



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the sixth periodic report of Hungary\*\*

#### I. Introduction

1. The Committee considered the sixth periodic report of Hungary (CRC/C/HUN/6) at its 2436th and 2437th meetings (see CRC/C/SR.2436 and 2437), held on 22 and 23 January 2020, and adopted the present concluding observations at its 2460th meeting, held on 7 February 2020.

2. The Committee welcomes the submission on time of the sixth periodic report of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party, and for the additional information submitted in writing.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the entry into force of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) through Act XCII of 2015, the full compliance of the Office of the Commissioner for Fundamental Rights with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and the overall decrease in child poverty from 24.9 per cent in 2014 to 15.2 per cent in 2017. The Committee notes with appreciation the legislative, institutional and policy measures taken to implement the Convention on the Rights of the Child, in particular the Digital Child Protection Strategy and the implementation of the Barnahus model.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence, including sexual violence, abuse and neglect (para. 24), children deprived of a family environment (para. 28), children

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\*\* Adopted by the Committee at its eighty-third session (20 January–7 February 2020).



with disabilities (para. 30), adolescent health (para. 33), education (para. 36) and asylum-seeking, refugee and migrant children (para. 39).

5. The Committee regrets that the State party, in its report, did not reply to all the questions contained in the list of issues prior to reporting, in particular with regard to the following areas: the existence of a child-rights impact assessment procedure for national legislation; nationality; children with disabilities; health care; adolescent health; asylum-seeking and refugee children; and the implementation of the Optional Protocol on the involvement of children in armed conflict. Although some responses were provided during and subsequent to the dialogue, the Committee recalls the State party's obligation to submit sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the State party.

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

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

##### **Legislation**

7. **Noting that over 200 amendments of general legislation have affected children's rights, the Committee recommends that the State party put in place a procedure to assess the impact of legislation on the rights of the child, guarantee that all legislation is fully compatible with the Convention, and make publicly available the results of such impact assessments before and after adoption. It also recommends that the State party promptly conduct child-rights impact assessments of legislation on the following areas: education (Act CXC of 2011); churches (Act C of 2011); family life (Act CCXI of 2011); disabilities (Act XXVI of 1998, as amended); homelessness and extreme poverty (Act LXIX of 1999, as amended); the Roma population, migrants and asylum seekers (Act LXXX of 2007, as amended); and non-governmental organizations (Act LXXVI of 2017).**

##### **Comprehensive policy and strategy**

8. **Noting the lack of information on the implementation of the national strategy entitled Making Things Better for our Children (2007–2032) and the Hungarian National Social Inclusion Strategy II (2014), the Committee recommends that the State party develop and adopt a national comprehensive strategy on children that encompasses all areas of the Convention, with sufficient human, technical and financial resources for its implementation. Furthermore, the Committee welcomes the adoption of the National Crime Prevention Strategy (2014–2020) and the Digital Child Protection Strategy (2016), and recommends that they be integrated into the national comprehensive strategy.**

##### **Coordination**

9. **Recalling its previous recommendation (CRC/C/HUN/CO/3-5, para. 12), the Committee urges the State party to establish a single body responsible for children's rights. The body should be provided with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the national and local levels and with the necessary human, technical and financial resources for its effective operation.**

### Allocation of resources

10. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Allocate adequate human, technical and financial resources, at all levels of government, to implement all policies, plans, programmes and legislative measures for children, particularly in the areas of education and health, and develop a system for tracking and ensuring the efficient use of resources so allocated;

(b) Conduct regular assessments of the distributional impact of government investment on sectors supporting the realization of children's rights with a view to addressing the disparities in indicators related to children's rights;

(c) Establish appropriate mechanisms and inclusive processes through which civil society, the public at large and children specifically may participate in all stages of the budget process, including formulation, implementation and evaluation.

### Data collection

11. The Committee welcomes the introduction by the Hungarian Central Statistical Office of an ethnic marker, based on self-identification, in household surveys and, with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, recommends that the State party:

(a) Collect data on children's rights in all areas of the Convention, disaggregated by age, sex, disability, geographic location, ethnic origin, national origin and socioeconomic background, and on the basis of that data identify children in situations of vulnerability;

(b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects aimed at implementing the Convention.

