

HINTALOVON

Child Rights Foundation

Child Rights Report Hungary 2017

Introduction

How will children remember 2017? The year when Hungary hosted a watersports World Championship or when the year we have withdrawn bid to host the Olympics? Who will come to their mind: Ildikó Enyedi or Katinka Hosszú? Will they recall the advertisements of the “Soros-campaign” or rather, the extraordinary ice-debacle on the Danube? We cannot know which national or public event will be the most memorable and in what context the year 2017 will be remembered. What we know is that children are not outsiders, but active participants of our world. Every event we create, participate in and what we communicate, all concern them. What is more, of course, personal, private or family occasions may at any time override these. However, from time to time, we adults should remind ourselves that children grow up in the reality we as a community create for them.

It can generally be observed that the events in 2017 that are significant from a children’s rights perspective did not stir up major collective societal reactions. Nevertheless, the media is still a deciding factor in whether an event would cause legal, legislative or other consequences. It can also be noted, that the main topics kept changing rapidly in 2017; only a few could sustain interest of some sort all the year round, at the public, political, professional or at the international level.

One of these key issues was the **sexual abuse of children**, that – partly owing to the #metoo campaign – constantly dominated public opinion and discussions during the year. It is a positive outcome that several laws were adopted aiming at prevention while the media coverage of “children/violence” cases was unprecedentedly high. One-third of written reports on violence against children focused specifically on sexual violence, while the number of media publications on the issue increased by 400 percent in recent years. It is (partly) due to this process that while the number of children becoming victims of crime generally decreased, more children experienced sexual abuse. This most likely does not mean that the number of these crimes rose, rather that more child sexual abuse cases were disclosed in 2017, which is definitely a positive change.

In over 90% of child sexual violence cases, the child is abused by a person who is in a position of trust. This is further supported by the findings of a criminal procedure against the director of the children’s home in Bicske in 2016, where many of the child victims told in public how they were abused by an adult whose care they had been placed in. The follow-up of this case in 2017 was that more and more public and professional forums discussed the situation of **children separated from their families**, living in childcare institutions, raising awareness of issues like, among others, the fact that one in every three children are being displaced due to the financial situation of their families, as well as the severe lack of professionals in

childcare institutions or the practice that despite the legal regulation – due to insufficient capacity – children under 12 are still being placed in children’s home instead of foster care.

It is often raised, that children living under state care are being treated as “secondary citizens” by the system. They are at a disadvantage regarding their education and opportunities to express their talents, resulting in limited choices available when starting their adult lives. These problems, however, are mostly “invisible” to the rest of the society.

Children with disabilities, special educational needs or learning disorders face similar (otherwise similarly invisible or difficult to recognise) problems, but managed to break through these invisible barriers in many ways and brought their issues to light in 2017. The Commissioner for Fundamental Rights (ombudsman) dedicated multiple reports to children with disabilities; scenes from the Topház in Göd had a devastating impact through the media early in the summer, followed by large-scale debates on the newly reformed Education Act regarding its shortcomings vis-à-vis aspects of personnel, professionalism as well as treating the education system holistically.¹

There are more than 35,000 children in Hungary living with disabilities. According to statistics, the number of children with special educational needs keeps growing, however their integration is not achieved due to deficiencies in the educational system. Their access to education, health- and social care is insufficient, just as it is the case for children separated from their families (however, for a different reason).

According to data published by the Hungarian Central Statistical Office (most commonly known as the “KSH”), in 2017 as many as 829 children with disabilities lived in institutions for the disabled. One-third of children placed in children’s homes or small group homes live with disabilities, while the number of foster parents qualified to take care of children with special needs dropped by 20% according to the 2017 data.

It would be of utmost importance that attention is paid to children with special needs not only at times of media scandals. Special attention should be constant – mainly in order to improve their circumstances, to provide their families with the support needed - so these children may receive the chance not to step into their adult lives as “secondary citizens”.

¹ The legal reform was commonly known as the “Taygetos Act”, however, as it is a highly stigmatising expression that is harmful towards children affected, we do not support its use. The latter expression is only present in the footnotes, so that anyone searching for it in that way may find the relevant sections in our report.

Other than sexual violence against children, issues of children raised in institutions, separated from their families, and children living with disabilities, 2017 had a further important focus regarding children's rights: **refugees**. Its importance does not lie in the number of these children: in 2017, 232 children crossed our borders alone while 1600 did so together with their families. The main concern is that from March 28th 2017, regulations on child protection are not applicable to all those children aged 14–18 who appeared at our borders. These children can be taken into custody and held in the transit zones indefinitely. Children under 14 had had the opportunity to reside in the children's home in Fót during their asylum procedure, but closure of the institution was announced in January 2017.² These decisions per se constitute a violation of the UNCRC. The question is what we may achieve through this measure and at what cost. Not only for the 1832 foreign children, but also considering the 1.8 million Hungarian children we live together with. This is probably the most pressing question of 2017; the answer to which – as it is often the case with children – may only come with time.

Methodology

The report is based on consistent methodology, similarly to the previous year's report, it summarises what was most important from the children's rights perspective in 2017. We have collected data and information from three fields:

- *New legislation and amendments passed or entered into force in 2017.*
- *Professional documents, statistics, and other sources of information released in 2017.*
- *Reports, news, and media coverage in 2017.*³

Legislation undoubtedly constitutes the most important aspect of influencing and directing societal tendencies in Hungary. If a negative trend or event comes to light (as it happened several times in 2017 regarding children) the main tool of intervention is to take legislative action instead of an in-depth expert analysis of the underlying causes and possibly reshaping the processes or enhancing personal and material resources. One could cynically say that the reason behind is it simply being the cheapest option; nonetheless, we are all aware that a great price is paid for new or newly reformed laws which are widely broadcast and cheered, only to remain dormant and unenforced until the next major scandal.

² Due to the closure of the institution it is vital that the placement of unaccompanied children is provided. However, in 2017 only the SOS Gyermekfalvak recruited and trained foster parents for this task. Only a single child could be placed in foster care in 2017. [For further information see here.](#)

³ Media coverage was evaluated for the whole year, based on appearance of certain keywords (separately or jointly) after classifying data series.

