

II/2. Equal opportunities in education to attain education for all (EFA)

a. What action is your government taking in order to guarantee equal access to all levels of education within your country – for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative actions?

The CXXXXIX Act of 2005 on Higher Education, the 51/2007 (III. 26) Decree, the 237/2006 (XI. 27) Decree and the 79/2006 IV. 5) Decree regulate the requirements of “equal treatment” in Higher Education:

In the following, I will summarize the most important measures from the regulations:

1. During the application process, **extra points** (as an advantage) are given to those applicants who are disabled, suffer from a certain handicap or are on maternity leave.
2. **Allowance is made on the fee of education, accommodation and application** for those students who are coming from a socially disadvantaged background.
3. **Grants are provided for the promotion of equal opportunities:** In case of Higher Education, the Hungarian government establishes a scholarship called **Bursa Hungarica Local Governmental Scholarship Programme** to support students coming from socially disadvantaged background.
4. **Mentoring programme** is established for students with handicap.
5. Students with handicap have the opportunity for **longer examination period, to decide between oral or written examination, to use special aids or tools during examination, a longer period is offered to finish their studies.**

The paragraphs of the CXXXIX Act of 2005 on Higher Education in connection to **equal treatment** are attached here:

Section 9 (1) Persons engaged in the organisation, governance, operation and the execution of the tasks of higher education shall be obliged to adhere to the requirements of equal treatment in making decisions and taking actions affecting students, lecturers and staff employed in higher education.

(2) Consequences of non-compliance with the requirement of equal treatment shall be remedied. This, however, may not entail the violation or impairment of the rights of others.

(3) Non-compliance with the requirements of equal treatment, on condition students are affected, shall be remedied in line with the procedure regulated herein. The procedure shall not exclude the possibility to enforce inherent rights in court or the initiation of any other procedure suitable for the establishment of liability and its legal consequences, including the procedure before a public authority in charge of monitoring the functioning of the requirement of equal treatment. (4) In applying subsections (1)–(3), the provisions of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter the ‘Equal Treatment Act’) shall also apply.

Section 22

(2) For the promotion of equality, the higher education institution shall, by means of the services it provides, contribute to ensuring housing facilities for students, a healthy lifestyle free of addictions, and with its information system and guidance services shall assist with the

integration of students during the terms of their studies as well as in their professional career after graduation.

(4) The higher education institution shall respect the freedom of belief and religion of students, lecturers, and researchers. The student, the lecturer, and the researcher may not be coerced to state or to deny his/her beliefs, secular or political views. Their beliefs, secular or political views may not prove detrimental to students, lecturers, and researchers.

Section 27

(12) The senate shall set up a committee for equal opportunities, which shall monitor the balanced representation of women and men in the operation of the higher education institution, shall make proposals for achieving such balanced representation, shall control the effectiveness of related measures, shall explore manifestations of discrimination and the measures prejudicing the balanced representation of women as well as shall initiate the abolishment of such discriminatory measures.

Section 39 (1) Each Hungarian citizen has the right to pursue studies in a higher education institution under the conditions defined in this Act, enrolled in either state-funded or fee-paying training. The following persons shall also be vested with this right:

- a) persons having the right to free movement and residence as set forth in a separate act,
- b) refugees, asylum-seekers, exiles, immigrants, and residents living in the territory of the Republic of Hungary not falling under the scope of paragraph a),
- c) foreign nationals enjoying the same rights as Hungarian citizens on the basis of an international agreement,
- d) the nationals of countries where Hungarian citizens have recourse to the higher education services of the country concerned based on the principle of reciprocity.

(7) The Government may order preferential treatment

- a) for disadvantaged student groups,
- b) for those on unpaid leave for childcare purposes, or in receipt of pregnancy-maternity benefits, childcare allowance, child-rearing allowance or childcare benefits,
- c) for those termed disabled applicants

provided that preferential treatment may only be granted with respect to the condition justifying preferential treatment, and may not result in exemption from the fulfilment of basic academic requirements that are requisite to the granting of professional qualifications certified as Bachelor or Master degree, or the vocational qualification evidenced by the certificate of higher-level vocational training.

Section 44 (1) In the event the higher education institution stipulates taking an examination for the assessment of admission applications under the authorisation of this Act, disabled applicants should be granted the same exemption as in secondary education and special arrangements must be made in order for them to take the examination. This right shall also be extended to those who were not granted such opportunities as a result of their disability in secondary education but can in fact furnish proof of their disability.

Section 52

(2) In assessing applications for dormitory placement, disadvantaged students lacking dormitory placement and hence unable to begin or continue their studies in higher education shall enjoy priority.

