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**HINTALOVON**

Gyermekjogi Alapítvány

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**CHILD RIGHTS  
REPORT  
2022**

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# FOREWORD

For years we have been writing in this foreword about the fact that we are forced to work with less and less data and information. This year, not only have official sources almost completely dried up, but it is also striking how much less research, studies and specialist material has been produced on child rights issues. For 2022, we could hardly find any representative, comprehensive or detailed factual material on the current situation. There are more and more references to newspaper articles, which, given the extremely divided media coverage, now clearly run the risk of being politicised or at least of calling into question neutral, objective information. This is bad not only for us, but for everyone. We need quality journalism and public information, but it is a serious problem if that is all we can rely on for one issue or another. Without an understanding of the reality, without a presentation of trends, without a thorough analysis of an issue, we are all more vulnerable and more exposed, which means that at the end of the day it is the children who are worse off.

The report has been compiled to the best of our knowledge, but it cannot answer the question of what it was like to be a child in 2022. The fate of children varies greatly by region and social group, by individual circumstances, and there are many systemic factors that influence how under-18s feel in Hungary. Moreover, in many respects 2022 did not bring anything new, but only a clear reflection of the results of negative trends over many years (sometimes decades). We are now facing the consequences, while the

causes and triggers remain in the past - or are now coming to a head due to years of postponement.

Following last year's example, we will not highlight any of the data from this year's report in the foreword. It's worth reading the material in its entirety and assessing the events of 2022 in context.

# Methodology

The report, which summarises the main events of 2022 from a child rights perspective, follows a similar methodology to previous years. Data and information are collected in three main areas:

- Legislation and amendments adopted or entering into force in 2022;
- Professional materials, statistical and information sources published in 2022;
- Reports, news, media reports published in 2022.

Every year we carry out extensive research before compiling the report - in fact, throughout the year we are constantly gathering information, data and research findings to inform the report and our decisions on what we consider to be the most important events, changes and challenges in each area of children's rights.

This is the seventh year of the Child Rights Report, which allows us to continuously monitor the collection of child protection statistics, not only in terms of content, but also in terms of operation. This includes the fact that data is increasingly difficult to obtain and that **data that is publicly available is published late**. Often with a delay of six months or a year. As a result, child protection data in this year's report (where we have been able to obtain it) generally relates to 2021, as this is the only year available at the time of manuscript closure in May 2023. In

addition, because we did not have data to work with in several areas, we have included trends and changes from previous years. For example, we have reviewed the structure and functioning of child protection since the change of regime (1990).<sup>1</sup>

Also new in this report is an attempt to provide a brief overview of the activities of organisations providing legal aid or advice on child rights issues in 2022.

The Child Rights Report 2022 has been compiled by the professional team of the Hintalovon Child Rights Foundation, with the direct involvement of professionals of other organisations in certain sections. The first draft of the report has been subject to review by proof-readers with extensive professional experience and knowledge of the individual articles.

<sup>1</sup>We would like to thank dr Erika Pehr Katonáné for preparing this

The Hintalovon Foundation's Kid Colleagues, nine in all, were also involved in the preparation of the 2022 report. We met with five of them on three occasions. On the first occasion we reviewed the previous reports and discussed their role. On the other two occasions, the children, in joint and small group discussions, identified the issues and events that they thought would be relevant to primary and secondary school children in 2022. Based on their own recollections, they made their observations individually. We also held a separate session with four other minor kid colleagues, which was audio recorded and transcribed. **The views of the children are thus directly reflected in this Child Rights Report.<sup>2</sup>**

As in previous years, the report follows the structure of reporting to the UN Committee on the Rights of the Child and the cluster structure on children's rights.

The reports, published annually since 2016, are available at [www.hintalovon.hu](http://www.hintalovon.hu).

Comments on the 2022 material are welcome at [info@hintalovon.hu](mailto:info@hintalovon.hu). Thank you!

<sup>2</sup>View of a kid colleague

# GENERAL MEASURES OF IMPLEMENTATION

In 2022, changes to the sectoral governance system were introduced and, in parallel, important personnel changes were made. Following the appointment of Katalin Novák as President of the Republic, the Minister without Portfolio for Family Affairs was replaced by the Minister in charge of the Prime Minister's Office (Gergely Gulyás) by a government decree.<sup>3</sup> The Minister took over the tasks and responsibilities of the Minister without Portfolio for Family Affairs. The priority given to this area has thus been removed. However, the most important act in terms of sectoral governance is Act II of 2022 and the related Statute Decree<sup>4</sup>, which lists Hungary's ministries and defines how specific areas, including children's rights, fall under which ministries and units/departments.

**The Ministry of the Interior (MoI)** has taken over social inclusion (unchanged from the previous term), health (including chil-

dren's health), child and youth protection, drug prevention and coordination (previously also included), public education and social policy. Vocational training, family policy and children and youth policy have been transferred to the **Ministry of Culture and Innovation (MoCI)**.

According to Article 135(1)(c), the **MoCI** is responsible for monitoring the implementation of children's rights. **The new structure separates the tasks and competences of 'policy' (e.g. strategy development, policy planning) and 'protection'**, and adoption has been removed from the child protection sector, further fragmenting (in a way that is not professionally or publicly justified) issues affecting children.

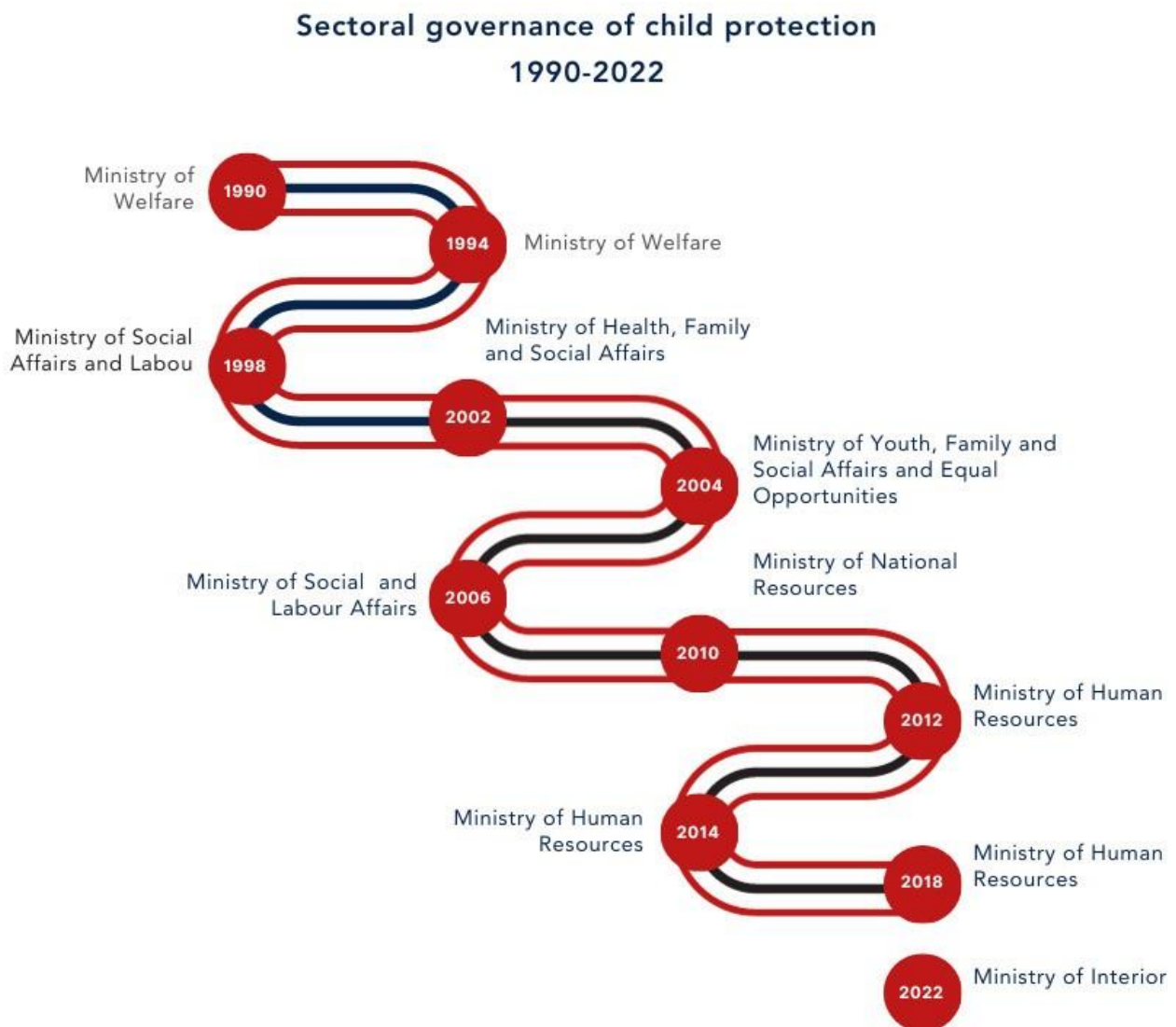
The 2022 reorganisation has once again drawn attention to a phenomenon that appears regularly in the discussion of Hungary's country and shadow reports to the

<sup>3</sup> 832/2021. (XII. 30.) Government Decree on the definition of the legislation falling within the roles and responsibilities of the Minister of the Prime Minister's Office in the field of family, children and youth policy and on the amendment of certain Government Decrees.

<sup>4</sup> 182/2022. (V.24.) Government Decree relevant provisions: for the MoI (66. § (1) bekezdés), for the MoCI (128. §).

UN Committee on the Rights of the Child: the fragmentation of sectoral governance and the risks and vulnerabilities caused by the ever-changing organisational and structural framework. In particular, **the gaps and challenges in the areas of cooperation, information flow and long-term strategy development.** The four-yearly changes

and reshuffles of government in Hungary are also typically a source of change in governance structures. To illustrate this, we have prepared a graph (Figure 1) of the changes between 1990 and 2022 with regard to the ministries responsible for the child protection system.



**Figure 1.** Changes in the sectoral governance system for child protection between 1990 and 2022, based on responsible ministries - Sectoral governance of child protection 1990-2022



Between 2012 and 2022, the Ministry of Human Resources, as the governing body, created a more stable framework, although the rules on competences and responsibilities cloud the picture. In the absence of a strong, dedicated ministry, sectoral governance of children's rights and a broadly defined child protection policy remained fragmented during this period.

**The lack of a coordinating, monitoring and evaluating function** for children's rights has been a persistent problem from 1990 to the present.

The Ministry of the Interior also had partial competences between 1994 and 2002, but these were later abolished and only in 2018 did it become a designated sectoral management actor again (then in the areas of

children's rights and equal opportunities) (see Table 1) In comparison, the new structure of 2022 is particularly striking, with the central role of the Ministry of the Interior, which has never had such a role before, and the Ministry of Culture and Innovation, which is a completely new actor and has been given the portfolio of children's rights (an area that had previously been the responsibility of the Ministry of the Interior for several cycles).

In the system established in 2022, the MoI has been given a number of areas that operate with different professional and sectoral logics, many of which it has never been responsible for before (e.g. public education), which could lead to coordination and professional problems overall.

Period	Regulatory framework	Sectoral (responsible) ministry	Organisational unit/area of the sectoral ministry	Other ministries/organisations
2022.	Act II of 2022.	<b>Ministry of Interior</b> (Minister: Sándor Pintér )	<p>Areas of the Secretary of State for Welfare Policy according to the MoI instruction no. 12/2022. (VI. 28.), e.g :</p> <ul style="list-style-type: none"> <li>• social and child protection benefits - in cash and in kind;</li> <li>• social services, except for day care services for children, child welfare and child protection services- equal opportunities for children</li> <li>• "Let's make it better for children!" Chair of the National Strategy Evaluation Committee</li> </ul> <p>Departments. E.g:</p> <ul style="list-style-type: none"> <li>• <b>Department of Social and Child Welfare Services</b></li> <li>• <b>Department of Child Protection and Guardianship</b></li> <li>• <b>Department for Child Opportunities</b></li> </ul>	<p><b>Ministry of Culture and Innovation</b> (Minister: Mr. János Csák)</p> <p>Areas of the Secretary of State for Family Affairs according to the MoCI instruction no. 3/2022. (VIII. 8.). e..g:</p> <ul style="list-style-type: none"> <li>• adoption governance (Central Authority)</li> <li>• youth policy development</li> <li>• coordination of early childhood intervention</li> <li>• monitoring the implementation of children's rights</li> <li>• management of day care services for children</li> </ul> <p>Departments e.g.:</p> <ul style="list-style-type: none"> <li>• <b>Department for Adoption and Women's Policy</b></li> </ul> <p>The Slachta Margit Slachta National Institute for Social Policy of the Ministry of Interior is responsible for the policy development of the social, child welfare and child protection field.</p>

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Period	Regulatory framework	Sectoral (responsible) ministry	Organisational unit/area of the sectoral ministry	Other ministries/organisations
2018.	Act V. of 2018	<b>Ministry of Human Resources</b> (minister 2018-2022 Miklós Kásler)	<p>According to the instruction no. 16/2018. (VII. 26.) of the Ministry of Human Resources:</p> <p><b>Areas of the Secretary of State for Social Affairs:</b></p> <ul style="list-style-type: none"> <li>• social and child protection benefits - in cash and in kind;</li> <li>• social services, except for day care services for children, child welfare and child protection services</li> <li>• adoption</li> </ul> <p>Departments:</p> <ul style="list-style-type: none"> <li>• <b>Department of Child Protection and Guardianship</b></li> <li>• Department of Social and Child Welfare Services</li> </ul> <p>For example, the <b>State Secretariat for Family and Youth</b> was responsible for children's day care and children's rights.</p> <p>Departments:</p> <ul style="list-style-type: none"> <li>• Department of Family and Women's Policy</li> <li>• Department for Children's Affairs</li> </ul>	<p>Adoption of the Parliament's Resolution 12/2021. (IV. 29.) on the Slachta Margit National Institute for Social Policy</p> <p>As of 1 July 2021, the National Child Protection Specialist Service has been established. Ministry of Interior</p> <ul style="list-style-type: none"> <li>• children's rights</li> <li>• equal opportunities</li> </ul> <p>Later becoming the portfolio of the Minister without portfolio for Family Policy. E.g:</p> <ul style="list-style-type: none"> <li>• adoption governance (Central Authority)</li> <li>• system of child day care services</li> </ul>
2014.	Act XX. of 2014	<b>Ministry of Human Resources</b> (minister: 2012-2018 Zoltán Balog)	<p>According to the instruction 33/2014. (IX. 16.) of the Ministry of Human Resources:</p> <ul style="list-style-type: none"> <li>• <b>Department of Child Protection and Guardianship</b>, (including a Unit for Child Protection and a Unit for Guardianship)</li> <li>• Department of Social and Child Welfare Services</li> <li>• Department of Family Policy</li> </ul> <p>In the frame of other State Secretariats::</p> <ul style="list-style-type: none"> <li>• Unit of Children and Youth</li> <li>• Unit of Child Opportunities and Education</li> </ul>	<p>Establishment of the Directorate General for Social Affairs and Child Protection under Government Decree 1496/2012 (IX.13.)</p> <p>Establishment of the National Centre for Patients', Dependants' and Children's Rights and Documentation (2012) and the Integrated Legal Protection Service under Government Decree 381/2016 (XII. 2.)</p> <p>In 2015-2016, the NCSSZI continued to operate as the Institute for Family, Youth and Population Policy</p>

Period	Regulatory framework	Sectoral (responsible) ministry	Organisational unit/area of the sectoral ministry	Other ministries/organisations
2010.	Act XLII. of 2010	<p><b>Ministry of National Resources until May 14 2012</b></p> <p><b>Ministry of Human Resources (EMMI/MoHR)</b> (minister 2010-2012 Miklós Réthelyi 2012-2018 Zoltán Balog)</p>	<p>According to instruction 6/2010. (X. 19.) of the Ministry of National Resources</p> <ul style="list-style-type: none"> <li>child and youth protection</li> <li>child and youth policy</li> </ul> <p><b>Department of Child and Youth Protection</b> including a Unit for Child Protection and a Unit for Guardianship</p> <p>(separate Children and Youth Unit within the Department for Equal Opportunities)</p>	<p>Termination of the Public Foundation for Patients', Dependent Persons' and Children's Rights pursuant to Government Decree No. 1072/2011 (III. 23.)</p> <p>The SZMI was re-established as the National Institute for Family and Social Policy from 2011-2015</p> <p>The 2012 consolidated government report on the UN Convention on the Rights of the Child was prepared by the Ministry of Human Resources</p>
2006.	Act LV. of 2006  amended by Act XX. of 2008	<p><b>Ministry of Social Affairs and Labour</b> (ministers: 2006-2007 Péter Kiss 2007-2008 Mónika Lamperth 2008-2009 Erika Szűcs 2009-2010 László Herczog )</p>	<p>Government Decree 70/2006. (VII. 28.) on the roles and responsibilities of the Minister of Social Affairs and Labour</p> <p>Department of Child and Youth Protection with two unit</p>	<p>Establishment of the Social Policy and Labour Institute (SZMI/SPMI) in 2007-2010.</p> <p>Ministry of Health Ministry of Local Governments and Regional Development Ministry of Justice and Law Enforcement Ministry of Education and Culture (in 2008 Ministry of Local Government)</p>
2004.	Act XCV. of 2004 módosította a 2002. évi XI. tv-t	<p><b>Ministry of Youth, Family and Social Affairs and Equal Opportunities</b> (Minister: 2004-2006 dr. Kinga Göncz)</p>	<p>Government Decree 289/2004. (X. 28.) on the roles and responsibilities of the Minister of Youth, Family and Social Affairs and Equal Opportunities</p> <p>Important areas include: social and family policy, children's policy, youth policy, equal opportunities, Roma social inclusion policy.</p> <p><b>Department of Child and Youth Protection with two units</b></p>	<p>National Institute for Family and Social Policy (transformed in 2007)</p> <p>Public Foundation for Patients', Dependants' and Children's Rights</p>

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Period	Regulatory framework	Sectoral (responsible) ministry	Organisational unit/area of the sectoral ministry	Other ministries/organisations
2002. .	2002. évi XI. tv.	<b>Ministry of Health, Family and Social Affairs</b> (Ministers: 2002-2003 dr. Judit Csehák 2003-2004 dr. Mihály Kökény)	Government Decree 142/2002. (VI. 28.) on the roles and responsibilities of the Minister of Health, Family and Social Affairs  <b>Department of Child and Youth Protection</b> including the Unit of Basic and Specialised Care and Unit of Family Affairs and Guardianship	The 2002 Government report on the UN Convention on the Rights of the Child was prepared under the supervision of the Ministry of Children, Youth and Sport  <b>Establishment of the Public Foundation for Patients', Dependants' and Children's Rights</b> under Government Decree 2234/2003 (X.1.)  Ministry of Interior  Ministry of Education
1998.	Act XXXVI. of 1998	<b>Ministry of Social Affairs and Labour</b> (Minister 1998-2002 Péter Harrach)	Government Decree 171/1998. (X. 15.) on the roles and responsibilities of the Minister of Social Affairs and Labour  <b>Department of Child Protection</b> , including Unit of Basic and Specialised Care and Unit of Guardianship	<b>Establishment of the National Institute for Family and Child Protection</b> in 1998, merging three former organisations, and then transformed into the National Institute for Family and Social Policy in 2000  Ministry of Interior  Ministry of Health  Ministry of Education
1994.	Act LVI. tv. of 1994	<b>Ministry of Social Welfare</b> (Minister 1994-1995 dr. Pál Kovács 1996-1998 dr. Mihály Kökény)	Government Decree 154/1994. (XI. 17.) on the amendment of Government Decree 49/1990. (IX. 15.) on the roles and responsibilities of the Minister of Social Welfare  <b>Department of Family, Child and Youth Protection</b> Unit of Basic and Specialised Care and Unit of Guardianship	Ministry of Interior  Ministry of Culture and Public Education

Period	Regulatory framework	Sectoral (responsible) ministry	Organisational unit/area of the sectoral ministry	Other ministries/organisations
1990.	Act XXX. tv. of 1990	<b>Ministry of Social Welfare</b> (Minister 1990-1994 dr. László Surján)	Government Decree 49/1990. (IX. 15.) on the roles and responsibilities of the Minister of Social Welfare  <b>Department of Family, Child and Youth Protection</b> Unit of Basic and Specialised Care and Unit of Guardianship	Prime Minister's Office (MEH ) Child and Youth Coordination Council Prime Minister's Office (MEH) Child and Youth Advisory Council  Ministry of Interior Ministry of Culture and Public Education  Background institutions: MEDINFO-GYIFO (Methodology and Training Unit for Child and Youth Protection) National Institute of Methodology for Childcare Centres Emmi Pikler National Methodological Institute for Nursery Homes

**Table 1. Changes in sectoral governance of child protection (1990-2022)**

The personnel, structural and organisational changes in 2022 raise both concerns and potential worries in all the areas where the state has already faced challenges: data coordination, information flow, professional and inter-professional consultation, and the proper preparation and channelling of professional positions related to each sub-domain, representation, the transfer of implementation experience to decision-making levels, and last but not least, long-term, professional strategic thinking.