A good example was the introduction of "child-friendly interview rooms" that received widespread media interest in 2012/2013. During the drafting of this report it became apparent that there are no statistics available⁴ on the number and utilization of these rooms, we have no information on how they work in practice: the provisions of 2012 are no longer in effect, while the new regulations enter into force in 2018 only – hopefully – creating a transparent environment.

Since the democratic transition in Hungary we received a glimpse on how effective tool the legislation can be in solving societal issues. Furthermore, it also confirmed the media as an ever-growing, independent power in Hungary having an impact on public opinion concerning children and on the children themselves that cannot be ignored.

The Children's Rights Report of 2017 was drafted by the experts of the Hintalovon Children's Rights Foundation, with the direct involvement of professionals of other organizations where it seemed adequate. The first version of the report was brought before expert forums and discussed thoroughly.

The report follows the structure of the Concluding Observations of the UN Committee on the Rights of the Child expressed towards Hungary in 2014, while also addressing the observations and questions the Committee has communicated (available in [English](#) and in [Hungarian](#)). Moreover, the creation of a special version for children under 18 is also underway – as this is mainly about them, *for* them.

The previous report (for the year 2016) is available on the www.hintalovon.hu website.

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

A. General Measures of Implementation

What happened to the children in Hungary in 2017?

The Child Protection Act celebrated its 20th anniversary in 2017.

The first act in Hungary which was a comprehensive regulation on the protection of children was a result of the legislative activism that followed the country's democratic transition. It was a hopeful and promising regulation showing a refined and

⁴ It can generally be concluded that during the drafting of the 2017 report availability and access to data and statistics proved to be one of the biggest obstacles to overcome.

forward-looking approach, which was based on good practice developed in international law, however (according to a report of the State Audit Office of Hungary in 2002) “the material, financial and personal resources necessary for its implementation have never been available”. The Child Protection Act became one of the most often amended regulation during the last 20 years, resulting in the instability and uncertainty of the child protection regime as well as showing that the ambitious regulation faced significant problems in practice.

“The Child Protection Act aimed at the achievement of a social policy that defined the framework for a universal system providing a holistic approach to the child protection as well as equality among children.” [Source](#)



The first act in Hungary, which was a comprehensive regulation on the protection of children, was a result of the legislative activism that followed the country’s democratic transition. [Source](#)

This tendency continued in 2017: the 20 years of our system of child protection was “celebrated” with systemic amendments, reforms and ad hoc interventions as a response to various scandals. Among these, one could find progressive as well as debatable measures while the effectiveness of some can only be judged in the long run.

The main direction of amendments in 2017 was a response to violence in institutions (children's homes, schools, kindergartens) in order to prevent **child abuse** and to take more effective actions against these cases.

The legislator amended the Criminal Code to enforce more strict rules on sexual violence against children to ensure enhanced protection.⁵ Furthermore, from 2017 offenders of sexual crimes against children **have to be banned from any profession** or work related to children.⁶ This provision allows those convicted to be kept away from children as far as possible, however, it has to be pointed out that the majority of sexual violence against children remains hidden, without any procedure against the offender.

A similar amendment of the Criminal Code in 2017 allowed that adult offenders of endangerment of a minor be banned from profession, however, being only an option for the courts and not obligatory in this case, hence it may still be possible that a teacher abusing children, or a kindergarten or children's home worker convicted for child maltreatment still practices a profession that allows direct contact with minors. The judicial system so far does not provide that the offenders of these crimes be taught what abusive behaviour against children is, or how children could and should be raised or taken care of without any form of violence. The lack of the latter significantly increases the chance of recidivism.

Apart from the new regulation on banning from profession another novel introduction in 2017 was the increased suitability requirements for persons in charge of children's homes or reformatories;⁷ while a **new training and retraining programme** was also developed for the sector. The reason behind⁸ was clearly the **criminal procedure** against the director of the children's home in Bicske **for sexual abuse against minors** that gathered massive media interest.

The Ministry of Human Capacities (EMMI) raised its previous **professional protocols** on more effective handling of child abuse cases to statutory level.⁹ In 2017, none of these documents ensured more efficient actions against child abuse within children's homes.¹⁰

⁵ Act No. 177 of 2017 on the increased criminal-law protection from sexual violence committed against children under the age of 12

⁶ Act No. 149 of 2017 on the amendment of certain laws required for the increased protection of children.

⁷ Act No. 95 of 2017 on the amendment of Act 31 of 1997 on the protection of children and the administration of guardianship in order to strengthen the child protection system, and of other acts

⁸ Act No. 95 of 2017

⁹ Protocol on the methodology against child abuse, methodology of investigating, and methodology of the professional rules on handling child abuse cases.

¹⁰ The relevant protocol should – in theory – be in effect from 1st January, 2018, however, as of the finalisation of this report it is yet to be developed.

In 2017 **children's rights representatives received the right** to directly contact children in private in an attempt to increase protection of children who are separated from their families.¹¹ This is an important step in building a position of trust with these children, however, it has to be pointed out that in 2017 only 23 representatives were supposed to satisfy the needs of over 20,000 displaced children.¹²

The legislator also tightened the examination of suitability requirements for **foster parents** in an attempt to reduce the risk posed by withhold of historical information on the previous foster care appointment and the termination thereof.¹³

Due to legal reforms,¹⁴ from 2017 if a pediatrician, district nurse or teacher does not find the parent cooperating enough, it is considered severe endangerment of the child and may even result in the displacement of the child.¹⁵

Regarding **strategic measures and comprehensive policies**, improvements could be observed in 2017, such as the increase of **average gross wage** and better availability of project or tender based supervision¹⁶ and trainings of personal development in the social sphere that also affected child protection. The latter is necessary since retaining professionals working in child protection (thus reducing the high rate of employment migration) and ensuring their mental health directly may affect the well-being of children who get in contact with them. Ideally, these forms of support should be generally and constantly available to all employees- rather than on a project or tender basis – however, it is definitely promising that from 2017 decision-makers no longer doubt the necessity of these internal services.

