Committee on the Rights of the Child
Eighty-third session

Summary record of the 2436th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 22 January 2020, at 3 p.m.

Chair: Mr. Pedernera Reyna

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Sixth periodic report of Hungary
The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Sixth periodic report of Hungary (CRC/C/HUN/6 and CRC/C/HUN/QPR/6)

1. At the invitation of the Chair, the delegation of Hungary took places at the Committee table.

2. Mr. Beneda (Hungary), introducing his country’s sixth periodic report (CRC/C/HUN/6), said that the Ministry of Human Capacities, which was responsible for promoting and protecting children’s rights, was also competent in several relevant fields, including family affairs, health care and public education, as a result of which it was able to work for child protection more efficiently and effectively. Because the well-being of children was closely tied to the support provided to families, government policies aimed to improve the social situation of families, especially Roma families and those living in poverty, by creating educational and job opportunities and stopping the poverty spiral.

3. The Hungarian National Social Inclusion Strategy, adopted in 2011 and partially funded by the European Union, provided the basis for the Government’s work on social inclusion. That work had been reorganized in 2019, when the Office of the relevant Deputy State Secretary had been transferred to the Ministry of Interior. The Strategy included programmes to expand the opportunities available to disadvantaged children, such as scholarship programmes and a programme to reduce the dropout rate among Roma girls; those programmes would be continued in 2020.

4. Since 2015, there had been a significant increase in the number of children eligible for free meals, with around 70 per cent of children in nursery schools and kindergartens receiving free meals and around 50 per cent of primary and secondary school students eligible for free or reduced-price meals. Children in need had been receiving free meals during school holidays since 2016. Free textbooks were provided to students in their first nine years of schooling.

5. By providing targeted assistance to families and the professionals who supported them, the Government sought to promote children’s physical, mental and intellectual development from an early age. In the long term, the Government planned to place children with disabilities in a family environment rather than in institutional care. The Child Protection Act had therefore been amended to provide for subsidized housing for residential care. That change would take effect in 2020. A number of measures had been introduced to promote the health and well-being of children and their families, including the publication of guidelines on maternity and newborn care based on family-friendly principles and a multi-step salary increase for health visitors.

6. The Government considered the country’s family policy to be one of the most supportive and comprehensive in Europe and in the world. It was aware, however, that no family policy could be successful without taking children’s rights into account and stood ready to introduce new measures to ensure that the interests of children were respected and protected.

7. Ms. Winter (Coordinator, Country Task Force) said that she welcomed the State party’s use of the simplified reporting procedure, but was disappointed to note that the report failed to fully address a number of the questions raised in the list of issues (CRC/C/HUN/QPR/6). She would appreciate further information on any child-rights impact assessments conducted in relation to recently adopted legislation on education, religious communities, family life, persons with disabilities, homelessness and extreme poverty, the Roma population, migrants and asylum seekers and non-governmental organizations (NGOs). She would also like further information on government efforts to reduce child poverty through the adoption of a comprehensive strategy on children’s rights and on any comprehensive data-collection efforts that used common indicators across the relevant government ministries and allowed for the work of those ministries to be compared. She hoped that the delegation could provide clarification regarding the mandate of the National Professional College of Child Welfare and Child Protection Services and, in particular, whether the coordination of activities regarding children’s rights was part of that mandate.
8. Although she was pleased that the work of the Children’s Rights Unit of the Office of the Commissioner for Fundamental Rights was in line with the Paris Principles, she wondered why there had been no consultations or transparency during the appointment of the new ombudsperson. Lastly, noting the concerns raised by the Committee in its previous concluding observations (CRC/C/HUN/CO/3-5) regarding government measures to restrict civil society, she asked how those restrictions had affected the ability of NGOs to carry out activities for children.

