

Mapping child protection systems in the EU (27)

Hungary

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

The child protection system is considered as an important area of regulation in Hungary. After Hungary had ratified the United Nations Convention on the Rights of the Child (UNCRC) that became part of the Hungarian legal system in 1991, a new Child Protection Act was adopted in 1997 which proved to be a great legal achievement. The main principles of the Child Protection Act mirrored the fundamental principles, the so-called pillars of the UNCRC. Articles 6-9 of the Act¹ repeat the wording of the UNCRC concerning children's rights such as the child's right not to be separated from his or her family, the right to be protected against harmful practices and all forms of violence, the right to get alternative care, if necessary, the child's right to keep contact with his or her family. This Act has been in force for twenty-five years now, despite its several advantages, it cannot be separated from socio-economic circumstances. Several rights are enacted but are not implemented in the everyday life. The Act, even if it is a huge legal document, contains only the basics of the child protection regime. Consequently, there are several other legal sources regulating different levels of child protection. Due to the changing socio-economic circumstances, different rules on the aspects and segments of child protection must be enacted. Moreover, the changing approaches result in amendments to keep up with child-focused approaches. Although these amendments are advantageous, the whole picture of child protection is very fragmented.

Concerning the priority areas, the following aspects shall be underlined: there is a continuous ambition to place children in alternative care primarily with foster families and if they have to be placed in children's homes the smaller facilities are favoured. The legislator's aim is to decrease the great number of children placed in alternative care. The child-welfare activities performed by the toolkit of social work has been built into the child protection system to support the harmony and interconnection between the child welfare and child protection institutions. The support of the Therapy and Hearing Centres which follow the Barnahus model shall be mentioned too.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		Fundamental Law of Hungary ² (<i>Magyarország Alaptörvénye</i>) Article XV (5) By means of separate measures, Hungary shall protect families, children, women, the elderly and those living with disabilities.

¹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

² Fundamental Law of Hungary. <https://njt.hu/jogszabaly/en/2011-4301-02-00>

		<p>Article XVI</p> <p>(1) Every child shall have the right to the protection and care necessary for his or her proper physical, mental and moral development. Hungary shall protect the right of children to a self- identity corresponding to their sex at birth and shall ensure an upbringing for them that is in accordance with the values based on the constitutional identity and Christian culture of our country.</p> <p>(2) Parents shall have the right to choose the upbringing to be given to their children.</p> <p>(3) Parents shall be obliged to look after their children. This obligation shall include the provision of schooling for their children.</p> <p>(4) Adult children shall be obliged to take care of their parents if they are in need.</p> <p>Article XVIII</p> <p>(1) The employment of children shall be prohibited, except in those cases specified in an Act where there is no risk to their physical, mental or moral development.</p> <p><i>This shows that the Hungarian state has an objective child protection obligation, of which the detailed content is explained in Article XVI. The second sentence of Article XVI (1) has been amended as a result of the Ninth Amendment of the Fundamental Law on 22 December 2020 and entered into force on 23 December 2022. According to the explanation of the amendment the protection and implementation of the rights of the child included in the second sentence of Article XVI (1) is the obligation of all actors of the state which is in accordance with Article R) (4) of the Fundamental Law.</i></p>
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?	X	Act XXXI of 1997 on the protection of children and the administration of guardianship affairs (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról).

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
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Fundamental Law of Hungary ³ (<i>Magyarország Alaptörvénye</i>)	21/05/2011	It contains the main pillars of the Hungarian legal system including child protection.
Act III of 1993 on social administration and social benefits ⁴ (<i>1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról</i>)	26/02/1993	It contains the main provisions of family allowances in the context of the two-tier family and child welfare service.
Act XXXI of 1997 on the protection of children and the administration of guardianship affairs ⁵ (<i>1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról</i>)	08/05/1997	It is the main and primary legal document of the child protection sector.
Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities ⁶ (<i>1998. évi XXVI. törvény a fogyatékos személyek jogairól és esélyegyenlőségük biztosításáról</i>)	01/01/1999	It is a legal document on the rights of disabled persons aiming to provide equal opportunities. Independent chapters deal with e.g., the right to rehabilitation, the realization of rehabilitation and the National Disability Program.
Act CXXV of 2003 on equal treatment and the promotion of equal opportunities ⁷ (<i>2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról</i>)	28/12/2003	The Act focuses on the implementation of equal treatment and the fight against discrimination.
Act CLXXXV of 2010 on media services and mass communication ⁸ (<i>2010. évi CLXXXV. törvény a médiaszolgáltatásokról és a tömegkommunikációról</i>)	31/12/2010	The Act contains provisions about the protection of children in its general part.
Act CXC of 2011 on National Public Education ⁹ (<i>2011. évi CXC. törvény a nemzeti köznevelésről</i>)	29/12/2011	Important rules concerning public education affecting all children are included in the Act.

³ Fundamental Law of Hungary. <https://njt.hu/jogszabaly/en/2011-4301-02-00>

⁴ Act III of 1993 on social administration and social benefits <https://njt.hu/jogszabaly/1993-3-00-00.62>

⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

⁶ Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities <https://net.jogtar.hu/jogszabaly?docid=99800026.tv>

⁷ Act CXXV of 2003 on equal treatment and the promotion of equal opportunities. <https://njt.hu/jogszabaly/en/2003-125-00-00>

⁸ Act CLXXXV of 2010 on media services and mass communication <https://net.jogtar.hu/jogszabaly?docid=a1000185.tv>

⁹ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

Act No. CCXI of 2011 on the Protection of Families ¹⁰ (2011. évi CCXI. törvény a családok védelméről)	31/12/2011	The aim of the Act is to strengthen the importance of families in the society.
Act CLXXIX of 2011 on the rights of nationalities ¹¹ (2011. évi CLXXIX. törvény a nemzetiségek jogairól)	19/12/2011	The Act contains certain rights of children belonging to national minorities.
Act II of 2012 on infractions, infraction procedure and the infraction record system ¹² (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről)	06/01/2012	It contains rules on infraction liability, the statute of limitations regarding liability to punishment for an infraction, the legal consequences applicable to infraction, provisions on juveniles and the infraction procedure.
Act C of 2012 on Criminal Code ¹³ (2012. évi C. törvény a Büntető Törvénykönyvről)	13/08/2012	It contains among others, provisions on juveniles (Chapter XI), offences against human freedom (Chapter XVIII), criminal offences against the freedom of sexual life and sexual morality (Chapter XIX), criminal offences violating the interests of children and criminal offences against family (Chapter XX).
Act V of 2013 on the Civil Code ¹⁴ (2013. évi V. törvény a Polgári Törvénykönyvről)	26/02/2013	Book IV (Family Law) contains all family law related regulations which are closely connected to child protection.
Act CXXX of 2016 on the Code of Civil Procedure ¹⁵ (2016. évi CXXX. törvény a polgári perrendtartásról)	02/12/2016	It contains procedural rules concerning personal status (including cases connected to family law), as well. The Act also provides for special rules on the summoning and hearing of children in accordance with several principles of child-friendly justice.
Act XC of 2017 on the Code of Criminal Proceedings ¹⁶ (2017. évi XC. törvény a büntetőeljárásról)	26/06/2017	Chapter XCV of the Act regulates the juvenile criminal procedure.
Act CXVIII of 2017 on regulations to be applied in judicial noncontentious civil proceedings and certain judicial noncontentious civil proceedings (2017. évi CXVIII. törvény a bírósági polgári	12/10/2017	There are several non-contentious civil proceedings closely connected to family law, children and even child protection.

¹⁰ Act No. CCXI of 2011 on the Protection of Families <https://net.jogtar.hu/jogszabaly?docid=a1100211.tv>

¹¹ Act CLXXIX of 2011 on the rights of nationalities <https://net.jogtar.hu/jogszabaly?docid=a1100179.tv>

¹² Act II of 2012 on infractions, infraction procedure and the infraction record system. <https://njt.hu/jogszabaly/en/2012-2-00-00>

¹³ Act C of 2012 on Criminal Code. <https://njt.hu/jogszabaly/en/2012-100-00-00>

¹⁴ Act V of 2013 on the Civil Code <https://njt.hu/jogszabaly/en/2013-5-00-00>

¹⁵ Act CXXX of 2016 on the Code of Civil Procedure. <https://njt.hu/jogszabaly/en/2016-130-00-00>

¹⁶ Act XC of 2017 on the Code of Criminal Proceedings. <https://njt.hu/jogszabaly/en/2017-90-00-00>

<i>nemperes eljárásokban alkalmazandó szabályokról, valamint egyes bírósági nemperes eljárásokról)</i>		
Act XXVIII of 2017 on private international law ¹⁷ (2017. évi XXVIII. törvény a nemzetközi magánjogról)	02/01/2018	It contains the main private international law related provisions concerning children.
149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases ¹⁸ (149/1997. (IX. 10.) Korm. Rendelet a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról)	10/09/1997	It is one of the main legal sources of several child protection issues. It contains rules on guardianship authority, the proceedings and the structure of child protection.
331/2006. (XII. 23.) Governmental Decree on the roles and responsibilities in child protection and guardianship affairs and on the authority and jurisdiction of guardianship offices ¹⁹ (331/2006. (XII. 23.) Korm. Rendelet a gyermekvédelmi és gyámügyi feladat- és hatáskörök ellátásáról, valamint a gyámhatóság szervezetéről és illetékességéről)	23/12/2006	It is essential for the overview of child protection as it regulates the tasks and competences of different institutions involved in child protection.
513/2013. (XII. 29.) Governmental decree on certain issues of the foster parent employment relationship and the surrogate substitute parenting relationship ²⁰ (513/2013. (XII. 29.) Korm. rendelet a nevelőszülői foglalkoztatási jogviszony és a helyettes szülői jogviszony egyes kérdéseiről)	29/12/2013	It features certain rules for the operation, suitability assessment and employment of foster parents.
381/2016. (XII. 2.) Governmental Decree on Integrated Judicial	01/01/2017	The Integrated Judicial Protection Service performs tasks on the field of representing the child's interests.

¹⁷ Act XXVIII of 2017 on private international law. <https://njt.hu/jogszabaly/en/2017-28-00-00>

¹⁸ 149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases <https://net.jogtar.hu/jogszabaly?docid=99700149.kor>

¹⁹ 331/2006. (XII. 23.) Governmental Decree on the roles and responsibilities in child protection and guardianship affairs and on the authority and jurisdiction of guardianship offices <https://net.jogtar.hu/jogszabaly?docid=a0600331.kor>

²⁰ 513/2013. (XII. 29.) Governmental decree on certain issues of the foster parent employment relationship and the substitute parenting relationship <https://njt.hu/jogszabaly/2013-513-20-22>

Protection Service ²¹ (381/2016. (XII. 2.) Korm. rendelet az Integrált Jogvédelmi Szolgálatról)		
390/2017. (XII. 13.) Governmental Decree on the National Registration of the Names of Child Protection Experts and Names of Social Policy Experts ²² (390/2017. (XII. 13.) Korm. Rendelet az Országos Gyermekvédelmi Szakértői Névjegyzékről és az Országos Szociálpolitikai Szakértői Névjegyzékről)	01/01/2018	It is a legal document on the registration of experts involved in child protection cases.
12/2018 (VI. 12.) Decree of the Ministry of Justice on the regulations concerning certain criminal procedural acts and persons taking part in criminal proceeding (12/2018. (VI. 12.) IM rendelet az egyes büntetőeljárás cselekményekre és a büntetőeljárásban részt vevő személyekre vonatkozó szabályokról) ²³	01/07/2018	It contains rules on the regulations concerning certain criminal procedural acts and persons taking part in criminal proceedings.
15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care ²⁴ (15/1998. (IV. 30.) NM rendelet a személyes gondoskodást nyújtó gyermekjóléti, gyermekvédelmi intézmények, valamint személyek szakmai feladatairól és működésük feltételeiről)	30/04/1998	Detailed rules on the personal care providers functioning in the field of child protection.

²¹ 381/2016. (XII. 2.) Governmental Decree on Integrated Judicial Protection Service <https://net.jogtar.hu/jogszabaly?docid=a1600381.kor>

²² 390/2017. (XII. 13.) Governmental Decree on the National Registration of the Names of Child Protection Experts and Names of Social Policy Experts <https://net.jogtar.hu/jogszabaly?docid=a1700390.kor>

²³ <https://net.jogtar.hu/jogszabaly?docid=a1800012.im>

²⁴ 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care <https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

1/2000 (I. 7.) Decree of the Ministry of Social and Family Affairs on the professional tasks of social institutions providing personal care and the conditions for their operation ²⁵ (1/2000. (I. 7.) SZCSM rendelet a személyes gondoskodást nyújtó szociális intézmények szakmai feladatairól és működésük feltételeiről)	22/01/2000	It contains, among other issues, the legal provisions on personal care providers in the context of the provision of family and child welfare services.
3/2022 (XII. 28.) Decree of Ministry Responsible for Culture and Innovation on pre-adoption counselling and adoption training ²⁶ 3/2022. (XII.28.) KIM rendelet az örökbefogadás előtti tanácsadásról és az örökbefogadói tanfolyamról	01/01/2023	It contains the training requirements for foster parents and prospective adoptive parents.

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? If yes, does it require an integrated approach to child protection?		X	There is no such specific policy framework on child protection or on children's rights. According to the recommendation of the Committee on the Rights of the Child, Hungary should develop and adopt a comprehensive national strategy on children that encompasses all areas of the Convention with sufficient human, technical and financial resources for its implementation. ²⁷ The Hungarian National Social Inclusion Strategy 2030 ²⁸ has the objective to promote the inclusion of Roma people, families with children living in poverty and people living in deep poverty. As this Strategy aims to support the youth it has an effect on the younger generation as well.

²⁵ 1/2000 (I. 7.) Decree of the Ministry of Social and Family Affairs on the professional tasks of social institutions providing personal care and the conditions for their operation <https://njt.hu/jogszabaly/2000-1-20-85>

²⁶ 3/2022 (XII. 28.) Decree of Ministry of Public Administration and Justice on pre-adoption counselling and adoption training <https://njt.hu/jogszabaly/2022-3-20-80>

²⁷ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 2.

²⁸ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?		X	The Hungarian National Social Inclusion Strategy 2030 ²⁹ (see above) can be mentioned. Moreover, the National Crime Prevention Strategy for 2014–2020 ³⁰ have had some key areas such as child and youth protection and assisting victims (Sixth periodic report submitted by Hungary under article 44 of the Convention to the Committee on the Rights of the Child) ³¹ . The Gov. Decree 1744/2013 (X. 17.) on the National Crime prevention Strategy (2013-2023) ³² includes child and youth protection.
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	X		The Digital Child Protection Strategy of Hungary was approved in 2016 with Gov. Decree 1488/2016. (IX. 2.) ³³ . The main objective of it is to support conscious and value-creating internet usage, to develop conscious media usage and also to accentuate the enforcement of rules and measures serving the protection of children and the rights relating to personality. ³⁴ According to point 7 the Government launches complex informative programmes on legal rules aiming to protect children online and the methods of fighting against violence on children in the digital world.
1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's	X		The Act No. XXXI of 1997 on the protection of children and the administration of guardianship affairs ³⁵ provides the right for children in state care to initiate the establishment of children's government aiming to protect their interests [Article 9 (1) f)]. The right to establish children's self-government is laid down in Article 37 of the Act. Although it is granted by law, there is no available information about their existence.

²⁹ <https://szocialisportal.hu/magyar-nemzeti-tarsadalmi-felzarkozasi-strategia-2030-ig/>

³⁰ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

³¹ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 3.

³² 1744/2013. (X. 17.) Korm. határozat a Nemzeti Bűnmegelőzési Stratégiáról (2013-2023). 1744/2013 (X. 17.) Government Decree on National Crime prevention Strategy (2013-2023) [https://net.jogtar.hu/getpdf?docid=A13H1744.KOR&targetdate=20171110&printTitle=1744/2013.\(X.+17.\)+Korm.+hat%C3%A1rozat&referer=http%3A//net.jogtar.hu/jr/gen/hjegy_doc.cgi%3Fdocid%3DA1700001.BM](https://net.jogtar.hu/getpdf?docid=A13H1744.KOR&targetdate=20171110&printTitle=1744/2013.(X.+17.)+Korm.+hat%C3%A1rozat&referer=http%3A//net.jogtar.hu/jr/gen/hjegy_doc.cgi%3Fdocid%3DA1700001.BM)

³³ 1488/2016. (IX. 2.) Korm. határozat a Gyermek Számára Biztonságos Internetszolgáltatás megteremtéséről, a tudatos és értékteremtő internethasználatról és Magyarország Digitális Gyermekvédelmi Stratégiájáról. 1488/2016 (IX. 2.) Government Decree on establishment of Safe Internet-use for Children, the conscious and value-adding internet-use and Digital Child Protection Strategy of Hungary <https://net.jogtar.hu/jogszabaly?docid=A16H1488.KOR&xtreferer=00>

³⁴ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 13.

³⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

<p>rights forum, child surveys, child participation platform? <u>If yes,</u> are appropriate child protection and safety measures in place?</p>		<p>According to Article 48 of Act CXC of 2011 on National Public Education students' governments in schools have right to freedom of opinion.³⁶ The students' governments in schools may be established by students to represent the students' interests. Their opinion has to be asked e.g., before the adoption of a school policy. Their competences have been restricted in 2019. Since then, they only</p>
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³⁶ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

		have formal competence. ³⁷ Schools have right to freedom of opinion. ³⁸ The students' governments in schools may be established by students to represent the students' interests. Their opinion has to be asked e.g., before the adoption of a school policy. Their competences have been restricted in 2019. Since then, they only have formal competence. ³⁹
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
A methodological guideline was firstly published in 2016 by the Ministry of Human Capacities (Emberi Erőforrások Minisztériuma, EMMI) on the sector-neutral unified principles and methodology aiming the discovery and termination of child abuse in connection with the child protection signalling	The Child Protection Act ⁵² had been amended with a new provision which establishes the legislative background of the Hearing and Therapy Centres (<i>Meghallgató és Terápiás Központ</i>). ⁵³ According to Article 61 (2) of the Child protection Act the child protection services may run special services for the examination and therapy of neglected and abused, and among them sexually abused children primarily. Upon the request of the competent authority services for the facilitation of child's

³⁷ The children's rights in Hungary (2014-2019) Alternative report on the implementation of the UN CRC in Hungary. https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 22.

³⁸ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

³⁹ The children's rights in Hungary (2014-2019) Alternative report on the implementation of the UN CRC in Hungary. https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 22.

⁵² Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

⁵³ Hearing and Therapy Centre. <https://ogysz.hu/meghallgato-es-terapias-szolgalat>

system⁴⁰. A methodological guide - sector-neutral uniform principles and methodology for the identification and elimination of child abuse in the context of the Child Protection Detection and Indication System: third revised edition of the document was published in 2017.⁴¹ A professional recommendation on the rules for the functioning and operation of the detection and signalling system operated by the Family and Child Welfare Service (second edition) was published in 2017. This document provides the framework, the basic rules for the functioning and operation of the detection and signalling system and deals mainly with structural issues.⁴²

A protocol on the processes of the detection and signalling system operated by the Family and Child Welfare Service (2nd edition) was published in August 2017. This protocol sets out the process and rules for the detection and signalling system, both for the members of the statutory detection and signalling system and for the Family and Child Welfare Service providers operating it and receiving the signals, as well as the rules for the process of signalling in intersectoral cooperation and the justification and timing of the signal, its content and the responsibilities of the service provider receiving the signal, covering all target groups.⁴³

A protocol on the process of social assistance work in the Family and Child Welfare Service (2nd edition) was published in August 2017. This Protocol defines the content of each professional step, the persons responsible for it, the deadlines and the rules for the related documentation

hearing might be run. During the hearing of the child, the child protection service cooperates with the authority concerned. The new provision entered into force on 1 of January 2019. The reasoning of the amendment (Act No CXVII of 2018)⁵⁴ referred exactly to the method that has been used in 'Barnahus' since 1998 and the need to protect abused children from secondary victimization and their further traumatization such as to connect the criminal proceeding with the toolkit of child protection with the aim to implement children's best interests. Moreover, it aims to implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.⁵⁵

Act XC of 2017 on Criminal Proceedings⁵⁶ was amended with a new provision which entered into force on 1 January 2021 and is connected to the amendment of the Child Protection Act. It established the prevention of secondary victimization of minor victims in the course of the criminal proceeding by the 'Barnahus-method'. However, this amendment aimed to apply not only the Barnahus-method but also other techniques which provide the above-mentioned protection of child victims. In 2021 there was a need to clarify some issues, e.g. the procedural status of the contributing expert.

Consequently, further amendments of the Act XC of 2017 on Criminal Proceedings were adopted (by Act CXXXIV of 2021 on the modification of certain criminal laws⁵⁷ and those are effective since 1 January 2022) which clarified that the expert having special knowledge has the status of 'special expert' in criminal proceedings. The 'special expert' is

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<https://kk.gov.hu/download/e/60/c0000/A%20gyermek%20b%3%A1ntalmaz%C3%A1s%C3%A1nak%20felismer%C3%A9s%C3%A9re%20C3%A9s%20megsz%C3%BCntet%C3%A9s%C3%A9re%20ir%C3%A1nyul%C3%B3%20egys%C3%A9ges%20elvek%20C3%A9s%20m%C3%B3dszertan.pdf>

41 Written information of the Ministry of Justice (10.2023).

42 Written information of the Ministry of Justice (10.2023).

43 Written information of the Ministry of Justice (10.2023).

⁵⁴ Act No CXVII of 2018 on the modification of certain social, child protection and connecting laws <https://njt.hu/jogszabaly/2018-117-00-00>

⁵⁵ The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was promulgated by Act No XCII of 2015 and certain laws were modified at the same time. <http://okk.kozlonyok.hu/PDF/2015/15.pdf>

⁵⁶ Act XC of 2017 on Criminal Proceedings <https://njt.hu/jogszabaly/2017-90-00-00.4>

⁵⁷ Act CXXXIV of 2021 on the modification of certain criminal laws. <https://njt.hu/jogszabaly/2021-134-00-00>

activities for the official measures within the framework of child protection care.⁴⁴

A professional recommendation on the child protection signalling standby service for special service providers was published in 2019. In addition to describing the procedures to be followed in the event of a specific indication in the context of the operation of the child protection signalling standby service for the staff of family and child welfare centres, this protocol contains a proposal on the documentation required for the provision of the service and the conditions for the proper provision of the service in order to promote adequate assistance work, in addition to the professional implementation content.⁴⁵

A professional recommendation for the introduction of social assistance in nursery schools and schools and methodological guide for social assistance in nursery schools and schools were published in 2018 and 2022, respectively. The social assistance professionals in nursery schools and schools is a bridge between the public education and vocational training institutions and other members of the child protection detection and signalling system. These documents include the necessary actions in the context of the national introduction of social assistance in nursery schools and schools on 1 September 2018 and professional methodological guidelines for this activity, too.⁴⁶

Furthermore, the institutional, operational and sectoral methodology for the investigation and management of cases of child and young adult abuse in child protection institutes, foster parent networks and correctional institutes was released by the Ministry of Human Capacities in 2018.⁴⁷

someone mentioned in Article 61 (2) of Child Protection Act or determined in other acts. So, according to the amendment [Article 87 (1) b) bb]) the court, the prosecutor and the investigating authority may implement the processual act considering a minor also with the assistance of a 'special expert' who works under Article 61 (2) of the Child Protection Act. This is left to the discretion of the said decisionmakers. The 'special expert' referred to in Article 61 (2) is the person having expertise in 'Barnahus-method'. Other experts having expertise in child psychology (child protection) might also be in the status of 'special expert'. According to the reasoning of Act CXXXIV of 2021 the requirements of 'special experts' are contained in Decree of the Ministry of Public Welfare of 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care⁵⁸ and Decree of the Ministry of Justice of 12/2018 (VI. 12.) on the regulations concerning certain criminal procedural acts and persons taking part in criminal proceeding⁵⁹.

