COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

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

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

HUNGARY

Replies received by the Secretariat on 28 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

b. State Party in respect of which the questionnaire is submitted

Hungary

c. Entities and bodies which have been involved in responding to this questionnaire

- Ministry of Social and Family Affairs
- Ministry of Health
- Ministry of Education and Children's Affairs
- Ministry of Interior, State Secretariat for Law Enforcement
- National Protective Service (NVSZ)
- National Directorate-General for Aliens Policing
- Criminal Records Authority

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	YES	YES	YES	YES	Teaching positions, positions directly assisting educational work, hourly-paid teachers, ecclesiastical service relationships.

Education – Primary	YES	YES	YES	YES	Teaching positions, positions directly assisting educational work, hourly-paid teachers, ecclesiastical service relationships.
Education – Secondary	YES (verified by an official certificate of good conduct)	YES (verified by an official certificate of good conduct)	YES (verified by an official certificate of good conduct)	YES (verified by an official certificate of good conduct)	Teaching positions, positions directly assisting educational work, hourly-paid teachers, ecclesiastical service relationships. Employees who provide education, supervision, or services related to leisure activities, entertainment, or sports for persons under the age of 18 in a vocational education institution.
Education – Tertiary	YES	Not applicable	YES	Not applicable	Lecturers, researchers, staff
Education – Extracurricular (e.g. language schools)					
Childcare (e.g. kindergartens, crèches, childminders	YES	YES	YES	YES	Various types of nurseries), but does not include kindergartens, which are considered public educational institutions. Family support worker, social assistant, facility director, case manager, counsellor, case manager preparing social diagnosis, preschool/kindergarten and school social

					worker, disability counsellor, professional leader, substitute parent, educator, child protection assistant, child supervisor, family care worker, psychological counsellor, child protection administrator, student affairs officer, professional care worker, caregiver, lawyer, special education consultant Persons employed in professional positions in nursery care: (e.g. early childhood educator, nursery care assistant, person providing childcare service, assistant/support person, head of institution, financial manager, professional adviser, developmental pedagogues etc.)
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	YES	YES	YES	YES	In all professional and management positions.
Detention	YES	-	-	-	Persons in professional service relationships and applicants (for details, see below).
Migration facilities (e.g. reception centres)	YES	-	-	-	Persons in professional service relationships and applicants (for details, see below).

Sport	YES	YES	YES	YES	Any sports professional who performs sports-related professional activities – either directly or indirectly – on the basis of an employment relationship or any other legal relationship aimed at the performance of work, in connection with the preparation and competition of the athlete, or otherwise ensuring the exercise of the athlete's sporting activities
Culture and leisure activities	YES (for employees, as required by the employer) For details see below	NO For details see below	YES For details see below	NO, not generally. However, it is required where legislation mandates a clean criminal record, such as for certain activities involving children.	- Museum educators - art and music educators - children's programme leaders - camp organiser - camp leaders - chaperoning staff - university interns working at children's camps. - ticket clerks - gallery attendants - museum attendant - drama educator - tour guide - public relations staff member - salesperson - visitor coordinator - public servants in state or municipal cultural institutions - employees of private or NGO-run cultural institutions - self-employed cultural professionals - other staff members and volunteers involved

					in cultural and leisure activities - officials in cultural administration For details see below
Entertainment sector	YES	NO	YES	YES	natural persons employed by performing arts organizations For details see below
Faith and religion	Not applicable	Not applicable	Not applicable	Not applicable	For details, see below.
Healthcare (including psychological and psychiatric services)	YES		YES		For details, see below.
Social protection services	YES (pursuant to Section 10/A of the Gyvt.)	YES (verified by an official certificate of good conduct)	YES (verified by an official certificate of good conduct)	YES (verified by an official certificate of good conduct)	In the child protection system, Section 10/A of Act XXXI of 1997 (Gyvt.) applies. In other social protection services, employees subject to Act XXXIII of 1992 on the Legal Status of Public Employees are required to have a clean criminal record.
Law enforcement	YES	-	-	-	Persons in professional service relationships and applicants (for details, see below).
Judicial	YES	-	-	-	Judges, prosecutors, judicial employees

Civil society organisations	YES	YES	YES	YES	With regard to civil society organisations, this requirement primarily applies to organisations and activities where employees or volunteers engaged by the civil society organisation have regular or direct contact with children. These may include, in particular, civil society organisations carrying out child protection, educational, sports, youth, social or leisure activities. In these areas, in order to ensure the protection of children, it may be required that persons performing such tasks do not have a criminal record for sexual offences committed against children. Compliance with this requirement can typically be verified through the submission of an official certificate of good conduct or another form of certification specified by law.
Victim services (including Barnahus, domestic violence services)	YES	YES	YES	YES	For details, see below.
Any other sectors					

(please specify)					

Here you can insert additional details or specify any exceptions.

Regarding row 1-3 of the table: Act LII of 2023 on the New Career Path of Teachers (Púétv.) established a uniform legal status irrespective of the maintaining authority. The requirement of a clean criminal record is prescribed by the Púétv. for persons employed in teaching positions, persons employed in positions directly assisting educational work, persons in ecclesiastical service relationships, and hourly-paid teachers (Column 5). (Section 26(1), and Sections 1(3) and 1(4) of the Púétv.)

With regard to Column 3, Section 44/A of Act I of 2012 on the Labour Code requires a clean criminal record. As kindergarten education is also part of public education, we completed the first row on that basis. It would be misleading to complete Row 6 only with regard to kindergartens, as this could create the impression that the answer also applies to the other sectors listed there.

Regarding row 6 of the table: Based on Section 10/A (1) of Act 31 of Act XXXI of 1997 on the Protection of Children and Guardianship Administration (hereinafter referred to as the 'Gyvt.'), the certificate of a clean criminal record also extends to primary child welfare institutions, which in the Hungarian legal system includes daytime care for children (for example, various types of nurseries), but does not include kindergartens, which are considered public educational institutions.

According to Annex 1 of Decree No. 15/1998 (IV.30.) of the Ministry of Social Welfare, the job titles for family and child welfare services, as well as temporary childcare (temporary family homes, temporary children's homes), are:
family support worker, social assistant, facility director, case manager, counsellor, case manager preparing social diagnosis, preschool/kindergarten and school social worker, disability counsellor, professional leader, substitute parent, educator, child protection assistant, child supervisor, family care worker, psychological counsellor, child protection administrator, student affairs officer, professional care worker, caregiver, lawyer, special education consultant.

Regarding row 7 of the table: Pursuant to Section 10/A (1) of Gyvt., proof of a clean criminal record is mandatory in specific positions in child welfare and child protection services, in the employment relationship of foster parents, and in the voluntary relationship in the child protection system.

Regarding row 7, 8, 9, 16 of the table: In Hungary, in addition to other sectors, there is an increased expectation – particularly with regard to law enforcement agencies and the child protection system – that only individuals who meet high ethical standards are admitted into their personnel.

Accordingly, as part of the recruitment procedure, new entrants are subject – inter alia – to an integrity vetting (impeccable lifestyle check), during which their criminal history is also thoroughly scrutinized.