The "external" – available to children and their families – services in 2017 were complemented by the **crisis management function** of the child protection authority to provide support for children raised under child protection, victimised children and also for professionals directly involved in their care. Unfortunately, until the drafting of this report there was no data available on the practical exercise of this function.¹⁷

¹¹ The children's rights representative safeguards the rights of children under child protection and supports them to learn and exercise their rights. (Section 11 of the Act No. 31 of 1997)

¹² Governmental decree No. 1663/2017. (IX. 13.) on the enhancement of guardianship authorities and the increase of the number of children's rights representatives.

¹³ Act No. 95 of 2017

¹⁴ It is also deemed as a severe endangerment without any further signal or notice, if the parent who has actual care of the child refuses to cooperate with primary health care service providers – general practitioners, pediatricians, district nurses –, nursery or educational institutions. (Section 130/A (3) of Act No. 21 of 1997)

¹⁵ No protocol supporting the implementation of the regulation has been prepared for the members of the signaling system. In the absence of such, different practices may be established locally, however information on this subject was not available at the time of the finalization of this report.

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¹⁷ Act No. 95 of 2017 The crisis management team consists primarily of professionals of psychology, psychiatry, mental-hygiene, family therapy, remedial teaching, mediation or lawyers specialised in child protection or guardianship affairs.

The "**Child Protection Hotline**" was introduced in 2017, a free to call line available 24/7 that provides professional, effective and immediate reaction to any call signaling endangerment of a child, regardless of the signaling person or his or her duty to signal.¹⁸

No progress was made regarding international instruments on the protection of children in 2017. Although the **Lanzarote Convention** on Protection of Children against Sexual Exploitation and Sexual Abuse was signed by Hungary in 2010 and ratified in 2015, no effective executive measures have been taken until 2017.¹⁹

The **Istanbul Convention** on preventing and combating violence against women and domestic violence adopted under the aegis of the Council of Europe in 2011 was signed by Hungary in March 2014, however, it is still yet to be ratified. Furthermore, in various discussion politicians argued against the provisions and aims of the Convention, thus, it is not part of the domestic legal system. In the meantime, victims of domestic violence often raise children, who – according to professional protocols – are to be treated as victims even if they are not the direct target of abuse, but become witnesses to violence.

The Third Optional Protocol for the UN Convention on the Rights of the Child on the communications procedure has still not been signed or ratified by Hungary in 2017.²⁰

In addition to the child protection system, **public education** also underwent significant legal reforms. The amendment of the Public Education Act was adopted in June²¹ affecting children with social, learning and behavioral disorder. The Ministry of Human Capacities (EMMI) expressed that the reform was urged by professionals and it aims to significantly increase the availability of **support and development** for children with such disorders. However, the reform stirred a major debate. The most criticised aspect of the amendment was that children with social, learning, and behavioral disorders needs cannot receive exemption from completion or evaluation of certain parts of the curriculum. Another crucial point was that the teaching of certain subjects, mainly art subjects to children needing remedial education no longer required a qualification for remedial education. The **outcomes of the amendment is not known yet** as it enters into force on 1st September, 2018.

¹⁸ The line is +36 80 630 155. We have tried to enquire about the advisory activity, but received no answer until closing the draft of this report.

¹⁹ The Hungarian government replied to the Lanzarote Committee's questions in November 2017 (2nd monitoring round, the general report for Hungary has not been finalised prior to our report.

²⁰ The protocol adopted in 2011 would allow children or their representatives to directly apply to the Committee on the Rights of the Child.

²¹ Act No. 70 of 2017, the so called "Taygetos Act". See fn.1.

B. Comprehensive principles

Article 2: Non-discrimination

Article 3: Best interests of the child

”State 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)

Discrimination against children posed problems in several areas in 2017 and there were several groups of children whose discrimination proved to be **a systemic and structural problem**.

Children with disabilities and their families face disadvantages (in education, healthcare etc.) on a system level (we elaborate on this issue at Article 23).

The Supreme Court of Hungary (the Curia) proclaimed **the prohibition of segregating roma children** in the case of a primary school in Kaposvár, banning the school from running a new first grade class from 1st September, as it failed to develop a desegregation plan and reform its previous illegal practice.

The most severe form of discrimination against children living in poverty and among this group, roma children in particular, is the loss of family due to their financial situation (displacement of children). Similarly to 2016, the issue remained in focus in 2017 not only in public discussions, but following a **lawsuit** pursued jointly by the **Commissioner for Fundamental Rights** (ombudsman, AJBH) and the European Roma Rights Centre (ERRC), it also appeared in expert panels and forums concerning authorities.

However, not only the displacement of a child may be discriminatory but **also the way the child is placed afterwards by the system of child protection**, where structural deficiencies such as the lack of places, foster parents (especially foster parents qualified to care for children with disabilities or special educational needs) cause problems and discrimination vis-a-vis educational needs or sex of the child. Children living farther from county towns or the capital face even more severe disadvantages.

A special form of structural discrimination – where discrimination against a parent constituted a violation of children’s rights – also could be observed in 2017. The ombudsman found that parents applying for adoption were discriminated **based on**

their sexual orientation, being unlawfully denied of the opportunity to adopt children.

”Unaccompanied minors aged between 14–18 arriving in Hungary do not fall within the scope of the Children Protection Act. Therefore, they are not placed in temporary care, a guardian is not appointed for them and they have to wait for the completion of their asylum procedure in the transit zones.” **Source**

Above all, the most severe form of discrimination was introduced by a new law in 2017 **against asylum seeking children, violating** the UNCRC, the Lanzarote Convention and, **according to our views, the Constitution** as well. As in practice it only affected a handful of children – plus the fact that public opinion towards foreign children could hardly be described as positive in 2017 – it remained mostly hidden²² that a provision excluded unaccompanied children aged 14-18 from the scope of the Child Protection Act, thus, since then their placement is provided in the transit zones, the same way as adults (see Other special protective measures). Any minor entering Hungarian territory illegally is – without any deliberation of their circumstances – being escorted back into Serbia, their application for asylum is denied admission even though **they are qualified for special treatment as applicants** due to their age and situation.

