilities in mainstream schools: “in cases where, [based on the expert opinion of the expert committee]³¹, it is advantageous for the development of the abilities of the disabled person, the disabled person shall participate in pre-school education and instruction together with other children and pupils in the same pre-school group or school class.” As can be seen, the legislation allows for integration (and not inclusion) only under the conditions that the expert committees set up for this purpose consider it appropriate. Furthermore, the law does not refer to reasonable accommodations or the obligation to ensure supports that meet children's individual needs.

23. **What follows from this provision is that the child with “special educational needs” is only present in the school, their individual needs are not taken into account, and their integration and learning are not adequately supported.**³² Thus, the few provisions targeting the area of education in the law do not even provide a framework to move practices towards real inclusive education.

24. The **Public Education Act**³³ sets as a priority objective “to prevent social exclusion and nurture talent through education,”³⁴ and as a principle sets out that “the pedagogical culture of educational establishments is characterised by the pursuit of individual treatment, acceptance of the child and the pupil, trust, love, empathy, and the setting of age-appropriate standards (...).”³⁵ It also declares that the public education’s priority tasks are “the early childhood development”³⁶ and “to take into account the special

²⁷ Ibid. para 109.

²⁸ Act XXVI of 1998 on the Rights of Persons with disabilities and ensuring their equal opportunities.

²⁹ Ibid art 2.

³⁰ Ibid art 7/A (1).

³¹ The expert and rehabilitation committees carry out the examination of the child and assess his/her learning capacity. Based on the screening/examination of disability, it makes a recommendation to provide special care for the child or pupil, and the method, form and place of care. It also makes recommendations to specialised educational services and appoints schools for the child.

³² SINOSZ-MDAC-FESZT ‘Parallel report of the Hungarian civil caucus on the UN Convention: Rights of persons with disabilities or disability rights?’ (Budapest 2010) p 143 <
https://mdac.org/sites/mdac.info/files/hungarian_crpd_alternative_report.pdf> last accessed 1 April 2023.

³³ Act CXC of 2011 on National Public Education

³⁴ Act CXC of 2011 on National Public Education, art 1.

³⁵ Ibid art 1 (3).

³⁶ Ibid art 3 (6).

needs of children and pupils with special educational needs (...), to promote their most effective development in accordance with their individual abilities in order to create opportunities for their fullest possible social integration.”³⁷ Among the listed rights of pupils, the law also provides that children with SEN have the right “to receive [free] education and training appropriate to his/her abilities, interests and talents, to continue his/her education and training taking into account his/her abilities (...) and that their “personal rights, in particular the right to freedom of personal development, the right to self-determination, (...), the right to family life and privacy, must be respected by the educational establishment (...).”³⁸

25. In addition, children with disabilities have the right to “receive differentiated care - special or rehabilitation care - appropriate to their condition and personal circumstances.”³⁹ The above elements of the law, compared to the Act on the rights of persons with disabilities, reflect more efforts to create opportunities for inclusion. However, it still does not adequately support the proper participation of children with disabilities in mainstream schools.
26. Section 28 of the law contains provisions specifically for children with disabilities based on which “the care/education appropriate to the special needs of the child must be provided in accordance with the expert opinion of the expert committee.”⁴⁰ The choice of the child's school may also be based on the expert opinion.⁴¹ Children’s (pre-school, primary and secondary) education can be carried out in (i) special educational establishments, (ii) conductive educational establishments and (iii) general educational institutions providing special education.⁴² In the latter institutions, children with disabilities can study in “special” kindergarten groups or school classes (that consist only of children with disabilities) or in groups or classes partially or fully together with children without disabilities.⁴³
27. These legal provisions are problematic from several aspects. For instance, the segregated forms of education of children with special educational needs are mentioned primarily in the law; the possibility of co-education with other children is only provided afterwards. **Therefore, the Act’s wording strongly suggests a preference for segregated educational settings for children with disabilities. In addition, if children are considered “severely and or profoundly disabled,” the law immediately excludes them from the general educational system and only provides them “developmental” (special) education, which is usually carried out in a segregated setting.**⁴⁴ Furthermore, in this regard, the legislation provides up to 20 hours of developmental education, whereas children without disabilities spend significantly more hours studying in mainstream education.⁴⁵

³⁷ Ibid art 3 (6).