Pursuant to Act XXXIV of 1994 on the Police (hereinafter referred to as the 'Rtv.'), impeccable lifestyle check is carried out by the National Protective Service (hereinafter referred to as the 'NVSZ') as a core activity in respect of its protected personnel. For the purposes of impeccable lifestyle checks, the protected personnel of the NVSZ comprise the following categories of persons:

a) the personnel of bodies performing law enforcement tasks assigned to its competence pursuant to the Act XLII of 2015 on the Service Status of the Professional Staff of Law Enforcement Bodies (hereinafter referred to as the 'Hszt.'), and

b) employees of correctional institutes, and – regardless of the operator – persons employed by institutions operating children's home, the children's home and the foster parent network, as well as all applicants. For these individuals, the NVSZ conducts impeccable lifestyle checks in accordance with the provisions laid down in Gyvt.

In addition to the body established for performing general police duties and the authority responsible for performing immigration and asylum functions (the National Directorate-General for Aliens Policing, OIF), the law enforcement bodies referred to under point *a)* also include the penitentiary service [Article 1 Section (1) of the Hszt.].

For applicants to the professional staff of law enforcement bodies, impeccable lifestyle check is mandatory prior to admission to the professional service. In addition to the impeccable lifestyle check conducted upon entry into service, integrity vetting may also be carried out during the term of service, and its extraordinary performance may likewise be initiated [Article 42 Section (1) of the Hszt.].

In cases defined by law, impeccable lifestyle check is required not only for members of the professional staff of law enforcement bodies, but also for individuals employed by or applying to such bodies under other legal relationships (e.g. employment, contractual arrangements, or law enforcement administrative service relationship).

For the purpose of supporting the safe operation of public education and vocational training institutions, as well as children's homes, the Hungarian Police employ school guards. As members of the police personnel performing public duties, school guards ensure the maintenance of institutional order, contribute to the prompt and professional handling of conflict situations, and support the safe functioning of children's homes. The training of school guards is carried out within the police's own training system.

Access to the position of school guard is subject to clearly defined eligibility requirements. Applicants must be Hungarian citizens, legally competent, have a registered residence in Hungary, possess at least secondary-level education, and meet the required health, psychological, and physical fitness standards. A mandatory element of the selection process is the submission of a valid official certificate of good conduct, ensuring that individuals with a criminal record cannot be employed in this position.

The official certificate of good conduct is an official document issued by the Ministry of Interior, which certifies, based on criminal records, whether the individual has a criminal record, and whether they are subject to disqualification from public affairs or prohibited from exercising certain professions or occupations. The requirement to submit this document constitutes a direct safeguard, ensuring that individuals who come into contact with children are subject to prior screening.

Regarding row 9 of the table: According to Section 41 (1) of the Hszt., a service relationship cannot be established with any person who has a criminal record. This prohibition applies to candidates for professional staff, students of law enforcement educational institutions, and law enforcement officer candidates. Under Section 287/L (1) and (3), the requirement for a clean criminal record also applies to law enforcement employees (administrative legal relationship).

Regarding row 14 of the table: As a general rule, the performance of healthcare activities requires a valid operational registration, which applies equally to those employed in both the public and private sectors. Upon first entry into the operational register, the healthcare professional must attach a certificate of good conduct to their application, as a person may not be entered into the register if they are subject to the adverse legal consequences of a criminal record in connection with an offence for which they have been sentenced to an executable term of imprisonment exceeding one year, or if they are subject to a prohibition from practicing a profession that excludes the pursuit of healthcare activities. The operational registration is valid for five years, and upon renewal, the authority responsible for the register verifies whether the above conditions are still met.

If a healthcare professional is employed by a healthcare provider in a healthcare service employment relationship (i.e. with a state or municipally maintained provider, public interest foundation performing public duties, ecclesiastical), the provisions of Act C of 2020 on the Healthcare Service Employment Relationship (hereinafter: Eszjtv.) must be applied. The Eszjtv. defines the grounds and circumstances under which a healthcare service employment relationship may not be established. Some of these relate to a clean criminal record and to ongoing criminal proceedings. In this regard, the Eszjtv. regulates two main aspects:

- it lists the criminal offences in respect of which, if a person is subject to criminal proceedings, an employment relationship may not be established; and
- it specifies the periods following the granting of exemption (rehabilitation) during which a healthcare service employment relationship may not be established.

A person employed in a healthcare service employment relationship must comply with the conditions set out in the Eszjtv. not only at the time of establishing the relationship but throughout its entire duration. A person intending to establish such a relationship must provide an official certificate proving that they have no criminal record, that they are not subject to any of the criminal proceedings listed in the Act, and that no disqualifying grounds apply to them. At the request of the employer, the person intending to enter into the employment relationship must also certify, by means of an official document, that they are not subject to any prohibition from practicing a profession that would preclude the establishment of the healthcare service employment relationship. Where justified, the employer may, in writing, call upon the employee to provide, within fifteen working days of such request, an official certificate confirming that they have no criminal record, are not subject to a prohibition from practicing a profession corresponding to or forming part of their position, are not subject to any of the criminal proceedings listed in the Act, and that no disqualifying grounds exist.

In addition to the above, a person already employed in a healthcare service employment relationship is obliged to inform the employer if they become subject to criminal proceedings and are formally notified of suspicion of having committed a felony.

Regarding row 19 of the table: The Hearing and Therapy Service applying the Barnahus methodology falls under the scope of the Gyvt., and therefore is also subject to the regulations of Section 10/A. (1).

On the “Judicial” row of the table (judges and prosecutors):

In Hungary, a person who has a prior criminal record may not be appointed as a judge, a prosecutor or a judicial employee, pursuant to

– Section 4(2)a) of Act CLXII of 2011 on the legal status and remuneration of judges (hereinafter : Legal Status of Judges Act),

- Section 11(4)a) Act CLXIV of 2011 on the status of the prosecutor general, prosecutors and other prosecution employees and the prosecution career (hereinafter: Legal Status of Prosecutors Act),
- Section 11(4)a) Act LXVIII of 1997 on the service relationship of judicial employees (hereinafter : Legal Status of Judicial Employees Act).

As regards the conditions of appointment, the relevant rules also exclude the appointment of persons who have no criminal record but who have been convicted by a court of a criminal offence by a final judgment and the time limit specified in Sections 4(2) c)-e) of the Legal Status of Judges Act, in Sections 11(4) ca)-ce) of the Legal Status of Prosecutors Act and in Sections 11(5) aa)-ah) of the Legal Status of Judicial Employees Act has not passed.

The employer obtains a declaration from the person to be employed in a professional position confirming that none of the following exclusion grounds apply to him or her:

- having a criminal record;
- no longer has a criminal record; however, in the case of certain offenses – such as sexual offences – 5 to 10 years have not yet elapsed since the date on which the person was exempted from the adverse legal consequences associated with a criminal record;
- being subject to criminal proceedings for a criminal offence;
- being subject to a prohibition from exercising the relevant profession or occupation.

Pursuant to Act XXXI of 1997 on the Protection of Children and on Guardianship Administration, the person to be employed in a professional position must, prior to the establishment of the legal relationship, **certify by means of an official certificate that none of the above exclusion grounds apply to him or her**. A person who fails to comply with this certification obligation may not be employed in a professional position.

Regarding row 12 *(Culture and leisure activities)* Column 2 *(Criminal conviction check for employment in public sector?)* of the table:

<u>Hungarian Open-Air Museum</u>

Yes. A criminal conviction check is required where a public sector position involves regular contact with children in the absence of their parents or legal guardians. In addition, all newly hired employees of the Hungarian Open-Air Museum are required to provide a criminal record certificate as part of the recruitment process.

Museum of Fine Arts

As a mandatory requirement for entering into any employment contract, the Museum of Fine Arts require the submission of an official certificate of good conduct issued within the last 90 days, and they retain the original copy in the employee's personnel file. The certificate of good conduct must confirm that the employee has no criminal record and is not subject to any prohibitions or restrictions on activities or occupations.

