

**COMMITTEE ON THE RIGHTS OF THE CHILD
41th Session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

CONCLUDING OBSERVATIONS: HUNGARY

1. The Committee considered the second periodic report of Hungary ([CRC/C/70/Add.25](#)) at its 1100 and 1102 meetings, held on 18 January 2006, and adopted the following concluding observations at the 1120th meeting, held on 27 January 2006, the following concluding observations

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, written in a self-critical manner, in addition to the detailed written replies to its list of issues and the frank dialogue with a competent, cross-sectional delegation which enabled the Committee to have a clear understanding of the situation of children in Hungary.

B. Follow-up measures undertaken and progress achieved by the State Party

3. The Committee notes with appreciation a number of positive developments in the reporting period, including:
 - a.) numerous amendments to the Child Protection Act;
 - b.) the adoption of the Act on Equal Treatment and the Promotion of Equal Opportunities in 2003, prohibiting both direct and indirect discrimination;
 - c.) the independent monitoring by the Parliamentary Commissioners for Civil Rights and Ethnic and National Minorities, in particular the consideration given to child rights issues and cases;
 - d.) the prohibition of corporal punishment in the home by amendment of the Act on the Protection of Children in 2004;

- e.) expanded programmes for the social inclusion of Roma children.
4. The Committee also welcomes the ratification of :
- a.) the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on the 20 April 2000;
 - b.) the Rome Statute of the International Criminal Court on the 30 November 2001;
 - c.) the Council of Europe Convention on Cybercrime on the 4 December 2003;
 - d.) the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on the 6 April 2005

C. Main subjects of concern and recommendations

1. General Measures of Implementation

(arts. 4, 42 and 44, paragraph 6 of the Convention)

Committee's previous recommendations

5. The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.87 of June 1998) made upon the consideration of the State's initial periodic report (CRC/C/70/Add.34) have been addressed through legislative, administrative and other measures. However, it regrets that some of its concerns and recommendations have been insufficiently addressed, particularly those concerning the need for a national plan of action and policy coordination, disaggregated statistics, budget allocation, training of professionals, discrimination of children belonging to an ethnic minority, in particular Roma, health issues, sexual exploitation and trafficking.
6. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial periodic report that have not yet been implemented and will be repeated in this document and to address the list of other concerns contained in the present concluding observations on the second periodic report.**

Legislation and implementation

7. The Committee takes note of the State party's declaration that all laws conform to the Convention and that in the event of legal dispute Hungarian courts apply the provisions of the Convention. The Committee, however, is concerned that decentralisation established through the Child Protection Act of 1997 places

responsibilities on the counties and local authorities without providing them with sufficient means in order to establish effective child protection and welfare services.

8. **The Committee recommends that the State party reassess the obligations placed on the counties and local authorities and support them with sufficient human and financial resources enabling them to establish and effective child protection system and adequate child welfare services.**

Coordination and National Plan of Action

9. The Committee recognises the existence of diverse action plans in specific areas but reiterates its concern at the lack of a comprehensive national plan of action for children in Hungary and reiterates its previous concern regarding a lack of a coordinated policy relating to the implementation of the Convention, particularly at the local level.

10. **The Committee recommends that the State party, taking into account the General Comment of the Committee on General Measures of Implementation;**

- a.) **develop and implement a National Plan of Action for children, provided with an adequate budget, time tables and a monitoring system, which should aim at the realization of the principles and provisions of the Convention and take into account, *inter alia*, the Plan of Action “A World Fit for Children” adopted by the General Assembly special session in May 2002;**

- b.) **take the necessary measures for an effective coordination of the activities of the guardianship offices (at county, city and municipal level), the child representatives and the expert committees.**

Independent monitoring

11. The Committee appreciates the work carried out by the Parliamentary Commissioners for Civil Rights and Ethnic and National Minorities, however is concerned that insufficient resources have been made available to these institutions in order to conduct their independent monitoring function effectively.

