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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

HUNGARY

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (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 opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Hungary, which ratified the Revised European Social Charter on 8 July 1999. The deadline for submitting the 19th report was 31 December 2022 and Hungary submitted it on 22 December 2022.

The Committee recalls that Hungary was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

The comments of the group of NGOs and the United Nations High Commissioner for Refugees (UNHCR) on the 19th report were registered on 30 June and 14 July 2023 respectively.

Hungary has not accepted the following provisions from the above-mentioned group: 7§§2-10, 19§§1-12, 27§§1-3, 31§§1-3.

The conclusions relating to Hungary concern 9 situations and are as follows:

- 3 conclusions of conformity: Articles 8§§2-4.
- 6 conclusions of non-conformity: 7§1, 8§1, 8§5, 16, 17§§1-2.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion (Conclusions 2019), the Committee concluded that the situation in Hungary was not in conformity with Article 7§1 of the Charter on the ground that 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.

The Committee notes from the report in this regard that Section 114 of the Labour Code did not undergo any substantive changes during the reference period. The maximum daily working time of a young worker may not exceed eight hours. The Committee notes that the situation which it has previously considered not to be in conformity with the Charter, has not changed. Therefore, it reiterates its previous finding of non-conformity.

As regards the targeted questions, the Committee has observed that many States' legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

The report states that the employment supervisory authority attaches importance to its involvement in joint controls with other authorities, paying particular attention to the detection of various presumed forms of labour exploitation. However, according to the report, only very few cases of illegal child labour have been detected.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 7§1 of the Charter on the ground that the duration of working time of children under the age of 15 is excessive and therefore such work cannot be regarded as light.

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusion, the Committee considered that the situation in Hungary was not in conformity with Article 8§1 of the Charter on the grounds that: it had not been established that there were in law and in practice adequate safeguards to protect employees from pressure to take less than six weeks' postnatal leave; it had not been established that career breaks were taken into account when assessing the qualifying period required for a woman to receive maternity benefits; the amount of maternity benefits granted to employed women who did not meet the conditions for receiving benefit was insufficient (Conclusions 2019).

Right to maternity leave

In its previous conclusion, the Committee considered that the situation was not in conformity with Article 8§1 on the ground that it had not been established that there were, in law and in practice, adequate safeguards to protect employees from pressure to take less than six weeks' postnatal leave. According to the Labour Code, only 2 weeks out of the 24 week's maternity leave were compulsory. The Committee asked what proportion of women in the private and public sectors have taken less than 42 days of paid postnatal leave, as well as about any relevant case law on complaints of discrimination based on pregnancy or maternity leave and for clarification on who bears the burden of proof in such cases. It also reiterated its previous request for information on any safeguards relating to maternity leave which were enshrined in collective agreements or resulted from agreements with the social partners. The Committee also asked about legal safeguards put in place to prevent employers exerting pressure on public sector employees who had recently given birth, leading them to shorten their maternity leave (Conclusions 2019).

In reply to the questions asked by the Committee, the report states that, if the employee's right to maternity leave is affected by the employer's action, the employee may, in addition to pursuing her claim in court, apply to the employment supervisory authority. On the basis of Act CXXXV of 2020 on Services and Subsidies to Promote Employment and on the Supervision of Employment and Government Decree No. 115/2021 on the activities of the employment supervisory authority, the employment supervision authority examines, among other things, the special provisions on the employment of women and compliance with the provisions on working and leisure time, in the context of compliance with minimum requirements. If a worker finds that his or her employment does not meet the requirements of lawful employment, he or she may report the matter to this authority. In addition, the State ensures that employees are informed of their rights by operating free legal aid services.

Furthermore, if the employer's actions are found to be in violation of equal treatment, the employee may turn to the Commissioner for Fundamental Rights, which has a separate department, the Directorate General for Equal Treatment, that investigates violations under Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities. There are no statistics or data on specific case-law produced in the report on this point.

The Committee recalls that, under Article 8§1 of the Charter, States Parties have undertaken to ensure the effective right of employed women to protection by providing that women can take leave before and after childbirth for up to a total of at least 14 weeks. In particular, the

Committee has considered that the law should provide in all cases for a compulsory period of leave of no less than six weeks which may not be waived by the woman concerned. Where compulsory leave is less than six weeks, the rights guaranteed under Article 8 may be realised through the existence of adequate legal safeguards that fully protect the right of employed women to choose freely when to return to work after childbirth – in particular, an adequate level of protection for women who have recently given birth and wish to take the full maternity leave period (for example, legislation against discrimination at work based on gender and family responsibilities); an agreement between social partners protecting the freedom of choice of the women concerned; and the general legal framework surrounding maternity (for instance, whether there is a parental leave system whereby either parent can take paid leave at the end of the maternity leave) (Conclusions 2011, Statement of Interpretation on Article 8§1).

