



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019* **

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Reply to paragraph 2 of the list of issues prior to reporting CRC/C/HUNQPR/6

1. Act XC of 2017 on the criminal proceedings (hereinafter: CPC) was adopted in 2017 and entered into force on 1 July 2018. Its adoption was necessary in order to meet the requirements set forth by the Fundamental Law of Hungary, and those resulted from international law and the European Union membership, furthermore, to incorporate more up-to-date foreign experience and solutions into the Hungarian law. Among the most essential elements of the new act, the following must be mentioned: provisions on the requirement to conduct a timely procedure and guarantee a fair trial, and above anything else, the provisions to take into account the best interest of the victims.
2. In connection with the mandatory cases of special treatment, the CPC also disposes of the special rules of procedural acts regarding the victims and witnesses below the age of 18, and below the age of 14 in separate groups, as well as the victims of sexual crimes.
3. More legislation that is related to the entry into force of the new CPC must be highlighted since they provide further rules on ensuring increased protection for children.
4. Decree No. 100/2018. (VI. 8.) of the Government on the detailed rules of investigation and preparatory procedure (specific detailed rules on the proceedings against juveniles, such as providing information, signalling, taking evidence or coercive measures).
5. Decree No. 12/2018. (VI. 12.) of the Minister of Justice on the rules related to specific criminal procedure acts and persons participating in the criminal proceedings (specific detailed rules on special treatment).
6. Decree 13/2018. (VI. 12.) of the Minister of Justice on the establishment, operation and monitoring the usage of the police premises used for a procedural act requiring the participation of a person requiring special treatment (e.g. furnishing a designated room for performing certain procedural actions).
7. During the period since the 2014 Report, Act III of 1952 on procedural rules – on Civil Procedure (hereinafter: old Civil Procedure Act) was replaced by Act CXX of 2016 on Civil Procedure, which came into force on 01 January 2018 (hereinafter: Civil Procedure Act). The aim of the amendments introduced previously in the field of civil procedural law – and transferred into the currently effective Civil Procedure Act – by being in tune with the regulations of the Civil Code is to guarantee the protection of the minors' interest more efficiently and in a wider scope, as well as the vindication of their rights in justice, further, that the participation of children in the procedure and their access to justice can be more exercised in practice.
8. In regards to the hearing of minors, as affected party in lawsuits related to parental supervision also highlighted by the Committee –, which include the settlement of parental supervision, the placement of the child at a third party, and also lawsuits initiated to eliminate or reinstate parental supervision (the provisions of Civil Procedure Act Paragraph 472) Paragraph 473 shall be applied. Paragraph 473 of the Civil Procedure Act does not limit the opportunity for the hearing of minors, nor does it make the hearing subject to conditions, but stipulates the warranty rules required for the hearing of the child as a concerned party. Should it seem justified, the Court holds hearings of the minor in the absence of the parties and representatives of the parties as well. Paragraph 473 Point (3) of the Civil Procedure Act specifies, that the hearing shall take place in proper atmosphere considering the age and maturity of the child, in an understandable way for him/her.
9. Decree 15/2018. (VI. 15.) of the Minister of Justice on the execution of criminal supervision and restraining order (detailed rules on coercive measure against persons not requiring detention).
10. With Act XCII of 2015 Hungary approved the Lanzarote Convention as part of the Hungarian rule of law with mandatory effect on 2 July 2015.
11. As a new magisterial measure, Act XXXI of 1997 on the Protection of Children and on Guardianship Administration (hereinafter: Child Protection Act) introduced the legal

institution of preventive patronage as a special case of protection belonging to the scope of child protection care from 01 January 2015.

12. In order to continuously ensure child protection guardianship duties, the legal institution of child protection guardianship was introduced as of 01 January 2017.

13. The working conditions of child protection guardians is considerably improved by the nearly HUF 1 billion resource provided by the priority project EFOP-2.2.4-VEKOP-16 “The improvement of the infrastructural conditions of areal child protection competence duties”.

14. The efficiency increase of the child protection guardianship is supported by the previously approved amendment of the Child Protection Act, according to which from 01 January 2020, out of the 30 minors, who can be simultaneously represented by the child protection guardian, children with special and double need are considered as two persons. This will gradually decrease the case number of child protection guardians, therefore they will have more time for their guarded children. As a result of the amendment of the case number calculation rule, switching guardians is not possible, which also ensures the child’s right for permanency. Every child raised in special child protection services has a legal representative in the form of a child protection guardian, regardless of the place of guardianship. The act clearly defines cases in which the guardianship office has to appoint a child protection guardian for the child.

Reply to paragraph 4 of the list of issues prior to reporting

15. Considering the final observations regarding the third, fourth and fifth combined periodic report no. CRC/C/HUN/CO/3-5 on Hungary, passed on the 67th session (01–19 September 2014) of the Committee on the Rights of the Child, the Government created the *National Crime Prevention Strategy for 2014–2020*, which took the Hungarian and international situations, and also the forecasted trends into account, and specified legislation, organisation development, education, mindset and awareness-raising tasks for 10 years, as well as the promotion opportunities for the necessary united social action in the field of crime prevention.

16. Key areas of intervention of the National Crime Prevention Strategy:

- (a) The objectives to be pursued in order to increase the security of towns and cities;
- (b) Child and youth protection objectives;
- (c) The objectives of preventing and assisting victims, and
- (d) Objectives necessary to prevent reoffending.

17. The objectives set out in the Strategy will be accomplished by carrying out the tasks set out in the 2-year action plans

Reply to paragraph 5 of the list of issues prior to reporting

18. In order to promote methodological and competence development system in the social area, as well as to reinforce cooperation with the representatives of the profession, the Government founded the Social Policy Council, which provides a proposal making, assessment and counselling activity for the Government, and the Minister of Social and Pension Politics.

19. The National Professional College of Child Welfare and Child Protection Services (hereinafter: College) is one of the seven specialised colleges supporting the work of the Social Policy Council. The College is a 12-member body established to support the methodological and competence development system, as well as to reinforce cooperation with the representatives of the profession, which consists of competent members engaged in various fields of child protection. It is responsible for representing the child protection profession in public political discussions, and the professional aspects of child protection in

different levels of public political (specialty competence policy and profession policy) decision processes. The College held its inaugural meeting on 22 September 2016.

20. The College has a prominent role in:

- Providing expert opinion on concepts, strategies and proposals;
- Wording and preparing proposals related to the creation and amendment of legislation;
- Preparation and implementation of various competence development tools;
- Initiating professional improvements and innovative programmes;
- Initiating professional discussions;
- Providing expert opinion on competence development principles and methodological recommendations;
- Providing expert opinion on proposals concerning sectoral career models and continuing education.

Reply to paragraph 6 of the list of issues prior to reporting

21. The following variables are included in all social data collection of Hungarian Central Statistical Office (hereinafter: HCSO)

- Sex.
- Age.
- Geographic location.
- Educational attainment.
- Economic activity.
- Ethnicity (from 2014).

22. In accordance with recommendations on 8/b point of a CRC/C/HUN/CO/3-5 doc the HCSO introduced an ethnic marker, based on self-identification, into household surveys in 2014 based on census 2011 methodology.

23. In response to the demands of researchers and the public administration, in 2013, the HCSO decided to introduce an ethnic marker, based on self-identification, into household surveys using census 2011 methodology. It aimed at overcoming two challenges related to data on ethnicity:

- Social surveys carried out by the Statistical Office were not designed to focus on specific subgroups of the population, such as Roma people. Therefore, ethnicity was not included as a social core variable;
- Due to the limited sample size, its surveys did not allow for disaggregation of the data by ethnicity and other criteria, such as sex or education.

24. The ethnic marker was introduced to counteract these constraints.

25. The methodology is based on the ethnicity data collection of the census which was the result of extensive consultations of the CSO with national minority self-governments, the Office of the Commissioner of Fundamental Rights, governmental bodies and academic institutes.

26. These consultations focused on methodological issues such as the design of the questionnaire, the wording of questions, how to allow capture data on multiple national/ethnic identity and data protection.

27. The introduction of the ethnic marker further allows the HCSO to develop and run thematic survey modules on personal experiences of discrimination. An example of such modules is the one regarding discrimination in the household surveys, which includes

discrimination on the grounds of ethnicity and includes differences in outcomes between Roma/Non Roma people.

28. The Hungarian Central Statistical Office collects data in accordance with the national legislation regarding the collection and management of data on ethnicity. Respondents answering survey or census questions regarding their ethnicity can do so anonymously, voluntarily and based on self-identification.

- The addition of the ethnic marker introduces the dimension of ethnicity into the data analysis carried out by the Hungarian Central Statistical Office and other data analysts;
- Several reports have made use of the ethnic markers since its introduction. Examples include, the 2016 report of the Labour Force Survey (link is external) (data also available in English (link is external)), and other surveys such as the European Union Statistics on Income and Living Conditions (EU-SILC), the Adult Education Survey (AES), and the European Health Interview Survey (EHIS).

Reply to paragraph 7 of the list of issues prior to reporting

29. The mandate of the Commissioner for Fundamental Rights is based on Article 1, paragraph (1)–(2) of Act CXI of 2011 on the commissioner for fundamental rights. The commissioner for fundamental rights shall, during their activities pay differentiated attention to the protection of children’s rights. From 01 January 2014, the Commissioner for Fundamental Rights Bureau’s duties related to the protection of children’s rights are fulfilled with the support of the Children’s Rights Unit of the Department of Equal Opportunities and Children’s Rights without an additional human resources or financial resource. In addition to investigating complaints and carrying out examinations ex officio, the tasks of the Children’s Rights Department extend to editing the children’s rights website and Facebook page as part of proactive child protection, attending conferences and workshops in Hungary and abroad, providing information to the European Network of Ombudspersons for Children’s’ Rights and other international bodies, and the comprehensive monitoring of children’s’ rights.

Reply to paragraph 8 of the list of issues prior to reporting

30. Regarding child protection specialised service, education in penitentiary institutions and the provision of disadvantaged children between 21 and 42 civilian organisations were supported on a yearly basis between 2015 and 2018 in the amount of HUF 74–138 million from chapter level appropriations.

31. The subsidised programmes on one hand are innovative programmes, recreational, cultural and sports events targeting personal development and social skill development for children and juveniles raised in child protection specialised care units, as well as the students of penitentiary institutions, and on the other hand are conferences, self-knowledge and skill development programmes for professionals, mental-hygienic support and various professional publications prepared in the topic of child protection.

32. Between 2015 and 2018 four, cross-border Hungarian civil organisations were supported, and the programmes reached children in Transylvania and in the Carpathian region in need of support in the total value of HUF 31.2 million.

33. The preparations for the Strategic partnership agreement commenced in 2018 with the Foundation ÁGOTA. According to the agreement the Parties – considering Government decree no. 94/2018. (22. V.) on the scope of responsibility and competence of the members of Government – cooperate in the preparation, modification and review of legal provisions related to the following topics: child protection policy, children’s rights, and services concerning children and young adults. The agreement was signed on 18 March 2019.

34. Numerous civilian organisations provided help in the provision of children and juveniles accommodated in the Károlyi István Children's Centre of Unaccompanied Minors during the period of the report.

35. In 2018 the UNICEF Hungarian Committee Foundation received HUF 10 million for its "Outlook Programme" targeting children raised in children's homes, and the expansion and further support for the programme are also planned.

Reply to paragraph 9 of the list of issues prior to reporting

36. Based on Hungarian law, major men and women (at least 18 years of age) may enter into a marriage. Minors with limited legal competence over the age of 16 may marry in exceptional cases with the preliminary authorization by the guardian authority. Prior to making a decision, the guardian authority holds a hearing for the people, who wish to marry, the legal representative of minor, who wish to marry, and prepares an environmental study at the common future residence of the parties to be married. The guardian authority gives authorization if the marriage is in the interest of the minor, and he/she submitted the application at his/her own will, without any influence. With the wedding the minor becomes a major (of full age). The full age status secured by the wedding is not impacted by the termination of marriage, however, should the court declare the marriage void, the full age status secured by the marriage ceases. From a criminal law aspect the person becoming of full age with the wedding is still considered as a minor up until he/she turns 18 years old.

Reply to paragraph 10 of the list of issues prior to reporting

37. In Hungary neither the Act C of 2012 on the Criminal Code (hereinafter: Criminal Code) nor the CPC contains expressis verbis such provisions that render a discriminatory act sanctionable by criminal law. If a person or a group who suffer a disadvantage due to unequal treatment, they can apply to the Equal Treatment Authority (hereinafter: ETA), which is an autonomous state body. The ETA was set up under Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereinafter the Ebktv. following the Hungarian abbreviation).

