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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)
by States parties to the Covenant, concerning rights covered by
articles 10 to 12

Addendum

HUNGARY

[10 May 1984]

I. GENERAL REMARKS

1. The principles and measures set out in the International Covenant on Economic, Social and Cultural Rights were laid down in Hungarian legislation prior to the entry into force of the Covenant.
2. The Government of Hungary has given full effect to the right to self-determination in accordance with part I of the Covenant.
3. Discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, etc., is alien to the socialist order of society in Hungary. Non-discrimination is a most important basic principle of the Hungarian Constitution (arts. 61 and 62) and violation of the principle entails application of the sanctions defined by criminal law.
4. In respect of the provisions of articles 10 to 12 of the Covenant, there is no substantial difference between the legal status of non-nationals in Hungary and that of Hungarian nationals. Non-nationals enjoy essentially the same protection under the labour law, family law and criminal law, although some differences can be observed in connection with social security, health care and housing.

II. ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

1. Principal laws, administrative regulations and collective agreements designed to promote the protection of the family, and relevant court decisions

5. In accordance with the provisions of the Hungarian Constitution, the State shall protect "the institution of marriage and the family" (art. 15), devote "special attention to the development and socialist education of youth" and protect "the interests of youth" (art. 16).

6. The Labour Code guarantees the rights of workers with a family and in the Social Security Act, a particular measure of care is devoted to the material welfare of women, youth and families with children, especially those with many children.

7. The Family Law (which amends and contains the integrated text of Act I of 1974 on marriage, family and guardianship) consists of three parts: part I, on marriage, deals with the contracting, invalidity and termination of marriage; part II, on the family, deals with status in the family, adoption, support of relatives and parental supervision; and part III, on guardianship, deals with the functions of guardianship, and the appointment and duties of a guardian.

8. The Minister of Labour and the National Council of Trade Unions issue directives for the conclusion of collective agreements (e.g., for the period 1976-1980), referring, among other things, to benefits for families such as the provision of meals at the plant to workers' children who attend school, children of large families and children of single parents, as well as the provision of dinner to working women in order to ease their household chores.

9. The obligations of employers concerning child-care institutions shall also be specified by collective agreement.

10. In the enterprise plans for social benefits, employers are required to determine their obligations with regard to family policy (i.e., conditions for participation in enterprise holiday schemes, preference to be given to large families and single mothers or fathers, provision of grants etc.).

2. Guarantees of the right of men and women to enter into marriage with their full and free consent and to establish a family and measures taken to abolish such customs, ancient laws and practices as may affect the freedom of choice of a spouse

11. By virtue of article 15 of the Constitution, the State guarantees the equality of spouses in marriage and in family life.

12. Marriage is the free and voluntary union of man and woman, based on equal rights and aimed at the establishment of a family. A marriage is contracted if, in accordance with the provisions of family law, the prospective spouses declare in the presence of the registrar that they intend to marry and that there is no legal

impediment to their marriage, and affirm the existence of the legal requirements of marriage (i.e., marriageable age, waiting period and participation in counselling on family protection). The waiting period means that a marriage cannot take place until at least 30 days have passed after the declaration of the intention to marry. It enables both parties to consider their intention carefully.

13. The marriageable age is 18 years for men and 16 years for women. Marriage prior to these ages shall be subject to the permission of the guardianship authority, given special circumstances.

14. The law requires all future spouses under 35 years of age to participate in pre-marital counselling on the protection of women and the family, including the provision of advice on family planning and health problems. Counselling is free of charge.

3. Measures to facilitate the establishment of a family, such as subsidies or installation grants, the provision of housing and other benefits

15. The social situation and health protection of youth are dealt with in chapter V of Act IV of 1971 on youth, in which it is provided that "the State, with the assistance of co-operatives and social organizations shall help young people to create the conditions for the establishment of a family and accord benefits to young couples in meeting their housing needs". The measures taken to facilitate the provision of housing for young people are the following:

(a) At least 45 per cent of the newly built dwellings under the State housing construction scheme shall be allocated to young couples. Accordingly, the participation of young people in nearly all housing schemes has reached 50 per cent;

(b) Young people enjoy social benefits for housing (except for family houses) which vary from 20,000 to 30,000 forints for each child maintained. For young couples who plan to have two children, the corresponding amount is counted towards the purchase price; if there are more than two children born, the allowance is subsequently to be deducted from the purchase price;

(c) Employers may grant interest-free loans for housing purposes;

(d) Young couples living in newly built dwellings, except family-owned houses, may, for five years after occupancy, enjoy reduced instalment rates, the extent of the reduction being no more than 30 per cent of the monthly payments.

16. In 1970, a savings scheme was introduced for youth and today some 20 per cent of them participate in it. Young persons between 14 and 30 years of age, or their parents, may deposit a monthly sum of 100 to 800 forints for at least five years. At the end of that period, participants are entitled:

(a) To earn an annual interest of 6 per cent on deposits (the rate of interest being 1 per cent higher than that on other fixed deposits);

(b) To receive a loan equal to the amount on deposit (up to a maximum deposit of 56,000 forints);

(c) If the loan is intended for purposes other than housing, the sum may not exceed 40,000 forints for the purchase on easy terms of some major household effects or appliances (furniture, television set, washing machine, refrigerator etc.). In this case, the beneficiary is not required to pay in cash, the cost can be paid in instalments over five years instead of 18 months and the annual rate of interest is 6.5 instead of 9.5 per cent.

Other measures include the right of young couples to buy, on a one-time occasion, various articles on the instalment plan, whether or not they have participated in the savings scheme for youth, provided that one of the spouses is under 30 years of age and that five years have not yet elapsed since the date of marriage. Young couples whose total monthly income does not exceed 6,000 forints may be granted a credit by the savings bank on a three-year repayment plan at the regular rate of interest. The maximum amount of credit is 10,000 to 30,000 forints to be used on the same terms as those under the savings scheme for youth.

4. Measures aimed at maintaining, strengthening and protecting the family, such as family allowances, tax-exemption facilities, child-care institutions etc.

17. Families in Hungary enjoy several social benefits for the upbringing of children.

18. The family allowance means that a part of the household expenditure necessary for child-rearing is borne by society. It is paid for the maintenance of at least two children from the first month following childbirth until the child completes his sixteenth year or, if he or she pursues further studies, his or her nineteenth year.

19. No family allowance is paid for one child, except in the case of parents attending university, the spouse of a conscript, or a single mother or father. The family allowance accorded for each child consists of a fixed amount equal to 10 to 15 per cent of the average wage.

20. The child-care institutions (crèches, day nurseries) which are maintained and run by local councils, enterprises and offices similarly help families. Accommodation in crèches is available to 12 per cent of the children under three years of age. By means of the crèches and the child-care allowance scheme, the State provides care and custody for 90 per cent of infants.

21. Under the child-care allowance scheme, a working mother may stay at home to attend to her child until he or she completes three years of age. The amount of the allowance varies according to the number of children and its duration is counted towards the period of employment, with no interruption of the mother's employment relations. After the expiration of the three-year period, the employer is under the obligation to continue to employ the mother in her previous sphere of work.

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22. A child-care allowance is also paid for an adopted child. Some 90 per cent of entitled mothers benefit from the scheme.

23. Accommodation in day nurseries is available to 85 per cent of the children between 3 and 6 years of age. Day nurseries form part of the educational system; therefore, until such time as full coverage is reached, children who cannot be accommodated attend preparatory school.

24. Day care in primary schools is provided for about 30 per cent of pupils, nearly three quarters of whom are at the lower level and one quarter at the higher. Pupils take meals in school canteens. There are some 30,000 pupils who, while not receiving day care, take meals at reduced prices. Accommodation in student hostels is available also to primary school pupils who live in villages or on remote farms and are unable to attend school every day. Study rooms, hostels and school canteens are the most important student welfare services provided at secondary and higher educational establishments.

