



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
21 November 2012

Original: English

**Committee on the Elimination of
Discrimination against Women**

Fifty-fourth session

11 February – 1 March 2013

**List of issues and questions with regard to the consideration
of periodic reports: Hungary**

Addendum

**Replies of Hungary to the list of issues to be taken up in
connection with the consideration of its combined seventh
and eighth periodic reports* ****

* In accordance with the information transmitted to State parties regarding the processing of their reports, the present document was not edited.

* Annexes can be consulted in the files of the secretariat.

General

Reply to the issues raised in paragraph 1 of the list of issues (CEDAW/C/HUN/Q/7-8)

1. The Hungarian Central Statistical Office (KSH) uses its own instruments to offer continuous support to work being carried out in the interest of equal opportunities. Among other things, since 2001 the KSH has issued a comprehensive publication for decision-makers, which presents the available data broken down into thematic units. The charts and illustrations in the publication organize gender-sensitive indicators by topic within individual chapters. The list of indicators was drawn up with the involvement of experts, and is continuously updated, being revised from 2009 to take into account the list of indicators of the Beijing Platform for Action as well as the official positions of the EU. The results of both KSH data collections and external data sources are published in the volume, for the year in question and in time series, highlighting the available socio-demographic criteria in comparison with the rest of Europe. Chapters: Population and Family, Health, Education, research and development, Labour Market and employment, Consumption, earnings and pensions, Crime, Travel habits and Public life.

2. In addition to the above chapters, which can be considered as permanent, the volume also includes the results of current - ad hoc - data collections, which can provide supplementary information on a given field. Examples of these are the section published in 2003 and 2004 presenting the Time budget data for 1999/2000, and the chapter published in 2005 on the results of the research carried out externally to the KSH in 2003 into the situation of the Gypsy population in Hungary.

3. The KSH is in possession of detailed time-series population data for each gender, age group and type of settlement. Demographic and health-related data are also available annually, broken down according to gender.

4. Time-series data presenting the level of education among women, the position of women in the labour market and their socio-economic status can be found among the data.

5. In years where a general census or micro-census takes place, data are available on all the areas mentioned in greater detail than is the case with the annual data collections.

6. General censuses also provide information about affiliation to nationality, religion and denomination.

7. Detailed data on various illnesses and disabilities may also be obtained from the census data, and several representative population data collections carried out in the intervening period also deal with this area, in addition to the regular institutional data collections.

8. Beginning in 1992, the KSH labour market surveys provide very detailed data for each region, broken down according to gender, covering several dimensions. Supplementary surveys on different issues are carried out in designated households every quarter as part of this data collection, and several of these have dealt in detail with the status of women:

- 2005 Q4: Returning to the labour market after time spent on child-care benefits
- 2007 Q4: Extent of being affected by unemployment, discrimination
- 2010 Q1: Extent of being affected by unemployment, discrimination
- 2010 Q2: Working and family commitments
- 2012 Q1: Extent of being affected by unemployment, discrimination

9. Detailed analysis and research into the status of women is also facilitated by the Time budget survey carried out by the KSH in 2009-2010. From the data it contains it is possible to build up a comprehensive picture of women's daily use of their time, their level of education, their income-generating activities, the daily employment-related commuting they do, their free time activities, health status and family circumstances, all broken down according to several dimensions (age group, settlement).

10. The official statistical service unfortunately does not collect data about the situation among the Roma population - the last comprehensive study was the data collection of 2003 led by István Kemény -, so there are no statistical data about Roma women, because data protection laws do not allow the direct collection of ethnic data. In the near future, the KSH will also ask respondents about their nationality and ethnic affiliation, initially in the labour force survey and gradually, according to plans, in other residential data collections, using a methodology that allows comparison with the most recent general census, and taking into consideration the criteria of voluntary data provision. In consequence of this it is hoped that there will also be data available about Roma women.

11. The periodical publication is issued every two years, and edited by TÁRKI. 2011 saw the publication of the 6th volume titled "Changing roles" - Report on the status of women and men 2011, which conducts an in-depth analysis of the causes and effects of social inequality and disadvantages between men and women in different social areas – with data analysis and research. (Studies it contains include, for example: Unequal pay between women and men in Hungary; The mutual effect of changes in gender roles and public opinion; Among conflicting expectations...Family male roles and model fathers in modern Hungary; Women and men in the labour market, with special focus on the effects of managing the crisis; etc.)

Legal status of the Convention and institutional framework

Reply to the issues raised in paragraph 2 of the list of issues

12. First of all it is hereby stated that the Constitution of Hungary went out of force when the Fundamental Law entered into force on 1 January, 2012. Article XV of the Fundamental Law of Hungary provides for the prohibition of discrimination in general and for the promotion of equal opportunity, as follows:

"Article XV

(1) Every person shall be equal before the law. Every human shall have legal capacity.

(2) Hungary shall ensure fundamental rights to every person without any discrimination on the grounds of race, colour, gender, disability, language, religion, political or other views, national or social origin, financial, birth or other circumstances whatsoever.

(3) Women and men shall have equal rights.

(4) Hungary shall adopt special measures to promote the implementation of legal equality.

(5) Hungary shall adopt special measures to protect children, women, the elderly and persons living with disabilities."

13. It is clear, therefore, that the Fundamental Law which is in force refers in several provisions to the prohibition of negative discrimination between the genders, as well as to the promotion of equal opportunity and the protection of women. Paragraph (2) is a general

prohibition; paragraph (3) expressly mentions this, while paragraph (5) establishes the protection of women through positive discrimination.

14. Article 1 of the Convention on the Elimination of All Forms of Discrimination against women states that "For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

15. This section of the Fundamental Law of Hungary remains unchanged from the previous Constitution, and continues to guarantee the prohibition of negative discrimination for every person in line with the reasons for protection that are listed. The Fundamental Law - like the previous Constitution - applies open interpretation in the definition of the "others" category, allowing space to legislators to define new reasons for protection. These reasons for protection appear itemized in paragraph 8 of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereafter: Equal Treatment Act) effectively covering every possible status and reason.

16. In this regard, we are of the opinion that there is no interpretation of the Committee request for Hungary to include a definition of "discrimination against women" in the relevant laws, since article XV of the Fundamental Law in force, the Equal Treatment Act, and the relevant legal practice of the constitutional court and the ordinary courts provide a full guarantee that the objectives defined in article 1 of the Convention are being observed, promoted and enforced in Hungary even without a specific definition of the concept.

Reply to the issues raised in paragraph 3 of the list of issues.

17. In this matter the National Office for the Judiciary has no information on specific judicial cases.

18. The formation of a common way of thinking is an extremely important task, because, if there is an unlawful situation which affects women (which may be violence within the family, harassment at work, or any other form of unlawful conduct) and the authority or crime-fighting body which deals first with the situation (the police or, in certain cases, the public prosecutor) fails to act swiftly and appropriately enough, there will be no possibility for legal remedy. Offences against women frequently occur together with unlawful conduct against children (violence within the family is typical of this), where it would be the mother's duty to enforce a legal remedy for her child, but who may be in a similar situation herself and also in need of assistance. The various signalling systems often operate in a formal way, so it is often not possible for actual assistance to be available at the right time. Among the reasons for this, in addition to a lack of awareness on the part of those suffering an offence against the law, lack of knowledge among those called to provide assistance, the general way of thinking, and an absence of proper cooperation all play a role.

19. A series of training sessions - which can be one-day or two-day sessions -, held by presenters ranging from lawyers and state administration experts to sociologists, psychologists and representatives from NGOs that specialize in this area, would be suitable for giving course participants an overview of all aspects of this problem, and for developing a common way of thinking, which would make it easier in future to have better cooperation and more effective legal remedy. As far as teaching methodologies are concerned, it would be very useful to process legal case studies and to incorporate role-playing. Similar methodologies have already been successfully used in the professional programmes offered by the Hungarian Academy for the Judiciary. (A good example would be the mediation

training, where the roles in legal case studies were played by judges, giving them a great amount of insight and empathy.)

20. The series of training sessions could be incorporated into the professional programme of the Hungarian Academy for the Judiciary, who would also participate in drawing up the course's professional content and training methodology. They have already dealt with similar questions with regard to the vulnerability and harassment of minors and the training of judges in family law, and further similar professional programmes are planned for the future.

Reply to the issues raised in paragraph 4 of the list of issues

21. Amendments relating to a change in the legal position of the authority were provided for in Act CXXV of 2003 on equal treatment and the promotion of equal opportunities, (hereafter: Equal Treatment Act), Act CXL of 2004 on the general rules of administrative authority procedures and services and other related acts, as well as paragraph 37 of Act CLXXIV on the amendment of specific acts related to the review of ministerial powers. The new provisions came into effect on 1 January, 2012, and among them it is worth highlighting the provisions of paragraphs 33 and 34 of the Equal Treatment Act, whereby

Paragraph 33

- (1) Enforcement of the requirements of equal treatment is inspected by the authority.
- (2) The authority is an autonomous state administrative body.
- (3) The authority is independent and subject only to the law, it may not be rejected within its scope, and it performs its tasks separately from other bodies and free from influence. Tasks for the authority can only be determined by the law.

Paragraph 34

- (1) The authority is a central budgetary body with chapter rights, whose budget forms an independent category under the budgetary chapter of the ministry led by the minister with responsible for social inclusion.
- (2) The main income and expenditure items of the authority budget for a given year - with the exception of temporary measures brought in order to prevent or clean up the consequences of a natural disaster which threatens life and property, as defined in the act on state finances, and any measure brought by the authority itself or by its regulatory body - may only be reduced by the National Assembly.

22. Following the amendment, paragraphs 35-44 of the Equal Treatment Act govern the rules of the legal status of the authority president and vice-president, including the fact that the president is appointed by the president of the republic at the recommendation of the prime minister, and has a mandate which lasts nine years, as opposed to the previous indefinite mandate.

Justifications cited in cases related to discrimination against women, and the decisions brought in such cases

23. The vast majority of employment-related complaints received from women, and from expectant mothers or mothers with young children, were made in connection with the following:

- (a) Their employment was terminated during the probationary period because their child was ill or because their pregnancy came to light,
- (b) Their fixed-term contract, in spite of being extended year on year for several years, was not extended after the employer learnt that the employee was pregnant,

(c) The managerial position of a women employee on maternity leave was withdrawn from them by the employer, stating that actual work is not done during this period,

(d) The salary of a female employee was lower than the salary of a male employee in the same or a similar position (infringing the principle of equal pay for equivalent work),

(e) The female employee took exception to the fact that the employer wished to place the woman in a position which was not the same as or similar to the position she had held before the birth of her child, and that her previous position had been filled by a male employee,

(f) The employer refused to pay the "cafeteria" (fringe benefits) to the employee for the amount of holiday accrued during childcare leave/ maternity leave, etc., or wanted to pay a reduced amount,

(g) The employer attempted to "persuade" an employee returning to work from maternity/childcare leave to terminate the employment or other legal relation via "mutual consent".

