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EUROPEAN SOCIAL CHARTER

19th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF HUNGARY

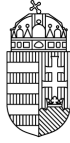
Articles 7, 8, 16, and 17

for the period 01/01/2018 – 31/12/2021

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CYCLE 2023



Ministry of Interior

National Report

Nineteenth Report

**on the implementation of the commitments undertaken in the Revised European Social
Charter**

**Submitted by:
the Government of Hungary**

covering the period from 1 January 2018 to 31 December 2021

Budapest, 2022

Pursuant to Article C of Part IV of the Revised European Social Charter (hereinafter: Charter), the implementation of the commitments undertaken in the Charter falls under the same control as those undertaken in the European Social Charter. Pursuant to the reporting procedure set out in Article 21 of Part IV of the European Social Charter, the reporting obligation covers the adopted articles of the European Social Charter. Based on the decision of the Committee of Ministers of the Council of Europe No. CM(2014)26 adopted at its 1196th meeting held on 2 April 2014, the 2022 National Report (hereinafter: Report) covers the topic entitled “Children, families and migrants”.

This Report concerns the implementation of the following Articles of the Revised European Social Charter, ratified and approved by Hungary, for the reporting period set out in the table:

Provision	The title of the article
Paragraph (1) of Article 7	1 January 2018 – 31 December 2021
Paragraph (1) of Article 8	1 January 2018 – 31 December 2021
Paragraph (2) of Article 8	1 January 2018 – 31 December 2021
Paragraph (3) of Article 8	1 January 2018 – 31 December 2021
Paragraph (4) of Article 8	1 January 2018 – 31 December 2021
Paragraph (5) of Article 8	1 January 2018 – 31 December 2021
Paragraph 16	1 January 2018 – 31 December 2021
Paragraph (1) of Article 17	1 January 2018 – 31 December 2021
Paragraph (2) of Article 17	1 January 2018 – 31 December 2021

The implementation of the above articles was last reported by the Government of Hungary in its 15th National Report for the period 1 January 2014 to 31 December 2017.

This National Report was prepared on the basis of the questionnaire approved by the Committee of Ministers of the Council of Europe on 26 March 2008, and with a view to the above-mentioned decision adopted on 2 April 2014. In view of the coronavirus epidemic, the European Committee of Social Rights (hereinafter: SJE) also requests the provision of information related to the effects of the epidemic and government measures taken as a result of the epidemic, which apply to the situation in 2022 beyond the reference period. In addition to answering the specific questions and findings raised by the SZJE regarding the implementation, this report also contains the changes that have taken place compared to the situation presented in report No. 15, relevant to the examined articles of the Amended Charter.

Given that, pursuant to Article 23 of the Charter, national organizations with membership in international employer and employee organizations can deliver an opinion on this National Report, the Report was sent to the relevant Parties of the (Hungarian) National Economic and Social Council (NGTT).

LEGISLATION REFERRED TO IN THE NATIONAL REPORT

- Fundamental Law of Hungary
- Act IV of 1978 on the Criminal Code¹
- Act LXIV of 1991 proclaiming of the Convention on the Rights of the Child, adopted in New York, on 20 November 1989
- Act XXXIII of 1992 on the Legal Status of Public Servants
- Act III of 1993 on Social Administration and Social Benefits
- Act LV of 1993 on Hungarian Citizenship
- Act XCIII of 1993 on Labor Safety
- Act XXXIV of 1994 on the Police
- Act CXVII of 1995 on Personal Income Tax
- Act LXXV of 1996 on Labour Inspection²
- Act LXXXI of 1997 on Social Security Pension Benefits
- Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System
- Act LXXXIV of 1998 on Family Support
- Act XXVI of 1998 on the Rights and Ensuring the Equal Opportunities of People with Disabilities
- Act LXII of 2001 on Hungarians Living in the Neighbouring States
- Act II of 2002 proclaiming the Convention relating to the Status of Stateless Persons, adopted at the United Nations in New York on 28 September 1954
- Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities
- Act CXXXV of 2005 on the Assistance to Victims of Crimes and State Damage Mitigation
- Act II of 2007 on the Entry and Residence of Third-Country Nationals
- Act LXXX of 2007 on Asylum
- Proclaimed by Act XV of 2009 on the proclamation of the Convention on the Reduction of Statelessness, adopted in New York on 30 August 1961
- Act XLVII of 2009 on the Criminal Registration System, the Registration of Judgments Handed Down by the Courts of the Member States of the European Union Against Hungarian Citizens, and the Registration of Criminal and Law Enforcement Biometric Data
- Act CLXXIX of 2011 on the Rights of National Minorities
- Act CXC of 2011 on the National Public Education
- Act CXCI of 2011 on Benefits for Persons with Changed Working Ability and on Amendments to Certain Acts
- Act CXCIX of 2011 on Public Servants
- Act CCXI of 2011 on the Protection of Families
- Act I of 2012 on the Labor Code
- Act LXXXVI of 2012 on Transitional Provisions and Amendments related to the Entry Into Force of Act I of 2012 on the Labor Code
- Act C of 2012 on the Criminal Code
- Act V of 2013 on the Civil Code

¹ Invalid from 1 July 2013.

² Invalid from 1 March 2021.

- Act CCV of 2012 on the Legal Status of Military Personnel
- Act XC of 2017 on Criminal Procedure
- Act XL of 2018 on the Establishment of the Central Budget of Hungary for 2019
- Act LII of 2018 on Social Contribution Tax
- Act CXIV of 2018 on the Legal Status of Defence Force Employees
- Act CXV of 2018 Amending Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies and Other Related Acts
- Act CXVI of 2018 Amending Certain Acts Related to the Organization of Working Time and Minimum Wage of Temporary Agency Work³
- Act CXVII of 2018 Amending Certain Social, Child Protection and Other Related Acts
- Act CXXV of 2018 on the Government Administration
- Act LXX of 2019 Amending Certain Acts Related to Public Education and the Repeal of Act CCXXXII of 2013 on the Supply of Textbooks in National Public Education⁴
- Act LXXI of 2019 on the Central Budget of Hungary for 2020
- Act CVII of 2019 on Organs with a Special Status and the Status of their Employees
- Act CX of 2019 Amending Certain Acts in Order to Simplify the Operation of the Metropolitan and County Government Offices
- Act CXXII of 2019 on Persons Entitled to Social Security Benefits and on the Coverage of These Benefits
- Act V of 2020 Amending Certain Acts to Combat the Exploitation of Victims of Trafficking in Human Beings⁵
- Act XIX of 2020 on the Amendment of Certain Acts Related to the Entry Into Force of Act CVII of 2019 on Organs with a Special Status and the Status of their Employees⁶
- Act LXV of 2020 Amending Certain Acts in Connection with the Promotion of Adoptions⁷
- Act LXXIV of 2020 on Certain Amendments to the Law Necessary for the Elimination and Prevention of School Violence
- Act C of 2020 on Healthcare Service Relationship
- Act CXIV of 2020 on the Amendments of Certain Acts Necessary for the Transformation of Legal Status of Employees of Eötvös Loránd Research Network⁸
- Act CXXXV of 2020 on Services and Subsidies to Promote Employment and on the Supervision of Employment
- Act LII of 2021 Amending Certain Acts Concerning Public Education
- Act XCIX of 2021 on Transitional Rules Related to the State of Danger
- Act XLV of 2022 on the Amendment of Certain Acts on Taxes
- Government Decree No. 152/2005 (2 August) on the Travelling Grants Scholarship Programme
- Government Decree No. 301/2007 (9 November) on the implementation of Act LXXX of 2007 on Asylum

³ Invalid from 2 January 2019.

⁴ Invalid from 3 September 2021.

⁵ Invalid from 3 July 2020.

⁶ Amending Act, invalidated after the announcement.

⁷ Invalid from 3 September 2020.

⁸ Invalid from 3 January 2021.

- Government Decree No. 229/2012 (28 August) on the implementation of Act CXC of 2011 on National Public Education
- Government Decree No. 44/2019 (12 March) on the baby awaiting allowance
- Government Decree No. 187/2019 (30 July) on the detailed rules for the granting of certain subcontracted aids
- Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy⁹
- Government Decree No 59/2020 (23 March) on the extension of entitlements to certain health insurance and family support benefits due to the care and education of the child during the state of danger ordered to prevent and avert the consequences of a human epidemic causing a mass disease that threatens the security of life and property, and to protect the health and life of Hungarian citizens¹⁰
- Government Decree No. 61/2020 (23 March) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy¹¹
- Government Decree No. 68/2020 (26 March) on the amendment of Government Decree No. 61/2020 (MARCH 23) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy¹²
- Government Decree No. 81/2020 (1 April) on extraordinary measures in connection with the state of danger in order to protect health and life and to restore the national economy
- Government Decree 88/2020 (5 April) on the measures to be taken during the state of danger with regard to certain social and child protection services and on the arrangements for the operation of social services during the state of danger¹³
- Government Decree No. 97/2020 (10 April) on the amendment of Government Decree No. 61/2020 (MARCH 23) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy¹⁴
- Government Decree 105/2020 (10 April) on support for reduced working hours during the state of danger under the Economic Protection Action Plan¹⁵
- Government Decree No. 140/2020 (21 April) on the necessary tax reliefs in order to mitigate the economic effects of the coronavirus epidemic within the framework of the Economic Protection Action Plan; Act LVIII of 2020 Act LVIII of 2020 on the Transitional Rules Related to the End of the State of Danger and on Epidemic Preparedness¹⁶

⁹ Invalid from 18 June 2020.

¹⁰ Invalid from 18 June 2020.

¹¹ Invalid from 18 June 2020.

¹² Invalid from 29 March 2020.

¹³ Invalid from 18 June 2020.

¹⁴ Invalid from 13 April 2020.

¹⁵ Invalid from 18 June 2020.

¹⁶ Invalid from 18 June 2020.

- Government Decree No. 152/2020 (27 April) on measures related to the daytime supervision of children during the state of danger¹⁷
- Government Decree No. 209/2020 (5 May) on the reduction of public liability obligations of companies operating in the aircraft industry in order to mitigate the impact of the coronavirus pandemic on the national economy¹⁸
- Government Decree No. 284/2020 (17 June) on temporary government regulations relating to the end of the state of danger
- Government Decree 485/2020 (10 November) on certain economic protection measures during the state of danger¹⁹
- Government Decree 556/2020 (4 December) on the measures to be taken in relation to certain social and child protection services during the state of danger and on the operating rules of social and child protection services during the state of danger²⁰
- Government Decree No. 567/2020 (9 December) on certain provisions relating to the state of danger necessary to strengthen the financial security of families
- Government Decree 26/2021 (29 January) on the termination of the state of danger declared by Government Decree 478/2020 (3 November) on the declaration of the state of danger
- Government Decree 27/2021 (January 29) on the declaration of the state of danger and the entry into force of the emergency measures
- Government Decree 89/2021 (27 February) on certain measures to combat the pandemics during the state of danger
- Government Decree No. 115/2021 (10 March) on the activities of the employment supervisory authority
- Government Decree No. 128/2021 (13 March) on the extension of entitlements to certain health insurance and family support benefits due to the care and education of the child²¹
- Government Decree No. 155/2021 (27 March) on the amendment of Government Regulation No. 506/2020 (16 September) on the re-introduction of different provisions regarding the operation of personal and property unification organizations during the state of danger and Government Decree No. 128/2021 (13 March) on the extension of entitlements to certain health insurance and family support benefits due to the care and education of the child²²
- Government Decree No. 598/2021 (28 October) on the protection of workplaces against coronavirus²³
- Government Decree No. 599/2021 (28 October) on the compulsory use of the coronavirus vaccination by employees of state and municipal institutions²⁴
- Decree No. 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene
- Decree No. 19/2009 (29 December) HM on housing allowances granted by the Ministry of Defence

¹⁷ Invalid from 18 June 2020.

¹⁸ Invalid from 18 June 2020.

¹⁹ Invalid from 1 December 2021.

²⁰ Invalid from 1 June 2022.

²¹ Invalid from 8 April 2021.

²² Invalid from 30 March 2021.

²³ Invalid from 1 June 2022.

²⁴ Invalid from 1 June 2022.

- Decree No. 20/2012 (31 August) EMMI on the operation of educational institutions and the naming of public educational institutions
- Decree No. 12/2013 (15 August) HM on certain cash, in-kind and social allowances
- Decree No. 15/2013 (26 February) EMMI on the operation of pedagogical service institutions
- Decree No. 12/2018 (12 June) IM on the rules for individual criminal acts and persons participating in criminal proceedings
- Decree No. 40/2018 (4 December) EMMI on the professional tasks of children's services and the conditions of their operation
- Decree No. 24/2019 (7 June) BM on the Study Scholarship for Roma Nationality
- Government Decision No. 1039/2015 (10 February) on the adoption of the "Healthy Hungary 2014-2020" Health Sector Strategy
- Government Decision No. 1488/2016 (2 September) on the creation of a Safe Internet Service for Children, on the conscious and value-creating use of the Internet and the Hungarian Digital Child Protection Strategy
- Government Decision No. 2072/2017 (28 December) on the more effective implementation of victim support
- Government Decision No. 1092/2019 (8 March) on the extension of free textbook provision to grades 10-16 of full-time public education
- Government Decision No. 1125/2019 (13 March) on measures necessary to increase the effectiveness of the fight against human trafficking
- Government Decision No. 1404/2019 No. (5 July) on the establishment of the long-term programme of "Catching-up Settlements"
- Government Decision No. 1645/2019 (19 November) on the development of the victim support system
- Government Decision No. 1046/2020 (18 February) on the national strategy for combating trafficking in human beings for the period 2020-2021 and the action plan for its implementation for the period 2020-2021
- Government Decree No. 1551/2020 (25 August) on the adoption of the Public Education Strategy 2021-2030 for the European Union

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ARTICLE 7 – THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

1. Rules applicable to employees

In accordance with the obligations laid down in the Fundamental Law, which prescribe special labour law regulations taking into account the needs of certain vulnerable groups due to their different situations, Hungary's labour law guarantees the increased protection needs of the affected groups of persons by means of provisions that differ from the general regulations.

Section 34 of *Act I of 2012 on the Labour Code* (hereafter: Labour Code) deals with the employment of persons under the age of 16 and its conditions, as mentioned in the previous reports. Section 34(3) of the Labour Code was modified by Section 79 of *Act CX of 2019 Amending Certain Acts in Order to Simplify the Operation of the Metropolitan and County Government Offices* as:

“Subject to prior notification of the guardian authority at least fifteen days before the employment, young persons under sixteen years of age may be employed for the purposes of performance in cultural, artistic, sports or advertising activities provided for by other legislation”.

The amendment aims to make the Hungarian public administration more organised, transparent and customer-friendly in the framework of the Public Administration and Public Service Development Strategy 2014-2020. In order to achieve this, from 1 January 2020, the establishment of employment relationships for the category of persons covered by the above-mentioned legislation no longer requires the permission of the guardianship authority, but the prior notification obligation is sufficient. The procedures subject to prior notification also help to ensure legal certainty. Derogations from these provisions are not possible.

2. Rules applicable to civil servants, government officials and staff of agencies with special status

According to Section 82(1) of *Act CXXV of 2018 on Government Administration* (hereinafter: Government Administration Act), which entered into force on 1 January 2019, the general condition for appointment is, among others, the existence of legal capacity, which in the Hungarian legal system is established upon reaching the age of 18. The same rule is also contained in *Act CVII of 2019 Organs with a Special Status and the Status of their Employees* (hereinafter: Special Status Act). Another condition for appointment is the acquisition of a secondary school certificate, or in the case of Government Administration Act, the acquisition

of a secondary level vocational qualification is also sufficient. Consequently, the earliest age at which a person can be employed is 17 for Government Administration Act and 18 for Special Status Act, if the employee has the legal capacity.

Considering that office work in government administrations and agencies with special status is characterised by working under appropriate ergonomic conditions and in safe working conditions, which cannot be considered as working in a dangerous or unhealthy environment, both laws ensure the right to protection of children and young people. The possibility of learning is also ensured by the fact that, on the one hand, no one can be employed on the basis of Government Administration Act and Special Status Act without secondary education, and on the other hand, both Government Administration Act and Special Status Act make it possible to conclude a study contract, which can facilitate further learning while working.

The salary system applied by Government Administration Act and Special Status Act do not take into account the age of the employee: both laws allow a young employee to be placed in the highest salary category (salary band) if the employer considers this justified on the basis of his/her performance, education and skills. In this way, both laws ensure the young employee's right to a fair wage. Under both Acts, the employee is entitled to 20 days of basic leave, plus additional leave (3-9 days) depending on his/her grade. Government Administration Act and Special Status Act both provide young employees with at least four weeks' leave per year.

Rules on civil servants were not amended during the reference period. *Act CXCIX of 2011 on Civil Servants* (hereinafter: Civil Servant Act) contains regulations substantively similar to those are in Government Administration Act and Special Status Act. However, Civil Servant Act uses an increasing paygrade system depending on the time spent in the civil servant employment relationship. There are other tools (the possibility of embezzlement, title donation, personal allowance determination) that help young employees entering at the bottom of the wage scale to progress and receive appropriate salary.

3. Rules applicable to military staff of the Armed Forces and defence staff

On the 20th of December 2018, *Act CXIV of 2018 on the Legal Status of Defence Force Employees* (hereinafter referred to as the Hungarian abbreviation: Haj. Tv.) was proclaimed. The Act reclassified civil servants employed by the Hungarian Defence Forces as defence force employees.

Responses on the legal status of defence force employees and military staff of the Hungarian Defence Forces are presented in the report by topics.

According to Section 12(1) point b) of Haj Tv., the minimum age for the establishment of the legal status of a defence force employee is 18 years.

1) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- ***The ECSR requested information on the activities of the authorities in relation to the detection of child labour, including children working in the informal economy. Information was also requested on:***
 - ***the total number of children actually working (based on existing statistics or surveys);***
 - ***measures to identify and monitor sectors particularly suspected of exploiting child labour.***

1. Legal framework for labour measures to prevent the exploitation of child labour

Section 5(1) of Government Decree No. 115/2021 (10 March) on the activities of the employment supervisory authority [hereinafter: Government Decree No. 115/2021 (10 March)]²⁵ states that “*In the context of the control of the regularity of employment, the employment supervisory authority shall control the employer’s compliance with the minimum requirements of the legislation governing the employment relationship.*” According to Section 5(2), the minimum requirements for the control of the employment supervisory authority shall include, among others, the observance of the rules on age conditions for the establishment of the employment relationship and the prohibition of child labour [Section 5(2) point a) ab) of Government Decree No. 115/2021 (10 March)].

In the event of a violation of the age conditions for the establishment of an employment relationship, the employment supervisory authority shall prohibit the further employment of an employee affected by a violation of the law until it has been remedied [Section 16(1) point a) of Government Decree No. 115/2021 (10 March)].

Section 18 of Government Decree No. 115/2021 (10 March) provides for the rules on the imposition of labour penalties as:

“(1) The employment supervisory authority may, at its discretion, impose a labour penalty, except for infringements of the law specified in Section 19.

(2) The minimum amount of a labour fine shall be HUF 30,000.

(3) The employment supervisory authority shall determine the amount of the labour fine by taking into account the infringements of the law found in a procedure.

(4) The employment supervisory authority shall impose a labour fine if the employer

(...)

b) has infringed the age conditions for access to employment, including the provisions on the prohibition of child labour.”

Government Decree No. 115/2021 (10 March) stipulates that, for the purpose of the application of the law on public finances, a person who has been subject to a final fine by the employment supervisory authority within two years prior to the date of the application for budgetary support, which, in the case of an administrative action, has been judged by a final judgment of the court, and which is enforceable and made public, for breach of the provisions on age conditions for the establishment of an employment relationship and the prohibition of child labour, does not meet the requirement of sound employment relations. [Section 20(1) point b) ba) of Government Decree No. 115/2021 (10 March)].

Actions taken during the reference period:

As regards the control of the agricultural sector, the employment supervisory authority attaches distinguished importance to the involvement in joint controls with the co-authorities, with particular attention to the detection of presumed forms of labour exploitation. In many cases, these work sites are remote and isolated from roads, almost exclusively on agricultural land and farmland known to the local population. The following cases are examples of such areas:

²⁵ Until March 2021, the legal basis for labour inspections was *Act LXXV of 1996 on Labour Inspection*.

Example 1: In July 2018, a labour inspection took place at an agricultural employer in Csongrád-Csanád county. In the work area, 49 workers were employed under a simplified employment contract. The workers' simplified employment contracts and their attendance sheets were presented on the spot. The workers were cleaning vegetables after harvesting them at the work site.

The audit found that 46 workers had not been declared to the territorial tax authorities. In addition, in case of 3 workers, the employer violated the legal provisions on the prohibition of child labour: three young workers were under the age of 15 at the time of the inspection. The legal representatives of the young workers were not present at the work site, nor did they give written consent to work. In view of the above, the competent authority prohibited the young workers from further work.

Due to the above irregularities, a decision was imposed against the employer that established the violations of the law and the existence of the employment relationships, and contained a mandatory notification obligation, as well as a labor fine of HUF 750,000.

Example 2: On 24 June 2020, in the framework of the undeclared employment action inspection, the competent authority selected two construction sites in District I, close to each other but out of sight, for inspection on the basis of a preliminary visit. The inspections were carried out by 12 labour inspectors, one candidate inspector and 12 police officers. At the first site, 16 employers were inspected, covering 62 workers. 9 employers were suspected of undeclared work, covering 33 workers. This means that every second worker at the construction site was employed without being declared.

One employer, who employed seven out of seven workers without an employment contract and without notification, even employed a minor worker without parental consent. Further employment of the minor was prohibited on the spot. The construction manager informed that the construction was scheduled to continue for two more days, i.e. the employment supervisory authority managed to find the site at the last minute and take action to put an end to the serious infringement.

At the second construction site, 21 employers were inspected, covering 80 workers. At this site, 6 employers were suspected of undeclared work involving 22 workers. Of the 80 workers, 32 were third-country nationals. One of them, a Russian citizen, was brought to the immigration authority because he/she did not have a work authorization, and one wanted person was brought to the competent police station.

Out of the 37 employers involved in the campaign inspection, 15 employers were condemned for the above irregularities.

Example 3: On 1 July 2021, an on-site employment supervisory authority inspection was carried out together with the competent police station at the workplace of a sour cherry grower in Győr-Moson-Sopron county. It was found that 12 seasonal agricultural workers had been employed by the employer under a written employment contract without notifying the tax authorities, and one minor (aged 14) had been employed as a seasonal agricultural worker in the context of unlawful child labour. 7 of the workers were young workers aged 15-17, but they worked with the written "parental consent" issued by their legal guardian and during the summer school holidays, therefore their work was not considered illegal.

Due to the above irregularities, a decision was imposed against the employer that established the violations of the law and the existence of the employment relationships, and contained a mandatory notification obligation, as well as a labor fine of HUF 4,352,400.

2. A statistical data from the employment supervisory authority

		2018	2019	2020	2021
Illegal child labour	Measure	9	2	4	9
	Person	16	4	4	9
	Employer	7	2	4	7
Illegal child labour in simplified employment	Measure	1	0	0	0
	Person	1	0	0	0
	Employer	1	0	0	0

Source: Ministry of Technology and Industry

As can be seen from the statistical data of the employment supervision authority, the number of cases related to illegal child labor is small and is decreasing every year.

- *In its 2016 conclusions, the ECSR concluded that the Hungarian legal framework allows children under the age of 15 to work “easy work” for excessively long periods of time – more than 6 hours a day and 30 hours a week – and therefore the situation in Hungary is not in conformity with Article 7(1) of the Charter.*

1. Regulation of the employment relationship of minors

In accordance with Section 34(2) of the Labour Code, a person may be employed if he/she has reached the age of sixteen. By way of derogation, a student who has reached the age of fifteen and is in full-time education may be employed during school holidays. Paragraph (3) states that a person under the age of 16 may be employed in a cultural, artistic, sports or advertising activity as defined by law, provided that he or she gives at least 15 days’ notice to the guardianship authority before being employed. In other words, the general condition for eligibility for employment is the age of 16, which corresponds to the minimum age for compulsory schooling. According to the second sentence of Paragraph (2), under certain conditions, the absolute lower limit for employment is only 1 year below this age. The personal scope of this provision covers a student who is in full-time education and training and has reached the age of 15. Young employees are therefore subject to the common rules for young workers, with the exceptions set out in Section 34(2)-(3). These rules are cumulative and may not be derogated from.

According to Section 21(4) of the Labour Code, the consent of the legal representative is required for the validity of legal declarations concerning the conclusion, amendment, termination or commitment of the employment contract.

The common rules for young workers are set out in Section 114 of Labour Code. Not only the rules on occupational safety and health (see below), but also the Labour Code itself, provide a number of rules which guarantee and protect the employment of young workers. Paragraph (1) states in general terms that young workers may not work at night (between 22.00 and 6.00) and

that they may not be assigned to extraordinary work. Paragraph (2) states that the maximum daily working time of a young worker may not exceed eight hours and that the working time of several employment relationships must be added together. It is important to emphasize that the maximum duration of working time under the law is only an option, with the exception that working time must be aggregated if the young worker has more than one employment relationship. Further relaxing rules on the subject of working time are contained in Section 114(3)-(4). Section 114(3) states that a young worker may be granted a maximum of one weekly working time limit. In addition, a daily break of at least thirty minutes must be provided for scheduled daily working hours of more than four and a half hours, and at least forty-five minutes for scheduled daily working hours of more than six hours, and a daily rest period of at least twelve hours.

Section 114(4) of Labour Code did not undergo any substantive changes in the reporting period, but was amended as follows in order to allow the possibility of familiarisation with the legislation deriving from the requirement of legal certainty. As a consequence of Section 9 of *Act CXVI of 2018 Amending Certain Acts Related to the Organization of Working Time and Minimum Wage of Temporary Agency Work*, from 1 January 2019, Section 114(4) which stated “*In the case of young employees, the provisions of Section 105(2) and Section 106(3) shall not apply*” was replaced by the following regulation: “*In the case of young workers the weekly rest day and the weekly rest period may not be allocated irregularly*”. This provision was already in force, but the amendment was made for codification and legal technical reasons, i.e. the content was left unchanged and the reference rule was replaced by an explicit provision in the legislation, in the interests of clarity and transparency.

It should be emphasized that Section 43(1) of Labour Code states that the employment contract may, unless otherwise provided by law, derogate from the provisions of Part Two of the Act and the rules governing the employment relationship in favour of the employee, and therefore young workers may also benefit from derogations in their employment contracts.

Furthermore, it should be stressed that, in addition to the provisions set out above, the provisions of Section 51(3) of Labour Code, which also applies to young workers, lays down as a fundamental obligation in the rules governing the performance of the employment contract that the employee may be employed only for work which, in view of his physical constitution, development and state of health, must not have any adverse consequences for him

According to its Section 4, the provisions of Labour Code applicable to young workers also apply to the employment of a person under the age of 18 in other legal relationships aimed at working. This also applies, for example, to the employment of a young person as an agent or contractor. These provisions are aimed to protect of minors in employment, even if it is not based on an employment contract but on another civil law relationship.

In line with international legal standards, the Labour Code lays down general prohibitions and restrictions on the employment of children and young people, with no exception for work within the family, so the provisions on young workers described above and in previous reports are applicable

2. Occupational safety and health requirements for young workers

The rules on the protection of minors at work are laid down in *Act XCIII of 1993 on Labour Safety* (hereinafter: Labour Safety Act) and its implementing regulations, as well as in separate legislation.

The scope of the legislation on occupational safety and health is defined in Section 87(9) of Labour Safety Act, and it covers organised work. For the purposes of the employment protection legislation, young workers are workers under the age of 18. For persons under the age of 15 (employees employed in the framework of organised work), the employment protection legislation does not contain specific provisions, but the Labour Safety Act lays down the following provisions as a general rule, irrespective of the sector:

“A worker may only be employed in a particular position and under the condition, that:

- a) he/she has the appropriate physiological capabilities to perform the work;*
- b) such employment has no detrimental effect on his/her health and physical integrity, and with respect to minors, has no detrimental effect on his/her development;*
- c) the employment constitutes no danger to the worker’s ability to reproduce or to her fetus;*
- d) he/she represents no danger to the health or physical integrity of others, and he/she has proven to be fit for the work in accordance with the provisions of other legislation.*

The employee’s fitness for the job shall be determined by means of a medical examination defined in specific other legislation.” [Section 49(1) of Labour Safety Act]

Suitability for work must be decided on the basis of the medical examination specified in *Decree No. 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene* (hereinafter: NM Decree), during which the occupational health service doctor examines on an individual basis whether the stress caused by the activity in a specific job and workplace is demanding for the person examined and whether he or she is able to cope with it.

The above rules must be respected for all employees under the age of 18, including those under the age of 15.

In addition to the general provisions of Labour Safety Act, the NM Decree lays down the requirements for the occupational aptitude tests for the employment of minors belonging to the vulnerable group of workers, as well as the list of potentially harmful workloads, those requiring a ban or those that are permitted under certain conditions.

Section 4(1) points a) and b) of the NM Decree states:

“A pre-employment medical examination shall be carried out

- a) the person the employer intends to employ before the start of the work;*
- b) for a person employed by the employer, before the change of job, workplace or working conditions, if the employee*
 - ba) performs physical work,*
 - bb) a minor (...).”*

Section 6(1) of the NM Decree stipulates:

“Employees in the framework of organized work shall undergo a periodic aptitude test to reassess their suitability for the job. Periodic examinations shall be carried out

a) *annually for workers under the age of 18 (...).”*

The list of “light work” is not specifically defined in the legislation, but the list of potentially harmful workloads for vulnerable groups that require a ban is detailed in Annex 8 of the NM Decree.

To summarize the provisions of Annex 8 to the NM Decree, it is prohibited to employ a minor in a job that:

- involves a risk to the minor’s health or the health or safety of others that exceed the acceptable level (e.g. working at height, working with mobile equipment);
- involves heavy physical work;
- work in a highly stressful working environment (work in a heat-exposed, cold working environment);
- involves increased psychological stress (e.g. periodic repetitive activities under time pressure, activities involving increased psychological information stress or requiring special attention);
- work in overpressure in noise exposure above 87 dBa);
- exposure to highly toxic, toxic for reproduction, carcinogenic, teratogenic, and mutagenic chemicals.

In the case of manual handling, in accordance with ILO Convention No. 127 on the maximum permissible load that can be carried by an employee, the occupational health physician must determine the “workload capacity” for each person separately when assessing suitability for the work, as set out in the NM Regulation. This is because the same workload means different demands on different individuals (depending on their physical build, muscular development, state of health and previous experience of work).

In working conditions where there is a risk of health impairment, the employment of the apprentice for the duration necessary to learn the trade may not exceed the duration necessary to learn the trade [Section 10/A(3) of the NM Decree].