### Independent monitoring

12. The Committee notes with appreciation that, since the last review, in 2014, the Office of the Commissioner for Fundamental Rights has become fully compliant with the Paris Principles, and children's rights have been brought under the responsibility of a dedicated body, the Children's Rights Unit of the Department of Equal Opportunities and Children's Rights. The Committee recommends that the State party:

(a) Ensure that the Children's Rights Unit has adequate human, technical and financial resources to implement and monitor the application of the Convention;

(b) Ensure that the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, within the Office of the Commissioner for Fundamental Rights, has adequate resources to conduct regular monitoring visits to places where children are, or may be, detained;

(c) Ensure that the Children's Rights Unit holds regular consultations with children on issues that affect them and ensure that the results of those consultations are taken into consideration in law and policymaking.

### Dissemination, awareness-raising and training

13. Recalling its previous recommendation (CRC/C/HUN/CO/3-5, para. 16), the Committee recommends that the State party:

(a) Strengthen its programmes to raise awareness of the Convention, including by engaging more with the media, including social media, in a child-friendly manner;

(b) Promote the active involvement of children in public outreach activities, including in measures targeting parents, social workers, teachers and law enforcement officials;

(c) Include mandatory modules on human rights and the Convention in the school curriculum and in training programmes for all professionals working with or for children, including all law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions, as well as State and local government officials.

#### Cooperation with civil society

14. Recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 18), the Committee urges the State party to ensure that non-governmental organizations can conduct their activities unimpeded, including on detention issues, asylum and migration, in an environment conducive to human rights. Additionally, it recommends that the State party strengthen its collaboration with non-governmental organizations working on children's rights, such as through the National Professional College of Child Welfare and Child Protection Services.

### B. Definition of the child (art. 1)

15. With reference to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party amend the Civil Code to eliminate any exception to the minimum age of marriage of 18 years for girls and boys.

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

#### Non-discrimination

16. With reference to target 10.3 of the Sustainable Development Goals and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 20), the Committee urges the State party:

(a) To implement its laws that prohibit discrimination against children in marginalized and disadvantaged situations, such as girls, children with disabilities, Roma children, migrant and unaccompanied children and lesbian, gay, bisexual, transgender and intersex children, and to take measures to educate the public about equality and non-discrimination and to expand its programmes in schools;

(b) To strengthen its measures aimed at eliminating discrimination against Roma children, through the adoption of a national action plan with a particular focus on education, health, child protection services and housing, and to increase support to the anti-segregation working groups created in 2017;

(c) To strengthen the work of the Equal Treatment Authority to address discrimination against children with disabilities and Roma children;

(d) To ensure that the mandatory review of equal opportunity plans in public education takes place at least every three years, as per government decree 229/2012 (30.VIII), which came into effect in April 2018.

#### Best interests of the child

17. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 22), the Committee recommends that the State party:

(a) Ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation that has an impact on children's rights, including asylum- and migration-related legislation, and in its policies and procedures;

(b) Ensure that this right is appropriately integrated and consistently applied in administrative proceedings concerning children, and that the child protection services are adequately resourced to implement it in practice.

#### **Respect for the views of the child**

18. With reference to its general comment No. 12 (2009) on the right of the child to be heard, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 24), the Committee recommends that the State party:

(a) Further develop the practice of hearing the views of children under the age of 14 years and ensure that their views are duly taken into account in family law proceedings concerning them, including in custody and guardianship decisions;

(b) Ensure that children, including unaccompanied children between the ages of 14 and 18 years, have their views heard in migration and asylum processes in all situations, including during crises caused by mass migration;

(c) Ensure that children in alternative care are heard in decisions affecting them throughout their stay, and that children's rights representatives are in sufficient number and have the technical capacities required to guarantee respect for the views of children in alternative care;

(d) Continue promoting the meaningful and empowered participation of all children within the family, the community and schools, including through student council bodies and the children's parliament;

(e) Strengthen initiatives aimed at increasing child participation and develop toolkits for consulting children on national policy issues that affect them – in particular the issues that children identified as being of most concern for them, such as education, climate change and security – and ensure that children's views are taken into account by local and national authorities.

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

#### **Nationality**

19. With reference to target 16.9 of the Sustainable Development Goals, the Committee urges the State party:

(a) To amend the Citizenship Act to prevent statelessness of children of foreign parents unable to confer their nationality on children born abroad, and of children of recognized stateless persons who have no established residence in the country;

(b) To ensure that those children are able to obtain Hungarian nationality according to a clear process and rules applied uniformly throughout the country.

