



T-ES(2016)RFG-HUN-2

## **LANZAROTE CONVENTION**

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

### **FOCUSED QUESTIONNAIRE**

Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

### **HUNGARY**

**(Replies sent by “Hope For Children” CRC Policy Center)**

Replies registered by the Secretariat on 19 September 2016

The replies to the questions related to Data are provided by the Hungarian Helsinki Committee, while question 2-4 is answered by the Hope for Children Hungary.

### DATA (Lanzarote Convention, Chapter III)

1) How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>1</sup> are in your country as a result of the refugee crisis?

a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>2</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;

In the given time period 36735 asylum-seeking children have been registered in Hungary, among them 9656 UAMs (see the table below for periodic breakdown). We have no information about how many of them are in the country at the moment, since the number fluctuates heavily.

<b>01.07.2015-31.12.2015</b>	
0-13 years	20998
14-17 years	9886
<b>Total</b>	<b>30884</b>
Among them UAMs ( <i>data not available for the specified period, provided data refers to the entirety of 2015</i> )	8791
<b>01.01.2016-30.06.2016</b>	
0-13 years	3434
14-17 years	2417
<b>Total</b>	<b>5851</b>
Among them UAMs	865
<b>Total number of children applying for asylum 01.07.2015-30.06.2016</b>	
<b>36735</b>	

We have no information on how many of them have been or have been presumed to be victims of sexual exploitation and sexual abuse.

b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;

As of now, we have no such policy in effect but it is being developed.

<sup>1</sup> Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

<sup>2</sup> If figures for this period are not available, please provide the most recent annual data.

- c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;

The Hungarian Helsinki Committee (HHC) provides data on a monthly basis to UNHCR and UNICEF, which then use the data provided to develop their own responses. The HHC also relies on first-hand-experiences in assessing the number of asylum-seeking children currently in the country which can lead to the expansion of their capacities in the given location.

- d) Identify the institution(s) responsible for the collection of above data.

Office of Immigration and Nationality (OIN) is in charge of collecting the data, but they do not identify victims of sexual abuse, have no policy relating to the assessment of their numbers and have no plans of expanding their capacities in this direction.

### **PREVENTION** (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?
  - a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;
  - b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

There were no *specific measures* taken by state actors to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse, while the non-governmental organizations struggled to satisfy basic needs of these children and many times had limited access to facilities where they were placed. The lack of *general measures* to prevent sexual exploitation and abuse of children is one of the most compelling issues the Hungarian child protection system struggles with (of which personal scope covers asylum-seeking children as well).

### **PROTECTION** (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?
  - a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;
  - b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);
  - c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

First of all, one of the key challenges in identifying migrant and asylum-seeking children as victims of sexual exploitation and providing protection measures for them is that they spend only short period of time in Hungary. On the one hand, there are other priorities on both sides, on the other hand, there is no time to develop trust with an officer which is a prerequisite for sharing stories and asking for help in case of sexual exploitation.

Then, there are other aspects to consider as well. On 15 September 2015 Hungary proclaimed the “state of crisis caused by mass migration” which is actually a state of emergency providing opportunity to take measures derogating from their human rights obligations. The legislation accepted in order to handle “the state of crisis” introduced several derogations from the human rights of asylum seekers and asylum-seeking minors which are not limited to the extent strictly required by the exigencies of the situation. According to the new law, the irregular cross of the border with or without trying to breach the razor-wire fence on the border is a crime and in case of families the children are taken away from their parents during the criminal procedure (and detention) and placed in child-care institutions, while the most often used sanction of this crime is expulsion up to two years (which is effective in the whole territory of the EU). The special provisions of the Criminal Code on juveniles - minor between the age of 14 and 18 according to the Hungarian law - does not apply, therefore they are treated and prosecuted as adult offenders (these provisions are still in force). Children on the move arriving to Hungary are probably reluctant to report any crime in a situation like this.

#### **COOPERATION** (Lanzarote Convention, Chapter IX)

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:
  - a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
  - b) Protecting and providing assistance to victims;
  - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

There are few active non-governmental organizations providing assistance to migrant and asylum-seeking children in Hungary in general but none of them has such focus of work.

**Menedék – Hungarian Association for Migrants** is involved in promoting the social integration of foreign citizens migrating into Hungary, as well as Hungarian and other citizens emigrating from here for more than twenty years. In the course of their work they have established a complex system of services, through which they have supported and continue to support thousands of refugees and other foreigners in finding a new home in our country. They have colleagues working in Bicske, Budapest, Fót and Vámoszabadi.<sup>3</sup>

The **Hungarian Helsinki Committee** is a public benefit human rights organization that protects human dignity through legal and public activities. The Hungarian Helsinki

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<sup>3</sup> Website: <http://menedek.hu/en>

Committee works towards providing effective assistance to those fleeing to Hungary. Currently, the Hungarian Helsinki Committee is the only organization that provides free and high-quality legal assistance to asylum-seekers. Most of their asylum-seeking clients are highly traumatised, having experienced horrific events in their home country or during their flight. Most of them do not understand what is happening to them, what their rights and duties as asylum-seekers are without professional help.<sup>4</sup>

The **Hungarian Red Cross** was established more than 130 years ago, its main tasks include blood donor recruitment, first aid, social welfare, disaster management and Red Cross Youth activities. In this field the Hungarian Red Cross visits facilities where migrant and asylum-seeker children are placed and provide them with food, clothes and medicines, provides translations and keep contact with the Hungarian authorities.<sup>5</sup>

**SOS Children's Villages** has responded to the needs of children, young people and families in three locations in Hungary since the 1980s. The social centres work with the local communities and agencies to support children and their families so that the children can grow up within a caring family environment. When children can no longer live with their families, SOS mothers can care for them in loving homes. SOS Children's Villages also provides support and semi-independent housing for young people. In response to the refugee crisis of 2015, SOS Children's Villages is planning to support refugees in Budapest, and the southern and western parts of the country. We plan to assist families with children, and children arriving without an adult carer. Our help will vary depending on what the refugees need but it is likely to include the provision of shelter, food and health care.<sup>6</sup>

#### **ANY OTHER ADDITIONAL INFORMATION**

- 5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.

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<sup>4</sup> Website: [http://www.helsinki.hu/en/about\\_us/](http://www.helsinki.hu/en/about_us/)

<sup>5</sup> Website: <http://www.voroskereszt.hu/menekueltuegy.html>

<sup>6</sup> Website: <http://www.sos.hu/>