

– Hungary and the European Social Charter –

Signatures, ratifications and accepted provisions

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

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

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

It has not accepted the system of collective complaints.

The Charter in domestic law

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

Table of accepted provisions

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

Reports on non-accepted provisions

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

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

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by Hungary

Between 2002 and 2024, Hungary submitted 7 reports on the application of the 1961 Charter and 14 reports on the application of the Revised Charter.

The [13th report](#), which was submitted on 21/12/2022, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 22 December 2023, an [ad hoc report on the cost-of-living crisis was submitted by Hungary](#)³.

¹ The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ». Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

³ In accordance with the [decision of the Ministers' Deputies](#) adopted on 27 September 2022 concerning the [new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an *ad hoc* report on the cost-of-living crisis to all State parties.

Situations of non-conformity ⁴

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

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

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

► *Article 9 - Right to vocational guidance*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Measures taken to reduce maternal mortality rates have been insufficient.

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

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

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

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

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

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

⁴ Further information on the situations of non-conformity is available on the [HUDOC database](#).

Thematic Group 3 “Labour rights” - Conclusions 2022

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

- In certain cases, the reference period for the calculation of average working hours can be extended beyond 12 months;
- Daily working time can go up to 24 hours and weekly working time – up to 72 hours;
- During the pandemic, the reference period for banking of hours could be extended to 24 months upon a unilateral decision of the employer.

► *Article 2§3 - Right to just conditions of work - Annual holiday with pay*

The employees' right to take at least two weeks of uninterrupted holiday during the year in respect of which the holidays were due is not sufficiently guaranteed.

► *Article 2§5 - Right to just conditions of work - Weekly rest period*

There are insufficient safeguards to prevent workers from working for more than twelve consecutive days before being granted a rest period.

► *Article 6§2– Negotiation procedures*

The promotion of collective bargaining is not sufficient.

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

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

► *Article 22 - Right of workers to take part in the determination and improvement of working conditions and working environment*

It has not been established that there exist legal remedies in cases of alleged violation of the right of workers to take part in the determination and improvement of working conditions and the working environment.

Thematic Group 4 “Children, families, migrants” - Conclusions 2023

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

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

In the event of reassignment to a different post, the law does not guarantee the right of 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*

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

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

- 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.

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

Roma children are subject to segregation in education.

The Committee also considered that the failure to provide requested information on Articles 8§1, 16, and 17§1 amounts to a breach by Hungary of its reporting obligations under Article C of the Charter.

The Committee has been unable to assess compliance with the following rights:

Thematic Group 1 "Employment, training and equal opportunities"

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

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

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

Thematic Group 3 "Labour rights"

- ▶ Article 6§1 - Conclusions 2022
- ▶ Article 21 - Conclusions 2022

Thematic Group 4 "Children, families, migrants"

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

Thematic Group 1 "Employment, training and equal opportunities"

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

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

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

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

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

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

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

Thematic Group 3 "Labour rights"

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

Thematic Group 4 "Children, families, migrants"

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

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

▶Pursuant to the legal provisions on asylum and child protection in effect from 1 May 2011, unaccompanied minors requesting their recognition shall be placed in child protection institutes under the legal regulations on child protection. As a result, the scope of the Child Protection Act extends to unaccompanied minors requesting their recognition as well as children with an admitted status and children recognised as refugees or protected by the Hungarian authorities.

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