³⁸ Ibid art 46 (3) a) and f).

³⁹ Ibid art 46 (3) g).

⁴⁰ Ibid art 47 (1).

⁴¹ Ibid art 47 (2).

⁴² Ibid art 47 (3).

⁴³ Ibid.

⁴⁴ Ibid art 15 (2).

⁴⁵ Ibid art 15 (3).

28. The latter was also criticised by the CRPD Committee when it identified barriers to access to inclusive education in Hungary: „Children requiring high levels of support receive special education, called “developmental education. They are taught at home or in institutions, as provided in Act CXC of 2011 on national public education (...). In practice, they are excluded from mainstream schools: a third are enrolled in special schools and receive a maximum 20 hours of education per week, while those who are institutionalised receive up to 6 hours on average per week.”⁴⁶ In addition to the exclusion of institutionalised children, it is of particular concern that Art. 15(5) a) of the National Public Education Act specifically allows for the home schooling of children with high support needs who live with their families in case there are no schools for them nearby.
29. Furthermore, concerning the education of children with severe disability, submitting organisations received information that certain segregated schools cannot even meet the required physical conditions, i.e., sufficient space for children. For instance, in a school of the XI. district in Budapest, only 8–9-year-olds and their equipment can fit in the classroom. When the older children outgrow the space, they are relocated to a nearby social institution, where the teachers occasionally visit and teach them. We want to highlight here that the main problem with maintaining segregated school settings is not the lack of physical conditions prescribed by national legislation but the mere existence of segregated schools.
30. Moreover, under other legal provisions, educational segregation of children with disabilities is also allowed from a very early age. A Ministerial Regulation relating to nursery education provides that “**the education and care of children with special educational needs and children entitled to early development and care may be provided** in the framework of day-care facilities (i) in the same group as children who do not have special educational needs or who are not eligible for early intervention, or (ii) **in a special nursery group**” i.e., a group only consisting of children with disabilities.”⁴⁷ Therefore, segregated models of education, which exclude children with disabilities from mainstream and inclusive education have already been put in place at the nursery level.
31. Under the laws, in theory, certain **support measures and services** should be made available for children with disabilities. The Public Education Act allows the employment of special education teachers in educational institutions, ensures “travelling special education teachers and conductors,” and provides the use of “special” curriculum, textbooks, and special medical and technical equipment.⁴⁸
32. **Regulation n. 15/2013 (II. 26) of the Ministry of Human Resources** (hereinafter the Regulation) governs the work of expert committees and specifies the content of the expert opinions of children with disabilities issued by them. According to Article 17 (1), “the expert committee, in its opinion, makes recommendations for the care of children and pupils with special educational needs, including the method, form, and location of care [and education], the types of specialised educational services related to the care,

⁴⁶ UN Committee on the Rights of Persons with Disabilities ‘Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention’ (17 September 2020) CRPD/C/HUN/IR/1, para 85.

⁴⁷ NM Decree 15/1998 (VI. 30.) on the professional duties and conditions of operation of child welfare and child protection institutions and persons providing personal care, 35 § (3) and 46 § (3).

⁴⁸ Act CXC of 2011 on National Public Education, art 47 (4) and sec 13/A.

the required specialists and their tasks.” **The expert opinion, among others, establishes whether the child with disabilities may attend a segregated educational establishment, class or group or they can participate with other children and pupils as well.**⁴⁹ **It also defines whether the pupils with special educational needs may fulfil their compulsory schooling exclusively by attending school or exclusively within the framework of an individual study programme (i.e., home-schooling.) or must attend developmental education.**⁵⁰ Furthermore, the expert committee also makes “recommendations” to the specific requirements concerning the child’s education and development tasks and their timeframe.⁵¹

