

HINTALOVON

Child Rights Foundation

Child Rights Report Hungary 2018

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Introduction

The state of play for children in Hungary in 2018

2018 was the Year of the Family, with the intention of increasing support and attention for families.

Examining the [trends of Google searches](#), one finds that in 2018 more people searched for family related information than for child related ones, as well as searches for CSOK (family housing support programme) and family-allowance were at times more frequent keywords than family itself. The family-centered communication boomed, but it had a certain base. The tax relief for families increased, childcare benefit extra („gyed extra”) was broadened, the rules of eligibility changed, new forms of nurseries were introduced – to mention only a handful of the many measures.

It can generally be said that there are families and groups of children who benefit from the increased attention and allowances, however, there still are ‘the invisible’. Among the 1.8 million children aged 0-18, there are children living in poverty, children of unemployed parents, children under psychiatric care, children with chronic sickness, special educational needs or learning disorders, victims of abuse and children without a valid address who may have benefited little from the measures in 2018.

The Year of the Family was not only about how much the state spends on welfare and how the resources are allocated, but also a public debate began on what makes up a family. Is it marriage between a man and a woman or are there other forms of family supported by the state? The United Nations Convention on the Rights of the Child (UNCRC) accepts that **“family” refers to a variety of arrangements that can provide for young children’s care, nurturance and development**, including the nuclear family, other traditional and modern community-based arrangements, provided these are consistent with children’s best interests.¹

Therefore, from a child’s rights perspective, it is clear that the concept of family is flexible. It is centred around the child and it has to include all that provides the trust, bonds, attention, responsibility, nurturance and education for the child. But what is the current state of play for divorced parents in Hungary? How does the adoption system work? How does the state fulfill its duty vis-a-vis children separated from their families and living under state care?

This field was also centered around a dichotomy in 2018. Even though the official communication of the Year of the Family did not touch on the issue of divorce and children living with divorced parents (the topic is still a taboo), the [Single-Parent Center](#) was opened in Budapest with significant state funding. The number of adopted children also increased, nevertheless their number is still underwhelming. Uniquely in Eastern-Europe, children

¹ UN Committee on the Rights of the Child, General Comment No. 7, 2005, CRC/C/GC/7, para. 15

raised in professional child protection care are **allowed to stay in the follow-up care system until the age of 30**, however, the amount of allowance for children separated from their families and living in state care has increased for years. The situation of displaced children received much less positive attention overall. In 2018, this topic was still mostly present in the wider public dialogue through the trial of the director of the children's home in Bicske for sexual abuse against children.

A child rights approach necessitates that children are not passive members of the family nor are they passive bystanders in their own lives. They are active rights-holders who learn life and their own roles mainly from their families and parents – or, in the case children separated from their families, from the institutions and adults caring for them – who set an example and serve as a role model.

Talking about models, another hot topic of 2018, which has received widespread media coverage, has to be mentioned: the role of women, motherhood and gender in general. The latter was politicized greatly after the [government shut down gender courses](#) and sparked protests, thus, crucial topics such as parenting, parental responsibilities, fatherhood and motherhood all imply an immediate political message and statement in the current public dialogue. This greatly burdens the work of professionals and legitimate decision-making.

While there were extensive debates in Hungary about family and the role of parents, the *Implementation Handbook for the Convention on the Rights of the Child* provides a clear (and unambiguous) definition, prescribing **‘the common responsibility of men and women in the upbringing and development of their children**, it being understood that the interest of the children is the primordial consideration in all cases.’² Therefore, according to the convention, one cannot discuss motherhood without dealing with issues of fatherhood as well. This raises other questions, like family formation, whether having a child is an individual choice, or the place of the state in our bedrooms.

Viewing only family planning, there is still plenty to be done vis-a-vis children's right to information and education (simply put, sex education), in order to provide all children in time and in appropriate quality with the necessary knowledge, information and, of course, sensitivity. Interestingly, the Ministry of Human Capacities opted for a [sex education programme](#) that, although deals with emotional safety and self-esteem of teenagers (what is obviously positive), is based on self-restraint as the key principle and promotes the importance of keeping one's virginity. This can be approved or disapproved, nonetheless, in a country where throughout 2018 the number of pregnancies grew most dynamically among girls aged 15-19 it may not be the most effective strategy to promote “do not have sex” rather than “use protection” or “how to make informed decisions”.

Children's rights are present from the very beginning of pregnancy, although the UNCRC does not define “when childhood starts”. Whether the foetus is entitled to children's rights is a key concern in many countries (in 2018 most visibly perhaps in Ireland during the “ease” of the strict regulations on abortion). Nonetheless, what is most definitely not a question is

² [Implementation Handbook for the Convention on the Rights of the Child](#), United Nations Children's Fund, 2007, p. 36.

whether newborns have rights, and that these rights are in incredibly close connection vis-a-vis the rights of mothers and parents.

The [Change in Obstetrics Movement](#) launched multiple campaigns in 2018 to raise awareness: Hungary is “world recorder” when it comes to C-sections furthermore, in maternity hospitals, women often find themselves in vulnerable and humiliating situations that offend their dignity. This is also a child rights issue, just like perinatal care. In 2018, the “authoritative” view taken on the latter was also called upon by the ombudsman.

All these events of 2018 highlight that responsible care for children is not only a “quantitative” question, rather a “qualitative” one. The increase in the number of births and encouraging parents to have (or to have more) children is not enough per se: from obstetricians to pediatricians and teachers, a sufficient number of professionals and quality institutions has to be made available for children and their parents. Likewise, it is vital that the system is not only prepared for healthy pregnancies and ‘unproblematic’ children, but also for those instances that fall far from ideal.

This is therefore **a problem that negative aspects of family life still tend to be concealed instead of solved**. We talked about families in 2018, but not about domestic violence, violence against children or the ratification of the Istanbul Convention. It is like these issues did not exist.

Whether the ‘Year of the Family’ or the politicisation of family and family planning improves the state of play for children’s rights or rather, erodes it cannot really be concluded yet. The question is what the price paid will be for overly politicising the topic, as well as whether there will be a chance for children excluded from the 2018’s Year of the Family to be brought back into sight. Should this fail to happen, the campaign of the Ministry of Human Capacities referring to [having children](#) as an “adventure for life” may receive an entirely different interpretation.

If the places in nurseries are insufficient and over 2000 teacher positions remain vacant, if travelling with a buggy makes public transport a nightmare, while the social security system has no or extremely limited capacity to support children with special needs or illnesses, young adults will really opt for having children because of adventurousness. This most definitely will not be in the interests of any child.

When talking about children’s rights, we always talk about the needs and best interests of the child. Therefore, child rights is a point for world-view, rather than a political or ideological issue.

The Child Rights Report of 2018 supports that view, by showing what presently, as well as in the long run, serves the best interests of children in various areas of life.

Methodology

The report compiling the most important events of 2018 from a children's rights perspective was delivered using the same methodology as in previous years. During the preparation phase, we gathered data and information from three fields:

- legislation and amendments passed or entered into force in 2018;
- professional documents, statistics and other sources of information published in 2018;
- reports, news and media coverage in 2018.³

The report is based on thorough research (we collect the data, information and researches throughout the year) to ensure that our decisions and observations about the main actions, challenges and changes to children's rights are well-founded.

Drawing our conclusions from the previous years' experiences, we were prepared for the challenges of keeping up with the constantly changing legal and regulatory environment; as well as for the extreme difficulties of learning about undisclosed researches. However, a new and greater obstacle surfaced in 2018: the unavailability of statistical data, figures, and data regarding institutional system as well as the lack of official statements.

The difficulties in accessing or (as shown by the report) publishing data and statistics proved an unprecedented challenge. There was an EU funded Hungarian research project that could only be published as quasi [underground literature](#). We have also encountered answers such as 'the funds were insufficient to afford compiling the data', 'we do have the data, but we cannot forward them', 'look for other sources as we cannot disclose these' or the institution simply failed to answer our questions.⁴

The entry into force of the new Code on Criminal Procedure hindered criminal statistical data collection – as if the transitional period had not been sufficient time to prepare for its application. Although quality healthcare data was relatively well accessible, statistics vis-a-vis child protection services had never been so unavailable.

Naturally, there are objective obstacles hindering the accessibility of data, for instance, the statistics of the previous year are only available by April-May. This is viewed by the professionals as a well-known phenomenon, nonetheless, one should raise the questions: what sort of data serves as the basis for planning and preparing for professional projects, or what is the norm for the "evaluation" of law enforcement and practice if the key figures are not known at the beginning of the year?

³ Media releases were analyzed based on single and combined keywords for the entire year.

⁴ We requested statistical data for 2018 from the National Office for the Judiciary, the National Police Headquarters, the Ministry of Justice, the Hungarian Central Statistical Office and the Ministry of Human Capacities. Each data request source is identified below when relevant for statistics.

Therefore, from a methodological perspective, this publication is the same as the ones from previous years. However, in substance, there has been a shift towards a less statistics based approach, as a result of the lack of official data for 2018.

This Child Rights Report 2018 was compiled by the professional team of Hintalovon Child Rights Foundation, occasionally complemented by the direct involvement of experts from other organizations. The first version of the report was reviewed and proofread by professionals of vast practical and theoretical expertise in each article.

The report follows the structure of the Concluding Observations of the UN Committee on the Rights of the Child expressed towards Hungary in 2014 (chapters also marked with the same letters of the alphabet), while also addressing the observations and questions the Committee has communicated (available both in [Hungarian](#) and in [English](#)). Furthermore, a child-friendly version is to be published for those under 18, as this work is mainly and mostly about them and for them.

The previous reports (2016 and 2017) are available on our official website at www.hintalovon.hu.

We kindly ask that any remarks regarding the report of 2017 be sent to info@hintalovon.hu. Thank you!

Measures taken and results

The main field for general measures in 2018 was the reform of financial sources and allowances for children, as well as increasing resources. The family was at the epicentre of the communication as well as the execution. Financing of institutions that play a crucial role in the upbringing of children (education, healthcare, daycare services, child protection, etc.) received significantly less attention.

Conclusions about the financial status of the elements of the child protection systems may be drawn from the budget act of 2018⁵ and its [explanatory memorandum](#). The **conclusion** can be drawn that **the budgetary expenditure for child social services and child welfare protection has increased**. Apart from the financial resources, the scope of responsibility of these institutions also grew: probably the most important reform was the delegation of the newly implemented nursery and school social helper tasks to the social and child welfare duties of local governments.

The catering of children saw a significant increase in funds. Financing of nursery care was also reformed and improved. From 2018, the more than doubled financial appropriation for nursery care – similarly to child catering and kindergarten care – will no longer be a normative, rather a task-based allowance.

⁵ Act C of 2017 on the 2018 Central Budget of Hungary

Child care benefit ([gyed](#)) as well as child care benefit for university students also saw an increase in sum, furthermore as of 1 January 2018, the latter is granted until the child turns 2 (previously, it was paid until the age of 1).

