

Provision of data submitted by the Republic of Hungary under General Assembly Resolution  
No. 57/190 for the purpose of the preparation by the UN of the report on violence against  
children

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## ***Introduction***

In December 2003 the Republic of Hungary submitted to the Committee on the Rights of the Child its second-third periodic report on its measures adopted for the implementation of the rights recognised in the Convention on the Rights of the Child.

This questionnaire aims to provide information under General Assembly Resolution No. 57/190 for the preparation by the UN of the report on violence against children.

The perpetrators of violence against children do not comprise a homogenous group. They include adults living in the direct environment of children or are even responsible for the taking care, the upbringing and the protection of the child ( parents, grandparents, relatives, guardians, siblings, educators), as well as known or unknown adults. In addition, there is an increasing number of instances of violent behaviour of children against children, especially crimes against property (robbery), but there are also more and more cases with instances of minor or more serious injuries. It is a common feature of these violent crimes that they are committed in groups where the members come from similar age groups. It is also increasingly common that the perpetrators include minors under the age of 14, who are not punishable due to their age so they are “attractive” members of juvenile groups (14-18 years of age) as well as of crimes organised by people of adult age. Although the number of child and juvenile perpetrators or that of the crimes committed by children or juveniles has not considerably changed in the past years, their proportion within the overall number of crimes and within the number of perpetrators has increased. Also, in absolute terms, the proportion of girls among child or juvenile perpetrators steadily increases. In 2003, the proportion of girls within convicted criminals was as follows: 16.30% of 14-year-olds, 23.20% of 15-year-olds, 27.76% of 16-year-olds and as high as 32.74% of 17-year-olds.

These statistics are even more worrisome if compared to the whole number of this age group or the total number of the population considering the fact since the 1980s the population of Hungary has been steadily decreasing – fewer and fewer children are born, the ageing of the population is continuous.

*According to data published by the Central Statistical Office the population of Hungary fell by nearly 2% between 1990 – 2002, whereas **the number of the 0 – 14 age group fell by 22%**. The number of the 15 –39 age group also fell by 3% while the number of the older population increased – the number is close to 10% within the 40 –59 group and the increase is 6.7% within the older age group.*

In the past years there have been several fatal crimes committed by juveniles against juveniles. These cases highlighted the fact that children tend to act in a more organised way and more purposefully and cruelly against other vulnerable children. It is particularly these cases that have focused attention on the possible harmful effect of violence in the media on children, i.e. the patterns, the modes and proportion of violence in the media is making the children insensitive to violence. In this context we do not want to deal with accidental but fatal games where small children imitate acts seen in films and often cause serious or fatal injuries to each other or to themselves.

The malfunctions of family environment tend to play an increasing role in cases of violence against children. One of our key tasks is to prevent violence and child abuse within the family and to legally, medically, mentally and socially assist victims of violence. The responsibility of the parent is raised when the child suffers an accident due to parental negligence. The rate of traffic accidents is especially high during the summer break, when children left playing alone (at beaches, playgrounds, deserted areas) often suffer accidents. There are fires in the homes and children who fall out of windows frequently suffer serious or fatal injuries. The parents' responsibility can be shown not only in cases of children becoming victims but in becoming perpetrators as well – over 50% of juvenile perpetrators live in intact, two-parent families. Here too, the proportion of girls and boys deserves attention: in the case of boys even the whole family can not protect the child while in the case of girls who live in single parent families or outside the family the chances of becoming perpetrators is larger.

### Family conditions of convicted juvenile perpetrators in 2003

Family conditions	Proportion of boys %	Proportion of girls %
In the same household with both parents	62.06	49.45
In the household of one parent	23.59	27.07
Outside the parents' household	14.35	23.48
<b>Total</b>	100.00	100.00

**Source: Dr. István Vavró chief ministerial advisor: study prepared in the Ministry of Justice in 2004, titled Crime and the Legal Consequences - Youth Convicted by Final Judgement (2003).**

In discussing child abuse one can not leave without mention violence and abuse against children within institutions (schools, boarding schools, dormitories, child protection institutions) or abuse committed by the state as an institution either.

In this context we do not refer to qualified acts of crime – we have done so in our answers to the questionnaire – instead, we would like to point out that we consider as acts of child abuse if the personal and material conditions do not correspond to the rules of law in force, if officials dealing with youth affairs handle the cases without paying adequate attention and tolerate such behaviour without taking disciplinary action. The excerpts below are from the address made by dr. Maria Herczog on 22 November 2001 at a conference titled “Enforcement of the Rights of the Child in the Past Ten Years”, organised by the Parliamentary Committee on Youth and Sport.

*I am very anxious about the fact that health care problems are increasing for children who are subjects of child protection – and this means not only those living in institutions but also endangered children. (...) groups that are becoming marginalised, who are afraid that they may lose their children or get in trouble if they let the district nurse come close to the family. (...)*

*I would also like to cite a survey to demonstrate the weaknesses of child protection at schools and that of children's rights. A comparative survey of four secondary schools shows that not*

*only the children unfamiliar with their rights, but a large part of the teachers working there do not even want the children to be aware of their rights, and they do a lot to make sure this does not happen. (...)*

*The next thing is the lack of compensation for family problems. I think it is very important that the excellent possibility provided by the Child Protection Act for setting up and operating child welfare services suffers great shortages due to the absence of adequate material and personal conditions. (...)*

*As regards housing, I cannot but mention how absurd it is that the intention of eviction of families with children keeps coming up while it is absolutely clear that eviction infringes fundamental children's rights even if I know that housing is a right that is not sufficiently defined and therefore not a right to be granted in constitutional terms. Still, I think that in the case of children it is impossible that the idea may arise that dozens of children should be taken into child care, which is expensive and inadequate, only because their parents cannot live together with them. (...)*

*While the Convention on the Rights of the Child and the Child Protection Act declare that all children have the right to live in families, and primarily in their own families, there are still 31 institutions in the country that take care of children below the age of three or below the age of six. (...)*

*Here belongs the problem of the training, appreciating and remunerating of professionals who work with children. If we look at either their remuneration or working conditions, it seems completely clear that the salary levels and the conditions of the training of these people working with children and compare them with other sectors, we should ask ourselves why the situation of those who work with these children is close to a disaster. Therefore, the situation in which the adults working with children under incredibly difficult situations are themselves vulnerable in social as well as other terms can no longer be maintained.”*

The comments above show that the Government of the Republic of Hungary, its line ministries and NGOs still have a lot to do in collaboration to eliminate child abuse and to create a **world that is truly fit for the children.**

## QUESTIONNAIRE

### I. Legal framework

*This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.*

#### International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

**See also: Report of the Government of the Republic of Hungary on Its Measures Adopted for the Implementation of the Rights Recognised in the Convention on the Rights of the Child Periodic Report No. 2-3<sup>1</sup> - response given in point No.15.**

Hungary has acceded to and promulgated the following international instruments:

- Hungary ratified and by Act LXIV of 1991 promulgated the Convention on the Rights of the Child adopted by the General Assembly of the United Nation in New York This international legal instrument is of great importance and Hungary considered it a priority that it should be ratified and promulgated as soon as possible. In the ratification process the government organs examined ex officio whether there were any Hungarian legal provisions that did not comply with the provisions of the Convention. Currently, no Hungarian laws contain any provisions that would be in conflict with any provisions of the Convention. Through the promulgation of Act No. XXXI of 1997 on the Protection of Children and the Administration of Guardianship Affairs all provisions of the Convention became the integral part of Hungarian law.
- **Protocol to the UN Convention against Transnational Organised Crime**, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ( November 15 2000, Palermo ).
- Hague Convention on the Civil Aspects of International Child Abduction, signed in the Hague on 25 October 1980 ( Promulgated in Hungary by Law Decree No. 14 of 1986 )
- Convention on the Recognition of Child Maintenance Orders and on their Enforcement signed in the Hague on 15 April 1958 (Promulgated in Hungary by Law Decree No 7 of 1965 )

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<sup>1</sup> [Report of the Government of the Republic of Hungary on Its Measures Adopted for the Implementation of the Rights Recognised in the Convention on the Rights of the Child Periodic Report No. 2-3, December 2003.](#)

- Law Decree No. 10 of 1982 on the Promulgation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted on 18 December 1979 in New York (CEDAW)
- Convention No.182 on the Immediate Measures To Secure the Prohibition and Elimination of the Worst Forms of Child Labour adopted by the General Conference of the International Labour Organisation at its 87<sup>th</sup> session in 1999. (Act No.XXVII of 2001)

Signed but not yet promulgated

- Optional Protocol to the Convention on the Rights of the Child adopted in New York on 20 November 1989, on the Involvement of Children in Armed Conflict adopted in 2000, and Optional Protocol to the Convention on the Rights of the Child adopted in New York on 20 November 1989, on the Sale of Children, Child Prostitution and Child Pornography adopted in 2000. Hungary has signed the above instruments.<sup>2</sup>
- Hungary signed and in the near future will ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption adopted in the Hague on 29 May 1993.
- UN Convention against Transnational Organised Crime adopted in New York on 15 November 2000, and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted at the same place and on the same day – signed by Hungary.

### **Legal provisions on violence against children**

2. **Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and where appropriate, customary law.**

The following rights are specified **in the Constitution of the Republic of Hungary**:

- The Republic of Hungary protects the institution of marriage and the family.
- The Republic of Hungary pays particular attention to the security of existence, education and development of youth, and protects the interest of youth.
- The Republic of Hungary provides extensive social welfare measures for those in need.
- In the Republic of Hungary everyone has the inherent right to life and to human dignity, no one shall be arbitrarily denied of these rights.
- No one shall be subject to torture or to cruel, inhuman or humiliating treatment or punishment. Under no circumstances shall anyone be subjected to medical or scientific experiments without his/her prior consent.
- In the Republic of Hungary everyone has the right to freedom and personal security; no one shall be deprived of their freedom except on the grounds and in accordance with the procedures specified by law.

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<sup>2</sup> [Report of the Government of the Republic of Hungary on Its Measures Adopted for the Implementation of the Rights Recognised in the Convention on the Rights of the Child Periodic Report No. 2-3, December 2003.](#)<sup>2</sup>

- In the Republic of Hungary all children have the right to receive the protection and care of their family, and of the State and society, which is necessary for their satisfactory physical, mental and moral development.
- Parents have the right to choose the form of education given to their children.

**Act No. XXXI of 1997 on the Protection of Children and the Administration of Guardianship Affairs (hereinafter referred to as the Child Protection Act – CPA)** contains the following provisions on violence with regard to children’s rights:

- The child shall be entitled to grow up in his or her own family environment ensuring his or her physical, intellectual, emotional, and moral development as well as his or her welfare.
- The child shall be entitled to obtain assistance in his or her upbringing within his or her own family, developing his or her personality, averting situations endangering his or her development, his or her social integration as well as in the establishment of his or her independent life.
- The child shall be entitled to protection against environmental and social effects harmful for the child’s development as well as against substances damaging the child’s health.
- The child shall be entitled to respect of his or her human dignity as well as protection against violence - physical, sexual, or emotional abuse -, neglect, and informational damage. The child may not be subjected to cruel, inhuman or degrading corporal punishment, disciplining or treatment.
- In accordance with his or her age, health, and maturity as well as his or her other needs, the child in short-term or long-term foster care shall in particular be entitled to receive full provision and nursing ensuring stability and emotional safety, appropriate education and guidance - taking his or her national, ethnic, and religious origin into consideration

**Act IV of 1978 on the Criminal Code** (hereinafter referred to as CC) provides for sanctioning various forms of violence against children. If the manner of committing violence corresponds to a conclusion of fact listed in the CC, the criminal liability of the perpetrator of the violent action against the child can be established, e.g. due to

- homicide (CC Article 166),
- homicide committed with diminished responsibility (CC Article 167),
- misdemeanour or felony of battery (CC Article 170),
- felony of constraint CC Article 174),
- felony of violation of personal freedom (CC Article 175),
- kidnapping (CC Article 175/A),
- trafficking in human beings (CC Article 175/B),
- endangering of a minor (CC Article 195),
- rape (CC Article 197),
- assault against decency (CC Article 198),
- incest (CC Article 203),
- pandering (CC Article 207),
- rowdyism (CC Article 271).

**3 Provide details of any specific legislative provisions on**



- **prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse**
- **protection of children from all forms of violence**

Concerning **the felony of the endangering of a minor** Article 195 of the Criminal Code provides: „The person who is obliged to conduct the education, supervision of or care for a minor seriously violates his obligations arising from such duty, and thereby endangers the physical, intellectual or moral development of the minor, commits a felony and shall be punishable with imprisonment between one to five years. Unless a graver crime is realised, that adult person shall be punishable who induces or tries to induce a minor to the perpetration of a crime or to the pursuance of a dissolute way of life.”

In the Criminal Code it is a common feature of **crimes against sexual morals** that the perpetrator forces the injured party to participate in the action established as the factum of the crime. The danger of such crimes lies in the fact that they endanger the healthy sexual development of minors. The relevant provisions of the Criminal Code determine the applicable punishment through the joint consideration of the perpetrator’s actions (sexual intercourse, fornication) and the age of the injured party.

- Under Article 197(1) of the Criminal Code a person who by violent action or direct menace against life or physical integrity forces another person to have sexual intercourse, or uses the incapacity of another person for defence or for the manifestation of his/her will for sexual intercourse, commits a felony and shall be punishable with imprisonment between two to eight years.
- The crime qualifies more serious if the injured party is under twelve years of age or if the victim is under the education, supervision, care or medical treatment of the perpetrator.
- Under Article 201(1) of the Criminal Code the person who has sexual intercourse with a person who has not yet completed his/her fourteenth year of age, as well as the person who has completed his/her eighteenth year of age and engages in fornication with a person who has not yet exceeded his/her fourteenth year of age, commits a felony and shall be punishable with imprisonment from one year to five years.
- Under Article 201(2) of the Criminal Code the person who has completed his/her eighteenth year of age and strives to persuade a person who has not completed his/her fourteenth year of age, to have sexual intercourse or to fornicate with him/her, commits a felony and shall be punishable with imprisonment of up to three years.
- Under Article 201(3) of the Criminal Code the punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) of Article 201 is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.
- Under Article 202(1) of the CC the person who induces a person who has not yet completed his/her fourteenth year of age to have sexual intercourse or to fornicate with another person, commits a felony and shall be punishable with imprisonment from one year to five years.
- Under Article 202(2) of the CC the person who has completed his/her eighteenth year and strives to persuade a person who has not yet completed his/her fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony, and shall be punishable with imprisonment of up to three years.

- Under Article 202(3) of the CC the punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) of Article 202 is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.
- (Under Article 197 of the CC a person who has sexual intercourse with a person who is under twelve years of age commits the felony of rape. Under subsection (1) of Article 201 of the CC the person who has sexual intercourse with a person who has not completed his/her fourteenth year of age commits the felony of seduction.)

Under Article 5 of the Child Protection Act (CPA) endangerment is a condition which - as a result of certain behaviour, failure, or circumstances - blocks or hinders the child's physical, intellectual, emotional, and moral development.

Child abuse is one of the forms of endangerment of children but endangerment may be caused without abuse, e.g. due to the child's behaviour, the parents' health or financial condition or lifestyle may qualify as endangering factor without qualifying as child abuse.

In Hungarian law there is no specific definition as to what qualifies as child abuse or neglect, and it is also debated by experts so we consider as acceptable the definition of the WHO:

*“Child abuse and neglect, i.e. maltreatment includes all forms of physical and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, commercial or any other exploitation which result in the factual or potential injury of the child's health, survival, development or dignity in the framework of a relationship depending on responsibility, trust or power.”*

The principles, the system, the forms of maintenance and the state administrative measures within the framework of child welfare set forth in the Child Protection Act (CPA) serve to prevent the endangerment and abuse of children. The application and enforcement of the rights set forth in the Act is an important guarantee for the prevention of child abuse or for the prevention of the repeated occurrence of child abuse.

Article 17 of the CPA provides that various institutions or social authorities connected with child protection from outside the family are obliged to undertake the **duty of notification and cooperation**. This system of reporting and notification has to identify and report instances of the abuse, neglect or any forms of endangerment of the child.

The members of this reporting system are obliged to

- a. notify the child welfare service of any endangerment of the child,
- b. initiate administrative procedures in the case of child abuse, the serious neglect of the child or in the case of the existence of any other facts causing the endangerment of the child, or in the case of any behaviour of the child inflicting serious danger on himself.

The child welfare service is a special system designed to protect the interests of the child through the use of the methods and means of social work.

- to promote the upbringing of the child within the family,
- to prevent the endangerment of the child,
- to eliminate the endangerment of the child,
- to place the child removed from the family back into the family.

If the child welfare service finds any signs of abuse or serious neglect of the child it is obliged to initiate administrative procedures. Of the administrative procedures, the child welfare service may propose to the notary the child's placement under protection or into temporary placement, or propose to the city guardianship office the child's placement into temporary placement or into upbringing.

The child welfare service has to provide information on the child's conditions, in particular on

- the conditions endangering the child,
- the key features of the personality of the child ,
- the parent's activity in bringing up the child,
- data on the family's social conditions,
- the basic provisions provided to date, and other major provisions given which are relevant to the case,
- the child's and the parent's (legal representative) readiness or the lack of readiness to cooperate with the child welfare service to date.