Due to the failure to provide the requested information on the existence, in law and in practice, of adequate safeguards to protect employees from pressure to take less than six weeks' postnatal leave, the Committee concludes that the situation in Hungary is not in conformity with Article 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Right to maternity benefits

In its previous conclusion, the Committee considered that the situation was not in conformity with Article 8§1 on the ground that it had not been established that career breaks were taken into account when assessing the qualifying period required for a woman to receive maternity benefits (Conclusions 2019).

The Committee notes that the report does not provide this information. Due to the failure to provide the requested information on whether career breaks are taken into account when assessing the qualifying period required for a woman to receive maternity benefits, the Committee concludes that the situation in Hungary is not in conformity with Article 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of its reporting obligations under Article C of the Charter.

As regards the adequacy of maternity benefits, the Committee notes that according to Eurostat the median equivalised income in 2021 was €6,620 a year or €551.66 a month. 50% of the median equivalised income was €3,310 a year, or €275.83 a month. The gross minimum monthly wage was €476 and therefore, 70% of this amount paid in maternity benefit stood at €333.2 for insured employees. In the light of the foregoing, the Committee concludes that the situation is in conformity with Article 8§1 in this respect as regards insured employees.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report, Covid-19 did not have an impact on the right to paid maternity leave.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Hungary is not in conformity with Article 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on the existence, in law and in practice, of adequate safeguards to protect employees from pressure to take less than six weeks' postnatal leave;
- whether career breaks are taken into account when assessing the qualifying period required for a woman to receive maternity benefits.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

As the previous conclusion found the situation in Hungary to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The government has indicated that the Covid-19 crisis has had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.

Conclusion

The Committee concludes that the situation in Hungary is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Hungary to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Hungary is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Hungary was in conformity with Article 8§4 of the Charter pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the previous question and the targeted question.

In its targeted question (and previous conclusion) the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The Committee notes that according to the Labour Code pregnant women and mothers until their child turns one year old may not be required to work at night. The Committee notes that an employer must offer pregnant women and women with children under one year of age alternative employment and if this is not possible the woman concerned may be exempted from work. In such cases they will continue to receive their basic salary.

Conclusion

The Committee concludes that the situation in Hungary is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Hungary was not in conformity with Article 8§5 of the Charter on the grounds that 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. (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non conformity and to the targeted question.

In its targeted question, the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

In response to the targeted question the report refers to information submitted under Article 8§4, notably that Article 60 of the Labour Code provides that women workers should be offered jobs in keeping with their state of health if, according to a medical opinion, they were unable to work in their original position between the confirmation of their pregnancy and the child's first birthday. Workers were entitled to the base salary normally paid for the job offered, but this could not, however, be lower than the base salary specified in their employment contract. If the employer was unable to offer alternative employment the worker concerned would be released from work and receive her base salary for the duration of her exemption.

In response to the previous conclusion of non-conformity, the report states that after a period of unpaid leave the employer must employ the employee in her original job. However, the Committee notes that pregnant women or women who have recently give birth or are breastfeeding and who have been given alternative employment are not on unpaid leave. Therefore it considers that there has been no change to the situation and it reiterates its previous conclusion of non conformity.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 8§5 of the Charter on the ground that in the event of reassignment to a different post, the law does not guarantee the right of pregnant women, or women who have recently given birth or are breastfeeding to return to their previous post at the end of the protected period.

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

The Committee takes note of the information contained in the report submitted by Hungary.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2019), the Committee found that the situation in Hungary was not in conformity with Article 16 of the Charter on the grounds that:

- evicted families could be left homeless, and
- the protection of Roma families with respect to housing was inadequate.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

Legal protection of families

Domestic violence against women

First of all, the Committee notes that Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in March 2014, but has not yet ratified it.

In its previous conclusion (Conclusions 2019), the Committee asked that the next report provide comprehensive and updated information on all aspects of domestic violence against women and related convictions, as well as on the use of restraining orders, the implementation of the various measures described in the report and their impact on reducing domestic violence against women. Pending receipt of the information requested, the Committee reserved its position on this point.

Furthermore, in one of its targeted questions, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

The report indicates that since the opening of a first victim support centre in Budapest in 2017, the care system for victims of domestic violence has expanded considerably in 2018-2019. It follows that in 2021, there were a total of 20 crisis centres, 8 secret shelters and 22 halfway houses, representing 220 new places. In addition, 7 ambulances were acquired for emergency response to crises.

