



HINTALOVON

Child Rights Foundation

CHILD RIGHTS REPORT 2021

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FOREWORD

Children's rights are indivisible, all children are entitled to the entirety of these rights.

30 years after the Hungarian ratification of the United Nations Convention on the Rights of the Child (hereinafter referred to as: UNCRC) the previous principle should be clear and self-explanatory. Unfortunately, that is not the case. As is clear from this year's report, there are still groups of children whose fundamental rights are violated (e.g. roma children and children with special needs), and that there are certain rights children are intentionally deprived of (e.g. the right to information).

The 2021 Report covers the greatest challenges (education, child poverty, healthcare) and the most important novelties (e.g. the foundation of the national network), as well as the failures (e.g. the Hungarian veto regarding the EU Strategy on the Rights of the Child).

The 2021 Report is the sixth such work of the Hintalovon Foundation. We have taken on this task

with experience, nonetheless, this year proved to be unprecedentedly challenging to keep a factual and distant tone and to show the reality of the situation of children's rights. We have less and less information and data to work with and often encounter that professional material is not available to the public. It seems as if we are viewing children's rights through an ever narrowing peephole. It is not a pleasant feeling having to work like this neither for us, nor for the workers of child protection, child healthcare, education and other affected sectors that are being knocked the air out of. This is not the result of a loss of professional arguments, rather the fact that children's rights and child protection is in the middle of political and ideological battles.

The near dozen of professionals working on our Report are not entirely neutral either - although, we have done our most to resort to a factual and objective work. We believe that children's rights and their protection is important, even mandatory. Some of us would say: children's rights is a worldview.

Methodology

The report is based on consistent methodology. Similarly with previous years' reports, it summarises what was most important from a children's rights perspective in 2020.

We have collected data and information from three fields:

- new legislation and amendments passed or entered into force in 2021;*
- published professional material, statistics and other sources of information released in 2021;*
- reports, news and media coverage aired in 2021.*

Compiling the report is based on thorough research (actually, information and data are gathered all throughout the target year), which provides the groundwork for our decision-making and how we pinpoint the most significant changes, reforms and challenges in each field from a children's rights perspective. Producing the Report annually for the

sixth year in a row allows us to follow child protection statistical data and data collection from a substantial as well as procedural point of view. It has to be noted that **public statistical data is published late**, sometimes lagging behind half- or even a whole year. This is the reason why the data used in this Report is largely from 2020 (in May 2022, at the time

of closing our Report these were the available data).¹

The Child Rights Report of 2021 was drafted by experts of the Hintalovon Child Rights Foundation, with the direct involvement of professionals from other organisations in certain parts of the report. The first version of the report was brought before expert forums of the Articles of the UN CRC and discussed thoroughly.

Three of our child rights ambassadors also participated in the process of the Report of 2021. They have met twice with each other to discuss and point out the topics and events they - from a secondary-school student

perspective - deemed important in 2021. They have divided these between themselves and produced their insights on their own. **This is the first child rights report which directly involves the opinion of children.**²

Similarly to the reports of the previous years, the report follows the structure of the reporting process to the UN CRC Committee.

Our previous reports are available at www.hintalovon.hu.

We kindly ask that any remarks regarding the 2021 report be sent to info@hintalovon.hu. Thank you!

1 This already difficult situation was complicated further in 2020 and 2021 by the special rules of requesting public data during the pandemic state of emergency, as the legislation allowed for a 45 day extension to providing public data. Many institutions used this opportunity.

2 „Insight from a child rights ambassador”

GENERAL MEASURES OF IMPLEMENTATION

Legislation and measures taken

Legislation was largely influenced by the coronavirus pandemic in 2021. As a result, the **state of emergency** and **governing by decrees** stayed. The number of decrees issued by the Government exceeded the previous record of the year 2020. More than half of all legislation was carried out via governmental decrees complemented by more than a thousand governmental orders¹, while the codificational quality of the **large number** of new pieces of legislation differed greatly². Ruling by decree fundamentally affected the pandemic protection³ measures and education.⁴

In 2021 the Ministry of Human Capacities (EMMI)

was the second most active ministry with regards to legislation⁵. Outstanding decrees by the EMMI include the decree to facilitate the use of the GYVR (child protection IT system)⁶ which was supposed to speed up adoption procedures^{7,8}, the provisions regarding the work of the child protection guardian⁹; and the provisions regarding the **Slachta Margit Nemzeti Szociálpolitikai Intézet**tel (Slachta Margit National Socio-political Institute, NSZI)¹⁰, which was given the child **protection hotline** in 2021.¹¹

On 1st July 2021 a central institution was created for the child protection agencies of the capital and the 19

- 1 This meant 832 governmental decrees in total, twice the number of the 2019 year and 100 more than in 2020. Source: Wolters Kluwer statistics. Ruling with decrees means that there is no public debate on the legislation and the number of decrees was unnecessarily high.
- 2 Regarding the EU criticism for act no. LXXIX. of 2021 (the so-called anti-paedophilia act), the Government responded in an unprecedented style in the legislation: "... we will not allow that the self-declared apostles of liberal democracy raise our children. We cannot allow our children to be put under the guardianship of NGOs instead of their own parents." Source: Governmental decision no. 1438/2021. (VII. 6.)
- 3 Governmental decrees no. 111/2021. (III. 6.); 112/2021. (III. 6.); 283/2021. (V. 27.).
- 4 From April 2021 the pausing of kindergarten and from May the digital education in schools were ended. As per Governmental decree no. 167/2021. (IV. 9.) no practice or oral exams were held in the matura exam in 2021.
- 5 62 decrees, 12 more than in 2020. Source: Wolters Kluwer.
- 6 It is based on the regulations came into force with Law 126/2019.
- 7 Ministerial decree no. 15/1998. (IV. 30.) NM amended by EMMI decree no. 15/2021. (IV. 29.).
- 8 Data can be accessed by courts, the prosecutor's office, parole officers, investigators and the prison office.
- 9 Ministerial decree no. 15/1998. (IV. 30.) NM amended by EMMI decree no. 1/2021. (I. 7.).
- 10 EMMI decree no. 36/2021. (VIII. 26.).
- 11 The most important information regarding the child protection hotline was available at the SZGYF website at the time of closing this Report. Responding to our request for public data, the NSZI informed us that 1499 calls were received on the hotline.

counties. The creation of the National Child Protection Agency (OGYSZ) achieved representation for children that is independent from the housing services for children.¹

There has been for decades a **lack of stability in the**

measures. These often include sanctions and sheer authority while failing to address the real root causes.

Several child protection and social services related pieces of legislation entered into force in 2021³.

The most important amendments were:

- In divorce and **child custody proceedings** only court ordered expert witnesses can be used. Amending the custody of the child can be initiated as a separate petition. Act no. CXXII. of 2021 was communicated on 17th November 2021, allowing the court to order shared or alternating custody if

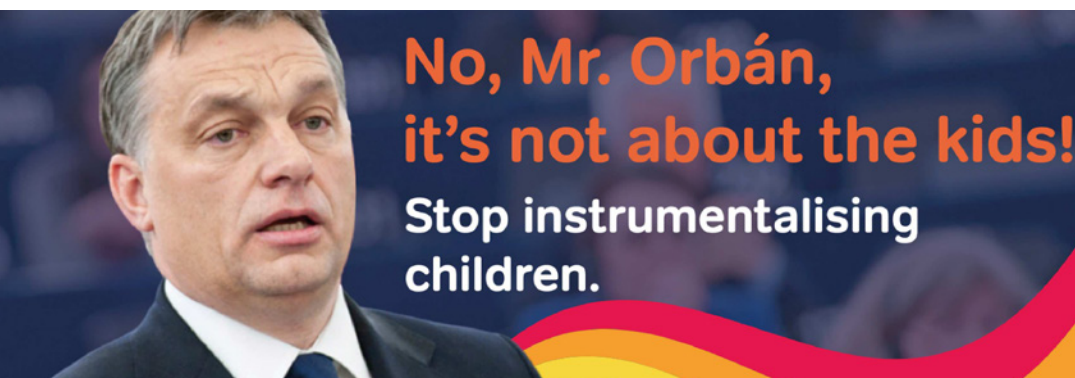
petitioned by any of the parents, should it serve the best interests of the child. These provisions are applicable to any proceedings initiated after 1st July 2022.

- The amendment of the criminal procedure codex focused on greater emphasis on support for victims. Acts of **prostitution by underage persons are no longer a misdemeanor**. The sanctions for child sexual exploitation were raised. Child protection institutions are now noticed 2 months prior to parole to provide them time to prepare.

- The **Barnahus-method**⁴ was introduced, aiming to prevent the further traumatising of child victims. The hearing of the child is done by a specifically trained professional (policeman or special

counsellor).⁵ The amendment of the criminal procedure

field of legislation related to child protection services. A publication published in 2021² highlights that hasty, spontaneous legislation results in questionable content in legislation related to social services. Hasty patchwork amendments have become regular. This ever transforming, ambiguous legal landscape is difficult for professionals to follow, makes basic services uncertain and entirely leaves out the voices of professionals. It is often the case that the media



brings forth fields resulting in **ad hoc codification and**

Source: merce.hu

Source: eurochild.org

1 See further: Section E of the Report.

2 Source: Meleg Sándor: „Párbeszéd a romok között” – Gondolatok, ötletek a személyes gondoskodást nyújtó szociális és gyermekjóléti ellátások, szolgáltatások és intézmények működéséről, időszzerű problémáiról és lehetséges megoldásokról, 2021.

3 Act no. CXLVII of 2020.

4 After Szombathely, therapeutic and interview centres open in Budapest, Miskolc, Debrecen and Gyula.

5 The training protocol of professionals conducting interviews and hearings with traumatized children was under construction at the time closing the manuscript of this Report. According to the plans, the professional training will start in February 2023.

code allows for the child to be interviewed by one forensic psychologist or counsellor of the child protection services in a protective environment. The Barnahus-method also aims to conduct the hearing, medical examination, psychological interview and psychological support of the child at the same time and place.

- The guardianship authority and child protection and child welfare services can **deny information to the other parent** regarding the place of residence of the child and the parent if the other parent is under criminal proceedings or have committed a crime against their child or partner or have a restraining order.

The Parliament adopted the controversial **anti-paedophilia** act during the summer of 2021. The

legislation was criticised home and abroad alike¹, for instance the largest child rights umbrella organisation in the EU, Eurochild expressed its concerns and adopted a **statement** condemning the provisions which under the false disguise of child protection restricted children's rights. The child protection act, the family protection act, the public education act, the act regulation advertising and the media act were also amended.² As a result, any picturing of different sexual identity or sexual orientation, or even the discussing of such topics in schools or on television became illegal in Hungary³. Sexual education a mental health and substance abuse courses in educational institutions can only be done by external organisations or professionals if they have been approved and listed by the authority appointed in the legislation.⁴

1 Among others, Eurochild and the Venice Commission expressed their concerns.

2 Law 79/2021 on the more serious actions against pedophilic perpetrators and about the protection of children

3 A further problem of the law is that the use of propagation, portraying and showing are ambiguous and the law also fails to properly define when the provisions are applicable, leading to uncertain jurisdiction.