The above provisions are in line with *Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.*

In the case of home-working inspections where the worker is employed in an organized workplace, the occupational health safety authority may check the requirements for safe and healthy working conditions. Inspections by the occupational health and safety authority may only be carried out by the inspectorate between 8 a.m. and 8 p.m. on working days. The occupational health and safety authority shall notify the employer and the worker at least 3 working days before the inspection. The employer shall obtain the necessary consent from the employee to enter the premises of the place of work for this purpose no later than the start of the inspection.

3. Payment for young workers

It also serves the protection of young workers against exploitation that the current Labour Code does not discriminate based on age in terms of salary. Young workers also entitled to the mandatory minimal wage, which is, in consultation with the National Economic and Social Council, determined by the Government in a Government Decree, and is reviewed in every calendar year.

The general rules on the protection of salary are also enforced. The young workers employed in an employment relationship shall receive his/her salary, in the absence of different agreement, afterwards, at least once a month. Payment cannot be delivered by voucher or other means of substitution of currency. The general rule is that wages shall be determined in HUF, but it can be deviated from by law or in case of working abroad.

According to Section 12 of the Labour Code, the requirement of equal treatment shall be respected with regard to employment relationships, and especially to the wages of the employment (benefit provided in cash or in kind directly or indirectly related to work). Remedies for violations of these requirements shall not result in the violation or impairment of the rights of other employees. The Hungarian legislation does not use different conditions regarding the wages of young workers.

Pursuant to Section 5 of Government Decree No. 115/2021 (III March), within the framework of the control of the regularity of employment, the inspection of the employment supervisory authority covers the observance by the employer of the minimum requirements of the legislation regulating the legal relationship for employment. Section 5(2) of Government Decree No. 115/2021 (10 March) states, that from the point of the inspection by the employment supervisory authority, the observance of the rules regarding the payment of the consideration and the special provisions regarding the employment of women, young workers and people with altered working capacity must be considered, among other things, as a minimum requirement.

For the purpose of Government Decree No. 115/2021 (10 March), young worker is an employee who has not reached the age of 18 years. The employment supervisory authority checks the compliance with the minimum requirements for young workers even if the work is provided in the framework of

- a) personal contribution provided either on the basis of an enterprise or commission contract regulated in the Civil Code, or as a member of a general partnership, limited partnership or limited liability company,
- b) public interest voluntary activity regulated in the Act on Public Interest Voluntary Activity,
- c) personal contribution made by a member of the cooperative to the cooperative on the basis of an enterprise contract, commission contract or agreement for external services,
- d) self-employment.

[Section 5(4) of Government Decree No. 115/2021 (10 March)]

The employment supervisory authority obliges the employer to eliminate the violation of the law, or in the event of its establishment, to eliminate the violation of the law or the deficiency, or to fulfill the employer's missed obligation. [Section 11(1) point a) of Government Decree No. 115/2021 (10 March)]

The employment supervisory authority prohibits the further employment of the employee affected by the violation of the law until the violation of the law is terminated in the absence of the legal representative's consent necessary to establish a legal relationship for employment. The employee's right to compensation is not affected if further employment was prohibited because the employer violated the provisions on the formality of the legal declarations required for the establishment of an employment relationship or the notification of the employment relationship. [Section 16(1) point d) and Section 16(3) of Government Decree No. 115/2021 (10 March)]

Section 18 of Government Decree No. 115/2021 (10 March) stipulates the rules for imposing labor fines as follows:

- „(1) The employment supervisory authority can impose labor fines at its discretion - with the exception of legal violations defined in Section 19.
- (2) The minimum amount of the labor fine is thirty thousand HUF.
- (3) The employment supervisory authority determines the amount of the labor fine by taking into account the legal violations discovered in one procedure.
- (4) The employment supervisory authority imposes a labor fine if the employer
 - c) violated the provisions on remuneration for work, not including an employer undergoing liquidation or compulsory liquidation proceedings at the start of the official inspection,
- (5) Labor fines may not be imposed if
 - c) the employer pays the outstanding consideration due to the employee within the deadline set during the procedure.”

Statistical data from the employment supervisory authority:

		2018	2019	2020	2021
Irregular employment of young workers	Action	27	43	39	19
	Person	35	74	44	21
	Employer	21	32	26	14

Source: Ministry of Technology and Industry

ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

1. Rules applicable to employees

As of 1 January 2020, *Act CXVII of 2018 Amending Certain Social, Child Protection and Other Related Acts* amended the provisions of *Act I of 2012 on the Labour Code* (hereinafter: Labour Code) relating to maternity leave [Section 127 of the Labour Code] and unpaid leave for childcare [Section 128 of the Labour Code].

In accordance with Section 127(1) of Labour Code, the mother is entitled to 24 consecutive weeks of maternity leave, of which she is obliged to take two weeks. Under the amendment, maternity leave is also granted to a parent who is caring for the child on the basis of a court judgment or a decision of a guardianship authority enforceable on the grounds of the mother's state of health or death [Section 127(2) of the Labour Code].

In accordance with Section 128(1) of the Labour Code, an employee is entitled to unpaid leave until the child reaches the age of three for the purpose of caring for the child, which must be granted at the time requested by the employee. According to Section 128(2) of the Labour Code, an employee is entitled to unpaid leave for the purpose of caring for an adopted child for three years from the date of the child's placement in care, or for six months in the case of a child over three years of age, to be granted at the time the employee requests.

The reason for the above amendments is that the Labour Code only allowed women to take maternity leave, but not men, although if certain conditions exist, both the infant care allowance and the new adoption allowance can be claimed by the father instead of the mother. Therefore, in order to ensure consistency with the benefits provided for in *Act LXXXIII of 1997 on Services of the Compulsory Health Insurance System* (hereinafter referred to by the Hungarian abbreviation: Ebtv.), the Labour Code has been amended to allow maternity leave to be used by both the mother and the father and to clarify the rules on unpaid leave to allow adoptive parents to claim the adoption allowance for the duration of the leave.

Furthermore, as of 1 January 2020, a new Paragraph (3) has been added to Section 128 of the Labour Code on the basis of *Act CXXVI of 2019 on the Amendment of Certain Acts related to the Family Protection Action Plan*, according to which the employee is entitled to unpaid leave for the duration of the childcare allowance under Section 42/G of the Ebtv.

The amendment created the labour law pillar of the grandparent childcare allowance. Grandparents are entitled to unpaid leave for the duration of the childcare allowance under

Section 42/G of Ebtv. According to the amendment, during this period the employee is protected against dismissal and this period is a qualifying period for the purposes of leave and entitlement to severance pay [Section 128(3), Section 66(6) and Section 130 of the Labour Code].

Act LXV of 2020 Amending Certain Acts in Connection with the Promotion of Adoptions (hereinafter: Act LXV of 2020), with effect from 1 September 2020, introduced a new regulation which replaced Section 55(1) point j) of the Labour Code. The new legislation stated that the employee is exempted from his/her obligation to be available and work in the event of an absence necessary for the preparation of the adoption. The aim of the legislation is to make the preparation of adoptions more efficient and to increase legal certainty for those involved in the adoption. Act LXV of 2020 completed Section 55 of the Labour Code with a new Paragraph (3) “*In the case provided for in Paragraph j) of Subsection (1), the employee shall be excused at the time requested, based on a certificate issued by the adoption agency, within ninety days from the date of issue. The employee shall notify the employer at least five working days in advance when exercising such exemption.*”

In this context, the amendment also provided for this new case of exemption from work to be considered as leave. The amendment introduced greatly contributes to the successful preparation of the adoption during the sensitive period of getting to know the adoptable child.

2. Rules applicable to government officials and staff of bodies with special status

Both *Act CXXV of 2018 on Government Administration* (hereinafter: Government Administration Act) and *Act CVII of 2019 on Organs with a Special Status and the Status of their Employees* (hereinafter: Special Status Act) provide for twenty-four weeks of maternity leave, of which the mother is obliged to take two weeks. The maternity leave shall be granted in such a way that it falls not more than four weeks before the expected date of childbirth [Section 156(1)-(3) of the Government Administration Act; Section 156(1)-(3) of the Special Status Act].

For women in employment, the social security system provides additional benefits for childcare, allowing them, by default, to stay at home on unpaid leave up to the age of three, or even longer time in certain cases.

Act CXCIX of 2011 on Civil Servants (hereinafter: Civil Servant Act) contains regulations similar to the above Acts. These regulations were not amended during the reference period.

3. Rules applicable to military staff of the Armed Forces and defence force employees

The specific changes affecting the legal status of defence force employees and the military staff of the Hungarian Defence Forces introduced during the reporting period are the following:

Maternity leave for soldiers:

Due to a change in the law, the maternity leave of soldiers shall be granted not at the request of the mother, but compulsorily, so that four weeks of it preferably fall before the expected date of childbirth [Section 115(1) of the *Act CCV of 2012 on the Legal Status of Military Personnel* (hereinafter referred to as the Hungarian abbreviation: Hjt.)].

In cases where the child born is raised or cared for by a person other than the birth mother [Section 115(2) of the Hjt.], the start of the period of maternity leave for that person shall be

calculated from the date of the child's birth and the maternity leave shall be granted for the remainder of the period.

Birth grants for soldiers and defence force employees:

In connection with birth allowances, it is worth mentioning the *Decree No. 12/2013 (15 August) HM on certain cash, in-kind and social allowances*, which allows the payment of allowances in an increased amount from January 2021. Professional and contract soldiers, as well as defence force employees are entitled to a birth grant if they have a child born during their employment or, by the finalized decision of the guardianship authority, have legally adopted a child up to 6 months of age and provide for the child's support in their own household, including if the child is temporarily staying in a medical institution for treatment of a medical condition. The amount of the allowance is gross HUF 200,000 per child (net of taxable and contributory income, net of discounts, HUF 133,000).

If the parents or adoptive parents are members of a defence organization, regardless of whether they are the same defence organization, the birth grant is paid to both of the parents or adoptive parents. Candidate military officers and non-commissioned officers are also entitled to a net (tax-free) birth grant of HUF 133,000. This also applies to the widow or partner of a deceased military officer candidate or military non-commissioned officer candidate.

In other respects, the provisions applicable to employees shall apply to defence force employees [Section 4(1) of the Hjt.].

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- *The ECSR asks for information on whether the COVID-19 crisis has had an impact on the right to paid maternity leave, in particular with regard to the continued receipt of at least 70% of the salary of female workers, both in the private and public sector, for the entire period of compulsory maternity leave during the COVID-19 crisis.*

1. Changes to employment rules

Labour law has not changed beyond the changes described above.

Maternity leave is the uninterrupted leave granted to the pregnant woman or mother for the health and safety of the mother and child. In the interests of the mother and the child, the Labour Code sets the period of maternity leave at 24 consecutive weeks, of which two weeks must be taken by the woman. Maternity leave is also granted to a woman who has taken the child into adoptive care, or another person if certain conditions stipulated by law are met. Unless otherwise agreed, the maternity leave must be granted no more than four weeks before the expected date of childbirth [Section 127 of the Labour Code].

In the context of this issue, it should be noted that no provisions have been adopted in relation to COVID-19 that would negatively affect maternity leave arrangements.

2. Changes to financial health insurance benefits

As a general rule, the childcare allowance is paid until the child reaches the age of 2, or 3 in the case of twins. However, in view of the restrictive measures imposed as a result of the coronavirus pandemic, the entitlement to receive childcare allowance for persons whose

childcare allowance expired during the state of danger declared by the Government (11 March 2020 to 17 June 2020) has been extended until 30 June 2020. [*Government Decree No 59/2020 (23 March) on the extension of entitlements to certain health insurance and family support benefits due to the care and education of the child during the state of danger ordered to prevent and avert the consequences of a human epidemic causing a mass disease that threatens the security of life and property, and to protect the health and life of Hungarian citizens, Section 71 (1)a of Act LVIII of 2020 on the Transitional Rules Related to the End of the State of Danger and on Epidemic Preparedness*]

With effect from 8 February 2021, the Government again declared a state of danger, under which entitlements to receive childcare allowance expiring after 8 March 2021 were extended until 7 April 2021 [Government Decree No. 128/2021 (13 March), Government Decree No 155/2021 (27 March)].

Government Decree 556/2020 (4 December) on the measures to be taken in relation to certain social and child protection services during the state of danger and on the operating rules of social and child protection services during the state of danger suspended medical reviews of health and disability benefits in view of the state of danger declared due to the coronavirus pandemic. In this context, it decreed that benefits could not be terminated on the grounds of lack of review. Since then, further legislation has been published in relation to this provision and has amended the date until which benefits under this provision may not be terminated. According to Section 98 of *Act XCIX of 2021 on Transitional Rules Related to the State of Danger*, until 31 August 2022, family allowances in the form of higher family allowances paid to or for a child with a long-term illness or serious disability, and childcare benefits paid to or for a child with a long-term illness or serious disability where the medical certificate or medical opinion has expired but the review has not taken place or has taken place but would have resulted in the loss of the benefit.

The ECSR stated in its 2016 conclusions that the situation in Hungary is not in conformity with Article 8(1) of the Charter, because:

- ***there are no national legal safeguards to prevent employers from pressuring employees to take maternity leave of less than 6 weeks;***
- ***it was not possible to determine from the data in the previous national report whether absences during the different types of maternity-related leave are taken into account when assessing the period of entitlement to maternity benefits;***
- ***the 365-day period of insurance which must precede the insured person's entitlement to maternity leave and maternity benefits is too long;***
- ***the amount of maternity benefit for women who do not satisfy the conditions for entitlement to the benefit is insufficient.***

1. Safeguards to prevent employer pressure

In the interests of the mother and the child, the Labour Code sets the period of maternity leave at 24 consecutive weeks, of which the mother is obliged to take two weeks. Maternity leave is also granted to a woman who has taken the child into foster care with a view to adoption, or other persons if certain conditions stipulated by law are met. Unless otherwise agreed, the maternity leave must be granted no more than four weeks before the expected date of childbirth [Section 127 of the Labour Code].

The provisions, therefore, entitle the mother to 24 weeks' maternity leave in a continuous period. 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 (10 March) 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, whose separate department, the Directorate General for Equal Treatment, investigates violations under *Act CXXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities*. An official procedure to investigate the application of the requirement of equal treatment may be initiated if one year from the date on which the infringement became known and three years from the date on which the infringement occurred have not yet elapsed.

2. Rules for entitlement to maternity benefit

Health insurance financial benefits are infant care allowance, adoption allowance, childcare allowance and sick pay. Entitlement to health insurance financial benefits is subject to insurance status. For the purposes of health insurance financial benefits, an insured person is a person within the meaning of Section 6 of *Act CXXXII of 2019 on Persons Entitled to Social Security Benefits and on the Coverage of These Benefits* (hereinafter referred to as the Hungarian abbreviation: Tbj.). The insurance relationship exists from the beginning of the basic legal relationship (e.g. employment) until its end.

The existence of an insurance relationship is not affected if the insured person becomes entitled to a health insurance cash benefit (or, as a family support benefit, childcare benefit, or child-raising allowance). The insurance relationship continues during maternity leave while the infant care allowance is paid (and during unpaid leave while the childcare allowance is paid), if the basic relationship is not terminated or is not eliminated, and is therefore taken into account for the period of insurance for the purpose of determining entitlement to a subsequent insurance-based benefit.

It should be noted that a person can be gainfully employed while receiving the childcare allowance established under the general rules. Under the rules on entitlement to childcare allowance, the benefit may be claimed by, inter alia, any blood parent who satisfies the eligibility conditions.

3. Previous insurance period to be completed for entitlement to maternity leave and maternity benefits

Section 6 the Tbj. lists the legal relationships under which a natural person qualifies as an insured person (e.g. employment relationship, public employee relationship, individual and joint entrepreneur relationship).

The benefits are covered by contributions paid by the insured person and social contribution tax paid by the payers. In the case of family benefits based on social security, the legislation recognizes the entitlement of those who have paid their own individual contributions. For the purposes of entitlement, not only the time spent specifically insured is taken into account, but also other periods (e.g. periods of study, duration of benefits paid after the end of insurance).

For the infant care allowance (hereafter referred to as the Hungarian abbreviation: CSED) and childcare allowance (hereafter referred to as the Hungarian abbreviation: GYED), a person must have been insured for 365 days within 2 years before the birth of the child, so any insurance period during pregnancy counts. In addition, not only the period of insurance completed in Hungary under Section 6 of the Tbj. is explicitly taken into account, but also, where applicable, the period of insurance completed abroad, as detailed in the chapter on Article 16 of the Charter.

Section 2(2) of the Ebtv. provides that financial health insurance benefits are payable in proportion to the amount of the payable social security contribution.

In the case of financial benefits paid by compulsory health insurance, the legislation combines the two key principles of social security: the insurance principle and the solidarity principle. CSED and GYED are basically intended to replace the loss of income of the insured person linked to the birth of a child. The basic principle of the Ebtv. is that benefits are payable in proportion to the social security contributions paid. The rules for the determination of these benefits are based on these principles.

4. Benefits for mothers who do not meet the conditions for entitlement to insurance-linked benefits

Article 16 of the Charter states that States Parties are obliged to ensure the economic protection of the family by appropriate means. The primary means should be family or child benefits provided as part of social security, which should be universal or subject to means-testing.

In Hungary, family benefits provide a significant number of families with supplementary income for the care and upbringing of their children. Family and/or child benefits are not means-tested, but are universal, subject to the fulfillment of eligibility criteria. Wealth, living conditions and origin are not taken into account.

In Hungary, parents raising a child are entitled to education allowance and schooling allowance (together referred to as family allowance) for their children. These benefits are not subject to the condition that the parents have completed a certain period of social security or employment before claiming them.

To be entitled to family allowances, a person must, among other things:

- the natural or adoptive parent of a child brought up in the same household,
- a spouse living with the parent of a child being brought up in the same household,
- a person who wishes to adopt a child in his or her own household and who is in the process of doing so (together called the parent),
- a life partner living with the parent, if he or she lives with the child concerned and has been registered as a life partner with the parent for at least one year in the Register of Life Partnerships or proves his or her life partnership with the parent by means of a public deed issued at least one year before the application for benefit,

- the foster parent, the guardian,
- with whom the child has been temporarily placed pursuant to Section 72(1) of *Act XXXI of 1997 on the Protection of Children and Guardianship Administration* (hereinafter referred to as the Hungarian abbreviation: Gyvt.) [Sections 7-8 of the *Act LXXXIV of 2018 on the Supporting of Families* (hereinafter referred to as the Hungarian abbreviation: Cst.)].

In the reference period 2018-2021, family benefits evolved as the following:

Changes in the amount of family allowances between 2018 and 2021 (HUF/month*)

Support	2018	2019	2020	2021
Family allowance	1 child in a family: 12,200			
	1 child, single parent: 13,700			
	2 children in a family: Per child 13,300			
	2 children, single parent: Per child 14,800			
	3 or more children in a family: Per child 16,000			
	or more children, single parent: Per child 17,000			
	child with a disability in the family: 23,300			
	Child with disability, single parent: 25,900			
	Child with disability over the age of 18: 20,300			
	child in a children's home/ foster care: 14,800			
Childcare support services	28,500			
- in the case of twins	28,500 x children number			
Child-raising allowance	28,500			
Maternity benefit*	64,125			
-in the case of twins	85,500 x children number			

Source: Ministry of Finance

Note that there has been no change in the monthly amounts of the benefit types compared to the data up to 31 December 2017. There is no requirement for the duration of stay for nationals of other contracting states legally residing in Hungary.

**Evolution of the number of people receiving family support/child protection benefits
between 2018 and 2021**

Support		2018	2019	2020	2021
Family allowance	number of families (person/month)	1,082,791	1,077,010	1,073,101	1,071,712
	number of children (person/month)	1,758,944	1,750,174	1,746.403	1,749,432
Childcare assistance* (person/month)		159,225	159,226	155,954	150,669
Child-raising allowance (person/month)		32,607	32,607	32,698	32,444
Maternity benefit (number of families) (person/month)		7,414	7,414	7,518	8,536

Source: Ministry of Finance

**Proportion of family support recipients in relation to population
between 2018 and 2021 (%)**

Support		2018	2019	2020	2021
Family allowance	Families (person/month)	11,08	11,02	10,98	10,96
	Children (person/month)	17,99	17,90	17,86	17,90
Childcare assistance* (person/month)		1.63	1,60	1,54	1,52
Child-raising allowance (person/month)		0.33	0,33	0,33	0,33
Maternity benefit (number of families) (person/month)		0.076	0,077	0,087	0,083

Source: Ministry of Finance

Population (persons)

2018	9,775,563.5
2019	9,771,141
2020	9,750,149
2021	9,709,891

Source: Hungarian Central Statistical Office

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

1. Rules applicable to employees

During the reporting period, the legal provisions related to the implementation of this article have not changed.

2. Rules applicable to government officials and staff of bodies with special status

The Government Administration Act, the Special Status Act and the Civil Servant Act also stipulate that the employment relationship may not be terminated by dismissal during pregnancy, maternity leave, unpaid leave for the purpose of child care or until the child reaches the age of three [Section 113(1) points a)-d) of the Government Administration Act; Section 42(1) points a)-d) of the Special Status Act, Section 70(1) points a)-b) of the Civil Servant Act]. All of the above Acts stipulate that grandparent who use unpaid leave for the care of his/her grandchild is also entitled to the protection against termination. In relation to this, *Act XIX of 2020 on the Amendment of Certain Acts Related to the Entry Into Force of Act CVII of 2019 on Organs with a Special Status and the Status of their Employees For Legal Harmonization Purpose*, completed the Civil Servant Act with Section 70(1) point h).

3. Rules applicable to military staff of the Armed Forces and defence personnel

Rules on protection against dismissal for military staff of the Hungarian Defence Forces:

Service may not be terminated by suspension during, inter alia, the following periods and 30 days thereafter the period of pregnancy,

- the 3 months following childbirth, maternity leave and unpaid leave for childcare purposes, and the period up to the age of 3 without taking unpaid leave,
- in the case of compulsory foster care before adoption, 6 months from the date of compulsory foster care for the intending adopter or, if the spouse decides to adopt jointly, for the spouse who has the greater responsibility for the child, or, if the child leaves care before the end of the 6 months, the period of compulsory foster care.

[Section 67(1) points c), d) and g) of the Hjt.]

The date of notification of the exemption shall be the relevant date for the application of the defence. The soldier may invoke the circumstances justifying the defence only if he/she has informed his/her employer [Section 67(2) of the Hjt.].

The protection also extends to unpaid leave for the duration of the childcare allowance for grandparents and the subsequent 30 days [Section 67(1) point i) of the Hjt].

In relation to the dismissal protection of national defense employees, the provisions applicable to employees shall be applied [Section 4(1) of the Hjt.].

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- *ECSR asks for information on whether the COVID-19 crisis has affected the possibility of dismissing pregnant women.*

1. Rules applicable to employees

The labour law has not changed in this area, neither have the relevant rules been amended in general, nor have rules been created in the context of COVID-19 to mitigate or negate restrictions and prohibitions. It remains the case that, pursuant to Section 65(3) of the Labour Code, the employer may not terminate the employment relationship by giving notice:

- pregnancy,
- maternity leave,
- unpaid leave taken to care for a child (Sections 128 and 130 of the Labour Code),
- and during the period of time during which the woman is legally required to undergo a human reproductive procedure, but not more than six months after the start of the procedure.

2. Rules applicable to government officials, public servants and staff of bodies with special status

Government Decree No. 599/2021 (28 October) on the compulsory use of the coronavirus vaccination by employees of state and municipal institutions made the vaccination against SARS-CoV-2 mandatory for employees covered by the Government Administration Act and the Civil Servant Act, in order to protect the health and life of citizens and to ensure the unhindered performance of public duties.

The employer was obliged to send the employee, who did not take the vaccination within the given deadline and did not make up the vaccination when the employer asked him to do so, on unpaid leave. If one year had elapsed from the date of the unpaid leave without the employee having provided the employer with proof of vaccination, the employer was required to terminate the employee's employment with immediate effect by dismissal, contrary to the employment law.

This rule applied with the following exceptions to employees who were expecting a child or on maternity or unpaid leave to care for a child:

- an employee was exempted from the obligation to vaccinate if the vaccination was contra-indicated for medical reasons and if a medical opinion supported this (pregnant employees could be exempted from the obligation if their doctor considered it justified);
- an employee who had been exempted from the obligation to be available for work and to work before the deadline for complying with the vaccination obligation under the Government Decree No. 599/2021 (28 October) was only obliged to take the first dose of the vaccination within 30 days of the date on which the exemption from the obligation to be available for work and to work ceased (the sanctions for failure to take

the vaccination, described above, were therefore not applicable to the employee during the period of maternity leave or unpaid leave to care for the child).

For employees covered by the Special Status Act, the employer could decide to make vaccination against coronavirus compulsory (as a health condition of employment) on the basis of *Government Decree No. 598/2021 (28 October) on the protection of workplaces against coronavirus*. If this was done, the rules described above applied, except that the employer had the discretion to impose sanctions on those who did not take the vaccination.

- ***The ECSR requests information on whether there are exceptions to the ban on dismissing pregnant women and mothers with young children.***

The rules on the prohibition of dismissal are presented in subchapter 1 of this chapter. There are no specific exceptions to this prohibition in the legislation governing individual employment relationships. The exceptional rules introduced in the context of the COVID-19 pandemic are described in subchapter 2 of this chapter.

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

1. Rules applicable to employees

During the reporting period, the legal provisions related to the implementation of this article have not changed.

2. Rules applicable to government officials, public servants and staff of bodies with special status

The Government Administration Act and the Special Status Act provide breastfeeding mothers with a working time allowance of one hour twice a day for the first six months of breastfeeding, two hours twice a day for twins and one hour a day until the end of the ninth month, and two hours a day for twins [Section 93(2) point e) of the Government Administration Act; Section 47(11) point e) of the Special Status Act]. Civil Servant Act contains the same regulations, which were not amended during the reference period [Section 79 point e) of the Civil Servant Act].

In other respects, the rules on working time allowances applicable to employees shall apply.

3. Rules applicable to military staff of the Armed Forces and defence force employees

Rules concerning the working time allowance of the military staff of the Hungarian Defence Forces: A breastfeeding mother shall be exempted from her obligation to perform her duties for 1 hour twice a day during the first 6 months of breastfeeding, or 2 hours twice a day in the case of twins, and 1 hour a day until the end of the 9th month, or 2 hours a day in the case of twins, if she does not take medical leave [Section 108(1) point g) of Hjt.].

A woman who is breast-feeding a sick child under 1 year of age and who is in hospital is entitled to medical leave for childcare until the child is 1 year old. [Section 120(1) point a) of Hjt.].

The above rules apply unchanged in the case of part-service.

The provisions applicable to employees shall apply to the working time allowance for defence force employees [Section 4(1) of Haj. tv.].

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Rules applicable to employees

During the reporting period, the legal provisions related to the implementation of this article have not changed.

2. Rules applicable to government officials and public servants

The Government Administration Act provides that night work may not be ordered for an employee from the time when the employee becomes pregnant until the child is three years old or, in the case of an employee who is the sole parent of a child, until the child is three years old [Section 152(1) point d) of the Government Administration Act]. Civil Servant Act contains the same regulations, which were not amended during the reference period [Section 99(1) points a) and b) and Section 99(3) of the Civil Servant Act].

3. Rules applicable to military staff of the Armed Forces and defence force employees

A female member of the military staff of the Hungarian Defence Forces shall not be assigned to night duty from the time of the establishment of her pregnancy until the age of 1 year of her child. Night duty is defined as service between the hours of 22.00 and 6.00 [Section 96(5) of Hjt.].

The provisions applicable to employees shall apply to members of the defence staff [Section 4(1) of Haj. tv.].

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

The ECSR requests information to confirm that no loss of pay will result from a change in working conditions or a transfer to another job and that the woman concerned is entitled to paid leave in the event of exemption from work related to pregnancy and maternity.

Hungarian legislation provides the following possibilities for women who are pregnant or have young children to facilitate their work:

1. Change in the way of working

• Rules applicable to employees

In certain cases – primarily in order to protect employees, especially pregnant workers and workers with young children – the Labour Code obliges the employer to make an offer to amend the employment contract and to accept the offer.

The family circumstances of the employee may, in certain cases, justify atypical employment instead of the typical employment relationship, in particular in view of the flexible nature of these forms of employment. Accordingly, Section 61(1) of the Labour Code provides that the employer shall inform employees of the possibility of full-time, part-time, teleworking and permanent employment by indicating the job title. On the basis of the information published by the employer, the employee has the possibility to make an offer to modify the employment contract. The employer is not obliged to accept the offer to modify the employment contract. The employer shall respond to the employee's offer in writing within fifteen days [Section 61(2) of the Labour Code].

Unlike the previous provisions, the employer is obliged, at the employee's request, to modify the employment contract to part-time work of half the normal full-time working hours until the child reaches the age of four years or until the child reaches the age of six years in the case of employees with three or more children [Section 61(3) of the Labour Code]. So in this case, the employer is obliged to agree to 4 hours of part-time work per day. (The provision of the Labour Code was amended on 1 January 2020: from 3 years to 4 years for employees with one child and from 5 years to 6 years for employees with three or more children.)

- **Rules applicable to government officials, public servants and staff of bodies with special status**

Act CXXVI of 2019 on the Amendment of Certain Acts related to the Family Protection Action Plan amended, from 1 January 2020, the respective regulations of the Civil Servant Act similarly to the Labour Code: the employer is obliged to provide part-time employment until the child is four years old – until the child is six years old in the case of a civil servant raising several children – instead the former regulation, which prescribed this obligation until the child is three years old, or in the case of a civil servant raising several children the child is five years old.

2. Changes to the wage

The employer is also obliged to offer the employee an adjustment to his/her remuneration after the end of the extended period of absence for the following reasons:

- maternity leave,
- unpaid leave taken for the personal care of a child,
- unpaid leave for personal care of a relative.

In this context, the employer's wage offer shall be based on the average annual wage increase relevant to employees in the same job category, while in the absence of such employees, the applicable rate is the average annual wage increase actually implemented by the employer [Section 59 of the Labour Code]. If the employer has not increased the wages of employees in the same job category, this obligation does not apply. Wages do not only include the basic wage, but also all other elements of wages (e.g. bonuses, mobile wages, etc.).

3. Offering a job to protect pregnant women

- **Rules applicable to employees**

In order to protect the health of the pregnant worker and the newborn child, the employer is obliged to offer the employee a job that is suitable for her state of health from the time her

pregnancy is established until the age of one year of her child if, based on a medical opinion on her fitness for work, she cannot be employed in her job [Section 60(1) of the Labour Code]. This can be done by reducing the duties of the existing job, by changing the working conditions, or by transferring to another job that is not harmful to health.

