



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third, fourth and fifth periodic reports of Hungary\*

#### I. Introduction

1. The Committee considered the combined third, fourth and fifth periodic reports of Hungary (CRC/C/HUN/3-5) at its 1915th and 1916th meetings (see CRC/C/SR.1915 and 1916), held on 9 and 10 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the following concluding observations.
2. The Committee welcomes the submission of the combined third, fourth and fifth periodic reports of Hungary (CRC/C/HUN/3-5) and the written replies to its list of issues (CRC/Q/HUN/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses 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 State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/HUN/CO/1) as well as those on the initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/HUN/CO/1), adopted on 19 September 2014.

#### II. Follow-up measures taken and progress achieved by the State party

4. The Committee welcomes the adoption of the following legislative measures:
  - (a) Amendment to the Child Protection Act, on 15 March 2014, defining the roles of experts acting to protect the rights of children;
  - (b) Act V, on 15 March 2014, amending the Civil Code and requiring children's opinion to be taken into account if they are able to judge the situation;

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



(c) Act C of 2012 on the new Criminal Code, on 1 July 2013, replacing the former Criminal Code and introducing several provisions protecting children's rights;

(d) Fundamental Law of Hungary, on 1 January 2012, which provides a legal base for child protection;

(e) Act CCXI of 2011 on the Protection of Families, on 1 January 2012.

5. The Committee welcomes the ratification of and/or accession to the:

(a) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in January 2012;

(b) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(c) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in July 2007;

(d) Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air, in December 2006.

6. The Committee welcomes the following policy measures:

(a) National Anti-Drug Strategy for 2013–2020;

(b) Hungarian National Inclusion Strategy of 2011 and Action Plan for 2012–2014;

(c) National Youth Strategy of 2009 and action plan for 2012–2013;

(d) National strategy entitled Making Things Better for Our Children, for 2007–2032.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)**

##### **The Committee's previous recommendations**

7. While welcoming the State party's efforts to implement the Committee's concluding observations of 27 January 2006 on the State party's second periodic report (CRC/C/70/Add.25), the Committee notes with regret that some of the recommendations contained therein have not been sufficiently addressed.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations (CRC/C/HUN/CO/2) that have not been implemented or sufficiently implemented, and in particular, it recommends and urges the State party to:**

(a) **Allocate adequate resources for the economic, social and cultural rights of children, in particular for those living in families with scarce economic means, "to the maximum extent of... available resources and, where needed, within the framework of international cooperation"; and**

(b) **Thoroughly examine the existing laws and regulations that impede the collection of disaggregated data, ensuring that the collection and publication of data broken down according to ethnic origin can be done in full respect of human rights, as**

**well as significantly improve the collection of data relevant for the implementation of the Convention.**

#### **Comprehensive policy and strategy**

9. The Committee welcomes the national strategy for 2007–2032 entitled Making Things Better for Our Children, as well as the Hungarian National Inclusion Strategy of 2011 and its action plan for 2012–2014, which aim at reducing child poverty and extreme poverty and at inclusion of Roma children. However, the Committee is concerned about the lack of a State policy in other areas of children’s rights under the Convention and the lack of measures to evaluate the implementation of its existing strategies and action plans in order to verify their effectiveness.

10. **The Committee recommends that the State party adopt a comprehensive policy covering all areas of children’s rights under the Convention and ensure that its strategies and action plans are provided with the necessary human, technical and financial resources for their effective implementation. It also recommends that the State party establish effective systems for monitoring and evaluation of its strategies and action plans and provide the results of such evaluation in its next periodic report.**

#### **Coordination**

11. The Committee is concerned about the State party’s information that coordination of activities in the area of children’s rights is insufficient, leaving the collaboration among different government agencies to their discretion and thus hampering the effective implementation of activities in different areas of children’s rights.