Section 55

(2) The student is entitled to pursue studies in higher education for twelve semesters as a state-funded student (hereinafter 'state-funded period'), including higher-level vocational training. The state-funded period may be prolonged by four semesters in the case of students with disabilities.

Section 61 (1) Disabled students shall be offered convenient circumstances for preparation and examination, and shall be assisted in their fulfilment of obligations arising from their student status. Where appropriate, they should be exempted from the obligation to take certain course-units or certain parts thereof or to undergo assessment. If necessary, such students shall be exempted from the language examination or a certain part thereof, or the level related requirements of such language examinations. Disabled students shall be given more time to prepare at the examination, and shall be afforded the opportunity to use aids at the written test (typewriter, computer, etc.), or if necessary, to have, in the case of such students, a written test instead of an oral test, or an oral test instead of a written one. The exemption under this subsection shall exclusively be granted in the context of the condition justifying such exemption and may not result in exemption from the fulfilment of basic academic requirements that are requisite to the award of the professional qualification certified by the Bachelor and the Master degree, or of the vocational qualification evidenced by the certificate of higher-level vocational training.

(2) The principles governing the studies of disabled students, the criteria for preferential treatment and the relevant rules of procedure shall be defined by the Government. Higher education institutions shall determine in their statutes the rules of executing institutional tasks concerning disabled students.

Section 128 (1) Grants available through applications shall especially be provided for

g) the promotion of equal opportunities.

Section 147

8. *Student (applicant) with disability* means a student (applicant) who suffers from physical, sense, speech disorders, autism, and disorders in cognitive and behavioural development,

10/A. *Multiply disadvantaged student (applicant)* means a disadvantaged student (applicant) whose parent exercising parental control at the time when the student reached the compulsory school age only completed elementary education as stated in the voluntary parental declaration under the procedure regulated in the Act on the Protection of Children and on Child Welfare Administration, or for whom long-term guardianship has been arranged,

27. *Mentoring programme* means a particular form of training where disadvantaged students are assisted with preparation by the student or lecturer of the higher education institution,

Section 153 (1) The Government shall be authorised to regulate by way of a decree

10. the requirements for preferential treatment to promote equal opportunities among applicants and students; the rules on the organisation of mentoring programmes [Sections 39 (7), and 66 (6)],

11. the rules pertaining to the establishment and verification of disability, the principles relating to the studies of disabled students, the criteria of preferential treatment and the related rules of procedure [Sections 44 (3), and 61 (2)], see **annex 1**

2. b. Please indicate how education laws and policy have been developed and strategies and programmes are being implemented with a view to achieving, in your country, the full realization of the right of everyone to education, ensuring equality of educational opportunities, and to achieving EFA as UNESCO's priority.

According to the **CXXXV Act of 2003 on Equal Treatment**, Hungary formulated the following measurements with regards education:

The **requirement for equal opportunities in education** applies to all pedagogical, educational and training activities that are financed by the Hungarian government.

Special importance is attached to the “**requirement for equal opportunities in education**” in the following cases: application to a higher education institution, evaluation of the students’ performance, educational services, access to benefits in connection with education, access to dormitory placement, to issue educational certificates, degrees and reports, access to vocational guidance, to cease legal relations with the educational system, (thus the person do not want to participate in education).

The seclusion of different persons or groups means the violation of the “**requirement for equal opportunities in education**” rule. It is against the law to seclude groups into educational institutions or classes or to confine people or groups to an educational programme that does not meet the requirements of the national standard.

When the education is arranged for one gender – in case the participation is voluntary and the participants are not put at a disadvantage – the law on the “**requirement for equal opportunities in education**” is not violated.

The paragraphs from the **CXXXV Act of 2003 on Equal Treatment** in connection to education are attached here:

- 27. §** (1) Az egyenlő bánásmód követelménye kiterjed minden olyan nevelésre, oktatásra, képzésre,
- a) amely államilag jóváhagyott vagy előírt követelmények alapján folyik, vagy
 - b) amelynek megszervezéséhez az állam
 - ba) közvetlen normatív költségvetési támogatást nyújt, vagy
 - bb) közvetve - így különösen közterhek elengedése, elszámolása vagy adójóváírás útján - hozzájárul (a továbbiakban együtt: oktatás).
- (2) Az egyenlő bánásmód követelményét az (1) bekezdésben meghatározott oktatással összefüggésben érvényesíteni kell különösen
- a) az oktatásba történő bekapcsolódás feltételeinek meghatározása, a felvételi kérelmek elbírálása,
 - b) az oktatás követelményeinek megállapítása és a követelménytámasztás,
 - c) a teljesítmények értékelése,
 - d) az oktatáshoz kapcsolódó szolgáltatások biztosítása és igénybevétele,

- e) az oktatással összefüggő juttatásokhoz való hozzáférés,
- f) a kollégiumi elhelyezés és ellátás,
- g) az oktatásban megszerezhető tanúsítványok, bizonyítványok, oklevelek kiadása,
- h) a pályaválasztási tanácsadáshoz való hozzáférés, valamint
- i) az oktatásban való részvétellel összefüggő jogviszony megszüntetése során.