38. The authority has the competence to investigate complaints in which parents allege that their children with special educational needs (e. g. autistic children or children with other types of disabilities) do not receive the special treatment or the additional service/care prescribed by the responsible and competent expert committee specialised in issues concerning children with special educational needs.

39. Furthermore, it has competence to investigate such incidents, where the access to education for the handicapped child is not provided due to the failure to fulfil the barrier-free access obligation, or complaints regarding the school segregation of Roma children. Pursuant to the above we should mention, that Section 28 of the Ebktv. was amended on Paragraph 28 Based on the amended and currently effective text of Section (2) of Paragraph 28 it does not violate the requirement of equal treatment if based on the parents' initiative and voluntary selection the public education institution organises such education based on religion or other philosophical conviction, the objective or curriculum of which justifies the establishment of segregated classes or groups; provided, that the students do not suffer any disadvantage due to this, furthermore, if the education complies with the requirements approved and specified and also supported by the government. Having regard to the fact that during the past years numerous parents turned to the Authority because of discrimination that their children experienced in the context of education and kindergarten care and as a result, the Authority has an extensive law enforcement activity in this field, the Authority gathered its experience in a publication called 'EBH-booklets 4'. This booklet published at the end of 2017 can be reached via the following link in Hungarian: <https://www.egyenlobanasmod.hu/sites/default/files/2018-02/EBH%204%20HUN%20web.pdf> and can be downloaded also in English clicking the following link:

<https://www.egyenlobanasmod.hu/sites/default/files/kiadvany/EBH%204%20ENG%20web.pdf>.

40. It is a fundamental requirement in a state based on law and order that criminal law can only be used as a last resort (the principle of ultima ratio). The most common areas where decimation usually takes place are employment, social security, health, housing, education, distribution of goods and services. These areas are governed by sectoral legislation, and in cases of discrimination in these areas, the affected person or group can contact the ETA.

41. However, taking into account every aspect of the specific case, an act, which had been carried out due to the protected characteristics of the affected person for the purpose or effect of creating an intimidating, hostile, degrading or offensive environment may necessitate the protection granted by criminal law, thus, such act may be classified as the criminal offence of violence against a member of a community (section 216 of the Criminal Code) or incitement to hatred (section 332 of the Criminal Code). Regarding these crimes, the Criminal Code names not only the national, ethnic, racial or religious groups but it expressis verbis mentions among the other groups of population groups based on sexual orientation, sexual identity and disability.

42. The criminal legislation only allows measures that result in positive discrimination, especially regarding children in order to ensure that the best interests of the child are respected. Such measures can be the possibility or obligation to declare the child victim or perpetrator a person requiring special treatment, as well as, in case of deprivation of liberty, to accommodate girls and boys separately, furthermore, to group and accommodate children according to age, health status or individual educational requirements separately.

43. Act CXC of 2011 on National Public Education (hereinafter: Public Education Act) and the Ebktv. expressly prohibit segregation; any discriminatory actions taken by schools or their operators are to be considered unlawful. Pursuant to the interpretation and the realization of the prohibition in practice however, the European Commission expressed its concerns, considering which the Hungarian Parliament amended both acts on 13 June 2017. The amendment entered into force on 01 July 2017.

44. Pursuant to the amendment of the Ebktv. and the Public Education Act, the guarantees preventing segregation were reinforced: according to the amendment, education is lawful only if it satisfies all the requirements of education based on religious faith and all the requirements of nationality education at the same time, therefore students take part in that – based on their free and uninfluenced choice – based on religion and nationality. The amendment aims to provide stronger guarantees than before to prevent the unlawful segregation of disadvantaged children, including Roma children.

45. The nationality education policy also contains extra requirements to ensure the equivalence in quality of the nationality education that is provided to Roma pupils. (1. III. EMMI decree) also: With this amendment, parents may make a voluntary decision as whether to request to take part in nationality education, where the related process of choice is built on the parents' full-scope and unbiased preliminary information.

46. The regulation that came into effect in April 2018 (Government decree 229/2012. (30. VIII) integrated stronger guarantee by specifying the mandatory review of the public education equal opportunity plans on an at least 3-yearly basis – this regular review was not a requirement before. This measure serves the improvement of inclusive education, within that it also supports the planning, monitoring and evaluation of tasks to be performed by the cooperating partners. For the review of the equal opportunity plans the project running until 2020 EFOP-3.1.5-16-2016-00001 titled "Supporting of institutions jeopardised by student drop-out" provides methodological support.

47. In the framework of public institution maintenance education regions anti-segregation working groups were founded in 2017 with competence in reflection, counselling and proposing. The task of the working groups is to follow up on de-segregation processes, to create a signalling system, and also to provide proposals regarding measures required for the efficient de-segregation activity.

48. The Supreme Prosecution Office issued the guidelines for lower court prosecutors' offices in 2019 for the sake of more efficient action against hate-crimes, as well as the unification of law application.

49. Pursuant to this, the hate-crime category includes a much wider scope of crimes, than what is specifically defined in the Criminal Code, the most extreme forms of nationality, ethnic, racial, religious, or other discrimination ordered to be punished as sui generis crime against a member of the community, or instigation against the community. All acts of crimes, which are committed by vile motives are to be considered as hate-crimes, however, vile motives based on the above is specifically a prejudicial motive.

Reply to paragraph 11 of the list of issues prior to reporting

50. Among the provisions on persons requiring special treatment, section 87 (1) c) declares that the court, the prosecutor and the investigating authority shall ensure the effective exercise of the rights provided by the Fundamental Law of Hungary, the Convention on the Rights of the Child, the Child Protection Act and Social Services and other laws during any procedural act requiring the participation of a person under the age of 18 years.

51. According to section 82 a) of the CPC, the victim and the witness who has not reached the age of 18 shall be regarded as persons requiring special treatment without the decision of the authorities, that is to say, by virtue of the law.

52. The opportunity of applying tools of humane or protective nature for the benefit of persons requiring special treatment is guaranteed by law based on the principles of necessity and proportionality, which practically means that certain measures can be applied, if it is justified (necessary) and in a degree and form (proportionality), which adapts to the personal characteristics of the victim or witness, or constitutes the subject of the proceedings.

53. Among the extraordinary rules of measures belonging to the scope of special treatment, the law mentions the special rules regarding persons under 18 and 14. In case of procedural acts requiring the participation of a person under 18, the court, the prosecutor and investigating authority prepares video and voice recording if possible and may order the presence of the judicial psychologist expert at the procedural act; also ensures the efficient enforcement of children's rights in connection with the criminal proceedings. The testimony of a witness under 18 cannot be examined by instrumental testimony verification, and his/her confrontation may only be ordered by his/her consent.

54. By the mandatory legal provision the authorities acting during criminal proceedings shall primarily consider the best interest of the child in the criminal proceedings impacting persons under 18 and in making decisions.

55. In their recommendation no. 24 regarding the consideration of the child's standpoint contained in the final observations, the Commission proposes that the concerned state shall take all necessary measures to ensure, that concerning decisions impacting them, all children have hearings regardless of their age. Also adding, that the child's standpoint shall be taken into account with due gravity based on his/her age and maturity level (in the framework of individual judgement). Therefore, the Commission makes a proposal for setting up a two-tier system, in which the court can hold hearings for the children involved in the case without any kind of preliminary deliberation, and only after that shall make a decision whether to take the child's declaration obtained this way into account, considering his/her age and maturity level. The application of this method however would only seemingly serve the child's best interest better compared to the current national practice.

56. The right for the hearing – as it was raised by the guideline of the Committee of Ministers of the Council of Europe on child-friendly jurisdiction – is the right and not obligation of the child. Consequently, it shall provide the opportunity for the children to express their opinion; to make it mandatory and forced would be against their interest. The court hearing for children – either directly, or indirectly via a judicial expert, despite of any caring and humaneness – means a serious emotional burden, studiously applicable to

smaller children. Considering the elevated sensitivity and vulnerability of children, the legislature and the court, as a law enforcement authority enforces the child's best interest, if it creates a balance between the right of children to express their opinion and to hold hearings and their right for protection.

57. Pursuant to the hearing and expressing of opinion, the child's best interest is not the pure fact of personal hearing, but that the court obtains substantive information about his/her opinion without the child having to suffer more trauma than absolutely necessary. Consequently, the court shall contemplate the advantages and disadvantages related to the child's hearing case-by-case, and the hearing shall only be ordered in a justified case.

58. As a result of the national legal regulation aligned with section 12 of the Convention on the Rights of the Child, in accordance with the opinion of the entity, the court shall consider the hearing of the child justified regardless of age, if it is absolutely necessary for making a decision.

59. The recent practice of the Curia has substantially shifted towards the method contained in the recommendation of the Convention: it elaborated in decisions made in several individual cases, that only due to his/her age the hearing of the child shall not be skipped; in case there is no lawsuit information about the child's maturity level, a decision regarding whether he/she is capable of making a judgement after the hearing in all cases (BH 2010.123., EBH 2011.2318., Pfv.II.22.039/2016.).

60. During the examined period in the field of education we must mention three modifications concerning students' rights listed in the sectoral law. From September 2014, the requirement for protection against internet contents was integrated into law. In accordance with paragraph 46, section (5) point c) of the Act from September 2014 the students' right to receive moral, physical and cognitive development promoting protection while accessing the internet on computers provided by the public education institution was specified. The regulation created the legal framework for action against internet-related hazards for children.

61. The limitations for disciplinary penalties that can be levied against students came into effect from September 2016, which exclude the initiation of disciplinary penalties against students under 10, considering their underdeveloped acceptance ability. In case of students under 10 the arising behavioural problem can only be managed by pedagogical, and if necessary child protection and guardianship tools. Additionally, interdicting against students who must attend school; penalty shall not be given in the concerned school from the continuation of the academic year.

62. During the examined period the concept of temporary nursery legal status and temporary guest student legal status was introduced from September 2016 in public education. The background for the amendment of the regulation was the modified child protection regulation. In this context, if the child or student is accommodated in a crisis centre, or a secret asylum based on the Child Protection Act, for the duration of accommodation based on the initiative of the institution coordinating the placement in the crisis centre or asylum at its registered seat, or in lack of that the one at the nearest locality to the registered seat shall establish temporary kindergarten legal status, or temporary guest student status for the nursing of the child, or the continuing education of the student.

63. Objectives of our development strategy in conjunction with the integrated education of children and students with special needs and handicap.

64. Developing the Special Educational Needs service providing system (hereinafter: SEN).

- Reinforcement of integrated education in elementary schools;
- Developing and supporting the education of children with severe and with multiple disabilities;
- Developing the pedagogical assistance network;
- Improving quality-based education and nursing for early childhood;

- Spreading and practising career building, continuing education, career counselling system and individual learning programmes.

65. In order to achieve these objectives we published three tender projects in 2017 for the public education institutions. The currently prepared reforms and development targets place accentuated emphasis on the establishment of integrated education and the conditions of education in the highest possible number of institutions.

66. Kindergarten used to be optional from the age of three and compulsory from the age of five. However, Act CXC of 2011 on National Public Education made it compulsory from the age of three from September 2015. This modification aims to support school success, especially for children from socially disadvantaged families. It can contribute to closing performance gaps between learners from disadvantaged and more favourable backgrounds. This measure allows for the identification of any special needs, providing a solution for families and children in need. Early childhood education is compulsory between the ages of three and six.

67. Provision for children with severe and multiple disabilities, i.e. in the field of developing nursing-education the new Public Education Act introduced structural changes. With the view to renew professional provision and to create a comprehensive situational picture an inter-sectoral working group was founded in January 2015 with the representation of professional organisations and several State Secretariats and background institutions of the Ministry of Human Resources (hereinafter: EMMI). Two projects were prepared based on the activity of the working group. The two projects concern three target groups: the developing nursing-education of children with severe and multiple disabilities, network for mobile special education teachers and mobile conductors, but the mandatory element is the developing nursing-education of children with severe and multiple disabilities.

68. Measures promoting the access of Roma students to quality, inclusive education:

69. The European Commission launched infringement proceedings on 27 May 2016 with reference to the violation of the Racial principle (2000/43/EK). According to the standpoint of the Commission, due to the problems of legal regulation and law enforcement the opportunity for Roma children to be segregated from majority education is enabled in Hungary. The relevant legal provisions were amended to comply with the principle.

70. The required amendment came into effect on 01 July 2017: Act XCVI of 2017 on the amendment of the Ebktv. and the Public Education Act. Pursuant to the amendment, education is lawful only if it satisfies all the requirements of education based on religious faith and all the requirements of nationality education at the same time, therefore students take part in that – based on their free and uninfluenced choice – separated by religion and nationality.