#### **Freedom of association and of peaceful assembly**

20. Recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 26), the Committee recommends that the State party:

(a) Amend its legislation to allow children, including those under the age of 14 years, to hold managerial positions in civil society associations, particularly those created by children themselves;

(b) Ensure that children enjoy their right to freedom of expression, including when participating in peaceful demonstrations, and do not suffer negative consequences, such as charges of petty offences by the police.

**Protection of privacy and protection of image**

21. The Committee recommends that the State party continue to ensure respect for the child's right to privacy during political campaigns and prevent the use of children as campaign tools.

**Access to appropriate information**

22. The Committee recommends that the State party:

(a) Continue to expand access by children to a variety of information from a diversity of sources, including through the Internet, and ensure that children, their parents and other caregivers are taught appropriate online behaviour, including preventive strategies against online abuse and exploitation;

(b) Promote access by children with disabilities to information by making audio description and captioning widely available.

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

**Violence, including sexual violence, abuse and neglect**

23. The Committee is seriously concerned about:

(a) The lack of information on a national strategy to prevent and address all forms of violence against children, including sexual abuse, including specific measures targeting girls, Roma children, asylum-seeking and migrant children and lesbian, gay, bisexual, transgender and intersex children;

(b) The low level of effectiveness and use by children of the procedures for reporting cases of violence against children to the authorities.

24. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, recalling target 16.2 of the Sustainable Development Goals and recalling its previous recommendations (CRC/C/HUN/CO/3-5, paras. 30, 32 and 35), the Committee urges the State party:

(a) To develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, paying particular attention to girls and children in disadvantaged situations, including children with disabilities, children in alternative care, Roma children, lesbian, gay, bisexual, transgender and intersex children, and asylum-seeking, refugee and migrant children, and to ensure that the strategy clearly informs children about the procedures available for reporting cases of violence;

(b) To put in place child-sensitive mechanisms to facilitate and promote the reporting of cases and ensure that complaints mechanisms are child-friendly and available both online and offline, paying particular attention to alternative care settings, detention facilities and facilities for asylum-seeking, refugee and migrant children, and to ensure that cases are promptly recorded and investigated and that perpetrators are prosecuted and duly sanctioned;

(c) To consider expanding the application of the regulations on institutional, operational and sectoral methodology for investigating and addressing cases of abuse of children and young adults in childcare institutions, foster families and correctional institutions, of the Ministry of Human Resources, to all settings and instances where children may be victims of violence;

(d) To adopt the legal measures necessary to support the implementation of the Barnahus programme, and to ensure that child victims of violence have effective access to the investigation and therapy services based on the Barnahus model and that these services are by default available to all child victims of violence.

### Corporal punishment

25. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, paras. 34), the Committee urges the State party:

- (a) To effectively implement the prohibition on the use of all forms of corporal punishment in all settings, including the home, schools and alternative care institutions;
- (b) To strengthen its measures to develop awareness-raising and education campaigns that promote positive, non-violent and participatory forms of child-rearing and discipline and underscore the adverse consequences of corporal punishment, targeting in particular children, parents, teachers and social protection professionals.

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

### Family environment

26. Recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 37), the Committee urges the State party:

- (a) To fully implement the prohibition of the separation of children from their families and their placement in alternative care on the basis of the economic situation of those families, through comprehensive programmes that tackle the multiple challenges that families are facing, and to ensure that separation is used only as a last resort in accordance with the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex);
- (b) To strengthen its measures to provide families in need with adequate and long-term social housing and other support measures, and to increase social benefits to low-income families with children, in particular single-parent households, in order to prevent out-of-home placements;
- (c) To increase access to counselling and social support for pregnant women in crisis situations, and to introduce confidential birth registration to prevent the abandonment of children and ensure their safe delivery into the child protection system, while phasing out the so-called “baby box” (incubator) programme.

### Children deprived of a family environment

27. While welcoming the establishment by law of the profession of foster parents in January 2014 and the creation of child protection guardianship, the Committee remains seriously concerned about:

- (a) The increasing number of children in alternative care, many of whom still living in institutional settings, including 300 children under the age of 3 years;
- (b) The fact that the ethnic origin of children in the child protection system is not recorded, making it difficult to know whether particular groups require targeted prevention services;
- (c) The insufficient measures to guarantee that children spend the shortest time possible in temporary care, as a result of bureaucratic procedures to assess their situation;
- (d) The insufficient number of foster families, and the fact that the majority of foster families are located in remote areas where children have limited access to support services and to their families of origin;
- (e) The violence and abuse suffered by children in alternative care settings.

28. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 39), the Committee urges the State party:

- (a) **To urgently phase out the institutionalization of children while redirecting funds towards families in order to promote and support care in a family environment;**
- (b) **To prioritize social protection measures for families in order to prevent children, in particular those under the age of 3 years, from entering alternative care;**
- (c) **To ensure that records of the ethnic origin of children in the child protection system are collected and analysed, with a view to providing targeted prevention services;**
- (d) **To modernize and increase the efficiency of child protection services in order to guarantee that children spend the shortest time possible in temporary care;**
- (e) **To strengthen its measures to increase the number of foster families countrywide, invest in the provision of health, education and social services at the local level and ensure that children maintain contact with their biological families, when such contact is in the child's best interests;**
- (f) **To strongly invest in the training and supervision of professionals working in alternative care, and to provide them with the infrastructure and financial resources necessary to care for the children for whom they are responsible;**
- (g) **To ensure that children in alternative care settings, including children with disabilities, have access to confidential and child-sensitive complaints mechanisms and are able to report cases of misconduct, and that reported cases are promptly addressed.**

### **G. Children with disabilities (art. 23)**

29. The Committee is seriously concerned about:

- (a) Children with disabilities being deprived of their families and living in institutions, children's homes and small group homes;
- (b) The insufficient measures to end the institutionalization of children with disabilities and to promote accessible health and rehabilitation services, transport, leisure and sports to ensure their inclusion in the community;
- (c) Cases of child sexual abuse and maltreatment of children with disabilities in institutional care, such as at Topház Special Home, Kossuth Zsuzsa children's home in Bicske and the children's home in Zalaegerszeg;
- (d) The inadequate provision of State care services to children with disabilities;
- (e) The lack of information on the situation of Roma children with disabilities;
- (f) The continuing stigma endured by children with disabilities.

30. **Recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 45), the Committee urges the State party:**

- (a) **To strengthen its efforts to support the families of children with disabilities, including through financial assistance, so that they can provide adequate care for their children and ensure their integration in the community;**
- (b) **To rapidly phase out the institutionalization of children with disabilities and urgently close Topház and other institutions that do not comply with the required standards, while increasing access to community services that are inclusive of children with disabilities, particularly health and rehabilitation services, transport, leisure and sports, in order to promote their inclusion in society;**
- (c) **To provide adequate training to child protection workers on the rights and needs of children with disabilities;**
- (d) **To ensure that reporting of cases of violence, abuse and neglect of children with disabilities is mandatory for all persons working with them, to ensure access to judicial remedies and redress for children with disabilities, to strengthen the**



independent monitoring of psychiatric hospitals and other institutions where children with disabilities are institutionalized, and to ensure access to independent lawyers and human rights defenders for the provision of legal aid and counselling;

- (e) To conduct a study on the rights of Roma children with disabilities;
- (f) To conduct awareness-raising campaigns to combat stigmatization of and prejudice against children with disabilities and promote a positive image of children with disabilities, their recognition as rights holders and respect for their dignity and evolving capacities on an equal basis with other children.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

31. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 47), the Committee recommends that the State party:

- (a) Ensure that all children benefit in practice from the mandatory health services free of charge;
- (b) Ensure that health-care facilities and practitioners, including paediatricians, are available throughout the State party, including in rural areas.

### **Adolescent health**

32. The Committee is seriously concerned about:

- (a) Adolescents' insufficient access to confidential and child-friendly sexual and reproductive health services;
- (b) The requirement for adolescents to have parental permission to access sexual and reproductive health services and psychological care;
- (c) The high levels of pregnancy among adolescents and an approach that aims to unduly influence girls' reproductive health decisions;
- (d) The very high rates of smoking and alcohol and drug use among adolescents;
- (e) The prevalence of mental health issues, namely anxiety and depression, among adolescents and their insufficient access to support services.

33. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, and recalling target 3.4 of the Sustainable Development Goals, the Committee urges the State party:

- (a) To ensure that adolescents have access to confidential and child-sensitive medical advice and services;
- (b) To eliminate the need for parental permission for adolescents to access sexual and reproductive health services and psychological care, enabling adolescents to do so on their own;
- (c) To provide children with education on sexual and reproductive health as part of the mandatory school curriculum, paying special attention to preventing early pregnancy and sexually transmitted infections and offering unbiased and comprehensive sexual and reproductive health services;
- (d) To strengthen its measures to prevent the use of tobacco, alcohol and drugs among adolescents and to provide rehabilitation services for those in need;
- (e) To invest in addressing the underlying causes of mental health conditions among children and adolescents and to promote their awareness of and access to psychological support services;

(f) **To increase the availability of online mental health services and web-based counselling, while making in-person mental health services child-friendly and accessible to children, including those under the age of 14 years, throughout the territory of the State party.**

#### **Standard of living**

34. **The Committee recommends that the State party continue to invest in measures to end poverty, paying particular attention to Roma children and children living in socioeconomically deprived areas.**

### **I. Education, leisure and cultural activities (arts. 28–31)**

#### **Education, including early childhood education and care**

35. The Committee welcomes the introduction of early childhood education from the age of 3 years, the creation of the working group on diversity education, and the creation of the MONDO card game and the “Wise Up!” programme to teach children about their rights. However, the Committee is seriously concerned about:

(a) The number of students leaving school early, most of them from disadvantaged backgrounds;

(b) The allocation of public schools to religious communities (church-run schools) in some settlements, which can contribute to segregation based on religion or belief;

(c) The continuing segregation of Roma children in special education, the increased gap in attainment between Roma and non-Roma children at different levels of education, and the lack of official data on Roma children in education;

(d) The bullying, abuse and exclusion faced by children in schools, in particular lesbian, gay, bisexual, transgender and intersex children;

(e) The fact that the methods of discipline used in schools do not always comply with the legal requirement that children are to be protected from physical and mental violence.

36. **The Committee, recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 53), urges the State party to:**

(a) **To re-establish compulsory education until the age of 18 years to prevent children leaving school early;**

(b) **To limit the allocation of public education services to religious groups in order to avoid segregation;**

(c) **To strengthen efforts to eliminate discrimination against Roma children in schools, to take prompt measures to close the gap in attainment between Roma and non-Roma children in primary education, and to collect data on the situation of Roma children in education to inform policy measures;**

(d) **To intensify its efforts to prevent and address bullying in schools, including online bullying, and to provide support to child victims, in particular lesbian, gay, bisexual, transgender and intersex children;**

(e) **To ensure that the legal protection of children in schools against physical and mental violence is strictly upheld.**

#### **Rest, leisure, recreation and cultural and artistic activities**

37. **The Committee recommends that the State party:**

(a) **Continue to invest in children’s access to physical and arts education through the national curriculum;**

(b) **Strengthen its measures to ensure that all children, including children with disabilities, Roma children and asylum-seeking, refugee and migrant children, have access to inclusive sporting, recreational, leisure, cultural and artistic activities;**

(c) **Promote children's access to free, unstructured, imaginative play outside, especially in urban environments.**

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

**Asylum-seeking, refugee and migrant children**

38. The Committee is seriously concerned about:

(a) The changes to the asylum law, which allow for the immediate expulsion of children and their families who are staying irregularly in the State party and have not had the opportunity to apply for asylum;

(b) The holding of children above the age of 14 years in transit zones following the amendment to section 4 (1) (c) of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship stipulating that, in cases of emergency, unaccompanied children above the age of 14 years are not covered by the Act for the duration of their asylum procedure;

(c) The cases of violence inflicted by border police on children and others staying irregularly in the State party during interception and removal operations;

(d) The inadequate nutrition provided to children over the age of 14 years in transit zones;

(e) The fact that education certificates issued to children in transit zone schools are not valid in the State party.

39. **With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and to joint general comment No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 55), the Committee urges the State party immediately:**

(a) **To amend the asylum law to prohibit the immediate expulsion of children and their families who are staying irregularly in the State party and have not had the opportunity to apply for asylum, ensuring that the asylum law is in conformity with the Convention;**

(b) **To repeal the amendment to section 4 (1) (c) of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship in order to cover all children, including unaccompanied children aged between 14 and 18 years, in all situations, including during crises caused by mass migration;**

(c) **To conduct training for border police on the rights of the child and of asylum seekers, and to ensure that any cases of violence against children are immediately investigated and the perpetrators prosecuted and duly sanctioned;**

(d) **To ensure that the changes to asylum procedures introduced on 1 January 2018 and 1 January 2019 guaranteeing the provision of food to children and adults in transit zones are effectively and adequately implemented;**

(e) **To use the age-assessment process in cases of serious doubt only and through multidisciplinary methods, taking into account all aspects, including psychological and environmental aspects, of the person under assessment;**

(f) **To ensure that children in transit zones have access to education under the same conditions as Hungarian children, and that children who have been kept in**

transit zones have access upon release to adequate child protection, education and health services, including mental health services.

