



HINTALOVON

Gyermekjogi Alapítvány

CHILD RIGHTS REPORT HUNGARY 2016

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INTRODUCTION

In 2017 we celebrate 26 years of recognition of children's rights and also the twentieth anniversary of the Hungarian Child Protection Act of 1997. Do we have a reason to celebrate? What is it like to be a child in Hungary more than two decades after the recognition of children's rights?

For the first time in 2017 an overall analysis of all significant events related to children's rights throughout the previous year was completed. The report based on this analysis informs about all changes in legislation, statistics, actual realization of children's rights, about child rights topics that dominated public interest, and also how we, adults, think of children.

This first evidence based objective report which considers both positive and negative developments and focuses on values and children's rights without judgement and recommendations is to be followed by more annual reports. We trust that this report can be used as a source of information that will sensitize to children's rights and provide help to professionals working with children's rights and in child protection.

METHODOLOGY

Three main sources were used to collect information:

- New legislation and amendments passed or entered into force in 2016*
- Professional documents, statistics and information released in 2016*
- Reports, media content in 2016.*

Media content were considered because media oriented public interest can influence decision makers and even – as witnessed in 2016 – inspire new legislation.

This Child Rights Report 2016 was compiled by the professional team of Híntalovon Child Rights Foundation. Six experts from six different organisations were then invited to comment on the draft. To make the final adjustments the report was presented and discussed in a professional panel.

The structure of the Child Rights Report is similar to that of the Concluding Observations of 2014 of the UN Committee on the Rights of the Child, (chapters marked with the same letters of the alphabet) which is available both in **Hungarian** and **English**.

As the report is specifically about children under 18, a separate version will be published for them.

2017 was the first year this annual report was published. Any comment or recommendation is welcome and highly appreciated at info@hintalovon.hu. Thank you!

What was it like to be a child in Hungary in 2016?

2016 was an exciting year concerning child related issues. There was much to talk about, though rarely on a happy note. What drove us mostly was worry about three main issues: education, child poverty and child abuse.

From children to teachers, parents to politicians the system of **Hungarian public education** was cause for much worry for all in 2016. In January teachers started a new movement demanding improvements in the quality of education. Students, in solidarity with their teachers, demonstrated for reforms in their education. In December the PISA-test results were published and they proved to be weakest ever since measuring the quality of education.

Education related questions covered the right of children to quality education and the burden borne by children in the educational system (and its impact on the fundamental right of the child to rest and leisure), as well as the right of children to active participation and protest in issues concerning them – like assemble, gather and express their opinion, or wear checked shirts. Checked shirts became a symbol of protest after a former ministry official spoke in a denigrating manner of “unshaven, uncombed teachers in checked shirts”.

Another main, recurring topic of 2016 was **child poverty**. From the news and professional documents we learnt about child starvation (the situation of the central food provision for children), the right of the child for social security, (increasing poverty among the population, problems stemming from low income). Poverty and deprivation were also reported related to education: according to research findings published in 2016 the Hungarian system of education contributes to social inequality, and about 150–200 thousand children living in poverty do not receive quality education.

While education was a topic of more or less open debate in 2016, facts about child poverty are still in the dark. In 2016 even measuring child poverty became controversial. Research shows that the proportion of children living in relative income poverty has been decreasing since 2015, but data communicated in

official documents concerning a 50 percent fall in the number of children in disadvantageous situation are received with careful consideration by professionals. One reason for this is that professionals believe improved statistics are only partially due to the improved financial situation of families with children, but the alteration of statistical categories and standings also contributed.

Child protection also struggles with children falling out of the system and also from statistics. Central Statistical Office data published in 2016 show that the number of children at **risk** fell by 50 000, but analysis reveals that the reason behind this is not their improved situation, but an earlier reorganization of the child protection system, which leaves the vulnerable situation of children in small settlements unnoticed.

Child poverty, no doubt, is a child right issue. There should be no question about the right of the child to healthy development not only concerning healthy food, social security and access to education to develop all skills, but also to a violence-free childhood.

The most shocking news in 2016 were the **sexual abuse** charges against the director of a well-known children’s home, the sexual assault against a 2-year-old girl and the report of the Commissioner for Fundamental Rights (ombudsman) on children with hands tied up and locked in a closet, or on the liability of professionals in the case of a child who was starved to death by her parents.

The number of cases widely covered in the media induced moral panic to which the authorities reacted by amending the existing law. This was, however, less welcome by professionals than the professional protocols for the better procedures of child abuse cases introduced by the Ministry of Human Capacities.

In relation to all three questions of children's rights dominating the news in 2016 vulnerability of Roma children and families need to be acknowledged. In 2016 the European Union called for the elimination of the disadvantageous situation and segregation of Roma children in the Hungarian system of education.

Both poverty and vulnerability of the **Roma** children and how these are approached pose serious challenges. A civilian campaign was initiated in 2016 to eliminate discrimination and prejudices against Roma children in the child protection system, and to prevent any unfounded taking into care of children of Roma families.

There was no shortage of child right issues in 2016 and legislators were hard at work. There was a new law or amendment related to child rights for every month of the year.

Concerning statistics, numbers show a better picture than the worries aired by professionals and NGO-s on the specific cases reported by the media. Similarly, decisions on increasing wages of professionals working with children look better than the stagnant (therefore, in real value, decreasing) figures of the **government budget**.

Support of primary care in child protection

Basic service of child welfare	2009	2010	2011	2012	2013	2014	2015	2016	
Support to order the service									
Locations with a population less than 2000	–	250	250	250	250	–	–	–	Ft/resident
Support to maintain the service									
Locations with a population less than 70 000	790	790	790	790	790	790	790	790	Ft/resident
Locations with a population between 70 000 – 110 000	658	564	564	564	564	564	564	564	Ft/resident
Locations with a population above 110 000	564	494	494	494	494	494	494	494	Ft/resident
Complementary support to associations		–	–	–	300	300	300	300	Ft/resident
Child welfare centre	2 303 300	2 099 400	2 099 400	2 099 400	2 099 400	2 099 400	2 099 400	2 099 400	Ft/centre

Daytime attendance	2009	2010	2011	2012	2013	2014	2015	2016	
Crèche attendance	585 900	494 100	494 100	494 100	494 100	494 100	494 100	494 100	Ft/ provided person
Family day care institution and child care	259 400	268 200	268 200	268 200	268 200	268 200	268 200	268 200	Ft/ provided person
Complementary support to associations		–	–	–	600	600	–	–	Ft/ provided person

Temporary home for children	2009	2010	2011	2012	2013	2014	2015	2016	
Temporary institutions for children	1 026 200	842 750	842 750	842 750	635 650	635 650	–	–	Ft/ provided person
Temporary institutions for children and families (wage subsidies)							depends on the circumstances	depends on the circumstances	Ft/ provided person
Temporary institutions for children and families (operating aid)							depends on the circumstances	depends on the circumstances	Ft/ provided person

Addressing the original question of **what was it like to be a child in Hungary in 2016**, our answer is: full of debates. There are very few child right cases in which members of the society, professional circles and the decision making politicians agreed.

