

Country session: Hungary

Date of session: 22-23 January 2020 (83rd session)

Context

Hungary is the first country to be reviewed by the Committee on the Rights of the Child, under the Simplified Reporting Procedure.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

CRC (State party report under LOIPR):	
No. of report	6 th periodic report
Due date	15 June 2019
Submission	15 July 2019

Public reports from children's rights defenders

[Written inputs to LOIPR and to State Report](#)

NGOs	
	<ul style="list-style-type: none"> • Child Rights NGO Coalition • European Roma Rights Centre • Hungarian Helsinki Committee • Institute of Statelessness and Inclusion (ISI) • Juvenile Justice Advocates • European Roma Rights Centre and Rosa Parks Foundation • Human Rights Watch

State delegation

The [delegation](#) of Hungary was large and multisectoral. It consisted in the Deputy State Secretary representative of the Ministry of Human Capacities as head of delegation; representatives of the Ministry of Human Capacities; the Ministry of Justice; the Ministry of Interior; the Ministry of Foreign Affairs and Trade; the Pest Central District Court; the Siófok Civil Court of First Instance; the Supreme Court of Hungary and two interpreters.

Committee's Task Force members

Name & Last Name	Country
Renate Winter (coordinator)	Austria
Ann Marie Skelton	South Africa
Gehad Madi	Egypt
Mikiko Otani	Japan

Dialogue description

i. Character of the dialogue

The dialogue held with the delegation was open and constructive. The atmosphere was positive.

ii. General assessment made by the Committee

The Committee welcomed the progress achieved by the State party in various areas and noted with appreciation the legislative, institutional and policy measures adopted to implement the Convention on the Rights of the Child, in particular the Digital Child Protection Strategy and the establishment of Barnahus. However, the Committee stressed for more information on the impacts of the new legislations concerning children rights and for further efforts to ensure the implementation throughout the country. Finally, the Committee thanked the delegation for choosing the Simplified Reporting Procedure, which was designed in consideration of the best interest of children, the State party and the Committee. In his concluding remarks, the Committee Chair also pointed out that the State did not answer to 1/3 of the questions raised and that many responses were insufficient.

Main issues discussed:

- **Child marriage:** As it was raised since the first review of the country, the Committee urged the State party to address the issue of children marriage. The jurisprudence of the Committee doesn't support, in law or in practice, marriage of children under the age of 18, consequently, the Committee experts called the State to amend its legislation allowing marriage for children from the age of 16. The delegation explained that this practice is in line with Hungarian traditions, especially in some sub-population as Roma people that consider this as one of their rights. Moreover, very often such weddings sought to avoid having a child born out of wedlock as the girl is pregnant. The Hungarian legislation on family issues stipulates that from the age of 16, children can get married also without the consent of parents. The delegates also underlined that the guardianship authority is in charge to review every case and to do a psychological assessment to attest the maturity of the minors, before eventually authorizing the marriage. The Committee experts expressed serious concerns and while recognizing the difficulty to address the issue, they reiterated that there should not be any exception to marriage for children and suggested to carry out some awareness raising activities on the topic.
- **Violence against children:** The Committee experts inquired on violence against children, asking more information on the existing procedures for children reporting and the measures accessible for the children. The Committee welcomed the information provided regarding corporal punishment in school settings but noted the lack of information on this practice in other settings, such as the family or alternative care

institutions. The delegation responded that a lot of measures have been put in place against child abuse and violence, such as a national wide program to inform and raise awareness in secondary school on children rights in case of abuse and violence. Additionally, any professional working with children, as well as ordinary citizens, can report of violence against children, through a signalling system regulated by the Children Protection Act. There is also a national hotline that children or anybody who has information about a child being abused can call. For most vulnerable children, such as the ones placed in institutions or alternative care, a standard methodology to assess the situation of a child victim of violence from adults or other peers has been developed. This tool focuses on prevention, medical and psychological assistance for the victim as well on the systematic investigation when the perpetrator is an adult. For domestic violence, different measures are in place as a website where there are all kind of information in a child-friendly language on the work of the national program of the child centre judiciary program.