According to Article 87 (1) b) of Act XC of 2017 on Criminal Proceedings may require the contribution of the 'special expert' in the criminal proceeding. Decree of the Ministry of Justice of 12/2018 (VI. 12.) on the regulations concerning certain criminal procedural acts and persons taking part in criminal proceeding⁶⁰ provides some further details in Article 14/A. The assistance of the 'special expert' may be required if special expertise is needed concerning the evidence from the child, or the special expertise is required for the taking of evidence requiring the child's participation [Article 14/A (1) a)], or if it is necessary for the implementation of the child's rights determined in law, or it is due to their best interests or for the child's protection [Article 14/A (1) b)]. According to Article 14/A (2) the assistance of the 'special

⁴⁴ Written information of the Ministry of Justice (10.2023).

⁴⁵ Written information of the Ministry of Justice (10.2023).

⁴⁶ Written information of the Ministry of Justice (10.2023).

⁴⁷ <http://tegyesz.hu/storage/2020/02/Gyermekb%C3%A1ntalmaz%C3%A1s-kezel%C3%A9se-%C3%A9s-kivizsg%C3%A1l%C3%A1sa-m%C3%B3dszertan-2018.pdf>

⁵⁸ 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care
<https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

⁵⁹ <https://net.jogtar.hu/jogszabaly?docid=a1800012.im>

⁶⁰ <https://net.jogtar.hu/jogszabaly?docid=a1800012.im>

The Ministry of Human Capacities had introduced a professional guideline concerning the abuse of children. The professional guideline of EMMI on the tasks of the healthcare provider in case of the suspicion of a child's abuse or neglect which was published in the Health Official Gazette No 14/2020, deals with health-related tasks emerging from the signalling system in case of different forms of ill-treatment, abuse and neglect concerning children.

The National Child Protection Service (see.4.4) as a recently established institute provides a so-called Hearing and Therapy Centres (Meghallgató és Terápiás Központ).⁴⁸ These centres are maintained under Article 61 (2) of the Child Protection Act. Until the first months of 2022, five Hearing and Therapy Centres (two of them in Budapest, the others are in Debrecen, Szombathely and Gyula) have been established. The Hearing and Therapy Centres run complex services in the framework of the 'Barnahus model'.

A protocol on cooperation between family and child welfare centres and services and regional dispatching services in the convergence regions in times of crisis was published in 2022. This protocol defines the division of tasks, the framework and the basic rules for cooperation between family and child welfare centres and services and regional dispatching services in the winter crisis period, when providing care to people in critical situations living in unheated properties, in housing conditions that are hazardous to their physical integrity and health.⁴⁹

A protocol for cooperation between family and child welfare centres and services in convergence regions and regional dispatch services in times of crisis was published in 2022. This protocol sets out the division of tasks, the framework and the basic rules for cooperation between family and child welfare centres and services and regional dispatching services in the winter crisis period, when providing care to people in critical situations living in unheated properties, in housing conditions

expert' is required in particular if a child under the age of 14 takes part in the criminal proceeding. According to the reasoning of Act CXXXIV of 2021 the implementation of the procedural acts is the task of the court, prosecutor and investigating authority concerned which determine the frames of the procedural act.

Act V of 2020⁶¹ amended the statutory elements of human trafficking and drastically increased the penalties imposable for the offence of child prostitution. The amendment not only sets out certain stages of human trafficking for the purpose of exploitation, but comprehensively and clearly regulates the most essential elements of the exploitation process: engaging in human trafficking for regular gain, the victim's lack of decision-making authority due to his/her subjection to violence or threats, and the replacement of the work-type activity that serves as a means for the regular financial gain.

According to the new statutory elements of human trafficking, persons who find themselves in a subordinate position or whose ability to act in line with their own will is limited as a consequence of being subject to violence or threat, are considered as aggrieved parties of human trafficking.

Act LXXIX of 2021⁶² comprehensively amended the statutory elements of child pornography and also introduced several amendments to the Criminal Code in relation to sexual crimes committed against children, especially in the areas of statute of limitations, disqualification from a profession and release on parole. In relation to child pornography, the Act amended the definition of pornographic recording so that realistic representations of non-existent persons are included as well. With this amendment, the Criminal Code is more in line with international standards and expresses more clearly that not only acts involving specific child victims shall be prosecuted, but also the phenomenon of child pornography itself, the sexualization of children. The Act also increased the penalties imposable and introduced a more effective protection of children below the age of 12 years.

⁴⁸ Hearing and Therapy Centre. <https://ogysz.hu/meghallgato-es-terapias-szolgalat>

⁴⁹ Written information of the Ministry of Justice (10.2023).

⁶¹ Act V of 2020 <https://njt.hu/jogszabaly/2020-5-00-00>

⁶² Act LXXIX of 2021 <https://njt.hu/jogszabaly/2021-79-00-00>

that are hazardous to their physical integrity and health.⁵⁰

"Make trafficking visible" - theoretical and practical guide and professional recommendation for members of the detection and signalling system and staff of family and child welfare services and centres was published in 2022.⁵¹

Act LXXIX of 2021 modified the expiration of the limitation period, consequently, if the aggrieved party of a criminal offence against the freedom of sexual life had not yet attained the age of eighteen years when the criminal offence was committed, the limitation period shall not include the period left until the aggrieved party attains or would have attained the age of twenty-one years.

Act CXLIX of 2017⁶³ amended the Criminal Code and as a consequence, if the perpetrator of a criminal offence against the freedom of sexual life who committed the criminal offence against a person who has not attained the age of eighteen years shall be disqualified permanently from exercising any profession or performing any other activity that involves the education, supervision, care, or medical treatment of children, or in the context of which he is in a position of power or influence over children. Act LXXIX of 2021 further clarified that perpetrators of child pornography shall similarly be permanently disqualified from professions that would involve the education, supervision, care, or medical treatment of children.

Act CVIII of 2020⁶⁴ amended certain provisions of the Criminal Code in connection with release on parole. A person shall not be released on parole if he was sentenced to imprisonment to be served for a violent criminal offence against a person punishable by imprisonment for eight years or more that he committed against a relative. Act LXXIX of 2021 added a further reason for exclusion from the opportunity of being released on parole: a person shall not be released on parole if he was sentenced to imprisonment to be served for a criminal offence against the freedom of sexual life and sexual morality punishable by imprisonment for eight years or more that he committed against a person who has not attained the age of eighteen years.

With Act V of 2020 on the amendment of certain laws necessary to take action against the exploitation of victims of human trafficking, the general protection measure was introduced from

⁵⁰ Written information of the Ministry of Justice (10.2023).

⁵¹ Written information of the Ministry of Justice (10.2023).

⁶³ Act CXLIX of 2017 <https://njt.hu/jogszabaly/2017-49-00-00>

⁶⁴ Act CVIII of 2020 <https://njt.hu/jogszabaly/2020-108-00-00>

	<p>July 1, 2020. Within this framework, the police can place a child suspected of being a victim of human trafficking immediately, without delay, in the designated special children's home.</p> <p>Five, later nine special children's homes maintained by the General Directorate of Social and Child Protection were designated to receive the affected children within the framework of the general protection measures. The purpose of the measure is to ensure that the child is not exposed to the risk of further sexual exploitation, which hinders their physical, mental and moral development, and that the protection and therapy they need is provided, if the child cannot be brought up in their own family.</p> <p>The designated special children's home - even in the absence of the opinion of the National Child Protection Expert Committee - will accept the child for a maximum of 60 days who has been temporarily placed on the basis of the general protection measures of the police, as well as the child who has already been brought up and has a temporary care place or care place, for the child's safety and immediate therapy. During this period, the affected children are considered to have special needs in order to receive the necessary care and help from the beginning in order to rescue them from prostitution.</p>
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The UN Committee on the Rights of Persons with Disabilities under Article 6 of the Optional Protocol to the Convention highlighted the barriers in access to inclusive education in its report of Hungary . In this report, according to official data, 72 per cent of children with disabilities were enrolled in</p>	

mainstream education in the 2018/19 academic year.⁶⁵

The Committee further underlined that in 2018 there were 98,539 individuals in institutions and disability was one of the grounds for institutionalization (besides age, health condition and ethnic origin): institutions receive children, older persons, persons living with addictions, and Roma children and adults. Persons with disabilities are the second largest group, with 24,553 in nursing and care homes and rehabilitation institutions.⁶⁶ Official statistics indicate that the placement of persons – including children, women and older persons – with intellectual or psychosocial disabilities under specialized social services in institutions is prevalent.⁶⁷

Disability counselling has been introduced. A disability counsellor with specialised knowledge makes information, knowledge and skills from different disability-related sectors (social, health, education, labour market, etc.) available in one place. In order to ensure that the disabled person and his/her family have access to public services, he cooperates with providers of social, child welfare and child protection services, institutions, health care providers providing primary and specialised health care, education and training services, employment services, organisations providing transport, sports, cultural and other leisure activities, other social organisations, advocacy groups, religious institutions and communities; assisting in the loan of certain lifestyle support equipment and the provision of specialised services. This service was provided from 1 April 2018 to 31 December 2021 within the framework of the priority project EFOP-1.9.2-VEKOP-16-2016-00001 "Development and improvement of accessibility of professional and public services for

⁶⁵ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 10.

⁶⁶ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 14.

⁶⁷ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/HUN/IR/1&Lang=enhttps://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement 20.

people with disabilities", entitled MONTÁZS, and from 1 January 2022 it will be provided by the Family and Child Welfare Centres designated by the Minister for the Protection of Children and Youth in all the counties (19) and the capital (2). The professional document on the provision of the service, entitled 'Methodological Guide to the disability counselling service', was published in 2023 with the aim of ensuring a uniform approach to disability counselling at national level, standardising the work of counsellors from a professional, legal and ethical point of view, describing the practice of professional task provision and the activities of counsellors.⁶⁸

1.4.3. Children in the context of migration

Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children

Policy developments

The scope of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs⁶⁹ does not include minors without accompanying persons over 14 but under 18 during a crisis caused by mass immigration.⁷⁰ Despite this group not being covered by the personal scope of the Act, with the closing of “transit zones”, the Directorate General for Social Affairs and Child Protection is placing unaccompanied children of all ages in Károlyi István children’s home in Fót (*Károlyi István Gyermekközpont*)⁷¹ to also provide for this group of persons.

The Hungarian Government has introduced various measures to help people fleeing from Ukraine who apply for work, and to support the participation of their children in public general education (pre-school and school) in 2022.⁷² In Gov. Decree 106/2022 (III. 12.) amending Gov. Decree No. 301/2007 (XI. 9.) on certain rules relating to the

Legislative developments

⁶⁸ Information from the Ministry of Justice (Oct. 2023).

⁶⁹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

⁷⁰ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 11.

⁷¹ <https://kigyk.hu/>

⁷² <https://www.cedefop.europa.eu/en/news/hungary-measures-taken-favour-integration-ukraine-refugees-vet-and-labour-market>

employment and benefits of persons recognised as entitled to temporary protection in the event of a humanitarian disaster in a neighbouring country during an emergency and on the implementation of Act LXXX of 2007 on the right of asylum [106/2022. (III. 12.) Korm. rendelet a veszélyhelyzet ideje alatt szomszédos országban fennálló humanitárius katasztrófára tekintettel, az ideiglenes védelemre jogosultként elismert személyek foglalkoztatásával és juttatásaival kapcsolatos egyes szabályokról, valamint a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról szóló 301/2007. (XI. 9.) Korm. rendelet módosításáról]⁷³ there are rules concerning the child's entitlement to free food on school days and on holidays.

1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments

Legislative developments

Under the competence of the Directorate General for Social Affairs and Child Protection (*Szociális és Gyermekvédelmi Főigazgatóság*) the National Child Protection Service was set up which has been functioning since 1 July 2021.⁷⁴ The National Child Protection Service (*Országos Gyermekvédelmi Szakszolgálat*) is a unified child protection institute responsible for the Child Protection Service of Budapest and the 19 Regional Child Protection Services (in the 19 counties of Hungary). Its aim is to represent the interests of children independently of whether they are in state care or not and promotes equal chances for children living in Hungary. The establishment of such institution aims to provide that the regional institutions (Regional Child Protection Services) operate upon the same principles and guidelines, so child protection services working on the same basis are available for all children in all regions.⁷⁵ The National Child Protection Service does not provide care for

⁷³ Governmental Decree 106/2022 (III. 12.) on some provisions in connection with the employment and support of persons recognized as those who are entitled to interim protection with regard to the humanitarian catastrophe in the neighbouring countries in time of emergency <https://net.jogtar.hu/jogszabaly?docid=a2200106.kor>

⁷⁴ Hearing and Therapy Centre. <https://ogysz.hu/meghallgato-es-terapias-szolgalat>

⁷⁵ <https://ogysz.hu/>

<p>children without custody, but it performs tasks concerning these children. It operates child protection experts' committees, employs the child protection guardians and performs coordinating activities in connection with the children's placement.</p>	
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
	<p>The Act LXII of 2021 on the international judicial cooperation affecting parental responsibilities (<i>2021. évi LXII. törvény a szülői felelősséget érintő nemzetközi igazságügyi együttműködésről</i>)⁷⁶ was promulgated on the June 2021. It is connected to the matters belonging under the scope of the Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction and that of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.</p> <p>A new non-contentious proceeding in connection with children endangered by child abduction has been inserted into Act CXVIII of 2017 on regulations to be applied in judicial non-contentious civil proceedings and certain judicial non-contentious civil proceedings⁷⁷. (The non-contentious proceeding is a simplified process comparing to the general contentious proceeding regulated in the civil proceeding. These procedures have an administrative character, which can be handled faster and more cost-effectively. Although they are atypical procedural forms comparing to contentious procedures, the number of type of cases of non-contentious proceedings is relatively high due to their fast characters. There are non-contentious proceedings handled by court, a notary or a bailiff. The judicial non-contentious proceedings are faster compared to the contentious proceedings on court since one judge may proceed instead of the council and there is often a handling time determined by law. This new proceeding has to be applied from 7 March 2023. According to the Regulation (EU) 2018/1862 of the European Parliament</p>

⁷⁶ Act LXII of 2021 on the international judicial cooperation affecting parental responsibilities <https://njt.hu/jogszabaly/2021-62-00-00>

⁷⁷ Act CXVIII of 2017 on regulations to be applied in judicial non-contentious civil proceedings <https://net.jogtar.hu/jogszabaly?docid=a1700118.tv>

	and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, an alert can be requested in the framework of SIS II. An alert preventing the child’s travel may be initiated if a child is endangered by child abduction
1.4.6. Missing children	
Policy developments	Legislative developments
In case of children’s homes replacement projects realized from the construction resource of the EFOP-2.1.1-16 and VEKOP-6.3.1-16 tenders ⁷⁸ titled “The replacement and modernization of children’s homes and the creation of missing of children’s home capacities” the mandatory activity is to prepare a program for the concerned children for change, which enables the children to express their opinions in an informed and prepared way during the proceedings targeting the changing of their place of provided care. ⁷⁹	
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)	
Policy developments	Legislative developments
	The Hungarian National Social Inclusion Strategy 2030 ⁸⁰ promotes the inclusion of Roma people, families with children living in poverty and people living in deep poverty. As this Strategy aims to support young people, it has an effect on the younger generation, as well. Gov. Decision of 1619/2021 (IX. 3.) on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 [1619/2021. (IX. 3.) Korm. határozat a Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 végrehajtásának

⁷⁸ Written information from the Directorate-General for Social Affairs and Child Protection (June 2023).

⁷⁹ <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 12.

⁸⁰ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

	<p>a 2021–2024. évekre szóló kormányzati intézkedési tervéről⁸¹ accepted the governmental plan for years 2021-2024 and ordered its implementation.</p>
<p>1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>According to the report submitted by Hungary the addition of the ethnic marker introduces the dimension of ethnicity into the data analysis carried out by the Hungarian Central Statistical Office.⁸²</p> <p>The Hungarian Alternative Report underlined that the discrimination of Roma children is structural and a general problem.⁸³ Discrimination can be recognized and experienced on several fields. As an example, if the authority concerned performs its tasks, the right to private sphere of Roma people – in particular Roma children – is restricted unproportionally.⁸⁴</p> <p>The Hungarian National Social Inclusion Strategy 2030⁸⁵ promotes the inclusion of Roma people, families with children living in poverty and people living in deep poverty. The strategy focuses on young Roma, and its measures effectively promote their equal opportunities. See Gov. Decision of 1619/2021 (IX. 3.) on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 [1619/2021. (IX. 3.) Korm. határozat a</p>	<p>According to the report submitted by Hungary, the Act CXXV of 2003 on the Equal Treatment and the Promotion of Equal Opportunities⁸⁷ and Act CXC of 2011 on National Public Education⁸⁸ were amended to provide certain guarantees. The guarantees preventing segregation were built into the wording of the concerned laws: according to the amendment, education is lawful only if it satisfies all the requirements of education based on religious faith and all the requirements of nationality education at the same time, therefore students take part in that – based on their free and uninfluenced choice – based on religion and nationality. The amendment aims to provide stronger guarantees than before to prevent the unlawful segregation of disadvantaged children, including Roma children.⁸⁹ No further study has been available on the fulfilment of these amendments yet.</p> <p>The discrimination of Roma children is a systemic and structural problem. Although the Roma community is about 7-9 % of the Hungarian population, 78-80 percent of children living in state care are of Roma origin. The Roma girls and women are victims of aggravated discrimination in particular concerning education, employment and access to housing and basic services.⁹⁰ The Act CLXXIX of 2011 on the rights of national minorities (2011. évi CLXXIX. törvény a nemzetiségek</p>

⁸¹ 1619/2021 (IX. 3.) Governmental Decree on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 <https://njt.hu/jogszabaly/2021-1619-30-22>

⁸² <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 5.

⁸³ The children's rights in Hungary (2014-2019) Alternative report on the implementation of the UN CRC in Hungary. https://gyermekjogicivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 22.

⁸⁴ https://gyermekjogicivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 23.

⁸⁵ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

⁸⁷ Act CXXV of 2003 on the Equal Treatment and the Promotion of Equal Opportunities <https://net.jogtar.hu/jogszabaly?docid=a0300125.tv>

⁸⁸ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

⁸⁹ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 7.

⁹⁰ The children's rights in Hungary (2014-2019) Alternative report on the implementation of the UN CRC in Hungary. https://gyermekjogicivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 22.

Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 végrehajtásának a 2021–2024. évekre szóló kormányzati intézkedési tervéről].⁸⁶

jogairól) was amended in 2017.⁹¹ According to the amendment the people belonging to national minorities are entitled to choose the name of the given nationality for themselves and for their child and to register it on the given language. The Deputy Commissioner for fundamental rights/Ombudsman for the rights of national minorities in Hungary⁹² has published the Principal Statement No 3/2021 on the bearing of the individual name on nationality language⁹³ in 2021. It states that although the possibilities to bear an individual name are provided to persons belonging to a national minority, there are several difficulties when the legal rules concerned are implemented.⁹⁴ The first names on the nationality's language which are optional ones are listed, edited and published by the national minority self-governments. No further study on the practical experiences has been available yet.

A further amendment in 2020 laid down that schoolbooks shall be available free of charge for students taking part in the education based on their belonging to a national minority. The children's rights belonging to national minorities have been strengthened by the provision that entered into force in July of 2020, according to which the maintainer of the school may operate a class or group even if there are less than eight students. However, there is no information about the schoolbooks available on the national minorities' languages.

It is worth mentioning that according to Article 72 (2) of the Act CXC of 2011 on National Public Education⁹⁵ the parents may choose a school freely based on their child's capabilities, interests, religion, belief and belonging to a national minority. If a child is not incapable to act, the parent and their child above the age of 14 exercise this right together.

1.4.9. Children involved in judicial proceedings as victims or witnesses or parties

⁸⁶ 1619/2021 (IX. 3.) Governmental Decree on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 <https://njt.hu/jogszabaly/2021-1619-30-22>

⁹¹ Act CLXXIX of 2011 on the rights of nationalities <https://net.jogtar.hu/jogszabaly?docid=a1100179.tv>

⁹² <https://www.ajbh.hu/en/web/njbh-en/the-deputy-commissioner>

⁹³ https://nemzetisegijogok.hu/documents/2657648/4166042/3_2021.+E%C3%81+-+A+nemzetis%C3%A9gi+nyelven+val%C3%B3+egy%C3%A9ni+n%C3%A9vhaszn%C3%A1latr%C3%B3l.pdf/36823cc6-106d-ab9e-6a2e-df9fdce0dee2?version=1.0

⁹⁴ https://nemzetisegijogok.hu/documents/2657648/4166042/3_2021.+E%C3%81+-+A+nemzetis%C3%A9gi+nyelven+val%C3%B3+egy%C3%A9ni+n%C3%A9vhaszn%C3%A1latr%C3%B3l.pdf/36823cc6-106d-ab9e-6a2e-df9fdce0dee2?version=1.0 9.

⁹⁵ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

Policy developments	Legislative developments
<p>The Hungarian National Social Inclusion Strategy 2030⁹⁶ finds it important to protect and promote the rights of children including Roma children. It explicitly puts attention on the enforcement of children's rights, with particular regard to their protection against becoming victims of child abuse and human trafficking, and to helping children who have become victims. Its governmental plan of action for years 2021-2024 includes measures to curb all forms of child abuse, prevent children becoming victims of abuse or human trafficking, introduce services aimed at supporting children who have been abused or are victims of human trafficking. Gov. Decision of 1619/2021 (IX. 3.) on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 [1619/2021. (IX. 3.) Korm. határozat a Magyar Nemzeti Társadalmi Felzárkózási Stratégia 2030 végrehajtásának a 2021–2024. évekre szóló kormányzati intézkedési tervéről]⁹⁷ accepted the governmental plan for years 2021-2024 and ordered its implementation.</p>	<p>Section 4:171 (4) of the Civil Code⁹⁸ was amended in 2022 concerning parental custody proceedings with the aim that the child who is capable of forming his or her own views shall be informed by the court that he or she may be heard. To this end, the court and the guardianship authorities shall inform the child of the opportunity to make a statement, according to the amendments of the Civil Code and the Child Protection Act, introduced by Act LXII of 2021, which has entered into force on 1 August 2022. There is no methodology or guideline nor clear practice how the child's capability of forming his or her own views is assessed at all. It is a highly debatable matter of subject, and the practice of the courts are diverging very much.</p> <p>Furthermore, Act CXIX of 2020 <i>on the amendment of Act CXXX of 2016 on the Code of Civil Procedure</i> has introduced new provisions to ensure the protection and welfare of the child in civil procedures, such as the exclusion of party-appointed expert evidence and the special rules for the hearing of children.</p> <p>Moreover, Act XXIV of 2022 <i>on the grounding of the 2023 central budget of Hungary</i> (procedural acceleration package) introduced several amendments to the Code of Civil Procedure in order to ensure a swift conduct regarding actions related to personal status, including new provisions on shortening the time limits for setting a hearing in proceedings involving a child.</p> <p>It shall be mentioned that pursuant to Section 81 of Act XC of 2017 on the Criminal Procedural Code, where the aggrieved party or the witness is a natural person, he shall be considered a person requiring special treatment, provided that, considering his personal characteristics or the nature and circumstances of the criminal offence serving as the basis for the proceeding, he is restricted in his ability to understand others or have himself understood by others, to exercise his rights or perform his obligations or to participate in the criminal proceeding efficiently.</p>

⁹⁶ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

⁹⁷ 1619/2021 (IX. 3.) Governmental Decree on the governmental plan of action for years 2021-2024 on the implementation of the Hungarian National Social Inclusion Strategy 2030 <https://njt.hu/jogszabaly/2021-1619-30-22>

⁹⁸ Act V of 2013 on Civil Code. <https://njt.hu/jogszabaly/2013-5-00-00>

	<p>The following factors shall serve as grounds for providing special treatment:</p> <ul style="list-style-type: none"> a) age of the person concerned, b) mental, physical, medical condition of the person concerned, c) the extremely violent nature of the act serving as the basis for the proceeding, and d) the relationship between the person concerned and another person participating in the criminal proceeding. <p>The court, the prosecution service, and the investigating authority</p> <ul style="list-style-type: none"> a) shall examine, ex officio after getting into contact with, or upon a motion by, the person concerned if he qualifies as a person requiring special treatment, b) shall decide on providing special treatment based on individual assessment as determined by law, c) may apply measures to treat carefully and protect the person concerned, as well as to facilitate the exercise of his rights and the performance of his obligations; the decision on applying such measures shall be taken upon a motion by the person concerned or ex officio, d) may order case documents relating to initiating and examining the provision of special treatment to be handled confidentially. <p>Section 82 of Act XC of 2017 on the Criminal Procedural Code clears that everyone qualifies as a person requiring special treatment even without a specific decision in the following cases:</p> <ul style="list-style-type: none"> a) persons who have not attained the age of eighteen years, b) disabled persons as defined by the Act on the rights of and ensuring equal opportunities for disabled persons, as well as persons who might qualify as such persons, c) aggrieved parties of criminal offences against the freedom of sexual life and sexual morality.
1.4.10. Children involved in judicial proceedings as suspects or accused persons	
Policy developments	Legislative developments

<p>The Hungarian National Social Inclusion Strategy 2030⁹⁹ finds it important to protect and promote the rights of children including Roma children. Its governmental plan of action for years 2021-2024 includes measures to introduce services aimed at supporting children who have been abused or are victims of human trafficking.</p>	<p>Act XC of 2017 on the Code of Criminal Proceedings¹⁰⁰ sets the maximum length for pre-trial detention of juveniles lower in order to meet the requirement of ‘special treatment’ and ‘significantly expanded the applicability of mediation procedure’, as the report submitted by Hungary emphasized. According to Article 688 of the Act a pre-trial detention can last up to two years in case of a juvenile who was 14 years old at least at the time of committing the crime, and it can only last up to one year in case of a juvenile who was under the age of 14 years at the time of committing the crime.¹⁰¹</p> <p>The previous act, namely the Act XIX of 1998 on the Criminal Proceedings¹⁰² (1998. évi XIX. törvény a büntetőeljárásról) which is not in force anymore stated in Article 454 (1) that the pre-trial detention of the juvenile may be ordered even upon general grounds for pre-trial detention if the crime is especially serious.</p> <p>Section 82 of Act XC of 2017 on the Criminal Procedural Code clears that everyone qualifies as a person requiring special treatment even without a specific decision in the following cases:</p> <ul style="list-style-type: none"> a) persons who have not attained the age of eighteen years, b) disabled persons as defined by the Act on the rights of and ensuring equal opportunities for disabled persons, as well as persons who might qualify as such persons, c) aggrieved parties of criminal offences against the freedom of sexual life and sexual morality.
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>-</p>	<p>-</p>
<p>1.4.12. Children whose parents are in prison/custody</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁹⁹ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

¹⁰⁰ Act XC of 2017 on the Code of Criminal Proceedings <https://njt.hu/jogszabaly/2013-5-00-00>

¹⁰¹ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 33.