12. **The Committee recommends that:**

- a) **the State party strengthen the role played by the Parliamentary Commissioners in monitoring the implementation of children’s rights, in particular at the county and local level, by providing them with additional human and financial resources, and take due account of the General Comment No. 2, on national human rights institutions;**

- b) **the recommendations issued by the Parliamentary Commissioners relating to children's issues be given due consideration and follow-up action;**
- c) **attention be given to the creation of a complaints and monitoring mechanism accessible to children.**

Resources for children

- 13. The Committee regrets the limited information on budget allocations for the implementation of the Convention, particularly regarding health, education, child protection and social services. While noting the information that the national budget provides financial resources on a standardised basis for various services and at the local level the Committee is concerned that poor municipalities have problems in generating necessary additional resources.
- 14. **The Committee recommends that the State party allocate adequate resources and invite the State party to provide detailed information on budget allocations for the implementation of the Convention in its next report, in particular for the economic, social and cultural rights of children, in particular for those living in families with scarce economic means, "to the maximum extent of....available resources and, where needed, within the framework of international cooperation". In addition, the Committee recommends that the State party ensure that all municipalities have sufficient resources for an effective performance of their responsibilities in order to contribute to a reduction of the urban-rural disparities in the enjoyment of children's rights.**

Data collection

- 15. The Committee considers that the availability of statistical data is essential in order to identify and combat direct and indirect discrimination as well as devise and implement targeted positive action programmes and subsequent measures for monitoring progress achieved. In this respect, it again notes with concern that the Data Protection Act impedes the compilation of disaggregated statistics, especially with regard to most vulnerable groups of children, such as minority children; in particular Roma, disabled children, asylum-seeking children, children in conflict with the law.
- 16. **The Committee recommends that the State party thoroughly examine the existing laws and regulations which impede the collection of disaggregated data, with reference to the opinion of the European Commission against Racial Discrimination that the collection and publication of data broken down according to ethnic origin can be done in full respect of human rights provided that certain requirements are met. In addition, it recommends the State party to significantly improve the collection of data relevant for the implementation of the Convention via a comprehensive and well coordinated system in order to assess progress made and to devise and implement the necessary positive action programmes.**

Training/dissemination of the Convention

- 17. The Committee notes that the Convention has been translated into languages of minority groups but remains concerned about the lack of dissemination and

training on the provisions of the Convention to professionals working with and for children.

18. **The Committee encourages the State party to further promote the recognition of the Convention, with special attention to the dissemination among vulnerable groups, such as immigrants, ethnic or language minorities and to improve its efforts to establish systematic and permanent training on children's rights for all professional groups working with and for children (inter alia judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers and health personnel). Importantly, the State party should ensure that children themselves and their parents be informed of the principles in the Convention through the educational system.**

2. General Principles

(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

19. Despite legislative advances by way of the Act on Equal Treatment and the Promotion of Equal Opportunities adopted in 2003 and several measures and programmes aiming at the elimination of discrimination, the Committee is concerned that discriminatory and xenophobic attitudes, in particular towards the Roma population, remain prevalent and that especially Roma children suffer from stigmatisation, exclusion and socio-economic disparities, notably related to housing, unemployment, access to health services, adoption and educational facilities because of their ethnic status.
20. **The Committee strongly recommends that the State Party;**
 - a) **initiate campaigns to change widespread discriminatory behaviour of excluding members of the Roma community from services that have to be accessible to all citizens regardless of their ethnicity or any other status;**
 - b) **continue cooperation with the Roma community on improving the parents' awareness of the importance of children's development and education;**
 - c) **strengthen and expand programmes that assist disadvantaged children whose development was impeded by poor socio-economic conditions during young childhood;**
 - d) **systematically abolish all institutional settings which segregate children based on discriminatory grounds; and**
 - e) **expeditiously terminate the practice of withdrawing public responsibility for the education of certain children by assigning them "private" student status.**
21. **The Committee also requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination,**

Xenophobia and Related Intolerance, also taking into account General Comment n° 1 on article 29(1) of the Convention (aims of education).