The employer must offer the new job, which is suitable from a health point of view, and the pregnant woman must give her consent. If the employer does not have a job suitable for the pregnant woman's health condition that can be offered, and if the woman does not accept the offered job for good cause, she must be relieved of her employment [Section 60(1) of the Labour Code]. In this connection, it should be noted that Section 60 of the Labour Code expressly provides for an obligation to offer a job, which the employee is not obliged to accept. In the absence of an offer, or if the employee does not accept the job offered, the employee must be dismissed.

The Labour Code also clearly provides for the remuneration to which the employee is entitled:

- if the job offered is accepted, the employee is entitled to a basic salary corresponding to the job offered, which may not be less than the basic salary under the employment contract.
- the worker is entitled to basic salary for the period of the exemption from work, unless she does not accept the job offered without good reason [Section 60(2) of the Labour Code].

In principle, leave is granted on the basis of the time spent at work, but the Labour Code also takes into account other periods not spent at work when calculating entitlement to leave. Based on Section 115(2) points a) to g) of Labour Code, time spent at work includes inter alia

- exemption from the obligation to work on the basis of working hours,
- leave,
- maternity leave,
- the first six months of unpaid leave to care for a child,
- incapacity for work
- the period of invalidity.

The basic leave is 20 working days per year. In addition to the basic leave, an employee is also entitled to additional leave for reasons of age, to bring up a child, for the birth of a child for the father, for health reasons or because of the health risks associated with the work. The employee may be entitled to additional leave on different grounds, the duration of which must be added together.

An employee with a child, whether male or female, who is under the age of 16, is also entitled for extra leave days:

- two days after one child,
- four days after two children,
- and a total of seven days after more than two children.

If the employee's child is disabled, this extra leave is increased by two working days per disabled child [Section 118(1)-(2) of the Labour Code].

In the case of parents who live together, both parents are entitled to the extra leave.

- **Rules applicable to government officials, public servants and staff of bodies with special status**

The Civil Servant Act also ensures the extra leave after the child, with similar rules as in the Labour Code. These rules were not amended during the reference period [Section 102(1)-(2) of the Civil Servant Act]. According to the Government Administration Act and the Special Status Act, the government official and the member of the staff of bodies with special status is entitled to extra leave after his/her children younger than 18 years of age:

- four days after one child,
- eight days after four children,
- and fourteen days after three or more children in a year [Section 155(1) of the Government Administration Act, Section 63(9) of the Special Status Act].

4. Special rules for the military staff of the Hungarian Defence Forces and defence force employees

A soldier may, while retaining his/her original rank, be ordered to perform an appropriate duty [Section 49(1) of Hjt.] in order to obtain the necessary occupational relief; this change does not affect his/her original position and salary, so there is no loss of pay or previous job. An appropriate duty is a service task which the soldier can be expected to perform on the basis of his/her education, training, qualifications, profession, state of health, mental and physical fitness, and for which he/she is suitable from the national security point of view [Section 2 point 28 of Hjt.]. National defence staff shall be subject to the provisions applicable to employees [Section 4(1) of Haj. tv.].

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Rules applicable to employees

Among the basic obligations, the Labour Code stipulates that the employer is obliged to employ the employee in accordance with the employment contract and the rules applicable to the employment relationship and, unless otherwise agreed by the parties, to provide the necessary conditions of employment [Section 51(1) of the Labour Code].

Until 31 December 2017, Section 51(3) of the Labour Code stipulated as following: “*An employee may be employed only for work which, having regard to his physical constitution or development, is not likely to have adverse consequences for him.*” As of 1 January 2018, Section 51(3) of the Labour Code was amended, according to which an employee may only be employed for work that cannot have adverse consequences for him/her in view of his/her physical size, development or state of health. The employer is obliged to modify the working conditions and working hours accordingly in view of the change in the employee’s state of health, taking into account the provisions of Section 6 of the Labour Code.

The reason for the amendment is that Article 5 of *Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding*, provided for measures in the field of health and safety at work, thus laying down an obligation for employers to avoid the exposure of pregnant workers and workers who are breastfeeding to risks at work. The Labour Code was amended accordingly, making it an obligation for employers to adapt working conditions and/or working hours before transferring workers to another job. After that, only a job suitable to the employee’s state of health may be offered [Section 51(3) and Section 60(1) of the Labour Code].

Annex 8 of *Decree No. 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene*, in accordance with the above directive, contains a detailed list of all the workloads and health risks, regardless of the sector, under which workers belonging to the vulnerable group, including pregnant women, workers who have recently given birth and nursing mothers, may not be employed. The content of Annex 8 has been covered in detail in our previous reports.

2. Rules applicable to government officials, public servants and staff of bodies with special status

According to the Government Administration Act and the Special Status Act an employed person may be given tasks which are medically appropriate to her medical condition from the time she becomes pregnant until the age of one year, and the working conditions and timetable must be adjusted accordingly if, on the basis of a medical opinion, she is unable to perform the

duties of her post. Even in a case like this, the salary of the employee shall not be less than her previous salary. The employee must be exempted from the obligation to work if it is not possible to employ her in accordance with her state of health. The employee shall be entitled to her salary during the period of exemption from work, unless she refuses to accept the post offered without good reason [Section 90 of the Government Administration Act; Section 30 of the Special Status Act].

Civil Servant Act contains regulations substantially similar to the above, which were not amended during the reference period [Section 49 of the Civil Servant Act].

3. Rules applicable to military staff of the Armed Forces and defence force employees

Prohibition of hazardous work for the military staff of the Hungarian Defence Forces:

The employer is obliged to ensure healthy and safe conditions for the performance of the soldiers' duties [Section 78(1) point c) of Hjt.]. This precludes, in principle, pregnant women and mothers who have recently given birth or are caring for their babies from being employed in underground mining and any other work that is unsuitable for them because it is dangerous, unhealthy or requires great effort. Sections 50 and 50/A of *Act XCIII of 1993 on Labour Safety* (hereinafter: Labour Safety Act) provide that a worker (according to Section 87(6) of the Labour Safety Act, this means a person performing tasks within the framework of organized work, which also covers soldiers) be assigned only to work for which he/she is medically fit, has the knowledge, skills and competence necessary for safe work that does not endanger his/her health and that workers belonging to a vulnerable group must be protected against risks that are particularly harmful to their health, as provided for in special legislation.

Defence force employees shall be subject to the provisions applicable to employees [Section 4(1) of Haj. tv.].

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- ***The ECSR requests updated information to confirm that a change in working conditions or a transfer to another job does not entail a loss of pay and that the women concerned have the right to return to their previous job at the end of the protected period.***

The answer is given in the chapter of the report dealing with Article 8(4) of the Charter.

- ***In its conclusions issued in 2016, the ECSR concluded that the situation in Hungary is not in conformity with Article 8(5) of the Charter, as in the previous report Hungary did not present legal guarantees to ensure that women who are pregnant or have young children can return to their regular work at the end of the protected period after being transferred to another workplace.***

After the end of the unpaid leave, the employer must employ the employee in her original job. However, it is possible to amend the employment contract with regard to the job and working hours based on the legal provisions described above [Sections 60-61 of the Labour Code]. The amendment of the employment contract provided for by the Labour Code is in practice a fixed-term employment contract, i.e. the legal solution applied in practice is to continue to employ the employee under the terms of the original employment contract after the expiry of the fixed

term. Furthermore, it should be noted that, under Section 58 of the Labour Code, the employee might at any time initiate an amendment to the employment contract. The amendment of the employment contract requires the mutual agreement of the parties, but in this context, it should be highlighted that the employer must pay particular attention to the principles of labour law, in particular the duty of cooperation and the principle of fair consideration, when accepting or rejecting such an offer.

ARTICLE 16 – THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Legal protection of families

At the highest level, Hungary guarantees the principle of family protection and regulates its framework in the Fundamental Law of Hungary (hereinafter: Fundamental Law). The National Commitment and Belief also states that “*We proclaim that family and nation are the cornerstones of co-existence, with loyalty, faith and love constituting the principal values of unity.*”

Furthermore, Article L Paragraph (1) of the Fundamental Law states that Hungary protects the family as the basis for the survival of the nation. As pointed out by the Constitutional Court in its decision, Article L Paragraph (1) of the Fundamental Law sets out the State’s obligation to protect the institution of marriage and the family. [Constitutional Court order No. 3082/2018 (III. 5.)]

According to Article L Paragraph (3) of the Fundamental Law, the protection of families is regulated by a cardinal law. This is *Act CCXI of 2011 on the Protection of Families* (hereinafter referred to as the Hungarian abbreviation: Csvt.). The Csvt. states that the family is Hungary’s most important national resource. As the basic unit of society, the family is the guarantee of the survival of the nation and the natural medium for the development of human personality, which the state must respect. According to the Csvt., “*The protection and strengthening of the well-being of families is the responsibility of the state, local authorities, civil society organizations, media service providers and economic operators alike. Religious communities shall also pay particular attention to the achievement of these objectives.*”

Article XV Paragraph (5) of the Fundamental Law states “*Hungary shall introduce specific measures to protect families, children, women, the elderly and the disabled*”. Article XV Paragraph (5) of the Fundamental Law also provides for the protection of families, children, women, the elderly and the people with disabilities by special measures as a constitutional obligation of the State. [Constitutional Court order No. 3081/2018 (III. 5.)]

The next article of the Fundamental Law [Article XVI Paragraph (1)], as an expansion of the previous article, states that “*Every child shall have the right to the protection and care necessary for his or her proper physical, intellectual and moral development.*”

Consequently, in Hungary, as explained above, there are strict and extensive guarantee rules to ensure the legal protection of families.

2. Legal background of family support benefits

Coverage and eligibility for health services:

Section 6 of *Act CXXII of 2019 on Entitlements to Social Security Benefits and on Funding These Benefits* (hereinafter referred to as the Hungarian abbreviation: Tbj.) lists the legal relationships under which a natural person qualifies as an insured person. These legal relationships include, inter alia, employment relationships, civil servant relationships, sole proprietorship and partnership relationships. Persons who are insured may acquire entitlement to all social security benefits.

The group of persons entitled to health care services is separate from the group of insured persons; the provisions for this group are contained in Section 22 of the Tbj. The persons listed in Section 22(1) are in receipt of some form of social security benefit (e.g. pension, childcare allowance, early retirement benefit), pupils, students, minors or persons who are in need without benefit (homeless, socially deprived). The State pays the health service contribution for these beneficiaries.

If the mother is on maternity leave (24 weeks) or on unpaid leave to care for the child and is in receipt of an infant childcare allowance (hereinafter referred to as the Hungarian abbreviation: CSED), childcare allowance (hereinafter referred to as the Hungarian abbreviation: GYED), adoption allowance (hereinafter referred to as the Hungarian abbreviation: ÖFD), childcare support services (hereinafter: GYES) or child-raising allowance, her insurance status continues (not being interrupted). This period therefore counts towards the 365 days of insurance required to qualify for CSED/GYED.

Childcare benefits (CSED, GYED, GYES) can be claimed for more than one child at a time, with regard to children born after each other. Up to two children at the same time may be entitled to GYES, with twin children born of the same pregnancy being considered as one child.

Parents receiving GYES can work without any time limit after the child reaches the age of six months.

Social security benefits:

Section 5 of Tbj. lists social security benefits, which can be divided into two broad categories: health insurance benefits and pension insurance benefits. Health insurance benefits include health care services and health insurance benefits in the form of cash (infant childcare allowance, child care allowance, sickness benefit and adoption allowance). In addition, accident health care services, accident sickness benefit, accident allowance (as accident care), disability benefit and rehabilitation benefit (together: benefits for disabled persons) are health insurance benefits. Pension insurance benefits include retirement benefits in their own right (old-age pensions) and survivors' benefits (widows', orphans' and parents' pensions, accidental death and survivors' pensions). Individual benefits are governed by separate sectoral laws, such as the *1997 Law on Compulsory Health Insurance Benefits; Act LXXXIII of 1997 on Services of the Compulsory Health Insurance System* (hereinafter referred to as the Hungarian abbreviation: Ebtv.); *Act LXXXI of 1997 on Social Security Pension Benefits* and *Act CXCI of 2011 on Benefits for Persons with Changed Working Ability and on Amendments to Certain Acts*.

The coverage of social security benefits, the obligation to pay contributions:

The benefits are covered by contributions paid by the insured person and social contribution tax paid by the payers. The employer pays one third of the sickness benefit for the duration of the insured person's incapacity for work due to sickness and for the duration of his hospitalization (clinical care) by way of contributions.

The rate of social security contribution is 18.5% [Section 25(1) of Tbj]. In the cases specified in Section 37 of the Tbj., the person concerned is liable to pay a pension contribution of 10%. The monthly amount of the health service contribution in 2022 is HUF 8,400 (the daily amount is HUF 280).

In the case of family benefits based on social security, the legislation recognizes the entitlement of those who have paid their own individual contributions. For the purposes of entitlement, not only the period spent specifically insured is taken into account, but also other periods (e.g. periods of study, duration of benefits paid after the termination of insurance).

If the mother gives birth to a child during or within 1 year of completing higher education, she may be entitled to graduate GYED (see later).

If the mother does not meet the conditions for insurance or student status, she may be entitled to GYES for the child. The amount is HUF 28,500 gross, but the main rule is that it is paid until the child is 3 years old (longer in the case of twins and children with a long-term illness or severe disability).

After the CSED or equivalent period has expired, the father can also claim the GYED benefit under the insurance scheme.

The period of insurance:

For CSED and GYED, it is necessary to have 365 days of insurance within 2 years before the birth of the child, so any insurance during the period of pregnancy counts.

In addition, not only the time spent insured in Hungary should be taken into account for benefit entitlement, but also the periods listed below. Thus, for CSED, the following periods are included in the 365-day insurance period:

- the time spent in insurance;
- time spent insured and certified in an EEA Member State;
- the period of receipt of accidental sickness benefit, CSED, ÖFD, GYED – except graduate GYED (see later) – after the termination of insurance;
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period of receipt of rehabilitation benefit.

For GYED, the following periods are included in the 365-day insurance period:

- the time spent in insurance;
- time spent insured and certified in an EEA Member State;
- the period of payment of accident sickness benefit after the termination of insurance;
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period for which rehabilitation benefit is paid.

3. Changes in financial health insurance benefits

During the reporting period, the following changes were made to certain family allowances:

➤ Infant childcare allowance

Until 30 June 2021, the amount of CSED – a pro-rata benefit for the duration of maternity leave (24 weeks) – was 70% of the daily base or daily income determined by law, but from 1 July 2021 the benefit rate was changed to 100% [Section 42(1) of Ebtv.]. Because of this measure, the insured mothers' income will not be reduced during the 24 weeks of maternity leave and they receive a higher benefit than their previous net earnings. While the wage is subject to a 15% personal income tax advance and 18.5% social security contributions, only a personal income tax advance (15%) is deducted from the CSED.

To be eligible for CSED, a woman must have been insured for 365 days in the two years preceding the birth of her child and her child must be

- born during the period of insurance or within 42 days of the termination of insurance, or
- born during the period of payment of accidental sickness benefit beyond 42 days after the termination of insurance or within 28 days after the termination of payment.

The prior 365 days of insurance required to qualify for CSED includes:

- the date of payment of accident sickness benefit, CSED, childcare allowance after the termination of insurance,
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period of receipt of a rehabilitation allowance or rehabilitation benefit.

As of 1 January 2018, the number of people eligible for CSED has also been extended. The biological father caring for the infant may also be entitled to the CSED if the mother has lost custody of the infant [Section 40(4) point h) of the Ebtv.].

The legislative amendments clarified the periods that can be included in the 365 days of prior insurance required to qualify for CSED. This means that the following periods are included in the 365 days of previous insurance:

- the date of payment of accident sickness benefit, CSED, adoption allowance, GYED (except for GYED determined in accordance with Section 42/E), after the termination of insurance,
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period of payment of rehabilitation benefits [Section 40(2) of the Ebtv.].

➤ Childcare allowance

GYED is a financial benefit provided under the health insurance scheme to support childbearing, based on an insurance relationship or full-time student status at a higher education institution. The amount of the GYED is 70% of the average earnings, up to a maximum of 70% of twice the current minimum wage (HUF 234,360 in 2021).

The previous 365 days of insurance required for entitlement to GYED includes

- the period of accident sickness benefit after the termination of insurance,
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period during which the rehabilitation allowance or rehabilitation benefit was paid.

Until 2018, the so-called “graduate GYED” was available to full-time students of higher education institutions from the birth of the child until only the child’s 1 year of age. From 1 January 2018, this was extended by one year, so that it is now available until the child is 2 years old. From 1 January 2020, a person may also be entitled to graduate GYED if the child is born during the period of entitlement to “graduate GYED” or within one year after its termination, is not entitled to childcare allowance under the general rules, is raised in his/her own household, is a Hungarian citizen or a citizen of another EEA Member State and has a registered place of residence in Hungary at the time of the child’s birth [Section 42/E(1)-(2) of the Ebtv.]

This benefit is available mainly to women who have recently given birth and fulfil all the following conditions:

- she is not entitled to a childcare allowance under the general rules (for example, because they are uninsured or currently insured but have not been insured for at least 365 days in the 2 years preceding the birth of the child),
- she has been an active student for at least two semesters and has been participated in a study in a state-recognized higher education institution in Hungarian language, except the studies promoted for foreign nationals in a foreign language, with the proviso that only one semester of active study may be taken into account. To qualify for two active semesters, the total number of active semesters in the two years preceding the birth of the child must be 260 calendar days.
- the child is born during the period of student status or within 1 year after the suspension or termination of student status, or within 1 year after the termination of graduate GYED,
- the child is being brought up in her own household,
- is a Hungarian national or a national of another EEA Member State, and
- has a registered place of residence in Hungary at the time of the child’s birth.

Monthly amount of the graduate GYED:

- 70% of the minimum wage applicable on the starting date of entitlement for students enrolled in higher education, upper secondary vocational education or higher vocational education and training, and in the case of students enrolled in further vocational education and training (HUF 117,180 gross in 2021).
- 70% of the guaranteed minimum wage applicable on the starting date of the entitlement, in 2021 was HUF 153,300 gross, in the case of a student enrolled in a master’s, single, split or doctoral programme.

As of 1 January 2020, if a person entitled to graduate GYED has another child while receiving the benefit or within one year of its termination, he or she may also receive graduate GYED for the new child.

As of 1 January 2020, the number of persons entitled to GYED has been extended to include foster parents. So-called “foster care GYED” is paid from the day the child is taken into care until the child is 2 years old. The foster care GYED’s basis is 55% of the minimum wage on the first day of entitlement, and the calendar day amount is 70% of the calendar day basic amount. A foster parent is entitled to foster care GYED if he/she has been insured for 365 days

in the two years preceding the day on which the foster child was placed in his/her care and is bringing up the child in his/her own household.

From 1 January 2020, grandparents who are not yet retired can also become eligible for GYED if they take on the care and upbringing of their grandchildren instead of the working parent(s). In this case, the grandparent are therefore entitled to GYED instead of the parent, in order to encourage them to take a more active part in the upbringing of their grandchildren and thus relieve the burden on parents. Only one grandparent can receive the benefit at a time, but it can be paid for several grandchildren. Grandparents' GYED is paid until the child is 2 years old. The calendar-day basis of the grandparent's childcare allowance and the amount of the benefit to be paid are calculated by taking into account the grandparent's income.

The primary beneficiary (the person entitled to GYED under the general rules), or the insured parent by blood and adoption of the spouse living with the primary beneficiary (not including the spouse of the adoptive guardian), and the insured spouse living with the grandparent, may also be entitled to grandparent GYED if

- the grandparent was insured for at least 365 days in the two years preceding the child's birth,
- both parents of the child living in the same household – or in the case of a single primary beneficiary only the primary beneficiary – are gainfully employed under an insurance relationship, excluding a foster parent employment relationship, while the grandparent is receiving the benefit,
- the child is being raised by the primary beneficiary in his/her own household and the child is only temporarily removed from that household to the grandparent for a daytime period,
- both parents of the child living in the same household – or in the case of a single primary beneficiary only the primary beneficiary – declare(s) in writing that they agree to the grandparent's claim for childcare allowance and to the grandparent's receipt of the allowance,
- no childcare benefit is paid in respect of the child for whom the benefit has been awarded [Section 42/G(1) of the Ebtv.].

Grandparent GYED may not be granted if

- the grandparent is engaged in gainful employment, unless it is carried out exclusively in the home,
- the child is placed in a day-care institution,
- the grandparent receives regular cash benefits as defined in Section 4(1) point i) of *Act III of 1993 on Social Administration and Social Benefits*, excluding sickness benefit for gainful employment in the home, accident sickness benefit, infant childcare allowance, childcare allowance and childcare support services for children of different ages,
- in respect of the grandparent, the abovementioned declaration by the parents is withdrawn, or
- the primary beneficiary ceases to be entitled to childcare allowance [Section 42/G(3) of the Ebtv.].

Grandparent GYED is paid from the day after the expiry of the CSED or the corresponding period until the child reaches the age of 2 at the earliest, and in the case of twins until the children reach the age of 3.

In line with the legislative amendments, the periods that can be counted towards the prior 365 days of insurance required for entitlement to childcare allowance have also been clarified. To establish the entitlement, the previous 365 days of insurance required for entitlement to GYED can be included, if necessary, the following,

- the period of accident sickness benefit after the termination of insurance,
- 180 days from the period of full-time education at an institution of general, vocational or higher education, if the period is longer than one year;
- the period of receipt of rehabilitation benefits.

➤ **Universal benefits under Act LXXXIV of 1998 on Family Support (hereinafter referred to as by the Hungarian abbreviation: Cst.)**

An uninsured parent who has not acquired entitlement to CSED or GYED can claim GYES under the Cst., which is a fixed amount of family support benefit, independent of insurance history or the income situation of the beneficiary. GYES can also be claimed by the insured parent after the expiry of the childcare allowance. GYES is therefore a universal benefit and does not require insurance status.

The monthly amount of the GYES is the minimum amount of the old-age pension. The minimum amount of the old-age pension has not changed during the reporting period (HUF 28,500). In the case of twin children, the monthly amount is multiplied by the number of children.

The GYES is paid until the child is 3 years old, until the end of the year in which the child is not in compulsory schooling in the case of twins, or until the child is 10 years old in the case of a child with a long-term illness or severe disability.

From 1 January 2020, the possibility to apply for adoptive GYES has also been extended, facilitating the adoption of older children. Adoptive GYES can be of particular help to adopters who do not have the necessary insurance period to qualify for the adoption allowance (hereinafter referred to as the Hungarian abbreviation: ÖFD).

Parents adopting a child over 3 years of age who would no longer be eligible for child benefit under the general rules are entitled to the so-called adoptive child benefit for the remaining period of up to 6 months, except in the case of adoption by spouse or relative, without the previous time limit of 10 years of age of the child.

From 1 January 2020, adoptive parents are entitled to a one-off maternity allowance even if the adoption is authorized after the child is 6 months old.

➤ **Adoption allowance**

From 1 January 2020, the Government of Hungary introduced the ÖFD as a new benefit, which entitles the adoptive parent(s) to take unpaid leave to care for their adopted child after the adoption has been approved. The introduction of the ÖFD helps adoptive parents of children over two years of age by enabling adopters of older children to stay at home with their child for up to six months after the child has been placed with the adoptive family, thus facilitating the child's integration into the family. ÖFD is paid after the domestic adoption of all children over 2 years of age and under the age of 18, if the adoptive parent has sufficient insurance and would be eligible for GYED. It is the same as GYED both in terms of conditions and amount, with a

duration of 168 days. The amount of the ÖFD is 70% of the daily basic amount, up to a maximum of 70% per month of twice the current minimum wage (Section 42/H of the Ebtv.).

In 2020, the year of introduction, 275 adoptive parents, and in 2021, 384 adoptive parents claimed the ÖDF. If the adoptive parent does not have the necessary insurance period to qualify for the ÖFD, he or she is entitled to receive adoptive GYES after the adoption of a child over three years of age, which also allows him or her to spend half a year at home with the child.

4. Other benefits and allowances for families

➤ Family support benefits

The amendment to the Cst. extended the scope of maternity allowance beneficiaries as of 1 January 2018.

Under current legislation, the following are entitled to maternity allowance

- a) a woman who has attended antenatal care at least 4 times during her pregnancy, or at least once in the case of premature birth;
- b) the adoptive parent, if the adoption has been authorized by a final decision and the child has been continuously brought up in the same household for a maximum of 1 year;
- c) the guardian, if the child is placed in his/her care within 6 months of birth, on the basis of a final decision;
- d) also the biological mother, adoptive parent or guardian of a Hungarian citizen child living abroad and whose child is born abroad, provided that the child is registered in Hungary; or in the case of a child living in neighboring states that do not recognize dual citizenship, it is sufficient to “Hungarian ID card” issued on the basis of the law on Hungarians living in neighboring states. [with regard to points a)-c): Section 29(1) of the Cst.; with regard to point d): Section 2 point c) sub-point ca), and Section 34(4) of the Cst.].

The application for maternity allowance can be submitted within 6 months of the birth. From 1 January 2020, the 6-month deadline for adoptive parents are no longer be counted from the birth of the child, but from the final authorization of the adoption.

Maternity allowance is also available to women whose child has Hungarian nationality or a “Hungarian Certificate” was issued under *Act LXII of 2001 on Hungarians Living in the Neighboring States*, regardless of the mother’s nationality. In other words, if the child is granted Hungarian citizenship or a Hungarian identity card based on the father’s nationality, the mother can apply for maternity allowance regardless of her nationality. In addition to the mother, the adoptive parent and the guardian are also entitled to maternity allowance. In the case of a child born abroad, proof of attendance at antenatal care is not required for eligibility.

Pursuant to Section 29(1) point b) of the Cst., the adoptive parent is entitled to maternity allowance if the adoption has been authorized by a final decision and the child has been continuously brought up in the parent’s household for a maximum of one year prior to the date of the final authorization, provided that the application for the establishment of maternity allowance may be submitted within six months of the final authorization of the adoption.

From 1 January 2019, according to Section 12(2) point b) of the Cst., a child who has been placed in a social institution for a period not exceeding 30 days shall also be considered a child

being brought up and cared for in his/her own household. This shall also apply if the placement in a social institution for more than 30 days is made in order to ensure access to school education or developmental education activities provided concurrently in the institution, due to the child's long-term illness or serious disability, and the child is removed from the parent's household only on a temporary basis. As a result of the amendment, parents are also be entitled to family support benefits in the above-mentioned cases, irrespective of the fact that their child is temporarily absent from the parents' household.

From 1 January 2020, an adoptive parent who adopts a child who has reached the age of 10 is also be entitled to childcare support.

According to Section 16 of the Cst., if a child (person) who is subject to compulsory schooling or who is studying in an educational institution or vocational training institution after the termination of his/her compulsory schooling has been convicted by a court of a deliberate criminal offence but has not been sentenced to imprisonment, the education assistance ordered in respect of the child (person) shall be suspended by the authority dealing with the family support case, based on information sent by the court that issued the judgment to the central family support body, for a period of 12 calendar months from the month in which the suspension was ordered.

> Employment incentives granted in connection with the Social Contribution Tax

According to *Act LII of 2018 on Social Contribution Tax* (hereinafter referred to as the Hungarian abbreviation: *Szocho tv.*), the subject of the social contribution tax is the payer with regard to certain legal relationships with natural persons, and by self-employed persons and farmers with regard to this legal status, and in certain cases by natural persons [Section 3(1)-(2) of the *Szocho tv.*]. The social contribution tax rate has been decreasing steadily in recent years: from 1 January 2022, the rate became 13%.

The government revenue from the social contribution tax is divided between the individual financial funds of social security and the budget of the separate state fund defined by law, in accordance with the proportions set out in the Act on the Central Budget. The purpose of the social contribution tax is to contribute to the coverage of certain social security benefits by the payers (employers).

The *Szocho tv.* provides a wide range of benefits to promote employment. Compared to the previous Action Plan for Employment Protection, a new benefit has been introduced: the labour market entrants' benefit, which is available to previously inactive employees in addition to career starters, the long-term unemployed and those returning to work after maternity benefits.

Discounts available:

- Allowance for unskilled and agricultural employees, which can be claimed by persons employed in unskilled and agricultural jobs. Based on the discount, only 50% of the social contribution tax must be paid after the gross wage, but no more than the minimum wage. [Section 10 of the *Szocho tv.*]
- A tax benefit for labour market entrants, allowing employers to employ career starters, the long-term unemployed and those returning from maternity benefits, as well as previously inactive employees, with a reduced tax liability. A person is considered to be entering the labour market if he/she has had an employment relationship with an

insurance obligation under the Tbj., or an individual or partnership employment relationship, for a maximum of 92 days within 275 days prior to the month in which the beneficiary starts employment [Section 11(2) of the Szócho tv.]. Under the benefit, the person is exempt from social contribution tax up to the amount of the minimum wage in the first two years of employment, and in the third year of employment only 50% of the social contribution tax is payable on the minimum wage.

In order to mitigate the negative effects of the coronavirus pandemic, in derogation of the above-mentioned provision of the Szócho tv., in the case of employment contracts entered into force between 28 June 2021 and 31 December 2021, a person who, according to the data available to the National Tax and Customs Authority, had an employment contract with an insurance obligation under the Tbj., or an individual or partnership contract within 183 days prior to the month of the start of the beneficiary's employment, for a maximum of 92 days, is also considered as a person entering the labour market.

- The benefit is available for women entering the labour market with three or more children, and the social contribution tax credit is also available for mothers with three children for a longer period (3+2 years). Under this benefit, the first three years of employment are exempt from social contribution tax up to the minimum wage, and the fourth and fifth years of employment are exempt from social contribution tax at a rate of only 50%, also up to the minimum wage [Section 12 of the Szócho tv.].
- The benefit for persons with reduced working capacity can be claimed by the employer and the co-entrepreneur named in the law, as well as the self-employed person from the social contribution tax payable by them, on income not exceeding twice the minimum wage. A person is considered to have a reduced capacity for work if his or her state of health is 60% or less according to a complex assessment by the rehabilitation authority or if he or she was entitled to an invalidity or accidental invalidity pension as defined in the Szócho tv. and receives invalidity benefit or rehabilitation benefit [Section 13 of the Szócho tv.].
- Tax relief for public employees, to which the public employee is entitled in the case of employment in a public employment relationship. Based on the discount, the public employer must pay 50% of the social contribution tax on the public employment wage, but no more than 130% of the guaranteed public employment wage. [Section 14 of the Szócho tv.]

> **Benefits granted in connection with personal income tax**

Family discount:

Sections 29/A and 29/B of *Act CXVII of 1995 on Personal Income Tax* regulate the use of the family allowance. The family allowance reduces the consolidated tax base by HUF 66,670 per month for one child, HUF 133,330 per child for two children and HUF 220,000 per child for three or more children.

First-time marriage benefit:

A married couple is entitled to claim the discount for first-time couples if this is the first marriage of at least one of the couple. The discount reduces the consolidated tax base,

amounting to HUF 33,335 per month of entitlement and per married couple (5,000 HUF in terms of tax). The discount can be applied for a maximum of 24 months after the marriage.