As for **student loans**, repayment will be suspended for pregnant women, while in case of having a second child, half of it, for a third child, the entirety of the [student loan will be dismissed](#).

[Care allowance](#) for children with severe disabilities or chronic illnesses who are in need of permanent or long-term care was also increased, while a new form of allowance, the home-care allowance (gyod), was foreseen to be introduced from 2019.

A legislative change⁶ effective from January 2018 **raised the [income limit](#)** below which the applicant is eligible for regular child protection allowance.

The “Umbilical Cord” Programme was initiated in January 2018, which meant that children born outside of the territory of Hungary would also be entitled to a one-time maternity allowance (HUF 64,125) and the Baby Bond.

The support for Hungarian children born abroad will most likely increase in importance. According to the Hungarian State Treasury, the [foreign maternity allowance](#) was applied for in 9907 cases in 2018, while approximately [one in every ten Hungarian children](#) was born abroad.

Even from this short list, it becomes apparent that significant financial resources were allocated to support children and families with children. Nonetheless, there is no child budgeting in Hungary, thus, it is hardly possible to have an objective view on [who and in what proportions really benefits](#) from these increased funds out of the 1.8 million children in Hungary.

Even more problematic is how children separated from their families or children with special needs or suffering from multiple disadvantages may have access to these increased funds. It has to be pointed out that despite all of the efforts and improvements of the recent years, in 2018, [it was still not ensured](#) that families in need without a valid permanent address would have equal access to social services that they are eligible for.

The inequalities of the allocation system are also clear from the fact that the general family allowance available for all families (received by approx. 1.7 million children) remained untouched in 2018, therefore, [it has not been increased in the last 10 years](#).

Several amendments were passed in the procedural laws in 2018. The new Administration Act⁷ entered into force on 1st January, 2018 aiming [to shorten and ease the administrative procedures and procedural deadlines](#), while also providing a higher level

⁶ Section 23 of the Act LXXII of 2017 on the foundation of 2018 Central Budget of Hungary

⁷ Act CL of 2016 on the Code of General Administrative Procedure

of support for those who cannot properly stand for themselves in these procedures (e.g. minors).

Apart from changing the procedural deadlines⁸ one of the most important novelties was that authorities are to adopt an urgent procedure within 15 days of the procedural deadline. This is vital as the long-delayed procedures and late decision-making have been the biggest problems in child protection cases for several years.

In spite of the amendments aimed at speeding up procedures, in the administrative practice of cases concerning children, including child protection cases, it is still unclear whether decisions are made by the authorities sooner than previously. According to the [ombudsman](#), in [parent-child communication \(right to access to a child\) cases](#) a continuous failure by authorities to keep within the procedural deadlines was widespread, which may [jeopardise the success](#) of the mediation procedures that are the most effective method to ensure the protection of children's rights. This happened despite a legislative change⁹ in 2018 allowing child protection authorities to suspend the ongoing procedure related to the right to access to a child, should it depend on the result of a mediation procedure.

Regarding the length of procedures, the National Office for the Judiciary (OBH) could only provide data vis-a-vis the length of criminal procedures of juvenile offenders that were closed by a final and binding decision in the given year. In 2017, 3796, while in 2018,¹⁰ 3374 legally binding and final judgements were delivered for cases involving juveniles. In each year, 98% of them were found guilty, while only in 2% the accused juvenile was found innocent or the procedure was terminated. **Both in 2017 and 2018 only 27% of juvenile offenders received the final judgement within 3 months**, and 40% within one year. In 2017, 106 cases, in 2018, 82 cases of 3 years or longer were closed.

The most important relevant changes of the new Code on Criminal Procedure effective from 1st July 2018, will be discussed under the chapter "Other special protective measures".

One of the most crucial points of legislation in 2018 the harmonisation of the Hungarian laws of data management with the [GDPR](#).¹¹ The Regulation [prescribes several safeguards](#) for the enhanced protection of children's personal data. For instance, easy to understand language¹² is one of these guarantees, which is a major challenge for institutions as their documents are often difficult to grasp even for adults, whereas information on data safety have to be available for children in a way that they are able to understand it.

The Hungarian National Authority for Data Protection and Freedom of Information (NAIH) – to enhance harmonisation and transparency – came up with an [infographic](#) that

⁸ The new law introduced a 60-day deadline for cases to be closed. Besides, in automatic rulings, 24 hours is the procedural deadline, and the general deadline is 8 days.

⁹ Act CXVII of 2018 on Modifying Social, Child Rights and Other Relevant Acts

¹⁰ Data were provided upon our data request by the National Office for the Judiciary. Data from 2018 are not to be regarded as official statistical data.

¹¹ Regulation (EU) No. 2016/679 of the European Parliament and of the Council

¹² GDPR (58)

emphasises that all organisations managing personal data of children have to pay special attention to the rules set out by the GDPR. It will be interesting to see how domestic practice of schools and public institutions will cope with the new regulation. Furthermore, whether monitoring of GDPR compliance will become reality or a mere formality. As of now, there are [only a handful of professional documents and guides for schools](#) on how to achieve GDPR compliance.

The child protection hotline launched in 2017, available 24/7 free of charge continued to operate in 2018. Previously, the hotline was called mainly with respect to cases of right to access to a child, housing and placement of a child. We have not received fresh statistical data by the time this report was compiled, thus, we hereby show the data received previously (summer of 2018). In 2017 the hotline received 238 calls in total, 55% of them sought information of which 28% required further action, 20% were signals of endangerment, 9% asking for help and 13% were mistaken calls.¹³ This is important, as the hotline is to serve as the [fourth \(national\) base for the child protection signaling system](#).

As far as the international aspect is concerned, that the ratification process for neither the Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, nor the Istanbul Convention on preventing and combating violence against women and domestic violence moved forward speaks for itself. Similarly, ratification of the the Third Optional Protocol for the UNCRC did not happen either in 2018.¹⁴

Generally speaking, both policy measures and legislation affecting children are burdened with the problems of gathering adequate statistical data, which make their preparation and assessment of their impact considerably more difficult. The widespread lack of data concerning several segments was highlighted when the Civil Liberties Union (TASZ) **petitioned** to officially [publish statistics on infections in hospitals](#) in a comparable, comprehensible and truthful manner.

A) General Measures of Implementation

[The UN Commission on Human Rights released its comprehensive report](#) in April, 2018 evaluating the period from 2010 onwards in Hungary, which included important observations and remarks on the rights and legal certainty of children as well. The Committee expressed its concerns about the frequent and hasty legislative changes, the transparency thereof and the lack of preparations and impact assessments, while also called on the government to revoke and review the laws hindering the work of NGOs. The report criticised the school

¹³ The General Directorate of Social Affairs and Child Protection has not yet fulfilled our request to provide data about the traffic of its telephone hotline (06 80 630 155) in 2018.

¹⁴ Optional Protocol No. 3 about the communication procedure passed in 2011 enables children or their representatives to turn to the Child Rights Committee in case of legal violations if the national judiciary system cannot provide sufficient legal safeguards. The Ministry of Human Capacities kindly informed us that Optional Protocol No. 3 is being prepared for ratification by the Ministry.

segregation of roma children, the violence against children with disabilities in the Topház in Göd and the protection of children living in domestic abuse. The report also covered the discrimination of LGBT children (in particular, in education) and that the children with same-sex parents are subject to discrimination due to the narrow definition of family. The Committee called upon the state to raise the minimum age for criminal responsibility back up to 14 for all crimes and to ensure that detention of children should be used only as a measure of last resort, while also criticised the practice regarding the detention and age assessment of unaccompanied minor and asylum seeking children. Taking the report seriously was negatively affected by the “information” [campaign against the migration policy of the UN](#) launched by the government subsequent to the publication of the report.

The 5-year periodic review of the UNCRC was also due in 2018. The Committee on the Rights of the Child (CHR) addressed [questions to the government](#) in June and showed openness towards the **opinion of** NGOs and [children themselves during reporting](#). Transparency, however, is hindered by the fact that the Concluding observations and current questions, as well as their official translations are not available on the online platforms of the government.

“What is it like to be a child in Hungary today? All children, who would like to, may now share their opinion through an online survey. This is an opportunity for stakeholders to hear what children think about school, education, healthcare, violence or their future. On the Universal Children’s Day 13 NGOs working with children launched the national survey examining the situation of children based not on the opinion of stakeholders, experts or NGOs, but of the children themselves. The campaign contributes to the currently ongoing UN monitoring of implementation of children’s rights in Hungary.” [Source](#)

One of the biggest achievements of civil cooperation in 2018 was that over 40 000 signatures and a long-term and persistent campaign of advocacy and human rights organizations resulted in the doubling of child [home-care allowance](#) (gyod) in December. The partial success¹⁵ stories however, did not come with true **cooperation between the government and civil society**. Consultations with human rights organizations were absent, or are still ongoing. The [points based system of eligibility](#) – criticised by many – might still see change by 30th June 2019, according to some experts.

¹⁵ Only caretakers of children were compensated, while unions demanded for all caretakers to be compensated. Besides, the criteria for entitlement also fell under heavy criticism on account of its discriminatory nature.



Cooperation of civil society achieved the doubling of child home-care allowance. Photo: Péter Komka/MTI

B) 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)

The Regional Court of Eger delivered a landmark judgment in the school segregation case filed on behalf of 62 segregated children. The court held that the [state is responsible](#) for the segregated education and was held liable to pay compensation for the roma children who had been segregated for years in the Néksei Demeter Primary School of Gyöngyöspata.

Discrimination could be observed in the permanently and significantly lower quality of education these pupils received, hindering and [jeopardising their chances of get into higher education](#).¹⁶ They could not obtain the competences set forth in the National Curriculum (NAT) as other students. Another very important aspect of this case is that these

¹⁶ Roma children who live in extreme poverty are overrepresented both in educational segregation and child protection, while no lawsuits have been filed for damages in the latter.

children developed a feeling of inferiority and suffered emotional wounds as a result of years of separation.¹⁷

“It was futile that they had IT class in their curriculum, as it had never been delivered. Some did maths or read instead, even watched a movie, or one could choose to play outside instead. ‘I think that they refused to let us into the IT room because they feared we might steal something or bring in lyce’ – one of the boys told the judge. A girl, Vivien, remembers her teachers words: ‘It makes no sense to teach you IT, you would never understand it.’”

Source

The Ministry of Human Capacities announced the [“Equal opportunities in public education”](#) programme in April 2018, to support children with disadvantages. The ministry’s project called the Human Capacities Development Operational Programme (EFOP) – that will continue until the end of September of 2020 – is aimed at reducing dropping out of school, strengthening inclusive education and promoting the chances of children with disadvantages in education and in the labour market. 150 institutions were involved in the programme, mostly from Szabolcs-Szatmár-Bereg, Borsod-Abaúj-Zemplén and Hajdú-Bihar counties.

