

## Hungary

**Information provided further the statement by the Lanzarote Committee Chair and Vice-Chairperson on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic**

No information received.

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**Responses to specific questions by the Bureau of the Lanzarote Committee on the impact of the Covid-19 pandemic on the protection of children from sexual exploitation and sexual abuse**

- 1. To what extent, if at all, has the threat of child sexual abuse/exploitation changed due to COVID-19? If so:**
  - **Please tell us about whether the level of risk has increased/decreased/remained the same and if possible specify this with regard to the various types of sexual offences against children (Articles 18-23 of the Convention);**
  - **You may also wish to indicate any emerging trends relating to child sexual abuse/exploitation, as the result of COVID-19, and point at measures taken to address them.**

The following criminal offences committed against children were examined for each quarter of 2018, 2019 and 2020 in the integrated administration system (RobotZsaru) based on the number of investigations that had been ordered:

- Section 196 (3) Sexual Exploitation
- Section 197 (2) (3) Sexual Violence
- Section 198 Sexual Abuse
- Section 200 (2) (4) (5) Pandering
- Section 201 (1) c) (2) c) Procuring for Prostitution or Sexual Act
- Section 203 Exploitation of Child Prostitution
- Section 204 Child Pornography
- Section 205 (2) Indecent Exposure
- Section 208 Abuse of a Minor
- Section 222 (3) Harassment

In comparison to the same period of previous years (January-May), **the risk of child sexual exploitation and the child sexual harassment didn't change significantly during the pandemic.** There has been a steady increase in the number of investigations of child pornography and sexual exploitation cases in comparison to the last year. The number of investigations of sexual abuse, child prostitution and indecent exposure has declined.

According to Section 11 (1b) of Act 31 of 1997 on the protection of children and guardianship administration, which entered into force on 1 January 2018, the investigation and management of child abuse cases in institutions providing child protection care and youth detention centres must be carried out based on an institutional, maintenance and sectoral Methodology approved by the Minister and published on the website of the Ministry of Human Capacities. To comply with the legal requirement, a professional regulatory document entitled "Institutional, maintenance and sectoral methodology for the investigation and management of child and young adult abuse cases in institutions providing child protection care, foster care networks and reformatories" (from now on: Methodology) has been prepared. The provisions of the Methodology have been mandatory since 1 July 2018 in all child protection care institutions (including foster parent networks and children's homes), youth detention centres, regardless of the form of care and the type of provider.

Addressing the COVID-19 epidemic, movement restrictions were introduced. **The ban on leaving the institution and visiting childcare facilities predicted an increase in the number of conflicts and levels of aggression due to confinement and frustration among children and young adults. When the epidemiological situation allowed, institutions could be left for daily leisure activities and otherwise at least one hour per day spent outdoor had to be ensured throughout. Besides, due to the reduced opportunities for leisure activities and the introduction of a digital schedule of education during the period of restricted movement as mentioned above, the presence of children in the online space have increased, which increased the possibility of their online harassment.** The restrictive measures have been primarily terminated by now. **It can be considered positive that children have been able to access more digital devices than before.**

Since the introduction of the Methodology and data collection on alerts and suspected cases of child abuse, 65% of all incoming alerts between 1 July 2018 and 30 June 2019 were related to child abuse or its suspect in child protection care institutions. Not all of the cases constitute a criminal offence, and the suspicion is not confirmed in all cases. Due to the ban on leaving the institution introduced in child protection care institutions, the possibility of child abuse outside the institution (except in the case of unauthorized leaving) has been eliminated, so based on the analysis of previous data, the number of child abuse cases was expected to decrease by 35%. However, we have expected a smaller decrease in the number of signals due to the anticipated increase in the number of child abuse cases in the care places.

In the period of the introduction of the ban on leaving the institution, **from 19 March 2020 to 24 April 2020, 45% less child abuse alerts have been received** compared to the data immediately preceding the introduction of the restrictions, which is a higher proportion of decrease in the number of alerts than previously estimated. **The cause of the reduction in the number of alerts requires further investigation.**

- 2. Did lockdown cause child sexual abuse/exploitation cases (identified/reported) to increase, decrease or stay the same? Please submit data (number of victims/offenders) and highlight what you think may explain the trend.**

**Decision No. 176/2020 (V.4) of the Government** on measures regarding establishing contact and restraining procedures applicable during the state of danger has **laid down the special rules on the temporary preventive restraining order, preventive restraining order and restraining order during the epidemic situation.** If a childcare action is required regarding a family that is in official quarantine, the possibility of temporary adoption within the family should be examined first, and the next step shall be to find foster parents. If this is not possible, the childcare institute has to accommodate the child according to the decision issued by the Ministry of Human Resources.

