

## **Introduction**

This report is a joint submission by the National Association of Large Families in Hungary (NOE), the Confederation of Family Associations in the Carpathian Basin (KCSSZ) and their partner NGOs to the Office of the High Commissioner for Human Rights (OHCHR) for consideration in its summary of stakeholder submissions for Hungary's appearance before the 25th Universal Periodic Review session.

The report would like to address the developments and achievements since the Human Rights Council 18th Session together with the remaining challenges families and especially children and women are facing in Hungary with reference to the UDHR (Universal Declaration of Human Rights), UNCRC (United Nations Convention on the Rights of the Child), CEDAW (Convention on the Elimination of Discrimination against Women) and various other international human rights instruments.

The participating organizations writing the present report are all regional and national NGOs with significant membership reaching around 30,000 families in Hungary. All of the participating NGOs are acting in the interest of the family, the protection of child rights and women's rights in response to the need of their membership and beyond, in their whole area of activity striving for the well-being of families and the members of each family.

The National Association of Large Families in Hungary (NOE) is one of the oldest NGOs founded in 1987. With cc. 14,000 registered member families and 5 family members on average in every family, it is among the biggest NGOs in Hungary in terms of membership. NOE is acting in the interest of families, especially large families by providing in-kind services, legal protection and services, information, etc. NOE promotes the well-being of all families both in Hungary and abroad.

The Confederation of Family Associations in the Carpathian Basin (KCSSZ) was founded by more than 10 associations in 2001. The founders' intention was to spread the pro-family approach both in Hungary and on the regional platform. In 2012 the "Family Chain" movement was founded by some members of the Confederation. The "Family Chain" movement cooperates with all civil organisations which focus on mother- family and child protection, and which are committed to the propagation of marriage and parenthood.

Besides the 2 lead organizations the list of NGOs contributing to and supporting the content of the report include the 7 following organizations:

1. Otthon Segitunk Alapítvány - Home Start Foundation Hungary
2. Down Alapítvány - Hungarian Down Foundation in aid of persons with an intellectual disability
3. Feher Kereszt Alapítvány - White Cross Foundation for Children
4. Nok a Nemzet Jovojeert Egyesulet- Women for the Future of the Nation Association
5. ERGO Europai Regional Szervezet - ERGO European Regional Organization
6. Kezenfogva Alapítvány - Hand in Hand Foundation
7. Magyar Noi Unio - Union of Hungarian Women

## **Equal opportunities for all children**

Our organizations firmly believe in the principles of the Convention on the Rights of the Child and act in accordance with it. We strongly emphasize that all children deserve equal opportunities irrespective of their own or their parents' background. However, social and financial status in fact means different opportunities for many. In Hungary, disadvantaged children are given extra care by special child protection measures. The definition of "disadvantage" is established by the law and it ranges from the parents' low education, unemployment to poor housing. Policy must aim for creating opportunities for all children to explore their talent and the chance for optimal physical, mental, psychic and moral development. Poverty of families where these children grow up resulting in "child poverty" is the main cause hindering the aforementioned goals. **Therefore action must be taken to improve the situation of families so that they can take care of their children and provide appropriate circumstances for them inside the family.** For children have the right to grow up in their family in the best possible circumstances.

## **Families in poverty**

***Recommendation 95.22. Increase financial and welfare support for families living in conditions of poverty so that families living in a situation of poverty can raise their children with adequate amenities as required for the healthy upbringing of those children***

**UDHR 12., 16., UNCRC 18., 20., 21., 26., 27.,**

Support schemes for families are twofold. One is a complex system of allowances, benefits and tax reliefs for those families living from stable income. State and other forms of aids are available for families where parents are unemployed or have a low income. For this reason the latter families need special attention and care to help them raise children and assistance in finding possible way back to the labor market. **Therefore granting family allowances on a universal basis is highly recommended.**

Lack of information is also a major reason why the situation of families in need has worsened until the last minute. **Civil initiatives** like "NOE-phone", a free-of-charge help-line to call for families in trouble where they get information on possible supporting opportunities **should be backed by the State party. We see as a problem that family debt settlement has been taken from the municipal family protection authority although help was easier to reach than it is now in the new system.**

## **Family support services**

**UDHR 16.,25., UNCRC 2., 5.,**

In-kind child benefits have been broadened especially helping children from large families or children from families of low income. These are free or partially supported pre-school meals and school meals, even during the school break, free or partially supported school books, discounted public transport passes, large family discount on travel, cultural allowance etc. Also, there is more focus on healthy meals in school catering services. Erzsébet-camps, a state financed program, have made it possible in the last 4 years for tens of thousands of children from families of disadvantaged financial background to go on a summer holiday.