¹⁰² Act XIX of 1998 on the Criminal Proceedings <https://njt.hu/jogszabaly/1998-19-00-00>

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1.4.13. Children who drop out of compulsory education and working children under the legal age for work																									
Policy developments	Legislative developments																								
<p>The report submitted by Hungary referred to the early signalling and pedagogical support system which will result in the decreasing number of children who drop out of schools.¹⁰³</p> <p>The Committee on the Rights of the Child articulated its concerns about the number of students leaving school early, most of them from disadvantaged backgrounds.¹⁰⁴</p> <p>The number of children being dropped out of school (<i>korai iskolaelhagyók</i>)¹⁰⁵</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Percent age of children being dropped out</th> <th>Among the children , male</th> <th>Among the children , female</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>12.5</td> <td>12.6</td> <td>12.3</td> </tr> <tr> <td>2019</td> <td>11.8</td> <td>12.7</td> <td>10.9</td> </tr> <tr> <td>2020</td> <td>12.1</td> <td>12.9</td> <td>11.3</td> </tr> <tr> <td>2021</td> <td>12.0</td> <td>12.3</td> <td>11.6</td> </tr> <tr> <td>2022</td> <td>12.4</td> <td>13.0</td> <td>11.7</td> </tr> </tbody> </table> <p>One of the main numerical targets of the Hungarian National Social Inclusion Strategy</p>		Year	Percent age of children being dropped out	Among the children , male	Among the children , female	2018	12.5	12.6	12.3	2019	11.8	12.7	10.9	2020	12.1	12.9	11.3	2021	12.0	12.3	11.6	2022	12.4	13.0	11.7
Year	Percent age of children being dropped out	Among the children , male	Among the children , female																						
2018	12.5	12.6	12.3																						
2019	11.8	12.7	10.9																						
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2021	12.0	12.3	11.6																						
2022	12.4	13.0	11.7																						

¹⁰³ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 27-28.

¹⁰⁴ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 10.

¹⁰⁵ https://www.ksh.hu/stadat_files/okt/hu/okt0028.html

<p>2030¹⁰⁶ is to decrease early school dropout among Roma youth from 65% in 2019 to at least 45% in 2030. Its governmental plan of action for years 2021-2024 includes explicit measures to deal with the problem especially among Roma girls, in vocational and in public education.</p>	
<p>1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The Committee on the Rights of the Child draw the attention to the importance of strengthening measures to prevent the use of tobacco, alcohol and drugs among adolescents.¹⁰⁷</p>	

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

The main contradictions seem to be caught upon the comparison of the Report submitted by Hungary (Sixth periodic report submitted by Hungary under Article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019)¹⁰⁸ and the Committee on the Rights of the Child’s Concluding observations on the sixth periodic report of Hungary of 3 March 2020. Although these were released in 2019 and 2020, respectively, the legal situation has remained the same. In Hungary, the compulsory education lasts until the age of 16. The report submitted by Hungary emphasized the measures and legal modifications against the drop out of schools. The Committee highlighted that it is essential to re-establish compulsory education until the age of 18 years to prevent children leaving school early. A similar problem is the age of criminal responsibility. The report submitted by Hungary did not deal with this matter, but the

¹⁰⁶ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

¹⁰⁷ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 9.

¹⁰⁸ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

Committee repeated¹⁰⁹ that the law has to be amended to re-establish a standardized minimum age of criminal responsibility of 14 years, regardless of the crime. The minimum age of criminal responsibility had been 14 years, but it was changed in the Criminal Code and now there are a few enlisted crimes when the minimum age of criminal responsibility of 12 years.¹¹⁰

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

It is difficult to have an overview on the national child protection system as it has been regulated by numerous legal rules. As children are concerned by all legal fields it seems to be difficult to give an easy structure. However, the Hungarian legal system, with the Act on XXXI of 1997 on the protection of children and the administration of guardianship affairs¹¹¹ as the core legal act, has changed several times, often multiple times a year. As there are many legal sources being amended, the regime of the child protection in its whole is fragmented very often. There are steps to move the system of the child protection towards prevention instead of authoritative measures. A sign of this movement is that family and child welfare services, which function in every town, have been established and built into the child protection system. They work with social workers so the expertise of the employees in these services is suitable for prevention.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

There are several achievements, such as replacing huge children's homes and the aim to prioritise the child's placement in foster families and flat children's homes, where there are 12 children (maximum) together in a flat or family house. It is a challenge to find foster parents as the system needs more well-educated and suitable, committed foster parents. Legislative steps have been made in public education by transferring modern knowledge to the students also but sometimes the achievements remain formal. The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹¹² grants children's rights in conformity with the UNCRC, e.g. the child's right to be heard and to complain. However, there is no further protocol towards the everyday implementation of these rights. Protocols or guidelines should be elaborated such as awareness-raising campaigns about the rights of the child.

¹⁰⁹ Committee on the Rights of the Child. Concluding observations on the sixth periodic report of Hungary. 3 March 2020.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/HUN/IR/1&Lang=en <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/055/75/PDF/G2005575.pdf?OpenElement> 12.

¹¹⁰ Act C of 2012 on Criminal Code <https://njt.hu/jogszabaly/en/2012-100-00-00>

¹¹¹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹¹² Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv> 36.§

A procedure before the Commissioner for Fundamental Rights¹¹³ may be initiated by anybody, consequently even children may initiate it in written form, orally or in person. The initiation of such procedures is independent from age or legal status. However, the proceedings are initiated primarily by the parents or the children's legal representatives. Annually, approximately ten cases are initiated by children primarily by whom are 16-18 years old. In the course of conducting the investigations in child protection institutes, the investigating staff of the Office of the Commissioner for Fundamental Rights endeavours to speak to children being taken care of in these institutes in safe circumstances which provides the chance for these children to speak about their living conditions without external control.

The Commissioner for Fundamental Rights may proceed even if the parent(s) or guardian(s) of the child has/have not contributed to the process and the child made a complaint without their presence. Theoretically, it may happen that a child makes a complaint against his or her child protection guardian, however, this situation would be of particular concern as the child protection guardian is under the supervision of the guardianship authority. The Commissioner for Fundamental Rights may investigate public authorities and organizations performing public service, but it has no competence to investigate the acts and omissions of the parents. However, if the child is placed in alternative care, the Commissioner for Fundamental Rights can investigate the activity of the foster parent, the child protection guardian and the child protection institution.

Concerning the interaction of the Commissioner for Fundamental Rights, it shall be highlighted that the Office of the Commissioner for Fundamental Rights has an instruction on the Office's child protection regulation [10/2020 (VIII. 28.) AJBH utasítás az Alapvető Jogok Biztosának Hivatala Gyermekvédelmi Szabályzatáról] which provides protection for the child and binds the staff and employees of the Office whenever its activity affects a child. According to this document the Office shall have particular regard to the child's best interests. It contains the following principles: all persons under the age of 18 are considered children, every child has the right to appropriate protection, well-being and participation in cases affecting them. The staff of the Office shall pay particular attention to the child's protection and cooperate with all Hungarian and international civil or state institutions. Furthermore, children's privacy is strictly protected and regulated. If the Office of the Commissioner for Fundamental Rights launches an investigation, they endeavour to hear children living there. If these children are heard by the staff of the Office in an interview, the psychologist member of the staff shall interact. This regulation provides for the maintenance of an easily available online route for complaints (*kerdesemvan@ajbh.hu*). If a member of the staff detects the case of the possibility of child's abuse or endangerment, the Commissioner for Fundamental Rights will be proposed to give a signal for the child welfare service and if needed, turn to the competent authority.

If a child wishes to make a complaint, the employees of the Office of the Commissioner for Fundamental Rights are obliged to act accordingly. If the child presents him or her in advance, the leader of the 'complaints service' ('*Panasziroda*') decides upon the available information whether there is a need to involve an employee who is experienced in interviewing children and at the same time has knowledge about children's rights, who could be even involved in the complaint procedure. The departments of the Office cooperate with each other effectively.

In recent years, the Commissioner for Fundamental Rights made some important decisions connecting to the protection of children in Hungary. For instance in the 1066/2022 AJB decision, the Commissioner for Fundamental Rights examined whether the domestic child protection system is prepared for extreme situations treatment, at least for the early recognition of potential abusive situations. In its 856/2022 AJB decision, in which the procedure of the guardianship authorities and the child protection service was examined by the maintaining contact with a child in foster care, as well as in connection with the settlement of the child's citizenship.

¹¹³ Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The National Child Protection Service is responsible for the Hearing and Therapy Centres (*Meghallgató és Terápiás Központ*) which provide complex services for abused children under the 'Barnahus model'.¹¹⁴ There are five Therapy and Hearing Centres which have been established recently. According to the plans three further centres will open in three county towns. The service and the team is multidisciplinary and a complex service is provided for the abused children. The services include activities such as preparation for the child's hearing, the hearing of the child in child-friendly surroundings and in a child-friendly manner, a special monitor-room where different representatives of the justice system are present in child's hearing, the educated and well-trained psychologist expert who hears the child, the therapy provided for the child and also the crisis-intervention. A further aim of these Centres is to promote and support knowledge-transfer and professional cooperation.

¹¹⁴ Hearing and Therapy Centre. <https://ogysz.hu/meghallgato-es-terapias-szolgalat>

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	X		<p>Ministry of Interior (<i>Belügyminisztérium</i>) (It is the main state authority in relation to child protection.)</p> <p>State Secretariat Responsible for Caretaking Policy</p> <p>Department for Social and Child Welfare Services</p> <p>Department for Child Protection and Guardianship</p> <p>Department for Children's Opportunities</p> <p>Child Protection and Guardianship Affairs Department in the Ministry of Interior</p> <p>Ministry of Innovation and Technology (<i>Kulturális és Innovációs Minisztérium</i>)</p> <p>Department for Adoption and Women' Policy</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p>	X		<p>Directorate-General for Social Affairs and Child Protection (<i>Szociális és Gyermekvédelmi Főigazgatóság</i>)</p> <p>National Child Protection Service (<i>Országos Gyermekvédelmi Szakszolgálat</i>)</p>

<p>If <u>yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>			
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p>If <u>yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>	X		Private International Law Department in Ministry of Justice.

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Ministry of Interior	national	It is responsible for family policy, health insurance, child policy, youth policy, child protection, youth protection, education, social policy, equal opportunity in social affairs.	

Ministry of Innovation and Technology	national	It is responsible for adoption and women's policy.	
Directorate-General for Social Affairs and Child Protection (<i>Szociális és Gyermekvédelmi Főigazgatóság</i>)	national	According to the Act III of 1993 on social directorate and social affairs ¹¹⁵ and Act XXXI of 1997 on the protection of children and the administration of guardianship affairs ¹¹⁶ it is responsible for certain assigned tasks among others if functions as the maintainer of penitentiaries in Hungary.	
Margit Slachta National Social Policy Institute (<i>Slachta Margit Nemzeti Szociálpolitikai Intézet</i>)	national	It functions as a knowledge and methodological centre for social, child-welfare and child protection affairs.	
National Child Protection Service (<i>Országos Gyermekvédelmi Szakszolgálat</i>)	national	It is maintained by the Directorate of Social Affairs and Child Protection. It consists of 20 institutions, one in Budapest and there are 19 Regional Child Protection Services (in the 19 counties of Hungary). It represents the interests of children independently of their state care and promotes equal opportunities for children living in Hungary.	

¹¹⁵ Act III of 1993 on social directorate and social affairs <https://njt.hu/jogszabaly/1993-3-00-00.62>.

¹¹⁶ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

Regional Child Protection Service (<i>Területi Gyermekvédelmi Szakszolgálat</i>)	regional	There is a Regional Child Protection Service in Budapest and in every county too. They perform their tasks on the field of social work which is closely connected to the authoritative tasks regulated by the and Act XXXI of 1997 on the protection of children and the administration of guardianship affairs ¹¹⁷ .	
Government Offices	regional	These are the regional state administrative organs. Budapest and the 19 counties have its own Government Office. They exercise coordinative, authoritative, proposing and consultative tasks.	
Local Offices of the Capital and County Government Offices	local	There are local offices under the 19 County Government Offices and the Capital Government Office. The local offices work in the concerned county's towns and the districts of Budapest as the Capital Government Office. The local offices are set up by departments where one of these departments is responsible for tasks related child protection and guardianship.	
Guardianship Authority	regional and local	The tasks of the Guardianship Authority are exercised by three different organs, namely the Government Office, the Local Office of the	

¹¹⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.iogtar.hu/jogszabaly?docid=99700031.tv>

		Government Offices and the notaries (who are in a leader position in the mayor's offices).	
Family and Child Welfare Centre (<i>Család- és Gyermekjóléti Központ</i>)	subregional	A county (<i>megye</i>) is divided to territorial units called districts (<i>járás</i>). The capitals of districts are responsible for Family and Child Welfare Centres in the county concerned.	
Family and Child Welfare Service (<i>Család- és Gyermekjóléti Szolgálat</i>)	local	Every local self-government has got its Family and Child Welfare Service. The municipal government operating a mayor's office, the municipal government of the seat of the joint municipal government office, the district municipality of the capital city, and the metropolitan municipality of the capital city are obliged to operate a child welfare service regardless of the number of inhabitants. The child welfare service operated by the municipal municipality where the joint municipal government office is located covers the population of the municipalities belonging to the joint municipal government office. As a result of the legal requirements for the provision of family and child welfare services at the municipal level, the services of family and child welfare services are available at the municipal level in all municipalities in the country.	

Office of the Commission for Fundamental Rights of Hungary – Ombudsman	national	It has an independent Children’s Rights Unit of the Department of Equal Opportunities and Children’s Rights.	It has been fully compliant with the Paris Principles, and children’s rights have been brought under the responsibility of a dedicated body, the Children’s Rights Unit of the Department of Equal Opportunities and Children’s Rights (which has been welcomed by the Committee)
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

There have been several administrative changes in the last five years. While earlier the core of the tasks and competences connected to the child protection and the system of child protection belonged to the Ministry of Human Capacities, in 2022 the Ministry of Human Capacities ceased to exist,¹¹⁸ and these tasks have been transferred to the Ministry of Interior. As a consequence of this change, the state secretariats in the Ministry have also changed. While earlier a State Secretariat for Child and Youth Policy was responsible for these issues, now a State Secretary for care policy (in the Ministry of Interior) is responsible for these affairs. In 2021 a new institute, the National Child Protection Service was established to represent the interests of children independently of their state care and promote equal opportunities for children living in Hungary. The Margit Slachta National Social Policy Institute¹¹⁹ was established in 2021. The National Institute of Family and Social Policy ceased to exist in 2016 and its tasks were transferred to several governmental institutes.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public</i>	<i>(Include counselling, care institutions, day care centres,</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant</i>	<i>(national budget, EU funded, other)</i>

¹¹⁸ Act II of 2022 on the list of Ministries of Hungary (2022. évi II. törvény Magyarország minisztériumainak felsorolásáról) <https://net.jogtar.hu/jogszabaly?docid=a2200002.tv>

¹¹⁹ <https://nszi.hu/>

<i>authority, NGOs, religious institutions, private)</i>	<i>financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	
<p>Family and Child Welfare Centres (since 2016)</p> <p>A county (<i>megye</i>) is divided to territorial units called districts (<i>járás</i>). The capitals of districts are responsible for Family and Child Welfare Centres in the county concerned.</p>	<p>It exercises tasks connected to the authoritative measures of child protection and provides special services such as services concerning the contact between the child and parent, social work in schools, social work in hospitals. It provides experts for legal and psychological assistance and supports the professional child protection work of the county's district. In addition to the tasks of the Family and Child Welfare Service as defined by law, it also carries out tasks related to the official measures of child protection care and provides special services such as: street and residential social work, on-call social work to ensure contact between the child and his/her separated parent, hospital social work, child protection signalling stand-by service, legal information, psychological</p>	<p>Children and families in need of professional social and child protection work. It provides a higher level of social and child protection work, with the help of the family and child welfare services.</p>	<p>national budget</p>

	counselling, family counselling, family therapy, family decision-making conferences, social assistance in kindergartens and schools.		
<p>Family and Child Welfare Services (since 2106)</p> <p>Every local self-government has a Family and Child Welfare Service.</p>	<p>It aims to promote the child's physical and mental health, prevent the child's endangerment, terminate the existing endangerment and help families in bad circumstances with the tools of social work. It provides social and mental health counselling and counselling enhancing life skills. It assists in accessing allowances, supplies and social services, preventive and crisis-coping services.</p>	<p>For children, adults and families struggling with social difficulties, mental health problems, or in need for crisis assistance. The main principle of the establishment of these services was the proximity. Each family and child welfare service are geographically close to people and children in need who have easy access to the centres.</p>	national budget
<p>Family and Child Welfare Centres (since 2016)</p> <p>A county (<i>megye</i>) is divided to territorial units called districts (<i>járás</i>). The capitals of districts are responsible for Family and Child Welfare Centres in the county concerned.</p>	<p>It exercises tasks connected to the authoritative measures of child protection and provides special services such as services concerning the contact between the child and parent, social work in schools, social work in hospitals. It provides experts for legal assistance and psychological assistance and supports the</p>	<p>Children and families in need of professional social and child protection work. It provides a higher level of social and child protection work, with the help of the family and child welfare services.</p>	national budget

	professional child protection work of the county's district.		
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2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

The opportunity of surveying children's opinion is not regulated.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>	X		The civil society organisations (civil organizations) are registered by the Tribunal Courts ¹²⁰ .
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		The civil society organizations are controlled by several authorities. The National Tax and Customs Administration ¹²¹ (<i>Nemzeti Adó- és Vámhivatal</i>) performs the organization's tax control, the State Audit Office of Hungary ¹²² (<i>Állami Számvevőszék</i>) controls the usage of the budgetary resources and the court exercises the legal supervision. The legal supervision is regulated in the Act CLXXXI of 2011 on the judicial registry of the civil society organization and the connecting procedural provisions ¹²³ just as in the Act V of 2013 on the Civil Code ¹²⁴ . The procedure for legal supervision is exercised <i>ex officio</i> or upon request.
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such</p>	X		The Directorate-General for Social Affairs and Child Protection cooperates in performing its tasks defined in relevant legislation with civil organizations, churches and state-maintained institutions. The Directorate-General for Social Affairs and Child Protection enters into cooperation agreements with these organizations and institutions in the interest of increasing the quality and efficiency of the cooperation. Such cooperations mainly provide support for leisure programs, sporting activities and nurturing talents of children.

¹²⁰ Act CLXXXI of 2011 on the juridical registry of civil organizations and the accessory procedural rules (2011. évi CLXXXI. törvény a civil szervezetek bírósági nyilvántartásáról és az ezzel összefüggő eljárási szabályokról) <https://njt.hu/jogszabaly/2011-181-00-00>

¹²¹ <https://nav.gov.hu/>

¹²² <https://www.asz.hu/>

¹²³ Act CLXXXI of 2011 on the judicial registry of the civil society organization <https://net.jogtar.hu/jogszabaly?docid=a1100181.tv>

¹²⁴ Act V of 2013 on the Civil Code <https://njt.hu/jogszabaly/1959-4-00-00>

partnerships (i.e. if done in view of accessing EU funds).			
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2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p>If <u>yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>The Act on XXXI of 1997 on the protection of children and the administration of guardianship affairs¹²⁵ prescribes wide cooperation obligation in the prevention of the children’s endangerment, the termination of the endangerment and all measures connecting to these activities. The child protection signalling system aim is to discover problems as early as possible and to solve issues efficiently, which functions as a network reaching every town in the country. The regulation¹²⁶ of the signalling system defines the cooperation as an obligation for all experts involved in child protection. All child protection organizations are involved in the preparation of decisions, decision-making and implementation.</p> <p>The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹²⁷ provides a child protection signalling system (<i>gyermekvédelmi jelzőrendszer</i>). The members of the signalling system are obliged to give a sign to the family and child welfare service in case of child’s endangerment or initiate authoritative measure in case of child abuse, serious neglect, other serious grounds of child’s endangerment or if the child’s own behaviour endangers him- or herself. The members of the child protection signalling system are the following: healthcare service providers such as general practitioners, paediatricians and members of the nurses’ network, personal care providers, public education institutions, police, prosecution, court, probation service, organizations for victim assistance and rehabilitation, refugee centres and temporary accommodation of refugees, associations, foundations and churches as legal persons,</p>

¹²⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹²⁶ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹²⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

			employment supervision authorities, detention institutes, child's rights representatives, capital and county government offices when exercising guardianship and child protection tasks, notaries of local government, prisons, probation service members. The members of the child protection signalling system are obliged to cooperate and inform each other with the aim to facilitate the child's care in his or her own family, prevent the child's endangerment and terminate the child's endangerment. Non-signalling is sanctioned seriously.
2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)? If yes, please mention how this is done (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?	X		In the Ministry of Interior, the State Secretariat responsible for Long-Time Care Policy is responsible for the child protection policy. It is in touch with institutions and organisations regarding child protection and guardianship affairs which consists of a wide network of connections. The sectoral policy decisions are implemented within the frames of this cooperation and the partners discuss new legal proposals. There are several forums with the task to promote and support sectoral cooperation and the involvement of civil professional organizations, e.g., the Thematic Working Group Responsible for the Rights of the Child ¹²⁸ and the Let It Better for Children. National Strategy Assessment Committee has regular meetings annually ¹²⁹ for some years.
2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?			
The greatest challenge of the cooperation among institutions and organizations is the harmonization of the capacities of the organizations concerned and the coordination of different cooperating methods. However, transport is a challenge due to the fragmented structures of towns. However, working online may help organizations.			
Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in transnational cooperation in the area of child protection, for example with regards to missing children, parental	X		There are several transnational cooperations such as multilateral and bilateral documents (EU regulations too). Two Central Authorities shall be mentioned, the Child Protection and Guardianship Affairs Department in the Ministry of Interior and the Private International Law Department in the

¹²⁸ <https://emberijogok.kormany.hu/gyermek-jogaiert-felelos-tematikus-munkacsoport>

¹²⁹ 1053/2008 (VIII.4.) Government Decree on the establishment of Let It Better for Children. National Strategy Assessment Committee (1053/2008. (VIII. 4.) Korm. határozat a „Legyen jobb a gyermekeknek!” Nemzeti Stratégia Értékelő Bizottságának létrehozásáról) <https://njt.hu/jogszabaly/2008-1053-30-22>

abduction, or migrant children?		Ministry of Justice. The Ministry of Interior is responsible for the implementation of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, while the Ministry of Justice is responsible for the Hague Convention on Civil Aspects of International Child Abduction.
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If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

The following EU and international documents are relevant,

- Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000,
- Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast),
- Convention on the Civil Aspects of International Child Abduction (Concluded 25 October 1980) HCCH
- Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children HCCH,
- Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children HCCH,
- Convention of 29 May 1993 on protection of children and co-operation in respect of intercountry adoption.