33. It is critical to emphasise that expert opinions are not only recommendations but considered **legally binding documents**⁵² that must be implemented in accordance with its terms. **This can seriously undermine the right to education for children with disabilities.** Firstly, it can significantly **restrict the pupils’/parents’ right to choose what school** to attend since the expert opinion will determine it. It should be noted that this regulation was originally introduced on the grounds that this type of restriction is in the interest of children and pupils with disabilities, as it ensures that the conditions necessary for their appropriate care are provided in the designated school. In practice, however, the opposite is true: in many cases, even appointed institutions do not have adequate conditions to educate children with disabilities, and even in such institutions, parents must fight for reasonable accommodations and the necessary support for their children.
34. Secondly, as experts select educational institution from a limited list of schools that can admit children with disabilities,⁵³ the **principle of accessibility and availability is often hampered. For example, the child’s basic right to access education is obviously infringed if the appointed school is a long distance away from the child’s home or even located in another town** (see point c) on access to education).
35. The CRPD Committee, in its Concluding observations of 2022 for Hungary, also addressed the legislative shortcomings when underlined its concerns about “the Public Education Act, which provides for segregated education and omits the obligation to admit children with disabilities into general education schools, as provided in the Convention, and legitimizes both the education of children with high support requirements in residential institutions and at home and a reduced number of teaching hours for children with disabilities.”⁵⁴
36. **It is apparent from the above, that the domestic provisions in the area of education are non-compliant with Hungary’s international obligations stemming from the European Social Charter and the CRPD. The Hungarian legislator has not even**

⁴⁹ Regulation n. 15/2013 (II. 26) of the Ministry of Human Resources, art 17 (1) d).

⁵⁰ Ibid art 17 (1) e) and f).

⁵¹ Ibid art 17 (1) j).

⁵² Commissioner for Educational Rights ‘The rights of pupils with special educational needs and integration, learning and behavioural difficulties (report)’(2015) < <https://www.oktbiztos.hu/ugyek/jelentes2015/jogerv.html> > last accessed 1 April 2023.

⁵³ „The Committee of Experts may only appoint an institution which has the necessary staff and equipment to carry out its tasks.” in relation to cases n. XIII/225/2020/OJBIT and XIII/382/2020/OJBIT in the Report of the Commissioner for Educational Rights (2020), < <https://www.oktbiztos.hu/ugyek/jelentes2020/jogerv.html> > last accessed 1 April 2023.

⁵⁴ Concluding observations on the combined second and third periodic reports of Hungary, CRPD/C/HUN/CO/2-3, para 48 point (a).

transposed the basic terminology, e.g., the term of inclusive education or reasonable accommodations, into national law. In 2017, the Hungarian Commissioner for Fundamental Rights has already pointed out the serious legislative omissions that, despite our international commitments, "public education legislation and strategies do not contain specific provisions for creating an inclusive learning environment that is accessible to all students with disabilities on an equal basis"⁵⁵ with others, nor any reference to the CRPD.⁵⁶ The concept of inclusive education is explicitly mentioned only in the National Disability Programme (NDP) which is a non-binding tool as part of the soft law. Furthermore, there is an obvious lack of legal safeguards which could ensure that children have the necessary and individualised support to participate appropriately in education with their peers without disability. In addition, in the area of education, despite that ensuring equal rights and equal treatment of people with disabilities is a primary obligation of the state,⁵⁷ "the denial of reasonable accommodation is [still] not recognised in legislation as constituting prohibited discrimination."⁵⁸

b) Access to education

37. The CRPD Committee found that **"segregated schools are prevalent nationwide,"**⁵⁹ and noted **"with concern that children with disabilities are excluded from the general education system. In particular, it [was] concerned about (...) the segregation of children with disabilities, including Roma children, through poor-quality education and in special schools."**⁶⁰

38. In this regard, it must be underlined that **expert opinions also pave the way for further segregation of children with disabilities, as even pupils who do not fall into the "severely disabled category" can also be excluded from general education.** The expert opinion can make it mandatory for the child with a disability to be home-schooled rather than being integrated into a mainstream school with appropriate support. Hindering children's school attendance in such a manner **occurs particularly often in cases where children are diagnosed with autism.** When a child cannot get the appropriate reasonable accommodations from the school, therefore they develop a "challenging behaviour," the pedagogical services rather assist the school in "pulling" the child out of school by imposing home-schooling than offering suitable supports. Both the CRPD and the CRC Committees have expressed their concerns in that regard and stressed that "children with autism lack adequate support and reasonable accommodation"⁶¹ and urged the State to "remove any barriers to the enrolment of

⁵⁵ Hungarian Fundamental Rights Commissioner 'The need for an inclusive, personalised pre-school education of children with special educational needs and their current situation' < <https://www.ajbh.hu/-/a-sajatos-nevelesi-igenyu-gyermekek-befogado-szemelyre-szabott-ovodai-nevelesenek-szuksegessegerol-es-jelenlegi-helyzeterol> > last accessed 1 April 2023.

