



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-seventh session

### Summary record of the 1917th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 September 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** *(continued)*

*Combined third to fifth periodic reports of Hungary on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/HUN/3-5; CRC/C/HUN/Q/3-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Hungary took places at the Committee table.*
2. **Mr. Németh** (Hungary) said that the new Criminal Code had entered into force in July 2013. It stipulated that, in five categories of extremely serious offences, minors could be held criminally liable as young as age 12, provided that they understood the seriousness of their actions, instead of age 14 for other offences.
3. **Ms. Winter** (Country Task Force) said she did not see the logic in considering 12-year-olds as able to judge the seriousness of their actions when, for lesser offences, that ability was acknowledged only in children over 14. She pointed out that those new criminal provisions made Hungary an exception in Europe.
4. **Mr. Németh** (Hungary) replied that the provisions had been adopted in response to the rise in violent offences over recent years. He stressed that they were very rarely invoked: only 42 minors age 12 to 14 had been found criminally liable since the provisions had come into force. Generally, non-custodial probationary measures had been imposed. Pretrial detention remained exceptional and could not exceed one year. The youngest minors were held separately.
5. **Ms. Winter** said she was shocked that a 12-year-old could be held in pretrial detention for up to one year.
6. **Mr. Németh** (Hungary) said that, legally, children under 14 had to be released if a judicial decision had not been taken within a maximum period of one year but that, in practice, cases involving minors were processed on a priority basis.
7. **Mr. Sömjéni** (Hungary) said that detention was also a last resort for 14- to 18-year-olds. According to official statistics, minors were handed custodial sentences in only 4 per cent of cases. Community service, mediation and fines (only for minors who earned a wage) were by far the most favoured options. Children born in prison could now remain with their mothers until the age of 1. Children whose father or mother was imprisoned could maintain a relationship with them through visits and letters. In addition, a programme had recently been introduced that provided inmates with the possibility of recording a CD for their children.
8. **Mr. Németh** (Hungary) said that representatives of the Prosecutor's Office visited detention centres at least twice a month to ensure that minors were treated humanely.
9. **The Chairperson** (Country Task Force), speaking as a Committee member, asked whether all prisons had visiting rooms adapted to children.
10. **Mr. Sömjéni** (Hungary) said that there were such visiting rooms, but that they had not yet been expanded to all prisons because of a lack of resources. Nevertheless, that should be done in the near future.
11. **Ms. Winter** said it was her understanding that the principle of restorative justice had not yet been introduced nationwide.
12. **Mr. Németh** (Hungary) said that a 2014 study had in fact revealed that one region had never had recourse to mediation. The prosecutor's office of that region had been requested to provide explanations in that regard.

13. **Mr. Sömjéni** (Hungary) said that the national crime prevention strategy was focused on alternatives to deprivation of liberty and that the practice of mediation was expanding not only in criminal matters but in civil matters as well.

14. **Ms. Boros** (Hungary) said that in 2014 Hungary had organized and hosted an international conference on unlawful adoption with a view to combining international best practices in preventing such adoptions.

15. **Ms. Fűrész** (Hungary) said that the principle of non-discrimination had been included in the Constitution and other laws and even in curricula. Under the Constitution, the notion of family was defined first and foremost by the relationship between children and their parents. Children born out of wedlock enjoyed all of the same rights as children born to married parents. In fact, they benefited from positive discrimination insofar as single-parent families were entitled to specific subsidies. Civil unions were recognized under the Civil Code and available to same-sex couples, giving them equal rights to married couples, except in terms of adoption.

16. **The Chairperson**, speaking as a Committee member, asked what steps were being taken to ensure that lesbian, gay, bisexual, transgender and intersex (LGBTI) children were not stigmatized.

17. **Ms. Orbán** (Hungary) said that various campaigns were under way to raise public awareness of LGBTI issues, which were also broached in schools as part of civic education.

18. **Ms. Boros** (Hungary) said that a number of non-governmental organizations (NGOs) defended the LGBTI community and that the issue of that community's rights had been on the agenda of several round tables held by the Human Rights Task Force.

