



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the combined third to fifth periodic reports of Hungary

Addendum

Replies of Hungary to the list of issues* **

[Date received: 16 June 2014]

Part I

Question 1 of the list of issues (CRC/C/HUN/Q/3-5)

Please clarify the status of the Convention in the domestic legal system of Hungary. Please indicate whether the national courts have invoked the provisions of the Convention, either as grounds for a ruling or as interpretative guidance on legal norms.

1. The Hungarian National Assembly promulgated the Convention by Act LXIV of 1991. In accordance with the ratification, the Fundamental Law declares the protection of children's rights at the highest level of national law, and in terms of the Convention's practical implementation and the relevant guarantees, Act XXXI of 1997 on the protection of children and on public guardianship administration (hereinafter referred to as the Child Protection Act) is also of outstanding importance. Following the provisions of the Convention, the Child Protection Act provides an exhaustive list of children's rights and the state and municipal obligations aimed at enforcing these rights. Act V of 2013 on the Civil Code entered into force on 15 March 2014; its Book Four contains Hungary's family law regulation, superseding the previous Act on this subject (Act IV of 1952) but at the same time adopting and reinforcing its regulation enforcing the best interests of the child. The

* The present document is being issued without formal editing.

** The annexes may be consulted in the files of the secretariat.



Book on Family Law lays down as a basic principle that “the interests and rights of the child are provided special protection in family law relations.”

2. The basic principles and children’s rights specified in the Convention also serve as a basis for drafting other sources of law containing comprehensive regulation. Thus, Act C of 2012 on the Criminal Code, replacing the previous code, also contains specific provisions on child and juvenile offenders as well as on victims younger than 18 years of age. Act I of 2012 on the Labour Code contains the prohibition of child labour. Act LXXV of 1996 on Labour Inspection specifies the sanction that can be applied against employers violating this rule, and also prescribes a reporting obligation to the child welfare service or the guardianship authority.

3. The Hungarian legal system enforces children’s rights not only in terms of substantive law but also in terms of procedural law. Act CXL of 2004 on the General Rules of Administrative Procedures and Services, Act XIX of 1998 on Criminal Procedures and Act III of 1952 on Civil Procedures also contain provisions on, among other things, hearings involving children, their legal representation and the use of child-friendly hearing rooms.

4. On the one hand, the Convention’s role in legal practice is that in many cases, both the courts and the guardianship authorities explicitly refer to the provisions of the Convention’s Articles as the grounds for specific cases. On the other hand, since the legislator incorporated certain requirements of the Convention into national law, court rulings or official decisions made in children’s cases or affecting children are guaranteed to serve the enforcement of the best interests of the child.

5. Courts refer to point 3 of Article 9 and point 2 of Article 10 of the Convention mainly in family law lawsuits, in particular in legal disputes arising in connection with the custody of the child and maintaining contact with the child. There was a lawsuit in progress between two parents of Hungarian nationality for the termination of marriage, child custody and for deciding on child support and maintaining contact with the child. The parties’ child was 8 when the judgement of first instance was passed. The claimant – the mother – settled in Spain, while the respondent – the father – stayed in Hungary. As a result of this situation, a serious dispute arose between the parties regarding maintaining contact with the child. In its judgement the court placed the child with the mother and ordered contact with the child to be maintained, as requested by the father. In the statement of reasons the court invoked point 3 of Article 9 of the Convention. It expounded that it was the child’s interest to develop an undisturbed, loving relationship with his father, and it would serve this interest if the child could spend all Spanish school holidays in Hungary.

6. Courts acting in cases of juvenile defendants refer to the Convention primarily during sentencing. In a criminal case the court of first instance found the juvenile defendant guilty of committing the criminal act of battery causing death, for which it sentenced him to a year in a correctional facility for juvenile delinquents, and suspended the sentence on probation for 4 years. In the statement of reasons for the judgement, the court referred to the provisions of Article 37 of the Convention as the reason for omitting an unsuspended sentence of imprisonment; since according to this Article, sentences involving imprisonment shall be used only as a measure of last resort.

7. Guardianship authorities refer to point 1 of Article 3 of the Convention – the enforcement of the best interests of the child – in cases dealing with contact issues and during decision-making on children’s removal from their families. They also mention point 1 of Article 18 of the Convention in the guardianship authority’s decisions on custody and the enforcement of maintaining contact with the child. For decisions against children’s temporary placement with their relatives, point 1 of Article 7, laying down the child’s right to be raised by his parents, as well as point 1 of Article 9, are taken into account as

references. This Article is mentioned as a legal ground if a grandparent or another relative wants to rear the child based on the argument that he or she is able to provide better conditions for the child than the parents, although the parents are suitable for child-rearing and do not jeopardise the child's development.

8. Point 1 of Article 23 of the Convention was invoked in an administrative lawsuit for the placement in foster care of a child with mental disability who was neglected by his biological family.

9. In connection with maintaining contact with the child, in the case of a group of children moving abroad, the guardianship authorities provide explicit information on the rule laid down in Article 11 of the Convention (Illicit transfer of children abroad), and experience has shown that this is usually a deterrent.

10. In certain cases the guardianship authority cites Articles 3, 9, 10, 12, 18, 19, 20, 23, 24, 27, 31, 37 and 39 of the Convention, for example in procedures relating to absence from school without good reason, temporary placement, placement in foster care, the regulation of maintaining contact with the child, hearings involving minors, the appointment of a place of custody and the settlement of family status.

11. As administrative decision-makers, in practice, guardianship authorities observe all Articles of the Convention and apply them within the limits imposed by the laws. The spirit of the provisions of the Convention is also reflected in the statements of reasons of official decisions.

Question 2

Please inform the Committee about the content of the 2007–2032 national strategy entitled Making Things Better for our Children, and provide information on the implementation of the concomitant 2007–2010 plan of action, including its outcomes. Please also update the Committee on the most recent plan of action to implement the strategy.

12. One of the priorities of the “Making Things Better for our Children” National Strategy (2007-2032) is to achieve a significant reduction – over one generation – of the poverty rate of children and their families, to eliminate the exclusion of children and extreme forms of poverty, and to transform the mechanisms that reproduce poverty and social exclusion. The objectives and main intervention areas of the “Making Things Better for our Children” National Strategy (2007-2032) were incorporated in the National Social Inclusion Strategy adopted at the end of 2011, which is in line with the objectives of the EU Roma Framework. The reports for 2009 and 2010 on the evaluation of the implementation of the government's Plan of Action for the years 2007-2010 of the “Making Things Better for our Children” National Strategy (2007-2032) were prepared by the Chances for Children Programme Office of the Hungarian Academy of Sciences as an evaluation committee. They are available at: http://www.gyerekesely.hu/index.php?option=com_content&view=article&id=1434:gyerek-eselyek-magyarorszagon-2010&catid=26:hirek.

13. The implementation of the objectives of the “Making Things Better for our Children” National Strategy (2007-2032) is also monitored by an evaluation committee within the framework of the National Inclusion Strategy. In order to ensure stronger government participation, the evaluation committee was transformed in 2011, thus, in addition to 12 NGOs, there are 12 members representing the government on the committee. The evaluation committee made a report on the performance of the tasks of the year 2011 in March 2012; the report contains the evaluation of the period between 2007 and 2010 and it has also set some new tasks.

14. The main results achieved by 2012:
- The period of entitlement to child home care allowance has been restored to three years from two years. Concurrently with this, more than 800 nursery places were established in 2011.
 - In order to continue the Sure Start programme, since 2012 there have been domestic budgetary resources available for the maintenance of Children's Centres (approximately 42 in 2012) in the completion stage of their EU projects.
 - In 2011 and 2012 74,295 schoolchildren and 20,864 children attending kindergarten participated in the skills development and integration development scheme (Pedagogical System of Integration).
 - The transformed "Útravaló-MACIKA" Scholarship programme has continued. 11,422 schoolchildren were granted support in the 2011/2012 academic year, of which 6,849 children stated that they were of Roma origin.
 - In 2011, the first website was created that deals with the subject of children's safety in Hungarian: www.gyermekbantalmas.hu.
15. The (interim) evaluation of the government's action plan for 2012-2014 relating to the National Inclusion Strategy – including the "Making Things Better for our Children" National Strategy, the strategic action plan against child poverty – was published in June 2013.
16. Main results achieved between 2012 and 2014:
- The Sure Start Children's Centre network, aimed at preventing social disadvantages from being passed on, operates with more than 100 Children's Centres, of which nearly 60 new Children's Centres were launched after 2012. In order to ensure long-term sustainability, in 2013 the regulation for Sure Start Children's Centres was integrated into the Child Protection Act, as part of basic child welfare services.
 - Regional Chances for Children programmes were started in 23 regions, which had provided assistance to approximately 32,000 disadvantaged children by February 2014.
 - As a result of the kindergarten developments, nearly 5,500 new places are being created between 2013 and 2015.
 - The Arany János Talent Management Programme, the Arany János Student Hostel Programme and the Arany János Student Hostel and Vocational School Programme, which support secondary school and vocational school students with disadvantages or children with multiple disadvantages who are being brought up in professional child protection institutions in continuing their studies in higher education and in integrating into the labour market, provided complex pedagogical, social and health care support to more than 4,000 students in 2012.
 - Altogether 14,193 secondary school and university students participated in the "On the Road" *Útravaló* Scholarship Programme in the 2013/2014 academic year, of which 7,574 (53%) claimed to be of Roma origin.
 - The complex programmes supporting those living in estate-type housing conditions improve basic housing conditions using more than EUR 13 million in EU funding.¹

¹ EUR sums reflect HUF- EUR exchange rate on 11 June 2014 (1 EUR = 305.45 HUF).

- From 1 September 2013, the Child Protection Act has regulated the rules of establishing the status of having disadvantages or multiple disadvantages in the case of children (young adults), as an official measure within the scope of child protection care (formerly it was included in the Public Education Act). This means that there is broader scope to compensate for situations of disadvantage or multiple disadvantage, on the one hand as regards the age of those affected (0-25) and on the other hand as regards the relevant sectors (previously it was only the public education sector that provided allowances in this respect). The reinterpretation of this concept makes it possible to access the services in a more precise manner (e.g. to special family care for seriously disadvantaged children), it generates new support opportunities (e.g. attendance of a Sure Start Children's Centre) and it further specifies the target groups of Hungarian and EU developments.
- According to the preliminary data of the Central Statistical Office, 28,032 children were classified as disadvantaged and 50,786 as multiple disadvantaged as of 31 December 2013.

17. Measures taken to date in 2014:

- In 2014, there are Children's Centres operating at 113 localities (villages and settlements), of which 49 are supported by domestic budget resources.
- An extra childcare benefit has been introduced for facilitating the employment of parents with small children. If after 1 January 2014 another child is born during the payment of child care benefits, the previous benefit will be also continued for the entire duration of the eligibility period. Based on the rights relating to children living in the same household, parents became entitled to receive several childcare benefits at the same time. In order to encourage childbirth at a younger age, in the case of children born after 31 December 2013, eligibility for childcare fee has been extended to parents who are full-time students studying in higher education. In addition, women who have a child within 1 year after the suspension or termination of their student status are also entitled to receive childcare benefit. Employers who employ parents receiving childcare benefit or childcare allowance, or raising three or more children and receiving child-raising support, will receive tax relief for two more years in addition to the eligibility period laid down in the current rules.

Question 3

Please provide information on the body responsible for the overall coordination of the implementation of the Convention across sectors, and on the mandate and the human, financial and technical resources allocated to the coordinating and implementing bodies.

18. As in previous years, there is no organisation exclusively responsible for the implementation of the Convention, but all sectors concerned are independently responsible for ensuring children's rights. The Ministry of Human Resources has a special coordination role as regards the special field of children's rights and child protection. The Child Protection and Guardianship Affairs Department of the State Secretariat for Social and Family Affairs is responsible for the legal regulation of child protection and guardianship affairs as well as enforcement of laws within the scope of its codification tasks, and as the professional supervisory authority of guardianship authorities, it provides guidance to guardianship authorities and monitors and evaluates their activities. The General Directorate for Social Affairs and Child Protection was established on 1 January 2013 as a background institution of the Ministry of Human Resources, which, pursuant to the Child Protection Act, provides professional child protection services as a state operator and also provides methodological support to child protection institutions.

19. In addition, there are programmes and measures that involve several sectors in a comprehensive manner, for example the programme “Making Things Better for Our Children” and the provision of benefits that may be claimed in case of children with disadvantages or multiple disadvantages.

20. Moreover, the Working Group for Child-friendly Justice has operated in Hungary since 2012; in this working group, representatives of the authorities and NGOs that participate in the administration of justice jointly prepare amendments of laws concerning the child-friendly administration of justice; they assisted in the preparation in particular of Decree 32/2011 (XI. 18.) of the Minister of Public Administration and Justice on the establishment of hearing rooms for children at the investigative authorities of the police, Act LXII of 2012 on the amendment of certain laws related to the implementation of child-friendly justice, Act CLXXXVI of 2013 on the amendment of certain criminal law acts and other related acts and Act CCXLV of 2013 on the amendment of certain acts for the purpose of protecting children. The official website of child-friendly justice can be accessed at: www.gyermekbarat.kormany.hu (translates as: www.childfriendly.government.hu). The website is primarily aimed at adults: it informs parents and other interested parties about current issues relating to the programme, and about important information and legal opportunities, in addition to which visitors to the website may turn directly to experts (lawyers, psychologists and social workers) with their questions.

Question 4

Please indicate whether the State party’s budgeting process includes budget allocations specifically for children in the relevant sectors and agencies, and whether there are indicators and tracking systems at all levels. Please also provide information on whether there are targeted budget allocations for children who are in marginalized and vulnerable situations, such as Roma children, children with disabilities, migrant children and children of refugees and asylum seekers.

21. The special appropriations of Chapter XX (entitled The Ministry of Human Resources) of the Central Budget Act include resources for providing healthcare services, public education, social care, basic child welfare services and professional child protection services, as well as the resources for the maintenance and operation of governmental, non-governmental and ecclesiastical institutions that provide such services. In addition, the Ministry of Human Resources, which is responsible for several sectors to do with children, provides funding from the Ministry’s chapter-managed appropriation specified in the Central Budget Act to non-governmental and ecclesiastical organisations for implementing their programmes based on individual contracts. The development goals and programmes specified by the government are realised through the coherently planned utilisation of EU grants and resources provided in the Central Budget Act, and according to the following:

Healthcare – central budget allocations

22. The main tasks for the year 2012 of the National Infant and Child Health Programme, supported by EUR 61,385 in budget allocations in 2011 and 2012 and realised through the involvement of the National Child Health Institute, were as follows: prevention of childhood allergies, the operation of a National Committee for the Support of Breast-feeding, maintenance and expansion of the “Baby-friendly Hospital Initiative Programme”, the operation of an outpatient department for adolescents, training courses on first aid, awareness-raising training courses on early development, rehabilitation and mental and dietetic support opportunities, the implementation of the Child Safety Action Plan, the prevention of child abuse, the operation of databases and the preparation of methodological materials.

23. The purpose of using the appropriation of the central budget allocations of EUR 65,477.2/year provided to the Hungarian Children's Oncology Network in 2012, 2013 and 2014 is to operate the National Child Tumour Register in cooperation with the Hungarian Association of Paediatric Oncologists and Paediatric Haematologists.

24. The central budget provided EUR 9,821.6 for the examination of children's oral health and health habits in 2013. The survey, which started in May 2013, is in progress at 17 sites, with the participation of 1,800 children aged 6 and 12. The importance of the programme is that it produces up-to-date, representative data on children's dental knowledge and habits as well as on the relationship between dental health preservation and dental and oral diseases.

25. The central budget determined the amount of the allocation for the National Committee for the Support of Breast-feeding at EUR 13,095.4 in 2013, which was used for implementing the WHO/UNICEF Baby-friendly Hospital Initiative, which supports feeding with breast-milk and meets the criteria of quality assurance. There are 17 "Baby-friendly Hospitals" and 118 "Baby-Friendly Areas" in Hungary.

26. The Transplant Foundation for Renewed Lives received EUR 6,547.7/year in 2012 and 2013. The areas of activity of this non-profit NGO, which has been operating for 22 years, are the following: the physical and psychological rehabilitation of children with transplanted organs or waiting for an organ to be transplanted, providing assistance to parents in finding solutions for everyday problems, securing the wide social acceptance of transplantation and increasing the number of transplants.

27. Since its establishment, the Spiritual Home for the Rehabilitation of Tumour Patients – with a central budget allocation of EUR 65,477.16/year – has endeavoured to provide family-centred (complex) psychotherapy and rehabilitation services. The rehabilitation model created in the Home could be extended to counselling for children suffering from other serious or permanent damage to health (childhood and juvenile diabetes, neurological damage, genetic abnormalities, metabolic diseases) and their families.

28. The network of health visitor nurses that has been operating in Hungary for almost 100 years, attached to the care provided by family paediatricians, participates in the performance of public health, epidemiological and health improvement services, in addition to protecting the health of women, mothers, infants, children, young people and families. Health visitor nurses also have an important role in the recognition and child protection early-warning system. The Budget Act provides a separate resource for the maintenance of the network of health visitor nurses every year; in 2014 the central budget allocated EUR 67,763 for this purpose.