Benefit for mothers with four or more children:

From 1 January 2020, mothers with four or more children are able to benefit from a new tax base allowance. The tax allowance is available to mothers who have given birth to, or adopted four or more children and who bring up or have brought up the children in their own household. The mother's earned income (e.g. wages, salaries, entrepreneurial income, and commission) is exempt from personal income tax without any upper limit. The allowance can also be claimed in conjunction with the family tax credit, so that the mother's income may be exempt from both tax and contributions.

Tax refund:

The refund was exceptionally available in 2021 and was available to all parents with children who were entitled to family allowance on any day in 2021. If both parents in the family had income (e.g. wages, commission, etc.) in 2021 that was included in the consolidated tax base, both parents were entitled to a refund of personal income tax up to the statutory limit. Self-employed persons with children also received a refund if they had a taxable deduction and then paid personal income tax after the amount decreased by the deductions. The rebate is also available for income subject to the simplified corporation tax contribution (hereafter referred to as the Hungarian abbreviation: EKHO) and for self-employed persons who pay the small taxable enterprises tax (hereafter referred to as the Hungarian abbreviation: KATA).

Thus, the beneficiaries included self-employed persons, farmers, landlords, taxpayers under the KATA and taxpayers under the EKHO. Entrepreneurs with children and taxed under the KATA received a refund of one quarter of their 2021 individual tax paid (HUF 25,000, HUF 50,000, HUF 75,000), while those taxed under the EKHO rules received a refund of two thirds of the 15% EKHO paid. If families claimed tax credits during the year and thus reduced the tax burden, the amount of the refund was calculated considering this. The refund was capped at 12 times the average gross national income at the end of December 2020 multiplied by the tax rate, i.e. HUF 809,000, per person.

5. Special rules for government officials, civil servants and staff of bodies with special status

Act CXXV of 2018 on Government Administration (hereinafter: Government Administration Act), *Act CXCIX of 2011 on Civil Servants* (hereinafter: Civil Servant Act) and *Act CVII of 2019 on Organs with a Special Status and the Status of their Employees* (hereinafter: Special Status Act) do not directly affect the family support system, but it can be stated that all the acts serve to create family and child-centered jobs within the public sector.

The Government Administration Act – unlike other legal status laws – devotes a separate chapter to benefits, discounts and allowances for government officials raising children and starting a family [Sections 152-163 of the Government Administration Act). Such benefits include additional leave for children, longer periods of leave, different provisions on working hours, maternity leave, unpaid leave for child/grandchild care, compulsory part-time work upon request of the government official and working from home under more favourable conditions. Family-oriented approach is also reflected in the benefits: a higher cafeteria allowance, a family foundation allowance and a camping allowance may be granted to government officials with children, as well as a school start and child-raising allowance.

Another way to help government officials is to take advantage of the various housing allowances. Among the benefits, Special Status Act provides for the possibility of mandatory part-time employment and the possibility of a higher cafeteria allowance [Section 31 and Section 82(2) of the Special Status Act]. The law also provides for the possibility of the employer to grant other housing, social, study, child-raising and family formation allowances [Section 83 of the Special Status Act].

Civil Servant Act provides the family- and child-centered regulation. The following amendments occurred during the reference period: in addition to the above-mentioned increase in the limit of mandatory part-time employment linked to the child's age, unpaid leave was granted to the grandparent civil servant for the personal care of the grandchild during the period of payment of the child care fee [Section 113(1a) of the Civil Servant Act].

6. Special rules for the military staff of the Hungarian Defence Forces and defence force employees

The form and amount of the housing allowances that may be granted to soldiers and defence force employees. The conditions of eligibility, the rent of apartments and accommodation rented by the Ministry headed by the Minister of Defence and determined by Ministerial Decree [*Decree No. 19/2009 (29 December) HM on housing allowances granted by the Ministry of Defence*] are differentiated according to the nature of the service relationship, the personnel group, the rank group, the service rank, and the social and family circumstances.

When calculating the amount of the housing needs, the tenant (claimant), his/her spouse (partner), child (adopted, foster, stepchild), grandchild, parent, adoptive, foster and step-parent are taken into account among the persons living together.

Forms of housing benefit:

- the allocation of rental housing at the disposal of the Ministry of Defence,
- accommodation in hostels and apartments,
- non-repayable allowances and one-off cash grants,
- employer's loan,
- housing allowance,
- housing management allowance,
- rent contribution.

2) KEY DATA AND STATISTICS

I. Data on the benefits based on the

Data on recipients of infant childcare allowance

Year	Average monthly number of recipients, persons	Infant childcare expenditure per day of care, HUF/day
2018	27,696	6,014
2019	28,066	6,460
2020	29,891	7,267
2021	30,143	9,537

Source: Hungarian Central Statistical Office

Data on recipients of childcare allowance

Year	Average monthly number of recipients, persons	Per claimant per person, HUF/month
2018	102,512	142,084
2019	104,440	157,265
2020	110,144	172,185
2021	113,033	183,119

Source: Hungarian Central Statistical Office

II. Data regarding the family support system

Budget expenditure on family allowances 2018-2021 (HUF million)

Year	Family allowance	Childcare support services	Child-raising allowance	Maternity allowance
2018	307,702	59,705	11,026	5,872
2019	305,475	58,349	11,052	5,962
2020	304,887	57,034	11,018	5,768
2021	305,478	55,748	10,824	6,434

Source: Hungarian Central Statistical Office and Hungarian Public Treasury

Changes in the amount of family allowances between 2018 and 2021 (HUF/month*)

Support	2018	2019	2020	2021
Childcare support services	28,500			
-in the case of twins	28,500 x number of children			
Child-raising allowance	28,500			
Maternity allowance*	64,125			
- in the case of twins	85,500 x number of children			

*Benefits are usually paid monthly, regardless of the number of children, with the following exceptions:
 – the maternity allowance is a one-time allowance; in the case of twins, it is paid per child,
 – in the case of twins, the child care allowance is in multiples corresponding to the number of children.

Source: Hungarian Central Statistical Office and Hungarian Public Treasury

Evolution of the number of people receiving family support/child protection benefits between 2018 and 2021

Support		2018	2019	2020	2021
Family allowance	number of families (person/month)	1,082,791	1,077,010	1,073,101	1,071,712
	number of children (person/month)	1,758,994	1,750,174	1,746,403	1,749,432
Childcare support services (person/month)		159,226	155,954	150,669	148,496
Child-raising allowance (person/month)		32,607	32,698	32,445	31,959
Maternity allowance (number of families) (person/year)		88,972	90,218	102,440	97,764

Source: Hungarian Central Statistical Office and Hungarian Public Treasury

3) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- *The ECSR requested that the next report should provide comprehensive and up-to-date information on all aspects of relationship violence against women and related convictions.*

The Hungarian Government does not have data on the conviction rate related to relationship violence against women.

1. Expanding victim support services

During the reference period covered by the report, the care system for victims of relationship violence has expanded significantly, with 5 new crisis centers, 7 new secret shelters, 16 new halfway houses and 7 new ambulances opening in 2018-2019. With these improvements, by 2021, a total of 20 crisis centers, 8 secret shelters, 22 halfway houses and 7 crisis outpatient ambulances have been helping victims. The development has resulted in 220 new places. In

total, the ambulances have assisted more than 3,000 victims in the 3 years of operation of the reference period.

In Hungary, crisis centers provide accommodation and complex services to victims of relationship violence who are forced to leave their homes because of abuse, with or without children. The main services provided by crisis centers are:

- finding a safe housing solution,
- help with life management problems,
- identifying and managing sources of income,
- identifying external family links,
- strengthening parenting,
- psychological guidance,
- referral to health services,
- providing community programmes,
- legal and childcare guidance.

The secret shelters are for victims of serious relationship violence whose lives are in danger. The services provided are the same as those of the crisis centers, but the protection is even more emphasized in the case of the clandestine shelters.

The social reintegration of victims of relational violence and human trafficking is supported by halfway houses, which provide long-term (up to 5 years) housing and professional assistance (mainly legal, psychological and social work).

The priority aspect of victim support is to provide assistance as soon as possible in order to prevent the development of a crisis situation and the need to flee from home in case of problems indicating or leading to relationship violence. This is the aim of the crisis management ambulances currently operating at regional level. In addition to victim support, the clinics strengthen the cooperation of the alarm system (in particular district nurses, family support workers, police, judges, prosecutors, teachers) in order to provide effective support to victims of relationship violence (regular lectures, case conferences, prevention sessions).

Through the ambulances, it was possible to reach and support groups who had not previously been in the social care system (e.g. childless abused minors, men, elderly abused, abused people of higher social status).

The ambulances are currently operating at a regional level, but due to the demand for services, there are plans to move to a county level and open new ambulances. The aim is to increase the number of outpatient ambulances from 7 to 22 (1 in each county and 2 in the capital).

In the future, the activities of the ambulances are planned to be extended to include:

- an increased number of prevention sessions and programmes (for 14-25 year olds and those who have already left an abusive relationship);
- travelling service (provision of outreach counselling in different parts of the county).

The annual budget support for the National Crisis Management and Information Telephone Service (hereinafter referred to as the Hungarian abbreviation: OKIT), already mentioned in the 15th national report, has been almost quadrupled from 2020 (from HUF 52.5 million to HUF 202.5 million). The increase in support has allowed for capacity expansion. During the reference period, several campaigns and information materials have helped to raise awareness

of OKIT's activities and its toll-free number. OKIT's own website (www.okit.hu) has been relaunched and provides a wealth of information on relationship violence and the different ways to get help.

A new app ("contactme") has been developed to provide useful information on relationship violence for those affected (separately for under 18s and over 18s), an instant helpline with a panic button function (in this case the call is received by OKIT) and where the nearest helpline to the victim is.

2. Victim Support Centers and related legislative results

In the field of victim support, it is of particular importance that the first Victim Support Center was opened in Budapest in the summer of 2017, and then the Government, in order to build and develop the system, adopted *Government Decision No. 2072/2017 (28 December) on the more effective implementation of victim support* and *Government Decision No. 1645/2019 (19 November) on the development of the victim support system*.

The aim of the Victim Support Centers established by the Ministry of Justice is to make victim support services more accessible to citizens and to make the available victim support opportunities as widely available as possible for those who need it. After the opening in Budapest, the development of the nationwide network of Centers began: the Ministry of Justice opened Victim Support Centers in Miskolc and Szombathely in 2018, in Pécs, Szeged and Kecskemét in 2020, and in Veszprém, Szolnok and Nyíregyháza in 2021. In 2022, additional centers were opened in Debrecen and Eger, so now 11 Victim Support Centers are available to those in trouble. The ultimate goal is to have a Victim Support Center in every county by 2025.

In addition, the Ministry of Justice decided that until a Victim Support Center is opened in every county, it establishes Victim Support Points in those counties where this is justified. Such a Victim Support Point operates in the cities of Salgótarján, Érd, Békéscsaba and Siófok.

The services of the centers are available free of charge to everyone, regardless of social need. The Victim Support Centers provide both practical, psychological and financial support tailored to the needs of the victims. The support provided ranges from psychological-emotional help to the organization and execution of actual crisis intervention, the management and follow-up of victims, the sharing of extensive information and the conduct of prevention activities in a more victim-friendly manner. It is also an important task for the centers to focus on groups of victims with specific needs (e.g. children, victims of human trafficking, domestic violence). The staff of the centers also perform coordination tasks, facilitating victims' access to various services. (This is facilitated by our continuously expanding range of cooperating partners.)

Victim Support Centers also pay special attention to emotional support in order to improve the living situation of victims. The general goal is to improve the opportunities of the victims, to provide them with the widest possible information about their rights, and to be able to enforce them more fully. The Victim Support Centers also provide personalized care for victims – especially for special groups of victims such as victims of relationship violence –, they offer information and even regular, free psychological assistance to deal with the crisis situation, in order to restore balance and move on.

3. Legislative results

In 2020, an amendment to *Act CXXXV of 2005 on the Assistance to Victims of Crimes and State Damage Mitigation* (hereinafter referred to as the Hungarian abbreviation: Ást.) was prepared: it established the creation of a national victim support system based on direct access to victims in order to support as many victims as possible, thereby facilitating achieving the desired social effects. The proposal to amend the law was accepted by the Parliament on December 15, 2020, and the legislative changes entered into force on 1 January 2021, the essence of which is as follows:

A victim who became known during the investigation, as well as a whistleblower who became known based on a report lodged with him, to whose detriment an intentional, violent crime against a person according to *Act C of 2012 on the Criminal Code* – e.g. domestic violence – was committed, the general investigating authority may, after his/her identity and contact information become known, inform him/her immediately, but within two workdays at the latest, about the victim support services, especially about that he/she may be entitled to support. In the event of his/her consent, his/her specified data, as well as the contact information provided by him/her, will be forwarded to the victim support service for the purpose of direct contact.

The year 2021 brought several innovations in terms of state damage mitigation. On the one hand, as of 1 January, the condition of social need has been removed, so victims can now use all victim assistance services and support regardless of their income situation. Another new provision is that the deadline for asserting claims regarding state damage mitigation has increased from the previous 3 months to 1 year. A new, simpler provision aimed at replacing the previous complicated rationing calculation has been introduced for the determination of the damage mitigation amount, and it has become possible to submit a preliminary quotation or other document to prove the damage.

Also because of the legislative amendment effective from 1 January 2021, the deadline for applying for immediate financial aid has been increased from the previous 5 days to 8 days, keeping in mind the interests of the victims.

In 2021, the Ministry of Justice prepared a proposal on the amendment of the Ást. for the Government in order to reach the victims of crimes more effectively and, based on feedback from law enforcement officers of the capital and county government offices, to develop victim assistance services. In addition to maintaining the existing system, the amendment has expanded the so-called opt-out system based on direct access to victims (introduced in 1 January 2021) to an even wider range of victims, and at the same time developed the victim support services based on feedback from the legislator. On the one hand, the amendment has expanded the range of crimes in which the goal is on the one hand to directly reach the victims, and on the other hand, it has transformed the conditions for the transfer of data by the general investigative authority to the victim support service.

4. Trainings

In order to ensure that victims of relationship violence receive help as soon as possible, at an early stage of the abuse, it is essential that the alarm system function effectively: it is important that members of the alarm system recognise early signs of violence and know how to provide real support in such situations. Between 2019 and 2022, more than 4,200 members of the alarm

system (mainly family workers, district nurses, police officers and, to a lesser extent, judges and prosecutors working in the justice system) have received training to this end. Building on the success of this training, it is planned to continue it, with a particular focus on teachers, nursery school teachers and early childhood educators. The effectiveness of the training is demonstrated by the fact that a significant proportion of abused children presenting at the clinics are referred to professionals by former participants of the training.

5. Data collecting

The care system for victims of relationship violence has long had a problem with paper-based administration, which has taken up a lot of time from the work of the support workers. During the reference period, it became possible to record case management data and information in a single electronic system, which greatly facilitates data collection and analysis.

6. Information, awareness-raising

The campaign featured in the previous report was relaunched in 2018, with a new slogan (“Love never hurts” - www.aszeretnemart.hu) and a new look. The campaign has been supported each year by the sector responsible for families, including a contribution of HUF 30 million in 2021. The main message of the campaign is that there is help available for victims and that all forms of relationship violence are unacceptable.

The annual campaign was reinforced in 2020-2021 by the campaign of the Family Friendly Hungary Center Nonprofit Public Benefit Ltd. (CSBM). The two initiatives were implemented in a coordinated way, the latter with a budget of nearly HUF 87 million.

7. Research

A complex study on relationship violence started in 2019 and completed by the end of 2022. The research examined the general level of knowledge, stereotypes and attitudes towards the problem, as well as the extent of involvement (by sex, age, social status, and specific forms of relationship violence). 50 in-depth interviews with victims, a representative attitude survey of young people aged 18-25 and a large sample questionnaire on involvement have been completed so far. A national survey of a representative sample was carried out in autumn 2022 and data analysis has been taken place at the end of the year.

In March 2021, a questionnaire survey on relationship violence was launched with 14-18 year olds. The survey measured students’ attitudes towards the issue of relationship violence. At the end of the questionnaire, students were given the opportunity to watch a short film on the development and dynamics of relationship violence, the options for exiting, and information on organizations and services that provide help. A total of 3,047 students completed the online questionnaire, of which 2,626 young people answered all questions. The survey showed that strengthening prevention remains a very important task, as only 28% of the students surveyed had heard of the problem. It also revealed that 24% of students have someone in their environment who is affected, but the latency rate for relationship violence is still high. This confirmed the need for further preventive, awareness-raising campaigns and sessions.

8. Measures taken in response to the COVID-19 pandemic

➤ Supporting victims of relationship violence

In Hungary, the figures for OKIT, which receives calls about relationship violence and coordinates the placement of victims of abuse, were unusually high in 2020.

At the beginning of the emergency restrictions, there was a significant increase in the number of calls for a few weeks, but later the number of enquiries returned to average levels. The total number of cases in the first half of 2020 showed an increase of around 30% compared to the same period last year.

The Government rethought the services for victims of relationship violence in the light of the coronavirus pandemic, and with some adjustments, the continuity of the entire care system was ensured. Crisis centers and secret shelters continued to welcome victims in crisis, and the OKIT continued to be available free of charge 24 hours a day. The ambulances for less serious cases of relationship violence went online and counselling was available at all times.

The care system performed well during the coronavirus pandemic, with a vacancy available every day in a crisis center or secret shelter. These facilities operated in accordance with quarantine rules. The CSBM provided in-kind support to crisis centers and secret shelters to prevent the spread of infection.

In spring 2020, 300,000 leaflets were distributed to help inform victims of the options available to them, and the content of the leaflets was posted on several websites and social media pages to ensure that isolation does not lead to exclusion from information.

- ***The ECSR requested that the next report provide comprehensive and up-to-date information on the following issues:***
 - ***the amount of family allowances and the median equivalent income for the reference period;***
 - ***information on whether family and child allowances are subject to means-testing and, if so, the proportion of families eligible;***
 - ***information on whether nationals of the Charter Member States have to fulfil a residence condition to receive family allowances***

Data on the amount of family allowances, the conditions for their receipt, their duration and the number of recipients are provided in subchapters 1 and 2 of this chapter, partly in the chapter dealing with Article 8(1) of the Charter.

As explained above, some family allowances either are subject to the prior completion of a certain period of social security or are subject to a right to benefits. Thus, the Hungarian legal system does not make any of these benefits subject to a means-test.

Hungarian legislation does not provide for any special rules on the prior residence requirement for family allowances for nationals of other Charter Member States legally residing in Hungary.

- ***The ECSR requested that the report include information on the following issues:***

	2017*		2018**		2019***		2020****		2021*****	
Subtype of catering			Total number of places	Number of periodic places	Total number of places	Number of periodic places	Total number of places	Number of periodic places	Total number of places	Number of periodic places
Night shelter	4,295	1,401								
	5,549	277	4,346	1,383	4,493	1,394	4,520	1,396	4,566	1,381
Temporary accommodation for homeless people										
	7,593	6	5,373	273	5,537	232	5,491	232	5,449	232
Day care for homeless people										
	246	0	7,593	6	7,644	6	7,629	6	7,644	6
Rehabilitation facility for homeless people										
	246	0	218	0	218	0	199	0	199	0
Home for the homeless										
	446	0	446	0	456	0	456	0	456	0
Total amount	18,129	1,684	17,976	1,662	18,348	1,632	18,295	1,634	18,314	1,619
Total	19,813		19,638		19,980		19,929		19,933	
Number of street social work services:	90		93		93		96		99	

- *data on the availability of affordable housing for families;*
- *information on measures taken to ensure that vulnerable families have access to energy and basic services*

1. Available data on housing and homelessness

A comparison of the same period of the last 4 years shows that the occupancy rate in 2020 for night shelters, temporary accommodation for homeless people and day shelters is slightly below the average for other years, due to the fear of overcrowding and high occupancy rates, as well as the precautionary measures taken by some institutions to reduce overcrowding. At that time, the transitional accommodation could have been less affected by the negative COVID-19 test result, which is essential for admission, as it was already financed by the State. In the case of night shelters and day centers, a COVID-19 negative test result was not required earlier during the pandemic.

Based on the register of social, child welfare and child protection service providers (MÜKENG) – data as of

** MÜKENG – 2017.11.14.*

***MÜKENG – 2018.11.14.*

***MÜKENG – 2019.11.15.

****MÜKENG – 2020.11.11.

***** MÜKENG – 2021.10.25.

2. Measures to help families to become homeless

From 1 January 2018, the Temporary Housing for Families can provide external accommodation for families who are able to live independently with support. External accommodation provides both subsidized housing and social work for families. Families can currently stay in the temporary family home for 12 months, which can be extended by 6 months if necessary. In the external accommodation, families can stay for 3 years, including the time spent in the family transition home. In external accommodation, the temporary family home can provide care for families who are able to live independently with minimal support, no longer require ongoing assistance and can be enabled to leave the care system through social work. Under the implementation of the EFOP-2.2.3-17 programme aimed to the modernization and renovation of temporary and rehabilitation institutions and family transition homes, and the creation of external accommodation, 44 beneficiaries received funding to modernize and renovate a total of 1,729 accommodation places and create 44 external accommodation places, for a total amount of HUF 3.8 billion provided by the Government of Hungary.

In addition to the above, the Article 17(1) of the Charter includes measures to improve housing for Roma families and to eradicate segregation.

3. Emergency measures to deal with homelessness during the COVID-19 pandemic

The residential elements of the shelter system were completely closed during the first wave, with the exception of night shelters. Day shelter services and street social work had to be provided continuously during this period. The Ministry of Human Capacities has drawn up procedures for the basic and specialized social care system to help organize the necessary level of care that is safe for both the recipients and the employees. The procedures have been continuously updated to take account of changes during the state of danger. In view of the state of danger, a Government Decree has established the regulatory environment for the conditions necessary for protection. After the first wave had subsided, certain rules, including the ban on leaving establishments and the ban on visits, were lifted as a temporary period of calm had been established. However, admission to an institution was still possible only with presenting a negative coronavirus test.

During the second wave of the pandemic, restrictions were again imposed on residential institutions providing specialized care, including for homeless people. As in the past, with the exception of night shelters, access to the care system was only possible with a negative coronavirus test, but unlike in other institutions, a negative antigen test was sufficient for admission, and a PCR test was only required after admission. The ban on leaving the institution was not imposed on any of the temporary accommodation facilities for homeless persons, apart from the night shelter. Homeless persons affected by the new coronavirus infection had to be accommodated in the health care system. SARS COV-2 testing for new admission to specialized social care was free of charge in the epidemiological interest.

As in the case of the exceptional legal regime during the period of state of danger declared in the first wave of the new coronavirus pandemic, from 4 December 2020, institutions operating in the care system were again subject to different rules than usual, based on *Government Decree 556/2020 (4 December) on the measures to be taken in relation to certain social and child*

protection services during the state of danger and on the operating rules of social and child protection services during the state of danger. In accordance with this provision, certain basic and specialized care services, such as street social work services, day shelters, night shelters, temporary accommodation, etc., were allowed to suspend certain elements of their services, and if necessary, to derogate from the material and staffing conditions in justified cases, while the obligation to sign for the soup kitchen service was temporarily suspended. In the case of workers, 24-hour working hours could be imposed to reduce the risk of infection.

After the end of the second wave, due to the appearance of the British variant of the virus in February 2021, the outbreak of the epidemic was more severe than ever before. In addition to members of mainstream society, homeless people and the care system that provides them also had to deal with the danger. Accordingly, the strict regulations established during the second wave of the pandemic were maintained during the third wave as well, thus guaranteeing the health protection of the beneficiaries and the staff working in the institutions. However, it is important to note that the vaccine against the new coronavirus became available as of 26 December 2020. Pursuant to the vaccination strategy ordered by the Operational Task Force, after healthcare workers, the out-of-order immunization of persons working and receiving care in the social care system (including those living and working in institutions providing care for homeless persons) began on 9 January 2021.

As of 29 April 2021, the National Chief Medical Officer has lifted the ban on leaving institutions in specialized social institutions for those with a protection card, as well as on visiting the institution for visitors with a protection card and persons under the age of 18 supervised by them. In the absence of an insurance certificate, in the case of leaving the institution for more than 72 hours, the patient could return to the institution only if he/she provided a negative result of the rapid COVID-19 antigen test. In the absence of a medical certificate, visiting the beneficiaries was only possible in compliance with the previous procedures of the National Center for Public Health. These rules did not have to be applied to night shelters for homeless people. With the development of protection, admission to the social care system required the presentation of two negative PCR tests, performed 48 hours apart, or a protection certificate. Night shelters were still obliged to accept citizens in need without presenting a negative PCR test result or a protection card.

The third wave burdened the health care system to such an extent that the National Chief Medical Officer, from 18 March 2021, designated two institutions of the Hungarian Maltese Charity Service and one institution of the Public Foundation for the Homeless (in contrast to the provisions of his previous decision) for the reception of homeless persons positive for COVID-19 but having no or only mild symptoms and who do not require hospital care, as well as their close contacts who do not have a positive test. Until 28 April 2021, the Hungarian Maltese Charity Service provided care to 23 COVID-19 positive persons and 63 close contacts.

On the model of the Homeless Care Reserve Fund – in addition to the usual annual budget of more than HUF 360 million – the Public Foundation for the Homeless (HKA), with the support of the Ministry of Human Capacities, announced on 30 November 2020 a call for proposals for an additional HUF 134,590,000 for institutions providing care for homeless persons, in order to protect against the epidemic situation. Applicant organizations could submit their applications between 4 and 18 January 2021, while the implementation period was 2021.

The Government prioritizes the improvement of the living conditions of needy homeless citizens, so the Ministry responsible for social affairs supplemented the previously provided

amount of funds with an additional HUF 187 million in order to ensure that all professionally justified applications can receive support. In 2021, institutions serving homeless people could receive a total of more than HUF 681 million in tender grants.

Among the projects that could be implemented with the funding requested in the call for proposals were

1. the purchase of equipment (washing machine, tumble dryer, mattresses, beds) to improve services in connection with the epidemic,
2. increase in the number of places available to reduce overcrowding (purchase and installation of new containers, extension of buildings, construction of new premises),
3. or investments to prevent the local outbreak of coronavirus (construction of isolation, isolation and sluice rooms, investments to improve the hygiene of buildings or to help maintain institutional hygiene).

In the case of family and child welfare services, in addition to the continuous provision of services that can be maintained in the online space during the pandemic, face-to-face meetings and family visits were essential to protect children's rights and to prevent and address their vulnerability. In Hungary, the Ministry of Human Capacities has also issued guidelines for basic child well-being services in the light of the epidemic situation.

In the guidelines issued, it is clearly stated that in order to prevent and eliminate risks affecting children, the family and child well-being service provider must operate the detection and alarm system and receive the signals. The document also states that family visits should be carried out even during the periods of the state of danger, in the event of a serious risk. The Guidelines set out the task of social workers to provide information on the provision of meals and education for children in need, disadvantaged children, children with multiple disadvantages and children at risk.

The possibility of using the family transition home and the children's transition home were guaranteed throughout this period.

➤ **Involving older people in decision-making**

The Council for the Elderly (hereinafter referred to as the Council) is an advisory body to the Government, which gives its opinion on draft legislation directly affecting the living conditions of the elderly and other government decisions and legislation – with the exception of draft municipal regulations – that it considers to be of priority, monitors their implementation, may propose government measures and mediates the proposals of the elderly, the religious communities and the NGOs.

The Council is chaired by the Prime Minister, who appoints its twelve members based on proposals from civil society organizations in the field of ageing, partly drawn from the academic world, demography, social policy, local government, religious communities and NGOs. Senior officials from government and central bodies involved in the field of ageing are invited to attend the Council meetings.

The Council met several times in 2020 and 2021 with the participation of the National Medical Officer in the context of the COVID-19 pandemic, its high risk for the elderly and the government measures taken during the period of the state of danger. At these meetings, members were asked to use their means to raise awareness among the elderly population of the

importance of hygiene, keeping distance and wearing masks, and later the importance of vaccination, especially among the population over 65 years of age. To communicate this, several communications were issued during the state of danger. Members were also briefed at the meetings on the current state of the epidemic, data and types of vaccinations. Through their personal experiences, Council members informed decision-makers about the problems and situations that elderly people and their relatives are facing as a result of the restrictions imposed by the epidemic, in particular the difficult living conditions caused by the lack of personal contact due to isolation or the fear of infection.

Given that the elderly are the most vulnerable to the coronavirus, the Government's first measures included asking people over the age of 70 not to leave their homes and requiring the mayor of the municipality to take care of them. The measures also included, for the protection of the elderly, a rule that only persons aged 65 or over could visit a grocery shop, drugstore, market or pharmacy between 9.00 and 12.00 o'clock. This shopping window was only partially fulfilling its role, so the Council of Senior Citizens proposed a reform in the autumn of 2020, during the next wave, which was briefly implemented.

The pandemic situation caused by the coronavirus has accelerated the implementation of the initiative, which the Council has repeatedly urged, to launch a programme on state television, which is specifically aimed at the elderly, to inform them and increase their knowledge, and which was broadcasted at the same time. The programme "Almárium" was first broadcast on Duna Tv in January 2021. The newspaper "JóKor", which is distributed in print to all elderly people, also serves to inform them.

4. Measures to support family home formation

Prior to the change of government in 2010, opportunities for young people to have children were particularly limited, and in Hungary having a child was not a real fulfilment of the family, but rather a financial burden.

To change these negative trends, the Hungarian Government announced the so-called family-friendly turnaround in 2010. The Government's primary objective was to remove all obstacles that may prevent young people from starting a family, to restore the prestige of child-rearing in the value system and to promote the acceptance and realization of family values. To this end, the Government has introduced a series of measures to encourage the birth of children since 2010.

- **Homebuilding**

Improving housing is a key issue for family policy, as having a home is an important long-term security for the realization of childbearing plans.

Hungarian society wants a home of its own. Hungary has the third highest proportion of people living in their own home (92%) according to Eurostat data for 2021 (EU average: 70%).

- In 2012, the Government of Hungary re-launched the housing subsidy system abolished by the previous government, allowing families with children to receive non-refundable housing subsidies (for the time being only for new housing and with at least two children) and interest subsidies for housing loans.