9. **Mr. Madi** (Country Task Force) said that the Committee hoped the State party would remove the exceptions provided for under Hungarian law that allowed children under the age of 18 to marry. He invited the delegation to respond to the questions on nationality posed in paragraph 13 of the list of issues. Although Hungarian law provided that children born to stateless parents domiciled in Hungary would acquire Hungarian nationality at birth, the restrictive definition of domicile served as an obstacle. He wished to know what steps were being taken to ensure that Hungarian nationality was conferred at birth on children born in the country to stateless parents or to parents unable to pass on their own nationality to their children at birth. In that connection, he wondered why stateless children adopted by Hungarians did not immediately receive Hungarian nationality at the time of adoption.

10. According to information available to the Committee, schoolchildren who had taken part in demonstrations had been penalized, by school authorities or by the police, for their participation. He would like to know what steps were being taken to ensure that children who participated in demonstrations faced no such treatment. He understood that politicians often included children in their campaigns and showed video images of them, a practice that had resulted in several lawsuits. He wondered how those cases had been resolved, how children’s privacy could be protected and how their use in political campaigns could be prevented.

11. The Committee welcomed the increase in the number of Internet users in Hungary. However, Hungarians’ digital skills were reportedly still less developed than those of other Europeans. Children, parents and those who worked with children needed to be educated about online abuse and exploitation. In addition, audio descriptions and captioning needed to be made available for children with disabilities.

12. **Ms. Otani** (Country Task Force) said that she would appreciate clarification as to whether the “sectoral legislation” referred to in paragraph 40 of the State party report was the Act on Equal Treatment and the Promotion of Equal Opportunities. It would also be helpful to have statistics on criminal prosecutions relating to acts of discrimination against children. She wished to know how discrimination in settings other than schools was being addressed, whether children knew how to report cases of discrimination to the Equal Treatment Authority, whether they were in fact reporting such cases, whether any steps had been taken specifically to address discrimination against marginalized or disadvantaged groups of children and whether the Authority carried out educational or awareness-raising activities on non-discrimination.

13. The Committee had received reports indicating that the child protection services had heavy workloads and were understaffed, making it difficult for them to apply the best interests of the child principle in their activities. She would like to hear the delegation’s views on that situation and on how it might be addressed. Similarly, while she welcomed the increase in the frequency of meetings between children’s rights representatives and children in alternative care, she was concerned about the workload of those representatives. She wondered how many children were assigned to each representative and whether there were any regulations or guidelines regarding the frequency of their meetings.

14. As noted in the Committee’s previous concluding observations (CRC/C/HUN/CO/3-5), under the Hungarian Family Act, children younger than 14 did not have an automatic right to be heard in decisions relating to their custody. She hoped that the State party would, in line with the Committee’s general comment No. 12 (2009), extend the right to be heard to children under the age of 14 as a general principle. Relatedly, she was curious to know why the provisions of the Guardianship Act concerning children’s right to be heard did not apply to children without an accompanying adult who arrived in Hungary during a crisis caused by mass immigration. She would appreciate information about any mechanisms for child participation, such as student councils or children’s parliaments, their effectiveness.
15. Information on any comprehensive policy on violence against children would also be appreciated. The Committee welcomed the measures taken by the State party in that regard, including the introduction of standardized processing and investigation of reported cases, background checks for child protection services staff and foster parents, the implementation of the Barnahus model and restrictions on work by sex offenders in jobs involving children. It was unclear, however, whether the Barnahus model had already been implemented, whether any legislative action was needed in order for it to become fully operational, and why it was only applied at the request of the authorities.

16. She wondered whether measures had been taken to encourage the reporting of cases of violence against children and would be interested in hearing the delegation’s views on how effective the country’s helplines were; how accessible they were to children, including those in situations of vulnerability; and how aware children were of them. Lastly, she wondered how the prohibition on corporal punishment was enforced in settings other than schools, particularly in the family; whether children knew what kind of acts constituted corporal punishment and were aware that it was prohibited by law; and whether they knew that they could report such acts to the authorities.