Regarding the 2018 legislative reforms in public education, it can be observed that the amendment to the Public Education Act in 2017¹⁸ – which did not allow children with social, learning and behavioral disorders to receive exemption from completion or evaluation of certain parts of the curriculum as of 1st September, 2018 – has not been corrected.¹⁹ The Commissioner for Educational Rights did not find the issue discriminatory.

As it was mentioned in our previous Child Rights Reports, **the lack of foster parents qualified to take care of children with disabilities/special educational needs is a lingering problem.**²⁰ Due to insufficient capacities and resources, children living farther from the capital or county towns are even more disadvantaged, which constitutes structural discrimination.

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 UNCRC)

¹⁷ The court awarded HUF 89 million in damages, which the state appealed, so the ruling is not yet final.

¹⁸ Act LXX of 2017 on the Regulation of Education and to Amend Other Related Acts

¹⁹ Act CXCV of 2011 on National Public Education

²⁰ According to the Hungarian Central Statistical Office (KSH), there were 1055 dedicated foster parents and 15 special foster parents attending to special needs and handicapped children in Hungary in 2017. Data source: KSH 1208 NSDP survey.

Again, the ombudsman often called upon the principle of the best interest of the child or the disregard thereof in his reports in 2018. Already back in 2016, the ombudsman highlighted how **overburdened the child protection authorities** had been. In 2018, 3 of the reports²¹ concluded that no improvement had been made on the lack of staffing and work overload since the 2016 reports. The report of case No. AJB-807/2017 highlighted that the overly lengthy procedures violate the fundamental right to a fair trial²² and the child's right to adequate physical, mental and emotional development.²³ The ombudsman further concluded that the proceeding authority failed to uphold the best interest of the child, as the drawn-out procedures make the situation of the children concerned unstable, violating his/her right to protection and care. The reports cited show that the secretary of social affairs and social inclusion of the Ministry of Human Capacities as of 1st January 2018 increased the personnel of child protection authorities by 16% as a response to the ombudsman's previous recommendations. This meant the opening of a total of 21 new administrator positions in the country.²⁴ The lack of a sufficient number of personnel is a key issue for the legal reforms of 2018 which aim to reduce the length of administrative procedures.

"The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth. The UNCRC was inaugurated into the Hungarian legal system in 1991, thus, Hungary as a state party undertook to provide child protection and child care institutions and to equip them with the necessary personnel, expertise, safety and healthy environment. The Convention prescribes that all institutions and authorities that may be in touch with children have to – at all times – respect the best interest of the child, as the guiding principle for their procedure and decision making." [Source](#)

The child-friendly justice system²⁵ specifically calls for the training of the judges, hence the Hungarian Judicial Academy regularly organised **child rights trainings** at the regional courts in 2018. Although the training of judges is vital, the training of advocates, public prosecutors and policemen would be of similar importance – and so would the joint training and awareness raising for different disciplines in matters concerning the rights and best interest of the children concerned in the procedure.

Uncovering violations of the best interest of the child and the protection of child rights were still mainly carried out by the ombudsman in 2018. The reports, recommendations and statements are a central part of the enforcement of these rights, even considered exclusive by now. The Constitutional Court had few relevant decisions, although its judgment at the end of the year was remarkable, where it noted the best interest of a child in **[cases of wrongful removal of a child](#)**.

²¹ AJB-807/2018., AJB-1441/2018., AJB-488/2018.

²² Article XXIV of the Fundamental Law of Hungary

²³ Article XVI of the Fundamental Law of Hungary

²⁴ Government Regulation No 1663/2017 of 13 November 2017 on the Enhancement of Guardianship Authorities and the Increase of the Number of Child Rights Representatives

²⁵ Child-centered jurisdiction aims at respecting and enforcing child rights and interests above all in every case involving or regarding children.

The Equal Treatment Authority had cases relevant to children's rights, however, the limited public acknowledgement and effect on legislation and professionals have to be pointed out. This is one of the reasons why the **children's rights ombudsman** could be a key institution, so that adequate and independent protection would be granted to this very important field of law.²⁶

2018 has seen the continuation of a few [emblematic child protection cases](#), that have been at the centre of public debate for years and at times, had attracted high social attention. One of them was the case of the children's home in Fót, an institution that had been shut down without any real reasons given, seriously violating the best interests of children and juveniles who had been living there. One could also mention the [eviction of families](#) or children without a valid address, or violence or abuse in educational institutions: topics that have been present every year without any real change or improvement on the matter.

Article 12: Respect of the child's views

Article 15: Right to freedom of association and peaceful assembly²⁷

“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 campaign period prior to the general election in 2018 along with the student protests surging reforms in education presented a sad but revealing view of the participation rights of children and the role attributed to them. Several NGOs raised their voices against the exploitation of children for political reasons when politicians had been seen campaigning in schools and kindergartens, taking photos with children, handing them presents. Guides and information material was published for [parents](#), [politicians](#) and [the media](#), the unlawful nature of using children for campaign purposes became a public discussion. Apart from raising awareness, legal practice came up with milestone decisions. The National Election Committee ruled regarding the prime minister's visit to a kindergarten that a politician meeting children and producing video or photo material from the meeting for the public constitutes a [political campaigning activity, thus the politician is liable to pay a fine](#). The topic highlighted the [responsibility of the media](#): according to the analysis of the Eötvös Károly Institute 15 of the 18 most popular search results in the matter included the original footage. The 2019 European Parliament elections will be an opportunity for

²⁶ Besides, in order to function as the foremost institution of child rights protection in case of ratifying Complementary Protocol No. 3.

²⁷ Article 15 should be in the chapter on "Civilian and political rights", but since in 2018 children could practice their right to expressing their opinion through protests and movements, we are dealing with it in this chapter.

politicians and the media to show that children are not tools to use for their purposes, but citizens holding rights.

The beginning of the year saw student protests for the quality of education, similarly to 2016. The [series of protests](#) involved thousands, marching for a modern, student-centered and fair education system. The organizer Independent Student Parliament asked for a [public debate](#) on education to be held between the prime minister candidates of the parties. The debate was held with all but the governing party's candidate attending. Moreover, the organisation has been handing in recommendations for education reforms every year for four years, however, they have never received a reply. The children expressing their opinion found themselves in the middle of a media storm, with many [TV reports and coverage trying to undermine the credibility](#) of their movement and opinion.

"The aim of the event is to:

- *Summarize the problems of students.*
- *Raise awareness about modern education systems.*
- *Call attention to our problems and seek for solutions.*
- *Study in a more liveable and child-centered education system.*
- *Demonstrate that we, students have ideas and thoughts we would like to stand up for.*
- *SHOW THAT, IF NO ONE ELSE, WE WILL CHANGE THE INJUSTICE OF THE OLD, OUTDATED EDUCATION SYSTEM THAT AFFECTS US."*

[Source](#)

The administrative [fines imposed on students](#) in spontaneous protests sparked outrage, outlining a process where children's rights and civic freedom were threatened to become an issue of loyalty. The participation of students in public affairs became part of the political rhetoric, showing the uncertainty and political nature of the line between children's right to freedom of thought and expression and political campaigning. In addition to the concerns about the protests, cases such as a [school being reported](#) to the supervisory body (KLIK) for allowing the filming of a videoclip on education, made schools think twice before allowing students to express their opinion. The debates, however, resulted in several guidelines and information leaflets being produced on children's right to freedom of thought and expression, and [assembly](#).



A school was reported to the supervisory body for allowing the filming of a videoclip about education. [Source](#)

An important opportunity for students to express their views was the public debate on the [draft of the new National Curriculum](#) in September. Adults and children had one month to comment, however due to the lack of timely and proper information the participation of children seemed to be under facilitated, out of the 500 commenting the draft, only 6% were students.

The membership and publicity of child and teenager associations kept shrinking. These officially registered organisations count – according to their data – less than 20 000 members countrywide. Their infrastructure (e.g. camp sites or buildings) are deteriorating and their media appearance is falling, access to public funds is incidental and minimal. Many schools – for caution – prohibit their operation and recruitment, even though their role in socialising is unique.²⁸

Due to the reform of pedagogue training, 2018 was the last year for MA graduates in child and youth protection teachers as well as for play- and freetime conductors.

UNICEF Hungary's [‘Voice of Children’](#) campaign showed children what it could be like for them to participate in the adult world of public life, media, business life, culture and the entertainment industry through a reverse-day. As a result of the campaign, the strong response by the media turned attention towards children's opinion for a day. But as can be said about the [‘You have a say’](#) annual Parliamentary Youth Day programme, further steps are necessary for these events to be more than mere awareness raising and for children to participate in the issues which affect them – throughout the whole year, and not just for a day.

²⁸ Based on information on the website of these organizations and from members of the Movements Division of the Hungarian Pedagogical Association

C) Civil Rights and Freedoms

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)

The National Media and Infocommunications Authority (NMHH) carried out a [representative study on media usage](#) by interviewing 2000 children and their parents. Between the ages of 7-14, watching TV is dominant, however, **from 13-14 onwards, mobile phones are the most important gadgets for children**. While 14% of children aged 7-8 have a mobile phone, it goes up to 93% for those aged 15-16. Less than half of the families have any kind of rules for mobile usage and two-thirds of them have some rules for using the Internet. Two-thirds/three-fourth of parents have heard of technical supervision tools.

“Using the Internet is really diverse. Most children now view it as a studying tool, using the Internet for browsing for this purpose. Nonetheless, it is a basic communication platform: chatting, calling and texting. Large numbers consume media and entertainment content on the Internet, mostly music and videos.” [Source](#)

According to the study of the NMHH for 8 out of 10 children parents and the school are the primary information source on safe use of the web. **While 82% of children seek information from their parents, 27% of parents do not inform about the topic at all** and 19% turn to their children for information. 9-15% of children and 15-24% of parents use the TV, radio or websites to gain information. The study showed that schooling of parents has a significant impact on the digital competencies of the family. Therefore, the NMHH [launched a large-scale campaign](#) to promote its legal aid service and announced the development of a new media usage centre in Sopron.



“From a mate: okay. From the new boyfriend of your ex, it’s not. If you feel threatened online, you can count on us.” The NMHH launched a large-scale campaign to promote its legal aid service. [Source](#)

Regarding children’s access to information the influence of vloggers has to be mentioned, the Youtube videos of whom reach tens of thousands of youngsters about online safety, sexuality and other taboos. These everyday, ordinary people, who are credible for children,²⁹ started appearing in [public interest campaigns](#) besides their marketing focused activities. However, the credibility and sensitivity of their content varies, thus, their responsible behaviour and preparation are under public scrutiny.

Free access to information has been restricted in education since the reform of public education in 2013 due to the [nationalisation of school books](#). In 2018, the European Court of Human Rights held that this violates fundamental rights, although the court did not explicitly call for a violation of children’s rights.