Complaints were received equally from the public and private sectors.

24. Where the distribution of goods and the use of services is concerned, a typical complaint was that the mother was unable to use the services of a business when pushing their baby in a pram, because they were prevented from entering the premises with a pram.

25. The following table contains authority decisions where paragraph 8, section 1) of the Equal Treatment Act (motherhood, pregnancy) was cited as a protected status in the area of employment.

<i>Year</i>	<i>Decisions finding a breach of the law</i>	<i>Compromise</i>	<i>Decisions rejecting a breach of the law</i>
2008	4	1	5
2009	3	3	8
2010	5	5	6
2011	4	2	11
2012*	2	0	3

* Cases closed by 25th September, 2012 are included in the above data.

Where paragraph 8, section (a) of the Equal Treatment Act (gender) was indicated, and the plaintiff was female:

<i>Year</i>	<i>Decisions finding a breach of the law</i>	<i>Compromise</i>	<i>Decisions rejecting a breach of the law</i>
2008	0	0	2
2009	5	0	1
2010	2	2	5
2011	3	2	2
2012*	1	0	2

* Cases closed by 25 September, 2012 are included in the above data.

Increased awareness of the work of the authority

26. As part of the project TÁMOP 5.5.5, the authority holds legal and awareness-raising training courses, aimed at using experiential tasks to help recognition of negative discrimination in the legal sense and to prepare for measures to be taken against discrimination. Further information about the training can be found on the website: <http://egyenlobanasmod.hu/tamop/kepzesek>.

27. The Equal Treatment Authority strives to make the use of authority services available to a wider community by operating - also under the TÁMOP project - a network of county equal treatment representatives. In the period between 1 September 2009 and 31 July 2012, based on the gender affiliation of the 386 complaints submitted via the TAMOP representatives' network, 204 complaints were submitted by women. Of the 990 participants in the 52 training courses held between 1st September 2010 and 30th June 2012, 747 were women.

28. The research programmes of the project TÁMOP 5.5.5 have the objective of discovering the different ways in which negative discrimination is manifested, and the results can be accessed on the website: <http://egyenlobanasmod.hu/tamop/kutatasok#tanulmanyok>.

National machinery for the advancement of women

Reply to the issues raised in paragraphs 5 and 6 of the list of issues

29. The Action Plan for implementing the objectives of the National Strategy for the Promotion of Social Equality among Men and Women is contained in Government Decision no. 1095/2010 (IV. 21.). Implementation of the objectives became the task of the new government formed in May 2010. The government was completely restructured, and the priorities of the government programme were changed. Consequently, the Action Plan is implemented with different responsible persons and different deadlines. The new government programme places great emphasis on improving family welfare, reducing the burdens of raising children, improving population indicators, and improving the status of families and women with children. Progress has been made on several points of the Action Plan:

30. The Minister for National Economy appointed a special ministerial commissioner for a 6-month period from 1 April 2012 (the mandate has since been extended), with the task of mapping all the problems which obstruct employment among women, and of making recommendations for removing these obstructions.

31. The Government offers several kinds of incentives in support of returning parents with children to the labour market, in the form of reduced contributions (such as the "START" bonus card, which represents a full (27 per cent) exemption on contributions payable by employers when employing women returning to work after childcare leave. (This form will terminate on 31 December 2012.) On 1 January 2011, the reduced contributions for part-time employment of young mothers was introduced: if the employer makes it possible for a young mother returning to work after childcare leave to share her previous position with another, newly employed, employee, and to work part time, instead of the usual 27 per cent social insurance contribution payable on the gross salary of every employee, the rate for both the above workers is reduced to 20 per cent for a three-year period. This means the amount of public dues payable is around 25 per cent lower.

32. One of the main components of the government's latest initiative, called the "workplace protection action plan", is another contribution reduction to help the employment of mothers with young children, representing a 28.5 per cent reduction in

contributions for two years, followed by a further year with a reduction of 14.5 per cent. In addition, employees above the age of 55 and below the age of 25 also receive supported employment, and a significant proportion of these groups are women.

33. The implementation of the aforementioned strategy in force currently belongs to the field of responsibility of the Department for Equal Opportunity, which is structurally part of the Ministry for Human Resources (formerly the Ministry for National Resources). Tasks related to equal opportunity between the genders are carried out jointly by the Department for Equal Opportunity and the Department for Family Policy. The strategy for equality between men and women is currently being reformulated.

34. The ministry cooperates with the women's umbrella organization, the Hungarian Women's Alliance, which encompasses 16 organizations, and with the Demographic Round Table (consisting of representatives from NGOs and renowned experts from the world of science), which has separate working groups dealing with reconciling family and work life, and issues related to male and female equality. The Round Table works in thematically organized working groups, and makes recommendations to the Government.

35. Formerly known as the National Network of Equal Opportunities, the network was restructured in 2012 and given a new name: Network of Family, Opportunity Creating and Volunteer Houses. The work of the Network of Family, Opportunity Creating and Volunteer Houses - like that of the National Network of Equal Opportunities - is coordinated by the Department for Equal Opportunity at the Ministry of Human Resources. The Department formulates the professional objectives of the activities of the Network, made up of 19 county and 1 capital Family, Opportunity Creating and Volunteer Houses, and plans the tasks to achieve these objectives, as well as carrying out the professional direction and supervision of the tasks' implementation and the network's functioning. In their coordination activities, the Department for Equal Opportunity cooperates with the Department for Family Policy, the Department for Youth Affairs and the Authority for Equal Treatment.

36. Through their activities, the local offices operating within the network promote the social integration of the disadvantaged groups which most frequently suffer from discrimination, and implement at local level the professional policy objectives of the government which are related to this area.

37. The following causes of discrimination and factors which result in disadvantages lie at the focus of their activities:

- Disability
- Gender
- Age (in particular youth and old age)
- Deep poverty (in particular, the Roma population, children, and those living in disadvantaged settlements)

In addition, particular focus is placed on families.

38. The Family, Opportunity Creating and Volunteer Houses pay special attention to raising target groups' awareness of the importance of volunteer activity. The target groups of the network's activities are:

- Groups affected by negative discrimination because of the above-mentioned causes of discrimination, as well as the civic and church interest groups and charity and other support groups which deal with them;
- Colleagues at state- and local-government-maintained institutions;

- Managers and HR employees of for-profit sector organizations;
 - Citizens living in the given county seat.
39. Priority tasks of the network are:
- Implementing professional programmes which improve the opinion of society and reinforce tolerance, having as their objective sensitizing, awareness-raising, and eliminating prejudice against disadvantaged groups which suffer from the above forms of discrimination, as well as the fixed stereotypes which come about in the absence of personal experience;
 - Operating professional working groups, with the objective of harmonizing at the local level those initiatives and programmes which are intended to improve conditions and opportunities for groups which are most frequently affected by discrimination, and fostering cooperation and dialogue between interest groups and charity and other support groups;
 - Strengthening the adequate and regular presence of the topics which have priority in the professional areas represented by the Network in the local media and in local decision-making processes;
 - Cooperating in the organization of programmes that encourage family life, and mediating and organizing practical family support services and services which promote family-friendly employment practices;
 - Compiling and continuously updating a database of the county organizations which undertake interest-protection activities for, or provided services to, groups affected by negative discrimination caused by the defined reasons for discrimination.
40. The operation of the Council for Social Equality among Women and Men - like other councils and committees operated in all previous government cycles – has been reviewed by the Ministry for Public Administration and Justice. Accordingly, the government has adopted a new provision about the conditions for council operations (Gov. dec. no. 1158/2011 on the review of bodies established by legislation or by instruments regulating public legal organizations). When the ministerial structure has been finalized and the new strategy for gender equality has been approved, the relevant council can commence its work.
41. The Council for Family Affairs and Population will be a new establishment, without precedent. It will operate independently of the Council for Women and Men, but there may be certain organizations which will be included in the work of both councils.

Temporary special measures

Reply to the issues raised in paragraph 7 of the list of issues

42. Under the terms of article XV of the Fundamental Law - similarly to the previous Constitution - the possibility exists under the Hungarian constitutional system for positive discrimination and opportunity equalizing measures to be applied. Under paragraphs (4) and (5) of article XV of the Fundamental Law, Hungary uses special measures to support the implementation of equal opportunity, and also uses special measures to protect children, the elderly and people living with disabilities. Enshrining in law the practice already applied by the Constitutional Court in this issue, paragraph 11 of the Equal Treatment Act specifically defines the constitutional restrictions on giving preference, as below:

"Paragraph 11

(1) A provision which is aimed at eliminating inequality of opportunity based on an objective appraisal of an expressly designated social group shall not be construed as being in breach of the requirement of equal treatment, provided

(a) it is based on an act of law, a government decision issued under authorisation of an act of law, or a collective agreement, and is valid for a defined period or until a defined condition is fulfilled, or

(b) during an election of a party administration and representation organ, or during the party nomination of candidates for elections as defined in the act on election procedures, it is enforced as defined in the basic rules of the party.

(2) The provision defined in paragraph (1) may not infringe any basic rights, may not guarantee an unconditional advantage and may not exclude an evaluation of individual criteria."

43. With regard to the above, the constitutional and legal rules indicated allow for the application of measures that foster equal opportunity, including female quotas. There are, however, many ways of creating equal opportunity, of which the quota system - as also expressed in section 25 of the Commission's earlier opinion - is just one method, therefore the acceptance of equal opportunities for the target groups can be promoted in several ways and using several methods.

44. Proponents of verifying the quota system raise the constitutional possibility for positive discrimination, according to which the legislator may determine advantages for social groups which are in disadvantaged situations. In the decision by the Constitutional Court no. 9/1990 (IV. 25.), according to the activist interpretation of the Constitution, paragraph (3) of article 70/ A of the Constitution is interpreted as follows: 'if any social objective - which does not conflict with the Constitution - or any constitutional right can only be enforced without the realization of equality in its narrowest sense, then such positive discrimination cannot be classified as anti-constitutional. The prohibition of a restriction on positive discrimination, as described in its broader sense, and therefore the prohibition of discrimination pertaining to equal dignity, and the positively defined one in the Constitution, are to be regarded as basic rights.