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The amendment of the Act on XXXI of 1997 on the protection of children and the administration of guardianship affairs¹³⁰ in 2012 laid down that children placed into alternative care under the age of 12

¹³⁰ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

has to be placed at foster parents instead and also children living in children's homes have to be placed at foster parents in all cases when it is possible. This process of deinstitutionalization has continuously been implemented since then. The training of foster parents has been updated¹³¹ in parallel with the aforementioned amendment, the process of adoption has become easier and faster, with the introduction of child protection guardianship and the modification of Civil Code rules regarding the declaration about children's adoptability, to render the legal position and life of children living in alternative care. The child protection guardianship has also been changed and the new regulation provides more efficient and modern rules.

As of 1 January 2016, child welfare services and family assistance can only be operated within one service provider and the number of service providers offering family and child welfare services increased at the same time. The number of family and child welfare services available at the municipal level has increased from 617 to 686, while the family and child welfare centres in the district centres - in addition to the tasks of the family and child welfare service - perform tasks related to the official measures under the framework of child protection care, as well as special services according to the needs and requirements of children. As a consequence, the number of children's social services (street and neighbourhood social work, on-call social work, hospital social work, child protection referral service, legal information, psychological counselling, family counselling, family therapy, family decision-making conferences, etc.) has increased from 48 to 197. As a result, the territorial coverage of family and child welfare services and the population's access to services have improved significantly.¹³²

On 1 April 2018, the MONTÁZS flagship project "Development and improvement of accessibility of professional and public services for people with disabilities" was launched, with the main objective of developing and making accessible a national network of systemic services for people with disabilities, responsive to their needs. From 1 January 2022, disability counselling will be provided on a continuous basis in the 21 family and child welfare centres designated to provide this service, contributing to improving the access of people with disabilities and their families to public services, information and benefits, as well as their quality of life and life management skills, and to achieving social inclusion.¹³³

On 1 September 2018, social assistance in kindergartens and schools was introduced nationwide. Social workers in kindergartens and schools have a key role in the cooperation between the professionals of the child protection detection and signalling system, as their activities form a bridge between the public education and vocational training institutions and the institutions providing child welfare services and specialised child protection care.¹³⁴

As of 1 January 2019, the obligation to answer and take action on calls to the child protection signposting Stand-by Service run by the family and child welfare centre has been extended by Act III of 1993 on Social Administration and Social Services to persons and families in need of help for social or mental

¹³¹ The training for foster parents (Central Training Program for foster parent) is detailed Social Sectoral Portal (*Szociális ágazati portal*) (<https://nszi.hu/>) and by Margit Slachta National Social Policy Institute (<https://szocialisportal.hu/>). Art 8/A-F in 29/2003. (V. 20.) Decree of the Ministry of Health, Social and Family Affairs on the professional and exam requirements of substitute parents, foster parents and families providing day care and on counselling and preparation training prior to adoption. <https://njt.hu/jogszabaly/2003-29-20-0M.19>

¹³² Written information of the Ministry of Justice (10.2023).

¹³³ Written information of the Ministry of Justice (10.2023).

¹³⁴ Written information of the Ministry of Justice (10.2023).

health problems or other crisis situations. The legislation thus clarified the need for immediate action to be taken not only for children but also for adults and families in crisis.¹³⁵

As of 1 January 2021, the members of the child protection detection and signalling system referred to in Article 17(1) of Act XXXI of 1997 on the Protection of Children and Guardianship Administration have been further extended, further increasing the effectiveness of the child protection detection and signalling system.

According to Article 79 (3) of Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹³⁶ when a decision has to be brought on the concrete foster parent or children's home, the geographical distance between the child's earlier place of residence and his or her educational institute is one of the aspects to be taken into account. The new rules aim to provide a place for the child being in alternative care which fits the child's real needs. This is extremely important in case of children having special or particular needs. The Directorate-General for Social Affairs and Child Protection had to be established upon the ground of the aforementioned changes. This new institution was set up in July 2021 which supports the harmonization of different capacities responsible for answering children's needs according to the concerning Act.¹³⁷

From the month of May 2021, the professional administration between family and child welfare service providers, regional child protection services, institutions providing care at home, and the initiation of official measures and proposals by family and child welfare service providers to the guardianship authority within the framework of child protection care will be carried out using the computer system called "Protecting our children" (GYVR), thus making the cooperation between persons, institutions and authorities performing tasks related to the child protection system smoother.¹³⁸

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Hungarian National Social Inclusion Strategy 2030¹³⁹ has the objective to promote the inclusion of Roma people, families with children living in poverty and people living in deep poverty. As this Strategy aims to support young people, it has an effect on younger generation as well. The inclusion of the youth is divided in two strategies, one of them is the National Youth Strategy 2009-2024, another is the Hungarian National Social Inclusion Strategy 2030. The Gov. Decision 1744/2013 (X. 17.) on National Crime Prevention Strategy 2013-2023 is connected to the protection of families and child protection among other sectoral policies. Furthermore, interconnected planning and coordinated implementation is necessary for the successful realization of sectoral aims and policies. A Public Education Strategy had been prepared for the European Union for the years 2021-2030¹⁴⁰.

¹³⁵ Written information of the Ministry of Justice (10.2023).

¹³⁶ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹³⁷ <https://ogysz.hu/>

¹³⁸ Written information of the Ministry of Justice (10.2023).

¹³⁹ Hungarian National Social Inclusion Strategy 2030. <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/hungary/4-social-inclusion>

¹⁴⁰ Az Európai Unió számára készített köznevelési stratégia 2021-2030. <https://2015-2019.kormany.hu/download/d/2e/d1000/K%C3%B6znevel%C3%A9si%20strat%C3%A9gia.pdf>

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		The acts on Hungary's annual budget (Act XXV of 2022 on the central budget of the central budget of Hungary for the year of 2023 ¹⁴¹ (2022. évi XXV. törvény Magyarország 2023. évi központi költségvetéséről) and the Act XC of 2021 on the central budget of the central budget of Hungary for the year of 2022 ¹⁴² (2021. évi XC. törvény Magyarország 2022. évi központi költségvetéséről)) include the budgetary details concerning child protection.
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?		X	As the child protection system is regulated in several legal acts and subsectors, it is difficult to give an overview of the budget allocated to child protection. In the annual budget for the year of 2022 the budget was allocated to the predecessor ministry responsible for child protection which was the Ministry of Human Capacities. (Currently the Ministry of Interior is responsible for child protection.) An independent chapter under the heading of the Ministry of Human Capacities was allocated to the social and child protection institutions. Moreover, several tasks are exercised by local governments and other ministries. The specific budget item allocated to child protection will be published upon the adoption of the Act on the discharge of the central budget for 2022 but it has not been adopted yet. ¹⁴³ Regarding the central budget, the implementation of the budget law is embodied in the final accounting (final accounting bill) and the Parliament shall accept it. However, the draft law is mandated to be preliminarily examined by the State Audit Office. (The final

¹⁴¹ Act XXV of 2022 on the central budget of the central budget of Hungary for the year of 2023 <https://net.jogtar.hu/jogszabaly?docid=a2200025.tv>

¹⁴² Act XC of 2021 on the central budget of the central budget of Hungary for the year of 2022 <https://net.jogtar.hu/jogszabaly?docid=a2100090.tv>

¹⁴³ Written information of the Ministry of Interior (June 2023).

			accounting bill is regularly submitted as a bill towards the end of the following year.)
<p>3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.</p> <p><i>The expenditures of ‘social and child protection institutions’ (szociális és gyermekvédelmi intézményrendszer) were the following in the last five years, 124 billion HUF in 2018, 131 billion HUF in 2019, 137 billion HUF in 2020, 147.5 billion HUF in 2021, 148.5 billion HUF in 2022 and 156 billion HUF in 2023.</i></p> <p><i>The total state budget expenditure appropriations (kötségvetési kiadások főösszege) were the following, 20112 billion HUF in 2018, 20578 billion HUF in 2019, 21793 billion HUF in 2020, 25052 billion HUF in 2021, 28546 billion HUF in 2022 and 39758 billion HUF in 2023.</i></p> <p><i>The following percentages of the total state budget expenditure were allocated to ‘social and child protection institutions’: 0.61% in 2018, 0.64 % in 2019, 0.63% in 2020, 0.59% in 2021, 0.52% in 2022 and 0.39 in 2023.¹⁴⁴</i></p> <p><i>The expenditures of social security and welfare services is 11754.8 billion HUF according to the State budget for the year of 2023 (Act XXV of 2022 on Hungary’s central budget for the year of 2023, 2022. évi XXV. törvény Magyarország 2023. évi központi költségvetéséről).</i></p>			
Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)? <i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the</i></p>	X		<p>The financing of the child protection institutes and services maintained by the Directorate-General for Social Affairs and Child Protection is determined by state support. The financing is not determined by performance indicators. The institutions can calculate with the level of state support as it is always based on the support provided in the previous year. No budgetary reallocation among the chapters of the annual budgetary systems in the annual acts on the central budget of Hungary was necessary in the recent years.¹⁴⁵ No further official academic studies or reports exist.</p>

¹⁴⁴ State budget for the year of 2023 (Act XXV of 2022 on Hungary’s central budget for the year of 2023, 2022. évi XXV. törvény Magyarország 2023. évi központi költségvetéséről) <https://net.jogtar.hu/jogszabaly?docid=a2100090.tv> ; State budget for the year of 2022 (Act XC of 2021 on Hungary’s central budget for the year of 2022, 2021. évi XC. törvény Magyarország 2022. évi központi költségvetéséről) <https://net.jogtar.hu/jogszabaly?docid=a2100090.tv> ; State budget for the year of 2021 (Act XC of 2020 on Hungary’s central budget for the year of 2021, 2020. évi XC. törvény Magyarország 2021. évi központi költségvetéséről) <https://net.jogtar.hu/jogszabaly?docid=a2000090.tv> ; State budget for the year of 2020 (Act LXXI of 2019 on Hungary’s central budget for the year of 2020, 2019. évi LXXI. törvény Magyarország 2020. évi központi költségvetéséről) <https://net.jogtar.hu/jogszabaly?docid=a1900071.tv> ; State budget for the year of 2019 (Act L of 2018 on Hungary’s central budget for the year of 2019, 2018. évi L. törvény Magyarország 2019. évi központi költségvetéséről) <https://nit.hu/jogszabaly/2018-50-00-00> .

¹⁴⁵ Written information of the Ministry of Interior (22 June 2023).

<p><i>Rights of the Child on country reports etc.)</i></p>		
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>X</p>	<p>The Directorate-General for Social Affairs and Child Protection's recent projects supported from EU funds were the following:</p> <ul style="list-style-type: none"> - EFOP-2.2.4-VEKOP-16 – the correction of the infrastructural conditions of the child protection tasks performed by the Regional Child Protection Services. The aim was IT modernization to perform tasks more efficient and effective. The amount of support was 691.594.734 HUF and it ended in September of 2021. It was financed from the ERFA (European Regional Development Fund), its recipient was the Directorate-General for Social Affairs and Child Protection. 60 organizational developments were realized on 20 spots, child psychological tests and professional supporting materials were acquired in the frames of seven projects until 2019. Purchases of equipment was also realized until 2019 (48 passenger cars were purchased).¹⁴⁶ - KEHOP-5.2.2-16-2016-00021 – the energetic renovation of the buildings of the Directorate-General for Social Affairs and Child Protection. The aim of the project was to modernize the ventilation and heating systems, installing cells and solar units. The amount of support was 1.707.618.597 HUF and covered the modernization of 42 buildings of 21 child protection institutes. It was an ERFA open tender. The recipients who requested such support are listed in the Gov. Decision 1084/2016 (II. 29.) on the determination of the annual development frames of the operative program on environmental and energy efficiency¹⁴⁷ (<i>Környezeti és Energiahatékonysági Operatív Program éves fejlesztési keretének megállapításáról szóló 1084/2016. (II. 29.) Korm. határozat</i>) and consortiums led by ministry being responsible for state investments

¹⁴⁶ The written statement of the Ministry of Interior (10.07.2023).

¹⁴⁷ Környezeti és Energiahatékonysági Operatív Program éves fejlesztési keretének megállapításáról szóló 1084/2016. (II. 29.) Korm. határozat <https://nit.hu/jogszabaly/2016-1084-30-22>

		<p>nominated in the Gov. Decree 435/2015. (XII. 28.).¹⁴⁸</p> <p>EFOP-2.1.1-16 – Modernization of children’s homes, the establishment of capacities. The aim of the project was the modernization of the flat-like children’s homes in harmony with the aims of the amendments of the child protection regulations. A further aim was to develop capacities for caretaking of children with special and particular needs. The amount of the support was 2.876.453.487 HUF.</p> <p>- VEKOP-6.3.1-16 – Modernization of children’s homes, the establishment of capacities. The aim of the project was the modernization of the flat-like children’s homes in harmony with the aims of the amendments of the child protection regulations. A further aim was to develop capacities for caretaking of children with special needs. Furniture, general and industrial household appliances and machines have also been acquired. The amount of the support was 1.306.826.616 HUF. It was an EFRA open tender for all actors (state, churches and non-state) who maintains institutions of providing home and/or aftercare in the frames of specialized child protection care.</p> <p>- EFOP-2.1.16 – Modernization of children’s homes, the establishment of capacities. The common aim of the VEKOP-6.3.1-16 and EFOP-2.1.16 projects was to support the amendment of the child protection regulations by renovation and modernization of flat-like children’s homes and children’s homes. 5.850.000.000 HUF was involved.¹⁴⁹</p> <p>- EFOP-1.2.7-16. – The improvement of life starting opportunities of children placed in child protection specialized care and in penitentiary, respectively. The aim of the project was the establishment of complex and personalized educational and development opportunities for children and young adults living in child protection specialized care and penitentiary.</p>
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¹⁴⁸ 435/2015. (XII. 28.) Korm. rendelet az Európai Unió vagy más nemzetközi szervezet felé vállalt kötelezettséggel összefüggő, a 2014–2020 programozási időszakban a Kormány által a nemzeti fejlesztési miniszter hatáskörébe utalt energiahatékonyság növelését célzó beruházások megvalósításáról <https://njt.hu/jogszabaly/2015-435-20-22>

¹⁴⁹ The written statement of the Ministry of Interior (10.07.2023).

		<p>These opportunities can help the achievement of independent conduct of living and successful social integration. 4,138 persons under the age of 25 have been involved in the project. 760.400.000 HUF was spent in the project.¹⁵⁰</p> <ul style="list-style-type: none"> - EFOP-2.2.14-17 – The infrastructural and professional development of foster parents’ network. The standard project involved 160 million HUF. Altogether 1,811 places of capacity have been developed as a result of this project. The improvement of the equipment of foster family’s households, the purchase of equipment serving the mental health and the educational, social and integrative needs of the children and young adults placed by foster families can be listed. Moreover, the education and development of competencies of foster parents and experts working in the foster family’s networks have been realized.¹⁵¹ - EFOP-1.9.2-VEKOP-16-2016-00001 – Disability counselling, Priority project MONTÁZS, entitled "Development and improvement of accessibility of professional and public services for persons with disabilities".¹⁵² - EFOP-3.2.9-16 – Social assistance in kindergartens and schools, improving social assistance in kindergartens and schools.¹⁵³ - TOP-4.2.1.-15 – Territorial and Urban Development Operational Programme (extension and development of the infrastructure of basic social services). It has provided targeted support for the development and expansion of the infrastructure of basic social services.¹⁵⁴ - EFOP-1.9.4 – in order to provide methodological support to professionals and institutions working in the field, the Methodological Network has been operating since March 2017 within the framework of the
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¹⁵⁰ The written statement of the Ministry of Interior (10.07.2023).

¹⁵¹ The written statement of the Ministry of Interior (10.07.2023).

¹⁵² Written information of the Ministry of Justice (10.2023).

¹⁵³ Written information of the Ministry of Justice (10.2023).

¹⁵⁴ Written information of the Ministry of Justice (10.2023).

		<p>project entitled 'Renewal of methodological and information systems in the social sector'.¹⁵⁵</p> <p>- EFOP-3.8.2-16-2016-00001 and the VEKOP-7.5.1-16-2016-00001 – Within the frames of this priority project "Development of Social Human Resources", the training programme for social support training in kindergartens and schools was completed by December 2019.¹⁵⁶</p> <p>- EFOP 1.9.4. project VEKOP-16-201600001 – Within the framework of the "Renewal of methodological and information systems in the social sector" project the electronic reporting system for social assistance in kindergartens and schools has been developed.¹⁵⁷</p> <p>- EFOP-1.9.4-VEKOP-16-2016-00001 – In order to improve the transparency and efficiency of the child welfare and child protection sector, to increase the speed and efficiency of professional communication and the performance of tasks, and to reduce the administrative burden and paper-based communication, a Child Protection Information System (CPIS) was introduced. The funding for the training to support the practical implementation of the IT system is covered by this EFOP-VEKOP priority project (Renewal of methodological and information systems in the social sector).¹⁵⁸</p>
<p>3.1.6 Is corporate social responsibility developed at national level in relation to child protection services?</p> <p>If yes: Please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/ synergies.</p>	<p>X</p>	<p>The civil organizational network is committed and active in Hungary. The main members of Child Rights NGO Coalition on the Rights of the Child are the following organization:</p> <p>[1]. Family, Child, Youth Association (FCHYA) is one of the first non-profit organizations in Hungary working on child and family welfare and protection,</p>

¹⁵⁵ Written information of the Ministry of Justice (10.2023).

¹⁵⁶ Written information of the Ministry of Justice (10.2023).

¹⁵⁷ Written information of the Ministry of Justice (10.2023).

¹⁵⁸ Written information of the Ministry of Justice (10.2023).

			<p>[2]. Foundation for Foster Parents and Adoptive Parents (its focal point is the training of foster parents),</p> <p>[3]. Hungarian Association for Persons with Intellectual Disability as an umbrella organization concerning the care and rehabilitation of people with intellectual disability in Hungary,</p> <p>[4]. Chance for Children Foundation (CFCF) Roma NGO founded with the purpose of fighting structural discrimination against Roma and impoverished children in education,</p> <p>[5]. European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma,</p> <p>[6]. Romaversitas Foundation aims to be the driving force of the emancipation movement to establish a strong intellectual class, which represents the interests of their communities,</p> <p>[7]. Chances for Children Association with the main aim of improving children's life opportunities and to hinder the reproduction of child poverty,</p> <p>[8]. Hintalovon Child Rights Foundation promotes the rights and well-being of children in Hungary since 2015,</p> <p>[9]. Real Pearl Foundation is non-governmental organisation with the mission to develop communities in one of the most underprivileged regions of Hungary,</p> <p>[10]. Jogismeret Foundation acts as a non-profit organization concerning legal education and legal information</p> <p>[11]. Kék Vonal Child Crisis Foundation, its primary task is to listen to the children and young people and help those who are in need,</p>
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			<p>[12]. Hungarian LGBT Alliance founded in 2009, is an umbrella organization bringing together lesbian, gay, bisexual and transgender (LGBT) organizations in Hungary,</p> <p>[13]. Hungarian Women’s Lobby (HWL) was founded in 2003 by Hungarian non-governmental women’s rights organizations as an umbrella organization,</p> <p>[14]. Hungarian Terre des hommes Foundation is a member of a Swiss Foundation with a mission to help children in need around the world. It has two core areas of work: healthcare and child protection,</p> <p>[15]. Hungarian Pedagogical Society’s Children’s Interest Section – Korczak Working Committee, its focus is the child protection and children’s rights aspect of Hungarian education,</p> <p>[16]. Menedék Association for Migrants has been helping the social integration of immigrants arriving and departing from Hungary, through a set of social, educational and cultural programs built on more than 20 years of experience,</p> <p>[17]. National Federation of Organisations of People with a Physical Disability (MEOSZ) is the largest organisation representing people with physical disabilities in Hungary,</p> <p>[18]. International Children’s Safety Service aims to provide financial, social and health-related support and subsistence to children in need, irrespectively of national, political or religious affiliation,</p> <p>[19]. Women For Women Together Against Violence Association (NANE) aims to fight violence against women and children,</p>
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		<p>[20]. Pressley Ridge Hungary Foundation serves troubled and troubling youths and their families,</p> <p>[21]. Hope for Children Hungary is a non-governmental organization with the aim to promote and protect children's rights,</p> <p>[22]. Rosa Parks Foundation launches legal aid service focusing on education issues,</p> <p>[23]. SOS Children's Villages Hungary is an independent non-governmental organization providing support and care for children who have lost, or at risk of losing parental care.</p> <p>The Child Rights NGO Coalition on the Rights of the Child¹⁵⁹ was established upon the initiative of the UNICEF Hungarian National Committee for Hungary in February 2015. According to its vision it is a professional forum aiming 'to promote communication and active cooperation between non-governmental organizations and experts working on child protection and child rights advocacy'. It tends to actively participate in the protection and implementation of children's rights and elaborates child rights' statements and opinions, as well.¹⁶⁰</p> <p>Several civil organizations tend to conduct research, as well. The Hintalovon Child Rights Foundation and Kék Vonal Child Crisis Foundation continuously have several projects regarding awareness-raising to children's rights, directly for children and their parents. These endeavours include several very up-to-date topics from digital parenting to functioning of a chatbox.</p> <p>There are civil organizations which maintain institutions on the field of the child protection specialized care (<i>gyermekvédelmi szakellátás</i>) and therefore get support upon the basis of the</p>
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¹⁵⁹ <https://gyermekjogcivilkoalicio.hu/>

¹⁶⁰ <https://gyermekjogcivilkoalicio.hu/english/child-rights-statements-opinions/>

		<p>annual act on the central budget. These are the following,</p> <ul style="list-style-type: none"> - Bezerédj-kastélyterápia Alapítvány - Burattino Szociális és Kulturális Egyesület - Csillagösvény Szociális Segítő Egyesület - Jáde Szociális és Gyermekvédelmi Nonprofit Kft - Krízis Alapítvány - Magyar Máltai Szeretetszolgálat Egyesület - Nemzetközi Gyermekmentő Szolgálat - SOS-Gyermekfalu Magyarországi Alapítványa
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p>If yes: Please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>	X	<p>The churches have been involved very strongly recently in the implementation of activities concerning child protection. Churches that maintain institutions on the field of child protection specialized care receive support upon the annual Act of the central budget regarding the task of maintaining these institutions. The amount of support is determined in the Act. According to Article 95 of Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁶¹ the Directorate-General for Social Affairs and Child Protection provides home, aftercare, and regional child protection service in the frames of child protection specialized care.</p> <p>The Act XXVIII of 2020 on the strengthening of the role of churches on the field of social and child protection care. was adopted in 2020¹⁶² which entered into force on 1 August 2020. This policy was explained by the extremely important role of the churches on the field of childcare.¹⁶³</p>

¹⁶¹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹⁶² Act XXVIII of 2020 on the strengthening of the role of churches on the field of social and child protection care.
<https://net.jogtar.hu/jogszabaly?docid=a2000028.tv>

¹⁶³ <https://szgyf.gov.hu/2-uncategorised/3035-fulop-attila-erosodik-az-egyhaziak-szerepe-a-szocialis-agazatban>

			There are 7 civil organizations (foundations, associations etc.) of child protection which maintain foster family networks (4 networks with 394 places), and 6 children’s homes and aftercare homes (with 152 places). ¹⁶⁴
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3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1.. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	The lack of well-educated staff proved to be problematic in child protection, similarly to other sectors. The seriousness of this problem is fragmented in different regions and aspects. In state run child protection institutions the number of missing well-educated employees has been about 20% for a long time. ¹⁶⁵ According to the data of the Central Statistical Office in the end of the year of 2022, there were 13.766 positions for professionals in institutions of child protection specialized care and detention institutions and there were only 1,137 vacant positions, which is a 8.3 % staff shortage. ¹⁶⁶
<p>3.2.2.Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United</i></p>		X	Efforts are made to increase the knowledge of staff employed in child welfare and child protections institutions. ¹⁶⁷ No lack of capacity or workforce preventing the exercise of functions systemically has been identified. ¹⁶⁸ The Hungarian Civil Report proposed that regular and continuous training should be provided by unified training materials and in connection with issues of child pornography and child prostitution. ¹⁶⁹ A report of the Office of the Commissioner for Fundamental Rights in 2023 ¹⁷⁰ concluded that foster parents are untrained and

¹⁶⁴ Written information of the Ministry of Interior (July 2023).