71. In accordance with the undertaken commitments by Hungary, the accepted law amendments ensure that the provisions of law are aligned with the international legal requirements.

72. In connection with law enforcement decree 17/2013 (1. III) of the EMMI on the principle of nationality kindergarten nursing and nationality school education was also amended and came into effect on 4 October 2017. With this amendment, parents may make a voluntary decision as whether to request to take part in nationality education, where the related process of choice is built on the parents' full-scope and unbiased preliminary information. The amendment might contribute to making the application for the organisation of nationality nursing-education and participation in that based on a conscious identity selection.

73. The regulation that came into effect in April 2018 (Government decree 229/2012. (30. VIII) integrated stronger guarantee by specifying the mandatory review of the public education equal opportunity plans on an at least 3-yearly basis. This measure serves the improvement of inclusive education, within that it also supports the planning, monitoring and evaluation of tasks to be performed by the cooperating partners. For the review of the equal opportunity plans the project running until 2020 EFOP-3.1.5-16-2016-00001 titled

“Supporting of institutions jeopardised by student drop-out” provides methodological support.

74. In the framework of public institution maintenance education regions anti-segregation working groups were founded in 2017 with competence in reflection, counselling and proposing. The task of the working groups is to follow up on de-segregation processes, to create a signalling system, and also to provide proposals regarding measures required for the efficient de-segregation activity.

Reply to paragraph 12 of the list of issues prior to reporting

75. The right to express one’s opinion, as a human right entitled to all is stipulated by the Fundamental Law regardless of age.

76. In Hungary the children’s right to express their opinion and to have a hearing is guaranteed by Act V of 2013 on the Civil Code (hereinafter: Civil Code) Certain provisions of its Family Law code and the Child Protection Act also specify, that the children shall be provided a hearing regarding all questions concerning their person and assets directly, or by other means, and their opinion shall be taken into consideration based on their health condition and maturity level, and it shall be ensured that they can make a complaint in cases concerning them and initiate proceedings if their fundamental rights are infringed.

77. As per Paragraph 128 section (1) of the Guardianship Act children with limited ability to act (beyond the age of 14) shall be provided a hearing in guardianship proceedings, as well as children with legally limited competence, who are capable of making a judgement (under 14).

78. Should a guardian be ordered for the child, because he/she is not under parental supervision, the guardian authority shall consider the opinion of the minor child capable of making a judgement in the ordering of a guardian – based on his/her age and maturity level – with proper weighing. A person may not be ordered to be the guardian of a child over 14, who the child is specifically objecting against with sound reason [Criminal Code Paragraph 4:128].

79. Based on the enforcement provision specifying the procedural rules of the Guardianship Act (Government decree 149/1997 (10.IX) on Child protection and guardianship proceedings (hereinafter: Child protection decree) Paragraph 11 Section (2) the guardian authority shall hold a hearing of the child in questions concerning him/her directly, or by other means, especially via the family and child welfare service, and an entity or person having specialised competence for it.

80. The acting entity is responsible for examining the child’s ability of making a judgement, and decide when the personal involvement and hearing of the child is justified during the proceedings, and also when the opinion of the child should be inquired by a required psychologist expert.

81. The guardian authority shall not skip the direct hearing of the child, if the child capable of making a judgement specifically asks for it. In the guardianship proceedings the decision is ungrounded, if the guardian authority did not facilitate the hearing of the child during its preparation phase.

82. The scope of the Guardianship Act and its procedural order – unless the international contract disposes differently – includes settled or migrated children in the territory of Hungary, have admitted legal status, further, children, young adults and their parents recognized as refugees, protected and homeless by the Hungarian authorities, also those foreign children under 18, who submitted asylum application – who entered the territory of Hungary unaccompanied by a major person responsible for their supervision, or were left unattended after entry until they get under the supervision under such person – provided that the minor status of the concerned child was established by the Asylum Authority.

83. The scope of the act does not include minors without accompanying persons over 14 but under 18 during a crisis caused by mass immigration.

84. In regards to children removed from their family and taken into nursing by the decision of the guardian authority (placed at foster parents or children's homes) the Guardianship Act separately highlights the right to express opinion, have a hearing and information.

85. In case of children's homes replacement projects realized from the construction resource of the EFOP-2.1.1-16 and VEKOP-6.3.1-16 tenders titled "The replacement and modernization of children's homes and the creation of missing of children's home capacities" the mandatory activity is the programme preparing the concerned children for change, which enables the children to express their opinions in an informed and prepared way during the proceedings targeting the changing of their place of provided care.

86. The children's rights representative is a decisive factor from the aspect of enforcing and protecting children's rights. The children's rights representative provides for the protection of the rights of children in child protection care, as specified by law, and helps the children to become familiar with their rights and how to enforce them, as well as their obligations and how to fulfil those. He/she pays elevated attention to children living in child protection specialised care, showing special (under 3 and/or permanently ill and disabled) and/or special needs (severe mental illness symptoms, severe dissocial symptoms, using psycho-active drugs), as well as children with dual needs. He/she monitors the child protection-related activities in kindergartens, schools, boarding schools and the specialised pedagogical service, and facilitates the enforcement of the rights of the child. The children's rights representative is a member of the child protection detection and signalling system, therefore he/she is obligated to make the necessary notifications if the child is jeopardised or abused.

87. The activity of children's rights representatives was impacted by several amendments from 01 January 2018. During the suitability examination of the leader of the child protection institution and the penitentiary institution, the professional opinion of the children's rights representative should also be taken into account. In order to elevate the safety of children, the Child Protection Act specifies regarding the promotion of the activity of the children's rights representative from 01 January 2018, that the place of nursing of the child taken into care (children's home, foster parent) shall ensure that the children's rights representative and the child protection guardian can meet and talk to the child in private at the time specified by them. During the period of reporting the number of children's rights representatives rose by 30%.

88. The main tasks of the children's rights representatives defined by law include raising awareness of children's rights and obligations. For this purpose the Integrated Rights Protection Service announced a large-scale event series in the recent years, in the framework of which the "Gyere-K-épbe" Children's Rights Roadshow series of events lasting for 5 years now was organised. It aims at expanding awareness about children's rights and also the children's rights representatives.

89. In the framework of the programme full-day colourful children's rights informational and professional programmes awaited the concerned children, their accompanying persons, foster parents and the employees of children's home at 8 regional locations on a yearly basis. Some 11,000 children took part in the programmes over the last 5 years.

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90. In accordance with paragraph 48, of the Public Education Act, in accordance with the policy, the students of the school/dormitory may found student circles, the establishment and operation of which is supported by the educational board. The student circles may decide – by listening to the educational board – about organising their own social life and electing their officers, and are also entitled to represent themselves in the student council (hereinafter: Student council). Students and student circles may create student councils to represent students' interests.

91. The teacher with higher teacher qualification nominated for this task by the head of the institution on the basis of the student council proposer for a period of five years shall support the work of the student council.

92. The organisational and operational rules of the Student council shall be accepted by the students' community electing the council and shall be approved by the educational board. The school director is responsible for proper cooperation with the Student councils. The Operator takes care of the operational conditions of the Student council. The Student council may form an opinion and make a proposal on any issues concerning the operation of the higher education institution or students.

93. One of the key roles of the Student council is to advocate the interests of students. It cannot only do so inside the school, but may also convey the students' opinion to the institutions involved in the management of the education sector.

94. The government ensures the opportunity for students to manage their cases in the framework of the National Student Parliament. The National Student Parliament established the National Student Council.

95. The Digital Child Protection Strategy of Hungary was approved in 2016 with Government decree 1488/2016 (2. IX). The key objective of the Digital Child Protection Strategy (hereinafter: DCPS) is to support conscious, value-creating internet usage, to develop conscious media usage and also to accentuate the enforcement of rules and measures serving the protection of children and the rights relating to personality.

96. The Government of Hungary has made numerous measures over the recent years, which can directly or indirectly facilitate the children's access to actual and authentic information and study materials.

97. The National Public Education Portal (hereinafter: NPE), which is freely accessible for all children was launched in the autumn of 2015 as a result of the cooperation between the Education Research and Development Institute and Microsoft Hungary Ltd. Thanks to the several thousand interactive exercises, animations and short movies, the NPE increases fairness of the public education system, and at the same time creates modern opportunities for supporting school and at-home learning. The usage of the portal does not require any special IKT device or the installation of a supplementary software. The contents on the NPE platform can be viewed on desktop and portable computers, digital boards, as well as mobile devices, therefore they can provide effective help in spreading the m-learning methodology supported by mobile technology. The new generation study tools developed in the framework of state study book development are available in their full content and at free of charge on the NPE.

98. In order for the students to access the modern digital contents, the Government executed a large-scale infrastructure development and device extension programme in the recent years. In the framework of this broad-band internet connection and internal WiFi-network was installed in schools, furthermore, a total of 60,000 IKT devices (laptops, tablets, interactive display devices) were distributed for teachers and students.

99. The Hungarian Media Act contains detailed regulations on the age rating requirements for the protection of minors. The law defines the principles, criteria, and conditions for classifying into six categories based on how much the children may influence the mental and moral development of their children by age. The programs showing violence are only broadcast after 21 and 22 hours. The classification is done by the media service providers that provide linear media services themselves. The Media Authority publishes a recommendation to assist in the practical application of the regulation.

100. An on-demand media service requires an effective technical solution to prevent children from accessing violent or fearful programmes.

101. The Media Act defines public service media service objectives to meet the specific needs of groups that are severely disadvantaged due to their age, physical, mental or psychological status, social conditions, and people with disabilities. Based on this, the public service media service provider is obliged to provide informative programs for

children as well. The Hungarian Television's M2 channel also broadcasts a children's newsprogrammes every weekday afternoon on topics of interest to them.

102. The Media Council has official supervision over compliance with child protection standards.

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103. The Police have launched a number of crime prevention programs in cooperation with public education institutions. Programs are only available at public educational institutions that initiate this and provide the necessary training conditions, and have signed a cooperation agreement. The trainers will be trained for teaching tasks after special selection.

104. According to section 79 (1), the criminal proceedings shall be conducted out of turn if the victim or the defendant is under the age of 18.

105. Since 21 December 2014, every criminal offence listed under Chapter XIX of the Criminal Code on criminal offences against the freedom of sexual life and sexual morality, which is punishable by 5 or more years of imprisonment, shall not have a statute of limitation if the victim of the criminal offence has not reached the age of 18 years at the time the crime was committed. [section 26 (3) c)].

106. According to the Criminal Code, the main rule is still that the sanction must be determined within the minimum and maximum limit of penalty while taking into consideration every mitigating and aggravating circumstance of the case.

107. The Criminal Code renders several criminal offence punishable gradually more severely, if it is committed against a child under the age of 18, 14 or 12. Such crimes include especially sexual offences, and also criminal offences that can be committed against children including, for example, child labour or endangering a minor.

108. With its effective date of 15 March 2014, the Child Protection Act on confidential data management provides a guarantee, under which the data of the institute or person reporting a case of child harassment or neglect to the guardianship authority must be managed confidentially even without a request to that effect. The Child Protection Act also extended the scope of children's rights by children having the right to make sure that the experts acting in their protection, in particular with a view to identifying and eradicating child abuse, apply common principles and a single methodology. "Sector-neutral, uniform principles and methodology for the detection and correction of child abuse" authorized by the Minister on Human Resources (hereinafter: Methodology Guide) was prepared by the Directorate-General for Social Affairs and Child Protection (hereinafter: SACP) with the collaboration of the portfolio's specialised departments. The application of the Methodology Guide was also appreciated by the Commissioner for Fundamental Rights as a solution reinforcing children's rights.

109. From 01 January 2018 the cases of child abuse in special child protection institutes and correctional institutes shall, in the future, be investigated and treated in adherence to the institutional, operational and sectoral methodology approved by the Minister, which shall be published on the Ministry's website.

110. The professional regulation material titled "Institutional, operational and sectoral methodology for the investigation and management of cases of child and young adult abuse in special child protection institutes, foster parent networks and correctional institutes (hereinafter: Methodology). The contents of the Methodology shall be mandatorily applied from 01 July 2018 onwards in all child protection specialised institutions and correctional institutes, regardless of the form of care and the operator. The implementation and application of the Methodology enables the institutions to act similarly and with mandatory effect in the child protection specialised institutions and correctional institutes in all child abuse cases. From the application of the Methodology we expect, that based on the result of completed investigations, the latency of abuse cases will decrease, and the abuse prevention ability and portfolio of the hosting facilities will improve.