45. While social equality, as an objective and as being in the social interest, may take priority over individual interests, it may not take precedence over the constitutional rights of the individual." This means there are two conditions for the application of positive discrimination: it may not infringe other basic rights, and may not infringe the general equality of rights as defined in paragraph (1) of article 70/A of the Fundamental Law. While the Constitutional Court rules on the existence of the latter condition using the test of reasonableness, the former is ruled upon using the test of necessity/proportionality. All of the findings ruled on earlier may still be regarded as valid, as the relevant provisions of the Fundamental Law which is in effect have content which is compliant with the relevant provisions of the former constitution. In a spring ruling, the Constitutional Court stated that, provided a provision in the Fundamental Law is identical to the provision in the no longer valid constitution, then previous Constitutional Court rulings based on the former constitution shall remain valid, and so the committee must provide justification if they deviate from them in a ruling.

Stereotypes

Reply to the issues raised in paragraph 8 of the list of issues

Regulatory background

46. One of the most important objectives of the media regulation which is in force is to guarantee the freedom of the press to the greatest extent possible without (disproportionate) infringements of other constitutional rights. One of the main restrictions on the enforcement of the freedom of the press, as a fundamental constitutional right, is that during their media content provision activities they must respect human dignity and human rights.

47. Act CIV of 2010 on the freedom of the press and the basic rules of media content (Press Freedom Act) and Act CLXXXV of 2010 on media services and mass communication (Media Act) do not contain express provisions on the prohibition of discrimination or discrimination between the genders. Naturally, this does not mean that the Media Council¹ is unable to enforce the constitutional requirements provided for in article IX of the Fundamental Law in the media sphere.. According to paragraph (1) of article 14 of the Press Freedom Act, media service providers² have the obligation to maintain respect for human dignity in the media content they communicate. Through this provision, the Media Council has the ability to take measures against negative discrimination against women and against content that is insulting to women. Following approval of the new media law, in 2011 the Media Council primarily investigated the activities of the audiovisual media services, and legal infringements of this nature were found particularly in the case of so-called talk shows and reality shows. For, major cases of authority legal practice see annex no. 1. in the appendix

Representation of women in news programmes

48. The National Media and Infocommunications Authority (NMIA) Monitoring Department has conducted several investigations into the representation of women in the media. During the investigation into news programmes which was conducted between September 2011 and August 2012, it found that women were significantly under-represented in news programmes, compared with their proportion among the population. A major contribution to this, however, was the fact that political life is typically "ruled by men", with only 9 per cent of national assembly representatives being women. As the main task of news programmes is to give information about public affairs, it is not surprising, in view of the reason above, that men are significantly more visible in news broadcasts.

Gender of persons appearing in news programmes (per cent): N=117634

	<i>men</i>	<i>women</i>
total	78.3	21.7

(for details, see annex no. 2 in the appendix)

¹ On 11 October 2010 the parliament elected the members of the new Media Council to monitor the media.

² In its decision no. 165/2011 (XII. 20.), the Constitutional Court expressed its concerns about how paragraph (1) of article 14 of the Press Freedom Act (maintaining respect for human dignity), and articles 16 (non-infringement of human rights) and 18 (protection of private life) of the same Act could be applied in the case of press products. In the view of the Constitutional Court, press products exercise a lower influence on public thinking than audiovisual and radio media services, therefore in their case protection under civil and criminal law would be sufficient, and there is no need for authority control.

Training and educational tasks

49. The NMIA pays great attention in its activities to the representation of different social groups and special social issues in the media. In addition to people living with disabilities and national, ethnic and religious minorities, therefore, attention is also paid to creating equal opportunities for men and women and to preventing negative discrimination among the genders.

50. In 2012 the NMIA launched a new media understanding project titled H95. According to the plans, students in training centres can take part in programmes that are appropriate for their age group, where they can learn to interpret media content and to treat it with local values, and can find out about different advertising techniques. A better understanding of the media can then go on to help them in dealing appropriately with the stereotypes they are presented with by the media.

51. Another innovation for 2012 is that, with the support of the NMIA, the Public Service Media Academy Foundation and the Péter Pázmány Catholic University have jointly launched a four-semester, professional further training course, with the objective task of providing professional preparation for journalists and creators. Part of the course is managing and avoiding stereotypes in public service programmes.

52. The Code of Public Service Conduct, which was first approved in 2001 for employees of the Media Council and the public service media, lays down the basic principles under which they are expected to operate. Among the basic principles of the Code of Conduct are the maintenance of respect of personal and human rights that appear in point J). Under this, human dignity in all its forms and the basic personal rights must be accorded due respect in the media services and in preparing programmes, in accordance with national legislation and by international conventions. Although it is not expressly stated in the Code of Conduct, the principles of tolerance between the genders and the prohibition of negative discrimination against women are also part of it. Special attention must be paid to these values during the courses held at the Public Service Media Academy.

NMIA contacts with interest groups

53. On 16 February 2011, there was a meeting of great significance between Annamária Szalai, president of the NMIA, and the Hungarian Women's Association. The Hungarian Women's Association drew up a declaration on the protection of women and families in relation to the new media law. The aim of the Women's Association is to represent a healthy female ideal to promote fulfilment of women in the family, the work place and public life.

Violence against women**Reply to the issues raised in paragraph 9 of the list of issues**

54. Since 2007 the crisis management system for victims of violence between women and their relatives has undergone fundamental changes. (In 2005 the programme was implemented as a pilot project.)

55. The measures taken in combating violence against women since the country report submitted in 2011 are as follows:

- In 2011, through tenders, an opportunity arose to involve two new crisis centres.
- In 2012, again through tenders, a further two new crisis centres were connected to the crisis treatment programme.

- Throughout 2011-2012, a total of 21 places were added to the system of provision, increasing the number of places nationwide from 77 to 98 in the last two years. At present there are 14 crisis centres in operation, along with 4 halfway houses and a shelter for victims of human trafficking. This system will be augmented in 2012 by an expanded secret shelters, now with 29 places for victims of violence against women or within the family whose lives are in grave danger.

56. The most frequently provided services at the crisis centres (according to the expert reports on their activities from the year 2011) are: seeking safe housing solutions, helping with solving lifestyle problems, seeking and administering sources of income, evaluating relationships with external relatives, strengthening parental roles, psychological counselling, mediating healthcare services, and providing community programmes. In addition to the above, legal and childcare counselling are also common. The crisis centres are in close (daily) contact with the National Crisis Management and Information Telephone Centre, as well as the family support and child welfare services that are competent both locally and according to the victim's place of residence, the Victim Support Service of the Justice Services of the County Governmental Offices, the courts, city and town halls, local healthcare service professionals (district nurses, family doctors, paediatricians, hospital staff, psychiatrists, etc.), the police, temporary family homes, mothers' homes, local education institutions, and, if necessary, the guardianship authority and other authorities, official organs and NGOs.

- A system has been devised for grant-based financing and unified data provision of the crisis centres and halfway houses. As opposed to earlier practice, which provided budgetary funding to operating crisis centres and halfway houses on a year-by-year basis, in 2012 a three-year framework contract was signed, which creates operating conditions which are more stable and predictable than before.
- In 2011 the ministry drew up the "Professional Directive" for all crisis centres and halfway houses, which defines the objectives of the services, their target groups, the specific services and the guiding principles behind them, the output indicators and the guaranteed components.
- The centres receive victims from the whole territory of Hungary, and if there any places become vacant, the National Crisis Management and Information Telephone Service is informed immediately, or within max. 24 hours. Places can be filled at any time of the day, and the institution has the obligation to operate a duty service to ensure this. It is important to stress that these centres not only operate in large cities, but are available for victims in need of help wherever they are.
- In 2011, the operation of crisis centres and related halfway houses providing safe housing and full services to victims of violence within the family was given the proper regulatory background by an amendment of Act XXXI of 1997 on the protection of children and the administration of guardianship, which also provided them with the proper type of determination. The legislation locates the crisis centres and halfway houses, integrating them into the temporary family homes³. In addition, the amendment to Decision no. 15/1998 (IV. 30.) by the Ministry of Welfare on the professional tasks and operating conditions of child welfare and child protection institutions and their staff who provide personal care included

³ The temporary family home provides home-like provision to families who have become homeless because of a lifestyle, social or family crisis, under the basic child welfare provision which provides personal care, in order to preserve family unity.

provisions pertaining to crisis centres providing services to victims of violence within the family.

- Since 2011, among the E-courses of the National Public Administration Institute, there is a 30-day course titled "Equality of Social Opportunities", which provides public administration employees with modules to raise awareness of, develop opinions on and generate sensitivity to, among other things, the subjects of violence within the family and social equality between the genders.

Reply to the issues raised in paragraph 10 of the list of issues

57. On 25 June 2012 the National Assembly passed the new Penal Code, effective as of 1 July 2013. First it is important to draw attention to the fact that the chapter dealing with crimes that violate sexual integrity has a new title, instead of "crimes against sexual morals", the title in the new Penal Code is "crimes against the freedom of a sexual life and against sexual morals". The new Penal Code, under a separate charge (para. 196) regulates on the punishment for sexual enforcement. Under this charge, a person who forces another to perform or endure a sexual act commits a crime which is punishable by imprisonment for a period of between one and five years. In aggravated cases (an offence against a person under the age of eighteen, or an offence against a person who is a relative of the perpetrator, or being raised by the perpetrator, or under their supervision, care or medical treatment, or an offence committed by abusing any other power or influence over the victim), the period of imprisonment is between two and eight years, while in the most severe cases (an offence against a person under the age of fourteen) the period of imprisonment is between five and ten years.

58. In the case of sexual enforcement - as opposed to rape and sexual assault with violence - there is no need to prove violence or a direct threat to life or bodily integrity, as the crime is committed just by the enforcement (fighting against resistance by the victim). Resistance by the victim - in view of the fact that violence or threats are not conditions of the charge - does not necessarily mean physical resistance, and may be an internally held conviction or an expressed lack of consent (e.g. if the person is being extorted to intercourse).

59. With this legislation, from 1 July 2013 Hungary complies with the content of paragraph 21 of the 2007 concluding comments by the Committee on the Elimination of Discrimination against Women from 2007.

60. If enforcement to perform or endure a sexual act is committed with violence or a direct threat to life or bodily integrity, under the new Penal Code this is classified as sexual violence, and in basic cases is punishable by imprisonment for a period between two and eight years. It is important to emphasize that the charge of sexual violence replaces the charges of rape and sexual assault with violence in the currently valid Penal Code; combining the two charges simplifies proof and also serves to spare the victims (as there will be no difference between whether the victim was forced into intercourse or gross indecency). Committing an offence against a person under the age of 12 will continue to be classified as statutory rape (so a person performing a sexual act with a person under the age of 12 commits sexual violence even if no violence, threat or enforcement was involved).