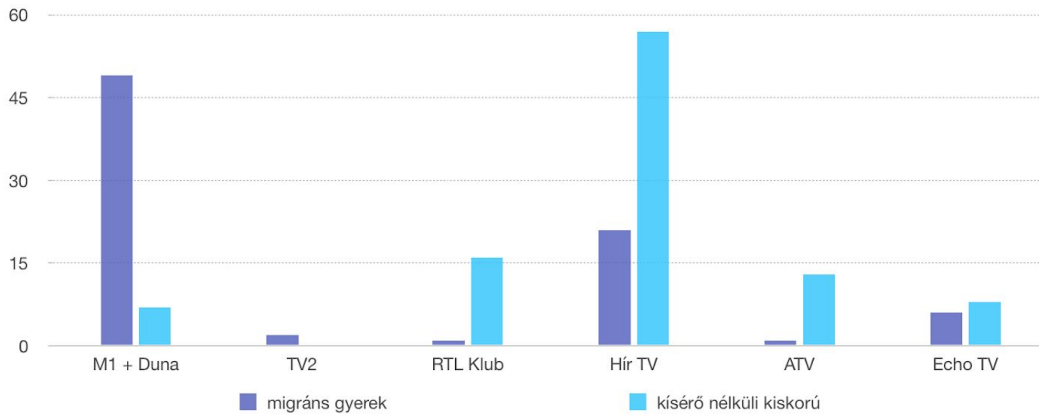
Following the referendum of 2016, the issue of refugees, asylum or protection seekers, “migrants” remained a heated topic in public discussions also in 2017. Hungarian laws do not recognise the expression of “migrant” related to minors, nonetheless, it was often used in the news.²³ The term “migrant” should not have an intrinsically negative meaning, as it is used in international instruments. However, the context in which the media usually covered migrants in 2017 also affected the “assessment” of children. The expression “migrant child” became an ill consequence of discrimination against children, one that appeared even in legal terminology in 2017 – although the main direction of communication and policies regarding migration was undeniably not these children.

²² Annak ellenére, hogy a kérdést az Európa Tanács is [vizsgálta](#) 2017-ben.

²³ Act No. 80 of 2007 on asylum does not constitute or use the expression “migrant”.

2017

	M1 + Duna	TV2	RTL Klub	Hír TV	ATV	Echo TV
migráns gyerek	49	2	1	21	1	6
kísérő nélküli kiskorú	7	0	16	57	13	8



Presence of the discriminatory expression “migrant child” (“migráns gyerek”) in the news in 2017, compared to expressions with neutral connotation (“kísérő nélküli kiskorú”)

An important trend may be identified if we view which media organs used mostly the discriminatory term “migrant children”. It is also noteworthy how little the situation of “unaccompanied” and asylum seeking children was present in the news – even though the **number of children forced to leave home** rose to 28 million by the end of 2017.²⁴

C. Civil rights and freedoms

Article 12: Respect of the child’s views

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

Article 15: Right to freedom of association and peaceful assembly

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

Internalisation of democratic values as well as acquiring political and civil knowledge constitutes an important part of childhood. That is why it is so alarming

²⁴ To produce the graph we collected all news and reports in 2017 that covered asylum seeking, “migrant”, refugee or unaccompanied minor child/children based on keywords. The graph contains data from every Hungarian commercial and public service channel that had a news programme during the evening session in 2017.

that the rejection of politics and scepticism towards the function of the rule of law is so high also among children in Hungary. A **study** on Schools and Society with the involvement of 2800 high school students showed that the vast majority of students support extreme antidemocratic attitude and authoritarianism can also be traced in their answers. The disfunctional education of civil rights and citizenship received significant criticism.²⁵

62% of children believe that “rather than laws and regulations, this country needs a leader people have faith in”. **Source**

The cited study also reveals that **public activity** is low in both online and offline environments: less than one in every ten students participates in a student-, non-governmental or non-profit organisation or other community.

However, students expressed their opinion to decision-makers regarding issues of education. In February of 2017 – after 3 years – the **National Student Parliament met**, where frequent discussions and reforms in education were suggested. Led by the Independent Student Parliament, protests were organized in autumn, however, these quickly **received a political undertone**.

Children’s right to participation was the crossfire of political interests, beliefs and concerns of school as well as parents. It attracted a great deal of public comment when in December – in the name of traditions – **kindergarteners were made to kneel** on the road as participation in the inauguration of a new road by a mayor. This event called the attention to the fact that children’s participation or any communication linked to it constitutes the exploitation of children if it serves primarily the aims of adults. Civil rights organisations pointed out that the illustrations that appeared in the media violated again the children’s rights of publicity and privacy.

Society and the media showed a growing sensitivity towards **the use of children as tools** or “biodecoration” in 2017. This brought a positive outcome, when in March an amendment was drafted in 48 hours to “simplify” the casting of children by deleting provisions protecting children, however, as a result of the **media outrage** the draft was never brought before the Parliament.

²⁵ To address this issue a research group from ELTE University developed **methodological and educational recommendations**. A website called “**Take your part**” has been also launched, which offers study material to facilitate informed public participation and legal awareness as well as engagement of democratic values and human rights.

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)

Children have a right to information that covers all – including their own bodies and sexuality. Nevertheless, it is important how they acquire such knowledge. In early 2017 a heated public debate was provoked by a **sex-education themed colouring book** for 6 year-olds that included genitals and sexual acts to be coloured and was later withdrawn by the publisher due to a **petition**. A wave of indignation among parents as well as professionals was also caused by the **online recommendations of a psychologist** on sexual education for parents, while a study highlighted the risks of unreliable resources after examining the online manifestations of **first sexual experiences**.

