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European Social Charter

European Committee of Social Rights

Conclusions 2016

HUNGARY

This text may be subject to editorial revision.

The role of the European Committee of Social Rights (the Committee) is to rule on the conformity of the situation in States Parties with the Revised European Social Charter (the Charter). The Committee adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure.

The following chapter concerns Hungary, which ratified the Charter on 20 April 2009. The deadline for submitting the 6th report was 31 October 2015 and Hungary submitted it on 9 February 2016.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report concerns the following provisions of the thematic group "Employment, training and equal opportunities":

- the right to work (Article 1),
- the right to vocational guidance (Article 9),
- the right to vocational training (Article 10),
- the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15),
- the right to engage in a gainful occupation in the territory of other States Parties (Article 18),
- the right of men and women to equal opportunities (Article 20),
- the right to protection in cases of termination of employment (Article 24),
- the right to workers to the protection of claims in the event of insolvency of the employer (Article 25).

Hungary has accepted all provisions from the above-mentioned group except Articles 18, 24 and 25.

The reference period was 1 January 2011 to 31 December 2014.

In addition, the report contains also information requested by the Committee in Conclusions 2014 in respect of its findings of non-conformity due to a repeated lack of information:

- the right to just conditions of work – annual holiday with pay (Article 2§3).

The conclusions relating to Hungary concern 15 situations and are as follows:

– 8 conclusions of conformity: Articles 1§1, 1§2, 2§3, 10§1, 10§2, 10§3, 10§4 and 20;

– 4 conclusions of non-conformity: Articles 10§5, 15§1, 15§2 and 15§3.

In respect of the other 3 situations related to Articles 1§3, 1§4 and 9 the Committee needs further information in order to examine the situation. The Committee considers that the absence of the information requested amounts to a breach of the reporting obligation entered into by Hungary under the Charter. The Committee requests the Government to remedy this situation by providing the information in the next report.

During the current examination, the Committee noted the following positive developments:

Article 10§1

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

Article 20

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

The next report will deal with the following provisions of the thematic group "Health, social security and social protection":

- the right to safe and healthy working conditions (Article 3),
- the right to protection of health (Article 11),
- the right to social security (Article 12),
- the right to social and medical assistance (Article 13),
- the right to benefit from social welfare services (Article 14),
- the right of elderly persons to social protection (Article 23),
- the right to protection against poverty and social exclusion (Article 30).

The report should also contain information requested by the Committee in Conclusions 2015 in respect of its findings of non-conformity due to a repeated lack of information:

- the right of the family to social, legal and economic protection (Article 16).

The deadline for submitting that report was 31 October 2016.

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

Article 1 - Right to work

Paragraph 1 - Policy of full employment

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

Employment situation

According to Eurostat, the GDP growth rate decreased sharply from 2011 to 2012 from 1.8% to -1.7%. During the two following years, the GDP growth rate recovered reaching 1.9% in 2013 and even 3.7% in 2014. The GDP growth rate was well beyond the EU 28 average which stood at 1.4% in 2014.

The overall employment rate increased during the reference period, namely from 55.4% in 2011 to 61.8% in 2014. This rate was just below the EU 28 average rate which stood at 64.9% in 2014.

The male employment rate increased sharply from 60.7% in 2009 to 67.8% in 2014. Despite this progress the rate was still below the EU 28 average of 70.1% in 2014. The female employment rate also increased, namely from 49.6% in 2009 to 55.9% in 2014. This rate was below the EU 28 average rate of 59.6%. The employment rate of older workers increased nearly 10% from 31.9% in 2009 to 41.7% in 2014 which is nearly 10% below the EU 28 average rate of 51.8% in 2014.

The unemployment rate decreased from 11.0% in 2011 to 7.7% in 2014 thus standing well below the EU 28 average rate of 10.2%.

The youth unemployment rate decreased from 26.0% in 2011 to 20.4% in 2014.

During the reference period the long-term unemployment rate (as a percentage of the active population aged 15 – 74) decreased from 5.2% in 2011 to 3.7% in 2014.

The Committee notes that the reference period was marked by a robust growth boosting the economy in Hungary. The employment and unemployment indicators showed a positive trend even though the employment rates remained well below the EU 28 level and the youth unemployment rate was still comparably high.

Employment policy

From the report the Committee takes note of the information provided on its questions raised in the 2012 Conclusions with respect to employment figures of the Roma population. The Committee also takes note of the active employment policy measures affecting individuals with low qualifications and follow-up of the efficiency of active employment policy instruments.

According to Eurostat, public expenditure on active labour market policies in Hungary amounted to 1.124% of GDP in 2013 which was still below the EU 28 average (where the average public spending on active labour market measures as a percentage of GDP was 1.8% in 2011).

The Committee notes from the report that new rules were set in forth in 2010 on Simplified Employment. The new act clarified that such employment was limited in scope to regulating seasonal work in agriculture, tourism and casual work. The measures aimed at attaining the highest and most stable level of employment possible.

Other policy measures taken by the Government of Hungary included the implementation of the 2012 Job Protection Action Plan. This plan aimed at contributing to the protection of existing jobs and to the creation of new ones. The Committee wishes to be informed on the sustainability of these additional policy measures.

The Committee recalls that labour market measures should be targeted, effective and regularly monitored. It asks the this respect whether the employment policies are monitored and how their effectiveness is evaluated.

Conclusion

Pending receipt of the information required, the Committee concludes that the situation in Hungary is in conformity with Article 1§1 of the Charter.

Article 1 - Right to work

Paragraph 2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

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

1. Prohibition of discrimination in employment

The Committee examined the legal framework with regard to prohibition of discrimination in employment in its previous conclusions. It noted that the Act CXXV of 2003 on the promotion of equal treatment and equal opportunities (the Equal Treatment Act) provides for equal treatment and prohibits discrimination in employment, including recruitment, on grounds such as gender, race, national or ethnic origin, religion, political views or membership, age, disability and sexual orientation (Conclusions 2012).

It has also noted that the Equal Treatment Authority (ETA), whose responsibilities include employment, was established in 2005. It can receive complaints, launch its own investigations, issue binding decisions on parties and impose fines. The Committee previously noted that ETA has no power to award compensation to victims of discrimination; however compensation may be awarded by the labour and civil courts. The Committee asked updated information on remedies in discrimination cases and whether victims of discrimination may choose whether to take their case to either the labour court or the civil court, and whether there are limits to the amount of compensation that may be awarded (Conclusions 2012).

The report indicates that under Section 15 of the Equal Treatment Act, victims of discrimination may choose to turn to the Equal Treatment Authority or to the courts (depending on the field where the discrimination has occurred – eg labour courts if discrimination occurs in connection with employment). It is possible for a victim of discrimination to initiate the procedure of the Equal Treatment Authority, or any other administrative organ before bringing a lawsuit based on the Civil Code or the Labour Code. If however, one starts a case before an ordinary or a labour court, the Equal Treatment Authority will have to suspend their proceedings and base their decision on facts as established by the court sentence. Thus, court decisions are not necessarily binding for ETA, but the Authority has to take into account the facts established by the court.

The report indicates that the amount of the fines imposed by the ETA may vary from 50,000 to 6 million Hungarian forints. The report does not provide information with regard to the amount of compensation that may be awarded by the courts in discrimination cases. The Committee notes from the report of European Equality Law Network while the ETA may impose a fine in cases of discrimination regardless of the sector, where it occurs, the civil courts have a general competence to oblige discriminators to pay non-pecuniary and pecuniary damages to the victims.

The Committee understands that ETA does not grant compensation to the individual employee, and that compensation may be granted either by the labour court or the civil court. The Committee reiterates its question on whether there are limits to the amount of compensation that may be awarded in cases of discrimination in employment. It also requests that the next report provide information on any cases of discrimination in employment dealt with by courts and the Equal Treatment Authority, with specific indications regarding their nature and outcome, sanctions imposed on the employers and compensation granted to the employees.

The Committee notes from the Report on Hungary 2015 of the European Equality Law Network that the number of cases in which the Equal Treatment Authority establishes discrimination and in which a friendly settlement is achieved is still very low compared to the overall number of complaints to the body (in 2014 the combined number was 50 for about a thousand complaints). The Committee asks that the next report provide information on the

activities of ETA of raising awareness about the prohibition of discrimination in employment and on the Authority's scope of activity. The same source indicates that ETA has placed emphasis on cooperation with the civil sector and on disseminating information related to non-discrimination. The same source further raises concerns with regard to the recent unwillingness of the Authority to impose fines on discriminators, especially when respondents are state or local council entities. The Committee asks the next report to provide information on the outcomes in cases of discrimination in employment dealt with by the ETA when the respondents are state or local council entities.

The Committee previously noted that the Equal Treatment Act expressly authorised affirmative action and equal opportunity programmes, which could be approved by employers and trade union representatives or by workplace councils. The Committee asked for information on any such measures as well as other steps been taken to promote equality (Conclusions 2012).

The report indicates that no programmes or projects aimed at implementing the legal framework were developed during the reference period. The Committee reiterates its request for updated information on any concrete positive measures/actions taken or envisaged to promote equality in employment and to combat all forms of discrimination in employment.

2. Prohibition of forced labour

Work of prisoners

The Committee notes from the report that work of prisoners is regulated by Article 44 of Decree-Law No. 11 of 1979 on the implementation of penalties and measures and Decree of the Minister of Justice No. 6/1996 (VII.12) on the implementation of imprisonment and pre-trial detention orders. Under the Decree-Law, prisons require prisoners to perform socially useful work suited to their abilities and, wherever possible, their qualifications and interests. The work-related rights and obligations of prisoners are governed by general labour law provisions, though they may vary according to the specific ways in which sentences are enforced. Every prisoner is entitled to 20 days' paid leave. Article 106 of the Ministerial Decree lays down the specific rules on prison work including the rules on working hours, rest periods, leave and pay, which also cover trainees. Any contracts that have to be concluded with outside businesses are governed by BVOP Directive No. 1-1 / 9/2013 (III.26). Under Government Decree No. 306/2014 (XII.5.), the National Director of Prison Service is the authority of first instance for monitoring compliance with the rules and completion of the tasks regarding the employment of prisoners. The functioning of occupational health services in prisons and the prison work labour inspectorate is regulated by Decree of the Minister of the Interior No. 63/2014 (XII.15).

