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Quinzième séance, 9 juin 2025, 11 h 55 (suite)**Fifteenth sitting, 9 June 2025, 11.55 a.m. (cont.)****Decimoquinta sesión, 9 de junio de 2025, 11.55 horas (cont.)**

Président: M. Tabai
Chairperson: Mr Tabai
Presidente: Sr. Tabai

Discussion des cas individuels (suite.)**Discussion of individual cases (cont.)****Discusión de los casos individuales (cont.)****Hongrie (ratification: 1957)**

Convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948
(núm. 87)

Président – Nous allons à présent passer à l'examen du deuxième cas individuel à l'ordre du jour. Il s'agit de l'examen de l'application par la Hongrie sur la convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948.

J'informe la commission que nous avons 20 délégués inscrits pour prendre la parole.

À cet égard, je voudrais informer tous les délégués que le bureau de la commission a décidé de réduire le temps de parole des délégués gouvernementaux individuels de cinq à trois minutes pour la discussion de ce cas.

J'ai l'honneur d'inviter l'honorable représentante du gouvernement de la Hongrie, M^{me} Zsófia Havasi, représentante permanente de la Hongrie auprès des Nations Unies à Genève, à prendre la parole.

Government representative (Ms HAVASI) – The Government of Hungary remains fully committed to the values and principles of the ILO, and in particular, to the fundamental rights and principles of the world of work also enshrined in the Convention, which Hungary ratified in 1957.

The Government regularly consults and engages in open dialogue with Hungarian social partners on matters concerning the world work and remains open to adopting justified measures to address any shortcomings in legal practice.

In recent years the Permanent Consultation Forum of the Private Sector and the Government – the so-called VKF – has played an essential role in shaping labour policies and legislation, as well as promoting social partnership in Hungary. It held nine meetings in 2022, ten in 2023 and nine in 2024.

The Government promotes industrial relations through capacity-building programmes and awareness-raising initiatives for both workers and employers at national and local level.

The Government also strongly committed to effectively cooperate with the Office as well as to completely fulfil its duties as Member of the ILO.

We consider the effective functioning of the ILO supervisory mechanism to be of great importance. This supervisory system is unique at international level. The aim of the supervision is to regularly examine the application of standards in the Member States and to point out areas where there are problems in application or where they could be better applied. The credibility of the system however, should be ensured by providing real professional background and reasoning for the supervisory work and not to be used for political purposes. This is also crucial from the perspective of the ILO as a whole.

Hungary submits its national reports to the ILO each year and we are open to consultations with the ILO. However, we acknowledge the lack of detailed responses to the Committee of Experts' observations on the implementation of the Convention in the previous national reporting cycle.

Before the start of this Session of the Conference we provided written information to the Committee and reaffirmed our willingness and commitment to further national level dialogue on the matters raised in the Committee of Experts' observations.

Today we would like to present briefly to the Committee the Hungarian legislation and practice, as well as our reactions to the Committee of Experts' observations.

First of all, the Hungarian legal system provides adequate guarantees for freedom of association and the right to organize. These rights are guaranteed by the Hungarian Fundamental Law. Article 8 of the Fundamental Law specifically mentions trade unions, stating that trade unions may be freely formed and operate on the basis of the right of association. These provisions are further elaborated in the Act on the Labour Code, which governs employment relationships.

In line with the Convention, trade unions in Hungary are recognized as independent legal entities, free to define their internal structure, adopt their own rules, and manage their activities without interference from public authorities or employers.

In Hungary, the freedom of expression is considered as a fundamental right protected and ensured by numerous international, European and national legal instruments.

Article 10 of the European Convention on Human Rights and article 9 of the Hungarian Fundamental Law state that everyone has the right to freedom of expression. However, it is clear from current regulations that this fundamental right is not absolute and may be restricted under certain conditions.

In judicial practice, numerous decisions have been made by the European Court of Human Rights, the Court of Justice of the European Union, as well as by the Hungarian Constitutional Court. These decisions define the concept, limits, and criteria for assessing freedom of expression.

The Hungarian Constitutional Court stated that “freedom of expression has a privileged role among constitutional fundamental rights”; however, this role does not mean that this right is unrestricted.

The Constitutional Court has also stated the need to consider the specific nature of employment and in labour law it uses the so-called “loyalty clause” as a standard, which appears in section 8 of the Labour Code. The court stipulates that freedom of expression may be subject to stricter limitations in the world of work and has identified the factors that courts must consider when assessing restrictions, in addition to the general necessity and proportionality test.

From the case law of both the European and national courts, it is evident that the provisions of the Labour Code comply with the criteria established for the limitation of the

freedom of expression within a clear and appropriate framework and by considering the unique nature of employment relationships.

Secondly, on the registration of trade unions. According to the Act on the right of association, public benefit status, and the operation and support of civil organizations, the trade union is a special form of association. Trade unions are established as legal entities and by registration with the court.

It is sufficient to include only the basic data of the association in its statutes and the court only reviews the minimum statutory requirements. This means no request for correction may be issued due to minor administrative deficiencies.

The Government takes note of the views and requests expressed by the Committee of Experts.

At the same time, we note that apart from the previous observations submitted by the Workers' group, the Government is currently not aware of any specific cases or legal practice in which the existing legal framework has effectively prevented the registration of any trade union.

Thirdly, on the power of national prosecutors to control trade union activities. According to the Hungarian Fundamental Law, the Prosecutor's Office acts to protect the public interest and ensures that unlawful conditions are remedied.

The powers of the prosecution do not constitute a general supervisory or controlling authority; they do not imply control over the activities, and in no way do they extend to the operational management of trade unions. Therefore, the Government emphasizes that the alleged practices referred to in the Committee of Experts' observation do not correspond to the applicable Hungarian legal framework.

In the coming period, the Government intends to engage in consultations with the Prosecutor General's Office of Hungary regarding the practices affecting trade unions, as raised by the Workers' group.

Fourthly, on the deduction of the union membership fee. According to the Act on the voluntary payment of trade union membership fees by workers, the general rule is that the employer is obliged – upon the worker's written request – to deduct the trade union or other representative body membership fee from the worker's wages and to transfer the specified amount to the trade union or other workers' representation body indicated by the worker.

As a derogation from the general rule, and with the aim to reduce administrative burdens on employers, special rules are applicable in given public sectors for employees, which prohibit the deduction of membership fees.

In our view, these provisions do not conflict with the Convention and do not adversely affect the employees or the functioning of the trade unions.

In 2023, the VKF held discussion on the issue of trade union membership fees on two occasions. The Hungarian National ILO Council, referred to by the Workers' group, is not entitled to hold tripartite negotiations on general economic and labour related issues. As the representatives of the Government in the National ILO Council have indicated several times, the Council was established and operates in line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and provides a tripartite forum for discussions with respect to the matters concerning the activities of the ILO.

Finally, regarding the observations on the Strike Act and the definition of minimum service we provide the following information.

In recent years, several consultations have been taking place within the VKF regarding the possible modification of the Strike Act. A thematic working group has been set up to deal with this issue.

The Government is open to continue the discussions related to the Strike Act. However, we are of the view that in this matter a unified position of the trade unions is of crucial importance.

Président – J’invite maintenant les deux porte-paroles à faire leurs déclarations liminaires. Je donne la parole à M. Russel Stephen James, porte-parole des travailleurs, pour sa déclaration liminaire.