61. Under both the current and the new Penal Code, among repeat offences, provisions are only contained which refer to recidivists, but in cases of simple repeat offences (where recidivism may not be established) the court may take this into account as an exacerbating circumstance.

62. A recidivist is a person who has previously wilfully committed a crime, for which they have been sentenced to imprisonment, and who wilfully commits another crime within three years after completing their prison sentence or after the prison sentence can no longer

be imposed. A multiple recidivist is a person who has previously been convicted as a recidivist, and who commits another crime which is punishable with imprisonment within three years after completing their last prison sentence or after the last prison sentence could no longer be imposed. A violent multiple recidivist is a multiple recidivist who on all three occasions has committed a violent crime against a person. Violent crimes against a person are listed in paragraph 137, section 17 of the present Penal Code, and in paragraph 459 (1), section 26 of the new Penal Code.

63. On the basis of the above it can be determined that - contrary to the content of the supplementary question - the violent multiple recidivist is not a part of the charge of violent crime, but a category of perpetrator, to which the law attaches very strict legal consequences - in addition to those in the regulations on recidivists [see also: paragraph 47 (4), section (c), paragraph 85 (4) and paragraph 97/A of the present Penal Code, and paragraph 38 (4), section (b), paragraph 44 (2) section a), paragraph 81 (4) and paragraph 90 of the new Penal Code.]

64. A sexual act performed with a person (regardless of their gender!) under the age of eighteen (intercourse and other serious acts against morality) is currently punishable, and will be punishable after 1 July, 2013, as set forth below:

<i>Description of the offence</i>	<i>Present Penal Code</i>	<i>New Penal Code</i>
Performing a sexual act with a person under the age of 12	rape or sexual assault with violence	sexual violence
Forcing a person under the age of 12 to perform or endure a sexual act	rape or sexual assault with violence	sexual violence
Forcing a person under the age of 12 to perform or endure a sexual act, committed with violence or with a threat to life or bodily integrity	rape or sexual assault with violence, aggravated case	sexual violence, aggravated case
Performing a sexual act with a person aged 12-14	depravity*	sexual abuse**
Forcing a person aged 12-14 to perform a sexual act	enforcement	sexual enforcement, aggravated case
Forcing a person aged 12-14 to perform or endure a sexual act, committed with violence or with a threat to life or bodily integrity	rape or sexual assault with violence	sexual violence, aggravated case
Performing a sexual act with a person aged 14-18	not punishable, except in special cases of depravity***	not punishable, except in cases of child prostitution and in special cases of sexual abuse****
Forcing a person aged 14-18 to perform a sexual act	enforcement	sexual enforcement, aggravated case
Forcing a person aged 14-18 to perform or endure a sexual act, committed with violence or with a threat to life or bodily integrity	rape or sexual assault with violence	sexual violence, aggravated case

* In certain cases of depravity (gross indecency, unsuccessful inducement) the subject is special: only persons over the age of 18 can be perpetrators.

****Sexual abuse** - which, in the new Penal Code, replaces the crime of depravity - can only be committed by a person over the age of 18.

*****Depravity** is committed by a person who performs intercourse or commits gross indecency with a person under the age of eighteen in return for payment.

******A person** who pays to perform a sexual act with a person under the age of eighteen is punishable under child prostitution laws (currently valid name: depravity). A person over the age of 18 who performs a sexual act with a person over the age of 14 but under the age of 18 by abusing power or influence over them is committing sexual abuse. In paragraph 21 of the concluding comments by the Committee in 2007, it was recommended to raise the age of consent (14 years), however, the Hungarian legislation is accepted both socially and morally, and conforms with European norms, and so this recommendation cannot be accepted. We hereby note that neither the New York Convention⁴, nor the international documents against the sexual exploitation of minors issued by the European Union and European Council⁵ make references to a specific age of consent for sexual relations.

Data

65. Data on rape, gross indecency and depravity is set out below.

- **Rape:** number of adult males convicted, with legal force, in 2009: 77 people in 2010 it was 81 people.
- **Gross indecency:** number of adult males convicted, with legal force, in 2009: 99 people, in 2010 it was 89 people.
- **Depravity:** number of adult males convicted, with legal force, in 2009: 57 people, in 2010 it was 46 people. - (In: Women and Men in Hungary 2009-2010 - Statistical Pocket Book - KSH, Budapest 2011. Page 195 - Source: Office of the National Council of Justice).

Trafficking and sexual exploitation

Reply to the issues raised in paragraph 11 of the list of issues

66. Directive 2011/36/EU replacing Council Framework Decision 2002/629/JHA was issued on 5 April 2011. The deadline for its adoption is 6 April 2013. In Hungary the process of adoption is under way, and the new Penal Code has already been accepted. The punishment has been raised, and the structure of the charge has been transformed in line with the directive. In view of the fact that the directive gives a definition of human trafficking which is in line with the international conventions, adoption of the directive means that the regulation in the Penal Code is in line with the international conventions.

67. The following procedures were carried out in the area of human trafficking between January 2001 and December 2001:

⁴ The Convention on the Elimination of All Forms of Discrimination against Women, approved on 18 December 1979.

⁵ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, and Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).

<i>Form of the offence</i>	<i>Number of registered investigations</i>
TIP (basic form of offence)	1
TIP for labour	1
TIP for sexual intercourse or sodomy	12
TIP for sexual intercourse	1
TIP committed against a person under the care, custody, supervision or therapy of the offender	0
TIP for sexual intercourse committed with the use of force or threat	1
TIP for labour committed against a minor	1
TIP for sexual intercourse or sodomy committed against a minor	1
TOTAL	18

(For Court rulings in 2011, see annex no. 3 in the appendix)

68. The national strategy against trafficking in human beings is the basis for combating trafficking in human beings, and lays down the basic principles, and identifies those participating and involved in prevention, law enforcement, and providing help to victims. The problem has to be treated in a complex manner based on international cooperation and a national action plan, the actions taken have to include prevention, law enforcement and provision of help to victims. In order to be able to respond to the problem of trafficking in human beings in a complex manner, it is necessary to involve in the creation of the strategy every stakeholder from the government, the judiciary and the non-governmental sector as well.

69. The coordinator in Hungary of measures against human trafficking is the Deputy Secretariat of State for the European Union at the Ministry of the Interior, whose main duties include dealing with human trafficking. This organ ensures cooperation between the different state and non-governmental organizations and is responsible at the national, European and international levels for the measures taken in Hungary against human trafficking. The following bodies take part in the national coordination mechanism:

- Ministry of Foreign Affairs
- Ministry of National Resources
- Office of Immigration and Naturalisation
- National Headquarters of the Hungarian Police, Crime Prevention Department
- National Bureau of Investigation, Anti Human Trafficking Unit
- Office of the Public Prosecutor
- Metropolitan Court of Budapest
- National Bureau of the Courts
- Victim Assistance Service;
- National Crisis Management Centre
- International Organization for Migration
- NGO partner operating the shelter for the victims of human trafficking

70. The general and specific objectives and instruments for the fight against trafficking in persons are contained in Government Decision 1018/2008 (III. 26) for the period 2008-2012. The strategy for the period 2013-2016 is currently in the process of being formulated.

71. Due to the fact that the victims of human trafficking have been traumatized, they have the right to secure accommodation, medical examinations and counselling in protected accommodation maintained for the victims of human trafficking. The protected accommodation is operated by an NGO with the support of the Ministry for Human Resources. Funding is provided by the Ministry, which also monitors and evaluates the operation of the protected accommodation.

72. Victims of human trafficking are provided with accommodation at these protected accommodation centres as quickly as possible, leaving identification for the Victim Support Service to deal with later. Victims are directed by the National Crisis Management and Information Service, acting as a dispatcher centre. Victims are also entitled to use the services of the Victim Support Service, which comprises mental, psychological and financial support. The condition for use of the service is that criminal proceedings are ongoing into human trafficking.

73. Victims from third countries are also entitled to the use the services under the same conditions in order to promote their social integration of their voluntary return. In most cases, Hungary is the country of origin of the victims, who are sent to the Netherlands, Switzerland, Austria, Germany and the United Kingdom (trade in workers). To a lesser extent, Hungary is also a transit country, for victims arriving in the EU from the Balkans (e.g.: Serbia, Kosovo) and China.

74. As far as raising social awareness is concerned, the latest successful activity in Hungary is the creation of a website against human trafficking (www.thb.kormany.hu). The website contains current information, indicators of human trafficking (in line with the UNODC document Human Trafficking Indicators) and a check list for ordinary people to give them the proper knowledge and information in connection with human trafficking and how to prevent it. An awareness-raising campaign was also conducted at the Sziget Music Festival, which reached around 1000 people, including 100 Dutch people. One of our campaigns targeted the demand side, seeking the clients of prostitutes who were the victims of trafficking in persons for the purpose of sexual exploitation. During the campaign, posters were put up at fuel stations close to Budapest, Lake Balaton and the Austrian border. A new project is being launched soon, with EU funding, entitled "Integrated approach for the prevention of trafficking for labour exploitation in countries of origin and destination" and aimed at eliminating trafficking in persons for forced labour. Law and order professionals, social workers, teachers and child protection workers receive continuous training under different projects, with the support of the European Commission. In addition to these, special courses have also been held for judges.

Participation in political and public life

Reply to the issues raised in paragraph 12 of the list of issues

75. According to domestic surveys, the main reason for the under-representation of women in management boards is the conflict between the role women play in the family and their work. By comparison with the rest of Europe, for the population of Hungary the family is extremely important and representative surveys show that 63 per cent of respondents believe that life is not complete without children (2000). One of Hungary's most important efforts is to help women in finding a balance between work and family life, which, in our opinion, is a fundamental precondition for gaining promotion and recognition in the work place. In our experience, direct intervention by introducing quotas did not result

in a breakthrough, and indeed there was resentment felt towards people being promoted without deserving it. Direct intervention only affects isolated and symbolic areas, which hardly has any impact at all on moving towards the true solution to the problem, which is proper appreciation of the extra burdens placed on women as a whole, and a fairer distribution of these burdens. The declared objective is very important, and comes together with consequences which are also desirable in society. These are, on the one hand, the individual self-realization of women and the concomitant material and moral surplus, and on the other hand, a remedy to the causes of the demographic crisis threatening Europe. During the Hungarian presidency of the European Union, it was for this reason that Hungary placed a great emphasis on the exchange of ideas and the presentation of good practices to foster a better balance between work and family.