Domestic work

In reply to the questions put by the Committee during the previous evaluation cycle, the report states that Section 9 (3) of the Labour Inspection Act does not authorise inspections of private households which employ domestic workers. The Committee also notes that forced labour is prohibited in Hungary and punishable by a custodial sentence, as is human trafficking for the purpose of exploitation. To protect third country nationals against exploitation, the legislation prohibits the employment of these nationals if they do not have a work permit. If an employee falls victim to exploitation or trafficking or if he or she is under 18 and does not have a work permit, the employer is liable to imprisonment in accordance with the Criminal Code. The report also states that work can only be used as punishment in the context of a community service order. As to the residence rights of foreign employees, the report states that these employees do not lose their residence rights when they leave their employer as this right depends on continued lawful residence, not continued employment.

The Committee takes note of the information provided and asks for information in the next report on measures to protect domestic staff and employees working in family businesses from forced labour.

3. Other aspects of the right to earn one's living in an occupation freely entered upon

Minimum periods of service in the Armed Forces

In its previous conclusion (Conclusions 2012), the Committee pointed out that any minimum period of service in the armed forces had to be of a reasonable duration and in cases of longer minimum periods due to any education or training that an individual had attended, the length had to be proportionate to the duration of the education and training. Likewise, any fees/costs to be repaid on early termination of service had to be proportionate. Since the report does not provide any information on the situation of Hungary in this respect, the Committee asks for up-to-date information on the subject in the next report.

Requirement to accept the offer of a job or training

The Committee notes that the report does not answer the questions it put on the requirement to accept the offer of a job or training in its Statement of Interpretation on Article 1§2 in the General Introduction to Conclusions 2012. Consequently, the Committee repeats its request for relevant information in the next report on the matters raised in the Statement of Interpretation, particularly on the remedies available for the persons concerned to dispute decisions to suspend or withdraw unemployment benefit. The Committee points out that if the requested information is not provided in the next report, there will be nothing to establish that the situation is in conformity with Article 1§2 of the Charter with regard to the requirement to accept a job offer or training or otherwise lose entitlement to unemployment benefit.

Privacy at work

The Committee notes from the report that during the reference period, legislative changes were operated in this area with the adoption of Law CXII of 2011 on the right to self-determination with regard to information and on freedom of information. This new legislation did away with the institution of the Data Protection Commissioner and set up the National Authority for Data Protection and Freedom of Information (NADPFI), which is an autonomous public administrative body. The entry into force on 1 July 2012 of Law I on the Labour Code established a new legislative framework for employment. As a result, the NADPFI published a series of recommendations on electronic surveillance systems in the workplace. Recommendation 4001-6/2012/V confirms, together with Article 11 (1) of the new Labour Code, that surveillance conducted using electronic surveillance systems may not undermine employees' human dignity. No surveillance system may be installed in places such as changing rooms, bathrooms or showers, and full information about any surveillance systems must be provided to all those concerned, including visitors and clients. The purpose of this recommendation is to facilitate consistent application of the law pending appropriate regulations. In addition, the new Civil Code (as amended by Law V of 2013 on the Civil Code) regulates individual protection and employment relationships and places human dignity at the heart of measures to protect privacy. Supreme Court case law confirms that any arbitrary interference with an individual's private autonomy violates the general right to privacy.

The Committee takes note of the information provided on surveillance of employees' activities and the emphasis placed on protecting human dignity in the new legislation. It would emphasise that the emergence of new technologies has made it possible for employees to work for their companies at any time and in any place, including at home, thereby blurring the boundaries between work and private life. The result is an increased risk

of work encroaching on employees' private lives, including outside working hours and the workplace. The Committee considers that the right to earn one's living in an occupation freely entered upon includes the right to be protected against such interference (Statement of Interpretation on Article 1§2, Conclusions 2012). It asks for updated information on this point in the next report.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Hungary is in conformity with Article 1§2 of the Charter.

Article 1 - Right to work

Paragraph 3 - Free placement services

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

The report states that during the reference period, substantive changes were introduced in the organisation of public employment service. The latter became part of the territorial administration structure, placed under the aegis of the Prime Minister's Office. The National Labour Office, placed in 2010 under the control of the Office of the Minister of State responsible for the Employment Policy, was established in 2012 as a central agency of public administration. This measure was the result of the merger of the Employment Office, the National Office of Vocational and Adult Training and the National Labour Inspectorate. In this context, the employment centres were integrated in the government offices, as sectoral administration agencies and as organisational units of the Budapest and county government offices (169 entities in total). Between 2010 and 2012, the duty to coordinate labour market policies at medium level was assigned to the Employment and Social Office and then the Employment Office.

The Committee notes that during the reference period, staff available to the employment services varied between 4,000 and 5,000. Employment departments performed their duties with 2,005 authorised staff members. Human and financial resources of employment services are defined by the Prime Minister's Office. In certain Budapest, county and district government offices the labour market characteristics of the various districts are taken into account. This is done under the guidance of the Ministry for National Economy. An on-line job portal, known as the "Virtual Labour Market" (<http://vmp.munka.hu>) was set up in 2013. During the first 18 months, this portal was visited by more than 800,000 visitors. The Committee notes the information provided in the report regarding the organisation and activities of the staff working at the employment centres of the capital and counties' government offices. In its previous conclusions (Conclusions 2012), the Committee asked for information on the number of job seekers per placement counsellor. The report does not provide answers to this question. The Committee asks that relevant information are provided in the next report.

The report refers to a number of institutional developments which fall outside the reference period and indicates that the reform of public employment service "will be completed in summer 2015". In this context, the Committee notes that the customer categorisation system of job seekers (job seeker profiling) and other tools and instruments (target-based performance management system, quality assurance and quarterly HR management survey) will be introduced and operated in 2016. The Committee asks that the next report provide a comprehensive description of the organisation and functioning of public employment services throughout the country. In particular, it asks that this description contains specific information on the following indicators: a) placement rate (i.e. placements made by the employment services as a share of notified vacancies); b) respective market shares of public and private services (market share is measured as the number of placements effected as a proportion of total hirings in the labour market).

The report indicates that there have been no relevant changes in the conditions of private placement or temporary placement during the reference period. At the end of 2013, 506 private placement agencies operated as registered head offices and 226 functioned as premises. It is pointed out that the number of job seekers visiting private placement agencies in 2010 was close to 1.5 million. After 2010, the number of job seekers decreased for three consecutive years. Private placement agencies are not allowed to charge job seekers with fees or costs in relation to the their services.

In reply to a question by the Committee, the report indicates that during the reference period the average time until the jobs are filled was as follows: 2011: 11,2 months; 2012: 10,9 months; 2013: 12 months; 2014: 11,7 months.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 1 - Right to work*Paragraph 4 - Vocational guidance, training and rehabilitation*

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

As Hungary has accepted Article 9, 10§3 and 15§1 of the Charter, measures relating to vocational guidance, to vocational training and retraining of workers, and to vocational guidance and training for persons with disabilities are examined under these provisions.

The Committee considered the situation to be in conformity with the Charter as regards measures relating to vocational training and retraining of workers (Article 10§3).

It considered that the situation was not in conformity with Article 15§1 of the Charter on the ground that it has not been established that the right of persons with disabilities to mainstream education is effectively guaranteed. Since this ground does not concern vocational training, it is not relevant under Article 1§4 (Conclusions 2008, Statement of interpretation on Article 1§4).

As regards measures concerning vocational guidance (Article 9), the Committee deferred its conclusion. For the same reasons, the Committee defers its conclusion on Article 1§4.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 2 - Right to just conditions of work

Paragraph 3 - Annual holiday with pay

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2015 on conclusions of non-conformity for repeated lack of information in Conclusions 2014.

The Committee takes note of the information submitted by Hungary in response to the conclusion that it had not been established that workers' right to take at least two weeks uninterrupted holidays during the year the holidays were due was sufficiently guaranteed (Conclusions 2014, Hungary).

Article 2§3 guarantees the right to a minimum of four weeks (or 20 working days) annual holiday with pay. Annual leave may not be replaced by financial compensation and employees must not have the option of giving up their annual leave. This principle does not prevent however the payment of a lump sum to an employee at the end of his employment in compensation for the paid holiday to which he was entitled but which he had not taken (Conclusions I (1969), Statement of interpretation on Article 2§3). At least two weeks uninterrupted annual holidays must be used during the year the holidays were due. Annual holidays exceeding two weeks may be postponed in particular circumstances defined by domestic law, the nature of which should justify the postponement (Conclusions 2007, Statement of interpretation on Article 2§3).

The report states that legislation pertaining to paid leave was modified and indicates that following a 2014 amendment to the Labour Code Hungary has now fully transposed EU Directive 2003/88/EC on certain aspects of working time organisation which requires all Member States to introduce the necessary measures to ensure that every worker is entitled to annual leave of at least four weeks in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and/or practice.

The report further confirms that in the public service the Public Employment Act provides that a public employee is entitled to 20 working days of leave in each calendar year, as specified in the new Labour Code. This holiday entitlement is thus guaranteed for all types of employment in Hungary.