B. Maternity protection

1. Principal laws, administrative regulations and collective agreements governing the various aspects of maternity protection, and relevant court decisions

25. The Hungarian Constitution provides increased legal protection for mothers and children (art. 62, para. 2).

26. The Labour Code (Act II of 1967), in keeping with the constitutional principles, regulates employment relations, the rights and duties of enterprises and workers emanating from employment relations, and the participation of workers through the trade unions in connection with the regulation of questions concerning the conditions of life and work, as well as the development and control of enterprise activities. The Labour Code also provides for the special protection of women and mothers in employment.

27. The Social Security Act (Act II of 1975) regulates the enjoyment of social security benefits in accordance with uniform principles of eligibility, in keeping with the constitutional provisions. In connection with maternity protection, it deals with the conditions for sick-pay, maternity and confinement allowance, maternity allowance, family allowance and orphan's allowance.

28. Decision No. 1040/1973 (X.18) of the Council of Ministers lays down demographic policy measures, including the provision of increased material assistance to families with children, more effective health protection for women and for children yet unborn, and the introduction of organized education in health protection and family planning.

29. Employers and local trade union bodies conclude collective agreements for five-year periods. An annex to the model collective agreement (Decree No. 4/1966 (X.25) of the Minister of Labour) deals with measures designed to facilitate the employment of women and to promote the protection of their health and physical integrity and determines the spheres of work harmful to health in which women are prohibited from employment because of increased hazards.

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2. Pre-natal and post-natal protection and assistance, including appropriate medical and health care and maternity and other benefits, irrespective of marital status

30. In Hungarian legislation, particular attention is devoted to the protection of pregnant women and mothers.

31. With respect to pre-natal care, the Labour Code provides that employment shall not be denied to pregnant women or mothers on account of pregnancy or motherhood. Similarly, pregnant women and mothers of infants shall enjoy preference in respect of employment (art. 19, para. 2).

32. In accordance with the Government Decree on the Enforcement of the Labour Code, pregnant women shall not be employed in work harmful to their health (art. 12, para. 3) and, from the fourth month of her pregnancy until the end of the sixth month of nursing, a working mother shall be transferred to work suited to her condition (art. 23). The wage of a working mother so transferred shall not be less than her previous average wage. In addition, the mother of an infant shall by no means be required to work overtime until such time as the child completes six months of age, while from that time until the child completes one year of age she may be assigned to such work only with her consent.

33. A pregnant woman shall not be dismissed and shall not suffer any loss of income.

34. Under article 57 of the enforcement decree, a pregnant woman or a woman in confinement shall be entitled to maternity leave of 20 weeks or, in the case of an abnormal delivery, 24 weeks. For this period she shall receive a pregnancy and confinement allowance under the social insurance scheme.

35. The one-time maternity allowance serves to cover part of the extra costs incurred in respect of delivery. Article 26 of the Social Security Act provides that a maternity allowance shall be paid to a mother who has availed herself of the pregnancy examination service at least once during pregnancy. In accordance with section 3 of Decision No. 1040/1973 (X.18) of the Council of Ministers, the maternity benefit shall amount to 2,500 forints for each child if the mother has reported for such examination four times and to 1,000 forints if she has reported only once (but within 140 days from the commencement of pregnancy).

36. Article 57 of the enforcement decree provides that, upon expiry of maternity leave, a working mother shall, at her request, be permitted unpaid leave for the purpose of attending to her child until completion of his or her third year and, for the purpose of nursing her ill child at home, until completion of his or her tenth year for the duration of the contingency.

37. For the duration of unpaid leave after the expiry of maternity leave, she shall be entitled to a child-care allowance until the child completes his third year, provided that, during the 18 months immediately preceding delivery, she has completed 12 months of service (Government Decree No. 3/1967 (I.29)).

38. In addition, eligibility for a child-care allowance is extended to a working mother who has established employment relations within 90 days of the completion of

her studies in the daytime course of any school. The child-care allowance is also paid for an adopted child, a stepchild or a foster-child.

39. In accordance with Decision No. 1040/1973 (X.18) of the Council of Ministers, the amount of the child-care allowance shall be 800 forints for the first child, 900 forints for the second and 1,000 forints for the third and each additional child. Mothers on this scheme shall also receive the same compensatory wage as is payable to wage-earners to offset the impact of official price increases.

40. A working mother who, upon the expiry of maternity leave, resumes her work shall be permitted two daily nursing periods of 45 minutes each until the end of the sixth month of nursing and one daily nursing period of 45 minutes until the end of the ninth month of nursing.

41. The Constitution provides that citizens shall have a right to the protection of life, physical integrity and health, and that this right is implemented by the State through the organization of labour safety, the network of health-care institutions and medical services and the protection of the human environment.

42. In ensuring the protection of women, assistance is provided by a broad network of health services. Counselling covers pre-natal and well-baby care, and family and women's welfare.

43. In pre-natal and well-baby clinics, pregnant women are examined and advised by the physician with the assistance of nurses and midwives. Pregnant women at risk receive increased attention. At the workplaces, a concern of women's committees is to see that pregnant women are informed, in time and on a regular basis, of their rights and of healthy living habits.

3. Special protection and assistance accorded to working mothers including paid leave or leave with social security benefits and guarantees against dismissal during a reasonable period before and after childbirth

44. Under Articles 17 to 19 of the Social Security Act, all working women are entitled to sick-pay for the purpose of nursing their ill child. The sick-pay shall be granted for the duration of the contingency if the child is under one year of age, for 60 days at most if the child is over one year but under three years of age, and for 30 days or, in case of a single parent (mother or father), for 60 days if the child is over 3 but under 6 years of age. In addition, a working mother with a child under 10 years of age shall be granted unpaid leave for the purpose of nursing her ill child.

45. Under article 50 of the Decree on the Enforcement of the Labour Code, supplementary leave shall be made available to mothers with several children: two days each year for those with three children under 18 years of age and not engaged in gainful employment, and two additional days for each additional minor but in any case not more than 12 days a year.

46. For the purpose of improving the living conditions of working parents, in Decree No. 6/1967 (X.18) of the Minister of Labour and article 1 of Decree No. 12/1973 (XII.23) of the Minister of Labour it is provided that, as from 1 January 1974, a working mother (or a working father rearing his child alone) shall be entitled to two days of special leave each year for one child under 14 years of age, five days for two such children and to nine days for three or more children.

47. Under section 2 above, reference was made to the guarantees of pre-natal and post-natal care. Employers must observe the provisions of the Labour Code, the decrees of the Council of Ministers and other regulations concerning the protection of mothers, children and the family. Compliance is subject to control by the supervising ministries and is also regularly overseen by the trade unions and the National Council of Hungarian Women.

4. Specific measures in favour of working mothers who are self-employed or participating in a family enterprise, especially in agriculture or in small crafts and trades, including adequate guarantees against loss of income

48. The social security benefits granted include:

(a) A maternity allowance, funeral grant, pension and, in case of an accident, an employment injury benefit for a mother who is self-employed in a small craft or trade;

(b) A maternity allowance and funeral grant for a mother who is self-employed in agriculture;

(c) A maternity allowance and funeral grant for a mother who is a family helper of an artisan or petty trader (i.e., is participating in a family enterprise).

49. The maternity allowance and funeral grant are one-time pecuniary benefits paid in case of childbirth and death.

5. Specific measures designed to help mothers to maintain their children in the case of their husbands' death or absence

50. The Social Security Act provides for a widow's pension, an orphan's maintenance allowance and a family allowance.

51. A permanent widow's pension is granted to a wife if her husband has been a pensioner or has spent in service the time required for a pension, or if she provides for the maintenance of at least two children entitled to an orphan's maintenance allowance. The widow's pension amounts to 50 per cent of the old-age pension due to the worker. A temporary widow's pension is granted for a period of one year to a wife who provides for the maintenance of one child only.

52. An orphan's maintenance allowance is granted to the child of a deceased worker who has completed the period of service required for an old-age pension. For both a widow's pension and an orphan's maintenance allowance, a minimum of 10 years of service is required; however, before the age of 35, it may be less, depending on the age. The orphan's maintenance allowance is granted until the child completes his or her sixteenth year or, if he or she pursues further studies, until he or she completes such studies but, in any case, not after the completion of his or her twenty-fifth year. It is also granted to the child if his or her only living parent contracts a new marriage. The orphan's maintenance allowance amounts to 50 per cent of the widow's pension. If, however, the mother is an invalid, it is equal to the total sum of the widow's pension.