D) Violence Against Children

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

²⁹ According to a [survey](#) conducted in district XII of Budapest in summer 2018, the most authentic source of information for children in this affluent district are parents, teachers, Wikipedia and vloggers, which means these children trust amateur video reporters more than news portals.

violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” (extract from the UNCRC)

The most dramatic child abuse case in 2018 was linked to a school trip in a zoo. The so-called ["meerkat case"](#) showed unprecedented emotions and that a great portion of Hungarian society still holds the 'eye for an eye' principle valid in raising children. The case obviously points beyond itself, however it led to all possible forms of online abuse against the child and the parents, therefore, notwithstanding that the case was without a doubt the most debated children's rights issue in 2018, to avoid further secondary victimisation of the child, we will not delve into it in the current report. We would only like to cite constructive [statements](#) and [opinions](#) relevant from a children's rights perspective.

Another landmark case of violence against children, the criminal procedure against the former director of the children's home in Bicske and his criminal partners continued in 2018. The decision of first instance was delivered in November, sentencing the director to 8 years in prison, while the caretaker of the institution received a suspended jail sentence. We have discussed the legal reforms the case triggered in our 2017 report. From 2018, the new amendment of the Child Protection Act³⁰ further tightening the rules on employment and the [Ministry of Human Capacities' protocol](#) on procedures for child abuse in children's homes, small group homes, foster homes and reformatories issued in July are worth mentioning. The protocol was a key step forward to tackle the latency of violence in institutions, although it does not involve peer violence cases and its practical use is yet to be evaluated.

According to the previously cited study by the NMHH most parents think that their children use the Internet safely, while there are [10-15% worrying parents](#). Even though the minimum age for social media sites is generally 13, one fifth of children aged 7-12 are already registered, nearly half of them by the age of 11. Viewing the age group of 11-16, 19% of them were affected by some form of online abuse in the previous year, the most affected group were girls between 15-16 (27%). 23% of the children aged 7-16 participating in the study encountered hate-speech against certain social groups in the previous year. While children generally turn to their parents (82%) or schools (80%) regarding safe use of the Internet, when encountering something disturbing, only 8% turn to teachers, while the main reaction is to approach parents or friends (61%), and **10% never tells anyone about it**.

An important step forward in the field of abuse in schools and peer violence was the [Ministry of Human Capacities' statement](#) in 2018 titled **"Restorative resolving of harm in public education institutions"** which – in line with the Digital Child Protection Strategy of Hungary³¹ – emphasises that institutions also have a responsibility to resolve cases of online abuse, furthermore that these cases are not to be solved primarily by disciplinary proceedings, but by mediation and specific forms of it adapted to schools. The statement is progressive, however, based on practical experience, schools are controversial in how they view their role in these cases.

³⁰ Section 10/A of the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship

³¹ Government Regulation No. 1488/2016 of 2 September 2016

“For bullying type deviances committed by juveniles, the actors of prevention (e.g. schools) have to provide non-criminal mediation apart from the restorative procedure prescribed by the Criminal Code (e.g. in cases of harassment). Teachers and schools should receive training in alternative conflict resolution methods from NGOs and experts providing such services.” [Source](#)

A long-awaited decision entered into force in September, 2018 to make schools and kindergartens safer: the setting up of **social worker networks**. Professionals have stressed the lack of child protection professionals in schools who are in a position of trust and available to the children. The decision, however, is shadowed by the fact that this duty is carried out by 1 professional per 1000 children, and the task is delegated to child welfare authorities, who, at the time of compilation of this report, have been unable to provide it for all institutions.

E) Family Environment and Alternative Care

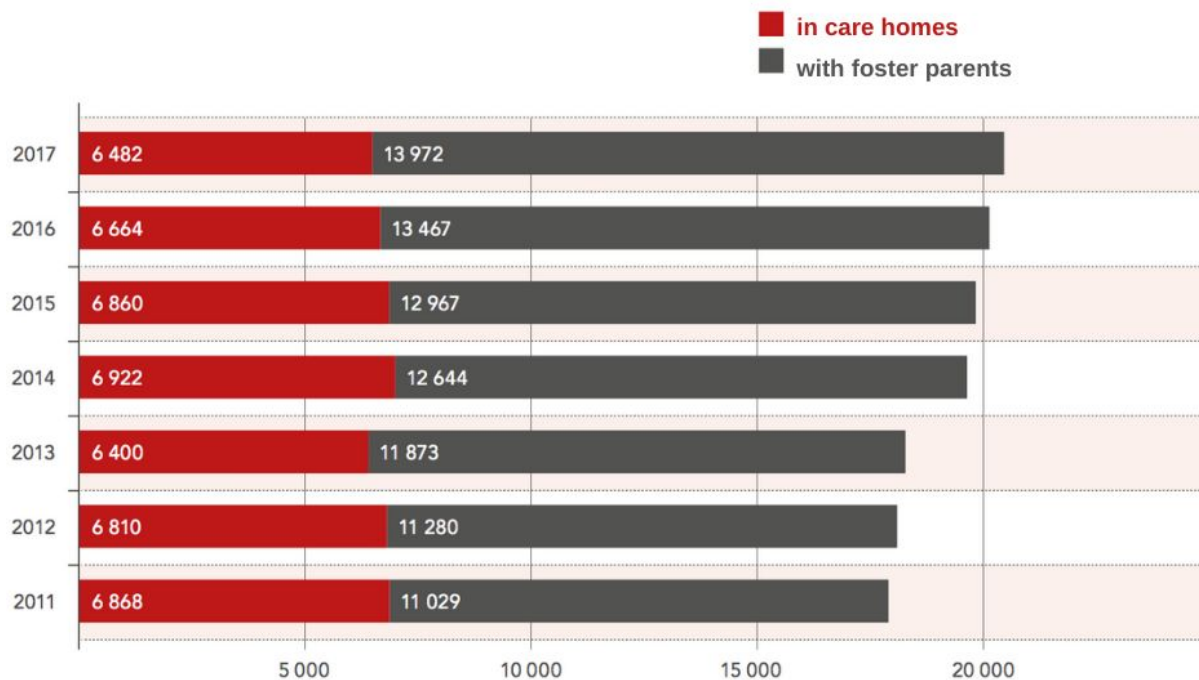
Articles 5, 9 and 11: Family relations and situation of children separated from their families

“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)

Although at the time of the compilation of this report, statistical data for 2018 was not available, the [number of children in professional child protection increased](#) steadily in previous years according to the Hungarian Central Statistical Office (KSH). The legal obligation to place all children separated from their families under the age of 6 with foster parents until 31st December 2015 was still not fulfilled by the end of 2017: in that year, approximately 30% of minors in professional child care were living in care homes.³² Although the Child Protection Act³³ allows for children with chronic sickness or advanced disability to be exempt from being placed in foster care if it is not in their best interest, or if it is not possible due to their condition, or if siblings cannot be placed in the care of the same foster parents, by the end of 2017 out of the 2530 children in professional child care, 289 (12.9%) children were living in care homes purely based on their special needs as a result of their age (aged 0-3).

³² Data source on children living in professional care and foster parents: KSH 1208 NSDP data collection, relevant data are from social statistical annals and unique data requests.

³³ Paragraph b) of Section 72 (1) of the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship



Children living in care homes and with foster parents on 31st December 2017³⁴

Despite the constant increase in the number of children in professional child protection, the number of foster parents stagnates. Their number in recent years fluctuated between 5400-5600. In 2017, only 18% of them could accommodate children with chronic sickness, disability or having special needs,³⁵ and 15 foster parents were qualified for children with severe mental illness, dissociative symptoms or using psychoactive drugs.³⁶ A campaign was launched by the government in the second half of 2018 to [promote foster parenting](#). Events were organised countrywide and a [website](#) was also created, where questions about foster parenting are answered. The results of the campaign are expected to be visible in the statistical data of 2019.

A further important legislative change for professional care was that based on submitting an application and on a case-by-case analysis, [follow-up care may be granted until the age of 30](#) for young adults attending higher education. The relevant aspects are the time of remaining years of study, the chances of successful graduation, cooperation and need.

A positive change was welcomed in the [tightening of personal requirements for workers in professional care](#). When appointing a new director for a children's home or a reformatory the person's leadership competencies shall be verified, including, inter alia, obtaining an opinion from the previous employer. Furthermore, when joining a new foster parent network, the foster parent should announce if he or she had previously worked as a foster parent and the network has to check why he or she left the previous network. This may help reduce the possibility that a person previously deemed unsuitable for foster parenting re-enters the

³⁴ Data source on children living in professional care and foster parents: KSH 1208 OSAP data collection, relevant data are from social statistical annals and unique data requests.

³⁵ Children who are chronically ill, handicapped or under age 3.

³⁶ Children who suffer from severe psychological or dissocial disorder or take psychoactive substances.

system. This necessitates that a person's unsuitability and the reasons thereof are registered, especially if the suspicion of abuse emerged. As long as institutions tend to prefer terminating contracts by mutual consent to protect their own reputation, the effects of the new legislation are limited.

The ombudsman conducted a [comprehensive inquiry](#) to investigate the inconsistency of legal interpretation and practice linked to prenatal care. Among members of the child protection signaling system – district nurses primarily – it is common practice that in case a pregnant woman fails to participate in the examinations provided for in the relevant legal acts, the foetus is declared seriously threatened and the authority can ultimately initiate the child displacement procedure after birth. The ombudsman clarifies that **deciding against facultative healthcare services cannot per se be the reason for signaling serious threat or taking child protection measures.**

“The district nurse is obliged to make the signal, however, this signal does not result in the foetus (unborn child) being automatically considered to be seriously endangered. The professionals of the signaling system have to decide whether the healthy development of the foetus necessitates further action by the authorities.” [Source](#)

From 1st January 2018, the Child Protection Act³⁷ enables that if the child's best interests justify it, simultaneously with the mother's pre-trial detention the court may order the temporary placement of the child into the mother-child section of the penal institution. There is currently no data available on the implementation of this provision. According to a study published in 2018, the [mother-child section of penal institutions](#) has been operating since 2002 and moved to its current location – Kecskemét – in November 2003. The maximum capacity of the building is altogether 20 mothers and children. From the beginning until 2017, 210 mothers have been placed there. The average population of the institution is 9 mothers and 9 children at the same time. The Prison Code³⁸ allows the joint accommodation until the child turns 1-year-old. Revision of this age limit seems vital, as the capacity would allow a longer placement for mothers and their children, so that the system would not discriminate against children with imprisoned mothers.

Adoption

According to a study published by the KSH in 2018 the [number of adoptions increased](#) since the introduction of the single adoption system in 2014. **In 2017, a record number of 1025 children were adopted, which is more than ever before since the entry into force of the Child Protection Act in 1997.**

³⁷ Paragraph b) of Section 72 (1) of the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship

³⁸ Paragraph f) of Section 84 (5) of the Act CCXL of 2013 on the Execution of Punishments, Criminal Measures, Certain Coercive Measures and Confinement for Administrative Offences

The new Civil Procedure Code entered into force in January 2018,³⁹ introducing two new provisions regarding procedures to terminate adoption.⁴⁰ Firstly, – aiming to achieve child-friendly judiciary – these lawsuits can now be initiated at the court near the residence or habitual residence of the child. Secondly, the lawsuit to terminate adoption can be joint with a lawsuit on continuing to hold the name of the adopter, because as a general rule, the adoptee and his or her successors cannot bear the name of the former adopter after termination of the adoption bond. Furthermore, as of 2018, these lawsuits are also subject to special rules inaugurated by the new procedural code,⁴¹ such as the opportunity for ex officio taking of evidence; that the witness cannot refuse giving evidence solely on grounds that he or she is a relative; or that publicity of the court hearing can be excluded without justification.