Opposing sides generally identifiable in Hungarian public were also detectible concerning the issues covered in this Report. On the one hand, this is hardly surprising, as children's rights are not a separate entity, they are affected by everything happening around us. On the other hand, it is apparent that this type of polarisation, similarly to what happens to children during the divorce of their parents, has the worst impact on children. The interest and rights of the child are no doubt hurt if we cannot agree even on the most fundamental issues, such as what should be expected of education, how many children live in poverty, or whether or not beating a child constitutes abuse, and if it does what needs to be done.

In addition to the above mentioned dilemmas this Report covers several other issues. A 2016 overview and report on children's rights cannot be complete without mentioning one specific group of children. These are the **children on the move** who, although in a smaller number in 2016 than earlier, showed up at the Hungarian borders and who suffered pain, fear and traumas during their many thousand kilometres travel, and who, in Hungary, are primarily considered "migrants" and not children.

There was no change in 2016 in the legal situation of migrant children and they were not in the Hungarian media focus. Nevertheless, we believe it important to draw attention to the problem of unaccompanied minors and asylum-seeking children in our report. 2016 was a year loud of the campaign "Did you know?" and the dilemma about the proper view of the migration issue. We firmly believe that the answer to this question affects our own children as the nature and quality of this debate, the expressions, words and arguments used in 2016 became part of their childhood.

COMPREHENSIVE PRINCIPLES

Article 2: Non-discrimination

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” (extract from the UNCRC)



Roma children are the most affected by segregation in schools.

Source: AFP/ Kisbenedek Attila

In 2016 discrimination was most visible in professional documents, political debates and public discourse concerning three major issues of children’s rights: segregation of children of the **Roma** minority, the situation of **unaccompanied minors** and the gap in legislation that have serious consequences for **children without permanent address**.

In May 2016 the European Commission **initiated an infringement procedure** against Hungary because of the **segregation of Roma children in schools**.¹ After the formal notice of the EU the Minister of Justice **submitted a proposal for amendment** to the Equal Opportunity Act (Law CXXV of 2003) in October which has not yet passed.

1. The Commission addressed a letter to the government and ordered it to bring the rules on equal treatment into harmony with those on the education, as well as the practice of education with the Race Equality Directive which prohibits discrimination in education based on race or ethnicity.

In its communication the Commission expresses concern about the Hungarian legislative and administrative practice which allows Roma children to be disproportionately over-represented in special schools for mentally disabled children and also a considerable degree of segregation in mainstream schools.

Source

Children under 18 seeking asylum due to the war in Syria and other conflicts raised important child rights issues in 2016. **Eurostat data** reveal that 1220 unaccompanied minors submitted asylum requests in Hungary in 2016, a significantly lower number than the 8805 applications in 2015. In spite of the lower number the situation of unaccompanied minors and children arriving with their families and seeking asylum was constantly on the agenda in 2016. The **referendum on migration** gave political charge to this issue in the summer of 2016 when the **poster campaign** “Did you know?” was started and hostile statements on migration were advertised by the government in public areas and in the media.

The third most important issue regarding discrimination against children in 2016 was the situation of **minors without a valid address**. Two NGO-s, “The City is For All” and “Street Lawyer” **collected signatures of supporters for a petition** to call for solving the situation of children without valid address.² The organizations pointed out that currently children are entitled to state-supported healthcare only if they have a registered permanent address or residence in Hungary. Only families with a registered address can get family allowance and regular child protection allowance. Concerns about violating these children’s rights were not answered in 2016.

The latest Concluding Observations of the UN Committee on the Rights of the Child drew attention to discrimination in Hungary of **LGBT+ children, and children marginalized and vulnerable because of their origin or discrimination against their parents**.

No substantial progress was made in 2016 to reduce the level of discrimination in any areas above. For possible future changes the comprehensive **investigation** on the legal recognition of gender, domestic regulation of gender reassignment and name changes by the Office of the Commissioner for Fundamental Rights may be important. The report of the ombudsman emphasizes that stigmatization, condemnation – along with uncertainty – accompany the life of **transgender people** often from early childhood. For this reason it would be essential to facilitate school psychologists to provide proper support to trans-gender children, to help with problems stemming from their special situation and often exclusion.

TUDTA?

NÉPSZAVAZÁS
2016. OKTÓBER 2.

Referendum campaign of the
Hungarian Government

Source

2. **According to the data** of the Central Office for Administrative and Electronic Public Services, almost 4500 children under the age of 18 were without valid address in 2015, making them invisible to the supply system.

Article 3: Best interest of the child

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” (extract from the UN Convention on the Rights of the Child)

The level of realization of “the best interest of the child”³ reflects the general state of children’s rights in a country. In Hungary in 2016 we rarely find any direct reference to this fundamental right. If there is mention of the best interest of the child, it would typically be in an indirect (interpretative) way.

The Office of the Commissioner for Fundamental Rights is one of the very few exceptions where reference is made to the best interest of the child both as a measure, interpretatively and directly during investigations. A good example of this is the **report** published in 2016 following the investigation on the **burden of professional employees of the guardian’s office**. **In the report** the ombudsman pointed out that 90% of cases processed by the guardian’s office cannot be closed with one single decision after the arrival of the request or ex officio initiation of the proceeding. The

report also emphasizes that the system struggles with serious resource and capacity problems. As a result, the best interest of the children involved in the procedures and their right to protection may be violated.

In respect of children’s rights in 2016 **the amendment of the Child Protection Act** was a significant change. Although the bill quoted the best interest of the child, professional organizations and experts still **objected** to the amendment. Experts criticising the bill agreed with the legislators that the tragic cases – for example the serious child abuse cases in **Agárd** or **Gyöngyös** – receiving wide media interest demonstrated the malfunction of the child protection system, but argued that the planned amendment was not suitable to prevent similar tragedies.

...without any further indication, according to the Amendment a child may be considered to be seriously at risk if the parent refuses to cooperate with the institutions of nursery or public education.”

Source

3. Up to this date there are three known and accepted Hungarian translations of the expression of “the best interest of the child” used in the UNCRC.