The report provides detailed information on the services offered by the above-mentioned facilities to victims of domestic violence and human trafficking. It also describes the purpose of the crisis management ambulances and how they operate, the number of victims they have helped (3,000 in 3 years) and planned developments.

The report adds that the annual budget for the national crisis management and information helpline (OKIT) has almost quadrupled compared with 2020, increasing from HUF 52.5 million to HUF 202.5 million (from €137,300 to €529,700 approximately, at the exchange rate on 22 October 2023). Several campaigns helped to raise awareness about OKIT's activities, its freephone number and website (which has been revived).

With regard to the legislative framework, the report states that the so-called "Ást." law of 2005 on "Assistance to victims of crime and mitigation of damage caused by the State" was amended in 2020. As of 1 January 2021, the law provides that: the investigating authority must provide victims of domestic violence with information on victim support services, and, if victims consent, their contact details are forwarded to the support services so that they can contact

victims directly; the condition of social need has been removed, so victims can now access all victim assistance and support services, regardless of their income; the time limit for applying for immediate financial aid has been extended from 5 to 8 days; the time limit for victims to file claims has been extended from 3 months to one year, and the method for calculating compensation for damages has been simplified. Other amendments were made to the law in 2021, including a broader range of offences.

The report also provides information on i) training (between 2019 and 2022, over 4,200 members of the warning system were trained to recognise early signs of violence and to take appropriate action; these training courses were attended mainly by social workers, district nurses, police officers and, to a lesser extent, judges and prosecutors); ii) awareness campaigns on domestic violence; iii) studies, surveys and research conducted in this area during the reference period.

With regard to data collection, the report states that during the reference period, it became possible to record case management data and information in a single electronic system, thereby greatly facilitating data collection and analysis. It has no data, however, on conviction rates related to domestic violence against women and has not produced any figures on cases involving violence of this kind. Due to the failure to provide requested information, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Social and economic protection of families

Childcare facilities

In its previous conclusion (Conclusions 2019), the Committee requested detailed information on the childcare system resulting from the reform of nursery schools.

Due to the failure to provide requested information, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Family benefits

Equal access to family benefits

In a targeted question, the Committee asked whether nationals of other States Parties lawfully resident in the country had to meet a length of residence requirement to be entitled to family benefits.

The report states that Hungarian legislation does not stipulate any prior residence requirement for granting family allowances to nationals of other States Parties to the Charter lawfully resident in Hungary.

Level of family benefits

In its targeted questions, the Committee asked for information on the amounts of family benefit paid and the median equivalised income for the reference period. It also asked whether family or child benefits were means tested and if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed in relation to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €552 in 2021.

The report states that there are various benefits for families and children, including family allowance, adoption allowance and childcare allowance.

Family allowances (*családi pótlék*) are not means-tested. The amount depends neither on household income nor on the child's age but on the child's circumstances and the composition of the household. In 2021, the monthly child benefit amounts were the same as in 2017. For example, HUF 12,200 (€32) for a family with one child, HUF 13,300 (€35) per child for a family with two children and HUF 16,000 (€42) per child for a family with three or more children; the amount of family allowance was higher for a child with disabilities (e.g., HUF 23,300 (€61) for a family with one child) and for single-parent families (e.g., HUF 13,700 (€36) for a parent with one child).

The Committee notes that the lowest amount of family allowance (one child and two parents living in the same household) represented approximately 5.8% of the median equivalised income in 2021.

Measures in favour of vulnerable families

In its previous conclusion, the Committee requested that the next report provide information on the measures implemented, including statistics, to ensure the economic protection of Roma families and single-parent families (Conclusions 2019).

The report states that family/child allowance is higher for children in single-parent families.

Due to the failure to provide requested information on any measures that might have been implemented to ensure the economic protection of Roma families, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

In one of its targeted questions, the Committee asked what measures had been taken to ensure that vulnerable families could afford their energy bills so that their right to adequate housing (which includes access to essential services) was respected.

Due to the failure to provide requested information, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

In a targeted question, the Committee also asked if it was planned to maintain or discontinue any special temporary measures that were introduced to support vulnerable families financially during the COVID-19 pandemic and, if they were discontinued, what effect this would have on such families.

The report mentions the measures that were introduced during the pandemic to support vulnerable groups. In particular, in order to help women who worked from home while at the same time having to look after children, the Government provided day care on-call and introduced child care at the workplace, and employees on unpaid leave were able to access health care (without paying contributions).