A great improvement is the setting up of the so called Sure Start Houses for Children, that in fact does not only provide for the child but also for their family, teaching hygienic and other basic housekeeping knowledge. **However, civil initiatives of the same type should also be regularly supported by the state** (eg. Igazgyöngy Foundation, NOE Otthon Segítünk Foundation).

### **Housing**

Family housing benefit has been broadened and expanded to used real-estates, which is welcomed. It must be said that the State party has carried out extensive consultation with the civil sector on this matter. However, the amount of the benefit is rather small, less than a child's room's price, and the benefit's ratio is unfavorable for higher number of children, **which has to change. We also recommend that level of the benefit should reach that of the value added tax (VAT).**

### **Children's right to grow up in a family UDHR 12., 16., 25., UNCRC 8., 20., 21.,**

The child's inalienable right to grow up in their families can only be limited in the interest of the child but no financial reason could lead to such measure in a welfare state. These families have to be supported, however, municipalities and guardianship authorities are of opposing interest for the first is challenged with lack of resources. **Practice should comply with the law that states no child should be taken from their families for financial reasons. National strategy should be introduced to prevent the forced separation of children from their families due to economic reasons.**

However, if a child cannot stay with his/her own family, the child's right to grow up in a family is still to be enforced. Adoption is a way to fulfill this goal, where the best interest of the child should be at heart that is to say adoption is a right of the child to grow up in a family, not a right of grownups to 'have' a child. However, all support must be given for adoptive parents to be able to integrate the child in their family, preparation and follow-up are welcomed.

**On the other hand, the procedure is extremely long and this endangers the child's chance to find a family and also exhausts and even frightens adoptive families. We recommend the administrative procedure to be shortened to the length that is absolutely necessary in the interest of the child.**

It is for the benefit of the child that children under 12 are not supposed to be placed in state care homes but with foster families. The initiative to develop the network of foster families is well received however its realization is not yet finished. Finding and training, supporting and supervising foster parents is crucial and numerous steps should be taken to improve in this field. **As we see in order to achieve equal opportunities for children who for some reason cannot grow up in their own family it would be a great help if foster parents were involved in a follow-up system after these children reach the age of 18 to better mirror a well working family. Financing, training and supervision needs to be introduced in this respect.**

### **Children with disabilities**

*Recommendations 94.96. Aim to eliminate segregated education, which is not based on strict individual assessment, and draft a national strategy for the introduction of an inclusive education.*

*94.97. Continue its efforts to ensure that children with disabilities exercise their right to education to the fullest extent possible and facilitate their integration into the general education system.*

## **UDHR 26., UNCRC 23., 24.**

It is crucial that children with disabilities and developmental delays get ECI services. One great step forward, for example, is that a 10-hour per week 'Dévény' therapy (early development therapy) is state supported, **however, broadening of programs with other types of methods and staff is highly recommended.**

It is a great change that according to the law ECI is provided by the Pedagogical Service in every educational district, that is every couple of settlements and not only at provincial capitals, from the birth of the child. However, this act is yet to be put in practice due to the lack of professionals on this field.

Moreover, children with special needs because of disabilities might need special schools to attend their needs, which is not available in all regions of the country. Eastern regions are especially behind in this respect, children have to travel long distances to reach an institution that meets their needs e.g.: blind and visually impaired children might need to leave their family to get proper training, which violates their right to grow up in a family. Also, in this region class rooms are overcrowded and talent development is challenging.