In the case of an immediate and serious danger threatening the child, the child welfare service reports only the fact and the nature of the danger and proposes authority measures without disclosing the rest of the data. It will obtain any further lacking data upon the request of the authority.

Until the child remains within the family, the child welfare service continues family counselling and continues to perform other tasks necessary in the interest of the child (the provision or mediating of other services).

The guardianship authority (notary, city guardianship office) is obliged to conduct the proceeding initiated under Article 17 of the Child Protection Act. As regards anonymous notifications or petitions the provisions of Article 8 of Government Decree No.149/1997 (IX.10.) on Child Protection and Guardianship Proceedings (hereinafter referred to as Government Decree on Guardianship - GDG) apply. Under these provisions the proceeding must be started if according to the conditions described in the petition the endangerment of the child most probably continues to exist. Even in the latter case, the collecting of information and the preparation of an environment study is justified unless according to the official knowledge of the guardianship authority the notification is manifestly unfounded or after the investigation of several similar petitions the petition concerned makes reference to the same conditions.

- **redress, including compensation, for child victims of violence**
- **penalties for perpetrators of violence against children**

see answers to question No.3 above in the description of the conclusion of facts in the crime and the penalties given.

- **reintegration and rehabilitation of child victims of violence**

Concerning after-care CPA provides as follows:

**After the termination of short-term and long-term foster care** – except when the child has been adopted – the guardianship office orders the after-care of the child or the young adult for a period of one year provided that the after-care is requested by the young adult as well. The aim of after-care is to promote the reintegration of the child or young person into his or her family environment as well as the beginning of his or her individual life.

The after-care of the child is requested by the child welfare service competent according to the child's domicile, while that of the young adult is requested by the children's home or the regional child welfare service operating the network of foster parents. In the case of mentally disabled children or those placed in the home of psychiatric patients after-care is provided by the regional child protection service.

Voluntary helpers, NGOs, foundations and the church may also be involved in the performance of after-care tasks.

The Implementation Decree to the CPA contains the following provisions in respect of the reintegration in the family of the child removed from the family environment:

The tasks of family counselling and care aimed at assisting the reintegration in the family of children removed from the family are performed by the child welfare service under a placement plan approved by the guardianship authority.

Following the child being taken in upbringing the **family visitor of the child welfare service** visits the child at the place of upbringing within two months of the child's placement and gets informed about the child's reintegration as well as the possibilities of visiting the child. During the time of the child's being taken in upbringing the family visitor maintains regular contacts with the children's home or the family visitor of the regional child protection service. The family visitor of the child welfare service performs the following family counselling and support tasks:

- a) in the framework of personal helping contact he/she renders assistance in restoring a proper parent-child relationship and assists them in upholding their regular contact,
- b) improving and increasing the parents' knowledge of child-rearing, child care and household management,
- c) participation in the settlement of the family's housing conditions, in the improvement to an acceptable level of the household equipment, fittings and furniture of the family's home,
- d) assisting the parents in accessing the social and other benefits and in the management of their other affairs,
- e) initiating the participation of NGOs and voluntary helpers.

The family visitor of the child welfare service performs the duties of **after-care of the child returned to the family environment** upon the decision of the guardianship office.

The **aim of after-care** is to assist the child in his/her reintegration in the family and in the neighbourhood, in continuing his/her education or in finding a job relevant to his/her qualifications or skills.

In the course of after-care the family visitor of the child welfare service cooperates with the after-care official of the children's home and with that of the network operating the foster parents' service.

**4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:**

- **the family/home**
- **schools and pre-school care and education (both formal and non-formal, state and private)**
- **military schools**
- **institutions including care, residential, health and mental health**

- **the context of law and public order enforcement (including in detention facilities or prisons)**
- **the neighbourhood, street and the community, including in rural areas**
- **the workplace (informal and formal)**
- **sports and sports facilities**

The crimes referred to in question No.2 are realised irrespective of the place where they have been committed. In addition to this, the Child Protection Act prohibits any instances of inhuman or degrading treatment. The Act on Public Education prohibits the corporal punishment of children by people working in public education.

- 5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.**

If under Article 170 of the Criminal Code corporal punishment qualifies as misdemeanour or felony of battery or any other factum of a crime, a felony has been committed. Battery committed against a person under 12 years of age qualifies as a more serious crime.

It is to be noted however that exercising the right of domestic disciplining is not a felony.

As stated under No.2 above, the legal provisions in respect violence in the Hungarian Child Protection Act consider the question from the point of restriction rather than prohibition.

According to the recommendation of the UN active and appropriate prohibitive provisions need to be incorporated in existing legislation which unequivocally contain a prohibitive provision. Hungary considers it important that its legislation be brought in compliance with the UN recommendation and suitable prohibitive regulations be incorporated in the provisions of the CPA.

- 6. Does the penal code permit corporal punishment and /or capital punishment as a sentence for crimes committed by under 18-year-olds?**

Neither capital punishment nor corporal punishment exist in the penalising system of Hungary's penal code.

- 7. Provide details on whether bullying and sexual harassment are explicitly addressed by legislation.**

If intimidation/bullying is aimed achieving that the injured party should do or not do, or endure something that causes a considerable injury of interest, a felony of constraint has been committed (Article 174 of the Criminal Code).

If bullying is only aimed at threatening another person, a misdemeanour of intimidation has been committed under Act LXIX of 1999 on Misdemeanours (Article 151).

The Hungarian Criminal Code does not use the notion of sexual harassment. Protection from violent sexual actions is provided for by the provisions on crimes against sexual morals

contained in Title I of Chapter XIV of the Criminal Code. Depending on the particular mode of sexual harassment even the felony of slander may be committed (Article 180 of the CC).

**8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes, are addressed in your country.**

In Hungary there are no violent traditional practices involving females or males. As regards child marriage, it is an important rule that males or females of only legal age may get married, and minors may get married only subject to prior permission of the guardianship authority. The guardianship authority permits such a marriage in justified cases provided that the persons intending to get married have completed their 16 years of age. The guardianship authority makes its decision on giving or rejecting its consent following a hearing of the parent (legal representative). The wedlock is null and void if it has been contracted without the consent of the guardianship authority or before the marriageable age of any of the parties involved.

**9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.**

Under the provisions of the Criminal Code the scope of the CC applies to all crimes committed in the territory of the country therefore the citizenship of the inactive party does not influence the criminal qualification of the crime.

The personal scope of the Child Protection Act refers to children to non-citizens as follows: *“This act shall be applied to a **child who** stays in the Republic of Hungary and **is not a Hungarian citizen**, to protect his or her interest, if failure to take such measures would involve endangerment of the child or unavoidable damage.”*

The above provision means that Hungary has to provide for minors of non-Hungarian citizenship in the case of their endangerment. In practice it means that non-citizen minors are placed in the Children’s Home in the city of Békéscsaba maintained by an NGO, then, following the request of the Guardianship Office of the 5<sup>th</sup> District of Budapest, measures are taken to assist the child’s return to his/her home country or to create the necessary conditions for the child’s permanent stay in the country.

Since the scope of the CPA covers all non-citizen minors, they are also entitled to children’s rights provided by law.

**10. Provide information on any difference in the definition of violence and the applicable legal framework according to:**

In Hungarian law there is no specific definition as to what qualifies as child abuse or neglect, therefore the definitions of Article 195 of the Criminal Code on the felony of the endangering of a minor, and those of endangerment and child abuse in the Child Protection Act referred to in the answer given to question No.3 apply.

Since the definition is also debated by experts, we strive to make **the definition of the WHO** the guiding norm:

*“Child abuse and neglect, i.e. maltreatment includes all forms of physical and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, commercial or any other*

*exploitation which result in the factual or potential injury of the child's health, survival, development or dignity in the framework of a relationship depending on responsibility, trust or power."*

- **the sex or sexual orientation of the victim and/or of the perpetrator**

### ***Sexual orientation***

The sex or sexual orientation of the victim and/or of the perpetrator has no effect on the judgement of the crime.

- **the age of the victim and/or of the perpetrator**

### ***Age***

- A) Under the provisions of the Criminal Code in respect of criminal liability the perpetrator
- a) who is under 14 years of age is a *minor*,
  - b) who has completed his/her fourteenth year but has not yet completed his/her eighteenth year of age is a *juvenile*,
  - c) following the completion of his/her eighteenth year of age is an *adult*.

Age is significant with regard to punishability because under the provisions of the CC the perpetrator's age under 14 is a ground for the preclusion of punishability. This means that no criminal proceeding can be initiated against a minor if he/she has committed an action qualified as felony under the CC.

In respect of the perpetrator who qualifies as a minor at the time of the commitment of the crime the criminal substantive, procedural and implementing regulations are in several respects differently determined from the ones applying to adult perpetrators.

**B)** With regard to the felony of seduction the age of the injured party and that of the perpetrator is of particular significance. In respect of non-violent crimes against sexual morals the felony of seduction (Articles 201 and 202 of the CC) where the perpetrator has sexual intercourse with a person who has not yet completed his/her fourteenth year (subsection 1 of Article 201 of the CC), or strives to persuade a person who has not completed his/her fourteenth year, to have sexual intercourse or to fornicate with another person (subsection 1 of Article 202 of the CC), shall be punishable with imprisonment of up to three years.

Similarly, the person who has completed his/her eighteenth year and engages in fornication with a person who has not yet exceeded his/her fourteenth year of age (subsection 1 of Article 201 of the CC), or if he/she strives to persuade a person who has not completed his/her fourteenth year, to have sexual intercourse or to fornicate with him (subsection 2 of Article 201 of the CC) or with another person (subsection 1 of Article 202 of the CC), shall be punishable with imprisonment of up to three years.

**C)** In certain crimes the age of the injured party is an aggravating circumstance, so the punishment is more severe, e.g. battery, trafficking in human beings, rape, assault against decency committed against persons who have not completed their 12 years of age, homicide against persons who have not completed their 14 years of age, violation of personal freedom, the promotion of prostitution and pandering committed against persons who have not completed their 18 years of age.

- **the relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

### **Relationship between the victim and the perpetrator**

The felony of the endangering of a minor (Article 195 of the CC) can be committed only by a person who is obliged to conduct the education, supervision of or care for a minor. The felony of incest (Article 203 of the CC) can be committed only to the injury of a direct relative.

In several facts of crime of violence against children it is an aggravating circumstance if the felony is committed by a person who is obliged to conduct the education, supervision of or care for a minor. This is the case concerning rape, assault against decency, seduction or pandering. Furthermore, the felony of seduction and pandering qualifies more severely if committed by a relative.

#### **11. Provide information on any recent comprehensive review of the legal framework to address violence against children**

One of the 5 priorities of Parliamentary Resolution No. 115/2003 (X. 28.) on the National Crime Prevention Strategy aims to prevent violence in the family and sets out as a legislative task to create the regulation of temporary and longer term restraining order (7.3 of the Strategy). The bill on the regulation of restraining order is currently debated by Parliament.

#### **12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.**

**Ms Krisztina Morvai:** “Maltreatment of Children (violence, neglect, abuse) in Hungary at the Turn of the Millennium – in the Light of Criminal Judgements”

Findings of a joint research undertaken in the framework of the child protection project by the Research and Training Centre of Women's and Children's Rights and the British Council – chief research assistant and editor: Dr. Ms Enikő Pap, 2002 Budapest.

*“In the course of our research such final judgements were surveyed which were brought by courts in the Capital city of Budapest and in which the charge was child abuse or some form of child neglect.*

*This group included 56 criminal cases. It needs to be pointed out that these cases happened in Budapest and not in the less developed regions of the country.*

*In addition, the survey involved criminal judgements which became final at the Supreme Court, in which the charge was violent action committed to the injury of a child and causing death. We found 6 cases in this category.”*

Subject to the permission of the authors, the major conclusions of the research summarised in 10 points can be read **in Annex No.1.**



Since its foundation the National Criminological Institute has been carrying out research projects both in Hungary and internationally. For further information see its website at [www.okri.hu](http://www.okri.hu). In 2004, the Institute has published the following studies:

- Mr György Virág: Introduction to the research of domestic violence
- Ms Lenke Fehér: Schemes to manage domestic violence
- Ms Dr. Mariann Kránitz: Homicide: victims and perpetrators
- Ms Katalin Parti: Some questions of investigating Internet crime
- Ms Anna Kiss: Media – penal law

For further research publications visit [www.tarki.hu/adatbank-h/nok/index](http://www.tarki.hu/adatbank-h/nok/index) html, the website of TÁRKI, one of Hungary's most important social research organisations. Among others, it features a study titled "Research results – and databases on social studies of women and gender-based roles.

The homepage of the Ministry of the Interior at [www.b-m.hu](http://www.b-m.hu) regularly publishes studies on child and youth protection in the field of crime prevention and law enforcement by the police.

Research results and studies on the topic can be accessed through the domestic and international links on the homepages of the following NGOs:

- Hungarian National Committee of UNICEF at: [www.unicef.hu](http://www.unicef.hu),
- Movement for a prostitution-free Hungary at: [www.prostitutcio.hu](http://www.prostitutcio.hu),
- Habeas Corpus Workgroup: [www.habeascorpus.hu](http://www.habeascorpus.hu),
- NaNE at: [www.nane.hu](http://www.nane.hu),
- FICE at: [www.fice.ngo.hu](http://www.fice.ngo.hu).

### **Courts tasked with addressing violence against children**

#### **13. Identify those parts of the court structure in your country which are tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.**

**13.1.** The provisions of Act XIX of 1998 on Criminal Procedure (hereinafter referred to as ACP) aim to ensure the child's protection:

Subsection 2 of Article 218 of the ACP provides that in the indictment the prosecutor may move for the termination of the parent's right of supervision if the parent has committed an intentional crime to the injury of his/her child. Under subsection 1 of Article 336 of the ACP the court will terminate the parent's right of supervision if he/she is found guilty of committing an intentional crime to the injury of the child.

Subsection 1 of Article 86 of the ACP serves to spare the child as it restricts the possibility of hearing a minor as witness. Under this provision "a person who has not completed his/her fourteenth year of age may be questioned as witness only if the evidence to be gained from his/her testimony may otherwise not be replaced."

The re-introduction of the institution of the investigation judge into the Hungarian penal system by the ACP also serves the protection of the child in providing that questioning as witness in a trial of a person who has not completed his/her fourteenth year of age shall be carried out with due respect of the minor's personality.

Namely, subsection 4 of Article 207 of the ACP provides that “prior to the filing of indictment the investigating judge, upon the motion of the prosecutor, will question the witness who has not completed his/her fourteenth year of age if there is well-founded presumption that his/her questioning at the trial would harmfully influence the child’s development. This questioning of the witness may be requested from the prosecutor by the legal representative, the guardian or the attorney proceeding in the interest of the witness.”

In this case, in the later phase of the course of the criminal procedure the minor may not be summoned to trial, i.e. may not be obliged to appear [Subsection 1 of Article 280 of the ACP].

In respect of a person who has not completed his/her fourteenth year of age confrontation may be applied only if it does not create fear in the child. [Subsection 3 of Article 124 of the ACP].

Subsection 1c of Article 201 of the ACP serves the utmost interest of minors by providing for the possibility of clandestine gathering of information and data in case the crime is targeted on a minor.

Under subsection 3b of Article 237 of the ACP the court may exclude the public from a criminal trial or from a part of a criminal trial if this (closed trial) is necessary in the interest of the minor participating in the procedure. Therefore, only the persons participating in the criminal procedure may exclusively be present and the public is wholly excluded.

Subsection 2a of Article 244 of the ACP provides that the court may order the questioning through closed-circuit TV network of witnesses who have not completed their fourteenth year of age. Besides, in order to spare the child, the number of people present in the separated room is further limited.

Where the witness is a minor, in addition to the minor’s legal representative or guardian an expert, typically a forensic psychologist, may also be present in the separated room with the task to reduce the tension during the questioning and to assess the behaviour and reactions of the witness.

**13.2.** In the legal system there is no court of family affairs and the Juvenile Court deals with crimes committed against juveniles.

The Juvenile Court proceeds

a) on first instance at the local court situated at the seat of the county court, at the Central District Court of the city of Pest within the jurisdiction of the Municipal Court of Budapest, and

b) on second instance at the Municipal Court of Budapest, at the county courts and at the high court of appeal.

In respect of the composition of the judicial council at local courts, the Municipal Court of Budapest proceeding on first instance and at the county courts the ACP includes a double requirement: firstly, the chairman of the council must be an appointed judge, and secondly, at least one member of the council must be a pedagogue. At courts of second instance one of the members of the council must be an appointed judge, who is not

necessarily the chairman of the council. There is no obstacle to several or all members of the council being appointed judges. Under Article 14(3) of Act LXVII of 1997 the chairman or the judge of the judicial council proceeding in juvenile matters is appointed by the National Judicial Council. The appointment is valid for the court concerned and its jurisdiction (the Capital or the county).

In juvenile cases it must be examined from the time of indictment whether the procedure is carried out at the court with the proper scope of competence and jurisdiction, and by the appointed judge. In connection with coercive measures taken prior to the filing of the indictment not only the appointed judge but other judges may also proceed.

In the procedure of a juvenile case belonging to the jurisdiction of the county court the council of juvenile cases must proceed already in the preparatory phase (e.g. the ordering and/or maintaining of pre-trial detention, involuntary temporary medical treatment).