111. Based on this Methodology the Child Protection and Guardianship Department of the EMMI received notification about 250 abuse cases or a suspicion of it between 01 July 2018 and 31 December 2018.

112. Effective as of 01 January 2018 the Child Protection Act also specifies, that the appointer may request an expert opinion from the appointee's former employer or from any person or body that pursued legal protection related tasks at the designated person's former workplace regarding the termination of the employment relationship of the concerned person related to the completion of professional duties. In the case of repeated managerial appointment, the competent entity, in exercise of the employer's rights, shall request an expert opinion from the advocate of children rights, from the guardians responsible for the protection of the child, the advocacy forum and the board of educators. The employer shall also be informed about the findings of the audits that were carried out by the government office, the ombudsman or the public prosecutor's office in the said institution.

113. Besides undergoing an assessment process concerning his or her fitness to become a foster parent, in the framework of the examination of his or her professional suitability, the prospective foster parent shall also specify in a statement his or her previous legal relationship, with another operator, as a foster parent, professional foster parent or an employed foster parent. Based on this statement and in order to establish the suitability of the foster parent, the operator shall request expert opinion from his/her previous operator concerning the fulfilment of the foster parent's professional duties and the termination of legal relationship.

114. At the end of 2018 a decision was made, that from 01 January 2019 on the scope of tasks of territorial child protection services include the investigation and therapy service for neglected and abused children, primarily the sexually abused ones and also – upon the request of an official entity –, the service facilitating the hearing of the concerned children based on the so-called Barnahus-model. It aims at safeguarding and protecting the children victims of sexual abuse from the re-traumatization impact of the multiple hearings during the proofing and criminal proceedings, as well as the protection of children from other, severely traumatizing factors during the proceedings (e.g.: confrontation with the abuser, frustration caused by a not child-friendly hearing, or an incompetent interrogator). The key objective of the model is to make sure, that it is not the proofing and criminal law aspects that primarily dominate in child abuse proceedings, but the consideration of the child's best interest. Based on the request of authorities, the new service can also be utilized by children living in families or child protection care units. (See para. 261).

115. Offenders who infringe minors (under 18) in their freedom of sexual behaviour and commit sexual violence against them shall be definitively banned from pursuing any profession or activity in the framework of which they could, in any form, be responsible for the education, supervision, nurturing, or medical treatment of any child or would be in contact with any such person in an authoritative or other influential way. The suspension shall be definitive in order to ensure the children's proper protection, with due regard to the gravity of the offence. The aggravation was introduced as of 01 December 2017 in the Criminal Code. The permanent prohibition from employment elevates the intention for deterrence, as well as the exposed children, and the ones unable to defend themselves.

116. By guaranteeing the children's right to live, the placement of newborn babies in incubators creates an opportunity for them to live under safe circumstances until it is decided, whether they can be adopted. The parent has an opportunity until the child is six weeks old to expose him/herself and commit to the upbringing of the child, or facilitate it within the family.

117. The placement of newborn babies in incubators is only the last resort, the child protection and family support system also provides other system-level solutions, hence why it only happens in very few cases. However, in the 3–8 cases per year it protects children from being abandoned, ultimately from losing their lives. In 2015: 13 children, in 2016: 6 children, and in 2017: 5 children were placed into baby rescue incubators.

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118. Any form of corporal punishment in educational institutions is prohibited. The teacher or educator, who uses any physical punishment, commits a serious criminal offence. In such case, the perpetrator will be punished for the commission of assault in the proceedings of a person performing public duties (section 302) instead of battery, since the former one is punishable more severely. Taking into account every aspect of the case, the perpetrator may be even responsible for the criminal offence of endangering a minor (section 208), since this criminal offence can only be committed by persons responsible for providing education, supervision or care to a minor; and persons working with children in institutions, associations or social organisation responsible for the education and care of minors perform similar duties even it is bestowed upon them under laws on employment or public service.

119. In line with the contents of the Fundamental Law, the personality, human dignity and rights of children shall be respected, and protection shall be provided for them against physical and mental violence based on the public education law. During the nursing-educating work in school the teachers shall contemplate, which pedagogical method to apply in difficult pedagogical situations to discipline the concerned student. This choice has legal boundaries in all cases, as under no circumstances can tools be applied, by which the teacher would violate the human dignity and physical integrity rights of children.

120. The Criminal Code states, that the person, who is obligated to educate, supervise and nurse minors, who severely breaches the obligation derived from this duty and jeopardises the minor's physical, intellectual, moral or emotional development, shall be punished by imprisonment between 01 to 5 years for this crime.

121. Based on the decision of the Supreme Court, the teacher shall not apply corporal punishment to the child assigned to his/her care; in such cases the disciplinary offence committed by the teacher is of such gravity, that even the most severe disciplinary punishment can be proportionate. Should the committal of corporal punishment gain evidence, the operator and the Office of the Education Rights Commissioner can be contacted. Corporal punishment results in the initiation of disciplinary proceedings in all cases, and also fulfils the committal of crime. In case the offence committed by the teacher is very severe, the disciplinary punishment is also the most severe one, the final result of which may be the dismissal of the teacher. On top of the disciplinary proceedings even criminal law proceedings may be launched against the teacher, should his/her offence justify it. According to the Criminal Code persons putting another person(s)'s life, physical integrity, or health under direct risk due to negligence, or cause bodily harm, may even be punished by one year of imprisonment. Persons committing physical assault during their public duty, shall be punished by imprisonment between 1–5 years due to committing a crime, therefore those teachers as well, who assault children in schools.

122. The Act on national public education enables public education institutions to turn to alternative methods and sanctions to control the offenders, i.e. to rely on problem solving alternatives that wish to settle the offences inside the community, through the means of ownership and liability, remedy and change. The school psychologists, district nurses and other professionals providing assistance in the school may all favourably contribute to the fight against school violence, through their joint activities. In connection with the contents of Paragraph 1 section (1) of the Public Education Act, Paragraph 128 of Decree 20/2012 (31.VIII.) of the Minister of Human Capacities on the operation and name application of nursing-education institutions specifies the tasks of public education institutions in detail in regards to the health development of children and students, the organic part of which is spiritual health development as well.

123. In order to support the mental health of pedagogues, a 30-hour training titled "Mental hygienic basic level vocational training for Pedagogues (hereinafter: Pedagogue Training) in 2017 and 2018. The thematic of the programme connects the development of professional personality, the method of person-centred communication and professional cooperation, based on which the participants can learn techniques of managing various conflict situations.

124. By coordinating the Education Office the aim of ENABLE (European Network Against Bullying in Learning and Leisure Environments) is to prevent abuse in schools by emphasizing the development of social and emotional skills, and also contemporary assistance. The programme, which was fundamentally planned for secondary schools has become available to all interested pedagogues from the autumn of 2018 in the form of a 30-hour accredited vocational training.

125. For the operation of the KiVa programme a pilot programme was launched in the autumn of 2016. KiVa is a prevention and intervention programme, one component of which is a regular activity impacting all, meaning 90 minutes group activity per month. The main objective of it is to enable the victims of possible assaults and bystanders to become protectors, who reject all kinds of exclusion and harassment. The other element of the programme is the so-called intervention, which is carried out by a KiVa-team. If they become aware of an assault incident, they immediately address the case with the abuser, the victim and the witnesses separately, and perform a special engagement with them.

126. In accordance with the contents of the Hungarian Police Headquarters (ORFK) decree 23/2012.(21.XII) on the enforcement of police cooperation in sustaining order in elementary and secondary schools the duty of the policeman performing service in schools is to prevent and interrupt acts jeopardising public order and public safety, and to provide assistance and counselling for the operator. The aim of the Policeman of the School programme is to promote the safe, accident-free traffic of small students and their compliant behaviour, to expand their knowledge on the rules of the road, as well as to explore and eliminate factors jeopardising the safety of children. The school policeman keeps regular contact with the management and students of the public education institution during the academic year. In case of being invited, the policeman takes part in major events (academic year opening and closing ceremony, open hours, parents' meeting, recreational programmes, etc.). During the academic year of 2018/2019 in addition to their daily duties, 2216 school policemen serve in 2942 public education institutions.

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Family and child welfare services (Family and Child Welfare Service, Family and Child Welfare Centre)

127. In 2014, in parallel with the reorganization of the public administration system, the compulsory integration of the family support services and child welfare services was also completed. From 2015 on, family support services could only be created together with child welfare services under one single service provider. And starting from 2016, the new institution types, the Family and Child Welfare Service and the Family and Child Welfare Centre were not only associated with structural, but technical integration and the reconsideration of the tasks.

128. One of the Government's high priority objectives is the creation of opportunities, and the assurance of the children's rights to protection, as guaranteed in the Fundamental Law. The basic goal is to make sure that the children receive all the resources and services that are necessary for their physical, mental and spiritual development, and this they shall acquire in their earliest years possible. The accomplishment of this objective is enhanced by the consolidation of the child welfare services, as the first line of defence for child protection. Their strengthening is achieved through the rising number of child welfare centres and the underlying integration of child welfare services and family support.

129. The Government has quadrupled the child welfare centres by opening family and child welfare centres under the control of the municipalities in the respective district centres, whose number rose from 48 to 197 across the country. These centres are primarily aimed at the administration of tasks related to authority measures in the field of child protection care. They are responsible for keeping in touch with the guardianship authority, and shall provide special services and counselling, such as legal and psychological advice, mediation and standby contact keeping service, kindergarten and school assistance and street (residential district) social work.

Countrywide introduction of social assistance in kindergartens and schools

130. From September 2018 the comprehensive introduction of social assistance in kindergartens and schools was implemented, for which the central budget provides a resource of HUF 5.6 billion. The tasks will be accomplished by the family and child welfare centres under the operation of the district seat's municipality. Taken as obligatory duties, they shall be fulfilled in the framework of the centres' special service provision activities. The kindergarten and school social assistant is a supporting professional – working in kindergartens and schools and acting in dormitories –, who is primarily engaged in preventing jeopardy of children and students, contributing to their health development and prevention. He/she professionally supports the detection and signalling system activity of the public education institution and provides assistance to the solution of emerging lifestyle and social problems for the school students, if necessary, for the teachers, the professionals supporting the nursing-education work and for parents as well.

131. The countrywide implementation was preceded by the tender construction no. EFOP-3.2.9-16 “Development of Kindergarten and School Social Assistance” in 2016 with a HUF 1.7 billion budget, which thanks to high interest was raised to HUF 2.07 billion. Projects meeting the tender criteria may receive a non-reimbursable fund within the range of HUF 18 million – HUF 40 million. Altogether 53 tender applications received subsidy. The tenders cover the design and management of service provision, the activity's adjustment to the each institution, including the provision of the professionals for the service. The ultimate goal of the project is to develop a professional cooperation system and a single procedure for the child and family welfare services and for public education institutions.

Reinforcement of the signalling system – creation of a 4-tier system

132. The child protection signalling system is one of the cornerstones of our preventive child protection, and has prominent significance in the enforcement of children's rights. It plays a paramount role in promoting the upbringing of children in their own families, and in the earliest possible detection of problems. One of the key roles of the inter-sectoral network comprising the entire country and all specialised areas dealing with children is to identify the problems of children and juveniles in the earliest possible time, and to take the necessary measures to organise the services and provisions most suitable for the children's needs.

133. The establishment of a multiple-tier signalling system has become justified, in line with the amended family assistance and child welfare service, furthermore, the reinforcement of the child protection detection and signalling system with legislative background and the methodology guide, as a consequence of which the provisions regarding the fulfilment of mandatory signalling system tasks are strengthened.

134. In parallel with the amendment of the family and child welfare service the child protection detection and signalling system and the previous signalling system of the family assistance and child welfare service were integrated in 2016 on a legislative level.

135. The key points in the strengthening of the child protection detection and signalling system are as follows:

- To redefine the tasks addressed at the organization and operation of the signalling system, together with the competences (on a local, district, county or country level);
- To regulate the sanctioning practice;
- To find a consolidated form for the documentation of the child protection detection and signalling system, alongside its streamlining, simplification and extension;
- To provide training and further education to participating professionals, and to contribute to the local professional workshops.