53. As a rule, the family allowance is granted to parents for two children but if the parent is single it is granted in respect of one child. A single parent is entitled to both the orphan's maintenance allowance and the family allowance (i.e., if the mother contracts a new marriage she is entitled to either an orphan's maintenance allowance or a family allowance).

C. Protection of children and young persons

1. Principal laws, administrative regulations and other measures, including collective agreements and court decisions, aimed at protecting and assisting all children and young persons, in order to give them opportunities and facilities for their healthy physical and psychological development without distinction or discrimination on account of birth, parentage, social origin or other conditions

54. The protection of children and young persons is governed by Act I of 1974 and other regulations concerning the family, as well as the relevant authoritative rulings of the Supreme Court (published under the title Családjogi Törvény [Family Law] by Közgazdasági és Jogi Könyvkiadó in 1975) and the provisions of the Labour Code, while certain aspects of such protection are covered by the Criminal Code (Act IV of 1978) published in Magyar Közlöny on 31 December 1978.

55. Parental supervision is dealt with in chapter VIII of part II of the family law, in which, in paragraph 1 of article 75, it is provided that "parents exercising parental supervision are duty-bound to care for and bring up the child and to promote his physical, mental and moral development". Where the conditions for this are not present, in paragraph 3 of article 71 it is provided as follows:

"If the care, education, maintenance and the physical, mental or moral development of a minor call for State care on any ground, the guardianship authority shall take appropriate measures or order the placement of the minor in an institution with a view to ensuring the necessary conditions. In the latter case, parental supervision shall be suspended. Should these measures fail to produce results, the guardianship authority may bring the minor under the care of the State".

If parents are for any reason unable to attend to their duties, State care for minors is ensured by the measures envisaged in Decrees Nos. 13/1974 (V.14), 29/1973 (X.4) and 20/1969 (V.13).

56. In order to perform its functions, the guardianship authority may:

- (a) Take preventive and protective measures;
- (b) Institute or initiate proceedings in the interest of the minor;
- (c) Ensure the care of the minor by the regular payment of educational grants or by the placement of the child in an institution;
- (d) Commit the minor to State care.

In 1978, the number of children under State care was 33,411, of whom 24,416 were placed in institutions and 8,995 were educated by foster-parents, whereas 9,327 received educational grants on a regular basis.

57. Under the law, preventive and protective measures shall be applied if the moral education and development and the care of the minor are not ensured in the parental home. Proceedings for the application of such measures may be instituted by the guardianship authority, upon request by the police, the procurator, the court or social organizations, or on the basis of a well-founded report on, and the guardianship authority's own knowledge of, the existence of circumstances that warrant such action. During the proceedings, the guardianship authority may, where necessary: summon the parents and the minor in order to hear, inform and advise them; record the rules of conduct to be followed; suggest the placement of the minor in a crèche, day nursery, day-care centre or student hostel, or visits to educational counselling centres or neurological nursing homes for children etc.; call on the employer of the parent or the child and the local trade union bodies; assist a minor over 14 years of age in finding appropriate employment; and help to improve the working conditions of the parents and remove environmental hazards to the health of the minor.

58. The guardianship authority may provide emergency relief if the development of a minor is handicapped by lack of financial means; grant regular relief if the lack of financial means calls for constant care, provided that the parents and the environment are fit for the education of the child; or ensure placement of the minor in an institution if the circumstances so warrant.

59. Where appropriate, the guardianship authority may institute legal proceedings, lay information with the police, or initiate action to order treatment of an alcoholic parent or to secure compliance with the obligation of maintenance.

60. As defined by the law, the purpose of State care is "to ensure the care, education and maintenance of the minor, as well as the direction of his mental and moral development, in cases in which they are not guaranteed in his environment".

61. State care shall be terminated by the guardianship authority when (a) the minor completes his or her eighteenth year or contracts a marriage; (b) the guardianship authority grants a permit of adoption; or (c) the circumstances have changed. Until such time as the child over 18 years of age, who was in State care, pursues studies, the necessary conditions are ensured by the Child and Youth Welfare Institute. Where necessary, follow-up care is provided upon the termination of State care.

62. Article 42, paragraph 2 of the family law ensures the registration of the name of the putative father in the case of a child born out of wedlock: "In the absence of a person who shall be regarded the father of the child, the child shall use the maternal surname until the name of the putative father has been entered in the register".

63. As regards employment relations, the Labour Code provides that "in the establishment of employment relations and in the determination of the rights and duties emanating therefrom workers shall not be subject to discrimination by sex, age, nationality, race or social origin" (para. 3 of art. 18).

2. Special measures for the care and education of children, separated from their mothers or deprived of a family; physically, mentally or socially handicapped children; and delinquent minors

64. In respect of proceedings before the guardianship authority, in Decree No. 1/1974 (VI.27) of the Minister of Education on the enforcement of Act I of 1974, it is provided, in paragraph 1 of article 103, that the guardianship authority shall commit a minor to State care if:

(a) The parents, through their own fault, fail to ensure his education, thereby directly hampering his physical, mental or moral development or neglect his medical treatment, or behave in a manner which precludes his continued education in the parental home;

(b) The parents are unknown or have died;

(c) The parental home presents a direct danger to his health through the fault or omission of his parents.

State care may also be ordered if the parent is under arrest or serving a final sentence of imprisonment.

65. Before ordering committal to State care, the guardianship authority shall act with foresight, that is, study the home environment, hear the parents, obtain an expert's opinion on the educational condition of the minor, examine his state of health and, where necessary, rely on educational counselling or on the services of a neurological nursing home for children (Decree No. 1/1974 (VI.27), art. 104).

66. The functions of the guardianship authority include the legal representation of persons having diminished or no capacity because of a bodily or mental infirmity (Decree No. 1/1974 (VI.27), art. 3, para. (b)).

67. If the minor is exposed to environmental hazards that affect his development and health, the guardianship authority shall act in common with the competent health organs.

68. Where necessary, the guardianship authority may, at any stage of the proceedings, appoint by decision a patron to ensure and control, on a continuing basis, the development of a minor at risk (Decree No. 1/1974 (VI.27), art. 73,

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para. 1). It shall appoint as patron a person who can, by his personal qualities and circumstances, promote the education of the minor. It may appoint either a professional or social patron (Ordinance No. 131/1970 (MK.15) of the Minister of Education).

69. A minor on probation, released on parole, serving a suspended sentence of imprisonment, or released from a correctional-educational institute etc., may be summoned by the guardianship authority which may also give him or her guidance as to a proper course of conduct. So far as possibilities permit, the guardianship authority shall take care to ensure that the minor lives in circumstances that favourably influence his moral development. As a rule, the guardianship authority appoints a professional patron for a minor receiving follow-up care.

70. Chapter VII of the Criminal Code (Act IV of 1978) contains several provisions with regard to minors. A minor is defined as a person who has completed his or her fourteenth year (lower age-limit of childhood). For the purposes of the criminal law, the upper age-limit of childhood is in conformity with that established by other legislative provisions, such as the Civil Code (art. 12, para. 2).

71. Less severe rules are applicable to minors who, at the time of committing a crime, have not yet completed 16 years of age; in this connection, account shall be taken of the minor's age at the time the crime was committed and, most important, education shall be the primary purpose of the penalty or measure imposed on minors (art. 108). Certain penalties (capital punishment, life imprisonment and confiscation of property) shall not be applied to minors. Minors shall also be subject to less severe rules in respect of the prejudicial consequences of conviction (art. 121).

72. "The degree of the physical, mental and moral development of young persons between 14 and 18 years of age and their social situation differ from those of adults, a circumstance to be taken into account by the criminal law as well" (chap. VII).

73. Education in a reformatory school is a measure applicable to minors only. The peculiarities of age are similarly taken into account in connection with loss of liberty. "The duration of release on probation shall be one year in all cases, since that length of time is sufficient for judging if release on probation has achieved its purpose" (art. 117, para. 2 (e)).