17. Mr. Beneda (Hungary), noting that other human rights treaty bodies had praised the Hungarian child protection system, said that all children in Hungary enjoyed equal rights and opportunities. The Government had a constructive relationship with many of the 60,000 NGOs active in the country. It had established a thematic working group that met several times a year to address the issue of children’s rights. In order to ensure that children had a voice in the policymaking process, representatives of organizations that defended their interests had been included as permanent members of the group. Between meetings, the Government engaged in continuous consultations on children’s rights with a range of bodies, including the United Nations Children’s Fund.

18. Frequent amendments had been made to domestic legislation in order to respond to the ever-changing challenges and demands of the modern world. Moreover, as a member of the European Union and other international organizations, Hungary had an obligation to align its laws with relevant international instruments. Images of children were seldom used in political campaigns. Even so, the Government was committed to preventing their use altogether.

19. Mr. Sörös (Hungary) said that a 20-year national strategy had been launched in 2007 with a view to significantly reducing the number of children living in poverty, increasing educational opportunities, ending segregation and social exclusion and restructuring services related to the fight against poverty. A committee had been set up by parliamentary decree to monitor the implementation of the strategy. The committee, which met twice a year, was composed of 30 members representing government ministries, civil society organizations and churches.

20. In 2019, the National Social Inclusion Strategy had been renewed. The Strategy was aimed at promoting the social inclusion of the Roma community and at tackling the issue of poverty, including child poverty, with a focus on housing, employment and discrimination, among other areas. It had served as the basis for numerous action plans, and a system had been put in place to monitor its implementation. Since 2013, positive results had been achieved in relation to several indicators, including the proportion of population at risk of poverty, relative income poverty and severe deprivation rates among persons aged 0–17 years. In 2011, a programme had been developed to assist students, particularly members of the Roma community, in attending and graduating from university. There were currently over 300 students enrolled in the programme.

21. Mr. Beneda (Hungary) said that it had been a conscious decision of the Government not to place responsibility for coordinating efforts to protect children’s rights in the hands of a single authority. It had been felt that it would be more effective and efficient to have a network of specialized bodies to support the work of the Social Policy Council.

22. Ms. Andráczí-Tóth (Hungary) said that the Council was an advisory body established by government decree with a mandate to formulate recommendations relating to...
social policy. It was supported by seven specialized bodies, or colleges, including the National Professional College of Child Welfare and Child Protection Services, which comprised 12 child welfare experts. Its most recent meeting had taken place in November 2019, when members had been requested to provide feedback on improvements to the child protection system.

23. **Ms. Lantai** (Hungary) said that there was a tradition of marriage at a young age in Hungary, where the marriageable age was set at 16 years. Persons aged 16 to 18 years could marry without parental consent, although they required authorization from the guardianship authority. Often, adolescents chose to marry because the bride was pregnant, and the couple did not want their child to be born out of wedlock. Once married, such persons were considered to be adults with respect to the exercise of parental rights. The guardianship authority gauged couples’ maturity by means of psychological assessments, and, when appropriate, ordered a pregnancy test. According to the Central Statistical Office, an average of 400 to 500 minors married in Hungary each year.

24. **Mr. Madi** asked whether the State party would consider prohibiting child marriage without exception and launching a campaign to spread awareness of the issue among young people.

25. **Mr. Beneda** (Hungary) said that the Government would bear in mind the Committee’s recommendations concerning child marriage. However, any attempt to raise the marriageable age would almost certainly be met with resistance from some groups, including the Roma, who considered early marriage to be a tradition and a right.

26. **Ms. Todorova**, noting that almost 30 years had elapsed since Hungary had ratified the Convention and that the issue had been raised numerous times before, said that ending child marriage in the country was a matter of political will.

27. **Ms. Khazova** said that education could contribute to the eradication of child marriage. Yet, according to reports, Roma children continued to be segregated and denied access to high-quality full-time education. How did the State party intend to tackle that problem?