It is humiliating that the families of children with disabilities who are placed in institutions assisting their special needs are denied social aids, family tax system and family benefits even if they don't renounce custody, bringing up their children and take them home as many times as possible. **It is also recommended that the State party differentiated between families who place their children into state care institutions and those that apply social institutions because of the special needs for their child with disabilities.**

## **Equal opportunities and education**

### **UDHR 26., UNCRC 28., 29.**

However, there are great differences between schooling opportunities depending on the family's domicile. Families that live in smaller countryside settlements have problems taking their children to school and arrive to work, not to mention choosing a better school might mean a greater distance. **Therefore a school bus system would enormously help these children to reach a school where their capacities may be well developed and parents to know their children arrive safe to school.**

Furthermore, the fact that pupils are obligated to take part in school activities until 4 pm helps families because working parents know their children are in safe hands, and get their studying done with the help of professionals leaving more free time for the family to spend together and especially assisting the mother's reintegration to the labor market.

As we see the way out of deep poverty and other disadvantaged situations is through schools and education. Therefore as mentioned above it is especially important that disadvantaged regions are equipped with high standard education. Therefore upgrading these regions is crucial and the only way to do this is through reforms. **Introducing incentives for teachers to take up jobs at more challenging and less developed regions like accommodation, professional supervision, travel allowances, professional development and training are highly recommended.**

**In order to improve the situation of disadvantaged children, disadvantaged families especially at disadvantaged regions supporting social service, health care system and employees with incentives mentioned above is also recommended.**

## **Integration and talent**

***Recommendation 94.96. Aim to eliminate segregated education, which is not based on strict individual assessment, and draft a national strategy for the introduction of an inclusive education.***

## **UDHR 26.**

Although, steps to stop segregation in schools have been taken, their realization very much depends on institutional management decisions. Also, in order to integrate those children with a difficult background, disadvantaged children or children with disabilities need other measures as well. Equal rights to children does not mean equal expectations for children with learning difficulties hence integration. Moreover, in case of integration with individual assessment the interest and right to the best education according to their talents of those pupils who have no learning hardship has to be at heart as well. **This requires different methods, special equipment, extra training for teachers and even more teachers in the classroom to assist all according to their needs.**

Likewise talent development faces problems both in terms of accessibility and economically. That is, we strongly believe that every child has talents and so unfolding and developing them is a duty. **No financial barrier should stand in the way of a child to find what he is really good at.** On the other hand there have been steps taken in this respect eg. Social and Child Protection Directorate-General supports talent competitions, talent camps and set up National Talent Development Center and local 'talent points'. **Numerous civil initiatives have been launched like scholarship programs that the State party should also support.**

## **Justice and children's rights**

***Recommendation 94.103. Persevere in its policy of promotion and protection of the rights of minorities and vulnerable persons.***

## **UNCRC8., 9., 12.**

Steps toward a child friendly justice are very welcome, facilities for child hearing have been set up, with the help of these rooms more procedures can involve hearing of children, which helps to take into consideration their needs and better enforce their rights.

**However, steps must be taken to better represent the right of children to contact both parents after custody has been granted to one of the parents.** Experience has shown that approximately 3 years after such a decision alienation from the other parent as a result of the behavior of the parent with custody rights is hard to avoid.

## **Gender Equality**

### **Reconciliation of right to work and family life**

***Recommendation 94.10 – Strengthen its current laws and continue robust implementation of the Equal Treatment Law to ensure equality for women, including with regard employment and educational opportunities***

**CEDAW paragraph 2 of Article 11 - In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures to enable parents to combine family obligations**

**with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;**

In the last four years the Hungarian government made several important steps to improve the employment of women with children under the age of three years and for those having three or more children, and to eliminate the difficulties these families have to face when a new family member arrives. Since 2014 the establishment of “extra” childcare fee (GYED extra) have been providing the possibility for mothers to work after the age of one year of the child without losing the childcare fee, that prevent families from decreasing their living standard. Another significant change in maternity welfare system is that childcare allowance and childcare fee are available for more than one children for the same period. Former legislation forced families to choose after which child they demanded the childcare allowance or fee if both or more children were born within three years. According to the latest statistics, these provisions support the mothers to get back sooner to work and ease the situation of those having two or more small children.