#### **Minimum age for sexual activity**

- 14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?**

The minimum legal age for sexual activity by both males and females is fourteen years of age. In this respect there is no difference as to whether the sexual activity is heterosexual or homosexual. The punishable actions are listed in the answers given to question No.3.

- 15. Provide information on the minimum age of marriage for women and men.**

As pointed out in the answers to question No.8, the minimum age is the same for women and men, i.e. sixteen years of age. It is an important rule that minors may get married only subject to prior permission of the guardianship authority. The guardianship authority makes its decision on giving or rejecting its consent following a hearing of the parent (legal representative). The wedlock is null and void if it has been contracted without the consent of the guardianship authority or before the marriageable age of any of the parties involved.

#### **Sexual exploitation of children**

- 16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalised. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.**

**Sexual exploitation** – see more extensively in answers to question No.3

In the Criminal Code it is a common feature of crimes against sexual morals that the perpetrator forces the injured party to participate in the action established as the factum of the

crime. The danger of such crimes lies in the fact that they endanger the healthy sexual development of minors.

Article 197 of the Criminal Code provides for the prevention of sexual exploitation by penalising the felony of rape.

The prevention of sexual exploitation is also ensured by Articles 201-202 of the CC by penalising seduction.

### **Child prostitution**

Although the CC does not contain a fact called “child prostitution”, the felony of pandering under Article 207 may be committed to the injury of a child as well. On the basis of the case stated the person who solicits another person for sexual intercourse or fornication for somebody else in order to make a profit, commits a felony, and shall be punishable. This crime qualifies as a graver one if it is committed to the injury of a relative of the perpetrator or of a person under his education, supervision or care or who has not yet completed his eighteenth year of age.

On the other hand, under subsection 2 of Article 205 of the CC on the promotion of prostitution, the person who maintains, heads a brothel, or makes available financial means to the functioning thereof commits a more serious felony and is punishable more severely if any person who has not yet completed his/her eighteenth year of age engages in prostitution in the brothel.

### **Sale of or trafficking in children**

Although the CC does not contain a provision on the fact of “trafficking in children”, under Article 175/B of the CC on the established charge of trafficking in human beings such trafficking committed to the injury of a child is also punishable.

As of 1 April 2002 the relevant regulation was changed in order to comply with the requirements set forth by the Protocol to the UN Convention against Transnational Organised Crime, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Under subsection 1 of Article 175/B of the CC any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment not exceeding three years.

Under the changed regulations, among other things, producing prohibited pornographic representation has become a qualified case. In this respect graver punishments are to be given if the felony has been committed to the injury of a person who has not completed his/her twelfth year of age or his/her eighteenth year of age respectively, or if the felony has been committed to the injury of a person who is under the education, supervision or care of the perpetrator.

Under the provisions of the Family Welfare Act adoption of a child is not permissible if it is in conflict with the interests of the minor, or otherwise infringes public interest, or it will result in financial gain either for the parties involved or for persons or organisations collaborating in any other way in the procedure .

Intercountry adoption, except for adoption by relatives or by the spouse of the parent, is permissible only in the case of children brought up in childcare institutions or by the state provided that adoption in the child's country of origin has not taken place because it has not been initiated or the measures aimed at ensuring the child's adoption have failed.

The Criminal Code stipulates that the **felony offence of changing the family status** is punishable as follows,

*"Any person who alters the family status of another person, thus in particular exchanges a child or smuggles one into another family, commits a felony offence and shall be punishable with imprisonment of up to three years.*

**(2) The punishment shall be imprisonment between one to five years, if the alteration of family status is perpetrated**

*a) by an employee of a medical or educational institution within the sphere of his occupation,*

**b) by a person responsible for the tutelage, guardianship or supervision of a person under the age of eighteen.**

**(3) If the criminal act is committed by an employee of a medical or educational institution due to negligence, such person shall be punishable for a misdemeanour offence with imprisonment of up to one year, labour in the public interest or a fine."**

### **Summary of the actions, institutional developments and international activities of the Ministry of the Interior, its institutions, the National Centre for Crime Prevention and the law enforcement agencies:**

- ❖ The production, maintaining and distribution of child pornography is a crime, that shows an unfortunate rise these days. In the course of combating such crimes images (pictures, films, videos, electronic data carriers) are seized. One of the most important goals of international police co-operation is that offenders and injured parties, often children who are missing and wanted, be detected with the help of the confiscated and archived images. To achieve this goal EUROPOL, the General Secretariat of INTERPOL and the police of various Member States have set up archives, which are promoted by EUROPOL also. WITHIN THE NATIONAL POLICE HEADQUARTERS (ORFK) there is already an Internet Observation Unit in place which is going to be developed further in respect of staff and technical background.
- ❖ Trafficking in human beings, sexual exploitation of children, endangering children, trafficking in unaccompanied minors and child pornography form also a part of the Co-operation Agreement signed between Hungary and EUROPOL.
- ❖ The recommendations of the Brussels Declaration adopted at the European Conference initiated by the European Commission and IOM under the STOP II Programme in September 2002, to be adopted by Hungary, include, the prevention of trafficking in children, victim protection and assistance as well as vocational training

focusing on specialization. In line with these recommendations the Deputy State Secretary for Crime Prevention was appointed national coordinator of preventing trafficking in human beings and a special investigation unit was established within the National Police Headquarters (ORFK).

- ❖ In the framework of cooperation in the fields of Justice and Home Affairs we take measures to participate in the international co-operation to counter the phenomenon of trafficking in human beings, including the fight against sexual exploitation of children. (STOP Programme, AGIS Programme, Daphne Programme, Stability Pact)
- ❖ In October 1998 the victim protection office was established within the Ministry of the Interior to implement and co-ordinate the tasks of cooperation between the Ministry, its independent offices, which are controlled by the Minister, and NGOs dealing with victim protection. Pursuant to the Ministerial Order No. 4/1999 victim protection desk officers were appointed to work at every police station, whereas there are 48 victim protection offices already functioning nationwide. Desk officers and victim protection offices provide help to victims of trafficking in human beings, in particular to women and children.
- ❖ One official from MoI's EU Integration Office participates in the European Commission's Experts Group against Trafficking in Human Beings.
- ❖ A liaison officer was seconded by INTERPOL's Hungarian Agency to INTERPOL's Special Group on Crimes against Minors.
- ❖ A school building out of use was transferred free of charge by the Municipal Office of Public Administration of Budapest to the Aid Organisation of the Baptist Church receiving US funds to set up a shelter for victims of human trafficking. To receive such funds the Aid Organisation had to obtain MoI's certificate on government approval in principle. The "Letter of Approval in Principle" was granted by MoI's Deputy State Secretary for Crime Prevention.
- ❖ The Coordination Committee against Human Trafficking established by MoI's National Centre for Crime Prevention (OBK) involves members from all government bodies dealing with the issue. The Committee made a situational analysis and decided to survey the fight against trafficking in human beings and reform information gathering. Smaller expert groups of the Committee make the surveys and carry out the tasks. NGOs and international organisations working in Hungary are also assessed with a view to future cooperation.
- ❖ A strategic concept to prevent and combat organised crime was prepared by OBK which will comprise the strategy and the action plan of combating human trafficking as an independent chapter within the strategy against organised crime.
- ❖ Devising the concept OBK requested the law enforcement agencies dealing with human trafficking to contribute their ideas, proposals or plans and summarised them in a preliminary situational analysis. OBK had set up a working plan with the tasks specified in the summary to be carried out before the preparation of the strategy at the beginning of 2004. These tasks included the initiation of the amendment of the pieces of legislation related to the issue, launching international projects, organising

conferences and initiating training programmes. The summary also emphasises that the law enforcement agency's attitude of handling victims of human trafficking as perpetrators must change and these changes must be implemented.

- ❖ Training Hungarian and Central-European staff together with staff from the Baltic region fighting against human trafficking (law enforcement officials and members of the civil society together) is the main objective of the Academy for Crime Prevention established upon the approval of the Minister for the Interior in November 2003 within the Institute for Management Training of MoI's Police Academy. The preparation of the programme (assessment of the needs, working out a list of offers) is in progress. Training courses begin in 2004 with a total of an annual budget of about HUF 100 million.
- ❖ The Ministry of the Interior participates in the EU's joint CARDS POLICE project which was awarded in November to the consortium Council of Europe and the International Organisation for Migration to prepare the countries in the region for the fight against trafficking in human beings. The Academy for Crime Prevention, where most of the training courses will be held, plays a key role in the project. In addition OBK's two short-term experts will participate in the project. Within the project the Academy will compile the curriculum for the training courses against trafficking in human beings in the region.
- ❖ Further training extended by social capacity building training courses for police officials was launched to convey systematic knowledge on the nature of domestic violence, the peculiarities of the functioning of institutions responsible for prevention and response, international and domestic best practices. Sensitisation and capacity building exercises reach far beyond the specific subject, as their goal is to establish and develop a victim-oriented, helping and servicing attitude.
- ❖ The first training course took place on 22-23rd April organised jointly by MoI's Academy for Crime Prevention, OBK and "NANE" (Women for Women together Against Violence) with the participation of two police officials per county.
- ❖ The programme called "Raising to a Secure Life" for children and youth living in children's homes was extended nationwide by the National Centre for Crime Prevention (OBK) of MoI in cooperation with the Child and Youth Protection Department of the Ministry for Health, Social Welfare and Family Affairs (ESzCsM) as a part of the "Európa Terv" (Europe Plan). The professional revision of the programme is in progress. Informing and involving children's homes and county child protection specialist services taking part in the first round of the programme is the duty of the Child and Youth Protection Department of ESzCsM. Information and development of skills on preventing victimisation play a key role among the subjects of the programme.

In our mind it is important to have nationwide, broad-scale programmes offering opportunities to prostitutes to learn, work and have access to social and health care.

### **Pornography and harmful information**

17. **Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.**

**See also: information on the measures, activities of the Ministry of the Interior provided to the previous question.**

The abuse of illicit pornographic images (Section 195/A Criminal Code) constitutes a part of Chapter XIV of the Criminal Code, which was changed as of April 1st 2002.

Any person who acquires, is in the possession of pornographic images of a minor made by video, film or photographic equipment or by any other means, is guilty of a felony punishable by imprisonment not to exceed three years, however if such images are offered or conveyed, this offence qualifies as more serious and shall be punishable by imprisonment up to five years.

Any person who produces pornographic images of a minor by video, film or photographic equipment or by any other means, and/or distributes or makes such pornographic images available to the public is guilty of a felony punishable by imprisonment between two to eight years. A person having a minor participating in a pornographic show shall be punished as set forth above.

The person providing financial means to making, distributing, trading, making available to the public of such images and/or having a minor participating in a pornographic show is punishable by imprisonment up to eight years.

According to the law a minor is a person under eighteen years of age.

The law specifies that pornographic picture or pornographic show is the act or display of sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanour.

18. **Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.**

**See also:** information to point 60 in the Report<sup>3</sup>

**See also:** information to question 16 on the Internet contained in the part on the measures and activities of the Ministry of the Interior.

The **rights of the child** are defined in the Child Protection Act as well; among these rights we have to highlight the child's right to have respect for his/her inherent dignity, **protection against** abuse, physical, sexual or emotional violence, neglect and **harmful information**.

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**Report of the Government of the Republic of Hungary on Its Measures Adopted for the Implementation of the Rights Recognised in the Convention on the Rights of the Child** Periodic Report No.2-3<sup>3</sup>



The child is entitled to access to media programmes matching its mental development, enlarging its knowledge, preserving the values of the Hungarian language and culture, the child is further entitled to protection against harmful influences such as arousing hatred, violence and pornography.

**Act I of 1996 on Broadcasting and Television provides for the protection of minors:**

**Broadcasters shall assign a rating to each and every program they wish to broadcast - other than previews, news programs, current affairs programs, sport events and advertisements - according to the categories specified under Section 5/B.**

A preview may not be broadcast at a time of the day when the program to which it pertains cannot be broadcast.

Programmes dealing with up-to-date events, sports programmes and/or advertisements cannot be broadcast at a time when according to their rating their broadcast would not be admissible.

*5/B. Category I shall include the programs, which are rated **to be viewed by all audiences**. Category II shall include the programs that may frighten viewers under twelve years of age, or that they cannot comprehend or may misunderstand due to their age. These programs shall be classified as "Parental discretion is advised for viewers under the age of twelve"*

*Category III shall include the programs, which might impair the physical, mental, or moral development of minors **under the age of sixteen**, in particular those that involve gratuitous violence or sexual content, or that are dominated by conflict situations resolved by violence. These programs shall be classified as "Not recommended for viewing for audiences under the age of sixteen".*

*Category IV shall include the programs, which might **impair** the physical, mental or moral development of **minors**, in particular those that are dominated by graphic scenes of violence and/or sexual content. These programs shall be classified as "Not recommended for viewing for audiences under the age of eighteen".*

*Category V shall include the programs which might **seriously impair** the physical, mental or moral development of **minors**, in particular those that involve pornography or extreme or explicit scenes of violence.*

*Programs classified under Category II cannot be broadcast targeted to viewers under twelve years of age, or among such programs; they can be broadcast at any other time having the proper classification affixed.*

*Programs classified under Category III can be broadcast between 09 p.m. and 05.00 a.m. having the proper classification affixed.*

*Programs classified under Category IV can be broadcast between 10 p.m. and 05.00 a.m. having the proper classification affixed.*

*Programs classified under Category V cannot be broadcast.*

*Subject to the exceptions laid down in this Act, all programs must be broadcast in accordance with their classification.*

*At the beginning of the broadcast the rating and classification of the program must be displayed.*

*During broadcasting the proper distinguishing symbol of the rating of the program must be displayed in any corner of the screen throughout the entire duration of the broadcast. The rating of programs classified under Category I need not be displayed. No distinguishing symbol shall be applied for radio broadcasts.*

*Program guides containing the programs of television broadcasters shall indicate the rating of each program according to the classification defined under Section 5/B.*

*The National Radio and Television Board shall determine the guidelines for the rating system specified in Section 5/B, the symbols to be applied prior to and during broadcast and the manner in which they are to be displayed by resolution passed by a two-third majority - being the prescribed procedure, and shall publish them in the Kulturális Közlöny (Official Journal of Cultural Affairs).*

**Act LVIII of 1997 on Commercial Advertising** provides that no advertisement may directly encourage minors to motivate their parents or other adults to purchase or use toys and/or other goods or services.

Advertising may not be published if it shows minors in violent situations or encourages to violence. Advertising may not be published if it takes advantage of minors' trust in their parents, teachers or other persons, or of their credulousness or lack of experience. Shopping on television may not encourage minors to acquire (purchase, lease) or use goods or services.

Programmes broadcast for children under fourteen years of age, not exceeding thirty minutes may not be interrupted or shortened by advertisements.

Public programme providers and providers of public programmes shall especially take care of broadcasting:

- programmes promoting the skills, interests, knowledge as well as the physical, intellectual and moral development of minors,
- making available information to groups seriously disadvantaged due to their age, intellectual, mental state and social circumstances, with special regard to programmes on the child's rights, available services protecting the child's interests to be shown in prime viewing time,

The advertising of alcoholic beverages:

- may not address minors and may not show minors drinking alcoholic beverages,
- may not be published preceding and directly after a programme made for minors,

**Act II of 2004 on Motion Picture**, which came into force on April 1<sup>st</sup> 2004

classifies film categories to protect children in point a) para (1) section 19 and defines these categories in section 21, the provisions of para (1) shall not apply to films presented nationwide on the occasion of film days (film weeks), film festivals organised by inter-state agreements or professional organisations and for no more than ten times over one year, which will not enter the distribution network, and films with the classification "art". The categories are the same categories as specified in the Act on Radio and Television. This classification applies not only to motion pictures (copies), but also to other data carriers (VHS, DVD, CD), which do not have to be rated again if they are identical with the copy already rated. The National Film Office shall issue a decision on age classification based on the proposal of the Age Limit Committee and performs public administration, control and service provision activities. Pursuant to the act it shall control the film distributor, operator in fulfilling their information obligation, it levies sanctions in case of non-fulfilment. The Age Limit Committee shall consist of 5 members, two of them with teachers qualification and professional experiences in the fields of film distribution or motion picture education, two with psychologists qualification and professional experiences concerning the impact of the media on the development of children, and one person representing film distributors. Officials with experiences in the field of child and juvenile protection of the Ministry of Children, Youth and Sports, The Ministry for Health, Social Welfare and Family Affairs, the

Ministry for Education, the Ministry for National Cultural Heritage and the National Radio and Television Board may participate as experts in the Age Limit Committee.

Regulations are being prepared concerning the transposition of the PEGI system in Hungary dealing with the age ratings of computer and video games introduced in the European Union in April 2003.

It is our further goal to introduce a single classification principle and a practice in line with the rules and practices of the Union.

### **Reporting obligations relating to violence against children**

- 19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.**

No citizen has any reporting obligation under the Criminal Code.

Any member of an authority or any authorized official as well as, if any special law provides for it, any public corporation shall report by indicating the perpetrator if known, the felony offence it became aware of within its competence. Tools of evidence shall be enclosed to the report, if it is impossible, the safekeeping of such tools shall be ensured.