4 By the time of closing our Report the executive order was yet to be published, thus, external professionals or organisations are barred from holding these courses.

Resource allocation

Similarly to the previous years, the **budget act** of 2021 was our source of information for the funding of child protection and services¹. It can be noted that the budget act was delivered with the coronavirus pandemic in mind, thus, a number of measures thought to have been temporary were included once again. Social, child protection and child welfare services received a **slight increase**. For instance, the Social and child protection services (SZGYF) received 147.7 billion HUF instead of the 137.6 billion originally prescribed for the year. County level funds saw a 3.3% increase (91.4 billion HUF, up by 3.0 billion HUF). Funding for child meal programmes of local governments also somewhat increased, from 86.157 billion to 87.024 billion HUF in 2021.

A decision in 2021 resulted in the increase of **home care allowance for parents of children with disabilities (GYOD)**, reaching parity with the minimum wage.²

Funding for local governments' social and child welfare initiatives increased by 6.3%, to 174.0 billion HUF.³

Infant care benefit (CSED) was increased from 70% to 100% of the daily income. Allowance for orphans was almost doubled, to 50.000 HUF by a 2021 decision that enters into force from 1st January 2022.

Child upbringing allowance for large families with three or more children (**GYET**) was still 28.500 HUF in 2021, and the GYES was also unchanged.

The **universal financial support family allowance** was not increased in 2021 and there seems to be no willingness from the government to do so, according to a **letter** send to the Esély Labor Egyesület by the ministry.

1 Act no. XC of 2020 on the annual budget of Hungary for 2021.

2 A slight step forward regarding the caregivers for children with disabilities was the increase in their benefits. However, special education assistants still receive the minimum wage for vocational workers, regardless of their experience.

3 Opinion about the bill of 2021. Annual Budget of Hungary (2020)

Independent monitoring

The **Commissioner for Fundamental Rights** (ombudsperson, **AJBH**) still plays a role in the monitoring of children's rights.¹

The commissioner examined and produced reports on important topics such as delaying the entry into school of children upon the parent's **request**, pandemic related **absences**, child and youth suicide **prevention**. The commissioner released a statement on the day against **homophobia** and transphobia and on international children's day, emphasise that in all decisions affecting children, children's rights shall be the focal point. The commissioner received complaints related to guardianship authorities' proceedings, criticising the length of procedures or the substance of the decisions, the majority of these complaints were related to child custody, adoption and child displacement.

The commissioner conducted field visits in the Rumi Children's Home, the EMMI Children's Home in Kalocsa and the Kossuth Lajos Children's Home. A further 10 pandemic related visits were also conducted.²

From 1st January 2021 the **Equal Treatment Authority (EBH)** was **integrated** into the commissioner for fundamental rights. The EBH had a vital role in

discrimination cases affecting children. The integration into the commissioner resulted in a decrease in cases in 2021, and the closure of the EBH system of referents further narrowed access to independent monitoring.

The **National Media and Infocommunications Authority (NMHH)** oversees the regulation of media and news in Hungary. In 2021 the NMHH **increased the participants of the Child Protection Internet Roundtable** to 21.

The **Constitutional Court** had several judgements affecting children in 2021. The most important decision was no 9/2021. (III. 17.) AB decision, which ruled unconstitutional and thus, annulled the provisions of the Public Education Act that excluded exceptions for children aged 4-5 from attending **kindergarten**. The Constitutional Court reasoned that there may be certain situations where the best interests of the child requires the child to stay with the family. Decision number 17/2021. (V. 13.) AB ruled that the legislator has to provide guarantees that **children with special educational needs** receive support in kindergarten that is necessary for them to have a chance to take part in integrated education.³

1 The Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions recommended that the Hungarian Commissioner for Fundamental Rights be demoted to a 'B' status. The commissioner was indeed demoted in 2022.

2 Reports no. AJB-769/2021, AJB-765/2021, AJB-1123/2021, AJB-3868/2021, AJB-4559/2021, AJB-4668/2021, AJB-5293/2021, AJB-5333/2021, AJB-5311/2021, AJB-5889/2021

3 Constitutional Court decision no 30/2021. (XII. 1.) ABh is described in detail in Section E of the Report.

Civil cooperation and awareness raising on the Convention

In 2021 the **Family Law Civil Working Group** **worked** with the participation of almost 60 NGOs. The theme of the Working Group for 2020 was to help the protection of families, women and children. **In 2021 the Working Group held only one meeting** in April, where the achievements related to tackling domestic abuse between 2010-2020 were **discussed**. In June, the Minister for Justice **announced** the creation of the **Family Law Jurisdiction Enhancement Working Group**, which included judges, advocates, prosecutors, mediators and members of the relevant ministries, but no NGOs.

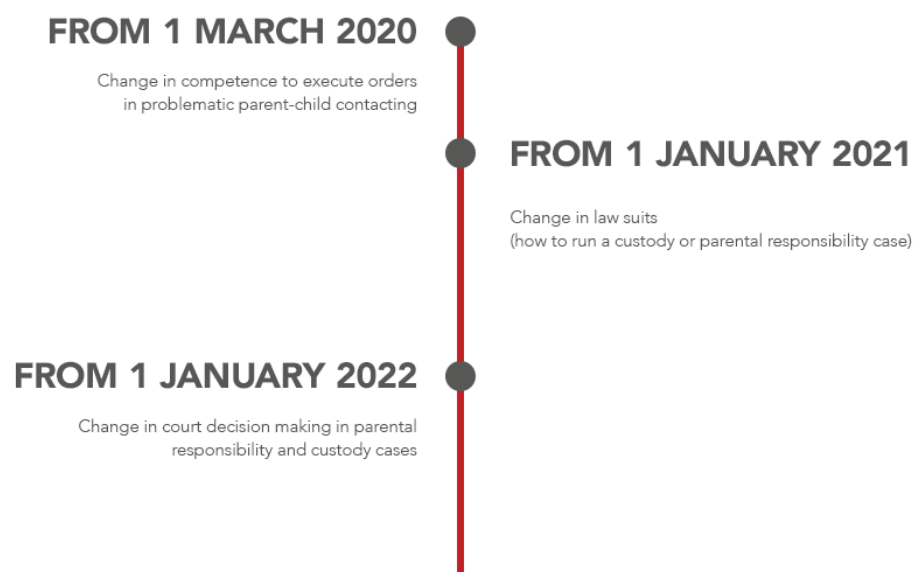
In October 2021 a **legislative proposal** (later adopted as Act no. CXXII. of 2021.) caused uproar by allowing judges to order shared or alternating custody of children upon the petition of any of the parents. The proposal divided NGOs. Although the ministry called for the opinion of the members of the Working Group, **meaningful conversation and discussion never happened**.

Looking back at the previous years, it can be concluded that the regulation of custody and contact rights and the responsibilities, rights and obligations of divorced parents is gradually transforming.

The **Children's Rights Thematic Working Group** also **held** two meetings in 2021. The April meeting focused on the **EU Strategy** on the Rights of the Child - which failed in the EU due to the Hungarian and Polish veto. The November meeting focused on the EU Child Guarantee National Action Plan.

The **Child Rights Coalition** **issued** several statements in 2021, for instance, related to the Eu Strategy on the Rights of the Child, and initiated a petition regarding the legal amendments vis-a-vis a more forceful approach to perpetrators of paedophile crimes. Similarly to previous years, the Coalition's statements and petitions remained without answers from the Government.

CHANGES IN FUNDAMENTAL RIGHTS OF DIVORCED PARENTS'S CHILDREN BETWEEN 2020-2022



THE DEFINITION OF CHILD

"For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

(Excerpt from Art 1 UN Convention on the Rights of the Child)

GENERAL PRINCIPLES

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."

(excerpt from Art 2 UN Convention on the Rights of the Child)

In March 2021 a report titled *Romák Magyarországon: A diszkrimináció kihívásai* (Roma persons in Hungary: The challenges of discrimination) was published with support from the EU. The report stated that **Roma persons face significant disadvantages in all aspects of life.** Roma children are affected

classes and school in themselves are discriminatory - material and personal conditions are insufficient. Children from these schools have little chance to get into higher education, which disadvantages future generations in the employment market.¹



Source: 40.sajto-foto.hu

Education is not the only field where Roma children are discriminated against. **Roma children are disproportionately involved with the child welfare services and guardianship authorities and displacement is the highest among Roma children,** while their return to their family is often overlooked or never given a chance by authorities. The European Roma Rights Centre examined child displacement in Nógrád county twice, 6 years apart. Both of these investigations concluded that Roma children are disproportionately affected

by general poverty and school segregation. In segregated schools - apart from the fact that roma only

by displacement from their families: in 2016 the proportion of Roma children among children in

¹ Király Júlia Kinga–Bernáth Gábor–Setét Jenő: *Romák Magyarországon: A diszkrimináció kihívásai*. MRGE 2021.

care was almost 80%, which is extremely high, especially taking into account that the Roma population in the area is approximately 20%.¹

In October 2021 the Budapest-Capital Regional Court **ruled** in its decision that the Ministry of Human Capacities (EMMI) as the head of the social sector violated the right to non-discrimination of children who were displaced from their families **solely for financial reasons**, because the Ministry failed to provide clear guidance to the authorities on the prohibition of displacement solely on financial grounds and the Ministry also failed to oversee these proceedings properly. The Court also found that along with **discrimination based on financial status** these children were also discriminated against because

of their roma ethnicity, as displacement for financial reasons is primarily present among roma children. The ruling can be considered a landmark case as it **obliges the Ministry** to collect data and to develop a protocol **to collect anonymous data regarding the ethnical background** of children in care.

In 2021 the Commissioner for Fundamental Right's deputy for ethnicities and ethnic affairs published her Nr. 5/2021 report on the follow-up of the infamous education-segregation case of Gyöngyöspata, based on an interdisciplinary investigation by the deputy commissioner. The report found that the intentional segregation in the affected school was replaced by **spontaneous segregation**.

„By the school year 2021/2022 the school has almost only Roma students. The report also found that the parents' freedom to choose school for their children resulted in and cemented segregation in towns with only one primary school.“

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for their children resulted in and cemented segregation in towns with only one primary school.

Insight from a child rights ambassador

“In the school, children who are LGBTQ face constant bullying, verbal or physical. I have often seen that, for example, if someone wore rainbow colored socks, others immediately started to point fingers and call them names. They simply cannot comprehend that these children need love the same way and that they are not different. Due to the bullying, exclusion and restrictions children feel that they are not normal, that they do not belong, stripping them of their true identity.“

¹ See above.

The best interests 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.”
(excerpt from Art 3 UN Convention on the Rights of the Child)

In the 30th anniversary year of the UNCRC, when talking about the best interests of the child we have to address the issue resulting from the improper translation included in the Hungarian text. The currently adopted term in Hungary translates as the **“child’s interests above all”** is misleading. Even though the professionals avoided the use of this expression right from the beginning, it would be beneficial to have the proper translation in the official text. The original expression contains no extra emphasis. From a dogmatic point of view, we also have to conclude that the expression should not imply any hierarchy, as per the General Comment no. 14. of the UNCRC Committee.

However, this was not present in 2021. Article 3. of

the UNCRC came into the limelight for a different reason: the legislator highly relativised children’s right to have their own interests present - doing that in the name of the best interests of the child.

