

10 - Children belonging to particularly vulnerable groups

Author : Pilnet - Last update : 14.12.2022

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Article 2 of the UN Convention on the Rights of the Child prohibits all forms of discrimination against children. Discrimination is not permitted at the level of legislation, but in practice, research evidence indicates the following:

- Children from families with a higher social status (higher education) are less likely to be subject to custodial legal consequences;
- Children from families with low socio-economic status are more likely to be subject to sanctions involving detention or a restriction of liberty imposed by the courts;
- Children living outside their families in state care are at a higher risk of prosecution for minor offences (e.g. stealing food from a locked room in a children's home) – children living in residential care are over-represented in offender and detainee statistics;
- Roma youth are also over-represented in offender and detainee statistics.

There are no data on discrimination against children with disabilities. However, Section 74 of the Criminal Procedure Act specifically highlights that in all information and all contacts, efforts must be made to ensure that the young person understands his/her rights and obligations and that he/she is helped in making himself/herself understood. There is no data on the practical implementation of this provision.

In Hungary, foreign families arriving with a minor child may be detained for a maximum of 30 days under Act LXXX of 2007 on Asylum. Under the current Hungarian legislation, refugees aged 14-18 are not considered to be children – thus, they cannot benefit from the rights enjoyed by children under fourteen. This is contrary to Articles 2, 3, 20 and 22 of the UN Convention on the Rights of the Child.

Further reading

Helsinki Committee: Children Deprived of Liberty. Country Report: Hungary (pp. 313-360)

Source: https://helsinki.hu/wp-content/uploads/BHC_2014_Children_Deprived_of_Liberty_EN.pdf

Joubert-Vavró-Bodzsár: Fiatalok elítéltek biodemográfiai vizsgálata [Biodemographic Analysis of Juvenile Offenders].

Source: https://www.ksh.hu/statszemle_archive/1999/1999_04/1999_04_225.pdf

Kerecsi-Kó: A fiatalkorúak büntető igazságszolgáltatásának hatékonysága [The Effectiveness of the Juvenile Criminal Justice System]. Source:

http://www.okri.hu/images/stories/KT/KT45_2008/005_kt45_fiatalkoruk%20bunteto%20igazsagszolgalat

A Gyermekjogi Civil Koalíció szerint súlyosan gyermekjog-sértő a határőrizeti eljárás szigorításával kapcsolatos törvénymódosító csomag [Civil Coalition for Children's Rights Says Legislative Amendment Package on Tightening Border Police Procedure is a Serious Violation of Children's Rights].

Source: <http://www.csagy.hu/hirek/item/1345-a-gyermekjogi-civil-koalicio-szerint-sulyosan-gyermekjog-serto-a-hatarorizeti-eljaras-szigoritasaval-kapcsolatos-torvenymodosito-csomag>