ADVOCACY NOTE


Children comprise more than 40 per cent of those who have been forcibly displaced from Ukraine and reside in Hungary since the start of the full-scale invasion. Hungary has shown remarkable solidarity with refugees from Ukraine, including children. The Government of Hungary granted temporary protection status to over 38,000 refugees from Ukraine, including over 16,000 children. The majority are cared for by single mothers who may struggle to re-establish their lives in Hungary amid ongoing insecurity in Ukraine that diminishes hope for an imminent return. The circumstances of being forcibly displaced can profoundly affect children throughout their lives, with long-lasting and serious consequences and risks that include violence, exploitation, and neglect.


This legislation provides for services to prevent and mitigate child protection risks and optimize parental support to eliminate factors endangering a child. It aims to preserve family unity wherever possible but stretches to protection measures and alternative care solutions where imminent risks and endangerment make it necessary in line with a child’s best interest.

The Child Protection Act’s scope extends to Hungarian citizens – children, young adults, and their parents or caregivers – residing in Hungary, as well as persons recognized by Hungarian authorities as refugees, beneficiaries of subsidiary protection, with tolerated status or stateless individuals. The Act’s personal scope does not explicitly cover children who hold temporary protection status.

With great appreciation for the services and support that have been ensured by the Government of Hungary to refugees fleeing Ukraine at large, the members of the Protection Working Group are concerned about the apparent non-inclusion of children who hold temporary protection status to the full range of child welfare and protection services. We argue that in legal interpretation and application, consideration should be given to fundamental principles, international obligations, and the spirit of the law. Of importance should be the legislator’s intent which extended to refugees and beneficiaries of subsidiary protection status. Therefore, children with temporary protection should be considered on par with beneficiaries under international protection, considering the UN Convention on the Rights of the Child as well.

Although not to be considered a legal source, many child and family welfare centers regard the guideline issued by the Ministry of Human Capacities in 2022 (Tájékoztató az Ukrajnából érkező családok támogatásához a család- és gyermekjóléti szolgáltatók számára), as a guiding principle in interpretation. It stipulates that temporary protection holders have an entitlement to

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1 UNHCR obtained data
2 See paragraph 4 (a) for the full scope of the Act
Humanitarian partners working with children and families, child welfare centres, and refugee shelters problematized that child welfare and care services (‘gyermekjóléti alapellátás’ ‘gyermekjóléti szolgáltatás’), child protection measures (‘védelembe vétel’) and temporary placements (‘gyermekék átmeneti gondozása’) are unattainable as per the 2022 guideline. Examples include municipal-level services that employ social work tools and methods to ensure the physical and mental well-being of children and their families where dedicated social, mental health, and crisis support is requested by them. Unavailable are also services for a parent or caregiver who cannot provide appropriate care due to health status, difficult life situations, or justifiable temporary absences momentarily, and where the state may temporarily take in the child. Child protection stakeholders emphasize that such services are vital in supporting Ukrainian refugee children and their families or caregivers, as they promote that children are safe and raised in their families if possible, considering the child’s best interest.

Protection Working Group members call on the Government of Hungary to ensure that irrespective of their legal status in Hungary, all children forced to flee Ukraine must be entitled to the full scope of child rights and protection services in Hungary.

Protection Working Group members also call for the removal of technical administrative barriers when it comes to protecting temporary protection holders and Hungarian-Ukrainian dual citizens who fled Ukraine. They respectively do not or may not have a TAJ (‘társadalombiztosítási azonosító jel’, social security number) and address card, the latter forming the basis of the territorial jurisdiction applied by child protection actors. Practical consequences include that the national child protection case management system (‘Gyermekeink Védelmében Informatikai Rendszer’) would only be available on temporary basis - potentially impeding effective casework, documentation, and recordkeeping. Although children with temporary protection formally have access to daycare (‘gyermeknapkőzbeni ellátása’), in practice, nurseries, and daycare options

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often cannot enrol children without a TAJ number because the registration systems are not designed to accept the temporary protection card number. Without the formal enrolment, childcare facilities would risk e.g., the inability to receive the linked securities and resources from the state.

The Protection Working Group members call on the Hungarian Government to:

- **Strengthen** the protection of children with temporary protection through their full inclusion into the scope of the Child Protection Act on the same footing as Hungarian nationals and beneficiaries of international protection. This could be ensured either through legislative change or through administrative instruction, allowing an inclusive interpretation of the current legislative framework.

- **Address** administrative and technical barriers that prevent children with temporary protection and dual citizens from being registered in the national child protection case management system and from accessing the platform to register children for nursery care, so that children can enroll in nurseries and facilities can receive the respective financial support.

- **Build** awareness and capacity of child welfare and child protection service providers (e.g., social workers, guardians, educators in schools and kindergarten) on the rights and needs of children with temporary protection and their families. Members of the Protection Working Group may provide support as required, for example by organizing a refugee child rights foundational training series, highlighting the UNHCR / Protection Working Group perspective.