28. **Ms. Szilas** (Hungary) said that the right of assembly was enshrined in the country’s Constitution. In addition, a recently adopted law on peaceful assembly had brought Hungarian law fully into line with the international legal instruments to which Hungary was a party. Everyone in Hungary, regardless of his or her age, enjoyed the right to peaceful assembly.

29. **Ms. Orbán** (Hungary) said that efforts were being made to prevent children from being exploited online. The Digital Child Protection Strategy, for example, adopted in 2016, informed activities in the country’s schools. One of the Strategy’s main goals was to promote safe and responsible uses of the Internet. Every school year, schools could participate in a week of activities concerning a given digital theme. Students underwent yearly assessments of their digital literacy, which was considered a fundamental skill like any other, such as reading and writing.

30. **Mr. Beneda** (Hungary) said that it should be kept in mind that the Ministry of Human Capacities was a large ministry that dealt with a wide range of rights-related issues.

31. **Ms. Novák** (Hungary) said that children’s rights representatives were available nationwide. Information on the availability of those representatives and the means of contacting them was posted at every childcare institution and school in the country. Three picture books had been published to help children learn about their rights. There had also been a national programme that trained educators to tell stories that would help young children learn about their rights. Programmes to raise children’s awareness of their rights, including the rights enshrined in the Convention, had reached more than 12,000 children between 2015 and 2019. A card game had also been developed with a view to involving children in conversations about their rights.

32. **Ms. Várai-Jeges** (Hungary) said that under the Civil Code, a parent involved in a custody dispute could be awarded custody of a child 14 or older only with the consent of the child. That requirement did not mean, however, that the courts did not consider the views of younger children. In fact, it was increasingly common for judges to hear from
young children, either directly or through the testimony of experts, including psychologists and social workers, who had interviewed the children.

33. Every year, a national conference was held as part of a programme developed to make the justice system friendlier to children. In 2018, hearing children had been the conference’s focal issue. A multi-day workshop on how to hear children had been offered to judges in 2015. In April 2020, a training programme would be launched to help judges communicate more effectively with children, including children with disabilities and child victims of violence. The country’s courts had 58 child-friendly hearing rooms, and proceedings involving children were conducted in language that the children involved could understand.

34. Ms. Lantai (Hungary) said that she wished to emphasize that, although they were not required to do so, courts conducting guardianship proceedings involving children under the age of 14 sought to hear the opinions of those children.

35. Mr. Kiss (Hungary) said that students in Hungary were, in accordance with the law, involved in decision-making at schools or other educational institutions. Student councils, for example, were responsible for student governance, and under the Public Education Act such councils were entitled to support from school administrators or teachers. Student councils also operated at the county and national levels. The National Student Council held sessions every three years. At its most recent session, it had formulated 50 recommendations, 41 of which had been accepted by the Ministry of Human Capacities. The Council’s working groups met more frequently, sometimes with the participation of Ministry representatives.

36. Ms. Lantai (Hungary) said that unaccompanied child migrants aged 14 to 18 were entitled to protection and other services, albeit within a legal framework other than the Child Protection Act. Once they received refugee or international protection status, however, they were entitled to child protection services on an equal footing with Hungarian children. In some circumstances, persons who had arrived in Hungary as unaccompanied child migrants remained eligible for assistance even after they turned 18.

37. Changes introduced in January 2020 had lightened the workload of the country’s child protection representatives. A child with special needs was now counted as two children, which had reduced the number of children for which the representatives were responsible and enabled them to meet more regularly with the children in their care – at least twice a month for younger children and once a month for older children. Changes had also been made to allow child protection representatives to meet in private with the children in their care.

38. Ms. Hirtling (Hungary), replying to a question on measures to prevent violence against children, said that presentations were given to secondary school students as part of a programme designed to familiarize students with the courts. The presentations focused on children’s rights and emphasized the policy of zero tolerance for abuse. Information on points of contact in the justice system was also provided. In their efforts to prevent abuse and violence, the courts worked together with partner organizations, including law enforcement agencies.