76. We consider the wide-reaching and comprehensive application of the following instruments to be conducive to the goal: opportunities for flexible working time, development of day-care provision for children, further training for young mothers while they are on childcare leave, continuous contact with their place of work, a flexible holiday system, incentives and attitude forming for the HR profession, recognition and awards for family-friendly workplaces, social attitude forming, incentives for men to play a greater role in family life (paternity leave, fathers are also entitled to go on childcare leave), and a greater involvement of grandparents in childcare.

Education

Reply to the issues raised in paragraph 13 of the list of issues

Freedom from discrimination and equal gender rights in the National Syllabus

77. The most important document regulating the content of public education is the National Syllabus (Nat) (Government Decision no. 243/2003. (XII. 17) on the publication, introduction and application of the National Syllabus). The Decision states, among the common values of school education, that the spirit of the National Syllabus is determined, among other things, by the international decrees and Hungarian legal resources on equality between the genders (Section II.).

78. The teaching of knowledge aimed at developing social and citizenship skills is "based on a knowledge of the concepts of democracy and citizenship and of the rights of citizens and on complete respect for human rights". The "development of teaching respect for personality and human rights,...social sensitivity, openness, in accordance with the age group, towards social problems,...the use of the democratic system of institutions, and knowledge and skills related to equal treatment and equal opportunity" is a priority development task.

79. On the basis of the National Syllabus, among knowledge pertaining to participation in society is the knowledge of basic concepts to do with equality between the genders and non-discrimination. The National Syllabus also states the communication of positive attitudes which are based on full respect for human rights, including respect for equality and democracy, openness towards participating in the democratic decision-making process at every level, and respect for social cohesion and the values of others.

80. The new National Syllabus (Government Decision no. 110/2012. (VI. 4) on the publication, introduction and application of the National Syllabus), which enters into force from September 2013 in the system for those moving up a grade (years 1, 5 and 9), also contains the teaching of human rights, including awareness of and attitudes towards equality between the genders. It states that the competency of citizens is democracy, founded on an awareness of the concept of citizenship and knowledge of citizens' rights, as

included in the EU Charter of Fundamental Rights and in international declarations. (Section II.).

81. It places particular emphasis on the communication of positive attitudes which serve to preserve respect for equality, democracy and religious and ethnic diversity. Among the fundamental concepts to be taught to students, the National Syllabus requires knowledge of the basic concepts related to equality, non-discrimination and society, as well as learning the generally accepted rules of conduct.

82. Further, it requires that with the teaching organization solutions applied during education, the organizational forms that serve cooperation and equal opportunity to learn must be created. In order to prevent exclusion from learning, it is required to understand the personality and socio-cultural background of the student, and to apply pedagogical methods which increase learning effectiveness.

Progress at school, and fostering success at school for people with disadvantages and compound disadvantages - including Roma students

83. Statistical data on ethnicity is not collected or registered in the public education system. Measures currently in place in the field of education, aimed at improving respect for education, at compensating for disadvantages and at increasing the performance of students at school, take as their basis the indicator which is founded on low socio-economic status - disadvantaged and compound disadvantaged backgrounds. The ethnically neutral indicator is in line with the socio-cultural index applied in OECD PISA studies, taking into account the study results which say that the problems which affect a significant proportion of Roma students (improper preparation for school, drop-outs, etc.), are not a consequence of their ethnic origin, but of their social and health conditions⁶.

84. With regard to the above, and bearing in mind that the statistics collect not personal data but aggregated data, we are unable to provide statistical data on dropout rates or the private student status of Roma girls.

85. In Hungary there is a strong correlation between students' learning opportunities, their performance at school, their later choice of career, their success in the labour market and the background socio-economic indicators of the individual and the family. Taking this into consideration, the objective of intervention areas and development trends is to moderate social and regional differences. The objectives are to reinforce the role played by educational and training systems in the fight against social exclusion, to reduce the number of children who leave school early and to compensate for disadvantages.

86. The Government strategic measures (National Social Integration and Roma Strategy⁷, the "Legyen Jobb a Gyerekeknek" ("Make it Better for Children") Strategy⁸, the Roma Integration Decade Programme Strategic Plan⁹) and the TÁMOP measures support the achievement of the objectives, and the National Reform Programme for implementing the objectives of EU 2020 pay particular attention to achieving the objectives.

⁶ In: G. Kertesi – G. Kézdi: Children of parents who have no schooling and Roma youth in secondary education. (Report on the waves of the Education Career Survey between 2006 and 2009, 2010).

⁷ Government Decision no. 1430/2011. (XII. 13.) on the National Social Integration Strategy, and on the government action plan for its implementation in the years 2012-2014.

⁸ National Assembly Decision no. 47/2007. (V. 31.) on the National Strategy titled "Legyen jobb a gyerekeknek!" ("Make it Better for Children!"), 2007-2032.

⁹ National Assembly Decision no. 68/2007. (VI. 28.) on the Strategic Plan for the Roma Integration Decade Programme.

87. The promotion of success at school is served by the reinforcement of education in early childhood: Extension of compulsory nursery attendance from the age of 3 from the year 2014, projects launched at the end of 2011 to increase the number of nursery places (DAOP-4.2.1-11, ÉAOP-4.1.1/A-11, ÉMOP-4.3.1/A-11, KMOP-4.6.1-11), providing support for children from a compound disadvantaged background to attend nursery, compulsory nursery attendance for children from a compound disadvantaged background, and the nursery development programme.

88. The National Syllabus places particular attention on improving the acquisition of basic skills, thereby improving later education results and reducing the risk of students dropping out.

89. The success at school of students from disadvantaged and compound disadvantaged backgrounds is helped by the skills nurturing and integration programme (see: Ministry of Human Resources Decision no. 20/2012. (VIII. 31). The areas supported by measures aimed at countering disadvantages that are derived from students' social status and level of development are: integrated learning, institutional development, pedagogical renovation, support for personalized teaching of students from a compound disadvantaged background, cooperation between the school and the social environment, and giving priority to keeping contact with parents.

90. At present, the programme is reaching about a quarter of the primary school task-provision sites and more than 70,000 students, with annual support from the central budget of approximately 7 billion HUF.

91. When the new public education system launches, under the "Híd" ("Bridge") Programme, implemented from September 2013 (Act CXC of 2011, paragraph 14), it will be possible to arrange a one-year catch-up year in order to help students to complete their primary education, to promote successful studies at vocational schools, to encourage the continuation of interrupted studies and to expand the range of people with professional qualifications.

92. In order for students to progress smoothly to secondary education institutes and to enjoy successful further learning, a certain amount of financial expenditure is involved, which causes difficulties for many families. In order to ameliorate this problem there are programmes which create opportunities for students from disadvantaged and compound disadvantaged backgrounds, which help individual progress, which apply modern and differentiated pedagogical methods and which provide for mentor assistance ("Arany János" programmes, "Tanoda" ("Learning Centre") programme (TÁMOP 3.3.9) and grant funding programmes ("Útravaló").

93. The aim of implementing the "Second Chance" programmes (TÁMOP 3.3.9.) is to help young students who have not completed secondary education, who have dropped out of the school system, and who in some cases are above the age of compulsory education to obtain secondary school qualifications, and to reduce student failure by introducing new methods of supporting learning which react to individual needs.

94. EU-supported developments to strengthen the opportunity equalizing function of education are aimed at improving the quality of education services and promoting cooperation among the professional and social environments of institutions, through programmes and comprehensive interventions which are particularly targeted to support disadvantaged regions.

95. The aims of priority project TÁMOP 3.3.1 "Equal opportunity and integration in education" are to foster success at school for students from compound disadvantaged backgrounds, to develop the professional content to achieve this, to bring about and improve the professional capacity to implement this, to maintain the necessary professional

capacity, to harmonize and disseminate developments in public education institutes and central developments, and to provide quality assurance for the programmes.

96. Statistical data on ethnicity is not collected or registered in the public education system. Measures currently in place in the field of education, aimed at improving respect for education, at compensating for disadvantages and at increasing the performance of students at school, take as their basis the indicator which is founded on low socio-economic status - disadvantaged and compound disadvantaged backgrounds. The ethnically neutral indicator is in line with the socio-cultural index applied in OECD PISA studies, taking into account the study results which say that the problems which affect a significant proportion of Roma students (improper preparation for school, drop-outs, etc.), are not a consequence of their ethnic origin, but of their social and health conditions.

- Domestic grant funding for students of Roma origin see annex no. 4. in the appendix
- EU grants funding for students of Roma origin, see annex no. 5. in the appendix
- Performance of girls and boys in public education see annex no. 6. in the appendix

Freedom from discrimination and equal gender rights in the National Syllabus

97. The most important document regulating the content of public education is the National Syllabus (Nat) (Government Decision no. 243/2003. (XII. 17) on the publication, introduction and application of the National Syllabus). The Decision states, among the common values of school education, that the spirit of the National Syllabus is determined, among other things, by the international decrees and Hungarian legal resources on equality between the genders (Section II.).

98. The new National Syllabus (Government Decision no. 110/2012. (VI. 4) on the publication, introduction and application of the National Syllabus), which enters into force from September 2013 in the system for those moving up a grade (years 1, 5 and 9), also contains the teaching of human rights, including awareness of and attitudes towards equality between the genders. It states that the competency of citizens is democracy, founded on an awareness of the concept of citizenship and knowledge of citizens' rights, as included in the EU Charter of Fundamental Rights and in international declarations. (Section II.).

99. It places particular emphasis on the communication of positive attitudes which serve to preserve respect for equality, democracy and religious and ethnic diversity. Among the fundamental concepts to be taught to students, the National Syllabus requires knowledge of the basic concepts related to equality, non-discrimination and society, as well as learning the generally accepted rules of conduct.

100. Further, it requires that with the teaching organization solutions applied during education, the organizational forms that serve cooperation and equal opportunity to learn must be created. In order to prevent exclusion from learning, it is required to understand the personality and socio-cultural background of the student, and to apply pedagogical methods which increase learning effectiveness.

Employment

Reply to the issues raised in paragraph 14 of the list of issues

Women entrepreneurs

101. The number of women entrepreneurs fell continuously between 2007 and 2011. Based on KSH statistics, there were 138,200 women entrepreneurs in Hungary in 2011, a drop of almost 9000 on the 2010 figure. Among the reasons for the fall was the economic crisis, which has led to mass closures of micro- and small enterprises. (The number of men entrepreneurs also fell during the period in question, although the rate of fall was lower.) The proportion of women among all entrepreneurs fluctuated between 31 per cent and 32 per cent, and was 31.2 per cent in 2011. This means that the proportion of women entrepreneurs can be regarded as more-or-less constant.