Best interests of the child

22. While the Committee notes that the consideration of the general principle of the best interests of the child is consistently demanded by laws, it is concerned that this principle is not always respected in practice, in particular with regard to decisions affecting children belonging to vulnerable groups, such as refugee and asylum-seeking children and children belonging to ethnic minorities, particularly Roma.
23. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have impact on children, including the children belonging to vulnerable groups.**

Respect for the views of the child

24. While the Committee welcomes the efforts made by the State Party to promote the respect for the views of the child, it is aware of a general attitude in society to pay little attention to children's views and in particular notes that the views of the child are insufficiently taken into account in the decision making process of alternative care placements and custody cases.
25. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. Particular emphasis should be placed on the right of every child to express his or her views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. This general principle should also be reflected in all laws, judicial and administrative decisions, policies and programmes relating to children and should be implemented in the family, school, community and all institutions attended by and working with children.**

3. Civil Rights and Freedoms

(arts. 7, 8, 13-17 and 37(a) of the Convention)

Prohibition of torture or other cruel, inhuman or degrading treatment or punishment

26. The Committee is concerned over information indicating that children continue to be victims of arbitrary detentions, police brutality and ill-treatment in detention facilities.
27. **The Committee recommends that the State party investigate thoroughly all allegations of torture and ill-treatment committed in particular within the juvenile justice administration by public officials and ensure that perpetrators are rapidly brought to justice and tried. The Committee also**

encourages the State party to provide adequate reparations, rehabilitation and recovery programs for victims of such abuses.

Access to appropriate information

28. The Committee is concerned over the exposure of children to violence, racism and pornography, especially through the Internet.
29. **The Committee recommends that the State party take all appropriate measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet.**

4. Family Environment and Alternative Care

(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Separation from parents

30. The Committee is concerned over the high rate of children placed in alternative care, often for financial reasons, many of them for a long period of time, including very young children and children with disabilities. It notes with regret that about half of these children are not in foster families, but in institutions. The Committee is particularly worried about the considerable overrepresentation of Roma children among children in institutions. The Committee is also very concerned that not enough efforts are made to return children to their families as soon as possible.
31. The Committee is concerned by reports on the extremely low quality of many institutions and by the fact that children previously in state care subsequently are overrepresented among the homeless.
32. **The Committee recommends that the State party provide adequate family support in order to prevent separation and promote family based assistance in foster care as a form of alternative care. The Committee furthermore suggests that institutionalisation be used only as a measure of last resort, taking into account the best interests of the child. In this regard the State party should provide maximum support possible for the work of child representatives and child protection officers with a view to prevent and reduce placements in institutions. The Committee recommends that the State party ensure proper resource allocation, functioning and monitoring of the care institutions and foster care as well as a periodic review of placement in conformity with article 25 of the Convention.**
33. **The Committee recommends that the State Party undertake further preventive efforts to address root causes of poverty and to avoid that poor socio-economic conditions result in the separation of children from their parents. During the placement in institutions children should be assisted in maintaining contact with their families, with a view of achieving**

reintegration. The quality of institutions needs to be improved, staff should be offered additional training, psychosocial assistance should be provided for the children and the education provided should seek to prepare children for an independent life in adulthood. The children affected should be directly consulted throughout the period of institutional placement.

Adoption

34. The Committee welcomes the ratification of the Hague Convention and the designation of a central regulating authority, however is concerned over the short period of time after the birth during which the mother may withdraw her consent. The Committee, however, is concerned over the high number of Roma children who are maintained in institutions, while some of them might benefit from adoption.
35. **The Committee recommends that the central regulating authority be provided with sufficient financial and human resources in order to comply with its mandate. Particular attention should be paid to the right of all children to know their origins. The Committee urges the State party to identify those children who could benefit from adoption and initiate the adoption process, taking into consideration the cultural background of these children in accordance with article 20 of the Convention.**

Violence, abuse, neglect and maltreatment

36. The Committee is concerned about the number of children who are victims of violence in the family and sexual abuse and the lack of preventive and reintegration measures available.
37. **In light of article 19 of the Convention, the Committee recommends that the State party:**
 - (a) **undertake further in-depth studies on violence against children, including sexual abuse, in order to assess the extent, the causes, scope and nature of these violations;**
 - (b) **strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse;**
 - (c) **review the relevant legislation with a view to strengthening the protection of children where necessary;**
 - (d) **improve the reporting of cases of child abuse inter alia by ensuring that mandatory reporting for professionals working with or for children is applied in practice and by introducing child-sensitive possibilities to report instances of abuse;**
 - (e) **provide the necessary services for full physical and psychological recovery and social reintegration for children victims of violence;**
 - (f) **a monitoring system of the responsibilities placed on local authorities needs to be developed;**
 - (g) **particular attention should be paid to the establishment of emergency mechanisms such as 24 hour toll free helplines and shelters for children and women with children.**

38. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

5. Basic Health and Welfare

(arts. 6; 18, para.3; 23; 24; 26; 27, paras 1-3 of the Convention)

Children with disabilities

39. The Committee is concerned about the lack of an inclusion policy and integration mechanisms and inadequate assistance for children with disabilities.
40. **The Committee recommends that the State party:**
- a) ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**
 - b) pursue efforts to ensure that children with disabilities exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**
 - c) undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**
 - d) pursue further efforts to avoid the marginalisation and exclusion of children with disabilities and of children with disabled parents.**

Health and health services

41. The Committee expresses concern regarding the unequal access to health services throughout the country, in particular the limited access for children in rural areas and Roma children.
42. **The Committee recommends that the State party review its financial allocations for health services in rural areas. Furthermore, a concrete strategy should be adopted and implemented in order to ensure that medical services are provided without discrimination.**

Adolescent health

43. The Committee expresses concern over the lack of reproductive health information available to teenagers and the rising cost of contraceptives, in turn linked to the high rates of adolescent pregnancies. Furthermore, the Committee is concerned over the high incidence of drug addiction among adolescents. The

Committee is also concerned over the high suicide rates among children and the lack of mental health services.

- 44. The Committee recommends that the State party pay close attention to adolescent health, taking into account General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, and strengthen its efforts to promote adolescent health, including sexual and reproductive health education in schools, and to introduce school health services, including youth-sensitive and confidential counselling and care. The Committee also recommends that the State party take all necessary measures to address the problem of suicide and to establish adequate mental health services for children.**

Standard of living

45. The Committee takes notice of the reform on the family allowance system including an evident increase of the benefits for children. The Committee remains concerned about the high number of families living in poverty and the even higher number of single parent families, families with three or more children and families caring for a child with severe disabilities. In particular the Committee is concerned about the predominance of the Roma population amongst the poor and the difficulty of this population to evade economic hardship because of unemployment, segregated settlements and educational deficits caused by discrimination to a large extent.

- 46. The Committee recommends that the State Party ;**
- a) thoroughly examine the effects of the new family allowance system with a view to ensure that every child enjoys the right to an adequate standard of living;**
 - b) strengthen, if necessary, the efforts to improve the standard of living of disadvantaged children, particularly those living in single parent families, families with three or more children and families caring for a child with severe disabilities; and**
 - c) provide material assistance and support capacity building programmes in order to protect children against the detrimental impact of deficient living conditions.**

47. Furthermore, the Committee recommends that the State party include NGOs, especially organisations working with family and children's issues, and civil society in general, through dialogue, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.

6. Education, Leisure and Cultural Activities **(arts. 28, 29 and 31 of the Convention)**

Education

48. The Committee recognizes with appreciation that education is compulsory and free until the age of 18 and that the overwhelming majority of children uses the provided opportunities for primary as well as secondary education. The Committee notes with regret that the non-attendance of a number of children is not adequately controlled and prevented and that many Roma children leave the school system before graduation, although the Government has established programmes and scholarships in order to further the learning performance of Roma children.
49. The Committee, while recognising certain efforts to reduce segregated education, is concerned that many Roma children are still arbitrarily placed in special institutions or classes. Furthermore, the Committee is concerned that the quality of schools suffers from regional disparities and that access to pre-schools is reportedly limited in regions where poverty is high and Roma population is dominant.
50. **The Committee recommends that the State party take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, while taking into account the General Comment no 1 (2001) when legislation and policies in the area of education are designed. Particular attention should be paid to abolishing the segregation in schools which continues to disadvantage Roma children.**
51. **The Committee further suggests that recommendations on suitable measures in the field of segregated education as proposed by the Parliamentary Commissioners on Civil Rights and the Parliamentary Commissioner for National and Ethnic Minorities Rights be given due consideration.**
52. The Committee regrets that there is no obligatory component of human rights education in the core curriculum of all schools.
53. **The Committee recommends that an obligatory component of human rights education be introduced in the curriculum as it may play a central role in the endeavours to change discriminatory attitudes.**
54. The Committee is concerned that corporal punishment in schools, despite being prohibited in the Hungarian Child Education Act, continues to occur.
55. **The Committee recommends that the State party undertake measures, including corrective, in order to sensitise professionals within the educational system, in particular teachers, of their obligation to refrain from resorting to corporal punishment. In addition, the Committee recommends that awareness raising campaigns be implemented in order to inform children of their rights.**