It has been a trend for years that the **narrative** of family services devours child protection and children’s rights. The paedophilia act no LXXIX of 2021 follows this trend as it severely **restricts children’s rights to receive and have access to information**. Certain children’s rights were emptied out by the government, citing the rights of parents. This was especially true related to topics of sexual education, sexuality and the concept of family. The **national consultation** and later the **national referendum** were all early signs for this.

Insight from a child rights ambassador

“NGOs helping us get insight into how the world works and the process of becoming an adult were banned from schools. Teachers try to avoid the topic of sexuality if it comes up during class and they refuse to talk about it or feel ashamed to be talking about it, making us feel as if it was not a normal topic.”

Apart from relativising the best interests of the child, these events also made it ever more difficult to separate children’s rights and politics.

Source: 444.hu



Respect of the child's views

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

(excerpt from Art 12 UN Convention on the Rights of the Child)

The **National Student Council** (ODT) and the EMMI **met** 5 times in 2021, discussing mainly the actual pandemic situation and the recommendations of the 2020. The ODT gave an update on the fulfillment of the recommendations on the **diáktájékoztató.hu** website launched in 2020. The government asked for the opinion of students regarding the tax exemption of under 25s, **inviting two student representatives** to a ministerial discussion.

Another, representatively built student organisation, the ADOM Student Movement made an online petition for modernisation of public education. The petition was signed more than 10.000 times. They have **communicated 12 reform proposals** after months of countrywide discussions. These included a raise of teacher salaries, freedom of choice of teaching material and effective student representation. Their initiatives received no response from the government.

Two studies were published in 2021 regarding **children's political and social participation**. The **Magyar Fiatalok 2021** (Hungarian Youth) study examined the values, opinions and preferences of the 15-29 age group in 7 countries. The authors provided the answers of Hungarian 15-17 aged children for us.¹ The **Magyar Fiatalok 2020** involved answers from over 12.000 children and youth aged 15-29 in 2020 about how they live and see the world. The report is available online.

According to the previous study² two-thirds of those aged 15-17 are **content** with their lives. 3 out of 4 think they **make decisions affecting them together with their parents** (77%), 17% said they make decisions on their own and 6% answered that their parents make all decisions for them.

Similarly to previous years, children place the first important decision-making around their 18 years of age. It is interesting that they have expressed **prejudices** mostly towards substance abusers and least towards jews and homosexual couples.

Most 15-17 aged children are **not interested in politics** (59%), and 16% are interested. They trust local governments and NGOs the most, and trust political parties the least. **The political participation of children is low**: 6-7% of them ever participated in a protest or in online political actions, 2% of them took part in a political movement, while 22% of them have signed an online petition.

One-third of them have done **volunteering** in the previous year (35%). Mostly organised in the school (41%), sometimes in civil initiatives (25%) or sport, or music organisation (14%) and only a fragment of them participated in a project organised by an NGO or youth organisation (2-6%).

Children were **common "tools" for politicians**, pictures taken with children brought a great many **likes**. Children served as decoration for a ceremony of a mural respecting pandemic workers, held the flag and sang the national anthem at an event aimed to promote the next generation to become active citizens. Children said yes to participation in politicians' performances for International Women's Day, demonstrating that their parents are not only politicians but also parents or grandparents. Overall, it can be said that the media and political parties became more sensitive towards the involvement of children, nonetheless, the argumentation of politicians shows that they misunderstand children saying yes as a green light.

¹ We would like to thank the Friedrich-Ebert-Stiftung Budapest for the data provided.

² Source: FES Youth Study 2021 regarding Hungary..

In the autumn of 2021, **17 year-olds could vote** at the opposition's pre-election event, indicating that they would turn 18 by the parliamentary elections.

There is no available data on their participation, nonetheless, it can be taken as a new opportunity for children and the youth's political participation.

CIVIL RIGHTS AND FREEDOMS

Right to freedom of association and peaceful assembly

„The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers (...)“

(excerpt from Art 13 UN Convention on the Rights of the Child)

The pandemic-related state of emergency announced in the spring of 2020 came with a blanket **ban on exercising the right to peaceful assembly**. The Government only **lifted** the state of emergency 23rd May 2021. The Constitutional Court found the ban constitutional, despite calls from NGOs.

Before the lifting of the ban, the ADOM Student Movement organised an online event, in line with

the trend of the year before, to **mobilise young people against the introduction of compulsory attendance at the end of the school year**. Following the lifting of the assembly ban, in September 2021, the **Global Climate Protest** was joined by activists from the Fridays For Future movement, mainly high school and university students, who organised a further awareness-raising action around the Glasgow Climate Summit in the autumn.

Protection of privacy

The protection of children's privacy in the **online sphere** is vital, as highlighted by the NMHH study on digital parenting. The **representative survey** among children aged 7-16 (thus, an age group without digital self-determination rights) showed that no matter the higher age limits, most children above 11 are on social media and one-tenth of those aged 7-8 have also registered. It is a positive tendency that at the time of the survey, children gave away less personal data online compared to 3 years before, however, it

is disturbing that one-fourth of children's profiles are public. 4 out of 10 times parents share pictures of their children that are visible to anyone and only two-thirds of them ask for permission before posting. Our worries are not unfounded: the number of children who were contacted by unknown persons doubled from 2017 to 2020, reaching 18% in 2020. In 20-25% of the cases children encountered illegal activities, the most common online risk being sexting and pornography.

Insight from a child rights ambassador

"Nowadays, the internet is a defining place for almost every child. This is where we keep in touch with our loved ones, where we learn and discover the world. The 'how' matters a lot. In many cases even from a young age we are given mobile phones, which may seem harmless at first, but if we use them irresponsibly, they can cause a lot of harm. If we ask 10 girls at school whether they have been sent unwanted content, at least 8 of them will say that they have for sure, and that they haven't told their parents about it."

As pointed out in our previous Report, the **coronavirus-pandemic fastened the process of digitalisation**, turning more attention to **awareness of online parenting**. In 2021, many **influencers** and **companies**

helped - reflecting on their own practices - raise awareness on posting and reducing the digital footprint of children.

Insight from a child rights ambassador

"This year, several trends were created. For instance, the That Girl trend, focused on healthy lifestyle, awareness, productivity and finding the perfect life. If someone willingly followed that, it may have had a positive impact, but it was really difficult to strike balance, causing anxiety."

Access to information

*„States Parties recognize the important function performed by the mass media and 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.“
(excerpt from Art 17 UN Convention on the Rights of the Child)*

In 2021 the reworking of study material according to the National Curriculum (NAT) continued. Multiple analyses and professional critique were published assessing the experiences of the first year of the process. It has been **10 years since the freedom of choice regarding study material was dismantled**. The consequences are presented in a study by Szülöi Hang (Parental Voice), which included answers from 1.800 teachers and parents. They all agreed that the new system restricts teachers in trying to adapt their methodology to best suit the needs of children. The **lack of choice** was also criticised by the student advocacy organisation.

From the school year 2020/2021 **free study material** and books are available for all students in public education and vocational training. Advocacy groups noted, however, that children are only lent these books and have to return them to the school library at the end of the school year, thus, they cannot take notes in the books.

Students and teachers of primary schools are entitled to **free** location based **internet access** from March 2021, as an expansion of the project which was previously only for secondary-schools. The decision was key, as the **state audit office** pointed out in its study

on digital education, despite the gradual increase, still many children lacked internet or equipment necessary for digital education. According to the previously cited **Magyar Fiatalok 2020** study, 87% of children aged 15-19 have access to the internet.

The previously cited **NMHH survey** shows that children receive their own devices at a younger age compared to 2017. Among all age groups, watching TV is less relevant, while the use of mobile phones, computers and laptops increased. A spectacular increase can be observed in the smartphone use of children aged 7-8: by 2020 the number almost doubled to 54%. One in every five children aged 7-8 have their own device

(24%), and by the age of 15-16 almost all of them have their own devices (96%). In general, **children receive their own mobile phone at the age of 10** and spend on average 3 hours per day watching screens on weekdays and 5 hours per day on the weekends.

The previously mentioned Act no. LXXIX of 2021 affected children's right to information. The provisions are especially limiting the access of under 18 children to sexuality and LGBTQ related content. The new law also restricted who can hold courses discussing sexuality, drug use, internet safety and other physical and mental wellbeing topics.

According to the Public Education Act section 7. Paragraph 9/A. (1) these courses can only be held by persons or entities not employed by the school if they have been registered by the authority.

These rules restrict children's right to information, create taboos and leave children on their own with their questions, potentially putting them at risk - as pointed out by critics of the legislation. They have also noted

that the most effective way of preventing abuse against children is if we provide them with age-appropriate information.

Insight from a child rights ambassador

„One of the most important areas of life is sexuality, and some lack information, it can cause many inhibitions. They will lack confidence, which may result in irresponsible situations. Many teenagers nowadays turn to porn because of this, as they feel that porn shows them what they need to know, but they are not aware of how it can be distorting. In most cases this becomes a taboo, as even at home they can't talk about it and thus, they will be afraid of these situations.“

VIOLENCE AGAINST CHILDREN

„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 (...)“
(excerpt from Art 19 UN Convention on the Rights of the Child)

Abuse, neglect

Insight from a child rights ambassador

„Due to covid they started to regulate our days more and more in 2021. People started to go crazy over it, there were more attacks on the street. Young people did not like to go out alone at night because we have heard of a number of attacks. This anxiety caused even more mental distress, many young people suffered a lot. Young people do not know when to ask for help, thus, the number of suicides increased. All in all, it has been an extremely difficult year, for us and for adults alike.“

According to data from the KSH, the number of children considered in danger significantly decreased in 2020 compared to 2019: from 174.413 to 162.985.¹ This may be because during the pandemic the number of signals also decreased and child protection services had insufficient opportunities for field work. If we

view the number of endangerment cases resulting in action from the authority, the number decreased somewhat less, from 31.718 to 30.661. This shows that child endangerment cases reached the authorities even during the pandemic. Meanwhile, the **number of notifications decreased** by more than 30.000.

	2018	2019	2020
Number of signals, total	179 924	177 039	145 266

¹ Source: KSH 1696 OSAP (Data of family and child wellbeing services)

The number of abused children taken into care decreased in 2020. According to data from the KSH, out of the 27.143 children taken into care, only 390 were due to abuse.¹

In 2020 17.930 children were in the child protection register for domestic violence or conflict, 3.499 for physical abuse, 3.078 for mental or emotional abuse and 778 for sexual abuse by a family member. The number of children endangered because of sexual abuse gradually increased in the previous 3 years. 12.376 children were endangered for physical neglect and 6.220 for mental or emotional neglect. School bullying was the reason in 803 cases..

According to a **non-representative survey of 10.000 valid answers**, nine out of ten Hungarian adults think that **the entire community is responsible for children's well-being**, however, they also believe that only two out of ten adults would intervene if they saw child abuse. Almost two-thirds of the responders (63.5%) said that child abuse is a really significant problem in Hungary. Slightly less than one-third (29.6%) said that although it is a problem, there are more significant problems. 69.8% of women believed it to be a serious problem, while the number was down to 42.5% among men.

