



Convention on the Rights of the Child

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Committee on the Rights of the Child

List of issues prior to submission of the sixth periodic report of Hungary*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 June 2019. The replies should take into consideration the Committee's recommendations, contained in its previous concluding observations (CRC/C/HUN/CO/3-5) adopted on 19 September 2014. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

II. Rights under the Convention and its Optional Protocols

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

3. Please indicate whether there is a child-rights impact assessment procedure in place for all new legislation adopted at the national and subnational levels. Please describe the results of any such impact assessments, before or after adoption, regarding legislation on education (Act CXV of 2011), religious communities (Act C of 2011), family life (Act CCXI of 2011), persons with disabilities (Act XXVI of 1998 amended), homelessness and extreme poverty (Act LXIX of 1999 amended), the Roma population, migrants and asylum seekers (Act LXXX of 2007 amended) and non-governmental organizations (Act LXXVI of 2017).

* Adopted by the pre-sessional working group on 8 June 2018.



Comprehensive policy and strategy

4. Please provide information on the results of the national strategy entitled Making Things Better for our Children (2007–2032), in the light of its incorporation into the Hungarian National Social Inclusion Strategy in 2011. As the national strategy's main goal is to reduce child poverty, please provide information on all the other measures taken to adopt a comprehensive policy and strategy covering all areas of children's rights under the Convention. Please report on the mechanism for monitoring and evaluation of such policies and strategies and its main findings.

Coordination

5. Please provide information on the body responsible for the overall coordination of activities regarding children's rights, its activities and budget at the national and subnational levels, both before and after 2017. Please provide information on the role, composition and mandate of and resource allocation to the recently established national professional college of child welfare and child protection services.

Data collection

6. Please inform the Committee about the efforts made to develop a comprehensive data-collection system on the implementation of the Convention and its Optional Protocols, with data disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background. Please provide information on how such data is analysed and used in the planning and evaluation of all measures concerning the rights of the child.

Independent monitoring

7. Please provide information on the measures taken to establish a dedicated body for the independent monitoring of the implementation of the Convention, and to ensure that the Office of the Commissioner for Fundamental Rights has the human, technical and financial resources necessary to fulfil its mandate.

Cooperation with civil society

8. Please inform the Committee about the efforts made to collaborate with civil society, including non-governmental and children's organizations, in the planning, implementation, monitoring and evaluation of laws, policies, plans and programmes related to the Convention and its Optional Protocols and the Committee's previous recommendations. Please provide information on the recent measures taken that impact civil society's freedom to conduct activities to promote children's rights, in particular the rights of children in migration situations.

B. Definition of the child (art. 1)

9. Please provide information on the legal age for marriage and any exceptions that allow persons under the age of 18 to marry.

C. General principles (arts. 2, 3, 6 and 12)**Non-discrimination**

10. Please provide information on the measures taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, particularly children with disabilities, Roma children, children in situations of migration, and refugee and asylum-seeking children. Please also provide information on the measures taken to eliminate discrimination against girls and against lesbian, gay, bisexual, transgender and intersex children, including by specifically addressing gender stereotypes and multiple or intersectional forms of discrimination. Please inform the Committee about the use of Act C

of 2012 on non-discrimination by the courts and provide information on any related criminal procedures regarding discrimination against children.

Best interests of the child

11. Please inform the Committee about the measures taken to ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation that has an impact on the enjoyment of children's rights. Please provide information on the development and dissemination to all relevant professionals of policy, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes and administrative and judicial proceedings concerning children, in particular regarding education, disability, the Roma community, migration and asylum.

Respect for the views of the child

12. Please provide information on the procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, including in migration and asylum-seeking procedures and processes involving institutionalization. With particular regard to children in institutions and foster care, please inform the Committee about the work of child rights representatives in protecting and promoting children's rights, including the right to be heard. Please describe the level of contact between representatives and children in institutions and foster care.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Nationality

13. Please provide information on measures the State party has taken or intends to take to review and amend the Citizenship Act, in order to prevent statelessness of:

- (a) Children of foreign parents unable to confer their nationality on children born abroad;
- (b) Children of recognized stateless persons who have no established residence in the country;
- (c) Children of parents recognized as refugees, currently registered as children of undetermined nationality.