Worker members – We are examining Hungary’s application of the Convention. This is a fundamental Convention.

Freedom of association is that right which allows workers’ and employers’ organizations to control their own formation, their own decision-making processes and their own speech. To express these rights freely is the only way social dialogue and the pursuit of social justice are meaningful – the only means of improving conditions of labour, establishing peace and sustained progress. Freedom of association and the right to organize is therefore an enabling right as well as a right in itself.

Hungary ratified this Convention in 1957. This is the first time we are discussing this case in the Committee. The Committee of Experts has made ten observations and the recent ones are from 2015, 2017, 2021, 2022 and 2024.

Sections 8 and 9 of the Labour Code, 2012 prohibit conduct, including the exercise of the right to express an opinion whether during or outside working time, that may affect the employer’s reputation or economic and organizational interests. The Committee of Experts has expressed deep concern that the Government of Hungary has not taken any measures to

ensure that these sections of the Labour Code do not impede freedom of expression in the exercise of trade union rights.

We must recall that whereas the Convention expects workers and employers and their respective organizations to respect the law of the land, the obligation on the State is to ensure that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

The free expression of opinions including during disputes with employers is a core element of freedom of association and therefore worthy of the protections of the Convention. The maintenance of these provisions in labour legislation goes wholly against this.

Furthermore, the Government's claim that the matter has been addressed as part of a discussion held in 2021 is disputed by our trade union colleagues who say that the discussion held in 2021 did not amount to a consultation.

We urge the Government to immediately amend these provisions without further delay through meaningful consultations with the social partners.

Secondly, there is the issue of excessive requirements and practical obstacles to registration of trade unions. The Committee of Experts has expressed deep regret that nothing has been done in this regard.

We recall that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

The refusal of registration due to minor flaws, the imposition of the obligation of including the company's name in the official name of associations, and the difficulties created for or

encountered by trade unions because of the obligation to bring their by-laws in line with the Civil Code, is contrary to the obligations of the Government under the Convention.

These formalities should not become an obstacle to the exercise of legitimate trade union activities, nor should they allow for undue discretionary power to deny or delay the establishment of such organizations.

We join the Committee of Experts in strongly urging the Government to engage without delay, in consultations with representative organizations of employers and workers, to assess the need to simplify the registration requirements and to effectively address the obstacles to registration in practice. Information from the Government in this regard will be necessary including statistics on the number of registrations and refusals to register trade unions.

Thirdly, workers' and employers' organizations have the right to organize their own administration and activities and to formulate their programmes and the public authorities shall refrain from any interference which would restrict this right or impede its lawful exercise. And yet, we are deeply concerned with the powers given to the national prosecutors to control trade union activities.

We understand that the national prosecutor has power to review general and ad hoc decisions of unions, conduct inspections directly or through other state bodies, and enjoy free and unlimited access to trade union offices. In exercising this power, prosecutors have questioned the lawfulness of trade union operations several times, requested numerous documents and ordered additional reports if dissatisfied with the unions' financial reporting.

These powers and how they are exercised on trade unions to interfere, impair and restrict the exercise of trade union rights does not comply with the Government's obligations under the Convention. As a matter of urgency, the Government must address this concern in consultation with social partners.

We also raise the issue of the legislative amendments which introduced changes to the check-off system and which prohibit employers from deducting or transferring union dues from the wages of public employees. According to the Government, in 2024, section 1 of Act XXIX of 1991 on The Voluntary Nature of Membership Fees in Workers' Representative Organizations and section 12/A of Act XXXIII of 1992 on The Legal Status of Public Employees were amended to ensure that employers are no longer permitted to deduct union membership fees from employees' wages or transfer these fees to the trade unions.

The Committee of Experts indicated that from the amended text of section 1 of Act XXIX of 1991, employers are obliged, except where otherwise stipulated by law, to deduct from employees' wages trade union dues upon receiving a written request from the employee and transfer them to the trade union concerned. According to section 12/A of Act XXXIII of 1992, however, notwithstanding Act XXIX of 1991, employers are prohibited from deducting or transferring such dues from the wages of public employees.

We recall, in light of the Convention, that workers should have the possibility of opting for deductions from their wages under the check-off system to be paid to trade union organizations of their choice. This is the essence of the right to form or join a trade union of one's choice.

We strongly urge the Government to attend to this matter without delay and to provide information on the outcome.

There are also aspects of our concerns dealing with amending the Strike Act, the Passenger Transport Service Act and the Postal Services Act to ensure that workers' organizations may participate in defining a minimum service and may refer the matter to a joint or independent body in case of disagreement.

The Government must take all necessary measures to amend without delay this legislation in consultation with social partners.

To conclude, I must reiterate, after 80 years or so of recognition of this right, that freedom of association is an enabling right. We urge the Government to guarantee its foundational protections in law and practice.

Président – Je donne la parole à présent à M. Paul Noll, porte-parole des employeurs, pour sa déclaration liminaire.

Employer members – We thank the Government of Hungary for the oral and written information on this case, of which we have fully taken note.

The Employers' group addresses the importance of states' compliance relating to the application of this ratified ILO core Convention.

The Convention was ratified by Hungary in 1957. Since 1989, the Committee of Experts has issued ten observations, and this case has not been discussed in the Committee before.

The Government provided written information which has been published on 19 May 2025. This case is about specific provisions which regulate the exercise of freedom of association.

First, about sections 8 and 9 of the Labour Code. The Employers' group would like to stress that the Convention covers workers' and employers' organizations. We note that in 2021, a discussion was held and that the publication addressing interpretive questions on trade unions' right to freedom of expression was issued in 2022. However, according to the Committee of Experts, the discussions held in 2021 did not amount to a consultation. We ask the Government to consult with the social partners and to discuss this issue without undue delay.

Second, on the question of registration of trade unions: According to section 69 of the 2011 Act on the court registration of civil organizations and the related procedural rules, the provisions of this Act apply to trade unions unless another law governing the organization provides otherwise. The main rules on organizational and operation structures are set out in Act V of the 2013 Civil Code.

The Committee of Experts expressed concerns about the requirements in relation to union headquarters, the refusal of registration due to flaws, the obligation of including the company's name in the name of associations and the obligation to bring the by-laws in line with the Civil Code.

The Employers' group would like to recall that according to Article 2 of the Convention, workers and employers without distinction whatsoever, shall have the right to establish and subject only to the rules of the organization concerned to join organizations of their own choosing without previous authorization.

The Committee of Experts recalled that although the formalities of registration allow for official recognition of workers' or employers' organizations, these formalities should not become an obstacle to the exercise of legitimate activities of employers' and workers' organizations. Furthermore, they should not allow for undue discretionary power to deny or delay the establishment of such organizations.

On the one hand, we note with concern that the Government had failed to provide a reply to the 2017 allegations but on the other hand, we welcome that the Government provided detailed information on 19 May 2025.

According to the Government, between 1 June 2017 and 31 May 2021, a total of 1,149 trade unions were registered and eight registration applications were rejected.

The Employers' group asks the Government to provide detailed information on the number of registered organizations and the number of organizations denied or delayed the registration including details on the ground for refusal of registration for the period 2021 to 2025 as soon as possible. Furthermore, we recommend the Government to start without undue delay consultations with the representative organizations of employers and workers to assess the requirements with the aim to apply the obligations of Article 2 of the Convention in law and practice.