¹⁶⁵ Written statement of the Directorate-General for Social Affairs and Child Protection for the 2023 Child protection mapping (31.05.2023).

¹⁶⁶ Written information of the Ministry of Interior (22 June 2023).

¹⁶⁷ See IV. Care 5.4. and 5.10.

¹⁶⁸ Written information of the Ministry of Interior (22 June 2023).

¹⁶⁹ https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 83.

¹⁷⁰ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40>

<p><i>Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>not supported professionally. No further official academic studies or reports exist.</p>
<p>3.2.3. Is there a <u>compulsory</u> certification or licencing process for social workers and other professionals who work for child protection? If yes briefly describe the process.</p>		<p>X</p>	<p>As there are many services, institutions and organizations a special licence is not needed. To be employed in this sector BSc or BA and an MA on the field of social policy, child and youth protection, pedagogy, law, administrative management, sociology are required. Relevant experience is usually expected but it is not compulsory. No special certification or licensing process for social workers and other professionals working for child protection is required.¹⁷¹</p> <p>The supplement Nr. 2 of the Decree of the Ministry of Public Welfare of 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care¹⁷² lists the educational requirements for employed persons – in leader’s position and in non-leader’s position, as well – who work in child welfare and child protection personal care.</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p>		<p>X</p>	<p>There are no general selective criteria when recruiting volunteers. This is not regulated in a legislative act. E.g. the Directorate-General for Social Affairs and Child Protection is open for volunteers (a recommendation and a circular letter¹⁷³ have been published on their website).</p> <p>The prohibition of employment in the interests of children’s rights is found in Article 10/A of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁷⁴ which shall be applied to volunteers working with children. The lack of these grounds of prohibition must be justified by the volunteer, the employment or a declaration has to be made, otherwise the volunteer cannot be employed. All persons working in child protection may be employed only if they present</p>

¹⁷¹ Written information of the Ministry of Interior (22 June 2023).

¹⁷² 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care
<https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

¹⁷³ <https://szgyf.gov.hu/onkentes>

¹⁷⁴ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

			their authoritative certificate of good conduct (it is required). This certificate is issued by the Ministry of Interior.
<p>3.2.5. Is there regular training on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p>If yes: Include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors)</p> <p>Provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	X		<p>There is no regular training on issues related to the identification, referral, and intervention for children delivered to all specialists involved in this area. According to the Decree of 9/2000 (VIII. 4.)¹⁷⁵ of the Minister for Social and Family Affairs on the training of professional employees on the field of social care, child welfare basic care and child protection specialized care and persons on the field of personal caretaking and on the social special exam, the employees are obliged to attend trainings. These trainings include compulsory general trainings about relevant competences and trainings connected to certain positions. These latter trainings provide knowledge about specific methods.¹⁷⁶ However, there is no common training for professionals involved in child welfare and child protection.</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies of professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p>	X		<p>Yes, but it depends on how deep this knowledge is built into the curriculum of the studies. There is no specialized child protection topic which is compulsory for all professionals during their studies. The child protection knowledge is built into the curriculum of special further training.¹⁷⁷ No further official academic studies or reports exist.</p>
<p>3.2.7. Are there joint training activities involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	X		<p>There is no such compulsory and joint training but experience on the field of child protection has got great importance.</p>
<p>3.2.8. Outline briefly the main challenges and/ or gaps relating to human resources, qualification</p>			<p>The main challenge is that many professionals with different educational background shall cooperate and work together in the child protection system. The importance of education of</p>

¹⁷⁵ SzCsM Decree of 9/2000 (VIII. 4.) <https://net.jogtar.hu/jogszabaly?docid=a0000009.scm>

¹⁷⁶ Written information of the Ministry of Interior (22 June 2023).

¹⁷⁷ Written information of the Ministry of Interior (22 June 2023).

requirements and training underlined by relevant authorities and/ or child protection civil society organisations.

the child's rights is underestimated. The children's needs are much in the focus of several curricula. There is no special training or education in the field of child protection which would cover all professional actors.

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements **and (persisting) gaps and challenges**.

The establishment of the Integrated Rights' Protection Service by the Gov. Decree 381/2016 (XII. 2.)¹⁷⁸ aimed to provide integrated and complex protection of children's rights such as patients' rights. The children's rights representative¹⁷⁹ who performs the tasks of the integrated protection of children's and patients' rights has tasks and competences not only in the field of the protection of rights but also concerning the elaboration, development, and supervision of training for the children rights' representatives. The Integrated Rights' Protection Service is a separate unit of the Ministry of Interior in the interest for the implementation of the children's rights and patients' rights.¹⁸⁰ According to the Gov. Decree 381/2016 (XII. 2.) this Service is led by the right's protection commissioner who is appointed by the minister concerned (the one who is responsible for the health, social policy, child and youth protection). The minister exercises the employer's rights over the commissioner who is responsible for the minister. The children's rights representative is employed by the Ministry of Interior, so this person is not independent from the Ministry and therefore the Government.

State subsidies concerning children are in general quite high in Hungary. According to Eurostat, in 2013 family-and children-oriented expenses accounted for 2.5% of the GDP (comp. to the EU-27 average of 2.3%) and the ratio stayed similar in the past years as well. This tendency continued to be around at 2%. However, since 2010 the general welfare ratio has been plummeting in Hungary, especially monetary aid going to dependent families. On the other hand, the state provided tax cuts to e.g., big families. Public education and healthcare funds have significantly dropped as well. According to the 2019 "Education at a Glance" OECD Report, Hungary had spent only 3.8% of its GDP on education, significantly below the average of 5.2%.¹⁸¹

Although significant changes were introduced to child protection services with amending related laws, the socio-professional discussion related to the adoption of amendments, as well as the examination and registration of the new results were significantly delayed.¹⁸²

3.4. Promising practices

Please list and briefly describe **any promising practice** in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

A methodological guideline was published in 2016 by the Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma, EMMI*) on the sector-neutral unified principles and methodology aiming at

¹⁷⁸ <https://net.jogtar.hu/jogszabaly?docid=a1600381.kor>

¹⁷⁹ <https://www.ijsz.hu/gyermekjog.html>

¹⁸⁰ <https://www.ijsz.hu/rolunk.html>

¹⁸¹ https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 11.

¹⁸² https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf 12.

the discovery and termination of the child abuse in connection with the child protection signalling system. The institutional, operational and sectoral methodology for the investigation and management of cases of child and young adult abuse in child protection institutes, foster parent networks and correctional institutes was released by the Ministry of Human Capacities in 2018.¹⁸³ The Ministry of Human Capacities had accepted a professional guideline concerning the abuse of children.¹⁸⁴ The professional guideline of *EMMI* on the tasks of the healthcare provider services in case of a possible case of a child's abuse or neglect which was published in the Health Official Gazette No 14/2020 deals with tasks emerging from the signalling system in case of the different forms of ill-treatment, abuse and neglect concerning children. The National Child Protection Service (see.4.4) as a recently established institute is responsible for the so-called Hearing and Therapy Centres (*Meghallgató és Terápiás Központ*)¹⁸⁵.

The Directorate General for Social Affairs and Child Protection organizes trainings for the aggression management to the staff members and it provides support for the recognition and treatment of abuse cases.¹⁸⁶

A methodology on talent and ability care in the child protection specialized care¹⁸⁷ was launched by the Ministry of Interior in 2023. The aim of this methodology is to increase the opportunities of children being taken care of in alternative care and promote access to education and vocational trainings which fit their age and abilities.

¹⁸³ Written information of the Directorate General for Social Affairs and Child Protection (June 2023).

¹⁸⁴ <https://szocialisportal.hu/wp-content/uploads/2021/08/Gyermekbantalmazas-elleni-modszertan-else-modositott-valtozat.pdf>

¹⁸⁵ Hearing and Therapy Centre. <https://ogysz.hu/meghallgato-es-terapias-szolgalat>

¹⁸⁶ <https://szgyf.gov.hu/gyermekbantalmazas-felismerese-es-kezelese>

¹⁸⁷ https://szocialisportal.hu/wp-content/uploads/2023/04/Kepesség-es-tehetseggondozas-a-gyermekvedelmi-szakellatasban_modszertan.pdf

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁸⁸ (child protection in wide sense) establishes a close connection between child protection and child welfare. Child protection as an umbrella includes the child welfare services and child protection in a narrow sense. The child (and social) welfare service means those services which are available only by the children's parents and other family members, i. e. the family voluntarily. The child welfare (and social welfare) services are the basic and primary level of the child protection system in a broader sense. Child welfare services are provided by the child welfare centres and services primarily. According to Article 38 (1) of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁸⁹ the basic care has got a relevant role in the child's mental, spiritual and moral development and welfare, the support of the child's caretaking by his or her own family, the prevention of the child's endangerment, the termination of being endangered and the prevention of the need of the child's placement in alternative care. One of the basic principles of child protection in Hungary is to make basic care available upon voluntary basis. Child protection (in a narrow sense) means the specialized care of children being in alternative care.

The aim of the Act is to assist families with care, supplies and allowances for the implementation of children's rights and interests, the parental obligations and for the prevention of endangerment. The social welfare services aim to keep the child in his or her family. If the child is endangered in his or her family, the child protection terminates the child's endangerment and substitutes the missing parental care.

According to Article 14 (1) of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs, the child protection system's structure is the following: there are financial benefits and benefits such as benefits relating to personal care (these belong to the category of child welfare basic services and child protection specialized services) and authoritative measures. Article 15 of the Act lists the exact services and measures. The financial benefits and benefits in kind belonging to the category of regular child protection (provided by the guardianship authority), the children's catering (provided by the local self-government), the advance payment of caring of a child (handled by the guardianship authority) and the contribution to setting up a home separately (handled by the guardianship authority). The benefits providing personal care belonging to child welfare basic services (provided by the local self-government) are the child welfare service, the day-time care of children, the temporary care of children, and services for the improvement of equal chances of children. The benefits are the care providing home (in children's homes or with foster parents), aftercare and regional child protection specialized services. The determination of the child's disadvantageous and aggravatedly disadvantageous state, taking of the child into protection, taking of the child into family, the child's temporary placement, the child's placing in alternative care, the order of educational supervision, the order of aftercare and the preventive patronage are the

¹⁸⁸ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹⁸⁹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

authoritative measures. The guardianship authority may order an authoritative measure (it is not the in the competence of any court in Hungary). However, placing a child in temporary care may be ordered by several organs as it is urgent. The tasks of the child protection (in a wide sense) are those of the state and self-government according to Article 14 (3) of the Act.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs aims to keep the child in his or her own family. This is a right of the child (Article 6) and a principle of the Act in Article 1. The child has the right to be grown up in his or her family environment providing his or her physical, mental, spiritual and moral development, healthy upgrowing and welfare according to Article 6 (1) of the Act. The child has the right to be separated from his or her parents and other relatives only if it is in his or her own interests, and cases according to Article 7 (1). If the child is in alternative care, he or she has the right to initiate his or her placement to the family environment according to Article 9 (1) h). The child's placement in alternative care can be a temporary measure if the parental custody has not been terminated since the aim is to place the child in his or her family according to Article 77 (1) a).

A special service have been introduced into the Act on the protection of children and the administration of guardianship affairs in 2013¹⁹⁰, the Sure Start Children's House. The Sure Start Children's House has been nominated as chance increasing service from 1 January 2019. It increases the chances of social inclusion of children and families. If children and their families are suffering from an accumulation of disadvantages, the integration or re-integration to the society is very difficult. 'Sure Start Children's House' (*Biztos Kezdet Gyerekház*) according to Article 38/A of the Child Protection Act¹⁹¹ aims to provide services to the child up to the age of three including his or her parents with the purpose of promoting social catching-up. These services assist the children's healthy development, compensate for their developmental backlog and strengthen the parental competences. The aim of the services is listed in the Act, but the exact types and scale of concrete services are not prescribed. The types, number and regularity of the services depend on the programme of the concerning Sure Start Children's House. However, they have to fit in the goals of the 'Sure Start Children's House'. There is few available research on exact services. An impact assessment was made in 2016,¹⁹² and a study was published about the heterogeneity of the Safe Start Children's Houses in 2018¹⁹³. In 2023 the Ministry of Interior published a professional recommendation for the operation of Safe Start Children's Houses service.¹⁹⁴ The number of the Safe Start Children's Houses has been slightly increasing since its introduction.¹⁹⁵

¹⁹⁰ Act CXCVII of 2012 modified the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs. <https://net.jogtar.hu/jogszabaly?docid=a1200192.tv>

¹⁹¹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹⁹² Biztos Kezdet program hatásvizsgálata. https://hetfa.hu/wp-content/uploads/hetfa_biztoskezdet_zarotanutmany0210.pdf

¹⁹³ A Biztos Kezdet Gyerekházak heterogenitása (2018). https://gyekeresely.tk.hu/uploads/files/Heterogenitas_vizsgalat_BK_2018_honlap_veg_MM.pdf

¹⁹⁴ https://szocialisportal.hu/wp-content/uploads/2023/06/Biztos-Kezdet-Gyerek haz_Szakmai-ajanlas_2023-002.pdf

¹⁹⁵ See the data on the number of Safe Start Children's Houses and the number of families and children who get this service regularly. https://www.ksh.hu/stadat_files/szo/hu/szo0010.html

According to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁹⁶ one of the authoritative measures is the determination of the child's status as disadvantaged or aggravatedly disadvantaged (Article 67/A). The child who is entitled to regular child protection benefit is of disadvantaged state if his or her parent or guardian taking care of the child in his or her own home has low education [the parent (guardian) or both parents (guardians) has/have completed only primary school], or the parent or guardian taking care of the child in his or her own home has low employment [at least for 12 months in the past 16 consecutive months of the request for regular child protection benefit is registered as a job seeker], or the child's living environment or living circumstances are unsatisfying [the child lives in a living environment qualified as being on a segregated area, or such living circumstances where the conditions for healthy upgrown are not provided or only limited. The child status is of aggravatedly disadvantaged, if he or she is entitled to regular child protection benefit and not only one but at least two above-mentioned aspects concern him or her or who is taken into alternative care or who is in aftercare.

The Sure Start Children's House cooperates in particular with the family and child welfare service, the family and child welfare centre other services in kindergarten available close to the family and other members of the child protection signalling system. Another service is established for socially disadvantaged children who attend school. This service is a Study Hall (*Tanoda*) providing preventive service with the aim of promoting social inclusion of children grown up in disadvantaged circumstances. This service takes into account the need of the child's holistic development and provides schooling service upon the basis of each child's unique needs. The schooling services are provided within the framework of obligatory schooling and in the school holidays with involvement of parents. The number of the Study Halls does not show any remarkable difference between the time of its introduction, 2019 and 2022.¹⁹⁷

The family and child welfare service and its tasks are regulated in the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs¹⁹⁸. The family and child welfare service is defined as a special personal service protecting the child's interests while serving the child's mental, spiritual and moral development and welfare, the support of the child's caretaking by his or her own family, the prevention of the child's endangerment, the termination of being endangered and the child's re-placement in his or her family environment with the methods and instruments of the social work [Article 39 (1)]. The support of the family to reach the allowances providing the child's development, the organization of free time activity, assistance in administration of official businesses, providing advice about children's rights, family planning, psychology, education, health and mental health issues and prevention of harmful addictions are among the tasks of the family and child welfare service [Article 39 (2)].

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

The task of the coordination belongs to the Ministry of Interior. The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs lays down the child protection signalling system (*gyermekvédelmi jelzőrendszer*). The members of the signalling system are obliged to give a sign to the family and child welfare service in case of the child's endangerment or initiate

¹⁹⁶ XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

¹⁹⁷ See the data on the number of Study Halls and the number of families and children who get this service regularly. https://www.ksh.hu/stadat_files/szo/hu/szo0010.html

¹⁹⁸ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

authoritative measure in case of child abuse, his or her serious neglect, other serious grounds of the child's endangerment or if the child's own behaviour endangers him- or herself. The members of the child protection signalling system are the following: health care service providers where the general practitioners, paediatricians and the members of the nurses' network are concerned, the personal care providers, public education institutions, police, prosecution, courts, probation service, organizations for victim assistance and rehabilitation, refugee centres and temporary accommodations of refugees, associations, foundations and churches as legal persons, employment supervision authorities, detention institutes, child's rights representatives, capital and county government offices when exercising their guardianship and child protection tasks, notaries of the local government, prisons, probation service members.

The members of the child protection signalling system are obliged to cooperate and inform each other to facilitate the child's care in his or her own family, prevent the child's endangerment and terminate the child's endangerment. Non-signalling is sanctioned seriously. If the health care service providers where the general practitioners, paediatricians and the members of the nurses' network are concerned, the personal care providers, public education institutions, police, prosecution, courts, probation services, organizations for victim assistance and rehabilitation, refugee centres and temporary accommodation of refugees, employment supervision authorities, detention institutes, child's rights representatives or the employees of these institutions/organizations do not perform its obligation to give a signal or cooperate with another members of the signalling system, the guardianship authority gives a notice upon signal or proceed *ex officio* and proposes to initiate the proceeding. In case of a possible crime against a child the guardianship authority initiates a criminal proceeding [Article 17 (4)]. In case of the child's temporary placement the child has to be taken immediately (urgently and with priority) out of the family or the parent taking care of him or her and placed at a third person who is capable for taking care of the child. The child is taken out of the family and no court order is needed. As this is a temporary measure it is revised often (within 30 days as a general rule). There are several competent authorities in the child's temporary placement (guardianship authority, the police, the aliens police authority, the asylum authority, the prosecution, the court and the central command of the penitentiary service). No further guideline exists concerning which of the competent organs makes the decision. If the child is in need of care all the aforementioned institutions are in the position to make a decision on the child's temporary placement. The decision is reviewed in 30 days as a general rule with the consequence of being a provisional one. There are many paths how a child could be involved into the child protection system including the child welfare system.

The child protection signalling system is operated by the child welfare services and the main principle of the system is to cooperate with several relevant organs. The Ministry of Interior is responsible for the sectoral tasks of the whole child protection sector. A concrete ministerial task concerning the signalling system is the approval and publication of the professional methods of the operation and functioning of the signalling system [Article 101 (1) on the tasks of the minister in Act XXXI of 1997 on the protection of children and the administration of guardianship affairs.¹⁹⁹

The guardianship authority initiates the discussion and assessment of the case. The government office provides professional support to the signalling advisors who work for the family and child welfare centres and provides assistance in the signalling system.

4.1.4. What are the crisis emergency responses in place?

¹⁹⁹ XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

In case of emergency the family and child welfare centre may initiate an authoritative child protection measure, either to take the child in protection (*védelembe vétel*) or regarding the child's temporary placement (*ideiglenes hatályú elhelyezés*) which depends on the concrete case's factual circumstances as it is detailed in the following (no further guideline exists). The first option is the less serious measure since he or she remains in his or her own family, but the family and child welfare centre take steps to support the family and the child's parents within the framework of services providing help to the families (giving advice on administrative or official matters, health and mental health issues, advices on everyday matters, entitlement of child support and allowances.). In case of the child's temporary placement the child must be taken out of the family or the parent taking care of him or her immediately and shall be placed by a third person who is capable of taking care of the child. The child is taken out of the family and no court order is necessary. The decision which is to be enforced without any delay can be ordered by the listed actors. As this is a temporary measure it is revised in a short period of time (within 30 days as a main rule). Taking the child under protection belongs to the competence of the guardianship authority, while temporary placement may be ordered by the guardianship authority, the police, the immigration and asylum authority, the prosecution, the court and the central command of the penitentiary service.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
<p>4.2.1. Is there an identification/ reporting obligation foreseen in the legislation?</p> <p>If yes, please provide the relevant provisions and indicate authorities and/or individuals that have identification/ reporting obligations.</p>	X		<p>A child protection signalling system is maintained according to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁰⁰ [Art 17(1)-(7) contains provisions on the signalling system, its members and the functioning of the signalling system.] There are several members of the signalling system having strict signalling obligations.</p> <p>These persons, institutions and authorities are the following: health care service providers where the general practitioners, paediatricians and the members of the nurses' network are concerned, the personal care providers, public education institutions, police, prosecution, courts, probation services, organizations for victim assistance and rehabilitation, refugee centres and temporary accommodation of refugees, associations, foundations and churches as legal persons, employment supervision authorities, detention institutes, child's rights representatives, capital and county government offices when exercising guardianship and child protection tasks, notaries</p>

²⁰⁰ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

of the local government, prisons, probation service members.

4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

A Child Protection Helpline (*Gyermekvédő hívószám*) provides data available on the webpage of the Directorate-General for Social Affairs and Child Protection. It is maintained by the state, its number is +36 80 21 20 21 which can be called 24/7 and is free of charge. Anybody may use it if he or she gets to know that somebody (a child or an adult) is in help in the surroundings, possible abuse, ill-treatment or violence emerges, he or she experiences difficult or hopeless real-life situation in the surroundings, has any question but does not know the answer or it is concerning somebody's safety and an expert shall be reached. The anonymity of the caller is provided and if a signal of endangerment, abuse, serious neglect, human trafficking or forced prostitution is done via the helpline, the receiver informs the competent authority without delay. This helpline was established in 2017. Information on the helpline is available in Hungarian on the following <https://szgyf.gov.hu/1747-gyermekvedo-hivoszam>.

The National Crisis Management and Information Line Service (*Országos Krízis kezelő és Információs Telefonszolgálat - OKIT*) - +36 80 20 55 20 – aims to help victims of domestic violence, prostitution and human trafficking and children. Besides support, the service undertakes the placement of the victims (temporary accommodation) if needed. It is available 24/7 and in the whole territory of Hungary. Both helplines are national ones, the service of the OKIT – and its partner webpage, 'kapcsoljegyből' (connecting immediately) was established under EU support. <https://okit.hu/> Information on the helpline is available in Hungarian, German, English, French, Russian and Ukrainian.

Apart from helplines of the state the Blue Line Child Crisis Foundation (Blue Line) (*Kék Vonal Gyermekkrízis Alapítvány*) has got a hotline and a chatroom. The hotline is free of charge and runs 24/7. The line is very easy to remember, 116 111. It provides a voice ready to listen to the child and help them. It is for children in all cases and issues which may emerge in connection to and from the child. Among others, the following issues are mentioned on the webpage of the Blue Line: child abuse, homelessness, suicidal thoughts, depression in teen-ages, stress in teen-ages, challenges in partnerships, sex, agreement to having sex, menstruation, coping with sadness, peer-pressure, cyberbullying, bullying, toxic friendship, fake news, grooming, sexting, anorexia, drugs, addictions, eating disorders, missing, running away home. <https://kek-vonal.hu/> Information on the hotline is available in Hungarian, Russian and Ukrainian. The volunteers are recruited upon the submitted documents and personal interviews They have to take part in trainings²⁰¹ however, there is no available information on the details of the training.