Healthcare – Resources from EU and other financial funds

29. Early Childhood (0-7) Programme – SROP 6.1.4 limit: EUR 8,184,645 with project closing in quarter I of 2015; the implementation of the project is in progress, coordinated by the Institute for Quality- and Organisational Development in Healthcare and Medicines and the Office of the Chief Medical Officer. The programme concentrates on supporting a healthy start to life and successful entry into school for children between 0 and 7, with a particular focus on those needing special support.

30. More than 1,500 recipients were granted funding from a funding limit of approximately EUR 45,834,015 within the framework of call for tenders no. SROP 6.1.2/11/2/A, entitled "Professional support for physical activities serving the health improvement of the population and the expansion of recreational sports". The objective of the project is to encourage the Hungarian population (mainly children, young people and young adults) to participate in physical activities in a measurable manner and under

structured guidance, supporting rapid equal-opportunity access to quality sport services, the planned exchange of information and experience between experts and sport service providers, and awareness-raising.

Social inclusion – central budgetary resources

31. Every year, the central budget provides separate resources for tasks serving children's welfare and included in the 2012-2014 action plan of the National Social Inclusion Strategy: EUR 2,946,472.2 in 2012, 314,290 in 2013, and EUR 216,075 in 2014. Since 2012, there have been EUR 959,240/year available for supporting the operation of Sure Start Children's Centres, which provide basic services for improving the chances of inclusion for children between 0 and 5 and their parents, living in less-developed areas.

Social inclusion – the use of EU resources

32. The regional opportunities for children programme currently operates in the 23 most disadvantaged areas, within the framework of special projects nos. SROP 5.2.3 and SROP 5.2.3/A. The essence of the programme is to ensure developments that permanently improve the opportunities of children in a planned, organised manner, in areas with poor social indicators, in order for children of vulnerable families to have real chances to break out and integrate into society. The main components of the programme are the following: supporting early childhood skills management, and, within the framework of this, the launching of Sure Start Children's Centres, screenings, the strengthening of health prevention, community work performed on housing estates, recreation and sports programmes, services for helping children to catch up at school, the operation of information points in small towns, supporting career guidance, the organisation of summer camps and programmes and the strengthening of cooperation between the experts in this field. In the spirit of conscious planning, a 10-year strategy for children and youth are prepared in every region in order to substantially improve children's situation.

33. The programme was launched in 2009 in the 5 most disadvantaged micro-regions, with support of EUR 8,479,193. The programme was also launched in 6 additional micro-regions in 2011, from a support limit of EUR 9,795,384. In 2012 the projects of 12 micro-regions were launched with support of approximately EUR 22,851,530.5. By the beginning of 2014 it became possible for more than 32,000 children to participate in the programme.

Public education – resources from the central budget and from the EU

34. Kindergarten care will become mandatory from the age of 3 instead of the age of 5 from 1 September 2015. In order to ensure the availability of care even in the most disadvantaged settlements, capacity expansion and programmes to improve kindergarten services are being implemented, financed by domestic and EU funds, with the help of the scheme entitled "The improvement of educational institutions". The current data of capacity expansion are as follows: using EUR 4,354,231.5 approximately 5,000 places are being created in the period between 2013 and 2015.

35. The aim of the skills development and integration preparation scheme (the Pedagogical System of Integration) that serves equal opportunities in education is to reduce the effect of the social and economic status of a child's family on the child's school achievement and to reduce segregation. To this end, it supports the kindergarten attendance and educational success of children with disadvantages and multiple disadvantages. Teachers participating in the programme also receive financial support. The central budget supported the programme with EUR 22,382.4 in 2012 and EUR 14,742.2 in 2013.

<i>The results of the Pedagogical System of Integration</i>	<i>Number of participants in the 2011/2012 academic year</i>	<i>Number of participants in the 2012/2013 academic year</i>
Skills development and integration preparation	74,295 students	79,025 students
Kindergarten development programme	20,864 children	25 children
Teachers' additional remuneration	14,957 teachers	approximately 13,000 teachers
Total number of public education institutions		1,848

36. The purpose of the opportunity-creating sub-programmes of the "Útravaló Scholarship Programme" is to promote disadvantaged students' success at school. Having regard to the contents of the framework agreement concluded by and between the Government and the National Roma Self-Government, at least 50% of those supported must be of Roma origin.

- The purpose of the sub-programme "Út a középiskolába" ("Road to Secondary School") is to prepare students for further study.
- The sub-programme "Út az érettségire" ("Road to the Secondary School Leaving Examination") is to support students in leaving secondary school successfully.
- The sub-programme "Út a szakmához" ("Road to Vocation") supports vocational school students in overcoming learning difficulties.

37. In 2012, the central budget contained an allocation of EUR 6,623,342.6 for the "Útravaló" Scholarship Programme. In the 2012/2013 academic year, altogether 16,717 students were supported by a total amount of EUR 5,590,789 within the framework of sub-programmes for creating opportunities.

38. The 2012/2013 and the 2013/2014 academic years can be described by the following participation data:

<i>2012/2013 academic year</i>	<i>Number of new entrants</i>	<i>Number of continuing students</i>	<i>Total</i>
Road to secondary school	2,626	2,647	5,273
Road to the secondary school leaving exam	1,837	3,720	5,557
Road to vocation	1,123	1,910	3,033
Total	5,586 persons	8,277 persons	13,863 persons

<i>2013/2014 academic year</i>	<i>Number of continuing students</i>	<i>Number of continuing Roma students</i>	<i>Number of new entrants</i>	<i>Number of new Roma entrants</i>
Road to secondary school	2,647	1,746	2,626	1,595
Road to the secondary school leaving exam	3,720	1,592	1,837	957
Road to vocation	1,910	979	1,123	651
Total	8,277	4,317 (52%)	5,586	3,203 (57%)

39. The Arany János Talent Fostering Programme seeks to help disadvantaged students in secondary schools to pass their final examinations and to support the continuation of

their studies in higher education through individual tutoring and talent fostering. The Arany János Boarding School Programme is designed to help multiply disadvantaged and needy students in secondary schools to obtain their final examinations and to encourage the continuation of their studies in higher education through individual tutoring, career orientation and social support. The Arany János Boarding School-Vocational School Programme serves to help students qualifying as multiply disadvantaged and needy to obtain vocational qualifications, to reduce early school-leaving and to compensate for their social disadvantages by promoting the cooperation of the participating institutions and developing individualised development plans as well as with continuous feedback on the progress of students and career orientation.

40. The average rate of those who can pass into tertiary education after finishing school in the Arany János Talent Fostering Programme is about 80%. The institutions participating in the Arany János Boarding School Programme can reach 3% of multiple disadvantaged students; however, the quality and manner of working with students is exemplary owing to the pedagogical tools used in the programme and to the programme's focus on the target group. In the Arany János Boarding School and Vocational School Programme the drop-out rate of the programme is well below the national average: it is 13% in terms of a four-year period and 3% annually. In both the 2012/2013 and the 2013/2014 academic years, more than 4,000 disadvantaged or multiple disadvantaged, vulnerable students participated and/or are participating in the programme, the annual budget of which is 9.821.574,5 Within the framework of project SROP- 3.1.4./12./1; SROP - 3.1.4./12./2 for the development of innovative schools, more than 200 applications by educational institutions are awarded EU funding totalling nearly EUR 65,477,165 The sub-objective of the programme is to implement health improvement, attitude-forming school programmes in order to protect the health of students, and to promote ways of behaviour which incorporate a desire to lead a healthy lifestyle and to do sport.

Social and child welfare – central budgetary resources

41. In the social care system, within benefits provided for raising children, we can distinguish between family support benefits available to everyone, health insurance benefits and means-tested benefits. The latter support persons and families without income or on low income in raising children. These benefits include cash and in-kind child protection benefits that are basically aimed at children, in order to prevent or eliminate disadvantages and dangers arising or existing in childhood and to ensure that children can be raised by their own families.

42. Of cash and in-kind child protection benefits, the regular child protection allowance, which is made up of the in-kind components below, deserves special mention:

- Normative child meals allowance:
 - The funds provided for free and discounted child meals from the central budget were increased in 2013 by 36% compared to the funds provided in 2010 (from EUR 91,668,031 to EUR 144,049,762). Another significant change in financing children's meals from 2014 is that local governments providing children's meals are given task-based budget allocations for wages and operation costs. Support for children's meals increased by about 83% (approximately EUR 78.572,598) in the central budget between 2010 and 2014.
- Erzsébet vouchers for "child protection" purposes:
 - After 1 November 2012, the previous cash benefit was replaced by Erzsébet vouchers for "child protection" purposes, to be provided to children entitled to the benefit; it can be used for buying food, clothes and school equipment.

The average number of those receiving Erzsébet vouchers was 547,926 in 2013.

- Other benefits specified in separate legislation:
 - The kindergarten support is aimed at promoting disadvantaged children's early enrolment in kindergarten, in order to ensure such children's subsequent success at school as well as their integration into society. The entitled parent or the guardian who receives the child into his or her family receives financial assistance twice per year during the period of the child's attendance at kindergarten, provided the child attends kindergarten regularly; the amount of the support is specified by the laws, according to which it is EUR 65.45 for the first time and EUR 32.75 on every occasion after that.
 - The purpose of advancing child support is to help parents who do not have sufficient resources to provide for their children, provided that the collection of the child support awarded to them by the court is temporarily impossible. The prepayment cannot last for more than 3 years and it can be ordered again once for another 3 years.

Statistical data on the cash and in-kind benefits mentioned in the Child Protection Act

Designation of the benefit	Number of those receiving support (persons)	
	2011	2012
Regular child protection allowance	592,375	572,184
Supplementary child protection benefit	1,259	1,166
Kindergarten support	33,325	34,773
Advancing child support	15,826	17,444

Source: Central Statistical Office, official data for the years 2013 and 2014 are not yet available.

The source of child protection cash benefits

Designation of the benefit	Amount of the central budgetary resources (EUR)			
	2011	2012	2013	2014
Regular child protection allowance				
Supplementary child protection benefit	22,360,451	23,254,215	23,155,999	20,758,553
Kindergarten support	2,488,132	2,488,132	2,488,132	2,488,132
Advancing child support	4,166,312	4,910,787	5,572,107	6,812,899

Summer welfare catering for children

43. In 2011 we established new support criteria for this support, which was introduced in 2008. As a result, it became possible to evaluate the different situations of local governments and to provide increased support to children living in the most disadvantaged towns, by using the local governments' own funds. The most disadvantaged local governments are entitled to apply for support for the highest number of children, followed by disadvantaged local governments and then by local governments that are in an average situation. The purpose of the support is to ensure that as many children receiving regular child protection benefit as possible can have at least one hot meal per day during summer school holidays. The budget appropriation for the implementation of this programme has been increased by 10%, that is, by EUR 8,642,985.8 in 2014. Lunch cooked and consumed

locally also provides an opportunity for local governments to arrange recreational activities for the children. About 120,000 children are provided with a daily hot meal within the framework of the programme, on average for 44-54 days in the summer holiday.

Disability affairs

44. The central budget appropriates funds for the national advocacy organisations of disabled people every year. Using the budgetary allocation, the national organisations and their affiliated organisations operate youth sections and they are also engaged in the protection and skills development of children with special needs as well as in the implementation of programmes organised for them. The Budget Act specified nine supported organisations per year between 2011 and 2014; the amounts of annual allocations were between EUR 49,107.9 and EUR 563,103.6.

Budgetary resources provided for the maintenance of a child protection system

45. Until the end of 2011, the provision of professional child protection services (home-providing care, follow-up care and regional professional child protection services) and the maintenance of foster parents' networks, children's homes and follow-up care homes were the responsibilities of the state and local governments. In accordance with the prevailing Budget Act, the state used to provide normative support to county governments and the local governments of cities of county rank to assist them in maintaining the professional child protection services prescribed by the Child Protection Act. From 1 January 2012, the welfare and child protection institutions maintained by county governments have been transferred to state management. The obligation of local governments and the City Council of Budapest to provide professional child protection services was terminated on 1 January 2013, when the provision of professional child protection services became the responsibility of the state. The state may perform this obligation by maintaining its own institutions or it may enter into individual contracts for the performance of these tasks, with the exception of the regional professional child protection service.

46. In addition to state-run institutions, there are still child protection institutions operated by ecclesiastical and non-governmental organisations. The support provided from the central budget for the purpose of maintaining foster parents' networks, children's homes and external places providing follow-up care, maintained by ecclesiastical and non-governmental organisations, is always determined by the prevailing act on the annual central budget. In 2010-2012, local governmental, non-governmental and ecclesiastical operating entities were entitled to normative state contributions. The financing method has changed from 2013: from then on, ecclesiastical and non-governmental operating entities are entitled to receive wage-based support for financing the maintenance of places in professional child protection institutions.

47. In addition to the above, churches are entitled to receive supplementary ecclesiastical support for persons placed in the institutions maintained by it that perform social, child welfare and child protection tasks; the rate of such support is established in the annual budget act. The rate of the supplementary support was 73.1% in 2010, 82.6% in 2011, and in the first 7 months of 2012 it was 94.5% and 80% in the rest of the year (which makes approximately 88.5% for the whole year), while in 2013 it was 57.9%.

48. According to the prevailing budget act, the appropriation entitled "The development of child protection services", managed by the Ministry of Human Resources, supports the child protection events, children's programmes and professional development programmes, methodological tasks, conferences and training courses for institutions, local governments, non-governmental, ecclesiastical and professional organisations, in order to achieve the goals of the professional policies relating to the special field of child protection and

guardianship affairs. These goals involve supporting all innovative programmes that facilitate the social inclusion of children living in child protection care.

49. The Government is committed to improving the quality of daytime care for small children, thereby contributing to the fulfilment of the 2002 Barcelona objective; therefore it has taken several incentive measures which were intended for making daytime services available as widely as possible.

50. Nursery care provided within the framework of daytime care for children supports the balance between family and work commitments and helps to increase the participation of women in the labour market, and through its role played in the field of socialisation, it contributes to a reduction in child poverty and social exclusion as well as to improvements in the chances of seriously disadvantaged children to overcome their difficulties.

51. It is expected that there will be 20% more nursery institutions and places in Hungary at the end of 2014 compared to the situation in 2010, which is a significant development regarding the use of daytime care for small children on the one hand, and in terms of employment on the other.

The use of EU resources in the field of child welfare and child protection

52. The purpose of the calls for tenders entitled “the infrastructural developments of basic social services and basic child welfare services” (2007-2013) announced within the framework of the Regional Operative Programme is to ensure nursery services in settlements where there is no nursery service for children younger than 3 years of age, or where there are not enough available places, by means of new investments and expansions.

53. In the period 2010-2014, in 7 regions (South Great Plain, South Transdanubia, North Great Plain, North Hungary, Central Transdanubia, Central Hungary, Western Transdanubia), more than EUR 91,668 is being used by 211 organisations to create 107 new nursery institutions with more than 6,000 places, in addition to which more than 4,800 existing places are being modernised.

54. As a result of calls for tenders in support of the establishment of new family day-care centres announced in 2009 and 2010, the amount awarded to 121 applicants was EUR 259,184. In 2010, 73 tenders were accepted and the total amount of the support was EUR 151,714.5. About 1,000 new places were created in family day-care centres in various areas of the country within the framework of these two grant programmes. Between 2010 and 2014, 10 organisations have been given nearly EUR 1,440,498 in funding in 4 regions (South Great Plain, South Transdanubia, Central Hungary and Western Transdanubia), as a result of which 32 new family day-care centres are being established, with approximately 214 new places.

55. A fundamental goal of the SROP 5.4.9 grant programme is to improve basic social services and basic child welfare services in the convergence regions, as well as their operational efficiency, by coordinating the services in a manner that provides a complex solution to the population’s problems, by creating problem-oriented services with short response times, operated in compliance with the relevant emerging needs. The amount of support is: EUR 4,344,410.

56. Within the framework of scheme no. SROP 5.2.5/A-2010, “Inclusion programmes for children and young people”, 34 tenders were awarded funds in basic child welfare services and professional child protection services, to implement programmes dealing with, among other things, aggression management, making social inclusion easier, personality development, self-awareness, talent management and the useful spending of free time. The total amount of resources available in this scheme was EUR 3,273,858.

57. A limit of EUR 9,821,575 was available for scheme no. SIOP 3.4.1-B/12/1, “Replacement of boarding institutions – Child protection component ‘B’”; 8 tenders were awarded a total amount of EUR 7.236.389 in professional child protection services; 3 tenders were awarded a total amount of EUR 1.596.713,2 in basic child welfare services: two temporary homes for children and a temporary home for families. Implementation is in progress.

58. EUR 23.244.393,5 was available in the scheme “Modernisation of boarding institutions” (SIOP code 3.4.2-11/1). More than 300 applications were received. 6 applications were successful in professional child protection services, receiving a total of EUR 1.420.200, used for the modernisation of 15 family type care homes and 2 children’s homes. In the field of basic child welfare services, 5 tenders were awarded a total of EUR 1.811.098. The deadline for concluding these projects is 31 October 2015.