- Asylum seeker and migrant children:** The Committee asked for information on the situation of asylum seeker and migrant children, being particularly concerned by the case of children aged from 14 to 18, who had arrived to Hungary during a "crisis caused by mass immigration" and seemed to fall out of the scope of the Guardianship Act. The Committee stressed that unaccompanied children over the age of 14 shouldn't be left without protection at the transit zones for the entire duration of the asylum procedures as the Convention doesn't stipulates any distinction based on the age of children, while this is the case in Hungary. The government stated that this measure has been put in place during the migratory crisis to control the migration flow but that the State is committed to address this issue of mass migration ensuring that it not negatively impacts the rights of any children. The delegates added that the State is also committed to guarantee to migrant children equal rights and opportunities as Hungarian children by incorporating them in the framework of the national child protection system, once they receive the legal status. Further questions were raised by the Committee about the age recognition methodology for minors at the borders, the education provided to migrant children and the measures in place to facilitate their integration in Hungary. On these questions, the delegation answered that various methods were being used to determine the age of minors and when in doubt, authorities ruled in favour of applicants. On access to education, the delegates said that some children arriving in the transit zones had limited skills as some of them had never attended formal education in their country of origin, therefore, the education provided to them was preparatory as a starting point for meaningful integration.
- Roma Children:** The Committee was concerned about discrimination of Roma children and highlighted that the lack of access to proper school education is also a reason for the recurrence of child marriage as when properly enrolled in school, children have less incentive to get married early. The Committee experts were concerned that Roma children are segregated with no access to full and quality education like Hungarian children and that some of them are not accepted in the class. In this regard, the Committee experts asked how the State is tackling this issue. The delegation responded that some programs were in place to primarily target and support young Roma students enrolled in university to encourage them to graduate. The delegation also noted that for the best interest of the child, the Government sought to improve the social situation of families and communities, in particular of Roma families and families living in poverty.
- Separation of children from their families:** The Committee was particularly concerned by the information on a lot of children being separated from their families for poverty reasons and asked which kind of services the State party offered to adequately address the factors that led to children removals. The delegation of Hungary said that the Government's approach was focused on the prevention of family separation and on

strengthening families through financial support, in order to address child poverty. The delegates underlined that thanks to the complex removal procedures, poverty could not be the primary ground for the removal of the child as it is in contradiction with the national legislation and the Convention. Further, the removed children are placed primarily in foster care, although some are placed in institutions. The delegation highlighted that 87% of children under the age of 3, were placed in foster cares and parents had the opportunity to keep contact with the child and receive visits from the child, when possible. Every six months, the guardianship authorities reviewed the removal decision and determined the steps required for the child to return to the family.