The National Media and Info-communication Authority has an Internet Hotline where reports can be submitted from anybody. There are different issues regarding which the reports can be made (online

²⁰¹ <https://kek-vonal.hu/wp-content/uploads/2019/10/onkentekes.pdf>

harassment, child pornography, racist or hateful content, violent content, content promoting drug use among others).²⁰²

The functioning of the child protection signalling system is written in details in 1.3 and 2.1.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If yes: Please provide information on the availability of age-appropriate and child-friendly reporting procedures (to whom and how they can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Briefly comment.</p>	X		<p>The aforementioned helplines and hotlines are available for children and the child protection system itself. However, it is not regulated and detailed in published legal rules whether a child signals the problem in the child protection system or a child calls the Child Protection Helpline or the National Crisis Management and Information Line Service. The Blue Line (<i>Kék Vonal</i>) hotline and chatroom is specifically designed for children. There are volunteers for the Blue Line hotline who must take part in trainings organized by the hotline.²⁰³ It is questionable if children know about these helplines or hotlines.</p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	X		<p>Chapter II of the Child Protection Act²⁰⁴ on the fundamental rights and obligations includes children's rights. According to Article 8, the child has a right to free expression of opinion and to receive information on his or her rights and the possibilities of experiencing these rights. The child has a right to complain at forums defined in the Act according to Article 8. According to this provision if an authority or organisation brings a decision that affects the child, the child has a right to make a complaint. If the child's fundamental rights are infringed, the child has a right to initiate a procedure before the court or other organs defined in Act. According to Article 7 (5) of Gov. Decree 381/2016 (XII. 2.) on Integrated Rights' Protection Service the children's rights representative has an obligation. The children's rights representative belongs under this service and she or he shall provide all information to the child in connection with exercising the right to make a complaint.</p>

ternet Hotline of National Media and Infocommunications Authority <https://english.nmhh.hu/internet hotline/>

²⁰³ <https://kek-vonal.hu/wp-content/uploads/2019/10/onkentes.pdf>

²⁰⁴ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

Identifying and assessing the event concerned is a challenge. There are several persons and experts in the system, and they must know the relevant procedural rules. As there is no unified procedure in different sub-sectors (child welfare basic care, child protection specialized care and authority measures) and even using professional phrases is difficult, these mean a challenge for all actors and persons concerned and makes the collaboration difficult.

There is a need of awareness-raising regarding the children's right to make a complaint, different forms of abuse, cyberbullying and domestic violence and also the available possibilities to ask for help. The Committee on the Rights of the Child has strengthened in its last Concluding observations on the sixth periodic report of Hungary (published in March 2020) that Hungary shall strengthen its programmes to raise awareness to the Convention, including by engaging more with the media, including social media, in a child-friendly manner.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

If a member of the child protection signalling system reports to the family and child welfare service, it transmits the signal towards the child welfare basic care services or child protection specialized care institutions – depending on the case and the circumstances of the case itself, which is followed by discussion and the assessment of the given case. A methodological guideline²⁰⁵ was published in 2016 by the Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*) on the sector-neutral unified principles and methodology aiming the discovery and termination of the child abuse in connection with the child protection signalling system. Different experts (psychologists, psychiatrists, teachers – including special needs teachers, district nurses, paediatricians, family doctors) are involved in the case. Its legislative background is the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs and Gov. Decree 149/1997. (IX. 10.) on the guardianship offices and on the proceedings of child protection and guardianship cases. The methodological input is provided by the guidelines, see 3.2. If the child is endangered and there is an emergency crisis, the child shall be taken into protection (*védelembé vétel*) or shall be placed temporarily (*ideiglenes hatályú elhelyezés*).

Question	Yes	No	Comments
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<https://kk.gov.hu/download/e/60/c0000/A%20gyermek%20b%3%A1ntalmaz%3%A1s%3%A1nak%20felismer%3%A9s%3%A9re%20%3%A9s%20megsz%3BCntet%3%A9s%3%A9re%20ir%3%A1nyul%3%B3%20egys%3%A9ges%20elvek%20%3%A9s%20m%3%B3dszertan.pdf>

<p>4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?</p>	<p>X</p>	<p>The consequences of the reporting and identification procedures are regulated in the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁰⁶. A methodological guideline²⁰⁷ was published in 2016 by the Ministry of Human Capacities on the sector-neutral unified principles and methodology aiming the discovery and termination of the child abuse in connection with the child protection signalling system. Furthermore, the institutional, operational and sectoral methodology for the investigation and management of cases of child and young adult abuse in child protection institutes, foster parent networks and correctional institutes was released by the Ministry of Human Capacities in 2018.²⁰⁸</p> <p>The Ministry of Human Capacities had accepted a professional guideline concerning the abuse of children.²⁰⁹ The professional guideline²¹⁰ published by the same ministry on the tasks of the healthcare provider services in case of the possibility of a child's abuse or neglect which was published in the Health Official Gazette No 14/2020 deals with the health actions and tasks emerging from the signalling system in case of different forms of ill-treatment, abuse and neglect concerning children between the ages of 0 and 18.</p>
<p>4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?</p>	<p>X</p>	<p>The assessment and discussion of the case is initiated by the guardianship authority. All concerned institutions/services of the child protection shall cooperate (with the family and child welfare services, the guardianship authorities and the family and child welfare centres) and inform each other. The centres cooperate with experts from different fields. Consequently, psychologists, psychiatrists and paediatricians are involved in the assessment of a</p>

²⁰⁶ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031>.

²⁰⁷

<https://kk.gov.hu/download/e/60/c0000/A%20gyermek%20b%C3%A1ntalmaz%C3%A1s%C3%A1nak%20felismer%C3%A9s%C3%A9re%20%C3%A9s%20megsz%C3%BCntet%C3%A9s%C3%A9re%20ir%C3%A1nyul%C3%B3%20egys%C3%A9ges%20elvek%20%C3%A9s%20m%C3%B3dszertan.pdf>

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<https://szocialisportal.hu/wp-content/uploads/2021/08/Gyermekbantalmazas-elleni-modszertan-elsomodositott-valtozat.pdf>

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<https://kk.gov.hu/download/e/60/c0000/A%20gyermek%20b%C3%A1ntalmaz%C3%A1s%C3%A1nak%20felismer%C3%A9s%C3%A9re%20%C3%A9s%20megsz%C3%BCntet%C3%A9s%C3%A9re%20ir%C3%A1nyul%C3%B3%20egys%C3%A9ges%20elvek%20%C3%A9s%20m%C3%B3dszertan.pdf>

²¹⁰

https://www.ijsz.hu/UserFiles/001148_eszi_honlapra_20160608_2

			case. The members of the experts involved in the discussion and assessment procedure change from case to case depending on the concrete case which shall be managed. According to the Act ²¹¹ , if expertise is necessary to assess an important fact or circumstances connected to the child's personality, the guardianship authority requests the education advisory board, the expertise and rehabilitation committee, the psychiatric institution or family protection actor or requests an expert.
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The family and child welfare service²¹², which is organized locally (all local authorities have to provide family and child welfare service), is responsible for functioning of the child protection signalling system and to facilitate the participation of NGOs and private persons in the prevention system. Its task is to discover the grounds of endangerment and elaborate a proposal to manage this situation. Moreover, it shall organize the cooperation and harmonize the activities of the members of the child protection signalling system. Furthermore, the family and child welfare service have to facilitate the termination of the family's or the child's problems with the toolkit of social work, initiate the voluntary take-up of child welfare basic supplies, and contribute if necessary. If the case cannot be solved on the level of the family and child protection service, the family and child protection centre and the guardianship authority intervene, which are involved in the case discussion and case management if necessary.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		The different roles are laid down in the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs ²¹³ concerning both the child welfare basic care (services) and child protection specialized care (services). In the Act there are financial benefits and benefits in kind (Articles 18-28 of the Act) such as benefits providing personal care (Articles 29-37/A of the Act) which belong to the category of child welfare basic services and child protection specialized services) and authoritative measures (Articles 67-69 and 72-82). [Articles 38-40/A

²¹¹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²¹² The child welfare service is regulated in Art 39 of Act XXXI of 1997 on the protection of children and the administration of guardianship affairs. The tasks of the child welfare service is performed by the family and child welfare services (Art 40.) and family and child welfare centres (Art40/A).

²¹³ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

			contain the child welfare basic services and services improving children’s chances such as the child welfare services. Articles 41-44 contain provisions on day-time care of children, 45-51 on temporary care of children. Articles 52-61 contain provisions on the child protection specialized care (foster parents, children’s home). After signalling the case the family and child protection service has got the decision which is primarily responsible for the involvement of different actors and organs when the case is assessed. The different ‘routes’, and problem-solving methods are regulated but some flexibility is provided because of the very different nature of the cases.
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?	X		E.g., the National Child Protection Service which has been established recently aims to cooperate with other state organizations and the academic sphere. ²¹⁴ There is a cooperation between the child protection and justice system regarding the Hearing and Therapy Centres (<i>Meghallgató és Terápiás Központ</i>). The Directorate of Social Affairs and Child Protection is responsible for the National Child protection Service. There are 20 child protection institutes in the country, one in the capital and 19 Regional Child Protection Services (in the 19 counties of Hungary). It represents the interests of children independently of their state care and promotes equal opportunities for children living in Hungary.
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? Please also consider potential divergences depending on main actors involved.		X	The personal scope of the Act includes children, young adults and their parents who reside on the territory of Hungary as refugees (<i>menekült</i>), beneficiaries of temporary protection (<i>oltalmazott</i>) or stateless persons (<i>hontalan</i>) if there is no international document providing otherwise.
4.3.8. Are affected children heard as part of the procedures?	X		The need for providing children the right to be heard in all cases affecting them emerges from the UNCRC. Gov. Decree 149/1997 ²¹⁵ (IX. 10.) on the

²¹⁴ It is based upon the discussion between Éva Both, operative deputy director of the National Child Protection Service and Orsolya Szeibert Chair Professor of the Department of Civil Law at ELTE University on 6 March 2023.

²¹⁵ 149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases <https://net.jogtar.hu/jogszabaly?docid=99700149.kor>

<p>If yes: Are the hearings child-sensitive and designed age-appropriate and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>			<p>guardianship offices and on the proceedings of child protection and guardianship cases²¹⁶ lays down the right to be heard in matters affecting the child particularly by the family and child protection service or any other expert. The child's hearing cannot be overlooked if the child is capable of forming his or her own views the child requests it or the case affects the child's personal or property affairs and he or she is over 14 or capable of forming his or her own views, as a main rule. If the child is capable of forming his or her own views, he or she has to be provided the possibility to be heard. This legal rule contains a provision on the child's capability of forming his or her own views which expects a quite high level of understanding from the child.</p> <p>According to Article 2 a child being capable of forming his or her own views is a minor who is able to understand the significant part of the content of the facts and decisions affecting him or her and the expectable consequences according to his or her age and mental and emotional development in the course of the hearing. There is no protocol and guidance concerning child-friendly language and other requirements of child-friendly justice.</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p>If yes: How are services working together? How is it ensured that the child is informed and can make use of these services?</p>		<p>X</p>	<p>Mental health support is prescribed only in the case of children being heard in the Therapy and Hearing Centres and it affects only a tiny percent of children concerned.</p>
<p>4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.</p>			
<p>An alternative report on children's rights was elaborated by the Child Rights NGO Coalition on the Rights of the Child in 2020 parallel with the official governmental report of Hungary.²¹⁷ It refers to an investigation made by the Ombudsman of Hungary in 2011²¹⁸ which stated that the signalling system worked not upon the legal obligations but the personal connections, the children's right to complain is only formally existed, the communication among the child protection institutes and organs was not</p>			

²¹⁶ 149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases <https://net.jogtar.hu/jogszabaly?docid=99700149.kor>

²¹⁷ https://gyermekjogcivilkoalicio.hu/wp-content/uploads/2021/04/alternativ_jelentes.pdf

²¹⁸ Report of the Commissioner for Fundamental Rights No AJB-2031/2011.

satisfying, presumably a great number of cases of child abuses remained latent and the members of the child protection signalling system did not have a unified protocol on the discovery and management of child abuse cases. Although some guidelines and protocols have been elaborated later, the alternative report stated that the number of child abuse cases has continuously been growing and the knowledge and awareness-raising on 'violence' and 'abuse' was not sufficient. The report referred to a report AJB-690/2019 released by the Ombudsman of Hungary, which dealt with complaints concerning the ill-treatment of children committed by teachers in certain schools.²¹⁹ The report concluded that there are not enough foster parents and alongside this fact the foster parents are untrained and not supported professionally which lead to the changes of places of care for several children that may violate the concerned children's right to be taken care of and protected.²²⁰ Although there are equal requirements for all foster parents, the investigation of suitability and the selection procedure do not happen on the ground of the same criteria in different foster parents' networks. The amount of reimbursement of foster parents do not follow the social and economic changes of the past years and it is one of the reasons of the low number of foster parents.²²¹

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child's situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

According to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs it is the task of the Local Offices of the Capital and County Government Offices (public guardianship authority) (Articles 77-81)²²². These are the offices exercising the functions of the guardianship authority. The child is taken into alternative care if the child cannot be placed at a guardian who takes care of the child in his or her household (e.g. the grandmother of the child or the sister or brother of either parent etc.) and his or her family surroundings endangers the child's development and this endangerment cannot be terminated by the services in the frames of the basic supplies and taking the child under protection as an authoritative measure was not a satisfying solution and cannot be applied at all, the child's care cannot be provided within his or her own family or the parental custody of both parents has been terminated or under termination or both parents has died. Besides these, the child is taken into alternative care if both parents are unknown, or the parents consented to the child's secret adoption but there is no adoptive parent.

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that	X		According to Article 6 (1) of the Act XXXI of 1997 on the protection of children and the

²¹⁹ Report of the Commissioner for Fundamental Rights No AJB-276/2023.

²²⁰ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40> 43.

²²¹ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40> 47-48.

²²² Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

<p>should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>		<p>administration of guardianship affairs²²³ the child has a right to be taken care of in his or her own family surroundings providing physical, mental, spiritual and moral development, healthy growing-up and welfare. Article 7 (1) states that a child can be separated from his or her parents and other relatives only if it is in his or her own interests, in cases and methods determined by Act and the child cannot be separated from his or her own family only upon the ground of being endangered materially. The child is placed into alternative care in case of the child's endangerment. There are two authoritative measures for taking the child into alternative care: if the child is without anybody taking care of him or her or his or her physical, mental, spiritual and moral development is seriously endangered by his or her family environment or the child himself or herself and the child's immediate placement is needed the child is separated from his or her family temporarily (<i>ideiglenes hatályú elhelyezés</i>). The most serious authoritative measure is the child's placement into alternative care (<i>nevelésbe vétel</i>) which is ordered if the child cannot be placed at a guardian taking care of the child in his or her household, the child is endangered in his or her family environment and this endangerment cannot be solved with the services provided in the frames of child welfare basic care services or the child's taking under protection. There is no further ground enumerated in the Act.</p> <p>According to the research conducted by the Ombudsman of Hungary in 2017²²⁴ it was concluded that the child's taking into alternative care was seldom justified by the parents' social and financial situation, but in many cases it could have been presumed that the family's bad financial situation and improper housing conditions were in the background of the separation.</p>
<p>4.4.3. Are there provisions requiring that the views</p>	<p>X</p>	<p>The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²²⁵</p>

²²³ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²²⁴ Report of the Commissioner for Fundamental Rights No AJB-2026/2017.

²²⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

<p>of the child should be taken into consideration in the decision-making process?</p> <p>If yes: please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age related requirements.</p>		<p>contains general children’s rights. According to Article 8 (1) the child has the right to express his or her opinion freely and to receive information about his or her rights and the possibilities of enforcing his or her rights, as well as to be heard directly or in another way in all matters concerning his or her personal affairs and property, and to have his or her opinion taken into account with regard to his age, health and level of development.</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Y e s	N o	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		<p>The networks of foster parents may be maintained by the state, NGOs, churches, social institutions, foundations respectively. The networks of the foster parents are the same legally, only the maintainer is different. No information has been available how to decide whether a child goes to state or private foster care of charities or churches.</p> <p>However, at the end of 2022, 41 licensees were listed in the service provider register in connection with foster care. In recent years, the maintenance structure of foster care networks has changed significantly, and the role of church actors has become dominant. By the end of 2022, 91% of the licensees have joined organizations related to church, and a part of the remaining civil sector is also church-affiliated (e.g. Maltese Charity Service). Only 3 organizations of the 22 providers do not have direct church ties.</p> <p>In terms of capacities, the picture is even more one-sided, as in March 2023 there were 20,340 total beds in the foster care system, of which 19,624 are specifically maintained by the church, and another 393 belong to church-affiliated NGOs (e.g., Maltese Charity Service) - this is a total of 98.4% of the capacities. The foster care system can be said to had come under the jurisdiction of the church to the greatest extent.²²⁶</p> <p>The amendment of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²²⁷ in 2012 laid down that children placed into alternative care under the age of 12 shall be placed</p>	

²²⁶ <https://tamogatoweb.hu/neveloszulok-2/>

²²⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

			<p>at foster parents and also children living in children's homes have to be placed at foster parents in all cases when it is possible.</p> <p>When a decision has to be brought on the concrete foster parent or children's home the following aspects are to be taken into attention according to Art 79 (3) of Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²²⁸: the child's age, health status, level education, opinion, the requirement of the joint placement of siblings, the required continuity of the child's caretaking, the child's religious beliefs, the distance between the child's earlier place of residence and his or her educational institute and the available capacities.</p>
Residential institutional care	–	X	<p>There are children's homes maintained by the state or churches. The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs in 2012 prescribed that children placed into alternative care under the age of 12 shall be placed at foster parents and also children living in children's homes have to be placed at foster parents in all cases when it is possible due to the aim of deinstitutionalization.</p>
Other forms of family-based or family-like care placements		X	<p>SOS Villages (<i>SOS Gyermekfalvak</i>)²²⁹ functions in the frames of SOS Children's Villages Hungary (<i>SOS-Gyermekfalu Magyarországi Alapítványa</i>). 400 children are taken care of in the network of foster parents maintained by the SOS Children's Villages Hungary. They receive even new-born children in their families and maintain so called Youth Houses for young adults who are over 18. They are involved in preparing children for their independent lives and maintain a temporary home for children who live in crisis in their own families. Therefore, they provide complex services and support.</p>
Supervised independent living arrangements for children		X	<p>Only for young adults if the guardianship authority orders it. (Young adult is a person between the age of 18 and 24 when applying the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²³⁰ [Article 5c]).</p>
Question		Y e s	Comments

²²⁸ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²²⁹ SOS Gyermekfalvak <https://www.sos.hu/en/>

²³⁰ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?

X

Children and young adults in children's homes and foster care according to the length of placement²³¹

CHILDREN'S HOME

Year	1-30 days	31-60 days	61-365 days	1-5 year	5-10 year	10-17 year	more than 17 years	Summary
2017	185	289	1756	3260	1338	581	73	7482
2018	184	213	1599	3323	1337	564	94	7314
2019	174	256	1462	3351	1259	499	71	7072
2020	185	229	1273	3261	1225	517	72	6762
2021	160	228	1432	3126	1191	553	54	6744
2022 (expected)	209	267	1568	3020	1245	529	48	6886

FOSTER CARE

²³¹ https://www.ksh.hu/stadat_files/szo/hu/szo0017.html No further information regarding disaggregated data is available.

Year	1-30 days	31-60 days	61-365 days	1-5 year	5-10 year	10-17 year	more than 17 years	Summary
2017	238	386	2206	6668	3642	1753	352	15257
2018	227	426	2183	6807	3653	1730	360	15386
2019	299	316	2215	6754	3753	1838	351	15526
2020	207	379	3051	6903	3406	1567	311	15824
2021	270	338	2228	8034	3451	1544	293	16158

	2022 (expected)	298	481	2143	7654	3547	1642	284	16049

4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?

Number of children having escaped from children's homes²³²

Year	Once	Twice	Three times	Four or more times
2017	1034	510	356	1575
2018	883	492	417	1506

²³² Yearbook of Social Statistics, 2020
 15. https://www.ksh.hu/docs/hun/xftp/idoszaki/evkonyv/szoialis_evkonyv_2020.pdf

						<table border="1"> <tr> <td>2019</td> <td>917</td> <td>434</td> <td>356</td> <td>1554</td> </tr> <tr> <td>2020</td> <td>897</td> <td>511</td> <td>372</td> <td>1627</td> </tr> </table>	2019	917	434	356	1554	2020	897	511	372	1627
2019	917	434	356	1554												
2020	897	511	372	1627												
<p>4.5.3. Is there a national registry of foster care families?</p> <p>How many children can be fostered in one family?</p>						<p>The social, child welfare and child protection services - and the foster families themselves - are registered according to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs and Gov. Decree 369/2013 (X. 24.) on the authority registration and monitoring of the social, child welfare and child protection services, institutions and networks.²³³</p> <p>Concerning the registration process, the customer who submitted the request for the initiation of the procedure, must be notified of the initiation of the authorization procedure necessary for the initiation or continuation of the service activity. The supervising authority checks the fulfilment of the reporting obligation. In the licensing procedure it is required to start or continue the service activity, the authority checks the service registers and the service provider <i>ex officio</i> at the same time as the license is granted. In the notification procedure the supervising authority shall register the service provider <i>ex officio</i> within fifteen days from the date of receipt of the notification unless, within the framework of the inspection procedure, it has been established that the service provider does not comply with the regulations contained in the legislation governing the right to start and continue the given activity. The supervising authority keeps a register of the service providers in respect of which it has prohibited the continuation of the service activity with its final decision.²³⁴</p> <p>The foster parent may take care of at most six children or young adults including his or her own minor children. If the foster parent does not take care of his or her own minor child in his or her own household, the foster parent may take care of at most five children and young adults. If the foster parents take care of a child in special need, having serious psychotic or dissocial symptoms or using psychoactive drugs, the maximum number of children has to be decreased by one person. If the foster parent takes care of one or two chronicle ill, disabled child or child under the age of 3, the maximum number of children shall be decreased by one person (Art. 54/A).</p>										

²³³ 369/2013 (X. 24.) Governmental Decree on the authority registration and monitoring of the social, child welfare and child protection services, institutions and networks <https://net.jogtar.hu/jogszabaly?docid=a1300369.kor>

²³⁴ Art 13(1), 25(1), 26(1), 27(1) of 369/2013 (X. 24.) Governmental Decree on the authority registration and monitoring of the social, child welfare and child protection services, institutions and networks <https://net.jogtar.hu/jogszabaly?docid=a1300369.kor>

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

If somebody applies for being a foster parent, he or she has to take part in trainings. The training for foster parents has been re-regulated recently. The foster parent's course is 32 hour-long including a conversation at the end of the course. A so-called Central Training Program is organized for foster parents. The Margit Slachta National Social Policy Institute plays an important role which was established in 2021 as a background institute of the competent ministry. As from July 2022 the Ministry of Interior is the Ministry responsible for child protection, the Margit Slachta National Social Policy Institute is the background institute of the Ministry of Interior. Its task is to perform the tasks of the professional development on social field and the field of child welfare and child protection, and it is responsible for the training of foster parents.²³⁵ The Margit Slachta National Social Policy Institute maintains a webpage under the name of Social Sectoral Portal (*Szociális ágazati portal*)²³⁶.

On this portal and that of the Margit Slachta National Social Policy Institute the training for foster parents (Central Training Program for foster parent)²³⁷ is detailed. According to this portal the basic training course for foster parents is 60 hours long which is divided to a 32-hour-long foster parents' training and a 28-hour-long training regarding the preparation of decisions. Within two years from the date of the placement of the first child a further training is organized based on the Central Educational Program. which is 240 hours long. All local education institutes are monitored and approved by the Educational Directorate of the Margit Slachta National Social Policy Institute. The 240 hours long training organized based on the Central Educational Program was introduced in January 2023 to strengthen the foster parents' toolkit and professional knowledge.

The organization that maintains the foster parents' network organizes at least a six-hour-long and at most a 12-hour-long training for the foster parents and it is obligatory for the foster parents. These trainings reflect to the practical issues and problems experienced by foster families in their everyday life.

According to a report²³⁸ of the Office of the Commissioner for Fundamental Rights no concrete principles in selecting the foster families and foster parents are listed. However, as the tasks of a foster parent require a high level of commitment and workload the motivation of the prospective foster parents are considered as a selective criterion. Presumably the principles of selection may differ upon the professional program and protocol of the maintainer of the foster parents' network. The report concluded that there are not enough foster parents and alongside this fact the foster parents are untrained and not supported professionally which leads to the changes of places of care for several children which may violate the concerned children's right to be taken care of and protected.²³⁹ Although there are equal requirements for all foster parents, the investigation of suitability and the proceeding of selection do not happen on the ground of the same criteria in foster parents' networks.