74. With respect to education in a reformatory school (art. 118, para. 1), it is stated that the application of this measure results in the minor's removal from his or her former environment and in his or her placement in an institution that takes care of his or her education and instruction.

3. Measures to protect children and young persons against economic, social and all other forms of exploitation, neglect or cruelty and from being the subject of traffic

75. In chapter VIII, "Parental supervision", of Act I of 1974 provides that a minor shall be either under parental supervision or guardianship (art. 70) and that parental supervision shall be exercised in accordance with the interests of the minor (art. 71, para. 1). The Act also provides as follows:

"If the care, education, maintenance and the physical, mental or moral development of a minor calls for State care on any ground, the guardianship authority shall take appropriate measures or order the placement of the minor in an institution with a view to ensuring the necessary conditions. In the latter case, parental supervision shall be suspended. Should these measures fail to produce results, the guardianship authority may bring the minor under the care of the State" (para. 3).

76. During proceedings concerning parental supervision, the guardianship authority shall hear both parents (art. 76), while in respect of the custody of the child, the law provides that: "in a lawsuit concerning the custody of the child or any change therein the court shall in each case consider carefully the interests of the child and shall have primary regard for them in taking its decisions".

77. In accordance with article 76, paragraph 1, of the family law, the child shall be placed primarily with the parents. Socialist customs require, however, that in determining the custody of the child the parents have regard not only for themselves but primarily for the interests of the child:

"In coming to an agreement concerning custody, the child shall by no means be the subject of bargaining or made a condition for consent to the maintenance or termination of marriage and least of all a tool of material gain (exemption from payment of a maintenance or even revenge or blackmail ...)".

The law also provides as follows:

(a) "If it is essential to the child's interest, the child over 16 years of age may, with the permission of the guardianship authority and without the consent of his parents, leave the parental home or any other domicile assigned by the parents" (art. 77, para. 1);

(b) "The profession of the child shall be chosen jointly by the parents exercising parental supervision, having due regard to the aptitudes, physical and mental abilities and other circumstances of the child and after consultation with him" (art. 78, para. 1);

(c) "The consent of the parents shall not be required in connection with the establishment of employment relations by a child over 16 years of age or his entry into a co-operative" (art. 78, para. 2);

(d) "Any dispute between the parents and the child over the career to be chosen for the child shall be subject to decision by the guardianship authority" (art. 78, para. 3);

(e) "The court shall terminate parental supervision if the parent gravely abuses custody to the injury of the child, fails in his or her duties in gross violation of the child's interests, or if his or her conduct jeopardizes the welfare of the child, especially his or her physical well-being or mental or moral development" (art. 88, para. 1 (a)).

78. Chapter XIV, "Crimes against marriage, the family, youth and sexual morals", of the Criminal Code (Act IV of 1978) contains, among others, the following provisions:

(a) Article 195 (endangering a minor):

"(1) A person who, being obligated to the upbringing, supervision or care of a minor, gravely violates his or her relevant duties, thereby endangering the latter's physical, mental or moral development, shall be deemed to commit a crime and be punished with imprisonment for a term of up to three years;

"(2) Provided that no offence of greater gravity was committed, the same penalty shall be imposed upon the person of full age who induces or tries to induce a minor to commit an offence or to lead an immoral life.";

(b) Article 196 (neglect of maintenance):

"(1) Whosoever fails to comply with his obligation of maintenance ensuing from the law or from an enforceable decision of authority through his own fault shall be deemed to commit a misdemeanour and be punished with imprisonment for a term of up to one year, with correctional and educational labour, or with a fine ...

"(3) Punishment for such crimes shall be imprisonment for a term of up to three years, if the offender subjects the person entitled to maintenance to grave distress by the failure to provide maintenance."

(c) Article 201 (depravation):

"(1) A person who performs an act of sexual intercourse with a person under 14 years of age, or a person over 18 years of age who performs an unnatural act of sexual perversion with a person under 14 years of age, shall be deemed to commit a crime and be punished with imprisonment for a term of one to five years ...".

4. Provisions governing work by children and young persons, including minimum age for paid or unpaid employment, regulation of hours of work and rest, prohibition or restriction of night work and penalties imposed for violations of such provisions

79. Employment relations are regulated by the provisions of part III of the Labour Code:

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"A citizen over 14 years of age may enter into a labour contract if he or she has completed the primary level of schooling or has been exempted from regular attendance at school and, without this requirement, during vacations" (art. 18, para. 2).

80. With regard to employment, a distinction is made between (a) work organized during the school term and during vacations as part of the educational and instructional activities at school and in preparation for the choice of career and (b) paid employment similar in nature to a contract of labour. The situation with regard to the latter is characterized by the fact that the overwhelming majority (85-90 per cent) of primary school leavers proceed to the secondary level and therefore only a relatively small number of young people aged 14 or 15 enter the labour force.

81. Work of public utility done by students of working age is organized for a period of 12 days during the school term or during vacations, under the direction of schools and youth organs. This kind of work differs from employment not because it is unpaid, since students receive a remuneration for the work done, but because it is for a definite - and relatively short - period of time.

82. The Labour Code provides that:

"Minors shall not be employed on night work and minors under 16 years of age shall not be required to work overtime or be on stand-by duty" (art. 38, para. 4).

83. The weekly hours of work are between 44 and 48 hours but, in specified cases, working time may be either shorter or longer (art. 37, para. 1). The schedule of working time and the length of overtime shall be such as not to endanger the health and physical integrity of workers and not to impose on them a disproportionate burden in view of their personal and family circumstances (art. 38, para. 1). Workers shall be secured a rest period of not less than 8 consecutive hours between two working days (art. 38, para. 2).

84. Minors and mothers with many children shall be entitled to a supplementary holiday (art. 42, para. 2). The duration of the supplementary holiday shall be 12 working days a year for minors under 16 years of age and 6 working days for minors over 16 years of age. A supplementary holiday shall be granted for the last time in the year in which the worker completes 16 or 18 years, respectively (art. 50, para. 1, of the Decree on the Enforcement of the Labour Code).

85. The questions relating to violations of these rules and to the imposition of sanctions are covered by Act I of 1968 on minor offences and by supplementary Decree No. 19/1979 (V.11) of the Council of Ministers. The general aspects are governed by paragraphs 1 and 2 of article 51, the provisions of which read as follows:

"(1) In case of violations of obligations placed on an economic organization or other legal entity, responsibility for a minor offence shall lie with the person whose act or omission was instrumental in the breach of

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duty; if his or her contribution cannot be established even after the hearing held by the manager of the organization (unit), responsibility shall lie with the manager.

"(2) Private prosecution may also be instituted by the legal representative of the aggrieved person if he has diminished capacity and only by the legal representative if the aggrieved person has no capacity. In such cases, private prosecution may also be instituted by the guardianship authority."

86. In respect of minor labour offences concerning the employment of workers in contravention of the rules, paragraph 1 of article 71 provides:

"The employer who ... (b) Violates the rules for the prohibition or conditions of employment; (c) Wrongfully denies employment to workers on account of sex, age, nationality, race or social origin; ... may be punished with a fine of up to 3,000 forints."

87. Violations of workers' interests are dealt with in article 76:

"The employer who violates (a) The rights and lawful interests recognized for workers in connection with employment relations; (b) The rules for working time, rest period, and the working conditions and the protection of women, minors and persons of a limited working capacity; may be punished with a fine of up to 3,000 forints.

"The employer who fails to ensure the wages, leave, or other benefits due to workers by reason of their employment relations, or accords them in excess of what is established by labour regulations, may be punished with a fine of up to 3,000 forints."

88. Violations of the labour safety regulations are covered by paragraph 1 of article 77: "A person who violates the rules for healthy and safe conditions of work shall be liable to a fine of up to 3,000 forints".