59. Within the framework of Priority Project SIOP 3.4.3/11/1, “Care in correctional institutions for boys in the Transdanubia region”, using support worth EUR 7.361.090,2 a new correctional institution for boys will be established in Nagykanizsa, with 106 places, planned for the first quarter of 2015. The activities and protocols relating to education in correctional institutions will also be standardised within the framework of this special project, and training courses for young people for their re-socialisation, the development of their self-supporting skills and the strengthening of their presence on the labour market will also be included.

60. Within Priority Project SROP 5.4.1-12/1, “The modernisation of social services, the strengthening of central and regional strategic planning capacities and the substantiation of social policy decisions”, EUR 5.303.650,4 is provided for preparing uniform professional regulations for the services provided within the scope of basic child welfare services and professional child protection services.

61. Within the framework of Priority Project SROP 5.4.2-12/1, “Developments of the central social information system”, EUR 6.808.510,6 was awarded for the digitisation of the records systems of basic child welfare services and professional child protection services, as well as certain procedures of the administration of guardianship affairs.

62. Within the framework of Priority Project SROP 5.4.10-12/1, “The modernisation of the system of social training courses”, approximately EUR 17,351,449 was awarded for the renewal of training courses and continuous development courses for foster parents and for the formulation of training courses and continuous development courses – as well as related materials – preparing people to perform the tasks of child protection guardians and foster parents’ advisors. Furthermore, the continued professional development of those working in positions involving the provision of personal care in the fields of basic child welfare services and professional child protection services is also carried out within the scope of this programme; management training courses will also be devised regarding social services, basic child welfare services and professional child protection services.

Budget allocations specifically for crime prevention purposes

63. Government Resolution No. 1744/2013 (X. 17.) on the National Crime Prevention Strategy (2013-2023) deals with the protection of children and young people as a high priority. Its budget for the year 2014 is EUR 16,369.3. In addition, the National Crime Prevention Council allocated EUR 187,281 for the year 2014 to implement pilot projects carried out by police and non-governmental organizations, targeting children and young people aged 0-24, in the area of crime prevention.

Support for migrant, refugee and asylum seeking children

64. Between 2011 and 2014, the European Refugee Fund and the European Integration Fund provide financial resources to improve the situation among refugees and migrants, including children, and to promote their integration, while the state provides a 25% budgetary contribution for each such project.

European Integration Fund

<i>Year of allocation</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>Total</i>
No. of projects directly affecting minors	6	4	4	10	24
Recognised costs of the projects out of which	EUR 326,378	EUR 389,375	EUR 298,026	EUR 791 899,631	EUR 1,805,679.28
EU funds	EUR 244,783.49	EUR 292,031.65	EUR 223,519.57	EUR 593,924.711	EUR 1,354,259.44
No. of minors directly affected by the projects	86	43	98	234	461
≤ 14 years of age	53	32	79	167	331
14 years of age ≤ and ≤ 18 years of age	33	11	19	67	130

European Refugee Fund

<i>Year of allocation</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>Total</i>
No. of projects directly affecting minors	4	7	3	3	17
Recognised costs of the projects out of which	EUR 299,395.85	EUR 188,511.95	EUR 203,226.05	EUR 291,651.37	EUR 982,785.24
EU funds	EUR 74,848.96	EUR 47,127.98	EUR 50,806.51	EUR 7,345.67	EUR 245,696.30
No. of minors directly affected by the projects	323	137	278	146	884

Question 5

Please indicate how the mandate of the Office of the Parliamentary Commissioner for Fundamental Rights addresses issues related to children's rights, and what human, technical and financial resources are allocated to support its activities. Please also indicate whether the Office receives complaints from or on behalf of children. If so, please provide information on the number, nature and outcome of such complaints.

65. The mandate of the Commissioner for Fundamental Rights (legal predecessor: the parliamentary commissioner for citizens' rights) concerning children's rights was included in the Child Protection Act until 31 December 2011. Article 1, paragraph (2) of Act CXI of 2011 on the commissioner for fundamental rights entered into force on 1 January 2012, which contains the task of protecting children's rights: "the commissioner for fundamental rights shall, during their activities – in particular by carrying out procedures launched ex officio – pay differentiated attention to the protection of children's rights."

66. In accordance with their mandate, the Commissioner for Fundamental Rights examines instances of abuse affecting children's rights, and takes general or individual measures to remedy them. In addition, the Commissioner pays special attention to preventing infringements of rights, through so-called proactive rights protection. As such, as a kind of professional ombudsman for children's rights, the Commissioner set up a fundamental rights project in 2008 which focused on enforcing children's rights. The objective of the project is to identify any abuses that may arise in connection with children's rights and to promote the enforcement of children's rights. The focus of work concerning children's rights was, in 2008, raising awareness among children of their rights, in 2009, the right of children to protection against violence, and in 2010, the role of the family and institutions substituting the family. In 2011, the Commissioner for Fundamental Rights dealt with the right of children to physical and mental health, in the broadest sense. The focus of project work for 2012 was placed on the issue of a child-friendly justice system. In 2013, the ombudsman inspected the enforcement of the children's right to health and a healthy environment. In 2014, coinciding with the comprehensive amendment of the Child Protection Act, the activity of the professional ombudsman is directed at examining the child protection system from the aspect of fundamental rights.

67. Tasks pertaining to children's rights are carried out by the Office of the Commissioner for Fundamental Rights without separate additional human or financial resources, but with the help of the Children's Rights Division at the Department for Equal Opportunities and Children's Rights, operating at the Office from 1 January 2014. The department operates with six full-time legal experts, who do not work exclusively on these issues. In addition to investigating complaints and carrying out examinations *ex officio*, their tasks 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 and other international bodies, and monitoring the system of provisions for children in Hungary.

68. The total headcount, according to labour law, at the Office of the Commissioner for Fundamental Rights in 2013 was 139 persons (99 active administrators and 25 back-office). The prevailing law on the central budget contains the annual budget for the Office of the Commissioner for Fundamental Rights, which is EUR 4,053,691 for the year 2014.

69. According to the data in the annual report for 2013 submitted to the National Assembly on 31 March 2014, citizens placed a total of 6988 complaints to the commissioner for fundamental rights in 2013. The greatest proportion of complaints concerned social rights, including matters to do with children's rights - 1645 complaints. Of the 1334 cases of breaches of rights established in matters investigated in 2013, 2 concerned breaches of the prohibition on child labour, 46 concerned the right of the child to protection and care, and 2 concerned special protection of children.

Question 6

Please indicate whether the recommendations contained in the Committee's previous concluding observations (CRC/C/HUN/CO/2) have been translated into minority languages, and whether children's rights are now part of the school curriculum.

70. The recommendations of the Committee were published on the website of the legal predecessor to the Ministry of Human Resources, but the recommendations have not been translated into minority languages.

71. The new National Curriculum, effective as of 1 September 2013, provides the legal framework for the development of social and citizenship skills that respect fundamental rights, human rights and children's rights to be included in the framework curricula and in local curricula. Among the general development tasks in the area of education titled

“Humanity and society” is the “development of awareness of and competencies in equal treatment and equal opportunities”. Bodies of knowledge concerning the area of fundamental human rights and equal opportunities can be found among the “Social, citizenship and economic knowledge”. Within this area of education, “children’s rights and students’ rights” appear as compulsory study materials for students in grades 5-8.

72. The Ministry of Public Administration and Justice supports the operation of the website www.jogosakerdes.hu (translates as www.legitimatequestion.hu), which aims at communicating in a playful and understandable manner, basic information to children which they need to find their way around the world of law easier.

73. The Ministry of Public Administration and Justice, in partnership with the Foundation for Supporting Drama-pedagogical Education, has launched the “Programme for form teacher lessons”, which targets young people aged 14-16. The aim is to make young people familiar with the mechanism of the justice system by using drama-pedagogical methods, so that they are given as much information as possible about the circumstances surrounding decisions taken in legal disputes which affect them directly or indirectly, and about their rights and obligations.

74. In January 2014, the programme titled “The Internet doesn’t forget!” was launched, which, on the website www.azinternetnemfelejt.hu, draws attention to the dangers of sharing information, data and images on social networking websites. In addition, the related series of presentations informs young people how to avoid becoming victims, what potential dangers exist, how they can help others, and why it is important to handle personal data with care.

75. The National Office for the Judiciary has launched a series of presentations at secondary schools titled “Open Court”, in the name of a transparent and open justice system. The motto of the initiative is: “You fear what you don’t know.”

Question 7

Please inform the Committee about measures taken to prohibit and eradicate the widespread discrimination against Roma children, children with disabilities, migrant children and refugee and asylum-seeking children, and to eradicate the rising anti-Semitism.

76. Article XV of the Fundamental Law of Hungary declares that discrimination is prohibited. “Every person shall be equal before the law. Every human shall have legal capacity. Hungary shall ensure fundamental rights to every person without any discrimination on the grounds of race, colour, gender, disability, language, religion, political or other views, national or social origin, financial, birth or other circumstances whatsoever. Women and men shall have equal rights. Hungary shall adopt special measures to promote the implementation of equal opportunity and social inclusion. Hungary shall adopt special measures to protect families, children, women, the elderly and persons living with disabilities.”

77. In harmony with this, the Child Protection Act states that children with disadvantages and multiple disadvantages have the right to receive increased help to combat the circumstances that impede their development and to increase their opportunities. Furthermore, children with disability or long-term illness have the right to special provisions to help their development and nurture their personality.

78. No data on ethnic origin is collected in basic child welfare provisions and in professional child protection provision. The factor determining whether provisions in money and/or in kind are provided is the disadvantaged or multiple disadvantaged status of the child. In order to ensure equal access to provisions and rights by migrant and refugee

children, the scope of the Child Protection Act extends to migrant and refugee children living with their family in Hungary and to unaccompanied minors.

79. In the event of discrimination against a child, the Equal Treatment Authority may initiate an investigation at the request of the injured party or their legal representative, in accordance with Act CXXV of 2003 on equal treatment and on the promotion of equal opportunities. The authority received 11 requests in 2011 and 12 in 2012 in which the person affected by the breach of the law was a child. In 2013, procedures were started in 39 cases, and by 31 March 2014, investigations had begun in 11 cases. The bodies or institutions involved in the procedures are typically nurseries, museums, schools or local governments.

80. With regard to criminal law, it must be said that both the Act IV of 1978 on the Criminal Code and the Act C of 2012 on the Criminal Code, which entered into force on 1 July 2013 (hereinafter: new Criminal Code) renders certain acts committed from racist motivation criminally punishable. On the one hand, among the measures against violent acts motivated expressly by racism or xenophobia is the criminal offence of violence against a member of a community (section 216), which provides protection under the Criminal Code for all members of a community who are assaulted because of their belonging to a group or perceived belonging to a group, or forced by violence or threat to do or not do something, or to endure something. The finding of violence against a member of a community extends to any racially motivated provocative antisocial forms of behaviour which may lead to a disturbance. It is important to emphasise that provocative antisocial behaviour need not necessarily be directed against a person, and a crime may have been committed if the racially motivated antisocial behaviour was found to be directed against an object and was capable of causing alarm in members of the group.

81. Measures against non-violent racially motivated forms of behaviour are provided by the criminal offence of incitement against a community (section 332), which regulates the punishment of a person who publicly incites hatred against the Hungarian nation or against any national, ethnic, racial or religious group, or against certain groups of the population. In connection with this, it is important to highlight the introduction in the new Criminal Code of a measure to render electronic data permanently inaccessible, which guarantees that such hatred-instigating data published on the electronic information network may be rendered permanently inaccessible.

82. As a manifestation of racist and xenophobic acts, at the beginning of 2011 a new form of criminality appeared in Hungary: “crimes committed by persons in uniform”, which not only instilled fear among smaller communities at local level, but also caused ethnic tensions at the level of society as a whole. State measures against “crimes committed by persons in uniform” are provided by the punitive sanctioning of unlawful organisation of public security activities and of abuse of the right of association, in both the new and the old Criminal Code.

83. The new Criminal Code contains several criminal acts which are punishable more severely if committed for a malicious motive or purpose, such as homicide, battery, violation of personal freedom, libel and unlawful detention. Committing a criminal act motivated by racism is always classified as an offence with malevolent motivation or intent in judicial practice, and incurs a more serious punishment.

84. Several criminal acts use the differentiated system of aggravating circumstances in order to ensure extra protection for people living with disabilities. Aggravating circumstances include committing a criminal act against persons who are incapable of defending themselves or declaring their will, against a person who is not fully able to prevent the crime due to old age or disability, against persons who are under the education,

supervision, care or medical treatment of the offender, or by abusing any other relationship of power or influence over the injured person.

85. The new Criminal Code also punishes the crime of humiliation of a vulnerable person, where the person committing the crime infringes upon the human dignity of the victim by abusing their vulnerable situation, such as homelessness. (section 225)

86. As one of its aims, the Health Act states that it shall contribute to creating equal opportunities for members of society by providing access to healthcare services. The act on equal treatment and the promotion of equal opportunities imposes the requirement of equal treatment upon those providing healthcare.

87. Improvements in basic healthcare provision can be made by strengthening the role of health education among participants in the system of healthcare, and by developing an attitude of prevention among the healthcare provision of family doctors. Related to this is the expansion of the preventive activities of district health visitor nurses. Improvements of basic family doctor healthcare provisions are carried out under the so-called “practice programme” of the Semmelweis Plan, which has the aim of ensuring that there is medical provision even in areas where positions for adult and mixed (adult and child) family doctors are unfilled in the long term.

88. In November 2012, the Károly Méhes Grant was announced for candidate doctors specializing in children and babies, under which a grant of EUR 654.8 per month is given to candidate doctors who agree, after their qualification as a specialist, to fill a position as a family paediatrician which is unfilled in the long term for the same length of time as they received the grant.

89. Swiss-Hungarian Cooperation Programme – priority 8, Public healthcare-focused basic provision organisational model programme 2012-2016. The project is implemented with CHF 15 294 118 of support. In the Northern Great Plain and North Hungary regions, 4 medical practice communities are being created with the involvement of 24 basic provision practices. The objective is to develop and test a model of basic healthcare provision that focuses on prevention and on the care of patients with chronic illnesses and involves local communities – in particular the Roma population – in close cooperation with local and ethnic local governments, local healthcare and social service providers and medical workers, and to formulate recommendations for national health policy that are based on the experiences.

90. A priority in the implementation of the project is to improve the equal opportunity and quality of access to basic provisions by the Roma residents living in the area of the practice community. Under the programme, approximately 10,000 Roma residents are participating in complex screening – taking more than 20 parameters into account – and related lifestyle counselling. Special programmes of the project:

- Roma mother-child health programme:
 - Held on a monthly basis in villages belonging to the 24 practices, Roma mothers are addressed in the form of Roma mother-child club activities;
- Training Roma assistant health rangers:
 - The scope of the Roma assistant health rangers extends to their own narrow community. 2 people are trained per practice, making a total of 48 people in the programme. The training targets equal opportunity to health, and also aims to promote health-conscious and health-improving behaviour;
- Roma health responsibility training:

- The aim of the training is to train a functioning healthcare support team, whose members can independently solve health-improvement tasks in their estates or residential areas.

91. Act CXC of 2011 on national public education entered into force in September 2012, and among its fundamental principles are the preservation of the requirement for equal treatment, in addition to which it contains the establishment of the nullity and invalidity of an unlawful decision.

92. Act CXXV of 2003 on equal treatment and equal opportunity contains the prohibition of school segregation and of direct and indirect negative discrimination. The enacting resolution of the act on equal treatment, Government Resolution No. 321/2011 (XII. 27.) states the obligation for settlement local governments to prepare a local equal opportunities programme. Under this, the action plan based on the situation analysis must include measures taken to eradicate segregation, fulfilment of which must be regularly reviewed.

93. Under the terms of Government Resolution no. 229/2012 (VIII. 28.) enacting the act on national public education, the state institution maintenance centre defines the equal opportunities action plan in relation with the fulfilment of state public education tasks at county level and education district level, in harmony with the equal opportunities programme. Under the Government Resolution in case of a breach of the requirement for equal treatment, in addition to the county government offices, the minister with responsibility for education also has the power to act in the interest of conducting an authority inspection in cases that come to the minister's attention. Following investigations by the parliamentary commissioner for fundamental rights, between 2011 and 2013, the ministry initiated inspections of the public education institutions in over 20 settlements because of suspicion of breach of the requirement for equal treatment – unlawful segregation of learners with disadvantages and with multiple disadvantages.

94. Paragraph 24 of Resolution no. 20/2012 (VIII. 31.) on the operation of educational establishments and on the use of names by public education institutes serves to eliminate and prevent school segregation by regulating the catchment areas of primary schools. When delineating the boundaries of the catchment areas of primary schools that perform the compulsory registration tasks, the socio-economic status of the families living in the school vicinity must be taken into consideration. The provision which entered into force in September 2012 clarified the conditions for defining the area boundaries, and states that where a settlement has more than one school, the entire settlement may not be regarded as a single catchment area, which is a change that also serves to prevent unlawful segregation. The annual review of area boundaries is also prescribed by law.

95. In relation with the organisation of ethnic minority education, the commissioner for fundamental rights makes recommendation which guarantee that unlawful segregative education-organisational practice may not be carried out with reference to organising Roma minority education. With regard to the recommendation, Resolution No. 17/2013 (III. 1.) by the Ministry for Human Resources on issuing a directive for the nursery and school education of the ethnic minority incorporated a sample statement for initiatives for organising ethnic minority nursery or school education, and for participating in such education.