The Committee notes, however, that the report does not provide any new information on the specific issue at stake, namely to what extent the annual leave may be postponed to the year following the year in which it fell due. The Committee previously noted that Article 134(4) of the Labour Code provided a possibility for postponing annual leave to the following year where an economic interest of particular importance is at stake and it asked whether the provision in question allowed the entire annual leave to be postponed to the following year or whether in all cases the employee could and should take at least fourteen consecutive calendar days during the year in which the leave was due.

Nevertheless, having examined the the relevant provisions of Labour Code and notably its Article 123 the Committee notes that the general principle is that "vacation time shall be allocated in the year in which it is due" (Article 123(1)). Furthermore, "vacation time shall be considered allocated during the year when it is due, provided that it begins during that year and the portion allocated in the following year does not exceed five working days" (Article 123(4)).

In the event of economic reasons of particular importance or any direct and consequential reason arising in connection with its operations, the employer may allocate one-fourth of the employee's vacation time by 31 March of the following year if so stipulated by collective agreement (Article 123(5)c). By agreement of the parties covering a calendar year, the employer shall be entitled to allocate the vacation time specified in Article 117 of the Labour Code by the end of the year following the year when due (Article 123(6)). The Committee notes that the vacation time specified in Article 117 is extra vacation time over above the

general annual leave of twenty working days. Extra vacation time is allocated on the basis of the age of the workers ranging from one working day for workers over twenty-five to ten working days for workers over forty-five.

The Committee understands that no more than five days out of the annual leave of twenty days may be postponed to the year after they were due. The Committee asks the next report to indicate whether at least two weeks of uninterrupted holiday is foreseen by legislation or collective agreement and if not, what is the situation in practice.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Hungary is in conformity with Article 2§3 of the Charter.

Article 9 - Right to vocational guidance

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

It previously noted (Conclusions XVI-1 (2003)) that vocational guidance is equally accessible to nationals of other States parties. The report confirms that this is still the case, both as regards the guidance provided in the education system and in the labour market.

With regard to measures relating to vocational guidance for persons with disabilities, whether in the education system or labour market, the Committee refers to its assessment on this point under Article 15 of the Charter.

Vocational guidance within the education system

The report indicates that, pursuant to Section 85 of the Vocational Training Act (Act CLXXXVII of 2011), vocational guidance services include the supply of career information, vocational guidance, advice for further studies, professional vocational guidance, employment guidance, vocational correction and the development of competences, which assist the user of the service in selecting a career, pursuing further studies, lifelong learning and joining the world of work from the admission to a primary school until they leave the labour market. Pursuant to point l) of Section 62 (1) of the National Public Education Act (Act CXC of 2011) it is the teacher's responsibility to provide continuous guidance for their student's career orientation and prepare them for their active life.

The Committee takes note of the guidance services provided to students, starting from 5th-6th grades, in conformity with the National Basic Curriculum (Government Decree No. 110/2012. (VI. 4.)). It also notes that the geographical repartition of guidance services has been improved in 2013 (Decree of the Minister of Human Capacities No. 15/2013), with the setting up in each county of at least one institution for pedagogical services, covering at county level the field of guidance in further studies and career selection. The qualifications needed for teachers providing vocational guidance are set in the law (Decree of the Minister of Human Capacities No. 8/2013); special training courses are available to prepare them to this role, as detailed in the report.

Among the measures taken during the reference period to improve career guidance, in particular of young people, the report mentions the introduction of a system which monitors the career of graduates, so as to provide feedback about the training programmes which can better fit the demands of the market labour. The resulting database is available on a public website.

Furthermore, in the framework of the Social Renewal Operational Programme, vocational orientation tools and services have been fully reviewed and new online and offline tools have been developed to help their users to learn about their own capabilities, the characteristics of various occupations, the labour market tendencies, etc. The major development activities were the setting up of the National Vocational Orientation Portal (NVOP) and the design of occupation presentation tools (208 films, 300 new descriptions and 120 revised descriptions), as well as of 208 employer presentations prepared for various occupations and aid specific (primary school, secondary school and adult) questionnaires to be used in vocational orientation (interest, competence, working mode, employability). Great importance has been given to the dissemination of information, through extensive social marketing, the issuing of a career advice journal, various events and the organisation of vocational orientation programmes in schools. Almost 4000 persons involved in vocational orientation activities (teachers, social experts, labour market consultants, etc.) were trained to use these tools. In the training of the Masters of the Trade, 100 qualified vocational orientation consultants received further training. Various events and workshops were organised to allow vocational counsellors to engage in professional dialogue and share good practices, in addition to their participation in the activities of the European Lifelong Guidance Policy Network. The budget of the programme, which was funded by the European Union

and co-financed by the Hungarian State, was HUF 2.08 bn for the period 22 September 2008 – 30 June 2011 and HUF 2.753 bn for the period 1 June 2012 – 31 August 2015.

Another important project started in 2013 (*Ifjúság.hu – for the successful generation: Complex youth service development in order to improve equal opportunities for students studying in public education*). The project was accompanied by numerous events focusing on vocational orientation and aiming at establishing an active relationship and dialogue with young people, as well as providing them with information adjusted to local opportunities. Thousands of young people, according to the report, received personalised support in the framework of this programme.

The Committee recalls that under Article 9 of the Charter, vocational guidance must be provided within the school system (information on training and access to training) and within the labour market (information on vocational training and retraining, career planning, etc.):

- free of charge;
- by qualified (counsellors, psychologist and teachers) and sufficient staff;
- to a significant number of persons and by aiming at reaching as many people as possible;
- and with an adequate budget.

The Committee understands from the report that vocational guidance in the education system is provided in the framework of the regular curriculum and that, in addition, information is available to students through other information tools, notably online, and special events. It also takes note of the important measures taken to further develop and improve vocational guidance during the reference period. However, the report does not provide the repeatedly requested figures on expenditure, staffing and the number of beneficiaries of vocational guidance in the education system, which should be systematically provided in all reports concerning Article 9 of the Charter. Accordingly, the Committee reiterates its request and holds that, if the next report does not provide information in this respect, there will be nothing to establish that the situation is in conformity with the Charter. It reserves in the meantime its position on this point.

Vocational guidance in the labour market

The Committee previously noted (Conclusions 2012) that the right of adults to vocational guidance and other associated services is regulated by the Employment Act of 1991, as amended (Act IV of 1991 on the promotion of employment and services to the unemployed) and the Decree of the Minister of Economy No. 30/2000 (IX.15.) on labour market services and subsidies that may be granted in connection with them. Section 85 of the Vocational Training Act also defines the concept and forms of vocational orientation. Career advisory services may be provided individually or through group sessions, distance advice and as an outreach programme. Apart from educational institutions, vocational orientation services are provided by economic chambers, organisations of employers and employees, development and training committees at county level and the national employment agency, which is also responsible for coordinating the activity.

According to the report, the number of people attending job fairs organised by the National Employment Service has increased during the reference period: 125 813 visitors were registered in 2013, compared to 110 182 in 2011. In response to the Committee's request for clarifications concerning the decline in the number of individuals receiving labour market vocational orientation guidance, the report explains that, as a result of the economic crisis, the demand for training and other services for people who have lost their jobs has increased, compared to the request of career guidance services.

The Committee refers to the criteria for assessing conformity with Article 9 of the Charter already mentioned above, and asks that the next reports systematically contain updated figures on the expenditure, staffing and the number of beneficiaries of vocational guidance in the labour market. In the meantime, the Committee reserves its position on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 10 - Right to vocational training

Paragraph 1 - Technical and vocational training; access to higher technical and university education

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

Secondary and higher education

According to the report, pursuant to the new legal regulation- Act CLV of 2011 on Vocational Contribution and Support to Training Development, the new vocational contribution system introduced in 2012 strengthens the dual approach to practical education in vocational training provided in schools. This Act, as well as the Vocational Training Act CLXXXVII of 2011 and Act CXC of 2011 on National Public Education have the most direct impact on the operation in the field of vocational education, which, according to the report, is an important sector of education and training.

According to Section 29 of the Vocational Training Act, vocational training will be provided by schools receiving fiscal support from the State to deliver free of charge theoretical and practical training to students. The Committee also takes note of the Government Decrees adopted during the reference period regulating the National Qualifications Register (NQR).

According to the report, the Vocational Training Act introduced numerous changes to improve the efficiency and quality of vocational training, such as:

- the former modular system of examinations was replaced by the earlier system of complex exams and coupled with a revision of modules in 2012.
- the training period of vocational training schools changed to three years, in a progressive system, with a major change that vocational training may begin in the 9th year. Training courses providing a school leaving examination may be extended for two more years with state financing.
- students graduating from a secondary vocational school receive a school leaving certificate and sectoral qualifications, which they can use in finding a job in their vocational area.

The Committee notes that the structure of vocational training schools and institutions has been stable, with the number of institutions between 465-448 in the period of 2011-2014. The number of students has declined slightly, which, according to the report, is due to demographic reasons.

According to the report, during the reference period, vocational training was developed in compliance with employment policy in order to adjust the training structure to the actual requirements of the labour market with increasing involvement of the economic operators and better consideration of the needs of the employers.

The organisational changes introduced in secondary vocational training also called for the revision of the content. The NQR, as well as the related technical and exam requirements were all revised. Vocational examinations were simplified and rationalised and new mandatory framework curricula were developed. The financing of vocational training in schools was also revised: the first vocational qualification continues to be free of charge and full state funding is provided for the period of obtaining a school leaving certificate in technical schools.

The Committee notes that the vocational contribution system was also transformed in line with its original objective to support vocational training in schools and adult training outside the school system. During the transformation of the vocational training system in the reporting period the initial requirements were to:

- simplify the vocational training system;
- operate the system cost effectively;
- increase the time limit of practical education within the framework of the strengthening of dual training and to simplify its support;

- ensure that the vocational training structure is in line with the demands of the economy both in terms of qualifications and the number of students;
- gradually improve the remuneration of teachers and specialist trainers.

