



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1100th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Wednesday, 18 January 2006, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Hungary (CRC/C/70/Add.25; CRC/C/HUN/Q/2 and Add.1)

1. At the invitation of the Chairperson, Mr. Aáry-Tamás, Ms. Ágoston, Ms. Blazsek, Ms. Buzás, Mr. Daróczi, Mr. Gáspár, Ms. Kovács, Mr. Lévy, Mr. Mesterházy, Ms. Nyitrai, Ms. Révész, Ms. Rózsa, Mr. Somfai, Mr. Szelei Kiss, Mr. Takács, Ms. Tausz, Ms. Tóth and Ms. Weller (Hungary) took places at the Committee table.
2. Mr. MESTERHÁZY (Hungary), introducing the second periodic report of Hungary (CRC/C/70/Add.25), said that the 1997 Child Protection Act was based entirely on the provisions of the Convention on the Rights of the Child. Following a government reorganization in 2004, children's issues were now the responsibility of the Ministry of Youth, Family, Social Affairs and Equal Opportunities. The Convention had been part of the legal system since 1991, and its provisions were taken into account by legislators, the competent authorities and the judiciary. Each year the Government submitted a report on the situation of children and young people to Parliament.
3. Hungary was a party to both the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children. The tasks of the central authority specified in those conventions were carried out by the Ministry of Youth, Family, Social Affairs and Equal Opportunities.
4. The 2003 amendment to the Child Protection Act placed special emphasis on the development of a system of advocates for the rights of children in protective care. Mediation had been introduced as a conflict management technique in all civil cases in 2003, and in 2005 the Government had laid the foundations for its use in criminal proceedings. Under the new legislation on victim protection and compensation, regional victim assistance services must supply information and data on children at risk to child welfare services and the guardianship authorities.
5. The total ban on corporal punishment introduced in 2005 aimed to change people's views on the use of corporal punishment to discipline children, provide a clear support framework for parents and enable early intervention when necessary to protect children.
6. Although no comprehensive national policy had been adopted, a number of national action programmes had been developed in the area of child protection. The national strategy on crime prevention, which called for social action against domestic violence as well as the prevention of child and juvenile delinquency, involved the effective operation of an early warning system, the training of professionals and the development of an institutionalized system of protection. In 2005 a 24-hour toll-free national crisis management and information telephone service had come into operation under the supervision of the Ministry of Youth, Family, Social Affairs and Equal Opportunities, and a national crisis management centre network had been established with eight regional temporary shelters for families.

7. The Government attached great importance to social dialogue and encouraged the active involvement of non-governmental organizations (NGOs).
8. The National Action Plan on Social Inclusion 2004-2006 was the result of collaboration with the European Union. The plan identified five key objectives, including combating long-term poverty and providing for children's welfare. To that end, the "Sure start" programme had been established to support disadvantaged families living in deprived areas with children under the age of 6. Under the recently introduced "100 steps" programme, which was aimed at combating child poverty, there had been an 84 per cent increase in family allowances for all children, and the most disadvantaged children received free meals and textbooks. In addition, each child was entitled to a baby bond at birth, which was a lump sum provided by the State to which the child would have access on turning 18.
9. The Government had also introduced programmes specifically aimed at Roma families. It had been found that Roma children were over-represented in special needs classes, primarily due to social deprivation, and so the Government had introduced a programme to prevent children from wrongly being placed in special needs classes. In order to ensure equal opportunities, there was a scholarship scheme which provided assistance to some 20,000 students of Roma origin. Another scholarship programme provided financial and professional assistance to a further 20,000 disadvantaged students aged between 13 and 18 and their mentors. The Government had established a programme aimed at the social integration of the Roma, which focused on housing, employment, education, health and social assistance.
10. Mr. KRAPPMANN welcomed a number of positive developments such as the amendments to the Child Protection Act, including the ban on corporal punishment, the adoption of legislation on equal treatment, and the ratification of international conventions on child labour, intercountry adoption and custody of children.
11. He would welcome information on dissemination of the Convention and whether children were well informed of their rights, as there were reports that the Convention was not included in the school curriculum and that those working with children were not well trained in that regard.
12. He expressed concern with regard to the decentralization of responsibility, which under the Child Protection Act had been transferred largely to local authorities, and wondered whether they had the necessary resources to implement the Convention. It appeared that the local authorities had mishandled several cases of child neglect, and if that was the case, he wondered who monitored child protection standards. According to NGOs, local agencies lacked the necessary financial resources, but he wondered whether they also lacked competence.
13. Regarding budgets, the figures contained in the report were relatively old and did not include all sectors of childcare and protection. He would welcome information on the proportion of the total State budget allocated to children, as well as on plans for the long-term funding of children's programmes. Were the resources allocated for children readjusted, if necessary, with respect to the obligations under the Convention? He was particularly concerned at the availability of resources at the local level. Was he correct in thinking that communities themselves were responsible for collecting the money for child services? He would be interested

