



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the initial report of Hungary submitted under article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-seventh session (1 -19 September 2014)

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

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/HUN/Q/1/Add.1) and appreciates the constructive dialogue held with the multi-sectoral delegation of the State party
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations on the State party's combined third to fifth periodic reports under the Convention (CRC/C/HUN/CO/3-5) as well as those on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/HUN/CO/1), adopted on 19 September 2014.

II. General observations

Positive aspects

4. The Committee welcomes the numerous measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including:
- (a) Amendments to the Act on Crime Victim Support and State Compensation, in 2012, which provides for a shelter for identified victims of trafficking; and
 - (b) Decree No. 32/2011 by the Minister of Public Administration and Justice, in 2011, on the establishment of child-friendly interview rooms throughout the county.
5. The Committee notes with appreciation the State party's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, in April 2013.



6. The Committee welcomes the progress achieved in the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the National Strategy against Trafficking in Human Beings for 2013-2016.

III. Data

Data collection

7. The Committee welcomes the detailed statistics provided on the number of reports, investigations, prosecutions and sentences imposed on perpetrators of numerous crimes that are relevant to the Optional Protocol. The Committee notes that even though the statistics are disaggregated to a certain extent by sex and age, it is not fully disaggregated on the basis of other grounds such as socio-economic origin, nationality, urban and rural residence and ethnic origin.

8. **The Committee recommends that the State party ensure that data relevant to the Optional Protocol are consistently disaggregated by, inter alia, age, sex, socioeconomic origin, nationality, ethnic origin and urban and rural residence, and systematically collected on all crimes covered under the Optional Protocol. The data should be analysed and utilized as essential tools for assessment, policy development, implementation, monitoring and evaluation of preventive measures. The Committee also recommends that the State party provide in its next periodic report information on statistics for all crimes under the Optional Protocol.**

IV. General measures of implementation

National plan of action

9. The Committee notes the National Strategy against Trafficking in Human Beings for 2013-2016, but is concerned that the strategy does not address child victims of trafficking specifically. It is also concerned about the absence of a strategy or action plan covering other offences under the Optional Protocol.

10. **The Committee recommends that the State party adopt a strategy which includes comprehensive measures in all areas as required under the Optional Protocol. It also recommends that the State party ensure that the strategy and action plans are regularly evaluated for progress achieved and provided with adequate human, technical and financial resources for their implementation. The strategy and plans should include measures aimed at the prevention, protection, physical and psychological recovery and social reintegration of child victims, as well as the investigation and prosecution of the offences covered in the Optional Protocol.**

Dissemination, awareness-raising and training

11. The Committee notes the information provided by the State party on numerous training sessions and seminars attended by judges, police officers, prosecutors and other investigating bodies. However, the Committee is concerned that the majority of such activities seem to be organized by NGOs and financed by international donors and do not target children who are at risk of becoming victims to offences under the Optional Protocol. It is also concerned that the State party has not assessed the impact of such trainings on tackling the issues under the Optional Protocol.

12. **The Committee recommends that the State party take the necessary measures to organize continuous and systematic dissemination and awareness-raising activities on the Optional Protocol throughout the country. These activities should involve**

children who belong to marginalized and disadvantaged groups and are at increased risk of becoming victims to offences under the Optional Protocol. It also recommends that the State party conduct regular assessment of its trainings for judges and law enforcement personnel to ensure that their knowledge is effectively translated into practice.

Allocation of resources

13. The Committee is concerned that the State party has not provided any information about a specific budget allocated for activities under the Optional Protocol.

14. **The Committee recommends that the State party allocate sufficient and targeted resources for the effective implementation of the Optional Protocol at national, regional and district levels and provide such information in its next periodic report.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

Measures adopted to prevent offences prohibited under the Protocol

15. The Committee notes the measures taken by the State party to prevent trafficking in human beings in general, but is concerned that there are no mechanisms in place to identify and monitor children at risk of becoming victims to the offences under the Optional Protocol. In particular, the State party lacks programmes specifically targeting children in vulnerable and marginalized situations.