**Fragmented sectoral governance** means that areas that could previously be moni-

tored, such as prevention and the situation of child and youth protection in public education and vocational training, seem to be disappearing.

In general, **the system established in 2022 unnecessarily fragments the sector.** While there are precedents for the current division of responsibilities between the MoI and the MoCI, the fact that many things will be brought under the auspices of the MoI in 2022 could lead to a lack of coordination, a lack of visibility and a general erosion of responsibility for sectoral policy.

<sup>5</sup> We would like to thank Erika Katonáné Pehr for her help in the review of the sectoral governance system between 1990 and 2022

# Legislation and measures

One of the major events of 2022 was the referendum on 3 April (held at the same time as the parliamentary elections). The referendum was declared invalid by the National Electoral Committee (NEC) because the number of valid votes cast did not reach the

threshold of validity (more than 50% of those eligible to vote). In the 2021 Child Rights Report, we detailed the concerns, Hungarian and international protests related to the referendum, so we will only detail the results here.

## The questions put to the referendum , according to the votes cast, were as follows:

1. Do you support the teaching of sexual orientation to minors in public schools without parental consent? (A total number of valid votes of this question was 3 910 436 (47.60% of all voters), 300 282 voted in favour (7.68%) and 3 610 154 voted against (92.32%).) Number of invalid votes: 1 717 702);
2. Do you support the promotion of gender reassignment treatment for minors? (The total number of valid votes for this question was 3 880 381 (47.23% of all voters), 158 447 voted in favour (4.08 %) and 3 721 934 voted against (95.92%). Number of invalid votes: 1 747 757);
3. Do you support the unrestricted exposure of minors to sexually explicit media content that is harmful to their development? (The total number of valid votes for this question was 3 872 161 (47.13% of all voters). 180 785 voted in favour (4.67%) and 3 691 376 voted against (95.33%). Number of invalid votes: 1 755 977;
4. Do you support the display of media content that depicts gender reassignment to minors? (For this question, the number of valid votes is 3 870 042 (47.11% of all voters), 186 938 voted in favour (4.83%) and 3 683 104 voted against (95.17%). Number of invalid votes: 1 758 096.

Several NGOs called for an invalid vote in the 2022 referendum. The National Electoral Committee (NEC) imposed a fine on them, which was later overturned by the Curia of Hungary.<sup>6</sup> In its reasoning, the Curia stated that these organisations had exercised their fundamental right to express their opinions, which could not be legally restricted for the reasons given by the NEC.

In 2022, 51 pieces of legislation affecting children's rights were adopted, of which (if the adoption of the 2023 budget is included) **only four were norms at the level of laws**, the rest at the level of government decrees. The 10th Amendment to the Constitution, promulgated in May 2022, allows the government to declare a state of emergency even in the event of armed conflict, war

or humanitarian disaster in a neighbouring country. As a result, the practice of previous years has been maintained, whereby on key child rights issues, although the Parliament continues to meet and function without interruption during the state of emergency, there is no parliamentary debate and no public consultation due to government by decree and no publication of preparatory technical material (if any).

One of the most important new norms on children's rights that came into force in 2022 concerned children's right to participate and express their views in a very important area: the settlement of parental custody and third-party placement proceedings. Under the new rules, which came into force on 1 August 2022, the guardianship authorities<sup>7</sup> and the court must inform the child of the possibility of making a **statement**. If the child requests to be heard or if the court considers it appropriate, the court shall hear the child directly or through an expert even in the absence of such a request. If the child has reached the age of fourteen, a decision on parental custody and placement of the

child may be taken with the child's consent, unless such a decision would endanger the child's development.<sup>8</sup>

Despite public criticism, this legislative amendment may represent a major **step towards** the implementation of Article 12 of the Convention, but much will of course depend on the implementation and enforcement practices. In this respect, it is important to note that, when we the OBH (National Office for Judiciary -NOJ) they informed us that there is **no data available** on the number of times children have been heard in court proceedings.

<sup>6</sup>The Curia rejected the application for review of the Háttér Társaság (Háttér Society – the targets LGBTQI) organization in Hungary) without examining the merits. Amnesty Hungary also had a judgment of infringement in this context, without a fine. Both cases were before the European Court of Human Rights at the time of the closure of the manuscript. Application number: 43901/22.

<sup>7</sup> Gyvt. 128 (1) "In guardianship proceedings, the child who has the capacity to make a statement shall be informed of the possibility of making a statement, and the legal representative shall be informed at the same time". (Gyvt - Act XXXI of 1997 on child protection and guardianship administration)

<sup>8</sup> Civil Code 4:171. § (4)

In 2022, the legislator also sought to improve the situation of children of divorced parents by revising the rules<sup>9</sup> on shared parental custody. **Shared parental custody** can be exercised by alternating the parents' rights and duties to raise and care for the child for the same period of time.<sup>10</sup> Another new provision is that the court may also decide on shared custody at the request of one of the parents, if this is in the best interests of the minor child.<sup>11</sup> (See Chapter F for further analysis of these provisions). The legislation has also been adapted to ensure that contact with the separated parent can be maintained at home and abroad (including in cases of international child abduction).<sup>12</sup>

Also as of 1 January, in accordance with the provisions of Act LXXIV of 2021<sup>13</sup>, the special rules governing proceedings for the **main-**

**tenance of a minor child** and the recovery of maintenance payments have changed.

In response to the current situation, several pieces of legislation have been adopted. On the one hand, they regulate the stay in Hungary of **children seeking asylum due to the war against Ukraine**, their institutional care, education, participation in graduation exams and the coordination of their care.<sup>14</sup> On the other hand they concern the public education sector. In the latter, in February, the rules on strikes<sup>15</sup> were changed, the powers of school guards were extended, their training system and qualification conditions<sup>16</sup> were modified, and the temperature in institutions was limited to 18 and 20 degrees Celsius<sup>17</sup> during the heating season.

<sup>9</sup> Act CXXII of 2021 amending certain laws on justice and related matters (the so-called Salad Act).

<sup>10</sup> Civil Code 4:164§ (1)

<sup>11</sup> The detailed rules are laid down in the Civil Code. 4:167/A. This provision has been criticised by many organisations dealing with domestic violence, who point out that it can place abused women in a situation of duress/coercion (vulnerable, because of their shared child, to being forced into close collaboration with the abuser)

<sup>12</sup> **Government Decree 208/2022** (VI. 14.) on the performance of the duties of the central authorities involved in international matters of parental responsibility.

<sup>13</sup> Act LXXIV of 2021 amending certain acts to improve the living conditions of single-parent families.

<sup>14</sup> **Government Decree No. 86/2022** (7.III.) on rules applicable in state of emergency for persons recognised as entitled to temporary protection and on the different application of the rules of Act CVI of 2011 on public employment and the amendment of other acts related to public employment and other acts; **Government Decree 95/2022** (III. 10.) on the performance of humanitarian tasks by county and metropolitan defence committees; **Government Decree No. 104/2022** (12.III.) on support for the accommodation of persons arriving due to a humanitarian disaster in a neighbouring country and other related measures; **106/2022 (12.III.) Government Decree** on certain rules relating to the employment and benefits of persons recognised as entitled to temporary protection due to an event of a humanitarian disaster in a neighbouring country in a state of emergency and amending **Government Decree No 301/2007** (XI. 9.) on the implementation of Act LXXX of 2007 on the right of asylum; **Government Decree No. 115/2022** (22.III.) on the special rules for the admission of pupils recognised as entitled to temporary protection to the graduation exams; **Government Decree 147/2022** (IV. 14.) on the provision of childcare to accompanied children arriving from Ukraine in a state of emergency; **Government Decree 485/2022** (XI. 30.) on the emergency operation of the social services system; **Government Decree 510/2022** (XII. 13.) on the emergency operation of day-care facilities for children



In the 2020 and 2021 Child Right Reports, we have already highlighted that Hungary has made significant progress in protecting child victims of **trafficking**. As a next step, the Government has also adopted the Action Plan for the Implementation of the National Strategy 2020-2023 to Combat Trafficking in Human Beings, to be implemented in the period 2022-2023, by the Government Decision 1228/2022 (14.4.2022). We hope to be able to report on the implementation and results in the reports of the coming years, especially since the decision also includes a commitment to **ensure the human, material, professional, material and organisational conditions for the fight against trafficking in human beings**. To this end, for example, the Child Protection Act, has created the legal basis for a model programme for the guardianship authorities to place children who have been victims of trafficking for at least 6 months in a temporary home with special therapeutic care.

Perhaps the legislation that attracted the most media attention in 2022 was the decree issued by the Ministry of Interior in September, the infamous **"heartbeat decree"**<sup>18</sup>, which changed the wording of the template (application form) attached to the decree on the termination of

pregnancy by artificial abortion to state that ***"the health care provider has clearly presented the foetal vital signs to the pregnant woman in an identifiable manner"***. Meanwhile, the wording of both the Foetal Life Protection Act and its implementing decree remained unchanged. There were several protests against the amendment, with many speakers criticising the concerns about the vulnerability and dignity of pregnant women.

Some important legislative changes have also been made in 2022 in relation to some **adoption**-related issues, such as paternity leave<sup>19</sup> - 10 days, which can also be applied in non-adoption situations - and compulsory adoption counselling and participation in voluntary adoption training.<sup>20</sup>

Although it does not primarily affect children, the amendment to the **Social Code in 2022**, which has also been described as "thinning" of the safety net, is of symbolic importance and could indirectly affect children. The state has transferred its former duties (and thus its responsibility) in the field of social security primarily to the socially deprived individual, his or her relatives and other actors (charities, municipalities).

<sup>15</sup> **Government Decree No 36/2022** (11.II.) on certain state of emergency rules concerning public education institutions - Amendment of the detailed rules on the supervision of children, pupils and other school and kindergarten activities in public education institutions affected by strikes. The Government Decree was in force until 31 May 2022, after which the rules on teachers' strikes were transferred to Articles 14-15 of Act V of 2022 on regulatory issues related to the end of the state of emergency.

<sup>16</sup> **12/2022.(IV. 29.) Mol Decree** amending certain Mol decrees related to the activities of school guards.

<sup>17</sup> **Government Decree 353/2022** (IX. 19.) on the operation of certain institutions in state of emergency

<sup>18</sup> 29/2022 (IX. 12.) BM (Mol) Decree amending Decree No 32/1992 (XII. 23.) NM on the implementation of Act LXXIX of 1992 on the protection of foetal life.

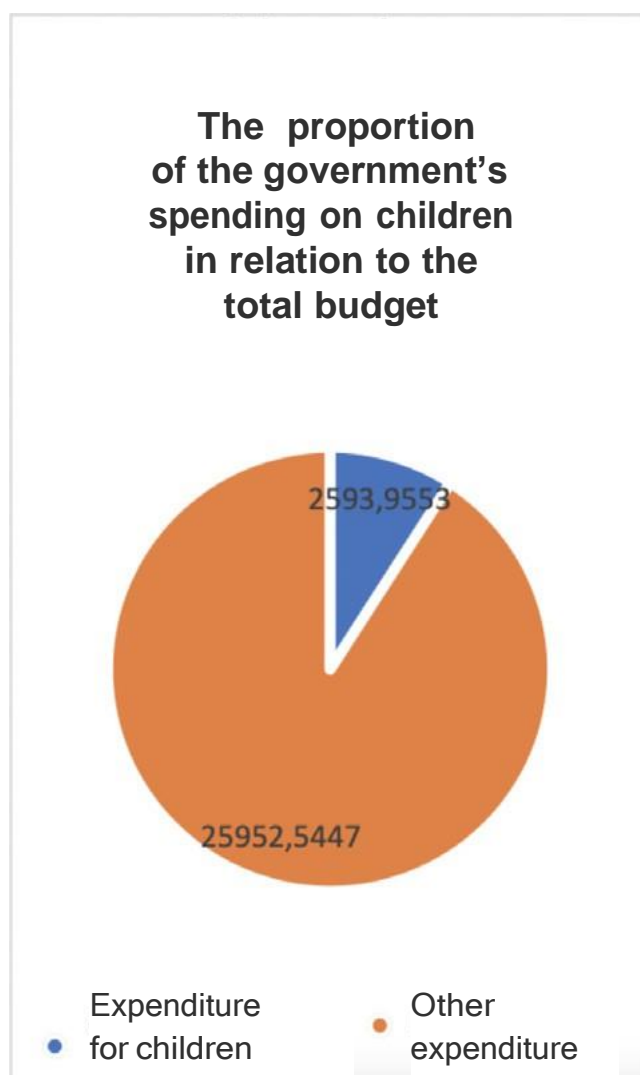
<sup>19</sup> **Government Decree No. 535/2022** (XII. 21.) on the use of paternity leave and the reimbursement of related costs.

<sup>20</sup> **3/2022.(XII. 28.) KIM (MoCI) Decree** on pre-adoption counselling and adoption training.

## Resource allocation

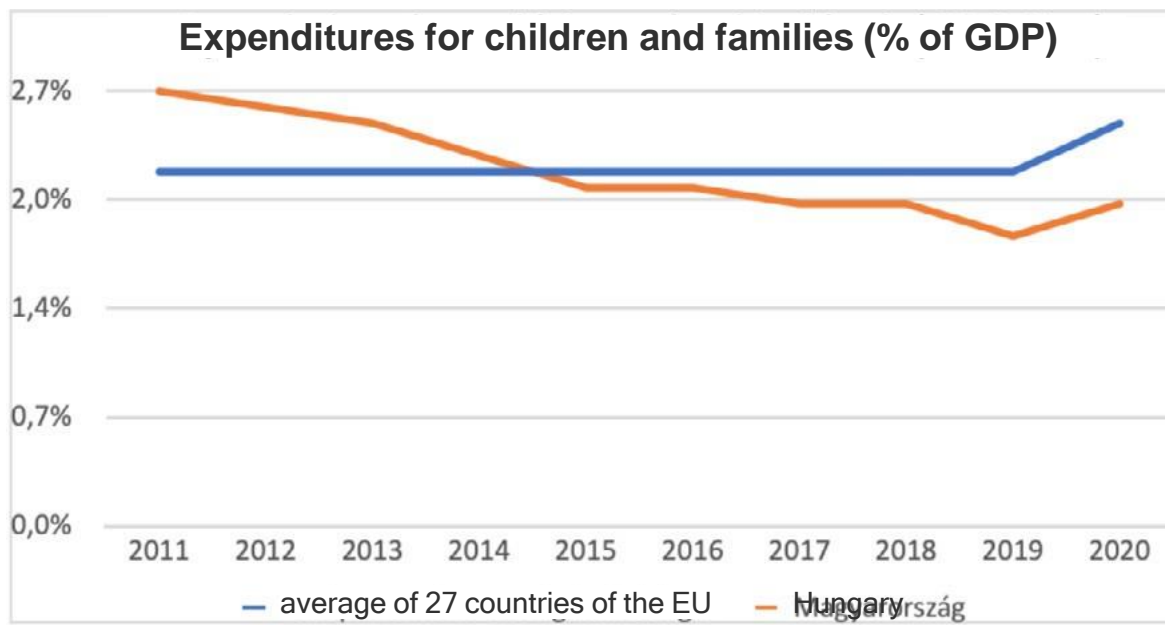
For the year 2022, the allocation of resources related to the fundamental rights of the child is primarily governed by the Budget Act. In Hungary, there has never been a so-called “**child budgeting**”, i.e. budget planning from the perspective of children’s rights and well-being, nor even a breakdown summarising the corner figures related to the

rights, needs and interests of children aged 0-18. Therefore, the experts preparing the report make their own calculations each year based on the Budget Act. As a result, an estimated **HUF 28,546.50** billion for 2022, or **9.09%** of total budget expenditure, can be considered as expenditure for children (see Figure 2)



**Figure 2.** Share of expenditure for children in the overall 2022 budget (source: Budget Act.)

According to Eurostat figures published in 2022 (presented as a percentage of GDP), a more significant increase in resources is foreseen. Hungary and the EU average show similar growth dynamics. However, due to the decrease in resources in previous years, Hungarian expenditure will remain below the **EU average**.



**Figure 3.** Expenditures for children and families according to Eurostat (% of GDP)

Source: Statistics | Eurostat (europa.eu)

The breakdown of the approximately **HUF 2 593.9553 billion in expenditures for children in 2022** shows that cultural and sports subsidies, including expenditures related to public education (and the KLIK - Klebelsberg Centre for the Management of Institutions), account for the largest share. This is followed by welfare and health related expenditure, which also include the

headings related to the child protection system.

In line with the trend of increasing church expansion in previous years, the 2022 provisions provide for the free **transfer** of certain state-owned real estate, movable property, and rights to intangible assets to **certain churches**.<sup>21</sup>

<sup>21</sup> **Government Decision 1015/2022** (25 I.) on the free transfer of certain state assets related to specialised social services and specialised child protection services to the Church; **Government Decision 1098/2022** (1 III.) on the free transfer of certain state assets related to specialised social services to the Church.

In January 2022, the Government introduced an **advance payment of the tax refund for those raising a child**,<sup>22</sup> and at the end of the year, Government Decree 424/2022 (28.X.) **reduced the tax base for the income tax of mothers under 30** during the state of emergency, further expanding the benefits related to having children. According to the rules in force in 2022, the benefit for mothers under 30 may be claimed following the benefit for mothers with four or more children and the benefit for young people under 25, but preceding the personal allowance, the first-married couples' allowance and the family allowance.

In 2022, consumer prices **increased by an average of 14.5% compared to the previous year, with the highest increase in food prices at 26%**. Despite the additional benefits received by some families at the beginning of the year, this has posed serious challenges for families with children (see Chapter H, Living Standards, for more information), and particularly for low-income families and for professionals responsible for the welfare of children in care.

The news of the war caused a stir worldwide, and it affected us children too. As the months passed, the uncertainty grew. Several fundraisers were started in my area to

help the people in need, and my family tried to do its share by donating. As more and more people moved to our area, we heard more and more heartbreaking stories. These were always discussed in the family, so I personally was not scared by the situation. With the war came inflation, which unfortunately did not spare any family. Of course, we feel the weight of this too, because every time we go shopping we are shocked to see that everything is getting more expensive, so we have to manage our money as well as possible. (Insights of a Kid Colleague)

Press reports on the **deteriorating financial situation of foster parents** were published in the summer of 2022, again drawing public attention to the fact that while the increase in the minimum wage at the beginning of the year had an impact on foster parents' fee, the amount of the fostering fee<sup>23</sup> (an important part of the foster care allowance) had not changed since 2013, i.e. for 10 years. As the author, Andrea Rácz, puts it in an important professional publication on child protection from 2022: *“Despite all stereotypes, foster parents are in a very difficult situation - and in the current economic crisis even more so - because the allowance does not cover the costs of care at all, and the remuneration does not correspond to the responsibility.”*<sup>24</sup>

<sup>22</sup> **Government Decree No 5/2022** (I. 12.) on other measures relating to tax refunds for individuals raising children due to a state of emergency; **Government Decree No 17/2022** (I. 24.) on the exemption from the reservation of advance payments of tax refunds to individuals raising children due to a state of emergency

<sup>23</sup> The foster parents' fee consist of three items: a basic fee, an additional fee and a surcharge. It is paid to the foster parent in recognition of his/her work. In addition, they receive an allowance, which consists of two items: a fostering fee and a special benefit. (source:SOS Children's Villages)

<sup>24</sup> A. Rácz: From theory to practice in child protection, 2022. ELTE TáTK. p. 53.