to hear whether there was a system to counterbalance the unequal financial situation of local communities, as, if not, decentralization could promote regional disparities rather than eliminating them. He wondered how children were protected from the negative impact of the inequalities between rural and urban areas.

14. In view of the large number of different bodies and offices responsible for children's issues, he wondered how their activities were coordinated. He was particularly concerned at how the local boards were integrated into the national network, and whether there was any monitoring mechanism at the local level.

15. He expressed concern that despite the Committee's recommendation in 1998, a national plan of action had not been drafted, and wondered why the Government was so reluctant to do so.

16. Mr. KOTRANE requested clarification of the mandates of the new bodies and offices established to monitor implementation of children's rights. Could children submit complaints directly to them?

17. He would welcome clarification of the definition of the child. According to the country report, persons under the age of 18 were minors, unless they were married. Did that imply that if a person married before 18 he or she was excluded from the child protection system? Hungary had ratified the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment which provided that the minimum age for employment should not be less than the minimum age for completion of compulsory schooling, and given that schooling was compulsory between the ages of 6 and 18, he would be interested to hear how that affected entry into the labour force. He also expressed concern at the age of sexual consent which, at 14, seemed very low. Given that conscription into the armed forces commenced at the age of 17, he wondered when the Government envisaged ratifying the two Optional Protocols to the Convention. He requested clarification of the age of criminal responsibility, set at 14, as the definition in the country report was somewhat confusing.

18. Mr. SIDDIQUI asked how long legislation had been in force that prevented statistics being disaggregated by ethnicity and by vulnerable group, and whether the Government planned to amend that legislation. He wished to know how data on children were collected and managed. He wondered whether the 674,000 socially disadvantaged children mentioned in the written replies to the Committee's list of issues included all children living in poverty in Hungary, what percentage of Roma children were socially disadvantaged, and what percentage of socially disadvantaged children were Roma. He asked whether the number of socially disadvantaged children had increased, decreased or remained static.

19. Although a number of State bodies addressed Roma issues, there had been no visible improvement in the living situation of the Roma, who continued to suffer discrimination, poverty and unemployment. He asked why that was the case, and what would be done to improve the standard of living of the Roma population.

20. Ms. Yanghee LEE said that although respect for children's views was guaranteed under Hungarian legislation, NGOs had reported that in reality children's opinions were not respected and were not taken into account in decision-making processes. She asked whether measures would be taken to ensure that children under the age of 14 enjoyed the right to be heard in

custody cases that affected them. She wished to know whether the student boards that currently functioned in 20 per cent of schools would become standard in all schools across the country.

21. Although financial difficulties were not a reason to place children in institutional care, Roma children were often separated from their families if they were living in poverty. She asked whether children's views were heard in those situations. Since the collection of data disaggregated by ethnicity was prohibited, she wondered how the Government ensured that Roma children were not over-represented in special education.

22. Ms. ORTIZ said that the best interests of the child must be reflected in policies and State decisions, and asked what training was given to the judicial and administrative authorities in order to ensure that they took account of the best interests of the child, what oversight was exercised over those authorities, and how the Government ensured that the best interests of the child were given consideration in decision-making processes.

23. Ms. AL-THANI said that the Roma population was the largest minority group in Hungary, and faced discrimination and marginalization. They received inferior services, were significantly over-represented in prisons, and suffered disproportionately from unemployment. Roma children were discriminated against in the education system, which often resulted in them dropping out of school. She wished to know why the quality of the health service was considerably lower in the eastern parts of the country than elsewhere. She asked why the life expectancy of the Roma was 10 years less than that of the rest of the population, and whether measures were being taken to combat discrimination in the health service against Roma women, particularly in respect of perinatal care. She wondered whether measures would be taken to improve housing provisions for the Roma, which were currently inadequate, and to increase the integration of Roma communities into the rest of society. She asked how the Government would ensure that legislation on equal treatment was reflected in its policies. She wondered whether any research had been carried out to find out why infanticide rates were high in Hungary.