⁵⁶ Office of the Fundamental Rights Commissioner (n 78).

⁵⁷ Office of the Fundamental Rights Commissioner 'deficiencies in the education of a student with autism spectrum disorder in case n. AJB-550/2020' (2020) p 10.

<https://www.ajbh.hu/documents/10180/3190211/Jelent%C3%A9s+egy+saj%C3%A1tos+nevel%C3%A9si+ig%C3%A9ny%C5%B1+gyermek+oktat%C3%A1s%C3%A1val+kapcsolatos+panasz+%C3%BCgy%C3%A9ben+550_2020/> last accessed 1 April 2023.

⁵⁸ CRPD Committee (n 25) para 97.

⁵⁹ UN Committee on the Rights of Persons with Disabilities 'Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention' (17 September 2020) CRPD/C/HUN/IR/1, para 53.

⁶⁰ Concluding observations on the combined second and third periodic reports of Hungary, CRPD/C/HUN/CO/2-3, para 48 point (f).

⁶¹ CRPD Committee (n 25) para 85.

children with autism in regular schools”⁶² and “ensure access to educational institutions for children with autism.”⁶³

39. In this respect, it must be noted that the current school system lacks transparency. One important element which leads to non-transparency is the lack of available information about the inclusive capacities of schools. Hence, parents lack information on the available choices they have when it comes to choosing the best school for their child. **There is no integrated database which contains up-to-date information in which parents could search for inclusive schools in the neighbourhood that can educate their child in accordance with the expert opinion.** In the absence of such database parents are left without means to call for reasonable accommodations and accountability when the school system is not responding to the needs of children with disabilities. This problem was also highlighted by the Ombudsperson in one of his reports.⁶⁴ We want to emphasise here that the human rights-compliant approach is that Hungary shall ensure an inclusive education system at all levels meaning that all schools shall provide persons with disabilities with reasonable accommodations and necessary support measures.
40. Also, as mentioned in point a), physical distance often constitutes a significant issue of access to education. In the Autism Advocacy Association’s experience, despite the law implies⁶⁵ that decisions concerning children’s education (e.g., school appointments) cannot impose a disproportionate burden on the pupils and parents, the appointment of remote educational institutions for children with autism is sadly not uncommon. A remote institution makes the child’s education considerably more difficult, not to mention the significant travel costs, a part of which is reimbursed by the state, but the majority of costs falls on the family. When a child with autism was assigned to a school 60 kilometres away from home, her mother described the impact on their lives, which led to the child being home-schooled in the following manner: “the fact that it takes me an hour to get down in the morning and then an hour to get home and then back. It’s a terrible burden in terms of time, energy, and money.”⁶⁶

c) Measures aimed at promoting inclusion and ensuring quality education

41. Access to quality inclusive education is also hampered by the **lack of providing reasonable accommodations.** For instance, the expert opinions’ “recommendations” concerning specific requirements related to the child’s education, development tasks, specialists, their exemptions from certain subjects,⁶⁷ and/or support services, including, for example, the provision of special education assistants could fall within the category of “reasonable accommodations.” However, neither the Regulation of the Ministry of Human Resources⁶⁸ nor the Act on Public Education ensures the required flexibility in that regard. The determined support services and adjustments – which, in practice, are

⁶² CRC Committee: Concluding observations on the combined third, fourth and fifth periodic reports of Hungary, 14 October 2014, para 44 c).

⁶³ Ibid. para 45 e).

⁶⁴ Report of the Ombudsperson, AJB-747/2020.

⁶⁵ Act CXC of 2011 on National Public Education, art 4 point 2 defines the concept of disproportionate burden:” if the conditions of education are substantially more difficult or entail a significant increase in costs for the child, pupil or parent compared to the average circumstances, taking into account the age and special educational needs of the child or pupil.”

⁶⁶ Interview with Bartáné Somogyi Gina, a mother of a girl with autism in the video titled “Autistic children in the maze of public education | “It works in theory, but it doesn’t work in practice,” <<https://www.youtube.com/watch?v=dsPrtS18Ms8> > last accessed 1 April 2023.