The mandatory training for prospective adopters⁴² changed in 2018 from 21 hours to 40 hours in total. The content was also reformed to include the specific aspects of adopting non-Hungarian nationals, older children or children with health issues, in order to raise awareness, as a great number of children with such conditions are waiting for adoption.

The reforms are positive from the aspect that the legislation adopted a targeted approach and aimed to provide safeguards regarding adoption cases, but on the other hand the availability of lawsuits to terminate the adoption bond is concerning. Many states⁴³ explicitly exclude the separation of the bond: these regions opt for [mediation](#) to restore the relation between adopter and adoptee, moreover, in case of a seemingly unsuccessful adoption, if the adopted child re-enters child protection care, the adopter is still responsible for contributing to the care of the child.

In the Hungarian system the bond of adoption can be dissolved in two ways: in case of a mutual request by the child protection authority, otherwise the court may terminate the adoption if it is ‘unbearable’. This gives room for concern as **adoption** is the most important replacement for the family of birth (and the [more and more frequently applied way in 2018](#)), moreover, it is vital that the continuous nature of the child’s upbringing is guaranteed. It may be a significant trauma and stigma for the child if the adopter deems him or her unbearable.⁴⁴ On the other hand, it is also important to ensure that adoption which endangers the safety of the child can be terminated as a consequence of abuse or neglect.

“Being brought up in his or her own family is the footstone of the best interest of the child, as well as being brought up in a family environment and nurturing previous relations if the child cannot remain in the family of birth. Replacing the birth family can primarily be achieved by adoption, creating family relations between adopter, his or her relatives and adoptee which provides equal legal standing to relation by succession.” [Source](#)

³⁹ Act CXXX of 2016 on the Code of Civil Procedure

⁴⁰ Section 486-487 of the Act CXXX of 2016 on the Code of Civil Procedure

⁴¹ Common rules beyond general practices in trials regarding personal status

⁴² Obligatory preparatory courses were introduced in Hungary in 2003.

⁴³ Lithuania, Italy, Germany, Norway, Spain and Serbia

⁴⁴ Paragraph 3 Article 20 of the United Nations Convention on the Rights of the Child (enacted as Act LXIV of 1991)

One might ask what the responsibility of the adoption authority is if the adoption fails due to the behaviour or unsuitability of the adopter, as it is obliged to declare the adopter suitable and to confirm the adoption. Furthermore, in case of adoptions terminated because of behaviour of the adoptee, key conclusions may be drawn why the restorative measures were unsuccessful.

F) Disability, Basic Health and Well-Being

Article 23: Children with disability

“Recognizing the special needs of a disabled child, assistance shall be provided free of charge, whenever possible, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.”
(extract from the UNCRC)

According to official data by the KSH, in the academic year of 2017/2018, 0.8% [less](#) people participated in public and higher education (among those aged 3-22): while the number of children in kindergartens showed an increase, **the number of children in primary schools, secondary schools and higher education [decreased](#).**

Contrary to this tendency, the number of children with special educational needs in kindergarten, primary or secondary education also increased compared to the previous years.⁴⁵ The growing challenges for institutions in providing expert opinions on the school maturity of children, managing entry procedures or achieving integration are apparent.

Statistics also show that most of the children in kindergarten (82.2%) received an integrated education. The same was 70.4% in primary schools, higher than in the previous years with a parallel decrease of the number of children with special educational needs in segregated classes. According to the data, apart from vocational and special schools, nearly all children with special educational needs received integrated education. Nevertheless, **questions were raised regarding the quality of integrated education**, for instance, whether reality fits what is reported, did these institutions have the necessary personal and material means, did the teachers [respect the opinion of experts](#) provided about the condition and needs of the child or the difficulties parents were faced with when choosing an institution for their children and overcoming [long distances](#).⁴⁶

On the basis of the cases that reached the ombudsman, it could be observed that **schools**

⁴⁵ There were 580 more special needs kindergartners than last year. There were 500 more special needs elementary schoolers than a year ago, which amounts to 7.5% of the entire student body. In secondary education, special needs grew to 5.3% year-on-year.

⁴⁶ Often committees can only select remote educational institutions, which is a disproportionately large burden or may even thwart the use of these institutions.

disregard the opinion of parents and **occasionally [allocate](#) the children with special educational needs between themselves**. In some instances, the [child protection authority](#) – who has a heavy workload anyway – was knocking on the door and enquiring why the child had fallen behind in school or the legally complex background of determining school maturity led to an [overly elongated procedure](#). It is clear that the system was not prepared to handle the growing number of children with learning disabilities, difficulties or other psychological symptoms.

According to statistics, in the academic year 2017/2018, 5 more educational institutions were operating for children with severe or multiple disabilities than in the previous year. **The development of 2400 students was carried out by 381 pedagogues, whose number dropped by 17% in a single year.** The percentage of students in group activities and the number of children per group increased, while the proportion of students in individual development decreased.

“The severe lack of pedagogues causes multiple damages to students and disproportionately affects children with special educational needs. For them, lack of expertise results in a far deeper negative effect on their development and learning, worsening their exclusion and marginalisation.” [Source](#)

In the spring of 2018, a [recommendation package](#) was developed with the involvement of NGOs with respect to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), and its annex [lists the relevant challenges and recommendations](#).

The document points out that the requirement of inclusive education is not present in the Public Education Act.⁴⁷ According to the [public education strategy](#), developmental education of children with severe or multiple disabilities is to be done in special institutions or through individual development.

The system of developmental education, however, means that children do not participate in the classic education, but are forced to learn at home or in residential social institutions (moreover, they tend to have less classes compared to their non-disabled peers).⁴⁸

The document also highlights that educational services are often **inaccessible for children because travelling is not provided for**.⁴⁹

⁴⁷ Act CXCV of 2011 on National Public Education

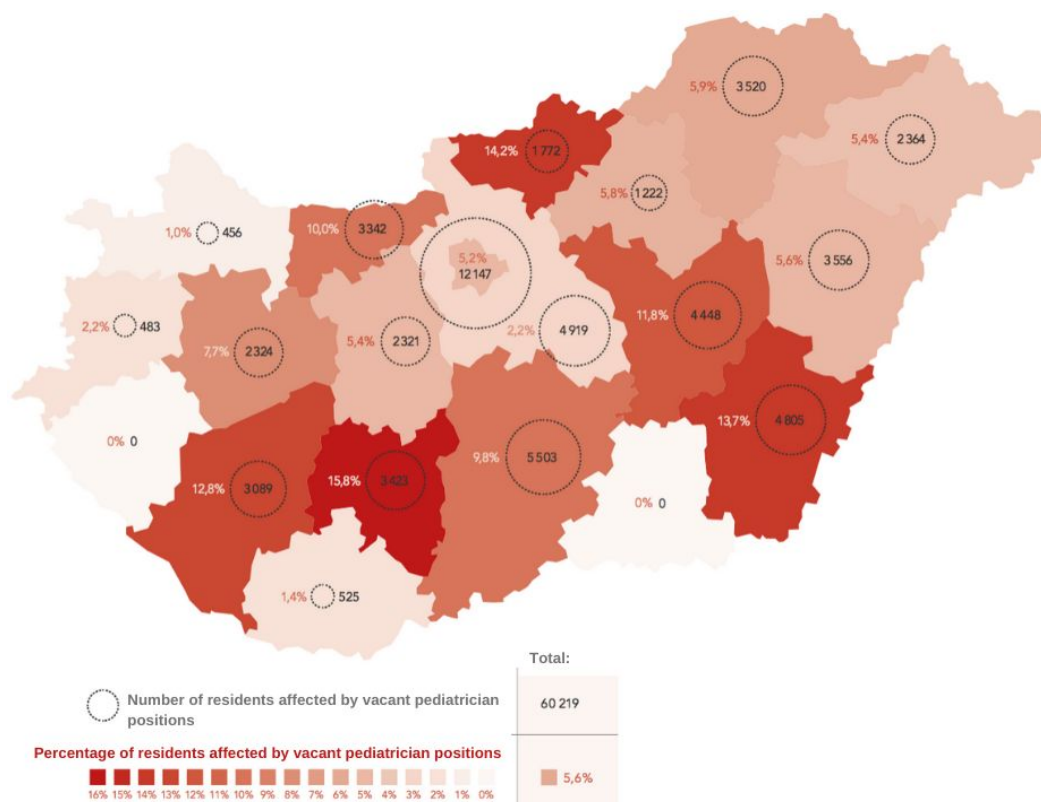
⁴⁸ Recommendations based on the regular oversight (2018 – appendix p. 5) of the UN Convention on the Rights of Persons with Disabilities

⁴⁹ Recommendations based on the regular oversight (2018 – appendix pp.1-3) of the UN Convention on the Rights of Persons with Disabilities

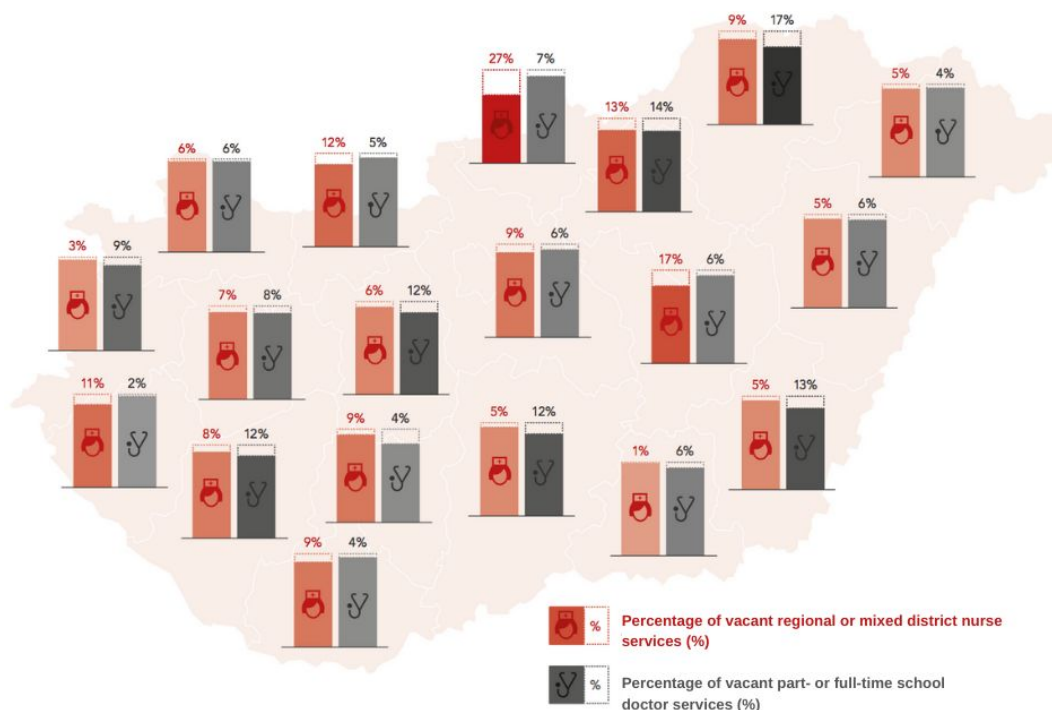
Article 24: Health and healthcare services

“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)

In 2018, the government’s family policy primarily aimed at motivation to have more children. According to preliminary data by the KSH, **the number of births in 2018 were 1.9% less than in 2017**, while willingness to have children remained unchanged. Increasing the number of births is a demographic goal, however, according to statistics, the healthcare system is barely capable of providing for the currently decreasing child population.