136. The child protection detection and signalling system has become a 4-tier system, two levels of which have been working since 01 January 2016:

- Local level – the family and child welfare service is to manage the local child protection signalling system, to develop forms of cooperation, and to provide for the operation and documentation thereof. A district advisor was nominated for the task, who reports the signals arriving from the area on a weekly basis to the district signalling system counsellor of the centre. As an obligatory requirement, a local action plan for the local signalling system was implemented. The plan is based on the proposals and measures that have been made for the assessment and efficiency-enhancement of the local child protection signalling system;
- District level – The family and child welfare centre shall provide constant technical assistance to the family carers and the signalling system operators on a district level, and shall respond to their comments, remarks and problems. The district advisor shall be held liable for the technical support of the signalling systems' functioning on a settlement level.

137. The amendment of the Child Protection Act as of the autumn of 2016 is part of the continuation of the signalling system's reinforcement, by which two additional levels were defined effective from 01 January 2017:

- County level – definition of task within the organisational unit of the Government Office's organizational unit for child protection and guardianship. Based on the provision, it is the signalling system's coordinator who is in charge of the settlement level action plans and the support of their development, along with the supervision of compliance and the monitoring of the signalling system's functionality. Should the relevant parties fail to complete their tasks in connection with the signalling system, the coordinator may impose administrative fines;
- National level – Country-wide methodological support and child protection signalling system hotline in the framework of the Directorate-General for Social Affairs and Child Protection. The task covers the country-wide technical support of the child protection signalling system's proper functioning and the improvement thereof, the development and delivery of training courses, as well as the proposal of regulations and amendments to the sectoral management. Temporary family homes – external capacity.

138. Pursuant to the Child Protection Act, temporary family homes provide their services within the framework of basic child-welfare services, as a form of temporary child care. Temporary family homes provide services for children as needed, and they make it possible for parents and for pregnant mothers in a social crisis situation to be habitual residents of the home.

139. The primary aim of temporary family homes is to contribute to the enforcement of children's right to not being separated from their parents and families on the grounds of vulnerability resulting exclusively from financial reasons. Temporary homes enable the placement of children together with their parents. They accommodate parents and children who have become homeless because of lifestyle problems or other social or family crisis situations, those seeking protection, battered and pregnant mothers, as well as mothers with a child who have just been discharged from the maternity ward.

140. In addition to providing safe accommodation, the staff of the institutes also organises developing programmes for children, as well as after-school convergence and community programmes. They provide lifestyle, labour market, legal and psychological counselling for parents. All this is aimed at strengthening the family and reducing the negative effects of psychological harm. The temporary new family homes provision can only be organised in a city/capital district over 30,000 inhabitants, where the re-integration supporting services are available.

141. Within the temporary family homes system the temporary accommodation forms were expanded from 01 January 2018 by creating external capacities for the temporary family homes. Temporary family homes, at external units set up within the limits of their capacities, will be able to provide their services for families that are capable of living independently, with a minimal amount of support. Families can stay in temporary family

homes for 12 months, which can be extended by a further period of 6 months, if necessary. At external units families can stay for a total period of 3 years, which also includes the time spent in a temporary family home.

142. From the scope of provisions supporting the upbringing of children in their own families, the institutional and holiday catering should be highlighted, as a substantial extension of benefits in kind targeting children in need.

143. Children receiving regular child protection benefit may only be entitled to catering services during the holidays, as per Section which became effective on 01 September 2015, made the services free for some day-nursery and kindergarten pupils, who until then had to pay a 50% fee for them. The affected children come from families with three or more infants or are permanently ill or suffer from disabilities. Besides this, healthy siblings of children suffering from chronic illnesses or disabilities and children coming from families with less than three children are also entitled to such catering services, which are provided free of charge – in crèches 4 times, whereas in kindergartens 3 times a day if the income per capita in these families may not reach 130% of the net minimum wage. (Prior to the measure, children in crèches and kindergartens could take advantage of institutional catering services – free of charge or at a 50% discount price – on the same footing as primary school pupils.). For data on HCSO's day-care provision, see Annex F.

144. As of 01 January 2016, it is a mandatory task for local authorities or municipalities to provide catering services to children during holidays. In the framework of this, upon their parents or legal representatives' request, disadvantaged or multiple disadvantaged children, who receive regular child protection benefit, shall be given a free hot meal for lunch during the holidays. These children, who number around 207 thousand, shall receive such food on at least 43 workdays during the summer holidays but not longer than the summer vacation. Hot meals shall be ensured for them during the autumn, winter and spring break as well for the holidays' duration, and on the appropriate workdays when nursery schools and kindergartens are closed. Children in lack of a relationship with any institution, who are typically day-nursery pupils between 5 months and 2.5 years of age, may receive such catering services for at least 43 workdays during the summer holidays, but not longer than the summer vacation. Just like pupils and students, they may as well benefit from the services on the workdays during the autumn, winter and spring school breaks, as per the respective EMMI Decree defining the schedule for the academic year.

Prohibition of separation from the family due to financial reasons and its enforcement

145. In accordance with Paragraph 7 of the Child Protection Act, children may be separated from their parents or other relatives only in their own interest, in cases and in the manner specified by law. Children shall not be separated from their family due to vulnerability resulting from financial reasons alone.

146. Based on the above legislative decree, the separation of children from their family due to financial reasons alone is clearly an infringement decision, therefore, if the first instance guardian authority makes a magisterial decision for this reason, appeal can be made against the decision as legal remedy, then the review of the secondary decision by court can be initiated with reference to the infringement. The decision to separate children from their family is the last resort in the practice of the guardian authority in order to protect them from abuse and neglect, if the measures for eliminating the jeopardising of children were not successful. The decision of the guardian authority is grounded by the signals and opinion received from the members of the child protection signalling system (e.g. teacher's and district nurse's opinion), and also the proposal of the child welfare service provider, by understanding the opinion of the child's parents and other persons caring for the child.

147. A guarantee rule of the Child Protection Act, based on which the temporary placement and the taking of the child into care service shall be reviewed at the defined time, serves the purpose that the child only spends the required amount of time for him/her in the

child protection system, and could return to his/her own family as soon as possible, or should the conditions of the latter not be met, adoption could take place.

148. We shall mention, that the decision-making process of the guardian authority is extremely complex, and the effective legal provisions specify numerous procedural guarantees to ensure that such cases do not occur.

149. The EMMI, as the supervisory entity of the capital's and the counties' government agencies acting in the scope of child protection and guardianship, should it recognize infringement activities, shall take the necessary measures based on the submissions initiating supervisory action, as well as in the scope of comprehensive and target review of the capital's and the counties' government agencies. Furthermore, while performing its legal provision preparation and legislative duties, and also by designing and executing system-related developments it forms the system of child protection in a way, that it serves the children's best interest, by this promoting the enforcement of the children's right to be brought up in a family.

150. During the application of law enforcement practice it is imperative, that the guardian authority keeping the provisions of the effective Child Protection Act in mind, should it be justified to separate the child from the family, only places the child in the child protection system – at a foster parent or in children's home – if the child has no separately living parent, or other relative suitable for his/her upbringing, who would also commit to it. The promotion of the inclusion of the child in a family as per the Civil Code [Paragraph 4:187 of the Civil Code] also precedes his/her placement at a foster parent or children's home.

151. The separation of the child from the family therefore is the final resort for the sake of his/her protection by observing gradual adjustment, in case despite the help the child cannot be brought up in his/her family environment.

152. The upbringing of the child in his/her family is also supported by provisions, services and measures stipulated in a separate law article. It is indisputable that financial reasons (income poverty, unsolved housing, etc.) in majority of cases are inseparable from the other reasons leading to the separation from the family, since financial problems might trigger, elevate or worsen those processes in the lives of families, which might lead to separation. Hence why, valid conclusions from the available information can only be drawn by examining the uniqueness of these cases separately and prudentially, as well as the sequence of events and their cause and effect relationships. The pure examination, whether the financial reason is listed among separation reasons is not a sufficient tool in itself to judge individual incidents, or to describe tendencies.

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153. The prominent profession policy objective of the child protection sector management is to strengthen the provision of foster parents, a to promote the social prestige of the foster parents' activity, supporting and prioritizing the placement of children separated from their families at foster parents, and also to improve the quality of service.

154. For the sake of the above the first considerable progress was the establishment of the foster parent employment relationship constituting the moral and financial recognition of foster parents with the law amendment, which came into effect as of 01 January 2014, which was recommended by the profession for more than 20 years. The aim of the implementation of the foster parent employment relationship as of 01 January 2014 is to create a unified regulation providing higher professional, moral and financial recognition for the profession of foster parents, as well as similar conditions to an employment.

155. Beyond the age, health, hygiene and placement related criteria, from 01 July 2015 foster parent employment is conditioned to the successful completion of a statutory fostering course (60 hours) and to the foster parents' commitment to attend the relevant foster parent training course included in the National Training Registry, or the Central Educational Programme approved by the Minister within two years of the first child or young adult getting in hi/her care, which amendment ensures the selection option for foster parents among the trainings.

156. The Child Protection Act prioritizes the placement with foster parents with effect as of 01 January 2014, as per which every child who is under 12 years of age and who receives special child protection care, should be placed with a foster parent, and not in an institution. Exemptions are made if the child is suffering from a chronic illness or serious disability, or if the great number of siblings or any other reason would justify the option of institutional placement as a better alternative in the child's interest.

157. The provisions of the act will be introduced in a phased manner allowing sufficient time for the preparations. In 2014 the placement of children under 3 raised in children's homes at foster parents was realized, in 2015 children under 6, and in 2016 children under 12 years of age placed in children's homes were transferred to foster parents. As a main rule, as of 01 January 2014, children placed in child protection service between the ages 0–12 are also placed with foster parent families.

158. In parallel, as a result of the children's home system becoming more differentiated, more targeted care can be given to teenagers, siblings of greater numbers, children in crisis, children with special needs and young adults with different personality status.

159. During the recent years the proportion of the placement of mentally disabled children receiving childcare provision with foster parents also continuously increases, however, its further development is justified considering the headcount of special foster parents and their sufficient preparation. Based on the data of the HCSO out of the 5,611 foster parents employed on 31 December 2017 only 1,055 were special foster parents.

160. Concerning the remark in regards to the over-representation of Roma children in the childcare provision service we shall indicate, that the Hungarian child protection system does not differentiate based on social background, since the children's social background is only registered, if the parent of the child separated from the family by official order declares it upon the preparation of the child's placement plan concerning the fostering of the ethnic background and mother tongue.

161. One of the steps taken to reduce the time spent by the child separated from the family in specialised care units, was the introduction of the legal institution of child protection guardianship from 01 January 2014, the objective of which:

- Is the consequent representation of the child's Interest – regardless of the place of care –, supporting the practising of his/her rights, understanding his/her opinion and informing the provision provider, as well as informing the acting guardian authority, so that they can consider the child's opinion;
- To create a reasonable task and work distribution between the foster parent and the professional in charge of the official affairs, providing legal representation for the child;
- To solve conflicts of interest arising between the operator/institutional/care provider interests and the child's interest during the development of his/her fate;
- The child should only stay in the system for the necessary time, at the care providing place suitable for him/her;
- To monitor the contact kept between the child and his/her parent and in case the conditions are met, to initiate the adoptable status by the designated guardian authority for the soonest final settlement of the child's fate.

162. The measures supporting adoption also contribute to making sure that children, who cannot be raised in their own families should spend as little time in child protection care as possible.

163. It was recorded on a legislative level in Hungary, that children have right to make complaints in cases concerning them, particularly by the forums stipulated in the Child Protection Act.

164. As the legal representative of children placed in child protection care units the child protection guardian, as the consequent representative of the child's interest – regardless of the place of care – acts if necessary against the service provider in order to investigate claims related to the provision. The Child Protection Act also authorizes the child

protection guardian to arrange the transfer of the child to a safe place of care due to the child's severe jeopardising in justified cases, and also to initiate proceedings at the guardian authority to change the child's place of care.

165. The children's rights representative also acting independently from the place of care – having a governmental service relationship with the EMMI – in accordance with the Child Protection Act in his/her scope of representation of interest also shall help the child separated from his/her family by official order to word his/her complaint, and to initiate its investigation.

166. The entity serving the representation of children living in child protection care is the Representative Forum. The rules of the foundation and operation of the forum are specified by the maintainer of the institution in accordance with the legal provision. The representative forum investigates the complaints submitted and rules in cases that fall within its competence. It may also initiate measures with the maintainer, with the child protection guardian, with the children's rights representative and with other competent bodies.

167. Pursuant to the practising of complaint rights the Child Protection Act indicates, that the child, the child's parent or other legal representative, the child council and the young adult, as well as the representative forum representing the children's interests and other professional bodies, may file complaint with the head of the institution or representative forum. Complaints can be made to remedy excuses concerning the provision, or in case of violating children's rights, further the infringement of the employees of the institution, possibly by the child's parent (or legal representative) in case the viewing of documents related to the information in the child protection registry is refused.