Housing for families

In its previous conclusion, the Committee asked that the next report provide up-to-date information on eviction procedures in the event of unlawful occupation and, in particular, on whether the law prohibited such evictions at night or during winter. In this connection, it also wished to know whether the supply of emergency accommodation (shelters or other centres) corresponded to the number and needs of homeless families. In the meantime, the Committee reiterated its previous conclusion of non-conformity on this ground (Conclusions 2019).

For each year of the reference period, the report indicates the number of places in facilities for the homeless (by type of facility: night shelter, day centre; temporary accommodation; rehabilitation facilities; hostels for the homeless). This data shows that the total number of places increased slightly, from 19,813 in 2017 to 19,933 in 2021. However, the report does not answer the other questions raised (eviction procedures in the event of unlawful occupation; number of homeless families; adequacy of emergency accommodation to meet needs). In the absence of this information, the Committee reiterates its conclusion of non-conformity on this point.

In its previous conclusion, the Committee asked that the next report provide detailed information on housing support for families for the next reference period, including figures (demand and supply) on the various types of support (social housing, housing-related allowances) at national and local level. In addition, it requested that the next report provide up-to-date figures on the adequacy of housing (water, heating, sanitary facilities, electricity, size of dwellings/overcrowding). Pending receipt of all the information requested, the Committee reserved its position on whether there was sufficient supply of adequate housing for vulnerable families (Conclusions 2019).

The report mentions measures to help families avoid becoming homeless. In particular, as of 1 January 2018, “Temporary Housing for Families” can provide external accommodation for families who are capable of living independently with support. The provision includes both subsidised housing (for a maximum of 3 years, including time spent in transitional housing) and social assistance. Under the EFOP-2.2.3-17 programme, funds have been allocated to create 44 external accommodation places, among other things.

The report further states that as part of the “CSOK Villages” scheme (July 2019-December 2022), 2,679 disadvantaged towns and villages with fewer than 5,000 inhabitants applied for assistance in order to purchase, modernise and/or extend property. Between July 2019 and September 2022, 36,000 applications were received.

Due to the failure to provide requested information on whether there is sufficient supply of adequate housing for vulnerable families, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

In its previous conclusion, the Committee considered that the situation was not in conformity with Article 16 of the Charter on the ground that Roma families did not have access to adequate housing. It asked that the next report continue to provide information on the improvement of housing conditions for Roma families, particularly on the results achieved under the different strategies and programmes implemented in this field (Conclusions 2019).

The report states that under the EFOP-2.4.1 programme, which focuses, *inter alia*, on equal access for Roma to public services through education, health and housing, 281 social housing units were created and 354 social rental units were renovated.

In addition, apartments were renovated and new apartments built under the European Regional Development Fund and a range of EFOP-1.6.1-VEKOP-16.2016-00001 programmes, which aim to improve the housing situation of the families involved. In this context, the report mentions that thanks to these programmes, about 5 to 6 families per settlement have been able to get better housing. It does not specify, however, how many families in total have benefited from these projects or when they were carried out.

The Committee notes that the above information is incomplete and that it is therefore unable to obtain a clear picture of the extent to which housing conditions and housing protection for Roma families have improved. It therefore reiterates its conclusion of non-conformity on this point.

In its previous conclusion, the Committee asked that the next report include information on the situation as regards access to housing for refugee families, particularly those who have moved out of reception centres (Conclusions 2019).

Due to the failure to provide requested information, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

In one of its targeted questions, the Committee asked States Parties which have not accepted Article 31 of the Charter to provide updated information on the availability of adequate and affordable housing for families.

The report states that according to Eurostat data, in 2021, Hungary had the highest proportion of people living in their own home (92%; EU average: 70%). It considers that access to home ownership and home improvement are key issues in family policy; the report therefore mentions the various measures taken to help families with children to buy their own home and/or carry out home improvement work. Notable examples of these measures are non-refundable grants (available since 2012), family housing allowances (since 2015), loans with preferential interest rates (since 2016) and mortgage debt reductions (since 2018).

The report adds that on 1 January 2021, Hungary launched its largest-ever housing programme: the 8-point Housing Action Plan, which seeks to improve access to home ownership and housing conditions for families with children. The action plan includes measures such as VAT reductions, exemptions and refunds, tax exemptions and grants and loans for housing renovation.

The report mentions the number of applications or beneficiaries as well as the amounts allocated for the afore-mentioned measures. For example: in the case of mortgage debt reductions, 54,000 applications were submitted and HUF 83.8 billion (approximately €219.2 million) were allocated between January 2018 and November 2022; in the case of housing renovation grants, 300,913 applications were submitted and HUF 485 379 million (approximately €1.3 million) were allocated between January 2021 and December 2022).

