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Committee on the Rights of the Child**List of issues prior to the submission of the sixth periodic report of Hungary**

The State party is invited to submit in writing the information requested below, if possible before 15 June 2019 (21,200 words maximum). The replies should take into consideration the Committee's previous recommendations (see CRC/C/HUN/3-5) adopted in 2014. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

1. The Committee requests the State party to provide:
 - (a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocols;
 - (b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

II. Rights under the Convention and its Optional Protocols**A. General measures of implementation (arts. 4, 42 and 44 (6))****Legislation**

2. Please provide information to the Committee on the existence of a child-rights impact assessment procedure for all new legislation adopted at the national and sub-national levels. Please describe the results of any such impact assessments undertaken, pre- and post-adoption, regarding legislation on education (Act CXV of 2011), churches (Act C of 2011), family life (Act CCXI of 2011), disabilities (Act XXVI of 1998 amended), homelessness and extreme poverty (Act LXIX of 1999 amended), the Roma population, migrants and asylum-seekers (Act LXXX of 2007 amended) and non-governmental organizations (Act LXXVI of 2017).

Comprehensive policy and strategy

3. Please inform the Committee about the main current results of the National Strategy "Making things better for our children" 2007-2032, in the light of its incorporation into the Hungarian National Social Inclusion Strategy since 2011. As the National Strategy's main goal is to reduce child poverty, please provide information on all the other measures taken to adopt a comprehensive policy and strategy covering all areas of children's rights under

the Convention. Please report on the mechanism for monitoring and evaluation of such policies and strategies and its main findings.

Coordination

4. Please inform the Committee about the entity responsible for the overall coordination of activities regarding children's rights, its activities and budget at the national and sub-national level, both before and after 2017. Please provide information on the role, composition, mandate of and resource allocation to the National College of Child Protection and Care, created in 2017.

Data Collection

5. Please inform the Committee on the efforts undertaken to develop a comprehensive data-collection system on the implementation of the Convention and its Optional Protocols, with data disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background. Please provide information on how such data is analysed and used in the planning and evaluation of measures concerning the rights of the child.

Independent monitoring

6. Please provide information on the measures taken to establish a dedicated entity for the independent monitoring of the implementation of the Convention, and to ensure that the Commissioner for Fundamental Rights has the human, technical and financial resources adequate to implement its mandate.

Cooperation with civil society

7. Please inform the Committee about collaboration undertaken with civil society, including non-governmental and children's organizations, in the planning, implementation, monitoring and evaluation of laws, policies, plans and programmes related to the Convention and its Optional protocols and the Committee's previous recommendations, in the promotion of children's rights. Please provide information on recent measures taken impacting civil society's freedom to conduct children's rights activities, in particular concerning children in migration situations.

B. Definition of the child (art. 1)

8. Please provide information on the legal age of marriage and any exceptions allowed for marriage of persons under the age of 18.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

9. Please provide information on the measures taken to eliminate in practice discrimination against children in marginalized and disadvantaged situations, particularly children with disabilities, Roma children, children in situations of migration, and refugee and asylum-seeking children. Please provide information on the measures taken to eliminate discrimination against girls and lesbian, gay, bisexual, transgender or intersex children, including by specifically addressing gender stereotypes and multiple or intersectional forms of discrimination. Please inform the Committee about the use of Act C of 2012 by the courts and related criminal procedures regarding discrimination against children.

Best interests of the child

10. Please inform the Committee about the measures taken to ensure that the best interests of the child are taken as a primary consideration when drafting, adopting and reviewing legislation with an impact on the rights of the child. Please provide information

on development and dissemination to all relevant professionals of policy, procedures, criteria or guidance to determine and consistently apply the best interests of the child as a primary consideration into programmes and administrative and judicial proceedings concerning children, in particular regarding education, disabilities, the Roma community, migration and asylum-seeking.

Respect for the views of the child

11. Please provide information about the procedures adopted by judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, including migration and asylum-seeking procedures and institutionalization. Regarding children in institutions and foster care, please inform the Committee about the work of the child rights' representatives in protecting and promoting children's rights, including the right to be heard, and about the contact between the representatives and children.