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168. In 2011 the European Union Agency for Fundamental Rights (FRA) conducted a survey in 11 Member States about the situation of Roma communities. As a finding of the comparative analysis it established that 6% of the Roma students received special needs education, mainly in special education institutions operated for the Roma, even if for a shorter period of time. The next survey of this kind was carried out in 2016, which concluded that there is no wide-spread approach in Hungary for encouraging Roma students to take part in special needs training. (Source: FRA, FRA, Education: The Situation of Roma in 11 Member States, 2014; FRA, EU MIDIS II 2016, Roma).

169. In recent years an ever higher rate of disabled children have been placed with foster parents, who at the same time receive child protection care. Yet, figures are less favourable if compared to the total of minors placed in child protection care. The reason for the higher rate of institutional placement among disabled or permanently ill children lies in the fact that such facilities offer higher quality equipment and better personal and environmental conditions for the children's development, care or even feeding than foster parents could provide for. These institutions ensure a more concentrated presence of the necessary means, even though they may only give limited access to individual personal relations and bonds and the maintenance thereof.

170. As is defined in the Child Protection Act, a particular foster parent is a foster parent who – based on the government decree on certain aspects of foster parenting in the form of employment – is capable of ensuring the balanced upbringing of a child, in their care, even if the child suffers from a long-term illness or a disability or is under the age of three, with particular care needs. According to the Hungarian Central Statistical Office (HCSO), out of the 5,611 foster parents employed on 31 December 2017, only 1,055 are working as particular foster parents. Therefore, there is a need for enlarging the latter's number so that further progress can be achieved in the placement of disabled children with foster parents.

171. The secure provision of foster parenting for children suffering from disabilities or long-term illnesses, wherein the services fully meet the children's needs, requires the combined fulfilment of several conditions. In order to protect the children's rights and to improve their care, once it comes to the establishment of places with foster parents, it is

critical that the range of services available to foster parents and the targeted measures are all considered.

172. Construction EFOP-1.2.7 'The improvement of the conditions for those placed in child protection care or a youth detention centre to start an independent life' offers alternatives to those placed in child protection care, and thus to disabled children who receive special care, to pursue therapeutic or development activities, or activities that prepare them for an independent life. Under the tender construction, 24 projects will be implemented with a fund of HUF 760 million.

173. The National Disability Programme's action plan for 2019–2022 is currently in the process of policy making, which, for a more sustainable development of foster parenting and a higher level of placement with foster parents, makes proposals for further measures with a focus on training and VET activities and the improvement of the infrastructural conditions so that foster parent networks can give better care to children suffering from disabilities or long-term illnesses.

174. The entire task performance scheme of the pedagogical service has been subject to restructuring since 2013, affecting the expert committee's activities, early development, educational counselling, speech therapy services etc. The restructuring, however, resulted in the establishment of an institution, in every country, that is in charge of special pedagogical services. This guaranteed service provision by county. In addition, every schooling district got a member institution of the former, which was not typical beforehand. The underlying goal of the concept was a most comprehensive task performance, with consistent management. This, in addition, was to be supported by common procedural rules and professional protocols, along with the use of a single monitoring system (IT). The decree specified, for every country and special service, the minimum workforce that was needed for the specific tasks. This itself meant a step forward in comparison with the previous years' practice. Early development is actually carried out, by the district-based member institutions of the county-level pedagogical service institutions, in the district-based member institution, or if it is not possible there, then on the site of another child care institution (day nursery) or in home care, so that the beneficiaries can receive the services closest to their place of living. Early development focuses on complex early childhood prevention, counselling and development. It is available from the moment that eligibility for care and support is confirmed, in order to enhance the child's development, strengthen the competences of the family and support the social inclusion of the child and the family. Early development, education and care shall take the form of complex special educational and conductive pedagogical counselling, the development of cognitive, social, communication and language skills, as well as movement development and psychological support. Recommendations as to when to start early development, education and care will be made by the expert committee. With a view to accelerating access to the services, the expert committee may, in the case of infants less than 18 months old, choose to build its expert opinion on the diagnosis and therapeutic recommendation of a medical specialist, whose person has been decided upon without the child's previous examination. Early development may be carried out when the child is 0–6 years old. If the child has reached the age of three, he/she can receive early development, education and care, provided that based on the expert opinion of the expert committee he/she cannot join pre-school education. The number of children involved in early development is continuously increasing—recently figures have doubled. According to the latest data (01 October 2018), as many as 5,149 children benefit from early development.

175. In 2016 the Government launched a cross-sectoral programme to harmonise the early childhood services and benefits. (Programme implementation is in progress.) Participants in the implementation procedure come from the educational, social and healthcare sector.

176. Pedagogical services adhere to consistent management and technical protocols throughout their operation.

177. Consistency is ensured by joint management and the technical protocols, which cover all of the special service activities. The protocols and the single electronic monitoring system were introduced in 2015.

178. As a result of the measures, the number of pupils with slight mental disability dropped from 2.1% to 1.4% in the past 15 years (as compared to the total number of pupils).

179. In 2018 the number of SEN pupils totalled 91,530, which accounted for 6.23% of all pupils. Children or students with SEN means children/students requiring special treatment who, based on the expert opinion of the committee of experts, are handicapped or have perceptual (visual, hearing) impairment, mental deficiency or speech disorder, suffer from multiple disabilities (in the case of the simultaneous occurrence of several deficiencies) or have autism spectrum disorder or any other psychic disorder (serious disorder concerning learning or the control of attention or behaviour),

180. The children's or pupils' care, supply and special educational needs are determined based on the opinion made by the expert committee.

181. Expert activities (expert committee) constitute part of the pedagogical service's commitments. The pedagogical services run technical diagnostic committees. A year later the committee shall, *ex officio*, start a review procedure. The expert opinion must, *ex officio*, be subject to revision every second academic year from the first official revision until the school-year when the pupil turns 10. From that point on, revisions shall be made every three years until the school-year when the pupil becomes 16 years old.

182. The expert committee informs the parents about the institutions that provide early development and care, pre-school education and development education or obligatory education to children with special educational needs. In consideration of the child's needs and options, the parents select the educational institution that, based on the expert opinion of the afore-mentioned committee, provides appropriate education to children with special educational needs.

183. The education of SEN children and pupils in kindergarten, educational institutions or at their place of living:

- In special educational, conductive educational institutions, in kindergarten groups or school classes, specifically formed for this purpose; or
- In inclusive educational institutions, in kindergarten groups or school classes, in part or wholly in the same kindergarten group or school class, together with other peers.

184. Compulsory learning and rehabilitation related classroom activities (development) must be organised for SEN pupils in the respective educational institutions. Pupils will take part in as many habilitation and rehabilitation related classroom activities as is necessary from a healthcare and pedagogical point of view, so that the pupils' disadvantages can be mitigated. Healthcare-based and pedagogical compulsory habilitation and rehabilitation classes have their weekly time-frames set by the Act on Public Education.

185. Developmental education and teaching shall be organised pursuant to the decree of the minister responsible for education, by employing the most appropriate special educator or conductor for the type of SEN, in the meantime bearing in mind the parents' needs, the child's status and the expert committee's proposal on the weekly number of development activities.

186. Special forms of learning and teaching may be allowed for SEN children/pupils, which must be tailored to the pupil's individual skills and qualities, and must ensure progress.

187. In each institution it is the individual development plans that serve as underlying basis to pupil assessment. The contents and requirements of SEN pupil assessment are specified in the development plan. Decree no. 32/2012 (X.8.) of the EMMI, on the issuance of the policy on the pre-school education of children with special education needs and the policy on the school education of students with special education needs, covers the methodological requirements, the rules of assessment and all the possible deviations from the core curriculum.

188. According to the last fully processed statistical data gathering (01 October 2018), in the framework of the public education system a total of 7,620 children/pupils with autism spectrum disorders receive pre-school or school education, and out of this 1,152 take part in

secondary education. The number of institutions providing care to these children/pupils totals 1,545, from which 300 are secondary educational institutions. The fact that in 2010 a mere 679 institutions of this kind were in operation (91 in secondary education), and that their number rose to 1,338 in 2015 (with 191 institutions in secondary education), signals significant improvement. The affected children's development is ensured both in the capital and in the countryside.

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189. In December 2014, the Government (EMMI) granted a total of HUF 58,467,000 to the Directorate-General for Social Affairs and Child Protection (hereinafter SZGYF) for the development and introduction of a training programme for the identification and prevention of child abuse, just like for its tackling, and for the organization of programmes for the prevention of child prostitution and for the provision of the necessary tools and trainings. Relying on the special grant, SZGYF prepared an educational material, based on which a training was held in 2015 for the educators and psychologists who were working in the children's homes and group homes maintained by SZGYF, to be able to recognise and handle the problem of child abuse. In order to ensure the sustainability of the training, a train-the-trainer programme was conducted with the involvement of 40 trainers, covering the training of 1,012 specialists.

190. As prescribed in the Child Protection Act, any case of child abuse detected in a special child protection institution or correctional institution (or detention centre) shall, as of 01 January 2018, be investigated and managed in compliance with the institutional, operational and sectoral methodology approved by the minister, which shall be published on the Ministry's website.

191. For the consistent implementation of the above, a 'Methodology' has been prepared. See para. 110.

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192. Concerning the benefits that support the children's growing up in their own family, the expansion of institutional catering services and catering for children during the holidays is noteworthy, as an in-kind benefit for children in need. See paras. 142–144.

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193. The age-limit for compulsory schooling is 16 years of age, just like earlier. School attendance figures almost match the OECD average. The number of years spent in education in Hungary comes to 13, while it averages 14 years in OECD countries. 88% of 17-year-old pupils take part in secondary education, which is rather close to the OECD average, standing at 90%. A slight growth can be seen in the proportion of pupils with secondary education: from 2017 to 2018 their number increased from 67,015 to 67,919. Secondary education attainment or higher vocational education is the highest among 25–34-year-olds: it stands at 55.9%, which is one of the highest among OECD countries. The rate of young people who are expected to obtain secondary qualification is again one of the highest in an OECD comparison, reaching 65.3%. (Source: <http://gpseducation.oecd.org/CountryProfile?plotter=h5&primaryCountry=HUN&treshold=10&topic=EO>).

194. In parallel with leaving the compulsory schooling age unchanged, further efforts have been made to improve educational standards and efficiency, just like student performance.

195. In order to strengthen school performance, with special focus on school progress among disadvantaged pupils, kindergarten attendance has been made compulsory for children above 3 as of September 2015. As a result of the measure, pre-school educational attainment has increased in all age-groups.

196. In Hungary, 91% of Roma children go to kindergarten. This ratio is close to that of non-Roma children, and it is the highest in the region (FRA 2016).

197. Upon summarizing the national data for academic year 2017/2018, the Educational Authority highlighted those institutions and places of task performance where the number of pupils prone to drop-out is outstandingly high, in the meantime indicating the prevalence of the reasons behind this exposure.

198. GDP proportional expenditure on education came to 4.9% in 2016, exceeding the EU average of 4.7%. Education related expenditures accounted for 10.5% of all expenditures (Education and Training Monitor 2018, European Commission).

Measures to prevent drop-outs

200. One of the most critical implementation measures of the mid-term strategy, against leaving school without a qualification (Government Decision no. 1603/2014) (XI. 4.) is the early signalling and pedagogical support system, which was introduced in 2016 with the aim of preventing drop-outs. The early signalling and pedagogical support system is available, for the elimination of early school-leaving, from primary and secondary education. It identifies the pupils who are at the risk of drop-out and provides support to them and to the schools where a relatively high ratio of pupils are prone to drop out and performances are poor. The data groups that are to be gathered in the early signalling and pedagogical support system, whose underlying aim is to prevent drop-outs, are based on student data registered with the public education institution, and have been summoned in consideration of exposure factors that show significant relation to the school failures that lead to drop-outs (such as absence, retake of the year, social situation, private learning etc.).

201. The early signalling and pedagogical support system, which is aimed at preventing drop-outs, serves the function of administrative data gathering and information provision, as an institution supporting pedagogical and technical work. Data gathering is of a statistical nature. Schools must submit aggregate data about 5–12th graders, who are either full-time pupils or are taking part in full-time adult education programmes and are prone to drop out. Data shall be submitted per educational institution, place of task performance and year.