Third, on the rights of workers' and employers' organizations to organize the administration. According to Article 3 of the Convention, workers' and employers' organizations have the right to draw up their constitutions and rules, to elect the representatives in full freedom, to organize their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof. According to the reports, the trade union activities was restricted by the power of national prosecutors conducting inspection directly or through state bodies and enjoying free and unlimited access to trade union offices.

Taking into account the request of the Committee of Experts, the Employers' group expects the Government to respond to the allegations and to provide detailed information on the type of inquiries conducted by prosecutors.

Fourth, on the deduction of union membership fees. In 2024, the law was amended to ensure that employers are no longer permitted to deduct union membership fees from employees' wages or transfer these fees to trade unions.

The Government argued that they had discussions on the issue of union membership fees with the Permanent Consultation Forum of the Private Sector and the Government. However, the outcome of these discussions was not publicly available.

The Employers' group asks the Government to provide detailed information on the outcome of the discussions on union membership fees within the Permanent Consultation Forum of the Private Sector and the Government.

Fifth, on the Strike Act. We wish to reiterate that in our view neither the Convention nor other Conventions contain rules on the right to strike.

To conclude, the Employers' group asks the Government first to provide without undue delay the requested information on the various issues. Second, to start a process of social dialogue with the representative employers' and workers' organizations to examine the aforementioned points. And third, to provide information on the progress and all measures taken in this respect.

Président – Je donne la parole à la distinguée déléguée des travailleurs de la Hongrie, M^{me} Czuglerné Ivány Judit.

Worker member, Hungary (Ms CZUGLERNÉ IVÁNY) – First, I would like to thank the Hungarian Government for the information provided to us today.

In the last decade Hungarian trade unions met some new legislations which caused difficulties in exercising the fundamental right to freedom of association. We made many observations on these issues under the ordinary supervisory mechanism of the ILO and filed special complaints, too. However, there were no answers to them by the Government neither to the Committee of Experts nor to us at home. We still experience difficulties in registration of trade unions, in practicing our right to freedom of expression, in deduction of member fees from salaries and in the determination of the level of minimum service in the public transport.

As for freedom of expression, the Labour Code of 2012 limits the right to free opinion of workers. The wording of this limitation is rather general and broad (the opinion may not jeopardize the employer's reputation or legitimate economic and organizational interests),

causing a lot of interpretation problem even for the courts, including Hungarian Constitutional and Supreme Court. Moreover, the judicial interpretations are very complicated, sometimes – as recognized even by lawyers – controversial.

This shows that the legal situation is now rather uncertain while the sanctions of a legally – may be – not correct opinion can be very serious: the termination of the employment relationship and payment of damages. This kind of law and practice can therefore threaten or sometimes kill the exercise of the right to free expression at the workplaces.

The Committee of Experts noted in its report that the Government has not taken any concrete steps, including legislative ones, to guarantee that the law did not impede the freedom of expression of workers and the exercise of the mandate of trade unions and their leaders to defend the occupational interests of their members.

Today, after more than ten years, reference to judicial decisions or legal studies is not enough. We need clear legal regulation with clear limitations or clear determination of the content of this right, which really can ensure the exercise of this universal human right and not prevent trade unions to fully defend the occupational interests of their members and not rely only on the loyalty obligations of workers.

Registration of trade unions in Hungary is not a simple formality but rather a legal procedure at the court. Today in Hungary, it is much easier and shorter to register a company than a trade union. Without lawyers it is hardly possible for a newly established trade union to fit all criteria prescribed by the law. Only some examples of this: even to find the relevant regulations, one has to know the legal status of a trade union because the laws concerned can be found under the words as civil organizations, associations or legal persons but not trade union. To be registered, it is obligatory to fill in a 73-page application form accompanied by a 23-page explanatory document which includes the criteria of all the different kinds of civil

organizations, so trade unions at first have to choose/find those points which concern specifically them.

Trade unions, moreover, have to annex a lot of verifications and other documents to the application, including the proof of entitlement to use their office and a declaration from the property owner or lawful user to allow this use. There are also special legal regulations to verify the lawfulness of the chosen name of the trade union. All of the documents submitted to the court have to be at least private documents with full evidentiary force.

During the registration procedure the court examines the statute of the trade union, whether its articles are in line with the regulations of the Civil Code and of other laws.

A simplified registration procedure is available for trade unions if their statute is based on a standard template as defined in the legislation, resulting in standard trade unions. However, if trade unions would like to change anything, even only one word in the template, the simplified procedure cannot be used.

Hungarian trade unions signalled many times the above-mentioned difficulties at the meetings of the tripartite National ILO Council which was established specifically for ILO matters and filed observations under the ordinary ILO supervisory mechanism too. However, there was no meaningful simplification in the registration procedure.

Concerning deduction of member fees, a new law in Hungary, in force from 1 January 2024, prohibits public sector employers to deduct trade union member fee from the salaries of civil servants, teachers as well as healthcare and social sector workers and transfer it to their trade unions. This prohibition is absolute, the given employees/civil servants and their trade unions are not allowed even to conclude individual or collective agreements to use further the check-off system, which they could enjoy until this year.

Social partners were not involved in the preparation of the draft law and while trade unions protested strongly against the new law, their interests and voices were not heard, not taken into consideration.

The official justification of the law was the reduction of administrative burden on employers. However, during the previous three decades the check-off system functioned well and smoothly, not making differences between public and private employers and employees or civil servants. In the private sector check-off system is still available.

The new law did not let enough time for trade unions to prepare themselves to this huge change, how to organize the collection of member fees or how to ensure extra capacities to tackle this new administrative burden oppressed just on the trade unions by the law.

Member fees, particularly at the workplace level, are the most important income of trade unions. Only after about half a year many trade unions already experienced the harmful effects of the new legislation: some of them lost many paying members and – according to some new data – their income also decreased significantly while their administrative cost increased. Consequently, the new law weakened trade unions and their capacity without any reasonable or necessary cause in the public sector.

Concerning minimum service in the public passenger transport sector, since 2012, legal regulation determines the degree of minimum service during strike actions is 66 per cent. It was never verified by the legislator that this degree is really the strictly necessary minimum in the sector.

In their observations to the ILO, trade unions argued that this level cannot guarantee the effectiveness of a strike. However, this degree has been not changed by the legislator.

A new modification of the Public Transport Act from 9 May 2025 made the determination of minimum service more difficult and controversial. So the situation became not better but

worse. To expect unified position in this matter from workers and employers is simply not realistic.

In conclusion, we urge the Government to take every legislative and other necessary steps after really meaningful consultation with the social partners to bring the Hungarian law and practice in the above-mentioned issues and points fully in line with the Convention without any further delay. We also ask the technical assistance of the ILO on this.

Président – J'invite la distinguée déléguée des employeurs de la Hongrie, M^{me} Ács Vera Judit, à prendre la parole.

Employer member, Hungary (Ms ÁCS) – The Hungarian employers recognize the importance of the Convention and its implementation and fully respect the effective functioning of the ILO supervisory mechanism. Therefore, we very much regret that the Government of Hungary has failed to provide a detailed response to the Committee of Experts' request for the observations regarding the implementation of the Convention during the 2024 national reporting cycle.

At the same time, we are most pleased that the Government both in writing and orally right here and now is to reaffirm its willingness and commitment to further national level dialogue and the matters raised in the Committee of Experts' observations.

In spite of this, we are very sorry to see Hungary shortlisted due to the allegation of non-compliance with this Convention.