5. Measures taken to prevent employment of children and young persons in any work which would be dangerous to life, harmful to their morals or health or likely to hamper their normal physical and psychosocial development, and penalties imposed for violations of such measures

89. Measures taken in connection with the employment of children and young persons in dangerous or harmful work are as follows:

(a) "Working women and minors shall not be assigned to work liable to be physically injurious to them" (Labour Code, art. 20, para. 2);

(b) "For the purposes of employment, any person under 18 years of age shall be regarded a minor. The types of work in which women or minors may not be employed at all or may only be employed under specified conditions of work and subject to prior medical examination shall be determined by the Minister of Labour in concurrence with the Minister of Health and the minister of sectoral competence" (Decree on the Enforcement of the Labour Code, art. 12).

90. The sanctions prescribed for violations of these rules are those referred to in section 4 above.

91. It should be noted that local managers (employers) and representatives of social organizations, particularly the trade union bodies, take an active part in the control of compliance with legislative provisions. Periodic supervision of the observance of the relevant legislation in force is also exercised by the procurator's office.

III. ARTICLE 11: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. General remarks

92. As is stated in article 7 of the Hungarian Constitution, the constant raising of the level of material well-being and education of citizens is one of the aims of State management and control of the national economy. The Constitution also provides that the State seek consistent implementation of the principle "from each according to his ability, to each according to his work" (art. 14, para. 4 and art. 55, para. 1). Consequently, the right to an adequate standard of living is generally asserted through the realization of these principles.

93. In the development of Hungary's socialist economy, the fundamental aim of steadily increasing the welfare of the entire population is pursued. Economic growth provides the material basis for increasing income and consumption. The rising standard of living is not only a goal but also a most important agent of economic growth and development.

94. In connection with standards of living in Hungary, policy and planning seek to satisfy the following requirements:

- (a) Such policy should be consistent with economic growth as a whole;
- (b) Such policy should be comprehensive;
- (c) Such policy should ensure a steady advance in standards of living;

(d) The standards of living of the population should rise systematically and appreciably in accordance with economic possibilities;

(e) The rise in standards of living should be general in scope so that there is no significant group or segment of society whose standard of living remains stationary or even declines for a considerable length of time in the course of development;

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(f) The principle of distribution according to work should be implemented with increasing consistency, while the increase in social benefits should serve to lessen differentials in family income other than income from work;

(g) In proportion to income, the population should be supplied with more and a better assortment of consumer goods, more closely in line with demands;

(h) The growth of social services in kind should improve the living conditions of the population, particularly in regard to health care, education and child-care institutions.

95. The conscious policy of the Government in the past 20 years has resulted in systematic and notable improvements in the living conditions of the population.

96. The State devotes great attention to the development of child-care institutions, and society assumes a considerable share of the burdens involved in the upbringing of children. Some 283,000 mothers attending to their children until they complete three years of age receive a child-care allowance and enjoy a regular allowance in lieu of a salary. The pace of development with regard to crèches is shown by the fact that in 1978 accommodation was available to more than 12 per cent of the children in the 0-3 age group, as opposed to 9.5 per cent in 1970. Accommodation in kindergartens is at present available to 85 per cent of the children in the relevant age group. In 1977, the Minister of Health issued several decrees to improve the conditions for child care in the maternity wards and the new-born babies' and children's divisions of hospitals.

97. The health conditions of the population continued to improve in 1978, with allocations from the State budget to health care reaching 14 billion forints.

98. In the budget for social insurance benefits there was an 8 per cent increase over the figure for 1977. The rate of increase in the allocation was higher than that in the national income.

99. In 1979, the Council of Ministers decreed a rise in low pensions and in the minimum rates of pension and allowances. A yearly amount of some 1.5 billion forints is spent on the social welfare of the aged.

100. The dynamic growth of the national economy has considerably increased the stocks of commodities destined for consumption by the population. The gains may be indicated by the following figures: grain crops reached 1.3 tons per inhabitant and meat production some 150 kilograms; there are refrigerators and washing machines in 90 per cent of the workers' households, while radio and television sets are owned by virtually every family; every fifth working-class family has a car. The security of existence in Hungary is a reality taken for granted and rests on two main pillars: full-scale employment and broad social services.

E. Right to adequate food

101. Following the liberation of Hungary in 1945, the Government had to bring about a new socio-economic structure and institutional framework to serve the established goal of carrying out a total social and economic transformation of the country. In it, a significant role has been played by the co-operative movement since the beginning of socialist construction.

102. The advance of the co-operative movement in agriculture was preceded by a comprehensive and profound democratic land reform, under which all estates over 60 hectares were expropriated. By virtue of the Land Reform Decree of 15 March 1945, 2.1 million hectares of land were expropriated and land was allotted to 650,000 peasant families.

103. A rapid increase in agricultural output was of particular importance for national advancement and for the supply of food to the population. The co-operative movement supported by the peasantry proved the best way of achieving that goal. However, the advantages of co-operative large-scale farming over individual small-scale farming were manifested not only in farming standards and performance but also in the social improvement that the socialist co-operative movement offered to the peasant population. There was an unprecedented improvement in the living standards of peasants, as well as in their conditions of life and work.

104. Agriculture in Hungary is now characterized by socialist large-scale farming, with 30.5 per cent of all farmlands belonging to the State sector, 63.7 per cent to the co-operative sector, and 5.8 per cent to auxiliary farms and private farmers. Since 1950, agricultural output has increased by nearly 90 per cent, with livestock production having almost doubled and crops having increased by 80 per cent. The various forms of economic co-operation, particularly production schemes and farming associations, have a growing role to play in increasing output. At present, there are 70 production schemes in operation throughout the country, with most of the large-scale farms attached to one or more such schemes. This advanced method gained ground mainly in the production of maize, potatoes, sunflowers, sugar beets, meat and eggs. Production systems for crops now cover some 2 million hectares, or one third of the total arable area. Industry-like production systems have been extended to 26 per cent of the wine-growing areas, 22 per cent of the cattle population and nearly 50 per cent of the sows in pig.

105. The Hungarian Constitution, recognizing the economic and social significance of co-operatives, lays down guarantees for co-operative activities. In accordance with the Constitution, Act III of 1967 on Agricultural Co-operatives and Act III of 1971 on Co-operatives as amended by Law Decree No. 6/1977, provide legal guarantees for co-operative democracy and self-management, as well as for the accommodation of individual, group and social interests.

106. Since there are no fundamental nutritional problems in Hungary, attention is focused on the propagation of healthier food and living habits. The rise in standards of living has resulted in a shift in the consumption pattern of the population towards more valuable, protein-rich foodstuffs (meat, fish, eggs, cheese etc.) and, within total consumption, towards durable consumer goods.

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Table 1. Per capita consumption of foodstuffs and nutritives

	1970	1975	1977	1978
Meat and meat products (kg)	58.1	68.5	68.9	74.5
Fish (kg)	2.3	2.7	2.5	
Milk and dairy products (kg) <u>a/</u>	109.6	126.6	143.6	155.0
Eggs (piece)	247.0	274.0	308.0	320.0
Fats and oils, total (kg)	27.7	29.1	29.4	30.0
Butter (kg)	2.1	1.7	1.8	2.0
Edible oil, margarine (kg)	2.8	4.6	5.6	6.0
Flour (kg)	124.1	117.9	114.8	118.0
Rice (kg)	4.1	4.3	4.1	
Potatoes (kg)	75.1	66.8	60.5	63.0
Sugar (kg)	33.5	39.4	34.9	34.0
Coffee beans (dag)	164.5	261.4	289.9	260.0
Tea (dag)	7.2	8.1	7.8	9.0
Wine (l)	37.7	34.2	34.0	34.0
Beer (l)	59.4	72.3	86.0	86.0
Distilled spirits (l) <u>b/</u>	5.4	7.2	9.2	9.1
Tobacco (kg)	2.2	2.3	2.3	2.4
<u>Daily consumption of nutritives</u>				
Calories	3 098	3 242	3 189	3 210
Kilojoules	12 971	13 574	13 352	13 440
Protein (g)	97.9	100.7	101.6	104.0
Fat	115.5	127.7	129.7	131.0
Carbohydrates (g)	419.2	425.1	406.8	407.0

a/ Excluding butter.

b/ Converted into 50 per cent spirits.