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter on the grounds that:

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

Due to the failure to provide the information listed below, the Committee concludes that the situation in Hungary is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Information missing:

- statistics on domestic violence against women, in particular incidence, prosecution and conviction rates;
- the childcare system resulting from the reform of nursery schools;
- the measures taken to ensure the economic protection of Roma families;
- the measures taken to ensure that vulnerable families can meet their energy needs;
- the adequacy of the supply of housing of a sufficient standard for vulnerable families;
- access to housing for refugee families.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Hungary and in the comments by the United Nations High Commissioner for Refugees (UNHCR).

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, the Committee concluded that the situation in Hungary was not in conformity with Article 17§1 of the Charter on the grounds that the maximum length of pre-trial detention was excessive and unaccompanied children in transit zones were not adequately protected from violence and abuse (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

The legal status of the child

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

In its comments, the UNHCR states that gaps exist in Hungarian legislation, which prevent some children from exercising their right to acquire Hungarian nationality. For example, nationality at birth is acquired only if the requirement of registered residence is satisfied. A formal mechanism should also be established to determine the nationality of children at birth, to avoid categorising children as unknown nationals, thereby exposing them to a heightened risk of statelessness. The Government did not provide a response.

The report states that Hungary fully implements its obligations under the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. It further states that no amendments were made to the legislation concerning these conventions during the reporting period. A person applying for a declaration of statelessness, including a migrant child, enjoys the rights of a party in the immigration proceedings. The guardian appointed by the guardianship authority is entitled to initiate the proceedings for a declaration of statelessness on behalf of the unaccompanied minor and to represent their rights and interests in the proceedings. According to Section 4 of Act LV of 1993 on Hungarian Citizenship, stateless persons and foreigners who were born in Hungary or who established a residence in Hungary, may be granted naturalisation, provided the conditions set out in the Act are met.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report provides information on institutional childcare during the second wave of Covid-19. It states that municipalities and non-state maintainers of public education and vocational training institutions had to ensure institutional child catering even when day care centres, public education and vocational training institutions were closed, and in case of digital education. The Government worked with donor organisations which made 2,793 computers available to foster families, children's homes and reformatories.

The report further states that, with the amendment introduced on 1 January 2021, the monthly rate of the additional allowance for each special, specific or dual-needs child placed with a foster parent was increased from 5% of the minimum wage to 7%. This measure is a recognition of the work of foster parents who look after children with more serious care and education challenges, such as children with long-term illnesses, disabilities, psychiatric care, addiction, or children with antisocial behaviour.

The report also provides information on projects related to social inclusion carried out during the reference period. It states that Sure Start Children's Home is a service that contributes to the development of young children (up to 3 years old) living in extreme poverty, including Roma children with severe socialisation deficits. Learning Centre is a community space with an independent infrastructure, run by a non-governmental organisation, based on local specificities, the voluntary participation of children and young people and individual needs. It provides a complex service for all aspects of personal development, which is accessible to children and young people who are not adequately recognised in the education system and who are marginalised in society. The Roma Scholarship Programme aims to support Roma students with excellent academic results and motivate them to pursue higher education. College Plus is implemented in State, church and NGO-run public education colleges in the most disadvantaged regions in eight counties of Hungary. The majority of the targeted children are placed in mixed boarding groups for special education or social needs. The Travelling Grants Scholarship Programme aims to prevent early school leaving and to strengthen the chances and opportunities for further education among disadvantaged and severely disadvantaged pupils, including Roma. The IN-SCHOOL project aims to support the development and implementation of national inclusive education policies and innovative inclusive education practices. There were also EU-funded programmes, such as Area Childcare Programme (aimed at reaching disadvantaged children and young people in order to slow down the regression into poverty), Nice Little Place (aimed at increasing the chances of children to escape poverty).

The report further states that the participation of children in specialised child protection care is ensured by Section 37 of the Act XXXI of 1997 on the Protection of Children and Guardianship Administration (Gyvt), which stipulates that children placed in residential childcare institutions may form a children's self-governing body to represent their interests, elected by more than 50% of the children. This body may express its opinion to the head of the establishment on all matters relating to the operation of the residential childcare institution and the children, which the head of the establishment must take into account.