The National Child Protection Agency (OGYSZ) conducted a study² in 2021 among child protection guardians about their knowledge of and attitude towards child abuse. The study found that **more than one-fifth of children in care have been victims of some form of abuse**. Upon noticing or suspecting

abuse the child protection guardians often feel powerless. Another problem is victim blaming, indifference and bagatellising from the place of care or education institutions. A recurring experience of child protection guardians is the **long waiting times to receive any professional help**, and many of them mentioned being understaffed. A further problem is that upon noticing abuse, child protection guardians' knowledge of how and why to signal differs. Subjective evaluation by the guardian based on the things said by the child is very common regarding the seriousness of abuse. Professionals do not always know if they have to talk to the child and how the procedure goes, despite the EMMI having published a **guideline** in 2018.

During the summer of 2021 the **Hungarian Catholic Bishops' Conference** published a **statement** condemning all forms of child abuse and emphasising that they are updating their child protection system, while also listing the forms of reaction they view as unhelpful vis-a-vis the publicity of child abuse cases related to the church.

The **Swimming Association's report** on the findings of the committee examining methods used in the past by György Turi was outstanding among sectoral reactions to child abuse. The report begins with: Even though the chair and leadership of MÚSZ [Association] cannot be held responsible for the past, we apologise in the name of the entire swimming community to all victims." The report follows with:

"The committee concludes that the methods used by György Turi often involved - especially during the 80s and 90s, and less regularly from the 2000s - corporal punishment (smacking and the use of staves), similarly to other coaches and in other sports."

1 Source: KSH 1210 OSAP (Guardianship authorities).

2 Not available for the public.

Corporal punishment

The previously cited survey showed that the majority in Hungary believe that it is **not entirely up to the parent how they punish (79.8%) or raise (67.6%) their children**. 8 out of 10 parents considered spanking an ineffective punishment, because they said that even if they hit their child, it does not necessarily mean that the child would not repeat that behaviour, or that shouting would make children more obedient and also refused that psychological punishment would be in the interests of the child. More than 80% of participants agreed with these statements. Every fourth parent thought, however, that even though corporal punishment is not good, sometimes it is inevitable.

These studies were carried out 17 years after the introduction of zero tolerance on violence against children in 2004. It is thought provoking how

significant the challenges are of implementing this legislation and how little has been done in order to make Hungarian society understand and accept the zero tolerance policy of children's rights.

A publication in the Scientific Journal of Raising Children focusing on attitudes towards corporal punishment and child abuse among parents and professionals found that 34% of those raising young children believe that **trainings should be held about child abuse** and 25.5% were dissatisfied with what they had learnt about the topic. Among parents, attitudes towards smacking and shouting at children was divisive: answers were divided on whether regardless of law child abusers should be punished. 77.9% considered neglect, 46.8% considered emotional abuse and 56.7% considered corporal punishment appropriate as a method of raising a child.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

*„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.“
(UN Convention on the Rights of the Child, Art 9)*

Family environment

Families were again in focus in 2021, however, due to the legal provisions a proportion of children were left out as the expansion of support measures did not reach the most impoverished.

Protection of families ruled Government communications, several new means of **support** were created, mostly to facilitate acquiring a home or renovating property. The debate on the **concept of family** was still present but less heated compared to the previous year. Renowned psychologists, family therapists, special education

teachers and social professionals **published** their opinions in a book in 2021 portraying the different types of families and their situations and challenges.

Coronavirus defined the daily lives of families in 2021. Along with the opportunities and challenges of being locked in together, another topic worth pointing out was the **visitation rights of divorced parents**.¹ The **Constitutional Court** in its ruling held that pandemic measures cannot bar personal meeting between parents and their children, it is a core of personal relations exempt from social distancing, no matter

¹ The Hintalovon Child Rights Foundation **summarised** the aspects that help parents in taking into account the best interests of the child in their decision-making.

whether it is parents living with the child or divorced parents. The Court reasoned that the most important is to find a solution based on cooperation between the parents that serves the best interests of the child.

A special group of children living apart from their biological parents are the **children of incarcerated persons**. Governmental decree no. 10/2021. (I. 20.) amended Governmental decree no. 149/1997. (IX. 10.) prescribing that the guardianship authority's opinion is required to protect the interests of children with incarcerated parents; amending the rules of visitation and the rules providing permanent foster care.

According to data from the KSH 1.693 children were waiting to be adopted and there were 2.748 eligible

couples and 298 single persons to adopt on 31st December 2021.¹ According to the **SOS Gyermekfalvak** organisation **this was the first year since 2016 when the number of adoptions dropped below 1000** (901). This might be related to the coronavirus pandemic or legislative changes. According to the new **Governmental decree** adoption by single persons has to be approved by the relevant minister.

According to the **study** Magyar Fiatalok 2021 cited under Section C. of this report, two-thirds of children aged 15-18n imagine themselves as a married couple with children in the future, one-tenth in a childless relationship and 8% without a partner or kids. The Magyar Fiatalok 2020 **study** also notes that **children aged 15-19 are particularly refusing having children in the future**.

1 Source: KSH 1209 OSAP (Regional child protection services).

Displaced children

Data from the KSH show that 21.041 **children were raised in care**, 14.866 of them by foster parents. Follow-up care was received by 2.286 youth.¹ In the previous years the number of children living in care aged 0-12 months varied between 700 and 800, in 2021 923 infants were in care homes or foster families.

We have highlighted in our previous Reports that from 31st December 2016 all children under the age of 12 living in child protection provision had to be placed at foster parents. By the end of 2021 Hungary still failed to achieve so, among the 2.420 children under 3 living in care 306 were still in care homes.²

The Commissioner for Fundamental Rights published reports on **care institutions**.³ The reports continuously cite that these institutions are understaffed, face high fluctuation and lack financial means. Many professionals also expressed the challenges of placing children from foster care into care homes.

The commissioner pays special attention to the challenges of the pandemic. According to reports⁴, most of these institutions managed to provide the means for digital education via the help of external funds or their founder. Nonetheless, the pandemic posed several difficulties for professionals - education, visitation rights, healthcare and being locked in significantly **increased** their burdens, without any change in their financial position.

A **lack of professionals** has to be pointed out related to the ones working being overburdened. At the time of producing this Report we had no data regarding 2021, but KSH data for 2020 show that more than 10% (394) of the 3.649 positions in care homes were vacant.

This is even more dire in institutions providing special care, where 164 of the 644 positions were vacant, which means that one in every four positions remained vacant.

A further aspect is that out of the 5.706 foster parents only 14 can provide **special care**⁵ which violates children's rights as they have to live without the care they need.⁶

Fluctuation and lack of professionals contributes to the **child protection guardians being overwhelmed**, making it difficult for them to provide children with the safety and continuity they need. According to the previously cited OGYSZ study child protection guardians have on average 31 children, and more than half of them exceed the legally prescribed monthly caseload⁷. The highest number for a single child protection guardian was 53, but one in every ten guardians signalled an above 40 caseload.

In May 2021 foster parents of the TEGYESZ in the capital were **informed** that from July the provider of the foster care network changes: their new employer became the **Szent Ágota Gyermekvédelmi Szolgáltató** which belongs to the Szeged-Csanádi Egyházmegye. This change affected 130 foster parents and 300 children. Religious organisations taking over social and child protection services is not a novel approach, the **bilateral agreement** between Hungary and the Vatican and a 2020 **legal amendment** promotes the participation of the church in this field.

2021 KSH data show that 7% of children in foster care are placed in a network provided for by religious organisations, and by 2019 this number went up to 50%. While in 2016 the less than 1% of institutions were provided for by religious organisations, it

1 Due to a legal amendment entered into force in 2021 upon request by the young adult follow-up care can be extended until they finish their education or them reaching 30 years of age. Deliberating these requests their vulnerability and needs are taken into account and the chance of successfully finishing their studies. It is troublesome, however, that follow-up care ends if their monthly income reaches 80.000 HUF.

2 Source: KSH 1209 OSAP (Regional child protection services).

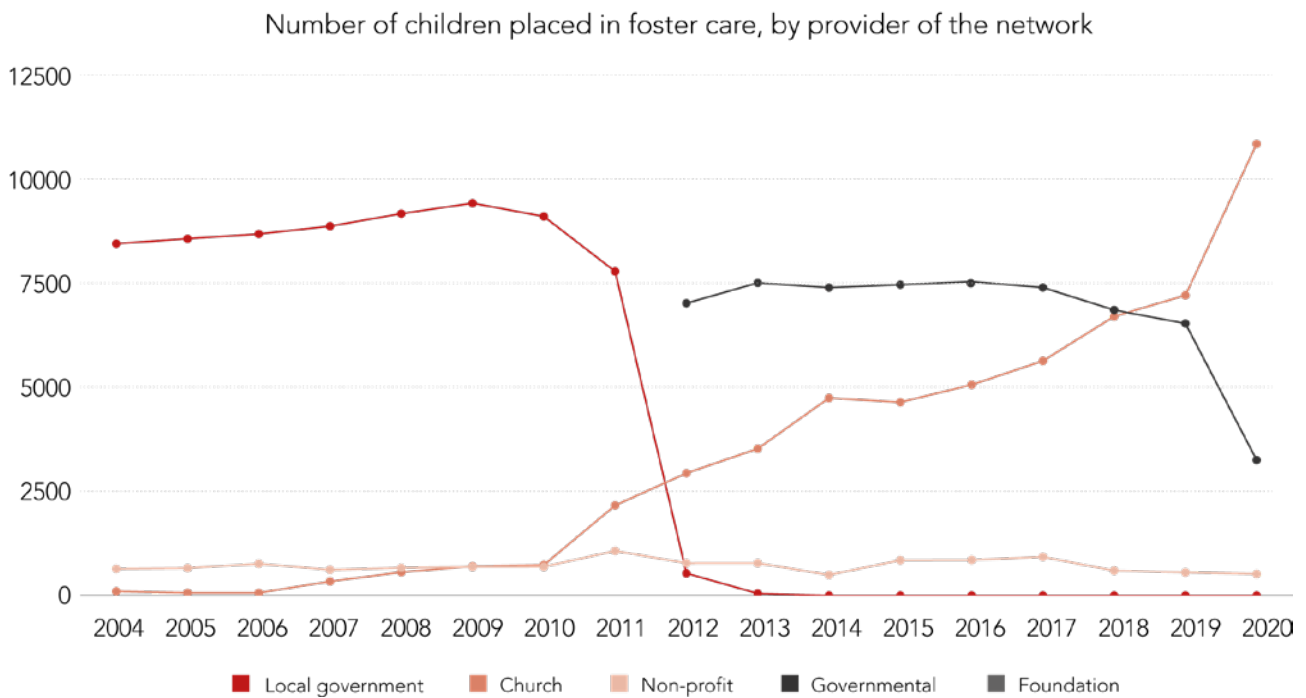
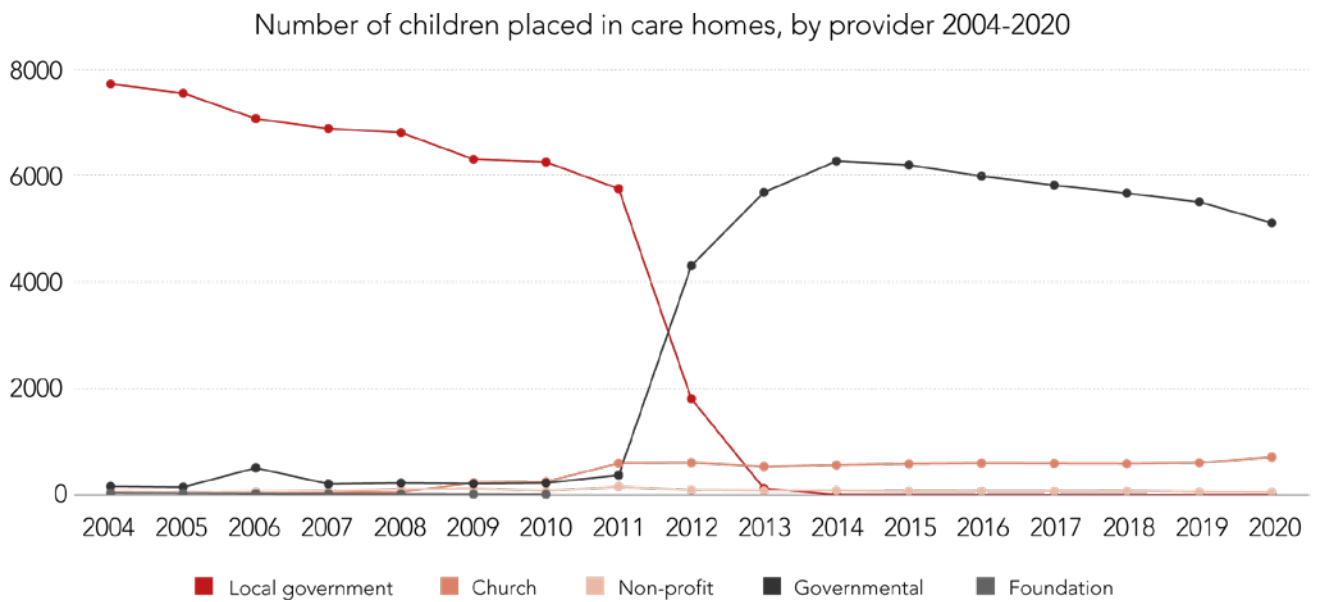
3 Reports no. AJB-125/2021.; AJB-416/2021.; AJB-643/2021.; AJB-1327/2021.; AJB-3105/2021.