An increase in the funding for the cost of meals and healthcare for children living in care homes and with foster families was decided in December 2022.<sup>25</sup> This was a one-off ‘extra’ allocation of resources for that year, not an increase in the statutory normative, but a provision of additional funding.<sup>26</sup> On the one hand, this violates the principle of predictability and, on the other, it does not address the need to provide additional resources **to ensure an adequate level of care for children living in care homes and with foster families.**

Some representatives of the profession go even further and have stressed (in Rácz’s work cited above<sup>27</sup>) that the loss of financial autonomy of professional organisations as a result of the ongoing centralisation process since 2014 has had serious negative consequences during and after the Covid-epidemic crisis and in times of increased inflation. As one Tegyesz (Territorial (county level) Child Protection Services) director ex-

plained to Rácz: “[...] *the fact that the institutions became state-run was (...) a very, very serious thing, a big change. It meant first of all (...) not only the loss of financial management competence, but [...] that the profession is where the money is. So, you can’t do the profession without money, and without the profession you can’t provide care with money only.*”

For the months of January-December 2022, **minimum wage compensation** has been paid for nurseries and mini nurseries.<sup>28</sup>

The **family benefits** under Paragraph (2) of Article 29/A of Act CXVII of 1995 on Income Tax (hereinafter: the Income Tax Act) was available for each eligible dependent who qualifies as a permanently ill or severely disabled person under the Act on Family Support, in an increased amount of HUF 66 670 per month of entitlement and per eligible dependent, according to the provisions of the 2022 legislation.<sup>29</sup>

<sup>25</sup> **Government Decision 1682/2022** (28.XII.) on the provision of the necessary resources for meals in childcare homes and to increase the amount of the supplementary health care allowance.

<sup>26</sup> This results in an increase in the amount of fostering allowance due per child. From 1 January 2023, this amount will be HUF 53 437 for a child with average needs, HUF 62 344 for a child with special needs and HUF 53 437 for a young adult in aftercare.

<sup>27</sup> op.cit. p. 153

<sup>28</sup> **Government Decree No. 11/2022** (I. 14.) amending Government Decree No. 489/2013 (XII. 18.) on state support for church and non-state social, child welfare and child protection service providers, institutions and networks.

<sup>29</sup> **Government Decree No 597/2022** (28.XII.) on the family benefits for families with permanently ill or seriously disabled children.

# Independent monitoring

In 2022, the Office of the Commissioner for Fundamental Rights (AJBH/OCFR) continued to play an important role in the independent monitoring of children's rights, although compared to previous commissioners, Ákos Kozma has been less active in this respect, especially in terms of the number of ex-officio, comprehensive investigations, reports and proactive action in areas beyond the core activities - especially in the areas of the public dissemination of results, advocacy and encouraging/fostering dialogue. In 2022, the Commissioner examined and published his public report on child rights issues in topics such as the exercise of the rights of separated parents in matters concerning their children's education<sup>30</sup> and the use of anaphylaxis and adrenaline injections in educational institutions.<sup>31</sup> He also paid particular attention to the situation of children with special educational needs, including the practice of co-education in kindergartens<sup>32</sup>, and made recommendations on the education for kindergarten and school-age children fleeing Ukraine.<sup>33</sup> In a comprehensive review of the system for the protection of children in the digital environment, his report<sup>34</sup> concluded that there are

currently obstacles to the implementation of legislation reflecting children's rights and the principle of the best interests of the child, and made recommendations to ensure that **children's rights are also respected in the online space.**

In 2022, there were a number of cases<sup>35</sup> in which the OCFR **investigated the prolonged procedures, their causes and background in certain guardianship offices**, but the investigations also revealed systemic problems of a broader nature. In several cases, not only administrative failures were found, but also abuses that violated the rights of children and parents, such as preventing parents from maintaining contact with their child.

In addition to its investigations and related reports, the Office also publishes communications. In its communication on World Children's Day in 2022, the Commissioner underlined that he is committed to ensuring that international obligations relating to children's rights are fulfilled and to fostering a **professional dialogue** on children's rights.

<sup>30</sup> OCFR Report no. 108/2022

<sup>31</sup> OCFR Report no. 738/2022

<sup>32</sup> OCFR Report no. 1340/2022

<sup>33</sup> OCFR Report no. 1827/2022

<sup>34</sup> OCFR Report no. 686/2022

<sup>35</sup> OCFR Reports no. 856/2022., 3134/2022, 2451/2022, 3444/2022, 4516/2022.

In last year's report, we drew attention to the fact that as of 1 January 2021, the Equal Treatment Authority (EBH/ETA), which also had a key role in children's rights cases and handled discrimination cases, was integrated into the OCFR. Thus, in 2022, the Directorate General for Equal Treatment (DGET) of the OCFR was responsible for handling and investigating applications concerning equal treatment claims, requesting or petitioning for a formal administrative procedure.<sup>36</sup>

The National Media and Infocommunications Authority (NMHH/NMIA) is responsible for the regulation and supervision of communications and media monitoring in Hungary. Their research and campaigns in support of the implementation of the Convention are of paramount importance in relation to the Convention on the Rights of the Child, in particular their Safer Internet Day campaign in February, which highlighted the dangers of sharing intimate images. More on the operations of NMHH's Internet hotline in 2022 will be discussed later in this report.

Among the judgments of the **Constitutional Court** in 2022 relating to children, a notable decision was its ruling to uphold the referen-

dum questions, unanimously approving the Parliament's decision to hold a referendum. (For more on the referendum, see Chapter A: Legislation and policies)

Year 2022 was shaped by the teachers' strike, also in terms of children's rights. The Constitutional Court had a children rights related ruling on the strike as well<sup>37</sup>, where it argued that the restriction of the right to strike in public education institutions, in particular the establishment of a still sufficient service, was made for legitimate purposes, to the extent necessary and in a balanced and proportionate manner, taking into account the fundamental rights that it is intended to protect, in particular the right of the child to protection and care and the right to education.

Among the 2022 decisions of the Constitutional Court, it is also worth mentioning the one that rejected a judicial initiative to declare unconstitutional and therefore annul the amendment to paragraph 16a of the Penal Code (establishing the **criminal liability of children under the age of 14** for certain offences).

<sup>36</sup> DGET cases are available on the Ombudsman's website. The information available shows a significant decrease in the number of proceedings, and within them in the number of infringement decisions.

<sup>37</sup> "The primary purpose of public education institutions is to ensure the fundamental right of children to education and to proper physical and psychological development", ... "the right to strike in public education institutions has been restricted for legitimate purposes, to the extent necessary and in a balanced manner, i.e. in proportion to the fundamental rights and constitutional values to be protected against it... The fundamental rights of children can be achieved through the active conduct of the State. In the contested law, the legislator, in differentiating the minimum level of services that is still sufficient, took into account the rights of children with different needs (e.g. children about to graduate from school, schoolchildren, kindergarten children, children with special educational needs, etc.)."

Hungary's third Universal Periodic Report on Human Rights<sup>38</sup> was presented at the fourth meeting of the 39th session of the UPR Working Group, at the end of 2021, but was not followed-up by the government until 2022.<sup>39</sup> During the review, Hungary received 285 recommendations, which were consolidated into 267 points (some recommendations with the same content were merged into one point) and are addressed in Government Resolution 1071/2022 (16.II.) - **131 of the recommendations were accepted, 87 were acknowledged by the Government and 49 were rejected.** On the basis of the accepted recommendations, Hungary should in the future strengthen its aware-

ness-raising and information programmes on the Convention on the Rights of the Child and increase its cooperation with the civil sector. The majority of the rejected recommendations call on Hungary to ratify international conventions and accept European recommendations on domestic violence, violence against women (e.g. the Istanbul Convention), discrimination against LGBTQI persons, prevention of sexual violence and the independence of the judiciary. The most common reason for rejection was that the recommendation was based on what the government considered to be a misunderstanding or deliberate misinterpretation.

## Civil cooperation, awareness raising on the Convention

In 2022, the Civil Working Group on Family Rights, set up by the Ministry of Justice, which has the objective, set for 2020, of strengthening the protection of families, women and children met once. The meeting focused in particular on the new rules<sup>40</sup> on

the hearing of children who are capable of forming their own views, which entered into force on 1 August 2022, and on the experience of the application of the law on shared and alternating parental custody so far.

<sup>38</sup> The UN Human Rights Council (UNHRC) Universal Periodic Review (UPR) has been conducting a survey of Member States since 2008, with the main aim of periodically monitoring respect for human rights in all UN Member States and improving it through cooperation and sharing of experiences among Member States.

<sup>39</sup> The national report, the report of the Office of the United Nations High Commissioner for Human Rights, a summary of information from the Office of the Commissioner for Fundamental Rights and NGOs, and a summary report on the review can be found on the Office of the High Commissioner for Human Rights website.

<sup>40</sup> Act LXII of 2021, § 47.



In 2022, the Civil Coalition for Children’s Rights issued position papers on several issues, including the so-called child protection referendum, the remuneration of foster parents and the IQ test for children in care. It expressed its solidarity with all those affected by the war in Ukraine and issued a statement of support for the educational situation of Roma children in Gyöngyöspata and on the occasion of World Teachers’ Day. As in previous years, the **resolutions and statements of the Civil Coalition** in 2022 typically **remained without a substantive response**.<sup>41</sup> On World Children’s Day, the Coalition’s conference focused on the situation of “invisible children”, i.e. children facing severe socio-economic disadvantages and acute crisis situations, in particular Roma children and refugee children from Ukraine.

**Cooperation between NGOs to involve children has been given a boost in 2022.** Monthly meetings of the Child Participation Working Group of the Children’s Rights Civil Coalition aim to raise awareness of existing participation mechanisms, encourage new ones and help people learn from each other.

In December 2022, the Ferenc MádI Comparative Law Institute, the Hungarian Comparative Law Association and the Association for Children’s Rights organised a two-day international children’s rights event series, which included “safe in the church” and “safe at school” as its main themes.

A step forward in the dissemination of the Convention is that a sign-language version<sup>42</sup> of the explanatory video of the Convention on the Rights of the Child was produced in 2022 with the help of NGOs, and that **the children’s version of the Convention on the Rights of the Child was included in the official ethics curriculum for sixth-grade classes.**

<sup>41</sup> As regards the situation of foster parents, Attila Fülöp, the State Secretary for Welfare Policy, invited the GYJCK leadership to a meeting.

<sup>42</sup> The Hungarian translation was prepared by the Hintalovon Children’s Rights Foundation and the Hungarian sign language adaptation by SINOSZ with the author’s permission.

# DEFINITION OF A 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.”* - is Article 1 of the UN Convention on the Rights of the Child. Hungarian legislation follows the Convention and considers the age of 18 to be the end of childhood. Individual laws set different age limits for criminal liability, limited capacity to act and other areas such as health (self-determination) or education (obligatory schooling).

Although the system can be criticised in several respects, most notably for its inconsistency, it is not fundamentally different from the practice in other countries and the spirit of the Convention, as the assessment and treatment of childhood is uniform. This is also why the study published in 2022 is so important, as it highlights that, although progress has been made, **Roma children, and Roma girls in particular**, still tend to

have an **earlier end of childhood**. *“The data analysis shows that the share of Roma living in the surveyed settlements with vocational education and a high school diploma is higher than in the 2016 national survey. Our data confirms the sociological findings that in Roma families, the primary role of girls is to contribute to family life, even at the expense of education, as fewer girls than boys in the surveyed settlements continue their education.”*<sup>43</sup>

While the law allows all children to remain children until the age of 18 without discrimination, due to structural and systemic problems, this is not always the case. Early school leavings, entering the labour market under the age of 18, teenage pregnancy and early parenthood (child marriage under the age of 18) rob children of their childhood and affect thousands of children in Hungary.

See Chapter C for an overview of the discrimination perspective of this problem.

<sup>43</sup> Móre M., Stomp Á. R., Fedor A.: Educational situation of Roma living in settled conditions. in. 13. no. 34. 2022, p. 109. Available at: [http://real-j.mtak.hu/23491/1/acta\\_med\\_2022\\_34.pdf](http://real-j.mtak.hu/23491/1/acta_med_2022_34.pdf) (last accessed 22 May 2023).

# GENERAL PRINCIPLES

## Non-discrimination

“States Parties shall respect and ensure the rights set forth in the present Convention to each child (...)without discrimination of any kind, irrespective of the child’s or his or her parent’s or guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”- says the introduction to the UN Convention on the Rights of the Child.

In 2022, it was mainly the UPR recommendations that provided a picture of the different dimensions of discrimination against children. Accordingly, Hungary needs to address the problem of discrimination against **Roma children, children with disabilities, displaced children, refugees, migrants and children belonging to the LGBTQI community.**<sup>44</sup>

According to a study published in 2022,<sup>45</sup> the number of children with special educational needs increased by more than 10,000 between 2010 and 2020. Their proper inclusion in public education institutions and other communities is a major challenge, while discrimination against them is a regular occurrence.

The education system has been a matter of concern for years. Firstly, it has failed to ensure that there is an equally high level of education in different parts of the country, therefore the disadvantaged do not have access to the same level of education as those from better-off backgrounds. (View of a Kid Colleague)

<sup>44</sup> Hungary rejected the recommendations for the latter two categories.

<sup>45</sup> Mező, K., & Mező, F. (2022). Trends in the number of children and pupils with special educational needs in the 2009/2010 and 2019/2020 school years. *Special Needs - Interdisciplinary Journal*, 8(3), 19-29.

Irrespective of their belonging to the Roma community, the **main dimensions of their career choice preferences for the sample are exclusion, prejudice and self-perceived discrimination and the marginalised situation of the Roma/Gypsy communities.**<sup>46</sup> This also means that the experience of discrimination casts a shadow over the lives of Roma children, influencing their higher education and career choices.

With regard to **children with disabilities**, Government Decision 1169/2022 (22.III.) provided for the support of their physical and mental health.

**In the context of LGBTQI children**, the Civil Coalition for Children’s Rights carried out an impact assessment, which showed that as the anti-LGBTQI campaign intensified in 2021, teachers in schools and kindergartens felt increasingly alone and (often under pressure from headteachers) more cautious not only about sexuality but also about children’s rights and violence prevention programmes, and that tensions and discrimination among children increased. These trends create barriers to effective child protection and **make it very difficult for children to dare to ask for help.**

## The best interests of the child

According to Article 3 of the Convention, *“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.”*

The consideration of the best interests of the child has mainly emerged following the amendment of the legislation on **shared and alternating parental custody**, mentioned above. Both the explanatory memo-

randum of the Civil Code and the technical paper published in 2022<sup>47</sup> emphasise that alternating custody can only be granted in the best interests of the child. It is therefore not sufficient that the alternation of care is not contrary to the best interests of the child, the court must make a substantive assessment of the issue, which must include an examination of the extent to which the different placement and care arrangements are in the best interests of the child. Finally, it must choose the one that is best suited to serve the best interests of the child.<sup>48</sup>

<sup>46</sup> GULYÁS K.: Career preferences of Roma/Gypsy youth in 34 Acta Medicinæ et Sociologica Vol. 13. no. 34. 2022, pp. 33-62. Available at: [http://real-j.mtak.hu/23491/1/acta\\_med\\_2022\\_34.pdf](http://real-j.mtak.hu/23491/1/acta_med_2022_34.pdf) (last accessed 22 May 2023).

<sup>47</sup> Orsolya Szeibert: A new milestone in Hungarian family law: court-ordered joint parental custody and shared custody. Family Law 2022, No. 1.

<sup>48</sup> Szeibert, op. cit. p. 14.

In 2022, two topics from the Constitutional Court's practice deserve to be highlighted, where the best interests of the child are emphasised. These are the question of maintaining contact with the separated parent and the compliance with compulsory school and kindergarten attendance.

In the context of contact, three successive decisions of the Constitutional Court<sup>49</sup> emphasise that, as a general rule, if **contact with a separated parent is not maintained it must be made up** - on the basis that this is in the best interests of the child - and that the fact that the holiday or school break for which the contact was to be made up should not be an obstacle to this. However, the overriding interest of the child, which takes precedence over the interests of any other person concerned, must be taken into account when ordering a replacement visit. If the length or congestion of the make-up visit would place a disproportionate burden on the child or on the child's emotional stability, school attendance, etc., it should not be ordered.

With regard to the **exemption from compulsory kindergarten attendance**, the Constitutional Court<sup>50</sup> explained that the best interests of the child are served by rules which allow for exemption from kindergarten attendance from school year to school

year, on the basis of a parent's request, taking into account changes in the circumstances of the child and his/her family. Thus, in a given school year, the fact that the parents did not apply for an exemption from kindergarten attendance in a previous school year should not be an obstacle to the exemption. The Constitutional Court has thus put an end to the erroneous practice, which disregards the best interests of the child, of granting exemption from kindergarten attendance only in the case of a continuous application.

With regard to **compulsory school attendance**, the Constitutional Court confirmed its previous strict practice of considering that the best interests of the child are served by attending school as a general rule. If a parent requests an individual school schedule, the authority may only grant it if the parent can prove that taking into account the particular circumstances, it is in the child's best interest not to attend school. This strict position is somewhat nuanced by the fact that the Constitutional Court has emphasized that it is primarily the parents who know the child and his or her individual situation and circumstances best who are able and entitled to take a decision in the best interests of the child, and that a decision contrary to the parents' request can only be taken after extensive counter-evidence, taking into account the best interests of the child, and in the context of a fully reasoned decision.

<sup>49</sup> 3066/2022 (25.II.) AB decision, 3067/2022 (25.II.) AB decision, 3068/2022 (25.II.) AB decision.

<sup>50</sup> 20/2022 (X. 13.) AB decision.

# Respect for the views of the child

*“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.”* - Article 12 of the UN Convention on the Rights of the Child states. In 2022, **some of the children have also made their views on education known to the wider public.** Tens of thousands of students have joined the movement to improve teachers’ pay and education sustainability.

Fortunately, the demonstrations and strikes in my school did not cause a big stir, so I did not miss any classes and my learning was not affected in this way. Students from our school didn’t really go to the demonstrations either, but if they did, they didn’t get any punishment, because our teachers also believe that a student has the right to do so. I did find it a little difficult, however, that

none of our teachers raised this issue, and when we asked about it, we did not get any meaningful answers. So we had to get our information from the media, which would not be a problem, but we could not really grasp the gravity of the situation. (View of a Kid Colleague)

According to information from the Civil Platform for Public Education, around 2,650 protest actions were organised by teachers, students and parents in at least 1,000 institutions in at least 310 municipalities during the autumn semester (see Figure 4). The students’ participation gave new impetus to the years of teachers’ action, encouraged parents’ involvement, strengthened solidarity and unity, and raised public awareness.

## MAIN STUDENT AND TEACHER ACTIONS, PROTESTS AND DEMONSTRATIONS IN 2022

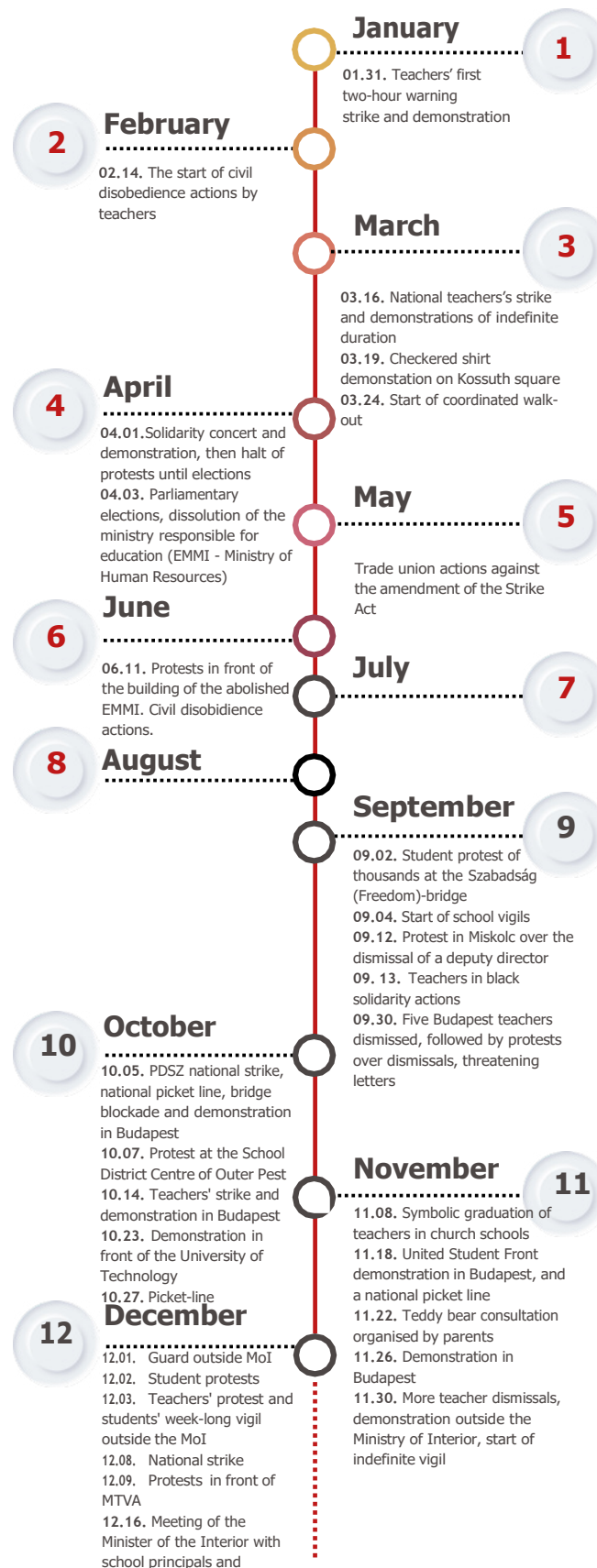


Figure 4. Main student and teacher actions, protests and demonstrations in 2022

While students joined the civil disobedience wave in the spring mainly as participants, in the autumn they also took an active part in the events as organisers and initiators. They protested and organised demonstrations all over the country, held vigils in several schools and in front of the Ministry of Interior, formed a national picket line, carried

out a bridge blockade, organised a national sit-in, and gave their movement a new organisational background, mobilized masses on social media, stood up for their teachers in the press, and made everyone remember that “no teachers, no future”, “no money, no teaching”, or “education is a national cause.”