- **Baby boxes:** The Committee inquired on the position of the Government concerning the baby boxes, stressing that children placed in those boxes are unable to find their origins and their biological families, which is one of the fundamental rights of the child. The delegation affirmed that the position of Hungary regarding that issue was clear, as they think baby boxes saved children's lives and the right to life superseded the right to know his origins. The delegates stated that if baby boxes were not available, mothers would make more drastic decisions and that these boxes were measures of last resort as very few children were placed in them. In 2018, there were 35 institutions that had baby boxes; in 2015, 13 children had been placed in baby boxes and 5 in 2017. On parents' side, it's not a final measure, as until 6 weeks the parents or another member of the family have the opportunity to claim the child, while after this period is granted that they have given the consent for the child's adoption. The State also launched a program to assist all the mothers in disadvantaged situations in their process to give birth in order to give them a positive experience and reduce the appeal to child abandonment.
- **Juvenile Justice:** The Committee asked for information on the existence of juvenile courts in Hungary and were particularly concerned on the reduction of the minimal age for criminal responsibility from 14 years old to 12 for heinous crimes such as terrorism. In this regard, the Committee experts urged the State to raise again criminal responsibility at 14 for all crimes, also being particularly concerned, on the number of children detained for petty crimes and the recurrent appeal to pre-trial detention. Instead of being a measure of last resort, pre-trial detention in Hungary could last up to a year for a 12 years old child. The delegation answered that currently, in the country there are 58 child-friendly hearing rooms and efforts were made to provide information on the judicial proceeding to children in a child-friendly language. There are no special courts for children, but there are judges specialized in juvenile cases, that are specifically trained to discuss alternative solutions, have special treatments and to be more sensitive on juvenile perpetrators issues. The delegates underlined that the minimum age of criminal liability is 14 years old and only in exceptional cases, as crimes related to the six most violence criminal offences, children between 12 and 14 years old can be convicted, only after the examination of the case and the assessment of the child's mental capacity to recognize the gravity and the outcomes of the offence. Regarding pre-trial detention, the government said that the new criminal procedure law, a part of regulating pre-trial detention, provides more alternative measures. Furthermore, if children are involved in the proceeding as a victim or as a witness, they are specially protected and supported by psychologists.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Violence, including sexual violence, abuse and neglect:** the Committee urges the State party to develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, paying particular attention to girls and children in disadvantaged situations, including children with disabilities, children in alternative care, Roma children, lesbian, gay, bisexual, transgender and intersex children; and asylum-seeking, refugee and migrant children; and ensure that the strategy clearly informs children about the procedures available for reporting cases of violence.
- **Children deprived of a family environment:** the Committee urges the State party to urgently phase out the institutionalization of children while redirecting funds towards families to promote and support care in a family environment; to prioritize social protection measures for families to prevent children, in particular those under 3 years of age, from entering alternative care; to ensure that records of ethnic origin of children in the child protection system are collected and analysed, with a view to providing targeted prevention services; to modernize and make child protection services more efficient to guarantee that children spend the shortest time possible in temporary care.
- **Children with disabilities:** The Committee urges the State party to strengthen its efforts to support, including through financial assistance, families of children with disabilities so they can provide adequate care to their children and ensure their integration in the community; to rapidly phase out institutionalization of children with disabilities and urgently close Tophaz and other institutions that do not comply with standards; while increasing access to community services inclusive of children with disabilities, particularly health and rehabilitation services, transportation, leisure and sports.
- **Adolescent health:** the Committee urges the State party to ensure that adolescents have access to confidential and child-sensitive medical advice and services; to eliminate the need for parental permission and enable adolescents to access reproductive and sexual health services and psychological care on their own; to provide children with education on sexual and reproductive health as part of the mandatory school curriculum, paying special attention to preventing early pregnancy and sexually transmitted infections, and offering unbiased and comprehensive sexual and reproductive health services.
- **Education:** The Committee recommends that the State party continue to invest in children's access to physical and arts education through the national curriculum; strengthen its measures to ensure that all children, including children with disabilities, Roma children, asylum-seeking, refugee and migrant children, have access to inclusive sporting, recreational, leisure, cultural and artistic activities; promote children's access to free, unstructured, imaginative play outside, especially in urban environments.
- **Asylum seeking, refugee and migrant children:** The Committee urges the State party to immediately amend the asylum law to prohibit the immediate expulsion of children and their families who are staying irregularly in the State party and have not had the opportunity to apply for asylum, and ensure that the asylum law is in conformity with the Convention; remove the amendment to section 4 (1) (c) of Act XXXI of 1997 on the Protection of Children and Administration of Guardianship in order to cover all children, including unaccompanied children between 14 and 18 years of age, in all situations, including during crises caused by mass migration; Conduct training for border police on the rights of the child and of asylum-seekers and ensure that any cases of violence against children are immediately investigated and perpetrators prosecuted and duly sanctioned; ensure that children in transit centres have access to education in the same conditions as

Hungarian children; and that those children who have been kept in transit centres have access to adequate child protection, education and health services, including mental health service.

The Committee would also like to draw the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Legislation; comprehensive policy and strategy; coordination; allocation of resources; data collection; independent monitoring; dissemination, awareness raising and training; cooperation with civil society.
- **Definition of the child**
- **General principles:** Non-discrimination; best interests of the child; respect for the views of the child.
- **Civil rights and freedoms:** Nationality; access to appropriate information.
- **Violence against children:** Violence, including sexual violence, abuse and neglect; corporal punishment.
- **Family environment and alternative care:** Family environment; children deprived of a family environment.
- **Children with disabilities**
- **Basic health and welfare:** Health and health services; adolescent health; standard of living.
- **Education, leisure and cultural activities:** Education, including early childhood education and care; rest, leisure, recreation and cultural and artistic activities.
- **Special protection measures:** Asylum-seeking, refugee and migrant children; administration of child justice, child victims and witnesses of crime.
- **Ratification of the Optional Protocol on a communications procedure**
- **Ratification of international human rights instruments**
- **Cooperation with regional bodies**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 10.3 on ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.
- 16.9 on providing legal identity for all including free birth registrations
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children
- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being

Next State report

CRC	
No. of report	7 TH
Due date	15 January 2025

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