The Committee asks what results have been achieved in view of meeting these requirements.

Measures to facilitate access to education and their effectiveness

The Committee noted in its conclusion XVIII-2 that the Public Education Act No. 79/1993 guarantees equal access to education for all, including nationals of other States Parties lawfully resident or regularly working in Hungary. The Committee asks the next report to confirm that access to vocational education, including higher vocational education courses is provided to nationals of other States Parties lawfully resident in Hungary, on an equal footing with nationals.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Hungary is in conformity with Article 10§1 of the Charter.

Article 10 - Right to vocational training

Paragraph 2 - Apprenticeship

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

The Committee notes from the report that the legal regulations revising the technical content of vocational training (National Qualification Register, Government Decree on the Requirement Modules) and the implementation of the regulations that reflected the new training system were developed during the reference period. They aimed, among others, at ensuring the opportunity for employers to establish study workshops to promote practical training.

The Committee notes from Cedefop (Apprenticeships in Hungary) that apprenticeship training is not a separate pathway in Hungary. Rather, it is an optional way of organising the practical training part of a vocational training programme at a company. Upper and post secondary vocational training is offered in vocational schools (*szakiskola*, SZI) and secondary vocational schools (*szakközépiskola*, SZKI).

There are two possible legal forms of providing training at a company. The form that both the law and education policy prefer is apprenticeship training based on a training contract (*tanulószerződés*), which is concluded between the student and the company.

The most important incentives for students to enter apprenticeship training are the financial benefits. Apprentices receive regular monthly allowance and they are also entitled to social security benefits. Time in apprenticeship training is counted as period of employment when calculating pensions. Students can also apply for various national and local scholarships.

Another relevant instrument is a new programme launched in 2013. It provides financial support for SMEs which employ – for at least 9 months – recent SZI graduates who had participated in apprenticeship training. The employment of altogether 5000 young people are supported.

The Committee recalls that Article 10§2 guarantees the right to access to apprenticeship and other training arrangements. Apprenticeship means training based on a contract between the young person and the employer, whereas other training arrangements can be based on such a contract but also be school-based vocational training. This education should combine theoretical and practical training and close ties must be maintained between training establishments and the working world. Under this paragraph the Committee principally examines apprenticeship arrangements within the framework of an employment relationship between the employer and the apprentice, leading to a vocational education.

As regards contracts between apprentice and the employer, the Committee notes from Cedefop that in the context of reforms implemented in the vocational training field, the conditions of providing apprenticeships have been made significantly more favourable for companies, while the option of providing practical training at a company without a training contract has been limited. The number of apprentices has increased significantly in special vocational schools and post-secondary vocational education. However, according to Cedefop companies have concluded a student contract only with a small number of students. The legal framework is given at all levels, but interest in participating in apprenticeship training are limited to the training for blue-collar jobs. The Committee notes that the percentage of students holding a training contract out of all students in vocational school programmes stood at 40% in 2013-2014. The Committee asks the next report to provide information on the overall number of apprentices and the percentage of those holding an employment contract with the company concerned.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Hungary is in conformity with Article 10§2 of the Charter.

Article 10 - Right to vocational training

Paragraph 3 - Vocational training and retraining of adult workers

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

Employed persons

The Committee recalls that under Article 10§3 of the Charter States must take preventive measures against deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic development. The States should provide information on the types of continuing vocational training and education available, overall participation rate of persons in training, percentage of employees participating in vocational training and total expenditure.

The Committee notes from the report that measures were taken to simplify access to adult training. The purpose of the licence is to ensure that adult training institutions pursue all their activities in compliance with higher quality requirements. In the reference period all applications for the issuance, modification and supplementation of licences to conduct vocational training had to be submitted to a single authority, i.e., the National Labour Office.

According to the report material changes were introduced in the legislation governing adult training, which called for the adoption of a new act. The complex objective of the Adult Training Act, developed and approved in that spirit, was to enable the Hungarian adult population to respond to the challenges of economic, cultural and technology development, to successfully integrate into the world of work, to be successful during their life and to improve the quality of their lives with the help of adult learning and training.

The Committee takes note of the programmes 'I Study Again', which in order to improve the chances of people in public employment to find a job in the open labour market, the programme offers them the opportunity to join intensive training courses that develop the basic competences of pupils. Participants of training programmes receive public employment wages, maintain their status as employed during the programme and fulfil their obligation to work by attending the training course.

The project reached and even exceeded the target indicators set in respect of all indicators. The number of people involved in training is 169,000 instead of 143,000; the number of people who successfully completed training is 149,000, while the original indicator was set at 95,050.

The number of participants in Hungarian adult training increased during the reference period and, after declining in 2012, moved in a positive direction again in 2013 in response to the measures introduced to restore fiscal balance. 97% of the training activities are completed within one year and a breakdown by the number of lessons indicates that 92% of the courses involve 200 or fewer lessons. 65% of adult training is provided by private institutions in Hungary. The Committee asks what proportion of the overall number of employed persons undergo training.

Unemployed persons

The Committee notes that a number of training programmes were implemented during the reference period. Committee recalls that the indicators of particular interest when it comes to vocational training for the unemployed are the number of participants, the development in national expenditure and the results of the effort, i.e. the employment effect (Conclusions XIV-2 (1998), Statement of Interpretation on Article 10§3).

The Committee notes from Euridyce (Overview, Hungary) that labour market training has been a significant element of active labour market policies for more than two decades. This publicly funded training is basically available for the unemployed but it is also offered for those at risk of losing their jobs, participating in the secondary labour market (e.g. in the

public works scheme), caring for children or relatives at home or having reduced ability to work. It is co-funded by the EU, coordinated by the Public Employment Service and implemented by training providers selected through a tendering procedure. Training for participants of public works schemes are provided exclusively by Turr Istvan Training and Research Institute, an agency of the Ministry responsible for education. The Committee notes from the report that after having completed this training 68% of participants found an employment in the public service, 6% in the primary labour market and 2% in the secondary labour market.

According to Euridyce, participants may receive a grant and cost reimbursement. Unemployed participants always receive a grant (wage-substitute) if they participate in training at least 20 hours a week. Training is free of charge for them if it is on the county-level list of courses meeting labour market needs. If the training course is not included in the list, participants or their future employers contribute to the training costs.

The Committee asks the next report to provide figures on the total number of unemployed persons having participated in a training and in proportion to the total number of unemployed persons.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Hungary is in conformity with Article 10§3 of the Charter.

Article 10 - Right to vocational training

Paragraph 4 - Long term unemployed persons

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

The report states that no changes occurred during the reference period in the legal regulations aimed at the retraining and integration of the unemployed.

The Committee notes that in 2011 the Government set up the 'Türr István Training and Research Institute' (TTRI), by merging the regional training centres. TTRI operates with reference to the tasks specified in the Decree of the Minister of Public Administration and Justice No. 3/2011 (II.11.).

The report indicates that the activities pursued in the framework of Priority 1 of the Social Renewal Operational Programme (hereinafter: SROP) seek to improve the employability of unemployed and to assist them in returning to the labour market. In this framework, the project "Improving the employability of people in disadvantaged situation (decentralised programmes in the convergence regions)" was implemented during the reference period. The overall objective of this project (concluded on 31/10/2015) was to a) increase employability and actual employment, to provide equal opportunities, and to reduce discrimination; b) assist persons in disadvantaged situations to enter the labour market with personalised services and support tailored to the local labour opportunities and needs. In this context, the regional organisational units of TTRI co-operated with employment organisations. According to the report, in the reference period, training was provided to 149,503 people in 8,131 groups. Persons at risk of long-term unemployment were among the target groups of the abovementioned project.

In its previous conclusions (Conclusions 2012), the Committee asked information on the number of long-term unemployed that participated in vocational training programmes and the overall activation rate upon completion of these programmes by the participants. As regard long-term unemployed taking part in training activities during the reference period, the report provides the following figures: in 2011, out of a total of 35,575 participants, 6,000 were long-term unemployed; in 2012 the relationship was 46,600 / 7,898; in 2013 133,218 / 23,277; in 2014: 190,969 / 59,689.

The report underlines that among those involved in the training programmes, the ratio of long-term unemployed kept rising during the four years examined: only 16.9% of the trainees were long-term unemployed in 2011; the ratio almost doubled to reach 31.3% in 2014. The ratio of people who were employed on the 180th day after the completion of labour market training gradually increased between 2011 and 2014 from 43.5% in 2011 to 55.7% in 2014. At the same time, the job placement ratio shows a significant increase of the number of people who found a job in public employment after training, as 39.9% of the 55.7% job placement ratio of 2014 included people who joined public employment. Still according to the report, during the period 2011-2014, the ratio of employment after training tended to be a few percentage points higher among persons not classified previously as long-term unemployed than among long-term unemployed. The difference in the ratio of finding a job between long-term and not long-term job seekers completing the training was the largest in 2014 (3.6 percentage points). In this context, the report points out that the ratio of employment in the primary labour market decreased among both long-term and not long-term job seekers completing a labour market training programme. In 2012, 43.5% of not long-term unemployed and 39.6% of long-term unemployed found a job on the primary labour market after participating in training, compared to 14.8% and 8.5% in 2014, respectively.

From another source (European Commission – Country Report Hungary 2015 staff working document of 18.03.2015 COM(2015) 85 final) the Committee notes that while low skilled workforce is a major problem, paired with a generally low participation in lifelong learning,

the schemes (including trainings) are not specifically designed to the personal needs of the individuals. The Committee asks that the next report comments on this observation.

The Committee asks that the next report specifies whether equal treatment with respect to access to training and retraining for long-term unemployed persons is guaranteed to non-nationals on the basis of the conditions mentioned under Article 10§1.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Hungary is in conformity with Article 10§4 of the Charter.