- As of 1 July 2015, the housing construction subsidy was replaced by the family housing benefit (hereinafter referred to as the Hungarian abbreviation: CSOK), which is now available for families with one child and for the purchase of a second-hand dwelling or the extension of an existing dwelling. Since its introduction in 2015, 237,000 families had taken up the CSOK by the end of September 2022, for a total amount of HUF 752 billion. More than 120,000 couples have decided to have more children because of the support already granted.
- In addition to the CSOK, from 1 January 2016 we introduced a HUF 10 million CSOK loan with a preferential interest rate (3%) for a new home for families with three or more children. As of 1 December 2018, families with two children can also apply for a HUF 10 million subsidized loan, while the amount available for families with three or more children has increased to HUF 15 million. From 1 July 2019, families with several children buying a second-hand property can also apply for a subsidized loan under the Family Protection Action Plan. By 30 September 2022, a total of 89,000 families had taken out subsidized loans worth HUF 883 billion.
- Reduction of mortgage debts: since 2018, families can have their mortgage debts reduced by HUF 4 million for the third or subsequent child, and by HUF 1 million for the second, fourth and subsequent children from July 2019. From 1 January 2018 to 28 November 2022, a total of almost 54,000 applications for support were submitted and HUF 83.8 billion was paid out. For the extension introduced in the Family Action Plan for two children and above, the number of applications is 49.2 thousand and the amount of aid granted is HUF 76.4 billion.
- Within the framework of the Hungarian Village Programme, the so-called “Village CSOK” can be applied for in 2,679 disadvantaged settlements with a population of up to 5,000 inhabitants, farms and estate centers, which can be used for the purchase and simultaneous modernisation and/or extension of used property, or for the modernization and extension of existing property between 1 July 2019 and 31 December 2022. During the three years between July 2019 and the end of September 2022, the number of applications received was 36,000, and the amount was HUF 195 billion. This is a quarter (28%) of the 129,000 CSOK applications submitted in those months and almost half (45%) of the amount requested (HUF 434 billion).
- From July 2019 to the end of September 2022, families applied for 10,000 interest-subsidized loans related to the “Village CSOK” – a quarter (27%) of all village CSOK applications – for HUF 76 billion (HUF 7.6 million per family). These were predominantly (90%) applied for modernization/expansion combined with purchase.

- **New elements of the Housing Programme launched in 2021**

The Government launched its largest-ever housing programme, the 8-point **Housing Action Plan**, on 1 January 2021, to improve access to home ownership and housing conditions for families with children.

1. **VAT reduction:** from 1 January 2021, VAT on newly purchased or general builder-built dwellings was reduced from 27% to 5%, for the purpose of helping people to buy dwellings of less than 150 sqm or detached houses of less than 300 sqm, which measure was extended to 31 December 2024 by *Act XLV of 2022 on the Amendment*

of Certain Acts on Taxes. At the same time, a temporary provision ensures that the 5% VAT rate can also be applied until December 31, 2028 for the sale of properties for which the building permit becomes final by December 31, 2024 or the simple notification is made no later than December 31, 2024. Results: According to the I/2022 flash semi-annual report on Housing constructions and building permits of the Hungarian Central Statistical Office (hereinafter referred to as the Hungarian abbreviation: KSH), 33,515 properties were built between 1 January 2021 and 30 September 2022, from which the 2/3 of them (22,120 properties) could be affected by the VAT reduction.

2. **VAT exemption:** from 1 January 2021, if a family with at least 1 child or raising a child applies for a family housing benefit (CSOK) to buy a new home or have it built with a general builder, the state will fully waive the 5% VAT payment for them, by paying it instead of the home buyers or refunding it to the builders. Results (until 30 September 2022): number of grants awarded: 12,639; amount of grants awarded: HUF 37.6 billion, average amount per applicant: HUF 3.0 million.
3. **VAT refund up to HUF 5 million for self-builds:** from 1 January 2021, families purchasing a building lot or building a house on their own (not with the help of a general contractor) for the construction of a new dwelling of up to 150 square metres or a family house of up to 300 square metres may claim back the 27% VAT content of the invoices issued and paid for the purchase of the lot or the construction costs, up to a maximum of HUF 5 million (by 31 December 2022 at the latest). Results (until 30 September 2022): number of grants awarded: 2,868; amount of grants awarded: HUF 13.94 billion, average amount per applicant: HUF 4.8 million.
4. **Tax exemption:** families who use a CSOK from 1 January 2021 to buy a new or used dwelling is fully exempt from paying the 4% reversionary property transfer tax, regardless of the purchase price of the property. Results (until September 30, 2022): 53,079 potential beneficiaries (families buying a property with CSOK after January 1, 2021).
5. **Home renovation grant:** a non-repayable home renovation grant of up to HUF 3 million from 1 January 2021 is available to families (spouses, civil partners, divorced or separated parents) who have at least 1 child or are raising a child, who already own their own home, who wish to continue living in it and who wish to renovate this existing home. Results (until 5 December 2022): number of applications received: 300,913, amount of aid applications received: HUF 620,398.4 million, average amount per applicant: HUF 2.0 million, amount of State aid paid: HUF 485,379.4 million.
6. **Home renovation loan:** from 1 February 2021, families who do not have enough equity to carry out renovation work can apply for a loan of up to HUF 6 million, with a maximum term of 10 years and an interest rate of up to 3%. Results (until 31 October 2022): number of applications received: 18,448, loan applications received: HUF 95.1 billion, average amount per applicant: HUF 5.2 million, loans signed: HUF 83.2 billion.
7. **Reduction of notary fees:** for CSOK loans and home renovation loans, the Government has set a maximum notary fee of HUF 20,000. Results (until 30

September 2022): number of beneficiaries: 35,560 (CSOK loan) + 15,589 (home renovation loan); a total of 51,149 families.

- 8. Multi-generational home creation:** from 1 January 2021, the amount of the CSOK subsidy for the purchase of a new dwelling can be used for the construction of a new independent dwelling through the construction of an attic or a loft. Results (until 30 September 2022): number of beneficiaries: 78 families, amount of aid contracted: HUF 549 million.
- 9. Green CSOK loan:** the Hungarian National Bank launched the HUF 200 billion Green Home Programme on 4 October 2021, and the Government has supplemented it with the Green CSOK loan scheme. Under this programme, if a family builds or buys a new, nearly zero-energy [at least BB (max. 90 kWh/sqm)] property and also applies for a CSOK, they can get a CSOK loan of HUF 10 million for 2 children and HUF 15 million for 3 or more children, interest-free instead of the 3% interest rate previously applied. In addition to this amount, families can also apply for an additional Green Home loan at a discounted interest rate of 2.5%, up to a total amount of HUF 70 million. Results (between 4 October 2021 and 30 September 2022): total number of loan applications: 5,255, amount of loan applications: 62.6 billion, average amount per applicant: 11.9 million HUF, number of loans signed so far: 4,695, amount of loans signed: 56.1 billion HUF.

- **Baby waiting allowance**

To further encourage the birth of children and support families, the Government launched a seven-point Family Action Plan on 1 July 2019, the most popular element of which is the baby awaiting allowance.²⁶

Any married couple where the wife is between 18 and 41 years old and at least one of them has 3 years of insurance can apply for a maximum of HUF 10 million interest-free, free-to-use loan at bank branches. The loan repayment is up to HUF 50,000 per month and the term is 20 years. If the family has at least 1 child within 5 years of applying for the loan, they will not have to pay any repayments for 3 years and will be entitled to interest-free repayments for the entire term. If the second child is born, repayments are suspended for another 3 years and 30% of the outstanding debt is waived. (Only children born or adopted after the date of application for the loan are counted in the number of children.) Loans disbursed are guaranteed by the state. It is available until 31 December 2022. By 2 December 2022, the aid has reached 239,068 applications, of which 195,498 contracts have already been signed. The total contracted amount for the baby awaiting allowance is HUF 1,956.0 billion, with an average contracted amount of HUF 9.7 million.

- The support has made a significant contribution to the realization of childbearing plans: half of the more than 190,000 borrowers; 96,000 couples have had or are about to have at least one child in the past 3 years, of which 85,000 have had one, 10,000 have had two and 1,000 have had three. This means a total of 109,000 children to be born or have already been born.

²⁶ Introduced by *Government Decree No. 44/2019 (12 March) on the baby awaiting allowance.*

- Since its introduction, the fertility rate has risen from 1.49 to 1.59, which shows that, despite the COVID-19 pandemic, the introduction of the measure has resulted in an increase in childbearing.
- Although it is a discretionary loan, three quarters of it (HUF 1,467 billion) is used to buy a home.
- ***The ECSR asked for information on the specific transitional measures taken in relation to COVID-19 to provide financial support to vulnerable families and whether these would be maintained or withdrawn by the State. It also requests information on the estimated impact of the withdrawal.***

1. Measures to help employees with families to bring up children

Women with young children are in an extremely difficult situation because of the pandemic. Whenever they could, they worked from home and had to provide day care for their children. During the first wave of COVID-19, the Government of Hungary supported these families by providing day care on-call and by introducing childcare at the workplace, and during the subsequent waves of the pandemic by providing continuous day care.

➤ Day care for children

For many parents, keeping a job has become a matter of survival, so it was important whether the local authority provided day care in the parent's place of residence or in a municipality close to their place of residence. Municipalities could decide locally on the opening hours and operation of day-care facilities. The mayor knows best the people living in his municipality, the circumstances and the situation of the residents, and therefore the relevant emergency government decree [*Government Decree No. 81/2020 (1 April) on extraordinary measures in connection with the state of danger in order to protect health and life and to restore the national economy*] gave him/her the power to decide during the state of danger: he/she could declare an extraordinary holiday.

At the same time as the emergency closures, the mayor had to provide day care for children whose parents could not otherwise provide for them. The daytime supervision of children – as in the summer on-call system – was ensured by organizing on-call services for both day-care and kindergarten care [*Government Decree No. 152/2020 (27 April) on measures related to the daytime supervision of children during the state of danger*]. The measure helped working parents with young children who were able to return to work because their child could be looked after during the day, as well as grandparents who could not be entrusted with children in these circumstances, given the vulnerability of the elderly.

Legal provisions applicable to on-call time:

- healthy nursery and kindergarten children without a communicable disease (sufficient parental declaration),
- in small groups, with a maximum of 5 children per group,
- was available on weekdays between 6 am and 6 pm,
- could also be organized in mixed age groups,
- could be provided by the mayor not only in an institution or service run by the local authority, but also in a day nursery, mini day nursery or family day nursery run by a church or a non-governmental organization, without the need to conclude a contract of care,

- the infant nursery teacher in the municipal nursery could be transferred to the family day nursery of the non-state operator, if necessary,
- parents could indicate their need for a placement, either by phone or e-mail or by other means (e.g. in person),
- no fee was charged for on-call services,
- during the on-call period, children's meals had to be provided on the basis of the legal provisions already known,
- the mayor has informed the minister of the on-call service on a daily basis, with the information published on the website of the competent ministry.

In the first two months of the first wave, barely 1-2% of parents used on-call services, while by May 2020, the proportion was increasing. From 25 May 2020, rural care returned to normal from 25 May 2020, and from 2 June 2020, Budapest care returned to normal, with the on-call system being discontinued.

During the remaining waves of COVID-19 (i.e. from November 2020), the provision of nursery care was continuously ensured, with only individual measures being taken to close an institution or a group due to the low overall level of contagion in the nursery network (e.g. in December 2021, around 2% of nursery facilities and services were temporarily closed, according to the Register of Claimants). As the nurseries were allowed to continue operating, the continuity of the work of the parents concerned was ensured in this respect. Vaccination of nursery workers against coronavirus was also a priority for the government in order to ensure the viability of the care system.

In order to maintain the viability of childcare providers and to ensure that they can continue to provide parents with the high quality of care to which they are accustomed, the rules on state funding/subsidies were also modified to take account of the changing user patterns. The Government of Hungary has given special consideration to the work and situation of nursery workers, who are particularly over-represented among the female workforce, also in the context of the increasing pandemic situation. In recognition of the difficulties in the operation of nursery care due to the pandemic, the law set the rate of the allowance for replacement of nursery and mini nursery staff (e.g. due to absence due to illness, training, etc.) at 30% of the hourly rate of pay from 1 January 2021, while changing the financing rules.

To ensure continuity of work during the successive waves of the pandemic, there was also an action plan on the epidemiological procedures to be followed in the day-care sector, which, in addition to respecting the epidemiological rules, took into account the health of the staff of the day-care center, as far as possible, and the principles of education and care in the day-care center. The nursery staff who were specifically involved in dealing with the consequences of the coronavirus epidemic were given the opportunity to benefit from various advantages (e.g. free local/regional travel, additional leave), within the limits of the law and at the discretion of the employers who are aware of the individual circumstances.

In addition, the development that brings the greatest relief, providing a solution to the various difficult life situations related to employment due to the emergency situation, is the support scheme for the return of parents with young children to the labour market [GINOP-5.3.11-18; *Government Decree No.187/2019 (30 July) on the detailed rules for the granting of certain subcontracted aids*]. If, at the time of the state of danger, the childcare provider (family nursery, workplace nursery) issued an invoice under another title, e.g. as an availability fee, instead of a personal fee, this was also eligible for the purpose of receiving aid.

➤ **Childcare at the workplace**

During the state of danger related to the pandemic, any employer could, with little bureaucratic effort, organize day care for the children of persons working for them [*Government Decree No. 152/2020 (27 April) on measures related to the daytime supervision of children during the state of danger; Government Decree No. 284/2020 (17 June) on temporary government regulations relating to the end of the state of danger; Government Decree No. 567/2020 (9 December) on certain provisions relating to the state of danger necessary to strengthen the financial security of families*].

Childcare at the workplace could help workplaces and working parents where childcare could not be provided otherwise or would have been very difficult. The legislation allowing the use of this legal instrument remained in force until 31 May 2022.

Legal characteristics of childcare at the workplace:

- any employer could provide it for the children of its employees who are at least 20 weeks old and up to 14 years old and who are healthy and not suffering from a communicable disease,
- in small groups, including mixed age groups, between 6 a.m. and 6 p.m. on weekdays,
- during the first wave of the pandemic, childcare at the workplace was provided by early childhood educators and teachers, but as an administrative relief, this requirement was abolished from summer 2020,
- an operating licence was not required to set up a childcare center at the workplace; it was sufficient to notify the county or capital district municipality, and the district office responsible for public health, no later than the day before the activity was to begin; the mayor informed the Minister responsible for children and youth policy of the notification,
- the State granted a tax and contribution reduction for the months of April, May and June 2020 to business companies or budgetary bodies providing childcare services, as the following: the paying agent did not have to pay either social contribution tax or training contributions in respect of the employment of the natural persons, and the obligation to pay contributions was, unlike the rules of the Tbj., only the 4% health insurance contribution in kind, up to a maximum of HUF 7,710, on the income forming the basis of the contribution.

In addition, according to the Government's decision, from 16 June 2020 it was also possible to organize day and sleepover summer camps in compliance with the current epidemiological regulations.

In addition to the above, a moratorium on repayments has also been introduced for employer loans, National Asset Management Programme rent and the baby awaiting allowance guarantee fee, with no interest or fees charged during the moratorium period. In the case of the baby awaiting allowance and CSOK, the period of the social security entitlement is not interrupted during the state of danger or for 90 days afterward in the event of job loss, provided that the claimant is re-employed by the end of this period at the latest.

2. Tax measures to help family employees

➤ **Exemption from public charges related to employment**

Employers in certain sectors (e.g. tourism, hospitality, performing arts) engaged in the principal activity defined in *Government Decree No. 61/2020 (23 March) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy* [hereinafter: *Government Decree No. 61/2020 (23 March)*] were exempted from employment taxes in the first wave of the coronavirus pandemic for the months of March, April, May and June 2020.

The list of activities was extended several times during the periods of the state of danger:

- travel agency, travel organization, physical well-being services [*Government Decree No. 68/2020 (26 March) on the amendment of Government Decree No. 61/2020 (MARCH 23) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy*],
- for example, hunting, viticulture, wholesale of ornamental plants [*Government Decree No. 97/2020 (10 April) on the amendment of Government Decree No. 61/2020 (MARCH 23) on the detailed rules on public charges and certain new measures in Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy*],
- childcare at the workplace [*Government Decree No. 152/2020 (27 April)*],
- the reduction in public charges granted to companies operating in the aircraft industry by *Government Decree No. 209/2020 (5 May) on the reduction of public liability obligations of companies operating in the aircraft industry in order to mitigate the impact of the coronavirus pandemic on the national economy*²⁷.

The following actors in the vulnerable sectors did not have to pay social contribution tax for the actual main activity:

- paying agents after their employees,
- self-employed persons in respect of that status, and
- enterprises after co-entrepreneurs.

Payers whose activities in sectors at risk were their effective main activity were not required to pay a training contribution, while payers in sectors at risk who were required to pay a rehabilitation contribution were exempt from paying a rehabilitation contribution. The aim of the measure was to safeguard jobs in the sectors most affected by the negative economic impact of the pandemic, such as tourism, catering and agriculture. In order to be eligible for the benefit, the paying agent had to have fulfilled its obligation to pay wages under the employment contract already existing at the time of entry into force of the Decree and had not terminated the employment contracts by giving notice pursuant to Section 64(1) of *Act I of 2012 on the Labour Code* (hereinafter: *Labour Code*) during the period covered by the benefit.

According to *Government Decree 485/2020 (10 November) on certain economic protection measures during the state of danger* [hereinafter: *Government Decree 485/2020 (10 November)*], employers, self-employed persons and co-entrepreneurs are exempted from paying social contribution tax, training contributions and rehabilitation contributions for the period from November 2020 to May 2021.

²⁷ In their case, the beneficiary period lasted until 1 December 2020.

➤ **Measures in support of KATA businesses**

KATA businesses could pay their tax arrears before 1 March 2020 in 10 monthly instalments from the month following the quarter in which the state of danger ended. Small taxable enterprises carrying out a principal activities defined in Government Decree No. 61/2020 (23 March) and Government Decree 485/2020 (10 November), were exempted from paying the small taxable enterprises' specific tax for the months of March to June 2020 and then for the months of March and April 2021. The exemption from paying the tax did not affect the entitlement to social security benefits and the amount of benefits.

➤ **Making employees on unpaid leave eligible for health care (without paying contributions)**

During the period of the state of danger, the employee on unpaid leave due to the state of danger was entitled to health care. In this case, from 1 May 2020, the employer had to pay the health service contribution (which could be deferred on request until 60 days after the end of the state of danger) [*Government Decree No. 140/2020 (21 April) on the necessary tax reliefs in order to mitigate the economic effects of the coronavirus epidemic within the framework of the Economic Protection Action Plan; Act LVIII of 2020 Act LVIII of 2020 on the Transitional Rules Related to the End of the State of Danger and on Epidemic Preparedness*].

➤ **Extension of social contribution tax relief**

In order to mitigate the negative effects of the coronavirus, in derogation from Section 11(2) of the Szoccho tv., in the case of employment relationships established between 28 June 2021 and 31 December 2021, a person who, according to the data available to the state tax and customs authority, had an employment relationship with an insurance obligation under the Tjb., an individual or a partnership relationship, for a maximum of 92 days within 183 days prior to the month in which the beneficiary's employment commenced, was also considered as person entering the labour market.

- ***The ECSR concluded in its 2016 conclusions that Hungary does not provide adequate protection for displaced families to avoid homelessness and that the housing protection of Roma families is not sufficiently guaranteed, and that the situation in Hungary is not in conformity with Article 16 of the Charter.***

During the reference period, the Government of Hungary implemented the following measures to protect the housing of Roma families and to eliminate segregation:

According to KSH's 2011 census data, there are 1,384 segregated areas in 709 municipalities in the country, with 84,401 properties and 276,244 inhabitants, more than 30% of whom are children. For municipalities with non-urban status (communes, large municipalities), there are 750 segregated areas in 482 municipalities. In these places, unemployment, social and health problems and difficulties in accessing public services are generally present simultaneously.

Settlement programs affecting segregated communities had to take into account that economic and social opportunities differ in different regions of the country depending on the location and size of the settlement, as well as its distance from economic centers. Complex programs aimed at improving social, community, educational, health, employment and housing conditions were

launched in order to catch up with the society of those living in settlements and settlement-like living environments.

Through the targeted complex settlement programmes (EFOP-2.4.1 and EFOP-1.6.2), the Government is paying special attention to strengthening the active participation of Roma, their civil society organizations, increasing their employment, equal access to public services through education, health, community, housing and tackling disadvantages in access to services.

Among the complex settlement programmes implemented in the framework of the Hungarian National Social Inclusion Strategy, the education and employment support training (based on an individual development plan) has been particularly successful. The programme includes health screening by health professionals and other family programmes. The programme also offers Roma women the opportunity to improve their everyday household skills. The majority of the project's training courses are attended by women. This helps to change the home environment, encouraging reform of individual and community life.

Some of the interventions aim to increase the educational attainment of families in order to lay the foundations for employment, with the help of professionals to prepare and develop individuals (trainers, mental health professionals, social professionals). The forms of assistance also serve to improve individuals' access to institutional services, to develop and deepen links with formal institutions (health institutions, educational institutions, employment services, childcare institutions, family support centers, etc.). Other elements of the sub-programmes cover different areas of life, such as health promotion, health check-ups, healthy lifestyle education, family life education and community development.

The European Regional Development Fund (hereinafter: ERDF) program package aims to improve the housing situation of the families involved. Within the framework of the latter, apartment renovations and the construction of new apartments took place. As a result of the program, the housing and living conditions of the families have improved significantly. About 5-6 families per settlement can get better housing. Housing investment should ensure the spatial and social integration of the mentioned marginalized community into the majority society by improving the housing conditions, the comfort-level and the access to energy supply, as well as by gradual mobilization. The investment aimed at creating and renovating social rental apartments can primarily take place in locations with an integrated environment or where the connection of the segregated residential environment to the host settlement can be ensured.

The other programme package, "Support for Cohesion Cooperation" (EFOP-1.6.1-VEKOP-16-2016-00001), which is part of the complex settlement programmes, aims to improve the housing situation of the families involved. The latter involves housing renovation and construction of new housing, which significantly improves the housing and living conditions of families. Around 5-6 families per settlement can benefit from improved housing.

Within the projects, the human and infrastructural elements are intrinsically linked, and their promotion within a single call for proposals allows for a more coordinated development in line with the pace of professional implementation.

One of the express goals of the interconnected projects is to create Star Points, where social professionals provide the target group with services that are not available in their own households or that they cannot provide for various reasons (e.g. washing, cooking, and bathing).

The results of the programme include improved cooperation between people, as well as between local institutions and people. Life in the municipality becomes more organized and children's school performance improves. Housing conditions for poor people are also improving.

Under the EFOP-2.4.1 programme, 281 new social rented housing units were created and 354 social rented housing units were renovated. The total number of social housing units affected by the program is 635.

Number of persons affected by the (planned) relocation: 3,198 persons. Number of persons moved in: 1,892 persons. Number of families affected by relocation: 639 families. Average number of movers per settlement (persons)/property: 5,34.

Individual Development Plans initiated during EFOP 1.6.2. programme: 10,059. Number of Family Development Plans: 5,017. Number of people in employment for 3 months so far: 2,378 people. Number of participants in training (planned): 7,601 people. Number of successful participants in training: 6,621 people.

The technical support and monitoring of the above complex settlement programmes (European Social Fund+ERFA) is provided by the flagship project "Support for Cohesion Cooperation" (EFOP-1.6.1-VEKOP-16-2016-00001). The aim of the priority project is to contribute to the social inclusion of disadvantaged communities living in segregated housing, deep poverty and to promote the integration of educational, social, economic, labour market, health and health promotion, as well as to halt and reverse the negative economic, social and demographic trends in rural settlements, linked to migration and depopulation. The priority programme ensures the coherent central coordination, technical support and monitoring of complex programmes to tackle peripheral situations at national level.

One of the means of support is to promote the establishment and maintenance of Roma women's NGOs, associations and foundations by organizing professional events, providing legal advice and ongoing mentoring, monitoring their operation and building relationships between NGOs. The technical professional result indicator under the programme is the number of Roma women's communities (target: 50, current value: 47); and the number of Roma women's organizations registered with the Court (target: 20, current value: 17);

The social inclusion projects launched by the government of Hungary have reached a total of 122 segregated residential environment in 97 municipalities, reaching almost 30,000 people. Closures and epidemiological restrictions due to the threat of epidemics mostly affected soft program elements. Community programs had to be postponed, community spaces could only be visited with a significantly reduced number of people, and crisis management came to the fore instead of community-building tasks.

ARTICLE 17 – THE RIGHT OF CHILDREN AND YOUNG PEOPLE TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b to protect children and young persons against negligence, violence or exploitation;

c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

1. Measures to prevent child abuse and exploitation

As of 1 January 2018, the investigation and management of child abuse cases in specialized child protection care institutions and correctional institutions must be based on the institutional, maintenance and sectoral methodology approved by the Minister and published on the Ministry's website. For this purpose, a professional regulatory material entitled "*Institutional, maintenance and sectoral methodology for the investigation and management of child and young adult abuse cases in child protection specialized care institutions, foster care networks and correctional institutions*" (hereinafter: Methodology) was published. The introduction and application of a methodology provides an opportunity to ensure that all cases of child abuse in child protection institutions and correctional institutions are dealt with in the same binding way. The Methodology considers sexual exploitation of children, including child prostitution, as child abuse, and therefore the Methodology should be followed in all cases of suspected involvement of a child in prostitution.

Since 1 January 2018, the *Act XXXI of 1997 on the Protection of Children and Guardianship Administration* (hereinafter referred to as the Hungarian abbreviation: Gyvt.) provides that the person exercising the power of appointment or delegation of authority in respect of managers and employees of foster care networks, children's homes, regional child protection services and correctional institutions must request a professional opinion from the previous employer, persons and bodies responsible for legal protection in order to verify the suitability of the manager to be appointed in connection with the performance of his/her previous duties and the termination of his/her employment relationship. In the case of reappointment, the employer is informed about the professional opinion of the children's rights representative, the child protection guardians, the opinion of the interest representation forum, the opinion of the teaching staff, and the results of the investigations of the government office, ombudsman, prosecutor's office concerning the institution. Similarly, when assessing the suitability of a foster parent, the person applying to become a foster parent must declare whether he or she has previously been a foster parent, a professional foster parent or a foster parent employed by

another operator. The operator shall seek a professional opinion from the previous operator of the foster parent on the performance of his/her professional duties and on the termination of his/her employment, in order to determine his/her suitability.

The purpose of these amendments was to ensure the availability of the information on the circumstances relating to the previous legal relationship, its termination or expiry to the potential new employers, thus reducing the risks (dangers) associated with non-disclosure of information in order to enhance the protection of children.

As of 1 January 2019, the employment prohibitions protecting children have been clarified in the Gyvt. In this context, the amendment of *Act I of 2012 on the Labour Code*, *Act XXXIII of 1992 on the Legal Status of Public Servants* and *Act CXCIX of 2011 on Civil Servants* became necessary to restrict the employment of offenders against children. From 1 January 2020, the body that authorizes the operation of child welfare and child protection service providers, institutions and networks (the Government Office) may request data from the criminal records body for examining the existence of the grounds for exclusion specified in the Gyvt. This has made it possible for the Government Office to monitor the enforcement of the employment prohibitions laid down in the Gyvt.

2. Criminal material legal protection of children

In connection with the old Criminal Code (*Act IV of 1978 on the Criminal Code*), a number of strictures were already made in 2012 for the increased protection of children, which were retained *Act C of 2012 on the Criminal Code* (hereinafter: Criminal Code), came into force in 2013, and additional provisions protecting the interests of children and ensuring the accountability of persons who commit crimes against children were introduced.

The Criminal Code punishes sexual coercion as an independent felony, the qualified case of which is realized by a person who forces a person under the age of 18 (2-8 years of imprisonments) or under the age of 14 (5-10 years of imprisonments) to commit or tolerate a sexual act [Section 196 of the Criminal Code].

In the felony called “sexual violence” [Section 197 of the Criminal Code], felonies from the old Criminal Code “forcible intercourse” and “violence against the public area” were combined, and since 1 January 2018, the offenses regarding harming persons under the age of 12 have been further tightened and structured. This was further tightened again by in 2021.

Instead of calling it “abuse with prohibited pornographic recording”, the name of the felony became “child pornography” [Section 204 of the Criminal Code], within which the so-called “grooming” behavior also became punishable (“trying to push” behavior).

The felonies “use of child prostitution” [Section 203 of the Criminal Code], “promotion of prostitution” [Section 201] and “pandering” [Section 200], which are regulated in separate cases, also contain provisions regarding persons under the age of 18.

The Criminal Code divided the former felony “endangering a minor” into three separate felonies (“endangering a minor” [Section 208], “child labor” [Section 209], “preventing contact with a minor” [Section 210]). Under the name “endangering a minor”, the Criminal Code only punishes behavior that actually endangers or harms the development of minors, but it should be emphasized that endangering the emotional development of minors has also become a factual

element. Anyone who violates the legal regulations regarding the employment of young workers (persons under the age of 18) shall be punished in the field of “child labor”. Preventing contact with a minor is not punishable if the offender ensures the contact properly until the first instance verdict is rendered and begins to make up for missed forms of contact.

The felony of “domestic violence” [Section 212/A] also serves to provide increased protection for children, which defines the scope of the crime in a broader way than the concept of relative defined in Section 459 point 14. of the old Criminal Code, in the new Criminal Code, the felony is supplemented by the ex-spouse, ex-partner, guardian, custodian, guardian and ward, as well as the child’s other parent. In addition, the current state of affairs includes the criminalization of new behaviors that were not included in the Criminal Code until now, so that violent behaviors that do not reach the level of bodily harm, but seriously violate the human dignity or result in economic impossibility of the victim are also punishable.

In the case of many felonies (“human trafficking and forced labor” [Section 192], “sexual coercion” [Section 196], “sexual violence” [Section 197], sexual abuse [Section 198], “pandering” [Section 200], “child pornography” [Section 204], “harassment” [Section 222]) a new qualified case is realized if the perpetrator commits the crime by abusing his/her relative or a person under his/her education, supervision, care, or medical treatment, or by abusing any other relationship of power or influence existing between him/her and the victim. A relationship of power or influence means a relationship between the perpetrator and the victim that is outside of the above definitions (relative, guardian, etc.), but similarly to them, and it can create a personal or dependent relationship (e.g. cousin, family friend, neighbor, etc.).

Since 21 December 2014, all felonies defined in Chapter XIX of the Criminal Code on sexual freedom and sexual offenses, which are punishable by more than 5 years imprisonment, are classified as non-statutory offense in the case of the victim of the crime was under 18 years of age at the time of the crime [Section 26(3) point c)].

This was supplemented by the rule that, with the exception of the above provision, if the victim of a crime against freedom of sexual life and sexual morality was not yet 18 years old when the offence was committed, the period until the victim’s age of 18 is not included in the statute of limitation.

The Criminal Code also provides the possibility for the court to ban the perpetrator of exploitation of child prostitution, promotion of prostitution, pandering, indecency [Section 205] and harassment [Section 222] to enter one or more settlements, or a specific part of a settlement or the country [206 and 230 §].