16. **The Committee encourages the State party to establish a mechanism to identify and monitor children in vulnerable situations who are at risk of becoming victims to the offences under the Optional Protocol and establish special programmes targeting Roma children, children living in poverty, children affected by migration, children in institutions and other children in vulnerable and marginalized situations.**

Trafficking in children for sexual purposes

17. The Committee notes the efforts taken by the State party to address trafficking in human beings by adopting strategies and legislative acts. However, the Committee is concerned that the State party remains a source and transit country for trafficking of women and girls for sexual exploitation. The Committee is also concerned about the over representation of Roma children from care institutions among trafficking victims. Furthermore, the Committee is concerned that the State party does not provide adequate incentives for victims to participate voluntarily in the process of investigation and prosecution of their traffickers and regrets the lack of information on the use of witness protection programmes.

18. **The Committee recommends that the State party take the necessary measures to conduct a comprehensive study to assess the causes, nature and extent of trafficking in children for sexual purposes, in particular in relation to Roma children. The Committee also recommends that the State party undertake measures to reduce and prevent trafficking, including by raising professionals' and the general public's awareness of the problem of trafficking in children through education, including media campaigns, and establishing cooperation with the authorities of the countries to which children are trafficked. Furthermore, the Committee recommends that the State party take measures to provide adequate incentives and protection to victims of trafficking to participate in the process of investigation against traffickers.**

VI. Prohibition of the sale of children, child prostitution and child pornography and related matters (arts. 3, 4 (paras. 2 and 3), 5, 6 and 7)

Existing criminal or penal laws and regulations

19. The Committee welcomes that the Criminal Code of the State party includes most of the offences under the Optional Protocol. However, it regrets that the State party has not provided any information on whether the crime of improperly inducing consent, as an intermediary, for the adoption of a child is included in its Criminal Code.

20. **The Committee recommends that the State party take the necessary measures to ensure that all the elements contained in article 3 of the Optional Protocol, including the offence of improperly inducing consent, as an intermediary, for the adoption of a child, are included in its legislation.**

Extraterritorial jurisdiction and extradition

21. The Committee notes that the State party's legislation allows for prosecution of its nationals who committed a crime abroad, but regrets that the State party has not established extraterritorial jurisdiction in all cases that are referred to in article 4 of the Optional Protocol. It also notes that the State party allows extradition only when there is a bilateral or multilateral treaty of extradition and does not use the Optional Protocol as a legal basis for extradition.

22. **The Committee recommends that the State party take measures to establish extraterritorial jurisdiction in all cases that are referred to in the Optional Protocol, including when the alleged offender is a national or a person with a habitual residence in Hungary, or when the victim is a Hungarian child. It also recommends that the State party consider using the Optional Protocol as a legal basis for extraditing persons who commit offences prohibited therein in the absence of a relevant bilateral or multilateral treaty of extradition.**

VII. Protection of the rights of child victims (arts. 8 and 9 (paras. 3 and 4))

Measures adopted to protect the rights of child victims

23. The Committee welcomes the 2012 amendments to the Act on Crime Victim Support and State Compensation, which obliges the State party to provide shelter for identified victims of trafficking and other crimes, including child victims. However, the Committee is concerned about the lack of information about the treatment and compensation provided to child victims of the crimes enumerated in the Optional Protocol.

24. **The Committee strongly recommends that the State party ensure that children who are victims of offences under the Optional Protocol are always provided with adequate treatment and compensation, and with prompt information on how to obtain them. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims or witnesses of crimes are provided with the protection required in the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.**

Sexual exploitation and child prostitution

25. The Committee is concerned that child victims of sexual exploitation and prostitution are not viewed as victims, but rather as perpetrators and are often subjected to fines, if the coercion is not proved. The Committee furthermore regrets the lack of information on support, assistance and protection provided to child victims of sexual exploitation and prostitution as well as on the availability of shelters for such victims.

26. **The Committee recommends that the State party take all necessary measures to provide child victims of sexual exploitation and prostitution with the necessary support, assistance and protection, including shelters, and exempt such victims from any liability including fines, even in cases where the coercion cannot be proved.**

VIII. International assistance and cooperation (art. 10)**Multilateral, regional and bilateral agreements**

27. In the light of article 10, paragraph 1, of the Optional Protocol, the Committee notes the agreements concluded with other States and encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered under the Optional Protocol.

IX. Follow-up and dissemination**Follow-up**

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

Dissemination of concluding observations

29. **The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, media professionals and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

X. Next report

30. **In accordance with article 12, paragraph 2, 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.**