Article 10 - Right to vocational training

Paragraph 5 - Full use of facilities available

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

Fees and financial assistance

In its previous conclusion (Conclusions 2012) the Committee took note of the system of financial support for students in vocational education, including cash and in-kind benefits and grants. The Committee asks that each report provide updated information regarding the availability and amount of financial assistance for training, including information about the fees and loans to cover them.

The Committee notes from Euridyce that the funding of school-type adult education is integrated in the funding scheme of the school system, so in public education it is financed through the state maintenance entity and in higher education it is built in higher education funding. Out-of-school training falls under the scope of the Adult Training Act which focuses primarily on vocational trainings, language trainings and other supported (by state bodies) trainings.

By virtue of the Act on Contribution to Vocational Training the State also finances certain trainings in out-of-school training form from the basic training budget of the National Employment Fund and from European Union funds. The right of disposing of the basic budget is exercised by the Minister for Vocational and Adult Training.

School-type adult education is free. Tuition must be paid when learning the third profession only (earlier, when learning the second). A fee is payable for the qualification procedure for higher education, and the tertiary educational studies of adults are in general (but not always) against a fee. Out-of-school adult training is available in both free and fee-paying learning options depending on whether the training organization or the individual get any support.

Based on statistical data the participants themselves pay one third of the total cost of training. Mixed financing is rare, so the majority of the trainings is paid either by some financing entity (employer, labour centre, State etc.) or the participant. The training fee in so-called employment-oriented trainings supported by the State (training of e.g. the unemployed, jobseekers) is covered by the labour organization in part or in whole.

Similar to students in full-time education, adults are entitled to get state-regulated low interest-rate student loan to cover the costs of taking part in higher level training, and they shall repay this loan after completing their studies.

To support equal access to training, the labour centres organising the training session shall partly or wholly reimburse the fee of the training offered to or accepted by adult jobseekers and the registered unemployed. Additionally, adults attending supported training may get cost compensation (meals, travel, accommodation). The size of the adult training fee including examination fee is stipulated in the adult training contract between the adult training institution and the trained adult.

In its Conclusions 2008 the Committee asked whether equal treatment was guaranteed for nationals of other States Parties lawfully resident in Hungary as regards financial assistance for vocational training. In the absence of any information in the report on this issue the Committee considers that it has not been established that equal treatment of nationals of other States Parties lawfully resident in Hungary is guaranteed as regards financial assistance for vocational education and training.

Training during working hours

According to Act I of 2012 on the Labour Code, an exemption from the obligation to work may be granted under Section 55, so that employees continue elementary school education,

as well as for the time required to take part in training or further training as agreed by the parties.

Efficiency of training

The Committee recalls that, under Article 10§5, states must also evaluate their vocational training programmes for young workers, including the apprenticeships. The Committee asks what measures are taken to evaluate vocational training programmes for young workers, including the apprenticeships.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 10§5 of the Charter on the ground that it has not been established that equal treatment of nationals of other States Parties lawfully resident in Hungary is guaranteed as regards financial assistance for vocational education and training.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 1 - Vocational training for persons with disabilities

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

The report does not contain any figures for the total numbers of adults and children with disabilities. However, statistics on integrated education and segregated specialised general education and vocational training institutions are available.

The Committee underlines that, for it to be able to assess the effective equal access of children and adults with disabilities to education and vocational training, data on the total number of persons with disabilities, including the number of children, must be provided to it systematically. It also asks what percentage of persons with disabilities live in institutions. The Committee underlines that if the next report does not provide this information, there will be nothing to demonstrate that the situation of Hungary is in conformity with Article 15§1.

Definition of disability

Hungary ratified the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 20 July 2007.

The Committee refers back to its previous conclusion (Conclusions 2012) with regard to the definition of persons with disabilities under Section 4 of Act No. 26 of 1998 on the Rights of Disabled Persons and the Guaranteeing of their Equal Opportunities. However, the Committee notes that, according to the concluding observations of the United Nations Committee on the Rights of Persons with Disabilities (CRPD/C/HUN/CO/1, 2012), in the Hungarian legislation, the definitions of disability and persons with disabilities focus on impairments of an individual rather than on the barriers that he/she faces and that such definitions fail to encompass all persons with disabilities, including those with psychosocial disabilities. The Committee asks that this issue be clarified in the next report.

Anti-discrimination legislation

The legal framework governing the protection of persons with disabilities against discrimination, which is described in the previous conclusions (Conclusions 2012, XVIII-2 (2007), XIX-1 (2008)), was deemed by the Committee to be in conformity with Article 15§1 of the Charter.

The Committee notes from the report that the number of applications submitted to the Equal Treatment Authority by legal representatives of children with special educational needs rose from 13 in 2011 to 38 in 2013 and then fell to 17 in 2014. The Committee requests details of the nature of such applications.

Education

In its previous conclusion (Conclusions 2012), the Committee asked what practical measures have been taken (availability of special equipment, assistance of trained staff, transport aid, etc.) to favour and facilitate the inclusion of pupils with disabilities in mainstream education. In response, the report states that pupils with special educational needs can have additional entitlements. In this regard, the Committee notes that Act CXC of 2011 on National Public Education, Decree No. 20/2012 (VIII 31) of the Minister of Human Capacities on the operation of educational and training institutions and the names of public education institutions, and Government Decree No. 100/1997 (VI 13) on the regulations for secondary school leaving examinations make provision for exemptions and facilitations (extra time, use of special equipment) for examinations which apply both to pupils with special needs and to pupils in integrated education who have learning and behavioural difficulties.

According to the report, significant measures have been taken to implement the different forms of integrated education. The Committee notes from the report and the initial report submitted by Hungary to the Committee on the Rights of Persons with Disabilities (2011) that when the average number of pupils who make up a group or class is calculated (including for integrated classes when setting the maximum number of pupils per class), pupils with special educational needs are counted as two or three pupils depending on their disability, which means that special classes will each have between seven and 15 pupils at most.

In its previous conclusion (Conclusions 2012), the Committee asked, since the figures did not match those given by the European Agency for Development in Special Needs Education, for details of the concept of “integrated education” used in the report and whether this expression is equivalent to “education in a fully inclusive environment”.

In response, the report states that the difference in the figures is caused by the fact that the central statistical surveys also include adults with special needs studying full time at primary or secondary institutions (not in higher education). The Committee takes note of the centralised and detailed figures broken down by type of disability and institution.

With regard to integrated education, the report states that the legal provisions do not define this concept, but the National Public Education Act lays down the principle that one of the goals of public education is to educate children with special needs in mainstream nursery schools and schools wherever possible.

The Committee notes from the report that the numbers and proportions of pupils in integrated pre-school and school education have steadily increased. In 2013-2014, 27,325 pupils were educated in segregated specialised institutions and 53,945 pupils were in integrated education. In addition, in 2013-2014, 7,186 children with special educational needs and 5,722 pupils in integrated education were educated in pre-school institutions, and 51,681 and 34,599 respectively were educated in primary schools.

In its previous conclusion (Conclusions 2012), the Committee requested detailed information about the measures taken to improve access and the participation of children with disabilities in mainstream education, and asked whether the educational conditions for pupils with special educational needs and the quality of the education that is provided to them are monitored and how the state guarantees equality of access to mainstream education throughout the country, including in rural areas. In response, the report outlines the measures taken, including the duties of heads of educational and training institutions and the procedure whereby the Government Office monitors the operation of public education institutions. The Committee reiterates its question, including with regard to equality of access to mainstream education in rural areas.

In its previous conclusion (Conclusions 2012), the Committee asked what effective legal remedies are available to children/parents who do not agree with decisions taken by an expert panel which, under Section 13(2) of the Equal Opportunities Act, gives its opinion with regard to the admission of a person with a disability to nursery school and the continuation of their education in a mainstream school. As it could find no response in the report, the Committee reiterates its question.

In response to the Committee’s question about the measures taken to support integrated education, the report states that in accordance with Decree No. 15/2013 (II.26.) of the Minister of Human Capacities, since 2013, at least one educational services institution has been created in each county to provide advice to pupils throughout the county (including pupils with disabilities) with regard to the choice of their studies and profession. The Committee notes that this measure ensures nationwide coverage for educational services, so that the persons concerned can receive assistance near where they live. The Committee takes note from the report of the tasks of the educational service that must be carried out in

order to diagnose the different types of disability (visual, auditory, mental disability, etc.) of pupils.

The report also states that the integrated monitoring system which records all details of educational services provided to pupils was launched in 2014-2015 and that all educational services are obliged to use it.

The Committee takes note of the measures taken to prevent unjustified classification as disabled, especially for mentally impaired persons and for Roma children, and notes that the proportion of children with mild mental disabilities within the total number of pupils has slightly decreased during the reference period (from 1.6% in 2010-2011 to 1.4% in 2013-2014).

According to the 2014 figures from the Academic Network of European Disability Experts (ANED), the percentage of young persons with disabilities aged 18-24 who dropped out of education was 28%, as compared with 10.9% for able-bodied young people.

The Committee points out that, in order to analyse these statistics in a meaningful way, it needs to know the total number of pupils with disabilities, to have complete and up-to-date figures for the number of children with disabilities who are not in education and the measures taken to remedy this, and to know the number of persons with disabilities who leave the education system with no qualifications. It also requests specific data on the success rate of children with disabilities by comparison with other children and the success rate in terms of access to vocational training, continuation of studies or entry into the open labour market. In the absence of this information, the Committee considers that it has not been established that the right of persons with disabilities to mainstream education is effectively guaranteed.