12. **The Committee recommends that the State party take effective measures to establish a single body that will be responsible for overall coordination of activities in the area of children’s rights and that it provide such body with sufficient authority and sufficient human, technical and financial resources to carry out its role effectively as a body that coordinates activities among various government agencies at the national, regional and local levels.**

#### **Independent monitoring**

13. The Committee notes that the Commissioner for Fundamental Rights is responsible for monitoring the implementation of children’s rights in the State party. However, it is concerned about the information that the International Coordinating Committee has deferred the accreditation of the Commissioner for Fundamental Rights to the second half of 2014, noting, inter alia, the lack of a transparent and participatory selection process.

14. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to comply with the requirements of the Paris Principles for national human rights institutions by ensuring the independence of the Commissioner for Fundamental Rights, including in the areas of funding, mandate and immunities. To that effect, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF. Furthermore, the Committee recommends that the State party consider establishing an independent ombudsman for children.**

#### **Dissemination and awareness-raising**

15. The Committee welcomes the awareness-raising programmes, including campaigns by the State party in the area of children’s rights. However, it remains concerned that such programmes have not been extended to all professionals working for and with children, to

children themselves, to parents and to the public at large, and have been found to be ineffective.

16. **The Committee recommends that the State party continue and strengthen its efforts in raising the awareness of all professionals working for and with children, children themselves, parents, and the public at large, about the provisions of the Convention and its optional protocols, with a view to ensuring that such efforts result in a positive shift in the attitudes of those involved.**

#### **Cooperation with civil society**

17. The Committee is concerned that the centralization and nationalization of services for children in public care facilities and other areas have resulted in the exclusion of many non-governmental organizations (NGOs) from the support of the State party. It is also concerned about the information that some NGOs have been subjected to investigation for receiving foreign funds.

18. **The Committee urges the State party to include all NGOs working for and with children under its support umbrella and to provide them with all possible facilities to enable them to implement their mandate. Furthermore, the Committee recommends that the State party cease any procedures, legal or otherwise, that could impact on the freedom of operation of such NGOs on its territory.**

### **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

19. The Committee notes that Act C of 2012 criminalizes acts that are racially motivated, and acknowledges programmes and projects to promote tolerance among schoolchildren. However, the Committee is concerned about the still-prevalent discriminatory attitude of the public against children in marginalized and disadvantaged situations — such as children with disabilities, children living in family forms other than heterosexual marriage, children belonging to ethnic or religious minorities, children with different sexual identities, and migrant and unaccompanied children — which has been exacerbated by the economic crisis and poverty. Furthermore, the Committee is concerned about the intrinsic gender stereotypes in the society, which have a significant negative effect on girls.

20. **The Committee urges the State party to implement its laws that prohibit discrimination against categories of children in marginalized and disadvantaged situations, such as children with disabilities, children born out of wedlock or living with same-sex parents, children belonging to the Roma or Jewish minorities, migrant and unaccompanied children, lesbian, gay, bisexual, transgender or intersex children, and girls, and to take measures to educate the public about equality and non-discrimination and to expand its programmes in schools. The Committee further recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the outcome document adopted at the 2009 Durban Review Conference.**

#### **Best interests of the child**

21. The Committee notes that the State party's legislation provides for the best interests of the child, in particular in its Fundamental Law and in the Child Protection Act. However,

the Committee is concerned that the State party's legislation and policies in many areas, including its regulation on juvenile justice, are not appropriately based on the principle of the best interests of the child.

**22. The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party ensure that all its legislation reflects the right established by the Convention. It also recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children, and that it provide for remedies in cases of violation of the right. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, giving them appropriate weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities and legislative bodies, and public and private social welfare institutions, as well as to religious leaders and the public at large.**

#### **Respect for the views of the child**

**23. The Committee notes that, under the new Civil Code, children should be heard if they are considered to be able to judge the situation. However, the Committee is concerned that under the Family Act, children below the age of 14 years do not have an automatic right to be heard in decisions related to their custody, and that in practice, children below the age of 14 are heard only as an exception, even in divorce and child custody cases. Furthermore, the Committee is concerned that child rights representatives assigned to children in institutions and foster care have had limited contact with children and have been found to be ineffective.**