The Committee notes from EUROSTAT that 23.3% of children in Hungary in 2021 were at risk of poverty or social exclusion, a decline in comparison with 2018, when it was 26.4%. The Committee notes that the 2021 rate is lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

The Committee previously found the situation in Hungary not to be in conformity with Article 17§1 of the Charter on the ground that unaccompanied children in transit zones were not adequately protected from violence and abuse. It also requested further information on measures taken to find alternatives to detention for asylum-seeking families, to ensure that accommodation facilities for children in an irregular migration situation, whether accompanied or unaccompanied, were appropriate and were adequately monitored. It also sought confirmation that unaccompanied children were not detained with adults, whether in transit zones or elsewhere. Finally, it also asked whether Hungary used bone testing to assess age and, if so, in what situations; if the answer was positive, the Committee asked what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

In reply to the questions asked in previous conclusions, the report states that transit zones ceased to operate on 21 May 2020. Since the establishment of transit zones in 2015, Hungarian legislation allowed all residents to leave voluntarily towards Serbia, and it ensured that transit zones were not used as detention facilities. On entering the transit zone, an information leaflet was handed out and the applicant could decide whether or not to enter the transit zone, to lodge an asylum application in Hungary or to leave. The legal provisions provided effective guarantees that Hungary would provide accommodation, treatment and services to foreigners, including unaccompanied minors. Unaccompanied minors aged 14 to 18 were placed in transit zones and separated from the adults. They were supervised and education was provided to them. The report states that there was no information about violence or abuse of unaccompanied minors in a transit zone.

Due to the failure to provide requested information on measures taken to find alternatives to detention for children in an irregular migration situation; on measures taken to ensure that accommodation facilities for children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored; whether Hungary uses bone testing to assess age and, if so, in what situations and what potential consequences such testing could have, the Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide

information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

The Committee also notes from other sources (UN Committee on the Rights of the Child Concluding observations on the sixth periodic report of Hungary, 3 March 2020) that it was recommended to Hungary to amend asylum law to prohibit the immediate expulsion of children and their families in an irregular migration situation who have not had the opportunity to apply for asylum. The Committee also notes that legal amendments that entered into force on 5 July 2016 (Section 5 of Act LXXXIX of 2007 on State Border, Section 80/J(3) of Asylum Act) allowed the Hungarian police to automatically push back asylum seekers without registering their data or allowing them to submit an asylum claim. Although on 17 December 2020 the Court of Justice of the European Union issued a judgment in the case C-808/18 and ruled that moving illegally staying third-country nationals to a border area, without observing the guarantees surrounding a return procedure constitutes infringements of the EU law, the legislation and the practice still remains the same (Asylum Information Database). The Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter on the ground that immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance.

In reply to the targeted question, the report states that, as of 1 January 2018, the investigation and management of child abuse cases in specialised child protection care institutions and correctional institutions must be based on the institutional, maintenance and sectoral methodology. Since 1 January 2018, Gyvt provides that a professional opinion of the previous employer must be requested when a person wishes to become a foster parent. The report further describes Criminal Code provisions related to offences against children. Moreover, since 1 January 2018, if a Hungarian citizen has been convicted abroad of any sexual crime and such a citizen requests an official certificate to prove that they can be employed as a teacher, the criminal registration body should initiate the search of available judgments of other EU Member States.

The report further states that according to changes introduced on 1 July 2018 to the Act XC of 2017 on Criminal Procedure, special treatment may be introduced in criminal proceedings. There are two groups of special treatment measures – gentle measures and protective measures. As of 1 January 2019, the tasks of the regional child protection services have been extended to include the Barnahus model, which provides for the examination and therapy of neglected and abused children, including children who have been sexually abused, and for the hearing of the children concerned at the request of an official body. Following the creation of the National Child Protection Service on 1 July 2021, this body has been given the task of providing professional methodological support and the development of services known as the Listening and Therapy Service as well as training for professionals. The aim of the new service is to protect child victims of sexual abuse from the retraumatising effects of multiple interrogations during the evidentiary and criminal proceedings. Moreover, from 1 January 2021, the court, the prosecution and the investigating authority may carry out a procedural act requiring the participation of a person under the age of 18 with the assistance of a counsellor providing services pursuant to Gyvt.

The report states that escape vehicles have been purchased for the safe transport of victims with special needs returning from abroad and child protection services involved in prostitution in Hungary to their designated place of care. In addition, since 1 July 2020, Act V of 2020 Amending Certain Acts to Combat the Exploitation of Victims of Trafficking in Human Beings was supplemented with a general protection measure. It allows the police to immediately place a child suspected of being a victim of trafficking in human beings in a special children's home designated to receive such victims.

The report states that media literacy training for child protection professionals has been organised. In the field of combatting trafficking in human beings, money was allocated to expand available capacities in temporary family homes and temporary shelters.

With regard to Covid-19, child protection and correctional institutions were closed down and communication was possible via the Internet or by telephone. The guardianship authority continued to operate and take decisions in the interests of children.