The amendment passed in December 2016 carries the risk that children of parents who, for whatever reason, cannot cooperate with the healthcare or educational institutions, nevertheless do not put their children at risk, can also be separated from their parents. The mere changing of the law does not guarantee that people working in the basic child welfare service will act with due care in preventing, reporting and managing parental behaviour that puts a child at risk. Due to

reasons beyond legislation there had been incidents of unfounded taking into care of children in 2016 (and also earlier) – mostly from Roma families and families living in extreme poverty. Beside problems with cooperation, intervention that is too late or inadequate (ill-qualified, less intensive than necessary or problem-oriented) also contributes to tragedies.



Bragi Gudbrandsson, László Székely, Károly Czibere, Attila Láposy at the children's rights conference held by the Office of the Commissioner for Fundamental Rights on 17 November 2016

Source

Article 12: Respect of the child's views

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.” (extract from the UNCRC)

The need to realize the right to freedom of expression was evident in 2016 in **criminal procedures and child abuse cases**. The most spectacular manifestation of this right was, however, the open criticism expressed by students and the student participation in movements urging **reforms in education**⁴.

Exercising this right did induce some conflicts. Violating a participant's right to freedom of expression at the Student Parliament in 2016 received much publicity:

“Bendegúz Bradánovics has been rebuked when he called the authorities of education dilettante. He stated, » I had to take out the critical parts, which offended those in power«. The student said that although he was left to decide what to omit he tried to leave out everything that could be even slightly offensive to anyone, because he did not want the microphone to be taken from him again.”

Source

A positive result regarding the enforcement of Article 12 is the opening of the first Hungarian institution in Szombathely modelled directly after **Barnahus** (“Children's House”) in Iceland. The **method** is based on local cooperation ensuring the best interest of the child and respect for the views of the child. It is used in criminal procedures to avoid the repeated victimization of child victims or witnesses of abuse (especially sexual assault).

Also in connection with a criminal procedure – after allegations of **sexual abuse** in the children's home in Bicske became public – the Office of the Commissioner for Fundamental Rights drew attention to the fact that the child protection system does not take children's signals seriously. The ombudsman opened a **follow-up investigation** in 2016 because a number of problems arose earlier, during the investigation of sexual abuse in the children's home in 2012. According to the report, some of the people working with the children were aware of the sexual assault, yet no real help was offered to them.

4. See Article 15

The ombudsman also emphasized that **we cannot talk about the realization of children's right to freedom of expression if what they say have no consequence**, is not taken seriously or handled only formally.

One possible guaranty for children separated from their families and living in state care for taking their opinions into account and for realizing their rights is the system **of child rights representatives**. In 2016 some changes were introduced in the organizational system of the child rights representatives providing

legal protection to children in care. A **government regulation** of 2016 merged the National Centre for Patients' Rights and Documentation (OBDK) with the Ministry of Human Capacities. As from January 1, 2017 the tasks of the OBDK will be carried out by an independent organizational division, the Integrated Legal Aid Services. Whether this structure guarantees the independent legal representation of children brought up separated from their families will be seen in the forthcoming years.

CIVIL RIGHTS AND FREEDOMS

**Article 15: Right to freedom of
association and peaceful assembly**

**Article 14: Right to freedom of
thought, conscience and religion**

*“States Parties recognize the rights of the child
to freedom of association and to freedom of
peaceful assembly.” (extract from the UNCRC)*

In 2016 issues of children’s rights and freedom were
most visible in the field of **public education**.

"Dear Schoolmates!

All of you have certainly heard of the insults against our teachers. We could all observe the actions of the teachers of the Sashegyi Arany János Primary School, the news of which reached even the most popular news sites. (<http://m.origo.hu/itthon/20160216-kockas-ingben-u-entek-a-tanarok-klinghammer-istvan.html>)

This is our time!

We call for all of you to dress chequered the coming Friday (19th February 2016) in support of our teachers!

If possible, take as many pictures as you can and post them with hashtag #kockástámogatás!

(Both here under the event page and on your own wall)

Our aim is to draw public attention to our teachers.

Let the whole world see our support!!! Forward and SHARE!!!!

Source

In 2016 a popular movement was initiated to call for **reforms in education**. An estimated 10 thousand students **dressed chequered** all across the country. On February 29 thousands of students refused to attend school to support the teacher's strike on the same day. Children's participation in the movement for quality education stirred up public debate. Serious concern was expressed about politics and polarisation in schools and

also about allegations of children being used and that teachers and parents influence them. The question was: to what extent does the adult society allow and support children to develop their own views? What lessons are to be learnt by children from the different answers given to this question about the importance of arguments, counter-arguments and a peaceful debate? Does this help them to stand up for themselves and their interest?



Karinthy Frigyes Gimnázium • 2015-2016

Diákok a kockásingért, február 19.

A form of the freedom of expression: chequered protest, February, 2016.

Source

Although there were no universal answers to these questions, valuable lessons were learnt from the actual situation (the realization of freedom of expression). A **culture of health survey** of 2016 which involved all state- and non-state institutions of primary education helped in this, by asking headmasters, teachers and school-healthcare professionals. Survey results showed that pupils participate in shaping the processes of their institution mostly in a **passive way**. Even though they can share their problems and ideas, in the decision-making process their opinion is only asked for in approximately half (47–59%) of the cases. Pupils are only involved in tasks that require limited responsibility (such as decoration of rooms and halls). Only in one third of the schools are there peer counsellors.

Article 14 of the Convention on the Rights of the Child guarantees children's right to **freedom of religion**. Based on this provision, the compulsory religious and ethical education introduced in 2013 has been subject to much criticism since.⁵ Despite multiple efforts by **task groups in the Ministry of Human Capacities** observing this issue in the spring of 2016 with the aim to reduce the burden of schoolchildren, no adjustments were made.

The Minister of the Prime Minister's Office made a statement challenging the neutrality of education in November, 2016 when announced that the new curriculum and educational policy will be based on **the goals and principles of Christianity**.

Article 17: Access to information

"States Parties (...) shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health." (extract from the UNCRC)

In its latest Concluding Observations the UN Committee on the Rights of the Child pointed out that in guaranteeing children the right to information they must have access to a **great variety of opinions**.

This fundamental right was under threat in 2016 by the **lack of choice** in educational material and books. The state-monopoly on study books restricted the freedom of choice.

5. The main criticism is that applying for the specific religious and ethical courses allows deductions to be made regarding the religious beliefs of the children. Furthermore, there are no available teachers for all religions in several places.

“There is a law that allows teachers to select their educational tools and material freely, or at least to select from those with a valid licence. The last time private publishers could request such licence for study books was in 2013 and these licences are valid up to 2018 and can still be ordered by schools. However, in the meantime a ministerial decree ordered that those under the general educational curriculum can only order and study from books specifically licenced for the new curriculum. As from 2014 the new legislation concerning study books does not allow private publishers to request licences for their publications, these publishers have no licensed books for several grades.”