**The regional (county and capital) police authorities contacted the local governments, NGO's, relief organizations, churches and the National Ambulance Service. They prepared a family and child protection protocol to be used during the pandemic.** The protocol provides for the measures to be taken, the process and the partners to be involved.

Regarding the number of temporary preventive restraining orders, there is no increase since the declaration of the state of danger.

For the period of the restrictions, we do not yet have the results of a detailed analysis of child abuse cases alerted by the child protection institutions, including data on cases of sexual abuse and the number of perpetrators and victims. In our view, reliable and valid data can be provided after having the underlying causes of a decline in the number of alerts identified. The trend regarding the number of victims and perpetrators will be determined only after the criminal proceedings have been conducted.

- 3. Please also tell us whether and how general child safeguarding measures were, or are likely to be, affected by measures taken by governments in response to COVID-19. In addition, highlight any additional, specific measures put in place during lockdown to ensure reporting by victims of child sexual abuse/exploitation as well as to support and assist them, and whether these measures will be maintained even when the lockdown is lifted.**

No particular measure was taken during the restriction on movement due to the pandemic, **it was already possible to report such crimes electronically before the pandemic, and it still is.**

On the Facebook page "Awareness on the Internet – online safety" (operated by the Police) the Police posted two contents: "Don't be easy prey!" (video) and "Sexting – risks and side effects" (infographics).

At the request of the Family Law Expert Working Group of the Ministry of Justice, **the Police prepared a professional material "How to recognize the abuse during online education and how to help?". This can support teachers to recognize signs of abuse during the digital educational meetings.**

Together with the "Follow me" Agency a **two-week media campaign titled #dontletithappen #thereishelp #askforhelp was launched against child abuse and domestic violence**. Several celebrities supported the initiative voluntarily. With the help of 13 influencers, 153,949 young people were informed about the possibilities of asking for help between 15 April – 4 May 2020.

**The governmental measures that have been taken to curb the pandemic did not affect the general child protection proceedings** aside from the limitation on movement. Order No. 71/2020. (III.27.) of the Government on restriction on movement had also handled communication and keeping in contact as an exemption from the restriction on movement by saying that **leaving one's domicile, habitation or private dwelling shall be considered justified for exercising parental rights and obligations**. The COVID-19 Task Force of the Hungarian Government has informed the public that the above-mentioned order does not have provisions regarding the contact of a parent and a child, but asked the divorced parents to get in touch with each other and cooperate. This means that the parent not living with the child can keep in touch with the child provided that the safety and health rules are observed.

The courts have proceeded following the aim of the legal provisions before, and after this, they examined every request for the enforcement of a decision on contact and communication that has been filed during the pandemic crises. Order 74/2020 (III:31.) of the Government on specific procedural measures during emergencies made it possible to conduct the proceedings in a special manner between 31 March and 1 June 2020. The court held the trial through an electronic communications network or by the use of other electronic tools capable of transmitting audio and images. If the conditions to hold the hearing in such a way were not provided, then the court acquired the trial statements in a written form. Only when this was not possible stated the court that an obstacle has occurred.

In procedures to be conducted out of turn, the court has proceeded by observing the deadlines.

In family law cases, decisions affecting the interest of the child could have only been taken as a temporary measure, during which the parties could only be heard in a written form. In cases, where taking evidence has been closed, it was possible to decide without a hearing; besides, the court could also approve settlements reached by the parties.

Mediation provided by the court has not ceased to operate during the pandemic crises.

**The Minister of Human Capacities also issued a Guideline** in the light of the epidemiological situation, titled **"Guideline to child protection institutions, youth detention centres, providers of specialized social care and temporary childcare for the prevention of the spread of the Coronavirus and reduction of the risks"** on 22 March 2020.

The guidelines were intended to help staff during the state of emergency, therefore the Minister of Human Capacities, to implement the National Public Health Centre's decision of 22 March 2020, set out the rules of leaving and visiting ban in childcare facilities, as well as youth detention centres and exceptions to that. Within this, the institution providing child protection care, the youth detention centre, the National Committee for the Protection of

Children and the non-profit organization promoting adoption shall provide information on dormant services and measures to be taken to the children in care, young adults and juveniles, workers, foster carers, those intending to adopt, as well as to those in crises consultancy and answer their questions.