In order to promote the upbringing of the child within a family and to prevent and eliminate the endangerment of the child, the responsibilities in connection with the child protective system regulated by the **Child Protection Act** shall, within the framework of the basic activities provided for by law, be performed by

- a) health care service providers, in particular, district nurses, family doctors, family paediatricians,
- b) institutions providing personal care, in particular, family support service, family support centres,
- c) institutions of public education, in particular, fostering-educational institute, educational and behavioural counselling service,
- d) police,
- e) prosecution,
- f) court of law,
- g) refugee centres, temporary accommodation of refugees,
- h) social organizations, churches, foundations.

The institutions and persons listed above shall be obliged to

- a. notify the child welfare service of any endangerment of the child,
- b. initiate administrative procedures in case of abuse and/or severe neglecting of the child or for other serious endangerment, as well as in case of severe endangering behaviour induced by the child

Such notifications and initiatives can be made also by any citizen or social organisation representing the interests of the child.

In order to promote the upbringing of the child within a family and prevent and eliminate the endangerment of the child, the persons, service providers, institutions, and authorities listed above shall be obliged to cooperate and mutually inform each other.

**See also:** information to point 91 in the Report, the examinations extracted from the Report of the Parliamentary Commissioner for Civil Rights<sup>4</sup> and the parts from Report No. OBH 1670/2003 on the year 2003 in Appendix 2.

The Act on Public Health (Act CLIV of 1997) and the Act on the Handling of Health Care Data were amended, according to which medical confidentiality shall not apply to cases, where pursuant to the Child Protection Act, health officers have to report or notify the authorities in the interest of the child.

Health care service providers are obliged by the above law to notify the child welfare services, if it can be presumed that the injury and/or the illness of the child results from abuse or neglect, and/or if in the course of providing their services circumstances indicating child abuse or neglect are disclosed to health officers.

(A letter on the methodology of preventing, recognising and responding to child abuse and neglect was drawn up for family doctors, family paediatricians and child health care experts.)

If the guardianship authorities are directly requested to take measures, weighing further decision-making falls within the competence of the guardianship authority (town clerk, guardianship authority).

Should the child welfare service be notified of the endangerment of the child, the family visitor knowing the situation, should weigh whether, measures falling under his/her responsibility are necessary or he/she should request the authority, without delay, to take official measures against child abuse.

It is important to stress that the reporting obligation is a feedback obligation as well, consequently child welfare services may request assistance from health care providers, public education institutions, and, on the other hand they must provide information on the measures taken.

### **Complaints procedures**

#### **20. Provide information on any complaints procedures relating to all forms of violence against children, perpetrated in:**

According to the laws in force children have the right to lodge a complaint with different forums regarding issues affecting them. Although there is no separate complaints procedure the general law on complaints provides for the possibility of complaint in the case of violence perpetrated against children.

Under the Child Protection Act (CPA) children have the right to express their opinion freely, to be given information about their rights and opportunity to enforce their rights, as well as to be heard directly or in an other way regarding any issue affecting their person or property.

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<sup>4</sup> Report of the Government of the Republic of Hungary on Its Measures Adopted for the Implementation of the Rights Recognised in the Convention on the Rights of the Child Periodic Report No.2-3 December 2003<sup>4</sup>

Their **opinion is to be taken into account** as corresponds to their age, health status and level of maturity.

Children have the right to **lodge a complaint with the different forums identified** in the Act regarding issues affecting them. Children have the right, in case their fundamental rights are infringed, to start legal action in court or at other bodies identified in the Act.

The **Parliamentary Commissioner for Civil Rights** (hereinafter referred to as "Commissioner") promotes the protection of the constitutional rights of the child by special tools and in the course of this:

- a) the task of the Commissioner is, to investigate abuses disclosed to him, affecting the constitutional rights of children and initiate general or individual measures to remedy such acts,
- b) the Commissioner shall report on his measures defined under point *a)* to the Parliament once a year.

The Minister for Children, Youth and Sports in cooperation with the **Office of the Ministerial Commissioner Responsible for the Rights of the Child** coordinates and controls **on behalf of the Government** the implementation of the measures adopted in the Convention on the Rights of the Child signed on 20<sup>th</sup> November 1989 in New York. The Commissioner for the Rights of the Child shall inter alia:

- a) be responsible for the tasks related to the coordination and control of the implementation of the provisions under Act LXIV of 1991 on the Announcement of the Convention on the Rights of the Child signed on 20<sup>th</sup> November 1989 in New York and compile the reports on the effectuation of the measures adopted in the Convention;
- b) monitor the effectuation of the rights of the child, collect, evaluate and publish information on the effectuation of such rights, initiate measures within the scope of his tasks and competence in case of infringement of the rights of the child;
- c) provide information on the rights of the child and possibilities of the effectuation of such rights;
- d) provide for public awareness of the rights of the child and facilitate the observation of such rights;
- e) provide for ensuring the participation right of the child, take the opinion of the children into account

In addition to the above the **Office of the Ministerial Commissioner** responsible for educational rights (**see below**) also contributes to the effectuation of the civil rights of children and youth (pre-school children, pupils, students and their associations) in public education including kindergarten, primary and secondary education (secondary grammar school, vocational school, technical school, secondary vocational school) institutions of higher education (colleges, universities).

**Concerning children in public guardianship** the representative of the child's rights ensures the protection of such rights under the Child Protection Act and helps them to get to know and enforce their rights. The representative of the child's right pays attention in particular to the protection of children in need of special care.

The representative of the child's right (inter alia):

- a. helps children formulate their complaints, may initiate investigations of such complaints,

- b) helps children to receive the care they need regarding their state, assists them in formulating their remarks or questions to cases discussed in meetings of the child welfare services and/or issues concerning their places of custody to be discussed at the local child protection specialist services,
- c) proceeds on the request of the interest forum.

The maintainer of the institution specifies the rules for setting up and operation of the **interest forum** protecting the interests of the children receiving support.

The interest forum **examines the complaints** filed and takes decisions in matters within its competence, it may also request the maintainer, the representative of the child's rights or other competent authorities to take measures.

The interest forum is entitled to express its **opinion before the head of the institution**.

Children, the parents or other legal representatives of the children, as well as the children's self-government and young adults, further the interest representation and professional bodies protecting children may, in accordance with the house rules, file a **complaint with the head of the institution or its interest forum**.

Children placed in a boarding institution may set up the **children's self-government** to represent their interests.

In all questions related to children and the operation of the boarding institution the children's self-government may express its opinion before the head of the institution, and the head of the institution has to take it into consideration.

**See also:** information to points 42 – 43 -44 – 45 in the Report<sup>5</sup>

*In addition to the general provisions information is provided on special rules under the specific points.*

- **the family/home**

If violent acts are committed at home or within the family, children may apply to the child welfare service and file a complaint in the case of abuse.

- **schools and pre-school care and education (both formal and non-formal, state and private)**

Concerning pre-school and crèche care the general rules apply.

The Office of the Ministerial Commissioner is an independent, internal organisational unit of the Ministry for Education, directly responsible to the Minister. The Office contributes to the promotion of citizens' rights concerning education of children, pupils, students, researchers, teachers and parents, as well as their associations. Within this framework any participant of the education (pupils, parents, pedagogues, students, researchers, teachers and their associations) may file a petition, if they mean, their rights were infringed or will be infringed. The Commissioner shall be entitled to proceed, if the possibilities for legal remedies available

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to the complainant have been exhausted, except for court procedures, and/or the decree or measure in question has been brought within one year:

- if a decree, measure or the omission of them infringes educational rights, and/or presents a direct threat to infringe of such rights,
- the rights of associations of participants in education (e.g. students self-governments, school boards, teachers) shall receive equal protection with individual rights.

The Commissioner for Educational Rights shall examine all applications filed in writing or verbally. If the Commissioner considers the application well-founded, he will initiate conciliation, should it fail, he prepares a recommendation, or initiates the termination of the infringement of rights. The Commissioner may ex officio initiate proceedings if a piece of legislation, any measure or the omission of them result in grave infringements or may infringe the rights of a larger group of citizens.

The Commissioner for Educational Rights compiles a report annually, which is published also in minority languages on the homepage of the Ministry for Education [www.om.hu](http://www.om.hu).

- **military schools**

**See above** – Office of the Ministerial Commissioner for Educational Rights

- **institutions, state and private, including care, residential, health and mental health**

The authorised doctor of the health service carrying out the first **examination** of a minor involved, shall notify without delay, the competent child welfare service of the local health service if

1. it can be presumed, that the injury or illness of the child was caused by abuse or neglect,
2. circumstances indicating the child's abuse or neglect are disclosed to him during the examination.

In **boarding facilities** the above interest forum, the general right to complain and the children's self-government are available in matters of complaint.

- **the context of law and public order enforcement including in detention facilities or prisons**

No children are placed in penal institutions except when a pregnant woman gives birth during her imprisonment. In this case the mother may keep the baby with her until the child is 6 months old, in exceptional cases an approval may be obtained for keeping the infant up to the age of one.

In case of violence against the child, the prisoner or the person detecting the violent act may file a complaint or may report. Decision shall be taken by the head of the organisational unit where the child stays. The complaint must be processed within 15 days, however this deadline may be extended by 30 days. In cases specified by law the prisoner may appeal to the penal judge.

Correction institutes as part of the child care system operate under the direct supervision and control of the Minister for Health, Social Welfare and Family Affairs.

Correction facilities are maintained by the Ministry for Health, Social Welfare and Family Affairs.

The Ministry for Health, Social Welfare and Family Affairs and the child and youth care prosecutor with judicial supervisory competence in respect of penal institutions shall be notified without delay on **unforeseen events** occurring in correction facilities or during detention.

Pursuant to this regulation all events shall be unforeseen events that constitute grave infringements to the rules of the correction facility, in particular:

- a) **escape** of juveniles,
- b) **criminal acts** perpetrated in the territory of the facility,
- c) **suicide attempts, accidents, deaths** of juveniles,
- d) damaging security equipment and devices applied in the institution,
- e) all significant events that are aimed at **wilful disturbance in the institution**.

**See also:** information provided to point 142 in the Report<sup>6</sup>

- **the neighbourhood, street and the community including in rural areas**

**The strategic goals of the concept of a bill** for the Government's youth policies:

- Determining the government's tasks related to youth and
- regulating the operation and funding of the necessary institutions to perform such tasks.
- Creating the framework for the social participation of youth.

**The principles of the concept:**

- the broadest possible decentralisation of responsibilities and resources;
- involving young people concerned in decision making;
- the possibility of foreseeing and planning the resources from the budget targeted at youth purposes;
- making local governments interested in performing the tasks of the youth policy;
- making local governments capable of performing the tasks of the youth policy;
- involving non-governmental resources into performing the state's/local governments' tasks;
- paying special attention to making the existing processes and mechanisms compatible with the new regulations;
- preparing a framework regulation with enforcement decrees.

- **the work place (informal and formal)**

The Information Service on Safety at Work provides information to everybody on the rights and obligations related to safety at work; it performs assistance, information and counselling activities and can be contacted by phone free of charge. The Ministry of Employment and Labour and its organisations control strictly the international regulations Hungary has ratified, applying to the employment (type, time, place, dangers, way of employment, observation of

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special rules of safety at work, etc.) of minors and introduces sanctions against those violating these regulations.

- **sports and sporting facilities**

**21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.**

Act LXXX of 2003 on Legal Assistance adopted by the Parliament on 20<sup>th</sup> October 2003, reforms the way of rendering legal help related to civil and criminal procedures and establishes a new form of providing legal assistance which is not linked to court procedures: state support is rendered on a means-tested basis to socially disadvantaged children or their legal representatives, if they are in need of a co-operating legal helper providing legal assistance out of court,

Pursuant to the provisions of this law new forms of providing assistance will be available to the legal representative of the child, provided he/she is entitled to it based on a means test. The part of the law applying to criminal procedures will come into force on 1<sup>st</sup> January 2006.

The pieces of information provided to question 20 are closely linked with this issue: proceedings started ex officio by the Parliamentary Commissioner for Civil Rights, the Ministerial Commissioner for the Rights of the Child, the Ministerial Commissioner for Educational Rights, the Representative of the Child's Rights. We have to emphasise, that the right of complaint is included in the rights of the child and there are various forums, to exercise such right.

The child may directly apply to the child welfare service, where he/she will be heard, and/or measures shall be taken within the child protection warning mechanism to counter negative behaviour against the child, which can be disclosed in a manner, that the child tells his/her complaints to one of the members of the warning mechanism.

If abuses against children are disclosed to any authority, such authority shall also have the obligation to take measures.

Pursuant to the law the guardianship office shall report ex officio:

- a) the endangerment of the child or the failure to support the child,
- b) the crime committed to the injury of the child.

In case of a suspected crime committed to the injury of the child the **county guardianship office** shall help the guardianship authorities and the experts working in the child welfare system to report.

Officers in the guardianship offices have law degrees, so they can proceed in the individual cases observing the rules of procedure in force.

The child welfare services employ lawyers as well, they advise them on handling legal issues.

**22. Describe steps, which have been taken to raise awareness of possibilities to submit complaints about violence against children.**

We provided detailed information to question 54 on the awareness campaigns conducted by government and non-government organisations aimed at calling attention to violence perpetrated against children, changing the common attitude towards violence, reporting violent events and providing assistance.

The training materials devised for the staff of child welfare services, pedagogues and health visitors make children, their parents and experts dealing with children aware of the possibilities of reporting, as well as the organisations and institutions providing help. (Hereinafter see also: information provided to question 20).

**23. Provide information on any special procedural or evidentiary rules, which may apply in proceedings with respect to violence against children.**

Concerning evidentiary rules the information provided at point 13.1 should be mentioned, describing the provisions of the Criminal Procedure to ensure the protection of children.

**24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).**

**See also:** information provided to points 147 -148 in the Report<sup>7</sup>

If a violent act perpetrated against the child is described under the criminal law, the perpetrator shall be punished under the law.

Should the child be taken under protection, the family caregiver employed by the child welfare service develops a plan for the care and upbringing of the child, which shall contain:

- a) the description of the circumstances endangering the child,
- b) the changes necessary to terminate taking under protection and the family caregiver's, parents' and child's tasks and deadlines to achieve such termination,
- c) the necessary support for the family,
- d) the description of the initiation of authority and/or court proceedings held necessary,
- e) the description of the institutions and/or persons providing assistance and specifying their tasks,
- f) other provisions held necessary from the professional point of view.

The tasks of the family caregiver appointed in the procedure of taking the child under protection are:

- a) to continuously ensure the care and provision for the child, support parental care, and
- b) inform the notary of the local government, by performing a revision if required, on the circumstances endangering the child.

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Pursuant to the decision of the guardianship office the family caregiver from the child welfare service shall ensure the **aftercare of the child placed back into his/her family**.

The purpose of aftercare is to help re-integration within the family, integration into the environment, continue learning, and find a job suiting the qualification or skills of the young person.

**25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).**

According to the criminal law in force a child under the age of fourteen is not punishable for committing a crime. Under the criminal law juveniles are those, who, on committing the crime, have reached the age of fourteen, but are under eighteen. The provisions of the criminal law applying to juveniles differ from those applying to children, juveniles may be put in correction centres or under the supervision of a probation officer.

**The placement in a correction centre** is ordered by court, if the successful education of the young person cannot be ensured otherwise.

The duration of placement in a correction centre may last from one to three years.

Any inmate having spent at least one year in a correction centre will be temporarily released by court order, if at least half of the time has passed, and it can be presumed with grounds, that the aim of the measure can be achieved outside the correction centre as well. The duration of temporary release is the same as the remaining part of the term to be spent in the correction centre but no less than one year.

The court terminates the temporary release, if the juvenile is sentenced to prison or sent to a correction centre for a crime perpetrated during his/her temporary release. The court may terminate the temporary release, if the court inflicts another punishment or applies another measure against the juvenile, or if the juvenile violates the rules of supervision by a probation officer.

In case of termination of the temporary release the time spent on temporary release shall not be included into the time to be spent in the correction centre.

Those, who have reached nineteen years of age shall be released from the correction centre.

The rules of correction centres are defined in decree No. NM 30/1997.

The aim of education provided in the centre is to promote social integration, ease malfunctions of integration, achieve mental balance, develop the level of education and professional skills, develop respect for fundamental moral standards as well as to prepare for a healthy way of life. In the course of education special attention should be paid to the risks of alcohol, drugs and issues on sex.

**The correctional officer develops an individual education plan** for the inmate based on the establishments of the investigations made by experts after his/her placement into the centre, information obtained about family contacts, the pedagogical and psychological findings made prior to his/her placement, the behaviour after placement in the centre and the information gathered during personal interviews. If the young person is in need of any individual psychological care, the psychologist shall prepare an individual caring plan.

**Young persons should obtain compensating and correcting education**, with an approach to compensate disorders of their previous way of life and correct behavioural disorders leading to the perpetrating of crimes.

Arrangements shall be made to provide the necessary **therapy** to correct juveniles' individual development, to ease their behavioural disorders and defects of integration, cure their addictions and/or provide adequate special needs education to disabled juveniles.

Since 1997 **police custody** of juveniles can be executed in correction centres. This provision is of special importance because police custody by court order is only possible, if the conditions listed under the law on criminal procedure are fulfilled. Police custody is only admissible, if the juvenile accused of a crime is sentenced to imprisonment. It is an important goal that juveniles are not put together with adults in penal institutions, but in correction centres providing special educational conditions.