#### Administration of child justice

40. The Committee welcomes the entry into force of the new Code of Criminal Procedure, on 1 July 2018, with enhanced safeguards for children's rights. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, and recalling its previous recommendations (CRC/C/HUN/CO/3-5, para. 57), the Committee recommends that the State party bring its child justice system fully into line with the Convention and:

- (a) Ensure that specialized and well-trained judges and judicial staff deal with cases involving children;
- (b) Amend the law to re-establish a standardized minimum age of criminal responsibility of 14 years, regardless of the crime;
- (c) Abolish the practice of sentencing children to prison terms for petty crimes;
- (d) Train professionals on and actively promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, non-custodial sentences such as probation or community service;
- (e) In cases in which detention is unavoidable, ensure that children are detained in separate facilities, and that pretrial detention is regularly and judicially reviewed, with a view to its withdrawal, and is subject to a strict limit on its extension;
- (f) Provide children accused of criminal offences with information about their rights and how to report abuses.

#### Child victims and witnesses of crime

41. The Committee recommends that the State party:

- (a) Apply a child-friendly and multisectoral approach to avoid the retraumatization of child victims, and ensure the development of programmes and policies for their full recovery and social reintegration;
- (b) Guarantee access for child victims access to adequate procedures to seek compensation for damages, and ensure that child victims and witnesses of crime have access to adequate support, irrespective of whether they assist with police investigations, prosecutions or trials.

### **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

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

42. With reference to its 2019 guidelines on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/156), and recalling its previous recommendations (CRC/C/OPSC/HUN/CO/1), the Committee recommends that the State party:

- (a) Amend Act C of 2012 on the Criminal Code in order to extend the increased protection from sexual violence committed against children to all children under the age of 18 years;
- (b) Make the legal amendments necessary to ensure that all children subject to any form of sexual exploitation (and not just prostitution), sale or trafficking are treated as victims and not are subjected to criminal sanctions;

(c) Amend its legislation to criminalize the act of improperly inducing consent for the adoption of a child;

(d) Develop comprehensive strategies and coordination mechanisms to prevent and address the sale and sexual exploitation of children, which could cover measures to address trafficking in children, such as the national strategies against trafficking in persons;

(e) Take measures further to the study on the identification of sexual exploitation and its handling in child protection care, and establish protective measures for children in State care institutions, in particular Roma children, to reduce their vulnerability to sale, sexual exploitation and trafficking;

(f) Ensure that all offences under the Optional Protocol, and not just cases of trafficking in children, are promptly investigated and that perpetrators are prosecuted and duly sanctioned;

(g) Strengthen its measures to combat and prevent the sale and sexual exploitation of children online by, for example, widening the scope of its measures to combat trafficking in persons, such as the “EKAT” information technology platform linking Government and civil society;

(h) Continue strengthening training programmes on the identification and referral of child victims of sale, sexual exploitation and trafficking, and consider adopting a national protocol in this regard.

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

43. The Committee urges the State party:

(a) To develop mechanisms for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, to conduct training for personnel responsible for the identification and referral of such children to protection services, and to provide child victims with appropriate assistance for their full physical and psychological recovery and social reintegration;

(b) To ensure that children are not subjected to military training that involves the use of firearms, including in the KatonaSuli programme and the Karoly Kratochvil military high school and college, and establish regular monitoring of the “Patriotic School” programme of the non-governmental organization Honvédsuli to ensure that its curriculum and the teaching personnel comply with the provisions of the Optional Protocol;

(c) Prohibit the export of arms to States in which children may be recruited or used in hostilities.

#### **L. Ratification of the Optional Protocol on a communications procedure**

44. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocol on a communications procedure.

#### **M. Ratification of international human rights instruments**

45. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, consider ratifying the following core human rights instruments:

(a) International Convention for the Protection of All Persons from Enforced Disappearance;

(b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **N. Cooperation with regional bodies**

46. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

47. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the sixth periodic report and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

48. The Committee welcomes the creation by the State party of a standing national human rights mechanism, and emphasizes that it should be adequately and continuously supported by dedicated staff in order to enable it to engage with international and regional human rights mechanisms and coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from those mechanisms.

### **C. Next report**

49. The Committee invites the State party to submit its seventh periodic report by 15 January 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

50. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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