

Summary of Case Report No. AJB-18/2020

On 4 and 5 September 2019, the Commissioner for Fundamental Rights of Hungary, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (hereinafter referred to as: the “NPM”) paid a visit to the Esztergom Special Children’s Home Centre, an institution of the Ministry of Human Capacities (hereinafter referred to as: the “Special Children’s Home”).

The purpose of the visit was to review the conditions of the placement of children raised in state care, who are especially vulnerable due to their age, their reduced ability to assert their rights and interests, as well as their special needs, furthermore, to prevent any potential ill-treatment that would endanger or humiliate them.

In the institute with a capacity of 64 places, there were 52 children on the day of the visit, the filling of places was in progress. The young girls aged between 13 and 18 years were placed in 8 mixed groups according to their age and school classes. The headcount of the group did not exceed the permitted limit of eight in any case but there were two groups in which the number of children with dual needs, those who had both psychological difficulties and other types of disabilities was significantly higher than the two stipulated by NM (Minister of Welfare) Decree No. 15/1998 (30 April). In these cases, the relatively high number of group members jeopardises the provision of the required extra care to the young girls with psychosocial or other disabilities who have learning difficulties. The development and education of all the children were endangered by that more than half of the child supervisors and child care assistants lacked the necessary qualifications, furthermore, a lower number of psychologists, special education teachers and nurses was employed than is required by the headcount norm of the NM (Minister of Welfare) Decree. As a consequence of the lack of psychologists, the NPM did not deem the therapeutic support appropriate for the special needs. Criminal proceedings have been launched against as many as one third of the residents of the Special Children’s Home (18 persons), while 4 girls were victims of crimes. One sixth of the girls had been struggling with drug addiction before they were admitted to the institution. These figures also support the necessity of providing therapeutic support. One quarter of the young girls took psychiatric medication. The specialist psychiatrist employed on the basis of a mandate agreement did not have his own consulting hours at the institution and his qualifications were not appropriate for the age of the residents of the children’s home.

The NPM inspected the security isolation room, whose arrangement was appropriate but the irritating noise of the fan ensuring ventilation and the sharp light illuminating the unit were criticised by some children. In the expert opinion of the child psychiatrist attending the visit, the occasional isolation of the girls who demonstrate aggressive and hostile behaviour is justified, and is more humane than the use of other restrictive means. The visiting group concluded that the documentation of the use of the security isolation room was not appropriate, as long as some statements are signed backdated. The NPM thinks that the preservation of the recordings made during isolation for a certain period of time is worth considering, as this may contribute to the prevention of any potential degrading or inhuman treatment.

The girls live in appropriate physical conditions, in a clean and orderly environment. The care provided to the children was deemed appropriate by the members of the visiting group, however, they complained that the meals given to the children had a higher than permitted salt and calorie content and they contained less than the required amount of certain food items.

The girls living at the Special Children’s Home had the opportunity to take part in diverse sports, cultural and other leisure time activities, and they had the chance to master practical skills required for everyday life. The method of occupying the girls and the level of their independence were in line with the motivation system built on the principle of gradualism and one that provides an increasing level of freedom to them. The grades ranging from new entrants

to independent girls (level five) were flexible. It turned out from the accounts of the girls that they were aware of how their behaviour and performance had contributed to the level that they could achieve. Those who adhered to the rules could reach a higher level, while those who violated them could slip back to a lower level depending on the committed disciplinary offence.

The enforcement of the right to complain, as well as the implementation of keeping contact were deemed appropriate by the visiting group. The latter was also shown by that 42 percent of the children released before the date of the visit in 2019 could go back to their family homes.

The majority of the girls residing at the Esztergom Special Children's Home thought that the time spent at the home was a great chance for change, several of them appreciated the opportunity for gaining practice in housework and they were grateful for the attention and support that they had received from their carers.