**24. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take all necessary measures to ensure that all children, irrespective of their age, are heard in any decision affecting them. The child's views should be given due weight according to his or her age and maturity, individually assessed in each case. Furthermore, the Committee recommends that the State party take measures to improve the functioning of child rights representatives in order to ensure that the rights of each individual child in institutions and foster care are protected in an efficient and timely manner.**

### **C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

#### **Freedom of association and peaceful assembly**

**25. The Committee is concerned about the information that under the new regulation on associations, which came into force in 2011, children below the age of 14 years cannot hold management positions in associations created by children themselves.**

**26. The Committee recommends that the State party amend its legislation by abolishing age restrictions for management of associations, especially those created by children themselves, with a view to ensuring that children fully enjoy and exercise their rights in compliance with the provisions of the Convention.**

#### **Access to appropriate information**

**27. The Committee notes that the Media Law of 2010 provides for protection of children from media content that can harm the intellectual, emotional, moral and physical**

development of children. The Committee is, however, concerned that beyond the protection, the law does not ensure that children have access to age-appropriate information that can enhance their development and knowledge.

**28. The Committee recommends that the State party take all necessary measures to ensure the right of the child to access information and material from a diversity of national and international sources of all forms, including through access to the internet, with a view to guaranteeing the child's exposure to a plurality of opinions.**

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)**

**Child abuse and neglect**

29. The Committee is concerned about the low level of reporting of cases of sexual and other forms of abuse and violence in the family and care institutions. It is also concerned about the shortcomings of the child protection system, which prevent timely and effective assistance and protection to children suffering from abuse and neglect, as well as the lack of prevention mechanisms, including awareness-raising among children, parents and professionals working with and for children. Furthermore, the Committee is concerned that the State party lacks services to rehabilitate and assist child victims of neglect, abuse and exploitation.

**30. The Committee recommends that the State party encourage children and their representatives to report cases of abuse and violence in the family and care institutions to the respective authorities by raising the awareness of children of their rights and establishing complaints mechanisms within care institutions. It also recommends that the State party further strengthen its child protection system by providing it with a sufficient number of well-qualified staff and technical and financial resources, establishing effective collaboration with all stakeholders and requiring follow-up reports on each individual case so that signs of sexual or physical abuse or neglect can be detected and the system can provide timely and effective protection to the child. Furthermore, the Committee recommends that the State party provide child victims of neglect, abuse and exploitation with all necessary services for their effective rehabilitation.**

31. The Committee is seriously concerned about the State party's so-called "Baby Box" (incubator) programme, which is in violation of the Convention.

**32. The Committee strongly urges the State party to take all measures necessary to end the "Baby Box" (incubator) programme as soon as possible and expeditiously strengthen and promote alternatives, taking into full account the duty to comply with all provisions of the Convention. The Committee urges the State party to increase its efforts to address the root causes which lead to the abandonment of infants, including through the provision of family planning as well as adequate counselling and social support for unplanned pregnancies and for the prevention of risk pregnancies.**

**Corporal punishment**

33. The Committee notes that the State party's legislation prohibits the use of corporal punishment against children in all settings. However, it regrets that the prohibition is not implemented in the family and schools, owing to a lack of awareness and training about alternative forms of discipline, non-reporting, and the lack of a penal response against perpetrators. The Committee is also concerned about the recent bringing into service of

school guards, who are responsible for maintaining discipline in schools and are authorized to use physical force against children in some instances.

34. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to implement the prohibition on the use of all forms of corporal punishment in all settings, in particular in the home, schools and public care institutions, and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violation. It also recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child rearing and discipline. Furthermore, the Committee recommends that the State party ensure that school guards are prohibited from using physical force against children under any circumstance.