⁶⁷ Act CXC of 2011 on National Public Education art 56 (1) b).

⁶⁸ Regulation n. 15/2013 (II. 26) of the Ministry of Human Resources

often insufficient and inadequately tailored to the child's individual needs - cannot be easily and promptly modified or extended.

42. For instance, these expert opinions determine the form, institution, and educational setting of a child's education and rigidly outline the services to which a child may have access for many years. According to the related provisions, the mandatory review, which aims to assess whether and what changes in support measures are potentially needed, takes place only two or three years later.⁶⁹ Even though the law allows the parent to initiate a review earlier than the date set for the mandatory review, the expert committee only have to conduct the review procedure if the previous ex officio review was more than six months ago and the next ex officio review is still more than six months away.⁷⁰ In addition, in theory, it is possible to challenge the content of these documents by the parents, however, these procedures - in defiance of the obligation of promptness - also take many years.⁷¹
43. Based on the available data, 70% of children with disabilities (41,800) attend mainstream primary schools.⁷² However, their **education is often carried out without real inclusion**. Those who are in “integrated education” **do not receive appropriate support**. Many times, support services provided by educational institutions do not meet the recommendations set out in those opinions. Such shortcomings are when there is no suitable development room in the institution, or the child does not receive the recommended number of hours of development/habilitation services or receive them from a teacher who does not have appropriate qualifications for their disability. Moreover, instead of receiving individual lessons, the child is forced to attend group sessions. In addition to the shortcomings in the implementation of recommendations, **the content of the expert opinion itself is often deficient**. For instance, in a case concerning a child with autism, the parent tried to get the expert opinion be amended in a way that included placing his child in a small class and providing a teaching assistant to him, but they refused to include these support measures in the expert opinion.
44. The **lack of available teaching assistants** – caused usually by financial issues - is also a major problem in schools. The law specifies the minimum number of teaching assistants that schools must employ.⁷³ Mainstream primary schools only have to provide one teaching assistant per 250 children. In segregated educational establishments, depending on the type and severity of disabilities, schools must ensure one teaching assistant either per 6 or 15 children. In theory, schools can differ from the minimal requirement, but maintainers rarely provide the financial resources for employing the necessary number of assistants. This often leaves children without adequate support.
45. However, often, **reasonable accommodations that do not necessitate any financial or other investments on the part of stakeholders but could benefit children's inclusive education would only be a matter of approach and, despite this, they are**

⁶⁹ Regulation n. 15/2013 (II. 26) of the Ministry of Human Resources, art 22.

⁷⁰ Ibid art 23 (1).

⁷¹ E.g., The case no. 15.K.701.804/2020 before Metropolitan Court of Budapest concerning the correction of an expert opinion lasted almost four years.

⁷² Hungarian Central Statistical Office, Primary education - 2020/2021, <
<https://www.ksh.hu/docs/hun/xftp/idoszaki/oktat/alt-iskola2021/index.html#25ezerslyosshalmazottanfogyatkosfiatalfejlesztnvelsoktatskeretbenteljestitanktelezetsgt> >last accessed on 20 June 2023.

⁷³ Regulation no. 326/2013. (VIII. 30), Annex no 4.

still denied. For example, a ten-year-old boy, also diagnosed with autism, was denied using his tablet for taking notes, because his teacher insisted on handwritten notetaking. On another occasion, he was forced to attend a school event where a Public Address system was in place despite the mother's previous requests to take into account the child's sensory sensitivity and allow him to stay home.

46. Where **teachers' knowledge and understanding** regarding the inclusive education of children with disabilities are concerned, an extensive study published in 2012⁷⁴ has already proved that very few teachers received information on the subject during their studies. The proportion of these teachers is low in all categories (between 5.8 % and 21.4 %). In addition, even after graduation, the teachers surveyed had not managed to make up for these shortcomings as they did not receive appropriate training later. Furthermore, the research revealed the prevalent perception among teachers that pupils with "special educational needs" are only teachable to a limited extent.
47. This situation has not changed since. The CRPD Committee, in its Concluding observations of 2022, expressed its concern about "**the limited knowledge and skills of teachers in the general education system that are necessary for inclusive education**"⁷⁵ and urged the State to "provide comprehensive and focused training for general education teachers and administrative staff on the principles and methods of inclusive education, the capacities of children with disabilities and the individualized support measures required by children with disabilities."⁷⁶
48. In the Autism Advocacy Association's experience, the situation is exacerbated by the fact that the teachers in mainstream schools ignore the suggestions and advice of special education instructors. For example, when a special education teacher suggests using agenda cards or flow charts, but the "mainstream" teacher fails to do so, the child with autism will not receive the necessary assistance. The proper cooperation between 'mainstream' teachers and special education teachers seems to be missing.