Excerpt from the description of the Facebook event “Opening of the school year - the demonstration announced as “education is a national cause”:

## WE SHOUT OUT FOR YOU TO STAND UP

Dear Fellow Students, Teachers, Parents, Grandparents, Responsible Citizens!

Our years in education allowed us to experience first-hand the collapse of the system, while those in charge watched it from the gallery.

We experience it on our skin:

- the undignified attitude of the government towards our teachers; the
- increasingly heavy curricular demands on students; the
- sometimes substandard state of the
- buildings and their conditions; and last but not least
- the total lack of (government) attention, professional dialogue and consultation on education.

For these reasons, we stood with the teachers in a solidarity march on 16 March, and that is why we will continue the struggle.

There is still no improvement, so we ask all responsible citizens to stand up for themselves, their children and the future!

Come and let's make our voices heard together, because  
**THE EDUCATION IS A NATIONAL CAUSE**

Our points:

- A solution to the teacher shortage!
- Curricula of teachable and learnable quantity and quality!
- More liveable conditions in schools!
- Attention to education!



Nationwide protests throughout the year have brought the **issue of child's participation in public affairs into the spotlight**, regardless of whether or not someone supported the protests. That is why it is so important that a range of information and guidance materials have been produced for students, parents and adults on the relevant regulations and on how they can make informed choices and participate safely.

Although the student solidarity with teachers<sup>51</sup> was one of the most significant events of 2022, the **official student representa-**

**tion forums did not take part in it.** And a significant number of regular meetings between student representation and decision-makers were cancelled. The ones that did take place were, according to the minutes, ignored. The National Students' Parliament, due to take place in autumn 2022, was postponed until March 2023, although in May it was expected to take place in autumn. And the National Students' Council (ODT) met only twice, before the active involvement of students (unlike in 2021, when the ODT met 5 times a year).

Extract from the open letter of the United Student Front:

Therefore, we would like to ask you why the Minister responsible for education, representing the Government, failed to meet his legal obligation and did not convene the only legitimate forum for reconciling the interests of students, the National Student Parliament.

Furthermore, why does the National Students' Council not function as a permanent, legitimate, interest-reconciling forum representing students?

<sup>51</sup> See, for example, item 18 of the minutes of the meeting of the Regional Student Parliament of the capital of Budapest of 30 November 2022, in which the delegates requested that the National Student Parliament and the National Student Council also condemn the extraordinary dismissal of eight teachers of three schools in the capital for civil disobedience, effective 1 December 2022.

Their demonstration in December entitled “Enough of the contempt”, also reflected the fundamental experience of children that they are not taken seriously by decision-makers. In the area of public education, the Ministry of Interior produced a questionnaire for parents which also touched on how parents felt about their children’s involvement in public affairs. The questionnaire was criticised for attributing pupils’ participation in demonstrations to the instrumentalisation and involvement of teachers.

However, children are not only in the political spotlight when it comes to education. In the run-up to the **parliamentary elections** on 3 April 2022, political public figures have also been seen posing for photos with Ukrainian refugee children, posting about visits to kindergartens and schools, and appearing

on stage with their own children. Although professional organisations say that there has been some increase in public sensitivity and awareness among politicians, it is a serious violation of fundamental rights that the National Election Committee and the Ombudsman refused to investigate such a case following a citizen’s complaint.

In 2022, the “**Child Protection Referendum**” took place on election day and was already heavily criticised when it was announced in 2021.<sup>52</sup> In its position statement, the Civil Coalition for Children’s Rights argued that the name discredited the Child Protection Act and did not focus on the real issues. The referendum was inconclusive.

<sup>52</sup> For more on this, see the Children’s Rights Report 2021.

# CIVIL RIGHTS AND FREEDOMS

## Citizenship

Hungary sets an example by providing **birth certificates** for all children born on its territory. It provides for the recognition of statelessness for those who are not recognised as nationals by any state applying its own law. However, systemic **gaps**<sup>53</sup> remain in access to the procedure, in the rights conferred by the stateless status and in the prevention of statelessness at birth.

According to a restrictive interpretation of the Citizenship Act, only children born stateless (i.e. not inheriting the citizenship of either parent) to parents residing<sup>54</sup> in Hungary<sup>55</sup> are eligible for Hungarian citizenship. **As stateless persons cannot establish a residence**<sup>56</sup>, **a child born in Hungary to stateless parents becomes stateless at birth**, in violation of the International Convention on the Reduction of Statelessness.<sup>57</sup>

<sup>53</sup> A detailed country report on statelessness and the right to citizenship is available on the Statelessness Index - Hungary update: <https://index.statelessness.eu/country/hungary>.

<sup>54</sup> The definition of domicile is laid down in Act LXVI of 1992 on the Registration of Personal Data and Addresses of Citizens. Only Hungarian citizens, foreign nationals recognised as refugees or as refugees who have been granted asylum, and foreign nationals holding a national or EC settlement permit are entitled to establish such a residence. Those who are in the country on other grounds - for example, if they have a residence permit - are not allowed to establish a residence, their address is called accommodation by law. However, many entitlements are only available to those who have a residence.

<sup>55</sup> Act LV of 1993 on Hungarian Citizenship (hereinafter: Áptv.) Article 5/A (1) (1) (b).

<sup>56</sup> According to Section 4(1) of the Personal Data Registry Act (LXVI of 1992), stateless persons are not subject to the Act, and therefore may not establish a residence, but only accommodation under the Act. According to Article 1(7) of the Harmtv., (the Law on the entry of third country nationals) a third-country national may reside in Hungary only under one legal title, so even if a person recognised as stateless were to apply for refugee status - which he cannot do domestically at present - there is a high probability that he would withdraw his OIF (National directorate general for immigration) stateless status if he were granted refugee status.

<sup>57</sup> Law XV of 2009 on the ratification of the Convention on the Reduction of Statelessness, adopted in New York on 30 August 1961, Article 1.

Anyone who settles in Hungary as a minor can apply for naturalisation on a preferential basis after 5 years.<sup>58</sup> The peculiarity of the naturalisation procedure is that it is completely sealed off from the applicant: the applicant is not allowed to know the

reasons for the decision taken by the President of the Republic at her discretion, and a negative decision cannot be challenged in court.<sup>59</sup>

## Freedom of association and peaceful assembly

The grassroots student movement has given rise to new groupings. Some of them have emerged from school student councils and others from independent actors. **The Students for Teachers movement**, the Pala movement, the Grund student movement, which organised the most important actions, were founded, followed by the United Student Front (Egységes Diákfront EDF/USF) in October 2022 which was formed in cooperation with several organisations from the capital and the countryside. The latter organisation has received several recognitions and awards based on public votes.

While the protests were aimed at improving education, they also reinforced the view that the teachers' strike was violating children's right to education by disrupting the class. In March, the Ombudsman published a call in March for the protection of these fundamental rights and their apparent conflict, which was criticised by professional organisations. Legal debates about the strike and political debates about children's participation in it continued throughout the year.<sup>60</sup>

<sup>58</sup> Áptv. (Act on Hungarian Citizenship) Article 4./ (4) b)

<sup>59</sup> Hungary received a recommendation from the Committee on the Rights of the Child in its 2020 Concluding Observations to amend the law to strengthen safeguards to prevent statelessness at birth and ensure that clear procedures and rules are applied uniformly across the country.

<sup>60</sup> Children have encountered derogatory comments in the online space, discrediting material in the media, and there have been numerous examples of schools backing out of supporting more provocative children, even leaving them vulnerable to switching schools.

# Protection of privacy

According to a representative survey, **10% of parents of upper secondary school pupils reported that their child's password had been stolen or their profile hacked.**

In September 2022, two teenagers **hacked into the public school IT system (KRÉTA)** and gained access to all the data stored there, including the personal details of all students and teachers. The phishing attack was not reported by the development company to the National Data Protection and Freedom of Information Authority, in breach of the European Union's Data Protection Regulation. The case was widely reported in the press.

In 2022, data protection concerns were still being raised about the legal basis for a public education institution to access data on children's and pupils' vaccination against the coronavirus. According to the NAIH's (Hungarian National Authority for Data Protection and Freedom of Information) annual report, in addition to the lack of clarity on the legal basis, the way the data was collected was not uniform, and sometimes underage pupils were even asked to give oral statements in front of their classmates. In response to these concerns, the NAIH made a recommendation to the Ministry of Interior, and the Parliament amended Act CLIV of 1997 on Health to regulate the purpose and duration of the storage of health data in public education and vocational training institutions, the persons entitled to access the data, the method of data collection and

the related information requirements, in order to certify the protection against possible future communicable diseases.<sup>61</sup>

According to the data published in 2022, the number of notifications received by the **Internet Hotline**, the legal aid service of the National Media and Infocommunications Authority (NMHH), was three times higher than in the previous year, at 5508. Three out of four of these reports were about child pornography, more than six times the number of reports in the first year of the pandemic. Thanks to international cooperation, the authority is filtering out more and more cases of abuse using automated search engines.

The Fundamental Rights Commissioner's report AJB-686/2022 on the digital child protection system has identified serious shortcomings in the regulation of online abuse. Its investigation has revealed that **it is not transparent for parents and children when and where to turn in** cases of abuse. As the AJB-686/2022 report says: *"A differentiated choice of forum would be welcome in itself, but it is problematic in terms of practical enforcement: lay users, such as parents and children, have serious difficulties in choosing the forum, in determining which body to apply to in the event of a child being harmed online, which procedure to use, what the outcome of the procedure might be, and which is the most effective (faster, more efficient) enforcement option for them. The functioning of the online child protection system is not sufficiently trans-*

<sup>61</sup> Report of the National Authority for Data Protection and Freedom of Information on its activities in 2022. Budapest 2023, pp. 61-62.

*parent, not only as a whole (“big picture”) but also in terms of its individual elements and institutions.”* The Ombudsman has made a package of recommendations to the relevant decision-makers to improve the situation.

The 21-member Child Protection Internet Roundtable, which has been operating since 2014, has been renewed and its members are drafting position papers and recommendations to promote child-friendly internet use and raise media awareness among children and their parents.

## Access to appropriate information

These shortcomings in children’s digital safety also highlight the importance of information and services aimed at raising media awareness, such as the Pajzs (Shield) web application to help children practice identifying suspicious online content, or the Internet Hotline information campaign. The latter focused on the abuse of children’s home-made intimate videos of children. The NMHH has also set up an online knowledge repository called Digipedia, which provides information and advice on technological tools and online platforms, including personal data protection, online bullying, the use of filtering software and how to filter out fake news.

The use of digital tools in early childhood and pre-school education was explored in the DigiMini 2 research as part of the **Digital Child Protection Strategy**. It found that more than 60% of pre-school teachers were

unsure about the need for digital pre-school methods for children’s development, 18% were reluctant and 22% accepted the integration of digital culture in pre-school. 17% of kindergartens had digital tools such as a tablet or interactive whiteboard.

According to research conducted by the NMHH<sup>62</sup> and the Association of Hungarian Electronic Broadcasters (MEME) in autumn of 2022, there is hardly any talk of internet use and online games in the pre-school age group, **while online videos and games, along with children’s films, are more prevalent in the daily lives of 6-11 year olds.** In the 10-15 age group, internet use is mainly about social media: two out of three children have a Facebook profile and **one out of two to three children use Tiktok.** But another representative MEME survey shows that **watching traditional TV is still dominant**, especially for families with children.

<sup>62</sup> National Media and Telecommunications Authority (NMHH) and Matthias Corvinus Collegium (MCC)) also organised a joint conference on child protection in October, on the impact of the media on children.

**Following the outbreak of the war in Ukraine, parents were left uncertain about what to say and how to talk to their children about the war.**

In the beginning, when the war broke out, I spent a month or so just hanging around on my phone reading what was going on all the time, and then that disappeared a little bit. It went out of focus. (Insight from a Kid Colleague)

The experiences shared with us by professional organisations and children suggest that in schools, the topic was rarely raised by teachers, but rather initiated by students or obtained through peer learning. The background to the war was the subject of a wide range of fake news, which was not helped by the posters of the government that was preparing for elections. Many parents reported that the bombs on the posters frightened their children. Guides produced by NGOs and professionals helped to communicate with children. NGOs have also played a key role in providing refugee children with information in several languages about their rights, benefits in Hungary, and the free helplines they could call.

The **new geography textbooks**, introduced in September, **have become a diplomatic issue** because they interpret the war in Ukraine as the result of an internal armed conflict rather than a Russian attack. The geography textbook, which has also been criticised by experts for its description of the Yugoslav wars, has highlighted fundamental

problems in the state-controlled textbook market.

Year after year, the new textbooks, which are gradually being introduced, provoke serious professional debates among teachers and students alike. The issue of “the quantity and quality of textbooks that can be taught and learnt” was one of the students’ demands and was included in the 9 points agreed jointly by parents, students and teachers.

The war in Ukraine and the education demonstrations have drawn attention to the quality of **information children receive on public issues**. The website [diaktajekoztatas.hu](http://diaktajekoztatas.hu), which claims to be Hungary’s leading student advocacy news portal, did not cover the events that mobilised tens of thousands of students and teachers. More significant, however, was the **students’ criticism of the public media** for failing to provide credible coverage of the education demonstrations. They would have liked the public media to present their views, including the reasons for their opposition. This was the aim of the students’ demonstration on 9 December, called “March to MTVA (Media Services and Support Fund aka National Television), - Let me into public TV!”.

“...we received no response, no matter how hard we tried to reach the relevant decision-makers. The public media continue to fail to do their job, remaining silent about one of the most significant phenomena in public life in recent months. Since we have not received a response, as promised, we are organising a demonstration in front of the MTVA building, which will be followed by further demonstrations in the future, until the public media refuses to provide credible information on the crisis in Hungarian education.”

#### Extract from the description of the demonstration

Public media news finally covered the demonstration and included the 9 points as well. However, this proved to be a one-off event and was not followed by regular and balanced coverage of the education protests.

In the summer of 2022, the rules for informing children about court and guardianship hearings changed.<sup>63</sup> In all proceedings concerning parental custody or the placement of a child with a third party, **the court or guardianship authority must inform the child directly** of the ways in which he or she may express his or her views (e.g. orally, in writing, by video, directly or through

experts). The rule applies to children who have the capacity to make decisions. There has been a public outcry about a small number of cases where the court has fulfilled this duty to inform by means of a template letter. Experts have drawn attention to the need for additional safeguards to ensure that the requirement is not a mere formality, does not impose unnecessary burdens on children and does not become a litigation strategy tool. Training would play an important role in ensuring that the court, with the cooperation of parents, can inform children of the possibility of a hearing at a time and in a manner that is in the best interests of the child.

<sup>63</sup> The changes are basically related to the implementation of Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and the wrongful removal of children (Brussels IIb Regulation), but it was also necessary to create legislation related to its implementation in order to create a uniform legal framework, as a lot of practical experience has been accumulated over the past years. The implementation of all this in Hungary is ensured by Act LXII of 2021 on International Judicial Cooperation in Matters of Parental Responsibility and by Government Decree 208/2022 (14.VI.) on the performance of the tasks of central authorities involved in international matters of parental responsibility.

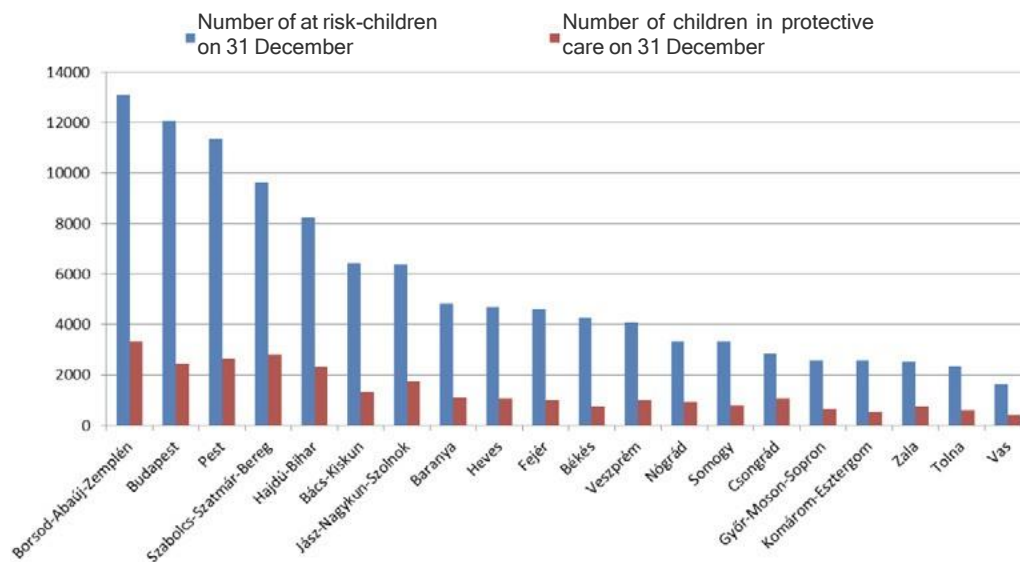


# VIOLENCE AGAINST CHILDREN

## Abuse, neglect

On 31 December 2021, 110 750 children were registered as being at risk and 27 229 children were in child protective care.<sup>64</sup> **The highest number of children registered as being at risk was found in Borsod-Abaúj-Zemplén county, 8 times more than in Vas County, where the lowest number of at-risk children was registered (see Figure 5)**

According to the most recent data available (2021), the number of alerts sent by the detection and signalling system for 0-17-year-olds was 140 803, involving a total of 103 377 children. 40% of the alerts came from public education and vocational training institutions.<sup>65</sup> The signalling system remains one of the most important sources of information for professionals when a child is not doing well.



**Figure 5** - Number of at-risk and protected children registered on 31 December 2021 by county (Data source 1696 and 1210 OSAP data collection (Data on Family and Child Welfare Services and Report on the Activities of the Guardianship Office)).

<sup>64</sup> Source of data 1696 and 1210 OSAP data collection (Data on Family and Child Welfare Services and Report on the Activities of the Guardianship Office.)

<sup>65</sup> Source of data 1696 OSAP data collection. (Data on Family and Child Welfare Services.)

Incidents of **child abuse in child protection institutions** must be reported according to the EMMI protocol issued in 2018. The response of the SZGYF (Directorate-General for Social Affairs and Child Protection) to our data request shows that in the first year, in 2018, a total of 210 such reports were received (only half a year of data is included due to the entry into force of the protocol), whereas in 2020 689 and in **2021, 785 such reports were received, and 8 cases of suspected exploitation of child in prostitution** were identified. In each year, the majority of cases involved physical abuse and most commonly peer abuse. In response to our request for data, the OGYSZ (National Child Protection Service) indicated that they had 35 cases of child abuse in their records for the foster homes they run.

There have been several developments in this area in 2022. A new information platform has been launched on the website of the **National Centre for Public Health**, which also explains the concept and symptoms of child abuse and lists some resources for help. The use of public health channels and the wide dissemination of information on child abuse is a long-standing debt of Hungary, so this initiative is certainly to be welcomed.