Number and percentage of residents affected by vacant pediatrician positions (Source: NEAK 2018)



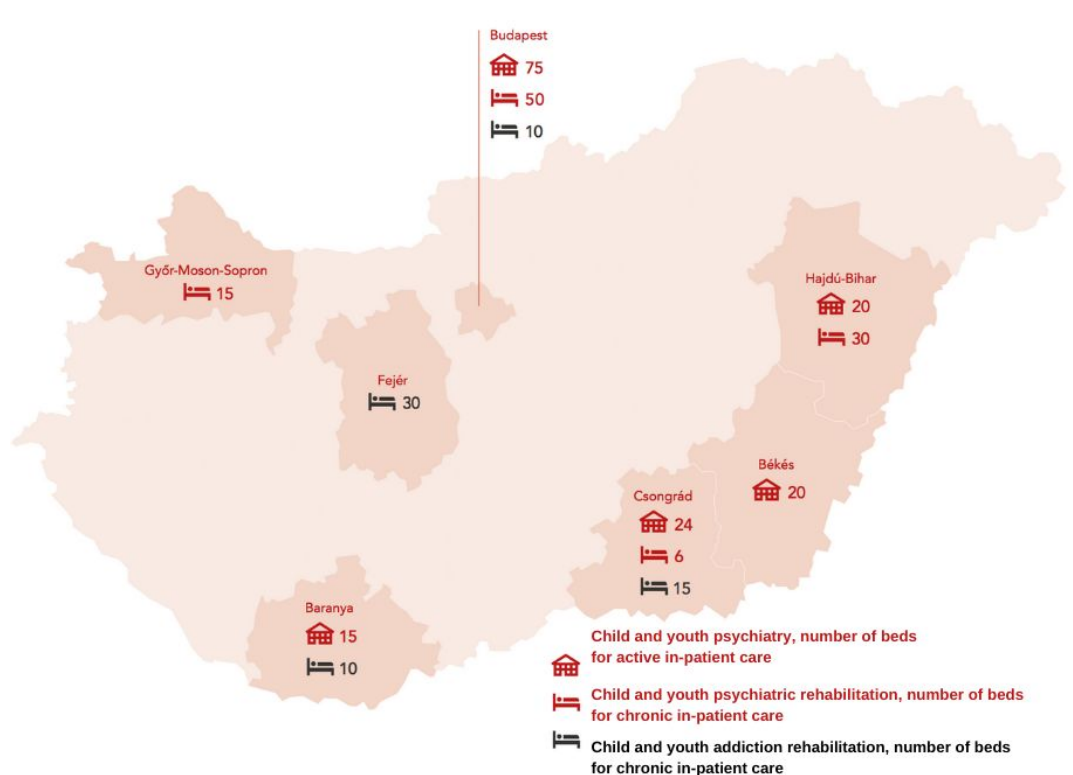
Percentage of vacant district nurse and school doctor services (Source: NEAK 2018)

According to the National Health Insurance Fund of Hungary (NEAK), 7% of all district nurse positions remained vacant,⁵⁰ even though one tenth of regional or mixed district nurse services are carried out via substitution, and they exceed well above the legally prescribed maximum⁵¹ of providing for 250 persons. Geographical inequalities are clear: 40% of regional and mixed district nurses are working in Budapest or Pest county, while in Nógrád county 27% of the positions are vacant. **Over 60 000 children do not have access to pediatric care**, 89 pediatrician positions remained vacant (6%) last year. In Békés, Nógrád and Tolna counties 14-16% of the population have no access to these services. Almost every tenth school doctor position is vacant (276), while in Tolna and Borsod-Abaúj-Zemplén counties one in every six position is vacant (16-17%). **Full-time school doctors provide for 10% more students on average than the maximum allowance**,⁵² while in Vas county they are more than three times (311%), in Nógrád they are more than two times (208%) over the limit.

⁵⁰ According to the National Health Insurance Fund of Hungary, 356 jobs (7%) are unfilled, while according to the Association of Health Visitors, 388 jobs (7.5%) are unfilled. Coverage is 96% in case of management, school and family protection health visitors, coverage is 91.5% amongst regional health visitors.

⁵¹ Section 5 (1) of the Order No. 49/2004. (V. 21.) of the Ministry of Health, Social and Family Affairs on the Regional Midwife and Health Visitor Service

⁵² Order No. 26/1997. (IX. 3.) of the Ministry of Welfare on School Health Services. The order prescribes a maximum of 2400 students under the supervision of a single doctor as long as there are a number of full-time health visitors supporting the doctor. The data cited – in the lack of relevant data – does not consider the actual provision of health visitors, and assumes in good faith that health visitors are available in schools. Considering the lack of health visitors in schools, the data cited should be regarded optimistic.



Capacity for child and youth psychiatric and addictology in-patient care, 2018 (Source: NEAK 2018)

Excluding Budapest, only 4 counties have child and youth psychiatric in-patient care available and rehabilitation in a further 2. Half of the work hours spent on caring for active (non-rehabilitation) in-patients (48%) and one-third of all the work hours put in for out-patient services took place in Budapest.⁵³ Care for substance abusers among the youth population: the 2018 country report of the National Drug Focus Point shows that **only 3 therapeutic groups** are available for those under 18, with a total capacity of 55 beds.⁵⁴ The [HUF 6 billion framework](#) announced in October 2018 gives way for hope. The funds were allocated to improve personal and material conditions in child and youth psychiatric care institutions, addictology, mental healthcare and to develop professional guidelines and research.

“Simply because a place is modern or renovated, life will not be better there, the therapeutic programme will not improve, there won’t be more professionals. Improvement of child psychiatry requires a complex, multidisciplinary approach.” [Source](#)

The early childhood intervention system⁵⁵ has key weaknesses, mainly the lack of cooperation protocols. According to the data of the Early Intervention Centre Budapest,

⁵³ While in the capital their workload is 1277 hours per week, in Tolna and Vas counties it is only 24.

⁵⁴ According to the National Health Insurance Fund of Hungary, in 4 counties there were a total of 65 beds providing child and youth addiction rehabilitation services.

⁵⁵ Health, social and public education sectors that support children at developmental risk and their families from pregnancy to schooling.

approximately **one in every six newborn or prematurely born child receiving intensive care participates in early development**⁵⁶ in spite of studies proving the importance of intervention as early as possible. After the governmental project launched in 2017, the state set the goal of improving care services for premature babies, strengthening of early intervention services, as well as involving parents as partners therein, which was supported by significant funds.



Conditions for parents to stay with their children in hospitals, at times involve severe and unnecessary restrictions. Photo: János Nemes/MTI

The ombudsman observed that the **conditions for parents** to stay with their [children in hospitals](#) varied by institution, at times involving severe and unnecessary restrictions. The ombudsman recommended that the minimum standards be put into legislation and the financial background rationalised.

One in every five couple is faced with **infertility**, and the various interventions – I.V.F., insemination, medications – help 4000 children to be born in Hungary per year, which amounts to 4-5% of all births.

⁵⁶ According to the latest available data, in 2016 about 5900 children were transferred to intensive care for the ill and immature newborn (NIC/PIC), while in the same year only 4542 children aged 0-5 years received early training. Source: Barbara Judit Czeizel (2018): *Változó gyermekek, változó igények, változó szakmai megoldások – Új kihívások a kora gyermekkori ellátórendszerben*, Családi jog 2016/2., pp. 8–12.

Juvenile health

The World Health Organisation's (WHO) European comparison of 2018 showed that Hungarian teens were the most affected by [alcohol consumption](#). By the age of 15, 41.2% of boys and 33.5% of girls had been drunk at least twice in their lives, earning Hungary the first and third places respectively among 36 countries. A 2016 study presented in 2018 also outlined a worrisome picture: **13% of the youth population aged 15-19 consume alcohol on a weekly basis** and the same proportion are smokers on a daily basis. The study proves the increased exposition of boys to these [risk factors](#) and the links between consumption and certain childhood traumas.

"Addictions affect people in their twenties more than the youth population- although this is good news as teenagers are less likely to damage their still developing body, it shows that there is still a lot to be done in shaping the views of teens so that, when they grow up to be independent, they would still avoid these harmful behaviours." [Source](#)

Since 2011, the number of pregnancies grew the most for girls aged between 15-19, significantly limiting the life choices of the young women concerned. The [fertility rate of girls aged 15-19](#) show significant geographical differences. Half of the children with mothers aged 15-19 were born in the northern regions and the northern parts of the Great Plain of Hungary, the number of births in the latter had increased by 50% since 2011. Fertility of 15-19 year-olds is high even from an international perspective: the fourth highest number after Bulgaria, Romania and Slovakia. According to the Demographic Yearbook 2018, published by the KSH – although not discussing it extensively – shows that in 2017, 2400 children were born from teenage mothers, which meant that 6-7 teenagers gave birth each day.⁵⁷

In 2018, for the first time since 2007, the KSH published a comprehensive study on [abortion](#). Analysing the period between 1990 and 2016, the report concludes that while the frequency of abortions among teenagers dropped since the change of system in 1989 (to one-third in Budapest or three-quarters in Heves county), in the last 6-7 years the number has remained unchanged (did not decrease). According to 2016 statistics, **one-third of women without children choosing abortion were teenagers**. This should be compared with data which shows that 10% of women only use protection from time to time and 7% [never use protection](#) to prevent unwanted pregnancies, while according to the KSH in 2017, 1120 girls and 327 boys aged 15-19 got married.