24. Ms. ANDERSON asked what the rationale was for the registration of an imaginary father following the third birthday of a child with no known father, and expressed concern that such a practice deprived such children of their identity.

25. The CHAIRPERSON asked whether the Government had considered establishing an office for a children's ombudsman.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

26. Mr. SOMFAI (Hungary) said that basic training in law schools included modules on the Convention. Children's rights education, including information on the Convention, was also included in post-graduate legal training for lawyers and for child protection advisers. Children's representatives were responsible for ensuring that children placed outside the family environment were aware of their rights and how to exercise them. Children's rights were also included in the curriculum for teacher training.

27. NGOs played a particularly important role in disseminating information on children's rights to children in schools, through the distribution of posters and leaflets. The child protection services also promoted children's rights in the family, and provided information on the exercise of children's rights and the filing of complaints.

28. All judges were trained by the National Justice Council, which was independent from the Ministry of Justice. Judges who specialized in family law underwent special training in the protection afforded by international human rights treaties. Unfortunately lawyers were not obliged to train in family law, and there were no specialized family courts in Hungary. Some judges, however, did specialize in children's cases.

29. In January 2004, the Government had established a public foundation, which employed legal advisers to protect children's rights. Advisers were employed in all regions of the country; they must have a university degree and five years of professional experience, and must complete a specific training course. The public foundation coordinated its efforts with central, regional and local authorities. All children in childcare institutions were able to contact a children's advocate by mobile telephone.

30. The Government planned to develop further the services available through the children's telephone hotline, particularly those in place for children deprived of a family environment: children's representatives would be available to provide legal and other advice. One of the major roles of the children's representatives was to inform children of their rights and to be present at any legal proceedings involving children. They had the right to visit childcare institutions, institute legal proceedings and ensure that children's best interests were taken into account.

31. The best interests of the child were guaranteed under the Constitution, the Civil Code and the Child Protection Act. Pursuant to the Family Act, children's opinions and best interests must be taken into account in custody cases. Adopted children had the right to apply for information on their biological parents. Permission for adoption would not be granted if it was not in the best interests of the child, and efforts were made not to separate siblings who were fostered or adopted, unless it was in their best interests to do so.

32. The CHAIRPERSON wished to know whether children's representatives were assigned individual children, or whether they provided general protection while remaining available to contact by children in care in the event that problems arose. He wondered whether children in care met the representatives to whom they had been assigned, or whether they remained anonymous.

33. Mr. KRAPPMAN asked how many children's representatives there were, whether they operated in all regions, and how many worked in each community.

34. Mr. SOMFAI (Hungary) said that there were 26 representatives of children's rights working throughout the country. Efforts were currently being made to ensure that all children living in institutions had access to a representative. The representatives had visited children's homes and other institutions to meet the children who lived there and to give them their contact details. Children could consult representatives at open sessions held once a week. The

authorities had striven to ensure that those meetings were not perceived as a threat to childcare providers.

35. Ms. ORTIZ requested additional information on the impact the children's rights representatives had on policy decisions.

36. Mr. SOMFAI (Hungary) said that, since the representatives had been in post for only two years, their impact was currently difficult to assess. While childcare providers had initially been afraid of the influence the representatives of children's rights might have, steps were being taken to ensure that their work was seen in a more positive, cooperative light.

37. Mr. GÁSPÁR (Hungary) added that all institutions were now required to publicly display the contact details of a representative of children's rights.

38. Since the introduction of the 1997 Child Protection Act, responsibility for childcare had passed to the municipal authorities. The county-level public guardianship authorities were in charge of child welfare and child protection institutions, and of the children placed in them. While the municipalities received no separate funding for child protection from the central Government, they could supplement their basic budgets from local taxes and other sources of income, such as charities and government grants.

39. The expert committees on child protection were professional boards, not authorities with an official mandate. Their basic tasks were to assess whether a child's needs could be met by its family, and if not, to recommend a suitable institution. A national committee monitored the work of the 20 regional expert bodies.