The fight against **abuse within the Catholic Church** has been given its own website and an increasingly transparent institutional structure, with clearly defined responsibilities. This progress has been somewhat overshadowed by the high-profile media case of a person who had previously been abused

by a priest as a child, and who was prosecuted for harassment by the Esztergom-Budapest Archdiocese (and convicted and reprimanded at first instance in 2022).

On the occasion of the World Children's Day, the NMHH drew attention to the **protection of children in the digital space**, highlighting the increasing number of cases of child sexual abuse and harassment. This is particularly important in the context of the increased use of digital devices, due to the coronavirus pandemic, as part of the protection of children from abuse and violence.

The seldom discussed issue of **sexual abuse and exploitation of boys** was the subject of a research paper and report published in February 2022 as part of ECPAT's Global Boys initiative in Hungary and 9 other countries.

In 2022, the Municipality of Zugló gave a new response to the challenges related to the functioning of the state child protection system, developing its **own child protection concept**, which helped to facilitate the coordinated action of local stakeholders.

Also aimed at preventing and reducing systemic problems in child protection, the ECLIPS project<sup>66</sup> used EU funding to develop a **protocol for screening and trauma-sensitive response to child abuse and neglect** for professionals working with children aged 0-3.

<sup>66</sup> Hungarian partner: NoBadKid Foundation.

In 2022, the puppet show *Lili and Courage*, which deals with the issue of child sexual abuse, won the Performance of the Year award. This recognition is an important step forward in breaking down the taboo around the issue and recognising that artists and cultural actors are an important part of protecting children from abuse.

In 2022, UNICEF updated and relaunched its HelpAPP programme, a mobile phone app to help better identify and respond to child abuse situations.

## Corporal punishment

In 2022, the issue of corporal punishment was more prominent in the press than in scientific research, and the negative effects of corporal punishment on brain function appeared in the domestic science media alongside its damaging effects on family relationships. . An article arguing against corporal punishment was also published on the RomKat website, which is mainly aimed at Hungarians living across the border, including Catholic Transylvanians.

The sensitising and educational role of the media is particularly important in this issue, where the Hungarian legislation declared

the principle of zero tolerance of corporal punishment since 2005, and yet it is still part of the parenting practice. This is supported by a survey published by Political Solutions in October 2022, according to which **58% of Hungarians believe that a slap is acceptable in child-rearing.**

According to the report of the Commissioner for Educational Rights published in 2022, corporal punishment, physical violence and verbal abuse of children and intimidation, continue to occur in both kindergartens and schools.

# FAMILY ENVIRONMENT AND ALTERNATIVE CARE

## Family environment

The theme of the family and family protection remained a priority for the government in 2022. No new forms of support were introduced during the year, but previous benefits, mainly for housing and property modernisation, remained available.

According to KSH (Hungarian Central Statistical Office) data, the **number of marriages** in 2022 was still high compared to the beginning of 2010 (35 520 marriages in 2010), but slightly lower than in the previous years, with 64 100 marriages in 2022, 72 030 in 2021 and 67 095 in 2020. In addition to the government's incentive policy, the trends in recent years may be due to the lifting of restrictions imposed in connection with the coronavirus pandemic, which has made it possible to take advantage of opportunities missed in previous years.

In contrast to the number of marriages, the **number of births** has fallen. For the first quarter of 2022 KSH data show that a total of 19 688 children were born between January and March last year. Since the introduction of modern statistical records, there have never been fewer than 20,000 children born in the first quarter. The current figure is no less than 5.5 per cent below the negative record of 20 854 children in 2019. The KSH

data also show that a total of 90 371 children were born between April 2021 and March 2022, 2.2 per cent fewer than in the same period in 2020-2021.

Act CXXII of 2021 amended the provisions on parental custody in the Civil Code's Book of Family Law. Previously, in the absence of agreement between the parents, the court could only grant custody to one parent. The amendment, which came into force on 1 January 2022, allows the court to decide on **shared custody** at the request of only one parent if it is in the best interests of the child (the court still has the possibility to grant custody to only one parent or to share certain rights between the parents). The law also mentions alternating custody as a way of exercising shared custody. **Alternating custody** means that the parents take turns in raising and caring for the child for the same amount of time (only if the parents spend the same amount of time with the child can we talk about alternating care).

The conclusion of the relevant research is that there is no one form of child placement that works for everyone. There are advantages and disadvantages to alternating custody, just as there are advantages and disadvantages to placing a child with one

parent, and what works well for one family may not work well for another. The well-being of children is fundamentally influenced by their relationship with their mothers and fathers, and by the relationship between the parents, how cooperative they are and how conflict-ridden the relationship is. It is clear that both shared parental custody and alternating custody can be ordered if the court is satisfied that it is in the best interests of the child, which is not the same as a ‘not contrary to the best interests of the child’ approach. To protect the rights of the child, the child must be given the opportunity to express his or her views, opinions and even feelings. This is particularly and more so in the case of alternating custody.

From a different perspective, but the issue of **maintaining personal relations was also addressed** by the Commissioner for Fundamental Rights in his report (AJB-1066/2022). In 2022, there were two cases similar to the “child murder in Győr” of 2019, in which a separated father killed his child, children during unsupervised visits, and, according to the report, the parent often severely abused his child during the visit. The Commissioner believes that, in addition to **creating the necessary personal and material conditions, the introduction of a legal requirement for supervised visits** in cases of crimes against relatives could help to prevent tragedies. The guardianship authority has been given a new task in the form

of a “**guardianship opinion**” in the case of parole, as many tragic cases have also occurred at that time. Thus, at the request of the Prison Service Institute, it prepares the opinion of the guardianship authority pursuant to Section 188 (2a) (c) of the Code on Law Enforcement in relation to the minor child of the convicted person – extraordinarily/within 30 days - if parole is due. The opinion of the guardianship authority shall be based on the existing guardianship documents, a background study, information received from the family and child welfare centre, an interview with the child on whether he or she expects the offender to return home, the opinion of the parent or other person caring for the child and, if necessary, obtained educational, psychological and medical opinions.

According to KSH data, the number of **children waiting for adoption** was 1,741 in 2022 and 1,693 in 2021. The number of married couples suitable for adoption was 2,756 in 2022 and 2,748 in 2021, while the number of single people suitable for adoption was 260 in 2022 and 298 in 2021.<sup>67</sup> Although there appear to be more people waiting to adopt than children waiting to be adopted, the “supply and demand” ratio is mismatched (see Table 2). Only 2% of potential Hungarian parents would like to adopt children over 10 years old - 625 of whom were waiting for adoption in 2022.

<sup>67</sup> Source of data: KSH OSAP data collection 1209. (Report on the situation of regional child protection services.)

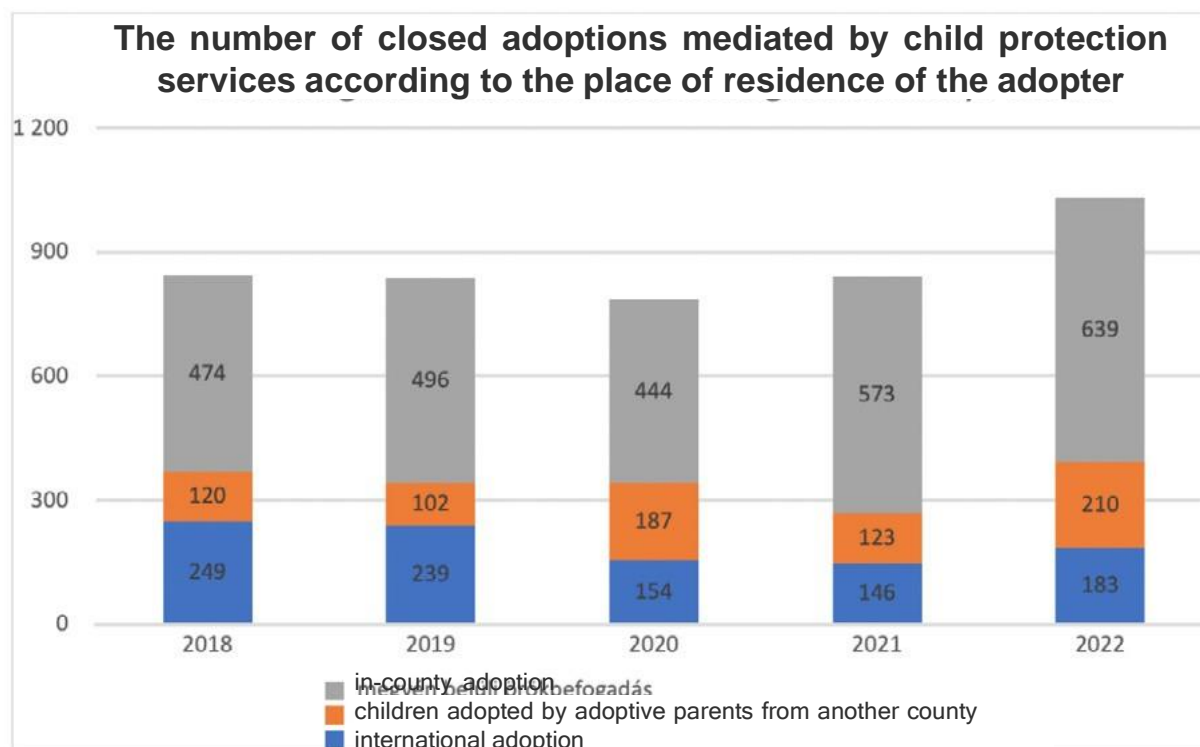
Age composition of children registered for adoption on 31 December				Estimated data on the preferences of the adoptive parent(s) *	
2021		2022			
<i>Under 3 years old</i>	356	21%	410	23%	75%
<i>3-9 years old</i>	608	36%	706	41%	22%
<i>10 years old or older</i>	729	43%	625	36%	3%

**Table 2.** - Comparative table of children available for adoption by age distribution and preferences of adoptive parents (Source: KSH OSAP data collection 1209; Report on the situation of regional child protection services.)

According to KSH data, the number of completed adoptions mediated by child protection services was 1,032 in 2022, compared to 995 in 2021 (see Figure 6). Approximately one in ten children were taken abroad, which means that although there are more parents wanting to adopt than there are children available for adoption, **many children remain in the state care system or are taken abroad.** Most of them are over 6 years old, have health problems, disabilities, or special educational needs. It is difficult to adopt them in Hungary, and international experience shows that their placement in families would be best served by legislation that has been restricted in Hungary in two

rounds (in 2013 and 2020): the adoption by single parents (or same-sex couples). For them, adoption is almost the only legal form of childbearing, so their preferences are much less fixed.

**Single parents are not treated equally in the state system: their adoption options are very limited, but they can work as foster parents and even receive state support if they raise a biological child (as a single parent family).**



**Figure 6.** - Number of completed adoptions mediated by child protection services by the place of residence of the adoptive parent(s) (source: KSH OSAP data collection 1209; Report on the situation of regional child protection services)

In 2022, there were several legislative changes in the field of adoption. See chapter A.

## Displaced children

As noted in Chapter A, the 2022 government reorganisation also brought significant changes to the sectoral governance of the child protection system, which was placed under the **Ministry of Interior**.

Data from KSH<sup>68</sup> show that on 31 December 2022, the number of underage children raised in care continued to rise. Of the 21 172 children, 14 035 were living in foster care. There were 2 298 young adults in aftercare.

<sup>68</sup>Data source: KSH OSAP data collection 1209; Report on the situation of regional child protection services

In recent years, the number of children aged 0-12 months raised in care has varied between 700 and 800 - but in 2021, 923 and in 2022, 882 infants were living in children's homes or foster care. The legal obligation **to place all children under the age of 12 with foster parents by 31 December 2016**, as mentioned several times in our annual reports, **was not met by Hungary even by the end of 2021**: in 2022, more than 1,500 children under the age of 12 were living in children's or residential care homes, and even children under the age of 3 were raised in care, 332 were living in children's homes<sup>69</sup>, of whom 151 were infants aged 0-12 months.

At this point, it is worth emphasising that the law only sets out the obligation, but there is no strategy on what to do if the number of foster parents does not increase as planned. **Forced fostering is a growing concern**, while other forms of alternative care (such as more residential care) are not given sufficient consideration.

The war presented new challenges to an already overstretched child protection system: preparing for the **temporary reception of children and families fleeing the war**. Experts also pointed out that increased energy prices and soaring inflation could lead to an increase in the number of children in need of child protection services. This may explain the continuing trend for foster parents look after more and more children at the same time, even though the number of foster parents is increasing every year. Starting from a level of 2.00 in 2001 (i.e. an average of two children per foster family), it increased

to 2.70 in 2021. According to the results of a large-scale survey carried out by the St. Agatha's Child Protection Service, **the average in 2022 was 3.03 children per foster household**.

The child protection system, which already suffers from a serious lack of capacity, is therefore facing new challenges and an increase in the number of children in need of care: last year, our report highlighted that **more than 10 % (394) of the 3 649 posts in children's homes and residential institutions were vacant**. The situation is even more worrying in specialised care institutions, where 164 out of 644 posts, or one in four, are vacant. In several reports, the Commissioner for Citizens' Rights has stressed that the **failure to comply with the legal minimum staffing levels jeopardises the right of children to protection and care** and the implementation of special measures to ensure equal opportunities for children.

Rising energy prices and inflation have also had a negative impact on other aspects of the provision of child protection services - in many cases, the amount of money (allowance) that foster parents received to feed and clothe their children was reportedly not even enough for two weeks (see also Chapter A, Resource Allocation) The allowance has not been increased since 2013, when it was set at 120% of the minimum amount of the pension, but the pension has remained unchanged at HUF 28,000 since 2008. **In 2022, the amount of the benefit was HUF 34,200 per month (HUF 39,900 for children with special needs and HUF 42,800**

<sup>69</sup> The problem was also highlighted in the AJBH reports of 1106 and 1748.



**for children with dual or special needs).**<sup>70</sup>

The results of the aforementioned study by the St. Agota Child Protection Service also point to the difficult financial situation of foster parents: more than half of the 1,259 foster parents surveyed work in different ways and with different working hours in addition to caring for and educating children.<sup>71</sup>

The research cited has provided a number of other important findings. The **average age of foster parents is 52**, with more than a third of foster parents aged between 51-60. More than half of foster parents live in villages or rural areas, while only 2.7% of foster parents live in Budapest, which differs significantly from the general population. 53% of foster parents had no children who were later returned to their biological family, while 43% of foster parents had a minor who had changed placement and was placed with another foster parent or in a children's home.

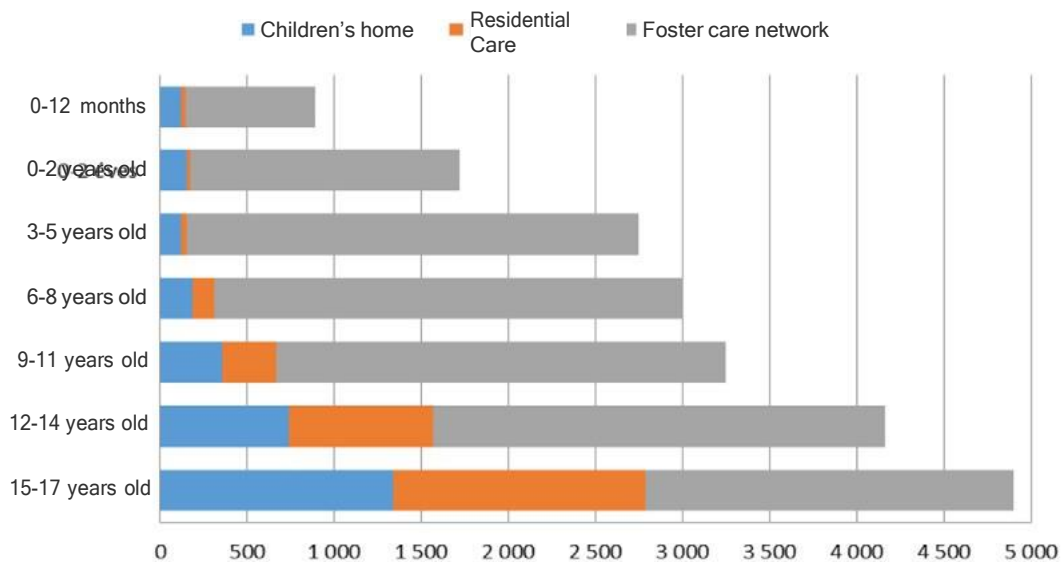
The data for 2021 also show (Figure 7.) that it is difficult to leave the child protection system. The adoption rate is low (see Table 2), as is the rate of children being reunited with their own families.

Children who are removed from their families are most likely to leave care at the age of 18. This suggests that the **child protection system is currently failing in its role of family care**, as it is unable to prepare parents for the return of the children who have been removed.<sup>72</sup>

<sup>70</sup> The foster parents were in a difficult situation due to the unchanging and devaluing foster care allowance, and in many cases the way out was to register for unemployment benefit and claim the jobseeker's allowance. However, this situation, while legal (a ministerial decree in 2016 opened this loophole), is absurd, as foster parents raise the children under an employment arrangement. Secondly, it is undignified for the foster parents and thirdly, it is only a temporary "solution", since the job-seeker's allowance is 36,000 HUF per month, available for 3 months (90 days).

<sup>71</sup> In addition to the foster parents' fee, the foster parents also receive a special allowance to supplement the child's or young adult's food and housing costs. The annual amount of this allowance may not be less than 25% of the annual education fee: The amount in 2022 is at least HUF 102 600. The 2022 amendment merges the education fee and the child allowance - so that in future foster carers will receive them under one title, the education allowance, and the amount will also increase from 2023.

<sup>72</sup> The fragmentation of the child protection system into primary and specialised care (care homes and foster families) poses a particular risk to reunification. This fragmentation is reflected both in sectoral governance (see Chapter A) and in funding and accountability. In practice, there is no accountability for who is doing what to increase the chances of children being reunited. This is one of the biggest dysfunctions in the Hungarian child protection system.



**Figure 7.** - Children living in specialised care (care homes and with foster families) by age group and place of care on 31 December (data source 1208 OSAP data collection; Report on the situation of children’s homes, foster care networks and external placements.)

In 2022, the profession and the public were alarmed by a directive from the Ministry of Interior to **carry out IQ tests** on children aged 6-18 with normal needs<sup>73</sup> living in specialised care (care homes or with foster parents). In addition to methodological problems, other concerns have been raised.<sup>74</sup> On the one hand, the implementation of the survey was problematic - the child protection professionals surveyed were not given enough information about the survey, and the burden on child protection guardians to take the tests was huge: according to research cited in our report last year, child protection guardians represent an average of 31 children, with almost half of the professionals working with a caseload above the legal limit. The highest number of cases at-

tributed to a single child protection guardian was 53, but around one in ten respondents reported a caseload above 40. Data protection issues were also raised in relation to the survey.

The NAIH has opened an **ex officio procedure** to investigate the circumstances of the data processing. According to their findings, *“there is an imminent risk of a breach of rights when the test is carried out, given that the personal data of children and guardians involved in the completion of the test may be processed by a controller in a third country. The conditions for the lawfulness of this processing, the provision of adequate information to data subjects and the possibility for them to exercise their rights are not fully ensured.”*

<sup>73</sup> The Ministry of Interior’s guidance also included a link to the test, which lead to a Russian website called Testometrika. Testometrika is a lesser-known company, their website contains 309 tests ranging from intelligence tests to fun puzzles.

<sup>74</sup> Several psychologists, other professionals and professional organisations have expressed concerns about the survey. The Democratic Trade Union of Teachers (PDSZ) has submitted a public interest request to the Ministry of the Interior, arguing that it could mislead the public if it is referred to as an IQ test, which does not meet the professional requirements of such surveys.

# CHILDREN WITH DISABILITIES

The European Commission presented the European Care Strategy at the beginning of September 2022. The strategy “aims to ensure quality, affordable, accessible care services across the European Union and to improve the situation of both those who receive care and those who care for them, whether professional or informal.” The strategy sets out two priority recommendations: one on access to affordable, high-quality long-term care, and one on the review of the Barcelona targets for early childhood education and care. In this context, the Commission proposes that Member States should ensure that 50% of children under the age of 3 and 96% of children of compulsory school age receive early childhood education and care (ECEC) in order to improve female participation in the labour market. The Commission also recommends, among other things, that Member States provide high quality childcare in rural, urban and disadvantaged areas, and take targeted measures to enable and increase the participation of children with disabilities or special educational needs in education and care. Ensure parents’ meaningful participation in the labour market through the organisation of childcare and promote equal sharing

of childcare between parents. The recommendation on long-term care focuses on the widest possible access to services and on improving working conditions for family members and professional carers.

