



STATE PARTY EXAMINATION OF HUNGARY'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

67TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
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Content

Opening Comments.....	1
General Measures of Implementation.....	1
Prevention.....	2
Prohibition and related matters.....	2
Protection of the rights of victims.....	3
International assistance and cooperation.....	3
Concluding remarks.....	3

Hungary ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 24 February 2010. On 10 September 2014, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Hungary.

Opening Comments

The delegation of Hungary was led by H.E. Ms. Tünde Fűrész, Deputy State Secretary from the Ministry of Human Capacities. She was supported by representatives from the Ministry of Human Capacities, Permanent Mission of Hungary to the United Nations in Geneva, the Ministry of Justice, the Ministry of Defence, the Ministry of Interior, the Ministry of Foreign Affairs and Trade, regional and district Courts, the office of the Prosecutor General and the General Directorate of Social Affairs and Child Protection.

Ms. Tünde Fűrész said that the Criminal Code had been reformed and now included measures to prevent child prostitution and trafficking, as well as stronger sanctions. The statute of limitations had also been modified.

Ms. Tünde Fűrész also spoke of the training that had been given to professionals. She added that the National Strategy against Trafficking in Human Beings enabled to deal with the crimes set out in the OPSC.

Ms. Yasmeeen Shariff, the Country Rapporteur for the OPSC, welcomed the multidisciplinary delegation and the ratification of the Protocol by the State party.

General Measures of Implementation

Legislation

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

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The Committee underlined that there was a general lack of information on the implementation of the OPSC. It also pointed out that the crime of sale in cases of adoption was not qualified in the Criminal Code. The delegation said that the OPSC was at the top of the legal hierarchy and that the sale of children was a punishable crime

Coordination and monitoring

The Committee welcomed the National Strategy against Trafficking in Human Beings but pointed out that it did not deal with all the crimes outlined in the OPSC. It further asked if there was a coordination mechanism specifically for children. The delegation explained that the strategy provided for 37 measures to fight trafficking. The strategy included specific focus on vulnerable groups and two measures focused on the use of the internet by children. The delegation acknowledged that there were no strategies to deal with the other crimes defined by the OPSC.

Dissemination and training

The Committee highlighted the fact that trainings classes were mainly run by NGOs and financed by international donors. It asked what had been undertaken solely by the State. The delegation said that 70 police officers had received training and that a special unit working on prostitution had shared its experience. It added that judges also received regular trainings which focused on child prostitution. Teachers were also being trained and 551 students between 12 and 18 had been reached on the subjects of domestic violence and child abuse. The delegation further underlined that information was translated in minority languages.

Budget

The Committee asked what was the total budget earmarked for the implementation of the OPSC. The delegation stated that there were no budget limitations.

Data collection

The Committee underscored that the data made available only considered the crime of trafficking and was not disaggregated. The delegation acknowledged that data being collected was not always disaggregated and added that it was being unified.

Cooperation with civil society

The Committee enquired about the collaboration with civil society. The delegation answered that financial support was given to NGOs which had been supporting victims of crime.

Prevention

The Committee asked how effective were the prevention programmes undertaken so far. It underlined that Roma girls were not referred to as a vulnerable group and enquired about the measures taken to deal with their predicament. The delegation explained that the State party aimed to have bilateral agreements with neighbouring police forces. It also spoke of awareness raising about the risk of working abroad. The delegation added that there were awareness raising activities in children's homes on prostitution. It added that efforts had been made online to prevent abuses, such as the obligation for internet providers to make available a free filtering programme that was introduced on 1 July 2014. This was already obligatory in libraries and was associated with a fast track procedure to remove inappropriate images.

Prohibition and related matters

The Committee specifically asked about the criminalisation of sale, child pornography and other crimes defined by the OPSC. It also asked about intermediaries in the context of adoptions. The delegation said that the State party was putting together a bulletin collecting

the best practices on fighting illegal adoption. It added that intermediaries receiving financial benefits were illegal and there had been no attempts registered. An intermediary would be considered under human trafficking dispositions. The delegation also detailed the criminal sanctions for organ trafficking, coercing into prostitution, production of pornography and exploitation.

The Committee enquired about the criminal responsibility of legal persons and if they could be prosecuted. The delegation answered that with the new Criminal Code a legal person could be indicted if the private person had not been sentenced yet.

Protection of the rights of victims

The Committee noted that there was only a small number of children who received rehabilitation services. It also asked how the best interest of the child was guaranteed. The delegation said that a guidebook on support to victims had been published. Specialised homes with psychological services for girls existed with the aim to remove them from exploitative situations. Health protection was also being provided, with particular attention to the mental and physical consequences of prostitution.

The Committee raised concerns about the criminalisation of child victims and the fact that they were only considered victims if they testified. It emphasised that there were no incentives to have children cooperate in the legal process. The Committee further noted that there was a witness protection programme but it had not been used for victims of trafficking. The delegation responded that, in cases of child prostitution, the children were considered as victims. It further said that the Criminal Procedure Code did not make a difference between nationals and foreigners for the protection provided to victims. The delegation underlined that children under the age 14 could only be witnesses if their legal representative gave consent.

International assistance and cooperation

The Committee asked about extraterritorial jurisdiction and extradition, as well as the principle of double criminality. The delegation answered that the OPSC could not be used as a basis for extradition but that bilateral agreements existed with certain countries.

Concluding remarks

Ms. Yasmeen Shariff, the country Rapporteur for the OPSC, thanked the delegation and pointed out that the main goal of the Committee was to facilitate the implementation of the OPSC.

The delegation said that one of the first steps would be to publish the Concluding Observations following their release. It thanked the Committee for the interesting and constructive comments