c) Remedies

49. The right to access to effective legal remedies is strongly limited in the context of a violation of the right to education. In this context, however, the right to information, which is a prerequisite for exercising the right to redress, is also not being honoured. The Commissioner for educational rights, in its annual report of 2021, emphasised that he "received many complaints which concerned the rights of children and pupils with special needs. The experience of these enquiries shows that these children, pupils and their parents are easily placed in a vulnerable situation where they cannot properly exercise their rights. In many cases, this is due to a lack of information, as neither the

⁷⁴ Pető, I., & Ceglédi, T. (2012). A pedagógusok SNI-vel szembeni attitűdje SACIE-vel mérve: a Sentiments, Attitudes and Concerns about Inclusive Education Scale (SACIE) (*Teachers' attitudes towards SEN as measured by SACIE*). *Iskolakultúra*, 22(11), 66-82., p 69. < http://real.mtak.hu/56582/1/EPA00011_Iskolakultura_2012-11_066-082.pdf > last accessed 22 June 2023.

⁷⁵ Concluding observations on the combined second and third periodic reports of Hungary, CRPD/C/HUN/CO/2-3, para 48 point (c).

⁷⁶ Concluding observations on the combined second and third periodic reports of Hungary, CRPD/C/HUN/CO/2-3, para 49 point (d).

children or their parents, nor the people and bodies [responsible for children and pupils with disabilities in public education], have adequate legal knowledge.”⁷⁷

50. But even if children and their parents are aware of their rights and potential remedies, violations are almost impossible to tackle within the national legal system and the complaint mechanisms and/or available remedies for the “victims” are completely ineffective, i.e., are incapable of providing proper redress.
51. The procedure of the **Commissioner for Educational Rights** is the shortest of the potential legal avenues, however he does not have sufficient powers to prevent or remedy the violations. Even if the Commissioner establishes infringements and adopts recommendations, as those are non-binding, institutions do not have to execute them. In addition, the Commissioner's annual reports⁷⁸ suggest that his recommendations are more of an informative nature than calls for taking actions.
52. Furthermore, complaints can be lodged with the **Hungarian Commissioner for Fundamental Rights (CFR)**, and the Commissioner can act ex-officio as well, however his reports are also not legally binding. In addition, the current Commissioner was already criticised due to repeated failure “to address (or address adequately) pressing human rights issues [especially those] that are politically sensitive and high-profile.”⁷⁹ The **Directorate-General for Equal Treatment** of the Office of the Commissioner for Fundamental Rights carries out tasks of public authority. The DG can deal with individual complaints concerning violations of equal treatment and can deliver legally binding decisions. This department operated as a separate, independent body (formally known as Equal Treatment Authority) until it was merged into the Ombudsman's office in January 2021 by a legislative amendment.⁸⁰ Eighteen civil society organisations raised their concerns⁸¹ at the time, pointing out that that this step may reduce the authority's efficacy, as if a body is solely responsible for ensuring equal treatment and equal opportunities, more focus will be placed on its enforcement. In comparison, the CFR's attention is divided because it has several other tasks (ranging from monitoring detention facilities to environmental protection). They claimed that, as a result, the priority of equal treatment and the protection against discrimination would be significantly reduced. They also reiterated that while the Authority had regularly spoken out in defence of vulnerable groups, the CFR, for example, had taken no action in the

⁷⁷ Commissioner for educational rights, Report on the activities in 2021, p. 53. <

https://www.oktbiztos.hu/ugyek/jelentes2021/ojb_2021_beszamolo.pdf> last accessed on 21 June 2023.