Director-General's Directive No. 14/2021 (June 30) also regulates the conditions for entering into an employment contract prescribing the requirement to submit a certificate of good conduct.

Regarding row 12 *(Culture and leisure activities)* Column 3 *(Criminal conviction check for voluntary activity?)* of the table:

Museum of Ethnography

It is not mandatory; The Museum of Ethnography do not ask for criminal conviction check for voluntary activity, but in the Knowledge Mediation Department volunteers don't have any contact with children during the voluntary activities in the museum.

Hungarian Open-Air Museum

The activities of volunteers within the Hungarian Open-Air Museum are highly diverse. During major events, volunteers may be assigned to several different locations depending on operational needs. As a result, they are not recruited specifically for positions involving regular contact with children.

During volunteer training sessions, volunteers receive guidance on appropriate conduct when interacting with children, including acceptable behaviour and the methodological framework for engaging with child participants.

Museum of Fine Arts

Regarding the volunteer programme in the Museum of Fine Arts, the contractual volunteers do not have regular contact with children; instead, their interactions are occasional, as they primarily assist the Museum's educators with programmes and activities designed for adults. They do not currently require a certificate of good conduct to verify a clean criminal record for volunteer work.

Regarding row 12 *(Culture and leisure activities)* Column 6 *(Please specify the professionals to whom this requirement applies)* of the table:

In Hungarian public museums, employees are generally required to provide a certificate of good conduct upon recruitment. However, there is no general statutory requirement specifically linked to regular contact with children, and this requirement does not normally extend to external contractors, self-employed professionals or volunteers.

National Archives of Hungary

All employees of the National Archives of Hungary are required to present a valid certificate of good conduct (official criminal record certificate) as a condition of employment.

Museum of Ethnography

The Museum of Ethnography may only hire employees for the following positions involving work with children if, before signing an employment contract, they provide an official certificate of good conduct proving they have no criminal record and are not subject to any ban on working with children:

- museum educator
- drama educator
- tour guide
- museum attendant
- public relations staff member
- salesperson
- visitor coordinator

Hungarian National Museum Public Collection Centre

According to the **Volunteer Policy of the Hungarian National Museum Public Collection Centre (MNM KK)**, volunteers may participate in activities such as visitor information services, administrative support, assistance with museum education and public programmes, event organisation, exhibition support and collection-related work. The Policy sets out conditions relating to age, legal capacity, registration and supervision of volunteers, including minors, but does not require a criminal record check or the absence of convictions for sexual offences against children as a precondition for volunteering.

Volunteers engaged in museum-related activities (e.g. visitor, information services, administrative support, assistance in museum education programmes, event organisation, exhibition support and collection-related activities) are subject to the eligibility requirements set out in the Volunteer Policy, which do not include criminal background screening.

Regarding row 12 *(Culture and leisure activities)*- 13 *(Entertainment sector)* Column 4 *(Criminal conviction check for employment in private sector?)* of the table:

Community Culture (folk culture, amateur arts movement)

Pursuant to Section 94(1)(b) of *Act CXL of 1997 on the Protection of Cultural Goods, Museum Institutions, Public Library Services and Community Culture*, only a person who has no criminal record and is not subject to a prohibition on employment preventing them from carrying out the relevant activity may be employed by a community culture organisation. Section 95/A(1) of the aforementioned act prescribes the same requirement for community culture experts.

Employees working in the field of community culture are employed either under Act I of 2012 on the Labour Code or under Act XXXIII of 1992 on the Legal Status of Public Servants. Pursuant to Section 44/A of the Labour Code and Sections 20(2c) and 20(2d) of the Act on Legal Status of Public Servants, an employer providing services related to the leisure, recreation or sporting activities of persons under the age of eighteen may not establish an employment relationship with a person who is subject to a criminal judgment imposing sanctions for a sexual offence committed against a child.

With regard to voluntary activities, *Act LXXXVIII of 2005 on Public Interest Voluntary Activities* does not impose any requirement relating to a clean criminal record or criminal background checks.

Arts (Performing Arts)

Act XCIX of 2008 on funding and specific employment rules for performing arts organisations does not contain a separate provision excluding from employment persons convicted of sexual offences committed against children, nor does it prescribe criminal background checks. However, pursuant to Section 25(1) of the Act, employment in performing arts organisations is governed – subject to the specific derogations set out in the Act – by the provisions of *Act I of 2012 on the Labour Code*.

Under Section 44/A of the Labour Code, an employer providing leisure, entertainment or sports-related services to persons under the age of eighteen may not establish an employment relationship with a person who is subject to a criminal judgment imposed for a sexual offence committed against a child.

Accordingly, where the activities of performing arts organisations involve regular contact with children, these requirements laid down in the Labour Code are applicable.

Regarding row 14 (*Faith and religion*) Column 6 (*Please specify the professionals to whom this requirement applies)* of the table:

Act XXX of 2024 amended the rules governing children's camps, and pursuant to this Act, in any multi-day camp organized for persons under the age of 18 that qualifies as a children's camp under the law, organizers, leaders, and staff members who come into direct contact with children must hold an official certificate of good conduct issued for child protection purposes. This also **applies to camps organized by religious organizations**.

Act CXC of 2011 on National Public Education requires that **teachers of religion and ethics** employed **by established churches** and their internal ecclesiastical legal entities under civil law contracts present an official certificate of good conduct.

Faith-based programmes/courses, such as optional religious education, are not regulated by law.

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:

   a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification

In respect of the NVSZ's protected personnel, the conduct of the vetting procedure is mandatory. If, as a result of this, a conviction for committing a sexual offence against children is established, this shall constitute a disqualifying ground for holding the position, meaning that it fully excludes employment and no threshold value applies.

   b. distinguish between direct, indirect or online contact with children?

It does not make any difference.

The regulatory logic of Section 10/A of the Gyvt. applies to persons who potentially have personal contact with children due to their job, **regardless of the frequency of personal contact.**

3. Is the absence of criminal convictions for sexual offences against children required to become:

   a. an adoptive parent
   NO

b. a foster parent
YES

c. a child's legal guardian (including for unaccompanied children)?
Partly / Not generally

Please provide details.

The foster parent and the child protection guardian (professional) are considered professional positions in the child protection system and are therefore subject to the certification obligation under Section 10/A of the Gyvt. In the case of the adoptive parent and the non-professional guardian, however, certification of a clean criminal record is required as a condition for fulfilling the role. Accordingly, they are required to provide an official criminal record certificate, and persons convicted of the offences specified in Section 10/A – including sexual offences against children – are excluded from these positions. In the case of adoptive parents, there is no statutory requirement to submit a criminal record certificate. However, eligibility for adoption is subject to a comprehensive suitability assessment and to the statutory exclusion grounds laid down in the Civil Code, under which, among others, persons subject to a final court judgment terminating parental custody or disqualifying them from public affairs cannot be approved as adoptive parents. Similarly, non-professional guardians are not generally required to provide a criminal record certificate; instead, the Civil Code provides specific exclusion grounds governing their appointment.

The rules governing the employment prohibition applied for the protection of children's rights are set out in Sections (1)-(5) of Article 10/A of the Gyvt., which are also applicable to persons employed by, or applying for employment with a correctional institution, an institution operating children's homes – regardless of the operator –, a children's home, or a foster parent network.