19. **Mr. Sörös** (Hungary) said that the Government had undertaken an anti-discrimination project for the period 2009–2014, pursuant to which 20 equal opportunity offices had been established in various regions. In February 2014, the Government had also launched a wide-ranging campaign, in both the press and the audiovisual media, against all forms of discrimination.

*Initial report of Hungary on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/HUN/1; CRC/C/OPAC/HUN/Q/1 and Add.1)*

20. **Mr. Sömjéni** (Hungary) said that, in order to apply for a post in the security forces, candidates had to have an upper secondary leaving certificate, which was obtained at age 18. In addition, recruits had to undergo a two-year training programme; therefore, serving police officers were at least 20 years old.

21. **Mr. Balogh** (Hungary) said that conscription had been abolished in 2004. All military personnel received training in the principles and content of the Optional Protocol, although it was not explicitly named. The Committee's recommendations in that regard would nonetheless be taken into consideration, as would those concerning the need to increase public awareness of the Optional Protocol. There were currently six high schools providing the "military sciences" option, which could be a good way of conveying information on the provisions of the Optional Protocol.

22. **Ms. Nagy-Nádasdi** (Hungary) said that, in future, NGOs would be involved in the drafting of the report on the implementation of the Convention, including as part of their collaboration with the Human Rights Task Force.

23. **Mr. Köhalmi** (Hungary) said that child asylum seekers received the international protection conferred on them by their status. Those who were unaccompanied were referred to social workers from the guardianship department, who were fully trained to identify child soldiers.

24. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that the Committee wondered about the capacity of immigration officers, as the first point of contact upon entering the country, to identify children likely to have taken part in hostilities.

25. **Ms. Boros** (Hungary) replied that immigration officers were trained for that purpose.

26. **Mr. Balogh** (Hungary) said that article 8 of the weapons trafficking decree stipulated that all requests for the export of firearms should be rejected if they infringed any international instruments to which Hungary was a party.

27. **Mr. Cardona Llorens**, noting that, following a significant reduction in military personnel, Hungary had sold the weapons that it no longer needed, asked whether the delegation could guarantee that no weapons had been transferred to States where children were involved in armed conflict.

28. **Ms. Nagy-Nádasdi** (Hungary) said that Hungary did not export firearms to countries that were subject to weapons embargos under decisions of the European Union or the United Nations.

29. **Mr. Balogh** (Hungary) said that the school in Debrecen was not a military institution.

30. **Mr. Madi** asked whether the State party intended to remove the requirement of dual criminal liability in order to exercise its extraterritorial jurisdiction over offences covered in the Optional Protocol.

31. **Ms. Tóth** (Hungary) said that the new Criminal Code, which had entered into force on 1 July 2013, had introduced the passive personality principle. The Hungarian Criminal Code applied to any foreigner who committed an offence against a Hungarian national abroad, provided that the act in question was an offence in both Hungary and the country where it was committed.

32. **Mr. Tallódi** (Hungary) said that Hungary, as a member of the European Union, could proceed with a person's extradition on the basis of a European arrest warrant. Extraditions to countries outside the European Union were based on bilateral agreements or, in the absence of such agreements, on the principle of reciprocity. Hungary had concluded 43 relevant bilateral cooperation agreements, 10 extradition agreements and 24 bilateral agreements on legal aid. International legal aid was possible only if the acts committed by a Hungarian abroad or by a foreigner in Hungary were offences under both Hungarian law and the law of the country concerned.

33. **Mr. Balogh** (Hungary) said reports that Hungary had exported tanks to Ukraine were false. The Government had cleared up the misunderstanding and had resolved the issue diplomatically with Ukraine and the Russian Federation.

*Initial report of Hungary on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/HUN/1; CRC/C/OPSC/HUN/Q/1 and Add.1)*

34. **Mr. Tallódi** (Hungary) said that a law containing provisions of the Optional Protocol had been adopted in 2009 and that other laws, including sectoral laws, governed the issues covered in the Optional Protocol.

35. **Mr. Sömjéni** (Hungary) said that cooperation agreements were in place between Hungarian and foreign police forces to combat prostitution. A specialized unit on fighting cross-border prostitution and crime had been set up and many training courses were

provided to police officers. The authorities were currently working to improve the data-collection system for offences covered in the Optional Protocol.