96. The National Social Inclusion Strategy also treats reducing segregative phenomena and reducing the differences between the Roma and the non-Roma population as priorities. Accordingly, within the subject of education and training, one separate area of intervention is the establishment of an inclusive school environment that ensures an education which supports co-education and breaks segregation and the cycle of passing on inherited disadvantages. In addition to the programme of the Integrative Pedagogical System, in

autumn 2013, implementation of two programmes began, each lasting two years, and financed from EU funds at an amount of EUR 1.33 million each, with the aim of improving equal opportunities in education among disadvantaged learners, especially Roma learners. Both programmes support the pedagogical and methodological renovation of institutes in a way which makes them capable of promoting the academic success of learners with disadvantages and multiple disadvantages within an integrated framework.

97. In order to implement TÁMOP programme 3.3.8., titled “Support for public education institutions on the principle of equal opportunities”, public education institutions of all types from nurseries to secondary schools could submit applications. The programme expressly supported integrated education: institutions educating at least 15% of children with multiple disadvantages, which complied with the condition for integration in accordance with the legal regulation decree 20/2012. (VIII.31.) § 171-173.

98. The aims of priority project TÁMOP 3.3.10 titled “Support for initiatives that promote further education”, supports secondary schools to promote the success of learners with multiple disadvantages at secondary school and their admission to higher education.

99. In June 2013, a new construction was announced with a framework budget of approximately EUR 1.5 million, TÁMOP code 3.3.14., titled “Development of domestic and international twin school relations”, which aims to develop relations between institutions educating different proportions of learners with disadvantages.

100. The “Útravaló” (“For the Road”) scholarship programme, financed from domestic funds, provides personal mentor support and grants to learners with disadvantages, in particular Roma learners, while the constructions with TÁMOP codes 3.3.9A and 3.3.9C, titled “Support for after-school type programmes to eliminate school dropout”, are designed to promote the success of learners with disadvantages, in particular Roma learners, by providing personalised extra-curricular activities. Construction TÁMOP 3.3.9, titled “Support for Second-Chance type programmes”, has the objective of reintegrating students who have dropped out of the public education system back into the learning system and of helping them to graduate from school.

101. The sub-programmes “Road to higher education” and “Road to a diploma” of the “Útravaló-MACIKA” scholarship programme and the Christian Network of Special Colleges for the Roma supports students in entering higher education.

102. At the initiative of the minister with responsibility for education (the minister for human resources), in 2013 the Anti-segregation Round Table was set up, comprised of state leaders and experts working in education management and active in practice in the field of the integrated education of children with disadvantages. The aim of the Round Table is to formulate practical solutions that prevent social exclusion.

103. The “Meeting Point Programme” carried out as part of the tender programme named “PROGRESS – Borderless Equality”, won by the Ministry for Human Resources, was implemented under the EU’s PROGRESS Community Programme for Employment and Solidarity. The programme targeted the 10-19 years age group to reinforce tolerance and acceptance in order to combat discrimination. The aim of the programme was to eliminate social prejudices and to destroy existing stereotypes, in order to sensitise young people to recognise negative discrimination against them or their associates. The programme was built around the themes of people living with disabilities, ethnic discrimination and inter-generational solidarity. Under the “Meeting Point Programme”, 110 special form teacher lessons were held. Of these, 40 were on the subject of disability (Salva Vita Foundation), 35 on Roma affairs (Boldog Ceferino Foundation) and 35 on the elderly (Catholic Charity Service). The 110 lessons were held in a total of 53 schools and 41 venues. Nationwide, 3760 students attended the project’s special form teacher lessons on equal opportunities.

104. Under the terms of Act XXXIV of 1994 on the Police, police officers have the obligation to act without partiality, regardless of gender or age, or religious, denominational or political conviction. On the basis of the National Police Headquarters order No. 27/2011. (XII. 30.) on police measures carried out in a multi-cultural environment, the chiefs of the county (and Budapest) police headquarters must appoint minority liaison officers in order to become acquainted with those living in a multi-cultural environment and to perform activities of cooperation and mutual assistance. The minority liaison officers also maintain contact with the bodies of the child protection early-warning system. In order to be able to properly summarise and recognise the cultural signs and unique religious and other customs and forms of behaviour which are typical of persons residing in facilities established for the placement of third-country nationals, which distinguish them from the majority and which are relevant as far as police duties may be concerned, a seminar must be held at least once each year for officers at the police headquarters who serve at these facilities.

Question 8

Given that, under Act No. 175 of 2011, children below the age of 14 cannot be official members of associations, even associations established by children themselves, please indicate how the State party ensures that all children below the age of 18 enjoy the right to freedom of association and peaceful assembly, in particular, children below the age of 14.

105. The right of association is regulated first and foremost by the Fundamental Law itself, which states, in paragraph (2) of Article VIII, “Every person shall have the right to establish and join organisations.” Accordingly, paragraphs (1) and (2) of Article 3 of Act CLXXV of 2011 on the right of association, on public benefit status and on the operation of and support for non-governmental organisations (hereafter: Association Act) state that “the right of association is a fundamental right of liberty to which everyone is entitled, based on which everyone has the right to establish organisations or communities with others, or to join them”, and that on the basis of this right, “natural persons, and legal persons in accordance with the aim of their activity and the intention of their founders, and organisations which do not have such legal personality, may establish and operate organisations”.

106. The right of association is therefore a constitutional right of liberty, which is granted to every natural person regardless of their age. This right is not restricted by the cited legislation to a person reaching a certain age, therefore minors may also exercise their right of association. The civil rules on association are contained by the Hungarian Civil Code (hereafter: Civil Code) Under paragraph (1) of Article 3:63. of the Civil Code, “the association is a registered legal person with a membership, established for the continuous implementation of a common, long-term objective defined in a charter by the members”, which requires a charter based on a declaration of intent to be approved unanimously by at least ten persons in order to be established (Article 3:64. of the Civil Code). Under paragraph (1) of Article 3:3. of the Civil Code, unless regulated otherwise by the Civil Code, the general rules for legal persons apply in the case of the association, in consequence of which – inter alia – the rules governing the establishment of a legal person and governing its executive officers also apply in the case of the association. The general rules on the establishment of a legal person and the special rules pertaining to the association neither prohibit nor restrict the rights of minors to establish an association or to join (be elected as a member of) an already established association, so there is therefore no legal obstacle preventing minors from establishing an association or from becoming members of one.

107. In order to establish an association or to become a member of one, it is necessary to make a legal declaration, and the relevant rules of the Civil Code (on the capacity to act) govern such declarations and their validity. Minors may therefore exercise their right to

establish an association or to join an existing one with the cooperation of their legal representative, and the necessary legal declarations to do so may be made, in accordance with paragraph (1) of Articles 2:12. and 2:14. of the Civil Code, regardless of age, with the permission of their legal representative (between ages 14-18) or by the legal declaration of their legal representative (under the age of 14). These regulations do not represent a restriction on exercising the right of association, but express the conditions upon which the validity of legal declarations by minors depends, which, by consequence, necessarily need to be enforced when establishing or joining an association, otherwise the rights of the minor to physical, mental and moral development may be infringed, as may their property rights.

108. As far as exercising the rights of membership is concerned, judicial practice has made it clear that the charter of the association must ensure that minors may also exercise their rights of membership, as there is no place for age-based discrimination when it comes to exercising the right to vote (BH.1997/95.). An association which also has minors among its members may therefore not in any way restrict the right to vote by making it dependent upon reaching the age of 18. This judicial practice was established on the basis of Act II of 1989 on the right of association, which is no longer in force, although in accordance with the new regulation on association it is still regarded as valid, and even more so, because paragraph (2) of Article 3:65. of the Civil Code expressly states the principle of member equality as a general rule. In accordance with the referenced provision, “members of the association enjoy equal rights and are bound by equal obligations, unless the charter specifies membership with special legal status”.

109. With regard to the electability of minor members to association offices, the former Association Act did not contain any normative restrictions, although court practice did clarify that the electability of such members could only be restricted in that minor members can only be elected to offices that are appropriate to their age (i.e. they do not come with the right of representation) (BH. 1993/576). Under judicial practice, therefore, with regard to the electability of minor members of an association, the particular characteristics of the age need to be taken into consideration. A minor could therefore not be elected to an office which would inevitably require them to perform procedures involving representing the association, because the absence of or limitation on their capacity to act would render it impossible for them to make independent legal statements in representation of the association. The regulation on association incorporated into Act IV of 1959 on the Civil Code (old Civil Code), which replaced the affected section of the former Association Act, resulted in a partial change to this unregulated situation, stating that a member of an administrative or representative body of an association may only be a person who has at least a limited capacity to act, unless the capacity to act has been restricted by the court in cases affected by the right of representation (old Civil Code, Article 62. paragraph (5), section (a)). This regulation provided the normative background for minors with limited capacity to act to take on leading offices in an association (while at the same time necessarily excluding children under the age of 14), although it left in force the earlier judicial practice stating that a minor cannot be the representative of an association.

110. The new Civil Code, which entered into force on 15 March 2014, further restricted the regulations. Among the general rules concerning legal persons, Article 3:22., paragraph (1) of the Civil Code states that “a leading officer may be an adult person whose capacity to act is not restricted in the area necessary for them to perform their duties”. Unless provided for otherwise, this general rule also applies in the case of leading officers of associations.

111. The above-indicated change in children’s rights is not connected with the fact that the new regulation has omitted any reference to self-governance from the concept of the association, but only was due to the fact that the new rules on association were intended to permit, in a determined proportion, the election of leading officers who are not members of

the association. The omission of the reference to the operating principle of self-governance did not, and could not result in stating that leading officers should be adults, which in any case belongs among the general rules for legal persons.

Question 9

Notwithstanding the fact that, from 1 January 2014, children under the age of 12 cannot be placed in institutions, please inform the Committee about measures to ensure that there are sufficient numbers of foster families for all children in institutions, including children with disabilities, children with special needs and children with multiple siblings. Please clarify how the State party is using the European Union funds it has been allocated for the deinstitutionalization of children. Please also provide information on how the activities of the church organizations responsible for managing foster and institutional care in some counties are monitored and evaluated.

112. The Child Protection Act had previously stated the priority of placing children with foster parents rather than placing them at children homes, irrespective of the child's age. The reason for setting the age at 12 was to reinforce the right to be brought up in a family within the field of professional child protection, based on a specific provision.

113. Prior to the transformation of foster parenting, the Ministry formulated a concept and prepared an impact assessment for the period 2014-2017. An extra EUR 15,288,918 in funding was allocated for the introduction of foster parenting in the form of employment in the central budget for 2014, which, inter alia, is to cover the extra costs arising from the changed foster parenting remuneration system and the increased number of children placed with foster parents. The implementation of the changes in the field of special child protection services is supported by coordinated transitional provisions and by superposed measures aiming at the improvement of the care system. Pursuant to the transitional provisions of the Child Protection Act, children under 12 receiving special child protection services shall be placed with foster parents in a scheduled manner. In 2014, children under three living in children's homes will be placed with foster parents. In 2015, the main task will be to place children between the age of 3 and 6 with foster parents. And in 2016, children between the ages of 6 and 12 will be placed with foster parents.

114. The rights of children living in child protection care to stability and attachment are guaranteed by a transitional provision as well, according to which the place of care shall not be changed on the grounds that his/her foster parent's legal relationship was transformed into employment.

115. In 2013, data analysis was prepared by the background institution of the Ministry of Human Resources, the General Directorate for Social Affairs and Child Protection, which is the maintainer of local special child protection services and the biggest foster parenting network, while the operators of foster parenting networks performed intensive recruitment and foster parent training in order to ensure that enough places for children under 12 would be available with foster parents from 1 January 2014.

116. The data available during preparation suggested that approximately 2,700 children under 12 would be integrated into special childcare annually, which in practice was between 180 and 305 per month in 2013. As places become available simultaneously with this, based on our calculations, from October 2013 the total number of available free places with foster parents should be around: 1,800-2,000 places available with foster parents.

117. Simultaneously with the legislative changes aimed at reinforcing foster parenting, as a result of the measures implemented by the Ministry to train foster parents and to create more free places with foster parents, the number of foster parents increased further nationally by 207 in 2013 (from 5,546 to 5,753).

118. The main goal set for 2014 in the Child Protection Act is to place children under 3 with foster parents. We expect to find foster parents for 200 out of the 316 children that were assessed on 30 September 2013. It is more difficult to place the rest with foster parents due to their permanent medical condition or severe or multiple disabilities.

119. 53% of children newly integrated into the special child protection services by 31 March 2014 were under 12, 75.8% of whom were placed with foster parents. Based on our data: the total number of newly integrated children under 12 is: 754, of which 572 were placed with foster parents. The total number of newly integrated children over 12 is: 672, of which 110 were placed with foster parents.

120. In addition, children under 3 living in child protection care are continuously placed with foster parents in a scheduled manner. Based on data from 31 March 2014, the number of minors receiving special child protection services is 19,044, of which those in the care of foster parents are: 12,213 minors. The number of those under 12 is: 8,742, of which 7,927 are in the care of foster parents. The number of those under 3 is: 1,538 and 1,277 of those are in the care of foster parents.

121. The Child Protection Act gives special focus to siblings being placed together; however, in practice, it is a serious difficulty when a significant number of multiple siblings (4 siblings or more) come into the system of special care. The chances of being placed with foster parents is reduced significantly for multiple siblings of more than 5. In the period between 1 January 2012 and 30 September 2013 the total number of new cases with multiple siblings in the field of special child protection services was: 1,177, of which those coming from a family of 4 siblings (or more) numbered 334. Out of all siblings integrated into the system, in 828 cases the siblings were placed together, of which 54%, in 447 cases, were placed with foster parents.

122. In order to ensure the integrated placement of children with different care needs and to ensure joint placement of siblings, the amendment of the law coming into force on 1 July 2014 defines the number of children with special and double care needs to be placed simultaneously in one group of children's home/one family type care home, as well as the options for reducing the total number of persons in the groups.

123. The number and the proportion of children with particular care needs placed in institutions based solely on their age have decreased gradually in the last few years. On 31 December 2011 29.30% (401 persons) of healthy children under 3 receiving special care lived in children's homes or in institutions operating within the scope of the Social Act. On 31 December 2012 it was 25.28% (380 persons) and on 31 December 2013 it was 15.39% (281 persons).

124. The trend is positive regarding the indicators showing the placement of disabled children in care.

125. Based on data from 31 December 2011 from the KSH OSAP [Hungarian Central Statistical Office National Programme for Statistical Data Collection], the number of disabled children (including mentally disabled, other and multiple disabled children) among children receiving special child protection services (18,287 persons) were 3,158. 44.1% (1,393 persons) of those were being raised in foster families, 49.7% (1,567 persons) were being raised in children's homes, and 6.2% (198 persons) were being taken care of in Nursing and Care Homes for the Disabled operating within the scope of the Social Act.

126. Based on data from 31 December 2013 from KSH OSAP, the number of disabled children (including mentally disabled, other and multiple disabled children) among children receiving special child protection services (18,674 persons) was 3,140 and an additional 24 persons were children with autism. 49.2% of those (1,544 persons and 8 children with autism) are being raised in foster families, 45.3% (1,424 persons and 11 children with

autism) in children's homes, while 5.5% (188 persons and 5 children with autism) are being taken care of in Nursing and Care Homes for the Disabled operating within the scope of the Social Act.

127. Social Renewal Operative Programme (TÁMOP) Number 5.4.10, "The Modernisation of Social Training Programmes", ensures the implementation of training and further education aimed at the improvement of foster parenting. A 500-hour foster parenting vocational training course was launched in the second half of 2013. The reason for setting the new requirements was to professionalise foster parenting in order to improve the quality of care and to make foster parents better prepared at dealing with more complex challenges. The professional requirements of the previous 300-hour foster parent training course – which was mandatory for professional foster parents – have been expanded with the following modules: "Care and education of children with particular care needs" and "Care and education of children with special needs." The expansion corresponds to the new professional expectations of foster parenting. In 2013 1,600 persons are already practising foster parents and 200 completely new foster parents have been trained. By the end of the year all persons currently involved in training are expected to complete their vocational training (under the National Training Register) and obtain their qualification. Transitional provisions ensure proper preparation for the application of the new qualification and training rules. The Priority Project is aimed at the implementation of one of the priority objectives of the Ministry of Human Resources, which is the improvement of foster parenting services, the placement of those children with foster parents who have been taken out from their family through the intervention of authorities, with special regard to those under 12, and the improvement thereof; as well as the implementation of the National Social Inclusion Strategy through the governmental action plan for the period of 2012 to 2014, called "The Training of Roma Substitute Parents and Foster Parents and the Adequate Placement of Roma Children in need of Care", under Item 8 of the action plan.

128. We plan to implement these measures aimed at strengthening and improving foster parenting - inter alia, free vocational training and free further education, support for foster parents in mental hygiene and the improvement of their operating conditions – between 2014 and 2020, within the framework of the Human Resource Operational Programme, which is currently being planned.