The government reported to the Lanzarote Committee of the Council of Europe on measures taken for the protection of children vis-a-vis the **distribution of sexual content**. Involving media and civil partners the government has launched a campaign on awareness and conscious use of the internet, named **Digital Immunity Boost Programme**. A further effort in safeguarding children could be observed as the public media's child- and youth channel **prohibited advertisements** during the hours of shows for the youngest viewers.

A representative study involving 1502 persons being interviewed personally has been carried out during the autumn of 2017 focusing on the reading and **information comprehension habits of minors**. According to the study, children not only read less, but they also read less frequently compared to previous decades: the number of regular (one book a month on average) readers was 9.9% in grammar schools compared to the 2.6% in vocational schools while one in every five grammar school students (21.7%) and every other vocational student (55.8%) never reads a single book. Additionally, the study highlighted that social and demographic circumstances significantly affected the reading and television-watching habits of children, whereas their use of the internet did not correlate with the latter.

According to the **Digital Economy and Society Index** published by the EU in 2017, Hungary made progress on connectivity, the number of internet users grew significantly among the entire society, however, the level of **digital skills** still scores below the European average. Several **sociological publications** criticized the government's efforts to bridge the gap in accessibility and use; suggesting an

enhanced focus on intervention targeting societal and educational inequalities that should – among others – include the improvement of digital competencies and skills.



Míg a gyerekek olvasásának és televíziózásának gyakoriságát jelentősen befolyásolták a társadalmi és demográfiai jellemzők, az internethasználatnál ezeknek nem volt szerepe

Source

Among those aged 14–17, electronic and paper-based media is **followed on a daily basis by approx. 15%**, the news on TV are followed by 20%, while longer digital texts (e.g. blog posts) are read by approx. 40%. Shorter public messages (e.g. street ads or messages and ads placed on public transport) are read every day by 70% of those aged 10–13 and 60% of minors aged 14–17.

"The world of politics – as a result of the lack of parental transmission – has no place in general discussions as it belongs to the grey area of taboos, secrets, indecencies and doctrines." **Source**

The latter is only fraction of the evidence showing how much children are subjected to **political communications** aimed at adults. In 2017, Hungary brew with political debates labeled with the name of George Soros, the CEU, NGOs or border issues and migration, debates that by both their substance and character affected the attitude and social interactions of children, as well. **The Hungarian Advertising Association ruled** in July, that the so called Soros-campaign violates fundamental social norms, it's presentation as public service advertisements is deceptive. It placed a great responsibility on parents and adults working with children to figure out a way to aid children in comprehending these messages and the underlying political

agenda. A previously cited **study** shows, however, that the issues of politicians and political parties are discussed in merely a quarter of the families of grammar school students: it may be considered one of the most marginalised topics in family discussions.

D. Child abuse

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

"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." (extract from the UNCRC)

Zero tolerance against all forms of violence against children had been in effect in Hungary for 12 years by 2017, however, all this time proved to be insufficient in making significant process in this field. The general **acceptance of corporal punishment of children** could be clearly observed when the National Media and Infocommunications Authority, following a complaint against a TV programme, declared that "the expert did not discuss corporal punishment, but physical actions in the interest of a child, as it has been emphasised that force used in the interests of the child cannot cause physical pain, can only be used as a warning and for the benefit of the child." The argumentation of the authority – similarly to the controversial TV programme – highlights that the complexity, psychological abuse aspects and the impacts on physical integrity of corporal punishment are not well-known. Just as it is generally acknowledged that children have less rights in this area than adults.

*"Do you think parents are allowed to slap their children?" – read the question in the *Apra magyar!* Tv programme, featuring 3 options for the answer:*

A: Yes, I survived that too.

B: Yes, but only in clearly justified cases.

C: No, it is prohibited."

Source

According to the general crime statistics of the Public Prosecutor's Office and the Investigation Agency (EnyÜBS) the number of children abuse cases remained stagnant or slightly declined in 2017 compared to the data of the previous year, except for the rise in sexual violence cases against children below 14.

	2015	2016	2017
Minors as victims in total	4135	3688	2924
Child endangerment	976	932	967
Indecent exposure	75	105	116
Sexual violence	152	178	181
Juvenile victims	5831	5118	4714

The number of minor or juvenile victims of crimes between 2015–2017

Although criminal statistics – including data on cases of child abuse - should generally never be taken for granted due to high latency, it may be concluded – consulting data also from children protection services – that the number of cases of violence against children did not rise in 2017. The increased number of sexual abuse cases is most likely the result of reduced latency in these cases, not of the increase of crimes committed.

A further characteristic of sexual abuse against children is that those aged under 14 are more likely to become victims compared to minors aged 14-18. The respective percentages are 16% for the former and 10% for the latter agegroup, however, it is once again highly likely that the seemingly rising numbers do not mean that more crimes have been committed, rather it is caused by the reduced tolerance of society for these crimes resulting in a higher tendency to signal and report.

E. Family environment & alternative care

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

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

An amendment of the Child Protection Act entered into force on 1st January, 2017²⁶ that constitutes refusal of cooperation by the statutory representative of the child as

²⁶ Section 130/A (3) of Act No. 21 of 1997: It is also deemed as a severe endangerment without any further signal or notice, if the parent who has actual care of the child refuses to cooperate with primary health care service providers – general practitioners, pediatricians, district nurses –, nursery or educational institution.

severe endangerment, thus it may serve as a base for displacement of the child. Several experts and NGOs **protested** against the amendment in 2016, nonetheless it has been adopted in December 2016 and entered into force on 1st January, 2017.

Nearly 21 thousand children and juvenile lived **in professional child protection care** in 2017; approximately two-thirds of them lived with foster parents while the rest in care homes according to **data** for the subject year provided by the Hungarian Central Statistical Office. According to the Child Protection Act all children separated from their families aged below 6 should have been placed with foster parents by 2015. However, according to a recent **European study**, around 550 children under the age of 3 still live in care homes in Hungary, failing to provide care that meets their needs.