We respect the freedom of expression as a fundamental right which may be limited by the fundamental rights of others. According to Article 10 of the European Convention on Human Rights signed in Rome on 4 November 1950, the exercise of this freedom may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and

are necessary for the protection of the reputation or rights of others for preventing the disclosure of information received in confidence.

In our view, in the employment world, sections 8 and 9 of the Labour Code set those limits on the freedom of expression when they prohibit workers from engaging in any conduct including the exercise of their right to express an opinion whether during or outside working time that may jeopardize the employer's reputation or legitimate economic and organizational interests. To our understanding, the legislation is balanced.

In these sections, there is no general prohibition to express an opinion about the employer. The expression of an opinion may not be made in such a way as to be capable of seriously damaging or endangering the reputation and legitimate economic and organizational interests of the employer.

In an employment relationship, the worker performs work in the interests of the employer taking into account of the employer's economic interests. Therefore, the worker has no unlimited rights. The worker's right may be limited during the fulfilment of employment duties.

It applies vice-versa to the employer. The Labour Code does not grant unlimited rights to the employer either to limit the rights of the worker. The limitations made in writing by the employer in advance shall be strictly necessary for reasons and directly related to the intended purpose of the employment relationship. It is for the national court to assess the facts, the circumstances, the worker's conduct and, of course, the employer's conduct to determine on a case-by-case basis whether in this case the worker's conduct violates these measures or not.

Concerning the registration of trade unions, the registration and the administration of trade unions are not falling under the competence of the employers' organization. We believe that the measures for registration and administration apply to legal persons and their

implementations shall be applied in the same way without making any difference. Allow me to give you an example.

The trade union is a legal person which has a name. The Civil Code defines clearly the requirement of name exclusivity, name validity and name freedom for all legal persons which ranges from non-governmental organizations to higher education institutions. Name exclusivity means that the name of the legal person must be different from the name of any other legal persons operating in a similar field of activity such as an association or foundation. The name should be unique and should not be confusingly confusing. The requirement of name validity is met if the name is not likely to mislead in view of its importance and its function. In particular, the name must not give the impression that the activities of the organization relate to those of another legal person.

These above-mentioned rules are applied to trade unions. Nonetheless, we note that there shall be always time and room to assess the need for simplification of registration and administration requirements in general, especially when technology is developing at such a rapid pace.

Concerning the control of activities of the trade unions carried out by the national prosecutors, we underline that the law on controlling the activities should be equally applied to all associations including trade unions.

Deduction of union membership fee, we confirm that the ban on deduction of the union membership fees were on the agenda of the Permanent Consultation Forum of the Private Sector and the Government. It is not a burden to deduct the union membership fees from the wages for the employers. Therefore, we did not request such change. The current restrictions relate only to the public sector that it is not in our membership.

Last but not least, about the right of workers' organizations to organize their activities. We take the view that the passenger transport services and postal services have such an impact on the businesses and the populations' everyday life that it is vital to have special rules on strikes. We agree that the content, primarily the scope of the minimum services shall be regulated and consulted.

In conclusion, we, the Hungarian employers, strongly stand for the principles of social dialogue and industrial relations.

We appreciate the Government's commitment to further national level dialogue on the matters raised in the Committee of Experts' observations and look forward to discussing these issues on the relevant national level tripartite forums.

Président – Prochain orateur, la distinguée représentante du gouvernement du Turkménistan, M^{me} Muhammedova Selbi.

Government member, Turkmenistan (Ms MUHAMMEDOVA) – Turkmenistan welcomes the distinguished delegation of Hungary and expresses its gratitude for the information provided on the current situation regarding the implementation of the Convention.

We note the commitment of the Government of Hungary to its international obligations and its willingness to engage in open and constructive dialogue with both national social partners and the ILO, which demonstrates a readiness for productive cooperation within the ILO supervisory mechanisms.

We especially highlight the efforts to strengthen social dialogue, particularly through the Private Sector and Government Consultative Forum. We also draw attention to the presented review of legislation and court practice concerning freedom of expression, which confirms compliance with international standards. With regard to trade union registration, a clear and predictable legal procedure has been presented.

No country has a perfect system. However, the information provided shows that Hungary has the necessary legal guarantees and is open to improving its practices. We propose that all interested parties continue constructive dialogue at the national level, and we believe that an approach based on mutual respect and cooperation will lead to positive outcomes.

Président – Je donne la parole au délégué des travailleurs de la Finlande, M. Hiilesniemi Samuti.

Worker member, Finland (Mr HIILESNIEMI) – I speak on behalf of the Nordic trade unions.

Today we address a case of serious and persistent violations of the Convention by Hungary. A core issue here is the right of workers' organizations to organize their activities under Article 3 of the Convention – specifically, the right to strike and the excessive restrictions imposed through minimum service requirements in law and in practice.

Unfortunately, the concerns are nothing new. Since the 2010 amendments to the Hungarian Strike Act, the Committee of Experts has repeatedly addressed Hungary's framework – consistently discovering arbitrary limits on workers' ability to take lawful strike action. These are not theoretical concerns – they are rooted in a legal reality that has made strikes virtually impossible in certain sectors for over a decade.

Already in 2012, the Committee of Experts noted that unions' efforts to determine minimum service levels were routinely rejected by courts, often without proper justification, and that no strikes had taken place as a result. The Government was urged to ensure that the Strike Act does not prevent workers from exercising their rights.

In 2014, the Committee of Experts emphasized that minimum service requirements must be confined strictly to what is necessary to meet the basic needs of the population and must not render strikes ineffective. Yet Hungarian law requires that minimum service agreements

be reached or imposed by courts before any strike can proceed, leading to legal uncertainty and excessive delays.

Later observations, including those in 2015 and 2018, highlighted that the thresholds Hungary sets – 66 per cent in local and suburban passenger transport, 50 per cent nationally – bear no relation to what could reasonably be called “minimum.” In the postal sector, similarly excessive levels apply. Effectively, strikes are being stripped of their essential leverage.

Despite some tripartite dialogue having taken place, the Committee of Experts has consistently questioned its effectiveness. Workers’ organizations report that organizing a lawful strike remains practically impossible under the current legal framework far too often.

The proper and contextual interpretation here is clear: workers must be involved in defining minimum services, and in case of disagreement, an independent or joint body must resolve the matter swiftly. Minimum service must mean exactly that – minimum – limited strictly to safeguarding basic needs.

Yet, in both 2022 and 2023, the Committee of Experts was again forced to draw the same conclusions. The Government continues to cite legal certainty and public needs – justifications that now seem increasingly like a smokescreen to obscure the real intent for maintaining the current restrictive regime. No meaningful steps have been taken.

We must ask: how much longer must Hungarian workers wait to exercise the rights guaranteed for them? We urge the Committee to adopt strong conclusions. Hungary must bring its legislation into full conformity with the Convention.

Président – Je donne la parole au représentant du gouvernement de la Serbie, M. Zotovic Miroslav.

Government member, Serbia (Mr ZOTOVIC) – We thank the Committee of Experts for its report and we take note of its observations.

Our delegation has listened carefully to the distinguished representative of Hungary on the implementation of the Convention. Serbia recognizes the Hungarian strong legal framework that guarantees freedom of association and the right to organize and is in line with the international and EU legal instruments.

The Labour Code alignment with the European Court of Human Rights standards and practice demonstrate a clear commitment of Hungary to the enjoyment of labour rights. In line with this, we commend the adoption of the revised European Social Charter.