39. Ms. Lantai (Hungary) said that, in 2018, a standard method for handling cases involving children who did not live with their families and were victims of violence had been introduced. The aim of the method was to ensure that foster parents and the personnel of care institutions reflected on the causes of the violence and the possible remedies and ensured that victims received appropriate medical and psychological support. In cases of violence between minors, both the victim and the perpetrator received support. The Barnahus model was being adopted by the Government as part of its efforts to address violence against children and ensure that affected children received the services they needed. Efforts to put in place an appropriate legal framework for the introduction of that new model were ongoing. In that respect and others, the Hungarian authorities intended to learn from the experiences of other countries.

40. Ms. Otani said that she wished to know why the standard method for handling cases of violence involving children was used only for child victims who did not live with their families. She also wished to know when the children’s houses planned as part of the introduction of the Barnahus model were expected to open their doors.
41. Mr. Gudbrandsson asked whether the State party had developed a national plan for the introduction of the Barnahus model, whether there were plans to set up children’s houses throughout the country and whether there was consensus among stakeholders, including judges, social workers and health officials, on the introduction of the model.

42. Ms. Lantai (Hungary) said that the initial focus of the standard method was on children who did not live with their families because such children, who were generally in institutions or other forms of alternative care, were considered more vulnerable than others. Consensus was being sought among stakeholders for the implementation of the Barnahus model across the country. A working group was currently formulating recommendations on the legislative framework that would determine the procedure to be followed and the roles of actors such as judges and prosecutors. Under the system already operating in Szombathely, judges appointed a psychologist to interview children in the Barnahus (children’s house) and pass on the results. The aim was for all relevant ministries to collaborate on producing the best possible model. The system was currently being put in place in Budapest and it was expected that six or seven Barnahus centres would be operational within the following two years, with services available at regional level.

43. Ms. Várái-Jeges (Hungary) said that communication with children on domestic violence was part of the “open court” programme. Providing information to children was also an important part of the child-centred justice programme, under which a website had been set up to explain various aspects of the law in question-and-answer format using child-friendly language. The section on domestic violence explained to children that it was difficult but necessary to discuss the issue and provided guidance on subjects such as what children should do if their parents hurt them or where to seek assistance if they were forced to run away from home. Restraining orders for domestic violence were handled through an accelerated procedure, under which a hearing must be held within three days of the application and the judge must issue a decision on the same day. Orders could be issued following any type of abuse, whether physical or psychological. A restraining order entailed suspension of the perpetrator’s custody rights. Any such order must be reported to the guardianship authorities.

44. Ms. Kovácsné Báránya (Hungary) said that the Ministry of Human Capacities had developed a publicly available application that included a “panic button” function that enabled the user to find information about the nearest contact point. The app was aimed primarily at children aged 14 to 18, but could be used by anyone.

45. Ms. Andráczi-Tóth (Hungary) said that a reporting mechanism for all types of violence against children was in place. The mechanism could be used both by professionals who worked with children and by members of the public to report incidents of child abuse. The mechanism had been upgraded in 2016 to establish a four-tier system and clarify the responsibilities of stakeholders at the national, regional and local levels, with the aim of ensuring early detection of problems and the provision of appropriate support. A free national child abuse hotline operated 24 hours a day and was staffed by professionals, who provided advice and passed on relevant information to the child protection services. Since 2018, all public educational institutions, from preschool to college, had employed a social support worker, who listened to children’s concerns and conducted preventive work such as awareness-raising workshops.

46. Ms. Skelton (Country Task Force) said that, notwithstanding the State party’s efforts, it appeared that many children were still being removed from their parents as a result of poverty-related problems. She would like to know what comprehensive services – in addition to temporary accommodation for poor families – were offered to address the multiplicity of problems that often arose in conjunction with poverty.

47. The Committee was interested not only in the numbers of children being fostered but in whether the model of care implemented had yielded positive results for children. She wondered how the quality of foster care was monitored. Reports indicated that many foster carers were based in remote areas where children had limited access to support services. Could the delegation explain why that was the case and provide information on the measures taken to address the issue?