7. Special Protection Measures

(arts. 22; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

Refugee and asylum seeking children

56. The Committee notes with appreciation that the State party has improved the conditions for refugee and asylum seeking children by guaranteeing their legal right to education, involvement of psychologists in the determination of refugee status and by the establishment of a special residential facility for separated children. However, the Committee remains concerned about the obstacles hindering family reunification among refugees.
57. **The Committee recommends that the State party improve the possibilities for family reunification by refraining from the application of financial conditions. Furthermore, the Committee recommends that the State party take into account the General Comment no 6 (2005) in the design of legislation and policies relating to the treatment of unaccompanied and separated children outside their country of origin.**

Sexual exploitation and trafficking

58. The Committee welcomes that the Hungarian Penal Code has applied the definition of trafficking as contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), however regrets that the ratification of the above mentioned Protocol still remains pending since its signature on the 14 December 2000.
59. **The Committee recommends that the State party ratify as soon as possible the above mentioned Protocols. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by;**
- a.) **undertaking studies to assess the nature and magnitude of the problem;**
 - b.) **providing training for professionals, inter alia, police, court personnel, social workers;**
 - c.) **providing adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Administration of juvenile justice

60. The Committee is concerned about reported cases involving minors arbitrarily detained and ill treatment by law enforcement officials. Also, the Committee is concerned about reports of ill-treatment by adult inmates due to mixed detention facilities. The Committee expresses concern over the lack of public defence lawyers. The overrepresentation of Roma children within the administration of juvenile justice remains a serious concern.

61. **The Committee recommends that the State party fully bring the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, § 203-238). In this regard, the Committee recommends the State party in particular to:**

- a) **take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and that children, if detained remain separated from adults and protected from any form of ill-treatment;**
- b) **implement alternative measures to deprivation of liberty, such as probation, community service and suspended sentences;**
- c) **ensure that persons under 18 years of age in conflict with the law have access to legal aid as well as independent and effective complaints mechanisms;**
- d) **ensure that the principle of non-discrimination is strictly applied, in particular with regards to children of vulnerable groups such as Roma;**
- e) **maintain efforts concerning training on human rights and the problems of racism and discrimination provided for officials working with the administration of justice, in particular those in regular contact with members of vulnerable groups.**

Children belonging to minority groups

62. The Committee expresses concern at the continuing problems faced by Roma children which seriously affect the full enjoyment of their rights. In particular, the Committee is concerned about their high drop-out rate from school, which have negative impact on their education and on their future access to employment.

63. **The Committee recommends the State party to continue to take measures towards social integration of these children and to combat marginalization and stigmatization of Roma children. Furthermore, additional measures are needed to ensure the full enjoyment of the rights enshrined in the Convention by Roma children, in particular as to their access to education and adequate standard of living.**

8. Optional Protocols to the Convention on the Rights of the Child

64. The Committee notes that the State party has signed but not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.
65. **The Committee recommends that the State party ratify as a matter of urgency the Optional Protocols to the Convention on the Rights of the Child on the involvement of sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.**

9. Follow-up and dissemination

Follow-up

66. **The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Ministries, Parliament, and to county authorities, for appropriate consideration and further action.**

Dissemination

67. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) adopted by the Committee be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

10. Next report

68. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the UN Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial and the Committee appreciates the State party's performance in this regard. The Committee invites the State party to submit its combined 3rd and 4th periodic report, which should not exceed 120 pages (see CRC/C/118), by 5 May 2012.**