Freedom of association and peaceful assembly and access to appropriate information

14. Please inform the Committee about measures taken to abolish age restrictions for the management of associations created by children themselves; and to review the Media Law of 2010 with a view to ensuring the right of the child to access age-appropriate information.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence, abuse and neglect

15. Please inform the Committee about the measures taken to:

- (a) Develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, specifying measures targeting girls, Roma children and lesbian, gay, bisexual, transgender and intersex children;
- (b) Promote and encourage the reporting of cases of violence to the authorities, and ensure that cases are promptly investigated and prosecuted and perpetrators duly sanctioned;
- (c) Establish effective collaboration for the early detection and follow-up of each individual case to provide timely and effective protection, care and services to the child;
- (d) End the "Baby Box" (incubator) programme.

Corporal punishment

16. Please provide information, including on their results, on the measures taken to:
- (a) Enforce, in practice, the prohibition of corporal punishment against children in all settings;
 - (b) Develop a mechanism to enforce and apply sanctions for corporal punishment;
 - (c) Promote positive, non-violent and participatory forms of child-rearing and discipline;
 - (d) Prohibit school guards from using physical force against children.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**Family environment**

17. Please provide information on the measures taken to prohibit, in practice, the placement of children in State care institutions solely due to the economic situation of their families. Please also provide information on the efforts made to provide community-based prevention and early intervention services for families in need in order to avoid separation due to poverty, with particular regard to Roma children. Please inform the Committee about the efforts made to strengthen child protection services and their availability in the most deprived areas, such as Nógrád County.

Children deprived of a family environment

18. Please provide information on the increase in the number of children living in State care, including children under 3 years of age, and the measures taken to:
- (a) Ensure that all children in alternative care, particularly Roma children, chronically ill children, siblings and children with behavioural difficulties, are provided with family-based care, including foster care;
 - (b) Address the causes of the high proportion of Roma children in institutional care;
 - (c) Ensure that children spend the shortest time possible in temporary care;
 - (d) Establish procedures for regular monitoring, including on the prescription of psychotropic drugs, and for an independent complaints mechanism for children in alternative care institutions.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**Children with disabilities**

19. Please provide information on the measures taken to:
- (a) Conduct a study on the rights of Roma children with disabilities;
 - (b) Provide support to families with children with disabilities to enable them to care for their children;
 - (c) Provide family- and community-based care for children with disabilities and avoid their institutionalization;
 - (d) Provide inclusive education for children with disabilities and facilitate their access to early development programmes, and remove barriers to the enrolment of children with autism in regular schools.

20. Please provide information on the reported cases of torture, inhuman or degrading treatment and neglect of children with disabilities placed in institutions, such as Topház Special Home. Please inform the Committee about the measures taken to promptly address those incidents, provide care and rehabilitation to child victims, and investigate and sanction the perpetrators. Please also provide information on the procedure required for the institutionalization of a child with disabilities and how her or his best interests and right to be heard are duly taken into consideration.

21. Please provide information on the procedures in place to prevent and address acts of violence, including sexual violence, against children with disabilities in institutions, committed by both members of staff and other residents. Please also provide information on the independent monitoring mechanisms in place and the reporting mechanisms available to children with disabilities in institutions.

Health care and health services

22. Please provide information on the progress made to extend mandatory health insurance to all children, and on the availability of health-care facilities and practitioners, including paediatric services, throughout the country. Please inform the Committee about the measures taken to address the causes and consequences of iodine deficiency. Please provide information on the availability and use of specialized mental health-care services for young children and adolescents.

Adolescent health

23. Please provide information on the measures taken to prevent and reduce the number of teenage pregnancies, to increase the availability of contraceptives and to facilitate access to confidential sexual and reproductive health services for girls and boys. Please inform the Committee about the measures taken to prevent and address drug and alcohol abuse among adolescents. Please provide information on the efforts made to study the root causes of suicide among adolescents and the measures taken to address it.

