



Access to justice for children

Country fact sheet: **Hungary**¹



Overview

Country size: 93 030 km²

General Population: 9,8 million

Number of Children: 1,4 million under 14 years; about 2 million under 18 years.

Date of ratification of the Convention on the Rights of the Child:
7 October 1991

Date of abolition of the death penalty: 31 October 1990

Minimum ages

Minimum age of criminal responsibility ("MACR"): 12 years or 14 years depending on the offence

Age of imprisonment: 14 years

Age until juvenile justice legislation is applied: 18 years

Type of legal system

The Hungarian legal system is based on a civil law system.

Specialisation of the system

Hungary provides for several specialised institutions including:

- Child social work service
- Child probation service

Hungary also provides for several specialised professionals including:

- Child social workers
- Child probation officers

Child-specific legislation

- Fundamental Law of Hungary – constitutional rights providing for state protection and care of children, necessary for proper physical, mental and moral development.
- [Act XC of 2017 on Criminal Proceedings \(CP\)](#) – outlines special provisions for criminal proceedings against youth and establishes procedures for the treatment of victims and witnesses.
- [Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship \(PCAG\)](#) – provides basic rights and obligations of children and parents. Also provides for the protection and welfare of the child.
- [Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities](#) – requires equal treatment in the protection of children. Also states that discrimination is prohibited, based on several grounds including gender, age, race, nationality, disability, sexual orientation and sexual identity.
- Act C of 2012 on the Criminal Code (CC) – contains provisions for criminal responsibility.
- Other legislation relevant to children in contact with the law includes [Act II of 2012](#) (Minor Offences Act), [Act CCXL of 2013 on the Enforcement of Penalties, Measures, Certain Coercive Measures and Detention for Misdemeanours](#), [Act CXXXV of 2005 on Crime Victim Support and State Compensation](#), and [Government Decree 100/2018](#).

The [Convention on the Rights of the Child](#) is directly applicable in Hungary's justice system.

¹ The information used to compile this fact sheet is based on the responses to the questionnaire received in March 2020.

Child suspects or accused in criminal proceedings

Implementation of EU Directive 2016/800

Hungary has fully transposed **EU Directive 2016/800**. The procedural provisions of **EU Directive 2016/800** are contained in *Act XC of 2017 on Criminal Proceedings*, which entered into force on 1 July 2018. Other legislation, including *Act II of 2012* on misdemeanours, misdemeanour proceedings and the registration system of misdemeanours, has also been modified to transpose **EU Directive 2016/800**.

Cross-cutting safeguards

- Children under fourteen years old are generally exempt from criminal responsibility. However, for certain serious crimes, including murder, voluntary manslaughter, battery, acts of terrorism, robbery, and looting, the minimum age of criminal responsibility (MACR) is 12 years but only if the child had the capacity to understand the nature and consequences of his/her acts at the time the offense was committed. See *CP, Chapter XCV*.
- Equal treatment and protection from discrimination is guaranteed by Act CXXV of 2003 on *Equal Treatment and the Promotion of Equal Opportunities*.
- Child specific procedural safeguards include the rights to have decisions based on the best interests of the child (*PCAG, Section 2*), and to have parents or guardians present at proceedings (*Government Decree 100/2018 (VI. 8.) Section 54*)

Specific Procedural Measures

- Correctional institutions place emphasis on the correction and future reintegration of children. They have the opportunity to study or work during their sentences. Law enforcement institutions run several reintegration programmes for children.
- During criminal proceedings involving children, an individual assessment is conducted which examines the child's particular needs and environment. See *CP, Section 683*.

Diversion and alternatives to detention

- Arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time. See *CC, Section 106*.
- Diversion provisions are not specific to children, save for preventive parole regulated in the *PCAG*. Diversion can be initiated at prosecution-level or court-level. Data on diversion is collected by the Prosecution Service of Hungary and the National Office for the Judiciary and can be requested on an individual basis.
- Community service work and work to be performed as a sanction may only be imposed upon child offenders over the age of sixteen years at the time of sentencing. See *CC, Sections 112 and 117*.
- In special circumstances, the prosecutor may order a conditional suspension if the offence is not punishable by more than 8 years and if, given the circumstances of the offence, probation will allow for the child's continued development in the right direction. See *CP, Sections 416 and 690*.
- Children are detained separately from adults. See *Act CCXL of 2013 on the Enforcement of Penalties, Measures, Certain Coercive Measures and Detention for Misdemeanours, Section 192*.

Child victims and witnesses in criminal proceedings

Implementation of EU Directive 2012/29

As of 11 May 2020, Hungary has not fully transposed **EU Directive 2012/29** establishing minimum standards on the rights, support and protection of victims of crime, and the European Commission had ongoing infringement proceedings against Hungary for its failure to fully transpose **EU Directive 2012/29**.

Cross-cutting safeguards

- Age is a decisive factor in the assessment of special protection needs of a victim or witness. The individual needs of a child are taken into account during the planning and execution of proceedings activities. See *CP, Sections 81 and 85*.

- During any proceedings activity involving children under 14 years of age, special provisions are in place. This includes that the confrontation of a witness who has not reached 14 may not be ordered and that the accused and their defence attorney may not be present at any proceeding requiring the participation of child under 14. See *CP, Section 88*.
- Several procedural protections are included in the law for victims and witnesses, although they are not child specific. These include the right to benefit from legal assistance at all stages of the criminal proceedings, the right to psycho-emotional and other assistance, and the right to compensation. See Act CXXXV of 2005 on *Crime Victim Support and State Compensation, Section 26/A*.

Focus on status offences

For the most part, status offences such as truancy, running away from home, and roaming the streets are addressed through the social welfare sector, pursuant to the *PCAG*. These offences are not addressed in the criminal justice system.

Cases involving a breach of social norms may be addressed through the criminal justice system. Any person who displays apparent anti-social conduct capable to incite indignation or alarm in other people commits a minor offence (See *Minor Offences Act, Section 170*); or if it involves an aggressive conduct as well it is a crime (See *CC, Section 339*). In both cases anyone 14 years and older can be held liable.

Other relevant information

There are a variety of civil organisations working to improve the rights of children in contact with the law. Initiatives of non-governmental organisations (NGOs) include providing training for judges and policemen on interviewing, interacting with children and ensuring that children's views and interests are considered. A list of relevant NGOs will be made available upon request.

In addition, various national laws offer protection for vulnerable groups, including:

- *PCAG* and *Act CXXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities Rights of Child Act, Article 6* (protection for children with disabilities).
- *CC, Section 332* (incitement against national, ethnic, racial or religious groups and certain societal groups, in particular on the grounds of disability, gender identity or sexual orientation is a punishable act).