In order to fully realize rights in practice, we encourage the Government of Hungary to constructively engage in the consultation process with the Prosecutor's Office regarding the supervisory prosecutorial oversight which does not fall within the current legal framework.

Furthermore, Serbia welcomes the readiness of the Hungarian Government to define clear, fair conditions for minimum and sufficient services during strikes and we appreciate their opinions for discussions on the Strike Act.

The above measures will reinforce the integrity of the democratic institutions and strengthen the trust in the rule of law.

In conclusion, we would like to encourage continuation of the open, inclusive and constructive social dialogue and cooperation among tripartite constituents in Hungary in order to address issues listed in the report of the Committee of Experts.

Président – Prochain orateur, la déléguée des travailleurs de l'Allemagne, M^{me} Horn Miriam Lena.

Worker member, Germany (Ms HORN) – I speak on behalf of the German trade unions and wish to express our profound concern about the ongoing and systemic violations of the Convention by the Government of Hungary.

Despite repeated observations and recommendations from the Committee of Experts, the Hungarian Government has continued to undermine fundamental trade union rights, both in law and in practice, implementing measures that constitute blatant harassment of trade unions and result in a shrinking space for trade unions and their rights.

Let me list the most recent developments. Since 1 January 2024, due to legislation adopted through Act LXX of 2023, public employers in Hungary are no longer permitted to automatically deduct union dues from the wages of public employees. This move, far from administrative neutrality, is a deliberate attempt to weaken trade unions in the public sector, shifting the entire burden onto individual workers.

As a direct result, unions such as the Forum for the Cooperation of Trade Unions (SZEF), which represents only public service workers, have lost approximately 10,000 members within a single year. This has significantly damaged not only their financial base but also their operational capacity to represent workers effectively. This development fits a broader pattern.

First, on the issue of freedom of expression, Hungarian labour law still contains sections 8 and 9 of the Labour Code, which restrict workers from expressing opinions – even outside working hours – if such views are deemed harmful to the employer's interests. This is an un-acceptable limitation on trade union activity and democratic expression. Despite years of urging by the Committee of Experts, the Government has failed to take legislative action.

Second, regarding union registration, the process continues to be bogged down by bureaucratic hurdles and delays. The Government has hinted that solutions are in preparation; no meaningful progress has been reported.

Moreover, trade unions are increasingly forced to disclose sensitive internal data, including financial details and membership numbers. These requirements, combined with legitimate data protection concerns, threaten union autonomy and operational freedom.

We are also gravely concerned about allegations from the ITUC that national prosecutors have interfered in union operations – demanding documents, questioning decisions, and even conducting direct inspections. Such practices amount to state control over independent workers' organizations and are clearly incompatible with Article 3 of the Convention. The Government has yet to respond to these serious allegations.

We are witnessing a coordinated dismantling of trade union power in Hungary. We therefore urge the Hungarian Government to reinstate automatic use deductions in the public sector, to reform labour laws that restrict freedom of expression, to simplify and depoliticize union registration procedures, to end state surveillance of union activities and to amend restrictive strike legislation without further delay.

Président – Je donne la parole au distingué représentant du gouvernement de la Géorgie, l'Ambassadeur Lominadze Revaz.

Government member, Georgia (Mr LOMINADZE) – First of all, I would like to express my respect to the International Labour Organization because of the efforts for strengthening the international labour system. With regard to the current case, I would like to focus on the following matters. The Hungarian legal system clearly provides adequate guarantees for freedom of association and the right to organize.

These rights are guaranteed in the fundamental law of Hungary which states in the relevant articles that everyone shall have the right to establish or join organizations including trade unions. Regarding the freedom of expression in Hungary, it is considered as a

fundamental right protected by the numerous European international and, of course, national legal tools.

What is important is that the provisions of the Hungarian Labour Code comply with the criteria established by the European Court of Human Rights which is a vital institution for the protection of human rights. The Hungarian legislation on registration of trade unions we think also clearly provides appropriate legal framework.

Of course, the issue of defining the conditions for minimum and sufficient services during the strike remains unresolved and we commend the Government of Hungary for its openness to continuing discussions on the Strike Act. In conclusion, I would like to stress that based on the existing legislative framework and measures in force, Hungarian legislation appears to be in line with the Convention.

Président – Je donne la parole à la déléguée des travailleurs de la Belgique, M^{me} Doyen Isabelle.

Membre travailleuse, Belgique (M^{me} DOYEN) – Les travailleurs belges, italiens et français souhaitent exprimer leur solidarité avec leurs camarades hongrois, concernant leurs légitimes inquiétudes au sujet du projet de loi sur la «transparence de la vie publique».

Ce projet prévoit de dresser la liste des organisations qui menaceraient la souveraineté de la Hongrie. Il vise les organisations bénéficiant d'un soutien de l'étranger et qui participent au débat public.

Selon le projet, la liste est élaborée par le gouvernement de façon discrétionnaire.

Or, la présence sur cette liste entraine des conséquences très lourdes:

- En effet, les responsables doivent présenter une déclaration de patrimoine et sont considérés comme politiquement exposés.

- Les donateurs doivent prouver que les fonds n'ont pas été reçus de l'étranger.
- Seul l'organisme de lutte contre le blanchiment peut autoriser la réception d'un soutien étranger.
- Des inspections administratives très étendues peuvent être diligentées.
- Selon les cas, les contrevenants encourent une suspension de leurs transactions bancaires, une amende administrative de 25 fois le montant de l'aide perçue, ou même l'interdiction de leurs activités.
- Un contrôle judiciaire est prévu, mais a posteriori, en annulation et sans effet suspensif, donc sans aucune effectivité.

Premièrement, le projet compromet l'exercice des droits à la liberté d'expression et d'association.

Vu son libellé très large, de nombreux acteurs de la société civile, qui promeuvent le débat démocratique, pourraient subir de graves entraves voire devoir cesser leurs activités ou tomber en faillite.

Le projet risque aussi d'avoir un effet dissuasif et de décourager la participation des citoyens au débat public.

Il a également un effet potentiellement stigmatisant pour les organisations qui reçoivent un financement international, car il réfère à la lutte contre le blanchiment des capitaux, qui combat la criminalité financière et le financement du terrorisme.

Deuxièmement, ces dispositions mettent en péril la liberté syndicale. Elles limitent la liberté d'un syndicat d'utiliser ses fonds dans le cadre de ses activités internationales, en vue d'objectifs normaux et licites. De même, le gel d'avoirs bancaires syndicaux peut constituer une grave ingérence des pouvoirs publics dans les activités syndicales.

On doit aussi regretter que le projet, qui impacte les travailleurs et leurs organisations, n'ait pas été soumis à la concertation sociale via le Forum de consultation du secteur privé et du gouvernement.

Troisièmement, porter atteinte aux moyens d'action des syndicats et de la société civile risque de déforcer les contre-pouvoirs et, ce faisant, de porter atteinte à l'état de droit.

C'est pourquoi nous prions instamment l'État hongrois de renoncer définitivement à ce projet.

Président – Je donne la parole au représentant du gouvernement du Kirghizistan, M. l'Ambassadeur Sultanov Omar.

Government member, Kyrgyzstan (Mr SULTANOV) – I will speak on behalf of the permanent representative of Kyrgyzstan, his Excellency Omar Sultanov.