129. De-institutionalisation, in a special sense in the field of special child protection services, started in the beginning of the 1990s and it is still ongoing. The number of those receiving special child protection services was 21,628 on 31 December 2013 (minors and adults as well), 13,457 of whom, that is 62.22% of the total, were placed with foster parents. The proportion of those under 18 placed with foster parents is even better. While on 31 December 2012, 61.41% of minors (11,339 persons) receiving special care lived in foster families, this was 63.82% (11,918 persons) on 31 December 2013. 38% of those cared for live in one of the 400 family type care homes (up to 12 places each) or approximately 100 children's homes. In 15 counties in the country only low-capacity family type care homes and children's homes are in operation. There are still 11 large capacity children's homes left. It is essential to replace these with (split them into) family type care homes and low-capacity children's homes.

130. In the 2007-2013 planning period, crowded and high-capacity buildings were replaced, with those that could conform with the more family-centric requirements (maximum 12 places in family type care homes, and maximum 48 places in children's homes) were modernised. They may have admitted children for a long time (8-10 years or even longer), but at the time of their construction attention was not paid to child placement, professional and energy efficiency considerations.

131. The number of children needing special care is increasing every year, even in the age group 12-16, a lower proportion of whom can be placed with foster parents. On

31 December 2012 18,464 minors received special child protection services, however, on the last day of 2013 their number was 18,674, and on 31 March 2014 there were 19,044 minors with this status. In order to adequately satisfy diverse and complex needs and to find integrated places for teenage children who cannot be placed with foster parents, it is of absolute necessity to have a differentiated care system in place – as is already the case in some Member States – that offers different forms of care and facilitates preparation for independent living. This, on top of places with foster parents, means places in different types of children’s homes, in family type care homes and low-capacity children’s homes in modern, energy efficient buildings with adequate infrastructure.

132. The churches’ involvement in the field of special child protection services has increased since 2010, primarily in the field of foster parenting. In January 2014, 25.9% of places approved in the field of special child protection services were maintained by churches, which was 36.9% within foster parenting.

133. Pursuant to the provision of the Child Protection Act that came into force on 1 April 2013, upon the request of the Szeged-Csanád Church Diocese, the Minister of Human Resources designated two child protection institutions of the Saint Ágota Child Protection Service Provider – one foster parenting network and one family type care home – and made them church methodological institutions from 1 July 2013 for 5 years. The Ministry supports their activities with EUR 11,458,504 per year.

134. The rules of issuing operating permits (registration of services) and monitoring for special child protection institutions maintained by the church is set by Government Decree 369/2013 (X. 24.) on the official registration and monitoring of social, child-welfare and child protection institutions, services and networks. The issuing of operating permits (registration of services) and official monitoring of child protection institutions maintained either by the state, churches or NGOs is carried out by the social and guardianship authorities of the county/metropolitan government offices. The social and guardianship authority names the designated church methodological institution as a methodological institution for church-maintained institutions for issuing operating permits for and for carrying out the legal and professional monitoring of the operation of child protection institutions maintained by the church (foster parenting networks, children’s homes – including family type care homes – after-care homes, external placement). For other church-maintained special child protection institutions the Department of Methodology of the General Directorate for Social Affairs and Child Protection provides an opinion on the institution’s professional work.

135. Based on our current assessment the results of monitoring carried out by social and guardianship authorities show that churches maintaining institutions allow free practice of religion for children with any religion, in accordance with the Child Protection Act. During the process of choosing foster parents they act regardless of religious affiliation. An important characteristic of church-maintained child protection institutions is that in the provision of services, they ensure personal conditions in addition to the requirements set by the law, e.g. they employ psychologists and developmental teachers.

Question 10

Please inform the Committee about measures taken to limit the practice of placing children in interim/temporary care while deciding on their long-term care solutions.

136. The regulation provided by the Child Protection Act that came into force on 1 January 2014 is expected to facilitate the reduction of these temporary placements and also to base the decision on removing the child from his/her family on well-founded grounds by clearly defining the prerequisites and deadlines of the procedural steps aimed at fostering the child.

137. During the fostering procedure – which is typically initiated ex officio by an alert on the vulnerability of the child, although it may also be initiated upon the request of the parent or even the child – the parent or guardian and the child who is capable of forming his/her own views shall be heard in every case. Based on the core assessment and proposal obtained from the child welfare service, and if necessary, after hearing the opinion of the nursery, the kindergarten and the district health visitor nurse, simultaneously with the decision on removing the child from his/her family, the guardianship authority must decide on temporary care for the child, on his/her legal representation by appointing a child protection guardian, and on the rules of keeping contact with the parent or other relatives.

138. The next step after fostering is the personality test of the child, requiring his/her presence, as well as defining his/her care needs and place of care, among other additional issues. This requires the opinion of the child protection expert committee and the proposal of the county/metropolitan local special child protection service. A placement meeting of the county/metropolitan special child protection service – with regards to the mandatory hearing of the guardianship authority – is no longer required. This results in shorter procedures.

139. The goal of fostering is also defined by the Child Protection Act, thereby remedying the previous deficiencies of the act. The goal of fostering is to provide a home and legal representation for the child until their family becomes able to take them back, or a guardian may be appointed to receive them into their family, or the child may be adopted. If none of the above is possible, the goal of fostering, beyond providing legal representation, is to prepare the child for an independent life during the time of care in the home provided. The exact enumeration of fostering cases in the Child Protection Act is also a question of guarantee.

140. According to the regulation in force since 1 January 2014, in line with the rules on fostering reviews are more frequent, taking place every six months initially, although less often later on - if the child's adoption is less likely to be realistically achieved. As a result the time the child spends in child protection care is expected to fall.

141. The introduction of the institution of child protection guardians is a guarantee that if the child becomes subject to child protection care, then a timely decision can be taken on the child's return to their home or on their final place of care.

142. Every child raised in special child protection services has a legal representative in the form of a child protection guardian. The act clearly defines cases in which the guardianship authority has to appoint a professional child guardian for the child:

- The child is placed with foster parents, in a children's home or other residential institution with an interim effect and legal action had commenced to terminate the parent's custody;
- The parents have consented to the adoption of their child by an unknown person, and the guardianship authority has placed the child in the care of the adopting parent;
- The child's parents' domicile is unknown, the child is an unaccompanied minor or the parents do not exercise their custodial rights for other reasons, and it is not possible in any case to appoint a guardian that would receive the child into their family;
- The child has been taken into foster care.

143. One important change is that the professional child guardian represents the child, even if the placement is only temporary. The professional child guardian – in order to ensure adequate care corresponding to the child's needs – represents the child's interests irrespective of the child's place of care, facilitates the exercise of the child's rights, and

informs the care provider and the authority in charge about the child's opinion. The person who is the professional child guardian does not change even if the child's place of care needs to be changed. The regulation facilitates that the guardian and the represented child build a confidential relationship, as a guardian following the child through their life would really be able to assess and represent the child's needs, especially as regards re-integration to his/her own family or adoption.

Question 11

Please clarify the rules and regulations that govern the forced separation of children from their parents, especially children of parents without accommodation. Please inform the Committee about the efforts of the State party to provide such families with housing or other support.

144. Article 7 (1) of the Child Protection Act states that the child shall be separated from his/her parents or other relatives only for his/her own interest, in cases and in the manner determined by law. The child shall not be separated from his/her family due to vulnerability resulting from financial reasons alone. Accordingly, the Child Protection Act entitles parents to receive information about the services aimed at helping them to raise their child and to receive actual help to raise their child. The system of child protection provides different services in cash and in kind in order for the child to be raised in their own family, and under basic child-welfare services it also provides services to the child and the family.

145. Temporary care is provided in three forms: substitute parent, temporary children's home and temporary family home. From the above three services, temporary family homes have the most places available; approximately 3,900 out of a total of almost 4,900 places are available in temporary family homes.

146. The temporary family home may provide temporary care upon the parent's request to the whole family or to some members of the family and to their children, as well as to a pregnant mother who is in crisis, as needed. The temporary family home provides services as needed; the duration of care shall not exceed one and a half years for each family. It is mandatory for every local government with a population over 30,000 to provide a temporary family home.

147. The number of children who resorted to temporary care in 2012 was 7,513, which is about the same as in previous years. Preliminary data from 2013: 7,317 persons.

148. The Social Act provides services in cash and in kind to those in need on social grounds to expressly help the housing situations of families.

Services related to housing

Home maintenance support

149. This provides support to cover regular home maintenance expenses - such as rent, monthly instalments of housing loans, water and gas bills - which would pose the greatest risk to housing if they were not paid. The average monthly number of people receiving such benefits was 401,287 in 2012.

Debt management services

150. This provides help to those who have arrears resulting from utility bills, common charges, rent or housing loans. The repayment of arrears is supported by debt reduction aid. Housing benefits help to cover household expenses and to prevent the accumulation of further debts. Debt management counselling is aimed at helping people to acquire the necessary skills to manage their resources in a better way. The number of people receiving debt reduction aid in 2012 was 13,450.

Services for those in crisis

151. The local government's representative body, in accordance with their decree, provides allowances to those in extreme life situations endangering their means of subsistence or to those who periodically or permanently have problems with their means of subsistence. From 1 January 2014 three previous types of crisis support were integrated (temporary allowance, funeral allowance, irregular child protection support). Local allowance is the name of the combined assistance. The local allowance may be provided on an ad-hoc basis or for a limited period of time on a monthly basis, as well as in the form of an interest-free loan.

Question 12

Please clarify the statutes or regulations governing specialized children's homes, the closed institutions for children above 12 years of age who are considered to be "highly problematic", and indicate the criteria used to identify children as "highly problematic". Please explain the procedures for the placement of children in the specialized children's homes and inform the Committee about complaints mechanisms available to those children. Please also explain how the conditions in the homes are monitored and evaluated.

152. Since 1997 the Child Protection Act states the obligation to provide special care in order for children showing the symptoms and behaviour defined by the act to receive care and education that improves their security, health and psychological state. The special needs of a child under 12 may be determined in particularly justified cases after the child has reached the age of 10.

153. From 1 January 2003, in order for the greater protection of children with special care needs, the children's rights listed in the Child Protection Act were expanded by guaranteeing that children placed in children's homes shall be given special protection. Children placed in Specialised Homes shall receive health services and therapy needed to correct their behaviour only in accordance with their condition and in a way that ensures the safety of the rest of the children. The child's rights and personal freedom shall not be limited by any measures unless absolutely justified, in case of endangering themselves or others.

154. According to the Child Protection Act currently in force, the institutionalised care of children with special care needs – subject to the child's interests – may be provided in Specialised Homes and in special groups of children's homes. In the following, the term Specialised Homes refers to both types of institutions.

155. The legal regulation has changed in the past years, reflecting the professional experience in children's care. On 1 July 2014 a significant amendment will come into force, so our reply to the question presents both the current regulation in force and the regulation that will enter into force on 1 July 2014.

156. Special care is provided to children with severe personality development disorder, children showing severe psychotic or neurotic symptoms (showing severe psychological symptoms), children demonstrating severe problems with integration or severe anti-social behaviour, criminal offenders (showing severe dissocial symptoms), and to children with alcohol or drug problems or problems with other psychoactive substances (struggling with psychoactive substances).

157. Based on the professional experience of child protection it was of absolute necessity to establish the definition of dual need and to establish the regulatory frameworks of care reflecting the child's needs. It is a constant hardship to designate a place of care that reflects a child's needs if they have particular care needs (e.g. disabled children) and at the same

time have special needs as well (e.g. because of severe psychological symptoms or behavioural disorders).

158. According to the regulation coming into force on 1 July 2014, the guardianship authority shall determine the child's dual needs in ongoing children in care cases, or upon special request in case of a child in care, but no later than the next review of fostering, if, based on the opinion of the panel of child protection experts, particular and special care needs are present at the same time.

159. The determination of the child's special needs and the designation of the adequate place of care shall be done upon the assessment performed by the panel of child protection experts operated by the county/metropolitan child protection service, through the resolution delivered by the guardianship authority. Remedy may be provided against the resolution in accordance with the general rules, so the child's legal representative and/or professional child guardian may resort to legal remedy at the county or metropolitan social guardianship authority of second instance, and ultimately the resolution may be challenged in court.

160. The regular members of the panel of child protection experts shall be one paediatrician, one child psychologist and one social worker; in the case of determining special needs, the panel shall have additional members, a psychiatrist or a special education teacher, and other experts may be involved as well.

161. The review of the opinion of the county and metropolitan panel of child protection experts, and if needed, the delivery of a new opinion shall be performed by the national panel of child protection experts upon the request of the guardianship authority. The opinion and proposal of the national panel of child protection experts serve as the basis for the decision by the guardianship authority on placing a child in one of the central Specialised Homes, which have jurisdiction at a national level.

162. Beyond the full service and care provided within special care, it also extends to education, vocational training and employment, as well as nursing, socialisation and resocialisation, habilitation and rehabilitation treatment of the child, reflecting the child's age, condition and needs, which shall be provided to the child by the Specialised Home. A maximum of 40 children may be placed in a Specialised Home, in groups of up to 8 persons.

163. The state maintains four Specialised Homes with national jurisdiction. These provide therapies reflecting the children's condition and needs to children in need of therapy requiring particular expertise for the following reasons: severe neurotic or psychotic disorder, serious violent acts, regular use of psychoactive substances or acquired immunodeficiency syndrome.

164. The rules and regulations of the operation of Specialised Homes are set by the implementing decree of the Child Protection Act, which is Decree No. 15/1998 (IV. 30.) NM (Ministry of National Welfare) on the professional tasks and operating conditions of child welfare and child protection institutions and their staff who provide personal care. Children may be cared for in same-sex groups of up to 8 persons. A maximum of 4 children may sleep in the same room.

165. The group must have a separate living space, which consists of bedrooms, a common living room, a kitchen/dining room and a bathroom and toilet, equipped with the furniture, furnishings and equipment necessary for everyday life. The minimum living space is 12 sqm per child in accordance with the general rules. The personal belongings and clothes of the child must be stored in the living space of the group but separately from those of their inmates.

166. There must be a room dedicated to receiving visitors in every Specialised Home as well as a group room for therapeutic sessions and tutoring.

167. In Specialised Homes only, there must be an isolation area that is adjacent to the living space but separated from it, where a child posing a threat to his/her or others' life or physical integrity can stay for up to 24 hours. The isolation area shall have the following features:

- (a) It shall enable the child to clean himself/herself and to use the toilet;
- (b) It shall ensure that the child who stays there shall not be able to hurt himself/herself or to leave the facility;
- (c) It shall allow for constant supervision of the child;
- (d) The structure of the facility shall be resistant to penetration; and
- (e) The furniture and fittings to be installed shall not be able to cause any injury and they shall be resistant to increased use.

168. An isolation area shall be set up in only Specialised Homes. The law does not allow for the special groups of the children's homes to do so.

169. In order to ensure the integrated placement of children with different care needs and to ensure joint placement of siblings, the amendment of the law coming into force on 1 July 2014 defines the number of children with particular, special and dual care needs to be placed simultaneously in one group of children's home/in one family type care home, as well as the options for reducing the total number of persons in the groups. A transitional provision ensures that the place of care of a child placed prior to 1 July 2014, or the place of care of the young adult, shall not be changed based only on the rule pertaining to the composition of the group corresponding to the level of need of care.

170. Based on experience, the previous regulation is amended in relation to placing a child in a Specialised Home, which ordered separate placement based on pre-defined types of problems. The amendment allows for placements to take the types of problems into consideration, which allows for individual consideration in the best interests of the child.

171. The experience of institutions dealing with children with special care and providing them with accommodation provided the reason for allowing for children to spend more than two years in Specialised Homes in exceptional cases, however, the extension shall not be more than one year. Such cases may be if the child's therapy is still ongoing, although consideration must also be given to the end of the school year or any other training. The grounds for the guardianship authority's resolution are: the assessment of the county or metropolitan panel of child protection experts, and of the national child protection expert committee, as well as the reasoned proposal of the child protection guardian.

172. Pursuant to the current Child Protection Act, the head of the children's home and the guardianship authority may restrict the personal freedom of the child if the child demonstrates any behaviour that poses an imminent danger to his/her or others' life or health, due to the child's health or psychological state, and this may be avoided only through the immediate supervision of his/her full service and care under closed conditions. Under the above restriction the child is not allowed to leave the premises of the Specialised Home and the child is obliged to stay in the rooms designated by the head of the children's home. The head of the Specialised Home is obliged to inform the children's rights representative, the county and metropolitan child protection expert committee and the guardianship authority promptly on the restriction, but no later than within 36 hours.

173. The head of the Specialised Home shall initiate the educational supervision of the child at the guardianship authority if the restriction of personal freedom is expected to last longer than forty-eight hours. The guardianship authority shall forward its resolution to the court for review within three days of receiving notification. The court shall rule in a non-litigious procedure and either maintain or terminate the educational supervision within

fifteen days from the date on which it was forwarded. The child is represented in court proceedings by the children's rights representative. The professional child guardian also has the right to represent the child based on the guardianship authority's decision. There is no recourse to appeal against the decision of the court. The maximum duration of the educational supervision is two months, the maintenance of which is reviewed by the guardianship authority on a monthly basis.

174. The amendment of the Act coming into force on 1 July 2014 clearly separates the short term restriction of the child's personal freedom from educational supervision.