Standard of living

24. Please provide updated information on the measures taken to address child poverty and the use of social and family allowances, particularly among Roma children.

H. Education, leisure and cultural activities (arts. 28–31)

Education

25. Please inform the Committee about the measures taken to:

(a) Reinstate compulsory education until the age of 18 and conduct studies on the impact of lowering the compulsory age to 16;

(b) Reduce the level of segregation of Roma children in schools, the high proportion of Roma children in classes for students with intellectual or psychosocial disabilities, especially in the light of the judgment of the European Courts of Human Rights in the case of *Horváth and Kiss v. Hungary*, and to reduce the high dropout rate of Roma girls;

(c) Ensure that children residing within the district of a religious school are able to enrol in that school if they wish to, and that religious schools do not contribute to segregated education;

(d) Make early childhood education available to all children;

(e) Reduce violence in schools and promote respect for diversity, with particular regard to sexual orientation and gender identity and expression.

Rest, leisure, recreation and cultural and artistic activities

26. Please provide information on the measures taken to provide children with accessible and inclusive sporting, recreational, leisure, cultural and artistic activities, particularly with regard to children with disabilities, Roma children, asylum-seeking and refugee children and children in situations of migration.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**Asylum-seeking and refugee children and children in situations of migration**

27. Please provide information on the measures taken to ensure that migrant, refugee and asylum-seeking children who are unaccompanied or separated from their parents are not administratively detained under any circumstance. Please provide detailed information on the age assessment procedures in place for those children and how they respect their best interests and dignity.

28. Please provide information on:

(a) The amendment to section 4 (1) (c) of Act XXXI of 1997 on the Protection of Children stipulating that, in cases of emergency, unaccompanied children above the age of 14 are not covered by the Act for the duration of their asylum procedure. Please explain how the State party will ensure the protection of these children up to the age of 18, in accordance with the Convention;

(b) The safeguards in place to allow children staying irregularly in the State party to apply for asylum and not be summarily expelled during the process;

(c) The measures taken to ensure that border police officers guarantee the physical safety of these children during interception operations;

(d) The measures taken to ensure that asylum-seeking and refugee children and children in situations of migration, including children in transit zones, have access to education, health care and a minimum standard of living.

Trafficking

29. Please provide information on the cases of 12 children sentenced to imprisonment after becoming victims of trafficking for sexual exploitation, and on the measures taken to prevent the liability and prosecution of child victims.

Administration of juvenile justice

30. Please provide information on the measures taken to:

(a) Reinstatement of juvenile courts with specifically trained judges;

(b) Raise the age of criminal responsibility from 12 to 14 years;

(c) Establish a restorative justice system and promote pretrial diversion; and ensure that detention is used only as a last resort and for the shortest possible time, both as a pretrial measure and as a sentence;

(d) Eliminate the practice of sentencing children to prison terms for petty crimes, develop non-custodial measures, and provide rehabilitation and reintegration services.

Child victims and witnesses of crimes

31. Please provide information on any special court and administrative procedures that have been developed since 2014 to support child victims and witnesses of crimes, including in trafficking and sexual offences.

J. Optional Protocol on the sale of children, child prostitution and child pornography

32. Please inform the Committee about the measures taken to implement its previous recommendations under the Optional Protocol (CRC/C/OPSC/HUN/CO/1), including the efforts to:

- (a) Develop strategies and coordination mechanisms to prevent and address offences covered by the Optional Protocol;
- (b) Develop a mechanism for identifying and referring child victims of offences covered by the Optional Protocol, and for providing support services for their rehabilitation and reintegration;
- (c) Establish protective measures for children in State care institutions, in particular Roma children, to reduce their vulnerability to sale, prostitution, pornography and trafficking;
- (d) Criminalize the act of improperly inducing consent for the adoption of a child;
- (e) Establish extraterritorial jurisdiction without the requirement for double criminality;
- (f) Conduct a study to assess the causes, nature and extent of trafficking in children.