#### **Freedom of the child from all forms of violence**

35. Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence;
- (d) Further strengthen awareness-raising and educational programmes, including campaigns with the involvement of children, in order to inform children about the protection mechanisms they may access; and
- (e) Cooperate with the Special Representative of the Secretary-General on violence against children and with other relevant United Nations institutions.

#### **E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4) of the Convention)**

##### **Separation from parents**

36. The Committee notes the information provided by the State party that temporary care can be provided in temporary family homes. Nevertheless, the Committee is concerned about the increasing number of children who are being taken away from their parents in cases where the parents are living in poverty and are without a home due to unemployment, lack of social housing and a lack of space in temporary family homes.

37. The Committee urges the State party to ensure that children are not separated from their parents because of poverty and lack of housing, and recommends that the State party prohibit the placement of children in care institutions due to the economic situation of families and that it use this only as a last resort in accordance with the United Nations guidelines for the alternative care of children, adopted on 20 November 2009. The Committee also recommends that the State party take all necessary measures to provide families in need with adequate social housing and

**support measures, and increase social benefits to low-income families with children in order to prevent out-of-home placements.**

**Children deprived of a family environment**

38. The Committee notes the amendments to the Child Protection Act of 1 January 2014 that prohibit the placement of children below the age of 12 in care institutions, but regrets that the amendments do not cover children with disabilities, chronically ill children or multiple siblings. The Committee is also concerned that:

- (a) Roma children continue to be overrepresented in care institutions;
- (b) Children spend a long time in temporary care due to complicated and bureaucratic procedures to assess their situation;
- (c) Children with special needs are rarely placed in foster care due to the lack of special training for foster parents;
- (d) Foster parenting does not enjoy a positive image;
- (e) The management of foster and institutional care in several counties has been transferred to the church due to the economic crisis, without proper oversight;
- (f) Psychotropic drugs are used excessively on children in public care, without proper justification; and
- (g) A number of children are still being held in specialized homes for “problematic” children for lengthy periods and have limited opportunities to make a complaint.

39. **Recalling the Guidelines for the Alternative Care of Children, annexed to General Assembly resolution 64/142 of 20 December 2009, the Committee recommends that the State party:**

- (a) Take measures to ensure that all children in children’s homes, including Roma children, children with disabilities, chronically ill children and multiple siblings are provided with family- and community-based care and that placement in institutional care is used only as a last resort;
- (b) Ensure that children spend the shortest time possible in temporary care and are provided with permanent family- and community-type care solutions;
- (c) Provide regular training to foster parents, including on professional skills to care for children with special needs;
- (d) Promote a positive image of foster parenting;
- (e) Take urgent measures to ensure State control over all services provided by the church with regard to care for children deprived of a family environment;
- (f) Take measures, including counselling and other forms of support, to limit the use of psychotropic drugs on children in public care and establish strict monitoring of the prescribing of such drugs; and
- (g) Ensure monitoring and control of placements of children in specialized homes for “problematic” children and ensure that such placements are used as a measure of last resort for the shortest time possible, and establish an independent complaints mechanism for children in such institutions.

### **Adoption**

40. The Committee is concerned about the lengthy procedures in the State party for the adoption of children deprived of a family environment, which can take up to several years. It is also concerned about the lack of measures taken to promote the adoption of older children, children with disabilities or chronic diseases, and Roma children.

41. **The Committee recommends that the State party take measures to remove unnecessary barriers to adopting children in institutions, while at the same time ensuring proper screening of families into which children are to be adopted. The Committee also recommends that the State party educate the public and raise awareness in order to encourage the adoption of children of an older age, children with disabilities or chronic diseases and Roma children, with a view to providing such children with an opportunity to grow up in a family environment.**

### **Children of incarcerated mothers**

42. The Committee is concerned that the State party lacks mechanisms for diverting prison sentences issued to pregnant women or for postponing sentences. It is also concerned about the lack of measures taken by the State party to implement the rights of children to visit their parents in prisons.