²³⁵ <https://nszi.hu/>

²³⁶ <https://szocialisportal.hu/>

²³⁷ Art 8/A-F in 29/2003. (V. 20.) Decree of the Ministry of Health, Social and Family Affairs on the professional and exam requirements of substitute parents, foster parents and families providing day care and on counselling and preparation training prior to adoption. <https://njt.hu/iogszabaly/2003-29-20-OM.19>

²³⁸ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40>

²³⁹ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40> 43.

The amount of reimbursement of foster parents do not follow the social and economic changes of the past years and it is a reason of the low number of foster parents.²⁴⁰

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The organization (that may belong to the state, church or can be a private one) maintaining the network of foster parents is obliged to supervise the suitability of the foster parents regularly according to the provisions of Gov. Decree 513/2013. (XII. 29.) on certain matters of the foster parents' and substitute parents' legal relationship.²⁴¹ Since foster parents work in a foster parents' network and the network has its own professional program²⁴² which contains the purposes of caretaking, the principles and methods, the monitoring of the caretaking activity of the foster parent is conducted upon the ground of this professional program. The supervision happens once in three years regularly and an irregular supervision may be done if needed. The child protection guardian and the leader of the local office or the guardianship authority may initiate the supervision of the foster parent if necessary due to a change of a registered condition, private life changes of the foster parent, if the health status or personal status of the foster parent deteriorates or because of his or her behaviour. By recognition the lack of the foster parent's suitability, the foster parent may be obliged to turn to a psychologist or a MD. If the foster parent deemed to be unsuitable, he or she may request for his or her re-assessment of abilities, however there is no available guideline for this.

The organization maintaining the foster care network sends a written document to the person who wants to be a foster parent about the requirements of the establishment of legal relationship as a foster parent and the process of testing the persons suitability including his or her psychological suitability. This person must give a declaration whether he or she worked as a foster parent earlier, if yes, a professional opinion is requested from the earlier employer about the performance and the including the reason of the termination of it. The environment of this person is envisaged whether those are suitable to receive a child and the family doctor shall certify that his or her health status or that of a person living in common household together with him or her does not endanger the child to be taken care of. The extraordinary supervision may be initiated by the advisor of the foster parent, the child protection guardian or the guardianship authority. If the foster parent gets into an unexpected life situation and the activities cannot be taken over by the spouse of the foster parent or other person taking care of the child in the same network, means a ground of the immediate change of the place where the child is taken care of.²⁴³

Question	Y	N	Comments
	e	o	
	s		

²⁴⁰ Report of the Commissioner for Fundamental Rights No AJB-276/2023. <https://www.ajbh.hu/documents/10180/3dae8c3a-0a60-e61c-e40a-ee1e61ef5b40> 47-48.

²⁴¹ <https://net.jogtar.hu/jogszabaly?docid=a1300513.kor>

²⁴² Art 8/A-F in 29/2003. (V. 20.) Decree of the Ministry of Health, Social and Family Affairs on the professional and exam requirements of substitute parents, foster parents and families providing day care and on counselling and preparation training prior to adoption. <https://njt.hu/jogszabaly/2003-29-20-OM.19>

²⁴³ Written information of the Ministry of Interior (June 2023).

<p>4.5.6. Are children placed in foster care homes geographically close to their biological families, school, friends, and/or community?</p>	<p>X</p>	<p>Several children’s rights are defined in the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁴⁴. According to Article 7 children have the right to alternative care and it shall be provided primarily by foster parents and not in children’s homes. If the child is under the age of 12 his or her placement at foster parent can be overlooked only in certain exceptional cases defined by the Act. The child’s freedom of religion and conscience must be taken into account during his or her placement such as whether he or she belongs to a national minority, ethnicity or culture. It also has a significance that the child has the right to be in contact with his or her parents.</p> <p>According to Article 79 (3) of Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁴⁵ when a decision has to be brought on the concrete foster parent or children’s home the geographical distance between the child’s earlier place of residence and his or her educational institute is one of the aspects that must be taken into attention.</p>														
<p>4.5.7. Is there a national registry of residential institutions for children?</p> <p>If yes, provide information regarding the existent number of residential institutions and their capacity (beds).</p>	<p>X</p>	<p>Those are registered according to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs and in Gov. Decree 369/2013 (X. 24.) on the authority registration and monitoring of the social, child welfare and child protection services, institutions and networks²⁴⁶.</p> <p>In 2018 there were 7864 beds in the different children’s homes.²⁴⁷</p> <table border="1" data-bbox="555 1189 1406 1585"> <thead> <tr> <th>Number of beds</th> <th>Children’s home</th> <th>Special children’s home</th> <th>Particular children’s home</th> <th>Flat children’s home</th> <th>Flat and special children’s home</th> <th>Flat and particular children’s home</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>38%</td> <td>5%</td> <td>10%</td> <td>37%</td> <td>2%</td> <td>8%</td> </tr> </tbody> </table> <p>Upon the termination of huge children’s homes, ‘flat children’s homes’ were established in 2017. Maximum 12 children may live in a flat</p>	Number of beds	Children’s home	Special children’s home	Particular children’s home	Flat children’s home	Flat and special children’s home	Flat and particular children’s home	2018	38%	5%	10%	37%	2%	8%
Number of beds	Children’s home	Special children’s home	Particular children’s home	Flat children’s home	Flat and special children’s home	Flat and particular children’s home										
2018	38%	5%	10%	37%	2%	8%										

²⁴⁴ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁴⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁴⁶ <https://net.jogtar.hu/jogszabaly?docid=a1300369.kor>

²⁴⁷ https://www.ksh.hu/apps/shop.kiadvany?p_kiadvany_id=1050881.

https://www.parlament.hu/documents/10181/4464848/Infojegyzet_2020_44_gyermekotthonok.pdf/963af491-78b4-7e46-55df-0c53df5fdeae?t=1590051507104

		children's home ²⁴⁸ contrary to a children's home. The difference between the children's home and the flat children's home is that the flat children homes operate in a separate flat or family house and in family-like surroundings.
<p>4.5.8. Are there accreditation and licensing procedures for residential institutions in place?</p> <p>If yes, provide information on the legislative framework, the responsible authority and procedure.</p>	X	<p>The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs provides detailed provisions on the children's homes. A children's home provides the caretaking of at least 12 and maximum 48 children in different residence units. The flat children' home is a children's home which provides the caretaking of at most 12 children in an independent flat or family house within family like circumstances. If the children's home receives children with special needs or children with both special and particular needs the children's home functions as a flat and special or particular children's home.</p> <p>Gov. Decree 369/2013 (X. 24.) on the official registration and inspection of social, child welfare and child protection service providers, institutions and networks regulates the actor registering the maintainer of the children' home and the actor permitting the functioning of the children' homes. The central organ of the Hungarian State Treasury (<i>Magyar Államkincstár</i>) conducts the registry. The Capital or the County Government Offices may permit the functioning of the children's homes. Documents have to be attached in the registration procedure, such as, among others, the professional program, the declaration by the maintainer that the statutory staffing requirements are met, a document proving the title to the property to be used and the proof from the insurance provider that they have a liability insurance policy to cover any damage(s) caused in the course of the service. In order to evaluate the professional program an expert may be assigned in the course of the procedure. According to Art 22 of this Gov. Decree 'the request is permitted, and the actor is registered if the conditions laid down in legal acts are met'. (These referred legal acts are neither nominated nor listed here.)</p> <p>The Act LXXVI of 2009 on the general rules of beginning and maintaining the service activities²⁴⁹ plays a role, as well. The functioning of the social institution may be started when the registration becomes final. If not otherwise provided, the service of the social institution has to be registered for indefinite time. All requests in connection with the registration, the modification of data and its termination shall be submitted electronically. The necessary forms are available on the webpage of the Hungarian State Treasury (<i>Magyar Államkincstár</i>).</p>
<p>4.5.9. Are there national applicable</p>	X	<p>According to the Decree of the Ministry of Public Welfare 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care²⁵⁰ the</p>

²⁴⁸ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁴⁹ <https://net.jogtar.hu/jogszabaly?docid=a0900076.tv>

²⁵⁰ <https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

standards relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)		<p>children’s homes must comply with several requirements. These are primarily sectoral ones, the maintainer of the children’s homes has to present a professional program which is officially controlled, as well which shall be presented to the Capital or the County Government Office that authorizes its functioning.</p> <p>Both the state-maintained institutions and those maintained by the churches, have a professional program which is monitored. The content of the professional program and the documents to be attached are defined in the Decree. According to the Decree, non-sectoral requirements are to be met in connection with the care of children (living conditions, infrastructure etc.). The personal and other conditions including the frames of the professional work are also regulated. Both institutions functioning on the field of child protection specialized care must meet the same professional requirements.²⁵¹</p>
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4.5.10. How is the residential care staff recruited, vetted, and trained?

The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁵² provides rules on the requirements of persons employed in residential institutions. They have to submit a judicial record and give a statement that there is no proceeding against them because of a crime against a minor. It is a fundamental principle that the employers around children must be of good character and suitable in their personality to establish human relationship with children. There are trainings to strengthen and develop the personal skills and knowledge which are practical and compulsory for the employed persons. According to the Commissioner for Fundamental Rights²⁵³ there is no unified protocol regarding the selection of the staff members in a children’s home. The leading officers hear the prospective employees and if there is a psychologist in the institution, she or he takes part in the selection process.

The examination of the personality of persons belonging to the residential care staff is not prescribed. However, there is an employment prohibition in Article 10/A of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs. Furthermore, the person who is prohibited to be employed and whose parental custody has been terminated by the court or whose child has been placed into alternative care cannot be employed as staff member of the residential care.²⁵⁴

There is a policy in all children’s home (residential care) regarding the system of life there and the rights and obligations of the children and young adults. All rules concerning the behaviour of children are listed such as young adults, the contact between the children and their relatives, the method of visiting the institute, the method of exercising the right to complaint. The director of the institution approves the policy by taking into account the staff’s and the children’s self-government’s opinion.²⁵⁵

²⁵¹ Written information of the Ministry of Interior (June 2023).

²⁵² Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁵³ Written information of the Office of the Commissioner for Fundamental Rights (June 2023).

²⁵⁴ Written information of the Ministry of Interior (June 2023).

²⁵⁵ Written information of the Ministry of Interior (June 2023).

The basic educational requirements are contained in the supplement Nr. 2 of the Decree of the Ministry of Public Welfare of 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care.²⁵⁶ According to these requirements a person having a leader position in a residential care institution has to have advanced qualifications of either: social sciences, teaching, theology, sociology, psychology or a mental health related qualification, qualification concerning child and youth protection consultant, family protection consultant with a legal degree, social administration organizer; specialized qualifications of: lawyer, administrative organizer, public administration organizer, economist majoring in social policy, people's educator [from before 1990], cultural organizer, cultural community organizer, guardian, certified pastoral counsellor/certified pastoral counsellor and organizational development specialist; social manager with a diploma: guardian, certified pastoral counsellor/certified pastoral counsellor and organizational development specialist. For a person having a non-leader position in a residential care institution working in a special children's home, in a special apartment home, or in a special group of a children's home, shall have with the exception of the qualification of infant and toddler caretaker, nursery nanny and kindergarten teacher; in an aftercare home and in an apartment home that only provides accommodation for aftercare recipients, with the exception of the qualification of infant and toddler caretaker, nursery nanny, kindergarten teacher and primary school teacher; teacher qualification, humanities majoring in pedagogy (MA, MSc), advanced social studies education, psychologist, behaviour analyst, mental health specialist, theologian, sociologist; criminologist with social worker, social pedagogue or psychologist qualification.

Question	Y e s	N o	Comments
4.5.11. Are children placed in alternative care allowed to lodge complaints against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these			The frames of the children's home's policy are laid down in Article 10 (2) of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs. ²⁵⁷ According to this provision the policy takes into account the child's and young adult's health and developmental stage and contains the regulations on the exercising of rights and performing of obligations. According to the Decree of the Ministry of Public Welfare 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care the inner life-order and the rights and obligations of the children and young adults are contained in the children's home's policy (Article 112). ²⁵⁸ Among others the method of exercising the child's right to complain, in harmony with the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs has to be defined in the children's home policy. The policy shall be posted in the children's home. Every children's homes has its own policy.

²⁵⁶ 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care <https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

²⁵⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁵⁸ 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care <https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

<p>procedures child-friendly and respective of confidentiality?</p> <p>If yes: Briefly describe to whom and how.</p>		<p>There is no available information whether this right is either exercised or the method of exercising it. The protocol concerning the exercising of the right to complain is not regulated at all.</p>
<p>4.5.12. Is there any assistance available to adolescents that leave alternative care institutions to live independently?</p> <p>Briefly describe who is responsible for such assistance?</p>	<p>X</p>	<p>According to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁵⁹ one of the main purposes of the alternative care is that children living in foster family or in children's home should be prepared to living independently and to gain skills and management of basic personal matters. It happens according to the basis of the unique caretaking plan. The caretaking plan is elaborated for every child individually that takes all the particularities into account. The Act provides rules on a special legal institution which is the so-called aftercare. The guardianship authority upon the request of the child or young adult orders the aftercare (if the child is a minor the proposal of the child protection guardian is taken into consideration) if the placement in care terminates because of the child reaches his or her majority and he or she is unable to provide his or her life maintenance or the child/young adult has a student status or waiting for receiving a place in a social residential institute. The child's aftercare is built in into the system of child protection.</p> <p>The aftercare can be requested until the age of 21 if the ground of it is that the child is unable to provide. However, if the child has special or particular needs when reaching majority, it is until the reach of the age of 22. If the young adult has a student status the aftercare can be requested until the reach of the age of 24 and if he or she is a university student until the reach of the age of 25. If the ground of the aftercare is that the young adult is waiting for receiving a place in a social residential institute, it can be requested until receiving the place but until the reach of the age of 22 at the latest.</p> <p>The aftercare is regulated in Articles 92-93 of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs.²⁶⁰</p>
<p>4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.</p>		

²⁵⁹ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁶⁰ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

According to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs there are special and defined tasks for the assistance of the child taken into alternative placement. One among these tasks is that family care (protective services) has to be provided. Its aim is to prepare the child's replacement to his or her own family including the assistance to keeping contact between the child and his or her family members [Article 53 (1) b)]. No further elaboration can be provided.

<p>4.5.14. Is any assistance provided to children and families upon return of the child in the family? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of the case?</p> <p>Who is coordinating assistance and support?</p>	X	<p>According to the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs, all persons concerned, the child and his or her parents have to be informed about all important rights and obligations: one of the most important one is the maintenance of contact between the child and the parents. It is not only a right but a parental obligation and if this right is not exercised, it is sanctioned in the Civil Code. The guardianship authority decides about the concrete details of the contact in connection with the aim that the child should be re-placed to his own family surroundings. The local government may support it financially as it has costs. The Regional Child Protection Service provides assistance and support to keeping contact and the maintenance of it.</p> <p>According to Article 40/A (2) bb)-e) of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs the child and family welfare centre coordinates and does the family care social work together with the institutions providing home for the child and those of the Regional Child Protection Service. The aim of the family care social work is to re-place the child being in alternative care to his or her family by establishing and developing the family's proper environment to the child's caretaking, the reestablishment of the contact between the child and his or her parent and aftercare. The child and family welfare centre collaborates with the child protection guardian of the child. The child and his or her parents are informed about the rights and obligations during this proceeding.²⁶¹</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If yes, provide the applicable legislative provisions. How frequently is this done? By whom?</p>	X	<p>The child's placement in alternative care shall be reviewed according to Article 80/A of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁶². Within two years from the date when the decision on the determination of the place where the child has to be taken care of becomes final, the necessity of the maintenance of the placement in alternative care is reviewed by the guardianship authority in every six months which is the main rule with some rational exceptions (if the placement in alternative care is being terminated, the child is declared as able to be adopted or there is a legal case for the termination of the parental custody). In the course of the review the guardianship authority assesses whether the concrete place is proper for the child, the conditions of the unique placement plan are met and how the contact between the child and his or her parents</p>

²⁶¹ Written information of the Ministry of Interior (June 2023).

²⁶² Act XXXI of 1997 on the protection of children and the administration of guardianship affairs
<https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

<p>Are the children's views taken into consideration?</p>	<p>functions, what other measures seem to be necessary, it is necessary to start a judicial proceeding for terminating the parental custody, whether the child can be adopted.</p> <p>If the child is over 9, the review shall be done after the third year from the date when the decision on the determination of the place where the child has to be taken care of becomes final in every second year and the content of the review is unchanged.</p> <p>The guardianship authority reviews the necessity of the child's maintenance of the placement in alternative care as a matter of urgency if the child protection guardian requests it, officially if the parental custody of the parent has been terminated, they passed away or the earlier adoption was terminated, or the guardianship authority gets to know any other circumstances which provides a ground for the revision.</p> <p>Although the child must be heard as a general rule there is no special rule concerning the child's hearing in the course of the revision.</p>
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4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

Adoption is regulated in the Civil Code, in the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁶³ and in the Gov. Decree of 149/1997 (IX. 10.) on the guardianship offices and on the proceedings of child protection and guardianship cases²⁶⁴. There is no private adoption in Hungary as all adoptions must be permitted by the guardianship authority (it has a consequence that no judicial order is necessary as the guardianship authority's task is to permit an adoption). The adoption as a within-country adoption is supported and although the between-country adoption is regulated and possible, the international adoption is only possible if the inner-country option failed. According to the Civil Code the adoption has to serve the child's interests. The conditions of being a child to be adopted, the legal position of the birth parents and the conditions of being adoptive parents are regulated strictly in the Civil Code in Art 4:126-127.²⁶⁵ There are two kinds of adoption, the open and the secret adoption. The open adoption is the main rule as the parents shall give consent to the adoption. The secret adoption is an exceptional rule which is to be applied when the adoption is permitted without the consent of the birth parents. There are strict rules concerning adoption in the Civil Code as this is the exemption possibility and the rights of the biological parents shall be safeguarded. In case of an open adoption only the parents may – and have to – give their consent to adoption. In case of the secret adoption the parents have either explicitly consented to it or no parental consent is necessary anymore. The child is being heard and has to give his or her consent to the adoption above the age of 14.

Only spouses may adopt a child and exceptionally single persons. Neither *de facto* couples (who can be both different-sex and same-sex couples) nor registered partners (who can only be same-sex persons

²⁶³ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁶⁴ 149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases <https://net.jogtar.hu/jogszabaly?docid=99700149.kor>

²⁶⁵ See for the wider context Art. 4:119-131 of the Civil Code.

in Hungary) may adopt a child together. Adopting a child together is only possible exclusively for spouses (who can be only different-sex persons).

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

The Committee on the Right of the Child in its Concluding observations on the sixth periodic report²⁶⁶ of Hungary dealt with the alternative care from several aspects. Its requirements are the following,

- Ensure that children in alternative care are heard in decisions affecting them throughout their stay, and that children's rights representatives are in sufficient number and have the technical capacities required to guarantee respect for the views of children in alternative care.

- To develop a national strategy to prevent and address all forms of violence against children, including children in alternative care.

- To effectively implement the prohibition on the use of all forms of corporal punishment in all settings, including the home, schools and alternative care institutions.

- To fully implement the prohibition of the separation of children from their families and their placement in alternative care on the basis of the economic situation of those families, through comprehensive programmes that tackle the multiple challenges that families are facing, and to ensure that separation is used only as a last resort in accordance with the Guidelines for the Alternative Care of Children.

- To strengthen its measures to provide families in need with adequate and long-term social housing and other support measures, and to increase social benefits to low-income families with children, in particular single-parent households, in order to prevent out-of-home placements.

The Committee articulated that it remains seriously concerned about the increasing number of children in alternative care, many of whom still living in institutional settings, including 300 children under the age of 3 years; the fact that the ethnic origin of children in the child protection system is not recorded, making it difficult to know whether particular groups require targeted prevention services; the insufficient measures to guarantee that children spend the shortest time possible in temporary care, as a result of bureaucratic procedures to assess their situation; the insufficient number of foster families, and the fact that the majority of foster families are located in remote areas where children have limited access to support services and to their families of origin and the violence and abuse suffered by children in alternative care settings.

It has drawn the attention to the Guidelines for the Alternative Care of Children and urged to urgently phase out the institutionalization of children while redirecting funds towards families in order to promote and support care in a family environment; to prioritize social protection measures for families in order to prevent children, in particular those under the age of 3 years, from entering alternative care; to ensure that records of the ethnic origin of children in the child protection system are collected and analysed, with a view to providing targeted prevention services; to modernize and increase the efficiency of child protection services in order to guarantee that children spend the shortest time

²⁶⁶ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

possible in temporary care; to strengthen its measures to increase the number of foster families countrywide, invest in the provision of health, education and social services at the local level and ensure that children maintain contact with their biological families, when such contact is in the child's best interests; to strongly invest in the training and supervision of professionals working in alternative care, and to provide them with the infrastructure and financial resources necessary to care for the children for whom they are responsible; to ensure that children in alternative care settings, including children with disabilities, have access to confidential and child-sensitive complaints mechanisms and are able to report cases of misconduct, and that reported cases are promptly addressed.

A significant percent of the Committee Concluding remarks dealt with the problems in connection with children's alternative care and the remarks covered most of the problems can be experienced in this field.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

The Hungarian periodic report²⁶⁷ underlined that 'from 2016, the new institution types, the Family and Child Welfare Service and the Family and Child Welfare Centre were not only associated with structural, but technical integration and the reconsideration of the tasks'. As a further advantage it was referred to that the strengthening of the child protection 'is achieved through the rising number of child welfare centres and the underlying integration of child welfare services and family support'. A further referral was made to the restructuring the child protection signalling system and its new key points and to the requirement that children may be separated from their parents or other relatives only in their own interest, in cases and in the manner specified by law. Children shall not be separated from their family due to vulnerability resulting from financial reasons alone. The Child Rights NGO Coalition on the Rights of the Child underlined in its report released in 2019 that according to the Ombudsman's investigation conducted in 2017 in case of every third child who had been taken out of his or her family this happened because of financial reasons which is strictly forbidden by the Act. The Roma population was affected by this practice extraordinarily as they belonged to the poorer part of the population. The report had a further and general conclusion as well, the family and child welfare services were in crisis as this part of the child protection sector is seriously underfinanced, the experts are fluctuating and a remarkable part (30%) of the employees were missing.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The strengthened training of the foster parents is an achievement especially referring to the purpose of placing children at foster families and foster parents rather than in children's homes. The same goal is served by the setting up the flat children's homes where less children may live together, and these are more family-like homes than the traditional children's homes.

²⁶⁷ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

5. Accountability, data collection, and monitoring mechanisms

5.3. Accountability mechanisms

5.3.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The independent monitoring mechanism is realized through the activity of the Hungarian Ombudsman²⁶⁸, the Office of the Commissioner for Fundamental Rights²⁶⁹. During the complex investigations the Commissioner for Fundamental Rights requires information from a wide range of organisations, institutions and other relevant actors to asks for data, professional opinion, statements from the concerned authorities. In the reports summarizing the investigations and its conclusions the Ombudsman regularly proposes to elaborate and publicize methodological documents.²⁷⁰

The criteria of the Paris Principles²⁷¹ are realized in the institution of the Hungarian Ombudsman and its Office (the Commissioner for Fundamental Rights and the Office of the Commissioner for Fundamental Rights).²⁷² When the institution of the Ombudsman was set up in Hungary in the early 1990's, the third- generation-ombudsmen served as a model (primarily the Spanish and the Polish ones). Later, in 2012 the model of only one ombudsman was followed who gained several further competences in the last years. The Hungarian Ombudsman unifies two methods of legal protection, that is the ombudsman-type model and the authority-type model which is a unique solution. The Hungarian Ombudsman is responsible for classic competences of an ombudsman and the implementation for legal protection to the greatest extent of human rights. Furthermore, it has several competences on the field of the implementation of principle of equal treatment since the Commissioner for Fundamental Rights has taken over the tasks of the Equal Treatments' Authority. (The Equal Treatments' Authority was merged into the Office of the Commissioner for Fundamental Rights in January of 2021.) There are several investigative and arranging competences for the realization of human rights and particularly of the right to equal treatment.²⁷³

5.3.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The sectoral national plans are to be mentioned such as the Hungarian National Social Inclusion Strategy 2030, the National Crime Prevention Strategy for 2014–2020, the National Crime Prevention

²⁶⁸ 2011. évi CXI. törvény az alapvető jogok biztosáról Act No CXI of 2011 on the Commissioner for Fundamental Rights <https://njt.hu/jogszabaly/2011-111-00-00>

²⁶⁹ <https://www.ajbh.hu/en/kezdolap>

²⁷⁰ Written statement of the Office of the Commissioner for Fundamental Rights.