⁷⁸ Commissioner for Educational Rights: Annual reports < <https://www.oktbiztos.hu/ugyek/indexugyek.htm> > last accessed on 29 June 2023.

⁷⁹ Hungarian Helsinki Committee, Shadow report to GANHRI Sub-Committee on the activities and independence of the Commissioner for Fundamental Rights Hungary in the light of the requirements set for National Human Rights Institutions (18 February 2021), < https://helsinki.hu/wp-content/uploads/Assessment_NHRI_Hungary_18022021_HHC.pdf > last accessed on 29 June 2023.

⁸⁰ The amendment was introduced by the Act CXXVII of 2020.

⁸¹ Public statement of the Hungarian Helsinki Committee, Hungarian Civil Liberties Union, Autonomia Foundation, Védegyelet, Amnesty International Hungary, Power of Humanity Foundation, Eötvös Károly Institute, Háttér Society, Human Platfor, Haver Foundation, School of Public Life, Hungarian Women's Lobby, Hungarian Europe Society, MASZK Association, Hungarian Environmental Partnership Foundation, From Streets to Home Association, Artemisszió Foundation, Menők Association, < <https://helsinki.hu/nagyon-rossz-lepes-az-egyenlo-banasmod-hatosag-beolvasztasa-az-alapveto-jogok-biztosanak-hivatalaba/> > last accessed on 29 June 2023.

Gyöngyöspata compensation case⁸² which concerned the educational segregation and low-quality education of Roma children.

53. Findings⁸³ of the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) have demonstrated that the Commissioner does not properly exercise his powers and does not fulfil his legal obligations to provide adequate legal protection. As a result, GANHRI downgraded the CFR from A to **B status** in March 2022.⁸⁴ The SCA “was of the view of it has not effectively engaged on and publicly addressed all human rights issues, including issues in relation to vulnerable groups (...) and that the CFR has not spoken out in a manner that promotes protection of all human rights.”⁸⁵ The SCA also noted that they “had received information (...) on that (...) the CFR has been reluctant to refer complaints to the Constitutional Court for review in cases that it deems political or institutional.”⁸⁶
54. The latter findings are in line with the experience of Validity Foundation. For instance, in relation to the provisions allowing segregation in nurseries and raising constitutional concerns (see para 31), the organisation has asked the Commissioner to initiate a constitutional review of the regulation before the Constitutional Court. The CFR has not responded to the submission for two years. In June 2023, the CFR, instead of taking the requested action, i.e., initiating a constitutional review, has drawn up a report⁸⁷ in which he established legal shortcomings and requested the relevant Ministry to resolve the issue through legislative measures. He did not, however, request that the ministry abolish the legal possibility of segregating children with disabilities in nursery schools, but instead asked the legislator to create a legislative environment in which segregation can be regarded as lawful. This is clearly contrary to the obligations stemming from the Charter and the CRPD.
55. Moreover, the number of cases concerning the right to education of children with disabilities dealt with by the CFR within the framework of its general competencies as well as when acting as “the equal treatment authority” is negligible. Despite that the Act on the Commissioner for Fundamental Rights provides that “in the course of their activities the Commissioner for Fundamental Rights shall – especially by conducting proceedings ex officio – pay special attention to assisting, protecting and supervising the implementation of the Convention on the Rights of Persons with Disabilities, promulgated by Act XCII of 2007,⁸⁸ based on the available information,⁸⁹ the CRF has

⁸² European Commission, European network of legal experts in gender equality and non-discrimination, Flash Report < <https://www.equalitylaw.eu/downloads/4957-hungary-second-instance-court-decision-on-damages-for-segregation-in-education-pdf-86-kb> > last accessed on 29 June 2023.

⁸³ GANHRI: Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA) 14-24 June 2021 < <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf> > last accessed on 29 June 2023.

⁸⁴ GANHRI: Accreditation status as of 26 April 2023 < <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf> > last accessed on 29 June 2023.

⁸⁵ GANHRI: Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA) 14-24 June 2021, p. 13

⁸⁶ Ibid.

⁸⁷ Case n. AJB-51/2023 - report concerning the regulation on the separation in nurseries.

⁸⁸ Act CXI of 2011 on Commissioner for Fundamental Rights, Section 1 para 3.