Our organizations welcome the above mentioned changes in maternity and childcare welfare system but have some serious concerns about the equality of their availability in practice. Daycare is a crucial matter for children and mothers both with the question of parenting more children and with carrier opportunities. Whether a woman, or better to say a family opts for either day it is common interest that children day care system must be as good as possible and as easily accessible as possible. Moreover, nurseries and kindergartens are part of the child protection system and so play a crucial role in detecting problems in the family conditions of the child, also a well-developed system helps the integration of disadvantaged children. However, in Hungary, day care for children under 3 is not widely accessible. There are relatively few nursery places, and their number is especially low in the country. In 2365 settlements, for 58621 children there is no daycare service at all, which is 22% of children under 3. There are great differences between regions in five counties more than 40% of children have no day care facilities at their domicile. In 2013 15% of children under 3 have attended nursery or family day care, which is less than half of Barcelona targets, however, there is a steady growth in this number. Central financing of these institutions has been cut and as a consequence institutions have the choice to fee for their services. On the other hand, over crowdedness of nurseries has been solved, but it is still an issue in the case of kindergartens. This is caused by two factors, 'higher attendance of older-than-3 kids in daycare facilities and low financing both infrastructure and human resources (earning around 61% of the national average).

**For the above reasons we find it crucial to further extend the availability of daycare facilities for children under the age of 3 years both by launching new state establishments and by involving private nurseries supported by the state, especially in rural areas.**

The latest legal regulations on part-time and alternative employment for mothers of children under the age of three years and for those who have three or more children incorporated in Labour Code of 2012 and the Act 199 of 2011 on Civil Servants are welcome, as we are convinced that these provisions enhance the equality of women in the field of employment. The above mentioned legal measures obligate the employer on the request of the mother to employ her in 20 hours a week until the age of three years of her youngest child. Obligatory part-time employment is available for mothers with three or more children until the age of five years of the youngest child.

However, we are concerned about the adaptation of these provisions. With regard to the information provided by the Hungarian Central Statistical Office the average monthly salary of full time employees was 155.690- HUF (about 520 EUR) in 2014. The level of wages was even lower in rural areas with a lowest sum of 109.000 HUF, which threatens that part-time employment is not a real alternative at the moment.

**With the aim of fostering the fulfillment of paragraph 2 of Article 11 of CEDAW we recommend to consider the possibility of providing full time employment with a full-time salary but a working time reduction of 2 hours a day for women who have two or more children at least one of whom is under the age of 14.**

There is another serious concern about the practical adaptation of obligatory part-time employment, namely that women are entitled to request it on the basis of maternity only during the maternity leave. Once they have started to work the employer is not obligated to apply part-time employment even if the age limit of the children has not been reached yet.

**In order to eliminate the previously cited inequality we suggest to extend obligatory part-time employment during the total period until the children reach the age limit regardless whether the woman started to work before or not.**

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**CEDAW paragraph 1 Article 11 - States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;**

Women with small children or more than two children often need higher education or multiple professional qualifications to have a chance for getting an employment, as the usual time of childbirth overlaps with the period of college years. On the one hand, the government of Hungary recognized the fact that women had to make a choice between taking a degree or having children and decided to help them in this field by extending extra childcare allowance for women who participate in high education. On the other hand, the professional training with the financial support of the state aiming the enhancement of employment of women is restricted to 30 hours per week during the period of childcare allowance.

**We find this restriction discriminatory as it worsens the employment position of women involved. We recommend to reconsider the possible ways of broadening the availability of extra childcare fee for all women who take part in any kind of education or training during the period of child caring irrespective of the form or duration of the training.**

In 2014, Hungary extended the availability of student loans from 35 to 40 years which resulted in a significant increase in the number of those who apply for them. Nevertheless, women who have three or more children often need to continue their studies or improve their professional skills after the years they spent with nursing their children.

**As the time of giving birth to the first child extended to the late twenties or early thirties the age limit often makes student loan unavailable for them, and strengthens inequalities in education and employment among women, so that we deem it necessary to abolish the age limit of student loan for women who have three or more children.**

## **2. Invisible work - right to welfare and retirement benefits**

***Recommendation 94.42 – Take steps to bring about a change in attitudes with a view to eliminating deep-rooted stereotypes regarding the roles and responsibilities of women and men in family and in society, which are reflected in women's educational choice, their situation in the labour market and their under-representation in political and public life and decision-making positions***

The term invisible work, in our view, covers that unpaid work which is indispensable for the maintaining of family life and which has an appreciable social benefit. The term incorporates a huge scale of activities from taking care for disabled family members, through nursing children to supporting old parents or other family members. The only joint segments of these activities are that they usually remain without adequate offset from the part of the community or the state, and that most of them are performed by women. The appreciation of invisible work is a core element of the abrogation of gender inequality.