By 31st December, 2016 children below 12 should have also been **“de-institutionalised”**. There was no official data available at the time of drafting this report on the success of such de-institutionalisation or the number of children below the age of 6 living with foster parents, however, according to the **communication of the government** almost 10 thousand children in Hungary live with foster parents.

Although 500 million HUF being devoted to **free-of-charge trainings for foster parents**, their number still declined, especially the number of foster parents for children with special needs²⁷ that **dropped** by 23% compared to the previous year. A further obstacle is that the **current training for foster parents** (KOP) does not include any module for foster parents for children with special needs.²⁸

The Commissioner for Fundamental Rights published several important reports regarding children deprived of their family environment: **Commissioner found** that no favourable change has been achieved in the situation of children placed in professional child protection care since the previous reports. In 2017, still **one in every three children are displaced due to the financial situation of their families**.²⁹

²⁷ Foster parents for children with special needs: a foster parent who is – according to the provisions of the governmental decree regulating specific issues of the employment relationship of foster parents – qualified for the balanced upbringing of a child with chronic sickness, disability or one under the age of 3 having special needs (Section 54 of Act No. 21 of 1997)

²⁸ Recruiting new foster parents proved to be a difficult problem in 2017 as well for the child protection system. Apart from the limited financial means (low wage of foster parents and low allowance per child) and lack of social appreciation of fostering, the 9-month training foster-parents-to-be have to take (that takes up an entire day each week) is hardly manageable alongside with a full-time job, further narrowing down the number of potential foster parents.

²⁹ The Commissioner invited the Minister of Human Capacities to carry out in-depth analysis of deficiencies of institutions in each county, to take the necessary steps in increasing the number of professional parents providing temporary care and the capacities of temporary homes for families, and to increase accessibility of care options that reflects better on the differing needs and resources of the regions. The Commissioner further highlighted that primary children protection care should provide sufficed support to the vulnerable families, so that displacement of their children based solely or primarily on financial grounds may be prevented, if possible.

"One in every three children in professional child protection care are displaced due to the financial situation of their families. This trend contradicts the Child Protection Act as it prohibits displacement for endangerment arising solely from financial reasons. The practice is not in compliance with obligations set out by the UNCRC and severely violates vulnerable children's right to live in their families, and to protection and care."

Source

The Commissioner carried out a comprehensive **report on functional issues of children's homes**, identifying specific as well as systemic anomalies when observing the children's home of Zalaegerszeg. The report notes that banning children from the enjoyment of fresh air is used as a punishment with a general duration of 1 week, although punishments of 3 months have also happened, severely violating children's right to dignity, protection and care. The report details that several children in these homes report of verbal and physical abuse from professionals.

Although **surrogate motherhood** is not a constituted crime in the Criminal Code, the Healthcare Act³⁰ gives an exhaustive list of legal human reproduction services in Hungary, omitting surrogate motherhood. However, in 2017 the **media reported** of cases where Hungarian couples paid foreign women to carry out their children, since the minimum age gap of 45 years between the adoptive person and the child adopted is required for adoption.

According to Article 9 of the UNCRC, states parties have to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents, except if it is contrary to the child's best interest. However, from January 2017 **physical contact between detained and visitor is strictly forbidden**, relatives cannot touch their detained loved ones being in prison. The new regulation affects an estimated number of 40 000 children of 18 000 detained persons. Hungarian Prison Service holds the **new provisions are necessary** in order to keep the visitors from sneaking prohibited articles in.

The 2014 Concluding Observations of the UN Committee on the Rights of the Child highlight that Article 9 of the Convention calls for complex professional **family preservation** programmes (capable of preventing separation of children from their families) nationwide. Nonetheless, these programmes in 2017 were still (locally) organised and run by NGOs per se, such as the **SOS Children Village Foundation of Hungary**.

³⁰ Act No. 154 of 1997

F. Disability, basic health and well-being

Article 23: Children with disabilities

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

According to information published by the Office of the Parliament in February 2017, **over 35 thousand children in Hungary live with disabilities**, children whose access to education, healthcare and social services is insufficient.



Access to education, basic healthcare and social services for children with disabilities is insufficient in Hungary

Source: MTI / Balázs Mohai

Families raising children with disabilities usually have below average financial means and the lack of individualised forms of support only makes it worse. Approximately one-third of children living in children's homes or foster homes are disabled. In their case the de-institutionalisation process has not been achieved by 2017, even though

the implementation plan for the National Disability Programme³¹ prescribes that the entire legislation on de-institutionalisation and supported living needs to be revised on the basis of the experiences of previous years with special regard to children with disabilities. Even though the deadline for revision had been 31st December, 2015, it could not be observed neither in the legislation nor in policy documents **whether any progress was made**. Meanwhile several reports of the ombudsman emphasized – such as in relation to the case of the Topház in Göd – that the same issue is present and urgent for adults and children as well.

A further problem is that according to the Central Statistical Office's publication there were only 897 foster parents for children with special or special educational needs in 2017.

"Understaffing, obstacles in reaching schools and parents used as messengers – a few examples from the Commissioner's report on the access to integrated education and development for children with special educational needs." **Source**

The Commissioner also dedicated several reports to the issue of accessibility to quality education for children with disabilities or special educational needs and the unrealized integration due to **deficiencies in the educational system**.³² A **comprehensive civil report was made** on the Convention on the Rights of the Persons with Disabilities (CRPD) in 2017.

Article 24: Health and healthcare services

Juvenile health

"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)

Access to healthcare services shows great discrepancies and there is a risk of a gloomy outcome. There are vacant district nurse positions in 284 towns of Hungary and more than 45% of pediatricians are over the age of 60. A new, even closer infant screening regime was introduced in September 2017, that further urges a solution to the understaffed and – even after the allowances introduced in November – **underfinanced system of district nurses**. Apart from the clear necessity to

³¹ Governmental decree No. 1653/2015. (IX.14.).