Table 2. Stock of household durables per 1,000 population
 (at end of year)

	1970	1975	1978
Electric refrigerators	103	220	226
Electric washing machines	179	228	285
Electric vacuum cleaners	99	157	221
Passenger cars	23	55	78
Motorcycles, mopeds, scooters	59	68	68
Wireless sets <u>a/</u>	245	240	242
Television sets <u>a/</u>	171	226	246

a/ Number of licence holders.

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107. The production and distribution of foodstuffs in Hungary had been regulated by means of governmental decrees but Act IV of 1976 made it a fundamental requirement that food be of good quality and produced in sufficient quantities and variety and that such activity be carried out in accordance with the needs of society and with the application of scientific and technological advances. To achieve this goal, the socialist State ensures all of the conditions necessary to promote healthy and modern nourishment of the population through the steady development of food production in line with the other sectors of the national economy.

108. The above Act and the decrees for its enforcement lay down the detailed rules for the production and distribution of food for public consumption. It is a general requirement that foodstuffs be manufactured for the satisfaction of the needs of the population in accordance with the targets of the national economic plan, that raw materials (produce, products of plant, animal and mineral origin) that are not harmful to health be used for their production, and that they conform to the provisions of food hygiene and quality or other standards.

109. The manufacture and distribution of adulterated food is prohibited. The production of new foodstuffs, vitamin-fortified food, dietetic food, baby-food and conserves, and protein-rich and low-calorie food is strictly subject to manufacturing licence.

110. The production and specific use of new additives and new food-wrapping materials are subject to authorization by the Minister of Health.

111. The Ministry of Agriculture and Food shall keep the Codex Alimentarius Hungaricus (Hungarian Food Code) and enter into it the principal data relating to the quality and method of production of foods approved by the Hungarian Food Code Committee.

112. In 1972, the Government of Hungary joined in contributing to the World Food Programme, with a contribution of \$180,000 worth of products. On two occasions, it contributed 5,000 tons of grain (1973) and some \$400,000 worth of pesticides (1978) in aid to the Sahelian countries.

113. Fish for breeding purposes were also sent to several countries under the Freedom from Hunger Campaign.

114. In the field of professional training the Government of Hungary provides assistance under various projects, including experience in irrigated farming, fresh-water fish breeding, and the organization and management of agricultural co-operatives.

115. In the past five years, some 100 specialists from developing countries were received in Hungary for fellowship study in the fields of animal health, plant improvement, fisheries and food processing. During the same period, 80 to 90 Hungarian experts carried out field work in developing countries.

C. Right to adequate clothing

116. The introductory remarks made to this report apply also by implication, to the full exercise of the right of everyone to adequate clothing.

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D. Right to housing

117. The right to housing is understood to mean that the State makes it possible for everyone to acquire adequate housing. The provision of housing is governed by the set of economic and legal conditions described below.

118. From the viewpoint of ownership, housing may be of the State or non-State category. From the viewpoint of occupancy, the law defines the following types of non-State housing:

(a) Council tenement dwellings are operated and leased by the housing authority which also designates the tenants. In order to promote economic activities, the law permits larger enterprises and institutes to dispose of a limited number of dwellings for lease to tenants in accordance with their interests (right to choose tenant);

(b) Temporary dwellings are administered by council management bodies and destined for the accommodation of tenants temporarily vacating a council tenement dwelling for reasons of renovation or maintenance work;

(c) Enterprise tenement dwellings are State-owned but are located outside the area of the managing State organ and serve to accommodate that organ's staff members. Tenants are designated by the managing State organ concerned;

(d) Service dwellings are State-owned and are at the disposal of State organs for the accommodation of persons who maintain employment relations exclusively with the State organ concerned;

(e) Dwellings for sale by councils are those for which buyers are selected by the housing authority which may only select persons who, in view of their income, are not eligible for a council tenement dwelling but are unable to satisfy their housing needs under other schemes. This scheme is regulated by Government Decrees Nos. 1/1971 (II.8) and 1/1971 (II.8) of the Minister of Construction and Urban Development on the allocation and lease of housing.

119. The category of non-State housing comprises dwellings in housing property held by citizens and non-State organs, as well as co-operative and owner-occupied dwellings. Their legal status is governed by Law Decree No. 12/1977 on housing co-operatives and associations and by Government Decree No. 20/1977 (V.12) of the Minister of Construction and Urban Development and the Minister of Finance.

120. The housing allocation schemes are governed by the legal principle that both council tenement dwellings and dwellings for sale by councils shall be available only to persons who, in view of their financial situation, are unable to satisfy their housing needs under other schemes involving heavier burdens. Accordingly, the law authorizes local councils to define by order the category of people eligible for council tenement dwellings or dwellings for sale by councils.

121. The facilities for the provision of housing include the following:

(a) Government Decrees Nos. 2/1971 (II.8) and 2/1971 (II.8) of the Minister of Construction and Urban Development on housing construction contributions and occupancy fees provide that designated tenants shall be required to pay a one-time contribution to housing construction in respect of the allocation of a new council tenement dwelling and a one-time occupancy fee in respect of the allocation of a vacant council tenement dwelling. For children and other dependent household members, the tenant is entitled to a social policy benefit, the amount of which is to be deducted from the occupancy fee;

(b) In order to facilitate the founding of a family, the law accords interested young couples a social policy benefit for up to two children. In certain types of council tenement housing, the housing authority may waive the requirement for payment of an occupancy fee on the basis of such criteria as the size of the family, the number of children and other dependants etc.

(c) The occupancy fee shall be due in respect of the allocation of enterprise tenement dwellings. The appropriate organ may waive this requirement wholly or in part or may allow payment in instalments.

122. Additional benefits are provided for in Government Decrees Nos. 7/1971 (II.8) and 4/1971 (II.8) of the Minister of Finance and the Minister of Construction and Urban Development on the financial conditions of housing schemes and on social policy benefits. The régime of benefits is governed by criteria for eligibility and the category of housing. The basic criterion is that those who contribute self-help shall also enjoy some kind of support. Workers' housing construction constitutes another category of State support that varies by type of housing, such as multi-storey apartment block, single multi-storey dwelling, family house of joint partnership or traditional single family house, as well as by building cost, amount of advance payment, size of loan and interest rate. The benefits accorded are highest for multi-storey apartment blocks and lowest for traditional single family houses.

123. In this respect, too, attention is drawn to the social policy benefits that are accorded under all housing schemes, except for family houses. Benefits are accorded for dependent children and other dependent members of the family. Young couples shall, upon request, be granted an allowance for two children, which is to be counted towards the purchase price.

124. Under article 3 of Decree No. 33/1978 (XII.22) of the Minister of Finance on tax benefits, the acquisition for a valuable consideration of a housing property built and maintained by a housing co-operative shall be exempt from transfer duty, while under article 8 of Decree No. 18/1978 (VIII.23) of the Minister of Finance, the rate of transfer duty is set at 7 per cent in respect of resale in accordance with the provisions of the Decree.

125. Workers and employees of enterprises and other socialist economic organizations receive financial assistance from the enterprise housing fund. Budget-dependent organizations establish housing funds on the basis of budgetary

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allocations by the State. From the housing fund, employers may provide loans or grants to workers and may also contribute to council housing construction in return for the right to choose tenants. Such loans bear no interest and are repayable in instalments. The operation of the housing fund is regulated by Decree No. 26/1971 (VI.24) of the Minister of Finance, the Minister of Construction and Urban Development and the Minister of Labour.

126. The efforts made by the Government have resulted in a rapid growth of available housing. The number of dwellings was 2.758 million in 1960 and 3.768 million at the end of 1978. In 1978, the number of occupants per 100 dwellings was 284 (as opposed to 349 in 1960) and per 100 rooms, 146 (as opposed to 236 in 1960).

127. The target of first 15-year housing programme, which envisaged the construction of 1 million dwellings between 1960 and 1975, was overreached by 5 per cent, resulting in new, modern and mostly larger dwellings for over 3 million people. (The area size of new dwellings averaged 63 square metres in 1978.) Despite the large-scale construction effort, the housing shortage persists, with applicants numbering more than 400,000 in 1978.