Hungary applies family tax system for personal income tax to eliminate the financial hindrances of large families.

HUF 62 500 per child may be applied as family tax base credit for up to two children while HUF 206 250 per child may be applied in the case of three or more children.

16 percent of the family tax credit not considered in personal income tax may also be deducted from personal health insurance and pension contribution (family contribution credit). The tax credit must be applied first from the personal health insurance contribution deductible from the gross salary. If any unused tax credit remains, it may be deducted from personal pension contribution. Family taxing has great benefits for families who have children under the age of 18 or the age of 20 and the child or children take part in secondary or elementary education. At the same time, the family tax credit is not available after the children who are taking part in higher education – even if they are only 18 years old, and after other dependants. (eg. Disabled or permanently sick family members)

**With the aim of ensuring the adequate appreciation of the invisible work performed in family life we recommend the review of the family tax system with special regard to the possibility of the extension of family tax credit to other dependants besides children under the age of 18 years.**

The year 2012 brought a remarkable change in the issue of the attitudes to family life, as paid extra childcare leave was made available for both parents by the provisions of the Labour Code and the Act 199 of 2011 on Civil Servants. Former legislation provided extra childcare leave only for one of the parents.

Recognizing the importance of these provisions we still feel concerned. The measure of paid extra leave depends on the number of children under the age of 16 years and is limited in 7 days a year for those parents who have three or more children. In our opinion parents who have four

or more children are in an unequal situation because of this limit. **For that reason we recommend to examine the possibility of the extension of paid extra leave in a way where each child is taken into consideration.**

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**CEDAW paragraph 1 of Article 11 - States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.**

Our organizations welcome the establishment of a special retirement program for women the so called „Women 40” which entitles women for retirement after a 40-year eligibility period regardless if they reach the retirement age limit by then.

Recognizing the outstanding importance of taking the time of childcare into consideration at the calculation of the eligibility period we still feel concerned as childcare years do not count in their entirety. A maximum of eight years can be taken into account up to four children and limit is 15 years for those who have at least 11 children. In our view, this system makes early retirement unavailable for women who have five or more children since it is almost impossible to spend 25 – 31 years in paid work before the age limit of regular retirement if a mother has five or more children. In addition, mothers can take two years into consideration after each child if they do not have more than four children, but only one year from the fifth child.

**In order to ensure equal rights and conditions of retirement for women who have five or more children we recommend to reconsider the possibility of taking each children into account on an equal basis.**

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### **3. Human rights in childbirth**

#### **CEDAW paragraph 2 of Article 12**

**States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

Birth care is a health and social service provided specifically for women, so that any mistreatment in this field involves discrimination against women. It is welcome that the Government of Hungary elaborated the legal framework of home birth and supported the right to choice of women, nevertheless, it is unfortunate that Hungarian women face a high rate of ineffective, unnecessary or inadequate routines and unnecessary separation of their newborns in birth and postpartum care. The rate of Cesarean-sections is over 30 per cent in Hungary according to 2012 data. These routines abuse the rights of women for equal treatment and in some cases their inalienable right to human dignity. World Health Organization developed recommendations in the care of normal childbirth in 1985 (Forteleza Declaration) and renewed its manual in 1999, the adaptation and application of which would highly improve the situation of women in birth care.

**With the aim of avoiding non-compliance with the aforesaid provisions of CEDAW we recommend to consider the possible ways of improving birth and postpartum care with a special regard to WHO childbirth care recommendations. We find it important to incorporate WHO recommendations into obstetric and birth medical protocols and to both the practical and the theoretical training of obstetricians, midwives and other health care professionals.**

Our organizations welcome that the Government of Hungary reasserted its unique health visitor system by broadening its competencies. Health visitors are available for pregnant women, mothers and families for routine maternal and child health care throughout the country. They are entitled to effectuate specified health screening examinations on a periodic basis. An important new element in their work is free cervical cancer screening that help decreasing the inequalities in the life expectancy of women in rural areas or belonging to socially vulnerable groups such as the Roma society.

**As health visitors are the only health care and child welfare professionals directly available in rural areas we highly recommend to further extend their competencies and strengthen their positions in vulnerable areas.**