There are four correction centres in Hungary, police custody can be executed in two of them.

**Supervision by a probation officer** shall be ordered, if the offender needs supervision on a regular basis in order to successfully complete his/her parole or probation period. Those, who are on probation or the recidivists, whose prison sentence had been suspended, and those against whom prosecution was postponed shall be under the supervision of a probation officer.

The duration of supervision by a probation officer is the same as the duration of the parole or probation.

The person under the supervision of a probation officer shall observe the rules of conduct prescribed by law and the court order, maintain regular contacts with the probation officer and give him the information he needs for supervision.

Offenders with suspended prison sentence, on probation, parole, or temporary release from correction centres shall be under the supervision of a probation officer.

## **II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN**

*The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.*

- 26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level, which are currently responsible for addressing violence against children?**

There is no appointed authority to address violence against children. This issue falls under the competence of various sectors, the Ministry of Children, Youth and Sports, the Ministry for Education, the Ministry for the Interior, the Ministry for Health, Social Welfare and Family Affairs, the Government Office for Equal Opportunities, the Ministry for Justice.

There were two Parliamentary Resolutions adopted concerning this issue. They are as follows:

- Parliamentary Resolution 45/2003. (IV. 16.) on the Development of the National Strategy for the Prevention and Effective Response to Domestic Violence
- Parliamentary Resolution 115/2003.(X.28.) on the National Strategy for Social Crime Prevention.

Parliamentary resolutions are other legal instruments of state control, which specify the tasks, operation and policies of the controlled sectors. Consequently the provisions of such resolutions shall be implemented by various ministries, i.e. coordination shall be governed by the tasks specified in the resolutions.

**If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.**

- 27. Is there a lead Government authority tasked with responsibility for addressing violence against children?**

There is no such authority; addressing the issue of violence against children is within the competence of various ministries, including the Ministry of Children, Youth and Sports, the Ministry for Education, the Ministry for the Interior, the Ministry for Health, Social Welfare and Family Affairs, the Government Office for Equal Opportunities, the Ministry for Justice.

**If YES, provide details.**

- 28. Are there specific financial and/or human resources allocated by your country to address violence generally?**

No.

**If YES, indicate the extent of these allocations.**

**29. Does your country allocate specific financial and/or human resources to activities to address violence against children?**

Yes, it does.

**If YES, provide details.**

**Funding through tender possibilities:**

Within the tenders published by the **Youth Protection Department of the Ministry for Health, Social Welfare and Family Affairs** there is a total of HUF 20 million available in 2004 for the prevention of domestic violence and/or child abuse, publishing brochures related to child abuse, extension of existing facilities providing temporary care to children and/or families, setting up new facilities.

The **telephone help service "Blue Line"** and the **National Association of Telephone Service Providers** are granted a support of HUF 10 million each in 2004 from the state budget.

**The tenders published by the Secretariat of the National Crime Prevention Committee include:**

- from among the **tasks specified in the Action Plan of the National Strategy for Social Crime Prevention**
  - reducing child and juvenile delinquency,
  - improving urban security,
  - prevention of domestic violence,
  - prevention of reoffending
  - research in line with the priorities set and elaborating model solutions. Through these tenders we want to encourage governmental and non-governmental organisations to use their own resources to develop the cooperation of partners in order to implement the objectives set.
  
- **Preventing school age children, juveniles not finishing school and young adults from becoming offenders.**
  - Main objective: elaborating model solutions in line with the priorities set for the reduction of child and juvenile delinquency from among the tasks specified in the Action Plan of the National Strategy for Social Crime Prevention. Through these tenders we want to encourage governmental and non-governmental organisations to use their own resources to develop the cooperation of partners in order to implement the objectives set.

Providing human resources, training courses.

- **Training programme for secondary schools aimed at preventing trafficking in human beings**
  - **Target group:** secondary school teachers and pupils. **Duration:** 12 months
  - **Financial resources:** European Union, Government of Hungary, Ministry for Education
  - The main objective of the project is to develop and disseminate training material and curricula, which call the attention to the risks of trafficking in

human beings, the importance of preventive measures and raise awareness within the framework of the National Basic Programme for Education in Hungary (NAT).

- Teachers are sensitised and the social importance of the issue is highlighted by a training programme and methodology designed specifically for this purpose. Its objective is that the risks and consequences of trafficking in human beings are disclosed to pupils at secondary schools by devoted teachers with appropriate knowledge and information on this issue.
- The four-day training course consisting of 30 classes No. IV/5/2004 on the "**Programme of Recognition and Response to Child Abuse in the Legal Practice of the Guardianship Authority**". The Programme is owned by the Office of Public Administration of Heves County and was accredited by the Hungarian Public Administration Institute in 2004.
- Training courses in child protection contain general knowledge on the violence against children, but until now no **special training** has been set up. As **special training courses** are very important, we plan to start such training courses in the near future.
- In 2003 the Budapest Forrásközpont (Resource Centre) launched trainings on the recognition, response and prevention of domestic violence and child abuse for experts in Budapest. After a general introductory series of presentations last autumn 4-day practical training courses will be organised in every district, so that by the end of the year experts will be trained in every district.
- **See also:** information on the Ministry of the Interior and the Crime Prevention Academy included in the information provided to question 16 as well as the homepage of the Crime Prevention Academy: [www.bma.hu](http://www.bma.hu).

**30. Do international or bilateral donors provide resources to your country for activities to address violence against children?**

**If YES, indicate the extent of these resources and the way in which they are issued.**

**31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?**

Yes, it does.

**If YES, provide details.**

NGOs are active also in foreign countries and/or organise international conferences in Hungary.

Hungary is represented by its experts in international conferences, there was a conference organised recently by Romania, where Hungarian experts were consulted on the modernisation of the Romania child protection system.

Hungary has signed several bilateral cooperation agreements, which include the exchange of experiences, organisation of study visits, and mutual information on the systems of care in the individual countries.

**32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the areas of violence against children, including receiving complaints?**

Yes.

**If YES, provide details.**

Providing information is closely related to the pieces of information given to question 20.

- There is no such institution as that of the **ombudsman** for the rights of the child in Hungary, these tasks are assigned to the Deputy Commissioner for Civil Rights. The ombudspersons for data protection and national and ethnic minorities rights are working also as Parliamentary Commissioners. The Parliamentary Commissioners compile a report once a year, which are accessible on their homepages: [www.obh.hu](http://www.obh.hu).
- The reports of the Ministerial Commissioner for Educational Rights are accessible on the homepage [www.om.hu](http://www.om.hu), as we have referred to in a previous question.
- The Office of the Ministerial Commissioner for the Rights of the Child will be set up in the autumn of the current year, reports on its activities will be available later on the homepage [www.gyism.hu](http://www.gyism.hu).
- The Public Foundation for the Rights of Patients, Benefit Recipients and Children established by the Ministry for Health, Social Welfare and Family Affairs in 2004 will commence work in 2005. It will work to protect the rights of patients in facilities under the Health Care Act, recipients of benefits in social care facilities under the Social Act (e.g. homes for children with disabilities) and children receiving child protection under the Child Protection Act. This institution has no homepage yet.

**33. Are there any particular parliamentary structures (for example special committees) to address violence against children?**

No there aren't, standing committees, interim committees and ad hoc committees can be set up within Hungary's Parliament. Standing committees have an **initiating, proposing, consulting**, and, in cases specified by law and the House Rules, **decisive** role and **contribute to controlling** the Government, exercising their powers under the Constitution and other pieces of legislation as well as the House Rules, and further resolutions of the Parliament.

There are currently three standing committees authorised to address issues related to violence against children; these are the Youth and Sports Committee, the Health Committee and the Committee for Social Welfare and Family Affairs.

**If YES, provide details.**



**34. Have there been any recent Parliamentary initiatives to address violence against children?**

Yes.

**If YES, give details.**

**In autumn 2003 the association named NaNE (Women for Women Together against Violence) and the Research and Training Centre of Women's and Children's Rights initiated a joint petition against domestic violence. The petition, which was also prompted by the murder of a 12 year-old boy by his own father on September 6<sup>th</sup> 2003, was signed by more than 50,000 citizens. The petitioners demanded that Parliament pass legislative acts and measures in compliance with international norms to reduce domestic violence and to protect victims.**

As a result of the petition two parliamentary representatives from the government parties initiated an independent proposal that with the involvement of experts from the non-governmental organisations mentioned above a Parliamentary Resolution be passed on the subject of the development of a national strategy concerning the prevention and effective control of domestic violence. Based on this resolution a complex action programme covering the whole country has been elaborated, which contains not only sanctions but also protective elements (prevention, protection, therapy) that may be applied in enforcement actions against domestic violence and violence against children.

The two Parliamentary Resolutions mentioned above were passed in 2003, and their implementation is in progress at present.

**Parliamentary Resolution 45/2003 (April 16) on the elaboration of a national strategy of the prevention and effective control of domestic violence**

The most important provisions contained in the Resolution are as follows:

I. Parliament request that the Government together with civil organisations specialised for these purposes elaborate and submit to Parliament the following legislative proposals before March 31<sup>st</sup> 2004:

- a) the introduction into Hungarian legislation of the so-called "**restraining order**";
- b) in the cases of domestic violence (violence committed among family members that live either together or separately), violence committed among persons living in common households or in other types of intimate, interpersonal relations or in institutions (hereinafter: domestic violence) expediated (accelerated) proceedings **at courts and by competent** authorities must be ensured;
- c) **Reinforcement of existing rules concerning witness protection**, and also the introduction of further rules concerning witness protection in order that the legislation provides appropriate level of protection for the victims of domestic violence and that the personal safety and human dignity of witnesses of such violence are adequately protected if they make a testimony.

II Parliament request that the Government within its own jurisdiction and with the involvement of civil organisations specialised for these purposes before March 31<sup>st</sup> 2004

- a) create **explicit and uniform rules** (protocols) that the police, the child protection organisations, the social institutions and health institutions are obliged to apply in the cases of domestic violence regardless of the fact whether the perpetration of violence

is proved or not proved, however it may be presumed or it is obvious to the extent that there is reason for action by the police or various other authorities including the obligation for joint action by these authorities;

- b) expand and modernise **the network of safe shelters** and set up special witness protection crisis management centres for the victims of domestic violence such as women, children or other abused family relatives;
- c) take all necessary measures in order that in the course of actions by authorities concerning domestic violence **the protection of the lives, physical integrity and safety** of the abused family members is regarded as a priority aspect;
- d) should create opportunities within the framework of the public system of legal assistance that the victims of violence may receive **legal assistance** and during the course of authority and court proceedings professional legal representation, if, due to their social difficulties and personal circumstances they cannot arrange these for themselves, however professional legal intervention is indispensable for the efficient legal protection of the victims;
- e) elaborate a complex action programme that covers the whole country, which contains not only sanctions but also **protective factors** (prevention, protection, therapy, etc.) that are used jointly in the course of actions against domestic violence;
- f) must organise **permanent training** and information for experts involved in the prevention and control of domestic violence;
- g) must take all the necessary measures in order that the competent public organisations elaborate and introduce the principles of **targeted statistical data collection** concerning domestic violence.

III Parliament - respecting the constitutional separation of powers - requests that the National Justice Council within its own jurisdiction and according to its capabilities:

- a) organise **further education courses** for judges in the area of domestic violence with the involvement of experts of civil organisations specialised in this area;
- b) find a solution as a result of which the courts proceed cases concerning domestic violence in an expeditious manner.

IV Parliament request that the Government, together with the creation of a system of institutions that shall serve the purpose of more efficient treatment of the victims of domestic violence, shall commence a national information and awareness raising **campaign** that will target the following target groups:

- the general public,
- the managers and employees of the electronic and printed press,
- the victims of abuse (adults, children),
- the perpetrators of abuse,
- the group of experts that associate with the victims of violence during their official activities (police officers, physicians, social workers, lawyers, etc.).

### **Parliamentary Resolution 115/2003 (November 28<sup>th</sup>) on the National Strategy for Social Crime Prevention.**

The Parliamentary Resolution contains the analysis of the present situation as well as the tasks to be accomplished in the future. These are as follows:

#### **Social policy and family policy**

- The establishment of **co-operation** among probation services, the police, the prosecutor's offices and the family assistance and family support organisations with

- special regard to the indication of the risk factors of delinquencies and early psychosocial intervention.
- Elaboration of **assistance programmes** for and the prevention of the segregation of children and youths vulnerable for material and social reasons.
  - Expansion of the **Network of temporary homes for families**, which was created for the temporary placement of homeless families.
  - Creation of programmes and institutions that ensure **social assistance** and schooling for the children of homeless families (Children may not be separated from their families for social reasons.)
  - Creation of **leisure time** as well as training and re-training **programmes** for school dropouts and unemployed youths.
  - **Education for family life** of youths under child protection, and who live in children's homes. In order to accomplish these special methodologies and model programmes must be elaborated with the involvement of external experts.
  - In adaptation to the local circumstances, with the reinforcement of the network of community caretakers, 24 hour **help telephone lines** should be created for the whole local public.
  - Creation of social, health, judicial, family assistance, child protection, educational, police, and probation **warning system**, maintenance of institutions for protection, care and crisis intervention in social administration.
  - Organisation of **rehabilitation programmes and training sessions** for perpetrators with a final judicial verdict and for volunteers.
  - **Medical, legal and psychological assistance** for victims of domestic violence.
  - **Family therapy**, advocacy as a service with special regard to young parents.
  - Enhancement of the knowledge of experts involved in addressing domestic violence, organisation of **targeted training** of professionals.

### **Child protection**

- In the case of under age victims of domestic violence it must be ensured that these victims **do not lose the support of parents** that may still be working properly with special regard to the fact that children may not be separated from their families for social reasons.
- In order to reduce the physical, sexual and material defencelessness of children under child protection the **responsibility** professionals and institutions must be **enhanced**.
- In order to prevent **their victimisation** the capabilities for self-defence of youths that leave child care must be improved during the course of their after-care. Enhanced responsibilities of various authorities must also be enforced.
- Law enforcement agencies and judicial institutions must engage in permanent **co-operation** with social and child care institutions.
- **The social integration** of persons released from penitentiary institutions must be promoted. Means-tested relatives of prison inmates must be supported.
- Integration programmes and **training must be provided for perpetrators of crimes**.
- **Law-abiding behaviour** must be promoted through programmes that help to change criminal behaviour. Family responsibility must be enhanced.
- Organisation of leisure time and holiday programmes for under age youths and young adults under punishment or in after-care.

- Integration of violence-free conflict management techniques in the moral education of persons under child protection.
- Organisation of alcohol- and drug-free leisure time programmes and environment for persons under child protection.
- Protecting and strengthening the chances for integration of the under age, means-tested family members of prison inmates.
- Integration of **violence-free conflict management techniques** into the moral education of persons under child protection.
- Organisation of **alcohol- and drug-free leisure time programmes and environment** for persons under child protection.
- **Immediate response** to violent behaviour at children's homes and youth hostels.
- Education for violence-free family life must be a priority element of child protection.

### **Tasks within various settings of community-based crime prevention**

#### **Municipal governments**

- Surveying the situation concerning domestic violence at local level.
- Organisation of local branch, inter-professional, non-governmental and church co-ordination.
- Creating crisis intervention accommodation and mother and child care centres.
- Providing and maintaining professional knowledge for local level co-ordination.
- Co-ordination of conditions for local tendering.
- Support for the accreditation of NGOs.

#### **Non-governmental organisations, churches**

- Support for not-for-profit enterprises.
- Support for the clubs of one-time alcoholics (Alcoholics Anonymus).
- Support for not-for-profit enterprises and non-governmental organisations working in the area of family crisis management such as divorce.
- Training youths living in single parent families or children's homes for parenthood and family life.
- Organisation of alternative leisure time activities for youths living in family conflict prone environment or with alcoholics and also for their supportive parents.

#### **Media, publicity**

- Media announcements that suggest that the use of violence is lawful and accepted must be restricted with all possible means within the framework of democratic society.
- Media campaigns must be conducted against domestic violence. In these campaigns information must be disseminated about the operation of crisis intervention centres, about the possibilities of requesting help, about the responsibilities of parents and about forums that persons in crisis situations, especially children, may use.

### III. THE ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

*The aim of this section is to elicit information on civil society activities relating to violence against children.*

- 35 **Describe significant civil society initiatives addressing violence against children including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organisations, national non-governmental organisations, international non-governmental organisations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).**

**The Hungarian Red Cross Organisation** maintains and operates seven temporary homes for families, one temporary home for children and three family assistance and child welfare services. The temporary homes for families would be capable of hosting abused persons. Here the situation is similar to that in other countries in Europe. One third of the people in such shelters are adults, mainly women, while two thirds are their dependent children.

