



Convention on the Rights of the Child

Distr.: General
18 February 2015
English
Original: French

Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1915th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 9 September 2014, at 3 p.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Combined third, fourth and fifth periodic reports of Hungary on the Convention of the Rights of the Child

Initial report of Hungary on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial report of Hungary on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-15946 (E) 170215 180215



* 1 4 1 5 9 4 6 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties *(continued)*

Combined third, fourth and fifth periodic reports of Hungary on the Convention of the Rights of the Child (CRC/C/HUN/3-5; CRC/C/HUN/Q/3-5 and Add.1)

Initial report of Hungary on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/HUN/1; CRC/C/OPAC/HUN/Q/1 and Add.1)

Initial report of Hungary on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HUN/1; CRC/C/OPSC/HUN/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Hungary took places at the Committee table.*
2. **Ms. Fűrész** (Hungary) said that the Ministry of Human Resources was the only body responsible for the protection of children and families and that it supervised almost all areas relating to children's rights, including social protection, health and education. Since 2006, major legislative changes had been introduced and important measures had been taken to improve protection of children's rights. A new Criminal Code, a new Civil Code and a new Public Education Act had entered into force and a comprehensive amendment had been made to the 1997 Child Protection Act.
3. The Ministry of Justice had declared 2012 the "Year of child-friendly justice". In that framework, a working group for child-friendly justice had been established. Its achievements had included the adoption of a ministerial decree providing for the establishment of child-friendly interview rooms and two Acts amending the juvenile civil and criminal procedures. Emphasis had also been placed on safe use of the Internet, particularly through the programme for young persons entitled "The Internet doesn't forget" and information meetings for parents and teachers entitled "Our children on the Net". The new Civil Code, effective as of 15 March 2014, significantly amended the child rights protection system, including family law, and enshrined the fundamental principle that a child should be raised in a family environment. The new Acts provided for a mediation procedure in cases of disputes relating to parental custody. The Child Protection Act, as amended, prioritized placements in a family environment, improved the quality of care in children's homes and strengthened measures to combat child abuse.
4. Since 2010, the authorities had significantly reformed public education and, in particular, had adopted a strategy for public education and a strategy to prevent early school dropout. In addition, they were working to develop children's health care and guarantee the exercise of their rights in that area. The network of health visitors, which had been in existence for almost 100 years, was made up of highly trained health-care professionals, who performed tasks relating, inter alia, to child protection and public health, such as administering vaccinations. The ministerial decree on institutional catering, which was expected to enter into force on 1 January 2015, aimed to provide quality meals in school canteens, hospitals and social protection institutions. On 1 September 2012, a national centre for patients' rights and documentation had been established.
5. One of the Government's main aims was to curb poverty and improve the living conditions of the Roma people. Thus, the National Inclusion Strategy was intended to end the vicious circle of poverty and social exclusion, and the Sure Start Programme, which involved parents and family members, aimed to prevent child poverty and its consequences. Hungary was also committed to guaranteeing the safety and early integration of child migrants and children in need of international protection. The immigration and asylum laws

took into account the needs and best interests of children. Since September 2011, the care of unaccompanied children had been guaranteed by the child protection institutions.

6. Following ratification of the Optional Protocol on the sale of children, child prostitution and child pornography, trafficking for the purposes of child labour and child prostitution, exploitation of child prostitution and sexual coercion had been defined as criminal offences. Perpetrators of sexual violence incurred heavier penalties if the victim was a minor. Various training activities on the Optional Protocol had been organized for police officers, prosecutors, judges and staff of victim support services, and a national crime prevention strategy (2013–2023) and a national strategy against trafficking in human beings had been developed to prevent juvenile crime and to protect children vulnerable to human trafficking.

7. With regard to the Optional Protocol on the involvement of children in armed conflict, the law prohibited the involvement and use of persons under the age of 18 years in armed conflict and provided that only Hungarian citizens over the age of 18 could enlist in the armed forces.

8. **Mr. Madi** (Coordinator, Country Task Force) asked whether Hungary envisaged ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, whether the provisions of the Convention had been fully incorporated into national legislation and whether they took precedence over domestic law. He asked whether the authorities envisaged adopting a comprehensive strategy on the rights of the child and establishing a body responsible for coordinating implementation of the Convention. He would also like to know whether the Office of the Commissioner for Fundamental Rights was independent and whether that institution conformed with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). He asked how the authorities disseminated the Convention among the general public, particularly children and professionals working with children, and whether they envisaged revising laws and regulations — particularly Act No. 192 of 2012 — which prevented the collection of disaggregated data on children on the grounds that they must not be placed in categories. He would like to know more about the situation of an NGO whose premises had recently been raided by the police and whose resources had been seized in their entirety and, more generally, on the support, particularly financial, provided to NGOs by the authorities. He asked whether NGOs and children had been involved in the preparation of the State party's periodic report.