In addition to the above, the aim of enhanced protection of children is that, according to the Criminal Code, in the case of conditional release, suspended prison sentence, probation, reparation work or conditional prosecutorial suspension, protective supervision of the person concerned can be ordered, together with which special rules of conduct can be prescribed. As part of the rules of conduct that can be defined during probation supervision, the protégé can be obliged, among other things, to stay away from the victim of the crime, as well as from his apartment, workplace or the educational institution where the victim attends, as well as from places regularly visited by the victim, specified do not visit public places and public events, specific public areas (e.g. around kindergartens and schools, playgrounds), and – subject to the perpetrator’s consent – to undergo specific medical treatment or healing procedures. The special rules of conduct can be fully customized to the circumstances of the given case, while

their violation has serious consequences for the protégé, so they are suitable for blocking the perpetrator of sexual crimes against children from the opportunities that allow them to commit them.

In 2012, the Criminal Code introduced as a new measure the permanent inaccessibility of data published on the electronic communication network [Section 77]. In order to take more effective action against child pornography on the Internet, according to the law, it is possible to disable access to data published on electronic communication networks that commit a crime, that were used as a means to commit a crime, or that were created through the commission of a crime. When ordering to make it inaccessible, the primary goal is to remove the infringing content, which is carried out by the hosting provider based on the order of the court. If this is unsuccessful, then the court orders the prevention of access (by means of "blocking" by Internet intermediary service providers).

- **Changes in the regulation of bans from employment and registration issues**

Since 1 December 2017, in view of the seriousness of the crime against the freedom of sexual life and sexual morality committed against a person under the age of 18, and in order to protect children, the perpetrator of these crimes must be permanently banned from practicing any occupation or other activity in the framework of which carries out the education, supervision, care, medical treatment of children, or is in a relationship of power or influence with such a person. [Section 52(3) of the Criminal Code]

The 2017 amendment ensured that in the case of endangering a minor, which includes behavior that endangers the minor's physical, intellectual, moral or emotional development, prohibition from such occupations also became mandatory. However, given the lesser gravity of the crime, it is possible to the mandatory application of the ban from employment to be waived in cases that deserve special consideration. [Section 52(4) of the Criminal Code]

Act XLVII of 2009 on the Criminal Registration System, the Registration of Judgments Handed Down by the Courts of the Member States of the European Union Against Hungarian Citizens, and the Registration of Criminal and Law Enforcement Biometric Data (hereinafter referred to as the Hungarian abbreviation: Bnytv.) defines in detail how and for how long the data regarding the perpetrators, the offences they have committed, the quality of recidivism, and the imposed punishment can be recorded. If criminal proceedings are initiated against someone, the name of the suspect, the place and time of the offence on which the criminal proceedings are based on reasonable suspicion, its classification according to the Criminal Code, the relevant data in the event of a coercive measure being ordered, and other additional procedural data shall be recorded already at this stage. If the court ends the criminal proceedings with a final verdict establishing guilt, and the offender has not been released on the day the verdict becomes final, the criminal registration body, taking into account the notification of the conviction by the court, immediately records in the register of criminals, among other things, the name of the offense established in the final guilty verdict by the court, the classification of the offence according to the Criminal Code, the perpetrator and the person who committed the offence, as well as the place and time of the offence. The data regarding the convicted person are included in this register until the convicted person has been released from adverse legal consequences. The Criminal Code determines when the exoneration from the adverse legal consequences of a criminal record can take place. Thus, for example, if someone has been sentenced to a fixed-term prison sentence of more than ten years due to an intentional crime, he/she can only be exonerated ten years after the sentence has been served or its enforceability has ceased.

However, the offender's data will not be deleted even after the exoneration, but will be immediately transferred to the register of persons with adverse legal consequences who have no criminal record, where the data relating to the convicted person will be stored on the basis of the Bnytv. – of course, depending on the final sentence of imprisonment – from the start of the acquittal, or in the case of an offender sentenced to life imprisonment from the death, for an additional 5-12 years. In the case of other punishments, such as banning from employment, it must be registered for 5 years from the end of its execution or the termination of its enforceability.

The official moral certificate serves to ensure that the person concerned can attest to the fact of the existence or absence of data related to a criminal record. After the criminal exoneration, the official moral certificate of the offender will state that the person concerned is not included in the register of criminals, so the exonerated person is considered to have no criminal record and – unless otherwise provided by law – is not required to report any convictions for which he was exonerated. However, since it will not be removed from the criminal registration system, since the data related to the conviction will continue to be included in register of persons with adverse legal consequences, in criminal proceedings for the commission of a new crime, the court will be able to take into account the previous conviction. Furthermore, the bodies entitled to request data from the register could also take into account the fact of the previous conviction. In this regard, it is particularly important to emphasize that as of 1 July 2014, the Bnytv. was amended so that in all cases, even without a separate request, the official moral certificate includes the fact that the person concerned is under the scope of a ban from the occupation concerned.

The provisions of the Gyvt. also ensure the enforcement of the rules of the Criminal Code regarding bans from employment, according to which not only persons subject to bans from employment cannot establish a legal relationship in which they work with children (and an already existing legal relationship shall be terminated), but the Gyvt. extends the ban to those against criminal proceedings have been initiated for a specific offence (in particular, sexual crimes committed against children, endangering minors, drug-related crimes committed against children, etc.), and the court has established the responsibility of the person in question and imposed imprisonment, community service or a fine. In the latter case, it should also be pointed out that these disqualifying reasons are still applicable for a certain period of time even after the person's exoneration, differentiated based on the penalties imposed. Other sectoral rules also contain a provision essentially identical to the above, such as *Act XXXIII of 1992 on the Legal Status of Public Servants*, *Act I of 2012 on the Labor Code*, *Act CXXV of 2018 on Government Administration* and *Act CXCIX of 2011 on Civil Servants*. *Act CXC of 2011 on the National Public Education* also contains related provisions, according to which one of the conditions for employment in public education is that the applicant must not be under the scope of a ban from an occupation that excludes the continuation of the activity, must have a clear criminal record and be capable to act, and must prove these with an official certificate. Since the law covers both state and church-run schools, the stricture applies equally to all educational institutions²⁸. *Act CXVII of 2018 Amending Certain Social, Child Protection and Other Related Acts* harmonized the rules on bans from employment of individual sectorial rules with the provisions of the Bnytv., and raised the ban deadlines to the maximum period allowed by the Bnytv. The fact that the person who wants to be employed is not subject to the above-mentioned

²⁸ At the same time, despite earlier ideas, the Public Education Act and the Act on Health Affairs did not include a broad regulation, similar to that contained in the above-mentioned sectoral laws, defining in detail the crimes committed and the suspension periods.

employment obstacle is typically verified by the person concerned, before the start of the employment or during the existence of the employment, at the request of the employer's authority by means of an official moral certificate.

Here, it is necessary to draw attention to the new provisions of Bnytv, effective since 1 January 2018, which make it mandatory that if a Hungarian citizen has been convicted abroad of any sexual crime, including, by definition, the harming of a child, and that such a citizen requests an official moral certificate to prove that he/she can be employed, for example, as a teacher, then the criminal registration body should initiate the matching of the judgments of other European Union Member States included in the register of Member States' judgments, thus ensuring that the given person does not receive a „clean“ official moral certificate even if he/she was not convicted in Hungary, but in another EU Member State for committing a sexual crime against a child.

- **Protection and gentle treatment of children in criminal proceedings**

In order to comply with various international expectations (e.g. victim protection directive) and because of the current government decisions, the domestic criminal procedure law regulations regarding the protection and gentle treatment of children created an ever-expanding guarantee system during the reference period. The aim of each legislative amendment was to be able to act more efficiently in order to effectively assert the rights of children as set out in the Fundamental Law, the Convention on the Rights of the Child promulgated by *Act LXIV of 1991*, the Gyvt. and other laws.

Act XC of 2017 on Criminal Procedure (hereinafter referred to as the Hungarian abbreviation: Be.), effective from 1 July 2018, brought not only an innovation in terms of content, but also in approach, as it dedicated a separate chapter to the regulation of persons requiring special treatment, and created the possibility of the application of the so-called of the Barnahus model within criminal proceedings.

The purpose of providing special treatment is to emphasize the possibility of individualization and to take into account the unique needs of the person participating in the criminal proceedings, primarily the victim and the witness. With the institutional system of special treatment, the law intends to express that, in the case of persons requiring special treatment, increased attention, protection, caution, and active behavior on the part of the trial court, prosecutor's office, and investigative authority, specifically promoting the enforcement of the rights of the person concerned, are required.

As a rule, the acting bodies decide on the establishment of special treatment based on an individual assessment. An important exception relevant to the subject of the investigation is that children (persons under the age of 18), people with various disabilities, and victims of sexual crimes are considered – *ex lege* – persons requiring special treatment without a separate official decision.

There are two main groups of special treatment measures, the so-called gentleness measures and the so-called protective measures. Competent authorities facilitated the following measures to assist the exercise of the rights and fulfillment of obligations, as well as the gentle treatment of persons requiring special treatment:

- authorities act with increased caution when communicating with the person concerned, and in order to protect his/her private life,

- personal data related to circumstances justifying special treatment are given enhanced protection,
- facilitate the use of the assistance of a third helping person,
- the procedural actions are carried out without delay and without repetition if possible; in order to avoid repetitions, video and audio recordings can be made,
- authorities ensure that the person concerned does not unnecessarily meet other persons participating in the criminal proceedings (e.g. the accused) at the scene of the procedural act,
- in order to avoid unnecessary meetings, the procedural act must be carried out in the special room for this purpose or via a telecommunication device, if possible.

The court, the prosecutor's office and the investigative authority provide protection to a person requiring special treatment if his/her life, physical integrity, or personal freedom are at risk, or in order to exercise and fulfill of his/her rights and obligations without intimidation or influence. In order to protect the person requiring special treatment, the acting body may apply the following protective measures in addition to the humanitarian measures:

- in the case of the use of a telecommunications device, may order the distortion of individual characteristics suitable for establishing identity with a technical device,
- may limit the right of presence of the accused or the defense counsel, and the right of the persons present to ask questions, during the procedural act,
- may avoid confronting a witness who requires special treatment,
- can also order the private processing of the personal data of the person concerned,
- can initiate the ordering of personal protection for the person concerned, the declaration of him/her as a particularly protected witness, or the conclusion of an agreement for the participation of the person concerned in the Protection Program.

Adapted to the special needs of children participating in criminal proceedings, in addition to the above-mentioned gentleness and protection measures, additional prohibitions, restrictions and possibilities were introduced. Among these, it is worth highlighting the following:

For children under 18 years of age

- a forensic psychologist may also be present at the procedural act,
- the testimony cannot be examined with an instrumented confession check (polygraph),
- his/her confrontation can only be ordered with his/her consent.

In the case of a child under the age of 18, if he/she is the victim of a sexual crime

- the interrogation can only be conducted by a person of the same gender as the victim, and a person of the same gender must also be present at the procedural act,
- the procedural act is performed by the same person each time,
- the accused and the defense cannot be present at the interrogation in person,
- when using a telecommunications device, the victim can only see the acting judge, the prosecutor or the members of the investigating authority,
- the public must be excluded from the part of the hearing where the victim's participation in the procedural act is mandatory,
- the court may waive his/her questioning as a witness if video and audio recordings were made of him/her during the investigation.

For children under 14 years of age

- the procedural act can only be carried out if the evidence expected from it cannot be replaced by something else,

- the procedural act must be carried out in a special room for this purpose, provided that its safety cannot be ensured in any other way (e.g. with an on-site hearing),
- a video and audio recording of the procedural act is made in all cases,
- confrontation cannot be ordered.

Additional detailed rules for measures falling within the scope of special treatment are contained in the *Decree No. 12/2018 (12 June) IM on the rules for individual criminal acts and persons participating in criminal proceedings* [hereinafter: Ministerial Decree No. 12/2018 (12 June) IM].

Among the rules for measures falling within the scope of special treatment, it appears several times that the procedural act must be carried out in the room intended for it or made suitable for it. These special premises are contained in the *Ministerial Decree No. 13/2018 (VI 12) IM on the establishment, operation and control of the use of a police premises for the performance of a procedural act requiring the participation of a person requiring special treatment*.

In addition to the measures that fall within the scope of special treatment, another innovation of Be., which also serves to increase the protection of children, is the reform of the legal institution of detention. Criminal detention, as a coercive measure, restricts the defendant's free contact and, to that end, the defendant's right to free movement and free choice of place of residence. A significant innovation is that the restraining order can be ordered for a significantly longer period of time instead of the previous 10-60 days. Before the indictment, the detention may last until the first-instance court's decision in preparation for the trial, but for a maximum of four months. In justified cases, the court may occasionally extend the stay by a maximum of four months. After the indictment, the detention ordered or maintained by the first-instance court lasts until the final decision of the first-instance court is announced. During this time, the coercive measure will be reviewed every six months.

In all cases, the authorities acting during criminal proceedings are obliged to communicate with the child affected by the procedural act in such a way that the recipient really understands the content of the communication. Be. also provides a separate summary for legal practitioners on how to achieve appropriate communication during contact:

- must be worded simply and clearly,
- the condition and personal characteristics of the person participating in the criminal proceedings must be taken into account, as well as
- it must be ascertained whether the person participating in the criminal proceedings has understood what was verbally communicated to him/her, failing which the communication must be explained.

• **Listening and Therapy Service**

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 development of the services known as the Listening and Therapy Service and training professionals. The Barnahus model started to be applied in Vas County (Szombathely) in 2016. In order to ensure nationwide coverage, in addition to the

capital, the service was opened in Hajdú-Bihar County (Debrecen) on 10 June 2021, and further listening and therapy services are being prepared.

The aim of the new service is to protect child victims of sexual abuse from the re-traumatizing effects of multiple interrogations during the evidentiary and criminal proceedings, as well as other severely traumatizing factors during the proceedings (e.g. confrontation with the abuser, frustration caused by an interrogation that is not child-friendly, frustration caused by an incompetent interrogator). The main aim of the model is to ensure that the child's best interests are the primary consideration in child abuse proceedings, rather than the evidentiary and criminal law aspects. The new service are available to children living in families and children in child protection care.

Pursuant to Section 87(1) point b) bb) of the Be., from 1 January 2021, the court, the prosecution and the investigating authority may also carry out a procedural act requiring the participation of a person under the age of eighteen with the assistance of a counsellor providing services pursuant to Section 61(2) of the Gyvt.

The detailed rules for the procedural actions carried out with the assistance of the consultant are contained in the Ministerial Decree No 12/2018 (12 June) IM. According to this, the assistance of a specialist consultant is especially justified if special expertise is required for the evidentiary procedure taking place with the participation of the child, or it is necessary for the enforcement of children's rights or because of child protection considerations. It should be emphasized that in Hungary it is not only possible to use the assistance of a specialist consultant in the case of sexual crimes committed against children, as specialist consultants can be used in all procedural situations in which children are considered particularly vulnerable, such as:

- a person under the age of fourteen participates in the procedural act,
- justified by the flagrantly violent nature of the act that is the subject of the procedure,
- justified by the child's relationship with another person participating in the criminal proceedings,
- the child is the victim of the act that is the subject of the procedure, especially the crime against the freedom of sexual life and sexual morality.

The execution of a procedural act as described above introduces a specific enforcement order, as in such a case the special adviser is directly involved in the execution of the procedural act. In this specific procedural order, the adviser does not merely interpret the questions and communications of the determining authority, but uses his professional knowledge and methods to answer the questions put by the determining authority. The Barnahus method is characterized by a very close obligation to cooperate with the authorities and by the fact that, in view of the child protection history, it is possible to ensure that the procedural act is carried out by a person with genuine expertise.

One of the key criteria of Barnahus is that the interview of the child is carried out according to a specific protocol, which ensures the quality and quantity of evidence obtained. The main aim of the interview, while avoiding re-traumatization, is to allow the child to give as detailed an account of what happened as possible, in a way that is in accordance with the rules of evidence and the rights of the defence.

- **Child Protection Alarm System**

In order to comply with the Convention against Sexual Exploitation and Sexual Abuse, signed in Lanzarote on 25 October 2007, the Gyvt. introduced provisions to enforce children's rights from 15 March 2014, which also aims to improve the functioning of the reporting system and the protection of those who report it.

The safety of families and children is a matter for society as a whole, and families and the professionals who help them must not be left to face their difficulties alone. Children must not be exposed to possible lack of cooperation from professionals, which is why it is important to strengthen the alarm system, and also because this is the practice of sectoral cooperation. In the operation of the child protection referral system, serious and prolonged child endangerment were experienced due to failure to report or late reporting. Failure to intervene or delay reduces effectiveness. All this has led to the creation of a county and national level of the alarm system (in addition to the local and district level) as a continuation of the strengthening of the system, based on the version of the Gyvt. in force since 1 January 2017. At the national level, the methodological provision of tasks ensures the national professional support and development of the effective functioning of the child protection alarm system, the development and organization of training, and the formulation of proposals for regulation and amendments to the sectoral management. In order to support the operation of the alarm system and to receive reports of children at risk, a nationwide unified child protection alarm system telephone number is available free of charge 24 hours a day.

- **Escape vehicles**

According to point 4 of *Government Decision No. 1125/2019 (13 March) on measures necessary to increase the effectiveness of the fight against human trafficking*, the Government of Hungary shall provide central budget funds for the purchase and operation of an "escape vehicle" 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 2020, for the *Ministry of Human Capacities Special Children's Home Center, Primary School and Vocational School*, in 2020, and in 2021, for the *Békés County Social, Child Protection Center and Regional Child Protection Special Service* and the *Borsod-Abaúj-Zemplén County Child Protection Center and Regional Child Protection Special Service*, one ambulance car was purchased and installed for each of the institutions.

- **General protection measure**

As of 1 July 2020, *Act V of 2020 Amending Certain Acts to Combat the Exploitation of Victims of Trafficking in Human Beings* completed with a general protection measure. This allows the police to place a child suspected of being a victim of trafficking in human beings immediately and without delay in a special children's home designated to receive him/her.

Five special children's homes run by the Directorate-General for Social Affairs and Child Protection have been designated to receive the children concerned under the general protection measure. The aim of the measure is to ensure that the child is not exposed to further sexual exploitation which would hinder his/her physical, mental and moral development and to provide the necessary protection and therapy if the child cannot be brought up in his/her own family.

The designated special children's home shall, even in the absence of an opinion of the National Committee of Experts for the Protection of Children, accommodate for a maximum of 60 days children placed temporarily under a general protection measure by the police, as well as children already in care and has a temporary care placement, in order to ensure the safety of the child and to provide immediate therapy. During this period, the children concerned should be considered as children with special needs in order to ensure that they receive the necessary care and assistance from the outset to help them out of prostitution.

- **Trainings, programmes**

For those employed in professional positions in child protection services and correctional institutions, the priority projects entitled "Development of social human resources" with code numbers EFOP-3.8.2-16-2016-00001 and VEKOP-7.5.1-16-2016-00001 started in 2016 (the hereinafter: priority projects) was developed as a mandatory continuing education related to the job, and the 30-hour professional course entitled "Suppression of Child Prostitution, Child Trafficking" is constantly being updated. The trainings had to be carried out free of charge throughout the country during the extended duration of the priority projects, until 31 December 2022. 2,697 people successfully completed the training until 30 June 2022, and another 175 people were enrolled in the training in the following period.

Within the framework of the priority projects, the "Suppression of Child Prostitution, Child Trafficking" curriculum developed for child protection professionals has been supplemented with sections for child welfare primary care professionals. In addition to this 30-hour professional course, the study material "Introduction to the Signaling System, Prevention of Child Abuse" was developed, which is mandatory further training for all social, child welfare and child protection professionals (5 hours of professional e-learning) and includes knowledge related to the identification of victims of human trafficking and the suppression of human trafficking.

Hungary has introduced programmes for minors in specialized child protection care to prevent and treat victims of trafficking. With the support of the Ministry of Human Capacities, the Baptist Charity Foundation is implementing a programme for the special care of minors who have been victims of human trafficking and are at risk of becoming victims of human trafficking in the Special Children's Home Center, Primary School and Vocational School of the Ministry of Human Capacities in Esztergom, in the Children's Home of Kalocsa and in the Children's Home of Zalaegerszeg. The programme provides preventive and supportive work for children, individual therapeutic sessions, group mental health sessions, psychodrama sessions and long-term mentoring. In addition to children in child protection, the programme provides training sessions for professionals working with children on the psychological processes of victimization, dealing with vulnerability, conflict management techniques, empathy and acceptance skills. The programme has been running continuously on the premises of the institution since 2017.

- **Protecting children in the digital environment**

The Action Plan related to the *Government Decree No. 1488/2016 (IX. 2.) on the Creation of a Safe Internet Service for Children, the Conscious and Value-Creating Use of the Internet and Hungary's Digital Strategy for Child Protection* (hereinafter: DGYS) includes, as a measure, the organization and implementation of free media literacy training for the staff of the state child protection system in the media literacy areas necessary for the performance of their work.

Media literacy training for child protection professionals have also been organized in the framework of the EFOP-3.8.2-16-VEKOP-7.5.1-16 “Development of Social Human Resources” flagship project for the professional posts defined in child protection institutions (at least 550 persons - 500 persons from EFOP, 50 persons from VEKOP). The new training course is called Digital Child Protection Training (DGYT), and it is one of the three optional training categories under the current legislation for social and child protection professionals, and is of the blended learning type. The training is 50 hours (30 hours of e-learning + 20 hours of contact hours). The topics and the curriculum have been finalized and the e-learning framework is being developed. Effective awareness-raising and raising of children in residential care cannot be achieved without training of professionals working with them.

- **Implementation of the strategy to combat trafficking in human beings**

In the field of combating trafficking in human beings, the priority task for 2021 was the implementation of the *action plan for the period 2020-2021 of the national strategy for combating trafficking in human beings for the period 2020-2023*, adopted by *Government Decision No. 1046/2020 (18 February) on the national strategy for combating trafficking in human beings for the period 2020-2021 and the action plan for its implementation for the period 2020-2021*. Action II.1.10, under the responsibility of the child warfare department of the Ministry of Human Capacities, includes: continuous monitoring of the capacity and utilization of assistance services in response to forms of exploitation, in particular the capacity of temporary family homes and temporary shelters, and the expansion of available capacities. The strategy called for the creation of at least 5 external accommodation places for 5 to 5 persons by 31 December 2021 for an amount of HUF 250,000,000. The Ministry of Finance has allocated HUF 220,000,000 for this purpose in 2021.

In 2020, an amount of HUF 30,000,000 was paid to one organization by way of a supporting document.

In 2021, a total of HUF 205,468,608 was paid to six organizations by way of a supporting document. One organization – CIVIS HÁZ Ltd. Debrecen – paid HUF 50,309,466 this year due to the blocking of appropriations. With this, the number of external places has been increased by 106 places in 21 apartments.

2. Special rules for the military staff of the Hungarian Defence Forces and defence force employees

The child of a deceased professional and contracted soldier who is entitled to orphan's benefit under the Tbj. is also entitled to additional orphan's benefit under Section 143 of *Act CCV of 2012 on the Legal Status of Military Personnel* (hereinafter referred to as the Hungarian abbreviation: Hjt.). The rate is 50% of the orphan's allowance for the orphan of a person who died a heroic death, 25% of the orphan's allowance for the orphan of a member of the staff who died as a result of an accident or occupational disease of service-related origin, and 10% of the orphan's allowance in other cases.

The relevant supplementary benefits are set out in Section 144/B(3) of the Hjt. The supplementary allowance is to be increased each year in accordance with the rules applicable to orphans' benefits.

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- ***The ECSR requests information on measures concerning the following objectives:***
 - ***reducing statelessness (measures aimed at identifying stateless children, simplifying the procedure for acquiring citizenship for them and identifying children who were not registered at birth);***
 - ***facilitating birth registration, especially for vulnerable groups such as Roma, refugees and children in irregular situations.***

Hungary is fully meeting its obligations under both the 1954 *Convention relating to the Status of Stateless Persons*²⁹ and the 1961 *Convention on the Reduction of Statelessness*³⁰. There were no amendments to the legislation concerning these conventions during the reporting period.

Pursuant to Section 86/A point ac) of *Act II of 2007 on the Entry and Residence of Third-Country Nationals*, the procedure for establishing statelessness is a matter of immigration police jurisdiction. 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 his or her 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 at the time of their minority may be granted preferential naturalization, provided the conditions set out in the Act are met.

It is also worth mentioning that according to Section 72 of *Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship*, the immigration and asylum authorities are obliged to provide for the temporary placement of migrant children left without supervision by means of an immediately enforceable decision, and to take such children to a designated temporary care place. The immigration and asylum authorities shall, without delay, notify the temporary placement of the child to the competent guardianship authority, which shall appoint a guardian to represent the child's rights and interests.

- ***The ECSR requested information on the following issues:***
 - ***measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in health, education, housing, etc.);***
 - ***combating discrimination and promoting equal opportunities for children, with a particular focus on vulnerable groups such as ethnic minorities, Roma children, children with disabilities and children in care;***
 - ***providing information on the extent to which children are involved in work to combat child poverty and social exclusion.***

²⁹ Proclaimed by *Act II of 2002 proclaiming the Convention relating to the Status of Stateless Persons*, adopted at the United Nations in New York on 28 September 1954

³⁰ Proclaimed by *Act XV of 2009 on the proclamation of the Convention on the Reduction of Statelessness*, adopted in New York on 30 August 1961

1. Measures to reduce child poverty

In the context of the “second wave” of the COVID-19 pandemic in autumn 2020, *Government Decree 556/2020 (4 December) on the measures to be taken in relation to certain social and child protection services during the state of danger and on the operating rules of social and child protection services during the state of danger* regulated institutional childcare in such a way that municipalities and non-state maintainers of public education and vocational training institutions had to ensure institutional child catering – in the form of takeaway or delivery – at the request of parents or other legal representatives, even in the case of a closed day care center, public education and vocational training institutions, and in the case of digital education. If a child attends a nursery or an educational or vocational training establishment in a municipality other than the municipality of residence, and the parent or other legal representative requests free or reduced-price institutional child catering for the child during the closure period, the municipality of the child’s place of residence shall provide free or reduced-price institutional child catering, and may also provide institutional child catering which is not free or reduced-price.

With the amendment of *Act XCIX of 2021 on Transitional Rules Related to the State of Danger*, it was introduced into the Gyvt. that during the exceptional break ordered on the basis of the changeover to digital working hours, and in the case of nurseries and mini nurseries during the exceptional closure, institutional child catering must be provided in the form of takeaway or delivery at the request of the parent or other legal representative. If the child or pupil attends a nursery, mini nursery, public education or vocational training institution in a municipality other than the municipality of residence or place of stay, and the parent or other legal representative requests institutional child catering for the child, the municipality of residence or place of stay of the child or pupil may provide it instead of the body responsible for the provision of the service.

In order to implement the digital work order ordered in the context of the COVID-19 pandemic, a survey was carried out on the availability of the technical conditions for children in child protection specialized care to participate in digital education and to communicate with their relatives. The Government of Hungary has worked with donor organizations to help those where these conditions are incomplete, and central budget funds have been used to purchase digital equipment, resulting in a total of 2,793 computers being delivered to foster families, children’s homes and reformatories.

2. Measures to combat discrimination and promote equal opportunities

The preference for foster care is based on the child’s right to a family environment. The existence of family ties in early childhood is essential for the child’s psychological health, and later on, participation in family life, mutual responsibility in everyday life and the foster parent’s selfless commitment are important socialization factors. Foster care can be of decisive positive importance for the future careers of children who are removed from their families.

According to the Hungarian Central Statistical Office’s OSAP data, the proportion of minors living in specialized child protection services placed in different types of services is as follows: on 31 December 2021: 14,866 children (70.7%) out of 21,041 children, while on 31 December 2017, 14,039 children (67.0%) out of 20,948 children were placed in foster care.

The results are more striking in the longer term: on 31 December 2010, only 10,467 children (58.8%) out of 17,792 were in foster care. For all age groups of children placed in specialized childcare, including young adults in aftercare, the proportion of children in foster care has increased since 2010. The proportion of institutional and foster care has been reversed since the entry into force of the Gyvt. in 1997.

Foster care has become the main rule since 1 January 2014 for children under 12 and the proportion of children with disabilities and persistent illnesses (special needs) in foster care has also increased, from 58.8% on 31 December 2017 to 61.2% on 31 December 2021, compared to only 50.9% on 31 December 2010.

From 1 January 2020, in order to promote the placement of children under 2 years of age in foster care and to raise the prestige of foster parenting, foster parents can claim childcare allowance (GYED) for children under 2 years of age who are raised and cared for in the foster parents' household. In December 2021, 736 foster parents claimed the benefit.

From 1 January 2020, foster parents become entitled to 16 discounted public transportation tickets per year for children temporarily placed in their care or fostered based on the "Travel Voucher for Dependants". By March 2022, a total of 1,181 foster parents had applied for the issue of a Travel Voucher for Dependants for 3,208 children.

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 provide care for children with more serious care and education challenges, such as children with long-term illness, disabilities, psychiatric care, addiction, or children with antisocial behaviour. (Foster parents who are entitled to GYED for children aged between 6 months and 2 years in their care are not entitled to the additional allowance.)

In addition to the above, the Government of Hungary operated the following specific projects related to social inclusion during the reference period:

- **Sure Start Children's Homes**

The Sure Start Children's Home (in Hungarian: Biztos Kezdet Gyerekház) is a service that contributes to the development of young children (0-3 years) living in extreme poverty, including Roma children with severe socialization deficits, by involving parents. In the Children's Home, children are provided with the best possible environment for their motor, speech and intellectual development, and the parents themselves acquire the skills needed to raise a healthy personality through their work with the child.

In 2004, the Sure Start Children's Homes were established as part of a long development process that is key to early childhood empowerment. The first 4 Children's Homes under the model programme were typically co-funded by TÁMOP and Norway Fund projects, and a further 115 Children's Homes were established between 2007 and 2013 with EU funding.

In 2012, with the amendment of Gyvt., which entered into force on 1 January 2013, the Sure Start Children's Home was incorporated into the national legal system and became subject to budget funding.

In 2021, the operating grant for the Children’s Homes was HUF 7,836,115 but, due to the increase in the minimum wage and the guaranteed minimum wage, and the operating grant for the Children’s Homes increased to HUF 8,094,220.

In *Act LXXI of 2019 on the Central Budget of Hungary for 2020*, the support for the operation of Children’s Homes is already included in a separate appropriation.

Sure Start Children’s Homes summary chart

Title	2018	2019	2020	2021
Number of Children’s Homes in operation (units)	116	155	172	182
Number of people employed in Children’s Homes (persons)	233	315	355	382
Number of children using the Children’s Homes (persons)	2 237	2 379	2 231	2 110

Source: Hungarian Central Statistical Office

In 2019, following the amendment of the *Decree No. 15/2013 (26 February) EMMI on the operation of pedagogical service institutions*, the institution responsible for the care of the child may be the place for early development, provided that the means are available. In this sense, the Children’s Home, as a service provider, may provide a venue for the early development of children with disabilities.