202. The purpose of the early signalling and pedagogical support system, which is intended to prevent drop-outs, is to provide pedagogical and technical assistance to institutions where there is a danger of early school-leaving, so that the number of pupils who drop out is ultimately pushed down. Through data analysis public education institutions and their operators can check and control the threatening factors along which further interventions may become necessary to avoid school drop-outs. In the coming years data will be available for chronological analysis, therefore shifts in trends will presumably become clearer to follow.

203. Pedagogical training centres monitor changes in the data and make recommendations for possible actions to improve pedagogical efficiency and to mitigate school drop-outs. In the meantime, they provide personalised pedagogical and technical assistance to the educational institution and its operator. Pedagogical training centres will record the steps that have been taken in the early signalling and pedagogical support system.

204. Based on the data from the first two academic years in the operation of the latter system, 10.85% of the pupils were prone to drop out in 2017, while this number was 8.86% in 2018.

205. The Public Education Act and the Ebktv. expressly prohibit segregation; discriminative actions taken by institutions (schools) or their operators are deemed illicit action. Considering the European Commission's concerns on the interpretation and practical implementation of this prohibition, the Hungarian Parliament amended both acts on 13 June 2017. The amendment came into force on 01 July 2017.

206. Guarantees that would stop segregation, with the modification of the Public Education Act and Ebktv., have been strengthened. Pursuant to the amendment, education

is lawful only if it concurrently meets the educational requirements based on religious faith and nationality, so that students can take part in education – based on their free and uninfluenced choice – in accordance with their religion and nationality. The amendment, thus, aimed to provide stronger guarantees than before, to prevent the unlawful segregation of disadvantaged children, including Roma children.

207. The nationality education policy also contains extra requirements to ensure the equivalence, in quality, of the nationality education that is provided to Roma pupils (EMMI Decree no. 17/20013) (III. 1.). With this amendment, parents may make a voluntary decision as whether to request to take part in nationality education, where the related process of choice is built on the parents' full-scope and unbiased preliminary information.

208. As a development to prevent drop-outs and support desegregation, the Educational Authority's priority project EFOP-3.1.5-16-2016-00001 'Support for institutions exposed to school drop-outs' is partly implemented from EU sources. The complex institutional development process is available to those schools (243 schools with 300 places of task performance) that need improvement based on the rate of students at the risk of drop-out, the efficiency of teaching and learning and the institution's adoption of inclusive education (desegregation). The development involves, inter alia, the submission of a status report on local training organisation and the preparation of a comprehensive action plan. In addition, the project created a complex and differentiated institutional development framework for the prevention of drop-outs, which primarily focuses on fair and inclusive training organisation. Implementation is expected to finish in 2020.

Pre-school education in Hungary

209. Our domestic public education strategy is aimed at the elimination of social differences and the provision of equal opportunities from the youngest age possible, through equal access to high-quality institutions for early childhood education and care. Hungarian kindergartens have a key role in mitigating disadvantages and managing talent. Pre-school education in Hungary is a primary public service that is free of charge, as per the Fundamental Law. It is a priority duty, of the Hungarian public education system, to ensure early childhood development before school and to take account of the special needs of SEN children/students and of children/pupils facing difficulties in integration, learning or behaviour. It shall promote their improvement in accordance with their individual skills and competences and shall offer alternatives for their most complete social integration.

Capacity-building in kindergartens

210. As of 01 September 2015 pre-school education is compulsory in Hungary from the age of 3. The ratio of children placed in kindergarten, among 3–4-year-olds, has grown as a consequence of the measure from 2015. In 2010 74.1% of 3-year-old children were placed in kindergarten, while this figure increased by 12%, to 86.61% in school-year 2018/2019.

211. Even more 4-year-olds attended kindergarten. As compared to school-year 2010 when figures stood at 93%, in school-year 2018/2019 as many as 98.1% of 4-year-old children went to kindergarten, while kindergarten attendance among 5-year-olds reached 99.66%.

212. The action, however, required capacity-building in the institutions. Almost 11,300 more places were available in kindergartens by school-year 2018/2019.

213. The coming years (until 2020) will see the country-wide support of capacity-building, renovation and reconstruction works in day nurseries and kindergartens, in an amount of over HUF 100 billion, as a development source.

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214. As per Section 84(4)(ae)–(ag) of NM Decree no. 15/1998 (IV. 30.) on the professional duties and operational conditions of personal care providing child welfare and

child protection institutions (hereinafter NMr), the partner in charge of child protection care shall make sure that children receiving child protection care have access to:

- Cultural values that foster their mental and moral development;
- Conditions that encourage valuable and useful pastime activities;
- Entertaining, artistic and cultural activities.

215. Care, as per NMr, should be provided to unaccompanied minors in child protection care at the same footing as to Hungarian citizens, in the meantime respecting their religion, cultural identity and traditions.

216. Unaccompanied minors receiving child protection care in the István Károlyi Children's Centre in Fót are provided sports, recreational, leisure, cultural and arts programmes by a number of civil and church organisations.

217. In the application of Government Decree No. 110/2012 (VI. 4.) the National Curriculum (hereinafter Nat) came into effect on 01 September 2013. Its provisions were first applied in grades 1, 5 and 9, which was later extended to the other years in a cascading order. Therefore, Nat became fully applicable during the examined period. Works on a new curriculum are entering the last phase in May 2019, and are expected to end in September 2020.

218. It is a novelty of Nat that everyday physical education is introduced in years 1–12 in each school type. If the health status justifies so, pupils may be referred to special tailored or physiotherapy-like PE classes based on the school doctor's prescription or a medical screening result. Special tailored or physiotherapy-like PE classes should, if possible, be held for several pupils together, in one group. Physiotherapy-like PE classes have been designed to mitigate or eliminate, with the tools of physical education, any symptom or complaint that derives from musculoskeletal deformities and to reduce the complaints of pupils with lower physical capabilities.

219. Everyday arts education is prescribed by Nat for lower years (1–4th graders). Appropriate conditions and opportunities for arts education, in and out of school classes, should be continuously ensured in years 5–12. Permanent exhibitions in State-owned museums are free of charge for people under 26 once a month on a given day. Free admission also applies to temporary exhibitions during national holidays. Pursuant to Government Decree no. 1502/2017 (VIII. 11.), school groups visiting the museums and historic sites, as enlisted in the legislation, may use railways services free of charge. The above measures are meant to encourage disadvantaged pupils to visit museums.

220. Another curiosity of Nat is the concept of 'whole-day schools', which is a kind of formal education where classroom and other sessions are evenly scheduled by the school from the morning hours until 16.00 CET. This form of learning organisation enables the inclusion of worse performers and allows talent management, thus contributing to the effective pedagogical processes of talent development. Sessions beyond compulsory classes facilitate artistic education, physical education, just like self-study or any other workshop that matches the school's profile. Nat puts great emphasis on differentiated education.

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221. According to Section 2 of Act No. II of 2007 on the admission and residence of third-country nationals (hereinafter: "Harmtv") an unaccompanied minor is a third-country national who has not attained the age of eighteen and who has entered the territory of Hungary without supervision or has remained unattended after entry, as long as such person is subject to supervision. Section 2 of the Harmtv. also gives the definition of a person requiring special treatment. A person requiring special treatment is an unaccompanied minor or a vulnerable person who, after his / her individual assessment of his / her position, has special needs.

222. In the case of minors with accompanying adults, the issue of detention of asylum is not prohibited by EU or Hungarian legislation. As a result, we do not consider the objective

of excluding minors under escort from asylum detention necessary. It should be emphasized that asylum detention cannot be ordered for unaccompanied minors. Staying in the transit zones is not a detention; the transit zone can be freely and voluntarily left to Serbia at any time.

223. While examining the age, the authorities take all aspects into consideration, but it is worth noting that in some cases, asylum seekers deliberately try to deceive the authorities regarding their age in the hope of more favourable treatment. Expert examinations are currently performed by military doctors in transit zones. In case of doubt, the minor can prove his / her age with foreign documents or apply for another expert examination.

224. In the alien policing procedure against unaccompanied minors, the competent authorities provide adequate assistance before deciding to issue a return decision and ensure that the best interests of the child are protected throughout the return procedure. The alien policing authorities continuously monitor the special care needs during the procedure and take the necessary measures in the light of the applicant's specific situation. The most common measures include the provision of necessary health care, personalized provision of benefits in kind and the provisions of out-of-court care for unaccompanied minors with the issuing of a guardian.

225. The authority provides the staff with the necessary knowledge to identify people with special needs through internal policies and regular training. Government Decree No. 114/2007 on implementing the Harmtv. (hereinafter Harmvhr.), which came into force on 1 January 2019, states that in the alien policing procedure the immigration authority is obliged to examine whether the minor third-country national has the right to apply by the relevant rules. In particular, it should be established whether the third-country national is a minor or is there a person who is required by law or custom to supervise a minor third-country national.

226. In the case of unaccompanied minors, the guarantee rule is that an unaccompanied minor may only be dismissed if the family or other state or other institutional care is properly secured in his or her state of origin or in another host state.

227. According to Section 3 of the Harmtv. no detention can be ordered against a minor third-country national. Paragraph 3 of Section 56 of the Harmtv. states that detention of a family with a minor child, taking into account the best interests of the child, may only be ordered as a final measure if the alien policing authority determines that the purpose of the detention order cannot be ensured otherwise. Detention of families with a minor child is a very rarely used final measure. The immigration authority will place the unaccompanied minor with a temporary protection in a child protection institution under the effective child protection legislation.

228. According to Section 99/F of the Metvhr., effective as of March 31 2017, however, unaccompanied minors over 14 years of age shall be placed in a separate designated sector of the transit zone for the duration of the asylum procedure. A minor child arriving with an adult family member is placed in the family sector. The principle of family unity is assured in accordance with the best interests of the child. In transit zones, families, unaccompanied minors over 14 years of age, single sectors for single women and single men, are designed to provide adequate protection for groups requiring special treatment. The asylum authority pays special attention to maintaining the unity of families, so that all members of the family are placed in one place. Breaking the unity of the family can only happen if the child's main interest in doing so (e.g. in the case of domestic violence).

229. During the crisis caused by mass immigration, according to Section 80/J of the Met., if an unaccompanied minor under 14 is seeking admission, the asylum authority will follow the procedure in accordance with the general rules after entering the country. The asylum authority takes immediate action to place the child in temporary custody and at the same time requests the guardianship authority for the appointment of a child protection guardian to represent the minor. Children's living conditions were adequately secured in transit zones. In transit zones, social workers organize daily leisure activities for children and adults alike. Depending on the age and cultural background, the health and psychological status of the placement, different leisure and cultural needs appear. Participation in organized programs is voluntary or, in the case of children, participation depends on the

parents. Children can also participate in adult programs, while special programs are also organized by social workers for children.

230. During these sessions, children can get to know European and Hungarian culture and Hungarian language. It is important to emphasize that children do not only acquire Hungarian language skills within the framework of leisure programs, but also within the framework of school education. In addition to the curriculum requirements, there is also transfer of additional knowledge. Within this framework, the general presentation of Hungary, as well as its social, economic, historical and cultural awareness will be taught, as well as the teaching of the Hungarian language and the development of language skills as required. It is possible to acquire information that facilitates integration, as well as participation in self-knowledge or personality development programs.

231. According to Section 2 of IRM Decree No. 52 of 2007 on the organizational structure of asylum (hereinafter IRM Decree), effective as of 1 January 2018, the person placed in the transit zone must, in particular, be provided meals three times a day. In addition, the health, age and dietary requirements of the person in the transit zone should be taken into account in the food. Pregnant women or nursing mothers, as well as minors, should be provided with dairy and fruit daily or equivalent food. All minors, i.e. not only minors under 14 years of age, are provided with five daily meals for children and from 1 January 2019 with dairy products and fruit as well.

Reply to paragraph 29 of the list of issues prior to reporting

232. If persons under the age of 18 years commit prostitution, it may constitute an infraction under Hungarian law. Recognising this issue and paying particular attention to the requirement of providing special protection for children, the Government has adopted Resolution No. 1125/2019. (III. 13.) on the necessary measures to improve the effectiveness of the fight against trafficking in human beings, the primary objective of which is to ensure that children who have become prostitutes do not receive punishment, but instead they are provided with special care and adequate reintegration opportunities, as well as it lays particular emphasis on preventing children from becoming prostitutes.

233. If other crimes are committed directly related to a child becoming a prostitute, or trafficking in human beings or sexual exploitation, section 15 of the Criminal Code sets out causes excluding or limiting criminal liability that can be applied in such cases. Causes that can be typically be applied in such cases include being a child, coercion or threat, erroneous belief or justifiable defence since these can guarantee impunity for the victims of sexual exploitation.