**The goal of the Movement for Prostitution-Free Hungary** is to break with the tradition of one-sided information concerning prostitution, the enforcement of the rights of at least 90% of society not involved in prostitution and to take firm action against prostitution. The Movement for Prostitution-Free Hungary was founded in Budapest on August 3<sup>rd</sup> 2003 by nine persons. The members of the Movement for Prostitution-Free Hungary regard the way prostitution has been dealt with in this country since 1999 fundamentally wrong because the competent authorities only prosecute the victims of prostitution, the female prostitutes, although the legislators promised that the authorities would combat organised crime. In an open letter they sent to parliamentary representatives and members of the government they make the following statement: *"For fifty years Hungary has done nothing in order to implement what is contained in Article 16 of the Treaty of New York since no social, economic, educational or health institution or programme has been created in order to prevent prostitution or in order to rescue the prostitutes from the world of prostitution, to integrate them into normal life, to protect them from the criminals that live on prostitution and to eliminate their dependence on these criminals. It has been proved globally that the red-light districts constitute the major settings for money laundering and police corruption, and that the brothels operating in these districts are maintained by illegal activities hidden behind the thin frontline of seemingly legal enterprises. This naturally cannot be otherwise since all these attributes come from the inherent nature of prostitution. Prostitutes whose physical condition quickly worsens can only be replaced through various forceful means such as trafficking in women and children, sexual violence, drug addiction, physical abuse, extortion and kidnapping. Thus the question may be asked: Are the advocates of brothels and red-light districts aware of the fact that either willingly or unwillingly they support the interests of the criminal underworld, and become accomplices of these criminals? States that respect human rights cannot impose taxes upon and assist with the creation of institutions activities during the course of which criminals force children, adolescents and adults at their mercy into sexual slavery, and distribute them as objects reduced to their body openings. The rules on prostitution introduced in 1999 force the municipal governments, despite their objections, to create settings for the use of women, who have been forced to give up their*

*sexual self-determination by a series of violent acts braking their independent will. (...) Instead of the institutionalisation at state level of prostitution and its inherent trafficking in humans we request that Parliament through the amendment of laws shall:*

- 1. Ensure that strict action is taken against the organisers, maintainers and leverers of the profit of prostitution, and in order to be able to do this the loopholes in the effective Criminal Code as well as the shortcomings of the judicial and law enforcement practices shall be eliminated.*
- 2. Put an end to the practice of regulation, prosecution and pursuit by the police of prostitutes and, at the same time in compliance with the New York Treaty, help the prostitutes to stop the practice that has been forced upon them, and assist them in their physical and psychological recovery, and the restoration of their human dignity, and also in their re-integration in the mainstream of society.*
- 3. Pass laws which, partly through community information, partly through community pressure and sanctioning shall be capable of preventing and reducing the requirement that persons are subordinated and forcefully used by others in an unpersonal manner – similarly as it is practised in Sweden, in the U.S.A., and is planned as of the end of this year in Finland."*

The goal of the movement is to break with the practice of one-sided information on prostitution, to enforce the interests of at least 90% of the population not involved in prostitution, and to take firm action against prostitution. **The goal is also to reduce and eliminate trafficking in women and children (both sexes) and sexual vulnerability by law enforcement and penalisation of client behaviour.**

It was also in order to achieve their goals that the members of the Movement organised a conference in Budapest on 24<sup>th</sup> May 2004. The conference was supported by the Budapest Youth Centre of the Council of Europe, the United States Embassy in Budapest, the Swedish Government, the Government Office for Equal Opportunities and the European Women's Lobby. Among other persons Professor Jenice G. Raymond, Gunilla Ekberg, lawyer, counsellor for the Swedish Government and Colette Detroy, member of the Presidium of the European Women's Lobby gave presentations at the conference.

**The Women for Women Together against Violence Association (NaNe)** was founded in January 1994 with the goal to establish a telephone help-line for abused women. This help-line, which is the only targeted telephone service in this field up to this day, has been used by women for ten years. It is declared by several international agreements and proposals that domestic violence against women and children is a form of discrimination against women, therefore it is *a government responsibility* to put an end to it. A civil problem of this scale cannot be resolved by any non-governmental organisation. What NaNe is capable of helping with in this field is that it listens to the problems, understands the problems without passing judgements, and disseminates information on the civil phenomenon of domestic violence through training sessions or publications.

During its duty period the members of the Association receive 5-8 telephone calls concerning domestic violence. The telephone help-line of the Association is a topical line. The persons at the end of the line register calls by victims, relatives and helpers in respect of violence committed by men against women, as well as violence against children that is related to violence against women. The basic philosophy concerning the operation of the help-line is the

same as the general philosophy of the Association. The help-line serves as a first step in the process of efficient addressing of violence against women. What it provides is a helping conversation that arouses self-confidence, and provides an opportunity for sharing information. The goal of these conversations is to assess the needs, opportunities and resources of the callers, and also to dissolve the myths and wrong concepts concerning violence against women.

The Association organises two-three training courses for volunteers. These are interactive courses with the participation of 10-15 persons. The courses are held at weekends, and last for five days. After the courses the participants receive practical training as telephone operators; later on they decide if they wish to work as operators or volunteer helpers for the association.

The Association also offers *special courses* for professional groups. Several professional groups have indicated their needs for courses in the topic of various aspects and the management of domestic violence during the past few years. The Association trains police officers (victim protection desk officer), physicians, nurses, psychologists, psychiatrists, social workers, lawyers, judges and staff members of various other organisations.

**Youth training:** The Association has received an increasing number of invitations by teachers to visit their schools during the past few years. It is indeed very important for adolescents to know about violence in relationships since they are at an age when they recognise violence, and they can also break with violent ties because they do not yet live in matrimonial bonds, where difficulties such as the lack of money, housing concerns and children might make it difficult for them to break with violent relationships.

The Association also creates leaflets, posters and various publications to promote the interests of victims of violence. The leaflets, posters and publications inform the victims about various forms of help. The Association has launched media campaigns in the fields of violence against women and violence against children. Every year on International Women's Day they organise commemorative events against all forms of violence, and arrange petitions. The Association has also published the following books:

- *Miért marad? (Why Stay?)* A 52-page handbook on domestic violence mainly for professional groups and also for the general public. It is free of charge;
- A 194-page handbook on the legal regulation in Western Europe of the rights of women concerning reproduction (conception and birth). It contains a part about Hungary compiled by the staff members of NaNe. This is also a free publication;
- In 1998 the Association launched the project entitled "TŰZ-HELY KÖNYVEK" (HEARTH-PLACE BOOKS). So far the following books have been published:
  - **Judith Lewis Herman: Trauma és gyógyulás. Az erőszak hatása a családon belüli bántalmazástól a politikai terrorig.** (Trauma and healing. The effect of violence from domestic violence to political terror.)
  - **Helen Benedict: Csak okosan! Önvédelem kamaszoknak**, (Be clever! Self-defence for adolescents.)

The following book will be published in the near future:

- **Patricia Evans: A szóbeli bántalmazó kapcsolat. Felismerés és kezelés** (Verbal abuse in partnerships. Recognition and handling).

In 1999 the Association was declared a non-profit organisation with special status, which did not only enhance its professional prestige, but also, at a small rate, its income.

Since 1988 the **Women's and Children's Rights Research and Training Centre Foundation** has focused on the protection of the rights of women and children, and also on the approach to this issue in compliance with international standards. Training and research are the two fundamental activities of the Foundation. The Foundation considers it especially important to inform the public about violence against women and children, and also to handle and prevent this problem. As it has been mentioned before, the Foundation plays a very important role in organising petitions and informing members of Parliament and Government ministers about this issue in conferences and meetings through legislative and institution development examples from abroad in order that Parliamentary resolutions are passed against domestic violence. The Foundation has also monitored the implementation of earlier parliamentary resolutions together with the staff of NaNe, the Habeas Corpus group and the Hungarian section of Amnesty International.

Together with the British Council the Women's and Children's Rights Research and Training Centre organised a series of professional meetings entitled "*Experiences concerning the prevention and control of children abuse in Great Britain and Hungary*" in Balatonaliga between 16-22 June 2001, and in Ráckeve on 8<sup>th</sup> October 2001. Thirty professionals working in various fields of child protection such as prosecutors, police officers, guardianship authority and child welfare service officials, ministerial officials, lawyers, probation officers, paediatricians, nurses and judges took part in these meetings. The participants issued a Recommendation concerning a more efficient way prevention and control of child abuse.

**Association against Child Abuse:** 36 founding members founded a non-profit organisation entitled "Association against Child Abuse" on 24<sup>th</sup> November 1999. The Association has 160 members at present. It was officially registered in the central register of civil organisations on 29<sup>th</sup> December 1999. Dr. Ágnes Kovács, a paediatrician, is president of the Association. The main goal of the Association is to combat child abuse.

**Blue Line Child and Youth Telephone Service** (06-1) 210-33-49; It is a free telephone service for problem-prone, vulnerable children and youths. The callers may receive assistance by experts, if they call this number.

The Blue Line Child and Youth Telephone Service was founded in 1993 with the support of the Metropolitan Municipal Government and the Blue Line Child Crisis Foundation. The goal of this help line is to provide advocacy for problem-prone, vulnerable children and youths. People can use this service anonymously and free of charge in the whole area of the country.

The service has enhanced its accessibility and capacity, and has made efforts to fulfil its ever-increasing responsibilities during the past few years.

At present, the specially trained non-professional helpers of Blue Line receive telephone calls in three lines simultaneously on seven days of the week between one and nine o'clock p.m.

The staff of Blue Line at present is comprised of two full-time employees, three supervisors and 50 volunteers.

The Blue Line service is mainly used by children and youths, however sometimes parents and grandparents also call for help, if they feel the need for it.

**About 1% of all the incoming calls results in personal meetings.**

Ever since its commencement the Blue Line service has regarded it as a priority responsibility to provide help for abused helpless children and youths, who have suffered from any form of abuse. In 2003 the service received 399 calls concerning abuse.



The Blue Line service has maintained professional relations with child focus for years. The service is one of the founding members of Child Help-line International.

## - National Association of Child and Youth Telephone Service Providers

Both telephone help services have been initiated by non-governmental organisations, however today they are funded from the central budget. In 2004 they received HUF 10 million.

The **Habeas Corpus Non-Profit Association** has operated since 1996. Members of the Association have submitted a petition to Prime Minister Péter Medgyessy to urge the legislators to pass more accentuated legislation concerning domestic violence. The Association conducts diverse activities, and focuses on socially sensitive issues like abortion, the rights of HIV patients, the abuse of women, domestic violence, etc. The Association issues statements and conducts legal advocacy in these areas.

**The E.SZ.T.E.R. Foundation** (The acronym stands for **F**oundation for the **R**ehabilitation of **P**ersons **H**armed by **S**exual **A**ttack). The Foundation was founded on 25<sup>th</sup> December 1991, and was registered at the Metropolitan Court on 28<sup>th</sup> January 1992.

Ever since its commencement one of the main efforts of the Foundation has been to create and operate a centre that could provide mostly psychological and rehabilitation assistance to victims of violence, and could also organise and co-ordinate various other related activities such as legal assistance, social and educational help. Based on the operational experiences of this first metropolitan centre, which serves as a model, later on regional centres will be developed, which will constitute a network of services.

The **Budapest ESZTER Outpatient Service** started its operation in 1994.

**The Család, Gyermekek, Ifjúság Kiemelten Közhasznú Egyesület** (Family, Child and Youth Priority Non-Profit Association) has operated for more than a decade, and has been performing pioneering work in the area of child protection and family co-ordination by training professionals and providing services.

The Association was founded in 1993 as one of the first non-governmental organisations in Hungary with the goal to support families and professionals engaged in family assistance. Today it is considered to be the largest professional association in the field of child protection.

The Association conducts diverse activities such as

- family and child protection,
- social activities,
- research and training mainly for professionals working in the field of child protection,
- development of skills,
- protection of human and citizen's rights, legal assistance,
- publication of a professional journal entitled Család Gyermekek Ifjúság (Family, Child and Youth) containing advocacy on methodology, results of research activities and studies,
- publishing books

**The Support Humán Segítő és Szolgáltató Alapítvány** (Support Human Assistance and Service Foundation) publishes books, and organises training courses for child protection professionals and parents in order to help them recognise, handle and prevent child abuse. In autumn 2003 the activists of the Foundation used posters to call the attention of the general public to child abuse.

**Mozgáskorlátozottak Egyesületeinek Országos Szövetsége** (National Federation of Associations of Physically Disabled Persons). The Federation, joining the initiative launched in various European Member States, has disseminated the questionnaire concerning the situation of women with disabilities among the disabled women in Hungary. Among other items the questionnaire aims to obtain information on forms of violence against disabled women and children. The completed questionnaires returned by disabled women are processed at present. Furthermore, the Association organised a conference in the topic of violence against disabled women and children in spring 2004.

**36. Describe the support provided by your Government for these activities and the efforts made to co-ordinate civil society and government initiative.**

The non-governmental organisations have the opportunity to submit their applications for grants. They can also receive funds for important campaigns, training courses and publications. The Government considers it important that members of the civil society take part in discussions concerning the adoption of legal regulations, and that they are members of various decision-making bodies.

A political state secretariat for civil co-ordination was created in the Ministry of Health, Social and Family Affairs in 2002 with the aim to deal directly with non-governmental organisations.

The Government Office for Equal Opportunities was set up in summer 2003. The Office opened tenders in the area of equal opportunities between women and men, and it also opened tenders within the framework of the civil co-ordination office in 2004 for organisations that are active in the area of the protection of victims of violence against women and children.

/The National Civil Fund is handled in this Office, which provides various other funds for the civil society. (In Hungary it is possible for taxpayers to allocate 1% of their personal income tax for the support of professionally recognised and officially registered non-governmental organisations. The one percent of the personal income tax of taxpayers who do not allocate this sum for the support of non-governmental organisations goes to the National Civil Fund. The Fund then provides resources for tender applicants.)/

**37. Describe the role played by the media in addressing violence against children.**

See the answer given to question 18.

#### **IV CHILDREN AS ACTORS IN ADDRESSING VIOLENCE**

*This section is designed to extract information on children's activities to address violence.*

- 38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.**
- 39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.**
- 40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.**

## V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

*A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.*

**41. Does your Government have a comprehensive policy concerning violence against children?**

At present the situation is being analysed and the most important measures to be taken are contained in the two parliamentary resolutions mentioned before. No comprehensive National Action Plan has been developed in this topic yet, however the implementation of the measures has started as the Resolutions are being co-ordinated. In the future it would be indeed important to develop a National Action Plan, at present however the implementation of the measures enjoys priority.

The Department of Child and Youth Protection has issued a statement in the field of child protection concerning the situation of prostitutes, and, within this, the situation concerning under-age prostitutes. A methodological circular has also been developed with the title "The role and responsibilities of organisations performing tasks concerning child protection in the area of preventing child abuse and child neglect".

**If YES, provide details, and describe any gender-specific provisions included in the policy.**

**42. Does your Government deliver, or provide direct support for delivery by other agencies, of special programmes aimed at preventing and responding to violence against children?**

In Hungary at present, as far as measures are concerned, the provisions of the two parliamentary resolutions mentioned above apply.

The Resolutions call for wide range sectorial co-operation, and contain provisions concerning tasks also at local level. The local bodies in charge of the implementation of these tasks are obliged to report on implementation; therefore a comprehensive report will be developed on the implemented measures.

**If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:**

**43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?**

A summary report will be developed on the implementation of what is contained in the parliamentary resolutions.

**If YES, describe the monitoring system and provide a URL or other reference where the system and outcomes are described in greater details.**

**44. Does your Government participate in any internationally co-ordinated activities concerning violence against children?**

**If YES, please provide details.**

- **See the answer to question 16**, the participation of the Ministry of the Interior and its institutions in international co-operation.
- In autumn 2001 the Pest County Police Department launched an inter-regional youth protection project with the participation of youth protection professionals from four provinces in the Netherlands. Within the framework of the project upon the completion of each sub-project with each region they organised conferences to evaluate the outcome in the area of prevention and control of child and juvenile crime.
- The Government has participated since 2002 in the project entitled "Forum for children and families" organised by the Secretariat of the Council of Europe.
- The Government and non-governmental organisations are participating in the activities of the Economic and Social Committee of the European Commission.
- Dr. Krisztina Morvai, penal attorney is a member of the CEDAW Committee representing not only Hungary, but also the whole region.
- Mrs. Szöllősi Zsuzsanna Földesi, member of the Presidium of the National Federation of the Associations of Physically Disabled Persons, is President of the women's group of FIMTIC.

## VI. DATA COLLECTION, ANALYSIS AND RESEARCH

*This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and pragmatic interventions concerning violence against children.*

45. **Over the past five years, has there been any victimisation, epidemiological or other population -based surveys of any forms of violence against children in your country?**

Yes.

**If YES, provide details or references, or attach.**

In 1999 Olga Tóth, sociologist, chief scientific fellow of the Sociology Research Institute of the Hungarian Academy of Sciences elaborated a study entitled **Domestic Violence** commissioned and supported by the Constitution and Legal Policy Institute that operates within the Budapest Open Society Institute Foundation. The author's e-mail address: [tot4475@mail.iif.hu](mailto:tot4475@mail.iif.hu). The author welcomes any remarks and observations concerning the study.

**See also:** the answer to question 12.

46. **Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?**

**See also:** the answer to question 12.

**If YES, please give details.**

47. **Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?**

**See also:** the answer to question 12.

**If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.**

48. **Have studies or surveys been undertaken into the impact of legal measures to address violence against children?**

**If YES, provide details or references, or attach.**

**See** the research activities conducted by Krisztina Morvai, quoted above.

Krisztina Morvai's postal address:

ELTE Jogi Kar Büntetőjogi Tanszék (1053 Budapest, Egyetem tér 1-3.)