Vocational training

In its previous conclusion (Conclusions 2012), the Committee considered that it had not been established that the right to mainstream training is effectively guaranteed for persons with disabilities. Consequently, it asked what was being done to strengthen the integration of pupils with disabilities in mainstream vocational training. In response, the report states that the vocational training system was transformed during the reference period [(the Committee refers to its assessment under Article 10§1 of the Charter with regard to the new vocational training system)]. Act CLXXXVII on Vocational Training, which entered into force on 1 January 2011, governs vocational training in a more transparent manner and makes provision, in particular, for preparation and examination procedures for pupils with special needs (assistance, physical access, examination time, special equipment). Act CLV of 2011 (the Vocational Contribution Act) strengthens the dual approach to practical education in vocational training. According to Government Decree No. 315/2013 (VII.28.), pupils with disabilities can pursue a different activity which corresponds to their disability and can have more preparation time for vocational examinations. The Committee notes that 164 framework curricula for special vocational education have been created in accordance with Decree No. 14/2013 (IV.5.) of the Ministry of the National Economy on framework programmes, for four types of disability (learning difficulties, hearing impairment, reduced mobility, sight impairment). The Committee requests that the next report provide information about the concrete impact of these laws in encouraging the integration of students with disabilities into vocational training institutions.

In its previous conclusion (Conclusions 2012), the Committee asked what measures have been taken to encourage access to higher education in general, and integration into mainstream higher education in particular. In response, the report states that in accordance with Act CCIV on Higher Education which entered into force on 1 September 2012, students with disabilities benefit from assistance and special arrangements during preparatory classes and examinations which are tailored to their disability. Students with disabilities are given additional time to prepare for examinations, and must have the opportunity to use

special equipment (typewriter or computer, etc.), or, if necessary, they can be given permission to take a written examination instead of an oral examination, and vice versa. However, according to the report, such exemptions cannot lead to exemption from fundamental academic requirements in the discipline to which the qualification relates.

The report states that Government Decree No. 423/2012 (XII.29.), which was adopted on 29 December 2012, makes provision for a higher education admission procedure for students with disabilities, in particular for language examinations. In addition, Government Decree No. 555/2013 (XII.31.) on the creation of an administrative grant programme for higher education students with disabilities entered into force on 1 January 2014. The Committee requests that the next report provide details of the concrete impact of these decrees in facilitating the integration of students with disabilities into institutes of higher education.

The Committee notes from the report that one of the objectives of the Social Renewal Operational Programme (SROP) is to promote the integration of students with disabilities (among other disadvantaged groups) in higher education. The programme includes several measures aimed at pupils with disabilities (see the report for more details).

The Committee takes note of the various programmes for higher education students with disabilities that were launched during the reference period (a 2012 programme called "Support for note-taking services" and an administrative grant scheme for work experience).

The Committee notes from the report that in 2014-2015, 2,025 pupils with disabilities were enrolled in higher education (0.66% of all students in higher education) and 8,344 were enrolled in specialised vocational training institutions. In 2013-2014, 7,162 pupils with special educational needs and 6,965 pupils in integrated education were enrolled on vocational training courses (3 years), and 4,452 and 4,337 respectively were enrolled in secondary vocational education (4 years with a final examination).

According to the 2014 figures from the Academic Network of European Disability Experts (ANED), the percentage of persons with disabilities aged 30-34 who had completed post-secondary education was 19.4% as compared with 29.5% for able-bodied persons.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 15§1 of the Charter on the ground that it has not been established that the right of persons with disabilities to mainstream education is effectively guaranteed.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 2 - Employment of persons with disabilities

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

Employment of persons with disabilities

According to the report of the Academic Network of European Disability Experts (ANED), in 2012, the percentage of women with disabilities aged 20-64 who had a job was 26.7% as compared with 59.8% for non-disabled women, and for men, the percentage was 30.2% as compared with 72.6% for non-disabled men. The rate of unemployment among women with disabilities was 27% as compared with 13.2% for non-disabled women, while the unemployment rate for men with disabilities was 25.1% as compared with 14.2% for non-disabled men. The Committee asks the next report to present the measures taken to reduce the significant difference between the unemployment rates for persons with disabilities and non-disabled persons, as well as the results achieved in this respect.

The Committee points out that updated figures on persons with disabilities must be provided to it systematically: their total number, the number of those among them who are of working age, the number of those who are seeking employment, and the number of those who are unemployed. It asks that such information be provided in the next report.

Anti-discrimination legislation

In its previous conclusion (Conclusions 2012), the Committee found that it had not been established that the legal obligation to make reasonable adjustments had been effectively guaranteed during the reference period. Having noted that such obligation had been included in the new Labour Code of 2012, the Committee requested detailed information on its implementation in practice (in this connection, the Committee asked for statistics showing the number of requests for reasonable accommodation measures, the number of request granted and the costs refunded) and whether it prompted an increase in employment of persons with disabilities in the open labour market.

In response, the report refers to Government Decree No. 327/2012 (XI.16.), which provides that employers of employees with changed working capacity can apply for grants of up to €7,246 (HUF 2,240,000) per plan to adapt a workplace or create a job. A total of 136 workplaces have thus been adapted.

The Committee notes from Hungary's initial report to the Committee on the Rights of Persons with Disabilities (2011) and the Concluding Observations of the United Nations Committee on the Rights of Persons with Disabilities (CRPD/C/HUN/CO/1, 2012) that, by virtue of the obligation to make reasonable adjustments which is laid down in the Disability Act and the 2012 Labour Code, an employer must transform the working environment in order to adapt it to the needs of these persons (by incorporating accommodations into programmes, services and other facilities) so that they are not discriminated against.

The Committee once again points out that it needs to know whether there is any case law on reasonable adjustments, and asks whether they have facilitated an increase in the employment of persons with disabilities in ordinary working environments. It also asks whether victims of discriminatory practices can be compensated for the pecuniary loss and non-pecuniary harm that they have suffered, whether any legal or non-legal remedies are available to them, and whether there is any case law on this subject.

In the light of the available information, the Committee considers that it has not been established that effective protection against discrimination in employment is guaranteed for persons with disabilities.

Measures to encourage the employment of persons with disabilities

In its previous conclusion (Conclusions 2012), the Committee considered that, insofar as the report did not provide any information and/or data on the impact of the measures taken on effective access to employment and keeping in employment of persons with disabilities, it had not been established that equal access to employment was effectively guaranteed for persons with disabilities.

According to the report, as from the end of 2010 important reforms of the system of disability benefits and employment rehabilitation were undertaken (see also Conclusions 15§3), with the aim of improving the efficiency and transparency of the system and facilitating the fastest possible integration of the persons concerned into the labour market. In particular, the report refers to legislative measures (Changed Working Capacity Act CXCI and Government Decree No. 327/2011 (VII.29.)), which entered into force on 31 December 2011 and redefined rehabilitation and disability benefits for persons with changed working capacity as well as the framework rules of support available for employment. A new system of benefits was set up for the persons concerned, based on redefined criteria for the assessment of working capacity (Decree of the Minister of National Resources No. 7/2012 (II.14.)): as from 1 January 2012, persons who are assessed capable of rehabilitation and professional reinsertion receive a rehabilitation benefit, while those for whom rehabilitation is not recommended receive a disability benefit. These benefits replace the previous disability pensions, regular social benefits and temporary benefits.

The report states that, as a result of these measures, the number of rehabilitation placements increased: although the number of persons with changed working capacity who were placed fell from 20,871 in 2013 to 17,982 in 2014 (i.e. almost -14%), the number of persons who found a job rose by 38%, from 12,631 in 2013 to 17,446 in 2014. The Committee asks the next report to present updated data and to clarify whether the placements and jobs at issue concern sheltered employment or the open labour market.

Another form of support to employment which was introduced in 2012 consisted in the issuing, by the National Tax Authority, of Rehabilitation Cards for persons with changed working capacity: when employing a card holder, the employer can claim partial relief for social security contributions (Act CXXIII of 2004 and Decree of the Minister of the National Economy No. 33/2012 (XII.5.)). Between July 2012 and December 2014, the number of employers and card holders benefiting from this measure increased respectively from 3217 to 8634 and from 5574 to 31 403.

The Committee takes also note of the introduction of an accreditation system, as detailed in the report, for employers offering sheltered employment, in accordance with Government Decree No. 327/2012 (XI.16.), which entered into force on 17 November 2012, and was amended in 2013. Accredited employers can apply for support when employing workers with disabilities. As a result of this measure, 720 new jobs were created in 2013. As of 2014, out of 2,034 employers, 5% were accredited, according to the data registered by the Service Analysis System which, since April 2014, collects and analyses data notably on service providers and the labour market.

The report furthermore indicates that, in accordance with Government Decree No. 327/2012, the former mechanism for rehabilitation oriented employment has been replaced with two types of support:

- transitional employment, which lasts for up to three years and prepares employees recommended for rehabilitation under sheltered conditions for employment in the open labour market. This objective is achieved if the employee finds a job in the open labour market for at least six months after transitional employment;
- permanent assisted employment, which allows workers with disabilities to work in sheltered conditions for a period of up to three years, which is renewable, in view

of preserving and developing their working capacity, health condition, physical and intellectual capacities.

According to information provided to the Governmental Committee (Governmental Committee Report concerning Conclusions 2012), an agreement was entered into in 2013 with 324 employers who employ 28,000 persons in permanent assisted employment and 2,410 persons in transitional employment.

During the reference period, according to the report, the annual number of persons with disabilities in sheltered employment did not change significantly (approximately 8,000 persons); the report points out, in this respect, that some 1,200 persons were actually transferred from sheltered to accredited employment, and new employees were recruited to fill the vacant posts in sheltered employment.

The report also indicates that the Changed Working Capacity Act 2012 provides that workers with disabilities shall account for at least 5% of the total headcount of employees, when the number of employees is more than 25; if this ratio is not respected, the employer is subject to the payment of a contribution corresponding to €3,128 (HUF 964,500) per person per year. The Committee asks what is the proportion of employers respecting this mandatory employment ratio.