Prevention is key for the mental well-being of the youth population. The initiative of the new minister for human capacities to legally prescribe that [promoting a healthy lifestyle begins during kindergarten care](#) caused outrage, as the [petition](#) by kindergarten caregivers reckons that it was already part of the programme, but they received little help and attention in tackling the practical difficulties. A survey in 2018 on [drug prevention programmes](#) in

⁵⁷ This is 7-8% less than in last year, which is accounted for by the fact that women at the childbearing ages of 15-19 years declined by 4%, a total of 3800 women.

secondary schools reflected on the quality and aims of the programme. Most of the youth population attended a lecture in person (85%), the second most common form was showing a film (32%). The majority of lectures focused on raising awareness about risks, the effect of drugs (82-68%) and nearly half of them emphasised the importance of refusing drugs (44-40%), while only 23-30% contained elements of helping one another or safer alternatives of leisure. Only a portion of the drug prevention classes followed a holistic approach, 9-15% of them covered social relations, alternatives of spending free time and means of reducing harm.

Article 26: Social security

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

Similarly to 2017, the public discussion was less thematised by poverty of children, even though [33.6% of Hungarian children were affected by poverty](#) or social exclusion according to the European Union Fundamental Rights Agency (FRA).⁵⁸

Although the 2018 statistics for socio-cultural or low-income based allowances were not available, the data for the end of 2017 may still be good guidance. According to KSH data obtained from local governments on 31st December 2017,⁵⁹ 314 366 children received regular child protection allowance (rgyk) and 206 867 children were registered as disadvantaged or suffering from multiple disadvantages. The statistics showed geographical differences that reflected the financial division of the country, as 10 times as many children from the north-eastern region received rgyk compared to Győr-Moson-Sopron county or Budapest.

The [amendment to the NM \(Ministry of Well-Being\) Decree No. 15/1998 \(IV.30.\) brought a number of changes](#) for the operation of the **Safe Start Children’s Houses**, the most important of which ones concerned those who would be considered visitors. A regular visitor of the House is the 0-3 year-old child who visits the House with his or her parents on at least 40% of the days when the House is open.⁶⁰ The decree further prescribes that at least half of the regular visitors of the House should be those who receive regular child protection allowance, and half of such visitors should be considered disadvantaged or suffering from multiple disadvantages. The reform made eligibility far more bureaucratic than before.

⁵⁸ According to the methodology of the FRA, those are at risk of poverty or social exclusion who live in households where per capita income is (1) less than 60% of the domestic median income, or (2) where family members aged 18-59 worked less than one fifth of the time of a full employment, or (3) who can not pay at least 4 of the following 9 expenses: rent, mortgage, heating costs, unexpected expenses, regular meat or protein, holidays, TV, washing machine, car, telephone.

⁵⁹ Data source: SKH 1210 NSDP data collection, relevant data come from social statistical annals and unique data requests.

⁶⁰ Formerly, a regular participant was defined as a child aged 0-2 who attended the Children’s house at least once a week or a child aged 2-5 (non-kindergartner) who attended at least three times a week.

“The Safe Start Children’s House cooperates with the family and child well-being services and centre in facilitating the social integration of children and the family. The House organises a group meeting at least once a month involving the family and child well-being service, nursery, other children’s institution and – if necessary – any other members of the signaling system. The new wording emphasises the cooperation with family and child well-being services and centre.” [Source](#)

Nurseries and kindergartens should provide **free catering** for children entitled to regular child protection allowance if the child is chronically ill or disabled, if the child lives in a family with 3 or more children, if the family’s income per capita does not exceed the 130% of the net minimum wage, or if the child is placed in care.

Full-time schools should provide free catering for children entitled to regular child protection allowance from 1st until 8th grade, for children placed in care and for young adults in follow-up care having further education.

Reduced price catering should be provided in full-time schools and in daycare for persons with disabilities, for children entitled to regular child protection allowance after 8th grade, for children with chronic illness or disabilities and for children in families with 3 or more children.



In the 2017/2018 school year over half a million students received free or reduced price catering in nurseries, kindergartens and schools. Fotó: Péter Komka/MTI

[627 000 children](#) received catering free of charge in the 2017/2018 school year. Local governments provide warm lunch during school break upon request from the parent or legal guardian of children with disadvantages or multiple disadvantages and for children entitled to regular child protection allowance. According to KSH statistics⁶¹ 164 508 children used this service in 2017.

⁶¹ Data source: KSH 1210 NSDP data collection. Relevant data were obtained through a unique data request.

Thanks to the campaign and petition of [‘The City is for All’](#) group in 2018, **eviction of families with children** appeared in the public discussion. Even though the Child Protection Act⁶² prescribes that no children should be separated from their families for financial reasons, eviction of the family due to debt often results in the child being placed into professional care.

G) Education, Leisure, Culture

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

“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 (...)” (extract from the UNCRC)

Developing quality education was still a key issue For the government as well as for professionals and student organisations developing quality education was still a key issue in 2018. After more than a year of preparation, the first draft of the [new National Curriculum](#) (see Article 12: Respect of the Child’s views) was presented and public debate was launched. The concept promised a student and study focused, competence based and practical education system, and in addition to the Fundamental Law, inter alia, the UNCRC was also referred to with respect to the fundamental principles. Alongside their appreciation, the professionals expressed that the concept holds no radical reform. It was highly anticipated how the content of the Curriculum would be shaped by the [government and experts developing it](#), and who would find it ‘too liberal’ or ‘national, work-based and family centered.’ It was highly controversial that the government’s first reaction was to [criticise the content of history, literature and sciences](#), showing how deeply politicised the topic is. The Republikon institute [compared views on education with political opinions](#). While some aspects – like the over the top workload of teachers and students – came up as criticism regardless of political stance, others – such as daily PE classes or centralisation – showed a far greater involvement of politics, and came up as criticism only for the opposition.

“The new Curriculum arbitrarily selects and ranks key competences without any scientific proof. As far as teaching is concerned, the number of classes is far too high, even endangering the healthy development of children. Meanwhile, mathematics and sciences are under-represented according to professionals.” [Source](#)

⁶² Section 7 (1) of the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship

The [base programme for kindergarten education](#) was also changed, from September 2018 feelings of national identity, Christian cultural values and patriotism were enhanced by the greater involvement of folk motives and Hungarian historical elements, while the Digital Education Strategy was rejected for kindergartens.

According to vacancies listed on the public service website, in August over [700 kindergarten pedagogues](#) and in July [2400 teachers were being searched for](#). The **lack of teachers** fluctuated throughout the school year, creating a high level of instability for children and vulnerability for institutions.

From an international perspective, the OECD evaluated the Hungarian kindergarten care as well-developed, but [expressed its concerns](#) vis-a-vis its **accessibility** based on socio-economic background. The predetermination by social status haunts the education system as a whole. Despite the centralisation efforts to reduce inequality, **the social background of students affects their school performance in Hungary more than in any other EU country**. "[Social background](#) is also more and more definitive for the life patterns of students, children of less qualified parents find it increasingly difficult to pass the selection points of secondary and higher education. (...) Parallel to this, the optimism for higher education also cracked, while in the 2000's half of the students aspired for higher education, today, less than a third would like to do that in the reference age-group." Segregation in education does not help social mobility: in 2018 the European Commission reported that **children with disadvantages (3 out of 5 roma) attend schools where [they constitute the majority](#)**.

The years of ongoing educational reforms had no visible effect yet in the results of the [competence tests](#), the 2017 national tests concluded with similar results to previous years. However, it is tragic, that **10th grade students of vocational schools do not reach the level of a 6th grader in Maths and reading comprehension**.

The OECD report on Hungarian education observed that **even with private funds included, only 3.8% of the GDP is [spent on education](#)**, while the OECD average is 5%. Among the 35 developed countries, only Luxemburg, Ireland and Russia spend less on education in % of the GDP. The Hungarian Academy of Sciences (MTA) carried out a study on education methodology concluding that the [budgeting of education](#) should **reach the EU average** at least. The country report of the European Commission also found it concerning that **despite the wage increase**, the wages of teachers [were still 31% lower](#) than other degree wages.

Dissatisfaction with the public education system makes alternative options seem more charming for parents. The Association of Foundation and Private Schools informed us that **private schools receive 5 times more applications than there are places available**, the members of study groups and circles are around 60-80. According to statistics of the Educational Authority over 8000 children were private pupils in 2018. 80% upon request by themselves or their parents. **Private pupil status** provides an escape from the public school system. These new forms (study groups) are somewhat similar to studying at home, but their organisation, functioning and the nature and quality of services as well as its National Curriculum compatibility, etc. are unknown. Therefore, children's right to proper education is violated. The popularity of the private student status and study groups is clear, but experts call for child protection aspects, while the ombudsman pointed out the [anomalies](#) of the

legal regulation and recommended the modification of the power of child protection authorities in evaluation.

Fundamental rights of students were also affected by the dynamic of the educational reforms. We have already mentioned in our 2017 report that the new requirements for the [maturity exam for the professional subjects](#) entered into force after serious delays. The ombudsman concluded that the **fundamental rights of students concerned were therefore violated** in the maturity exams of spring 2017, while exam takers with special educational needs were not clearly granted the exemptions and benefits they had been entitled to.

The legal background is also problematic vis-a-vis [school maturity examinations](#). The ombudsman pointed out that the deficiencies of regulations may lead to the excessive duration of expert's review, the violation of the best interest of the child and unnecessary child protection measures and procedures.

A progressive step was the beginning of [digitalisation](#) in public education, focusing on improving access to the Internet, acquiring better IT equipment, developing digital study material and tools as well as strengthening digital skills.

A new era began in 2018 regarding the financing of **special schools called 'tanoda'** initiated by the civil society to reduce inequality in education. The amendment of the Child Protection Act gave legal grounds for their operation, and now over 200 of them operate in the country. The public financing puts an end to the [often-criticised uncertainty](#) after the termination of EU funds, however, even this new concept leaves the [issue](#) of children with disadvantages mostly untouched.

Article 31: Leisure and culture

“The child shall have the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.” (Extract from the UN CRC)

For several years, the **overburdening** of students has been one of the most common criticisms of the current education system. It has been a recurring motive for student protests and [student organisations](#), as well as a steady element of the industry's reform efforts and of general feedback.⁶³ According to the Secretary of Education, the [increased workload of students is stereotypical](#), and instead of reducing the number of classes, the problem should be solved by increasing the effectiveness of learning and altering the weighting of study materials. The Hungarian Academy of Sciences holds the contrary, concluding that [the number of classes in the new National Curriculum is still too high](#) and **it might jeopardise the healthy development of children**. Regarding the understanding of leisure, it is apparent that it mostly appears within the ambit of teaching-learning, while little attention

⁶³ In the above mentioned [Republikon-survey](#), 62% of respondents said that educational overload is a serious or very serious problem, with only 8% opining that children suffer no overload in school.

is directed at spending quality freetime and relaxing.