Telephone: 411-6700 ext. 2405

Fax: 411- 6590

Email: [kmorvai@axelero.hu](mailto:kmorvai@axelero.hu)

- 49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?**

**Provide details.**

In all the cases of child death in which it is known or suspected that violence may have played a part the prosecutor's office shall start punitive action ex officio.

- 50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?**

**If YES, what proportion of all homicide deaths are under the age 18?**

....%

Since 1993 the Department of Computer Application and Information of the Supreme Prosecutor's Office has undertaken the collection and dissemination of data concerning natural persons, who have fallen victims of various types of crimes, as well as the relations between the perpetrators of crimes and their victims. The Department in its annual reports and studies devotes special attention to under age and juvenile perpetrators and victims as well as the investigations concerning the so-called priority criminal acts that are presented broken down for particular years and period charts.

The Ministry of the Interior undertakes the collection and dissemination of data broken down to national and county data from the EBÜRS (Common Police and Prosecution Criminal Statistics).

- 51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):**

Besides known criminal acts the above statistics also contains detailed data concerning non-completed police, criminal police and prosecutor's proceedings. The following categories of data are most frequently collected and published: gender, age - it is forbidden by the Constitution to make references to the ethnicity of citizens - the manner, cause and geographical location of death, the relation between victims and perpetrators, the type of criminal act etc.

- 52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.**

The data reported by the Supreme Prosecutor's Office concerning this question can be seen in **Appendix 3**.

The data reported by the Ministry of Health, Social and Family Affairs, arranged according to the type of problems dealt with by the Child Welfare Service can be seen in **Appendix 4**.

- 53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.**

The data reported by the Supreme Prosecutor's Office concerning this question can be seen in **Appendix 3**.



## VII. AWARENESS, ADVOCACY AND TRAINING

*This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.*

**54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?**

**If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.)**

A Magyar Lelki Elsősegély Telefonszolgálatok Szövetsége (Association of Hungarian Psychological First Aid Telephone Service Providers, LESZ) and its member organisations, in undertaking what was requested by the **Interministerial Crime Prevention Council**, have joined the campaign initiated by the Council and entitled *Campaign against domestic violence*.

The service providers undertook that they would make available their telephone lines for the period of the campaign thus ensuring permanent accessibility in the whole area of the country for 24 hours a day in order that the callers taking part in the campaign may receive assistance with the arrangement of their life situations.

3 superior authorities, the Ministry of Justice, the Ministry of Health, Social and Family affairs and the Ministry of Children, Youth and Sports took part in the campaign that cost a total amount of HUF 25 million.

The preliminary and permanent central media campaign related to this programme (organisation and costs) was ensured by IM.

The Ministry of Children, Youth and Sports and the Ministry of Health, Social and Family Affairs provided funds for the extended operations of psychological first aid telephone service providers during the campaign period in order that they could handle and process the calls, and also to direct the callers to relevant helpers.

The original campaign period was set between December 10<sup>th</sup> 2003 and January 8<sup>th</sup> 2004, however it was prolonged until February 8<sup>th</sup> 2004.

It is remarkable, and may be regarded as a fact resulting from the campaign that the topic of domestic violence emerged even in irrelevant calls. Callers with the intent of making jokes or creating hoaxes also referred to this topic, which means that as a result of the campaign the general public paid attention to this topic. It cannot be stated however that this indicates long-term effects of the campaign.

The topic of domestic violence was mentioned in about 6-8% of the processed substantial calls (about 2,000 calls per month). This is a significantly high ratio since most of these calls were induced by the campaign. At the same time however mention must be made of the fact that according to estimates the topic of domestic violence also occurred in about 2% of the calls in the period prior to the campaign.

Based on the data processed so far the conclusion may be drawn that there was no close, organic correlation between the appearance of the advertisement spots and the time period during which the calls were made. Spots were broadcast on the public television channel, the Duna (Danube) TV channel and on a channel called Hálózat (Network). The number of calls with the topic of domestic violence reached its peak in January 2004, and it decreased slightly, however stayed high in the course of February 2004.

The Ministry of Health, Social and Family Affairs ordered posters concerning domestic violence from the E.S.Z.T.E.R. Foundation in 2003.

The E.S.Z.T.E.R. Foundation with the assistance of private sponsors launched a campaign against domestic violence in spring 2003.

The campaign comprised the following elements:

1. The Foundation organised training courses in May, June and September 2003 for professionals working in rural areas. Almost 90 psychologists, psychiatrists and social workers participated in the three training courses.

2. National inter-professional conference.

3. "Silent campaign", through which the Foundation tried to reach victims of violence. Their activists placed in various intimate locations posters and leaflets that contained strong emotional messages as well as practical advice.

4. "Loud campaign", in which posters were placed in public areas such as underground train stations, and advertisements were played in the public media.

The Ministry of Health, Social and Family Affairs took part in the support of the loud campaign.

The Ministry of Children, Youth and Sports, the Ministry of the Interior and the Government Office for Equal Opportunities launched their campaign in March 2004. The Ministries placed advertisements in the public and commercial electronic media. The general message was as follows: domestic violence and child abuse are not a private affair, and that victimised persons may count on help. The Ministry of the Interior and the Government Office for Equal Opportunities developed a spot to join the launch of the campaign by the Ministry of Children, Youth and Sports that contained information about help lines and helping organisations. Parts of these spots also appeared in daily papers and in magazines for women.

The net costs of the campaign amounted to HUF 120 million.

**55. How were the campaign messages and information disseminated (check all that apply)?**

See above.

<b>Print media</b>	<b>X</b>
<b>Radio</b>	
<b>Tv</b>	<b>X</b>
<b>Theatre</b>	
<b>Schools</b>	
<b>Others:</b>	<b>Streets, X Public transport vehicles X</b>

**56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?**

- At present a training course No. IV/5/2004 entitled "the Recognition and Response to Child Abuse in the Legal Practice of the Guardianship Authority " is under way. This is a 30-hour training programme, which lasts 4 days. The Heves County Public Administration Office owns the programme, which has been granted accreditation by the Hungarian Public Administration Institute in 2004. The Department of Child

Protection of the Ministry of Health, Social and Family Affairs has given its approval to the programme, and considers it beneficial.

- Furthermore a new training course is also planned. In general, it can be stated that each training programme concerning child protection has an element that focuses on the topic of violence against children, however no specific training programme has been developed in this area.

**If YES, indicate which of the following areas were addressed by the last such training programmes, and which provider groups received training.**

	<b>Prevention</b>	<b>Protection</b>	<b>Redress</b>	<b>Rehabilitation</b>	<b>Penalties</b>
Medical Professionals (paediatricians, nurses, psychiatrists and dentists)	x			x	
Public health practitioners					
Social workers and Psychologists	x	x		x	
Teachers and other educators					
Court officials (including judges)		x			x
Police	x	x			x
Prison officers					
Juvenile offenders personnel	x	x			
Institution personnel					
Parents/guardians					
Other					

**Appendix 1.:** excerpts from Chapter III of the study based on the experiences of a research activity performed within the framework of the national programme organised by the Women's and Children's Rights Research and Education Centre and the British Council entitled "MALTREATMENT OF CHILDREN (violence, neglect, abuse) IN HUNGARY AT THE TURN OF THE 21<sup>ST</sup> CENTURY - AS REFLECTED IN JUDICIAL PENAL SENTENCES".

*The most important conclusions of the research activity were as follows:*

1. The research experiences concerning the *nature* of child abuse supported the relevant findings described in domestic and international literature, such as

- The child abuse acts (physical abuse and sexual violence/abuse) mostly are not occasional acts induced by rage; these acts are committed as part of a process in a permanent manner.
- As regards suffering the most serious crimes (death, extremely serious sexual violence/abuse and systematic abuse) the most dangerous setting for children is not an open street, a dark park or subway, it is the child's own home, and the most probable perpetrator is not an unknown attacker, but the child's own parent.
- Certain forms of maltreatment against children are manifested as inter-related acts and as alternate acts of abuse (e.g. sexual violence/abuse and physical abuse; neglect and physical abuse).
- It has been experienced that there is frequent and multiple correlation between domestic criminal act against children and various other forms of domestic violence, primarily wife abuse.
- In most cases child abuse and neglect cause long lasting and serious physical and psychological trauma to the children involved.

2. Consistent application of *international norms* as regards the public responsibilities concerning the situation in penal procedures of children as victims of violence as well as the prevention and control of maltreatment of children cannot or can hardly be experienced in the cases examined during the research activity.

3. There was no evidence indicating that either the entering into force of the Child Protection Act of 1997 or the annual status report of 1998 developed by the UN Children's Rights Committee on Hungary exerted serious influence that may have resulted in *firmer and more thorough public action* or more efficient protection of children as victims of violence.

4. The absence of initiatives directed towards the *prevention* of maltreatment of children could also be experienced in the examined sample. During the course of reviewing the history of several cases it came to light that the children, who became victims of criminal acts, especially in cases concerning domestic affairs, were seriously vulnerable as regards the psychological status of their parents, the social and housing situation of their families, their current life-style and the chronic physical illness and behaviour disorder of the children. No reference was found that the authorities, institutions or professionals engaged also in the protection of children took any action in order to consciously and professionally prevent these criminal acts. Evidence was found in several cases that the penalties previously applied for the same perpetrators for similar crimes were unsuitable to prevent the repetition of criminal acts, and that - due to the absence of effective coercive measures that could serve the safety of children - some defendants repeatedly committed crimes against children during their pending punitive procedure. It is also due to the lack of information programmes and campaigns for

prevention that the perpetrators and children involved in the examined cases very rarely requested help from professionals, assistance organisations or authorities.

5. It has been experienced that neither the professionals acting prior to penal procedures, nor the professionals and authorities active in penal actions have adequately recognised the *importance of early and effective intervention* into the process of abuse and the necessity of *risk analysis* by which the chances for the termination of victimisation could be estimated.

6. *The extremely long nature of penal procedures* obviously delayed the recovery of children involved in the examined cases from the serious trauma they suffered.

7. *The aspects of the safety of the children* rarely came to the forefront during the decision-making courses of the authorities involved in the examined cases. Even in the cases of long-term domestic violence the perpetrators could exercise their defence at large, and stay "under a common roof" with the children, the victims of violence. It was a fundamental finding during the research activity that the absence of "measures for separation" created serious consequences.

8. *The right of children for living in their families* was breached in such cases, where children were separated from their families in spite of the fact that there were non-violent relatives capable of child upbringing in those families.

9. No trace of the practical implementation of the *obligation for indication and co-operation* as set out in Article 17 of the Child Protection Act or *co-ordinated* action by authorities, professionals or institutions aimed at the termination of the vulnerable situation of children were found in the examined sample.

10. *The principle of "the interest of the child above all"* is hardly or not at all enforced in penal procedures commenced as a result of maltreatment of children or in the activities performed by authorities and professionals prior to such procedures. It is indicated by several facts that organisations obliged to perform penal procedures, such as the police, the prosecutor's offices and courts are not adequately familiar with their responsibilities pursuant to the Child Protection Act, and have not been able to develop either at national or at local level the necessary *professional rules and protocols* for the application of the provisions of this Act.

## **Appendix 2.: OBH 1670/2003.**

### **Shortened report on the inspection concerning the termination of employment of professional foster parents - excerpts.**

In February 2000 the Parliamentary commissioner conducted an inspection in Case OBH (Office of Parliamentary Commissioners) 3923/1999 at the Child Protection Special Service Institute of the Szabolcs-Szatmár County Government (hereinafter: Special Service) concerning the termination of employment of professional foster parents. In the report that followed the inspection the Commissioner requested that the County General Assembly revise its decision on dismissal of personnel in a way that professional foster parents shall not be subjected to dismissal. The General Assembly did not adopt the proposal, and the Special Service and the County Government did not take measures to restore the employment of professional foster parents. Following the decision of the County Government a documentary film entitled "Stepchildren" was made, which gave a detailed description of the lives of three children, who were placed in a children's home again after the employment of their professional foster parents was terminated. As a sequel of this documentary the director made another documentary film entitled "Children Orphaned by the County".

After viewing the film the Parliamentary Commissioner commenced another inspection ex officio for it was suspected that several Constitutional rights had been breached in this case. In his submission filed to the President of the County Government the Commissioner requested information about when the County General Assembly had it on its agenda to hear a report by the Special Service, and about the content of the proposal for that point of the agenda. The Commissioner also requested information whether the General Assembly wished to hear a report on the work of the Special Service in the near future or of the Assembly developed plans for the arrangement of the issues concerning the employment of professional foster parents.

Based on the content of the documentary film the Commissioner requested information concerning the intercountry adoption of children in the care of child care institutions from the Director of the Special Service about how many children were adopted in 2001-2002 by foreign citizens of the children registered by the Special Service. How long was the adaptation period between the adoptive parents and the children, and in what way was it conducted in cases when foreign citizens adopted these children? In the case of children brought up by foster parents how did the Special Service help with the separation process of these children from their foster parents?

Based on the documents made available for him the Commissioner found that the procedure conducted by the Special Service concerning the intercountry adoption of children in the care of its child care institutions could not be correlated with the breach of Constitutional rights. However regarding the fact that concerning the analysis of the effective regulation of this legal area the suspicion of the breach of Constitutional rights are the immediate danger thereof emerged, the Commissioner ordered that a separate inspection be commenced. This inspection is in progress.

The Commissioner requested information from the Director of the Special Service about the reception of benefits in 2001-2002 by foster parents they were eligible to according to the relevant legal regulations. Based on the provisions of the relevant legal regulations and the information concerning payment served to him by the Director the Commissioner found that these were all in full compliance with the legal regulations in force in 2001-2002, therefore the Special Service did not commit any abuse of Constitutional rights concerning benefits that foster parents were eligible to.

The Minister of Health, Social and Family Affairs, regarding the fact that this report raises problems concerning the amendment of legal regulations and, furthermore, due to the

complex nature and budgetary connotations of this case, requested a period of respite until February 2004 for a substantial reply.

The Commissioner took note of the Minister's request.

### Appendix 3.:

#### 3.1. Age groups of victims in certain serious criminal acts and groups of criminal offences in 1998 – 2002. – Source: Supreme Prosecutor's Office

Criminal acts, groups of criminal offences, victim age groups	1998		1999		2000		2001		2002	
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
<b>Total number of victims</b>	<b>319037</b>	<b>100,00</b>	<b>295733</b>	<b>100,00</b>	<b>261093</b>	<b>100,00</b>	<b>263225</b>	<b>100,00</b>	<b>243582</b>	<b>100,00</b>
Of total –										
Under age	2913	0,91	3185	1,08	2981	1,14	2866	1,09	3785	1,55
Juvenile	5868	1,84	5836	1,97	6082	2,33	7279	2,77	8356	3,43
Adult	310262	97,25	286712	96,95	252030	96,53	253080	96,15	231441	95,02
<b>Criminal offences against persons</b>	<b>13269</b>	<b>100,00</b>	<b>12930</b>	<b>100,00</b>	<b>13123</b>	<b>100,00</b>	<b>12849</b>	<b>100,00</b>	<b>13723</b>	<b>100,00</b>
Of these –										
Under age	397	2,99	438	3,39	455	3,47	457	3,56	594	4,33
Juvenile	725	5,46	714	5,52	727	5,54	859	6,69	988	7,20
Adult	12147	91,54	11778	91,09	11941	90,99	11533	89,76	12141	88,47
<b>Traffic-related offences</b>	<b>6162</b>	<b>100,00</b>	<b>5711</b>	<b>100,00</b>	<b>5466</b>	<b>100,00</b>	<b>4971</b>	<b>100,00</b>	<b>5625</b>	<b>100,00</b>
Of these										
Under age	222	3,60	192	3,36	178	3,26	159	3,20	150	2,67
Juvenile	274	4,45	208	3,64	201	3,68	181	3,64	198	3,52
Adult	5666	91,95	5311	93,00	5087	93,07	4631	93,16	5277	93,81
<b>Crimes against marriage, family, youths and sex offences</b>	<b>1477</b>	<b>100,00</b>	<b>1342</b>	<b>100,00</b>	<b>2006</b>	<b>100,00</b>	<b>1957</b>	<b>100,00</b>	<b>1935</b>	<b>100,00</b>
Of these										
Under age	694	46,99	679	50,60	1018	50,75	946	48,34	983	50,80
Juvenile	528	35,75	437	32,56	626	31,21	633	32,35	569	29,41
Adult	255	17,25	226	16,84	362	18,05	378	19,32	383	19,79
<b>Offences against state administration, the judicial system and the integrity of public life</b>	<b>711</b>	<b>100,00</b>	<b>785</b>	<b>100,00</b>	<b>790</b>	<b>100,00</b>	<b>728</b>	<b>100,00</b>	<b>779</b>	<b>100,00</b>
Of these										
Under age			1	0,13						
Juvenile			2	0,25						
Adult	711	100,00	782	99,62	790	100,00	728	100,00	779	100,00
<b>Offences against public order</b>	<b>7569</b>	<b>100,00</b>	<b>7721</b>	<b>100,00</b>	<b>7804</b>	<b>100,00</b>	<b>8291</b>	<b>100,00</b>	<b>9097</b>	<b>100,00</b>
Of these										
Under age	95	1,26	86	1,11	122	1,56	140	1,69	276	3,03
Juvenile	332	4,39	438	5,67	466	5,97	642	7,74	635	6,98
Adult	7142	94,36	7197	93,21	7216	92,47	7509	90,57	8186	89,99
<b>Offences against property</b>	<b>289849</b>	<b>100,00</b>	<b>267244</b>	<b>100,00</b>	<b>231904</b>	<b>100,00</b>	<b>234429</b>	<b>100,00</b>	<b>212423</b>	<b>100,00</b>
Of these										
Under age	1505	0,52	1789	0,67	1181	0,51	1140	0,49	1756	0,83
Juvenile	4003	1,38	4037	1,51	4082	1,76	4985	2,13	5989	2,82
Adult	284341	98,10	261418	97,82	226641	97,73	228304	97,39	204678	96,35