The Committee takes note of several Programmes mentioned in the report and aimed at assisting organisations which provide training and vocational rehabilitation services to persons with changed working capacity:

- in the framework of the Social Renewal Operational Programme (SROP) 5.3.8., between 2012 and 2014, measures have been taken to improve training of persons with changed working capacity and the employment support services for them, as well as the monitoring of the efficiency of such services. As of 31 December 2014, vocational rehabilitation services were provided by 54 organisations, in 68 central offices, and concerned 10,926 job-seekers with changed working capacity and 2,034 employers intending to hire them. 7,988 employees were placed and 1,692 of them found a job in the open labour market;
- SROP 1.1.1. programme also aims at promoting the rehabilitation and employment of persons with changed working capacity. At the end of 2014, 11,424 persons had participated to it; of this number, approximately 25% should be employed for at least 3 months in the project implementation period. The programme was continued in 2015.
- The Alternative Labour Market Services Programme (ALMS) proposes four types of employment services based on the health impairment categories. The service is available throughout the country through 35 civil organisations who receive support for delivering this service (HUF 750 million between 2010 and 2014).

The Committee asks the next report to provide updated data on the impact of these measures on the maintenance in employment of persons with disabilities. It asks whether trade unions play an active role in sheltered employment facilities and requests details of the conditions laid down by the legislation concerning the calculation of pay for persons working in sheltered employment facilities and the rate of transfer of persons with disabilities in sheltered employment to the open labour market.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 15§2 of the Charter on the ground that it has not been established that equality of access to employment is effectively guaranteed for persons with disabilities.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community

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

Anti-discrimination legislation and integrated approach

The Committee refers to its previous conclusion (Conclusions 2012), in which it considered that Act CXXV of 2003 on Equal Treatment offers persons with disabilities sufficient protection under Article 15§3 of the Charter. In addition, Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities (the Disability Act), which prohibits discrimination, makes it compulsory to make reasonable adjustments in a number of fields.

In accordance with the 1988 Act, the Parliament adopted a National Disability Programme for the period 2007-2013, aimed to guarantee equal opportunities and improve quality of life of persons with disabilities, and in 2013 it started drafting a new Programme in collaboration with the National Disability Council and organisations which protect the interests of persons with disabilities. In accordance with the Disability Act, the new Programme must include an Action Plan for its implementation for the period 2015-2018 (outside the reference period). The Committee requests that the next report provide information about the results achieved.

The report states that in December 2012, a working group was set up in order to revise the Disability Act, and in particular to introduce a system of penalties for non-fulfilment of obligations (see Conclusions 2012). The working group is made up of representatives of major advocacy organisations, representatives of the ministries concerned, and a university representative. It concluded that the provisions concerning accessibility (Article 27) are acceptable and did not consider it necessary to introduce any specific penalties in this area for reasons including the fact that accessibility is a legal obligation which depends on the country's economic performance.

The Committee requests information about the legal and non-legal remedies for discrimination and details of relevant case law. It also asks whether the authorities involved in the implementation of the disability policy aim to ensure that the planning of their activities is integrated. In the meantime, it considers that the situation is not in conformity with Article 15§3 of the Charter on the ground that it has not been established that effective remedies are guaranteed for persons with disabilities who allege discriminatory treatment.

Consultation

In its previous conclusion (Conclusions 2012), the Committee asked how persons with disabilities are represented in governmental bodies and how they are consulted at national and local level. In response, the report states that pursuant to Act XLIII of 2010, the government has created a National Disability Council in order to improve the situation of persons with disabilities and strengthen co-operation with non-governmental organisations that support them. The Council provides recommendations, opinions and advice to the Government and the Minister responsible for fostering equal social opportunities. According to the country report drawn up by ANED for 2011, it is a governmental body made up of representatives of the public authorities, disabled persons' organisations and other relevant organisations.

In this connection, however, the Committee notes that according to the Concluding Observation of the United Nations Committee on the Rights of Persons with Disabilities (CRPD/C/HUN/CO/1, 2012) persons with disabilities and the organisations that represent them scarcely participate at all in the review and design of disability-related legislation and policies, or other policy and decision-making processes. The Committee asks that this issue be clarified in the next report.

Forms of financial aid to increase the autonomy of persons with disabilities

In its previous conclusion (Conclusions 2012), the Committee requested details of all of the benefits and other forms of financial assistance that persons with disabilities can claim.

In response, the report states that Act CXCI of 2011 on Benefits for Persons with Changed Working Capacity was amended on 31 December 2011. The Act redefined rehabilitation and disability benefits for persons with changed working capacity as well as the framework rules of support available for employment. A new system of benefits was set up for the persons concerned, based on redefined criteria for the assessment of working capacity (Decree of the Minister of National Resources No. 7/2012 (II.14.)): as from 1 January 2012, persons who are assessed capable of rehabilitation and professional reinsertion receive a rehabilitation benefit, while those for whom rehabilitation is not recommended receive a disability benefit. Persons who have reached retirement age receive now an old age pension. These benefits replace the previous disability pensions, regular social benefits and temporary benefits.

The Committee notes from the report that in January 2014, 372,000 persons with changed working capacity received a pension, 164,000 persons were in receipt of rehabilitation benefit (which in 2014 was approximately €173 (HUF 53,238) per month per person), and 269,000 persons were in receipt of disability benefit (approximately €218 (HUF 66,985) per month per person).

The report also mentions other benefits paid to person with disabilities:

- the invalidity allowance, for persons aged over 18 who have a severe disability and are unable to lead an independent life; it is a monthly financial benefit, and the amount ranged between €66 (HUF 20,327) and €81 (HUF 25,018) in 2015; it was paid in 2014 to 115,541 beneficiaries;
- a personal allowance for the visually impaired (gradually phased out since 1 July 2001, no new benefit has been approved, 3,943 beneficiaries in 2014);
- a disability annuity (32,497 beneficiaries in 2014);
- miners' annuity for health impairments (2,205 beneficiaries in 2014);
- higher amount of family allowances for children and adults with disabilities (124,210 beneficiaries with severe disabilities living with families, and 1,452 beneficiaries living in institutions).

Measures to overcome obstacles

Technical aids

In its previous conclusion (Conclusions 2012), the Committee requested detailed information about the technical aids that are available. In response, the report states that a new system for the acceptance of medical devices was introduced in 2007 by Decree No. 14/2007 (III.4.) of the Ministry of Health. The National Health Insurance Fund regulates the acceptance of specific products and changes in the support parameters. In addition, the Health Insurance Act of 1997 and its implementation decree lay down framework regulations for each group of products, the parameters of the products that are supported, and the subsidies that are available.

In response to the Committee's question about the financial contribution made by the State to the provision of technical aids, the report confirms that support can be granted, under certain conditions, described in the report. In particular, the Drug Distribution Act provides that therapeutic appliances and other equipment can be subsidised by social insurance. Similar regulations exist for rental devices. The National Health Insurance Fund publishes the support list, including the accepted medical devices and their parameters, every month. The Fund also publishes a web-based catalogue of products that qualify for support. Approximately 10% of the population use medical devices, with over HUF 55 billion state support granted per year to make such devices available for patients.

As regards personal assistance or home help services, the report refers to the provisions on support services under Act III of 1993 on Social Administration and Social Services, but it does not clarify, as requested by the Committee (Conclusions 2012), whether such services are free of charge. The Committee accordingly reiterates its question.

Communication

In its previous conclusion (Conclusions 2012), the Committee requested more details about the accessibility of communications and information technologies in practice. In response, the report states that audio-visual media service providers must make their programmes accessible to persons with impaired vision, in accordance with Act CLXXXV of 2010 on the Media. According to the report, the legal provisions are intended to guarantee, on the one hand, access to media programmes for persons with impaired hearing and, on the other hand, the quality of the aids available (subtitling or sign language interpreting).

According to Section 39 (2) (which was in force until 1 January 2015) of the Media Act, public service and audio-visual broadcasters must apply aids to make it easier for persons with impaired hearing to understand certain programmes. The National Media and Telecommunications Authority (Resolution No. 1601/2011 (XI.9.)) audits the application of this Section in the programmes of seven nationwide media service providers once a month. Audio-visual service providers who do not fulfil the obligations are penalised with fines. The Committee notes from the report that the ratio of accessible programme time for persons with disabilities increased from 22% in 2011 to 66% in 2014. The Committee asks to be informed of the progress made and new measures taken in relation to communication.

Mobility and transport

In response to the Committee's question about the measures taken to improve the mobility of persons with disabilities and the progress made in implementing such measures, the report states that under Government Decree No. 102/2011 (VI.29.) a new support system for persons with severely reduced mobility, allowing them to request financial support to purchase an adapted vehicle, was introduced in July 2011 and extended in September 2012 to persons with a visual, hearing or mental disability as well as autistic persons. The support amounts for purchases and conversions were increased, the rating system for the ability to move was reviewed, and the procedure for applying for and granting support was simplified. The Committee notes from the report that in 2014, 1,132 persons received support so that they could buy or convert a car.

Act XLI of 2012 on Passenger Transport Services, which entered into force on 1 July 2012, makes provision for the gradual creation of conditions for equal accessibility in vehicles used for scheduled public passenger transport. In addition, in line with EU regulations, the Transport Act lays down a general obligation to ensure that scheduled public transport is accessible. The Committee notes from the report the measures taken by transport service providers which favour access to information and accessibility of transport and stations (see the report for more details). The Committee notes the ratio of vehicles and other installations which were accessible to passengers with disabilities at the end of 2014, as detailed in the report (26% of buses partially or fully accessible, 99% of bus stops, 14% of tramways, 27% underground stops etc.).