48. The State party report stated that children under 12 could be placed in institutions rather than foster homes if they had serious disabilities – an approach that was at odds with the human rights model of disability. She would appreciate a comment from the delegation
in that regard. It would also be helpful to have information on what would be done to address the shortage of foster parents who were able to care for children with disabilities.

49. The Committee had been informed that the number of children under the age of 3 years living in institutions was increasing. She wished to know the reasons for that increase and what urgent measures had been taken to tackle it. She would appreciate information on strategies being implemented to address the overrepresentation of Roma children and children with disabilities in institutions and would like to hear the Government’s thinking on deinstitutionalization and how to avoid the pitfall of it leading to a proliferation of smaller group homes. She would also like to hear the Government’s current position on “baby boxes”, which were a concern for the Committee because they led to secrecy, with the children placed in them unaware of their identities and unable to trace their biological families.

50. She would like to know what measures had been taken in the light of recent reports of abuse, including sexual abuse, of children at Topház Special Home and other institutions. She wondered whether the new reporting methodology implemented had been developed in response to such cases.

51. She wished to reiterate the questions on health care raised in paragraphs 22 and 23 of the list of issues.

52. It would be interesting to hear more about the challenges the Government faced when it came to the inclusion of children with disabilities in mainstream education and the plans it had to overcome them. She would appreciate clarification as to whether the minimum school leaving age had been lowered from 18 to 16 years or had never been higher than 16 years. In addition, she wished to know what measures were being taken to address school dropout, which was relatively high among certain communities. It was not clear whether the judgment of the European Court of Human Rights in Horváth and Kiss v. Hungary had led to a decrease in the segregation of Roma children in schools. She would appreciate clarification in that regard. She also wished to know the final outcome of the domestic court cases regarding the closure of school No. 13 and its subsequent reopening as a Greek Catholic school and whether that case had affected religious schools in general. Media reports indicated that the Government did not intend to pay the court-ordered compensation to Roma children who had suffered discrimination in education in Győngyöspta. Was that true? Lastly, she would like to know what measures the Government had taken to reduce violence and bullying in schools, particularly against lesbian, gay, bisexual, transgender and intersex children.

53. Ms. Winter said that she would like to know what methodology was used to assess the age of migrant, refugee and asylum-seeking children. She was concerned by the lack of protection for unaccompanied children over the age of 14 years who were held in border transit zones and wished to note that, in practice, they could not choose to leave for Serbia, as indicated in the State party report, because they would be imprisoned. Instead, they were obliged to wait in the transit zone for the completion of the asylum procedure, which had no time limit. The Committee had received allegations of violence committed against such children by the border police. It had also been informed that the education offered to children in transit zones did not lead to a qualification that would be valid in Hungary should the children be granted asylum. She would be grateful if the delegation would comment on those reports.

54. She was aware that the country had specialized juvenile judges but would like to know whether the separate juvenile courts still existed or had been abolished. It did not seem logical to have a lower age of criminal responsibility for more serious crimes; she wondered whether the Government would consider raising the age from 12 to 14 years for all offences. She also wondered whether the Government planned to reduce the maximum length of pretrial detention for children, which was currently one year for children aged 12 to 14. She would appreciate a response to the Committee’s question regarding the practice of sentencing children to prison for petty crimes. It would be helpful, as well, to have information on the use of diversion measures by prosecutors and first-instance judges. Lastly, she wished to know whether child witnesses and crime victims could seek assistance and compensation even if they had not been able to assist in an investigation, which was common among victims of trafficking, who were often afraid to give information to the police.
55. **Mr. Madi** said that he would appreciate a reply to the questions raised in paragraphs 32 and 33 of the list of issues regarding follow-up to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict. He would also like to know whether the State party was considering ratification of the Optional Protocol on a communications procedure.

*The meeting rose at 5.55 p.m.*