During the consultation process, professional and advocacy organisations welcomed the draft, but also raised fundamental criticisms. In Hungary, ÉFOÉSZ (National Association of People with Intellectual Disabilities and their Helpers), joining the ENIL (European Network on Independent Living) campaign, pointed out that the **strategy did not give enough emphasis to the development of community-based services and the concept of replacing residential care**. To this end, they recommended that the strategy should take into account the recommendations of the UN Committee on the Rights of Persons with Disabilities.

**In March 2022**, the government held a three-day formal dialogue with the CRPD (Committee on the Rights of Persons with Disabilities) to report on the measures it had taken to meet its obligations under the Convention.<sup>75</sup>

<sup>75</sup> Replacement of institutional care, Information note, Office of the Parliament, Directorate for Public Collections and Culture, MP’ Information Service, 25 October 2022.

At the end of the consultation, the **CRPD**, in its **Concluding Observations** of 20 May 2022, continued to criticise the current practice and proposed to revise the deinstitutionalization strategy with the aim of redefining its objectives.<sup>76</sup>

The CRPD Committee's Concluding Observations of 20 May 2022 specifically address children with disabilities (Children with Disabilities, Article 7), under point 14. The Committee observes with concern that:

**(a)** The State party applies the concept of the best interests of the child by giving priority to the opinions of experts and to institutional care;

**(b)** The State party's legislation discriminates against children with disabilities through section 7 (2) a) of Act XXXI of 1997 concerning the protection of children and the placement of children under 12 years old in foster families, which exempts children with disabilities requiring higher levels of support, allegedly in their best interests, and thereby perpetuates their institutionalization;

**(c)** There is a lack of access to general community-based services for children with disabilities, including as a consequence of the "individual development" measure, which results in discrimination against children with disabilities.

15. With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities (2022), the Committee recommends that the State party:

**(a)** Ensure that the concept of the best interests of the child is applied by taking into

consideration the human rights model of disability, including the right of children with disabilities to express their views freely on all matters affecting them, as well as their right to a family life, including foster care;

**(b)** Repeal provisions in the Child Protection Act that still allow for the institutional placement of children with disabilities and ensure the equality of children with disabilities with other children with respect to their right to a family life;

**(c)** Ensure access to the general community-based social and educational services for all children with disabilities on an equal basis with other children by providing the necessary support and assistance to them. 15. With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities (2022), the Committee recommends that the State party:

**(a)** Ensure that the concept of the best interests of the child is applied by taking into consideration the human rights model of disability, including the right of children with disabilities to express their views freely on all matters affecting them, as well as their right to a family life, including foster care;

**(b)** Repeal provisions in the Child Protection Act that still allow for the institutional placement of children with disabilities and ensure the equality of children with disabilities with other children with respect to their right to a family life;

**(c)** Ensure access to the general community-based social and educational services for all children with disabilities on an equal basis with other children by providing the necessary support and assistance to them.<sup>77</sup>

<sup>76</sup> Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic reports of Hungary, Distr.: General 20 May 2022. / CRPD/C/HUN/CO/2-3.

<sup>76</sup> CRPD/C/HUN/CO/2-3.

It is worth noting that the UN Committee on the Rights of Persons with Disabilities published its Guidelines on **deinstitutionalisation**, including in emergencies on 9 September 2022. It states that institutionalisation can never be considered as a form of protection for children with disabilities. All forms of institutionalisation of children with disabilities – that is, placement in any non-family setting – are a form of segregation, harmful and violate the Convention. Children with disabilities, like all children, have the right to family life and the need to live and to grow up with a family in the community.<sup>78</sup>

Almost all the chapters of the Guidelines address the situation of children with disabilities, but Chapter IV.C. specifically mentions the basic principles that should guide deinstitutionalisation for children and adolescents with disabilities.

According to the 2022 amendments<sup>79</sup> to the legislations supporting the placement of children, **supported housing for minors** may be provided on the basis of a complex needs assessment. The complex needs assessment must be repeated in the event of a change in the circumstances of the recipient, but no later than one and a half years after the date of the first needs assessment and at least every three years thereafter.<sup>80</sup> The complex needs assessment of the child and the parent could be carried out at different times, which for practical reasons had to be coordinated.<sup>81</sup>

<sup>78</sup> CRPD/C/5 II. 12. pont.

<sup>79</sup> Amendment of Decree No. 1/2000 (I. 7.) of the SzCsM (Ministry of Social and Family Affairs) on the professional tasks of social institutions providing personal care and the conditions of their operation (hereinafter: Decree No. 1/2000) 3.1.

<sup>80</sup> Under the provisions that came into force in 2022, supported housing can accommodate up to two people in a room or flat. The provision on the number of people to be accommodated did not provide flexibility in the event of a beneficiary having a child. In view of the need to accommodate parents and their children together, it was necessary to amend the wording of the legislation so that the minor child or children of the person concerned are not included in the number of persons who may be accommodated, but the minimum floor area laid down in Decree No 1/2000 of the Council of Ministers must still be guaranteed in the case of co-housing. See: Information on the amendments to Act III of 1993 on Social Administration and Social Benefits and the implementing decrees of this Act concerning social and child welfare services in 2022.

<sup>81</sup> § 110/E (3) In the case of Section 75 (5) a) and b) of the Social Act, a maximum of two persons and - taking into account the provisions of paragraph (1b) - the child of the person using supported housing may be accommodated in one room, and in the case of Section 75 (5) c) of the Social Act, in one flat.” (Effective from 01.01.2022.)

The process of deinstitutionalisation is also problematic in our country, as we have pointed out in our Child Rights Reports in previous years. **According to KSH data, in 2021 there were 659<sup>82</sup> children aged 0-17 living in residential institutions<sup>83</sup> for people with disabilities, which shows that the number of these children has stagnated in recent years.** There hasn't been any progress in the institutional placement of children with special needs living in care in 2022 either. According to KSH data, 38% of children with special education needs in care live in a children's home, compared to 28% of all children in care. 5% of children with special educational needs live in assisted residential care institutions. There is also a continuing shortage of foster parents for children with multiple disabilities. **Of the 249 children with multiple disabilities living in care, only 3 are raised by foster parents, the rest of them live in institutions.<sup>84</sup>**

In March 2022, the Lépjünk, hogy léphessenek Közhaszú Egyesületet (Step by Step Association) published the 12 points of carers of disabled family members. Their aim is to make policy makers aware of their challenges. The issues are grouped into four problem areas: 1) problems with institutions, 2) financial and other benefits, 3) family support 4) accessibility and information flow. This document also highlights that home carers are in a desperate situation

when they are unable to care for their child (or family member) with a disability because there are no residential alternatives other than large institutions. The petition highlights the huge **shortage of professionals** in this field and draws attention to the need for their moral and financial recognition. The lack of capacity in the education system is also a major problem, resulting in a **lack of access to appropriate education** for children with multiple and severe disabilities.

The rapid increase in the number of pupils with special educational needs (SNI) and the shortage of special needs teachers are a growing problem. There was already an extraordinary increase in the 2021/2022 school year, which continued in the 2022/2023 school year as well. According to preliminary data from the KSH, there were 102 215 pupils with SNI. Their number exceeded the 100,000 mark last year. There were also around 1,000 more children with SNI in kindergartens and primary schools than in the previous year (11,578 in kindergartens and 59,698 in primary schools). According to the information received from the Office of Education in response to our specific data request, 5,232 children and 5,645 children received special educational guidance and early intervention services in the school year 2021/2022 and 2022/2023 respectively, while 25,921 children and 28,056 children received services from the travelling network of special educators and teachers in the school

<sup>82</sup> Data source: KSH 1202 OSAP data collection ("Report on the operational data of institutions providing long-term residential and temporary accommodation")

<sup>83</sup> Care home for disabled persons, home for disabled persons, rehabilitation institution for disabled persons, rehabilitation residential home for disabled persons, residential nursing home for disabled persons.

<sup>84</sup> Data source: KSH OSAP data collection 1209; Report on the situation of regional child protection services

year 2021/2022 and 2022/2023 respectively. **This means that if only children with special educational needs in kindergarten and primary school are taken into account, less than half of the children had access to special needs education.**

A niche publication, the “SNI Information Booklet”<sup>85</sup> was published in 2022 with the intention to support teachers involved in the education of children and pupils with special needs, to provide guidance for their work, especially with regard to pupils with special educational needs who are educated in an inclusive and integrated way. It also answers the most important questions about working with and for them. The publication has been of great help to parents and their relatives in familiarising themselves with expert assessment activities and in navigating professional and diagnostic issues.

In July 2022, the Government submitted to the Parliament the document B/520 “Progress report on the achievement of the objectives of the National Disability Programme”, which was discussed and adopted by the Parliamentary Committee on Public Welfare.

On 2 November 2022, the Government published Government Decision 1522/2022 (XI. 2.) amending Government Decision 1187/2020 (IV. 28.) on the Action Plan for the Implementation of the National Programme for People with Disability until 2022 (Action

Plan). An important novelty of the amendment is the definition of indicators related to the implementation of each area, which was previously missing from the Action Plan, making it difficult to assess the effectiveness of the measures. As a result of the amendment, several deadlines have been extended until 31 December 2023, such as the deadlines for the following measures concerning children with disabilities:

- to promote the adoption of children with disabilities by developing and implementing awareness-raising programmes,
- to support the integrated, inclusive education of children and pupils with special educational needs and to strengthen the coeducational role of the Integrated Special Educational Methodological Institutions,
- increase the number of foster care places for children with special or multiple disabilities and develop the specific infrastructure and professional services of foster care networks.

The Commissioner for Fundamental Rights, acting in his basic and in his capacity as the authority investigating the implementation of the requirement of equal treatment, has also identified several cases<sup>86</sup> of fundamental rights violations and **breaches of the law** in cases of children with disabilities, most of which involved children suffering **discrimination** as a result of institutional negligence.

<sup>85</sup> Office of Education’s Pedagogical Education Centre in Pécs.

<sup>86</sup> EBF-AJBH-69/2022.; EBF-AJBH-363/2022.; AJB-1340/2022.; AJB-2877/2022.

In 2022, the Kézenfogva Alapítvány (Hand in Hand Foundation) developed a **guide for families with children with disabilities entitled Special Lives**. The publication provides answers to the most common questions that families have about children with disabilities in 10 topics (e.g. early development, financial support, etc.).

According to the amendment to the Social Act and the Child Protection Act adopted in 2020, effective from 1 January 2022, **disability counsellors** will work in the designated family and child welfare centres, after the modelling has been completed in the framework of an EU project. No specific qualification has been defined for the new post, but a training curriculum and methodology have been developed to provide the necessary knowledge.<sup>87</sup>

<sup>87</sup> Based on the above, it became necessary to supplement Decree 15/1998 (IV. 30.) NM (Ministry of Welfare) by providing for the mandatory professional training of disability counsellors. Newly recruited disability counsellors must complete the training within two years from the date of commencement of employment as of 01.01.2022.

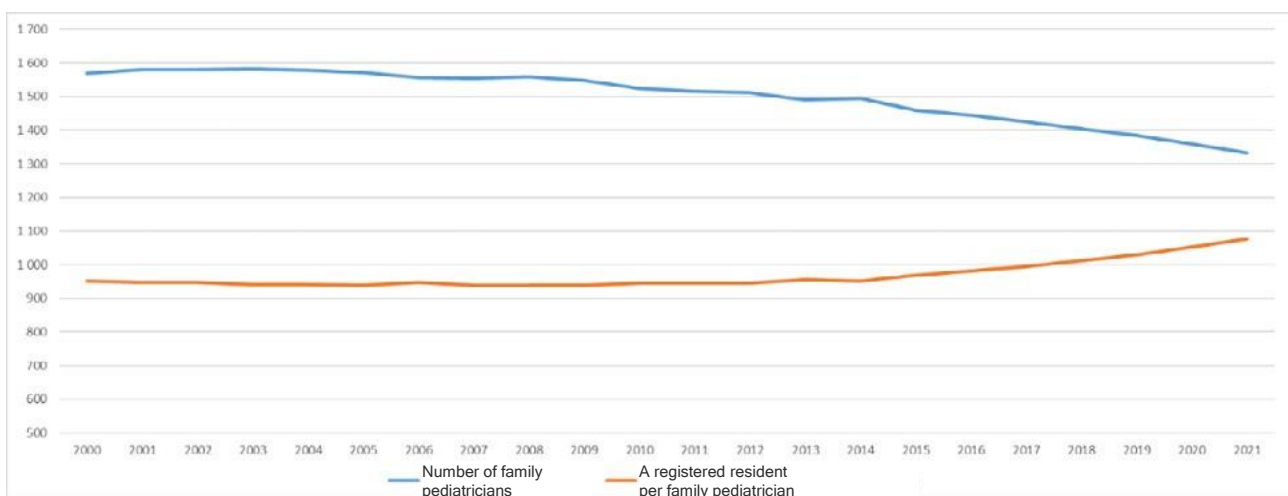


# BASIC HEALTH AND WELLBEING

## Health and healthcare

The dramatic situation of paediatric services has been reported in previous years' Child Rights Reports. Although data for 2022 were not available at the time of writing, KSH data clearly show that the number of paediatricians has been steadily decreasing over the past 20 years. While there were almost 1600 paediatricians in 2001, only 1334 paediatricians were providing care in 2021. According to data provided last year by NEAK (National Health Insurance Fund), in 2021, 10% of paediatric practices were vacant, leaving 103 695 children without access to a paediatrician.

By 2022, the **health care reform has become crucial**. The legislative package proposed at the end of the year was adopted without any substantial professional or public consultation. Experts argue that the reform package will not alleviate the health crisis but rather exacerbate the problems. **The shortage of general practitioners and paediatricians' is to be filled by merging or closing practices, i.e. by creating new practice groups.** However, this solution does not improve capacity and may impede access to primary care.



**Figure 8.** - Number of paediatricians and registered inhabitants per paediatrician 2000-2021 (Source: KSH)

Source of data: KSH Statat

In 2022, refugees fleeing the war in Ukraine to Hungary also faced significant problems in accessing healthcare. They reported that access to the health care system was much more difficult than in Ukraine, and they encountered many obstacles in obtaining prescriptions for their medicines, which they obtained through their acquaintances who had commuted back home for lack of a better solution.

Experts say that even in 2022, the **impact of the Covid epidemic on children's mental health was still noticeable**. The significant increase in child psychiatric hospitalisation observed in 2021 did not disappear in 2022, and emergencies remain frequent. Despite this, **the capacity of the child and adolescent psychiatric care was not significantly expanded compared to the 2018 figures.**<sup>88</sup> In 2022, the number of outpatient specialist care units increases by 3, but this is mainly due to developments in the capital. At the national level, 7 counties actually have fewer outpatient sites than in 2018. **Active inpatient child and adolescent psychiatric care is only available in 5 counties outside the capital.** We welcome the fact that there have been **improvements** in this area since 2018. Services have been established in Szabolcs-Szatmár-Bereg county, where they did not exist before. In addition, care has been expanded in Baranya county and the development of care in the capital has been announced in 2022.

**There was also no change in the capacity for rehabilitative care compared to 2018.** This type of care was available in the capital, in Csongrád-Csanád, in Győr-Moson-Sopron and in Hajdú-Bihar counties. Despite

improvements, it is important to stress that many children still have great difficulty in accessing this care because it is available only very far from where they live.

Member States in the WHO European Region also considered **adolescent mental health** as one of the biggest problems at national level, according to a survey conducted in 2019 and published in 2022. Rising **childhood obesity** and **low breastfeeding rates** were also identified as major challenges.

Recent research shows that breastfeeding initiation in the first hour after birth is very low in Hungary (less than 25%). A nationally representative study found that **91.4% of infants were breastfed by their mothers after birth** and 94.1% received breast milk. However, the prevalence of formula feeding increases weekly in the early stages. According to the 2019 EMMI (Ministry of Human Resources) recommendation, exclusive breastfeeding is recommended for infants up to 5-6 months of age, which was achieved by only 25% of babies, according to the results of the study. Exclusive breastfeeding is strengthened by factors such as the mother's higher level of education and older age at birth. Negative factors include early employment, but also unemployment, poor financial situation, poor maternal mental health (e.g. postpartum depression), caesarean section and smoking.

Recent research has again highlighted the **strong link between social inequalities and health status, even in early childhood**. Results from the Kohorsz'18 Birth Cohort Study showed that mothers reported that 96.9% of their children were in good or

<sup>88</sup> In 2018, the NEAK and this year the National Centre for Public Health (NKK) provided us with the relevant data, following an explicit request.

very good health at the age of 6 months. However, even at this age there are significant differences according to maternal income status. **In families struggling to make ends meet, 86.6% of babies are in good health, compared with 98.4% in the best-off families.** The results show that a quarter of six-month-olds have some form of illness or developmental disorder, with delayed motor development and eczema being the most common problems. And apart from birth, **13.3% of babies had been hospitalised by the age of 6 months, spending an average of 5 days in hospital.** Reasons for hospitalisation included viral infections, prolonged high fever, asthma attacks and others. Hospitalisation was also influenced by socio-demographic factors, e.g. low maternal education or poor financial situation increased the risk of hospitalisation.

A study on the state of children's teeth found that, on average, 3-4 out of 20 milk teeth in a 5-6 year old child are damaged. This makes Hungary one of the worst performers in the EU and has been the case for the last 25 years. There has been an improvement in the proportion of children with intact teeth, from 30% in 1991 to 44% in 2016. The research points out that the **improvement has been among children in better financial circumstances, while the situation of poor children has remained unchanged.** The results also show that children in poor financial circumstances are also being left out of care, with 10% of 2-3 year olds and less than 40% of 4-6 year olds having seen a dentist in an average year between 2016 and 2019, despite free dental care and mandatory annual dental check-ups in kindergarten.

Following the death of a young boy after eating a birthday cake, the Ombudsman launched a health-related inquiry<sup>89</sup> to examine the possibilities for detecting and promptly treating **life-threatening allergic reactions** in kindergartens and schools. The Ombudsman found that the **use of adrenaline injections was not mandatory in institutions**, nor were staff adequately trained in their use, and made a number of recommendations. The Ombudsman asked the minister responsible for education and health to take the initiative to amend the regulation on school health care and to include epinephrine auto-injectors in the minimum basic equipment of school doctors' cabinets. He asked the Minister to ensure that institutions are equipped with auto-injectors and that they are regularly checked. He initiated the creation of training opportunities for staff in institutions to recognise the symptoms of anaphylaxis and to use the auto-injector.

In 2022, there have been several media reports that maternity services in some municipalities are providing limited or no services. The news of these restrictions is confirmed by the decisions of the National Centre for Public Health to designate substitute facilities to replace those with limited capacity. The limited availability of maternity care obviously makes access more difficult, but it also highlights the lack of human resources in the health sector, as mentioned above.

<sup>89</sup> AJB-783/2022.

# Youth health

The data booklets of the Hungarian Youth Survey 2020 were published in 2022. The publications *Kivánj tized!* (You have ten wishes) and *Lábjegyzeten is túl* (Beyond footnotes) both address **smoking, alcohol and drug use** as risk behaviours among young people. It is important to emphasise that the Youth Survey focuses on the 15-29 age group, so the results of the studies also apply to young adults, but breakdowns for 15-19 year olds are also available. In the international context, all analyses show that the **prevalence of smoking and alcohol consumption among Hungarian adolescents is above average**. The 2019 ESPAD survey of 9-10 year olds found a mostly upward trend in both alcohol and drug use compared with previous surveys, while the 2020 Hungarian Youth Survey found a slight downward trend. The results show that a quarter of 15-19 year olds drink alcohol with varying regularity (1% several times a week, 5% 1-2 times a week (weekends), 9% a few times a month, 11% 1-2 times a month). And in the same age group, almost one in ten children smokes every day.