128. The second 15-year housing programme for 1975-1990 provides for the building of 1 million additional dwellings, as a result of which an additional one third of the population will have new housing. It is a social policy objective that State housing should be allotted primarily to low-income families and families with many children and that families with three children should receive a dwelling within 2 years of application and those with two children within 5 years.

129. Owing to the nature of the policy for housing construction and allocation, the housing conditions of the population are generally much better for the lower-income groups but are not as proportionately better for the higher-income recipients as would be warranted by their financial situation. As regards the lowest-paid one tenth of the population, the number of rooms per 100 households is 154, some 25 per cent below the national average, and the number of persons per 100 rooms is 25 per cent above the national average, while the national average for housing with running water is 54 per cent, as opposed to 29 per cent for the low-income groups. (The differences in standards of comfort are due mostly to the higher proportion of people living in old dwellings.)

130. Protection of tenants under Hungarian law totally differs from the traditional concept of such protection, as does the relationship between lessor and tenant. The main features are that tenants enjoy wide powers of disposal of their tenancy which may be exchanged for another or relinquished to someone else and which continues after death. The relevant rules are laid down in Government Decrees Nos. 1/1979 (II.8) and 1/1971 (II.8) of the Minister of Construction and Urban Development.

131. Tenancy may be terminated by the lessor on the basis of the tenant's imputed conduct. A tenant's imputed conduct shall not be a condition for the termination of tenancy by the owner of a private dwelling provided that, in parallel with notice, the owner offers the tenant another appropriate and vacant dwelling in the same locality.

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Table 3. Housing conditions and installations

	1960 a/ average	1978 b/	of which low-income groups c/
Number of rooms per 100 households	148	195	154
Number of persons per 100 rooms	236	146	182
Percentage of dwellings supplied with			
bathroom	18	51	23
running water	23	54	29
electricity	74	97	93
gas	15	75	58
Number of durable consumer goods per 100 households			
Refrigerator	1	85	48
Boiler	2	33	12
Washing machine	26	88	66
Centrifuge	..	60	28
Vacuum cleaner	4	72	30
Sewing machine	35	46	38
Passenger car	..	18	3
Motorcycle	7	23	10
Bicycle	73	107	86
Radio	76	143	98
Television	6	94	61
Record player		26	9
Tape-recorder	9	30	6
Photographic camera, film camera and projector	18	50	16

a/ Data on durable consumer goods refer to working-class households.

b/ Data on durable consumer goods are based on the 1977 figures for average-income households (monthly per capita earnings of 2,200 to 2,400 forints).

c/ Data refer to 1977.

IV. ARTICLE 12: RIGHT TO THE ENJOYMENT OF PHYSICAL
AND MENTAL HEALTH

132. Under Act II of 1972 on health, the provision of health services is the responsibility of the State which ensures the conditions for the health care of the population, its uniform direction and planned development and the necessary co-operation of health institutions.

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133. Within the meaning of the Act, health care consists of the provision of curative and preventive services; the relevant tasks, including in-patient and out-patient services, are specified by the decrees of enforcement.

134. The Act provides that, within the framework of curative and preventive services, citizens are entitled to free medical care and treatment, including hospitalization, as well as maternity care and ambulance service.

135. The achievement of the objective of providing the necessary curative and preventive health services to all Hungarian citizens, irrespective of age, domicile and social status, requires a rational distribution of work-loads and better organization of work. Therefore, in 1975, the Minister of Health ordered the further development of the organization and operation of the system of curative and preventive health institutions which, as a result, became unified, with the network of hospitals and polyclinics established and the relationship between health institutions regulated. The networks conform to the administrative division of the country and provide services for the population of determined areas.

136. Under this system of health care, the basic services for the population are provided by general practitioners members of panels, factory medical officers, district, district paediatricians and, in some areas, dentists. At the end of 1977, the number of inhabitants per panel of doctors averaged 2,580 in the 4,137 medical districts of the country, the number of paediatric districts was 987, and factory workers were attended to by 1,855 physicians for a total 6,760 working hours a day. The relevant plans, taking also into account the Declaration of Alma-Ata made by the International Conference on Primary Health Care (1978), envisage a large-scale qualitative improvement and a small-scale quantitative development of basic health services.

137. Notable results were also achieved with respect to hospital beds which numbered 92,481 in 1977, with 86.7 beds per 10,000 inhabitants. Of particular importance is that the increase in the number of hospital beds during the past 10 years resulted largely from the building of new hospitals or modern pavilions, which ensured considerable qualitative improvements in the facilities for in-patient care.

138. In addition, improvements were made in specialist care for out-patients. In 1977, consultation hours by specialists in polyclinics totalled 35,315 a day; this was possible in view of the establishment of several new polyclinics and dispensaries.

139. Under the uniform specialized system of in-patient and out-patient institutions, it is necessary to increase the efficiency of services. The advance of medical science and increasingly sophisticated techniques call for the establishment of various levels of service. Accordingly, in-patient services are provided by town and county institutions and by regional and national curative and preventive service centres. Along with their organizational and consultative responsibilities, the national centres provide certain types of specialist care that require maximum mental and material input on a national scale.

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140. In the country today there is a national institute for each major branch of medical science (34 altogether).

141. The Government has set the realistic target of having 100 to 110 hospital beds available per 10,000 population by 1990.

142. The curative and preventive health institutions and services are operated mostly by the councils and, to a lesser degree (i.e., national institutes, medical university clinics and State hospitals), by the Ministry of Health. The annual budget appropriations for both personnel and facilities are provided by the managing organs.

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143. The decision of 1973 on demographic policy widened the scope of protection for mothers and children and gave it a complex character. Thus, the protection of women is part of an integrated service provided by the network of counselling centres for the protection of women and the family attached to the obstetrical and gynaecological wards. The functions of the counselling centres comprise:

- (a) Gynaecological care for children;
- (b) Pre-marital counselling;
- (c) Counselling on positive and negative family planning, including prevention of unwanted pregnancy and dissemination of information on methods;
- (d) Pre-natal and post-natal care;
- (e) Gynaecological and oncological screening.

Gynaecological consultation is also provided at obstetrical and gynaecological wards under a graduated system comprising:

- (a) Consultation centres in district and town hospitals;
- (b) Consultation centres in county hospitals;
- (c) Regional centres (university clinics).

144. If his or her condition so warrants, a patient is automatically admitted to higher institutes. Regional centres provide all kinds of special services, such as genetic counselling, special pregnancy tests or assistance at pathological delivery.

145. The number of beds in obstetrical and gynaecological wards is 9,634 and that in maternity homes 970, so that the number of beds available for obstetrical and gynaecological care is 9 per 10,000 population.

146. Curative and preventive care for children at the level of basic services is provided in a two-tier system:

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(a) In towns, district paediatricians render all kinds of health services for the 0-14 age group, including counselling on baby welfare, counselling on infant welfare, health care at school, paediatric consultation and visitation at home;

(b) In villages, health care for children is provided by general district practitioners who are professionally assisted by paediatrists making regular (fortnightly) visits from the children's divisions of hospitals.

147. At both levels, physicians are assisted by nurses with college training who visit families on a regular basis, give advice and maintain direct contact between families and physicians. In paediatric districts, every paediatrician takes care of 1,000 to 1,200 children in the 0-14 age group.

148. Since more than 80 per cent of the children aged 14 to 18 years continue studies at the secondary school level, they receive medical care from school medical officers who are also assisted by nurses.

149. Children are given in-patient care in the children's divisions of hospitals which also function under a graduated system. At the regional level, there are specialized divisions for children, providing surgical treatment and rhinological, otolaryngological and orthopaedic care, while incubating centres and oncological services have been organized for the new-born. National institutes have cardio-vascular surgery divisions as well.

150. Since there are relatively few facilities in Hungary for the accommodation of children suffering from chronic diseases, such children are also sent abroad under contracts with socialist countries. Some children are accommodated in the health resorts operated by the National Council of Hungarian Trade Unions.