Gender-based salary differences and measures taken to promote the principle of equal pay for equivalent work

102. Based on the data from EUROSTAT LFS, salary differences between men and women were as follows: In 2007, 16.3 per cent; in 2008, 17.5 per cent; in 2009, 17.1 per cent; and in 2010, 17.6 per cent. The figure for 2011 is not yet available. Since 2007, then, according to EUROSTAT data, the gender-based salary difference has stayed around 17 per cent, which is close to the EU average.

103. It must be stated, though, that according to other statistical sources the salary difference between men and women in Hungary is lower than this. According to the annual data of the KSH, in 2007 it was 14.6 per cent; in 2008, 13.2 per cent; in 2009, 13.7 per cent, in 2010, 14.8 per cent; and in 2011, 14.8 per cent. According to the statistics produced by the OECD, the gender-based salary differences were even lower. Their data showed differences of 3.6 per cent in 2008; 3.9 per cent in 2009; and 6.4 per cent in 2010. The differing sets of data depend on the method of calculation, the structure of the data, the salary components that are taken into consideration, the time units and the average values, which explains the differences between the various sets of statistics.

104. According to the data of the KSH, the difference in earnings between the genders - viewed on the basis of the average aggregated earnings of men and women at the level of the national economy - was above 20 per cent in the period prior to the year 2002. The significant drop in the difference in the period after 2002 to around 10-11 per cent was mainly the result of the substantial pay increases given to public sector workers in 2001-2003 (such as the almost 50 per cent salary increase for civil servants), which improved the average earnings mainly for women. (This is because 68 per cent of public sector employees are women, as opposed to 38 per cent in the business sector.)

105. In our view, the difference in earnings between the genders in Hungary, measured in different statistical sections and aggregates, is only to a limited degree due to practices which violate legal obligations and the principle of equal pay for men and women which appear directly in their salaries. The difference is mainly due to other factors, such as those deriving from differing employment structures, performances, work circumstances, etc. All the measures and programmes implemented to promote equality among a wide spectrum of women also have a positive influence on the earnings of women.

106. In Hungary there is no obligation on employers to collect gender-based data on the earnings of the people they employ, and any differences in earnings are examined based on a comparison of different positions and occupations and on analysis of the value of the work done. In collective salary bargaining negotiations, therefore, the legal obligation or fulfilment by the employer does not arise. Nevertheless, social partners are free to negotiate

on issues related to the salaries of men and women as part of their collective salary bargaining negotiations. However, there is no information as to whether this issue has actually arisen in sector or workplace salary negotiations in recent times.

107. Based on the data derived from the compulsory registration system for collective agreements, it can be established that in 2007, 18 per cent of collective agreements signed with employers in the business sector contained provisions relating to women in particular, representing 16 per cent of the total number of people covered by collective agreements and 4 per cent of the total number of people employed by companies with a staff of at least five people.

108. The realization of equal salaries for men and women - in addition to the compulsory national minimum wage, and the guaranteed minimum wage which is compulsory for positions which require at least secondary education - is promoted by the - also compulsory - salary rates, and the salary items they contain, in collective salary agreements.

The status of female employment

109. In 2012 Q1, the employment rate for women aged 15-64 was 51.5 per cent, while the unemployment rate was 10 per cent. (By comparison, in 2001 Q1, the employment rate was 50.2 per cent and the unemployment rate was 11.0 per cent)

110. The employment and unemployment rates for woman ages 15-60 was as follows: In 2007, employment rate 51.7 per cent, unemployment rate 7.7 per cent; in 2008, employment rate 51.8 per cent, unemployment rate 8.1 per cent; in 2009, employment rate 49.9 per cent, unemployment rate 9.8 per cent; in 2010, employment rate 50.6 per cent, unemployment rate 10.7 per cent. In 2011, the employment rate for women aged 15-64 was 50.6 per cent, while the unemployment rate was 11 per cent. (Source: KSH [Central Statistical Office])

111. The main reason for the relatively low rate of employment among women in Hungary is the low participation in the labour market of mothers with young children, but apart from them, young people under the age of 25, people with a low level of education, and women above the age of 55 are also under-represented in the labour market.

112. The employment rate among women raising young children is significantly below the averages in both EU and OECD member states. The employment rate of women raising children aged six or younger is just 34 per cent, compared with the EU average of 58.9 per cent. (Source: EUROSTAT SES)

Employment among women in the public and private sectors

113. Comparative data on the headcount and the distribution of employment among the public and private sectors is available since 2008. In the public sector, the ratio of men to women fluctuates continuously around 1/3-2/3, that is, twice as many women are employed in the public sector as men. The number of women employed moves in the region of 500,000. In 2008 the figure was 497,300; in 2009, 517,100; in 2010, 531,300; in 2011, due to staff reductions in the public sector, the figure fell to 497,100. The staff reductions affected men and women in roughly equal proportions, and after the downsizing the ratio of women in the public sector remained at 67.7 per cent. (This figure was 68.9 per cent in 2008, 69.1 per cent in 2009 and 68.8 per cent in 2010.)

114. The number of women employed in the private sector is around 1.2 million, which is approximately 40 per cent of the total number of people employed by the private sector. The number of women employed in 2008 was 1,271,300; in 2009, 1,219,900; in 2010, 1,227,300; and in 2011, 1,257,600. (The above figures represent 40.3 per cent- 40.9 per cent of those employed in the private sector.)

115. Taking the total number of women in employment, the annual ratios of women in the public sector (including the civil service) and in the private sector are as follows: In 2008 72 per cent of women in employment worked in the private sector, while 28 per cent worked in the public sector. In 2009, the ratio was 70-30 per cent; in 2010, 69.8 per cent-30.2 per cent; in 2011, 71.7 per cent -28.3 per cent. (Source: EUROSTAT LFS)

Distribution among the sectors

116. Between 2008 and 2011, the distribution of women in employment across the major sectors remained largely unchanged. Approximately 2.5 per cent of women in employment work in agriculture, 20 per cent in industry and 77.5 per cent in services. Women make up more than 55 per cent of the total workforce employed in services, while this rate in agriculture is around 25 per cent, and around 30 per cent in industry. Women are significantly over-represented in the fields of education and social and health care, with a rate of over 77 per cent. Additionally, a large majority of workers in finance and insurance are women, with a rate of around 67 per cent.

117. For programmes to promote female employment between 2007 and 2012, see annex no. 7 in the appendix

Social insurance pension provision

118. Act LXXXI of 1997 on social insurance pension provision was supplemented by article 1 of Act CLXX of 2010 on the amendment of and certain pension insurance and other related laws, with article 18, paragraphs (2a) - (2d). Under the new legislation, women are entitled to full old-age pension, regardless of their age, provided they have served at least forty years of entitlement time and they are not in a legal relation for which insurance is due on the date from which the full old-age pension is established. The main aim of the law is to establish pension benefits (early retirement) for women who are in long-term employment, and to recognize the twin role women play (in the family and at work) and the long-term employment they have achieved while at the same time maintaining their family.

119. With the introduction of the full old-age pension benefits, first women who were born between 1951 and 1957 will have the opportunity to claim regular financial provision under pension insurance.

120. The basis of the benefits is calculated taking into consideration a long working career spent in employment (or as a public employee, civil servant or public official), as an entrepreneur or a partner in a company, or in other gainful activity, and the time spent raising children (time spent on maternity support, childcare allowance, childcare support and child-rearing support).

121. Women who have acquired at least 40 years of entitlement from the paid activities and child-rearing activities listed above, regardless of their age, are entitled to retire. Women must have been engaged in paid employment for at least 32 years to qualify for early retirement. If, however, the claimant has raised five or more children in her own household, the required time of paid employment is reduced. For women who have received nursing benefit to raise a seriously disabled child, whether her own or adopted, the required minimum period of paid employment is reduced from 32 years to 30 years.

122. Where the retirement benefit is concerned, a child raised in the woman's own household is defined as any child, whether related by blood or adopted, who has lived together with the claimant, and who was removed from her regular care for no longer than the period of day-care.

123. This early retirement benefit can have a direct impact on the employment of women: through the opportunity to receive a pension before reaching the age of retirement, it provides an incentive to the women concerned to take on more family responsibility, so leading to improvements in the conditions for younger women with children to participate in the labour market.

124. At the end of 2011 the National Assembly approved Act CLXVII of 2011 on the termination of old-age pensions before the age of retirement, on provision before the age of retirement and on service contributions. In order to balance the Pension Insurance Fund, from 1st January 2012, pension provision can only be established when a person has reached the age of retirement. The early retirement provisions affected by the restrictions were as follows: early old-age pension, early old-age pension of a reduced amount, miners' pension, artists' pension, early old-age pension for mayors, early old-age pension for representatives of the National Assembly and the European Parliament, pensions with special dispensation, and the service pension for members of the armed forces and the permanent staff of the Hungarian Army.

125. At the same time, the commitment of the Hungarian Government to the institution of old-age pension benefits for women, introduced in 2011, is demonstrated by the decision not to terminate this form of provision, even though this form of provision, as mentioned above, allows for early retirement by women, and so women who have fulfilled the requirement of forty years of entitlement time served are still able to claim early retirement.

Health care

Reply to the issues raised in paragraph 15 of the list of issues

126. Hungary takes the recommendations formulated by the Committee on the Elimination of Discrimination against Women highly seriously, and continuously monitors to ensure that regulation in the healthcare sector complies with the spirit of the recommendations to the greatest extent possible.

127. According to with article 187, paragraphs (1)-(2) and (6), of Act CLIV of 1997 on health (hereafter: the Health Act) surgical sterilization for health reasons, on the basis of medical recommendation, can be carried out even in accordance with the currently valid legislation only after the woman has received detailed information and after she has given her prior written consent. The signed declaration in which the woman gives her consent is recorded on the medical case-sheet. The current legislation in Hungary makes no provision for "emergency surgical sterilization".

"Article 187, (1) Surgical sterilisation which prevents the ability to procreate or to conceive can only be carried out at the written request of the woman or man concerned

a) in the case of a person who is over the age of eighteen and has full and unrestricted legal capacity,

b) in the case of a person who is under the age of eighteen and has restricted capacity, provided the conditions stated in paragraph (7) are fulfilled, and

c) in the case of a person with no legal capacity, in the case defined in Article 187/B. .

(2) When the request for surgical sterilisation to be performed is submitted, the appointed doctor of the health service informs the applicant verbally and in writing on other possible methods of contraception which the applicant or their partner can

use, on the nature of the surgical intervention, on its potential risks and consequences, and on the chances of restoring the ability to procreate or to conceive.

(6) A request for surgical sterilisation shall be submitted in the form of an official document or a fully conclusive private document.

128. Based on the above, the legal regulation provides the proper guarantee of the enforcement of informed consent, as a fundamental right of the patient.