⁸⁹ CFR: Database of reports, motions, resolutions < <https://www.ajbh.hu/en/jelentesek-inditvanyok-allasfoglalasok> > and Database of cases of the Directorate-General for Equal Treatment < <https://www.ajbh.hu/en/ebff-jogesetek> > last accessed on 29 June 2023.

published only 4 reports on the issue in the last four years while the DG for Equal Treatment annually had between 1 to 3 cases concerning this area. **The low number of reports clearly shows that the Commissioner is failing to meet his national legislative duty to anticipate CRPD requirements.**

56. Concerning the **shortcomings of its Directorate-General's current jurisprudence**, even when the parties' pleadings explicitly cite international law (e.g., the CRPD) to support their legal arguments, the body's reluctance to decide in light of those duties or to allude or to consider them in any way is also a striking and identifiable issue.⁹⁰ If the authority consistently refrains from drawing conclusions in the light of international law in its reasoning, it fails to contribute to and strengthen the implementation of inclusive education.
57. **Other Administrative and judicial procedures are as ineffective** as processes mentioned above. This is particularly true in the case of **challenging the expert opinions of children with disability**, which is the main and strongest mean, in theory, to ensure their inclusive education. If the expert opinion is inappropriately tailored to the child individual needs, the parent, first, needs to disagree with the content of the expert opinion. The fact of disagreement will be indicated on the document and essentially an internal review will take place. This cannot even be considered an appeal, since the parent does not have to give detailed reasoning for his/her disagreement, and the procedural guarantees which are crucial in an appeal procedure (e.g., impartiality, independence) are missing as it is conducted by the same expert committee. Thus, it is reasonable to say that if the same group of experts review their own decision, the chances of a different outcome on the issue are negligible. If the internal review is unsuccessful, then the parent can appeal to the competent Government Office.
58. Moreover, the Government Office dealing with the appeal is the controlling authority of the school as well as the Specialist Service carrying out the challenged expert opinion which also renders the compliance with the impartiality and independence requirement strongly questionable. In addition, the Government Office will request another expert examination from another Committee of experts of the same Specialist Service.⁹¹ Yet again, it is of **impartiality concern** because colleagues within an expert body are also unlikely to properly review the substance of the challenged expert opinion and make very different recommendations.
59. The next step – in case of remaining disagreements - is to challenge the government office' decision before the competent court. **Another problem with this is that the whole procedure is lengthy, and the child is deprived of proper development and education for months or even for years.** It is the child's best interest to be included in the community, while receiving an appropriate education which takes into account their needs and interests. Depriving a child of inclusive education for a long period of time can even result in irreversible harm. The interests of children with disabilities would require a speedy resolution of the issue, however, this procedure cannot fulfil this condition.

⁹⁰ E.g., case n. EBF-AJBH-259- 35 /2021.

⁹¹ Government Decree no. 229/2012 (VIII.28.) Section 43. para 4 and 5.

60. In addition, recent court cases⁹² have shown that national court takes the view that only the Government Office's decisions can be subject to administrative disputes, expert opinions on which they are based cannot, therefore courts are not entitled to review their content. **The exclusion of expert opinion from judicial scrutiny clearly renders the notion of remedy completely meaningless.**
61. **As can be seen from the foregoing, resolving violations in the sphere of inclusive education is practically impossible, and currently, there is no legal remedy available that may give a practical solution and genuine redress for those harmed.**

Recommendations:

- **Ensure that the education system for persons with disabilities is based on the CRPD and the CRPD Committee's General comment No. 4 (2016) on the right to inclusive education (CRPD/C/GC/4).**
- **Revise the relevant legislations with the aim of eliminating all discriminatory provisions regarding the education of children with disabilities and explicitly provide for quality inclusive education to ensure that no child with disabilities is excluded from the general education system on the basis of impairment.**
- **Ensure access to the general education system in the community and provide the necessary reasonable accommodations for all children with disabilities on an equal basis with other children.**
- **Provide comprehensive and focused training for general education teachers and administrative staff on the principles and methods of inclusive education, the capacities of children with disabilities and the individualised support measures required by children with disabilities.**
- **Amend or strengthen complaint mechanisms so that they meet the requirement of promptness and can provide real redress.**

⁹² Metropolitan Court of Budapest: case no. 15.K.701.804/2020. and case no. 41.K.703.590/2022.