175. The personal freedom of the child may be restricted by the head of the Specialised Home, and its purpose is to enable the child to participate in therapeutic work provided by the Specialised Home.

176. Together with the restriction of the child's personal freedom for a maximum of 48 hours, one of the following measures may be applied as well:

- The child shall not leave the premises of the Specialised Home;
- The child shall stay in the rooms designated by the head of the Specialised Home;
- The child shall stay in the separate security room of the Specialised Home; the latter shall not be applied in special family type care homes, or in special groups of the children's home, not even after the amendment comes into force.

177. The child protection guardian, the children's rights representative, the panel of child protection experts and the guardianship authority shall be informed on the restriction of personal freedom within 36 hours of its start. The child, the professional child guardian or the children's rights representative may file a complaint against the restriction of personal freedom at the maintainer of the children's home. The guardianship authority shall also be notified if a complaint is filed. The maintainer shall investigate the complaint within 15 days and shall take steps in order to terminate the restriction of personal freedom if it is unjustified.

178. One new rule is that the guardianship authority is obliged to examine the necessity of ordering educational supervision if the head of the institution ordered the restriction of the child's personal freedom two times within four weeks.

179. According to the amendment of the Child Protection Act, ordering educational supervision is a kind of restriction of personal freedom for a longer period of time. The guardianship authority orders it through a resolution. The head of the Specialised Home and the professional child guardian may submit a request for educational supervision if the restriction of the child's personal freedom is expected to last longer than 48 hours. Educational supervision may be ordered if, as a result of his/her health or psychological disorder, the child demonstrates behaviour that may pose a significant danger to his/her or others' life or physical integrity, or poses an imminent or serious danger, and the danger may be avoided through his/her examination and therapy and by providing full service to the child under closed conditions for a period of at least 48 hours.

180. Depending on its purpose, educational supervision may include the following restrictions of personal freedom:

- The child is obliged to stay in certain rooms of the children's home;
- Limitation of keeping contact with relatives;
- Participation in medical treatment or therapy procedures subject to the agreement of the child protection guardian.

181. As was the case previously, educational supervision may last for two months, subject to review by the guardianship authority.

182. Prior to ordering educational supervision, the guardianship authority hears the child, their legal representative, the children's rights representative and the head of the Specialised Home. It shall also ask for the opinion of the panel of child protection experts. In relation to the hearing of the child, the Child Protection Act introduces child-friendly regulations by stating that the guardianship authority may contact the child in the institution in order to have a hearing with him/her. This ensures that the hearing of the child in crisis takes place in his/her usual environment. The rules of remedy against the resolution of the guardianship authority ordering educational supervision have not changed.

183. The new provisions of the decree issued by the Ministry of Human Resources determine what elements the opinion prepared by the county/metropolitan panel of child protection experts in the matter of educational supervision shall contain: the list of previous restrictions of personal freedom and the evaluation of their success, their proposal as regards the ordering of educational supervision, the venue and duration of the restriction, the proposal as regards the optional restriction of keeping contact for the duration of educational supervision.

184. The social and guardianship authority monitor the operation of Specialised Homes in accordance with the general rules on a yearly basis as previously as well. They also launch extra statutory inspection upon an alert. The public prosecutor's office performs an inspection on a yearly basis of the Specialised Homes only, which is aimed at eliminating any possible violations of the law resulting from the closed nature of the homes and to remedy those violations.

Question 13

Please inform the Committee about measures taken by the State party to increase the prospects of adoption for Roma children, children with disabilities and children with chronic diseases.

185. The introduction of child care allowance (GYES) for adopted children from 1 January 2011 facilitates the adoption of traumatised children over the age of 3 with different levels of trauma. Either of the adopting parents may be entitled to the child care allowance for 6 months after adopting a child under 10 years, even if there was no eligibility under general rules or the eligibility period would be less than 6 months (due to the age of the child).

Question 14

Please provide the Committee with information on measures taken by the State party to support families with children with disabilities in order to prevent the children from being institutionalized. Please also clarify the services available in all counties for children with mental disabilities and children with visual or hearing impairments, and indicate what measures have been taken to ensure inclusive education for children with disabilities.

186. The supports in cash or kind provided by the state are not exclusively aimed at families raising disabled children, but special and more advantageous conditions are applied, in comparison to general eligibility criteria, for all types of benefits provided to these families.

187. Cash benefits provided within family support:

- The amount of family allowance for a permanently sick or severely disabled child is higher (EUR 75.3/child and EUR 84.8/child in case of a single parent);

- For permanently sick or severely disabled children the child care allowance (GYES) is provided until the child reaches the age of 10 years, instead of 3.

Cash and in-kind benefits provided within social benefits

Benefits provided pursuant to the Social Act:

- Subjective right to public health care;
- The relative is entitled to nursing fee if providing care to a severely disabled child under 18 years requiring permanent or long-term care;
- In case of benefit for persons in active age and housing support more advantageous rules are applied in the course of means testing if a higher amount of family allowance was granted for the child.

Benefits provided pursuant to the Child Protection Act:

- In case of regular child protection allowance more advantageous rules are applied in the course of means testing, if the child is permanently sick or severely disabled;
- Within the normative allowance in child catering, a permanently sick or disabled child is eligible to a 50% allowance.

188. Programmes assisting families raising disabled children implemented (between 2011 and 2014) under the support of the Ministry of Human Resources are described in the following paragraphs.

189. The “Fecske” (Swallow) Programme established by the Kézenfogva Foundation promotes the raising of disabled children in families and supports such families by providing temporary assistance and care in the homes of families raising disabled people. The amounts of support: In 2011, EUR 222,622.4; In 2012, EUR 247,546; In 2013, EUR 245,048; In 2014, EUR 252,087.

190. The tender entitled “Support for programmes assisting families raising disabled people” was implemented jointly with the Non-Profit Charity for Equal Opportunities for Disabled People (Fogyatékos Személyek Esélyegyenlőségéért Közhasznú Nonprofit Kft.). The tendering organisations can choose from the following services: parents’ club, parent training, mental hygiene sessions, publishing, sensitising programme.

<i>Year</i>	<i>Number of tenders received</i>	<i>Number of tenders awarded with support</i>	<i>Number of parents directly affected by the programme</i>	<i>Amount of support available</i>
2011	71	13	~90 persons	EUR 13,095
2012	55	24	~125 persons	EUR 28,646
2013	67	30	~300 persons	EUR 62,203,3

191. In 2013, the Gézengúz Foundation was granted support worth EUR 6,770.4. The foundation has been operating for 24 years in 5 settlements providing healthcare, educational and social assistance along with standardised therapeutic principles and technical protocols. They provide family-centred early childhood intervention based on complex (neurological, psychological and pedagogical) examinations.

192. In 2013 the Szemem Fénye Foundation was granted EUR 3,273.8 support. The foundation provides everyday assistance to sick children and their parents, temporarily undertakes childcare and provides hospice care. The employees of the foundation keep track of and support the everyday lives of sick children and their relatives, after they have

left the institution. The foundation will be supported in 2014 as well with a planned amount of EUR 3,273.8.

193. In 2009 the Act on Hungarian sign language and the use of Hungarian sign language was adopted. An important innovation of the Act is that the parents of children with audio impairment or deaf and blind children can choose between the bilingual and the traditional auditive-verbal (monolingual, based on speech) educational methods. In addition to this, the Act ensures the right of the affected person to learn the Hungarian sign language or other special communication systems. This right is given to the parents of children with audio impairment or deaf and blind children, as well. An important component is incorporating the right to a sign language interpretation service into the law. The Act ensures a sign language interpretation service free of charge with an annual time frame of 120 hours per person. Moreover, a free-of-charge sign language interpretation service is provided to students of secondary and vocational schools and university students for 120 hours per school year and 60 hours per semester respectively.

194. In the area of public education, the transformation of pedagogical service activities and the improvement of pedagogical assistance services are facilitated by Priority Project no. TÁMOP 3.4.2.B, with support worth EUR 7,529,874. The project will conclude on 31 December 2014. The content of the construction was defined by taking into consideration the observations of public organisations on unjustified categorisation as a person with disabilities and the recommendations of the Committee on the Rights of Persons with Disabilities on inclusive education. Within the construction, 13 new assessment and development procedures were standardised and adapted.

195. The students with special needs who are given integrated education are provided with numerous advantages by the legislation in force. The calculation by which one child taught in integrated education is equivalent to 2 or 3 persons (according to the area of disability) ensures the creation of smaller classes in education. Moreover, the Act on Public Education stipulates that if a student's individual ability or development requires it, the school's headmaster may, in accordance with the opinion of the expert committee, order that the student be given a textual evaluation, instead of evaluation by marks, in case of certain subjects or parts of subjects, with the exception of practical training. In this case the student may choose other subjects in the course of taking a school-leaving examination.

196. The candidate, being a student with special educational needs, shall be relieved from the examination requirement of certain subjects or units (modules), with the exception of practical subjects and exams, in accordance with the nature of the special educational need.

Question 15

Please provide information about the measures taken to prevent and reduce the number of mental health problems among adolescents, including steps to reduce the number of suicides and the use of drugs and alcohol.

197. The police department's programmes of school instruction are aimed at preventing the use of drugs and alcohol. Over 34,000 children take part in the DADA (primary school) programme, while over 4,500 students participate in the ELLEN-SZER (secondary school) programme. In academic year 2013/14, 99 crime prevention advisors started work with a new complex programme in 194 institutions of secondary education throughout the country. As a result, 124,621 students had the opportunity to take part directly in the newest youth protection and crime prevention services of the police.

198. Pursuant to Decree no. 20/2012 (VIII. 31.) of the Ministry of Human Resources on the operation of educational institutions and the names of institutions of public education, schools shall pay special attention to preventing the consumption of drugs leading to

dependence or addiction, and to promoting the integration of formerly addicted students, while acting in cooperation with the school health service.

199. Pursuant to Government Decree no. 66/2012. (IV. 2.) on activities related to narcotic drugs, psychotropic substances and new psychoactive substances, on scheduling of these substances and on modification of schedules, as a result of the prior professional assessment of the National Centre of Addictology operating under the National Institute for Health Development, the new substance can be listed to the group of new psychoactive substances (so-called list “C”) which limits the accessibility of new psychoactive substances to the population, including the youth.

200. Taking into consideration the tendering priorities specified in previous years, tenders for the promotion of drug prevention activities were called for in 2013 and 2014. In 2012 and 2013, the Ministry of Human Resources supported approximately 90 drug prevention tenders in each year, with support worth EUR 196,431–212,800.7 per year, in order to reach and address the youth with drug prevention programmes through their families.

201. Open tender KAB-GY-12 with the title “Support for drug prevention programmes in the area of child protection special care”, announced in 2012, was aimed at child-protection special care, with support worth EUR 32,738.6. The objective of the tender was, within the area of child protection special care, to support health development and drug prevention programmes for children taken from their families by official measures, young adults given after-care, and employees of children’s homes providing personal care. 24 institutions were granted support country-wide, and the number of people affected by the programme was 1,411.

202. In 2014, the primary objective of tenders aimed at prevention was the support of universal and targeted prevention programmes in accordance with three tender categories. EUR 507,448 was available for support.

Question 16

Please provide information on measures to integrate Roma children into mainstream schools and prevent them from being segregated in specialized schools or classes. Please also inform the Committee about measures taken to facilitate the integration of migrant children and asylum-seeking and refugee children in regular schools.

203. The option of creating so called “correction classes”, formerly available, for children struggling with learning difficulties, was suspended. The student may not be separated due to difficulties of inclusion, learning or behaviour, and compulsory school education may only be fulfilled in an integrated school, which is either the nearest to the permanent address or freely selected.

204. Integration is further promoted by schoolbook support for students with special educational needs. The support can be used for purchasing students’ schoolbooks in small quantities, in particular the schoolbooks of blind students in Braille writing, audio-books or electronic learning material.

205. The support of tasks related to the kindergarten and school education of children and students with difficulties of inclusion, learning or behaviour may be used for purchasing instruments for the development of abilities, and for paying the staff and material costs of forms of education that prevent them from falling behind, ensuring a differentiated education. The maximum amount of support is EUR 32,74/person/year.

206. The support granted to the Autism Foundation is defined in the Act on the central budget (2011: EUR 80,864.3, 2012: EUR 114,585, 2013: EUR 114,585): The objective of the support is special rehabilitation care, development, education and individual preparation

of children with autism. The supported institution spends the support on the maintenance of model institutions and on the fulfilment of further-education, supervisory, educational and advisory tasks in the form of covering wage and wage-like expenses.

207. The limit of tender TÁMOP 3.4.2. A-11/2 with title “Integration of children with special educational needs” is EUR 818,464.6. The priority objectives of the tender are to make institutions involved in the education of children with special educational needs suitable for providing inclusive education, and to renew the pedagogical practice of institutions in order to adapt to children’s abilities and learning needs. The implementation of the tender programme commenced in September 2012 in 34 winning consortia (the consortium partnership is the cooperation of an institution of medical pedagogy and three recipient institutions – one kindergarten, one primary school and one secondary school). The majority of winning bidders are to conclude the project by September 2014.

208. The objective of construct no. TÁMOP-3.1.6/11, with the title “Development of services provided by Uniform Special Educational Conductive Pedagogical and Methodological Institutes and the procurement of instruments facilitating the service”, is to offer services to institutions of public education for children with special educational needs, which contribute to the establishment of an inclusive system of public education and the development of competences necessary for the successful adaptation of students to the labour market. The 48 winning consortia are to conclude the project in the period between February and September 2014, and the amount of support is EUR 4,550,663 in total.

209. As a result of the above measures, the dominance of integrated forms of educational will increase within the system of public education. Currently, over 64% of students are taking part in integrated education.

Question 17

In the light of the fact that, under the Asylum Act, the State party can detain families with children for up to 30 days, please inform the Committee about measures to ensure that the best interests of the child are a primary consideration in such circumstances. Please also provide information on the methodology used in the age assessment tests for children without identity documents.

210. Pursuant to Act II of 2007 on the Entry and Residence of Third-Country Nationals, families with children can be detained for a maximum of 30 days. This is known as the “alien-policing detention”, which is implemented in guarded detention centres operated by the Police.

211. Until March 2013, the detention of families with minors took place in the guarded detention centre in Békéscsaba, which was suitable for satisfying their special needs. After this, the families were placed in the low-capacity (23 persons) accommodation of the Airport Police Directorate in the most humane circumstances and conditions, adapted to the special needs of children of various ages. Currently, guarded detention centre in Kiskunhalas suitable for the placement of families with minors is being constructed with the support of the European Return Fund, which is expected to be completed on 30 June 2014.

212. Since the procedure initiated in relation to aliens depends on whether it relates to a minor, an examination has begun in 2012 into applying a complex method for a more accurate age determination and the creation of a standard procedure. To this end, a working party was set up with the participation of the Ministry of Interior, the Hungarian Institute for Forensic Sciences and the Police Headquarters of Csongrád County, as well as experts in forensic radiology and immigration.

213. In the course of the nearly 2-year-work of the working party, taking into consideration international practice and working together with NGOs, the working party

came to the opinion that there is no exact, generally accepted method for determining the age of a person.

214. In the case of unaccompanied minors, an exact definition of age is only important for those typically between the age of 16–20, since the lawfulness of ordering the restriction of personal liberty can only become doubtful in their case. In these cases, within the competence of the Police Headquarters of Csongrád County, the forensic experts of the police headquarters provide an expert opinion with regard to the age of a person, while in other counties this activity is performed by physicians contracted by the police.

215. In the course of examining whether a child is still a minor or not, the general state of physical development, external sexual features and the complete tooth profile are examined and, in justified cases, a radiological examination may be ordered. In cases when there is doubt if a person is over 18, the immigration authority does not order detention and the person is taken into a child protection institution. There are no statistical data available on the number of procedures carried out by the Police to determine the age of a person.

216. By the modification of the Act LXXX of 2007 on Asylum, the new, specific regime for asylum detention was introduced, which came into force on 1 July 2013 and which is separate from the rules of alien-policing detention. The ordering of the detention of asylum seekers falls within the competence of the Office of Immigration and Nationality and it is implemented in a guarded reception centre. Since its introduction, there has been one instance of taking a family with children into detention for two weeks, after which the family was accommodated in an open reception centre.

217. The detention of asylum-seekers can only be ordered in exceptional cases as a measure of last resort. In such cases the family is accommodated together and separated from other detainees, for the shortest time possible. Families with minors may only be placed in asylum detention as a measure of last resort and the best interest of the child must be taken into account as a primary consideration. Families with minors may only be detained for up to 30 days. In order to ensure family unity and with a view to their special needs, a specific closed reception centre was assigned to host families with minors in detention. Families are accommodated in separate facilities. The families with children are accommodated in rooms that meet the physical and mental needs of the children, while the children are provided with education during their detention, and social workers monitor the life of such families as vulnerable people. According to the relevant legislation unaccompanied minors must not be detained.

218. The age of minors arriving to the country without documents and companions is by the Office of Immigration and Nationality for the first time, when the minor expresses his/her intention to apply for asylum after arriving in the country, typically as part of an asylum procedure.