Under these rules, in the child protection system a person may not be employed in a job position defined in the ministerial decree, in a foster parent employment relationship, or in a voluntary relationship (hereinafter collectively referred to as a professional role in the child protection system),

a) who has a criminal record,

b) who has no criminal record, but the court has established their criminal responsibility in a final judgment for a crime against life, physical integrity and health as defined in Title I of Chapter XII of Act IV of 1978 on the Criminal Code, which was in force until 30 June 2013, or if he has committed a crime against life, physical integrity and health, as defined in Title II of Chapter XII of the Criminal Code, which was in force until 30 June 2013. Criminal offences against the rules of medical intervention and research, violation of patient autonomy, coercion, violation of freedom of conscience and religion, violence against a member of the community, violation of personal freedom, kidnapping, human trafficking, harassment, violation of personal secrets, misuse of personal data, misuse of public interest data, crime against marriage, family, youth and sexual morality, human trafficking, crime against an official, defined in Chapter XIV, Title V of Chapter XV and crime against the administration of justice, defined in Title VI of Chapter XVI, crime against public peace, public trust and public health, money laundering, theft, embezzlement, fraud, mismanagement, negligent management, robbery, plunder, extortion, receiving of stolen goods, and the crime against life, physical integrity and health as defined in Chapter XV of Act C of 2012 on the Criminal Code, the crime against the order of healthcare intervention and research as defined in Chapter XVI, the crime endangering health as defined in

Chapter XVII, kidnapping, failure to report kidnapping, human trafficking and forced labor, violation of personal freedom, coercion, the crime against freedom of sexual life and sexual morality as defined in Chapter XIX, the crime against the interests of children and against the family as defined in Chapter XX, the crime against freedom of conscience and religion, violence against a member of the community, the violation of the right to health self-determination, misuse of personal data, misuse of public interest data, harassment, violation of private secrets, environmental damage, damage to nature, violation of the order of waste management, misuse of ozone-depleting substances, XXVI. Crime against justice as defined in Chapter XXVIII, bribery, accepting a bribe, official bribery, accepting an official bribe, bribery in court or official proceedings, accepting a bribe in court or official proceedings, official crime as defined in Chapter XXVIII, crime against an official as defined in Chapter XXIX, crime against public peace as defined in Chapter XXXII, crime against public trust as defined in Chapter XXXIII, human trafficking, violation of epidemiological regulations, robbery, plunder, extortion, theft, embezzlement, fraud, mismanagement, negligent management, money laundering or a crime committed within the framework of a criminal organization, or in force until December 31, 2020, for the offence of handling stolen goods

ba) in the case of an enforceable prison sentence exceeding five years, for twelve years from the date of release

bb) in the case of an enforceable prison sentence not exceeding five years, for ten years from the date of release

bc) in the case of a suspended prison sentence, for eight years from the start of the exemption,

bd) in the case of community service or a fine, for five years from the date of exemption,

c) who is subject to criminal proceedings for a crime specified in point *b)*,

d) who is subject to a prohibition from engaging in an occupation to be taken into account when examining the existence of professional experience, and

e) whose parental custody rights have been terminated by a court with a final judgment, and whose parental custody rights - with the exception of consent to the adoption of a child - are suspended due to the child being placed in foster care.

(2) In the child protection system,

a) a person who wishes to be employed in a professional position shall, prior to the establishment of the legal relationship

aa) verify with an official certificate that the exclusion grounds specified in points *a)-d)* of Section (1) do not apply to him/her, and

ab) declare that the exclusion grounds specified in point *e)* of Section (1) do not apply to him/her

b) a person employed in a professional position shall, upon the written request of the employer during the existence of the legal relationship, comply with the provisions of point *a)* within fifteen working days of the request, or if it is not possible within this deadline due to a reason beyond the control of the employed person, immediately after the reason ceases to exist.

(3) A person who fails to comply with the certification obligation specified in Section (2) may not be employed in a professional position in the child protection system.

(4) For the purpose of verifying the circumstances specified in points *a)-d)* of Section (1), the employer shall handle the personal data of

a. the person who is to be employed in a professional position in the child protection system, and
b. the employed person, which are contained in the official certificate issued by the criminal registration body for this purpose.

(5) The employer shall process the personal data specified in Section (4) until the date of the decision to establish the legal relationship or - in the case of the establishment of a legal relationship - until the termination or termination of the legal relationship.

In connection with the establishment of criminal liability Section 4 :121 (3) of Act V of 2013 on the Civil Code (hereinafter 'Civil Code') lays down that persons subject to a final and binding court judgment withdrawing parental custody or excluding them from participating in public affairs, and persons whose child has been taken into care shall not be allowed to adopt.

In connection with the termination of parental custody rights by the court Section 4:191(1)(a) of the Civil Code states that the court shall terminate parental custody if the parent is at fault in seriously harming or jeopardising the interests of the child, in particular the physical well-being, mental or moral development of the child. Section 4 :191 (2) of the Civil Code further states that if the parent has been sentenced by the court to imprisonment for an intentional criminal offence committed against the person of any of his children, the court may terminate the parent's parental custody with regard to all of the children of the parent. The court may provide that the scope of the decision on such termination shall also apply to any child to be born later on.

With regard to the exclusion from guardianship, it should be pointed out that. according to Section 4:233(1)b) the Civil Code, similarly to the requirements imposed on the adoptive parents, a person may not be appointed as guardian if he is subject to a final and binding judgment terminating parental custody or excluding him from participating in public affairs.

On adoptive parents: In Hungary, pursuant to Section 4:122 of the Civil Code, eligibility for adoption is determined by the guardianship authority following the completion of a preliminary procedure and preparation as specified by law. Pursuant to Section 145 of Decree No. 15/1998 (IV. 30.) NM on the professional duties of child welfare and child protection institutions providing personal care, a comprehensive assessment—covering health, psychological, and environmental factors—is conducted with regard to prospective adoptive parents. In this context, the following are evaluated in particular: the motivation behind the intention to adopt; the age and personality of the prospective adoptive parent; past events—which may significantly influence child-rearing practices; the family's living situation; and the prospective adoptive parent's ideas regarding the child's upbringing. The purpose of the procedure is to determine whether the prospective adoptive parent is suitable for adoption based on their personality and circumstances.

Pursuant to Section 4:122 (3) of the Civil Code, a person subject to a final court judgment ordering the termination of parental custody or disqualification from public office, or a person whose child has been placed in foster care, may not adopt. Although adoptive parents are not required to submit a certificate of good conduct, pursuant to Section 38(3)(da) of the Child Protection Act, they must declare that they acknowledge their obligation to provide truthful information about themselves and their family during the proceedings; failure to do so will result in a finding of unsuitability.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:

   a. persons carrying out professional activity in their home who are in contact with children
   Yes.

   b. persons carrying out volunteering activity in their home who are in contact with children
   Yes.

   c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?
   Yes.

   Please provide details.

Article 10/F of the Gyvt. sets out the relevant rules in this regard. Under these rules, for the purpose of the impeccable lifestyle check, the authority conducting the check may access the personal and criminal data specified in Annex 1 of the Gyvt. relating to the applicant and to persons employed in a child protection institution, as well as the data recorded in the criminal register concerning relatives living in the same household.

In a child protection institution, only persons whose way of life is not objectionable may be employed. A person's lifestyle is considered not impeccable if the applicant or the person employed in the child protection institution does not meet the requirement of ensuring the safe care, upbringing and education of children, as well as their fundamental rights and best interests, in particular with regard to their conduct, family and living environment relationships, lifestyles that are incompatible with the protection and care necessary for the physical, intellectual, emotional and moral development of children, or has an incompatible relationship with persons who pursue such lifestyles, or who are suspected of doing so, which may have the potential to adversely affect the performance of duties in the child protection institution [Section (2) and point c) of Section (4) of Article 10/F of Gyvt.].