4 Reports no. AJB-765/2021.; AJB-769/2021.; AJB-1123/2021.; AJB-3868/2021.; AJB-4559/2021.; AJB-4668/2021.; AJB-5293/2021.; AJB-5311/2021.; AJB-5333/2021.; AJB-5889/2021.

5 Source: KSH 1208 OSAP (Situation of children's homes, foster care networks and external places).

6 See further: Section G.

7 According to the Child Protection Act, a child protection guardian shall have no more than 30 children at a time.



went up to 20% by 10 years ago and to 60% in the last year.¹ The Szent Ágota Gyermekvédelmi Szolgáltató (St. Agatha Child Protection Service) is outstanding, by July 2020 it was present in 3 counties rising to 13 counties by 2021, providing services

for 7.000 displaced children and young adults.

As experts have **pointed out**, the participation of religious organisations in child protection services is not just a Hungarian trend.² The

1 Source: KSH 1208 OSAP (Situation of children's homes, foster care networks and external places).

2 The speed of the process is problematic: in other countries churches had decades to prepare and to separate their religious and professional activities, in Hungary there was insufficient time to do so.

speed and centralisation¹ in general can pose challenges regarding the quality of the services.²

Partly in relation to the increased participation of the churches in social and child protection services, the duties and competences of the services has been reworked, thus, the National Socio-political Institute (**NSZI**) was created as an entity independent from the Social and child protection services (SZGYF). From 18th September, the NSZI was renamed to Sclachta Margit National Socio-political Institute. Due to these

changes, the SZGYF remained as a financial provider for child protection institutions and the Sclachta Margit National Socio-political Institute took over the tasks related to developing methodology and training for child protection and child welfare services.

Another important structural change was the creation of the **National Child Protection Agency (OGYSZ)**, with the aim of unifying the procedures and methods used by child protection services in the capital and the 19 counties.³

1 The EuroChild pointed out in its overview the problems of significant centralisation in the child protection system.

2 Churches had no time to prepare for a range of areas of child protection (for example addiction). Furthermore, a diversity in service providers would promote quality.

3 Structural reform was carried out. The budget for qualitative reforms could not be observed by the time of closing our Report.

CHILDREN WITH DISABILITIES

„Recognizing the special needs of a disabled child, assistance (...) shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, 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's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.“

(excerpt from Art 23 UN Convention on the Rights of the Child)

The European Commission adopted the 2021-2023 **strategy** regarding the rights of persons with disabilities. Out of the priorities of the strategy, quality of life, independent living and inclusive education are the most relevant for children. The Commission also published in 2021 the **Toolkit for inclusive early childhood education and care** and promotes the training of teachers to help combat understaffing for education of children with special educational needs (SEN). Furthermore, the Commission asked member states to promote the development of **inclusive schooling** and ensure that their education systems comply with the UN CRPD.

Deinstitutionalization was a constant topic in previous years, a process which is still underway in Hungary. According to data from the KSH there is a slow decrease, yet, in 2020 630 children aged 0-17 were living in care homes¹ for the disabled.²

There is still no change in the situation of children with multiple disabilities in care. 5000 of them aged 0-17 were living in care in the previous years, which amounts to 23% of all children in care. In 2021 36.8% of these children lived in children's homes and 5.7% in care homes.³ There is a significant lack of foster care parents for children with multiple disabilities, thus, almost all of them are placed in institutions.

Section 7. Para. (2) of the Child Protection Act prescribes that all children in care under 12 shall be placed in foster care. This is still yet to be achieved, and statistical data shows that children with special educational needs can be exempted from this rule. **30% of children with special educational needs under the age of 12** were placed in care homes or children's homes, whereas only 10% of other children were placed in such institutions.⁴

In the **school year 2021/2022 the number of**

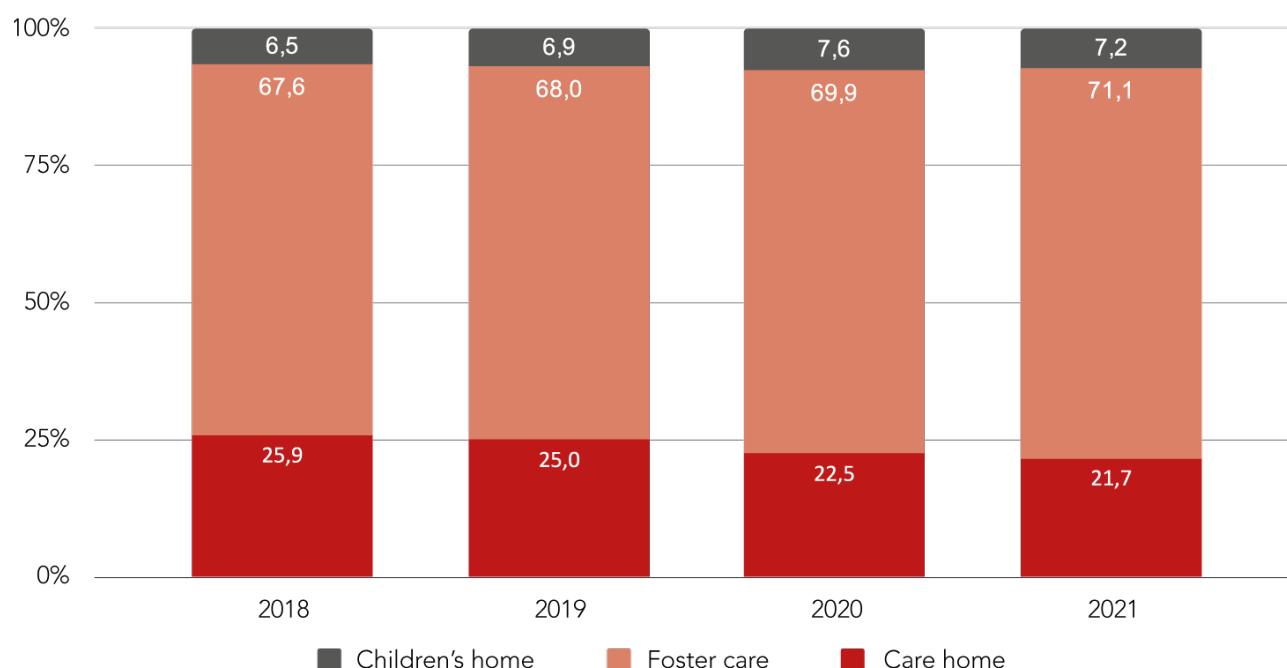
1 Care homes, rehabilitation homes, rehabilitation institutions, accommodational homes.

2 Source: KSH 1202 OSAP (Permanent and temporary accommodation services).

3 Source: KSH 1209 OSAP (Regional child protection services).

4 Source: KSH 1209 OSAP (Regional child protection services).

Children with special educational needs in care 2018-2021 (%)



Source: KSH 1209 OSAP sz.

children with special educational needs grew by a record number of 6.550. According to KSH data, 93.736 were registered in the school year 2020/2021, a number that grew to 100.286 by the next school year.

Experts point out that the increase was already a trend in the previous years, but the sudden significant increase was mostly due to the amendment of the Public Education Act in 2019, which prescribed that all children are to attend school if they reach 6 years of age by 31st August, thus, it ruled out the flexibility of starting primary school. The Constitutional Court ruled that the amendment violated the rights of children with disabilities and ordered the legislator to act accordingly. The legislator amended the act in 2021, providing guarantees regarding these procedures.¹

A report by the **commissioner for fundamental rights** highlighted the systemic issues of education and placement into care of children with disabilities.² The commissioner pointed out that it is not guaranteed for children with special educational needs that they

have access to suitable education in their vicinity.

In 2019 the commissioner's comprehensive **report** concluded that children in long term hospital care barely have access to education.³

The commissioner found that the rule of law is violated for multiple reasons. First of all, the law fails to define what **long term hospital care** means, there are no rules on how to qualify it. The law also lacks clear guidance on when a child is entitled to education in the hospital. According to the report, hospitals use ad hoc methods, there are no clear rules or agreements between institutions and documentation is also ambiguous or missing. It also violates children's right to education if they do not receive proper information on how an external student status works and how it can be applied for.⁴

In 2021 the Public Education Act was amended to include a definition for children in long term hospital care.⁵ The executive order of the act was also amended accordingly.⁶

1 Public Education Act Section 45. Paragraphs (2) and (2a) amended by act no. LII. of 2021. Section 6. Entry into force: 28th May 2021.

2 Report no. AJB-1572/2021.

3 Report no. AJB-79/2019.

4 **Report** of the commissioner.

5 Public education Act Section 4. Para 13, entered into force 28th May 2021.

6 See EMMI decree no. 20/2012. (VIII. 31.).

The institutions obliged to cooperate with the Teaching Services were extended in 2021 and the tasks regarding the education of children in long term hospital care were also expanded.