“Currently, a secondary school student might have as many as 40 hours of lessons a week, adding the extra-curricular activities and home-studying times, it is well above the average 40-hour weekly workload of adults prescribed by law. Emphasis should be put on quality over quantity in reforming the curriculum by reducing material and restructuring.” [Source](#)

Professionals working with children constantly emphasise how important spending time together, sharing experiences and adventures, playing, doing sports and outdoor activities in development are. Little information is available on how children spend their freetime or the factors affecting their participation in cultural or sport activities. This would be even more important for children in care homes who live with, disadvantages, disabilities or are otherwise vulnerable and might have equal rights but limited opportunities. The above cited Hungarian youth study provides no relevant information broken down by age groups, although one of its focus areas is the dominant need for equipment for child leisure activities. The study shows that being on the **phone is the preferred activity for 39% of children aged 15-19**. Since 2008, the number of children never going to the theatre or movies increased by 10-20% points – their attention clearly shifted towards digitalisation. “Gadgeting” and screen addiction are growing concern for parents as they are struggling to keep them at bay: the NMHH found that every second parent puts a [time limit](#) on their children’s Internet usage. Nonetheless, due to the massive impact of digital and consumer behaviour as well as parents’ limited time and attention, a new ‘digital childhood’ was born.

Costs of accessing leisure activity services saw an above average increase. The ticket prices of public cultural institutions often jeopardise equal opportunities.⁶⁴

Summer camps for children have received growing attention in recent years. In 2018, the discrepancies of its legal background came to light. The ombudsman concluded that the legal regime [did not properly guarantee the safety and protection of children](#) in summer camps organised by private sector actors.

H) Other Special Protective Measures

Article 22: Special protection of asylum seeking children

“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

⁶⁴ According to the [Hungarian Central Statistical Office](#) (KSH), in 2018-ban holiday services grew by 6.5% and cultural and freetime services grew by 2.5%.

in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.” (extract from the UNCRC)

The Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe published in March 2018 a report, [re-expressing its concerns](#) regarding the **age assessment procedures** of asylum seeking children arriving in Hungary. The general procedure is based on physical observation (physical maturity and teeth) and takes only a few minutes, not taking into account psychological, cognitive or behavioural factors. GRETA further criticised the decision of **extending the “crisis situation caused by mass immigration”⁶⁵ which has been in effect since 2015, to the age at which child protection measures become available resulting in the limit sinking below the age of 14.**⁶⁶ The situation is controversial if the irregular migrant arrives in Hungary as a victim of human trafficking but is yet to be identified. According to the victim support act, victims of crimes who are Hungarian or EU nationals, or have been previously identified as victims of human trafficking, or lawfully resident third country nationals, qualify as victims (thus, are entitled to specific types of services and support).⁶⁷

“In order to better assess the age and condition of children arriving in Hungary, it would be important to carry out psycho-social examinations as well. The examination procedure built solely around knowledge of European body and development without taking into consideration the social, medical and anthropological attributes of the most common places of origin for asylum seekers or migrant children may significantly distort the result.” [Source](#)

In 2018 authorities still did not identify a single person under the age of 18 as a victim of **human trafficking**.

[Improvements](#) have been realised in the appointment of child protection **guardians** within 8 days.

From 2018 only one person may enter Hungary via each **transit zone**, [violating the right to access to territory according to the Hungarian Helsinki Committee](#). In case of an entry of a family of 8, one of the transit zones is closed for 8 working days. Accession is granted based on an unofficial waiting list that has existed since 2015 and in Serbia, it is managed by the chosen group leaders of the groups of migrants. The Lanzarote Committee in its 2018 report as well as a research report observed that this [system is corrupt](#) to the bone, including money, sexual services or even modern slavery to bribe the person in charge of the list to enter Hungary as soon as possible.⁶⁸

⁶⁵ Section 80/A of the Act LXXX of 2007 on Asylum

⁶⁶ Paragraph c) of Section 4 of the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship

⁶⁷ Section 1 of the Act CXXXV of 2005 on Crime Victim Support and State Compensation

⁶⁸ Dr. Claire Healy: *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe*, ICMPD, Vienna, 2019.

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

The **new Code on Criminal Procedure**⁶⁹ entered into force 1st July 2018, inaugurating a number of reforms and new safeguards, which can greatly help to fulfil the protection of children's rights. Persons under 18 are specified as 'persons requiring special treatment', providing enhanced protection.

The new procedural code strives to avoid minor victims meeting the accused during the procedure, thus, as a general rule it prohibits the accused or the defender from being present at the hearing of the minor, furthermore it excludes the possibility of confrontation if the child is under 14. Another **children's right safeguard** is that the court, public prosecutor or investigating authority may order a forensic psychologist to be present to help the minor as well as the authority during the investigative actions. The new code also implements further safeguards for victims of sexual crimes: the victim should only be questioned by a person of the same sex, the public should be excluded from any part of the trial where the victim has to be present, or if the victim is below 14 and there were pictures or voice recordings produced when his/her statement was taken, an additional hearing of the child by the court may be omitted. As a general rule, the new code prescribes the use of telecommunication devices for interviews and interrogations.

According to the statistics from the police on **child-friendly interview rooms** prescribed by the IM (Ministry of Justice) decree No. 13/2018 (IV.12.), the regional police departments fulfill the criteria set forth by the decree, with 28 active rooms available in the country (at least 1 special room within the area of competence that is suitable for continuous use). In order to fulfil the requirements of the new Code on Criminal Procedure in each police department, long distance hearing rooms are being set up, 186 of the originally planned 192 are already operating.

Section 677 of the new Code on Criminal Procedure prescribes that "criminal procedures against juvenile offenders have to be carried out in accordance with ensuring the physical, emotional, ethical, mental development of the juvenile and to facilitate his or her reintegration into society and refrain from committing crime again".

The new code also defines a juvenile as a person who is above the age of 12 but has not yet reached the age 18. Apparently, there is no intention of raising **the age for criminal responsibility** back from 12 to the previous 14 as recommended by the CHR. Nevertheless, the Code on Criminal Procedure similarly to the Criminal Code prescribes the examination of mental capacity for offenders aged 12-14 immediately upon declaration of reasonable suspicion. A safeguard for juveniles is that the new code extends the role of the defender, as for juvenile offenders, their presence is obligatory during the procedure even before indictment.

⁶⁹ Act XC of 2017 on Criminal Procedure

The new Code on Criminal Procedure also reformed the gathering of statistical data, therefore the data for the first and second half of 2018⁷⁰ have to be handled separately.⁷¹

Age group	Registered offenders	Criminal offenders	Criminal offenses*
	2018 I. half	2018 I. half	2018 II. half
Minor (0–13)	873	12	300
Juvenile (14–17)	3405	3377	3715
*2018 II. from the second half of 2018 data means the offenses committed, therefore the same person committing multiple criminal offenses might be in the statistics multiple times.			

Registered minor and juvenile offender in 2018⁷²

2018. I. half: **873 minors were registered offenders**, 12 of them were held responsible. **Most of the committed crimes were theft** (43% in the I. half and 36% in the II. half). Theft was also the most common offense for juveniles (34% in the I. half and 38% of the II. half), vandalism being the second (23% in the I. half and 15% in the II.).

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities. (extract from the [Optional Protocol](#))

Our reports in previous years did not touch on these articles of the Optional Protocol. However, due to a [Capa award](#) in 2018⁷³ the ‘**Honvédsuli**’ (Patriotic School) initiation received public attention. The Honvédsuli programme (according to [its own objectives](#)) aims to help primary school-age children understand that protecting our country is the

⁷⁰ Data source: Universal Criminal Statistics of Investigators and Prosecutors

⁷¹ Due to methodological changes, data from 2018 Q1/2 and Q3/4 cannot be aggregated. Furthermore, the database no longer allows for querying culprits from Q3/4.

⁷² Data source: Universal Criminal Statistics of Investigators and Prosecutors

⁷³ The Robert Capa Contemporary Photography Center established the Robert Capa Grand Prize of Hungarian Photography in 2014 to celebrate the best Hungarian photographers. The prize is awarded by an international jury. In 2018 the grand prize was awarded to Máté Bartha for his series entitled *Contact*.

foundation of our nation. Apart from patriotic education and training, there is emphasis on sports linked to national defense, the keeping of the culture of the military as well as the maintenance of military graves.

“There is an NGO in Hungary that organises military leisure activities for children aged 10-18. Now, military and patriotic thoughts and education are an important part of governmental communication, however, cadet training is mostly unknown in Hungary. The directors of Honvédsuli – a pedagogue, a child protection service professional and a French ex-legionnaire – provide group experience-based, semi-natural patriotic trainings for the youth population.” [Source](#)

From a child rights perspective the most grave concern with the Honvédsuli is that children are given real weapons and a training that could be used in armed conflicts. The CRC had previously condemned states for such institutions (e.g. most recently Russia).



The Honvédsuli programme aims to help primary school-age children understand that protecting our country is the foundation of our nation. Photo: Máté Bartha. [Source](#)

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Trafficking in children

“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](#))

Article 36 of the UNCRC prescribes that **all children have to be protected from all forms of exploitation**. In 2018 (until 30 July) in Hungary 7 cases of human trafficking were concluded (initiated in previous years). 33 cases of exploiting child prostitution⁷⁴ were launched. This action would be defined as human trafficking by the EU terminology.⁷⁵

Since 2014, most of these cases (75% in 2018) reached the indictment phase, whereas before 2014 most of them were terminated in the investigation phase.

A positive change was statement No. 201 of the Prosecutor General on human trafficking. The prosecutor's office **reviews cases of prostitution and qualifies them as human trafficking** if it is proven that the victim of prostitution was in a vulnerable state and was bought, traded, handed over, recruited, transferred, hidden, concealed or obtained for purposes of exploitation. It is not clear if the statement applies to **minors and juveniles affected by prostitution**, as for them – according to the previously cited directive – the modus operandi is irrelevant, the presence of exploitation and action per se constitutes human trafficking.

The judiciary still considers children affected by prostitution as perpetrators, and are sanctioned. The ombudsman in its 2018 report pointed out that the police still have no internal guidelines or instructions on dealing with cases of prostitution. Police encountering prostitution do not involve a psychologist when interviewing the child and order detention for multiple recidivist juveniles (i.e. those who have been found in the act of prostitution several times). Some police offices use the signaling system when encountering child prostitution (e.g. Hajdú-Bihar county). **The child-friendly interview rooms of 2012 have never been used in child prostitution cases.**

⁷⁴ Section 203 of the Act C of 2012 on the Criminal Code: Giving Money or Any Other Form of Remuneration for Sexual Activities with a Person Under the Age of Eighteen Years: Exploitation of Child Prostitution

⁷⁵ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision 2002/629/JHA

The ombudsman emphasises the irrelevance of voluntariness in prostitution: “it is by definition impossible, if the person is under 18. Therefore, the starting point should be that the minor does prostitution as a result of – physical, mental, financial – coercion or threat.” [Source](#)

The police and specifically the Department of Crime Prevention holds several awareness raising programmes for schools and school-aged children (such as the lecture “Can touch be harmful?” of the police department of Kecskemét), as well as initiate child protection measures when encountering prostitution.

Prostitution and child prostitution are, however, **symptoms**, the child is merely the vessel of the problem, thus, effective solution cannot possibly be achieved by raising awareness and training of the youth.

CHILD RIGHTS REPORT HUNGARY 2018

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