(3) Az egyenlő bánásmód követelményének megsértését jelenti különösen valamely személy vagy csoport

- a) jogellenes elkülönítése egy oktatási intézményben, illetve az azon belül létrehozott tagozatban, osztályban vagy csoportban,

- b) olyan nevelésre, oktatásra való korlátozása, olyan nevelési, oktatási rendszer vagy intézmény létesítése, fenntartása, amelynek színvonala nem éri el a kiadott szakmai követelményekben meghatározottakat, illetve nem felel meg a szakmai szabályoknak, és mindezek következtében nem biztosítja a tanulmányok folytatásához, az állami vizsgák letételéhez szükséges, az általában elvárható felkészítés és felkészülés lehetőségét.

(4) Az oktatási intézményekben nem működhetnek olyan szakkörök, diákkörök és egyéb tanulói, hallgatói, szülői vagy más szervezetek, amelyek célja más személyek vagy csoportok lejáratása, megbélyegzése vagy kirekesztése.

28. § (1) Nem sérti az egyenlő bánásmód követelményét, ha az oktatást csak az egyik nembeli tanulók részére szervezik meg, feltéve, hogy az oktatásban való részvétel önkéntes, továbbá emiatt az oktatásban résztvevőket semmilyen hátrány nem éri.

(2) Nem sérti az egyenlő bánásmód követelményét, ha

- a) közoktatási intézményben a szülők kezdeményezésére és önkéntes választása szerint,

- b) felsőoktatási intézményben a hallgatók önkéntes részvétele alapján

olyan vallási vagy más világnézeti meggyőződésen alapuló, továbbá nemzetiségi oktatást szerveznek, amelynek célja vagy tanrendje indokolja elkülönült osztályok vagy csoportok alakítását; feltéve, hogy emiatt az oktatásban résztvevőket semmilyen hátrány nem éri, továbbá ha az oktatás megfelel az állam által jóváhagyott, államilag előírt, illetve államilag támogatott követelményeknek.

(3) A 27. § (2) bekezdésének a) pontjától a nyelvi vagy kulturális önazonosság megőrzését szolgáló, illetve egyházi vagy nemzetiségi oktatási intézmény tekintetében jogszabály eltérően rendelkezhet.

29. § Törvény vagy törvény felhatalmazása alapján megalkotott kormányrendelet az iskolarendszeren belüli, valamint az iskolarendszeren kívüli oktatásban részt vevők meghatározott körére - az oktatással, képzéssel összefüggésben - előnyben részesítési kötelezettséget írhat elő.

2. c) What are the actions planned in your country to ensure inclusive education, for instance to give special consideration to gender equity and equality in education and the educational needs of the poor, economically and socially marginalized vulnerable groups?

There isn't any discrimination against the poor, economically and socially marginalized vulnerable groups in higher education.

According to the CXXXIX Act of 2005 on Higher Education:

- (7) The Government may order **preferential treatment:**

- b) **for those on unpaid leave for childcare purposes, or in receipt of pregnancy-maternity benefits, childcare allowance, child-rearing allowance or childcare benefits.**

Although a new law on Higher Education will be issued, this regulation will be valid in the new law as well.

- **Section 39 (1) Each Hungarian citizen has the right to pursue studies in a higher education institution under the conditions defined in this Act, enrolled in either state-funded or fee-paying training.** The following persons shall also be vested with this right:

a) persons having the right to free movement and residence as set forth in a separate act,

b) refugees, asylum-seekers, exiles, immigrants, and residents living in the territory of the Republic of Hungary not falling under the scope of paragraph a),

c) foreign nationals enjoying the same rights as Hungarian citizens on the basis of an international agreement,

d) the nationals of countries where Hungarian citizens have recourse to the higher education services of the country concerned based on the principle of reciprocity.

3. Progress made with respect to implementing the right to education

(iii) Higher Education

a. To what extent is access to higher education, based upon individual capacity, realized in your country?

According to the CXXXIX Act of 2005 on Higher Education:

Section 39 (1) Each Hungarian citizen has the right to pursue studies in a higher education institution under the conditions defined in this Act, enrolled in either state-funded or fee-paying training.

(7) The Government **may order preferential treatment:**

c) **for those termed disabled applicants.** provided that preferential treatment may only be granted with respect to the condition justifying preferential treatment, and may not result in exemption from the fulfilment of basic academic requirements that are requisite to the granting of professional qualifications certified as Bachelor or Master degree, or the vocational qualification evidenced by the certificate of higher-level vocational training.

