

Corporal punishment of children in Hungary

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Child population 1,724,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Prohibition of corporal punishment

Home

Corporal punishment is prohibited in the home in a 2004 amendment to the Act on the Protection of Children and Guardianship Administration (the Child Protection Act) 1997, which came into force in 2005. Article 6(5) states: “The child has the right to be respected his/her human dignity, to be protected against abuse – physical, sexual and mental violence –, failure to provide care and injury caused by any information. The child shall not be subjected to torture, corporal punishment and any cruel, inhuman or degrading punishment or treatment.”

Alternative care settings

Corporal punishment is unlawful in alternative care settings under the Child Protection Act 1997 as amended in 2004 (see under “Home”).

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children under the Child Protection Act 1997 as amended in 2004 (see under “Home”).

Schools

Corporal punishment is unlawful in schools under article 10(2) of the Public Education Act 1993, which states: “The personality, human dignity and rights of children and students shall be respected, and protection has to be provided against physical and spiritual violence. Children and students may not be subject to physical admonishment, torture, cruel and humiliating punishment or treatment.” Similarly, Act CXC of 2011 on National Public Education states that children shall not be subjected to physical and psychological punishment, torture, or cruel, inhuman or degrading punishment or

treatment.¹ However, during examination of Hungary in 2014, the Committee on the Rights of the Child learned that school guards are responsible for maintaining discipline in schools and are authorised to use physical force against children in some circumstances.²

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions. According to the Decree of the Minister of the Interior no. 19/1995 on the procedures in police jails, detainees shall be treated with respect for their human dignity, and torture and cruel, inhuman or humiliating treatments are prohibited. The Penitentiary Act states that human dignity must be respected and prohibits torture and merciless, inhuman or humiliating measures.

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. It is not a permitted sentence under the Penal Code 1978, the Statutory Regulation on the Execution of Penalties and Measures or the Criminal Procedure Code (amended 2006).

Universal Periodic Review of Hungary's human rights record

Hungary was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). The following recommendations were made and were accepted by the Government:³

“Ensure, in line with the recommendation of the Committee on the Rights of Child, the implementation in practice the prohibition of corporal punishment in schools (Russian Federation);

“Take measures, including disciplinary measures, to bring to the attention of those working in the educational system, in particular teachers, their obligation to refrain from corporal punishment (Uzbekistan);

“Adopt measures, including disciplinary measures, in order to raise the awareness of professionals of the education system, in particular teachers, on their obligation of abstaining from resorting to corporal punishment (Uruguay).”

Hungary was examined in the second cycle of the Universal Periodic Review in 2016 (session 25). The following recommendation was made:⁴

“Abandon the practice of corporal punishment of children and encourage non-violent forms of discipline (Poland)”

The Government accepted the recommendation on the understanding that it is “already in the process of implementation” and stated “No child shall be subject to torture, corporal punishment or any other cruel, inhuman or degrading punishment or treatment.”⁵

¹ *Report on the Twenty-year review of the implementation of the Beijing Declaration and Platform for Action: Hungary, 2014*, p. 13

² 19 September 2014, CRC/C/HUN/CO/3-5 Advance Unedited Version, Concluding observations on third-fifth report, para. 33

³ 11 July 2011, A/HRC/18/17, Report of the working group, paras. 94(76), 94(78) and 94(79)

⁴ 8 July 2016, A/HRC/33/9, Report of the working group, para. 128(140)

⁵ 16 September 2016, A/HRC/33/9/Add.1, Report of the working group: Addendum, para. 17

Examination in the third cycle is scheduled for 2021.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(19 September 2014, CRC/C/HUN/CO/3-5 Advance Unedited Version, Concluding observations on third-fifth report, paras. 33 and 34)

“The Committee notes that the State party’s legislation prohibits the use of corporal punishment against children in all settings. However, it regrets that the prohibition is not implemented in the family and schools for lack of awareness and training on alternative forms of discipline, non-reporting and lack of penal response against perpetrators. The Committee is also concerned about the recent establishment of the institution of school guards who are responsible for maintaining discipline in schools and who are authorized to use physical force against children in some instances.

“In the light of its General Comment No 8 (2008) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to implement the prohibition on the use of all forms of corporal punishment in all settings, in particular in the home, schools and public care institutions, and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violation. It also recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child rearing and discipline. Furthermore, the Committee recommends that the State party ensure that school guards are prohibited from using physical force against children under any circumstance.”

Committee on the Rights of the Child

(17 March 2006, CRC/C/HUN/CO/2, Concluding observations on second report, paras. 3, 54 and 55)

“The Committee notes with appreciation a number of positive developments in the reporting period, including: ...

d) the prohibition of corporal punishment in the home by amendment of the Act on the Protection of Children in 2004....

“The Committee is concerned that corporal punishment in schools, despite being prohibited by the Hungarian Child Education Act, continues to occur.

“The Committee recommends that the State party undertake measures, including corrective ones, in order to sensitise professionals within the educational system, in particular teachers, about their obligation to refrain from resorting to corporal punishment. In addition, the Committee recommends that awareness-raising campaigns be implemented in order to inform children of their rights.”

European Committee of Social Rights

(January 2016, Conclusions 2015)

“The Committee notes that the situation which it has previously considered to be in conformity with the Charter has not changed. According to Global Initiative to End Corporal Punishment of Children, law reform has been achieved. Corporal punishment is prohibited in all settings, including the home.”

European Committee of Social Rights

(March 2005, Conclusions XVII-2)

“The report states that the Act on the Protection of Children provides that corporal punishment is prohibited, and that children may not be subjected to torture, or to cruel, inhumane, or humiliating punishment or treatment (Article 6 Sub-paragraph (5)). In pre-schools and schools, the personality, human dignity, and rights of a child and/or student must be respected, and he or she must be protected against physical and emotional violence. Under the Public Education Act, no child or student may be subjected to corporal punishment, torture, cruel, inhuman, or humiliating punishment or treatment (Article 10, Sub-paragraph (2)). The Committee notes that Hungarian penal law practice recognises the exercise of the right of house discipline within the family. It notes that there is no prohibition in legislation of corporal punishment in the home.

“The Committee recalls that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that any other form of degrading punishment or treatment of children must be prohibited in legislation and combined with adequate sanctions in penal or civil law. Therefore, it considers that since there is no prohibition in legislation of corporal punishment in the home, the situation cannot be considered to be in conformity with Article 17 of the Charter.

...

“The Committee concludes that the situation in Hungary is not in conformity with Article 17 of the Charter on the grounds that:

- corporal punishment in the home is not prohibited....”

European Committee of Social Rights

(2003, Conclusions XVI-2, page 442)

“As regards corporal punishment of children, the Committee wishes to know whether legislation prohibits corporal punishment of children in schools, in institutions, in the home or elsewhere, as it finds the report unclear on this point....”

“Pending receipt of the information requested, the Committee defers its conclusion.”

Prevalence/attitudinal research in the last ten years

None identified.