On behalf of the Kyrgyz Republic, I extend our appreciation for the opportunity to address the Committee regarding the case of Hungary.

Kyrgyzstan highly values its strong bilateral relations with Hungary which stands as our only strategic partner within the European Union (EU).

Hungary's legal framework, including its Fundamental Law and Labour Code, provides robust guarantees for freedom of association and the right to organize aligning with both the European and international norms.

Kyrgyzstan welcomes Hungary's proactive measures to ensure transparent and fair trade union registration process as well as its dedication to addressing concerns through constructive dialogue including consultations with the prosecutor general's office.

Additionally, the provision for automatic deduction of trade union fees further demonstrates Hungary's efforts to facilitate workers' representation without undue burden.

While certain challenges remain, we applaud Hungary's openness to engagement and its commitment to social dialogue. These efforts reflect a genuine resolve to strengthen labour rights in line with ILO principles.

In conclusion, Kyrgyzstan expresses its full confidence in Hungary's continued progress and encourages the Committee to recognize its achievements.

We stand in solidarity with our strategic partner and urge all parties to support Hungary's constructive approach.

Président – Je vous propose de prendre la pause déjeuner maintenant, et nous reprendrons à 15 heures.

La séance est levée à 13 heures.

The sitting closed at 13.00 p.m.

Se levantó la sesión a las 13.00 horas.

Seizième séance, 9 juin 2025, 15 heures
Sixteenth sitting, 9 June 2025, 3 p.m.
Decimosexta sesión, 9 de junio de 2025, 15.00 horas

Président: M. Tabai
Chairperson: Mr Tabai
Presidente: Sr. Tabai

Discussion des cas individuels (*suite.*)
Discussion of individual cases (*cont.*)
Discusión de los casos individuales (*cont.*)

Hongrie (ratification: 1957) suite

Convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948
(n° 87)

Président – Je vous souhaite la bienvenue à notre seizième séance de notre commission. Je voudrais également attirer votre attention sur le fait que le procès-verbal verbatim PV n° 12, concernant la discussion du cas du Honduras sur la convention n° 87, est désormais disponible sur la page Web de la commission. Les délégués peuvent soumettre des amendements à leurs déclarations jusqu'à demain mardi, 10 juin 15 heures.

La procédure d'amendement des projets de procès-verbaux verbatim peut être consultée sur la page Web de la commission. À cet égard, je vous rappelle que les amendements devraient se limiter à éliminer des erreurs de transcription, comme indiqué dans le document D.1 sur nos méthodes de travail.

Je vous informe également que le document D contenant les informations écrites soumises par le gouvernement de la République de Moldova sur l'application de la convention (n° 98) sur le droit d'organisation et de négociation collective, 1949, est maintenant disponible sur la page Web de notre commission. Les autres versions linguistiques seront disponibles dès que possible.

Je me permets de vous rappeler qu'il est prévu d'organiser un vote en séance plénière, au moyen d'un système électronique, aujourd'hui 9 juin, concernant le Programme et budget pour 2026-27. Le Président de la Conférence annoncera que le vote sera déclaré ouvert vers 16 h 30 aujourd'hui, et clos à 10 heures le 10 juin. Les résultats de vote seront annoncés lors de la séance plénière matinale du 10 juin. Le lien permettant d'accéder à la plateforme du vote sera envoyé par courriel aujourd'hui vers 16 h 30 aux délégués titulaires, ainsi qu'à leurs suppléants. Le premier code de vote figurera dans le message électronique. Le second code de vote (à quatre caractères) est imprimé sur le badge de la Conférence.

Les personnes habilitées à voter pourront le faire depuis leur propre appareil (ordinateur personnel ou smartphone) ou sur les postes de vote disponibles devant la salle XX au Palais des Nations et devant la salle de notre commission. Le secrétariat sera présent aux deux endroits pour apporter l'assistance nécessaire.

Nous continuons maintenant l'examen du cas de la Hongrie concernant la convention n° 87. Je donne la parole au délégué des travailleurs du Brésil, M. Amâncio Vale Antônio de Lisboa.

Miembro trabajador, Brasil (Sr. AMÂNCIO VALE) - En nombre de los trabajadores del Brasil, extendiendo un fraternal y solidario saludo a la clase trabajadora del mundo.

Destaco el Informe de la Comisión de Expertos que constituye la base técnica para el examen de este caso, haciendo hincapié en la deducción de las cuotas sindicales.

Así como ocurrió en el Brasil, después del golpe de Estado contra la Presidenta Sra. Dilma Rousseff, en Hungría se modificaron las Leyes núms. 29, de 1991, e 33, de 1992, para prohibir los empleadores deducir las cuotas de afiliación sindical de los salarios de los empleados públicos, incluyendo los trabajadores de la educación y de la atención médica domiciliaria.

Medida que impacta directamente en el financiamiento sindical y, por ende, la fuerza y la capacidad de las entidades sindicales de actuar.

La adopción de tales medidas no fue precedida del debido diálogo social y sus efectos fueron inmediatamente percibidos por los sindicatos, que perdieron recursos financieros y afiliados. Como consecuencia de ello, los sindicatos se han debilitado y esto desequilibra las fuerzas en la negociación colectiva que, en este caso, tiene al propio Estado como empleador.

En el Brasil, a pesar del cambio de Gobierno, la perjudicial reforma laboral aún no se ha revertido debido a la composición ultraconservadora del Parlamento. Por lo tanto, persisten los problemas de financiación sindical y el debilitamiento gradual de la clase trabajadora. Nuestro ejemplo muestra la magnitud y la gravedad de lo que está sucediendo ahora en Hungría.

En la Comisión hemos escuchado innumerables veces que no hay democracia efectiva sin sindicatos fuertes, capaces de dar voz a la clase trabajadora y defender sus intereses. De eso se trata este caso. Libertad sindical, diálogo social efectivo y democracia.

Lamentamos lo que ocurre en Hungría y esperamos que esta Comisión pueda instar al Gobierno a que adopte todas las medidas necesarias, incluidas medidas legislativas, en consulta con los interlocutores sociales, para hacer efectivo el derecho fundamental de la libertad sindical.

Président – Je donne la parole au représentant d'Israël, M. Gedalia Haber.

Government member, Israel (Mr HABER) – Israel would like to thank the Hungarian Government for the information it has provided the Committee during today's morning session. Israel wishes to express its support for Hungary and to commend its steadfast commitment to the principles of freedom of association and the protection of the right to organize, as enshrined in the Convention.

This commitment is clearly reflected in Hungary's legal and institutional framework – most notably, its Labour Code, which guarantees workers the right to freely form and join trade unions without fear of discrimination or retaliation.

One notable example of Hungary's efforts to promote fair labour practices and foster constructive social dialogue is the operation of the National Economic and Social Council (NGTT). This tripartite body brings together representatives of workers, employers, and civil society, providing a vital platform for open and meaningful dialogue on labour and economic policy issues.

Through mechanisms such as the NGTT, Hungary ensures that the voices of workers are heard, valued, and respected in the national decision-making process, in full alignment with international labour standards.

To conclude, by continuously strengthening its legal protections and promoting inclusive, participatory dialogue, Hungary demonstrates its ongoing dedication to upholding the core principles of the ILO and advancing decent work and social justice for all.

Président – Je donne la parole au distingué représentant du gouvernement d'Azerbaïdjan, M. Madatov Yusif.