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Nationality

12. Please provide information about the measures taken or envisaged to review and amend the Citizenship Act aiming at preventing statelessness of:

- (a) Children of foreign parents unable to confer their nationality to children born abroad;
- (b) Children of recognized stateless persons who have not established residence in the country; and
- (c) Children of parents recognized as refugees, currently registered as "unknown" nationals.

Freedom of association and peaceful assembly and access to appropriate information

13. Please inform the Committee about measures taken to abolish age restrictions for management of associations created by children themselves; and to review the Media Law of 2010 with a view to ensuring the right of the child to access age appropriate information.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence, abuse and neglect

14. Please inform the Committee on the measures taken to:

- (a) Develop a national strategy to prevent and address all forms of violence against children, including sexual abuse, specifying measures targeting girls, Roma children and LGBTI children;
- (b) Promote and encourage reporting cases of violence to the authorities; and ensure that cases are promptly investigated, prosecuted and perpetrators duly sanctioned;
- (c) Establish effective collaboration for early detection and follow-up of each individual case to provide timely and effective protection, care and services to the child; and
- (d) End the "Baby box" programme.

Corporal punishment

15. Please provide information on the measures taken and their main results to:

- (a) Enforce in practice the prohibition of corporal punishment against children in all settings;

- (b) Develop the enforcement mechanism, existence and actual application of sanctions;
- (c) Promote positive, non-violent and participatory forms of child rearing and discipline;
- (d) Prohibit school guards from using physical force against children.

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

16. Please provide information on the measures taken to implement the prohibition of placement of children in State care institutions solely due to the economic situation of the families, and to provide community-based prevention and early intervention services to families in need to avoid separation due to poverty, particularly regarding Roma children. Please inform the Committee on the efforts undertaken to strengthen child protection services and their availability in the most deprived areas, such as Nógrád County.

Children deprived of a family environment

17. Please provide information about the increase in the number of children living in State care, including children under 3 years of age, and the measures taken to:

- (a) Ensure that all children in alternative care, particularly Roma children, chronically ill children, siblings and children with behavioural problems are provided with family-based care, including foster care;
- (b) Address the causes of overrepresentation of Roma children in institutional care;
- (c) Ensure that children spend the shortest time possible in temporary care; and
- (d) Establish procedures for regular monitoring, including on the prescription of psychotropic drugs, and for an independent complaints mechanism for children in alternative care institutions.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

18. Please provide information on the measures taken to:

- (a) Conduct a study regarding the rights of Roma children with disabilities and its findings;
- (b) Provide support to families with children with disabilities to enable them to care for their children;
- (c) Provide family- and community-based care for children with disabilities, and prevent and reduce their institutionalization; and
- (d) Provide inclusive education for children with disabilities, remove barriers to the enrolment of children with autism in regular schools, and increase access to early development programmes.

19. Please provide information regarding the reported cases of torture, inhuman or degrading treatment and neglect of children with disabilities placed in institutions, such as Tophaz. Please inform on the measures taken to promptly address those incidents, provide care and rehabilitation to child victims, and investigate and sanction perpetrators. Please also provide information about the procedure required for the institutionalization of a child with disabilities and how her/his best interests and right to be heard are duly taken into consideration.

20. Please provide information regarding procedures in place to prevent and address violence, including sexual violence, against children with disabilities in institutions, by both staff and other residents. Please also inform on existing independent monitoring and reporting mechanisms available to children with disabilities in institutions.

Health care and health services

21. Please provide information on the status of implementation of universal mandatory health insurance for all children, and the availability of health care facilities and practitioners, including paediatrics, throughout the country. Please inform the Committee on the measures taken to address the causes and consequences of iodine deficiency. Please provide information on the availability and use of specialized mental health care for young children and adolescents.

Adolescent health

22. Please provide information on the measures taken to prevent and decrease teenage pregnancies, the availability of contraceptives and access to confidential sexual and reproductive health services to girls and boys. Please inform the Committee on the measures taken to prevent and address drug and alcohol abuse among adolescents. Please provide information on the efforts undertaken to study the root causes of suicide among adolescents and the measures to address it.

Standard of living

23. Please provide an update on the measures taken to address child poverty and the use of social and family allowances, particularly regarding Roma children.