Section 44 (1) In the event the higher education institution stipulates taking an examination for the assessment of admission applications under the authorisation of this Act, disabled applicants should be granted the same exemption as in secondary education and special arrangements must be made in order for them to take the examination. This right shall also be extended to those who were not granted such opportunities as a result of their disability in secondary education but can in fact furnish proof of their disability. (3) The rules pertaining to the establishment and attestation of disability shall be defined by the Government.

The CXXXIX Act of 2005 on Higher Education has to guarantee the same rights as it is present in the LXXIX Act of 1993 on Public Education: According to Article 30, paragraph 9 of LXXIX Act of 1993 on Public Education:

“(9) Students with special educational needs or students struggling with adaptive, learning or behavioural difficulties are exempted from evaluation and assessment in certain subjects or parts of subjects by the head teacher, with the exception of practical training, on the basis of

the expert opinion of the rehabilitation committee of experts or the educational counselling service in accordance with the division of labour as prescribed by statute. If a student is exempted from evaluation and assessment in certain subjects or parts of subjects, the school organises individual activities for them within the time allotment specified in Section (7) and Subsection c) of Section (10) of Article 52 of this Act and helps the student to catch up with the others within the scope of the individual activities on the basis of an individual development plan. The student may choose other subjects in lieu of the subjects affected at the secondary school leaving examination, as prescribed by the examinations code. Longer time for preparation has to be guaranteed for the student at entrance examinations, marking examinations, module-closing examinations, rating examinations, supplementary examinations, repeat examinations, secondary school leaving examinations, vocational examinations; when students are tested in a written form, they have to be allowed of the employment of the aid (typewriter, computer etc.) employed in the course of their school studies or, if necessary, the substitution of written testing with oral testing or oral testing with written testing.

Changes will occur in the application process in the new CCIV ACT of 2011 which will be issued in 2012. 09. 01.

b, What efforts has your government made to ensure that there is no discrimination on the ground prohibited by the Convention to enter and complete higher education, both in public and private institutions?

(vi) Teaching profession

a, Have there been instances of discrimination as regards the training for the teaching profession in your country? If so, what was the response to the situation in order to guarantee the training for teaching profession without discrimination?

No, in Hungary there hasn't been such instances.

(b) Please describe the conditions of teaching staff at all levels in your country.

(c) How do teachers' average salaries, for each level of education, compare to salaries of (other) civil servants with equivalent qualification?

d) What measures does your country take or contemplate to improve the living and professional conditions of teaching staff?

(vii) Respect for human rights and fundamental freedoms

(viii) Private education

If separate or private educational systems or institutions are permitted in your country, please describe regulatory framework relating to:

(a) the establishment or maintenance of private educational institutions:

Privately owned institutions of tertiary education were first allowed in 1993, they operate as főiskola.

The 14 institutions – in line with economic demand – provide training essentially in sociology, and economics. The maintainer initially launched higher vocational training based on érettségi vizsga, and their tertiary education activities followed from that. **These institutions may provide state funded training in harmony with the admission level approved by the Minister of Education and Culture, and the agreement concluded between the Minister and the institution. Conditions of operation and development are ensured by the maintainer.**

The general training requirements in private institutions of tertiary education and state maintained ones are identical. State funded studies are possible even in private institutions. **The Hungarian Accreditation Committee accredits the operation and training programmes of private institutions of tertiary education in accordance with criteria identical to those of state institutions.**

(EURYDICE , Nemzeti Dosszié, 6.17.1.2.2)

(X) Rights of national minorities

(a) How are the rights of national minorities protected for carrying out their own educational activities?

The CXXXIX. Act of 2005 on Higher Education has the following regulations with regards the educational activities of national minorities:

Section 146 (1) Where a higher education institution may provide national or ethnic minority teacher training as stated in its founding charter, such training shall be organised for applicants who meet the entry requirements.

(2) Applicants belonging to the minority concerned shall be accorded priority in respect of admission to national or ethnic minority teacher training. Affiliation to any minority shall be deemed confirmed if the secondary school-leaving examination has been taken in the minority language.

(3) The language of the minority concerned shall be taught throughout the whole length of the programme in national or ethnic minority teacher training.

(4) National and ethnic minority teacher training shall be considered as a programme with a small headcount in terms of funding.

(5) Where the Hungarian Accreditation Committee delivers an expert opinion on national or ethnic minority teacher training, it shall seek the cooperation of the expert delegated by the national minority government concerned.

The New CCIV Act of 2011 on Higher Education (which will be issued from the first of September 2012) will confirm this regulation.