43. **The Committee recommends that the State party take all necessary measures to establish mechanisms to divert the sentences issued to expecting mothers to alternative forms of punishment and that it take measures to enable children to visit their incarcerated parents.**

## **F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33 of the Convention)**

### **Children with disabilities**

44. The Committee is concerned at the:

- (a) Insufficient support, including financial assistance, provided to families with children with disabilities;
- (b) Widespread institutionalization of children with disabilities;
- (c) Insufficient steps taken to develop a system of inclusive education for children with disabilities and to provide reasonable accommodation within educational institutions;
- (d) Shortage of early development programmes for children with mental disabilities and complex disabilities, in places outside the capital;
- (e) Insufficient access to educational institutions for children with autism;
- (f) Lack of information on Roma children with disabilities.

45. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party take all necessary measures to:**

- (a) Increase support, including financial assistance, to families with children with disabilities in order to enable such families to provide care and support for their children;
- (b) Prevent widespread institutionalization of children with disabilities and ensure sufficient alternative family- and community-based care options for children with disabilities deprived of a family environment;
- (c) Provide inclusive education for children with disabilities by training teachers, providing schools with necessary equipment and accommodation and sensitizing the school personnel, schoolchildren and public in general on the rights of children with disabilities;
- (d) Ensure that all children with mental disabilities and children with complex disabilities have access to early development programmes, throughout the country;
- (e) Remove any barriers to the enrolment of children with autism in regular schools;
- (f) Undertake a study on the rights of children with disabilities who are of Roma background and provide the findings from such study in its next periodic report.

#### **Health and health services**

46. The Committee welcomes the fact that the State party has achieved almost universal coverage of its population with mandatory social health insurance, but regrets that a number of persons who belong to the Roma community continue to be denied health services, including emergency aid services, and are discriminated against by health practitioners. The Committee is also concerned about the limited access to health-care services, including paediatric and specialized care services, in rural areas. Furthermore, the Committee is concerned about the growing problem of nutritional disorders, including obesity, which result from a lack of education on nutrition and a lack of access to suitable food, as well as a lack of food containing iodine and iron.

47. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party take measures to ensure that mandatory health insurance is extended to all children, including those belonging to the Roma community, and provide health-care services to all children within its territory without any discrimination. The Committee also recommends that the State party take measures to ensure that health-care facilities and practitioners, including paediatric and specialized care practitioners, are available throughout the country, including in rural areas. Furthermore, the Committee recommends that the State party take measures to provide access to education on nutrition and access to sufficiently nutritious food for all children in the country, and measures to promote healthy eating habits and to tackle the problem of iodine deficiency.

#### **Adolescent health**

48. The Committee remains concerned about the large numbers of unwanted pregnancies and abortions among adolescent girls due to the lack of reproductive health education and services. It also remains concerned about the high rate of suicide among children and adolescents, as well as the high rates of drug and alcohol abuse among adolescents. Furthermore, the Committee is concerned that mental health care services for

children and young people are underdeveloped and that access to child psychologists, including access to emergency care, is inadequate.

**49. In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party take measures to prevent unwanted pregnancies and abortions among teenage girls by raising awareness about sexual and reproductive health and providing access to contraceptives and confidential sexual and reproductive health services to boys and girls. The Committee also recommends that the State party study the root causes of suicides among children and adolescents and take the necessary measures to prevent such incidents by providing access to adequate mental health services and to psychologists, including emergency care services, and that it take measures to prevent and address drug and alcohol abuse among adolescents.**

#### **Breastfeeding**

**50. The Committee is concerned about the lack of information on the rate of exclusive breastfeeding of infants at 6 months of age. It is also concerned that the number of baby-friendly hospitals in the State party is low and that only a few provisions of the International Code of Marketing of Breast-milk Substitutes have been fully implemented.**

**51. The Committee recommends that the State party take all necessary measures to encourage exclusive breastfeeding of infants until 6 months of age and provide data on the rate of breastfeeding in its next periodic report. The Committee also recommends that the State party increase the number of baby-friendly hospitals and take measures to fully implement the provisions of the International Code of Marketing of Breast-milk Substitutes.**