Source

Next to books internet is the most important source of education in the 21st century. With regard to Article 17 of the Convention, the Commission emphasised that the **right to internet access** is essential for children to obtain age-appropriate information. **Research** published in December 2016 by Ipsos shows that 74% of households with children between the ages of 8–14 had internet access, and 92% of them used their own smart-phones. However, the picture is less bright in schools. A **review** by the Commissioner of Fundamental Rights on media education in Hungary in 2016 found **digital equipment** of public education institutions insufficient. But this was not the only reason

found for the low digital competence of children. The Commissioner also criticised the lack of **professional training for media teachers**, along with the system of qualification requirements, the insufficiency of developing practical skills and the failure of the new educational curriculum (the National Core Curriculum – NCC) to make mandatory lessons of media literacy. In promoting safe use of the internet the Commissioner also found prevention and management of **online abuse** missing from the curriculum. The Commissioner also recommended training of teachers concerning skills necessary to prevent and handle online abuse.

Teaching proper understanding of media is of great importance

Source

KOMOLYAK A SZÁNDÉKAIM

ÁDÁM KERESI ÉVÁT
A KLISÉK UNALMASAK,
A MEZTELEN RANDIK NEM.

ÁPRILIS 25-TŐL HÉTFŐ 22:00

viaset3.hu #AdamEva

VIASAT

CHILD ABUSE

Article 19: Children's right to protection from all forms of violence

"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" (extract from the UNCRC)

Criminal justice **statistics** show that the number of **child abuse cases** in 2016 (1405) **was slightly lower** than in the previous year (1516 cases). In 2016 criminal courts processed 9841 cases in which the victims were children and there were 712 cases of child sexual abuse. Official statistics show a tendency of decline compared to previous years.⁶

There was no representative study or report published on sexual abuse against children in 2016. According to the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution

(ENYÜBS) more than 15 thousand children were victims of violent actions. It should also be noted that **"while the number of cases of corporal punishment is falling, certain forms of emotional abuse are still not considered as abuse."**

According to the UNICEF campaign abused children are left on their own.

Source



6. A general problem is that a high percentage of severe child abuse cases do not even get to investigation phase, therefore they are not visible in the statistics. The real proportion of such latent cases requires further research.

The lack of credible data on the actual number of child abuse cases is still a problem. Due to high latency the figures of crime statistics are unlikely to reflect the real number of incidents.

A positive result in 2016 was that the Ministry of Human Capacities introduced 5 new **protocols** in the system of child protection and a new code of conduct to be observed in child abuse cases.

Several child abuse cases received significant media attention in 2016. One of the cases most covered by the media was commonly known as the "**child abuse case of Gyöngyöspata**". A child died because of severe malnourishment.

"According to reports the already malnourished child had not been examined by the general practitioner for a long period of time; the registered weight gain of the child was based on the account of the parents while the general practitioner also reported to the guardian authority that the upbringing and care of the child by the parents was in order. The first warnings of danger came months too late: alarm should have been raised immediately after the parents first refused to take the child to the general practitioner."

Source

The commissioner for human rights issued a report on the case and based on his recommendations the Parliament **amended the Child Protection Act** in December, 2016.

Apart from abuse of children in their families, abuse cases in **institutions (children's homes)** dominated public reports on children. Cases in Kaposvár, Makó, Kalocsa, Bicske and in several institutions in Budapest uncovered **ill-treatment, abuse and violence against children**.

The latest Concluding Observations of the UN Committee on the Rights of the Child pointed out that throughout the whole country **there are very few publicly funded services available free of charge to abused (especially sexually abused) children**. The wounds and traumas remain unresolved, often causing significant crisis in the life of the victim. The number of psychologists available to provide care is also limited, and this creates a highly challenging situation both for victims and for child protection, especially in rural areas and smaller towns.

Article 19: The right of the child to protection from corporal punishment and degrading treatment

Although corporal punishment and denigrating treatment of children have been forbidden by Hungarian law since 2005, the effect of this law on the actual well-being of children is hard to measure. There was no comprehensive report or representative study completed in 2016 and there are no official **statistics or data collection** either on this issue. (The UN Committee on the Rights of the Child regularly warns Hungary about this problem.)

The problem was also reflected on in a **study**⁷ by UNICEF. While 83% of those filling in the questionnaire for the study were aware that UNCRC was ratified by Hungary, one fifth thought that only certain forms of

corporal punishment were forbidden by law. 16% of respondents believed that a **slap** did not qualify as a violent act.

Controversial examples of corporal punishment and denigrating treatment were reported and publicly debated in two cases in 2016. During the summer in a primary school in the town of Dömsöd teachers **made children take off their panties** to find out who may have soiled the bathroom. In the autumn **the commissioner condemned a nursery-school's practice** in which nursery teachers regularly tied the hands of "misbehaving" children.⁸

"In the primary school of Dömsöd somebody soiled the bathroom, a case that was resolved in an inhumane way by a group of teachers and cleaning staff (...) [The] 2.b and 3.c grade female pupils were all called and lined up on the school grounds. There the teachers and the cleaning lady called the girls in groups of three to a room where they had to take off their underwear and crouch so that the teachers could identify who soiled the bathroom. One of the mothers reported that some children could not be persuaded to attend school since this had happened. When parents complained, one of the teachers phlegmatically replied: in 5 years somebody will pull their panties down anyway."

Source

7. See Article 19: the right to protection against violence

8. The commissioner for fundamental rights pointed out in his report that tying the hands of a boy as a reaction to the child being aggressive in the nursery-school of Kaskantyú is not a minor mistake, rather an infringement of rights. According to the commissioner, degrading treatment can under no circumstances be an answer. The maltreatment by the caretaker could have been prevented if the nursery-school had recommended professional examination of the child. It would have allowed the child with behavioural difficulties to receive sufficient pedagogical support and help. (AJB-375/2016)

According to paragraph 34 of the Concluding Observations of the UN Committee on the Rights of the Child **abolishment of corporal punishment of children should be achieved primarily by social awareness raising campaigns and programmes to support parents.**



"Abuse of children is not a game" – communication by the Hungarian Interchurch Aid in 2016

Source

FAMILY ENVIRONMENT & ALTERNATIVE CARE

Articles 5, 9 and 11: Family relations and situation of children separated from their families

*“States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child”
(extract from the UNCRC)*

In 2016 almost 24.000 children lived in professional child protection care, nearly two third of them with foster families, and the rest in care homes.

There was a legal obligation to transfer children under the age of 6 in children’s homes to foster families by the end of 2015. Despite this obligation statistics by the Ministry of Human Capacities (EMMI) showed that 88.3 % of children under 6 (4109 children) were placed

in foster families, but 12% of them were still living in **children’s homes** by this deadline. By the end of 2016 all children under the age of 12 should have been transferred. As there are no relevant data available the fulfilment of this obligation is questionable. Official data concerning the transfer of the children under the age of 6 to foster families were also unavailable at the time of writing this report.