Furthermore, the foster care network shall terminate the foster care employment relationship with immediate effect if it becomes aware of the existence of a reason for exclusion specified in Article 10/A(1) of the Gyvt. in respect of the foster parent or any other person living in the same household [point c) of Article 66/D(7) of the Gyvt.].

Additional information on family nurseries: The Child Protection Act requires the person providing services in a family nursery to have a clean criminal record and to be free from the exclusion grounds set out in the Act. However, in the case of a family nursery operated in the provider's own home, the Act does not establish an obligation to conduct criminal screening in respect of the provider's family members or household members.

This is also due to the fact that, while the service is being provided, no person other than the service provider or the assistant person may be present.

On adoptive parents: In Hungary, the assessment of suitability for adoption, as detailed above, is not limited solely to the person intending to adopt, but also extends to family and living environment conditions. The regional child protection service conducts a comprehensive assessment – covering health, psychological, and environmental factors – during which the family's living situation and the suitability of the home environment are also evaluated. As part of the investigation, the opinions of family members living together should also be sought, whenever possible. Consequently, the circumstances of family members living together and the characteristics of the family environment form part of the assessment.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

   a. children applying for professional or volunteer positions
   Yes, there are no exceptions to the obligation to provide proof.

   b. adults in respect of criminal convictions received before the age of 18?
   Yes, there are no exceptions to the obligation to provide proof.

   Please provide details.

In the case referred to in point b., it is irrelevant at which stage of life the conviction was imposed on the person concerned.

Act LXXXVIII of 2005 on Public Interest Volunteer Activities does not prescribe a general mandatory screening system for volunteers who come into contact with children. Accordingly, the general regulatory framework governing volunteer activities contains no specific provisions regarding the screening of either minor volunteers or convictions for offences committed before the age of 18.

However, specific sectoral regulations may establish different requirements.

From 1 January 2025, the rules governing children's camps (following the amendment of Act XI of 1991 on Public Health Administration and Regulatory Activities) require the presentation of a special certificate of good conduct for adults involved in the organization or operation of children's camps, including volunteers.

The organizer of a children's camp, as well as any person participating in the organization or operation of the camp, must not have a criminal record for certain serious offences affecting the protection of children, must not be subject to ongoing criminal proceedings for such offences, must not be subject to a prohibition from occupations or activities involving children, and must not be subject to compulsory psychiatric treatment ordered in connection with such offences.

The grounds for exclusion include, among others, sexual offences committed against children, offences related to child pornography, the exploitation of child prostitution, child endangerment, human trafficking, kidnapping, and certain violent offences against the person.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

   Please provide details.

Name changes are recorded in the personal data and address register, in which the individual's identity is linked to their previous name; so, the criminal records system will produce a hit for all names used by the person, even in the case of multiple name changes.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

   Please provide details.

The body that licenses and supervises the operation of child welfare and child protection service providers (county government office) has the right to sanction the service provider if it is proven that the criminal record check of employees has not been carried out.

Under the general legislation governing volunteering, the funding of publicly financed projects involving contact with children is not generally conditional upon screening volunteers participating in the project for previous convictions related to sexual offences committed against children. However, certain specific sectoral regulations or grant conditions may impose such requirements.

Specific sectoral regulations may establish different provisions in this regard.

Information included in screening

8. Does the criminal record check include criminal convictions for:

   a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

   b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

   c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

   d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

   e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

   f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

   g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

   h. any other convictions (please specify)?

   Please provide details.

In general, the basis of a criminal background check is the criminal records maintained by the criminal records authority. The records contain all convictions irrespective of the nature of the crime. Most forms of employment require a certificate of good conduct to be submitted by the applicant upon application.

On the basis of the data processed in the criminal records system, and following the verification procedures specified therein, the criminal records authority shall, upon the request of the person to whom the certificate relates (the applicant), issue an official certificate (the certificate of good conduct) for the purpose of establishing or maintaining a legal relationship, or for certifying compliance with any other condition prescribed by law. [Section 71(1) of the Criminal Records Act (Act XLVII of 2009), hereinafter: Bnytv.]

The certificate of good conduct may certify that the applicant:
- satisfies the conditions prescribed by the Act specified in the application;
- has no criminal record;
- is not subject to an exclusion from participating in public affairs;
- is not subject to a disqualification from a profession or activity; or
- if subject to a disqualification from a profession or activity, which professions or activities are affected. [Section 71(5) Bnytv.]

In light of the above, since these checks are general in nature, they include Lanzarote offences.

Pursuant to point a) of Article 42(9) of the Hszt., the NVSZ, for the purpose of verifying whether circumstances giving rise to concerns regarding an individual's lifestyle exist, may request data during the impeccable lifestyle checks from all criminal records maintained by the criminal records authority, including the register of convicted offenders.

A service relationship (employment) may be established – among other conditions – only with a person whose way of life is not objectionable and who acknowledges in writing that it may be subject to verification prior to the establishment of the service relationship, as well as during its existence; and in respect of whom no circumstances exist that would preclude the establishment of such a service relationship [points d) and h) of Article 33(1) of the Hszt.].

According to Article 42 Section (4) of the Hszt., a person's lifestyle is not impeccable if:

a) in the case of an applicant, exclusionary circumstances specified in Article 41 Section (1) of the Hszt. occur,

b) the court has imposed a final sentence of imprisonment or confinement, or ordered compulsory medical treatment against a member of the professional staff for committing a criminal offence, or

c) the applicant or the member of the professional staff does not meet the requirement of lawful and uninfluenced performance of service, in particular as regards his/her off-duty conduct, family and neighborhood connections, changes in his/her financial and income conditions, and his/her ties to individuals who have committed or are under suspicion of having committed a criminal offense.

Pursuant to Section (1) of Article 41 of the Hszt., no service relationship may be established with:

a) anyone having a criminal record,

b) any person who is prohibited from exercising the profession corresponding to the service position to be filled,

c) who has no criminal record, but whose criminal liability for committing a crime has been established by a court in a final judgment,

ca) in the case of a prison sentence of five years or more imposed for an intentional crime, for twelve years from the date of discharge,

cb) in the case of a prison sentence of less than five years imposed for an intentional crime, for ten years from the date of discharge,

cc) in the case of a suspended or partially suspended prison sentence imposed for an intentional crime, for eight years from the date of release,

cd) in the case of imprisonment, community service or a fine imposed for an intentional crime, for five years from the date of discharge,

ce) in the case of a prison sentence imposed for a negligent crime and to be enforced, for eight years from the date of discharge,

cf) in the case of a suspended prison sentence imposed for a negligent crime, for five years from the date of discharge,

cg) in the case of imprisonment, community service or a fine imposed for a negligent crime, for three years from the date of discharge,

d) a person against whom the court has imposed compulsory medical treatment, for three years from the date on which the order terminating compulsory medical treatment becomes final,

e) a person against whom the court has imposed probation, for the probation period, or in the event of its extension, for three years from the expiry of the extended probation period,

f) any person who is subject to criminal proceedings, except in cases of private prosecution or supplementary private prosecution, *g)* those who were previously in a service relationship and whose service relationship was terminated pursuant to Article 80 Section (1) point *f)* or *g)* or Article 86 Section (2) points *b)-d)*, for five years following the termination of the service relationship and - if this expires later - the termination of the criminal law consequences.