Government member, Azerbaijan (Mr MADATOV) – Hungarian legal system provides adequate guarantees for the freedom of association and the right to organize. These rights are guaranteed in the Fundamental Law of Hungary, which clearly states in Article VIII that everyone shall have the right to establish or join organizations, including trade unions.

As known in Hungary, the freedom of expression is considered as a fundamental right protected and ensured by numerous international, European, and national legal instruments. The provisions of the Hungarian Labour Code comply with the criteria established by the European Court of Human Rights – and adopted by the Hungarian Constitutional Court.

We see that the Government of Hungary is open to continue the discussions related to the Strike Act and considers a unified position on the part of the trade unions is of crucial importance. We highly welcome that. Further discussions and tripartite consultations might be needed at national level. Active engagement of the Hungarian social partners would also be necessary to meaningfully address the issues raised in the comments of the Committee of Experts.

Président – Je donne maintenant la parole au distingué représentant du gouvernement de Türkiye, M. Demirtas Ahmet Tunç.

Government member, Türkiye (Mr DEMIRTAS) – Türkiye acknowledges Hungary's long-standing ratification of the Convention and welcomes the Government's reaffirmed commitment to protecting the rights of workers and employers to establish and join organizations of their own choosing without prior authorization.

We take note of the detailed written and oral clarifications provided by the Hungarian Government, particularly with regard to the recent amendments of the Labour Code. We understand that these revisions aim to enhance the effectiveness of collective bargaining and enterprise-level dialogue, while ensuring legal coherence and predictability.

We welcome the continued functioning of the Consultation Forum of the Private Sector and the Government, which met 28 times between 2022 and 2024. This platform serves as a key mechanism for institutionalized social dialogue on wage policy, strike legislation, and union-related matters.

On trade union registration, we appreciate the Government's clarification that over 1,100 trade unions were successfully registered between 2017 and 2021. This reflects a functioning administrative system supported by simplified procedures and standard statutes. We

encourage continued efforts to eliminate any practical or procedural barriers to ensure full compliance with Article 2 of the Convention.

Türkiye believes that dialogue and constructive engagement are essential in addressing concerns related to the implementation of international labour standards. In this regard, we encourage all stakeholders to approach the matter with a spirit of cooperation and mutual understanding.

Türkiye also underscores the importance of cooperative engagement and welcomes Hungary's expressed commitment to ongoing dialogue with the ILO and its readiness to further align domestic legislation with international obligations.

In conclusion, Türkiye supports the Government of Hungary in its continued efforts to give full effect to the Convention and to foster an enabling environment for the freedom of association and collective action.

Président – Je donne la parole au représentant du gouvernement du Kazakhstan, M. Ilyas Akhmetov.

Government member, Kazakhstan (Mr AKHMETOV) – The Kazakhstani delegation commends Hungary's commitment to upholding the principles of the Convention. Hungary's comprehensive legal framework, robust social dialogue, and ongoing engagement with the ILO demonstrate a clear dedication to protecting workers' rights and trade union freedoms.

We note Hungary's proactive steps to address the Committee of Experts' observations. Kazakhstan supports Hungary's efforts to balance employer and worker interests while fostering an environment conducive to freedom of association.

We encourage continued dialogue to ensure full compliance with the Convention and express our confidence in Hungary's commitment to these shared values.

Président – Je donne la parole à présent au distingué représentant d’IndustriALL, M. Mareque Hector.

Observer, IndustriALL Global Union (Mr MAREQUE) – I am speaking on behalf of IndustriALL Global Union, which has three industrial affiliates in Hungary.

In accordance with the recommendations of the Committee of Experts, the Government must implement all necessary measures, including legislative action, in consultation with the social partners, to ensure that sections 8 and 9 of the Labour Code do not restrict workers’ freedom of expression or hinder trade unions and their leaders in fulfilling their mandate to protect the occupational interests of their members.

The increasing surveillance of workers’ Facebook activity, as part of broader restrictions on freedom of expression, significantly undermines organizing efforts by pressuring individuals to self-censor. This is particularly alarming given the lack of legal clarity, which enables employers to implement ostensibly lawful retaliatory measures designed to suppress dissent and collective action. In such cases, the burden falls on the worker to contest these actions in court – a process that is often complex, resource-intensive, and fraught with conflict – making legal challenges rare in practice.

We call on the Government of Hungary to engage in social dialogue and adequate consultation with its social partners because even though there is in place the Permanent Consultation Forum of the Private Sector and the Government, the role of social partners remains minimal and largely symbolic, and several legislative proposals, such as the recent new foreign agent law, have bypassed the Forum.

Furthermore, the Government’s justification for eliminating payroll deduction of membership fees as an ‘administrative burden’ is both baseless and misleading. The system had operated effectively since 1991 and continues to be the primary method of union

membership dues collection in Hungary. Payroll deduction simplifies the process for members and ensures reliable financing for unions – especially critical given that membership fees are typically set at 1 per cent of a fluctuating base salary, which can only be accurately tracked through employer deductions.

The Government must take immediate action to eliminate all burdens and obstacles hindering union registration.

We demand that the Government urgently engage in meaningful consultations with the social partners to implement necessary reforms, including the simplification of registration requirements, particularly those related to union headquarters.

In addition, the Government must urgently amend the Strike Act, in consultation with social partners, to ensure clarity, fairness, and the protection of workers' fundamental rights. The current law remains excessively vague, failing to clearly define which sectors are subject to minimum service requirements.

We call on the Government of Hungary to take immediate action to guarantee the resumption of sectoral collective bargaining, which has been critically lacking.

Président – J'invite la distinguée représentante de l'Internationale des travailleurs du bâtiment et du bois, M^{me} Andreeva Anna.

Observer, Building and Woodworkers' International (BWI) (Ms ANDREEVA) –BWI represents millions of workers across construction, building materials, wood, and forestry sectors. These industries are marked by some of the most challenging conditions in the world of work – high-risk environments, short-term contracts, and layered subcontracting chains. It is precisely in this context that workers need strong, independent trade unions to safeguard their rights, ensure workplace safety, and secure fair pay.

Yet in Hungary, this fundamental right – the right to organize freely and form trade unions – is facing serious and persistent limitations.

The report from the Committee of Experts delivers a stark warning. Despite years of engagement and repeated observations, the Hungarian Government has once again failed to respond to credible, long-standing allegations about restrictive trade union registration practices.

The Committee of Experts outlined a pattern of systemic obstruction: union applications rejected over minor procedural flaws; rigid legal requirements forcing by-laws to conform with civil legislation; and unjustified conditions, such as mandating the inclusion of employer names in union titles.

These are not bureaucratic errors. They are deliberate structural barriers. They restrict the freedom of association, diminish the voice of workers, and directly undermine the Convention – one of the ILO's core Conventions.

Let us be clear: the refusal to simplify and reform these procedures is not a neutral policy choice. It fragments worker representation, weakens labour protections, and corrodes trust in democratic institutions.

The Committee of Experts urged the Hungarian Government to engage in meaningful dialogue with workers' and employers' organizations and to take concrete action to remove these obstacles. That call must be answered with urgency and sincerity.

We join the Committee of Experts in calling on the Hungarian Government to take immediate and concrete action. Specifically, we demand that the Government initiate an inclusive tripartite consultation process with workers' and employers' organizations to review and reform the current union registration procedures. This must include eliminating excessive formalities, removing arbitrary barriers, and ensuring that the registration of trade unions is

timely, transparent, and consistent with international labour standards. The Government must also provide detailed data on registration approvals and refusals, to allow public accountability and international scrutiny.