In support of this process **EMMI** launched several financial programmes to **improve the quality of the working conditions, available staff and resources**.

In 2016 the commissioner pursued crucial assessments on the operations of the children's homes in view of the interest of children deprived of their family environment.

The commissioner's **report** on the operation of the special needs children's home in Kalocsa states that

children living in the children's home **believe that physical violence is not an abuse but an educational tool**. This clearly shows that they are not aware of their rights. Physical violence is regular in these institutions. In 2016 the **Leon Horváth's** case also drew attention to the problems regarding placements in children's homes. In the proceedings initiated by Horváth who lives in state care, he **openly challenged** not only the decision on his own placement, but also how children's homes operate.

"Leon was placed in a special needs children's home and he has been carrying on a lawsuit for years against the decision of the guardian's office. It is highly unusual for a child who is in state care to seek remedy at the court of law. Nevertheless, Leon won the case against the guardian's office and now he'd like to get compensation."

Source

In 2016 the Hungarian Civil Liberties Union's (HCLU) campaign and petition drew attention to the fact that separation of children from their families for **financial reasons** is violating children's rights. They also argued that the actual cases of children being taken into care

might possibly be due to ethnic discrimination. **HCLU's campaign** included professional recommendations supported by well-known professionals and organisations to the EMMI, which, at the time of closing this report, was yet to reply.

The aim of the Missing Memories project was to raise public and professional awareness on the fact that today in Hungary more than 23 000 children are living separately from their parents, and more than a thousand of them are separated for financial reasons. Even though this practice is against the Child Protection Act and the UNCRC, it still happens in various cases for reasons like the parents not consulting with the health visitor, or missing medical check-ups for the child, or housing problems of the family.

Source

The Concluding Observations of the UN Committee on the Rights of the Child was published in 2014 and it highlights that for the enforcement of article 9 professional **family protection** programmes are needed.

These programmes should prevent the separation of children from their families. In 2016 only civil society organisations, like the **SOS Children's Villages Hungary** operated this kind of local programmes.

DISABILITY, BASIC HEALTH & WELL-BEING

Article 23: Children with disability

“States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.” (extract from the UNCRC)

The Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities both **urged measures** to **prevent the institutionalization of children** with disabilities and to provide community and family based care. The institutional reform that entered into force on January 1, 2014 (with the direction that children under the age of 12 are to be placed with foster families)⁹ did not affect the special institutions. However, the development of a long-term government strategy to replace institutional care was started in 2016.¹⁰

This strategy is subject to much criticism for rather than completely replacing residential institutions it allows for building new ones with the capacity of 25 children each.

In 2016 several organisations and experts raised their voices for more inclusive and higher quality **education** for children with mental disability, as only **every third** child with severe multiple disability has access to (the legally rendered) developmental care and education. According to another survey, there are only 715 state **financed places** in institutions of developmental care

9. 10 art. 7 (2) of the Child Protection Act

10. **TÁRS project** – supporting the professional-methodological background of deinstitutionalization (the **Deinstitutionalization Plan** was developed early 2017.)

and education for the approximately 3200 school-aged children with multiple disabilities. Hungarian **Central Statistical Office** data reveal that the number of these places rose only by 3.8% in the school year of 2015/2016, while the number of children requiring such places

rose by 15%. Thus the available places significantly fell short of needs. **As a result of limited capacity, the diagnosis and the place of care is decided upon availability rather than on what might be most suitable for the care of the children.**



Preventing institutionalization helps to integrate children with disabilities.

Source:
MTI / Balázs Attila

“She finds it pointless to leave her son five days a week at a school where not even his bib is removed or his diapers changed. Unfortunately, her experience in private institutions is no better. She had paid fifty thousand Forints a month and commuted with her son to a different city only to have the social workers fill a wardrobe with pillows and lock her son inside for an hour: relaxation room, as they called it.”

Source

Children with disabilities are still often victims of **abuse** or humiliating treatment. Of the cases making it in the news in 2016 probably the most shocking was when a child was forced to “rest” **locked up in a wardrobe** filled with pillows. The commissioner initiated an investigation of the special needs children’s home of Kalocsa and

found that abuse of children with special needs is **seen as less serious**, and that professional social care workers often lack proper training. As a result of the report the ministry developed an **amendment** in 2016 that requires professional staff in the special needs children’s homes to receive mandatory training.¹¹

11. Entry into force: 1st July, 2017.; 40/2016. (XII. 21.)
Ministry of Human Resources regulation and the 1/2017. (II. 14.)
Ministry of Human Resources regulation on the amendments of specific social and children protection ministry regulations.
Source

Article 24: Health and healthcare services

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services..”
(extract from the UNCRC)

Children's right to health starts with proper nutrition, and in this field statistics reveal a number of challenges in 2016. Only half of infants aged 0–6 months are breast fed in Hungary. Infants aged 0–3 years face **qualitative malnutrition**, which may later lead to obesity. **One quarter** of school children and 20% of those aged 11–15 are **overweight** (similarly to the European average).

There were some progressive measures in 2016 in catering for older children. Regulation on **catering** has been **amended** and the previous drastic ban on the use of salt changed into a more gradual measure.

“The regulation entered into force last September to provide healthy nourishment daily for more than one million children by public catering. It aimed to banish artificial ingredients and reduce the excessive amount of salt and sugar ensuring at the same time that the meals still appeal to Hungarian taste. (...) Constant monitoring and feedback of the regulation led to adjustments in this regulation. Those concerned often complained about the lack of salt in their meals.”

Source

From January 1, 2016 children in nurseries, kindergartens and schools are provided meals on both school- and non-school days (holidays or days when the institution is closed) if parents so request. This was confirmed by the **investigation of the commissioner**. He emphasized

that **catering for children with special needs** as well as catering for children living in towns without nurseries is still insufficient – a situation that endangers providing nourishment for exactly the socially vulnerable children.

Healthy and quality food is not provided for every child.

Source:

Világgazdaság /
Móricz-Sabján Simon



While it received less media attention, for the application of Article 24 of children's rights no less important is the campaign of HCLU in 2016 "I am with the children", focusing on whether or not **contact between children in hospital care and their parents** is possible. Their research involving 59 hospitals found that only **half of these hospitals** facilitated the continuous stay of at least one parent or caretaker with their child under 18. The right of the child to uninterrupted contact with their parents is not realized in many cases (27%) for children over 10 or 14. In more than one third of the institutions individual permit is requested for uninterrupted parental presence.