151. The system of protection for mothers and children was established within the framework of the decision of 1973 on demographic policy, with due account taken of the development process since 1945. The evolution of the organizational pattern was coupled with considerable improvements in quality. Efforts are being made towards further refinements, with plans for the conversion of institutes with few beds to other uses and for the development of larger and professionally more efficient institutes.

152. There has been a steady decline in the infant mortality rate, especially since the adoption of the demographic policy measures referred to above; the rate was 34.3 per cent in 1974, 32.8 per cent in 1975, 29.8 per cent in 1976, 26.2 per cent in 1977 and 24.4 per cent in 1978.

153. The high percentage rate of premature births, which presents the greatest problem in Hungary, has ceased to rise: 11.7 per cent in 1974, 11.2 per cent in 1975, 11.0 per cent in 1976, 10.6 per cent in 1977 and 10.5 per cent in 1978. There has been a similar decline in the rate of still births.

154. These downward trends have been effected to a great extent by the qualitative changes that have occurred in pre-natal care and the protection of women, particularly as a result of the establishment of the counselling network for the

protection of women and the family, from pre-conception care, through high-level pre-natal care, to modern pregnancy tests and assistance at delivery. Pregnant women and babies are attended to by general practitioners and specialists with the assistance of nurses trained in medical colleges, working under a uniform system.

155. The contributing factors to the decline in infant mortality rates include:

- (a) A widening network of genetic counselling centres;
- (b) Modern pre-natal care and assistance at delivery;
- (c) Metabolic tests of the new-born;
- (d) A network of perinatal centres;
- (e) Constant improvements in the care of premature babies;
- (f) A progressive expansion of basic specialist care;
- (g) A series of demographic policy measures.

156. The country's situation with regard to environmental hygiene during the past decades has been influenced by the rapid growth and expansion of industries emitting pollutants and of factors such as the mechanization of agriculture, the development of large-scale animal husbandry, the application of chemicals on a mass scale, the increased number and capacity of road vehicles and the continuous acceleration of urbanization.

157. There has been a change in the morbidity structure of the population and a rapid increase in urbanization hazards. The primary aim of environmental health services had been the establishment of hygienic standards. A register of the establishments and activities that discharge pollutants had been prepared by the national health and epidemic service network by the mid-1960s. The next immediate tasks were the quantitative measurement of the major components responsible for pollution, the experimental investigation of biological effects and the elaboration of uniform procedures.

158. The combined efforts of the national health and epidemic service network in taking stock of major pollutants and clarifying the dynamics of pollution yielded considerable success, particularly in measuring air pollution levels, improving the classification system of drinking water, establishing sanitary standards for the disposal of settlement waste and liquid manure, elaborating the methodology for the measurement and control of ambient noise in settlements and developing methods for toxicological checks on environmental hygiene.

159. A favourable international response was received regarding various research results and practical applications, such as the establishment and operation of the national emission measurement network, research on the dynamics of polycyclic hydrocarbon pollution of the air, animal tests to establish the probable relationship between the formation in vivo of certain carcinogenic nitrozamine

derivatives and the consumption of drinking water with a high nitrate content, and the verification of certain relationships between goitre prophylaxis and methamoglobinemia.

160. The determination of healthy living and working conditions requires the study of health hazards in both the micro- and macro-environment, their causes, and ways to reduce and eliminate them. To be able to carry out these tasks, the occupational health service has to keep pace with technological advance in the various branches of the national economy. The upgrading of industrial technologies and the widespread use of chemicals call for extensive laboratory analyses of the air and biological substances for which special skills and equipment are required. This is particularly necessary for an early disclosure of chronic effects and pre-morbid conditions related to the extensive use of chemicals and weed and pest killers. The occupational health divisions of the National Health and Epidemic Service give priority to the study of dust and climatic conditions in industrial plants and to biological laboratory tests (blood and urine) of workers exposed to hazards. In 1978, 248,034 such laboratory tests were carried out, of which 24,965 were related to climatic conditions and 42,226 to dust, while biological tests numbered 148,566.

161. In 1978, there was a slight increase over the number of cases of occupational disease, reported in 1977. This was due in part to the greater number of hard-of-hearing cases detected by noise teams and of curative and preventive care specialists working on an organized and regular basis. The detailed surveys made by noise teams permit industrial management to identify the most urgent tasks and the areas involved in the reduction of technical noise levels.

162. Decree No. 3/1979 (V.29) of the Minister of Health provides that, until such time as full technical safety is achieved, workers shall be supplied with individual protective equipment and their use of them shall be controlled.

163. According to the list in annex II to Decree No. 17/1975 (VI.14) of the Council of Ministers, compensation shall be awarded to workers whose working ability has been reduced as a consequence of certain occupational diseases.

164. Private persons in Hungary are not allowed to possess fissionable (nuclear) materials and radioactive substances. Such materials and substances may be stored, used and transported exclusively upon the authorization and under the control of the State at places designated fit for such operations. Should anyone still suffer any damage in connection with the peaceful uses of atomic energy, or should a contamination of the environment occur, compensation is provided by the State and citizens are entitled to free and high-level health service.

165. The legal basis for the protection of the environment is established by article 57, paragraph 2, of the Constitution: the right to physical integrity and health is implemented by the State through, inter alia, environmental protection. The substantive rules for the protection of the environment are contained in the sources of law governing productive and economic activities, in legislation concerning State administration and other administrative services, and in specific laws and regulations on environmental protection, the most important of which are

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Act II of 1976 on the protection of the environment, Decision No. 1035/1977 (VIII.28) of the Council of Ministers on the further development of environmental and nature protection, and Decision No. 1003/1979 (II.6) of the Council of Ministers on the direction of activities related to the protection of the human environment.

166. The prevention and localization of infectious diseases and the provision of protective inoculations are provided for in Act II of 1972 on health and the decree of enforcement on epidemic control. This activity is carried out by a well-organized and well-functioning national health and epidemic service network (inspectories) vested with administrative powers and supported by an appropriate base of laboratories.

167. As a result of effective health services and epidemic control, the rising standard of living and the favourable pattern of hygienic and social conditions, the epidemic situation in Hungary has been satisfactory for years. There has been a notable decrease mainly in the incidence of infectious diseases for which effective serums are available.

168. The Hungarian system of reporting cases of infectious disease, the methods of epidemic inspection and the system of immunizations are internationally recognized. It is owing to these circumstances that there are only sporadic cases of morbidity caused by typhoid fever, epidemic infantile paralysis, diphtheria and measles have been brought virtually under control; the measures for hygienic standards in settlements and the massive attack on vectors have resulted in the eradication of malaria and spotted fever; and, owing to the observance of discipline in immunizations, there has been a considerable decline in the incidence of pertussis, tetanus and tuberculosis.

169. The national health and epidemic service network maintains close contact with the curative and preventive service network which extends to the entire staff of all medical services in districts, factories, schools and health institutes.

170. To achieve a further decline in the incidence of infectious disease remains a basic programme of work for the years ahead. This goal enjoys the support of the social and mass organizations as well.

171. The Government of Hungary also closely co-operates with the countries members of the Council for Mutual Economic Assistance in order to bring about more efficient and cost-effective epidemic control.

Table 4. Budgetary expenditures on public health
 (at current prices, millions of forints)

	1970	1975	1977	1977 percentage distribution
Hospitals and other in-patient services	3 916	5 981	6 506	53.3
Out-patient services	1 420	2 175	2 336	19.2
Care for mothers, infants and children	870	1 307	1 550	12.7
Sanitary conditions, epidemic control	204	321	348	2.9
Other public health activities	671	1 276	1 456	11.9
Total	7 081	11 060	12 196	100.0

Table 5. Number of physicians
 (at end of year)

Year	Total	of which in Budapest	Physicians per 10,000 population	
			Total	of which in Budapest
1970	23 524	9 236	22.8	45.7
1975	27 055	10 378	25.6	50.3
1977	28 474	10 688	26.7	51.2
1978	29 135	10 833	27.2	51.8