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education

24. Please inform the Committee about the measures taken to:

(a) Reinstate compulsory education until the age of 18 and about studies on the impact of reducing it to 16 years;

(b) Decrease the school segregation of Roma children and their overrepresentation in classes for children with mental and intellectual disabilities, since the judgement of *Horváth and Kiss v. Hungary*, and to decrease the high drop-out rate of Roma girls;

(c) Ensure that children residing within the district of a religious school are able to enrol in that school if they wish to, and that religious schools do not contribute to segregated education;

(d) Make early childhood education available to all children; and

(e) Reduce violence in schools and promote respect for diversity, in particular regarding sexual orientation and gender identity/expression.

Rest, leisure, recreation and cultural and artistic activities

25. Please provide information on the measures taken to provide children with accessible and inclusive sport, recreational, leisure, cultural and artistic activities, particularly with regard to children with disabilities, Roma children, asylum-seeking and refugee children and children in situations of migration.

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**Asylum-seeking, refugee children and children in situations of migration**

26. Please provide information on the measures taken to ensure that unaccompanied or separated migrant, refugees and asylum-seeking children are not administratively detained under any circumstance. Please inform the Committee in detail about the age assessment procedures in use for those children and how they respect the best interests and dignity of the child.

27. Please provide information about:

(a) The amendment of Section 4 (1) c) of the Child Protection Act (Act XXXI of 1997) stipulating that, in case of emergencies, unaccompanied children above the age of 14 years are not covered by the Act for the duration of their asylum procedure, and how the State party will ensure the protection of these children up to the age of 18 in accordance with the Convention;

(b) The safeguards available to children staying irregularly in the State party to apply for asylum and not be summarily expelled during the process;

(c) The measures taken to ensure that the border police guarantees the physical safety of these children during interception operations; and

(d) The measures taken to ensure that asylum-seeking and refugee children and children in situations of migration, including children in transit zones, have access to education, health care and a minimum standard of living.

Trafficking

28. Please provide information about the cases of 12 children sentenced to imprisonment based on their exploitation in sex trafficking and the measures taken to prevent the liability and prosecution of child victims.

Administration of juvenile justice

29. Please provide information on the measures taken to:

(a) Reinstating the juvenile courts with specifically trained judges;

(b) Raising the age of criminal responsibility from 12 to 14 years;

(c) Establishing a restorative justice system and promoting pre-trial diversion; and ensure that detention is used only as a measure of last resort and for the shortest possible time, both as a pre-trial measure and as a sentence; and

(d) Eliminating the practice of sentencing children to prison terms for petty crimes, developing non-custodial measures, and providing rehabilitation services and reintegration measures.

Child victims and witnesses of crimes

30. Please inform the Committee about special court and administrative procedures further developed since 2014 for the support of child victims and witnesses of crimes, including trafficking and sexual offences.

J. Optional Protocol to the Convention on the sale of children, child prostitution and child pornography

31. Please inform the Committee about the measures taken to implement its previous recommendations, including on:

(a) Strategies and coordination mechanisms to prevent and address offences;

- (b) A mechanism for identifying and referring child victims, and support services for their rehabilitation and reintegration;
- (c) Protective measures for children in State care institutions, in particular Roma children, to decrease their vulnerability to sale, prostitution pornography and trafficking;
- (d) The criminalization of the offence of improperly inducing consent for the adoption of a child;
- (e) The establishment of extraterritorial jurisdiction without the criterion of double criminality; and
- (f) The carrying-out of a study to assess the causes, nature and extent of trafficking in children and its findings.

K. Optional Protocol on the involvement of children in armed conflict

32. Please inform the Committee about the measures taken to implement its previous recommendations, including on:

- (a) The establishment of a mechanism for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, and the training programmes of personnel responsible for the identification and referral of such children to protection services;
- (b) Services available for the recovery and reintegration of child victims;
- (c) The prohibition to export arms to States where children may be recruited or used in hostilities; and
- (d) Establishing extraterritorial jurisdiction over all offences under the Optional protocol, without the criterion of dual criminality.

Annex

Statistical information and data

I. Introduction

33. Statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous report. The data should be disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status.

34. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

II. Statistical information to be provided in the report

A. General measures of implementation (arts. 4, 42 and 44, para. 6)

Resource allocation

35. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

B. Definition of the child (art. 1)

36. Please provide data, disaggregated as described in paragraph 1 above, on the number and proportion of children under 18 years of age living in the State party.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

37. Please provide data, disaggregated as described in paragraph 1 above, on the number of cases and prosecutions brought before the courts under Act C of 2012 on non-discrimination, and the sanctions issued to perpetrators.

Right to life

38. Please provide data, disaggregated as described in paragraph 1 above, on the number of children who attempted or committed suicide.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Nationality

39. Please provide data, disaggregated as described in paragraph 1 above, on the number of stateless children.

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Violence against children

40. Please provide data, disaggregated as described in paragraph 1 above, on:

(a) Number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence; and

(b) Number and type of protective measures provided to child victims of violence.

F. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

Family environment

41. Please provide data, disaggregated as described in paragraph 1 above, on the number and proportion of families and children receiving economic and other type of support services.

Children deprived of a family environment

42. Please provide data, disaggregated as described in paragraph 1 above, on:

a) Number of children in institutional care and average days of stay; and

b) Number of children in family- and community based care.

G. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

Children with disabilities

43. Please provide data, disaggregated as described in paragraph 1 above, and by type of disability, on:

(a) Number of children with disabilities;

(b) Number of children with disabilities living with their families and living in family- and community-based care;

(c) Number of children with disabilities in inclusive education and in separate schools; and

(d) Number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, number of investigations and prosecutions carried out and sentences issued.

Health care and services

44. Please provide data, disaggregated as described in paragraph 1 above, on:

(a) Number and rate of children with health insurance; and

(b) Number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.

Adolescent health

45. Please provide data, disaggregated as described in paragraph 1 above, on:

(a) Number of adolescent mothers;

(b) Number of children with drug and alcohol abuse; and

(c) Number of sexual and reproductive health services available to adolescents, disaggregated by region.

Standard of living

46. Please provide data, disaggregated as described in paragraph 1 above, on the number and proportion of children living under the poverty line and in extreme poverty.

H. Education, leisure and cultural activities (arts. 28–31)

Education

47. Please provide data, disaggregated as described in paragraph 1 above, in respect of:

- (a) Number and proportion of children aged between 16 and 18 years not attending school;
- (b) Number and proportion of children dropping out of school;
- (c) Number of children in segregated schools and in segregated classes in regular schools;
- (d) Number and proportion of children attending early childhood education and the average years of attendance; and
- (e) Number of children in public and private, including religious, schools.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)

Asylum-seeking and refugee children, and children in situations of migration

48. Please provide data, disaggregated as described in paragraph 1 above as well as by country of origin, and accompanied or unaccompanied status, on:

- (a) Number of asylum-seeking and refugee children;
- (b) Number of children in situations of migration;
- (c) Number of unaccompanied asylum-seeking children aged between 14 and 18 years who are not covered by the Child Protection Act;
- (d) Number of asylum-seeking and refugee children, and children in situations of migration detained, including in transit centres;
- (e) Number of children expelled from the territory of the State party including as a result of the eight kilometre rule; and
- (f) Number of asylum-seeking and refugee children, and children in situations of migration attending school and with access to health care.

Trafficking

49. Please provide data, disaggregated as described in paragraph 1 above and by types of violation reported, on

- (a) The number of reported cases and the number of children involved in trafficking;
- (b) The number of such children who have been provided with access to rehabilitation programmes; and
- (c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

Administration of juvenile justice

50. Please provide data, disaggregated as described in paragraph 1 above, and by type of crime, on:

(a) Number of children in detention facilities and the average stay, disaggregated by pre-trial detention, such as in police cells, and in prison; and

(b) Number of children referred to diversion and non-custodial sentencing options.

J. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

51. Please provide data, disaggregated as described in paragraph 1 above, on:

(a) The number of reported cases of the sale of children, child prostitution, child pornography;

(b) The number of such cases that have been investigated, prosecuted and sanctioned; and

(c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

52. Please provide data, disaggregated as described in paragraph 1 above, on:

(a) The number of asylum-seeking and refugee children entering the State party from areas where children may have been recruited or used in hostilities; and

(b) The number of children who benefit from physical and psychological recovery and social reintegration measures.