The **disability advisor network** was **set up** from EU funds in 2021. The advisor works in the family and child welfare centre. The disability advisor is supposed to provide active help regarding challenges and problems which result from disability and sets up peer help groups and assists in skills training.

Naturally, the tasks of disability advisors exceed providing information, organising and running peer groups as well as providing skills training are just as

important. The disability advisor has special knowledge from the field of disability studies, therefore, they can provide active support in e.g. applying for financial support, care or parking permits. After closing the project in 2021 access to disability advisors remains important to help persons with disabilities and their families have access to services, information and care and to help them acquire better quality of life.¹

The National League of Autists (AOSZ) launched the **DATA application** which is aimed to help persons living with autism spectrum disorder in their daily lives and it is usable from an early age. The application is designed to promote independence and to reduce or prevent stress from daily activities.

¹ EMMI **information booklet**.

The provision of the Child Protection Act prescribing disability advisors was introduced by act no. CXLVII of 2020 Section 16, entry into force: 1st January 2022.

BASIC HEALTH AND WELLBEING

*„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.”
(excerpt from Art 24 UN Convention on the Rights of the Child)*

Health and healthcare

Although at the **early stages of the pandemic** in 2020 children were less likely to get infected, later mutations of the virus were deemed to be **more threatening** for them. Data from the National Public Health Authority (NNK) confirmed this. Data also shows that **adolescents were the most at risk**. The NNK

collected no data regarding the number of children hospitalised with coronavirus. Cause of death statistics are collected by the KSH, and data for 2021 was only available in 2022, nonetheless, according to information from the NNK 16 children were infected with Covid-19 at their time of death in 2019 and none in 2020.

Number of COVID-19 infected children in age group 0-17

		0–2 ages	3–5 ages	6–9 ages	10–14 ages	15–17 ages
Number of confirmed covid infections	2020	868	1063	2866	9479	7422
	2021	8 220	9 570	21 014	34 463	22 727
Number of infected compared to a 1000 same age persons	2020	3	4	8	19	26
	2021	29	34	58	70	79

Source: National Public Health Authority (NNK)

Although at the beginning of the year school **closed down** for weeks, during the autumn no such closures happened despite the worsening pandemic situation, which might have contributed to the fact that **the number of children infected grew significantly in 2021 compared to 2020**.

Covid-19 vaccinations were made available for **children aged 12-15** from July 2021 and from December for those **aged 5-11**. Children could be registered by their parents and were vaccinated at their GP or at vaccination centres. According to the NNK 60.620 children aged 5-11 and 304.479 children aged 12-17 received at least one dose of the vaccine in 2021.

According to data from the KSH¹, **the number of children without access to GP services at their place of residence has been increasing steadily since 2016**. While 5% of paediatrician positions were vacant in 2016, it rose to 10% in 2020, a tendency

also present among GP positions. In 2020 during the first year of the pandemic 102.021 children aged 0-18 had no access to paediatric or GP care.²

Due to the pandemic lockdowns, **mental health** of the general public as well as children deteriorated.

As a result the number of **child psychiatric cases grew** by autumn 2021 and the number of attempted suicide and self-harm cases also increased. Parents raising secondary-school children also reported the children's deteriorating mental wellbeing according to the SOS Gyermekfalkavak non-representative **online survey**. 67% of parents reported a sudden exhaustion, 65% reported a feeling of emptiness and long spells of sadness and 53% told of sleeping disorders regarding their children. Most of the parents thought that the biggest difficulty for children was not being able to meet with their friends due to lockdown measures and also the lack of entertainment and leisure options.

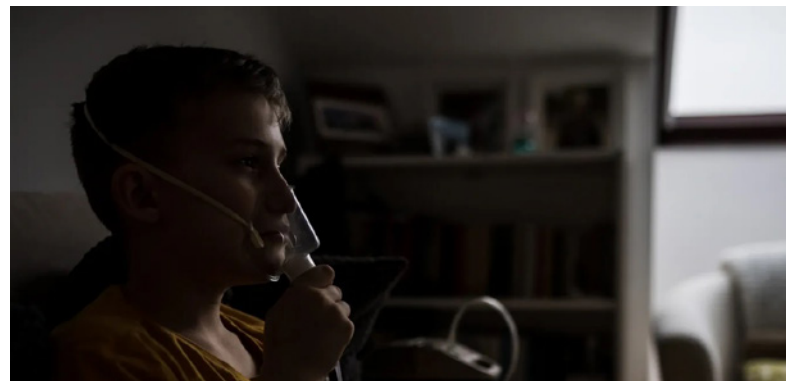
Insight from a child rights ambassador

"At the time one could often hear phrases such as "Finally everything is back to normal" or "It is nice being back to normal". However, these were far from the truth. The world and ourselves too changed so much, it was simply impossible to return to our pre-pandemic world."

A representative survey carried out by **UNICEF** with the participation of 1 000 parents raising children aged 3–18 and also involving professionals working with children. **Half of the parents** surveyed thought their children's mental well-being deteriorated during the pandemic. Especially among children aged 11-18 sleeping problems and introversion were experienced, but parents of younger children also reported behavioural and sleeping problems. According to the **survey** one in every three families experienced increased tensions due to the pandemic. The survey also highlighted that lower income families and single parent families were more likely to experience these problems.

A **qualitative study** involving professionals

confirmed the increase in mental health issues. It is important to note that not only for children, but **also for professionals working with them it was a challenging period**. Teachers, psychologists and



- 1 Similarly to the previous year, the NEAK failed to provide us with the public data by the closing of our report. Data from the KSH was available on the same topic, but only regarding 2020.
- 2 Source: KSH 1021 OSAP (GP and paediatric care).
- 3 The UNICEF launched the Face the problem campaign in the autumn of 2021, raising awareness on mental problems of children. The campaign aimed at emphasising the importance of asking for help and to strengthen adults in noticing if a child needs help, while also highlighting the shortcomings of the social system.

social workers were overburdened. A professional from the eastern region reported in the survey that she was responsible for 3000 children.³

A report by the commissioner for fundamental rights highlighted that there is no comprehensive guideline for children with suicidal thoughts. The practices used are often problematic. The ombudsperson recommended setting up a working group **to develop a guideline based on universal use of definitions and concepts.**

The **new Healthcare Act aimed to prohibit gratuity money.** As a result doctors employed by hospitals were prohibited from treating pregnant

women in their private practice and at the hospital at the same time from 1st March 2021. This change resulted in problems rather than fixing the issues. Pregnant women and hospitals were often left in a limbo while the pandemic situation kept worsening.

The Government **issued** the Healthy Hungary 2021-2027 healthcare sectoral strategy which is the continuation of the strategy 2014-2020. The National Health Programmes of 2018 and the **National Child Health Program** were the basis of the strategy. The main aim is to promote healthy eating and to prevent chronic illnesses from a young as well as to combat the consequences of child poverty.

Youth health

According to data from the KSH, even though the number of **teenage pregnancies** decreases each year, it is still a significant problem. While in 2016 there were 12 pregnancies per a thousand 14-17 year-old girls it decreased to 10 by 2020. This meant that 1.800 infants were born with a teenage mother aged 14-17.¹ A **study** focusing on under 20 mothers found that a disadvantaged social background is a key risk factor for early pregnancies. Two-thirds of teenage mothers completed primary education only and most of them are in the lowest financial 20% of society. According to **data** from the KSG, the number of abortions also decreased, in 2016 there were 16 abortion per one thousand girls aged 15-19, and only 13 by 2020.

Due to the pandemic, many previously personal activities moved to the **online sphere**. As a result children spent even more time before screens. Video games were already popular, and this period highlighted such activities for children. A **study** involving 806 parents and 572 children showed that 80% of children aged 6-18 play some kind of video game. According to the study, two-thirds of children play weekly and one-third play video games on a daily basis, averaging 8 hours of gametime per week. Another **study** pointed out the importance of long-term effects of online equipment, a massive use of digital technology had an effect on the sensory experiences of the alpha generation (born after 2010).

Insight from a child rights ambassador

"The gap widened. Between teachers and students and between students in a class. Everyone was battling in their own sphere, drifting farther from others. It was difficult to see and experience fatigue and distance."

The KSH published the data of the 2019 European Citizen Health Survey (ELEF) in 2021. **Data** related to **smoking** showed that 15.1% of children aged 15-17 smoked, 9.5% on a daily basis while 5.7% only occasionally. We requested data from the KSH on children's activity. According to data available, among 15-17 aged children 21% do not do more than 10 minutes of **physical activity** any day of the week, 28.9% do sports 3 times a week, 34% do sports 4-5 times a week and 16.1% 6-7 days a week. This shows

that 67% of children aged 15-17 spend 2.5 hours per week doing sports. Data regarding children aged 5-14 were gathered via asking their parents. Parents said that 30.3% of children of this age group do no physical activity outside of kindergarten or school, 44.3% do sports 3 times a week, 18.7% 4-5 times a week and 6.2% 6-7 times a week. This means that according to the available data, 50.5% of children aged 5-14 spend on average 1 hour a day doing physical activities.

¹ Source: KSH data collection based on act no. CLV of 2016 Section 30. and 28.

Quality of life

*„States Parties shall recognize for every child the right to benefit from social security (...)“
(excerpt from Art 26 UN Convention on the Rights of the Child)*

The European Commission adopted the **European Child Guarantee**, calling upon member states to tackle child poverty and structural discrimination. **Children growing up in poverty** are less likely to do well at school and have a higher dropout rate, resulting in a disadvantage in the labour market and also affecting their health.

The development of the European Child Guarantee goes back to 2015, data from **Eurostat** published in 2021 confirm that addressing the issue is important. In the EU 24.2% of children are affected by poverty and social exclusion, in Hungary it is 21.7%. The Commission emphasised that the **coronavirus pandemic further increased inequalities**. Experts **called** attention to the fact that the poverty gap, thus, relative poverty increased. Furthermore, the so-called “working impoverished” social class emerged. Although they have a stable financial income, they work in sectors where salaries are usually low, thus, providing for themselves is becoming ever more difficult.

The **problems disadvantaged children have to face became completely clear with the introduction**

of digital education. Children in the poorest families not only lacked digital equipment but also had no access to the internet.¹ Apart from **material depravity**, a further problem was the **lack of digital competences** of children and their parents. In many schools they tried to address this issue by sending the exercises and material to students in paper form, which they had to send back. Experience showed that this significantly demotivated children.²

A fresh **comprehensive study** showed that hundreds of thousands in Hungary are affected by **housing poverty**. Improper housing is a health risk and causes uncertainty. Although the Hungarian system of housing benefits is closely tied to family benefits (e.g. CSOK) they all lack the social element, thus, provide no support for the most vulnerable. This is also true for the newest home renovation benefit.³ Authors call attention to the fact that families losing their homes have no protection and often result in the displacement of their children, contrary to the Child Protection Act. There is currently no legal framework in place to help families with children in case of eviction and temporary homes lack capacity.

- 1 Their situation was not made any better by the government measures, as for example the free access to the internet did not include top-up mobile internet which was common in these families.
- 2 According to the 2021 SAO report the government adopted its Digital Education Strategy in 2016. They found that there was sufficient time to adapt to digital education.
- 3 Non-refundable support was up to 50% of the costs with a limit of 3 million HUF. This was reimbursed afterwards, thus, only families with savings could benefit from it. Also, the more a family can invest, the more return they can receive.