Rights of children in public care

In its previous conclusion, the Committee asked for confirmation that parents could appeal against a decision to restrict their parental authority and noted that if this information was not provided in the next report, there would be nothing to establish that the situation is in conformity with the Charter. The Committee also asked to be kept informed of the number of children in foster care and in institutions as well as trends in the area. Further, it asked for the Government's comments on the information that the majority of children's homes are located in remote areas with no proper transportation and limited access to basic services or mainstream/vocational education. It also asked what measures had been taken to ensure that children were not separated from their family on grounds of inadequate resources. It also wished to be informed of the impact of projects implemented using EU funds, aimed at improving residential child facilities by replacing institutions operating in buildings in poor conditions and the establishment of institutions and facilities integrated into residential environments (Conclusions 2019).

The report states that on 31 December 2021, the proportion of minors living in specialised child protection services placed in different types of services was as follows: 14,866 children (70.7%) out of 21,041 children were placed in foster care compared with 14,039 children (67%) out of 20,948 children on 31 December 2017. The Committee notes that the number of children placed in foster care slightly increased.

Due to the failure to provide requested information on whether parents can appeal against a decision to restrict their parental authority, on measures taken to ensure that children are not separated from their family on grounds of inadequate resources, the Committee therefore concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Children in conflict with the law

The Committee previously concluded that the situation in Hungary was not in conformity with Article 17§1 of the Charter on the ground that the length of pre-trial detention was excessive. It also asked whether children could be placed in solitary confinement, and if so, under what circumstances and for how long. It also sought to obtain updated information on the age of criminal responsibility (Conclusions 2019).

The report does not provide the information requested. The Committee therefore reiterates its conclusion of non-conformity on the ground that the length of pre-trial detention of children is excessive.

The Committee notes from other sources (Sixth periodic report submitted by Hungary under the Convention on the Rights of the Child in 2019) that the age of criminal responsibility is generally set at 14. However, it can be as low as 12 for the most serious crimes. The Committee notes that the age of criminal responsibility must not be too low even for very serious crimes (Conclusions, Ireland, 2011) and it should not be lower than 14. The Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter on the ground that the age of criminal responsibility is too low for some offences.

Due to the failure to provide requested information on whether children can be subject to solitary confinement, for how long and under what circumstances, the Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter on the grounds that:

- immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance;
- the length of pre-trial detention of children is excessive;
- the age of criminal responsibility is too low for some offences.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Hungary is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Hungary of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- measures taken to find alternatives to detention for children in an irregular migration situation;
- on measures taken to ensure that accommodation facilities for children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored;
- whether Hungary uses bone testing to assess age and, if so, in what situations and what potential consequences such testing could have;
- whether parents can appeal against a decision to restrict their parental authority;
- on the measures that have been taken to ensure that children are not separated from their family on grounds of inadequate resources;
- whether children can be subject to solitary confinement, for how long and under what circumstances.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Hungary and in the comments by the Validity Foundation, the Hungarian Civil Liberties Union, the Autism Advocacy Association and the International Step-by-Step Association.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion the Committee concluded that the situation in Hungary was not in conformity with Article 17§2 of the Charter on the ground that Roma children were subject to segregation in education (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

Enrolment rates, absenteeism and drop out rates

In the previous conclusion, the Committee asked that the next report provide updated information on enrolment rates, absenteeism and drop-out rates as well as information on measures taken to address issues related to these rates. It also asked to comment on why the net enrolment rates in both primary and secondary education were low (Conclusions 2019).

The report states that kindergarten participation rates have increased: for three-year-olds from 80.3% in 2014/2015 to 84% in 2020/2021; for four-year-olds from 94.7% in 2014/2015 to 96% in 2020/2021 and for five-year-olds from 95.1% in 2014/2015 to 98% in 2020/2021. The report provides that there has been a slight shift from 12.5% in 2018 to 12% in 2021 for early school leavers without qualifications. The percentage of students aged 16-24 who dropped out of school was 6.7% in 2017/2018, 6.6% in 2018/2019 and 6.1% in 2019/2020. The priority project “Supporting institutions at risk of student dropout” was carried out and covered 300 school sites; it organised several regional workshops on desegregation measures. Moreover, since 2018, a mandatory review of equal opportunities plans in public education every three years has been required.

The Committee notes from other sources (UNESCO database) that the enrolment rates in 2021 were as follows: 96.14% in primary education, 94.62% in lower secondary education and 86.64% in upper secondary education.

Costs associated with education

In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that free and compulsory primary education and free and accessible secondary education for all until the final examination is a public service mission of the State. According to the report, the State fulfils its legal obligation to provide the same level of support

to all pupils, whether they are in primary or secondary education, in state schools or in religious schools. Educational institutions for national minorities are financed in the same way as church legal entities carrying out educational tasks.