219. A decision has to be made shortly (within 24 hours) on whether the applicant will be placed in a child protection institution for minors or if the rules for adults are to be applied. After this, a detailed examination by a medical expert is performed in the course of an asylum procedure, which determines the age of the person (examination of the dental structure, external sexual features, the state of physical development and, if necessary, dental and wrist radiology), typically with a 2-year error margin. In case of doubt, the authority treats the applicant as minor; however, refusal to undergo the examination means that the more advantageous rules on minors cannot be applied. A guardian shall be appointed while the examinations to determine age are carried out.

220. Considering the figures of the procedures for determining age, it is not possible to report fully accurate data due to a lack of a standardised statistical registry, and in many cases the examinations cannot be performed due to the fact that the person declaring himself/herself as a minor leaving for an unknown location. In 2014 the procedure to

determine age was conducted in at least 17 cases, out of which the subjects were determined to be minors in 15 cases. In 2013 the medical expert verified minors in 14 cases out of at least 35. In 2012 there were 12 cases of age determination, and minors were verified in 7 cases. In 2011 the minor age of the applicant was verified in 1 case out of at least 3.

Question 18

Notwithstanding the establishment of child-friendly rooms, please provide information on the rules and regulations in the State party that provide for a child-friendly juvenile justice system. Please inform the Committee about measures taken to put a stop to the practice of depriving of their liberty children who commit petty crimes. Please also provide information on the complaints mechanisms available to children who are placed in police custody, closed institutions, prisons and administrative detention.

221. One important amendment as of 1 July 2013 – is that the age of criminal responsibility is reduced to 12 years from 14 years in the Criminal Code in case of exceptionally violent criminal acts, including homicide, voluntary manslaughter, assault and battery, robbery and theft. In the course of a criminal procedure, the place of pre-trial detention against a suspect between 12–14 years old shall be the reformatory institution. In case of juveniles between 14–18 years old, it is at the discretion of the court to decide on the place of pre-trial detention.

222. The condition of establishing criminal responsibility is that the offender between 12–14 years of age has the comprehension necessary to realise the consequences of his/her act at the time of committing the act.

223. No punishment can be ordered, only measures can be applied against the offenders: reprimand, probation, supervision by a probation officer, confiscation and placement in a reformatory institution, out of which only placement in a reformatory institution means deprivation of liberty. Placement in a reformatory institution cannot be ordered against someone who has turned 20 by the time the judgement is passed, and its duration can be between 1 to 4 years, until the convicted person reaches the age of 21.

224. In line with the obligation provided for in Decree No. 32/2011 (XI.18.) of the Ministry of Public Administration and Justice on setting up child-friendly hearing rooms, 21 child-friendly hearing rooms were available for hearings by the police (or investigating judge) as of 21 February 2014. The standardised technical protocol of using child-friendly hearing rooms was introduced in police premises in accordance with Order No. 1/2013. (I. 8.) of the Hungarian National Police Headquarters on the use of child-friendly hearing rooms.

225. The National Office for the Judiciary invited a tender to develop child-friendly hearing rooms in every court premises with a staff larger than 7 by 31 December 2014. Currently, 44 new rooms are being established, which enable the court to conduct the hearing of children in a friendly and comforting environment.

226. In addition to the applicability of child-friendly hearing rooms, Act XIX of 1998 on Criminal Proceedings sets forth numerous special rules with regard to juvenile witnesses and offenders.

227. A person under 14 years may only be heard as a witness if the evidence obtained by the testimony cannot be substituted, and in the course of the hearing the warning on the consequences of false testimony shall be omitted, since the witness is not punishable. If it is reasonably assumed that the hearing at court would detrimentally affect the development of a witness under 14, then the minor may be heard by the investigating judge during the investigation. A witness under 14 may not be summoned as a witness in court. If the

hearing of such a witness is particularly justified, then is it only possible by way of a judge delegated by the court via a dedicated telecommunications device. If the witness has turned 14 on the date of court hearing, then he/she may be summoned as a witness in particularly reasonable cases.

228. If the minor has not turned 14, he/she shall be summoned and notified through his/her guardian, and his/her legal representative shall be informed of his/her summons or notification. In the summons or notification of the minor, a comprehensible explanation of the content of the summons or notification shall be provided, taking into consideration the age and maturity of the minor.

229. When hearing a witness under 18, the legal representative, supporter or guardian of the witness may be present, and the wording of warnings preceding the hearing shall be comprehensible to the witness by taking into consideration the age and maturity of the witness under 18.

230. A person under 14 cannot take part in a court hearing, and a person under 18 may be excluded from the audience by the head of the board.

231. Pursuant to Article 109 (1) (1) of Decree no. 11 of 1979 on the execution of punishments and measures, the juvenile is entitled to propose an announcement of public interest, complaint or request to the institute and to the organisation independent from the institute.

232. Pursuant to Act CCXL of 2013 on the imposition of punishments, measures, some coercive measures and confinement for infraction, entering into effect on 1 January 2015 (hereinafter on the Execution of Punishments), a juvenile convict or other detainee may submit a request, complaint or statement independently without the consent or subsequent approval of the legal representative with regard to the enforcement of execution of punishment or detention.

233. Article 21 (1) of the Act on the Execution of Punishments ensures the enforcement of the right to complain as a basic form of legal remedy against the measures or decisions, or the failure to take a measure or decision. An application for the court to review the decision may also be submitted, if the law specifically enables this (thus the decision results in the substantive change of the circumstances of enforcement, e.g. solitary confinement; or affects fundamental rights, e.g. the refusal of the disclosure the convict's statement). The application for revision may be submitted by the convict or other detainee, their defence counsel or the juvenile's legal representative.

234. Pursuant to the specific rules set forth in Decree No. 6/1996. (VII. 12.) of the Ministry of Justice on the Rules of Executing Imprisonment and Pre-trial Detention, detainees, including juveniles, may exercise their rights, file a complaint or request legal assistance in the following ways:

- Requesting a hearing by the prosecutor;
- Writing to the director of the institution in a closed letter or requesting a personal hearing;
- Turning to the commissioner for fundamental rights, if their fundamental rights have been infringed;
- If the right to exercise rights over managing personal data and to be notified of data of public interest is infringed, turning to the National Authority for Data Protection and Freedom of Information;
- Writing to international organisations or authorities in as many closed letters as they wish;

- The list of legislation is accessible in the institute's library and can be used freely;
- Requesting a hearing by the parole officer through the mediation of a caregiver.

235. The option to submit complaints in reformatory institutions is also provided in Decree No. 30/1997 (X.11.) of the Ministry of Welfare on the Regulation of Reformatory Institution. The juvenile may submit his/her complaint in the course of a disciplinary procedure against the written decision of the disciplinary committee at the director of the institute.

236. The prosecutor responsible for the supervision of the lawfulness of the implementation of the sentence and the fulfilment of tasks related to legal protection may, based on an application, hear convicts in police detention-rooms, guarded detention centres, guarded reception centres, community shelter and reception centres. In addition to convicts heard under the application, in the course of the prosecutor's examination into the lawfulness of detainees' treatment, the prosecutor may hear out randomly chosen detainees.

237. The lawfulness of treatment of juvenile convicts and the enforcement of special enforcement rules in penal institutions is assessed at least annually, when the juvenile convicts may submit their complaints. The Prosecutor General's Office has placed 2 complaint boxes each in the four reformatory institutions operating under the supervision of the Ministry of Human Resources for juvenile convicts and their relatives respectively. The complaint boxes are sealed, and only the prosecutor may open them, every two weeks. If the prosecutor conducting the examination finds a letter of complaint in the complaint box, then the convict is immediately heard with regard to their complaint. Moreover, the prosecutor conducting the examination of lawfulness performs the assessment of the lawfulness of education in reformatory institutions and the enforcement of detention on remand, in particular the compliance of documents of admission, the observance of detention durations, the circumstances of detention, and the treatment and the rights of juvenile detainees. In the course of examining lawfulness, the prosecutor requires juveniles to make statements as to whether they wish to make a complaint with regard to their treatment or any violation of their rights.

238. The legislation on the establishment of a daily routine in penal institutions requires that the specific needs of the age-group be taken into consideration, and that efforts be made to avoid any deleterious effect on juveniles. At the time of admission, a study of living conditions shall be made with regard to the juvenile by the Parole Officer's Department of the competent Justice Service. Until the end of academic year 2011/2012 the mandatory school age is 18, and after this date the age is 16. All juveniles who no longer fall within the mandatory school age shall be motivated towards education by the institutes and by the system through scholarship programmes. The institutes ensure the option to participate in secondary or post-secondary education through distance learning. Currently, there are several juveniles taking or preparing for final examination in the institutions. In penal institutions for juveniles, various groups have been created for the purposes of education, in addition to the differentiation under law, within the degree of punishment. There are no groups which may give rise to discrimination.

239. As of 15 April 2012, and repealing the former act, Act II of 2012 on infractions, procedures for offences and the system for registering offences (Offences Act) came into effect, which includes separate provisions on the special measures for juveniles (between 14–18 years). The Offences Act introduced new and modern provisions with regard to juveniles subject to misdemeanour proceedings, in order to adopt a regulation more in line with and beneficial to the mental and emotional development of juveniles. The most significant of these is that misdemeanour proceedings shall be conducted taking into consideration the age-related characteristics of the juvenile. The punishment or measure applied against the juvenile primarily aims to steer the juvenile into the appropriate

direction of development and to make the juvenile a useful member of society. An amendment of the act, effective as of 1 January 2014, introduced one of the institutions of restorative justice by establishing the option of an intermediary procedure for offences punishable by imprisonment and offences committed by juveniles.

240. Confinement on account of an infraction may only be ordered by a court, and the court may assess the lawfulness of imprisonment on account of the offence and also decide on appeals against detention. The court shall decide on whether to convert unpaid fines or on-the-spot fines or unfulfilled community service to imprisonment.

241. In the event that the offending juvenile is deprived of their liberty, the prosecutor's office shall assess the lawfulness of the authorities, except that of the court, in its capacity of safeguarding the public interest, supervising the lawfulness of the implementation of sentences and upholding rights. The prosecutor may prevent the detention of the juvenile by repealing the order of detention, if the special rights and priority law enforcement interests are violated. The apprehension (and the unjust restriction of liberty) of 56 juveniles was repealed between March 2011 and 2014 as a result of the prosecutor's decisions. Since 1 September 2013, the prosecutor may propose a motion for a new trial if the court's decision to modify other sanctions to imprisonment is against the applicable legislation. Decree No. 17/2012 (IV. 5.) of the Ministry of Interior on the rules of imprisonment on account of petty offences ensures the offender the right to complain with regard to the enforcement of imprisonment on account of a infraction, and in case of a juvenile offender, the legal representative may also appeal to remedy personal grievances. The complaint is assessed first by the head of the competent organisational unit of the body enforcing the imprisonment, then the head of the body enforcing the imprisonment, and finally the director general of the prison service.

242. A minor who falls within the scope of the alien-policing detention (accommodated together with their family) may lodge a complaint in accordance with Act II of 2007 on the Entry and Residence of Third-Country Nationals. Act LXXX of 2007 on Asylum provides the right of complaint to a minor held in the asylum detention (accommodated together with their family).

243. Pursuant to the amendment of the Child Protection Act, unaccompanied minors shall be exclusively placed in child protection institutions as of 1 May 2011, which in practice means accommodation in children's homes that may not include the restriction of the personal liberty of minors. The legal representation of unaccompanied minors shall be carried out by the child protection guardian, regardless of the place of care of the child. If the rights of a minor are violated, a complaint may be lodged in accordance with the Child Protection Act.

Part II

In this section, the Committee invites the State party to provide a brief update on the information presented in its reports regarding:

- (a) *New bills and laws, and their respective regulations;*
- (b) *New institutions and their mandates, and institutional reforms;*
- (c) *Recently introduced policies, programmes and action plans and their scope and financing;*
- (d) *Recent ratifications of human rights instruments.*

(a) New bills and laws, and their respective regulations

244. Based on Act LXIII of 2012 on the amendment of certain laws connected to the implementation of child-friendly justice:

- New rules regarding the Act IV of 1978 on the Criminal Code and the on the grounds thereof regarding the Act C of 2012 on the new Criminal Code that entered into force on 1 July 2013:
 - A new offence was created for criminalising the exploitation of child prostitution.
 - A new criminal behaviour was included in the offence “abuse of a minor”, namely the endangering of a minor’s emotional development.
 - It will qualify as homicide if the perpetrator persuades a person to commit suicide if such a person is under the age of fourteen years or is unable to express their will.
 - The statutes of limitations were amended for offences committed against minors in such a manner that now, the victim has five years after becoming 18 years old to report the crime (with regard to the requirement in paragraph IV/36 of the Guidelines of the Committee of Ministers of the Council of Europe).
 - Certain violent crimes and some of the crimes against sexual freedom and sexual morality are punishable more severely if they are committed against a victim who is younger than 12, 14 or 18.
 - Perpetrators of offences against children can be prohibited from exercising any profession related to the supervision, care and education of children or young people.
 - If a fine imposed on a perpetrator who is older than 16 cannot be collected, it can be substituted by community service work (instead of imprisonment).
- The amendment to Act XIX of 1998 on Criminal Procedure declares that:
 - A penalty must be imposed on a juvenile offender if the application of a measure is not expedient. Only measures can be imposed on persons who were younger than fourteen at the time of committing the crime. Measures or penalties involving deprivation of liberty can only be imposed on juvenile offenders if the purpose of the measure or the penalty cannot be achieved in

any other way. Both of these principles had already been followed in practice, but they were only codified by this amendment.

- New additional conditions have been established for applying the rules of active repentance, which are more favourable than the rules applicable to adults.
 - The introduction of “work performed in reparation”, which can only be applied for perpetrators who are older than 16.
 - The extension of the applicability of placement in youth custody centre (this can be applied to perpetrators younger than 20, in contrast with the previous age limit of 18 years, and the maximum duration of this measure was increased to four years from the previous three years), thereby making it a more widely applicable as an alternative to imprisonment.
 - Minors must be informed of the contents of the summons and notices taking into consideration their age and maturity.
- The amendment of Act III of 1952 on Civil Procedures also contains several guarantee rules in order to protect minors:
- The court may also hear a case in camera in order to protect minors.
 - As a result of supplementing the provisions on alternative jurisdiction, certain family law lawsuits may also be instituted before the court having jurisdiction based on the minor’s permanent or temporary place of residence. This provision makes it possible for the child to be heard at the court that is closest to their permanent or temporary place of residence.
 - In the interest of the minor, the trial court may act outside its area of jurisdiction.
 - Any summons addressed to a minor must also contain special information for the minor.
 - A minor may be heard as a witness only in exceptional cases, if justified by an important procedural interest.

245. Pursuant to Act CCX of 2012 on the amendment of acts on the operations of metropolitan and local government offices as well as Act CXL of 2004 on the general rules of administrative procedures and services and related acts:

- There are special rules applicable to providing information to legally incapacitated clients and clients of limited legal capacity;
- The procedure for appointing guardians ad litem has been accelerated;
- The confidential handling of the data of legally incapacitated persons or persons of limited legal capacity may also be ordered without a request to this end, in order to protect such persons;
- Legally incapacitated persons or persons of limited legal capacity may only be heard at trials as long as their interests are taken into account.

246. Act V of 2013 on the Civil Code (the new Civil Code), which entered into force on 15 March 2014, contains references to the interests of the child among the rules of legal capacity within Book Two on the one hand, and on the other hand in Book Four, among the provisions on family law.

247. The new Civil Code requires the opinion of minors to be taken into consideration if they are able to judge the situation.

248. Newly set forth in the Family Law Book of the new Civil Code is the principle that, if a child cannot be raised by his/her own family, if possible, it must be ensured that he/she grows up in a family environment and that his/her previous family relations are maintained.

249. The requirement to take the child's best interests into account appears in almost all relationships under family law, but to a different extent, depending on what issue the child is involved in. For example, in the event of a marriage being terminated, it is in the child's interests that the divorce should entail the smallest possible degree of shock, and this interest is one of possible aspects to be considered. However, the child's interests must always prevail in connection with the settlement of any additional issue relating to the divorce (e.g. the settlement of custody rights, use of the home, etc.).

250. For adopted children, the new Civil Code has introduced a rule, according to which the activity preparing the adoption and the new adoption-related service (lasting no more than five years), namely the follow-up, may only be carried out by an organisation with the appropriate entitlement. An important change is that if the mother is younger than 14, the child cannot be removed from the mother for adoption without the consent of the mother, and that parents who are older than 16 may look after and rear their children. Children who are older than 14 can no longer be placed under guardianship; the minimum age limit for instituting the procedure is 17.

251. Among the rules of custody, special mention must be made of the provisions which state that, as a rule, separated parents exercise their custody rights jointly. Parents must take the child's opinion into consideration to the appropriate degree, having regard to the child's age and maturity. The option of mediation contributes to the settlement of disputes related to custody rights; mediation can be ordered by the court and the guardianship authority in order to ensure the proper exercise of custody rights and the required cooperation of parents.

252. The new Civil Code has started to bring the rules of guardianship closer to those of parental custody. The new Civil Code expressly declares that guardians must perform their activity in accordance with the child's interests. The guardian must ensure that the minor can participate in the preparation of decisions that affects him/her, and can express his/her opinion, provided that the minor is able to judge the situation.