EDUCATION, LEISURE, CULTURE

*„States Parties agree that the education of the child shall be directed to:
(...)The development of the child's personality, talents and mental and physical
abilities to their fullest potential (...)“
(excerpt from Art 29 UN Convention on the Rights of the Child)*

The **coronavirus pandemic** fundamentally defined the daily lives of students and teachers in 2021. According to independent **reviews** the majority (62%) of teachers received insufficient professional guidance during online education. 17% of parents told that they

were unable to provide the necessary environment for their children. Parents also admitted that it was an extra burden that they had to spend a significant amount of time to study together with their children.

Insight from a child rights ambassador

“Digital education in spring 2020 was a new situation for everyone. We have encountered many challenges, but also experienced cooperation. Everyone did their best to adapt and survive in this changed world. Many of us tried to help each other during this unprecedented event. We were looking for something to hold on in all the uncertainty.”

Digital education by types of school during the 3 phases of the pandemic

Public Schools (Nktv. 7.§ (1d))	Digital education 1st phase	Digital education 2nd phase	Digital education 3rd phase
Elementary School	From 16/03/2020 till the end of the Academic year		08/03/2021-19/04/2021 first grades, 08/03/2021-09/05/2021 last grades
High School	From 16/03/2020 till the end of the Academic year	11/11/2020-07/03/2021 (except Grade 5-8)	08/03/2021-09/05/2021
Technical High School	16/03/2020 - 01/06/2020; From 02/06/2020 till the end of the Academic year	11/11/2020-07/03/2021 (except technical classes)	
Vocational School		11/11/2020-07/03/2021 (except technical classes and students with special educational needs)	08/03/2021-09/05/2021
Learning Teaching School	From 16/03/2020 till the end of the Academic year		08/03/2021-09/05/2021
Primary Art School	From 16/03/2020 till the end of the Academic year	11/11/2020-07/03/2021 (if parents agrees or in person teaching is not manageable)	08/03/2021-09/05/2021
Ethnic Minority Language School	From 16/03/2020 till the end of the Academic year		08/03/2021-09/05/2021

Source: ÁSZ

Most teachers had to **realise** that evaluation and demand required a new methodology. It became clear that differentiated education and taking into account the individual needs of children is inevitable to ensure effective education.

Teachers had until 15th December to have the first dose of the vaccine administered. According to data from the EMMI, **90% of teachers had the vaccine** by December, meaning that approximately 15.000 teachers were unvaccinated, many of whom

had no intention of getting the vaccine ever.¹

The coronavirus pandemic affected three matura exam periods and over 220.000 students. The **matura** exam in 2021 was further hindered by the fact that students had spent the previous year in digital education, which made it more difficult for them to prepare and disadvantaged children faced an even greater challenge at the matura exam. The factual knowledge of students can be compared via the national competence surveys.²

1 The Government prescribed the mandatory vaccination in a decree in October 2021. According to the decree the employer can request vaccination for employment, except if the person is medically contraindicated to take up the vaccine

2 The results were not available for the 2021 year by the time of closing our Report.

From the 2020/2021 school year **vocational schools and technical schools** were separated. Vocational secondary-schools were reformed into 5-year technicums, while the vocational schools kept the 3-year study period. According to **data** from the Education Authority (OH), the number of students going to secondary schools **decreased** while the number applying for vocational schools and technical schools increased. 2021 was the first year when the number of students in vocational schools and technical schools exceeded the number of students in secondary schools. In the previous years it could be **observed** that the Government is retreating from higher level secondary-school education and that church and foundation school play a greater role. This restricts access for many children and families because of the religious and financial requirements.

From 1st September 2020 **school guards** were deployed to designated schools. According to the **amendment** of the Public Education Act school guards are **responsible** for teachers' safety.¹ According to information from the Hungarian National Police Headquarters (ORFK) 602 school guards were employed in 482 schools in the 2020/2021 school year and 566 school guards in 459 schools in the 2021/2022 school year. In the 2021/2022 school year the most school guards were in Borsod-Abaúj-Zemplén county, in 76 schools, while the least were in Vas county (1 institution). School guards intervened in 335 cases in the 2020/2021 school year and 136 times in the 2021/2022



Source: police.hu

school year (until our request for information). Even though school guards are not authorised to carry a gun, other tools are permitted (baton, handcuff). According to the ORFK they received no signals of abuse by the **school guards** yet. The ombudsperson also **monitored** the work of school guards in 2021. In 2021 88% of school guard **positions** were filled.

Governmental decree no. 65/2021. (II. 15.) brought several amendments to promote equality for children with special needs: it ensures the use of digital dictionaries for hearing impaired students and students with physical disabilities; allows the exemption from grading for students with special educational needs and alters the evaluation of their matura exams.

¹ The duties of school guards include preventing aggression and to ensure the safety of teachers and students.

Education, including early care

In the spring of 2021 the **Public Education Act** was amended, **lowering the age of mandatory kindergarten care from 4 to 3 years of age**: children who turn 3 by 31st August have to attend at least 4 years per day of kindergarten from the start of that kindergarten year. **The age limit for mandatory education** was lowered the **previous year**. If parents wish to keep their children in kindergarten for an extra year, they have to petition at the Public Education Authority (OH). The Authority approved **62% of requests** in 2021. The Szülői Hang (Parental Voice) NGO carried out a **survey** with 1.000 affected parents which showed that authorities recommended in 90% of proceedings that children stay an extra year in kindergarten, nonetheless, the examinations were stressful for children and families. According to KSH data, the number of children starting school grew rapidly from 91.747 in 2019/2020 school year to 103.475 in the **2020/2021 school year** and 101.989 in the 2021/2022 school year. Thus, since the legal amendment, **more than 10.000 children started school**. Meanwhile, **the number of teachers in schools shows a decreasing trend**, in the 2019/2020 school year 75.428, in the 2020/2021 school year 75.157 and in the 2021/2022 school year 74.481 teachers were employed.

The commissioner for fundamental rights received around 40 individual complaints regarding the change of the procedural rules for examination of school starting age¹. In a **report** the ombudsperson found several shortcomings vis-a-vis the new procedure. The commissioner concluded that it is worrying that unless the parent requests the extra year, children automatically have to begin school. Furthermore, the Constitutional Court found unconstitutional and struck out the provisions of the Public Education Act prohibiting exemption from kindergarten for children aged 4-5. The Constitutional Court reasoned that it violates parents' rights and children's right to proper upbringing.²

The **Eurochild** monitored early childhood development programmes and published its report in 2021, concluding that there were steps forward regarding **nursery care**, nonetheless, it is still mostly missing in small towns and villages. The report also calls attention to the discriminatory practices of the system. Disadvantaged children have less opportunities and care for children with special educational needs is also lacking. Many



Source: portfolio.hu

institutions cannot provide the service for children with disabilities or chronic illnesses because they do not have professionals with the necessary qualifications.

The Democratic Association of Teachers (PDSZ) **announced** the creation of its **strike committee** on Teacher's Day 5th October 2021 and started negotiations with the Government in order to find a solution to the "unbearable wages and conditions in education facilities and institutions".³

- 1 Relevant report of the commissioner: AJB-1038/2021. on bullying in schools; AJB-1039/2021. Refusing the mandatory transferring of a student; AJB-1040/2021. Disciplinary actions against a child of mandatory school age; AJB-1042/2021. Problems of school starting procedures; AJB-1312/2021. Absence during digital education; AJB-2289/2021. Pandemic related absences.
- 2 As a result of an amendment to the Public Education Act on 27th May 2021 the child protection authority is also allowed to request the delay of starting school. See act no LII. of 2021. Section 97. Para. (6).
- 3 The demands included a weekly workload of 22 hours from 1st September 2021 for teachers, and 35 hours for assistants so that they have enough time to spend with regenerating and preparations.

Leisure, freetime, recreation, cultural and arts activities

„States Parties recognize the right of the child 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.“

(excerpt from Art 31 UN Convention on the Rights of the Child)

The Hungarian Sleep League (**MASZ**) survey showed that Hungarian children in primary and secondary schools have sleeping problems. Not only sleep time but also quality of sleep has to be addressed as these affect daily activity. The MASZ **recommended** that delaying the start of school would help students concentrate better but would also increase the resting time of parents.

Along with teachers' being overburdened, students' workload was one of the most common critiques vis-a-vis the current system. If children have no time to rest, do sports and other extracurricular activities their right to physical and mental health can be violated.

Governmental decree no. 1144/2021. (III. 29.) entered

“Around 9 o'clock is when children begin to concentrate. Thus, children who start school at 8 wake up around 6 or 7 and many children have to wake up even earlier. This starting time could be delayed, as even half an hour of extra sleep could significantly boost quality of sleep.”

Emphasising nationalistic and military education seems to be more and more important. Sport is a strategic field from 2021. The Government began **improving sports facilities**. A key ground of this are military **sport complexes**, the building of which began in 2017 in 5 locations. The aim is to create these complexes in every county. The first such complex was **completed** in Újfehértó in 2021, with special focus on shooting. The sports complexes aim to promote families' and communities' joint sport activities and leisure.

While the number of sports complexes grew in the last 10 years (2011-2020) from 1.279 to 1.357¹, **the number of students participating in school sport activities dropped to one-fourth**, and participation in extracurricular sport organisations halved compared to 2021. Teachers of physical education dropped by a fourth in the previous 20 years.

into force in spring 2021 aiming at expanding sport and camping opportunities for **children with type 1 diabetes**: it prescribed that a guideline shall be developed; sports medicine regarding permits should be based on universal conditions and a set procedure; proper information booklets shall be created regarding sport opportunities for children; trainings and proper financing shall be guaranteed.

Not all schools teach national defence basics, only the ones **included** in the **Military School Kadet Programme**. The Hungarian Military plans to have 10 such secondary schools by 2030. These institutions provide a higher level national defence training for children in an individualised programme. According to the National Curriculum **published** in 2018 by the EMMI, students receive basic knowledge on healthcare, military drills, cartography, defence policy

¹ Source: KSH Statinfo, Technical number TA2020_W.

and law of armed conflicts (international crimes, crimes against humanity, treatment of prisoners of war). The 18-hour training **includes** knowledge on guns and handguns, automatic rifles, grenades, landmines and armed vehicles, among others.

Act no. LII. of 2021 allows special rules for schools founded by the ministry of defence, also permitting the use of disciplinary rules and

proceedings present in the Hungarian Military.

In our previous (2019) Report we have discussed in detail the new National Curriculum, which promotes national defence and nationalistic aspects.¹ It is still a focal point of **debates** and critiques, and the association of history teachers **published** a statement condemning the prioritisation of national defence in the curriculum.

1 See further: Section Optional Protocol on the involvement of children in armed conflicts

SPECIAL PROTECTION MEASURES

Asylum seeker and migrant 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.“

(excerpt from Art 22 UN Convention on the Rights of the Child)

The supposedly **temporary measures** introduced in 2020 were in effect in 2021, meaning that no asylum requests can be handed in inside Hungary's territory. According to the law, apart from a few exceptions - which are mostly irrelevant - asylum requests can only be handed in inside Hungary if the asylum seeker had submitted a so-called statement of will at the Belgrade or Kyiv embassies which is then approved by the National Migrational Authority (OIF).¹

If the OIF declined the statement of will, the asylum seeker receives only an email in English, without any reasoning or explanation. Many asylum seekers successfully turned to the Budapest-Capital Regional Court, the court ordered the OIF to start over the

procedures and issue formal decisions with proper reasoning. The OIF turned to the Constitutional Court which is yet to decide on the matter.