Président – Je ne vois pas d'autres orateurs inscrits dans la liste. J'ai donc l'honneur de donner à nouveau la parole à l'honorable représentante du gouvernement de la Hongrie, M^{me} Zsófia Havasi, pour ses observations finales.

Government representative (Ms HAVASI) – On behalf of the Government of Hungary, we take note of the observations made by the members of the Committee. We will consider them carefully, and will strive to take them into account.

In my concluding remarks, I would like to emphasize that the Government of Hungary considers effective social dialogue at the national, sectoral, and enterprise levels to be a key element of the world of work.

At the legislative level, the Hungarian Fundamental Law provides the general framework and guarantees for the freedom of association, as well as the right to collective bargaining and the right to strike. Our national regulatory environment regarding workers' collective rights is in line with the standards set by international labour norms.

Hungary remains firmly committed to the full implementation of the Convention and we are open to constructive dialogue, both domestically and internationally as stressed by many speakers.

We will continue to work in partnership with our social partners to promote fair labour relations, decent work, and inclusive economic growth in Hungary.

Président – Je donne la parole à présent à M. Noll, porte-parole des employeurs, pour sa déclaration finale.

Employer members – The Employers' group would like to thank the various distinguished speakers who took the floor for the intervention and information provided, of which we fully have taken note.

We reiterate what the Convention is a fundamental Convention and that we condemn non-compliance relating to the application of this Convention.

We are pleased that the Government, both in writing and orally today, reaffirmed its willingness and commitment to further national level social dialogue.

Considering today's discussion, we would like to recommend the following. First, we ask the Government to provide without undue delay further information on the number of registered organizations and the number of organizations denied or delayed registration, including details on the ground for refusal of registration for the period 2021 to 2025.

To respond to the allegations and to provide information on the type of inquiries conducted by prosecutors, to provide information and to provide information on the outcome of the discussions on union membership fees within the Permanent Consultation Forum of the Private Sector and the Government.

Second, we urge the Government to start a process of social dialogue with the national representative employers' and workers' organizations to examine the discussed points, especially regarding the assessment of a need to simplify the registration requirements with the aim to apply the obligations of the Convention in law and practice.

Third, we ask the Government to provide information on the progress and all measures taken in this respect.

To conclude, we count on the collaboration of the Government to start a meaningful engagement with social partners and to implement these recommendations.

Président – J’invite à présent M. Russell, porte-parole des travailleurs, pour ses observations finales.

Worker members – We have heard from our discussion today the fundamental importance of the Convention as an enabling right and the need for the Hungarian Government to guarantee its protection in law and practice including taking immediate steps in consultation with social partners to implement the repeated comments of the Committee of Experts again in both law and in practice.

The Committee of Experts’ report repeats its long-standing concern that sections 8 and 9 of the 2012 Labour Code are incompatible with the Convention by restricting workers’ fundamental right to freedom of expression.

Under this law, workers are prohibited from engaging in any conduct including their right to express an opinion in or outside of the workplace that may jeopardize the employer’s reputation or economic interests.

Freedom of expression for trade unions in pursuit of representing the interests of our members by necessity sometimes includes the need to say things that are uncomfortable for the Government or an employer or both.

It is only by challenging the comfort of those with power that we can shift the status quo and ensure decent work. Any prohibition on the free and frank discussion of fundamental labour rights and working conditions suffocates the ability of unions to drive forward social progress and economic well-being, in short, damaging our own legitimate interests.

Once again, as the Committee of Experts has done, we urge the Government to work with the social partners to amend this law to ensure it does not impede the freedom of expression of workers and the ability of trade unions to defend the occupational interests of their members.

We are gravely concerned about allegations that national prosecutors have interfered in internal union operations demanding documents, questioning decisions and even conducting direct inspections of trade union offices. Such practices seek to assert state control over independent workers' organizations and are clearly incompatible with Article 3 of the Convention. The Government has yet to respond to these serious allegations.

Unfortunately, the Government has opened up a new front by attacking public sector unions. Since January 2024, public employers in Hungary are no longer permitted to automatically deduct union dues from the wages of public employees. The effect of this will clearly be to weaken trade unions in the public sector.

In a joint statement issued by SZEF and the Workers' Council's Confederation (MOSZ), the unions expressed deep concern that this legislative change will weaken social dialogue, damage labour relations and ultimately reduce the quality of public services in Hungary.

We fully support this view and call on the Government to reverse this measure and to restore workers' rights to adopt deductions from their wages under the check-off system in line with the Convention.

Regarding union registration, delays and bureaucratic hurdles continue to frustrate the registration and operation of trade unions. The Committee of Experts report once again calls on the Government to work with the social partners to streamline the trade union registration process and to provide meaningful data on the number of unions registered or denied registration to better assess compliance with the Convention.

We note from the debate that there appears to be some confusion as to whether legislation demands certain nomenclature for unions or whether the name of a union can in any way cause delays in or refusal of registration.

We ask that the Government clarifies this urgently with social partners with the expectation that a union's name should in no way be subject to external approval and certainly not grounds for blocking registration.

We also note with serious concern that the right to strike remains restricted. The Committee of Experts has previously called for reforms to the Strike Act, the Passenger Transport Services Act and the Postal Services Act to ensure that unions can take part in defining minimum service levels. The Government must act on this with urgency.

We also note with grave concern the general atmosphere for the exercise of civil liberties in Hungary and that civil space is being squeezed.

On 13 May, a draft law on the transparency of public life was submitted to the Hungarian Parliament which if passed would pose a serious threat to civil society including trade unions. Under this proposal trade unions that receive any funding from foreign sources including the EU may be placed on a public watch list and subjected to financial and administrative sanctions simply for representing the interests of their members by seeking to influence public officials through normal channels.

We remind fellow delegates that trade unions operate both domestically, regionally and internationally. For example, five Hungarian union federations are members of the European Trade Union Confederation (ETUC) and their attendance at some ETUC meetings is financially supported by the EU in recognition of the need to represent their members' interests across the EU. Therefore, any interference in sources of funding interferes in a union's rights to organize itself and carry out its activities in defence of its members' interests. We urge the Government to immediately take steps to address this and other concerns aired today in this Committee.

Free and independent trade unions are the beating heart of a healthy civil society. The protections afforded by the Convention ensure that workers' rights can be defended and in turn nurture a climate of respect for civil liberties and democratic freedoms. Any attempt to undermine the provisions of the Convention therefore has a far wider impact and raises serious concerns for the exercise of all other human rights.

We therefore urge the Government in consultation with social partners to adopt without delay a time-bound concrete action plan to reform labour laws that restrict workers' freedom of expression, reinstate automatic dues deductions in the public sector, simplify union registration procedures, amend restrictive strike legislation without further delay, avoid adopting any proposed measures that would chill legitimate trade union activity and the exercise of trade union rights.

Freedom of association is not a privilege. It is a fundamental right of workers and their unions under international law. And we must be clear, if a Government systematically attacks unions, silences workers and evades accountability it fails to meet its obligations under the Convention.

Président – Nous avons maintenant terminé la discussion de ce cas. Les conclusions seront adoptées dans la matinée du jeudi 12 juin.

La séance est suspendue à 15 h 30.

The sitting closed at 3.30 p.m.

Se levantó la sesión a las 15.30 horas.