9. **Ms. Muhamad Shariff** (Country Task Force) asked whether the best interest of the child was systematically taken into consideration, particularly in decisions concerning child custody, or child refugees or asylum seekers, or children belonging to an ethnic minority, especially Roma children. She asked whether the authorities planned to amend the Act on nationality so as to prevent cases of statelessness. She expressed concern that the Child Protection Act did not oblige child rights representatives to carry out visits to institutions for children. She asked to what extent the new Public Education Act guaranteed freedom of thought and freedom of religion, and whether all children could actually exercise the right of peaceful assembly.

10. **The Chairperson** (Country Task Force), speaking in her capacity as a member of the Committee, expressed concern at the many acts of discrimination committed against children of Jewish or Roma origin, among others, and at the particularly high number of Roma children who were institutionalized. While many measures had been taken with the support of the European Union (EU) to remedy those problems, it was difficult to determine, from the information provided, the number of Roma children affected by those measures and the results thereby obtained. She asked whether the Hungarian authorities were really determined to facilitate the inclusion of the Roma in schools and, more generally, in society and whether it was intended to extend to all parts of the country the “Meeting Point”

programme, which aimed to increase tolerance towards persons with disabilities and foreign nationals. She asked why the issue of gender equality was not included in the new education programmes adopted in 2012. She would like to know whether children were heard in proceedings regarding their custody and why they were not heard in disciplinary proceedings in schools. Noting that corporal punishment remained a reality despite the fact that it was prohibited by law, and that school supervisors, who helped to maintain discipline in schools, could use force in certain cases, she enquired about measures taken to actually combat that practice.

11. The Committee had knowledge of a dramatic case in which the social services, even though they had been alerted, had proved powerless to stop sexual abuse, which had therefore continued within a family for several years. That raised the question of the effectiveness of the social protection system. It seemed that coordination among the various actors was not ensured and that there was a lack of human and financial resources, which led to delays and insufficient national coverage. Lastly, the Committee would like to discuss with the delegation the issue of “baby boxes” and to know, in particular, whether the State party could envisage another solution, namely the authorization of anonymous births. The Committee’s position was that the practice of using baby boxes ran counter to articles 6, 7, 8, 9 and 19 of the Convention.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

12. **Ms. Fűrész** (Hungary) said that following the legislative elections in spring 2014, a ministerial reshuffle had taken place, resulting in the establishment of a new Secretary of State exclusively responsible for coordinating all family-related issues.

13. **Mr. Balogh** (Hungary) added that some years previously, his country had set up an expert human rights team. It was a very-high-level interministerial body which was chaired by the Secretary of State of the Ministry of Justice and in which all ministries were represented. The expert team was composed of several subcommittees, one of which was entirely dedicated to children’s rights, and held regular meetings, in which NGOs actively participated.

14. **Mr. Tallódi** (Hungary) recalled that Hungary was traditionally a dualist State; in other words, in order to be applicable on Hungarian territory, international norms must be transposed into domestic law. As the law ratifying an international instrument prevailed over all other national laws, all legislation must be harmonized with the instrument in question. That responsibility fell to the Constitutional Court, which could repeal an enactment if its provisions conflicted with those of a ratified international instrument. In that sense, international law certainly had primacy.

15. **Ms. Galajda** (Hungary) said that on several occasions lawyers (in their speeches before the courts) and the courts (in their decisions) had cited articles of the Convention, particularly in cases concerning families and child custody.

16. **Mr. Tallódi** (Hungary) said that the Parliamentary Commissioner for Fundamental Rights served as Ombudsman. He was elected by members of parliament and reported to parliament. Children could contact him directly, including via a website set up for that purpose in 2008. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights had granted “A status” to that institution. Budget lines were earmarked for it each year from the national budget.

17. **Mr. Sörös** (Hungary) explained that the National Inclusion Strategy constituted a detailed action plan providing for 55 specific measures in areas as diverse as education, housing, health and social protection. That Strategy was in line with the European Social Charter. Several projects that had been implemented within that framework were partly financed by the EU, such as a project which had been in place since 2010 in disadvantaged

regions and was intended to enable each municipality to provide training programmes for marginalized children.