Meanwhile the **push-back practice** continues. Although the **Court of Justice of the European Union** and the **European Court of Human Rights** ruled the push-back policy illegal, the legislator plans no change of the rules. The justice minister turned to the **Constitutional Court** on behalf of the Government asking the Court to overrule the EU Court's decision. The Constitutional Court gave no exception for the Government, however, with several statements of its decision the Constitutional Court gave way for the Government to have a basis in sustaining the illegal status quo. The European

¹ The Hungarian Helsinki Committee personally met with asylum seekers currently in Serbia and interviewed them on their experiences. First-hand experience showed that the procedural rules are impossible burdens for asylum seekers to overcome.

Commission **initiated** another proceeding against Hungary to execute the decision of the EU Court.

Only 8 asylum seekers were allowed into Hungary in 2021, among them were 4 children. Meanwhile, more than 72.000 push-backs **happened**, without any data to show how many of them were children.¹

Despite the above discussed, the police placed several **unaccompanied minors** in the Children's Home of Fót. These children escaped being pushed back for ad hoc reasons, not as a result of a systemic change in policy. The Government appointed child protection guardians for these children but they still had to travel to Serbia to submit the statement of will, without which the OIF refused to initiate the asylum

procedure. This resulted in significant delays, violating the best interests of these children and furthering the vulnerability by leaving them in a legal limbo. The financing of their healthcare was also uncertain due to a lack of legislation regarding the rules of social security.

The situation of the **Children's Home of Fót** is still uncertain. This uncertainty has been a problem for years and negatively affects children placed there and their caretakers.

Cooperation of NGOs and governmental professional working with asylum seeker children continued in 2021. This is very positive, especially if we take into account the erosion of government - NGO dialogue in recent years.

¹ Data from the OIF to the Hungarian Helsinki Committee.

Juvenile Justice

„States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.“ (excerpt from Art 40 UN Convention on the Rights of the Child)

According to data from the OBH the number of **juvenile convictions** kept **decreasing** in 2021 to 2.201 aged 14-17 and 14 aged 12-13. Similarly to previous years the most common sanctions were probation and parole. The Hungarian Prison Service provided data showing that no children aged 12-13 were in penitentiary institutions and the number of those aged 14-17 decreases each year. In 2016 175 of them were in penitentiary institutions while in 2018 the number was only 99 and 49 by 2021. The decrease in the number of juveniles handed a prison sentence might be affected by the decreasing population and the severity and quantity of crimes

committed and also the changing jurisdiction. The number of juveniles in correctional facilities remained unchanged. According to data from the KSH between 2018 and 2021 around 100 juveniles aged 14-17 had to go to correctional institutions. For children aged 12-13 the number was 1 in 2018, 2 in 2020 and 3 in 2021.¹

The need for special treatment of juveniles received **media attention** when video footage aired showing the wrongful arrest of three juveniles lasting 72 hours, resulting in a serious violation of (among other rights) children's rights.

¹ Source: KSH 1511 OSAP sz. data collection.

Children as victims and witnesses to crime

The most common crime committed against children aged 0-13 was child endangerment in 2021, 832 children were victims, the second most common was assault with 492 victims. The numbers related to sexual crimes committed against children aged 0-13 is worrying. In 2021 178 children aged 0-13 fell victims to sexual crimes, which is slightly less than in 2020 (194) but still massively exceeds the number in 2019 (120). The number of victims of **child pronography** steadily increases from 2019 in this age group: 66 in 2019, 105 in 2020 and 134 in 2021. The most common crimes committed against children aged 14-17 was assault (639), the second being theft (604) and the third being breach of the peace (551).¹

Legal proposal no. **T/16365** was submitted in order to address the protection of child victims of sexual crimes, the proposal commonly known as the anti-paedophilia act. The proposal originally aimed to strengthen sanctions and to set up a searchable by **name register** of persons who have committed sexual crimes against children. The proposal also expanded the list of professions perpetrators of sexual crimes against children were banned from. The Child Rights Civil Coalition **published** a statement welcoming the reform but also emphasised the importance of prevention, victim support and providing children with information and also the potential risks of the legislation. The legal proposal was later heavily politicised and was amended

to include discriminatory provisions for LGBTQ persons.²

The Supreme Court's opinion number **1/2021**. (V. 13.) assured that courts have to - without exceptions - order **the ban from professions** against perpetrators of sexual crimes against children under 18.

2021 was the first year when the ECPAT and the Hintalovon Foundation published their first **country report** on **child sexual exploitation**. There are few comprehensive studies, but data shows that poverty and its consequences are a risk factor to falling victim to child sexual exploitation crimes. Most victims had a disadvantaged social and family background, often impoverished and belonging to marginalised communities. Physical and emotional abuse and neglect was also often part of their lives even prior to becoming a victim of such crimes. It is worrying that more than half (64%) of Hungarian victims of human trafficking related to sexual activities are children, 7.4% of them being under 11.

The child-friendly interview and therapeutic centre **Barnahus houses** were introduced in 2021, aiming to reduce stress of children in the procedures and to start their therapeutic healing process as soon as possible. In 2021 20 crisis centres and 21 halfway houses, 8 secret safehouses and 7 crisis ambulances were opened.

¹ Source: criminal statistics system (ENyÜBS)

² See Chapter A. of the Report.

MONITORING OF THE COMMITTEE'S PREVIOUS CONCLUDING OBSERVATIONS

Optional Protocol 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.“

(excerpt from Art 1 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography)

The American Embassy TIP-**report** concluded that

“the Government of Hungary does not fulfil all the minimum criteria to end trafficking in humans, although the Government takes important steps to achieve full compliance.”

A number of 2020 legislation entered into force in 2021, among them provisions regarding child victims of human trafficking ruling out sanctions against them and providing general protection to them.¹ **Along with legislative reforms, jurisdiction also changed in a positive way.** In a professional roundtable discussion the participants expressed that several factors resulted in the change of judicial attitude in the previous years. The Prosecutor General **published** two important guidelines in October 2018 (KSB 3771/2018/5-I. And NF. 3889/2014/11.) which explores the understanding of exploitation and vulnerability in human trafficking cases and distinguishing it from pimping. A further guideline was published in May 2019 (KSB 3771/2018/45-II. – NF. 3889/2014/17-II.) on identifying victims of human trafficking. Another important step was that the ORFK appointed special representatives for human trafficking.² Furthermore, in July 2020 a new legal institution entered into force, delegating certain tasks to public order police regarding human trafficking cases.³ The head of the Supreme Court set up a jurisdiction analysis working group for human trafficking cases¹¹, the report is expected in the spring of 2022.

It has to be highlighted a guideline was published in 2018 for workers in child protection titled Child prostitution

and trafficking in children. This is mandatory knowledge for workers of child protection and is likely to be made mandatory for anyone working in basic services. This promotes the attitude change in the field of child protection, which is clear if we view the previous report of the commissioner for fundamental rights. Another important step was making clear that there can be no voluntariness from the child if anyone exploits them.⁴

As a result of the above mentioned efforts, the 2021 TIP report concluded that “significantly more investigations were carried out and human traffickers convicted and more victims were identified and provided with support. Furthermore, the Government opened a crisis home, providing a safe place and two other halfway houses, three victim support centres and a centre for child victims and witnesses.”

In 2021 the criminal definition of child pornography and its sanctions were amended to expand the applicability and have a more significant preventive effect with the sanctions.⁵ Nevertheless, without proper education and prevention measures the number of sexual content from children is still increasing by pornographic content of a child filmed or photographed by another child or themselves.

Insight from a child rights ambassador

“The year 2021 was a really difficult year for teenagers for various reasons: the quarantine and the expansion of freetime gave way to many negative issues. The biggest problem was influencers acting irresponsibly on social media. For example the increasingly famous Bish Barbie was known for participation in prostitution and voices that herself. The problem with this is that many of her followers are yet to reach adulthood and the promotion of sexual such activities and her behaviour is an example for children. A similar influencer was Norina Diamond. On these apps Zsebibaba is also becoming famous, but is yet to teach the age of 18. Zsebibaba often uses her body to advertise products and also showed sexual activity with her partner on TikTok in 2021.”

1 The Ministry of Interior issued a detailed victim support roadmap and guidelines.

2 Under the aegis of EMPACT, between 31st May and 6th June 2021 the Europol organised a **Joint Action Day** to help identify and end labour exploitation (forced labour, forced domestic labour etc.)

3 Child Protection Act Section 76/B. Is worth mentioning as it allows the police to temporarily place children in one of the 5 special designated children's homes. The police can only act upon catching someone in the middle of the act, thus, they have no powers to intervene in cases where children living in care homes or who are missing from such an institution are being victims of prostitution.

4 We considered the detailed description of the measures important as they were not available publicly before.

5 See further: Section J.

Optional Protocol on the involvement of children in armed conflicts

„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.“

*(excerpt from Art1 **Optional Protocol** to the Convention on the Rights of the Child on the involvement of children in armed conflict)*

We have already highlighted in our previous reports the tendency that in recent years the **patriotic upbringing** of children had a lot of emphasis.¹ In October 2021 a governmental decree² amended the previous legislation. According to the amendment the "Government agrees that military traditions are part of the thousand-year-old Hungarian culture and it is an important responsibility of Hungary to protect and promote them."³

In our **2020 Report** we have described the proposed Arm Yourself! Campaign. The programme was **launched** in 2021 with the Museum for Military History providing free tours for children in SZGYF or EMMI founded child protection institutions.

The **Hungarian Military organised camps** for children in 2021. According to **data** available, one of these combatant camps filled within minutes. The camps include many military related activities such as morning alerts, morning physical activities, reports, moving in formation. The organisers called attention to the fact that even though children are in a militant environment it is not a military camp but a children's camp.



Source: honvedelem.hu

The **Concluding observations** of the UN CRC Committee called on the state not to allow children to partake in military training or use firearms. The Committee also emphasised the need for the Military School Kadet Programme to comply with the **Optional Protocol**.

1 See further: Section I.

2 Governmental decision no. 1761/2021. (X. 27.).

3 Hungarian Gazette 2021./ 196., page 8877.

RATIFICATION OF THE OPTIONAL PROTOCOL ON A COMMUNICATIONS PROCEDURE

Optional Protocol on a communications procedure

The third optional protocol, unlike the others, does not elaborate further a provision of the UN CRC, rather it establishes a complaint mechanism for violations of children's rights from April 2014. It allows children to submit their complaints directly to the UN CRC Committee which investigates them and orders the state to take the necessary steps. The Optional Protocol was not signed by Hungary, although according to

the ombudsperson the legislation for the accession to the protocol has been put before the government.

The ratification of the Optional protocol is urgent as the UN CRC Committee pointed out in its **Concluding observations** that accession into the Optional Protocol is vital in protecting children's rights.

Child Rights Report 2021
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