36. **Ms. Galajda** (Hungary) said that judges received regular training in child prostitution issues and took part in relevant conferences that were organized in conjunction with civil society organizations.

37. **Mr. Németh** (Hungary) said that prosecutors also received anti-trafficking training from experts and psychiatrists.

38. **Mr. Köhalmi** (Hungary) said that government entities and civil society organizations worked closely to provide support to victims.

39. **Mr. Sömjéni** (Hungary) said that numerous activities were being carried out to raise awareness of the offences covered in the Optional Protocol among vulnerable and at-risk groups.

40. **Ms. Orbán** (Hungary) said that various efforts were under way to raise children's awareness of prostitution and that two shelters had been established to house girl victims of prostitution, provide them with psychological support and remove them from their harmful environment.

41. **Mr. Sömjéni** (Hungary) said that each of the 37 measures provided for under the national strategy against trafficking had its own budget. Of those, two dealt specifically with children, namely the measures on Internet use and social media.

42. NGOs such as White Ring that provided assistance to victims received State funding.

*The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.*

43. **Mr. Sömjéni** (Hungary) said that anti-trafficking efforts consisted primarily of preventive measures and included initiatives to combat the other acts covered in the Optional Protocol, as part of regular cooperation between government entities and NGOs.

44. **Ms. Kecskés** (Hungary) said that, in order to prevent child pornography from appearing online, Internet providers were now obliged to provide their customers with free filters, along with information on their importance. The "Internet does not forget" programme on combating online pornography was one of many programmes in place to train teachers in how to broach the topic with their students. An emergency hotline had been set up to report pornography so as to ensure its prompt removal. The National Media and Communications Authority had also developed various awareness-raising programmes.

45. **Mr. Sömjéni** (Hungary) said that the national crime prevention strategy, which had been adopted in May 2013, focused on the protection of children.

46. **Ms. Boros** (Hungary) said that, in 2012, the Ministry of Human Resources had launched a programme to raise awareness among 12- to 18-year-olds of issues such as domestic violence and trafficking in persons.

47. **Ms. Kecskés** (Hungary) said that, since 2012, the National Media and Communications Authority had been a member of the International Association of Internet Hotlines (INHOPE), which fought against unlawful activity on the Internet.

48. **Ms. Muhamad Shariff** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the effectiveness of the programmes mentioned by the delegation had been evaluated.

49. **Mr. Sömjéni** (Hungary) said that there was currently no system to assess the results of crime prevention efforts, but that an evaluation method was being developed.