18. **Ms. Kohalmi** (Hungary) said that Strategy involved many other measures that aimed to facilitate access to quality education as the fight against poverty was to a large extent dependent on measures taken in the area of education. It was also on that basis that the Ministry of Education had decided to lower the starting age for nursery school. From 2015, compulsory education would begin at the age of 3 years, and no longer 5 years.

19. **Ms. Lantai** (Hungary) assured the Committee that the social budgets were not all decreasing. Some of them had even risen, such as the school catering budget, with the result that at present 54 per cent of nursery and primary school pupils received free school meals. Furthermore, the foster family network was expanding and the authorities planned to extend that type of support for children who were in need of alternative care.

20. **Ms. Várai-Jeges** (Hungary) said that there was a website which enabled children to obtain information and ask questions about their rights. In parallel, various measures were being taken to disseminate the Convention and raise awareness of its provisions. To that end, 300 judges were participating in a programme which included information meetings in schools. In November 2014, open days would be organized in courts for children aged 13 and over.

21. **Ms. Kecskés** (Hungary) said that in 2012 her country had celebrated the “International year of child-friendly justice” and, in that framework, many activities to raise awareness of the rights and obligations of children had been carried out in cooperation with the Ministry of Justice and NGOs and, more particularly, using a mascot named Kimi. A specific programme entitled “It’s my Right” had been implemented for young people between 14 and 16, and over 1,500 adolescents had already participated in conferences in that regard.

22. **Ms. Orbán** (Hungary) said that children’s rights were an integral part of school curricula. It was mainly in the context of civic education, which was taught from the 5th to 8th class, that human rights in general and children’s rights in particular were addressed, as well as subjects such as democracy, national and European institutions, and tolerance. Teachers were appropriately trained in that regard.

23. **Ms. Kissné Erdélyi** (Hungary) said that in 2012 the Health Policy Department had opened a centre with the aim of informing patients of their rights and, in the event of disputes, ensuring their representation in legal proceedings. It was expected that in November 2014 a report would be published specifically addressing the rights of children in the alternative care system.

24. **Ms. Lantai** (Hungary) said that under the Child Protection Act, all children deprived of their family environment, regardless of their age, must be allocated a child rights representative. That person was required to meet regularly with the child in order to provide advice and communicate the child’s needs to the institution or family where he or she was placed. Their role was to represent the interests of the child both in the alternative care system — from which they were independent — and in the child’s original family. They must also determine the arrangements under which that family could maintain contact with the child. The child rights representative had the opportunity to carry out visits to reception centres and lodge a complaint if he or she noted shortcomings. Under the law, each child rights representative could monitor a maximum of 30 children. The system was in its early stages and would be evaluated.

25. **Mr. Madi** (Coordinator, Country Task Force) said the fact that a potential conflict between a provision in the Convention and a provision in national legislation should be brought before the courts amounted to saying that the Convention was not part of the

domestic legal order. He regretted that no central body had been established to coordinate action to promote children's rights. Given the programmes that the State party had implemented to raise awareness of the Convention, it was surprising that the European Parliament's Eurobarometer survey, conducted in 2008–2009, had revealed that Hungarian children knew less about their rights than any other children in Europe.

26. **Mr. Tallódi** (Hungary) said that judges frequently referred to the Convention. Nevertheless, the Parliamentary Commissioner for Fundamental Rights could come before the Constitutional Court to request interpretation of some of its provisions. The Eurobarometer survey had been conducted before the introduction of the programmes to raise children's awareness that had been launched in 2010; they had been particularly effective. There had therefore been considerable progress since then. Child policy coordination would be strengthened with the forthcoming appointment of a Secretary of State for children.

27. **The Chairperson** (Country Task Force), speaking as a member of the Committee, said that, according to reliable sources, there were no plans for parliament to examine in plenary the report of the Parliamentary Commissioner for Fundamental Rights. She asked the delegation whether it was in a position to confirm or deny that information.