- **Learning Centers**

The Learning Center (in Hungarian: Tanoda) is a community space with an independent infrastructure, run by a non-governmental organization, based on local specificities, voluntary participation of children and young people and their individual needs. It provides a complex service for all aspects of personal development, which is not accessible to children and young people who are not adequately recognized in the education system and who are marginalized in society.

From 2019 onwards, the Learning Center programme are providing out of school activities, with national funding, for pupils in difficult social circumstances, mainly of primary school age. Prior to this period, between 2016 and 2018, a total of 289 schools were operating across the country with a total of HUF 7.35 billion of EU funding, reaching 8,500 target group pupils. As a result of the positive experiences of this period, the government has set a goal to ensure the sustainability of the schools and to integrate them into the national budget after the EU tenders have been closed.

The financing of the schools from domestic sources was ensured by *Act XL of 2018 on the Establishment of the Central Budget of Hungary for 2019*. In parallel with the amendment of the Gyvt., which, by the adoption of its Section 38/B with effect of 1 January 2019, the service was introduced as a new basic child welfare service. In order to continue the programme from domestic budgetary sources, 196 schools were the first to receive, and have continued to receive since then, a central budget allocation of HUF 2,507 million in 2019.

Aggregated data for Learning Centers

Title	2019	2020	2021
Number of learning centers in operation (units)	191	192 pcs	190
Number of people employed in learning centers (persons)	584	538	593
Number of children attending the learning centers (persons)	5,535	5,672	5,700

Source: Hungarian Central Statistical Office

For the two services – the Sure Start Children’s Homes and the Learning Centers –, a unified professional regulation has been developed, in the *Ministerial Decree No. 40/2018 (4 December) EMMI on the professional tasks of children’s services and the conditions of their operation*. In the case of both Children’s Homes and Learning Centers, the regulation is supplemented by a publicly available professional recommendation.

- **Roma Nationality Scholarship Programme**

The aim of the programme is to support Roma students with excellent academic results and motivate them to continue their studies at higher education institutions after successfully passing their secondary school graduation exams and to play an active role in the life of their national community. The target group of the scholarship programme is Roma secondary school pupils of outstanding ability, who are in the last two years of their studies towards the graduation exam.

The application is open to Roma students with a 4.00 grade point average at the end of the academic year preceding the application. The amount of the grant is 30,000 HUF/month per pupil.

As of the 2019/2020 academic year, the application and the conditions for Roma nationality students have been included in the Hungarian legislation, so the *Decree No. 24/2019 (7 June) BM on the Study Scholarship for Roma Nationality* is the applicable regulation and guarantees the announcement of the programmes.

Summary chart of the scholarship programme

Academic year	Number of students (persons)	Budgetary amount (HUF)	Rate of support per month per person	Eligibility period
2019/2020 and 2020/2021	36	18,000,000	30,000	4 semester
2020/2021 and 2021/2022	30	22,200,000	30,000	2 semester
2021/2022 and 2022/2023	30	24,000,000	30,000	4 semester

Source: Ministry of Interior

- **College Plus**

Launched in 2017, the College Plus model programme is implemented in state, church and NGO-run public education colleges in the most disadvantaged regions in 8 counties of the country. The model programme reaches an average of 240 pupils per school year, as well as the

children’s families. More than half of the pupils involved could end up in child protection care if it were not for the college.

The primary target group of the programme is full-time primary school students aged 6-15 years in different public education institutions, who are in boarding schools. The majority of the target children are placed in mixed boarding groups for special educational needs or social need, often on the recommendation of experts or child welfare. In line with the European Children’s Guarantee, the scheme gives special attention to children from socio-economically disadvantaged families who are in residential care.

College plus summary data, 2018-2021

Academic year	Number of pupils	Number of institutions
2018/2019	265 persons	9
2019/2020	253 persons	9
2020/2021	266 persons	9
2021/2022	213 persons	8

Source: Ministry of Interior

- **Travelling Grants Scholarship Programme**

The general aim of the programme, which has been operational since 2005, is to prevent early school leaving and to strengthen the chances and opportunities for further education among disadvantaged and severely disadvantaged pupils, including Roma pupils³¹. The sub-programmes of the Scholarship Programme in primary and secondary education are the Pathway to Secondary School, Pathway to Baccalaureate, Pathway to a Profession.

Students are admitted to the personal mentoring programme primarily based on social need. The amount of the scholarship depends on the academic performance, so students can receive a scholarship of between HUF 9-20,000 per month, in addition to the mentoring support.

Summary data on Travelling Grants Scholarship Programmes, 2018-2021

Academic year	Number of pupils (persons)	Budget amount (HUF)	Eligibility period
2018/2019	14,756	2,921,126,000	2 semester
2019/2020	10,721	2,595,000,000	2 semester
2020/2021	10,539	2,659,516,250	2 semester

Source: Ministry of Interior

³¹ Government Decree No. 152/2005 (2 August) on the Travelling Grants Scholarship Programme

- **IN-SCHOOL project**

Hungary's participation in the Council of Europe's IN-SCHOOL project³² was approved in October 2017. The aim of the programme is to support the development and implementation of national inclusive education policies and innovative inclusive education practices in order to improve the participation and performance of Roma children and children at risk of exclusion in education. The first phase of the project was implemented between May 2017 and July 2019 and involved 7 primary schools from the country; the second phase was suspended in 2020 due to the outbreak of the COVID-19 pandemic and the inability to implement activities.

- **EU-funded developments in the 2014-2020 period**

BARI SHEJ – NAGYLÁNY - FÁTĀ MÁRÉ:

In 2011, the Hungarian National Social Inclusion Strategy was born out of a conscious planning process, and in 2014, it was reviewed and updated. The key elements of the strategy are a complex approach and sectoral intersectorality. The scope of intervention is wide, covering not only education and child well-being, but also employment, housing and health. In addition to the Hungarian National Social Inclusion Strategy, the European Parliament calls on Member States to develop programmes to prevent Roma girls from leaving school without qualifications.

The Barj Shej – Nagylány (in English: Big Girl) programme is aimed at developing Roma girls aged 10 to 18 in primary or secondary school who are at a disadvantage. Its aim is to encourage more Roma girls to continue their education after completing eight years of primary school. It also aims to increase the motivation of girls at risk of dropping out and to encourage their families to encourage them to study.

The programme has been operational in Hungary since autumn 2015. With the help of the nationally funded PILOT programmes, the program has reached at least 750 girls in the most disadvantaged municipalities. The EFOP-1.4.4-17 Bari Shej – Nagy Lány - Fata Máré project has a budget of HUF 2.66 billion, with a 24-month duration, and will be implemented by 89 winning organizations. Under these conditions, at least 1,780 young girls with fewer opportunities have been developed.

Area Childcare Programme:

During the 2014-2020 EU funding period (15 billion HUF from European Social Fund and 3 billion HUF from European Regional Development Fund), the Integrated Regional Children's Programmes project has implemented in 31 regions over a period of almost 5 years. The main objective of the programmes, which employ an average of 35 professionals per district – 1,100 in total – is to reach disadvantaged children and young people aged 0-24 with development services to improve their chances, slow down the regression into poverty and support professionals working with children. The nearly 80,000 people involved in the programmes have not only participated in developmental and preventive programmes, but also in camps and experiential education. These activities contribute to the direct development of children and the development of their skills, as well as to the development of community-type experiences and the need for meaningful leisure activities.

³² Source: <http://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children>

The administrative and professional background for the operation of the Child Benefit Programme is provided by the Child Benefit Office, which is mandatory in all district programmes.

Nice Little Place:

Under the call EFOP-1.4.3.-16, 38 “Nice Little Place” (in Hungarian: Jó Kis Hely) complex children’s programmes were set up in service-poor municipalities with fewer than 1,000 inhabitants. Nice Little Places promotes access to quality services and programmes in disadvantaged municipalities with children, by increasing the chances of children escaping poverty. The primary target group is children and young people under 25, but the programme also reaches out to older age groups and the local community as a whole. The mission of Nice Little Places is to provide a range of preventive and developmental programmes and activities based on the needs of children and young people, with the involvement of parents where possible.

Most of the projects related the Nice Little Places created under the call for proposals EFOP-1.4.3.-16 will be finalized in 2022, and from this date, the services will be provided without state funding. Currently, they provide services to more than 700 children and young people under 25.

3. Children’s participation in work to combat child poverty and social exclusion

The participation of children in specialized child protection care is ensured by Section 37 of the Gyt., 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. The children’s self-governing 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 representatives of the children’s self-governing body shall participate in the institution’s representative forum, which shall also include the parents or other legal representatives of the children in care, the representatives of young adults, the representatives of the staff of the institution, and representatives of the institution’s management.

The representative body examines complaints submitted to it and decides on matters within its competence, and may initiate action with the maintainer, the guardian, the children’s rights representative and other competent bodies. The representative forum may express its opinion to the head of the institution on matters concerning the child or young adult and may make proposals on the planning and operation of services in accordance with the institution’s core activities and on the use of the revenue derived therefrom. The representative body shall have the right of consent to the approval of the rules of the house.

- *The ECSR asked for information on measures to protect children in crisis and emergency situations.*

1. Measures to protect children exposed to trafficking, abuse and sexual exploitation

A description of measures to protect children in crisis, who are victims of sexual exploitation and abuse, or trafficking in human beings, is presented in subchapter 1 of this chapter. Crisis centers that also provide accommodation for children and families who are victims of abuse are described in the chapter on Article 16 of the Charter.

2. Measures taken in relation to the emergency situation in the operation of the child protection system due to the COVID-19 pandemic

In the context of the “first” and “second” waves of the COVID-19 pandemic in spring 2020 and autumn 2020, the public health authority temporarily banned all social institutions, including child protection institutions and correctional institutions (except for foster care, where it was not possible due to the family-like operation). During this period, care recipients were able to communicate with their relatives entitled to contact them, as well as with their legally appointed guardians and the competent child protection representatives, by telephone or via the Internet, so that they could report any abuse or exploitation directly to their advocates, thus ensuring that follow-up was not restricted.

In addition, vulnerable children in their families were also protected during the period of restrictions. In accordance with *Government Decree 556/2020 (4 December) on the measures to be taken in relation to certain social and child protection services during the state of danger and on the operating rules of social and child protection services during the state of danger* [hereinafter: Government Decree No. 556/2020 (4 December)], the guardianship authority has ensured that during the state of danger, it has continuously taken decisions in the interests of children and persons under guardianship that require immediate and urgent action in its competence, in particular in the matters of temporary placement, foster care, appointment of guardians. During the state of danger, in the guardianship proceedings, instead of taking personal statements of rights, the clients made written statements. The guardianship authorities did not hold a hearing and, in justified cases, did not obtain or carry out an environmental study necessary to clarify the facts.

- ***In its conclusions issued in 2016, the ECSR concluded that unaccompanied children in transit zones are not adequately protected from violence and abuse, and that the situation in Hungary is therefore not in conformity with Article 17(1) of the Charter.***

It should be mentioned at the very beginning that the transit zones ceased to operate on 21 May 2020, more than two years ago.

Act LXXX of 2007 on Asylum (hereinafter referred to as the Hungarian abbreviation: Met.) emphasizes that in the application of its provisions, the best interests and rights of the child shall be taken into account and the principle of family unity shall be observed. The provisions of Met. shall be applied to persons with special needs, taking into account their specific needs and requirements arising from their situation.

Since the establishment of the transit zones (15 September 2015) and during their existence, Hungarian legislation allowed all residents to leave voluntarily toward Serbia. This ensured that transit zones would not be used as detention facilities, even after the 2017 legislative amendments. Accordingly, pursuant to Section 80/J(5) of the Met., no detention was ordered in connection with placement in a transit zone, but entry was made on the basis of the knowledge that the applicants would be accommodated there until the end of their proceedings. Upon entry to the transit zone, prior to lodging an asylum application, an information leaflet was handed out to the entrants, which contained information on the procedure and the conditions of accommodation. In the light of the information on accommodation, the applicant could decide whether to enter the transit zone, to lodge his asylum application in Hungary or to leave, as in

several examples of both cases. It follows that asylum seekers housed in a transit zone were allowed to enter the transit zone voluntarily and to leave it voluntarily towards Serbia.

The legal provisions governing the residents in transit zones were primarily contained in the Met. and the *Government Decree No. 301/2007 (9 November) on the implementation of Act LXXX of 2007 on Asylum*. These laws provided effective guarantees that Hungary would provide accommodation, treatment and services – including health care, education, social and psychological services and legal assistance – to foreigners, including unaccompanied minors, residing in transit zones, in accordance with its obligations under international human rights conventions.

In each case, following the identification of the immigrant as an unaccompanied minor, the asylum authority immediately informed the competent child protection authority in accordance with the procedures and initiated the appointment of a guardian to represent the migrant person and protect his/her rights.

Unaccompanied minors aged between 14 and 18 were placed in transit zones, separated from adult applicants, in a sector designed for them and in secure conditions. The asylum authority provided professional supervision, education and training for minors during their stay in the transit zones. The competent public education authorities employed highly qualified professionals, including teachers and psychologists, to ensure the proper education and upbringing of minors in the transit zones.

The staff of the National Directorate General for Immigrants (hereinafter referred to as the Hungarian abbreviation: OIF) who were on duty in the transit zones carried out their duties in the best interests of the children, their treatment and the management of their cases. Because of this practice, there have been no cases of unaccompanied minors in transit zones going missing. Neither the unaccompanied minors in the transit zones, nor the professionals working there, nor the representatives of the organizations carrying out the various visits, brought to the attention of the OIF any information that any of them are vulnerable to violence or abuse. The staff in charge of the security of the people accommodated in the transit zone, as well as the social workers, all contributed to the fact that neither adults nor children have suffered abuse, trafficking or other criminal acts.

While many children from child protection institutions left for unknown destinations (for whom the reports cited assume that they have been trafficked, although it is more likely that they have travelled onwards to their country of origin alone or with the help of traffickers), children placed in transit zones were not likely to left en masse for unknown destinations and they had more opportunities to choose to stay in Hungary after had been exposed to Hungarian institutions – a decision which in itself works against the business models of trafficking and smuggling.

OIF staff carried out their duties with the best interests of the child in mind when dealt with children who had encountered them, managing their affairs and placing them in care.

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

1) PRESENTATION OF THE GENERAL LEGAL FRAMEWORK, THE NATURE, CAUSES AND SCOPE OF THE REFORMS, MEASURES TAKEN TO IMPLEMENT LEGISLATION

In terms of public education provision, the following reforms were introduced during the reference period of the report.

1. Regulation of kindergarten education

According to the *Act CXC of 2011 on National Public Education* (hereinafter referred to as the Hungarian abbreviation: Nkt.), from September 2015, participation in kindergarten education is compulsory from the age of 3 [Section 5(1) point a) of the Nkt.]. The measure is particularly beneficial for the development of disadvantaged children, as participation in kindergarten education also serves their later successful integration into school and their successful progress.

From 1 January 2020, children became legally compulsory students in the year in which they turn six by 31 August 2020³³. At the request of the parent, the child may attend kindergarten for an additional year of education based on a decision of the Education Office granting the exemption [Section 45(2) of the Nkt.].

2. Mandatory introduction of social support in kindergartens and schools

In order to prevent children from being at risk, from 1 September 2018, social assistance in kindergartens and schools was introduced as a compulsory activity in all public education institutions, provided by the Family and Child Welfare Centers. The aim of the service is to provide support to children attending public education institutions, their families and teachers and other professionals in the institution, using social assistance tools to prevent children from being at risk.

3. Free textbook supply

Free textbooks were provided for the first time in the 2013/2014 school year by the Government for pupils enrolled in the first grade. The free textbook scheme have been continued in an escalating system. With the adoption of *Government Decision No. 1092/2019 (8 March) on the extension of free textbook provision to grades 10-16 of full-time public education*, the Government of Hungary has ensured free textbook provision for all pupils attending full-time primary and secondary education from 2021. Due to this measure, families benefit from a

³³ The amendment was introduced by *Act LXX of 2019 Amending Certain Acts Related to Public Education and the Repeal of Act CCXXXII of 2013 on the Supply of Textbooks in National Public Education*

significant subsidy, as the burden of buying textbooks was completely removed from the cost of schooling.

4. Institutional support for pupils with type 1 diabetes

There are currently around 4,000 children with type 1 diabetes in Hungary. The new legal framework³⁴ stipulates that public education institutions shall provide a diabetes mentor (DiabMentor) for children under 14 years of age with type 1 diabetes under their supervision, upon separate parental request [Section 62(1a) of the Nkt.]

The duties of the diabetes mentors are regulated by Section 62(1b) of the Nkt. as following:

“The head of an institution may, in the case and in the manner provided for in Paragraph (1a), require an employee with a teaching qualification or a school-leaving qualification who is employed in a post directly supporting the teaching work of an educational establishment to

- measuring blood glucose levels as needed,*
- if necessary, on the basis of a medical prescription, and in consultation with the parent or other legal representative, using the contact details provided, administering the required amount of insulin at the prescribed intervals.”*

A DiabMentor may be a teacher employed by the institution or a staff member with at least a secondary school graduation who directly supports the work of teachers and who has previously participated free of charge in the DiabMentor training courses of the Education Office launched from September 2021 [Section 62(1c) of the Nkt.]. At the request of the Education Office, the training of DiabMentors is carried out by experts from the One Drop of Care Foundation. Teachers can also take part in the free practical training “Sugar School – diabetes preparation for teachers for a thematic day”, which helps to organize day care for children with diabetes in institutions. The training also aims to equip school teachers with the necessary expertise to run diabetes themed classes or themed days in their own institutions.

As of 2021, a total of 10,555 people have attended diabetes training courses coordinated by the Education Office, of which 3,223 have obtained a final certificate of theoretical and practical training. A DiabMentor who has completed the training is entitled to a diabetes care allowance for the extra work performed.

2) ANSWER TO THE QUESTIONS OF THE ECSR CONCERNING THIS ARTICLE

- The ECSR asked for information on measures concerning the following objectives:*
 - > Steps taken to implement anti-bullying policies in schools (e.g. awareness-raising, prevention and intervention measures);*
 - > measures to promote children’s participation in the whole range of education-related decision-making and activities;*
 - > measures introduced to address the educational impact of the COVID-19 pandemic (including in particular measures for children with disabilities, Roma, children in transit, children with health problems and other children at risk);*

³⁴ The amendment was introduced by *Act LII of 2021 Amending Certain Acts Concerning Public Education*

- *the measures taken to ensure that public funding for private education does not adversely affect the right of all children to have access to free, quality public education.*

1. Measures against bullying at school

Violence in schools has a seriously negative impact on society as a whole, especially on the quality of teaching and learning in schools, it disrupts school communities and at the same time threatens the right to learning and education of children who go to school in a peaceful environment.

Hungarian Digital Strategy for Child Protection:

Among all people, students are the most exposed to risk from using the Internet and smart tools, especially those living in disadvantaged situations, who are one of the priority target groups of the Hungarian National Social Inclusion Strategy. International research has shown that parents have identified harmful content on the Internet and unwanted contact with dangerous strangers as one of the biggest risks. Therefore, in order to protect the stakeholders of public education institutions, the Hungarian Digital Child Protection Strategy³⁵ was developed in 2016 within the framework of the Hungarian Digital Wellbeing Programme, with measures focusing on reducing online bullying, promoting thoughtful and value-added Internet use, and implementing rules and measures to protect children and their privacy.

School age group:

In order to improve children's media literacy, the Government of Hungary has developed and run the NETMENTOR Peer Program, in which the benefits of using the Internet and the risks arising during it are presented to those most affected by schoolchildren of a similar age to them, who can also provide help where appropriate.

Within the framework of the program that has been running since 2018 (by 500 Netmentors in 40 secondary schools), we have reached nearly 1,500 teachers and 5,000 students.

Parents, families:

In the Hungarian Digital Child Protection Strategy, the development of parents' media literacy appears in a prominent place in order to ensure that children receive appropriate help in a family environment.

The *Digital Media Literacy Program for Parents* aims to develop the digital media literacy and media education skills of parents and families. The purpose of the program is to raise awareness of the task of adults who play the most direct role in the child's education, and to develop media education competencies. The training is based on the work of the mentors of the DJP Points operated by the Digital Welfare Program Network, who, according to the concept, help parents in the local communities. Since 2018, we have trained about 480 mentors, who have reached nearly 10,000 people, i.e. families.

With Children in the Digital World is a free online curriculum presents the basic aspects of digital child protection and the basics of digital education to those interested, which offers support, help, immediately usable information and tools in a fun, interactive way. The course

³⁵ Government Decision No. 1488/2016 (2 September) on the creation of a Safe Internet Service for Children, on the conscious and value-creating use of the Internet and the Hungarian Digital Child Protection Strategy

material includes videos and their text transcripts, reflective/practical tasks and links for further information. The campaign link to the registration interface is most easily accessible from <https://digitalisgyermekvedelem.hu/gyerekkelonline>.

Study materials, information, recommendations:

In recent years, the Hungarian Digital Child Protection Strategy has produced several independent informational materials independent of educational programs.

The teaching materials, information sheets, short films, recommendations and methodological aids are available on the website <http://digitalisgyermekvedelem.hu>.

In the spirit of awareness, the *SmartKindergarten Program* was created for professionals working with preschool-age children and their parents: in the program that has been running since 2018, 100 kindergartens (from 2021 also nurseries) have the opportunity to design their website according to their own needs as a unified service, using modules containing ready-made image elements. The aim of the program is to make online communication between parents and the kindergarten more flexible, and to take place on a dedicated, official interface. Professional contents related to digital child protection and recommendations for parents and kindergarten teachers are also available on institutional websites. The websites of SmartKindergarten institutions that have joined the program are available at the following link: <https://digitalisgyermekvedelem.hu/okos-ovoda>.

Comprehensive school health promotion:

The strategy “Healthy Hungary 2014-2020”³⁶ set out the main public health goals and actions to be taken, one of the most important of which is the promotion of comprehensive school health promotion (hereinafter referred to as the Hungarian abbreviation: TIE). The aim of TIE is to ensure that all pupils, during their time in public education institutions, benefit from health promotion activities that effectively improve their overall physical and mental well-being, health and health status, and that are systematically implemented in the school’s everyday life. Stress and conflict management, problem solving, primary prevention of aggression, abuse and addictions, and the development of social skills are emphasized.

In 2021, TIE’s support took place through the implementation of prevention programs: a representative telephone questionnaire survey was completed and evaluated, during which 1,000 schools were contacted and 700 completed questionnaires were processed. The survey focused on problems, difficulties and related needs related to health promotion in the institutions. The results of the evaluation of the questionnaires served as a basis for the targeted implementation of prevention programs (corresponding to the needs and requirements of the given institutions).

School prevention programs were implemented in 27 schools between April and June 2021 with prevention organizations with professional recommendations (17 organizations). Given the changed legislative environment (amendment of the Nkt.), new program elements were implemented in the second half of 2021 in the form of vocational school pilot programs: pilot-type exercise programs aimed at the prevention of addictions with the involvement of 7 schools, potentially with regard to addictions.

³⁶ The “Healthy Hungary 2014-2020” strategy was promulgated by the *Government Decision No. 1039/2015 (10 February) on the adoption of the “Healthy Hungary 2014-2020” Health Sector Strategy*.

Mental Hygiene Initial Training for Teachers:

The aim of the Mental Hygiene Initial Training for Teachers programme (hereinafter referred to as the Hungarian abbreviation: MAP) is to strengthen the mental hygiene approach of teachers, to expand their methodological knowledge and problem-solving strategies. The themes of the programme link the development of professional personality, the method of person-centered communication (pedagogy) and professional cooperation. The 30-hour accredited and free-of-charge teacher training course provides teachers with a set of tools to avoid conflicts that may escalate to violence and/or to deal with conflict situations that have already arisen, which can bring about rapid and effective change in the life of the institutions concerned. By mid-December 2021, 32 training courses were implemented and 478 teachers obtained certificates during the training.

You have someone to turn to programme:

The aim of the “You have someone to turn to programme” is to prevent conflict and violence within the school, including cyberbullying, to process the consequences of violent acts, and to support the processing of mental burdens on teachers. Online mental health counseling can be provided with the help of professionals trained for this purpose. If a violent incident takes place in the given institution that requires on-site intervention, a team of experts will provide local assistance at the institution’s request. For those interested, methodological aids, good practices, lesson plans, literature, as well as an online support network (mental health professionals, psychologists) and supervisors are available on the program’s website. In online assistance: 202 new user registrations took place, with 41 cases. In school, on-site assistance, assistance was provided at 10 different locations (several times per institution).

Prevention programmes:

In addition to primary and secondary school age groups, prevention programmes for mental health and addiction prevention try to involve teachers, parents, peers and friends as widely as possible. The programmes are highly imaginative and varied, using literature, music, films, etc. familiar to the target group, thus making their activities more attractive.

Communication campaign:

In order to prevent behaviours that are harmful to physical and mental health, it is necessary to promote alternative programmes and leisure activities that help people to understand that conflict management, violent conflict resolution and substance abuse are not attractive lifestyles. Therefore, a communication campaign has launched aims to provide a tool and a format that reaches and is demanded by the target 14-18 year olds, so that they can talk to each other in a safe environment about the issues that affect and/or determine their lifestyle.

Campaign type: online. The aim is to give young people access to the game through as many communication channels as possible, which will be published on a dedicated website. The campaign has been the subject of social media posts and a short film with a popular youth influencer team.

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. The ENABLE school-based programme aims to prevent child abuse in grades 7-11 by developing social and emotional skills and emphasizing peer support in schools to prevent bullying in the learning environment and during leisure time. The ENABLE programme provides skills that can be put to good use in everyday work.

Involvement of school psychologists:

School psychologists have an important role to play in dealing with the development of aggression against teachers and students towards each other. The Government has made great efforts to increase the number of psychologists in public education institutions. As a result of the government measures, the number of school psychologists employed throughout the public education system has increased significantly, providing professional and pedagogical support to children, teachers and families concerned.

School Guard Programme:

On 3 July 2020, the Parliament of Hungary adopted *Act LXXIV of 2020 on Certain Amendments to the Law Necessary for the Elimination and Prevention of School Violence*, which, by amending certain Acts³⁷, created the legal institution of School Guard, and as a result of its success, school guards have been able to start working in 600 public education institutions (maintained by school districts, churches and vocational training centers) from 1 September 2022.

Candidates for school guard position shall undergo an aptitude test followed by complex training. Their training covers basic knowledge of law and law enforcement, crime prevention, the structure and internal workings of the school system, the roles and responsibilities of pupils and teachers, and the characteristics of pedagogical processes. The training is completed by an examination. The school guards' duties include maintaining order in the school, preventing violent conflicts, providing first aid if necessary and preventing unauthorized persons from entering the school.

Based on individual institutional feedback, the programme has been effective and efficient, reducing aggression within schools and contributing to a calm environment for everyday work.

Programmes of the National Crime Prevention Council:

Police and other crime prevention programmes aim to prevent people from becoming victims of crime and from committing crime. Not only do they directly threaten the lives and health of students, but they can also have a long-term impact on their lives. For this reason, prevention, information and avoidance techniques should be developed with the involvement of professionals who are also experienced in law enforcement and sentencing in these areas.

Here are just a few of the police, crime prevention and health promotion programmes in schools:

- DADA programme - the Hungarian name of the programme is an acronym made up of the terms Smoking – Alcohol – Drugs – AIDS. The most important aim of the police youth protection programme for primary school children is to identify dangerous situations, identify positive and negative effects, develop the competences needed to make the right decisions and assess risks. The sessions, led exclusively by police officers, are based on a modernised thematic core curriculum for elementary lower (grades 2-4) and upper (grades 6-8) classes of elementary schools. Updated, as the educational background material is constantly adapted to new challenges and trends.
- ELLEN-SZER, the police's secondary school safety education programme, has been in place in secondary schools for almost 20 years. The programme, taught mainly by police officers who also have a teaching qualification, is based on an innovative curriculum that helps adolescents to choose and make the right choices and decisions. The

³⁷ For example, the Chapter III. of the *Act XXXIV of 1994 on the Police* was completed with Sections 10/A-10/C.

programme is designed primarily for young people in grades 9 and 11 and can be used in secondary schools, vocational schools and technical colleges.

- Ovi-Zsaru is a national programme aimed at the youngest age group, kindergarteners. The crime and accident prevention programme, which is mainly aimed at large groups of kindergarten children, aims to prevent children from becoming victims, to increase their sense of safety and to help them to know how and dare to ask the police for help when needed. The programme is taught jointly by the kindergarten teachers and the police officer in contact with the kindergarten. The first and last sessions are always attended by a uniformed policeman (in addition to the professional days organized in the kindergartens, of course), while the other sessions are led by the teacher. Their work is supported by a teaching aid. The programme is made up of several modules, grouped around different hazards (rules for getting to know each other, being alone at home, traffic rules or dangerous substances).
- The School Policeman programme builds on accident prevention (road safety) and constant contact. Uniformed police officers from the police station of the school take part in case consultations in a locally developed form and manner, assist the work of the educational institution (from a road safety point of view) at school events or give lectures on crime and accident prevention. The School Policeman programme was launched by the National Police Headquarters in 2008 with the aim of promoting safe and accident-free transport for school children, improving their traffic knowledge and identifying and eliminating other factors that may endanger children's safety.

2. Measures to promote children's participation

Students' Unions:

According to Section 48 of the Nkt., students may form a Students' Union to represent the interests of students. The work of the Students' Union shall be assisted by a person with a higher education degree and a teaching qualification appointed for this purpose, who shall be appointed by the head of the institution for a period of five years on the recommendation of the Students' Union. In addition, the law specifically mentions among the rights of pupils the right to apply to the Students' Union for representation of their interests.

Decree No. 20/2012 (31 August) EMMI on the operation of educational institutions and the naming of public educational institutions [hereinafter: Ministerial Decree No. 20/2012 (31 August) EMMI] clearly states that the Students' Union may express its opinion and make proposals on all issues related to the operation of educational institutions and students. With the mandatory consultation, students are not left out of the decision making process: the rights within the scope of the mandatory consultation (organizational and operational rules, house rules, before the determination of the principles of distribution of social benefits for students, when deciding on issues affecting the student community, etc.) are regulated by the legislator, as a guarantee, partly by law, partly by ministerial decree. Ministerial Decree No. 20/2012 (31 August) EMMI also stipulates, as a guarantee, that in cases where the opinion of the Students' Union is mandatory, the representative of the Students' Union must be invited to the hearing and the proposal and the invitation must be sent to the Students' Union [Section 120(6) of the Ministerial Decree No. 20/2012 (31 August) EMMI].

Student Parliament:

The Nkt. provides for the convocation of the student parliament every two years on the proposal of the student body [Section 78(8) of the Nkt.]. The election of the voting members of the student parliament is carried out in a staggered system, at institutional and county student

parliament events. In Hungary, students can express their opinions on all matters affecting students through the Students' Unions in schools, and the Students' Unions must be consulted before decisions affecting the school and the children's lives are taken.

