

HUNGARY

CESCR E/1993/22

133. The Committee considered the second periodic report of Hungary concerning articles 13 and 15 of the Covenant (E/1990/7/Add.10) at its 9th, 12th and 21st meetings, held on 27 November, 2 and 10 December 1992 (E/C.12/1992/SR.9, 12 and 21).

134. In introducing the report, the representative of the State party explained that it had been prepared in May 1990, shortly after the first free and democratic elections organized in Hungary since the fall of the Communist régime. Since then, major political, legal and economic changes had taken place that affected the protection and full enjoyment of the rights under consideration.

General matters

135. The members of the Committee requested information on: the country's new political structure and changes in economic, social and cultural characteristics; the new legal framework within which human rights were protected; the status of the Covenant in internal law; the effect of the current political and economic transition on the realization of economic, social and cultural rights, particularly the rights covered by articles 13 to 15 of the Covenant; the measures taken by the Government to fulfill its obligations under the Covenant in the current unfavourable economic conditions; and the sectors of Hungarian society whose economic, social and cultural rights were particularly affected by the current situation. They asked whether there were any restrictions on the exercise of the rights embodied in articles 13 to 15 of the Covenant; to what extent those rights were guaranteed to non-nationals; to what extent and in what way political and economic changes affected the population's access to education and culture; whether the bills on freedom of conscience and freedom of religion, as well as the nationalities act, had been adopted; what the "new principles governing the direction of science" were; how articles 13 to 15 were reflected in the new Hungarian Constitution; and whether the percentage of the national budget allocated to education, research and culture had increased or declined as a result of the country's economic and political transformation.

136. It was also asked: whether international human rights instruments were incorporated in internal law; what attitude Hungary took towards regional human rights instruments; whether there had been a large increase in Hungarian non-governmental organizations in the fields of culture and human rights; whether the Constitutional Court had jurisdiction to repeal any legislation that was contrary to international obligations; what measures had been taken with regard to the implementation of articles 13 and 14 for the benefit of members of minorities; and what Hungary's policy was towards Hungarian minorities living abroad and political asylum seekers from neighbouring countries.

137. In his reply, the representative of the State party indicated that Hungary was still going through the transition to a market economy, whose legal framework had already been established. However, the reorganization of the economy took time and privatization programmes and the shrinkage of the country's traditional markets were causing problems. Inflation, unemployment and external debt

were placing a strain on the State budget and that had an impact on the financial resources which the Government was in a position to devote to the implementation of the economic, social and cultural rights provided for in the Covenant. Spending on education had, however, risen from 3.57 per cent of the budget in 1981 to 9.8 per cent in 1991. Spending on culture had accounted for 1.86 per cent of the budget in 1991 as against 0.84 per cent 10 years previously, whereas spending on research and development had declined from 2.49 per cent to 1.69 per cent of GDP in 10 years.

138. An international instrument was not incorporated in internal law simply as a result of ratification. Such incorporation and, consequently, the possibility for any person to invoke the instrument before a court took place only following publication of an act for that purpose. The main sources of information on human rights were the Official Gazette and specialized publications. The Hungarian Human Rights Centre was now preparing a human rights teaching handbook for publication. Advanced courses in human rights were also given in faculties of law, the National School of Administration and the police academy.

Articles 13 and 14: Right to education

139. The members of the Committee asked how Act I of 1985 on Education encouraged the development of human rights teaching, the full participation of everyone in a free society and understanding, tolerance and friendship among all nations and all racial, ethnic and religious groups. They requested information: on the principle that secondary education was exempt from any entrance examination and school fees when students had their first qualification; on changes in higher education teaching staff in recent years; on the role of the churches in education, especially the moral guidance of young persons; on the current number of primary school pupils enrolled for religious instruction on an optional basis; and on whether such instruction was given in school or outside school.

140. It was also asked: whether foreigners had access to higher education under the same conditions as Hungarian nationals, particularly for the award of scholarships; what the relative share of the private sector was in education; whether there were non-Catholic religious schools; how the experience of elderly persons was used in education; and what the social and legal status of teachers was, as provided for in the new Labour Code. Moreover, information was requested on further education for adults.

141. In reply to questions, the representative of the State party said that the right to education was guaranteed by articles 67 to 70 of the Constitution and that it was exercised under Act I of 1985, as amended in 1990. Higher education and vocational training were to form the subject of separate legislation that was now under consideration. Special programmes had been set up for some regions which were more affected than others by the difficult transition to a market economy. They were designed to offset the possible repercussions such difficulties might have on education, particularly in the granting of social benefits, reduced nursery charges and the free distribution of school materials. As to curriculum content, he pointed out that there had been no need for radical change in the majority of textbooks, since Hungarian education had never been particularly marked by Communist ideology. However, some historical events, such as those of October 1956, were now depicted differently and a standard curriculum was being worked out.

142. The legal status of teachers was governed by the Labour Code and the Civil Servants Act, which had entered into force in July 1992. The Act I of 1985 provided for the training of adults, so that those who had not completed eight years of compulsory primary education were afforded the possibility of receiving further education in the workplace, in the army or at a school. Retired teachers on a pension but still engaged in their professional activities accounted for 1 per cent of working teachers in Hungary.

143. The representative of the State party also supplied some statistics on the number of educational institutions and pupils in Hungary. He said that there were now 102 private schools in Hungary, some of them administered by churches, others by various legal entities. One school for gypsy children had just been established on the initiative of gypsy artists. There were also three private universities. Private institutions issuing certificates or degrees equivalent to those issued by public educational institutions received a State subsidy. Such subsidies enabled the State to monitor the calibre of the instruction provided.