The guide emphasizes that professionals should avoid unjustified face-to-face meetings, in particular by using non-personal forms of contact such as correspondence, telephone and IT. The child protection guardian was also required to keep in touch with the child under their guardianship, if possible by electronic means and phone, due to the ban on visits. The child protection guardian is still entitled and obliged to take the necessary immediate measures in the best interests of the child and to submit a written request to initiate proceedings requiring immediate action.

This also allowed the child to contact the child protection guardian and the children's rights representative, besides the professionals working in the place of care, so child victims of sexual abuse / sexual exploitation weren't limited to make a report during this period. All these restrictions expired at the same time as the ban on leaving the institution was lifted so that there is no obstacle to the personal contact with the children's legal representative and the children's rights representative.

The mandatory application of the Methodology referred to in the previous answers was not suspended, so it was mandatory for the child protection care institutions and their maintainers to report, to treat and investigate cases of child abuse or their suspicions during the period of the restrictions.

**The Minister for Human Capacities has issued** a Guideline on basic child welfare services as well, due to the epidemiological situation. The "**Guideline for family and child welfare providers on the prevention of the spread of the Coronavirus and reduction of the risks**" issued on 20 March 2020 aims to assist personnel during the state of emergency.

The Guideline contains that clients must be informed about the consultation policy and contact details of the service. The basic task of the child welfare service is still the operation of the detection and signalling system and the reception of signals.

The Guideline defined as a task for social workers to be informed about the provision of meals for and the completion of the studies of disadvantaged, multiply disadvantaged, vulnerable children and those receiving regular child protection benefits.

According to the Guideline, the kindergarten and school social worker should pay special attention to the integration of children living in the district and their parents to the out-of-classroom digital education, to meet the learning obligations and to support the work of teachers.

The Guideline clearly states that to prevent and eliminate the vulnerability of children, the family and child welfare service provider must operate the detection and signalling system, and the signals must be received. All information must be obtained by telephone and/or e-mail from other professionals (health visitor, kindergarten, school, GP). The information

allows the social worker to determine the severity of the problem. In the event of a crisis or severe threat, family visits should be carried out, to provide help to the families as soon as possible.

If necessary, the kindergarten and school social workers, in consultation with public educational institutions, provide social support activities in the institutions providing on-call duty. Continuous contact with children/young people can also take place in electronic form (chat group, Facebook, other online space). Opportunities for the redeployment of human resources have been created by the social sector so that those in need can receive help as soon as possible.

**4. Finally, please tell us whether children have been duly listened to on decision-making concerning their protection against sexual abuse/exploitation during this period. Please also tell us whether and how children will be involved in decision-making on or assessing the impact of COVID-19 measures in the future.**

Act XC of 2017 on Criminal Procedure (from now on: Act XC) Section 79 (1) (b) stipulates to conduct criminal proceedings out of turn if the victim or the defendant is under 18 years of age. According to Section 88 (1), a witness under the age of 14 may be interrogated only if the evidence expected from the interrogation cannot be provided in any other way. Based on this provision, the investigating authority shall search for and procure all the possible evidence and data to retrace the facts and the hearing of the child may only take place if it is indispensable, if his or her testimony generates such evidence that cannot be substituted and is necessary in light of the investigation.

Investigative authorities are obliged by these regulations during the epidemic situation as well.

As regards the child-related proceedings of the **Directorate-General for Aliens Policing**, its tasks and competences were not substantially affected by the epidemic; there has been no change during that emergency. The measures introduced by the Government to combat the epidemic do not affect the Directorate-General's practice concerning children. Under the provisions of domestic and international law, the rights and interests of children remain unchanged in the proceedings of the Directorate-General.

Given that the application of the Methodology for mandatory reporting and investigation of child abuse cases has not been suspended in the COVID-19 pandemic situation, **it was still mandatory to hear children, who might have been abused and conduct an internal investigation in reported abuse cases** according to the Methodology.

**The involvement of children in decision-making similarly takes place as before, through their right to express their opinion before their legal representative and through children's governments.** During the investigation of a specific case of abuse, the child is heard.

The Directorate-General also plans an impact assessment of the COVID-19 epidemic measures for Social and Child Protection (from now on: DGSCP) - as a body performing state methodological tasks - in June 2020 in the working group of children representing children

living in children's home and with foster parents. The DGSCP channels the opinions and assessments of children into the decision-making processes.