40. Ms. ORTIZ asked whether the Government had considered linking county budgets to maintaining children within their families, rather than focusing spending on childcare institutions. Under the current arrangements, there was a risk that the decision to take a child out of the family could be influenced by financial considerations.

41. Mr. GÁSPÁR (Hungary) said that in the past, children had been removed from their families because that had been the simplest solution to the problem, from a financial perspective and in other ways. While Hungarian legislation contained a provision prohibiting the separation of a child from its family for purely financial reasons, it was not always respected. Many municipalities lacked the financial resources to fund support for families to enable children to remain within the family unit. Measures were currently being implemented, however, to encourage local governments to keep families together and to make the best interests of the child the paramount criterion in all decisions. New legislation would be introduced in January 2009 giving municipal authorities responsibility for the care of children placed outside their families.

42. Mr. TAKÁCS (Hungary) said that there was no separate ombudsman for children's rights. Such separation of rights could lead to conflict over which rights should be respected above others. The protection of children's rights fell within his remit, as he was one of the two Ombudsmen for constitutional rights. While about 6 to 7 per cent of all complaints concerned the rights of children, during his four years as Ombudsman, no child had complained to him directly. Parents, guardians or other representatives had always intervened on behalf of the children concerned, and most of the complaints were about maintaining contact with family

members. The Ombudsmen did, however, undertake regular investigations into the observance of children's rights.

43. On discrimination, while statistics indicated that young people of Roma origin suffered more than other children at the hands of the police, data also revealed that the crime rate among the Roma was higher than in other sectors of the population. It therefore stood to reason that there was a higher probability of police abuse of Roma young people. The Ombudsman had received complaints about patients who were members of minorities being segregated in hospital. The hospital staff had explained that those measures had been taken in order to ensure respect for the rights of all patients, since the behaviour and lifestyle of some patients and their visitors had been found to jeopardize the recovery of other patients.

44. Mr. KRAPPMANN said that, since the authorities were willing to segregate the Roma from other sectors of society in some situations, he would welcome additional information on the Government's policies on factors such as poverty, education and social integration. The solution to most cases of antisocial behaviour could be found by addressing those factors.

45. The CHAIRPERSON asked whether children could be questioned on their ethnic background when they were registered in a children's home, for example. It would be useful to know whether that question was prohibited by the Data Protection Act. What exactly was the purpose of the Act? Would it not result in a lack of knowledge about the effectiveness of programmes to integrate ethnic minorities, if it precluded gathering data on the number of people from an ethnic group living in the country?

46. Ms. Yanghee LEE asked whether the Data Protection Act prohibited collecting data on ethnic origin, or the random disclosure of such information. She wished to know whether any comparative studies had been conducted on the differences between the German and Roma ethnic groups living in Hungary, such as their levels of educational achievement.

47. Mr. SIDDIQUI said that he fully appreciated that data concerning individuals could not be publicized, but why could aggregated data not be disclosed?

48. Mr. TAKÁCS (Hungary) replied that, under the Data Protection Act, a specific law had to be passed in order to permit the collection of a particular set of data. The Constitutional Court could, however, subsequently rule against the gathering of such information. While a person had to give their prior written consent to the disclosure of any personal data concerning them, statistical data could be made public. Nevertheless it was hard to compile figures on sensitive issues because people were at liberty to withhold information. Although he needed hard facts for his work as Deputy Parliamentary Commissioner for Civil Rights, the law hampered him in that respect, as he had no statutory right to handle personal data, irrespective of whether the individual concerned had given their consent. Under Hungarian legislation, if he so much as saw the name of a person, that would turn the information into personal data. Even the National Audit Office was not allowed to handle such data.

49. The CHAIRPERSON said that he was puzzled how the Deputy Parliamentary Commissioner for Civil Rights could do his work without asking children for personal information. How many complaints had he received from Roma, German and Hungarian children? How could he formulate policy without such factual information?

50. Mr. KRAPPMANN asked whether all children were enrolled in school. Were private students excluded from the State educational sector? Was it true that half of all schools did not report truancy to the welfare service? How many children actually started school? What percentage of those children completed their primary education? How many went on to secondary education? How many of those pupils continued academic studies? What percentage of young people opted for vocational training? How many children dropped out and at what age? What became of those dropouts?