³² "In 2017 multiple reports examined the situations of children with disabilities vis-a-vis their education and development. Case No. AJB-1672/2017 focused on children with severe or multiple disabilities. The Commissioner examining the current situation called for tailor-made measures in kindergarten care for children with special needs in case No. AJB-494/2017. Omissions and improper practices have been discovered and published in report No. ABJ-1837/2017 regarding the accessibility to education for children with special educational needs: understaffing and obstacles in getting to the institutions." Resource: AJBH Report of 2017

increase financing, the primary pediatric care also requires intervention, for the maintenance and development of which, the Association of Pediatricians drew up **recommendations for amendments** both in the professional and legal sphere.

News of the hospitals drew public attention to **how severe the situation of healthcare service is**: due to a viral infection in February, the **pediatric intensive care unit overflowed** with patients in the capital; **central heating was not working** in several children's hospital due to delayed refurbishing, relatives raised their voices against the **unbearable conditions**, and the public prosecutor began investigating in the case of a **lethal infection of a child**. According to the National Public Health and Medical Officer's report of 2016, published in 2017, there had been **133 cases of infection** in the 8 perinatal intensive care units treating premature and low birth weight babies. The government emphasised the existing conditions for **safe healthcare** and decided to launch a campaign on **family-friendly maternity wards** and to promote breast-milk feeding.

The ratio of overweight or obese children had not risen since 2010, contrary to international trends. **The Childhood Obesity Surveillance Initiative** (COSI) prepared in the academic year 2016/2017 attributes it to the successful measures taken, however, it also points out that the problem still affects every fourth girl and every fifth boy among those aged between 6–8. Prevalence of obesity and overweight varies significantly with geographical location: children in the south-western and northern regions are twice as likely to be obese than those living in the central regions of the country.

"It is a clear danger if the media presents tragedies in a way that may spark ill-advised ideas; when rather than the real dangers and legitimate solutions, the horrifying news are being focused on." **Source**

The tragedy of a school ski trip in Verona that had 17 casualties drew attention to the significant lack of psychologists in schools. According to data of 2016 published by the EMMI in 2017, half of these **psychologist posts** has been occupied while country-wide 440 logopedic professionals would be needed and several helping profession posts remained vacant. Due to the possible threat of the appearance of the **Kék Bálna** online group (that aimed to influence teenagers into committing suicide), the importance of services supporting children's **mental health** and prevention, the increased suicide risks among teens as well as the **responsibility of the media** were key topics throughout the spring. Experts pointed out that even though the **number of suicides** dropped since the democratic transition of the country, still around 25-30 children aged 10-14 end their own lives each year.

Article 26: Social security

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

Poverty, malnutrition and deprivation among children received less attention in 2017 compared to previous years. A reason behind is that while during the **economic crisis** of 2008-2012 families with children had even greater difficulties, the number of affected families has decreased since 2014. According to a study published in 2017 the ratio of impoverished children in 2014 was 4 percentage point higher in Hungary than the European Union average.

Subsequently, the situation kept slowly improving and by 2017 the end of the economic crisis became a reality for almost all.

Regarding social security benefits ensuring the safety of children, according to KSH official data published in 2017, the number of those eligible for childcare benefit ("GYED") increased, however, the number of **families receiving family allowance** and childcare allowance ("GYED") **decreased**. The amount of family allowance granted per family also decreased,³³ as well as the monthly amount, however more people were provided with infant care benefit.

Apart from the financial and material support, a further social security benefit is providing proper day-care for children. It could be observed that due to the **lack of nursery schools** the number of children rejected from day-care has increased in 2017, even though more children attended the nurseries (approximately as much as in the mid '90s). Therefore, more parents decided to send their kids to a nursery school (probably the main reason for this is employment) but encountered difficulties due to the lack of capacity in these institutions.

The **day-care system of children** went through a transformation from January 2017, leading to more flexible solutions. Despite the increase in capacity, the number of children aged below 3 excluded from day-care in their place of residence rose by 400, thus, one in every four of these children (more than 70 thousand children in 2610 local administrative area) was affected.

³³ The amount of family allowance is unchanged since 2008, thus its real value constantly decreases.

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)

Efforts to **reform the education system** gained momentum in 2017. A compulsory, centralized application procedure was prescribed to enter secondary schools, the Parliament adopted the new legislation hindering children with social, learning and behavioral disorders (see General Measures of Implementation),³⁴ the creation of a new National Curriculum has begun along with the preparation of the introduction of 9-year primary schools. The aims and means of these reforms received significant criticism from various aspects. The ombudsman warned for possible **human rights concerns** vis-a-vis the prescription of a language certificate as a requirement to enter higher education due to the lack of time to prepare for the new measures. Technical school students taking their first **maturity exam from the professional subjects** received the **content and rules of the exam** merely 5 months before the actual exam date. According to experts, the educational reform jeopardizes children's opportunity to get into higher education while the educational environment of children with special educational needs or disabilities struggles with systematic problems (See: Disability, basic health & well-being). The results of the 2016 **PIRLS survey** published in 2017 showed improvement in the reading comprehension skills of 4th year primary school students since 2011: Hungarian students finished in place 9-16 among the 50 countries examined. Detailed analysis of the results, however, show great difference and gaps between the regions as well as it shows a **deepening inequality**. Since 2011, the difference in average points between schools in Budapest and the northern region increased by 64% and family background became a significant factor: 136 points were the gap between the average results of students having less and more resources facilitating learning.³⁵ The study also showed that 5 out of 6 schools lack resources and students arrive to school exhausted and hungry.

³⁶

³⁴ The so called "Taygetos Act" See: fn.1.

³⁵ Highest qualification of parents, profession of parents, books kept at home, including children's books, tools available for the student (internet access and a private room).

³⁶ In Hungary among 4th year students 43% (international average: 32%) feel exhausted on a daily basis, 48% often feel that way (international average: 50%) and a mere 9% do not report of feeling tired. As for nutrition, 19% (international average: 26%) come to school hungry every day or almost every day, 44% (international average: 41%) say that it sometimes happens and 37% (international average: 33%) never report of being hungry. Source: PIRLS p. 55.