<b>Violent crimes and vandalism</b>	<b>24834</b>	<b>100,00</b>	<b>24858</b>	<b>100,00</b>	<b>25692</b>	<b>100,00</b>	<b>25591</b>	<b>100,00</b>	<b>27564</b>	<b>100,00</b>
Of these										
Under age	695	2,80	772	3,11	994	3,87	900	3,52	1246	4,52
Juvenile	1503	6,05	1736	6,98	1842	7,17	2235	8,73	2498	9,06
Adult	22636	91,15	22350	89,91	22856	88,96	22456	87,75	23820	86,42

**Table 3.2 Victims of crimes against marriage, family, youth; sexual offences according to types of offences and groups of offences, victims under 18 years of age**

Crimes, groups of crimes, victim group under 18 years of age	1998		1999		2000		2001		2002	
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
<b>Endangering under-age persons</b>	1117	100,00	1006	100,00	1009	100,00	1072	100,00	1072	100,00
Of this										
Under age	636	56,94	611	60,74	594	58,87	610	56,90	626	58,40
Juvenile	481	43,03	395	39,26	415	41,13	462	43,10	446	41,60
<b>Development of illegal pornographic pictures</b>	13	100,00	4	100,00	92	100,00	10	100,00	7	100,00
Of this										
Under age	5	38,46	2	50,00	79	85,57	5	50,00	4	57,14
Juvenile	8	61,54	2	50,00	11	11,96	5	50,00	2	28,57
Adult					2	2,17			1	14,29
<b>Sexual offences</b>	347	100,00	332	100,00	855	100,00	837	100,00	813	100,00
Of this										
Under age	53	15,27	66	19,88	44	14,86	45	14,38	47	16,10
Juvenile	70	20,17	64	19,28	62	20,95	85	27,16	50	17,12
Adult	224	64,55	202	60,84	190	64,19	183	58,47	195	66,78
<b>Rape</b>	347	100,00	332	100,00	296	100,00	313	100,00	292	100,00
Of this										
Under age	53	15,27	66	19,88	44	14,86	45	14,38	47	16,10
Juvenile	70	20,17	64	19,28	62	20,95	85	27,16	50	17,12
Adult	224	64,55	202	60,84	190	64,19	183	58,47	195	66,78
<b>Indecent exposure</b>					202	100,00	179	100,00	214	100,00
Of this										
Under age					98	48,51	92	51,40	110	51,40
Juvenile					33	16,34	34	18,99	37	17,29
Adult					71	35,15	53	29,61	67	31,31
<b>Unnatural fornication</b>					50	100,00	20	100,00	12	100,00
Of this										
Under age					3	6,00	3	15,00	5	41,67
Juvenile					41	82,00	17	85,00	5	41,67
Adult					5	12,00			2	16,67
<b>Unnatural fornication (rape)</b>					89	100,00	78	100,00	79	100,00
Of this										
Under age					55	61,80	46	58,97	8	60,76
Juvenile					10	11,24	11	14,10	11	13,92
Adult					24	26,97	21	26,92	20	25,32
<b>Child abuse</b>					126	100,00	132	100,00	143	100,00
<b>Pimping</b>					92	100,00	115	100,00	73	100,00
Of this										
Under age					2	2,17	5	4,35	2	2,74
Juvenile					46	50,00	23	20,00	14	19,18
Adult					44	47,83	87	75,65	57	78,08

**Table 3.3. The ratio of under age victims in the total number of serious crimes committed against natural persons**  
**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

Crimes, groups of crimes	1999		2000		2001		2002		2003	
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
<b>Total number of under age victims</b>	<b>3185</b>	<b>100,00</b>	<b>2954</b>	<b>100,00</b>	<b>2842</b>	<b>100,00</b>	<b>3759</b>	<b>100,00</b>	<b>3820</b>	<b>100,00</b>
<b>Of this</b>										
<b>1. Crimes against persons</b>	<b>438</b>	<b>13,75</b>	<b>455</b>	<b>15,40</b>	<b>457</b>	<b>16,08</b>	<b>594</b>	<b>15,80</b>	<b>687</b>	<b>17,98</b>
<b>1.1 Contemplated homicide</b>	33	1,04	20	0,68	30	1,06	19	0,51	22	0,58
<b>1.2 Serious bodily harm</b>	122	3,83	131	4,43	136	4,79	146	3,88	210	5,50
<b>2. Traffic-related crimes</b>	<b>192</b>	<b>6,03</b>	<b>178</b>	<b>6,03</b>	<b>159</b>	<b>5,59</b>	<b>150</b>	<b>3,99</b>	<b>174</b>	<b>4,55</b>
<b>2.1 Road accidents</b>	171	5,37	161	5,45	141	4,96	13	3,54	156	4,08
<b>2.2 Road accidents resulting in death</b>	18	0,57	29	0,98	20	0,70	24	0,64	13	0,34
<b>3. Crimes against marriage, family, youths and sexual assaults</b>	<b>679</b>	<b>21,32</b>	<b>1018</b>	<b>34,46</b>	<b>946</b>	<b>33,29</b>	<b>983</b>	<b>26,15</b>	<b>1207</b>	<b>31,60</b>
<b>3.1. Sexual assaults</b>	66	2,07	301	10,19	299	10,52	329	8,75	333	8,72
<b>4. Crimes against property</b>	<b>1789</b>	<b>56,17</b>	<b>1181</b>	<b>39,98</b>	<b>1140</b>	<b>40,11</b>	<b>1756</b>	<b>46,71</b>	<b>1563</b>	<b>40,92</b>
<b>4.1 Theft and burglary</b>	1246	39,12	773	26,17	748	26,32	1345	35,78	1150	30,10
<b>4.2 Robbery</b>	196	6,15	200	6,77	150	5,28	196	5,21	231	6,05
<b>4.3 Mugging</b>	3	0,09	1	0,03	3	0,11	7	0,19	6	0,16

**Table 3.4. Sexual assaults (where the perpetrators are related to the victims) in 2001, 2002 and between January and September 2003.**  
**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics), data by Krisztina Morvai.**

Relative	2001		2002		2003	
	Total	Of this under-age	Total	Of this under-age	Total	Of this under-age
Other relative	11	6	13	8	25	16
Companion	9	5	17	9	11	6
Caretaker	2	2	2	2	6	4
Child	-	-	2	1	1	-
Spouse	3	-	3	-	5	-
Grandparent	1		3	2	5	5
Foster parent	21	14	15	11	8	6
Parent	17	11	36	26	20	11
Sibling	6	4	8	6	8	3
Grandchild	1	1	-	-	1	-
Former companion	3	1	8	1	9	-
Former spouse	2	-	3	-	2	-
<b>Total</b>	<b>76</b>	<b>44</b>	<b>110</b>	<b>66</b>	<b>101</b>	<b>51</b>

**Table 3.5. Ratio of under-age victims in cases of serious crimes committed against natural persons**  
**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

Crimes, groups of crimes	1999		2000		2001		2002		2003	
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
<b>Total number of under-age victims</b>	<b>5836</b>	<b>100,00</b>	<b>6102</b>	<b>100,00</b>	<b>7300</b>	<b>100,00</b>	<b>8379</b>	<b>100,00</b>	<b>8077</b>	<b>100,00</b>
<b>Of these</b>										
<b>1. Crimes against persons</b>	<b>714</b>	<b>12,23</b>	<b>727</b>	<b>11,91</b>	<b>859</b>	<b>11,77</b>	<b>988</b>	<b>11,79</b>	<b>864</b>	<b>10,70</b>
<b>1.1 Contemplated homicide</b>	7	0,12	9	0,15	4	0,05	9	0,11	8	0,10
<b>1.2 Serious bodily harm</b>	331	5,67	297	4,87	341	4,67	382	4,56	363	4,49
<b>2. Traffic-related crimes</b>	<b>208</b>	<b>3,56</b>	<b>201</b>	<b>3,29</b>	<b>181</b>	<b>2,48</b>	<b>198</b>	<b>2,36</b>	<b>195</b>	<b>2,41</b>
<b>2.1 Road accidents</b>	164	2,81	162	2,65	146	2,00	155	1,85	148	1,83
<b>2.2 Road accidents resulting in death</b>	15	0,26	8	0,13	15	0,21	8	0,10	8	0,10
<b>3. Crimes against marriage, family, youth and sexual assaults</b>	<b>437</b>	<b>7,49</b>	<b>626</b>	<b>10,26</b>	<b>633</b>	<b>8,67</b>	<b>569</b>	<b>6,79</b>	<b>653</b>	<b>8,08</b>
<b>3.1. Sexual assaults</b>	64	1,10	212	3,47	191	2,62	140	1,67	180	2,23
<b>4. Crimes against property</b>	<b>4037</b>	<b>69,17</b>	<b>4082</b>	<b>66,90</b>	<b>4985</b>	<b>68,29</b>	<b>5989</b>	<b>71,48</b>	<b>5746</b>	<b>71,14</b>
<b>4.1 Theft and burglary</b>	2961	50,74	2848	46,67	3648	49,97	4536	54,14	4333	53,65
<b>4.2 Robbery</b>	357	6,12	369	6,05	505	6,92	586	6,99	621	7,69
<b>4.3 Mugging</b>	13	0,22	12	0,20	21	0,29	31	0,37	20	0,25

**Table 3.6. Perpetrators of harming under age persons**

**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

**Perpetrators' modus operandi as regards harming under age persons (Article 195 of the Criminal Code) in 2000-2003.**

		2000.	2001.	2002.	2003.
<b>Code:</b>					
<b>301</b>	<b>Neglecting the hygienic care of persons unable to care for themselves</b>	42	45	24	27
<b>302</b>	<b>Neglecting basic catering</b>	26	14	38	51
<b>303</b>	<b>Neglecting the provision of basic clothing according to the season</b>	3	5	15	13
<b>304</b>	<b>Neglecting the provision of medical care</b>	13	8	10	27
<b>305</b>	<b>Neglecting the provision of basic care and treatment</b>	39	76	65	59
<b>306</b>	<b>Physical torture without causing bodily harm</b>	27	29	29	29
<b>307</b>	<b>Physical torture and causing slight bodily harm</b>	25	60	36	92
<b>308</b>	<b>Causing serious bodily harm</b>	59	82	59	103
<b>309</b>	<b>Premeditated, serious breach of schooling obligations</b>	20	39	79	72
<b>310</b>	<b>Causing psychological harm</b>	76	55	82	141
<b>311</b>	<b>Performing sexual acts in the presence of under age persons</b>	15	22	27	21
<b>312</b>	<b>Leading a dissolute life</b>	113	93	95	193
<b>313</b>	<b>Inducing or intending to induce under age persons to commit criminal acts</b>	405	440	361	312
<b>314</b>	<b>Inducing or intending to induce under age persons to lead a dissolute life</b>	11	9	5	22
<b>315</b>	<b>Harming under age persons in various other ways</b>	130	96	148	154
<b>Total:</b>		<b>1 004</b>	<b>1 073</b>	<b>1 073</b>	<b>1 316</b>

**Table 3.7. : Criminal acts causing direct harm to persons (violent crimes)**

**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

Type of crime	Victims		Victims		Victims		Victims	
	Under age	Juvenile	Under age	Juvenile	Under age	Juvenile	Under age	Juvenile
	2000		2001		2002		2003	
Homicide*	19	9	30	4	19	8	22	8
Premeditated bodily harm	254	557	256	650	374	769	453	664
Coercion	24	32	8	20	7	38	19	32
Restricting personal freedom	33	74	41	106	55	113	67	100
Kidnapping	3	0	0	3	0	0	0	2
<b>Criminal acts against persons (total)</b>	<b>333</b>	<b>672</b>	<b>335</b>	<b>783</b>	<b>455</b>	<b>928</b>	<b>561</b>	<b>806</b>
Rape	44	60	45	85	47	50	42	53
Sexual crimes	98	32	92	34	110	37	146	56
Unnatural lewd acts**	55	9	44	11	48	11	8	3
<b>Sexual crimes (total)</b>	<b>197</b>	<b>101</b>	<b>181</b>	<b>130</b>	<b>205</b>	<b>98</b>	<b>196</b>	<b>112</b>
Arbitrary acts	7	48	4	74	16	65	12	59
<b>Violent acts against public order (total)</b>	<b>7</b>	<b>48</b>	<b>4</b>	<b>74</b>	<b>16</b>	<b>65</b>	<b>12</b>	<b>59</b>
Robberies	198	367	149	499	196	586	230	618
Mugging	1	12	3	20	7	31	6	20
Extortion	139	220	91	226	107	222	115	255
<b>Violent acts against property (total)</b>	<b>338</b>	<b>599</b>	<b>243</b>	<b>745</b>	<b>310</b>	<b>839</b>	<b>351</b>	<b>893</b>
<b>Aggregate total</b>	<b>875</b>	<b>1420</b>	<b>763</b>	<b>1732</b>	<b>986</b>	<b>1930</b>	<b>1120</b>	<b>1870</b>

\*Premeditated, completed and intended homicide, and homicide committed under intense provocation (total)

\*\* Regarding resolution 37/2002 (September 4) of the Constitutional Court the code was removed from the system on July 1<sup>st</sup> 2003. 1.

**Table 3.8. Criminal acts related to prostitution**

**Source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

Type of criminal acts	Victims		Victims		Victims		Victims	
	Under age	Juvenile	Under age	Juvenile	Under age	Juvenile	Under age	Juvenile
	2000		2001		2002		2003	
Development of forbidden pornographic photographs	79	11	5	5	4	2	4	12
Sexual acts with under age persons	99	20	108	21	117	23	127	30
Pimping	2	46	5	23	2	14	8	37
<b>Total</b>	<b>180</b>	<b>77</b>	<b>118</b>	<b>49</b>	<b>123</b>	<b>39</b>	<b>139</b>	<b>79</b>

**Table 3.9. Trafficking in humans, source: Supreme Prosecutor's Office, EBÜRS (Common Police and Prosecution Criminal Statistics)**

Year	Detected Trafficking in humans Total	Victims			
		Under age	Ratio (%)	Under age	Ratio (%)
<b>2000</b>	<b>16</b>	<b>0</b>		<b>0</b>	<b>0,0</b>
<b>2001</b>	<b>34</b>	<b>0</b>		<b>11</b>	<b>32,4</b>
<b>2002</b>	<b>34</b>	<b>0</b>		<b>1</b>	<b>2,9</b>
<b>2003</b>	<b>19</b>	<b>1</b>	<b>5,3</b>	<b>10</b>	<b>52,6</b>



**Appendix 4.:** Data collected by the Ministry of Health, Social and Family Affairs on the activities of the Child Welfare Service according to the type of problem

<b>In 2000</b>		<b>Number of problems</b>
1	Material (related to livelihood, housing, etc.)	102370
2	Upbringing of children	60775
3	Adaptation problems related to child care institutes	16603
4	Behaviour disorders, capacity disorders	32764
5	Domestic conflicts (inter-parental, between parents and children)	40895
6	Parent lifestyle	51093
7	Parent neglect	21954
8	<b>Domestic abuse (physical, sexual)</b>	<b>4855</b>
9	Disabilities, retardation	8972
10	Addiction problems	15258
11	<b>Number of problems total (lines 1-10)</b>	<b>355539</b>

<b>In 2001</b>		<b>Number of problems</b>
1	Material (related to livelihood, housing, etc.)	117544
2	Upbringing of children	72611
3	Adaptation problems related to child care institutes	20837
4	Behaviour disorders, capacity disorders	42671
5	Domestic conflicts (inter-parental, between parents and children)	47671
6	Parent lifestyle	63909
7	Parent neglect	26242
8	<b>Domestic abuse (physical, sexual)</b>	<b>5952</b>
9	Disabilities, retardation	10187
10	Addiction problems	17099
11	<b>Number of problems total (lines 1-10)</b>	<b>424723</b>

<b>In 2002</b>		<b>Number of problems</b>
1	Material (related to livelihood, housing, etc.)	131326
2	Upbringing of children	84160
3	Adaptation problems related to child care institutes	26678
4	Behaviour disorders, capacity disorders	50904
5	Domestic conflicts (inter-parental, between parents and children)	55345
6	Parent lifestyle	71470
7	Parent neglect	30409
8	<b>Domestic abuse (physical, sexual)</b>	<b>7202</b>
9	Disabilities, retardation	10637
10	Addiction problems	21350
11	<b>Number of problems total (lines 1-10)</b>	<b>489481</b>