### **G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

**52. The Committee welcomes the numerous programmes, and measures taken, under the National Social Inclusion Strategy and the new Public Education Act to provide inclusive education for children from disadvantaged groups, including Roma children. However, the Committee is concerned about the:**

- (a) Lowering of the compulsory education age from 18 to 16 years;
- (b) Continued segregation of Roma children into separate classes and schools, as well as into special remedial schools for children with mental disabilities;
- (c) Limited admission of asylum-seeking children into education;
- (d) Lack of special integration programmes and intercultural education focused on individual needs for migrant children; and
- (e) Limited capacity of the early childhood education and care system.

**53. Taking into account its general comment No. 1 on the aims of education, the Committee recommends that the State party:**

- (a) Reinstate compulsory education until the age of 18 years;
- (b) Continue its efforts to provide inclusive education for children belonging to the Roma community in mainstream schools;

- (c) Take measures to ensure access to education for all children in the territory of the State party, regardless of the status of their asylum application;
- (d) Take measures to respond to the individual needs of each child attending school, by providing extra integration classes and intercultural education, especially for migrant children; and
- (e) Increase the capacity and quality of its early childhood education and care establishments.

**H. Other special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b-d), 38, 39 and 40 of the Convention)**

**Asylum-seeking, unaccompanied and refugee children**

54. The Committee welcomes the 2013 amendments to Act LXXX of 2007 on Asylum, which states that the detention of asylum seekers can only be ordered in exceptional cases as a measure of last resort. Nevertheless, the Committee is concerned about reports of the administrative detention of children, in particular in jails for aliens. The Committee is also concerned that the methods used for assessing the age of unaccompanied minors focus only on physical aspects.

55. The Committee recommends that the State party ensure that asylum-seeking, unaccompanied and migrant children are not administratively detained under any circumstance. It also recommends that age assessment tests take into account all aspects, including the psychological and environmental aspects, of the person under assessment.

**Administration of juvenile justice**

56. The Committee is concerned about:

- (a) The suspension of juvenile courts and the transfer of cases concerning children in conflict with the law to the courts of general jurisdiction;
- (b) The lowering of the age of criminal responsibility from 14 to 12 years, for a number of offences;
- (c) The lengthy pretrial detention of children, including at the age of 12 years, which may take up to 1 year;
- (d) Children being sentenced to deprivation of liberty for committing petty crimes, including in situations where they are unable to pay fines;
- (e) The low number of cases where restorative justice has been applied;
- (f) The lack of psychologists provided to children in conflict with the law and the lack of measures to reintegrate such children into society.

57. The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, as well as with other relevant standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:

- (a) Reinstate the juvenile courts with judges who have undergone special training;
- (b) Take measures to raise the age of criminal responsibility from 12 years back up to 14 years, even for the most serious crimes;

- (c) Ensure that detention of children is used only as a measure of last resort and for the shortest possible time;
- (d) Abolish the practice of sentencing children to prison terms for petty crimes, in particular by eradicating the practice of converting fines to prison terms;
- (e) Take measures to ensure a wide application of restorative justice in cases involving juvenile offenders; and
- (f) Increase the number of psychologists available for children in conflict with the law and provide reintegration measures based on the individual needs of each child.

58. To that end, the Committee recommends that the State party make use of the technical assistance tools developed by the Inter-agency Panel on Juvenile Justice and its members, which includes the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights, and non-governmental organizations, and that it seek technical assistance in the area of juvenile justice from members of the Panel.

#### **Child victims and witnesses of crimes**

59. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

### **I. Ratification of international human rights instruments**

60. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

### **J. Cooperation with regional bodies**

61. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

### **IV. Implementation and reporting**

#### **K. Follow-up and dissemination**

62. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third,

**fourth and fifth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.**

**L. Next report**

63. The Committee invites the State party to submit its sixth periodic report by 5 November 2019 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

64. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).

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