129. Monitoring of surgical sterilizations, and inspection of fully informed consent among patients, is currently the responsibility of the Institute for Quality- and Organisational Development in Healthcare and Medicines (GYEMSZI). There is at present a unified national database of state-financed services, but there is no organized registration of the activities of private service providers. For this reason, the ministry is planning to conduct, in autumn 2012, a national, sector-neutral review of surgical sterilization in the form of a clinical audit, with the involvement of GYEMSZI and the competent chief medical supervisor. No complaints have been received since 2010 by the authority with responsibility for examining individual patient complaints.

130. Professional opinions have already been sought on the printed form to help enforce the requirement for informed consent. The form was adapted by the Faculty of Obstetrics and Gynaecology at the Professional College of Healthcare. Following this, the document titled "Patient information sheet and declaration of consent for surgical sterilisation" was submitted by the Department of Health Policy to the Hungarian Chamber of Healthcare Professionals, the Hungarian Chamber of Medical Doctors and the Hungarian Hospitals Association for their opinion. The document was finalized taking the comments received into consideration.

Reply to the issues raised in paragraph 16 of the list of issues

131. The issues of "Sexual and reproductive health and contraception" are regulated in Hungary by Act LXXIX of 1992 on the protection of foetal life. In accordance with article 2 of the Act:

(1) Education about the value of health and human life, healthy living, responsible partner relationships, dignified family life and methods of birth control which are not harmful to health takes place in primary and secondary education institutions.

(2) The state family protection service or a family protection service authorised by the state administrative organ for health gives advice, offers assistance in resolving crisis situations and organises the dissemination of information on family planning outside of education institutions.

(3) The State

a) promotes access to contraceptive preparations and devices at reduced cost depending on need, and the publication of information on the protection of foetal life and on controlled conception, as well as the dissemination of this information in forums of mass communication;

b) promotes the development of a system of advice for dealing with crises which is available to the mother and to the whole family, and which has the proper expertise, and regulates the conditions and forms of effective cooperation between state and non-governmental organisations during the advice-giving process;

c) supports activities and organisations which serve to protect foetal life, in particular those which also provide material support to expectant mothers in need;

- d)* uses labour law regulatory instruments to ensure special workplace protection for expectant mothers;
- e)* and local governments assist the expectant mother and her family to keep and raise the expected child by guaranteeing child welfare and child protection provisions.

132. Several types of emergency contraceptives are available in Hungary, and all medicines can be prescribed and are available. Social organisations have suggested that these medicines should also be available without prescription. In the opinion of the Faculty of Obstetrics and Gynaecology at the Professional College of Healthcare, in view of the frequent side effects, and of the risk of not receiving proper information, emergency contraceptives should remain available only on prescription by a doctor.

Rural women

Reply to the issues raised in paragraph 17 of the list of issues

133. In the period since 2007, the mobility of the rural population, including that of rural women, has been improved partly by timetable measures and partly by infrastructure developments. Transport for children and for people raising children is supported by socio-political discounts from the state and from local governments, as well as other business-policy discounts provided by certain transport service providers. Employers have the obligation to refund travel expenses for employees who get to work using public transport.

Timetable measures

134. In the period since 2007, several thousand timetables for train and bus routes have changed to provide a service which is in line with the needs of the rural population, and to improve access to workplaces, schools, public offices and healthcare centres. Between 2007 and 2012, timetables were annually negotiated with subregions. In order to investigate demands occurring throughout the year, there were also further coordination rounds. During the coordination rounds on the subregional level, the requests and proposals of local governments were surveyed, which have also been taken into account during timetable reviews.

135. On several bus and railway lines, integrated, regular timetables have been introduced, which provide travellers who live in and commute regularly from rural areas and the suburbs of the capital city with reliable and easy-to-remember timetables. When the new timetable structures were introduced, the timetables of regional bus routes bringing commuters to and taking them away from the trunk routes were aligned with the majority of timetables for the trunk routes of the agglomeration, resulting in reduced travel times when travelling between countless pairs of points, as well as a significant increase in the number of travel possibilities. There has also been a significant increase in the range of journey options available for travellers who are mainly from disadvantaged backgrounds, physically disabled or accompanying young children, whose journeys are not in the main for commuting to and from work, and so it is easier for them to access healthcare and social services, as well as cultural and educational institutes. In several towns and cities, the routes within the city limits of bus services travelling to other towns and cities have been modified to make public transport accessible to a greater proportion of the population. By significantly increasing the number of bus services connecting to railway stations, the number of possible combined travel options has also increased. When these timetable measures were implemented, the timetables of inter-city and regional buses were aligned with the timetables of local bus services in the cities.

136. For railway services, the internet ticket-purchasing system has been launched. There is also a real-time train tracking system in operation on the internet, which has led to improvements in the quality of information provided to travellers.

137. Another contribution to increasing the competitiveness of rural areas was made by restarting passenger train services on several lines. In 2010, passenger train services were resumed on ten railway lines where services had ceased on 12 December 2009, and which are generally located in regions of the country which are at a disadvantage from the point of view of economic and social development. (These are the following: Railway lines #4. Esztergom – Almásfüzitő, #5. Székesfehérvár – Komárom, #11. Zirc – Veszprém, #14. Pápa – Csorna, #45. Börgönd – Sárbogárd, #47. Sásd-Komló, #98. Abaújszántó-Hidasnémeti, #103. Karcag-Tiszafüred, #113. Fehérgyarmat – Zajta, #114. Kocsord-alsó – Csenger and #142. Kecskemét – Lajosmizse.)

138. Of the 3154 settlements in Hungary, only three communities with very small populations cannot be accessed using public transport. Roughly one third of the settlements are connected to the railway network. The railway operators run approx. 3300 trains every working day (2800 at weekends), while for the main bus operators this number is approx. 40,000 (20,000).

Infrastructure developments

139. Standards of public transport services in rural regions have also been improved by infrastructure developments.

140. County seats are now easier to reach thanks to the construction of several stretches of motorway in rural areas. As part of the public road network development, several side roads have been rebuilt or resurfaced in order to improve transport to, from and within the regions. Bypass roads have been built next to many towns and cities, ensuring faster traffic and reducing the burden on residential areas. The huge amount of transit traffic has been diverted away from residential areas, traffic jams have been reduced and travel on public roads has become quicker and safer. The quality of life has also improved for residents of settlements located on main routes.

141. New scheduled bus routes have been started by transport companies across the Danube bridge at Dunaújváros, opened in 2007, which is part of a new stretch of motorway.

142. Several local governments have used tender funding to carry out large-scale renovations of bus stops both inside the settlements and outside them, and new bus stops, bus bays and waiting shelters have also been built. Through joint tenders between service providers and local governments, several bus station and bus stop developments have taken place. Newly reconstructed bus stations have wheelchair and pram access, and to improve the quality of passenger information dynamic, visual passenger information display boards have been installed, while larger bus stations also have automatic audio systems, in several languages in some places. Increasing proportions of the buses in operation has low steps, and are also equipped with the kneeling function and/or ramp, and are air-conditioned. A high number of buses have a multi-purpose platform for safe, fixed transport of prams and wheelchairs, and a system of handrails. The on-board audiovisual information systems on the vehicles meet modern expectations. Modern vehicles are more willingly used by families with young children or children in prams. On older buses, stickers show which door to use if a person is pushing a pram, because that door is closest to the platform for prams. All the above improvements make it easier to travel using public transport.

143. As a result of railway line reconstruction, travel times on the lines concerned have been reduced. Together with the renovations, several railway stations have also been converted to provide wheelchair access. Railway stock has also been modernized: EMU trains with wheelchair access operate on several routes, and many railway carriages that

have entered into use in recent years are also suitable for transporting bicycles and prams. Between 2007-2010, 60 Stadler FLIRT EMU trains were purchased and launched on suburban lines around Budapest. These modern trains have wheelchair access and also security cameras to increase passenger safety.

144. When station buildings are renovated or new buildings constructed, special attention is paid to ensuring that floors are free from obstacles that could cause people to trip, and that there are ramps or lifts to make it easier for people with prams and in wheelchairs to get about. Some of the new facilities are equipped with security cameras and emergency call systems, which increase passenger safety and the feeling of security among women. Conveniences have also been renovated. Modern information boards are fitted in station buildings and on platforms to give passengers better and more accurate information. The quality of the spoken announcement system has also improved.

145. P+R, and in some cases also B+R parking lots have been built in the vicinity of a lot of renovated or new stations.

146. Tender funding has allowed new cycle routes to be built, increasing opportunities for people living in small villages to get around using their own vehicles. Several bicycle parks have been built close to bus and train stations, making it easier for people to use public transport.

Support for transport and commuting for people raising or accompanying young children

147. In general, people raising young children have received financial support when buying season tickets in several cities (e.g. Budapest, Debrecen, Eger, Kaposvár, Nyíregyháza, Szeged, Szolnok) since 2007 or 2008. A similar discount to those offered to students and pensioners, or free transport, is available with the young children's season ticket, to parents with young children, when they use local public transport. In addition, some local governments also offer discount family tickets to families. In railway passenger services there is a business policy discount which entitles one or two adults who are accompanying one or more children under the age of 18 to a discount of 33 per cent off the ticket price. The state supports public transport for large families in the form of group discounts: when at least three children are travelling together with one or both their parents, they are entitled to a 90 per cent discount off the fares for journeys between towns. Children under the age of 6 travel free on public transport, and students can travel with a discount of 50-90 per cent off fares and season tickets.

148. Employers refund to employees the travel expenses for commuting to and from work using public transport, which is a significant benefit for commuters who live in and commute from rural areas. The amount of refund the employer pays to employees for daily commuting to and from work is at least 86 per cent of the price of the fare or season ticket. In the case of workers travelling at most once a week on a return ticket between their permanent place of residence and the temporary place where they work, the upper limit for travel reimbursements was 30,000 HUF per month in 2010, 31,400 HUF in 2011 and 32,697 HUF in 2012.

Disadvantaged groups of women

Reply to the issues raised in paragraph 18 of the list of issues

Implementation of the Roma Decade Programme

149. The inclusion policy is intended to promote the integration, extension and management within a unified system of strategies that deal with special - and decisive,

when it comes to dealing with poverty - problematic areas (strategies which affect childhood poverty, Roma affairs and disadvantaged regions) in order to achieve greater effectiveness in interdisciplinary approaches. Accordingly, the Hungarian strategy incorporates these and is in harmony with the approach and aims of the Strategic Plan for the Roma Integration Decade Programme (RIÉP).