51. The Committee was concerned about complaints that schools were badly equipped and that teaching methods were outdated. Another source of concern was the lack of after-school care and the poor qualifications of the persons providing it. He would therefore be grateful to the delegation if it could describe trends in budgetary appropriations for education.

52. In addition, the Committee was deeply concerned about the fact that many Roma children were receiving segregated education in remedial classes and specialized institutions. It therefore welcomed the information that a programme had been introduced to reintegrate them in normal schools. How long would that process take? Was there any guarantee that it would be successful? What steps was the Government adopting to overcome the social exclusion of Roma children? Was human rights education an obligatory part of the national core curriculum for all schools?

53. Ms. Yanghee LEE requested an explanation of the rising illiteracy rate among children. How many young people in Hungary had learning difficulties? What psycho educational or other measures had been put in place to assist them? She asked the delegation to comment on information in her possession that pupils with multiple disabilities were not receiving adequate help with their schoolwork and other activities because teachers were inadequately qualified.

54. Ms. AL-THANI asked what attempts were being made to dissuade teenagers from opting for abortion in order to terminate pregnancy. What sexual education was given to adolescents? She wished to know if it was true that cigarettes were used to reward good behaviour in some juvenile institutions. She asked if the Government had precise figures on attempted suicide, and, if not, she wondered how it could address the problem. Lastly she wished to know what strategies had been introduced to keep the rate of HIV/AIDS infection at its current low level.

55. Ms. ANDERSON asked if the Hungarian authorities intended to use their family support services to offer guidance to the parents of children at risk. Given the number of such children, why was it no longer compulsory for schools to have child and youth protection officers? What happened to the sizeable number of adolescents who absconded from foster homes and State-run homes? Were there no specialized family courts dealing with cases involving children who had been separated from their parents? What training did judges and court officers receive to enable them to understand young persons' psychosocial needs? What encouragement would be given to health professionals to persuade them to cooperate with child protection services?

56. Mr. KOTRANE wished to know more about the determination of child support, including advance payments, by the guardianship authorities. What measures were taken to guarantee that maintenance was actually paid by a State body? How did the law treat unmarried

mothers and illegitimate children? What was meant by the term “legal heir”? Did illegitimate children enjoy full rights of inheritance? He also wished to know who decided on the separation of children from their parents? Was that always a matter for the courts?

57. He further requested information about the existence of any courses to instruct schoolchildren and teachers in human rights, the rights of the child and the Charter of the United Nations. He drew attention to the fact that statistics on the sexual exploitation and trafficking of children were needed as a basis for coherent preventive policies. Had any legal provision therefore been made for the lifting of professional secrecy so that instances of child abuse could be notified? Were any measures in place to deal with cases in which girls under 14 had been seduced?

58. Was there any system of specialized juvenile courts? Were there special investigating judges for children? Did the persons appointed as judges to hear criminal proceedings against minors receive any particular training? Were there any rules determining how long a minor could be held in police custody?

59. Ms. ORTIZ wondered if there was much resistance to institutional change and if any moves were under way to encourage such change. Were there any services which endeavoured to return children who had been placed in institutional care to their families and what was their success rate? Did foster parents receive any training, monitoring or psychological support? Did they participate in the evaluation of fostering programmes? Did they have a say in any decisions concerning the future of the children in their care? What law regulated children’s homes? Were they adequately supervised? Did they provide a family atmosphere? Did children take part in the evaluation of the arrangements to which they were subject?

60. She was eager to know if there were any temporary shelters for mothers and children in straitened circumstances. Was it necessary to amend Hungarian law to incorporate the provisions of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in national law or had such legislative amendments already been introduced? Could an adoption procedure be initiated before the birth of a child? Did the guardianship authorities have sufficient human and financial resources? Who staffed those authorities? The guardianship authorities ought to know how many children in homes were available and suitable for adoption and should provide the judicial and administrative authorities with instruction in the Hague Convention. Did they have enough resources for those purposes?

61. The CHAIRPERSON requested additional information on the number of street-children programmes in existence and about the manner in which they operated. What was the reason for the considerable increase in reported cases of child abuse between 2002 and 2004? Was the Government worried about it? Had any measures to counter such abuse been introduced? He drew attention to the fact that the conditions in which minors were held in police custody in Hungary did not comply with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. He underlined that criminal proceedings against juveniles should be held in camera as a matter of principle unless it was in the public interest not to do so.

The meeting rose at 1 p.m.