Vulnerable groups

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee previously found the situation in Hungary not to be in conformity with Article 17§2 of the Charter on the ground that Roma children were subject to segregation in education. It also wished to receive information on the number of Roma pupils in special schools or in separate schools or classes and any other information demonstrating that Roma children were no longer segregated in education. It also asked what measures were taken to ensure the adequacy of the education provided in transit zones and to ensure that children in transit zones enjoyed the same right to education as nationals, in particular with the same scope and a similar quality of teaching (Conclusions 2019).

The report states that after the judgment of the Eger Court of Appeal in 2020, an investigation was launched to determine the impact of the measures introduced on the number of children considered to be Roma with special educational needs in the County of Heves. This survey will be conducted over a period of 5 years, starting in 2021.

The report further states that the proportion of Roma pupils in special schools constantly decreased. Furthermore, the promotion of access to quality education for disadvantaged pupils, including Roma pupils, and the prevention and mitigation of segregation has become one of the priority objectives of the Public Education Development Strategy 2030. The report provides that the values of the segregation index show stagnation.

The Committee notes from written submissions of the European Roma Rights Centre to the UN Committee on the Rights of the Child on Hungary of 9 January 2020 that Roma children continue to be channelled to special schools in Hungary. It also notes from the 1436th CM-DH meeting from 8 to 10 June 2022 that the Hungarian authorities were encouraged to continue the collection of the relevant data on Roma children in special schools and to extend it to the entire country.

In their comments, the Validity Foundation, the Hungarian Civil Liberties Union, the Autism Advocacy Association and the International Step-by-Step Association state that school segregation and poor quality education is a common concern for Roma children and children with disabilities.

The Committee notes that no information is submitted on the number of Roma pupils in special schools or classes. The Committee reiterates its conclusion of non-conformity on the ground that Roma children are subject to segregation in education.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments).

The report states that students may form a Students' Union to represent their interests and can also be elected to the students' parliament.

The Committee takes note of the recommendation of the Committee on the Rights of the Child in the Concluding observations on the sixth periodic report on Hungary of 3 March 2020 to strengthen initiatives aimed at increasing children's participation and develop toolkits for consulting them on national policy issues that affect them – in particular the issues that children identified as being of most concern for them, such as education, climate change and

security – and ensure that children’s views are taken into account by local and national authorities.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that the Hungarian Digital Strategy for Child Protection focuses on reducing online bullying, promoting thoughtful and valuable internet use, and implementing rules and measures to protect children and their privacy. SmartKindergarten Program makes online communication between parents and the kindergarten more flexible. The Strategy Healthy Hungary 2014-2020 aims at effectively improving overall physical and mental well-being of pupils. Under the Mental Hygiene Initial Training for Teachers programme, teachers were trained to avoid conflicts that may escalate to violence and/or to deal with conflict situations that have already arisen. The aim of the programme “You have someone to turn to” is to prevent conflict and violence in school, including cyberbullying. To prevent and reduce bullying in schools and online, teachers and school psychologists have been able to take part in free ENABLE training since Autumn 2018. It aims to prevent child abuse in grades 7-11 by developing social and emotional skills and emphasising peer support in schools to prevent bullying in the learning environment and during leisure time.

The report further states that the Government has made great efforts to increase the number of psychologists in public education institutions. In 2020, the institution of School Guards was created, which aims at preventing violence in schools.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that for the past two school years, teachers and pupils were in contact online or in other ways that did not require physical presence at school. The necessary equipment was distributed to the disadvantaged pupils, free internet services were made available, more than 80 smart textbooks were available and public television broadcast educational programmes every day. During the 2020/2021 academic year, schools could organise individual and small group consultations for students at the end of secondary school to help them prepare more effectively for their final examinations.

The report further states that support for pupils with learning difficulties, special educational needs, social disadvantages or any other difficulties has been a constant priority during the pandemic. Moreover, there has been a major legislative and professional development in the field of public education for children and pupils undergoing long-term medical treatment. The aim of it was to reduce and eliminate the educational deficit of children in long-term hospital care. Since September 2021, the Capital Pedagogical Service has been providing online counselling services to help children, young people, parents and teachers with mental health difficulties, to mitigate the negative effects of Covid-19. The assistance is structured around three types of counselling and phone support activities: helpful, supportive conversation,

psychoeducation and advice and consultations on pedagogical issues related to the pandemic.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 17§2 of the Charter on the ground that Roma children are subject to segregation in education.