Pursuant to point a) of Article 10/F(7) of the Gyvt., the NVSZ may also request data from the registers maintained by the criminal records authority concerning the applicant, the person employed in a child protection institution, as well as relatives living in the same household.

In addition, points a)-b) of Article 10/A(1) of the Gyvt. also defines the categories of criminal offences giving rise to an employment prohibition (see the answer to Question 3).

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

   a. relevant administrative or disciplinary sanctions
      Yes.

   b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?
      Yes.

   Please provide details.

Pursuant to point a) and b) of Article 42 (9) of the Hszt., during impeccable lifestyle checks, the NVSZ may inspect the documents of ongoing or concluded disciplinary proceedings and may also conduct a neighbourhood assessment at the person concerned's place of residence, habitual residence, or workplace, either openly or under cover of its police nature.

The checks conducted by the NVSZ may also extend to data contained in the Central registration system of administrative offences and in the register for police proceedings (Netzsaru).

The rules relevant in connection with the above are contained in the Gyvt. in points d) and e) of Article 10/A(1), as well as in Section (4) and point a) of Section (7) of Article 10/F.

According to the provisions of Section 10/A of the Gyvt., the employment ban applies to those who

- have a criminal record,
- have a clean record but have been found guilty of certain specified crimes by the court,
- are subject to criminal proceedings for the listed crimes,
- are subject to a ban on employment in the occupation to be taken into account when examining the existence of professional experience,
- whose parental custody rights have been terminated by a court with a final judgment, and whose parental custody rights are suspended due to the child being taken into care.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

   a. are they life-long?
   They are not valid for life; rather, they are regulated in a differentiated manner depending on the type and length of conviction under Article 41 of the Hszt. and Article 10/A of the Gyvt.

   b. if they are not life-long, please specify the time-limits applicable
   Article 41 of the Hszt. and Article 10/A of the Gyvt. regulate the time limits, which are already addressed in the answers to Questions 3 and 8.

   c. are they applied only to activities in the public sector?
   Not exclusively; with regard to the NVSZ's protected personnel, they also apply – irrespective of the maintainer – to organizations and institutions operated by church or other non-state entities [subpoint *ab)* of point *a)* of Article 7(1) of the Rtv.].

   Please provide details.

As of December 1, 2017, the amendment to the Criminal Code makes it mandatory to apply a ban on practicing an occupation if the crime against sexual freedom and sexual morality is committed to the detriment of the perpetrator's child (under 18 years of age). In such a case, the perpetrator must be permanently banned from practicing any occupation or activity in which he or she educates, supervises, cares for, or treats a child. Endangering a minor includes behaviours that endanger the minor's physical, intellectual, moral, or emotional development. Given the gravity of this crime, the court may only waive the mandatory application of a ban on practicing an occupation in a case that merits special consideration.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

   Please provide details.

According to sectoral rules – including Section 10/A of the Gyvt. –, it is necessary to examine the exclusionary circumstances, including criminal record, before establishing a legal relationship.

The existence of a spent criminal conviction can only be verified as long as the data pertaining to it is available in the criminal records.

For the purposes of this questionnaire, two parts of the Hungarian criminal records are relevant:

- the register of convicted persons, and
- the register of persons with no criminal record who are subject to adverse legal consequences. [Section 7 (a)-(b) Bnytv.]

Where the conditions for maintaining any data contained in one of the registers cease to exist, such data shall be deleted from the register without delay. [Section 8(2) Bnytv.]

The register of convicted persons contains the data of any person in respect of whom a court has adopted a final decision on the merits establishing criminal liability and who, on the date that decision became final, had not been exempted from the adverse legal consequences

attaching to a criminal conviction pursuant to the Criminal Code (Act C of 2012). [Section 10 Bnytv.] Data entered in this register shall be retained until the date on which the person concerned is granted expungement from the adverse legal consequences attached to a criminal conviction. [Section 13(1) Bnytv.] The rules on adverse legal consequences of having been convicted and expungement are provided for in detail in Chapter X of the Criminal Code. For the English version of our Criminal Code, see:
https://njt.jog.gov.hu/jogszabaly/en/2012-100-00-00.

The register of persons with no criminal record who are subject to adverse legal consequences shall contain the data of any person:

- whose data have been deleted from the register of convicted persons as a result of expungement from the adverse legal consequences attaching to a criminal conviction;
- in respect of whom a court has adopted a final decision on the merits establishing criminal liability and who, on the date that decision became final, was expunged from the adverse legal consequences attaching to a criminal conviction;
- in respect of whom a court has adopted a final decision on the merits establishing criminal liability but refrained from imposing a punishment;
- in respect of whom a court has imposed the measure of reprimand, probation, reparative work, or compulsory psychiatric treatment, or, where acting in respect of the accused, has ordered confiscation, forfeiture of property, or the permanent removal of access to electronic data; and
- in respect of whom the public prosecutor has applied a prosecutorial reprimand. [Section 15 Bnytv.]

In case of a sentence of unsuspended imprisonment imposed for an intentional criminal offence, data entered in this register is retained:

- where the term of imprisonment is for a fixed duration:
    - for ten years from the date on which exemption from the adverse legal consequences attaching to a criminal conviction takes effect, where the term of imprisonment does not exceed five years;
    - for twelve years from the date on which such exemption takes effect, where the term of imprisonment exceeds five years; or
- where a sentence of life imprisonment has been imposed, for twelve years following the death of the convicted person.

In case of the following penalties imposed for an intentional criminal offence, data entered in this register is retained:

- in the case of detention, community service, a fine, expulsion, demotion, or termination of service relationship, for five years from the date on which exemption from the adverse legal consequences attaching to a criminal conviction takes effect;
- in the case of disqualification from a profession, disqualification from driving, banishment from a specified area, or prohibition from attending sporting events, for five years from the completion of enforcement of the penalty or from the date on which the penalty ceases to be enforceable.

Where a sentence of imprisonment imposed for an intentional criminal offence has been suspended or partially suspended, data entered in this register is retained for eight years from the date on which exemption from the adverse legal consequences attaching to a criminal conviction takes effect.

Data concerning an ancillary penalty, entered in this registry, shall, where the ancillary penalty has been imposed for an intentional criminal offence, be retained for five years from the completion of enforcement of the ancillary penalty or from the date on which it ceases to be enforceable. [Section 18 Bnytv.]

Data entered in this register is retained for three years, calculated:

- in the case of a reprimand, from the date on which the final decision on the merits becomes final, or, in the case of a prosecutorial reprimand, from the date on which the decision is pronounced;
- in the case of reparative work, from the date on which completion of the reparative work is certified;
- in the case of an order terminating compulsory psychiatric treatment, or an order for confiscation, confiscation of property, or the permanent removal of access to electronic data, from the date on which the relevant decision becomes final;
- in the case of placement in a reformatory institution, from the date on which execution of the measure is completed; and
- in the case of a final decision on the merits establishing criminal liability while refraining from imposing a punishment, from the date on which that decision becomes final. [Section 20(1) Bnytv.]

Where the measure of probation has been applied, data entered in this register is retained for five years from the expiry of the probationary period or, where the probationary period has been extended, from the expiry of the extended probationary period. [Section 20(2) Bnytv.]

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

    Please provide details.

The procedure is set out in sector-specific legislation.

In the case of those employed in the child welfare and child protection system, the Gyvt. regulates the rules for prohibition from employment (Sections 10/A-B) and the examination of suitability and impeccable conduct (Section 10/C-I).