“Ensuring the right to education as a part of the right to culture is one of the key obligations of any democratic state. The lack of elementary knowledge and education jeopardizes citizen’s ability to enjoy their rights and freedoms to their fullest as well as their effective partaking in society. Therefore, the right to culture is a key, matrix right that enshrines the fulfilment of other fundamental (human) rights. (...) In relation to these rights, the state has the obligation to provide the necessary infrastructure and ensure its functioning.” **Source**

Difficulties in handling children with behavioural problems and the rather vague legislation on disciplinary procedures were apparent in several cases, where schools opted for expelling children as a way of managing conflicts (**disciplinary punishment in Makó, expelling the abused children in Veresegyháza**).

In 2017 national defence policy crept into the field of education as the government set **national defense education** as a goal for the education of the youth. **The National Defence Kadet Programme** was launched in the 2017/2018 academic year: apart from a facultative course on military knowledge, physical education was made to include martial arts and shooting practice, thus, the Klebelsberg Institution Maintenance Centre (KLIK) explored the possibility of building shooting grounds at schools. A governmental decree prescribed the introduction of a **nationalist and national-defence orientated education programme** into the curriculum. Furthermore, schools were required to **produce a National Defence Action Plan against terrorism**.³⁷

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

In 2017, as many as 232 unaccompanied minors and another 1600 children with families **crossed the Hungarian borders**. March 2017 saw legislative reforms that fundamentally altered the asylum procedure in case of and for the period of a ”crisis

³⁷ By reference to NATO obligations

of mass migration”. These amendments also affect children under 14 (in a discriminative manner, see: Comprehensive Principles).



After the reform of the Child Protection Act unaccompanied minors above the age of 14 are exempted from the scope of the regulation during the period of migration crisis

Source: MTI / Kelemen Zoltán Gergely

The amendment of the Child Protection Act³⁸ excludes unaccompanied minors above the age of 14 from the scope of protection for the period of migration crisis, since it suspends the provision that asylum seekers may reside in the transit zones for no longer than 28 days (See: Comprehensive Principles). This means that asylum seekers – including children – can be held in the transit zones for an indefinite period of time. The 2017 [report](#) of the Lanzarote Committee points out the deficiencies in the methodology of determining the age of migrant children, often resulting in false outcomes. Due to these mistakes, unaccompanied minors below 14 may be treated as aged between 14–18, thus held in transit zones. The report further highlights that there is no child protection guardian appointed for unaccompanied children held in the transit zones, depriving them from further opportunities in exercising their rights and thus, violating Articles 5 and 18 of the UNCRC. **Against the amendment**, the NGO Coalition on the Rights of the Child [drew the legislator’s attention](#) not to derogate its international and constitutional obligations on the protection of children as well as to bear in mind the best interests of children and accordingly, to treat all minors under 18 as children even in situation of emergency. Asylum seekers under

³⁸ Section 4 (1) c) of Act No. 31 of 1997 on the protection of children and the administration of guardianship

the age of 14 had the opportunity to wait for the decision in their cases in the children’s home in Fót, however, it has been announced in January 2017 that from mid-2018 the **de-institutionalisation process** reaches the home in Fót, eventually leading to its closure. At the time of our drafting of this report no information was available on where these children would be placed for further care.

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

The number of both minors and juveniles associated with the justice system as offenders have decreased in 2017.

Age group	2013	2014	2015	2016	2017
Minor (0–13)	2197	1488	1375	1662	1409
Juvenile (14–17)	10471	8806	7872	7675	6492

No positive progress has been made in 2017 vis-a-vis the amendment of the Criminal Code in 2013 that lowered the minimum age for criminal responsibility and was objected by the UN Committee on the Rights of the Child.

The legislator introduced several novel procedural safeguards into the **new Code on Criminal Procedure** in order to enhance **protection of children in criminal proceedings**. The new Code considers children as “persons requiring special treatment” and provides them enhanced protection, especially for those under 14 and for victims of sexual crimes.

*“The new Code on Criminal Procedure adopts a steady stance that minors as witnesses should not face the accused persons during criminal proceedings, thus it as a rule of thumb prohibits personal attendance of the accused person or his or her defender at the interview of minors. This will only be possible – based on judicial discretion – if the hearing is initiated by the accused or the defender. The new Code upholds the prohibition of confronting minors.” **Source***

The new legislation entering into force in the summer of 2018 provides for increased protection of children’s privacy, facilitating procedures, ensuring that procedural actions need not be repeated during the criminal procedure while also allowing the child to avoid meeting undesired persons (such as the suspect), thus “confrontation” during criminal procedure also may be avoided by child victims.

Optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography

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

The circumstances of children affected by prostitution remained unchanged in 2017. Minors falling victim to prostitution are still considered and treated as perpetrators and offenders by the judicial system and still may end up being locked up instead of receiving help and protection. Even if a child is identified as victim by the system, no special support may be provided. The treatment of affected children is completely casuistic, as it entirely depends on the representative of children protection care due to the **lack of uniform methodology or professional protocols**. Victimized children may not take shelter in safe-houses as there is none available for lone children. Unaccompanied minors arriving to Hungary as well as potential victims of human trafficking are in a similar situation.

“It is vital that professionals of the signaling system already take the necessary steps when the suspicion of child prostitution arises, in order to reduce the high latency of neglect, improper treatment and sexual exploitation by achieving a regular and consequent system of signals and to bring forth the discrepancies and issues to be solved. However, the sole uncovering of these issues is of little value if the child protection system is incapable of solving them. Professional assistance of those working in child protection, trainings and complex problem solving mechanisms that overarch several fields as well as introducing the measures of prevention are inevitable.” **Source**



Children falling victim to prostitution are still treated as perpetrators and offenders by the judicial system

Source: MTI / Máthé Zoltán

The Hungarian government once again received **critique** – and several **recommendations** – in 2017 for **failing to identify and treat** Hungarian victims (minors and adults alike) of human trafficking; for dysfunctions in the judicial system and also for treating children affected by prostitution as offenders and **leaving them without any systemic help**.

Child Rights Report Hungary 2017

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