150. It is important to mention that there is a structure at the local government level for implementing the Strategic Plan of the RIÉP or the National Roma Integration Strategy. To ensure that local authorities remain committed to the criteria of social inclusion, the Government has decided that from next year, local governments can only access development funds distributed through EU or domestic tenders if a local equal opportunity situation analysis and action plan are prepared. Equal opportunity plans have to deal with the position occupied in their place of residence by people living in extreme poverty, people of Roma origin, children, women, the elderly and the disabled. The government sets forth a detailed set of criteria for preparing the plans, and also provides training.

151. In order to prepare for and to implement developments, the Hungarian Government has signed a framework agreement with the National Roma Self-Government. The framework agreement contains substantial commitments to implement, among others, employment, education, cultural, healthcare and community programmes for people of Roma origin.

152. Leaders and experts from the National Roma Self-Government participate in the preparation of the programmes, as well as in the decision-making and implementation processes.

Progress in the area of education

153. With regard to education, the progress report discusses in detail the main obstructions which cause the greatest difficulties to the Roma population in terms of education opportunities and quality education.

154. Based on the national education act approved at the end of 2011, from the year 2014 there will be compulsory nursery attendance for children from the age of 3. This measure will improve the nursery situation of Roma children, which is particularly important from the point of view of disadvantaged children and families.

155. The progress report also discusses the measures taken to reduce segregation, among the main components of which is the Integrated Pedagogical Programme, with a budget of around 7 billion HUF funded with domestic resources, which is aimed at creating equal opportunity for disadvantaged children at nursery and at school. In the academic year 2011/2012 20,800 children of compound disadvantaged backgrounds took part in nursery development programmes, and more than 74,000 students participated in school talent nurturing integration developments. Close to 13,000 teachers received supplementary support for dealing with these developments.

156. In addition, in the academic year 2011/2012, more than 20,000 students from disadvantaged backgrounds received grants from 1.67 billion HUF of domestic funding under the "Útravaló-MACIKA" grant programme, as well as mentor support from around 10,000 mentor-teachers, in order to support them with entering secondary education and completing it successfully, or obtaining a professional qualification. Almost 60 per cent of the 11,422 new entrant students taking part in the programme in 2011 were of Roma origin.

Progress in the area of employment

157. The progress report also deals with a description of the employment programmes which support the integration of the Roma population in the labour market. Employment

among the Roma is one of the key components of their social inclusion. In 2011, the Government supported employment programmes, using domestic and EU funds, which had disadvantaged people from Roma backgrounds as a priority target group. As a result of these programmes, close to 80,000 people were employed on a short-term or long-term basis. To promote long-term employment, the persons involved also participated in labour market and training services. The proportion of those involved who were of Roma origin was generally around 30 per cent - 50 per cent, but in regions with a large proportion of Roma among the population, this figure reached up to 80 per cent.

158. One of the main outcomes of the employment programmes was the creation of opportunities for people to become self-sufficient and self-employed, so several of the constructions supported agricultural activities. The objective of these programmes is to make people recognize that by using locally available resources, the land and labour they can improve living conditions for themselves and their families. Funded from domestic resources, in 2011 the social land programme was launched in 168 villages, involving close to 1800 disadvantaged families, of whom roughly half were of Roma origin. After participating in the programmes to acquire work and professional experience, they have a greater chance of setting up their own small-scale farms and social alliances. A wide range of organizational systems was involved in the employment programmes, including local governments, enterprises, NGOs, church organizations and training institutes, and for certain programmes state institutes were also involved. The programmes are an instrument for reinforcing social enterprises.

Progress in the area of housing

159. One of the new aspects of the social inclusion policy is that it recognizes that the housing problem for people living in segregated environments cannot be handled in isolation, but must be part of a complex approach, supplemented with components that cover education, employment, health and social care. At the end of 2011, pilot projects were launched, using domestic funds, in eight segregated areas. The number of residents affected by the programme totals some 6000, with 87 per cent of them from Roma backgrounds.

160. The target group of the programme includes Roma and non-Roma individuals and families who live in segregated estates, or estate-like residential areas, and come from a compound disadvantaged background, or have a low level of education or skills which are out of date, and who are typically struggling both socially and financially. Additionally, the programme also provides the whole community with services which help the inclusion of disadvantaged people and their integration into the life of the local community.

161. It is important to clarify that these housing projects primarily target people living in integrated residential areas, and that separate inclusion programmes will be launched for people who live away from the internal districts of villages and towns.

162. With regard to the measures taken in the area of housing, the progress report highlights that the call for tenders for the complex estate programme, with a budget of 4.68 billion HUF, was announced in February 2012, financed from ESF funds.

Progress in the area of health

163. Access to health provision is a priority task of the complex programmes that have been launched. This is true for the EU-financed "Biztos Kezdet Gyerekházak" ("Sure Start Children's Houses"), dealing jointly with children and their parents from the child's youngest age, of which there are currently 48 in operation in the most disadvantaged villages and town districts; and it is also true for the pilot projects that target segregated estates, which were launched in eight locations in 2011.

164. The framework agreement signed between the Government and the National Roma Self-Government in 2011 gives high priority to health scans for Roma people. Preparations for organizing the health scans began in 2011, and 150,000 people are expected to be involved.

Special measures for Roma girls and women to provide non-discriminatory health care

165. One of the greatest problems in the area of health is the question of assuming and making declarations about Roma identity, and the question of whether it is necessary, practicable and possible (and how) to treat (with positive discrimination or segregated programmes) the target groups named in certain documents in the area of health - both legally and practically.

166. In the area of health, a wide range of human rights are guaranteed in Hungary. In accordance with the fundamental legal provisions of the Constitution, Act CLIV of 1997 on health has the priority objective of establishing a system of health provision under which every patient is able to preserve their human dignity and identity, and where the right to self-determination and all other rights remain intact. As a fundamental principle, the Act sets forth the protection of patient rights and the requirement for equal opportunity to be enforced, taking into consideration the relevant human rights norms and the international recommendations of the WHO. When the legislation was drawn up, the international fundamental documents and guidelines served as examples of how the unified principles are defined for legislation on patient rights, based on the right of the individual to self-determination.

Act CLIV of 1997 on health,

“Article 2, paragraph

(1) The rights of the patient must be protected when health services and measures are carried out. Any restriction on the personal liberty of the patient and their right to self-determination may only be exercised if it is justified by their medical condition, in cases and in the manner determined by this Act.

(2) The right of equal opportunity must be enforced when medical services are used.”

Measures taken in relation to young pregnancy among Roma girls

167. Measures taken in relation to young pregnancy among Roma girls are set out below:

- Family planning is one of the priority family-protection tasks of district nurses.
- In the new public education act, education on healthy living is present in every subject.

(See annex no. 8 in the appendix)

Reply to the issues raised in paragraph 19 of the list of issues

168. The Government is assisted in carrying out tasks to do with disabled people by the National Disability Council (OFT). The Council conducts activities related to initiatives, recommendations, opinions and coordination in the process of decision-making concerning people with disabilities, and carries out analysis and evaluation in the implementation of the decisions.

169. The Council gives their opinion on draft legislation which affects people with disabilities; makes recommendations concerning disability-related decisions, programmes

and legislation; participates in the coordination of activities that concern disability-related affairs; and keeps the Government informed about the life situation of people with disabilities. The Council also draws up the National Disability Programme and monitors its implementation.

170. The National Disability Council may start litigation against persons who violate the rights accorded by law to people with disabilities, in order to enforce the rights of people with disabilities, even if the violation is committed against a person unknown or against a group of people.

171. The National Disability Council consists of two parts: the government side and the non-governmental side. Among these, the non-governmental side also has two parts: one part is made up of permanent NGO members of the Council who are representatives of interest groups from the main branches of disability, while the other part is made up of elected non-governmental representatives. The latter are given their mandate at delegating sessions held in accordance with the legislation, with participation only by representatives from disability-related NGOs which have no permanent member on the Council. In other words, these members are selected by the NGOs themselves. The non-government members of the Council consist of seven men and six women, while the government side is made up of seven men and five women representing this profession.

172. Hungary was the first nation to ratify the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. (Act XCII of 2007). Article 6 of the Convention is about women with disabilities. Even before the Convention was ratified and accepted into national law, Hungary passed a law on the rights and guarantee of equal opportunities for persons with disabilities in 1998. These two fundamental disability laws, and the other laws and legal provisions which are founded on them and which appear throughout the legislative system, ensure that the rights of people with disability - including women, young people and children with disability - are enforced, and that equal opportunity is guaranteed. Under the law on equal opportunity, the gender of the person is classified as a protected characteristic.

173. Compared with the earlier Constitution, an innovation in article XV of the Fundamental Law which replaces it is that among those affected by the prohibition of negative discrimination, it explicitly names people living with disabilities, and it also states that Hungary uses special measures to protect - in addition to women, children and the elderly - people with disabilities.

174. The education act sets forth general regulations governing provisions for children and students with disabilities and requirements for granting preferential rights, which also expresses a pedagogical commitment to equality between children living with and without disability and to their equal worth as humans. When calculating the average size of groups and classes, children and students with special learning needs are taken into consideration - depending on the type of disability - as two or three people, so that the maximum size of separate classes organized for them is between 7 and 15, and in the case of integrated teaching the obligation to use this multiplier ensures that the size of the class is smaller.

175. In examinations - including the secondary school graduation (school-leaving) exam - learners with special needs are entitled to a longer preparation time, in addition to which facilities must be made available to them during their school studies for them to use auxiliary equipment (e.g. typewriter, computer), and if necessary written exams must be replaced by speaking exams, or vice versa. Under the title of preferential rights, students with disabilities are accorded extra points when applying to attend higher education institutions. In accordance with the higher education act, in justified cases, students with disabilities must be excused from learning certain subjects or sections of subjects, and/or from the obligation to take an exam. In Hungary, disability policies and disability

programmes are mainly contained in the National Disability Programme drawn up in accordance with disability law with the cooperation of the OFT (National Disability Council).

176. The aim of the programme titled "Decade of Health Public Health Programme" ("Egészség Évtizedének Népegészségügyi Programja") is for every Hungarian citizen to live as healthily as possible. The long-term development concept for psychiatric provision is the "National Programme for Mental Health", which is fully compliant with the related documents of the WHO and the EU, and in its projection of the problem and in its structure it relies on the document titled the "European Pact for Mental Health and Well-being 2008". The areas it covers are: prevention of suicide and depression; mental health among the youth and mental health in education; mental health in the work environment; mental health among the elderly; the struggle against stigmatization and discrimination.

177. The aim of the "Portal Programme – Library Strategy 2008-2013" is to provide priority support to people with disabilities, so that every library project which is financed from EU funds pays particular attention to the development of library services for people living with disabilities.