234. In addition, sections 82 a) and c) of the CPC provide further protection for the child victims by saying that victims and witnesses who have not reached the age of 18 years, and victims of criminal offences against the freedom of sexual life and sexual morality shall be qualified as persons requiring special treatment *ex officio*, without any specific decision of the proceeding authorities; and thus special protective and lenient measures can be applied for their benefit.

Reply to paragraph 30 (a) of the list of issues prior to reporting

235. The CPC sets out special rules regarding the composition of courts that can proceed in cases of juveniles in order to ensure professionalism and to enforce the unique aspects of education and child protection.

236. Before the indictment, the investigating judge, after that the sole judge, or as a member of a court of appeal can only be a so-called “juvenile judge”, who is appointed by the President of the National Judicial Office.

237. At lower-level courts proceeding in juvenile cases, the practice of having laymen as members of a court beside the juvenile judge still exists. The new CPC made significant

changes in the composition of laymen as associate judges in order to guarantee the effective enforcement of the children's rights. This means that besides a teacher, only psychologists or child protection professionals with higher education can participate as associate judges in cases regarding juveniles.

238. The proceedings against juveniles are closely linked to the rules and institutions of child protection. Most of the juveniles receive child protection care due to their disadvantageous circumstances and vulnerability, and therefore, the participation of a child protection professional can be indispensable when delivering a judgment. The participation of a psychologist is also a great help in understanding and adequately assessing the complex psychic and social issues, as well as in choosing a personalised criminal sanction.

Reply to paragraph 30 (b) of the list of issues prior to reporting

239. As a general rule, the minimum age of criminal responsibility is, in fact, 14 years under the Criminal Code. The reason for this is that most children have finished the primary education and reached a certain level of physical and mental development, that can justify the establishment of criminal responsibility for the child. This, however, does not mean that a child offender, who has committed a criminal offence, cannot be subject to other measures such as child protection measures.

240. Nowadays, however, the biological development of children has accelerated; they mature more rapidly both physically and mentally. As a result of the information revolution, children between the age of 12 and 14 years encounter more violence, and as a result, they attempt to enforce their interests more aggressively and violently. In most cases, children of such ages, who commit a criminal offence, are aware that they are committing an illegal, forbidden act, but they also know that they cannot be prosecuted due to their age. This awareness and knowledge make them prone to engage such behaviour instead of preventing them from committing such offences.

241. This is why the Criminal Code reduced the age of criminal responsibility regarding the most heinous, violent and aggressive criminal offences that endangers other person's lives (homicide, voluntary manslaughter, battery, acts of terrorism, robbery, plundering), but only if the child in question possessed such a level of mental capacity that is necessary to recognise the consequences of their action. (section 16 of the Criminal Code) This means that the criminal responsibility of a child depends on the mental capacity of the given child, and a forensic expert must examine this. (section 686 of the CPC).

242. It must be highlighted that the most severe punishment that can be imposed to a perpetrator, who reached the age of 12 years and is not over 14 years, is placement into a correctional institution from 1 year to 4 years. Imprisonment or other criminal punishment cannot be imposed to a child of this age.

243. Setting the age of criminal responsibility to a lower age by the Criminal Code does not contradict the provisions of the Convention on the Rights of the Child (20 November 1989, New York). Section 40 (3) a) of the Convention does not determine an exact number, it only says that "the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law". This makes it possible for every state to determine the exact age of criminal responsibility. Determining this age at 12 years regarding only a few of the most severe and violent criminal offences cannot be regarded as extreme even within Europe.

Reply to paragraph 30 (c) of the list of issues prior to reporting

244. According to the new CPC, pre-trial detention is clearly the last resort measure in terms of ensuring the goals to reach by coercive measures, and it will be available only if any of the less restrictive measures cannot achieve these goals. Such goals are: ensuring the presence of the defendant, preventing the derailment or interference of taking evidence or

preventing recidivism. Another novelty of the CPC is the rules on criminal supervision, which incorporates the provisions on house arrest, prohibition of leaving domicile, ban from entering certain places and the obligation to report to authority as set out in the former Code, and it serves now as a proper and actual alternative of pre-trial detention. Additional measures may be used flexibly to ensure that the defendant complies with the rules of criminal supervision, such as the use of a technical surveillance device or bail.

245. The decision on coercive measures concerning the limitation of personal freedom must be based on the existence or absence of the general and special conditions specified in section 276 of the CPC. Pre-trial detention of a juvenile can only be ordered if, in addition to the general conditions and to any of the special conditions, the juvenile committed an extraordinary grave criminal offence. Considering a criminal offence as extraordinarily grave can be based on the criminal sanction set out by the Criminal Code regarding the given criminal offence.

246. The CPC sets a lower maximum length for pre-trial detention of juveniles in order to meet the requirement of “special treatment”. This means that pre-trial detention can last up to two years in case of a juvenile who was at least 14 years old at the time of the commission of the crime, and it can only last up to one year in case of a juvenile who was at under the age of 14 years at the time of the commission of the crime.

247. The CPC significantly expanded the applicability of mediation procedure (Chapter LXVI), which is considered a classic measure of restorative justice, when it made it possible to proceed with mediation at any time and regarding any criminal offence after the questioning of the defendant as a suspect, provided that the conditions set out by law are met. This means that mediation can be conducted in cases of juveniles, if the parties have mutually agreed thereto, the juvenile has confessed until the indictment had been filed, the restitution of the consequences of the criminal offence can reasonably be expected due to the nature of the crime and the manner of its commission, and referring the procedure to mediation does not contradict the special principles of proceedings against juveniles and sentencing.

248. In order to help the juvenile’s development in the right direction, besides referring the case to mediation, it is possible for the prosecutor to conditionally suspend the proceedings (section 416–420) as a measure of diversion and restorative justice. This means that the prosecutor can suspend the proceedings for up to three years. In comparison with the general rules, the prosecutor can conditionally suspend the proceedings regarding juveniles even regarding crimes punishable up to eight years of imprisonment, provided that that the special goals of criminal proceedings against juveniles can be attained without going to court taking into consideration the nature of the crime, the manner of its commission and the personal circumstances of the juvenile. During the period of the conditional suspension, the juvenile is under probation, which makes it possible to prescribe special behavioural rules for the juvenile in addition to the compliance with the general behavioural rules. In this case, the aims of the special behavioural rules are to mitigate the negative impact of the risk factors, to strengthen the positive behavioural patterns and to support the reparation activities.

Reply to paragraph 30 (d) of the list of issues prior to reporting

249. The CPC sets out special rules regarding the composition of courts that can proceed in cases of juveniles in order to ensure professionalism and to enforce the unique aspects of education and child protection.

250. This particular rule on the composition of the court proceeding in cases regarding juveniles makes it possible for the psychologist to be present during the whole trial. Moreover, according to section 87 (1) b), the court, the prosecutor and the investigating authority may also order a forensic psychiatric expert to be present at any procedure requiring the presence of a victim, witness and defendant who has not reached the age of 18 years.

251. During the conditional prosecutorial suspension of the proceedings, the juvenile is under probation. As part of the juvenile's probation in such cases, special behavioural rules can be ordered to be complied with by the juvenile; these include programs and activities that enhance positive behavioural patterns, such as:

- Activities developing social skills and personality (conflict management, problem-solving, taking responsibility, developing empathy and self-confidence);
- Reparation/restoration activities (reparation conference, conference on discussing the case, group conference for the family to make collective decisions); or
- Interventions aimed at other special needs of the juvenile (psychological counselling, programs aiding education).

Reply to paragraph 31 of the list of issues prior to reporting

252. The CPC has a separate chapter (Chapter XIV.) on the rules for the persons requiring special treatment. The goal of the rules is to take account of the individual needs of the participants of the criminal proceedings, to have each procedure and measure fit the individual in question.

253. Circumstances justifying special treatment include especially the age, and the physical, mental or health condition of the person concerned, the extremely violent nature of the act which constitutes the subject-matter of the proceeding or the relationship of the person concerned with other persons involved in the criminal proceedings. The word "especially" implies that the proceeding authorities can take into account circumstances other than the ones listed above in order to qualify someone as a person requiring special treatment.

254. Decree No. 13/2018 (VI. 12.) of the IM on the establishment, operation and monitoring the usage of the police premises used for a procedural act requiring the participation of a person requiring special treatment makes it possible to establish rooms for hearing children that enables the authorities to hear a child in the most gentle way, under circumstances that are appropriate to their age and level of development, thereby it is possible to reduce the trauma of children during the proceedings and reduce the number of hearings by using these rooms professionally.

Reply to paragraph 32 of the list of issues prior to reporting

The operation of the working group focusing on child prostitution

255. In December 2014, the EMMI granted a total of HUF 58,467,000 to the SZGYF) for the development and introduction of a training programme for the identification and prevention of child abuse, just like for its tackling, and for the organization of programmes for the prevention of child prostitution and for the provision of the necessary tools and trainings. In order to ensure the sustainability of the training, a train-the-trainer programme was conducted with the involvement of 40 trainers, covering the training of 1,012 specialists.

256. In 2016 a working group was formed to assess the prevalence of child prostitution, as a type of sexual assault, among children in special child protection care. The working group came into existence with the additional purpose of proposing methodological guidelines and recommendations for improvements in the field of prevention, control and victim support. The working group started its operation on 29 September 2016 with the involvement of 20 civil, Church and public organisations or institutions.

257. Research findings and innovative good practices are summarized in a final study titled 'The identification of sexual exploitation and its handling in child protection care', which serves as underlying basis to the preventive measures against child trafficking and child prostitution, as part of the National Strategy against Human Trafficking in 2019, just

like to the tender invitation proposed in this subject for the development cycle of 2021–2027.

About the use of the IT platform (EKAT) that records victim data and cases of victimisation

258. The IM took part, as main tenderer, in the execution of project BBA-5.4.1/2 ‘The establishment of a web-based system to support the guiding mechanism of victims of human trafficking and to monitor the trends of human trafficking’, whose implementation was financed by the Internal Security Fund. As a result of the project, an IT platform (EKAT) was created to link the relevant government and civil organisations in combatting human trafficking. The platform is able to record victim data and cases of victimisation, and thus to conduct statistical surveys and investigations. Section 1(1) of Government Decree no. 354/2012 (XII. 13.) on the identification system of victims of trafficking in human beings (hereinafter THB Regulation) refers to the personal care provider as an identifying body. Heads and directors, of each personal care providing social, child welfare or child protection service provider or institution got notification about, their tasks related to identification and of the use of the EKAT system.

Sources of support for services provided to children who may be deemed victims of human trafficking and to the experts dealing with them

259. The programme for the prevention of child prostitution has been designed for girls who have special needs and receive special child protection care, and for girls in youth detention centres, that is, for the most vulnerable groups. Between December 2014 and May 2015, a series of lectures were organised on theatrical and cinema productions and movies, where experts helped the audience interpret and utilize the information they received, thus enabling the persons under care to understand the importance of the decisions they make in their lives – including decisions that lead to prostitution.

260. Again at the expense of chapter-based appropriations, in 2017 EMMI donated an amount of HUF 5,897,000 (and in 2018 a sum of HUF 5,000,000) to the Hungarian Baptist Aid, for the provision of special services to those children who may be deemed victims of human trafficking and have been placed in the Children’s Centres in Esztergom, Kalocsa and Zalaegerszeg, under EMMI’s Special Children’s Centre, Primary School and Vocational School, and to the experts dealing with them. Children could benefit from prevention and assistance related sessions, individual therapeutic discussions, mental hygienic group sessions, psychodrama sessions and long-term mentoring. Experts could take part in preparatory courses in connection with the mental processes of victimisation, the treatment of exposure, conflict management, empathy and skills development for acceptance.

The establishment and operation of Barnahus houses

261. Pursuant to Section 61(2) of the Child Protection Act, as of 01 January 2019 regional child protection services may run services for the examination and therapy of neglected and assaulted, and in particular sexually assaulted children, and – upon request from an official body – can provide other services that facilitate the hearing of the affected children, based on the operator’s decision. (See para. 114 and annex).

The implementation of Hungary’s Digital Child Protection Strategy

262. The primary objective of the strategy is to enable children to become conscious adults, who are aware of the potentials, challenges and risks of the online space, and are proficient users of their knowledge. (See para. 95 and annex).

The deletion of the condition of double criminality for a statement on the extraterritorial scope

263. According to the Section 3 paragraph (2) point ac) of the Hungarian Criminal Code the law shall also prevail if the offence is committed by a foreigner in a foreign country and its persecution is prescribed in an international agreement that has been announced in law. In this case, the application of the Hungarian legislation is not subject to a statement on double criminality.