Breast-feeding, infant-friendly hospitals and healthy nutrition of children in Hungary, especially in rural areas, are all issues that the UN Committee on the Rights of the Child had expressed concerns about already in 2014. Concerns were also expressed about the **insufficient availability of healthcare institutions and professionals**. Since 2014 the situation has further deteriorated. Estimates by the Association of Hungarian Paediatricians show that in 2016 more than **400 family paediatricians were missing** from primary healthcare,

while one quarter of those available are over the age of 65. Doctors covering for the care of several locations commute and at some locations paediatrician consultations are only available periodically. Mental hygiene for mentally disabled children shows even more serious deficits. **Addictology** consultation for children is unresolved. Whole county sized regions are without child psychiatrists, the total number of whom in the entire country is only around **60–80**. While diagnostic care is more accessible, **availability of therapeutic care is seriously limited**.

Facilities in schools are also limited: **school psychologists** are only employed in approximately 10% of all institutions.

Healthcare professionals, **legal activists** as well as the commissioner all voiced concerns about personal and infrastructural shortcomings in healthcare. In his investigation on children with **dual needs** (children living with disabilities or permanent illness who have serious behaviour problems, mental symptoms or are users of psychoactive substances) the commissioner deemed their situation unacceptable and made a 12 point recommendation for the competent authorities.¹²

12. Comprehensive reports (Budapest, Cegléd, Ikervár, Bakonyoszlop and Kalocsa) of the commissioner for fundamental rights list several serious system-level problems and deficits in the professional care of children with dual needs, as well as children and young people in psychological and addictology care. In order to protect vulnerable children and their families the commissioner calls for urgent action to improve staff, infrastructure, availability and coordination of care services. (AJB-1201/2016)

Juvenile health

According to the latest representative survey of Health Behaviour of School-aged Children – **HBSC 2016** – **smoking and alcohol consumption** between 2010 and 2014 shows a positive, declining tendency **among teenagers**. However, the rate of decrease in Hungary is still **below** international average. In Hungary every fifth teenager smokes at least one cigarette a week while the European average is one in ten. More than one third of 15 year-old Hungarians were drunk at least twice in their lives, which makes Hungary take the last but one place among the 21 developed OECD countries observed. One in four 15 year-olds have **tried** some sort of substance already, one fifth of them consumed illegal substances, while one in ten 9–10 grade student have **used some sort of designer drug**.

Research on **family planning and sexual education** raise further concerns. Central Statistical Office data published in 2016 show that in 2015 5774 girls aged between 10–19 gave birth and a further 4233 opted for abortion. There is serious deficit in sexual education:

not all families or schools are prepared to answer children's questions on sexuality. The UN Committee on the Rights of the Child emphasized the importance of promoting sexual education and health education in family planning in order to prevent unwanted pregnancy and abortion,¹³ but no significant improvement is visible yet.

Beside promoting sexual education and prevention **efficient legislative framework and support for professionals** are also necessary. This necessity is clearly demonstrated by a case in 2016 where a patient advocate addressed the commissioner on the behalf of a 16 year-old pregnant girl. In his report following the investigation on abortion for minors aged 14–18 the commissioner raised **several human rights concerns**. The requirement of approval of the legal representative as well as the ambiguity of legislation may lead to serious risks in these crisis situations. The commissioner urged amendments to the regulation and the development of a methodological guide.

13. Several online programmes focusing on sexual education were launched or enhanced in Hungary: **Yelon, Tudd hogy értsd, Turn me on – Kapcsolódj be, Egycsónakban**

Article 26: Social security

“States Parties shall recognize for every child the right to benefit from social security.” (extract from the UNCRC)

In 2016 child poverty was still one of the most pressing concerns of children’s rights in Hungary. While **the number of children living in deprived and poor households fell**, the proportion of them living in poverty is still **higher** than average.

Poverty is a **child’s right concern** because, as also shown in **studies** published in 2016, segregation at school, limited access to quality education and insufficiencies in the social and child protection system disproportionately burden children of families living in poverty.

Disagreement over “poverty numbers” and proportion of children threatened by poverty was even more pronounced in 2016 than in the previous years. The main reason for this was the contradiction between the simultaneous **official communication**, such as “the number of students with disadvantaged status in public education fell by half” and publications claiming that these numbers were misleading, arguing that even though the number of those living in poverty was lower, the level of decrease was significantly smaller in reality than reported.

“The priority integrated regional call for proposal with the total value of 15 billion Forint focuses on the prevention and elimination of child poverty and reduction of the number of children living in impoverished families facing long-term deprivation. Winning applications receive 350–500 million HUF non-repayable financial support.”

Source

The 2016 **Social Report** of TÁRKI concluded: In terms of residence, those living in the capital are in the least unfavourable situation, in 2015 9% of them were financially significantly deprived. In other cities financial deprivation affects roughly one quarter of the population (24%), and almost one third (30%) of the residents of settlements under 5 thousand inhabitants. Focusing on the structure of households the deprivation ratio for families raising 3 or more children (40%), those living in single person households (29–31%) and single parent families (34%) is especially high.

EDUCATION, LEISURE, CULTURE

Articles 28, 29 and 31: Education, including vocational education and consultation

*“States Parties agree that the education of the child shall be directed to: (...) The development of the child’s personality, talents and mental and physical abilities to their fullest potential (...)”
(excerpt from the UNCRC)*

One of the gravest child related issue in 2016 was education. According to the UNCRC every child is entitled to high quality education which allows for the development of their personality, talent and abilities. The European Commission 2016 **country report** on Hungary criticized many aspects of education: **the right to high quality education is hampered by the lack of basic skills and vocational training, early school leaving and segregation.**

Education policy has been subject to constant changes in the last few years. In 2016 the government spent **5% more on the professional, financial, and personal aspects of education than in 2013. Nevertheless, as a proportion of GDP 2016 spending was lower than that in the years before 2010.** The fast but professionally, financially and concerning personal qualities often unprepared changes led to protests and strikes organized by teachers – movements which

were supported by children and parents as well. In January 2016 thirty thousand people and hundreds of schools answered to the call of an open letter by the teachers of Herman Ottó Secondary School in Miskolc, which listed the problems to be solved in education. The Citizen’s Platform on Public Education (Civil Közoktatási Platform) was established. The leadership of this institution and the **teachers expressed** that due to the constantly changing requirements and diminishing room to manoeuvre they are unable to fulfil their teaching and educating duties to focus on the students’ broader interest. They protested against the increased workload of the students, the altered criteria for the high school baccalaureate, the uncertainties in the system of vocational education, the limited choice of text books, the unlawful regulation of the vocational secondary schools exams (which was also questioned by the commissioner) and the segregation of Roma children and children with special needs in education.