In respect of the protected personnel of the NVSZ, this is made under sector-specific legislation. In addition to the sector-specific legislation already mentioned (Rtv., Hszt., Gyvt.), further detailed rules relating to impeccable lifestyle checks are also contained, for example, in the following legal provisions:

- Government Decree 194/2022 (V. 27.) on the Rules of impeccable lifestyle checks and integrity tests, and on amending Government Decree No. 293/2010 (XII. 22) on the designation of the police agency performing internal crime prevention and detection tasks and the detailed rules of the performance of such tasks, the impeccable lifestyle checks and integrity tests;

- Minister of the Interior's Decree No. 4/2019 (III. 11.) on certain rules concerning the service relationship of law enforcement administrative employees, etc.

For migration facilities, the screening process is governed by Hszt. This Act defines the mandatory pre-conditions for employment (absence of criminal record) and the methods for initial and continuous verification (lifestyle checks).

13. If screening is required, who is required to act?

    a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities
    This is the responsibility of the employer.

    b. the candidate must provide proof of absence of convictions
    The applicant is required to provide proof of a clean criminal record; however, this is independent of official checks.

    c. another scenario. Please specify

    Please provide details.

Prior to establishing the legal relationship, the applicant for a professional position must prove (with a certificate of good conduct) that he or she has no criminal record, and the person employed in a professional position must do so upon the employer's written request within fifteen working days of the request during the existence of the legal relationship.

In the procedure prior to the establishment of the legal relationship, the employer also ensures the completion of a psychological aptitude test and an impeccable lifestyle test, as well as obtaining the professional opinion of the previous employer.

In the case of an applicant to the protected personnel, the NVSZ conducts the vetting at the request of the employer; in addition, the applicant is required to obtain an official certificate of good conduct.

The general regulatory framework governing volunteer activities does not prescribe a mandatory screening system; therefore, no such obligation exists in the case of general volunteer activities.
In sectors where specific legislation requires the presentation of a certificate of good conduct or other supporting documentation, it is typically the responsibility of the individual concerned to obtain and present the required certificate or document to the host organization.

14. If screening is required, who bears the costs of screening procedures?

    Please provide details.

The certificate of good conduct can be requested free of charge four times a year in Hungary.

The psychological aptitude test is carried out by the designated organizational unit of the ministry responsible for sectoral management, and the impeccable conduct test is carried out by the NVSZ operating within the Police, so their services are free of charge.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

    Please provide details.

See Q7. above.

With regard to the NVSZ's protected personnel, in the case of foster parents, the government office issues the operating licence, so they control it within this framework. For other categories of personnel, control procedures may be conducted by the employer, the state supervisory authority, or the maintaining body.

In the absence of a general obligation to conduct child-protection screening of volunteers, there is no uniform state monitoring mechanism that examines whether all organizations hosting volunteers comply with screening requirements.

The methods of oversight may differ in sectors where specific sectoral regulations prescribe such requirements.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

    Please provide details.

Non-compliance with screening requirements usually results in a failed application for the applicant or a termination of employment for an employee.

See Q7. above.

Types of Sanctions:

- Recruitment Stage: If a candidate fails to certify their clean criminal record with original documents as required by Section 287/L (4) of the Hszt., the legal relationship cannot be established.
- During Employment: Under Section 42 (1) of the Hszt., professional members are subject to regular "irreproachable lifestyle" checks.
- Consequence of Non-compliance: If it is determined during the relationship that a member no longer meets the requirement of a clean criminal record (Section 41 (1) of the Hszt.), it results in the mandatory termination of the service or administrative relationship.

17. Is regular screening, beyond the initial recruitment process, required, for:

a. professionals in contact with children
Yes

b. volunteers in contact with children
No

c. foster parents and legal guardians?
Yes

If regular screening is required, please specify its frequency and provide other details.

Those employed in professional positions in the child protection system - including foster parents, child protection guardians (professional), and volunteers performing professional activities within the child protection system - are subject to a periodic (maximum every two years) and, if necessary, an extraordinary psychological aptitude test following the preliminary aptitude test.

With regard to the protected personnel of the NVSZ, the employer may, if justified, request a repeated integrity vetting (impeccable lifestyle check) once per year [Article 42(1) of the Hszt., Article 10/F(1) of the Gyvt.].

Under Section 10/A of the Child Protection Act, volunteers performing professional activities within the child protection system are also subject to the criminal record certification requirements applicable to professional staff. Upon the written request of the employer, they must provide an official criminal record certificate within fifteen working days. The Act does not prescribe a fixed statutory frequency for repeated screening; instead, certification is required whenever requested by the institution during the existence of the legal relationship.

There is no general requirement applicable to volunteers that mandates regular or periodically repeated background checks for volunteers who come into contact with children.

By law, the institution maintainer, the National Office of Vocational Education and Training and Adult Learning (NOVETAL), must inspect the child protection activities of the vocational education institution at least once every four years.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

    Please provide details.

According to Section 110(1) of the Code of Criminal Procedure (CCP), a person, other than the persons specified by the provisions on inspecting case documents and informing the public, may be provided with information regarding the proceeding if he has a legal interest in the completion or result of the proceeding.

Also, Section 111 (1) and (2) CCP provides for signalization, which is a form of notification by the authority conducting the criminal proceedings in the direction of other actors to initiate other judicial, administrative or other types of proceedings (e.g. disciplinary or ethical) based on facts that have come to light during the criminal proceedings. This notification serves as a warning to the recipient actor or authority – that the occurrence of certain circumstances necessitates other proceedings – but the decision regarding the necessary actions must be made by the recipient of the notification.

> *"Section 111 (1) If the court, the prosecution service, or the investigating authority, in the course of its proceeding, establishes any fact or detects any circumstance that serves as a ground for initiating or conducting ex officio any other court, administrative, or other proceeding, it shall notify, to that end, the organ authorised to initiate or conduct such a proceeding. Of a soldier becoming a suspect, his military superior shall be notified.*
> *(2) The court, the prosecution service and the investigating authority may provide information to any natural person, legal person and organisation or organ without legal personality about data relating to the commission of the criminal offence on the basis of which a measure required for remedying the violation that occurred can be taken or a further violation can be prevented."*

The laws governing the status of various positions – which vary by institution and by position – stipulate, as an objective condition for filling positions involving children and for establishing and maintaining the legal relationship, that the person filling the position must not be subject to criminal proceedings for offenses specified by law. In other words, an employment relationship cannot be established (or maintained) with such a person.

The court, the prosecution service and the investigating authority are all part of the child protection reporting system, where signalization to the guardianship authority (child protective services) is mandatory. After signalization, the guardianship authority takes the measures within its competence ex officio.

In respect of its protected personnel, the NVSZ may provide the information obtained during the vetting to the employer. If a person belonging to the protected personnel of the NVSZ is suspected of committing such an offence in the course of criminal proceedings, this in itself constitutes a prohibition on employment, meaning that they may no longer continue to work in that position [point *c)* of Article 10/A(1) of the Gyvt., point *f)* of Article 41(1) and point *b)* of Article 86(2) of the Hszt.].

During the existence of the employment relationship, a person employed in a professional position shall fulfil his or her certification obligation upon the written request of the employer within fifteen working days of such request or, where compliance within that time limit is not possible due to reasons beyond the control of the employed person, immediately after the cessation of such reasons.

A person who fails to comply with the certification obligation may not be employed in a professional position.

In the course of the official inspection of nursery institutions and services, the licensing authority shall, where necessary, request data electronically from the criminal records authority, in accordance with the applicable legislation, in order to verify whether any of the certain exclusion grounds exist in respect of a person employed or to be employed in a professional position.