144. Relations between the State and the various religious denominations did not give rise to any discrimination in the granting of subsidies or the allocation of premises. The churches, whose right to create and administer educational institutions had been fully restored, were now returning to the role they had traditionally played before denominational schools had been taken over by the State in 1948. Such schools, which accounted for approximately 2 per cent of educational institutions, should increase in number as the buildings which had belonged to the churches were returned to them under Act IV of 1990. The authorities were not entitled to interfere in the activities of denominational schools, which none the less had to meet the standard requirements for school curricula. Furthermore, 2 to 3 per cent of pupils received religious instruction in State schools, where such courses were optional, or outside school.

145. The ethnic and linguistic minorities accounted for between 2.6 and 5 per cent of the population, to which was added the gypsy community, which numbered between 400,000 and 600,000. The Government protected the national identity and mother tongue of those minorities by means of a network of 294 nursery schools, 314 primary schools and 8 secondary schools. The publication of school textbooks in the languages of the minorities was still subsidized and teachers working in schools for minorities received higher pay. The bill on national and ethnic minorities defined the legal status of indigenous minorities. It was designed to compensate for disadvantages which usually flow from being a member of a minority group by advantages in terms of culture and instruction in the mother tongue. Furthermore, special curricula were being devised for gypsy children. Measures were required in order to promote the use of the gypsy language, which was spoken by only a small proportion of the gypsy population.

146. Education for foreigners domiciled in Hungary was governed by special legislative provisions. Secondary education and higher education were not free of charge for foreign students, who could none the less receive scholarships. There were also more than 100,000 refugees in Hungary, many from the former Yugoslavia. Refugee children who did not speak Hungarian received instruction in so-called mother-tongue schools or in schools set up especially for that purpose and such instruction was provided by refugee teachers.

Article 15: Right to take part in cultural life and enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

147. The members of the Committee requested detailed information about the implementation, in the present context, of the right of everyone to take part in cultural life. They asked: how the decline in the real value of State support had affected access to culture; whether the number of theatres, operas and concert halls was declining; whether the cinema industry was subsidized and, if so, what the criteria were for supporting a film; what role the media played as a factor in encouraging participation in culture; and what legislative and administrative measures had been taken to protect “the freedom indispensable for scientific research and creative activity” mentioned in the Covenant. It was also asked whether censorship had been abolished; whether a brain drain had been observed in Hungary and, if so, what measures had been taken to remedy it; and what steps had been taken to facilitate access to and participation in culture by elderly persons.

148. In his reply, the representative of the State party emphasized that freedom to engage in creative, scientific or artistic activity and the right to education and culture were all guaranteed by article 70 (F) and (G) of the Constitution. Freedom of the press was guaranteed by the Press Act of 1985, as amended in 1990. There was no censorship body in Hungary. The State still subsidized cultural institutions, such as museums, libraries, cultural centres, theatres and concert halls, but not publishing and film-making, which had been privatized. Private financing, patronage, foundations and groups of artists were increasing and would little by little fill the gap left by the State in that regard.

149. Basic research, traditionally done by universities and institutes of the Academy of Sciences, was still financed largely by the State budget. Applied research was done by large firms in their own laboratories and financed by them or by industrial research institutes. The National Technical Development Committee allocated budget resources to such institutes through research contracts with “risk participation”. The Hungarian State protected industrial property by means of modern regulations that even safeguarded the right of inventors to take part in the profits from the marketing of their technical innovations. A brain drain among scientists could be seen in Hungary, where it was estimated that 10 to 15 per cent of scientists were employed abroad. The Government was endeavouring to set up the necessary facilities so that the brain drain would involve not only disadvantages but also advantages for Hungary. Hungary played a particularly active part in international scientific cooperation programmes, such as CERN and the European Community’s Eureka Programme.

Concluding observations

150. The Committee expressed its appreciation to the State party for the written report. Since the report had been prepared in 1990, however, the situation described therein had in large part been overtaken by the rapid political and economic developments in Hungary. That shortcoming was remedied to a considerable degree by the additional information provided both in writing and orally on the occasion of the introduction of the report, as well as by the comprehensive and detailed replies given by the delegation of Hungary in the oral phase of the Committee’s proceedings.

151. The Committee noted with satisfaction that despite the very difficult economic situation in

Hungary, budget expenditure for education and culture had increased considerably between 1981 and 1991. The Committee also noted that economic, social and cultural rights had been enshrined in the new Constitution and that human rights education formed part of the curricula not only of the faculties of law but also of the National School of Administration and the Police Academy. Another positive aspect was to be seen in the special education programmes put in place in regions of the country particularly affected by the adverse economic situation. Finally, the Committee noted the active participation of Hungary in international scientific cooperation.

152. The Committee noted that the period of political and economic transition in which Hungary currently found itself made it extremely difficult for the Hungarian Government to take the steps necessary to achieve the full realization of the rights enshrined in articles 13 and 15, and even forced it to take some retrogressive measures.

153. Although the Committee arrived at the overall impression that the Government of Hungary was making a serious effort to preserve its considerable achievements in the field of education and culture under the difficult circumstances of the present period of political and economic transition, it nevertheless remained concerned that cultural life in Hungary would be negatively affected by the severe financial strictures and until private initiatives had filled the void left by the partial withdrawal of the State from the areas under consideration.

154. In view of the magnitude of the changes involved in the transition process in which Hungary was engaged, the Committee wished to place special emphasis upon the need to ensure that special attention was paid to the right to education and culture of the most vulnerable and disadvantaged members of Hungarian society.