²⁷¹ <https://enoc.eu/wp-content/uploads/2015/01/Paris-Principle.pdf>

²⁷² Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

²⁷³ Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

Strategy (2013-2023) and the Digital Child Protection Strategy of Hungary. There is no formalised child right's assessment procedure in any legislation process.

Question	YES	NO	Comments
5.3.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.		X	The child's interests are regularly mentioned in many legal rules but without any concrete method, protocol or guideline on how to realize them.

5.3.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

According to the Decree of the Ministry of Public Welfare 15/1998 (IV. 30.) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care²⁷⁴ lays down the obligatory content of the child protection institutions' and services' professional program. It has to deal with methods and forms of necessary trainings and education of the employees and experts such as the review of the suitability. The professional expertise has to be in harmony with the professional program of the services. The commitment of the child welfare and child protection services' staff is mirrored in an association, that is the National Association of the Hungarian Family and Child Welfare Services in the frames of which social workers and child protection workers exchange their professional experiences.²⁷⁵

Question	YES	NO	Comments
5.3.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and		X	The interests of both children and his or her parents and other relevant family members are mentioned and referred to in the child protection regulations ²⁷⁶ but there is no consultative process or protocol.

²⁷⁴ 15/1998 (IV. 30.) Decree of the Ministry of Public Welfare on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care <https://net.jogtar.hu/jogszabaly?docid=99800015.nm>

²⁷⁵ <http://www.macsgyoe.hu/>

²⁷⁶ In Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv> and 149/1997. (IX. 10.) Governmental Decree on the guardianship offices and on the proceedings of child protection and guardianship cases (149/1997. (IX. 10.) Korm. Rendelet a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról).

<p>measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>			
<p>5.3.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	X		<p>According to Article 137 of the Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁷⁷ the child protection institution and person is obliged to account records laid down in this Act and gather data defined in the National Statistical data Gathering Program²⁷⁸ and the local governmental decree. The guardianship authority accounts records necessary for the entitlement to supplies and its modification or termination.</p>
<p>5.3.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>	X		<p>At national level there is the Hungarian Central Statistical Office²⁷⁹.</p>
<p>5.3.8. Are there common indicators in place to monitor the performance of the child protection system?</p>	X		<p>The Hungarian Report²⁸⁰ dealt with the correction of the markers in the data surveys of the Hungarian Central Statistical Office. The following variables are included in all social data collection of Hungarian Central Statistical Office²⁸¹</p> <p>Sex, Age, Geographic location, Educational attainment, Economic activity,</p>

²⁷⁷ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁷⁸ <https://www.ksh.hu/osap>

²⁷⁹ <https://www.ksh.hu>

²⁸⁰ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

²⁸¹ <https://www.ksh.hu>

			Ethnicity (from 2014) ²⁸² . There are no other common indicators to monitor the performance (quality, efficiency) of the child protection system.
5.3.9. Are there data protection protocols in place and adhered to?	X		The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs ²⁸³ , the General Data Protection Regulation 2016/679 of the European Parliament and of the Council (GDPR) and the Act CXXII of 2011 on the right to information self-determination and freedom of information (2011. évi CXII. törvény az információs önrendelkezési jogról és az információszabadságról) contain special provisions. Articles 134-136/B contain the general rules.

5.3.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

The Hungarian Alternative Report stated that the analysis of data of the child protection sector was problematic because of the difficulties in gathering data in 2010 and during 2018-2019 when the alternative report was being elaborated it proved to be a real challenge to get access to data and statistics and find whether those have been published or not. They mentioned that in several cases the concerned institution which is obliged to gather and provide data does not have enough financial resources to perform that obligation, while in other cases the continuous re-codification hinders gathering data. The Hungarian Report refers to the fact that data of the Hungarian Central Statistical Office are not reliable.

The report submitted by Hungary²⁸⁴ highlighted that the Hungarian Central Statistical Office uses an ethnic marker based on self-identification in household surveys and it was welcomed by the Committee on the Rights of the Child. It recommended that Hungary shall collect data on children's rights in all areas of the Convention, disaggregated by age, sex, disability, geographic location, ethnic origin, national origin and socioeconomic background, and on the basis of that data identify children in situations of vulnerability; and ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects aimed at implementing the Convention.

²⁸² Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf> 4.

²⁸³ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁸⁴ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

The Hungarian Central Statistical Office's²⁸⁵ obligatory task of gathering data is a tool for enhancing the data-collection.

5.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

According to the report submitted by Hungary²⁸⁶ as a consequence of the previous concluding remarks of the Committee on the Rights of the Child the Hungarian Central Statistical Office introduced the ethnic marker based on self-identification in household surveys. The methodology was based on ethnic data collection of the census which was the result of extensive consultations of the CSO with national minority self-governments, the Office of the Commissioner of Fundamental Rights, governmental bodies and academic institutes.

5.5. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Office of the Commissioner for Fundamental Rights monitors the implementation of children's rights as it is part of the Hungarian Ombudsman's competence according to the Act CXI of 2011 on the Commissioner for Fundamental Rights²⁸⁷ (2011. évi CXI. törvény az alapvető jogok biztosáról).

²⁸⁵ <https://www.ksh.hu/>

²⁸⁶ Sixth periodic report submitted by Hungary under article 44 of the Convention pursuant to the simplified reporting procedure, due in 2019 <https://childhub.org/sites/default/files/library/attachments/g1932060.pdf>

²⁸⁷ Act CXI of 2011 on the Commissioner for Fundamental Rights <https://www.ajbh.hu/en/web/ajbh-en/act-cxi-of-2011>

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

The Gov. Decree 110/2012 (VI. 4.)²⁸⁸ on the release, introduction and application of National Curriculum (*Nemzeti Alaptanterv*) is a lengthy legal source defining among other the materials of so called literacy fields (*tanulási terület, tantárgy*). One of the several literacy fields is 'Ethics/Faith and Morality'. All literacy fields are divided into fundamental principles and aims, its specific characteristics on the different levels of education, main topics and educational results. For a pupil (in first to fourth grade, they are approximately 6-10 years old) there are several (about sixty) huge fields of results and one of them is that 'the pupil shows interests towards children's rights and obligations in family, school and in communities outside of the school'. The same number of huge fields and skills are enumerated in the list concerning the educational results of a student in fifth to eighth grade (they are approximately 11-14 years old) and one of them is that 'the student knows the children's right affecting him or her, the main documents regulating them, knows his or her obligations and takes part in elaborating regulations'.

The National Curriculum requires much knowledge from the students in elementary schools and the children's rights field is only a tiny one. There is no published data on how far the children's knowledge is deepened on children's rights.

The webpage of the Office of the Commissioner for Fundamental Rights contains information for children²⁸⁹ (in Hungarian) where children can find information about their rights. The webpage of the UNICEF Hungarian Commission Foundation also provides information on children's rights for children which is available in Hungarian only.²⁹⁰ The information is provided directly to children and is written in a child-friendly language. No special age-group of children is targeted with this information. The possibility to write an e-mail or a letter to the Ombudsman is offered to a child such as the opportunity to submit an oral complaint.

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

The civil organizations have had many initiatives recently. The UNICEF Hungarian Commission Foundation, the Child Rights NGO Coalition on the Rights of the Child, the Blue Line (*Kék Vonal*) Helpline and the Híntalovon Child Rights Foundation have educative projects. The UNICEF Hungarian Commission Foundation has an educational program under the name of *Ébresztő-Óra*²⁹¹ (it cannot be translated word by word; the closest translation is 'Wake up-Call'). It is a national program for students which is free of charge and available everywhere in the country. The lesson is 90 minutes long and it is for the grades from 4 to 12 (these students are between 10-18 years old). The education is adapted to the age of the students and focuses on three main topics, the situation of the children

²⁸⁸ <https://net.jogtar.hu/jogszabaly?docid=a1200110.kor>

²⁸⁹ <https://www.ajbh.hu/en/gyerekeknek>

²⁹⁰ <https://unicef.hu/gyermekjogok>

²⁹¹ <https://ebresztoora.unicef.hu/>

all over the world, the child abuse, and children's rights. A campaign /prevention programme has been launched by the UNICEF Hungarian Commission Foundation with the support of MAC AIDS Fund,²⁹² which aims to prevent sexually transmitted diseases between young/underage people. On this site, primarily parents, teachers, educators, as well as high school students (in correspondence with the aims of the National Curriculum/National Standard) are offered articles, videos and other materials on the topic. STDs are first and foremost preventable by education; therefore, teenagers must acquire necessary information about potential sex-related health issues and the means to be protected from them.

A webpage on anorexia is referred to as an example of the educative content of the Blue Line (*Kék Vonal*) Child Crisis Foundation. Their educative content is about various topics concerning eating disorders. First, it defines the problem in general, then it introduces and explains the main types of eating disorders, especially anorexia. The "warning signs" of developing anorexia are discussed, too, along with methods of seeking professional help and healing (for yourself or for a third party). *Kék Vonal* (lit. Blue Line) is a free helpline specializing in helping underage/teenager Hungarians, is also emphasised as such a source of help.²⁹³

The Hintalovon Foundation has developed its special webpage yelon.hu²⁹⁴ for children. The content is factual, without taboos, selected by specialist professionals and adapted to their age. They can read about the following topics: the changes of the body during adolescence, from kiss to ejaculation and menstruation, from questions of human relationships (friendship, love, expulsion/bullying, school, family concerns) to questions regarding public life. *Yelon.hu/szuloknek*, on the other hand, is recommended for teachers and parents, which is about the great questions and challenges of education, from digital parenthood to sex education and coping with the school problems of the child.

The yelon program was terminated in February 2022. The chat and the editorial board have been dissolved, but the original contents are still available as a codex. Yelon was terminated, because despite several overhauls, it failed to provide a widely popular alternative to children in the field of sex education. Written materials on the site did not sufficiently reach the target group: despite the huge online presence of young demographics, guest numbers on the site have long stagnated, as well as the number of chat participants. With this assessment, yelon vastly underperformed compared to other fields of our Foundation. It never managed to be self-sufficient, therefore it was financed from the revenue of other programs.

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

No special awareness-raising campaigns are held but only those of the NGOs' mentioned in 1.2. The Hungarian National Social Inclusion Strategy 2030 puts attention on the enforcement of children's rights, with particular regard to their protection against becoming victims of child abuse and human

²⁹² <https://megelozes.unicef.hu/>

²⁹³ <https://kek-vonal.hu/anorexia-az-egyik-legmagasabb-halalozasu-pszichiatricai-betegseg/>

²⁹⁴ <https://hintalovon.hu/yelon/>

trafficking, and to helping children who have become victims. Its governmental plan of action for years 2021-2024 includes campaigns to curb all forms of child abuse, including programs to prevent children becoming victims of abuse or human trafficking.

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure²⁹⁵? Please briefly describe.

No such campaign has been held.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The National Media and Infocommunications Authority has some projects for children. 'The Authority provides children with the opportunity to learn how to use media resources consciously (Magic Valley Media Literacy Education Centres), and on the other hand, it provides their parents, relatives and teachers with an interface to master the skills necessary for this, with a view to passing those on to children later on.'²⁹⁶ Privacy and online safety for children are also part of these projects. The National Authority for Data Protection and Freedom of Information has done some awareness-campaigns on the conscious internet-usage.²⁹⁷

The Act XXXI of 1997 on the protection of children and the administration of guardianship affairs²⁹⁸ was amended in 2021. According to Article 6/A with regard to the aims in this Act and provided children's rights it is forbidden to make available pornographic and such content which shows sexuality or to promote or represent derogation from the self-identity of the sex by birth, the gender reassignment and the homosexuality for children below 18. This modification is closely connected to an earlier one rendering the changing of someone's registered birth sex impossible.²⁹⁹

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The activity of the civil organizations on the field of awareness-raising is important. There are some NGOs aiming to help and support the Roma Community and children. They have a general profile such as the NGO's focusing on education and schools generally. Their projects closely connect to child welfare and well-being and to social work. One of the main pillars of the Romaversitas's education activities launched in 2017 is a program concerning the preparation for university. The program addresses the

²⁹⁵ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

²⁹⁶ https://english.nmhh.hu/article/187687/Childfriendly_solutions

²⁹⁷ <https://www.naih.hu/kapcsolodo-tartalmak>

²⁹⁸ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

²⁹⁹ UPR report submitted by members of the Child Rights NGO Coalition (Hungary) March 2021 <https://gyermekjogcivilkalicio.hu/wp-content/uploads/2021/04/UPR-report-submitted-by-the-Child-Rights-NGO-Coalition-FINAL.pdf>

needs of young Roma students from the age of 16 by providing them such support that makes up for the disadvantages they have acquired as a result of systemic racism and school segregation from early childhood to adolescence. Depending on their personal needs, the participants usually spend one or two years in the program.³⁰⁰

The Roma children are supported as university students by the Association of Roma Colleges for Advanced Studies. In 2011, the leaders of four historical churches – Lutheran, Reformed, Catholic and Greek Catholic – initiated the organization of the network, which currently encompasses the operation of 11 institutions, by founding a Roma boarding school. Their goal is to help students of Roma origin and/or from a disadvantaged situation who come to higher education from a peripheral social environment to obtain a diploma, and to prevent them from dropping out. The basic requirements of the operation require the formulation of a program that "places great emphasis on the prevention of dropping out of higher education, the strengthening of the Gypsy-Hungarian dual identity, the personal and professional development of its members, and participation in academic life."³⁰¹ Therefore, it supports the creation of a community that sets an example in our society as a successful community model of Roma and non-Roma students living together. It helps the development of young intellectuals who combine professional excellence with sensitivity and activity towards social and social issues, supporting the coexistence of Roma and non-Roma.

The Pressley Ridge Foundation has a NoBadKid, NoBadChoice project under which they developed a methodology of how to prevent drop out of schools, support children living in disadvantageous circumstances effectively and support them to start their own life in better circumstances. The focus of the project is to fight against school segregation which affects Roma students primarily.³⁰²

There is a debate whether children, especially in schools can be informed about sexual and reproductive health.³⁰³ This debate in part is a consequence of a new Act which was approved in June 2021. The Act LXXIX of 2021 on stricter actions against child sex offenders and the amendment of certain laws in the interest of the protection of children (*2021. évi LXXIX. törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról*)³⁰⁴ amended several laws. It amended the Child Protection Act³⁰⁵ and inserted a new provision (Article 6/A) according to which it is prohibited to make pornographic materials available or materials depicting sexuality in a self-serving manner or promoting, depicting the deviation different than the gender identity at birth, changing of sex and homosexuality for children. The Act amended the Act XLVIII of 2008 on basic requirements and certain restrictions of economic advertisement activity.³⁰⁶ According to this amendment it is prohibited to make available advertisement for minor children that is pornographic or depicts sexuality in a self-serving manner or promotes, depicts the deviation other than the gender identity at birth, change of sex and homosexuality. It amended the Act CLXXXV of 2010 on media services and mass communication³⁰⁷ and laid down that a programme which might influence minor's physical, spiritual or moral development disadvantageously, especially if violence, propagation, depiction of deviation the gender identity other than at birth, change of sex and homosexuality or the depiction of

³⁰⁰ <https://romaversitas.hu/university-preparation-programme/>

³⁰¹ <http://romaszakkollegiumok.hu/>

³⁰² <https://nobadkid.org/nobadchoice/>

³⁰³ <https://www.eurochild.org/uploads/2021/06/Eurochild-Statement-Hungary.pdf>

³⁰⁴ Act LXXIX of 2021 on the stricter actions against child sex offenders and the modification of certain laws in the interest of the protection of children <https://njt.hu/jogszabaly/2021-79-00-00>

³⁰⁵ Act XXXI of 1997 on the protection of children and the administration of guardianship affairs <https://net.jogtar.hu/jogszabaly?docid=99700031.tv>

³⁰⁶ Act XLVIII of 2008 on basic requirements and certain restrictions of economic advertisement activity <https://net.jogtar.hu/jogszabaly?docid=a0800048.tv>

³⁰⁷ Act CLXXXV of 2010 on media services and mass communication <https://net.jogtar.hu/jogszabaly?docid=a1000185.tv>

sexuality in a direct, natural or self-serving manner are the core ,have to be categorized as ‘not recommended for minors’. It has amended the Act CXC of 2011 on National Public Education.³⁰⁸ Other than an employee of the educational institution employed as a teacher or a specialist providing school health services in the institution, or a state body in a cooperation agreement with the institution, an educational activity related to sexual culture, sex life, sexual orientation, sexual development, the harmful effects of drug consumption, the dangers of the Internet and other physical and mental health development in the framework of classes or other activities presented to students by a person or organization other than the institution (for the purposes of this §, hereinafter: program) can only be organized if it is registered by a body designated by law. The real consequences of these modifications will be seen in the future.

Additional text added by FRA:

The Hungarian Act LXXIX of 2021 on Harsher Action Against Paedophile Criminal Perpetrators and the Amendment of Certain Laws with a View to Protecting Children is controversial. On the day, when the law was passed, 20 Hungarian NGOs published an open letter, where they criticized the law as threatening the freedom of expression and child rights.³⁰⁹

On 15 July 2021, the European Commission announced starting legal action against Hungary in relation to Act LXXIX on the basis of the violation of a number of secondary norms, including the Audiovisual Media Services Directive, the e-commerce Directive, the Single Market Transparency Directive and the GDPR. The Commission argued in the following way:

“First, the Audiovisual Media Services Directive (AVMSD) has been breached as regards standards for audio-visual content and the free provision of cross-border audiovisual media services, as Hungary put in place unjustified restrictions that discriminate against people based on their sexual orientation and are moreover disproportionate. Second, some of the contested provisions infringe the e-commerce Directive (namely the country of origin principle). The law prohibits the provision of services displaying content showing different sexual orientations to minors, even if these services originate from other Member States. Third, Hungary failed to justify the restricting of cross-border information society services. Fourth, Hungary failed to notify in advance to the Commission some of the contested provisions despite the obligation to do so laid down in the Single Market Transparency Directive. Fifth, the Commission considers that Hungary has violated the Treaty principles of the freedom to provide services (Article 56 TFEU) and the free movement of goods (Article 34 TFEU), by failing to demonstrate that the restrictions are duly justified, non-discriminatory, and proportionate. Sixth, the right to data protection laid down in the GDPR and Art. 8 Charter are violated by some of the contested provisions. Finally, the Commission believes that in these fields falling into the area of application of EU law, the Hungarian provisions also violate human dignity, freedom of expression and information, the right to respect of private life as well as the right to non-discrimination as enshrined respectively in Articles 1, 7, 11 and 21 of the EU Charter of Fundamental Rights. Because of the gravity of these violations, the contested provisions also violate the values laid down in Article 2 TEU.”³¹⁰

³⁰⁸ Act CXC of 2011 on National Public Education <https://net.jogtar.hu/jogszabaly?docid=a1100190.tv>

³⁰⁹ TASZ – Hungarian Civil Liberties Union (2021 June 15) [Orosz minta alapján indított frontális támadást a szólásszabadság és a gyermekjogok ellen a kormány](#)

³¹⁰ European Commission (2021, July 15) [EU founding values: Commission starts legal action against Hungary](#) and Poland for violations of fundamental rights of LGBTIQ people.

In December 2021, the Venice Commission pointed out that terms used in Act LXXIX are too ambiguous to reach the standard of “foreseeability” and that its provisions do not sufficiently define the circumstances in which they are applied.³¹¹

³¹¹ Council of Europe (2021) European Commission for democracy through law (Venice Commission): [Opinion No. 1059/2021](#) on the compatibility with international human rights standards of Act LXXIX amending certain acts for the protection of children. Page 23

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ³¹² in place, with an ability to hear, review and enforce individual complaints from children?	X		<p>The Office of the Commissioner for Fundamental Rights has been fully compliant with the Paris Principles, and children’s rights have been brought under the responsibility of a dedicated body, the ‘Children’s Rights Unit’ within the Department of Equal Opportunities and Children’s Rights³¹³ (it has been welcomed by the Committee). The mandate for the Commissioner for Fundamental Rights is six years.</p> <p>A procedure before the Commissioner for Fundamental Rights may be initiated by anybody, consequently even children in written form, orally or in a personal complaint. It does not depend upon their age or legal status. However, the proceedings are initiated primarily by the parents or the children’s legal representatives.³¹⁴ Annually approximately ten cases are initiated by children and primarily by whom who are 16-18 years old. While conducting the investigations in child protection institutes the investigating staff of the Office of the Commissioner for Fundamental Rights endeavours to speak to children being taken care of in these institutes in safe circumstances. That gives the chance for these children to speak about their living conditions without external control.</p> <p>The Commissioner for Fundamental Rights may proceed even if the parent(s) or guardian(s) of the child has/have not contributed to the process and the child made a complaint without their presence. Theoretically, it may even happen that a child makes a complaint against his or her child protection guardian. However, it would be of particular concern as the child protection guardian is under the direction of the guardianship authority (the guardian performs</p>

³¹²

URL:

[https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

³¹³ <https://www.ajbh.hu/en/a-hivatal-szervezete>

³¹⁴ Written information from the Office of the Commissioner for Fundamental Rights (June 2023).

		<p>his or her tasks under the supervision of the guardianship authority but is not directed). The Commissioner for Fundamental Rights may investigate the public authorities and organizations performing public service, but it has no competence to investigate the acts and omissions of the parent. However, if the child is placed in alternative care the Commissioner for Fundamental Rights may investigate the activity of the foster parent, the child protection guardian and the child protection institution.³¹⁵</p> <p>The Office of the Commissioner for Fundamental Rights has got a policy paper on the Office's child protection <i>regulation [10/2020 (VIII. 28.) AJBH utasítás az Alapvető Jogok Biztosának Hivatala Gyermekvédelmi Szabályzatáról]</i>³¹⁶ which provides protection for the child, and it is obligatory to keep in mind for the staff and employees of the Office. According to this document the Office shall pay particular attention to the child's best interests. It contains the following principles: all persons under the age of 18 are children, every child has the right to proper protection, well-being and participation in cases affecting them. The staff of the Office shall have particular regard to child's protection and cooperate with all Hungarian and international civil or state institutions. Children's privacy is strictly protected and regulated. If the Office of the Commissioner for Fundamental Rights makes investigations, they endeavour to hear children living in the aforementioned institutions. If these children are heard by the staff of the Office in an interview, the psychologist of the staff is present too. This regulation set up an easily available online platform for making complaints (kerdesemvan@ajbh.hu). If a member of the staff detects the possibility of child's abuse or endangerment the Commissioner for Fundamental Rights gives a signal for the child welfare service and turn to the competent authority if necessary.</p> <p>The instruction obliges the employees of the Office of the Commissioner for Fundamental Rights if a child wishes to make a complaint. If the child presents him or her in advance, the leader</p>
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³¹⁵ Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

³¹⁶ Instruction 10/2020 (VIII. 28.) of the Office of the Commissioner for Fundamental Rights on its child protection regulation. Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

			of the ‘complaints service’ (<i>‘Panasziroda’</i>) decides upon the available information whether there is a need to involve an employee who is experienced in interviews and children’s rights who can be even involved in the complaint. The units and departments of the Office cooperate with each other effectively. ³¹⁷
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?		X	There is no specialized court. The webpage of the Office of the Commissioner for Fundamental Rights offers a possibility for children to ask the Ombudsman about their rights.

7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children’s groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children’s groups who have received child protection services?	X		All child protection institutions have the task to organize and maintain children’s self-governments. ³¹⁸
7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored		X	Such mechanism does not exist. However, the Office of the Commissioner for Fundamental Rights monitors the implementation of certain children’s rights in its reports and investigations.

³¹⁷ Written statement of the Office of the Commissioner for Fundamental Rights (July 2023).

³¹⁸ Written statement of the Directorate-General for Social Affairs and Child Protection for the 2023 Child protection mapping (31.05.2023).

by independent accountability mechanisms?			
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7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Child participation has been introduced in the activities of the civil organizations. The events and the workshops of the Child Rights NGO Coalition on the Rights of the Child involve children to realize child's participation. The Hintalovon Child Rights Foundation regularly involve children in its projects.