Furthermore, according to Section 9 of the Disability Act, persons with severely reduced mobility can be transported by the special services that were introduced on 1 January 2013 as part of the public service. The Committee requests more details of this service.

Housing

The report states that according to the Social Act, persons with disabilities and psychiatric patients are entitled to housing and social services according to their age, health and capacity to be self-sufficient. An amendment of 2013 has introduced sheltered housing, as a

new form of service. Under this amendment, care-providing institutions can deliver care to persons with disabilities (including those who have psychiatric problems or suffer from addictions) in this new form of social buildings which should replace, through a 30-year programme, the high-capacity institutions which currently provide care to persons with disabilities (Government Decision No. 1257/2011 (VIII. 26) on the strategy of the government and implementing arrangements to replace institutions providing social assistance to persons with disabilities). The Committee requests that it be informed of the progress made in this regard.

In its previous conclusion (Conclusions 2012), the Committee requested in particular information on the grants that individual persons with disabilities can request for home renovation/adaptation work, the number of beneficiaries of such grants, and the progress made in improving access to housing. As the report does not provide this information, the Committee reiterates its question. It considers in the meanwhile that it has not been established that persons with disabilities have effective access to housing.

Culture and leisure

The Committee notes the information provided in report, in response to its request (Conclusions 2012), on various cultural programmes aimed at persons with disabilities to enable enhancement of their skills and knowledge in libraries, museums and cultural centres. According to the report, cultural institutions guarantee equality of access to information through the various free services (audio books, large-print books, screen reader software, Braille books, other special material, library bus etc.) aimed at persons with disabilities.

In addition, new requirements have been laid down in 2013-2014 with regard to the physical accessibility of public libraries and records (Decree No. 39/2013 (V.31.) of the Minister of Human Resources on the operation of the Library System; Government Decree No. 120/2014 (IV.8.) on the keeping of records in public libraries).

As regards sport, the report states that the Sports Act of 2004 provides that sport associations must make special arrangements for persons with disabilities and ensure that sports facilities and events are accessible to athletes and spectators with disabilities. The Committee notes from the report the support that is available and the various sports events that are intended to promote sport for persons with disabilities.

Conclusion

The Committee concludes that the situation in Hungary is not in conformity with Article 15§3 of the Charter on the following grounds:

- it has not been established that effective remedies are guaranteed for persons with disabilities who allege discriminatory treatment and
- it has not been established that persons with disabilities have effective access to housing.

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

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

Equal rights

The Committee recalls that it examines measures relating to maternity protection under Article 8 of the Charter (Conclusions 2015).

The Committee previously examined the legal framework relating to equal treatment between men and women in employment in Conclusions XIX-1 (2008), where it noted that the basic texts guaranteeing the right to equal treatment are provided by the Act on Equal Opportunities (Ebkvt) and the Labour Code. In its previous conclusion, the Committee however requested further information on several issues (Conclusions 2012).

The report indicates that Section 12 (1) of the Act I of 2012 on the Labour Code (the new Labour Code) states that the requirement of equal treatment must be complied with in relation to employment. The Act defines the concept of wages (as any remuneration in cash or in kind provided to employees directly or indirectly based on their employment), as well as the factors that need to be taken into account when calculating the equal value of work (the nature of the work, its quality and quantity, working conditions, vocational training, physical and intellectual efforts, experience, responsibilities and labour market conditions. The report indicates that the Act CVI of 2011 on Public Employment provides that the new Labour Code referred to above, effective from 1 July 2012, shall also apply to public employees.

The Committee noted previously that a victim of sex discrimination may choose to seek redress either before the civil courts, labour courts or Equal Treatment Authority (ETA). It asked for further information on the interaction between these avenues of redress. The report indicates that a victim of discrimination may submit a complaint before the court even after the ETA has concluded its procedure and the court, in reaching its decision, is not bound by the ETA decision or the facts concluded by ETA. If however, one starts a case before an ordinary or a labour court, the Equal Treatment Authority will have to suspend their proceedings and base their decision on facts as established by the court decision. Thus, court decisions are not necessarily binding for ETA, but the Authority has to take into account the facts established by the court.

As regards compensation, the Committee noted previously that the Equal Treatment Authority has no power to award financial compensation. However victims of discrimination may seek compensation from the civil and labour courts. The Committee asked therefore whether there are limits to the amount of compensation that may be awarded by the courts.

The report indicates that under the Labour Code an unlawfully dismissed employee is entitled to reinstatement in the same job, or to pecuniary compensation for any loss resulting from the wrongful termination. Claims include damages for loss of income: loss of wages and other regular benefits associated with employment, and of other regular income outside the working relationship. An amount claimed in damages for loss of income may not be higher than the amount of twelve months' holiday pay of the employee. In addition, employees are entitled to severance pay if the employment was illegally terminated without notice, or if the employee did not receive any severance pay when employment was terminated (e.g., if the employer referred to the employee's conduct or abilities in the notice without any justification or terminated the legal relationship with immediate effect. Apart from the loss of income, employees may also claim compensation for other losses caused by the termination of employment. The court determines the amount of compensation, taking into account the gravity of the infringement, whether it was committed on one or more occasions, the degree of responsibility, the impact of the infringement upon the aggrieved party and his/her environment. The Committee asks that the next report provide examples of compensation granted in cases of sex discrimination in employment.

The Committee asked previously whether domestic law made provision for comparisons of pay and jobs to extend outside the company directly concerned where this is necessary for an appropriate comparison. The report indicates that in March 2014, the European Commission adopted a Recommendation, aiming to assist Member States to find tailor-made approaches to tackling pay discrimination and the gender pay gap. The recommendation suggests introducing a consultation information mechanism in the legislation of the Member States in order to increase the transparency of wages, promote equal treatment and reduce any pay gap. In order to transpose the Commission Recommendation 2014/124/EU on strengthening the principle of equal pay between men and women through transparency, consultations began in Hungary at the end of 2014 to find possible solutions and identify the related legislative tasks. The Committee asks information on any developments on this matter in the next report.

The Committee recalls that it examines the right to equal pay under Article 20 and Article 4§3 of the Charter, and does so therefore every two years (under thematic group 1 “Employment, training and equal opportunities”, and thematic group 3 “Labour rights”). Articles 20 and 4§3 of the Charter require the possibility to make pay comparisons across companies (Conclusions 2010, France). At the very least, legislation should require pay comparisons across companies in one or more of the following situations:

- cases in which statutory rules apply to the working and pay conditions in more than one company;
 - cases in which several companies are covered by a collective works agreement or regulations governing the terms and conditions of employment
 - cases in which the terms and conditions of employment are laid down centrally for more than one company within a holding (company) or conglomerate.
- (Statement of Interpretation on Article 20 (Conclusions 2012).

The Committee recalls that in equal pay litigation cases the legislation should allow pay comparisons across companies only where the differences in pay can be attributed to a single source. For example, the Committee has considered that the situation complied with this principle when in equal pay cases comparison can be made with a typical worker (someone in a comparable job) in another company, provided the differences in pay can be attributed to a single source (Conclusions 2012, Netherlands, Article 20) or when pay comparison is possible for employees working in a unit composed of persons who are in legally different situations if the remuneration is fixed by a collective agreement applicable to all entities of the unit (Conclusions 2014, France, Article 4§3).

In the light of the above mentioned, the Committee reiterates its question whether in equal pay litigation cases it is possible to make pay comparisons outside the company directly concerned. It reserves its position on this point.

Equal opportunities

The report indicates that in Hungary the employment rate of women aged 15-64 was 55.9% in 2014, 3.3 percentage points higher than in the previous year. Accordingly, 1,867,000 women were employed in 2014, representing an increase of 92,000 and 141,000 in 2013 and 2010, respectively. The growth rate of the employment of women was greater in Hungary than in the countries of the EU in 2014, even though the Hungarian indicator is still lower than the EU average (59.6%). The unemployment rate of women aged 15-64 was 8.0% in 2014, reflecting a decline of 2.2 percentage points since 2013 (10.2%).

The Committee notes from Eurostat the values of the gender pay gap during the reference period: 18% in 2011, 20.1% in 2012, 18.4% in 2013 and 15.1% in 2014 (which was below the average for the 28 EU countries of 16.1% in 2014).

The Committee notes that a National Strategy to promote the Social Equality of Women and Men 2010-2021 was adopted in 2010, and *inter alia* contains measures and guidelines to be taken to reduce any differences between women and men in employment and improve

women's employment and promotion opportunities. The report describes the specific actions and measures taken so far, which mainly aim at reconciling work and family responsibilities and relate to family policy (including childcare allowances and family benefits), the development of family friendly workplaces by granting support to enterprises, and exemptions from social contributions for hiring women with small children in part-time jobs. The report also indicates that childcare services are being modernised and their capacity increased.

The Committee however notes that, in its concluding observations, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the low participation of women in the labour market and the persistence of stereotyped division of gender roles in family and society as well as the support of such roles throughout the state party's policies and priorities, including due to the focus on population growth (CEDAW/C/HUN/CO/7-8, 1 March 2013, paragraphs 18 and 28).

While noting the measures taken to promote reconciliation between work and family responsibilities, the Committee asks that the next report provide information on any other measures taken to promote equal opportunity and treatment of men and women, such as measures to overcome gender stereotypes on the aspirations, preferences and capacities of women and the roles and responsibilities of men and women in the family and society. The Committee also asks that the next report provide specific information on any measures taken to address occupational gender segregation, including measures aimed at promoting women's access to a wider range of jobs and providing them with a wider choice of educational and vocational opportunities; and to continue to provide information on the implementation of the National Strategy for the Promotion of Gender Equality, the difficulties encountered, if any, and the results achieved.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Hungary is in conformity with Article 20 of the Charter.