253. The range of children's rights was expanded in the Child Protection Act on 15 March 2014 by a new right, which states that experts acting to protect them – in particular those acting in order to recognise and terminate abusive situations – should apply uniform principles and methodology. In order to enforce this right, for the purpose of enforcing the child's right to protection from abuse, the Child Protection Act prescribes that agencies and persons providing basic child welfare services or professional child protection services, as well as those acting as the child's legal representative or managing the child's affairs, must apply the uniform principles and methodology approved by the minister responsible for the protection of children and youth. The regulation on confidential data management, which also entered into force on 15 March 2014, also acts as a guarantee; according to this rule, the child welfare service and the guardianship authority must treat the data of a person who reports the abuse or neglect of a child confidential – even if this is not requested – and may not disclose such data to the person who is accused of abusing the child.

254. Pursuant to Act CXII of 2011 on Informational Self-Determination and the Freedom of Information, minors who are older than 16 may make a legal statement on the management of their personal data without the consent or subsequent approval of their legal representatives. The requirement of the consent or approval of the legal representative of any person below that age serves to protect the child's interests.

255. Provisions introduced by Act CCXLV of 2013 on the amendment of certain acts for the purpose of protecting children:

- Act CCXLV of 2013 on the amendment of certain acts for the purpose of protecting children introduced the institution of preventive probation from 1 January 2015 as a new legal institution of the Child Protection Act, the purpose of which is to facilitate socialisation and prevent recidivism. Preventive probation will be a child protection measure that can be ordered by the guardianship authority in the interest of vulnerable children. During the procedure instituted for taking a minor into custody as a result of their committing a crime or misdemeanour punishable by imprisonment, the guardianship authority will contact the head of the competent county/Budapest justice service in order to request the probation officer to prepare a pre-sentence report, also containing the assessment of the child's exposure to the risk of recidivism. Whenever the risk assessment performed by the probation officer establishes that the child is subject to a high degree of threat in terms of crime prevention, preventive probation will be ordered, and if the report contains a moderate level of risk, the guardianship authority will decide if preventive probation is necessary based on the parent's or other legal representative's request, considering the proposal of the child welfare service and all circumstances of the case. The guardianship authority holds a hearing during the procedure for taking a child into custody, attended by the child and their parents, the family supporter and the preventive probation officer. Preventive probation also makes it possible to present a more dynamic picture of juvenile offenders to the actors of the justice system (the court and the public prosecutor) compared to that presented by the current system, based on the information gathered from the preventive probation officer. This provides an opportunity for deterrence and for individualisation when imposing sanctions.
- In order to protect children during their use of the internet, internet service providers have been obligated to provide screening programs free of charge. Computers used by children in public education institutions and libraries must be furnished with free screening programs. The law also introduced a simplified procedure for removing content from the internet that violates children's personal rights.

Statutory changes introduced in the field of public education

256. The age limit of compulsory education is 18 years of age for students who started year 9 in the academic year 2011/2012 or before, according to the Public Education Act valid from September 2012. For students who started their studies in year 9 after that, compulsory education will end when they turn 16.

257. In order to reduce the rate of students leaving school without any qualification and to improve such students' opportunities on the labour market, a new three-year vocational training course has been introduced, where students can enrol directly after finishing primary school.

258. Extending of compulsory pre-school education from age 5 to 3 from 2015 (Act on Public Education 2011/CXC) aims to support school success – especially for socially disadvantaged children. Extension is based on capacity-building of pre-schools from 2011.

259. On 1 September 2013 began the implementation of the curricular changes in the system of general education (1st, 5th grade of primary school and 5s t 7th, 9th grade of upper secondary school). The new National Core Curriculum (Gov. Decree 110/2012) defines the key competences and skills to acquire, it wishes to grant access to every student to all the cultural goods that are taught at school, while schools need to consider each individual student's capabilities and use appropriate pedagogical methodology accordingly.

The newly issued frame curricula are expected to guarantee the transparency of the work of different schools.

260. The Educational Authority has started the comprehensive work on the development of external school evaluation, and the national school inspectorate system following the new regulation. The measure is expected to develop the quality of education since Hungarian public education has been operating without external supervision for decades.

261. More than 180.000 teachers were moved from 1. September from the general and public service based paying system and rules toward the teacher carrier and wage system which is a new and incentive payment and salary system directly developed for the teacher work and life. (Gov. Decree 326/2013)

262. Act I of 2012 on the Labour Code expressly prohibits child labour. Act LXXV of 1996 on Labour Inspection specifies the sanction that can be applied against employers violating this rule and it also prescribes a reporting obligation to the child welfare service or the guardianship authority, and as a result of the amendment of the Child Protection Act, the labour authority became part of the child protection recognition and signalling system on 1 January 2011.

(b) New institutions and their mandates, and institutional reforms

263. As regards the institutions providing professional child protection services, the government has taken over the obligation to provide these services from county governments from January 2012 and from cities of county rank and the City Council of Budapest from 1 January 2013; therefore the provision of professional child protection services to children removed from their families has fully become the responsibility of the state; such services can also be provided by ecclesiastical and other non-governmental operating entities based on individual contracts. The assumption of this obligation by the state affected children's homes and families' homes operating at 482 sites, as well as 3,685 foster parents. The state's operating tasks are performed by a new organisation, the General Directorate for Social Affairs and Child Protection, which is a background institution of the Ministry of Human Resources.

264. Public education institutions maintained by local governments were transferred to direct state management on 1 January 2013, with the exception of kindergartens. The new institution appointed for this purpose is the Klebelsberg Centre for Institution Maintenance; under its governance, the local and – in respect of certain tasks (professional training, pedagogical professional services) – the county educational districts perform the tasks relating to the maintenance of state institutions. In addition to organising primary and secondary education, the educational district offices operating at county seats perform the county-level vocational training tasks, as well as the organisational tasks relating to professional pedagogical offices and the services provided by them.

(c) Recently introduced policies, programmes and action plans and their scope and financing

265. The document entitled "National Anti-Drug Strategy 2013-2020 – Clear consciousness, sobriety and fight against drug crime" was adopted in October 2013. In addition to recognising the need to address the individual and social risks and damage related to drug use, the strategy's main objective is the reduction of illegal substance use by means of targeted, community-based interventions. The actual measures of the strategy for 2014 and 2015 are included in the policy programme of the National Anti-Drug Strategy for the years 2014 and 2015.

266. The National Council for Crime Prevention also drew up a programme concerning juvenile detainees in its strategic and action plan. Of these, it is worth mentioning, for

example, that the National Council for Crime Prevention supports the introduction of the method of drawing on the right side of the brain and experiential education, and training of 13 tutors in this method (selected by way of applications) was started at the Juvenile Penal Institution (Tököl) on 7 March 2014.

267. Hungary's first comprehensive Migration Strategy was adopted by Government Resolution 1698/2013 (X. 4). The Migration Strategy lays down our targets in the field of migration and asylum policy in the medium term and the long term (between 2014 and 2020), also containing special objectives regarding children. One of the objectives relating to illegal migration is to draw up a medical and psychological protocol in support of the procedure (e.g. for determining the age of unaccompanied minors who are not asylum seekers). Another objective is the improvement of the procedure of placing unaccompanied minors who are asylum seekers in child protection institutions.

268. Government Resolution 1351/2013 (VI. 19) on the National Strategy for the Fight Against Human Trafficking 2013-2016, which was published on 19 June 2013, pays special attention to the protection of children and effectively combats all forms of the phenomenon of human trafficking.

(d) Recent ratifications of human rights instruments

269. The Parliament promulgated the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Act CXLIII of 2011 (which entered into force on 4 November 2011), the implementation of which also falls within the scope of responsibility of the child protection institutions from 1 January 2015.

270. The Council of Europe Convention on Action against Trafficking in Human Beings (No. 197) contains criminal law and procedural provisions, as well as provisions on prevention and on the protection and support of victims. By the transposition of Directive 2011/36/EU, it became possible to ratify the Convention, already accepted on 16 May 2005, by Act XVIII of 2013, which entered into force as regards Hungary on 1 August 2013.

271. On 14 March 2014, Hungary signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (No. 210).

272. Hungary signed three conventions on child protection on 29 November 2010:

- European Convention on the Adoption of Children (Revised) (Strasbourg, 27 November 2008);
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 25 October 2007);
- European Convention on the Exercise of Children's Rights (Strasbourg, 25 January 1996).

Part III

Data, statistics and other information, if available

273. In Hungary data on ethnic origin are not collected, and we have no data on socioeconomic background.

1. *Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, covering the past three years, on the number of:*

(a) *Children left in baby boxes*

274. Annex 1 Sheet 1a.

(b) *Cases of forced separation of children from their homeless parents*

275. Annex 1 Sheet 1b.

(c) *Cases of corporal punishment, especially in schools and alternative care settings*

276. Annex 1 Sheet 1c.

(d) *Roma children in regular schools and classes*

277. There are no available databases or statistics representing ethnic origin in the public education system. The measures existing in the area of public education – taken to enhance solidarity and equal education opportunities, to compensate for disadvantages and to facilitate school performance – apply the indicator produced on the basis of low socio-economic status (i. e. children with disadvantages or multiple disadvantages).

278. The ethnically neutral index thus applied is used in the PISA researches of the OECD countries as the prior sociocultural index, and reflects the results of researches claiming that the problems concerning many of the Roma children (e.g. learning difficulties, early school-leaving) is a consequence social-economic-health status and background, rather than of their ethnic origin.

279. Researches conducted with regard to children with disadvantages and multiple disadvantages show an overrepresentation of Romani children: according to some estimations almost half of the children with multiple disadvantages and 2/3 of the disadvantaged children are Roma. (In.: G. Kertesi – G. Kézdi: Children of Roma and Uneducated Parents in Hungarian Secondary Schools, Report of the Educatio Életpálya 2006-2009 research, 2010).

280. According to relevant study, conducted in 2010, the number of Roma-majority schools has increased by some 34% since 2004 and 30% of Roma students attend segregated schools or classes. (HAVAS Gábor, ZOLNAY János: Az integrációs oktatáspolitikai hatásvizsgálata 2010, Európai Összehasonlító Kisebbségutatókért Közalapítvány (EÖKIK)).

(e) *Children working in the informal sector and children in street situations*

281. There are no representative data. Working in the informal sector and being in street situations pose serious threat to the child and triggers immediate action by the authorities to provide the measures in the interest of the child without delay.

(f) *Asylum-seeking and migrant children in detention centres*

282. The detention of asylum-seekers can only be ordered in exceptional cases as a measure of last resort. In such cases the family is accommodated together and separated from other detainees, for the shortest time possible. Families with minors may only be placed in asylum detention as a measure of last resort and the best interest of the child must be taken into account as a primary consideration. Families with minors may only be detained for up to 30 days. In order to ensure family unity and with a view to their special needs, a specific closed reception centre was assigned to host families with minors in detention. Families are accommodated in separate facilities. The families with children are

accommodated in rooms that meet the physical and mental needs of the children, while the children are provided with education during their detention, and social workers monitor the life of such families as vulnerable people. Only one asylum seeking family with minor has been placed in a detention centre in 2013.

283. According to the relevant legislation unaccompanied minors must not be detained. They are placed in child protection institutions.

- (g) *Children in detention facilities and penitentiary institutions, including children detained for petty crimes*

284. Annex 1 Sheet 1g.

- (h) *Child-friendly rooms for child victims or perpetrators and data on the use of such rooms*

285. In February 2014 there were 21 rooms for child victims at the Police station. Between the 1st of January and the 31st of December the Police used these child friendly rooms 250 times, investigating magistrates 34 times, psychologists and psychology experts 94 times. There is no data available from before, because the configuration and certification has only been finished in 2013.

- (i) *Parents, guardians or staff of care institutions accused, indicted or convicted of child abuse, including sexual abuse and corporal punishment*

286. Annex 1 Sheet 1g.

2. *Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location on the number of children who, in the past three years, have been:*

- (a) *Separated from their parents*

287. Annex 1 Sheet 2a-b-c.

- (b) *Placed in institutions*

288. Annex 1 Sheet 2a-b-c.

- (c) *Placed with foster families*

289. Annex 1 Sheet 2a-b-c.

- (d) *Adopted domestically or through intercountry adoptions, including information on countries of destination*

290. Annex 1 Sheet 2d.

3. *Please provide data disaggregated by age, sex, type of disability, ethnic origin and geographical location, covering the past three years, on the number of children with disabilities who:*

- (a) *Live with their families*

291. Annex 1 Sheet 3a-b.

- (b) *Live in institutions*

292. Annex 1 Sheet 3 a-b.

(c) *Attend regular primary schools*

293. Annex1 Sheet 3c-d-e.

(d) *Attend regular secondary schools*

294. Annex1 Sheet 3c-d-e.

(e) *Attend special schools*

295. Annex 1 Sheet 3c-d-e.

(f) *Do not attend school*

296. Annex1 Sheet 3 f.

(g) *Have been abandoned*

297. Annex 1 Sheet 3 g.

4. *Please provide information about the number of children, disaggregated by country of origin, who were granted asylum or humanitarian protection and the number who were returned, extradited or expelled in 2011, 2012 and 2013. Please provide details of the grounds on which they were sent back, including a list of countries to which children were returned.*

298. Annex 1- Sheet 4_2012, Annex 1- Sheet 4_2013.

5. *Please provide the Committee with an update on any data in the report which may have been superseded by more recent data or other new developments.*

299. Section 212/A of the new Criminal Code, which entered into force on 1 July 2013, constitutes domestic violence as an independent criminal offence. The special passive subjects (victims) of the offence rendered it necessary to introduce this independent criminal offence, so the legislator created a new criminal offence with regard to social relationships where the criminal offence is an actual threat to marriage, family and children. In several cases, the direct victims of domestic violence are children, and they can also be victimised indirectly in cases where they witnesses of such abusive behaviour.

300. The crisis centres/shelters that provide sheltered accommodation and complex support services to the victims of domestic violence received 989 persons in 2012, of whom 659 were children; the proportion of adults and children was similar in 2013: there were 786 children of the 1,195 persons provided for.

301. Currently there are 14 crisis centres/shelters (with a total number of 98 places) operating attached to temporary homes for families within the child welfare primary care. The so-called Secret Shelter (with 29 places), which receives victims of serious domestic violence whose lives are in danger, is a special component of crisis management. The social reintegration of former victims leaving crisis management and the prevention of secondary victimisation are supported by halfway houses, which provide long-term housing as well as legal and psychological assistance to the inhabitants. Currently there are 4 halfway houses in Hungary.

302. In 2011, the operation of crisis centres/shelters and halfway houses were given a regulatory background by an amendment to the Child Protection Act, which also provided them with determination regarding their operation. In 2011, three-year framework contracts were signed on the budget allocations for halfway houses, creating operating conditions which are more stable and predictable than before. The task implementation period

2012-2014 is followed by another three-year framework agreement, which will provide budgetary support to those applying for benefits successfully in the period between 2015 and 2017.

303. In order to make the services more flexible, we amended Decree 15/1998 (IV. 30) of the Minister of Welfare on the professional tasks and operating conditions of child welfare and child protection institutions and persons that provide personal care. As a result of this amendment, crisis centres can accept abused persons from beyond the areas specified in their operating permits, that is, from the whole country. The number of those concurrently attended to in this manner cannot be more than 50% of the available places. A system has thus been created in practice, which provides more proportionate opportunities for the victims to access crisis management services, thereby contributing to the better enforcement of equal opportunities.

304. Furthermore See Annex 2 on the statistical data of the Hungarian child protection system.

6. *In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.*

305. The main priority is the basic principle to keep the child in the environment of the family or provide family-like services. Following this principle new measures have been introduced in the child protection sector to increase the family-like support provided by foster parents. In close connection with this the introduction of the legal status the foster parents' employment will give a much bigger security than the current status. Development of legal regulations regarding the content of the employment status is on-going. Another measure of importance was the introduction of the institution of the professional legal guardian from 1st January 2014, ensuring of course due time for preparation. The objective is to ensure the appropriate provision of care for the child reflecting his/her needs and the representation of the child's best interest –regardless of the location of care.

306. The amendment of the Child Protection Act , effective 15 March 2014, expanded the range of children's rights by a new right, which states that experts, acting to protect children – in particular those acting in order to recognise and terminate abusive situations – should apply uniform principles and methodology. In order to enforce this right, and for the purpose of enforcing the child's right to protection from abuse, the Child Protection Act prescribes that agencies and persons providing basic child welfare services or professional child protection services, as well as those acting as the child's legal representative or managing the child's affairs, must apply the uniform principles and methodology approved by the minister responsible for the protection of children and youth.

307. Following the provisions of the Convention, the Child Protection Act provides an exhaustive list of children's rights and the state and municipal obligations aimed at enforcing these rights. Act V of 2013 on the Civil Code entered into force on 15 March 2014; its Book Four contains Hungary's family law regulation, superseding the previous Act on this subject (Act IV of 1952) but at the same time adopting and reinforcing its regulation enforcing the best interests of the child. The Book on Family Law lays down as a basic principle that "the interests and rights of the child are provided special protection in family law relations".

308. Moreover, the Working Group for Child-friendly Justice has operated in Hungary since 2012; in this working group, representatives of the authorities and NGOs that participate in the administration of justice jointly prepare amendments of laws concerning the child-friendly administration of justice.