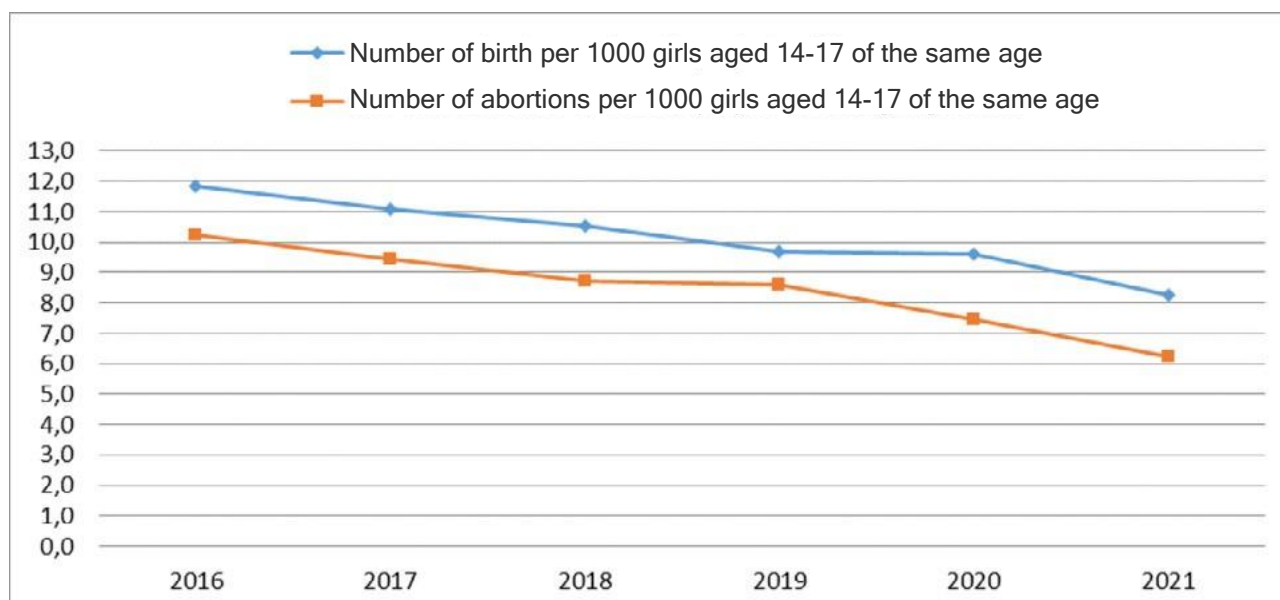
**Hungary's drug strategy expired in 2020, so there is currently no strategy document** for either the prevention or treatment of the drug problem, according to the National Drug Focal Point 2022 report. The report shows that the majority of organisations are involved in general/universal prevention, mainly in schools. **66% of the organisations involved in prevention are NGOs**. Although the majority of programmes are publicly funded, more than half do not have

permanent funding and rely on grants. The 2021 regulation (and the lack of a register) described in last year's report puts not only NGOs and professionals providing sex education programmes in a difficult situation, but also drug prevention programmes.

The **capacity of addiction services for children and adolescents** has not increased in recent years. Specialised outpatient care is available in only two counties (Fejér and Veszprém counties), while inpatient rehabilitation is available in Budapest and three other counties (Baranya, Csongrád-Csanád and Fejér counties) with a total of 85 beds, according to specific data provided by the NNK.

Not only the lack of a Drug strategy, but also the **lack of an Alcohol strategy** is a major problem in Hungary, as the Hungarian population is among the world leaders in alcohol consumption. This problem does not only affect children as a risk behaviour, but according to some estimates there are **400,000 children living with alcoholic parents**. In 2022, two works were published (*Láthatatlan árvák* (Invisible Orphans), *Újraépített életek*, (Rebuilt Lives)) that draw attention to the problem through fiction and academic texts.

**Teenage pregnancy** trends have improved in recent years. Although the most recent data available is for 2021, the number of children born to minors and the number of abortions have fallen every year since 2016.



**Figure 9.** - Number of births and abortions per thousand girls aged 14-17 of the same age

Data source: KSH demographic statistics

The **Hungarian Sleep Association** has issued a statement pointing out that teenagers are getting less sleep than they need. Sleep deprivation can lead to a lack of attention, negatively affect academic performance, and carry health risks such as depression and behavioural problems, as well as a significant risk of high blood pressure

and diabetes. Factors contributing to sleep problems include early school start times, increased homework and afternoon commitments, busy social lives and excessive use of electronic devices, according to the association. It recommends that teenagers need 8-10 hours of restful sleep a night to maintain their health.

## Quality of life

The year **2022 has been marked by intertwined crises** that have had a major impact on everyday life. The Russian-Ukrainian war and other related global economic trends led to an unprecedented energy crisis, with not only **household energy prices but also food prices rising dramatically**. According to KSH data, food prices in December 2022 were 45% higher than in December 2021, and food prices increased by 26% on average over the year. Household energy

was 55% more expensive in December 2022 than in December 2021, and 22% more expensive on an annual basis.

In the aftermath of the energy crisis, the government has announced a **cap on the reduction of overhead costs** that was previously a flagship measure. As Habitat for Humanity points out in its annual report, these measures continue to **hit vulnerable groups the hardest**. These include people

living in rural family homes, families with children, families using wood stoves who were already excluded from the cuts, and people living in social housing. As well as putting families directly at risk, the dramatic increase in overheads has caused significant hardship for businesses and social services, indirectly threatening families' livelihoods.

Data on living standards **are only available for 2021. The KSH measured an improvement in the indicators of poverty and social exclusion for that year**, but these data also clearly show that vulnerable groups, such as single-parent households, people with low education, the unemployed and Roma, are particularly affected.

In the autumn of 2002, the Social Code (Act III of 1993) was also amended, with the government including in the text of the law that the individual is primarily responsible for his or her social security, and if he or she is unable to provide it, his or her relatives are obliged to help. And if neither they nor their relatives are able to provide for themselves, the municipality where they live have a duty to provide for them. **The law also includes the task of charitable organisations, which receive state support, to find and help those in need.** Finally, the law states that if the individual's social security cannot

be established despite this, it is the responsibility of the state to help them. This provision significantly reduced the role of the state in providing social security. In addition, as part of this package of amendments, instead of using the minimum pension to determine social benefits, the **concept of the social projection fund** was introduced. This separates the amount of social benefits from the minimum pension, thereby preparing and ensuring that an **otherwise long overdue increase in the minimum pension does not affect the amount of benefits.**

The withdrawal of state from the provision social security increases the risk of widening inequalities, which is also worrying because, according to a recent analysis, **children born into households with below-average conditions already suffer significant disadvantages in infancy.** They are less likely to be born into a planned pregnancy, to be the mother's first child, to be breastfed at six months or to have their teeth regularly cleaned at one and a half years of age. On the other hand, they are more likely to be born prematurely or with a low birth weight, to have a mother aged under 20, to have been hospitalised by the time they are six months old, or to be raised by their mother alone by the time they are 18 months old.

# EDUCATION, LEISURE, CULTURE

“First we had to deal with the difficulties of Covid-19, and when everything was going well, we received teacher protests for the new year.”

(Insight of a Kid Colleague).

In terms of education, 2022 was also clearly marked by the deteriorating situation of educational institutions and teachers. Demonstrations for them and for the quality and freedom of education intensified.<sup>90</sup> Students also became active participants in the demonstrations.

In the second half of the year, before the start of the school year in September, Zoltán Maruzsa, the State Secretary for Public Education in the Ministry of Interior, sent a letter to the leaders of the teachers’ unions (PSZ and PDSZ) pointing out that **civil disobedience** is a means of protest that is not covered by current legislation, and asking teachers *“not to support unlawful behaviour or illegal initiatives that negatively affect the moral values of pupils”*.

The demonstrations raised the question of **whether the students’ right to education was violated by the fact that many teachers did not go to work on the pre-announced days**. The Civic Platform for Public Education, the Hungarian Pedagogical Society and the Parents’ Voice stated that *“the students’ right to adequate quality education is not undermined by civil disobedience and missed classes due to the strike, but it is even more violated by the lack of teachers or formally held classes, the deterioration of quality due to teachers’ overload and lack of autonomy”*. On the other hand, the school district’s justification for terminating the employment of some of the protesting teachers included the violation of children’s right to education. The dismissal of 5 teachers of the Kölcsey Ferenc secondary school

<sup>90</sup> In our previous reports, we also drew attention to the moments that would be crucial looking back to 2022: we reported on the research published by the PDSZ in 2019, which highlighted the overwork of teachers, and based on the data provided by the KSH at the time, there were 4,543 vacancies in education in the second quarter of 2019. And in last year’s report, we highlighted that on 5 October 2021, World Teachers’ Day, the Democratic Teachers’ Union (PDSZ) and the Teachers’ Union (PSZ) announced the formation of a strike committee and the start of negotiations with the government “for an immediate solution to the intolerable wage situation, and to immediately improve conditions in educational institutions”.

in Budapest with extraordinary notice, which was against the interests of the children in the opinion of a human rights organisation and was therefore a violation of their right to education, was the subject of a great response and solidarity demonstrations. **At the end of the year, the Constitutional Court declared that the operation of public educational institutions, and thus the enforcement of children's rights, was a legitimate objective for restricting the right to strike.**

The Economic and Regional Research Centre of the Institute of Economics has published for the fourth time its volume of data on Hungarian public education in 2022. The purpose of the Indicator system of public education 2021 is to quantify the processes taking place in the large public education system according to various indicators. **In schools with a very high proportion of cumulatively disadvantaged pupils, the proportion of unfilled teaching posts in relation to all teaching posts rose from 4 per cent to over 8 per cent in five years.** The publication highlights that the proportion of teachers aged over 50 is increasing year on year, while the **proportion of teachers aged under 40 is steadily decreasing.** The authors of the publication also note that **the gap between the opportunities for further education of disadvantaged and non-disadvantaged people has widened.** The authors stress the illegitimacy of increasing segregation. The research confirms the trend of rising drop-out rates and an increase in the number of SNI (special educational needs) pupils in mainstream education. The school system is not prepared

for their integrated development, either in terms of human resources or infrastructure. Analyses are hampered by the fact that data on students in vocational training and those in public education cannot be aggregated, due to the new division of sectoral management.

One of the biggest changes in the field of education in 2022 is that according to Government Decree 182/2033 (24 May), the Ministry of Interior is responsible for public education from the entry into force of the Decree.<sup>91</sup>

The Ministry of Interior consulted teachers online in two rounds: between 13-26 June and 1-20 September. The first survey was open not only to teachers but also to education support staff. The June consultation was completed by 24,000 (15% of respondents) and the September consultation by over 33,000 (24% of respondents) people. The first survey covered five themes: teacher and pupil workload, work pressure, ideal group and class sizes; working conditions and benefits; protection and safety of teachers and children; performance measurement of teachers, relation of learning outcomes to teacher performance ratings; measurement and evaluation of institutional performance. The second questionnaire asked for stakeholders' views on the external rating and evaluation system for teachers and on aspects of internal performance evaluation. The vast majority of respondents called for smaller group sizes, lower hours, better working conditions, improved infrastructure, differentiation of work on the basis of quality. A large majority (84%) agreed that **teachers in the most disadvantaged areas and those with a high proportion**

<sup>91</sup> The Democratic Trade Union of Teachers (PDSZ), which has for years been advocating the creation of a separate ministry, was puzzled by the decision.



**of disadvantaged or multiple disadvantaged children and pupils should receive additional allowances.**<sup>92</sup> 91% of teachers mostly or fully agreed that a **safe school environment** has a significant impact on the performance of children and pupils.<sup>93</sup>

Although it was considered in the summer of 2022 to merge the upper grades of rural schools, this did not take place. In its notice for the 2022/2023 school year, the Office of Education drew attention to the fact that in accordance with BM (Mol) Decree 22/2022 (29.VII.), digital national **assessments** will be conducted in the school year: input and output assessments will be conducted in grades 4 to 11 in the autumn and spring, with central tests measuring students' reading comprehension, mathematical literacy, scientific literacy and foreign language skills.

The 2021/2022 school year was the first school year in which a change in legislation, known as the "paedophile law", made it impossible for professionals from outside the educational institutions to teach about sexual culture, the harmful effects of drug use, the dangers of the internet and other physical and mental health promotion. According to the regulation<sup>94</sup>, a person or organisation other than the institution's own teaching staff and the professional providing school health services in the institution

and the public body that has a cooperation agreement with the institution, may provide lessons or other activities to pupils only if the organisation is registered by the body designated by law. **The responsible ministry did not provide for how to be included in this register, not even in 2022.**<sup>95</sup>

Although the action plans put in place as a result of the coronavirus epidemic were still in place in educational institutions during the 2021/2022 school year and the first half of 2022/2023 school years, they were relaxed in September 2022.

The number of cases of bullying in schools did not decrease last year either. According to the UNICEF and Median 2022 survey, **66% of children are regularly physically, mentally or verbally abused or bullied during their time at school, and almost half of these cases occur on a daily basis.** The results show that they have their first experience is between the ages of 6 and 10, so are experiencing it from the start of school. About a quarter of the children are not able to ask for help at all, which means that they do not have a trusted person in their life with whom they can share this situation. Several cases of bullying in schools have been reported in the press, involving not only peer violence but also abuse by adults.

<sup>92</sup> <https://folyoiratok.oh.gov.hu/uj-koznevelés/a-pedagogusok-koreben-vegzett-kerdoives-kutasok-fobb-tapasztalatai>.

<sup>93</sup> Further results were also available from media reports.

<sup>94</sup> Nktv. (Act on national public education) chapter 7, § 9/A

<sup>95</sup> In response to our request, the Ministry of Interior sent us an information letter dated 3 March 2023, stating that "So far, no government decision has been taken on who and how can be involved in the implementation of school prevention activities beyond the above."

The employment rate of professionals who deal with behaviour and learning problems in schools using educational, mental health and social support tools has decreased.<sup>96</sup> The role and training of social workers in schools and kindergartens is in its infancy and faces infrastructural difficulties.<sup>97</sup>

Since its introduction in 2020, the **school guard system** has been criticised for its primarily law enforcement approach to tackling a complex problem such as school violence, which can be the result of a combination of many factors.

In response to our request for public interest data, the National Police Headquarters (ORFK) sent us information that a total of 507 school guards were on duty in the 2021/2022 school year and 521 in the 2022/2023 school year. On 1 September 2021, the number of school guards allowed for the provision of school guards in 440 establishments, but at the start of the 2022/2023 school year, school guards were provided in 475 establishments.

In the 2021/2022 school year, school guards took 162 measures, and in the first half of the 2022/2023 school year they took 124 measures. The ORFK also reported that in the 2021/2022 school year, a total of one criminal prosecution was initiated for assaulting a school guard.

Recruitment of school guards by the police is ongoing to fill the school guard vacancies, but some advertisements raise con-

cerns from a child rights perspective. For example, the one from Somogy County: *“Can you police the children? Apply to be a school guard! Here is your chance to do something for the future generation”*.

In the field of education, it is also very important to highlight the situation of **children who have fled from Ukraine**. In April, after the outbreak of the war, the State Secretariat confirmed that basic and supplementary services were being provided for refugee children in Hungarian public education. The state provided a subsidy of 130,000 HUF per month to those educational institutions where additional classes were offered. In Hungary, the Public Education Act stipulates<sup>98</sup> that, with very few exceptions, foreign children are also subject to compulsory education. The law is clear: anyone who is an asylum seeker or has applied to be recognised as an asylum seeker is considered to be subject to compulsory education.

**At the end of the 2021/2022 school year, the Office of Education registered 2270 Ukrainian citizens in the public education system.** While in September 2021, only 95 children enjoying international protection<sup>99</sup> started the school year in public education in Hungary, this number increased to 2,746 (including applicants) by 1 September 2022. **This number is significantly lower than the number of children applying for asylum status.**

<sup>96</sup> László Trencsényi (ed.): 2008-2023. Confrontation. Meeting of the Professional College of the Hungarian Pedagogical Society 15 years after the 7th Congress on Education. MPT, 2023, Budapest.

<sup>97</sup> János Szecskó: School social work in Hungary and Great Britain. Special Treatment - interdisciplinary journal. 2022/8. issue 57-71. pp.

<sup>98</sup> Nktv. 92. § (1).

<sup>99</sup> Refugee, under temporary protection, asylum-seeking third-country minor.

Based on the Hungarian Helsinki Committee's country-wide field experience, **children of Ukrainian nationality rarely attended Hungarian primary or secondary schools exclusively** because they were not provided with a programme that would have enabled them to meaningfully participate in education. Many participated in Ukrainian online education, complemented by informal educational activities organised by Hungarian aid organisations and volunteers. In contrast, **access to kindergarten was reported to be much smoother.**

In addition to the above, the **Hungarian-speaking community in Transcarpathia**, many of whom are of Roma ethnicity and come from extreme poverty, found it difficult to access education due to discrimination faced by Roma in general. Many children came from extremely deprived backgrounds and received little or no formal education. In the absence of strong and effective central support, they often **faced intractable obstacles** to enrolment, even when they were enrolled in 'district schools' under the Public Education Act. The local support community and their awareness of their rights played a decisive role in whether they were able to attend school.

Similarly to education, in the case of health services, there have been frequent unjustified **claims for reimbursement of the cost of statutory free care** by certain providers.

According to a report published by the Romaversitas Foundation<sup>100</sup> in November 2022, 41% of all **school-age/kindergarten-age Roma children from Transcarpathia** were attending school/kindergarten in the surveyed families at the time of the survey. 17% of parents said that not all of their school/kindergarten age children attend kindergarten/school, and 42% said that none of their school/kindergarten age children were enrolled in public education.

Statistics on **kindergarten education** in 2022 were published by the KSH, according to which in the school year 2021/2022 there were 4,575 kindergarten places in Hungary, which means that their number has **increased by 5.0%** in the last ten years. However, the upward trend in the number of kindergarten children since 2016 stopped in 2020, and the statistics for 2021 show that the number of children in kindergarten education is 7,8 thousand lower than in the previous year, with a total of 323 thousand children. **At national level, there are 84 children per 100 places in kindergartens**, with no shortage of places at district level, but a shortage at local, municipal level. Information shows that the **number of church-run kindergartens has grown most dynamically**, with the share of church-run kindergartens increasing steadily since 2010, and that currently 8.8% of kindergartens are run by church organisations.

<sup>100</sup> Young Roma researchers from the Romaversitas Foundation, which helps Roma high school and university students, conducted 161 interviews with members of Roma families arriving in Hungary in the summer. They were able to talk mainly to women, asking them about their housing situation, job opportunities and their children's education.

# Leisure, free time, recreational, cultural and arts activities

According to a recent EU study published in 2022, **mental health among young people across Europe has deteriorated**. On the website of the National School Psychology Methodology Base, a professional position paper was published in November by kindergarten and school psychologists highlighting the worrying deterioration of children's mental health in the public education system. **Anxiety, behavioural and attention disorders in kindergartens and, alongside these, depression, panic, self-harm and even more serious mental disorders in schools have become a regular occurrence**. Although this is not the result of any single factor, the quantity and quality of time spent in institutions undeniably plays an important role in the psychological

development of young people. According to them, *“there is a painful lack of mental health-related subjects in the National Curriculum. Unfortunately, children are exposed to sadly few opportunities in the classroom to learn the skills they need for a fulfilled and balanced life, and the knowledge they need to be socially competent.”*

At the end of September 2022, a government decree<sup>101</sup> issued after the start of the school year, citing the energy crisis, changed the **autumn and winter school break**, affecting children's right to rest and leisure. Under the provision, autumn break was not granted for the 2022/2023 school year, but winter break was extended.

In our school, the autumn break was added to the winter break, which was more than a month, but in fact we could go back in January, which is the coldest month, not to mention that in October there were frosts and no heating, and the school district did not send a plumber for two weeks. We went to school in blankets for weeks, many of us worried about either joint problems or getting colds.

(Insight of a Kid Colleague)

<sup>101</sup> Government decree 369/2022. (IX.29)

The case of a 10-year-old boy who ran in the Sarajevo Marathon in July has generated a lot of press coverage and public debate. The case raised child rights issues such as children's right to rest and leisure, freedom of expression, the joy of sport and parental responsibility. The case was reported by a running coach, but no criminal charges were filed and no investigation was launched. The **International Association of Marathon and Road Running (AIMS)**, an affiliate of the IMMMDA<sup>102</sup>, said in a statement that *"It is in the overall best interests of our children to make participation in a full marathon an adult activity, reserved only for those 18 years of age and above."*

Inflation also affects children, directly, because of **pocket money**. A survey shows that almost half of parents do not give their children any pocket money at all, and a third provide less than a thousand forints a day for food when they go to school. The vast majority of parents surveyed (73%) rationalise their spending and thus prepare their child's lunch more often.

My parents were working a lot more, inflation and the deterioration of money and so on made the year a lot more stressful for my parents and me.