50. **Ms. Muhamad Shariff** asked how the State party ensured that all target groups, especially marginalized population groups, had access to the various programmes.
51. **Mr. Sömjéni** (Hungary) said that the relevant authorities ensured that the eligibility criteria for the programmes were clear so that all persons concerned could claim their rights.
52. **Ms. Boros** (Hungary) said that, under the strategy and national action plan on social inclusion, the terms for the provision of assistance to victims of offences covered in the Optional Protocol needed to be translated into the minority languages so that all victims, including the Roma, could benefit from such assistance.
53. **Ms. Tóth** (Hungary) said that trafficking in persons had been defined in the new Criminal Code, pursuant to which selling, purchasing or procuring an adult for money as well as being involved in the transport or housing of a trafficking victim incurred 3 years' imprisonment. The penalty could be up to 8 years' imprisonment if the offence was committed for the purpose of organ transfers, irrespective of the victim's age. The sale of children incurred 5 to 10 years' imprisonment when the victim was under 18, and up to 20 years when the victim was under 14. The new Criminal Code also provided for aggravating circumstances when the victim was sold for the purpose of prostitution. The penalty was 15 years' imprisonment when a child sold for the purposes of exploitation or prostitution was under 14. Lastly, the sale or trafficking of children under 14 for the purpose of pornography carried 10 years' imprisonment.
54. **Ms. De Jesús Oviedo Fierro**, given reports that perpetrators of the trafficking and sexual exploitation of children were rarely punished, asked how many cases had been brought before the courts and how many had led to convictions.
55. **Mr. Sömjéni** (Hungary) said that, in 2011, 29 cases of trafficking had been recorded, 3 of them involving minors. In 2012, of the 31 trafficking cases brought before the courts, 27 had ended in conviction and 9 had involved child victims. In 2013, of the 16 alleged cases of trafficking, only 5 had resulted in convictions and no children had been involved.
56. **Ms. Tóth** (Hungary) said that, under the new Criminal Code, child prostitutes were not considered as criminals but, rather, as victims. Coercing or inciting a child to engage in prostitution, exploiting a child for the purpose of prostitution, profiting from the prostitution of a child and obtaining paid sexual services from a child were offences under the law. Thus, it was the customer, not the child, who was liable. The possession and distribution of child pornography, whether photographs or videos, and the act of convincing a child to participate in the production of such materials incurred 3 years' imprisonment. Producing or selling child pornography or making it available to the public incurred 2 to 8 years' imprisonment. Streaming child pornography incurred 3 years' imprisonment, while inciting minors to take part in child pornography incurred 5 years. Under the new Criminal Code, digital data of that nature could be made temporarily unavailable until a judge ordered their definitive removal. In addition, individuals who had contact with children as part of their professional activities and who were convicted on child pornography charges were given a lifelong ban on carrying out those activities. Criminal provisions applied to both perpetrators of and accessories to offences.
57. **Mr. Cardona Llorens** asked whether the criminal liability of corporations could be invoked if they were proved to have been involved in offences covered in the Optional Protocol, even when the criminal liability of a natural person had not been established, such as might be the case of a travel agency involved in sex tourism.
58. **Mr. Kotrane** asked whether the wrongful obtaining by an intermediary of consent for a child's adoption was considered to amount to the sale of children and was, therefore, banned under Hungarian criminal law.

59. **Ms. Boros** (Hungary) said that the new Criminal Code provided for that possibility. Moreover, persons involved in placing children with a family other than their own, in breach of official procedures, could be prosecuted. If they also received payment for their role, they could be prosecuted under human trafficking provisions.

60. **The Chairperson**, speaking as a Committee member, asked whether the Optional Protocol could serve as the legal basis for extradition to non-European Union countries.

61. **Mr. Németh** (Hungary) said that, broadly speaking, it was the provisions of the Criminal Code that applied in extradition matters. Other national laws came into play when a specific situation was not covered in the Criminal Code.

62. **The Chairperson**, speaking as a Committee member, asked whether child victims of trafficking who were forced into prostitution and who refused to testify to the judicial authorities were considered criminals and could, therefore, face criminal proceedings.

63. **Mr. Mezmur** enquired about the status of the programme for the protection of victims and witnesses of trafficking for the purpose of prostitution, which had evidently not been operated in 2013. He asked whether foreign child victims who did not cooperate with the police were expelled once their 30-day residence permit expired.

64. **Mr. Németh** (Hungary) said that, pursuant to the new Criminal Code, witnesses could refuse to testify under certain circumstances, such as if the person they would be testifying against was their spouse or relative or had been their spouse at the time of the events. Minors under the age of 18, like adults, could refuse to testify. Children under 14 could be heard only with the consent of their legal representative.

65. **Ms. Tóth** (Hungary) said that the Code of Criminal Procedure did not distinguish between Hungarians and foreign nationals with regard to witness protection.

66. **Ms. Fűrész** (Hungary), expressing her satisfaction with the productive exchange with the Committee, said that the Government would attach the utmost importance to the Committee's recommendations and would disseminate its concluding observations widely.

67. **Mr. Madi** (Coordinator, Country Task Force) said he hoped that the concluding observations would help the State party to better implement the Convention and noted that the Committee's comments and remarks were always made in a constructive spirit.

68. **Ms. Muhamad Shariff** thanked the delegation for the productive dialogue it had had with the Committee.

69. **The Chairperson** thanked the delegation and recalled that, although the Committee's comments might seem like criticism at times, their goal was to help States parties to better implement the Convention and the optional protocols thereto.

*The meeting rose at 5.55 p.m.*