



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Hungary under article 8, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Hungary (CRC/C/OPAC/HUN/1) at its 1917th meeting (see CRC/C/SR.1917), held on 10 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the concluding observations below.

I. Introduction

2. The Committee welcomes the submission by the State party of its initial report and its written replies to the list of issues (CRC/C/OPAC/HUN/Q/1/Add.1), and expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

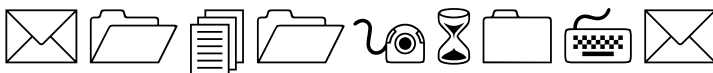
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third to fifth periodic reports of the State party under the Convention (CRC/C/HUN/CO/3-5) and those on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HUN/CO/1), adopted on 19 September 2014.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in July 2011.

* Adopted by the Committee at its sixty-seventh session (1-19 September 2014).



5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The declaration made by the State party upon its ratification of the Optional Protocol that the minimum age for conscription for military service and entering into a contract to perform military service is 18 years;

(b) The amendments made to the Criminal Code on 1 July 2013, introducing article 152, which prohibits the recruitment of children below the age of 18 years into the armed forces or an armed group.

III. General measures of implementation

Data

6. The Committee regrets the lack of data on asylum-seeking, refugee and migrant children who enter the State party and may have been recruited or used in hostilities abroad.

7. The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee and migrant children who enter the State party and may have been recruited or used in hostilities abroad.

Training

8. The Committee notes the information of the State party according to which it provides its armed forces and peacekeepers with training on international human rights and humanitarian law standards. It is concerned, however, that such training programmes do not include any explicit reference to the Optional Protocol or its provisions.

9. The Committee recommends that the State party take all the measures necessary to enhance the knowledge of its armed forces and peacekeepers on the provisions of the Optional Protocol and include it in the mandatory curriculum of training courses.

IV. Prohibition and related matters

Extraterritorial jurisdiction

10. Noting that the State party's legal system requires the principle of dual criminality when exercising extraterritorial jurisdiction, the Committee is concerned at the absence of a legal provision that provides explicitly for extraterritorial jurisdiction for offences under the Optional Protocol.

11. The Committee recommends that the State party take all the steps necessary to ensure that its domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol, and without the criterion of dual criminality.

V. Protection, recovery and reintegration

Measures taken to protect the rights of child victims

12. The Committee notes that Act LXXX on Asylum of 2007 defines the notion of a "person in need of special treatment" and prioritizes asylum applications of unaccompanied

children. Nevertheless, the Committee is concerned at the lack of mechanisms in place to identify at an early stage refugee, asylum-seeking and migrant children who enter the State party and may have been recruited or used in hostilities abroad.

13. The Committee recommends that the State party put in place mechanisms to identify at an early stage refugee, asylum-seeking and migrant children coming from countries where there are or have been armed conflicts and who may have been involved in hostilities. It also recommends that the State party ensure that the personnel responsible for such identification are trained in children's rights, child protection and interviewing skills. The Committee further recommends that the State party develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.

VI. International assistance and cooperation

International cooperation

14. The Committee encourages the State party to continue to strengthen its cooperation with United Nations peacekeeping operations, the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and the Special Representative of the Secretary-General for Children and Armed Conflict, and to explore increased cooperation with other relevant United Nations entities in the implementation of the Optional Protocol.

Arms export and military assistance

15. The Committee notes with concern that the State party does not have a law or regulation that prohibits the export of arms, including small arms and light weapons, to States where children are known to be, or may potentially be, recruited or used in hostilities, except for States under an arms embargo imposed by the Security Council and the European Union.

16. The Committee recommends that the State party adopt a law or regulation that prohibits the export of arms, including small arms and light weapons, to States where children are known to be, or may potentially be, recruited or used in hostilities.

VII. Follow-up and dissemination

17. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.

18. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available in Hungarian and minority languages, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol and its implementation and monitoring.

VIII. Next report

19. In accordance with article 8, paragraph 2 of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