The National Student Parliament, a national information forum for students on public education, reviews the implementation of students' rights and may adopt recommendations. The aim of the National Student Parliament is to make recommendations to decision-makers in education on how to enforce students' rights and make them more effective. In the recent past, the National Student Parliament has become a concept among those involved in student unions and student advocacy. The 2017 National Student Parliament was the first time that the National Student Board was elected. The Board operates between the dates of two National Student Parliaments. It monitors the implementation of the recommendations adopted by the National Student Parliament, gives its opinion on draft legislation affecting students and makes recommendations to the education administration. This Student Parliament model provides an opportunity to give children a real, meaningful opportunity to participate in democratic decision-making and to represent their opinions and interests.

3. Measures to address the impact of COVID-19

In the context of the pandemic situation, schools have been operating a digital timetable of work outside the classroom for short and long periods of time during the last 2 school years. During these periods, teachers and pupils were in contact with each other online or in other ways that did not require face-to-face contact to assign lessons, monitor and support the learning process.

To ensure the smooth implementation of digital education, the necessary equipment was distributed to needy and disadvantaged pupils through the public education institutions, through the public authorities and the Volunteering and Donations Action Group. In addition, the Klebelsberg Center has acquired and distributed a further 18,000 tools for this purpose. In addition, the Government has provided free Internet services to teachers and pupils participating in digital work outside the classroom. More than 80 smart textbooks have been made available on the National Public Education Portal. In addition, the public television channel M5 started to broadcast educational programmes every weekday from 8.00 to 20.30, with separate blocks for lower and upper elementary school pupils and for secondary school pupils preparing for the graduation exams.

The digital timetable outside the classroom was introduced in the first wave of the coronavirus epidemic, from 16 March 2020, affecting all schools until the end of the 2019/2020 school year. In the second wave of the pandemic, from 11 November 2021, the Government introduced a general out-of-classroom digital timetable for secondary education, and in the third wave, from 8 March 2021, the Government again introduced a general out-of-classroom digital timetable for all schools. The order ended on 19 April 2021 for primary schools and on 10 May 2021 for secondary education. In the meantime, vaccination of children aged 16 and over, and then 12 and over, started. In the 2021/2022 school year, digital out-of-classroom work was not introduced as a general rule, and even on a case-by-case basis for pupils above grade 6 due to the high proportion of vaccinated pupils.

In addition to the above periods, on a case-by-case basis, the Operational Coronavirus Control Task Force (hereinafter referred to as the Operational Task Force), the government body responsible for taking and coordinating measures to manage the pandemic, was authorized to order digital working hours outside the classroom. The Operational Task Force worked closely

with the public health departments of the regional government offices of the counties and the capital and with the Ministry of Human Capacities to make the appropriate decisions. Out-of-classroom digital work schedules were ordered on a case-by-case basis where the presence of coronavirus infection among students and teachers warranted it. The duration of the orders was in line with the health recommendations in force, usually no longer than 10 days. Orders for specific cases were always for a limited period, for a specific place of work or for a single department. The increase in the number of children vaccinated and the end of the pandemic wave.

On 17 January 2022, new rules came into force: schools no longer have the possibility of ordering digital work outside the classroom, no longer have the possibility of ordering special breaks, and the period of time for children to be observed for epidemiological reasons has been reduced.

During the digital working hours outside the classroom, teachers and students were in contact online using digital tools. Where online contact was not possible, pupils received the information they needed to learn through alternative channels (e.g. telephone, post). Textbooks, available free of charge to all pupils, also ensured that learning could continue. Schools were able to lend computers to students in need. Due to teacher training and self-training in previous years, teachers were able to continue their teaching and learning effectively in the online space after a short “adjustment period”. In the course of their teaching work, teachers have made use of a number of services provided by the state or commercial service providers. The state has supported education through the National Public Education Portal and the Sulinet Portal by providing interactive teaching materials and the Textbook Catalogue by providing digital textbooks. The KRÉTA administration system was enhanced with a digital collaborative space for teachers and students to collaborate in the teaching-learning process.

Schools had a number of options to make up for any shortfall in digital work outside the classroom. During the 2020/2021 academic year, in the framework of the generalized extra-curricular digital scheme of work, schools could organize individual and small group consultations for secondary school graduates to help them prepare more effectively for the graduation examination.

In the 2019/2020 school year and in the 2020/2021 school year, the organization of the graduation examinations was also affected by the pandemic situation: only the written graduation examinations of the final year students were organized, and these were also organized with increased security measures, for which the Government provided protective equipment. The results of the examinations were in line with the average of recent years, which shows that the preparation was carried out properly. It should also be noted that the number of pupils who had to repeat a grade has decreased, due to the fact that teachers have taken into account the specific circumstances and have given marks and grades accordingly.

Support for pupils with learning difficulties, special educational needs, social disadvantages or any other difficulties has been a constant priority, even in the emergency situation caused by the coronavirus pandemic. Organizing the education of pupils with special educational needs (SEN) in the context of the coronavirus pandemic since March 2020 was a major challenge for professionals and families alike. The out-of-classroom digital scheme required more collaboration than usual between teachers, parents and students. Compensating for the lack of face-to-face presence was the most critical task in the teaching process. This also required a new attitude and innovative approach on the part of teachers/educators. Adapting to the changed

educational context meant more work. The main pedagogical objectives and the ways and means to achieve them had to be reconsidered. In several cases, individual support had to be provided to pupils in recognition of difficulties and problems. It was necessary to restructure the teaching material, not only in terms of scope and quantity, but also in terms of the working methods used to acquire the material. This was complemented by the publication of a number of methodological guides and the purchase of major IT tools for schools. Particular emphasis has been placed on collaborative interfaces, alternative teaching and learning methods, and more intensive communication between professionals and parents.

At the same time as the pandemic, there was a major legislative and professional development in the field of public education for children and pupils on long-term medical treatment. The legal status of what was known in everyday language as ‘hospital education’ required harmonization and professional support. The aim of the activity is to reduce and eliminate the educational backlog of children in long-term hospital care, children under medical care, development and educational activities using special methods, educational rehabilitation of children and pupils. The working group on the education of children and pupils in long-term care started its work two years ago and has since been joined by a representative of the Office of the Fundamental Rights Commissioner. The working group has made proposals for codification (which have subsequently entered into force) and has defined the main guidelines for the professional protocol to be drawn up. As a result, the “Guidelines for the public education care of children and students undergoing long-term medical treatment” has now been drafted and published.

In the case of the pedagogical specialized services providing various complementary support activities (such as speech therapy, counselling, therapies, early development, expert committee activities), the main obstacle to their work was of course the lack or limited presence of these activities. The pedagogical services used a number of collaborative platforms, some of the activities were carried out online. A number of testing and development procedures were digitalized and made available to stakeholders. Educational videos, real-time presentations, downloadable practice sets were produced. Online individual or group sessions and meetings have been held with parents, professionals and in many cases with care users, which should be considered for the future.

Since September 2021, the Capital Pedagogical Service has been providing an online and email counselling service to help children, young people, parents and teachers with mental health difficulties, in order to mitigate the negative effects of the COVID-19 pandemic. The calls are handled by 5 psychologists and the advisory service is supported by 2 managers. All heads of institutions have been informed about the programme. The assistance is structured around three types of counselling and telephone support activities:

- Helpful, supportive conversation: 3-4 appropriate conversations with a psychologist to help move away from the problem, clarify emotions and identify the personal resources needed to cope with.
- Psychoeducation: education about psychological conditions and phenomena. The person concerned can ask questions about his/her own/others’ psychological state.
- In addition, advice and consultations on pedagogical issues related to the pandemic situation are available.

4. Measures to ensure universal, free and high-quality public education

According to Article XI of the Fundamental Law of Hungary (hereinafter: Fundamental Law), every Hungarian citizen has the right to education. Section 2(1) of the Nkt. stipulates that the right to free and compulsory primary education and free and accessible secondary education for all until the graduation examination, as provided for in the Fundamental Law, is a public service task of the state. In institutions maintained by the state, municipalities and local governments, as well as in other institutions maintained by the state and participating in the provision of public services, the use of kindergarten education, the use of specialized pedagogical services supplementing kindergarten education and school education, and accommodation in dormitories shall be free of charge for children and pupils participating in free education and meeting the conditions specified in this Act.

According to Section 88(1) of the Nkt., the necessary funds for the operation of the public education system shall be provided by the state budget and the maintainer, which may be supplemented by the fees of the beneficiaries, the fees of the services used by the pupil, the tuition fees of the institution entitled to charge tuition fees according to the rules of this Act and other own income of the public education institution.

- **Funding for state schools**

The school district centers, created from 1 January 2017, are all autonomous budgetary bodies, operating on the basis of an approved annual budget or budgetary framework. The maintaining budgetary body must apply the provisions of the Public Finance Act in its operation and management. The budget resources of the state maintenance bodies are governed by the respective budget law, which determines the amount of appropriations available for the operation of the educational institutions they maintain, such as personnel allowances, employer contributions and social contribution tax, material expenses, cash benefits for the beneficiaries, and capital expenditure, i.e. the amount of renovations and investments. The Klebelsberg Center and the 60 school district centers currently operating are provided for in the budgeted appropriations:

- the allowances and contributions of teachers, teaching assistants and technical staff in public education establishments run by the education authority;
- material expenditure on maintenance tasks and operating expenditure on buildings owned by the school district centers;
- renovation and investment expenditure necessary for the operation of buildings used for educational purposes

- **Financing ecclesiastical schools**

According to the agreement signed in 1997 between the Republic of Hungary and the Holy See, the Hungarian Catholic Church must receive the same level of financial support for the public education institutions it maintains as the state and local government institutions operating similar institutions. This principle should apply to all churches maintaining public education institutions.

The specific rules governing the operation of a religious institution of public education are laid down in the Nkt. Accordingly, the central budget grants a budgetary contribution to non-state institutions for the performance of their public education tasks, on condition that the institution carries out its activities in accordance with the terms of its operating license. The central budget

shall make an average wage-based budget contribution to non-State operators for the payment of the salaries, wages and contributions of teachers and staff directly assisting in teaching work, on the basis of the number of teachers employed in state-run educational and pedagogical training institutions and the number of staff directly assisting in the teaching work financed by law.

In addition, registered churches that run a religious public education institution are also entitled to an operating grant, currently 200,000 HUF per pupil per year. Both the average wage subsidy and the operating subsidy are conditional, but as explained above, their use is quite flexible.

Based on the Act on the Central Budget, the total balance of the average wage-based support, operating support and child feeding support is settled in the Act on the Implementation of the Central Budget as follows:

- subsidies are accounted for according to the actual number of children and pupils by 31 March of the year following the budget year, in the manner laid down by government decree;
- the annual aggregate operating and renovation expenditure and the expenditure of the maintainers on the operation and maintenance of educational establishments and specialized pedagogical services maintained by the State and municipalities, as well as the expenditure of the maintainers on the operation and maintenance of establishments shall be reduced by the amount of the revenues realized by the state and the local municipalities in connection to their mandatory public education service tasks, as well as the amount of the budget support which the national minority self-government and the church legal entity may receive under the same conditions as the educational institution maintained by the state or the local municipalities, and the pedagogical professional service institution; and
- per child or pupil attending an educational institution or a specialized pedagogical service maintained by the state or a municipality, the total amount of the subsidies paid per child or pupil must be deducted from the amount of the total amount of the subsidies paid.

On the basis of this methodology, the amounts of public education expenditure in state-run and ecclesiastical public education institutions are compared in each budget year.

As can be seen from the above, the state fulfils its legal obligation to provide the same level of support per pupil, per system, to the state and to the church schools. Church schools do not receive a higher subsidy; on the contrary, at the end of each budget year, their allocation needs to be balanced by the additional subsidy for church education in order to receive the same amount as the state school maintainers for their pupils.

- **Funding of public education institutions run by national minority self-governments**

Pursuant to Section 26(1) of *Act CLXXIX of 2011 on the Rights of National Minorities*, in the case of national minority self-governments, the financing of national minority kindergarten education, school and dormitory education, and in the case of local minority self-governments, the financing of national minority school and dormitory education is carried out in the same way as the rules applicable to church legal entities performing educational tasks. The central budget provides budgetary contributions and additional subsidies to national minority self-governments for the performance of their public education tasks.

- **Funding of private public education establishments**

The central budget provides private providers with an average wage-based budget contribution to pay the salaries, wages and contributions of teachers and other staff who directly support the teaching profession. In addition to the budget contribution, the maintenance provider shall provide the funding for the operation of the institution, which may be supplemented by fees for the services provided, fees for the services used by the pupil, tuition fees in the case of an institution entitled to charge tuition fees under the rules of the Nkt., and other own revenue of the public education institution.

It is clear from the above that the state is fulfilling its obligation under the Fundamental Law to ensure equal conditions for the operation of the various public education institutions, thus ensuring that pupils' right to education is not violated.

Between 2012 and 2018, the average annual increase in current expenditure per pupil in public institutions was around 1%, while in Hungary it was over 4%.³⁸

- ***In its conclusions issued in 2016, the ECSR found that Roma children are subject to unjustified segregation in Hungarian public education, and therefore Hungary does not in conformity with Article 17(2) of the Charter.***

Systemic action to tackle desegregation and improve access to inclusive education for disadvantaged pupils, including Roma pupils, is ongoing in the public education system.

- 1. Measures to prevent Roma children from being unduly declared as disabled - European Court of Human Rights, Horváth and Kiss vs. Hungary**

The case Horváth and Kiss vs Hungary, which ended in the European Court of Human Rights in 2013, concerned the unjustified classification of two Roma young people as disabled and their placement in a special school.

In order to prevent unjustified disability classification, processes have been initiated in the public education system to transform the provision system, introduce culturally neutral tests and, through these, eliminate the over-representation of Roma pupils with special educational needs.

As a result of the developments over the past decade, several state-of-the-art intelligence tests are in use in Hungary, including the internationally recognized WISC-IV. The standardized WISC-IV tool was provided free of charge to all expert committees. Data on the use of the WISC-IV test was collected in December 2018 and showed that the 31 expert committees in the pedagogical services system that are entitled to diagnose special educational needs had the WISC-IV test, with 118 such test procedure kits. All the expert committees declared that they use this procedure to measure intelligence.

The reorganization of the specialized pedagogical services was completed in 2013, and the introduction of a single procedure and a single IT monitoring system was completed in 2015.

³⁸ Source Education at a Glance 2021, OECD; Table C6.5
https://www.oecd.org/education/education-at-a-glance/EAG2021_Annex3.pdf

Due to these measures, the proportion of pupils with mild intellectual disabilities as a percentage of the total number of pupils has fallen from 2.1% to 1.4% in recent years.³⁹

The case of Horváth and Kiss vs. Hungary can be considered as a kind of follow-up case to the case that started in 2014 and ended in 2020 with the judgment of the Court of Appeal of Eger (12.P.20.166/2014/96), which became final with the judgment of the Court of Appeal of Debrecen in the second instance (Pf.I.20.214/2020/10). Following the judgment of the trial, an investigation was launched to determine the impact of the measures introduced on the number of children with special educational needs in Heves County who are considered to be Roma. This survey will run for 5 years, with the first year of the survey being 2021. For the data collection, the relevant expert committees apply an objective, guarantee criterion system based on the perception of origin and nationality in the perception-based ethnic data collection, which was compiled by Dr. Ernő Kállai, Parliamentary Commissioner for National and Ethnic Minority Rights, and Dr. András Jóri, Data Protection Commissioner, in their 2009 report “*Report on the findings of the investigation on the management of ethnic data*”.

The data collection is directly linked to the peer reviews of the expert committee, including the baseline and review reviews. According to the *Decree No. 15/2013 (26 February) EMMI on the operation of pedagogical service institutions*, the Expert Committee reviews its expert opinion on its own initiative as follows:

- The expert opinion of the expert committee shall be reviewed officially during the first school year following the start of its implementation.
- If the child or pupil has a mild intellectual disability or other mental disability, the expert opinion shall be reviewed officially every second school year after the first official review until the school year in which the pupil reaches the age of ten, and every third school year thereafter and in the case of other disabilities and autism spectrum disorders, or if the pupil has difficulties with integration, learning and behavior, until the school year in which the pupil reaches the age of 16.

In December 2003, the proportion of Roma pupils in special schools in the county was 80%, in special classes 98%, and according to the first data collection in 2021, 43% of pupils with mild intellectual disabilities are currently of Roma origin. The first data show that the use of modern testing procedures, the structural and professional reorganization of the pedagogical services and the application of standardized protocols have led to a significant reduction in the proportion of Roma pupils in the group of pupils with special educational needs. However, overrepresentation has not disappeared completely, and further measures are underway to address the social, societal and health reasons behind it. These measures are aimed at further strengthening access to kindergarten education through complex territorial interventions (see below)⁴⁰.

2. Supporting access to quality education for disadvantaged and severely disadvantaged pupils, including Roma pupils, and desegregation measures

The promotion of access to quality education for disadvantaged and multiply disadvantaged pupils, including Roma pupils, and the prevention and mitigation of segregation is one of the priority objectives of the Public Education Development Strategy 2030 adopted by the

³⁹ Source: Statistics on public education, KIR-STAT; https://www.ksh.hu/stadat_files/okt/okt0006.html

⁴⁰ Source: Research on the number and proportion of children with special educational needs in Heves County, who are considered to be Roma (2021.) Budapest, 2022. https://www.oktatas.hu/uj-kozneveles/2022_3

Government in 2020 [*Government Decree No. 1551/2020 (25 August) on the adoption of the Public Education Strategy 2021-2030 for the European Union*]⁴¹.

In order to strengthen school success, with a particular focus on disadvantaged children, including Roma children, compulsory kindergarten placement for children from the age of 3 was introduced from September 2015. Because of this measure, kindergarten participation rates for all age groups have increased:

- the participation rate of 3 year olds increased from 80.3% in 2014/2015 to 84% for the 2020/2021 school year
- the participation rate for 4-year-olds increased from 94.7% in 2014/2015 to 96% in 2020/2021
- the participation rate for 5 year olds increased from 95.1% in 2014/2015 to 98% for the 2020/2021 school year.

The kindergarten attendance rate for children aged 3 and over at school starting age is 92.8% (EU27: 93.0%)⁴².

In order to ensure access to quality education and to compensate for disadvantages due to socio-economic background, free meals are provided for disadvantaged children: in the 2021/2022 school year, 75.1% of kindergarten children received free meals. Free or reduced-price meals are also provided at school, with 51.4% of primary and 51.4% of secondary school pupils benefiting from them. In addition, textbooks become free for all pupils in primary and secondary education from 2021⁴³.

Early school leaving is an above-average characteristic of disadvantaged and vulnerable social groups, perpetuating the risk of social exclusion. In order to support the school progress of pupils most at risk of dropping out, and therefore socio-economically disadvantaged, an early warning and educational support system to prevent early school leaving has been in place since 2016. The system identifies and provides personalized support for pupils at risk of dropping out and for schools with a high drop-out rate and low performance. The support system should also identify the reasons for low or deteriorating academic performance – the reasons behind the risk of dropping out, e.g. low academic performance, failure, repetition, absenteeism, social situation, etc. Schools reporting data also record the measures they have taken to support pupils' progress. The data of public education institutions and places of work are evaluated by the Pedagogical Education Centers of the Education Office on the basis of the legal requirements, and then they recommend to the schools concerned pedagogical support measures that can help the institutions to reduce the number of pupils at risk of dropping out and to improve school performance.

To prevent early school leaving, complex and differentiated institutional improvements were made in 2019-2020, with a focus on improving equitable education provision to ensure access to quality education. Particular attention was given to schools which, based on the results of the national competency assessment, have been identified in recent years as requiring sustained improvement, and pedagogical and professional support was provided.

⁴¹ The strategy is available: <https://2015-2019.kormany.hu/download/d/2e/d1000/K%C3%B6zvetlen%C3%A9si%20strat%C3%A9gia.pdf>

⁴² Source: Eurostat, 2022.: https://ec.europa.eu/eurostat/databrowser/view/educ_uoe_enra21/default/table?lang=en

⁴³ Source: Statistics on Public Education, KIR-STAT 2021 Ministry of Human Capacities

In addition to the early warning system, the framework for preventing early school leaving includes pedagogical systems⁴⁴, which include interventions at both pupil and school, classroom level to prevent early school leaving. These pedagogical improvements aim at the overall development of the school, including modernization of classroom practice, organization and management of teaching processes, personal development and individualization of pupils, raising and maintaining pupil motivation, teacher training, improvement of the learning environment, etc.

There has been a slight shift from 12.5% in 2018 to 12.0% in 2021 for early school leavers without qualifications. There has also been a positive trend in the share of pupils at risk of dropping out (i.e. those at high risk of early school leaving due to their educational achievements, disadvantaged social and family circumstances) and the share of pupils who actually drop out. The percentage of pupils at risk of dropping out was 8.86% in 2018, but decreased to 6.29% in 2021. The percentage of pupils aged 16-24 who dropped out of school without completing upper secondary education was 6.7% in 2017/2018, 6.6% in 2018/2019 and 6.1% in 2019/2020.⁴⁵

The Education Office's EFOP-3.1.5.-16-2016-00001 priority project "*Supporting institutions at risk of student dropout*" (January 2017 - July 2021) (hereinafter: Project) was carried out within the framework of Section 21 of the *Government Decree No. 229/2012 (28 August) on the implementation of Act CXC of 2011 on National Public Education* [hereinafter: Government Decree No. 229/2012 (28 August)] – based on data and situation analysis (hereinafter: Action Plan). The Project also provided methodological and mentoring support for the further development of desegregation action plans required by court rulings on the violation of equal treatment requirements and school segregation for school district centers and school management.

The project covered 300 school sites, of which 154 were included in the programme on the basis of the segregation index and illegal segregation, 102 were schools at risk of dropping out and 44 were partner institutions supporting the complex institution building process. The calculation of the segregation index was also complemented by a detailed analysis at the level of the place of delivery. The in-depth analysis was based on the proportion of pupils with fewer pupils in schools compared to the municipal average, the proportion of pupils with fewer pupils in the municipality, and the proportion of pupils in schools with fewer pupils also compared to the municipal average.

The Project has organized several regional maintenance workshops on desegregation measures. All the institutions concerned by the above-mentioned court judgments were represented at these workshops. The professional content of the workshop ranged from the clarification of the concept of segregation to the review of the content of the Equal Opportunities Action Plans of the School Districts. The regional maintenance workshops coincided with the development of the desegregation measures of the maintenance units involved in the lawsuit, so that the workshop were attended by the desk officers responsible for the implementation of desegregation measures in the school districts. By 31 December 2020, the desegregation plans

⁴⁴ Pedagogical system for preventing early school leaving; Education Office: <https://hirmagazin.sulinet.hu/hu/s/ilmt>

⁴⁵ Source: Data from the Student Register of the Public Education Information System, Education Office; 2019/2020: break in the time series data; students who were still students on 1 October of the academic year but did not have a secondary education qualification yet, who were not in a relevant status on 1 October of the following academic year and who had not yet obtained a secondary education qualification.

drawn up based on the court judgment have been assessed, reviewed and revised and the implementation of the revised desegregation plans is ongoing.

In both the primary and secondary schools of the Project, the percentage of pupils at risk of dropping out of school decreased by a further 1% by the end of the 2019/2020 school year compared to the end of the previous school year. In addition, according to the results of the national competency assessment, the proficiency scores in reading comprehension and mathematics increased in all measured grades compared to the previous school year, but these increases are not yet statistically significant.

Ability point averages in Literacy and Mathematics in the Project institutions (2018-2019):

	2018	2019
Literacy		
6th grade	1,404	1,411
8th grade	1,496	1,510
10th grade	1,673	1,683
Mathematics		
6th grade	1,425	1,429
8th grade	1,515	1,523
10th grade	1,657	1,667

Source: Ministry of Interior

The amendment to Government Decree 229/2012 No. (28 August), which entered into force in April 2018, introduced a stronger guarantee by requiring a mandatory review of equal opportunities plans in public education at least every 3 years – this regular review was not previously required [Section 21 of Government Decree 229/2012 No. (28 August)]. The measure aims at improving inclusive education, including the planning, monitoring and evaluation of the tasks to be carried out by the partners involved in the cooperation. The abovementioned project EFOP-3.1.5.-16-2016-00001 provided methodological support for the revision of the equal opportunities plans. Helping to develop cooperation with families, informing parents and involving sectoral/intersectoral partners are also included as separate target areas in the action plans for institutional development.

In order to mitigate the risks of segregation, the school district boundaries are reviewed every year, and if necessary, the school district centers that maintain the schools change the boundaries [Section 50 of the Nkt.; Section 24 of the Ministerial Decree No. 20/2012 (31 August) EMMI]. In the 2018/2019 school year, an amendment was initiated for 16 district boundaries to improve the balance of the distribution of disadvantaged and severely disadvantaged pupils, including Roma pupils, between schools and to prevent segregation, and for the 2019/2020 school year, the amendment was implemented for 16 district boundaries. In the school year 2019/2021, the number of district boundary changes approved to improve the balance of the distribution of disadvantaged and semi-disadvantaged pupils between schools/mitigate the risk of segregation was 64. The increasing number of district boundary changes for desegregation purposes can be attributed to the impact of the antisegregation working groups and the situation analysis and planning work carried out in the EFOP-3.1.5.-16-2016-00001 project (see above).

Anti-Segregation Working Groups operate in all school district centers responsible for the maintenance of state schools [Section 2/C of *Government Decree No. 134/2016 (10 June) on the bodies participating as maintainers in the performance of state public education tasks and the Klebelsberg Center*]. The permanent, typical tasks of the Anti-Segregation Working Groups are: continuous and regular data collection and updating in order to prevent and avoid segregation, professional aspects (proportion of disadvantaged and severely disadvantaged pupils, distribution between and within schools; monitoring the proportion of pupils with integration, learning and behavioural difficulties and pupils with special educational needs, the proportion of pupils at risk of dropping out and the development of drop-out rates, etc.) and, on this basis, to make recommendations to the maintenance authority. We monitor the development of the number of maintainers and places of primary school provision where the proportion of disadvantaged or severely disadvantaged pupils in the school is more than 25% lower than in the given settlement, i.e. if the primary school does not play its fair share in the education of socio-economically disadvantaged pupils:

	Number of places of employment by maintenance group (pcs)				
	central budget/ governmental	ecclestial	foundation/ private	other	Total
% of places of employment with disadvantaged pupils more than 25 % lower than the municipal % of disadvantaged pupils	14	4	2	1	21
% of places of employment with multiple disadvantaged pupils more than 25 % lower than the municipal % of the multiple disadvantaged pupils	29	20	4	1	54
Total: places of employment where disadvantaged % more than 25% lower than the municipal disadvantaged % and/or places of employment where multiple disadvantaged % more than 25% lower than the municipal multiple disadvantaged %	35	23	4	1	63

Source: 2021 public education statistics as at 29.06.2022 (table a04t18)

Statistical statement of disadvantaged and severely disadvantaged children and pupils by municipality, January 2022, pursuant to Article 22 (2) ea) of Government Decree 229/2012 No. (28 August), https://dari.oktatas.hu/kozerdeku_index

Public Education Information System – Official Register of Institutions, SZNY - based on the status as at 31-01-2022

	Number of operators by operator group (pcs)				
	central budget/ governmental	ecclestial	foundation/ private	other	Total
% of places of employment with disadvantaged pupils more than 25 % lower than the municipal % of disadvantaged pupils	7	3	2	2	13
% of places of employment with multiple disadvantaged pupils more than 25 % lower than the municipal % of the multiple disadvantaged pupils	7	14	4	4	26
Total: places of employment where disadvantaged % more than 25% lower than the municipal disadvantaged % and/or places of employment where multiple disadvantaged % more than 25% lower than the municipal multiple disadvantaged %	12	15	4	4	32

Source: 2021 public education statistics as at 29.06.2022 (table a04t18)

Statistical statement of disadvantaged and severely disadvantaged children and pupils by municipality, January 2022, pursuant to Article 22 (2) ea) of Government Decree 229/2012 No. (28 August), https://dari.oktatas.hu/kozerdeku_index

Public Education Information System – Official Register of Institutions, SZNY – based on the status as at 31-01-2022

3. Targeted support for the progress of disadvantaged pupils at secondary level – Implementation of the Arany János Programmes

The *Arany János Talent Support Programme* (AJTP) and *Arany János College Programme* (AJKP), which provide a complex approach to the academic success of disadvantaged and severely disadvantaged pupils, including Roma pupils, and to the prevention of early school leaving, are attended by approximately 3,000 disadvantaged pupils per school year. The main findings of the 2020 monitoring review of the programmes along the programme indicators are:

Arany János Talent Support Programme – 24% disadvantaged and severely disadvantaged pupils, 71% of pupils in need, 2% in child protection.

- further higher education: 74% of graduates entered higher education
- Early school leaving rate: below 2% per academic year
- 58.7 % of graduates have an intermediate language examination or equivalent at upper secondary level
- ECDL exam: nearly 100% (final year)
- driving license: 80.6 % (final year)

Arany János College Programme - nearly 100% disadvantaged and severely disadvantaged students:

- further studies, entering the labour market: 47% of the 97 students graduating in 2018/2019 continued their studies: most of them (40 members) are in some kind of training listed in the National Training Register. Three started a bachelor or master's degree, three entered higher vocational education, 33% are in employment
- Early school leaving rate: 9.9%
- ECDL exam: 35% (final year)
- driving licence: 50% (final year).

Based on ó *Government Decision No. 1404/2019 No. (5 July) on the establishment of the long-term programme of "Catching-up Settlements"*, a long-term development programme has been launched and is currently being implemented in 300 settlements selected on the basis of a complex indicator – with the phased involvement of the settlements – by the Hungarian Maltese Relief Service Association. In areas facing socio-economic difficulties, situation mapping and complex interventions have been and are underway to strengthen the effectiveness of education⁴⁶.

4. Values of the segregation index

The values of the segregation index, calculated according to a methodological procedure, for 2018 and 2020 data show stagnation. The value of the index calculated based on data for pupils with multiple disadvantages was 37.1 in 2018 and 37.5 in 2020⁴⁷.

The calculation of the segregation index according to a different methodology was carried out within the framework of the targeted project EFOP-3.1.5.-16-2016-00001 above, which also supports the prevention of early school leaving and desegregation. The segregation index was based on a more precise methodology: the detailed analysis was based on the proportion of pupils with multiple disadvantaged status in schools compared to the municipal average, the proportion of pupils with multiple disadvantaged status in the municipality and the proportion of pupils with disadvantaged status in schools also compared to the municipal average.

⁴⁶ Source: <https://fete.hu/felzarkozo-telepulesek/>

⁴⁷ Source: The indicator system of public education 2019, The indicator system of public education 2021, ELKH Institute of Economics, Budapest, 2020., 2022.; <https://kti.krtk.hu/publikacio/publikacio-kategoria/indikator/>