“The latest results of PISA, the extensive international competency test were published: these results are keenly observed by education experts and politicians involved in education all over the world. The 2016 scores of Hungarian students are worse than ever: Hungarian students’ competences are weaker than they were in the last test in 2012. Competence in natural sciences and the level of comprehension never fell this low. In all fields Hungarian students are way below the average of the OECD countries.”

Source

2015 PISA scores

PISA (OECD Programme for International Student Assessment) Scores 2015

Reading			Math			Science		
	OECD AVERAGE	493	OECD AVERAGE	490	OECD AVERAGE	493		
1.	Canada	527	Japan	532	Japan	538	1.	
2.	Finland	526	Korea	524	Estonia	534	2.	
3.	Ireland	521	Switzerland	521	Finland	531	3.	
4.	Estonia	519	Estonia	520	Canada	528	4.	
5.	Korea	517	Canada	516	Korea	516	5.	
6.	Japan	516	Netherlands	512	New Zealand	513	6.	
7.	Norway	513	Finland	511	Slovenia	513	7.	
8.	New Zealand	509	Denmark	511	Australia	510	8.	
9.	Germany	509	Slovenia	510	United Kingdom	509	9.	
10.	Poland	506	Belgium	507	Germany	509	10.	
11.	Slovenia	505	Germany	506	Netherlands	509	11.	
12.	Australia	503	Ireland	504	Switzerland	506	12.	
13.	Netherlands	503	Poland	504	Ireland	503	13.	
14.	Denmark	500	Norway	502	Belgium	502	14.	
15.	Sweden	500	Austria	497	Denmark	502	15.	
16.	Belgium	499	New Zealand	495	Poland	501	16.	
17.	France	499	Australia	494	Portugal	501	17.	
18.	United Kingdom	498	Sweden	494	Norway	498	18.	
19.	Portugal	498	France	493	USA	496	19.	
20.	USA	497	United Kingdom	492	Austria	495	20.	
21.	Spain	496	Portugal	492	France	495	21.	
22.	Switzerland	492	Czech Republic	492	Sweden	493	22.	
23.	Latvia	488	Italy	490	Czech Republic	493	23.	
24.	Czech Republic	487	Iceland	488	Spain	493	24.	
25.	Austria	485	Spain	486	Latvia	490	25.	
26.	Italy	485	Luxembourg	486	Luxembourg	483	26.	
27.	Iceland	482	Latvia	482	Italy	481	27.	
28.	Luxembourg	481	Hungary	477	Hungary	477	28.	
29.	Israel	479	Slovakia	475	Iceland	473	29.	
30.	Hungary	470	USA	470	Israel	467	30.	
31.	Greece	467	Israel	470	Slovakia	461	31.	
32.	Chile	459	Greece	454	Greece	455	32.	
33.	Slovakia	453	Chile	423	Chile	447	33.	
34.	Turkey	428	Turkey	420	Turkey	425	34.	
35.	Mexico	423	Mexico	408	Mexico	416	35.	

Problems with the quality of education are evident from the **PISA test results** published in December 2016. Of 35 OECD countries Hungary took the places 27–29. When testing for equal opportunities Hungarian girls and boys performed above average. However, Hungary was the country where social differences among students were almost the strongest determining factor in their results. The government reacted to the disappointing test result with summoning a roundtable, appointing a new secretary of state, and assigning a new leader to the Klebersberg Center – KLIK (centralized governing body of education). Related to these government reactions various representatives of the teaching profession criticized the exclusion of the public, the lack of transparency, the neglect of professionally acclaimed experts, and the transformation further bolstering centralization.

In the chapter on discrimination according to article 2 we addressed **segregation of Roma children in education**. In May 2016 the Chance for Children Foundation (*Esélyt a Hátrányos Helyzetű Gyerekeknek Alapítvány* – CFCE) won a court case at first instance against the Ministry of Human Capacities, because a large number of Roma children in Heves county were **labelled disabled** without evidence as having

disabilities, a school in Kaposvár was **closed** because of segregation, and a religious school in Biharkeresztes made local efforts towards integration **impossible** by changing its rules of admission and reception.¹⁴ After these events an **amendment of legislation** was initiated by the government to stop the practice of segregation, but it was not voted for in 2016.

Regarding children's right to education the fact that since 2013 (when the age limit of compulsory education was lowered to 16) **ten times as many young people under 18 has been working as a public worker** is especially alarming. Each month an average of 1100–1200 young persons **work** as a public worker. In a recently developed draft for amending regulations on public employment people under 25 **would be excluded from the public work programme**.

There are education- and teaching practices that are in breach with article 31 of the UNCRC on the right to education. Because of these the majority of school-age children cannot practice their rights to **rest and leisure, to engage in play and recreational activities**. Excessive homework and extracurricular activities mean that **children's obligation to study** continues at home, well into the evening hours.

14. Nóra L. Ritók, president of Igazgyöngy Alapítvány (Mother-of- Pearl Foundation) published numerous articles on her **blog** about the segregation modus operandi of religious schools.

OTHER SPECIAL PROTECTIVE MEASURES

Article 22: Special protection of children seeking refugee status

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.” (excerpt from the UNCRC)

Eurostat data show the number of unaccompanied minors in 2016 at 1220, but statistics by immigration authorities reveal great **uncertainty concerning these data** (data from different sources often are significantly

inconsistent). Nevertheless, it is evident that the number of children seeking refugee status and the number of unaccompanied children fell significantly in Hungary, mainly as a result of the amendments in the legislation in 2015 and 2016, and the erection of the border fence.¹⁵

15. In 2016 the Hungarian Commission of UNICEF lodged a complaint at the Commissioner of Fundamental Rights in the name of the Child Rights NGO Coalition. The Commissioner started an investigation and established in his report that the current legislation on criminal procedures regulating cases of crimes related to the border fence created a legal situation for juveniles that unjustifiably neglects human right guarantees, and in which the right to equal treatment and children's rights to protection, care and fair trial is infringed. The report highlights that the lack of legislation respecting age differences and different age characteristics is cause for concern on itself. (AJB-1235/2016)

Temporary fence erected
to protect the border

Source



The new border fence affected statistics of the “offenders” below the age of 18 as well. According to the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (ENYÜBS) among the top 10 criminal offenses by those under the age of 18 “forbidden pass at the border fence” was the fourth most common act of crime committed in Hungary in 2016.

The number of unaccompanied minors placed in the children’s home in Fót in 2016 is half of the 2015 figure.