<u>Cross-border screening</u>

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

a. professionals
No

b. volunteers
No

c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?
No

Please provide details.

For the NVSZ, in respect of its protected personnel, convictions from Member States are available in the criminal records, which it obtains for its protected personnel. However, Hungarian law does not generally require employers or competent authorities to verify criminal records separately in every country where an applicant has previously resided or worked.

The general regulatory framework governing volunteer activities does not impose an obligation requiring that, in the case of volunteers who come into contact with children, criminal record information relating to sexual offences committed against children must also be obtained from countries previously designated as the volunteer's place of residence or place of employment. Where volunteers perform professional activities falling within the scope of Section 10/A of the Child Protection Act, the applicable Hungarian criminal record certification requirements apply. However, these do not include mandatory verification of criminal records in every country of previous residence or employment.

On adoptive parents: The eligibility assessment is designed to provide a comprehensive evaluation of the applicant's personality and living circumstances. As part of this comprehensive assessment, the relevant circumstances of the applicant's stay abroad may also be evaluated; however, Hungarian adoption regulations do not require mandatory criminal background checks for every country where the applicant has previously resided. The same approach applies to foster parents and professional child protection guardians: the applicable criminal record certification requirements are based on the Hungarian criminal records system and do not require cross-border screening in every country of previous residence or employment. Similarly, no such general requirement exists for non-professional legal guardians.

There is no general legal requirement in recognition procedures to verify criminal convictions for sexual offences against children in all countries of previous residence or employment.

The recognition procedure focuses on the assessment of qualifications, which are considered equivalent to Hungarian qualifications once recognised.

However, additional conditions for exercising a profession may apply in Hungary. In particular, for teaching, educational and childcare professions, a certificate of good conduct (criminal record certificate) is a mandatory requirement for employment under Hungarian rules. In this context, employers may also consider whether the person has worked abroad and whether any relevant criminal convictions exist in other countries.

In EU-related cases, an alert mechanism exists for sharing information on professionals prohibited or suspended from practising a regulated profession, but this is not limited to criminal convictions and may also include administrative measures.

20. Is there a mechanism to:

    a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

    b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

    Please provide details.

a)
An authority entitled to receive criminal data may, through the criminal records authority, request data specified in the Bnytv. from the criminal records register of another Member State of the European Union. [Section 79(1) Bnytv.] An authority entitled to receive this data pursuant to may use the data received solely for the purposes of the criminal proceedings specified in the request. [Section 79(2) Bnytv.]

The criminal records authority may also request data from the criminal records register of another Member State of the European Union; or where the person concerned is a third-country national, from the ECRIS-TCN, for the purpose of determining from which Member State's central authority it must request information concerning related offences committed by the person concerned pursuant to Article 10 of Directive 2011/93/EU of the European Parliament and of the Council or, as applicable, pursuant to Article 649 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereinafter: the Trade and Cooperation Agreement), where the person concerned requests certification for the purpose of establishing or maintaining an employment or other legal relationship, or demonstrating compliance with another statutory requirement, for employment involving professional or organised voluntary activities entailing direct and regular contact with children, in the course of which the person would provide education, supervision, care or medical treatment to persons under the age of eighteen, or would otherwise be in a position of authority or influence over such persons. [Section 79(3) Bnytv.]

The Rtv. also provides the legal basis for this, thereby allowing the NVSZ to send requests within the framework of impeccable lifestyle checks.

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

b)
See Q21 below.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

The criminal records authority shall, upon request by the designated central authority of another Member State of the European Union, and, upon request by the United Kingdom, transmit data from the records managed within the criminal records system [Section 80(1) Bnytv.] With only two exceptions, data may be transmitted to the designated central authority of the requesting Member State solely for the purposes of criminal proceedings [Section 80(2a) Bnytv].

Where, for the purpose of employment involving professional activities or organised voluntary activities entailing direct and regular contact with children, and following a request submitted with the consent of the person concerned, the designated central authority of another Member State of the European Union, pursuant to Article 10 of Directive 2011/93/EU of the European Parliament and of the Council, or the designated central authority of the United Kingdom, pursuant to Article 649 of the Trade and Cooperation Agreement, submits to the criminal records authority a request for the disclosure, through the European Criminal Records Information System, of data relating to the person concerned that are processed in the criminal records system and in the register of judgments of Member States, the criminal records authority shall transmit certain data to the requesting central authority the data specified in. [Section 80/C(1) Bnytv.]

Also, pursuant to Article 18(1)(p) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, for the purpose of enabling the competent authority to determine whether a Hungarian citizen applying for residence status in the United Kingdom constitutes a threat to public policy or public security, the criminal records authority shall, upon a request submitted by the United Kingdom for a purpose other than criminal proceedings, transmit, through the European Criminal Records Information System, certain data processed in the criminal records system and in the register of judgments of Member States. [Section 80/D Bnytv.]

For third countries, the Bnytv. does not provide access to the criminal records outside the context of criminal proceedings.

<u>Additional details and reflections</u>

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

Regarding the detailed rules for the psychological suitability assessment, Government Decree 191/2024. (VII. 8.) on the psychological suitability assessment of persons employed in child protection institutions.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

    Please provide details.

One of the challenges of screening volunteers who come into contact with children is that Hungary currently does not have a unified screening system covering all forms of volunteer activity. Screening requirements are primarily set out in specific sectoral regulations, which may result in differing practices across sectors.

A further challenge is achieving an appropriate balance between child protection considerations, data protection requirements, and the need to keep the administrative burden associated with volunteering at a reasonable level.

On adoptive parents: The assessment of the suitability of adoption applicants in Hungary takes place within the framework of a complex procedure that evaluates multiple criteria simultaneously. At the same time, further development of the system may be warranted in certain areas. In particular, it may be necessary to strengthen the international dimension, specifically with regard to the practices for obtaining and evaluating relevant information in the case of applicants residing abroad. Another area for improvement could be the ongoing review of the criteria and methodology for suitability assessments, with particular regard to risk assessment tools designed to protect children.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

    Please provide details.

Regarding volunteering within the European Solidarity Corps (ESC), participants receive information about their tasks, responsibilities and the conditions of their activity before and during their deployment. They are required to sign an agreement with the host organisation and to respect the rules, structure and principles of the project. This includes compliance with the legal and regulatory framework of the host country, including any applicable child protection, safeguarding, volunteering, employment and security regulations. In addition, certain host organisations may require applicants to provide a criminal record certificate (or an equivalent document) as part of their safeguarding and risk-management procedures, particularly when the activity involves contact with children, young people or other vulnerable groups. While this is not a general requirement laid down by the European Solidarity Corps for all volunteers, it may be required under national legislation or the internal policies of the host organisation.

Several European Solidarity Corps (ESC) documents and related SALTO resources emphasise that volunteers must respect the rules, organisational procedures and legal framework of both the host organisation and the host country. The ESC Mission and Principles explicitly state that "European Solidarity Corps participants must also abide by the laws in force in the host country." Furthermore, volunteers sign a Solidarity Contract with the hosting organisation and receive information about their tasks, responsibilities and participation conditions before and during their activity.

In addition, safeguarding has become an increasingly important topic within the ESC framework. Several SALTO European Solidarity Corps resources, trainings and safeguarding guidelines highlight the responsibility of organisations to establish safeguarding procedures, risk-management mechanisms and protection measures for volunteers and beneficiaries, particularly where activities involve children, young people or other vulnerable groups.