K. Optional Protocol on the involvement of children in armed conflict

33. Please inform the Committee about the measures taken to implement its previous recommendations under the Optional Protocol (CRC/C/OPAC/HUN/CO/1), including the efforts to:

- (a) Establish a mechanism for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, and training programmes for the personnel responsible for the identification and referral of those children to protection services;
- (b) Create services to support the recovery and reintegration of child victims;
- (c) Prohibit the export of arms to States where children may be recruited or used in hostilities;
- (d) Establish extraterritorial jurisdiction over all offences under the Optional Protocol, without the requirement for dual criminality.

III. Statistical information and data

34. Statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous report. The data should be disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44 (6))

36. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

B. Definition of the child (art. 1)

37. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of children under 18 years of age living in the State party.

C. General principles (arts. 2, 3, 6 and 12)

38. Please provide data, disaggregated as described in paragraph 34 above, on the number of cases and prosecutions brought before the courts under Act C of 2012 on non-discrimination, and the sanctions issued to perpetrators.

39. Please provide data, disaggregated as described in paragraph 34 above, on the number of children who have attempted or committed suicide.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

40. Please provide data, disaggregated as described in paragraph 34 above, on the number of stateless children.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

41. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures provided to child victims of violence.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

42. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of families and children receiving economic and other types of support services.

43. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of children in institutional care and average days of stay;

(b) The number of children in family- and community-based care.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

44. Please provide data, disaggregated as described in paragraph 34 above, and by type of disability, on:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families and living in family- and community-based care;

(c) The number of children with disabilities in inclusive education and in separate schools;

(d) The number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, and the number of investigations and prosecutions carried out and sentences issued.

45. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) The number and proportion of children with health insurance;
 - (b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.
46. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) The number of adolescent mothers;
 - (b) The number of children with drug and alcohol abuse problems;
 - (c) The number of sexual and reproductive health services available to adolescents, disaggregated by region.
47. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of children living below the poverty line and in extreme poverty.

H. Education, leisure and cultural activities (arts. 28–31)

48. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) The number and proportion of children aged between 16 and 18 years not attending school;
 - (b) The number and proportion of children dropping out of school;
 - (c) The number of children in special schools and in special classes in regular schools;
 - (d) The number and proportion of children attending early childhood education and the average years of attendance;
 - (e) The number of children in public and private schools, including religious schools.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

49. Please provide data, disaggregated as described in paragraph 34 above, as well as by country of origin, and accompanied or unaccompanied status, on:
- (a) The number of asylum-seeking and refugee children;
 - (b) The number of children in situations of migration;
 - (c) The number of unaccompanied asylum-seeking children aged between 14 and 18 who are not covered by Act XXXI of 1997 on the Protection of Children;
 - (d) The number of asylum-seeking and refugee children, and children in situations of migration who are in detention, including in transit centres;
 - (e) The number of children who have been expelled from the territory of the State party, including as a result of the “eight kilometre rule”;
 - (f) The number of asylum-seeking and refugee children, and children in situations of migration attending school and with access to health care.
50. Please provide data, disaggregated as described in paragraph 34 above, and by type of crime, on:
- (a) The number of reported cases of and the number of children involved in trafficking;
 - (b) The number of those children who have been provided with access to rehabilitation programmes;

(c) The number and percentage of those cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

51. Please provide data, disaggregated as described in paragraph 34 above, and by type of crime, on:

(a) The number of children in detention, including in pretrial detention, in facilities such as police cells and prisons, and the average days of stay;

(b) The number of children referred to diversion and non-custodial sentencing options.

J. Optional Protocol on the sale of children, child prostitution and child pornography

52. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of reported cases of the sale of children, child prostitution and child pornography;

(b) The number of those cases that have been investigated, prosecuted and sanctioned;

(c) The number of child victims of those crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol on the involvement of children in armed conflict

53. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of asylum-seeking and refugee children entering the State party from areas in which children may have been recruited or used in hostilities;

(b) The number of children who benefit from physical and psychological recovery and social reintegration measures.