In 2016 there was evidence that **the percentage of unaccompanied minors** staying more than 30 days in the Fót children’s home was constantly rising: among the 88 minors placed in Fót, 28 spent more than 30 days in the institution (31,8%) on June 21, 2016. This proportion rose to 50 % by 18 July, 2016 (32 minors from 64). Among the unaccompanied children who arrived to Hungary the number of those who stayed permanently in the country was around 70 in the middle of 2016. In 2016 there were tentative reports that the status of asylum-seeking children would be left out from the text of the Child Protection Act, and the idea of closing the children’s home in Fót also was mentioned as a possibility.¹⁶

Number of crimes committed by offenders under age 18

Sum total (all offenses, under age 18)	9337
Top 10 (according to the number of registered offenders)	
Theft	3404
Vandalism	1914
Assault	793
Forbidden pass at the border fence	473
Possession of illegal drugs	327
Destruction of property	343
Robbery	287
Violence against a person performing public duties	103
Arbitrary confiscation of a vehicle	118
Harassment	99

16. These decisions will be official as of January 1, 2017.

Articles 37, 39 and 40: The system of juvenile justice

The number of children associated with the justice system as offenders have risen in 2016, though it is still lower than in 2013. The number of minors affected by crimes also fell consistently between 2013 and 2016.

Regarding the criminal justice system the UN Committee on the Rights of the Child objected the **lowering of the minimum age of criminal responsibility** in its latest recommendations, but no positive changes took place in 2016 either. Moreover, from 2016 the minimum age (12) also refers to perpetrators of acts of terrorism, which is a new, distinctive criminal act.

The number of children associated with the justice system as offenders

BTK	2012	2013	2014	2015	2016
minor (0–13)	2604	2197	1488	1375	1662
juvenile (14–17)	10418	10471	8806	7872	7675

THE RATIFICATION OF INTERNATIONAL LEGAL INSTRUMENTS

There are three Optional Protocols to the UNCRC. Hungary signed in the protocols on the involvement of children in armed conflicts and on the sexual exploitation of children in 2002 and ratified them in 2010, but **did not sign** the third protocol. The third Protocol on the Communications Procedure, accepted in 2011, enables children and their representatives to turn directly to the Committee on the Rights of the Child in case of violation of their rights. Up to the end of 2016 Hungary have not signed or ratified this protocol.

Hungary signed the **Istanbul Convention** of the Council of Europe in March, 2014 which is aimed at preventing and eradicating violence against women and domestic violence. However, Hungary has not ratified this Convention since then, therefore it is not part of the national legal system.

In spite of pressure by the UN Committee on the Rights of the Child **there was no progress** in the signature and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and of the International Convention for the Protection of all Persons from Enforced Disappearance.

FOLLOW-UP & ASSESSMENT

Information on the rights of the child

In making Hungarian people aware of children's rights the following achievements should be mentioned. In 2016 the National Centre for Patients' Rights and Documentation presented a **children's book** about the rights of the child. The book *Az elveszett madártoll* (The lost feather) was written for children aged 3–7 by fairy tale therapist Ildikó Boldizsár with the aim to provide help when talking to children about their rights.

In the fall of 2016 the MONDO **educational programme** was created by the Hungarian Civil Liberties Union (HCLU) to help children with disabilities to recognize, identify and avoid human rights violations, and dangerous abusive situations.

From 2016 the ***Handbook on European law on the rights of the child*** is also available in Hungarian. The handbook is the result of collaboration between the European Union Agency for Fundamental Rights (FRA), the Council of Europe and the European Court of Human Rights (ECHR). The handbook provides information to legal and other professionals about European norms regarding the rights of the child.

Beside institutional and civil initiatives no changes or central programmes have been initiated on the subject of the rights of the child. The Concluding Observations of the UNCRC and the documents of the previous reports are difficult to find on the internet.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

*"States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol."
(extract from the **Optional Protocol**)*

“The commissioner for fundamental rights László Székely draws attention to the importance of a more efficient prevention of child sexual molestation, child sexual abuse and sexual exploitation. He also emphasizes the importance of supporting the victims and enhancing the protection of the children. These are still the most urgent tasks of child protection. November 18 is the first European Day of the Protection of Children against Sexual Exploitation and Sexual Abuse. On this occasion the commissioner emphasizes that no form of violence against children is acceptable or can be justified. Violence against children could be prevented and among the tools of prevention are trust, education, aid and attention.”

Source

The Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was signed by Hungary in November 2010. In 2015 Hungary ratified the Convention and in this way took responsibility for ending sexual exploitation and abuse. The Convention states that every necessary measure must be taken in order to prevent all forms of child sexual exploitation and abuse, and to protect child victims. Moreover the state must inform the citizens about the dangers of sexual exploitation and abuse. There were not many overall measures brought in 2016 but there was a significant progress in **public debate**.

Scandals related to sexual abuse dominated the media in 2016. A one and a half year old child was raped, a geography teacher was charged with sexual abuse, the principal of the children’s home in Bicske was arrested on sexual abuse charges, and charges of sexual harassment were brought against two ambulance crew members. An increasing number of cases surfaced in 2016 not so much because there are more cases but because of the diminishing latency. While in some cases of 2016 publicity contributed to the better management of these cases by the authorities, the commissioner emphasized the **responsibility of the media**. **The ombudsman highlighted** that generalizing, out of context, distorted reports make the protection of children more difficult, not to mention that such reports are against the child’s interest. This kind of reporting also harms professionals and is not helping concerning restructuring of the child protection system.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Despite media generated attention victims in individual cases remain helpless and the systematic errors will not be abolished unless these scandals are followed up by civil cooperation and the officials accepting responsibility. This was emphasized by the civil **initiative** called "Protection of children from sexual abuse is our joint task" which was signed by more than 4000 individuals and 29 professional organisations.

In 2016 a petition for the **chemical castration** of perpetrators of sexual abuse was lodged to the Parliament. In November the Jobbik Movement for a Better Hungary lodged **the petition** for the third time, without success.

An abuse that happened over 60 years ago but covered in the media in 2016 directed public attention to sexual abuse against children and teenagers **in the world of sport**. László Kiss, the coach of Hungary's National Swimming Team was the perpetrator of this abuse. As a result of persistent public pressure the Hungarian

Swimming Association launched a **prevention programme for the protection of children**. In 2016 the main subject of the 27th Swimming Trainer and Coach Conference was prevention of sexual abuse against children. During the Conference an ethical code for the children, parents and the federation was adopted by the participants. Trainings to cover these topics will be introduced at the University of Physical Education.

The general view of child **sexual abuse** remained controversial in 2016. A recent **study** showed that the police still regard child victims of prostitution as perpetrators, and instead of a child rights based approach these children are punished with confinement. Every year almost **300 children** (mostly girls) get in contact with the justice system this way. There are only guesses as to the actual percentage of children under the age of 18 among prostitutes.



According to Council of Europe data one in five children falls victim to sexual abuse.

Source

CHILD RIGHTS REPORT HUNGARY 2016

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