(Insight of a Kid Colleague)

<sup>102</sup> International Marathon Medical Doctors Association

# SPECIAL PROTECTION MEASURES

## Asylum-seeking, refugee and migrant children

Asylum-seeking children continued to face systemic violations in 2022. **With a few minor exceptions, they cannot apply for asylum on the territory of the country.** It is still only possible to submit a so-called ‘Letter of Intent to Apply for Asylum’ at the Hungarian Embassy in Belgrade or Kiev, on the basis of which the National Directorate General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság, hereinafter OIF) decides whether an applicant can enter Hungary to formally apply for asylum. This procedure does not provide a real, effective and accessible opportunity for vulnerable asylum-seekers to apply for and receive protection in Hungary.<sup>103</sup>

At the same time, hundreds of refugees are being forced back to Serbia every day by Hungarian police and soldiers. According to the Helsinki Committee’s staff, migrants are often severely abused during these summa-

ry returns (pushbacks). These violations affect refugees, including children, regardless of their age, gender and individual circumstances.<sup>104</sup> This year, the authorities have carried out 158 565 forced returns, despite the fact that **the Court of Justice of the European Union ruled in 2020 that forced returns were illegal.** Hungary is still facing infringement proceedings for failing to implement the ruling. The embassy system is also in breach of EU law, and the European Commission launched infringement proceedings in 2021. The European Court of Human Rights has also ruled in several judgments that the forced returns are illegal.

**An unaccompanied minor first applied for asylum from Serbia at the Hungarian Embassy in Belgrade in 2022.** He had previously been summarily returned to Serbia by Hungarian police from the hospital in Szeged, as s/he was unable to walk properly

<sup>103</sup> In 2022, a total of 16 notifications of intent were submitted under the embassy procedure and only 4 were approved. Only 0.005% of first asylum applications in the European Union were registered in Hungary

<sup>104</sup> During the course of 2022, the Hungarian Helsinki Committee staff met refugees on the Serbian side of the southern border on several occasions, who were showing clear signs of violence by the authorities, and their independent testimonies confirm the systemic use of violence by the authorities at the border.

due to an accident s/he had suffered in Hungary. Without taking a formal decision, the OIF rejected the unaccompanied minor's letter of intent, and he was notified of this by the embassy in an e-mail in English.

**Hungary was the first European Union Member State to grant temporary protection status under national competence to the vast majority of people fleeing Ukraine.**<sup>105</sup> Without it, people en-

tering the country irregularly would have been "forced" to go to Serbia. This national level temporary protection status<sup>106</sup> has been replaced by a uniform EU temporary protection status for Ukrainian citizens and their family members. However, the transposition<sup>107</sup> of the EU decision into Hungarian law, leaves those who are not Ukrainian citizens or their family members, but who have to leave Ukraine and cannot safely return to their country of origin without protection.

In late February 2022, war broke out in neighbouring Ukraine. Since it broke out in a neighbouring country, many refugees came to our country temporarily or settled there. Fundraisers were set up to help the refugees. I also took the opportunity to donate. It was the talk of the town, but we did not feel that we were being properly informed. There was a lot of fake news. There was a slight feeling of "war panic", although it faded relatively quickly.

(Insight of a Kid Colleague)

Although roughly two million people fleeing Ukraine crossed the Hungarian border in 2022<sup>108</sup>, only 33 273 applications for temporary protection were submitted, of which 28 908 were granted by the OIF. **Almost half of the applicants, 15 096, were children.** There are three reasons for the large difference in numbers: firstly, Hungarian citizens

who fled from Ukraine do not need to apply for temporary protection and secondly, many continued their journey to Western Europe. Thirdly, the fact that such a small percentage of non-Hungarians fleeing to Hungary sought protection in Hungary is due to a lack of information, administration and coordination on the part of the state.

<sup>105</sup> Government Decree No. 56/2022 (II. 24.) on the transitional rules related to the end of the emergency situation and on the application of the transitional rules of the asylum procedure of Act LVIII of 2020 on Epidemic Preparedness.

<sup>106</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection

<sup>107</sup> Government Decree No. 86/2022 (III. 7) on emergency rules relating to persons recognised as having the right to temporary protection and on the different application of the rules of Act CVI of 2011 on public employment and amending the rules of other acts related to public employment and other acts.

<sup>108</sup> Including the Ukrainian-Hungarian border and Ukrainian citizens crossing the Romanian-Hungarian border.

**The Hungarian Helsinki Committee’s experience has been that the government has failed to establish a central coordination mechanism that could have been effective, transparent and accessible to all relevant helpers and people in need.** This has severely hampered the coordinated work of aid organisations and the access of people in need to up-to-date, usable and genuinely appropriate assistance. **People fleeing from Ukraine were being accommodated by the authorities across the country,** and there were significant differences in the quality and availability of services between locations and municipalities, which had a major impact on the situation of children from Ukraine and their ability to enforce their rights.

Identification and protection of unaccompanied and separated children was not systematically in place. Neither the police nor the OIF use clear instructions and a trans-

parent protocol for **vulnerability identification** of those entering the country and those applying for temporary protection. The OIF allowed any willing person to become a “guardian” of an unaccompanied minor by filling in a document prepared by OIF itself, which is contrary to the rules on **guardianship appointments** and a significant risk factor for trafficking. **The OIF has no statistics on how many of the 15 096 minors who applied for asylum arrived unaccompanied.**<sup>109</sup>

The Hungarian state has not conducted a comprehensive and accessible information campaign on how to apply for temporary protection and the **basic rules of staying in Hungary.** This has led to significant delays in many cases, and only with the help of NGOs and local authorities have people been able to obtain the relevant documents needed to access housing, education and health services.

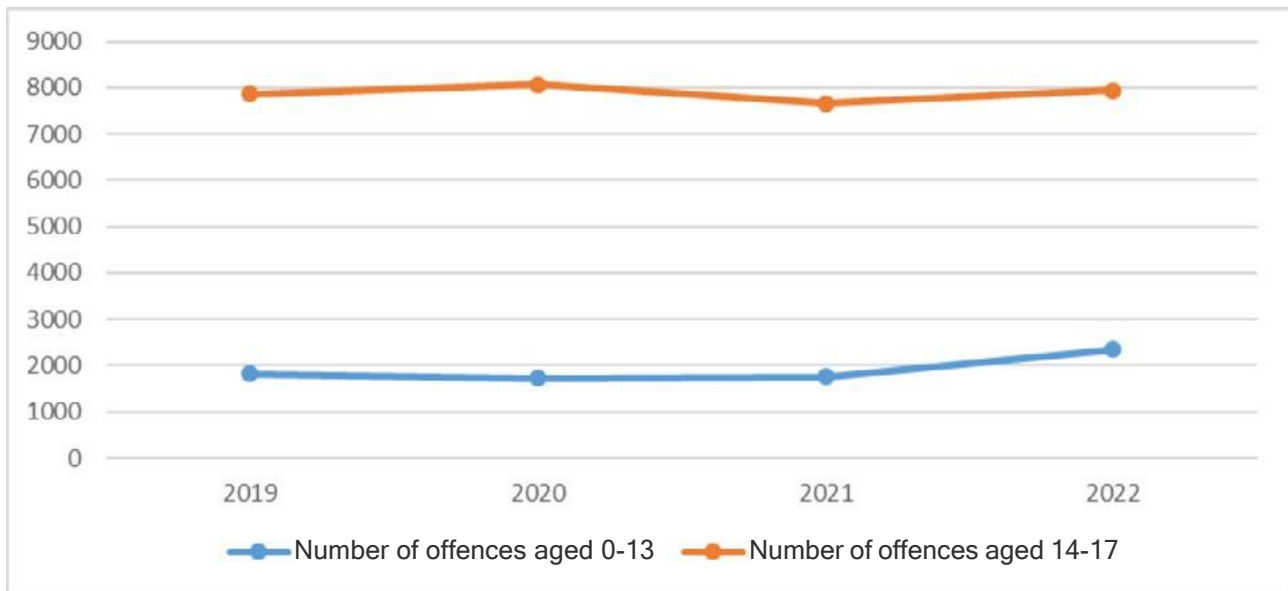
## Juvenile Justice

In 2022, there was a slight **increase in the number of recorded crimes committed by children (0-13 years old),** which has also attracted more attention in the press. It is important to note, however, that even with this increase, the share of crimes committed by children under the age of 18 remains below 2% of all crimes. There has also been a slight increase in the number of crimes committed by juveniles in the last year, but Figure 10 shows that there is no trend towards an increase, as there has generally been a decrease in recent years.

Press reports highlight the rise in violent crimes against the person, but it is important to note that the **majority of crimes committed by minors and juveniles are committed against property.** Theft accounted for 42% of crimes committed by minors, while vandalism and criminal damage to property accounted for 25%. The experts also point out that one year’s data does not show a trend of increasing violent crime, but that there could be a number of reasons behind this, such as a decrease in latency (concealment). If the number of violent incidents

<sup>109</sup> According to Section 83 (1) (d) of Act LXXX of 2007 on the Right of Asylum (hereinafter referred to as Met.), the OIF is obliged to register unaccompanied minor applicants in this way.





**Figure 10.** - Number of recorded offences committed by children and juveniles (Source: Uniform Crime Statistics of Investigation and Prosecution Services (EnyÜBS))

were to trend upwards in the coming years, this could be due to the increasingly violent public mood, the increase in aggression in media content, and the rise in behavioural and learning problems. It is therefore important to emphasise that it is much more important to focus on prevention in the case of children and young people, rather than on tougher penalties, such as lowering the age of criminal liability, which has been repeatedly criticised by the Committee on the Rights of the Child.

According to data from the National Office for the Judiciary (OBH), in 2022, 22 final judgments were handed down in cases involving children and juveniles aged 12-13 and 2081 in cases involving children and juveniles aged 14-17. The most common sanctions imposed by the court were parole (supervision) (1022 for 14-17 year olds) and probation (864 for 14-17 year olds).

According to the Ministry of Justice (MoJ), 2501 juveniles have been placed under probation supervision. The reason for the discrepancy is that supervision can also be ordered by the prosecutor's office. In 2022, 452 juveniles and one child were sentenced to imprisonment by the court, but the vast majority of these were suspended sentences, as only 9 juveniles started their sentence of imprisonment in 2022, according to the National Command of the Penitentiary Service (BvOP).

According to the data received from the KSH<sup>110</sup>, the most frequent offences were violent crimes against property and offences against property. 127 juveniles and 3 children were detained in reformatories. The data show that more than half of those remanded to a reformatory with a final sentence have already been remanded there, spending on average 6-12 months in custody.

<sup>110</sup>Data source 1511 OSAP data collection. (Report on the situation in reformatories.)

# Children as victims and witnesses to crime

According to ENyÜBS data, **the number of violent crimes against children under 14 has increased compared to 2021.** More than 200 children were victims of sexual violence, but also more children were victims of assault (509) than last year (492). Since 2019, more children have been victims of child endangerment, the most common crime against minors, despite the fact that the total number of child victims (2,631) was lower than in 2021 (2,677). The most common crimes against minors (14-17 year olds) were assault (764) and theft (645).

In 2022, the number of Interview and Therapy Centres run by the OGYSZ (National Child Protection Service) for the assessment, therapy and hearing of children who have been victims, traumatised or in conflict with the law, was increased. The centres have conducted 190 interviews with minor children, run by specially trained professionals, “specialist counsellors”. Their training was organised by the National Police Headquarters<sup>111</sup> at the request of the OGYSZ. In 2022, the majority of children interviewed in the Centres (83) were aged between 10 and 14. There were 71 victims between the ages 14-18 and 36 victims between the ages 3-10.

**The expansion of the Victim Support Network continued** in 2022. According to the Ministry of Justice, two new Victim

Support Centres and three new Victim Support Points were opened. This means that victim support services are now available in 15 counties. According to the Ministry, in 2022, 759 minors turned to Victim Support Services. They mainly received advocacy services. 50 received immediate financial assistance and 2 received state compensation. 17 persons received recognition of victim status; they were victims of crimes related to sexual exploitation (exploitation of child in prostitution, trafficking in human beings, child pornography).

According to further information from the Ministry of Justice, the number of calls related to minors handled by the 0-24 **Victim Support Helpline** (+36 80 222 5225) has increased in recent years, indicating that the helpline is becoming more widely known. In 2018, 18 calls were handled, in 2019 14, in 2020 30, in 2021 48 and **in 2022 55 calls.**

In 2022, the free 24-hour **child protection hotline number** maintained by the Margit Slachta National Institute for Social Policy received **1303 calls.**

In Hungary, the European single helpline number (116-111) is operated by the Kék Vonal Alapítvány (Blue Line Foundation.) According to their report, in 2022 their volunteers and staff had nearly 40,000 supportive

<sup>111</sup> On the one hand, a two-week training course was offered to those interested in interrogation techniques based on the NICHD protocol, among other things, and on the other hand, the Deputy National Police Commissioner for Criminal Investigation initiated the creation of a two-semester specialised training course within the National University of Public Service.

conversations with children, of which physical and mental health issues were the most common (16,124 conversations). Of particular concern is the significant increase between 2020 and 2022 in the number of supportive conversations about self-harm and suicidal urges.

	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Self-harm</b>	<b>301</b>	<b>669</b>	<b>996</b>
<b>Suicidal thoughts</b>	<b>746</b>	<b>1304</b>	<b>1505</b>
<b>Suicidal urges</b>	<b>127</b>	<b>283</b>	<b>830</b>

**Table 3.** - Number of support sessions at the Kék Vonal Alapítvány Blue Line Foundation on the topic of self-harm and suicidal urges (Source: Kék Vonal Alapítvány Professional Report 2022)

This year, for the first time, we also surveyed NGOs that operate a legal aid service for children in child rights and child protection issues (Table 4), which shows that NGOs play an important role in ensuring access to justice, especially for vulnerable groups.

Organization	Number of legal aid cases concerning children under 18	Typical case types	Did the organisation provide any services other than counselling?
Fehér Gyűrű (White Ring)	12	sexual abuse, domestic violence	yes (psychologist, legal representation)
Háttér Társaság (Háttér Society)	15	domestic violence, school bullying, discrimination, parental supervision issues	no
TASZ (Hungarian Civil Liberties Union)	244	child protection, child removal, SNI (special education needs) education, situation of children with disabilities	yes (court action)
UNICEF	53	child abuse, student rights, child placement, child protection, maintaining contact, housing	no
Hintalovon Alapítvány (Hintalovon Child Rights Foundation)	104 (plus 2540 counselling sessions via child rights chatbot)	child abuse, maintaining contact, divorce, intervention within the child protection system	yes (drafting of petitions, personal consultation, psychologist)
Magyar Helsinki Bizottság (Hungarian Helsinki Committee)	3237 (of which 3174 under Ukrainian legal aid)	asylum, unaccompanied minors, human rights violations	yes (court action)
Utcajogász Egyesület (Streetlawyer Association)	their data are not available in such a breakdown	evictions, debt recovery, infringement cases	data not available
Terre des hommes Alapítvány	8	child protection, child abuse	yes (psychologist, social worker)
Magyar Vakok és Gyengénlátók Országos Szövetsége (National Association of the Hungarian Blind and Visually Impaired)	number of cases involving children not recorded due to data protection reasons	issues related to the education system, student rights and financial support schemes	yes (professional assistance provided by a youth officer)

**Table 4. - Work of legal aid services run by NGOs in 2022, based on the distribution of cases concerning children (Source: individual data request)**

# MONITORING OF THE COMMITTEE'S PREVIOUS CONCLUDING OBSERVATIONS

## Optional Protocol on sexual abuse against children

In 2022, there were no legislative changes in Hungary in this area: the sale of children, child pornography and exploitation of children in prostitution are criminal offences punishable by imprisonment of up to 2-20 years (depending on the facts and the classification). The offences of child pornography and exploitation of children in prostitution are not subject to a statute of limitations.

**The General Protection Measure (GPM)**, which entered into force in 2020, allows the police to take a child exploited in prostitution to a designated special children's home without a prior decision by the Child Protection Expert Committee or the guardianship authority. Only the police can initiate the GPM and only in the case of children who vi-

olate the prohibition on offering sexual services, and if they are "caught in the act", i.e. if the child is suspected of being exploited in prostitution but no "offer" of sexual services has been made, the maximum action the police can take against the child is for absconding (i.e. the GPM does not apply).<sup>112</sup>

A child placed under a GPM may be admitted for 60 days, at which point the placement is temporary, without a decision, which raises **child rights issues**, e.g. in the absence of a decision, the maintenance of contact for the child is not resolved, the extra costs for special children's homes are unknown, the provision of a psychologist trained in identifying and treating trauma is questionable, etc..<sup>113</sup>

<sup>112</sup> GPM is a law enforcement and not a criminal measure.

<sup>113</sup> A proposal from experts to coordinate the justice, child protection and social care systems to protect children in care. Providing a trauma-informed child protection shelter for children involved in child trafficking (sexual exploitation, labour exploitation, begging).

The police officer dealing with the case is required to identify the children even if they do not have official identity documents, but is currently unable to do so because he/she does not necessarily have access to the Child Protection IT system, which records data on children in primary and specialised care, resulting in the quality of care provided to the child being uneven and ad-hoc due to the lack of consistent (and accessible) information.

**The GPM does not provide placements for child victims of trafficking who have not been identified by the police.**

In 2022, more than 20 children were placed within a GPM.

The role of the police in identifying and detecting cases of child pornography and prostitution is inescapable. The Hungarian police also participate in an EU initiative (EMPACT, European Multidisciplinary Platform against

Criminal Threats), which is a pan-European law enforcement cooperation in criminal matters related to trafficking in human beings. **As part of the large-scale EMPACT operation, 13 victims were identified in 2022, five of whom were girls who had been victims of sexual exploitation.**

In 2022, as a continuation of the training material on child trafficking for child protection services published in 2018, the Esztergár Lajos Family and Child Welfare Centre and Service in Pécs edited a manual for primary child welfare workers on how to recognise human trafficking, the actors involved in child protection and what to do in practice.

**No cases of trafficking in human beings or child pornography have been identified in relation to the 2.5 million refugees who have crossed our country in the context of the war in Ukraine** (see Chapter J for more information).

## Optional Protocol on the involvement of children in armed conflict

In our previous reports we have also noted the trend in recent years towards a greater emphasis on the patriotic education and military training of young people. This is confirmed by the information from the Minister of Defence that the **number of schools participating in the Military Cadet Programme has increased steadily over the past five years**, and has increased by more than a quarter compared to 2021.

The Hungarian Military organised Military Camps again in 2022. According to the information available on the website, camps are provided at 40 locations, in 73 rotations, for more than 3000 young people aged 12-18. According to the information available, the camps include combat, survival, heritage, and scouting camps. According to the website, the combat camps, for example, will “familiarise young people with the tasks

and activities of the riflemen, as well as their equipment and technical tools”.

A career guidance day for primary school children was also organised with the support of the Military Sports Association.

The Concluding Observations of the UN Committee on the Rights of the Child in the last reporting period also drew the attention of the State to the fact that children should not be allowed to participate in military training sessions involving the use of real firearms. It further stressed that the Honvédsuli Cadet Programme<sup>114</sup> must comply with the Optional Protocol.

<sup>114</sup>We first wrote about the Honvédsuli (Military School) Cadet Programme in our 2018 report. The basic aim of the Honvédsuli (by its own definition) is to help children understand from primary school age that “defence is one of the foundations of our national existence”. Within the framework of patriotic and military education, special attention is paid to the promotion of defence-related sports, military heritage and the preservation of war graves.

# RATIFICATION OF THE OPTIONAL PROTOCOL ON A COMMUNICATIONS PROCEDURE

## Optional Protocol to the Convention on the Rights of the Child on a communica- tions procedure

The third Optional Protocol, unlike the others, does not elaborate further a provision of the Convention on the Rights of the Child, but establishes a complaints mechanism for violations of children's rights, since April 2014. It allows children to submit their complaints directly to the Committee on the Rights of the Child, which investigates them and then instructs the state to take appropriate action. The Optional Protocol has not yet been signed by Hungary, but according

to a 2021 briefing by the Commissioner for Fundamental Rights<sup>115</sup>, a draft was already before the Government, but has not been adopted, signed or ratified.

The ratification of the Protocol is vital to further strengthen the implementation of children's rights, as pointed out by the Concluding Observations of the UN Committee on the Rights of the Child.

<sup>115</sup> AJBH (30.03.2021) - We also contacted the Ministry of Interior in February 2023, but we did not receive a reply to our request until the Report was finalised.





## CHILD RIGHTS REPORT 2022

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