28. **Ms. Parsi** (Country Task Force), noting the high rates of early pregnancy and abortion in the State party, asked why it did not conduct information campaigns on sexual and reproductive health. Given that 40 per cent of children were born out of wedlock in Hungary, she would like to know whether the State party envisaged providing psychological and financial assistance to single-parent families with the aim of preventing child abandonment. The delegation might wish to indicate the extent to which it intended to increase the number of crèche places, which currently met only 9 per cent of demand, in order to enable parents to balance their work and family responsibilities. Since the divorce rate was particularly high, the delegation might also wish to state whether mediation services were available free of charge to couples wishing to separate and, in cases of divorce, whether measures were taken to strengthen the role of fathers.

29. It would be useful to know the selection criteria for foster families and the frequency of the inspections carried out by the competent authorities to determine the quality of a placement and prevent abuse. In that regard, the delegation might wish to confirm whether complaints mechanisms had been established so that children could report any abuse, and indicate whether difficult children who were placed in children's homes were cared for by qualified staff. Could it explain how the funds that had been officially allocated by the EU to reduce the rate of institutionalization were used? She asked whether the State party had conducted a study into the root causes of tobacco and alcohol consumption and of suicide among young people, and whether programmes to prevent drug addiction among young people, implemented by law enforcement officials, were of a punitive nature. She asked the delegation to describe the national action plan on adolescent mental health and whether those concerned received psychological and psychiatric care. Lastly, she asked why the age of completion of compulsory education had been lowered to 16 years, and what the primary and secondary school dropout rates were.

30. **The Chairperson** (Country Task Force), speaking as a Committee member, asked what measures the State party had taken to prevent the institutionalization of persons with disabilities, especially children. She would like to know which services were provided at country level to children with mental disabilities, with severe disabilities and with visual impairments. She asked whether the State party ensured that children with disabilities were included in mainstream schools and classes. She would like further information on the care of autistic children and Roma children with disabilities. The delegation was invited to provide further information on the case of the school in Nyíregyháza, which practised segregation. In that case, it would seem that the Minister for Human Resources, Mr. Balog,

had been in favour of initially placing children from disadvantaged backgrounds and Roma children in separate classes before they joined mainstream classes. The delegation was invited to confirm or deny those allegations and provide further details of the programmes to encourage inclusive education for Roma.

31. **Ms. Wijemanne** asked what measures the State party was taking to eliminate inequalities between regions regarding children's access to health care, to combat iodine deficiencies and to encourage breastfeeding on maternity wards. She would like to know whether women who had home births received quality treatment and what the State party was doing to prevent infanticide, the rate of which was rising. She asked whether the health authorities intended to tackle the problem of the manifestly abusive prescribing of psychotropic drugs to children placed in child protection institutions.

32. **Ms. Muhamad Shariff** (Country Task Force) emphasized that young girls from disadvantaged backgrounds who abandoned their studies and those who ran away from an institution providing alternative care were at greater risk of becoming victims of sexual exploitation and asked what protection measures were envisaged, whether the data on child victims were recorded in a database, and whether there were centres which took in child victims of prostitution and provided support. Lastly, she wished to know whether national legislation prohibited the sale, trafficking and abduction of children.

33. **Ms. Winter** (Country Task Force) said she would like to know the number of children with disabilities and Roma children who had been adopted since the consideration of the State party's previous periodic report. She would also like to know what support was received by children whose parents were in prison and what conditions were required in order that an infant born in prison could remain with his or her mother after the age of 6 months. She wished to know the number of Hungarian nationals sentenced to death abroad and what the State party did in that regard. The delegation might wish to indicate how many children were currently detained under the law on petty crimes, what the usual prison terms imposed under that law were, and whether children who were given short sentences had access to education. It would also be useful to know whether the State party envisaged putting in place an independent complaints mechanism so that children did not have to lodge their complaints with the director of the institution in which they were held. She did not understand the logic behind the decision to lower the age of criminal responsibility to 12 years for serious offences, but not for minor offences. She would like to know whether children were often sentenced to alternatives to imprisonment and asked for statistics on that question, disaggregated by region, given that certain regions had not adopted the principle of restorative justice.

34. **Ms. Kecskés** (Hungary) said that children could be members of an association but could not under any circumstances preside over it since they were not empowered to enter into obligations, particularly if those obligations had financial repercussions.

35. **Ms. Kovács Erzsébet** (Hungary) said that children were taught about issues relating to discrimination within the framework of civic education classes. Baby boxes, which were also called incubators in Hungary, enabled couples to abandon their child in a safe place. The parents had the possibility of reconsidering their decision and asserting their rights to the child for six weeks; after that period the child became the responsibility of the competent services with a view to his or her adoption.

The meeting rose at 6.05 p.m.