

Summary of Report No. AJB-1327/2021

On 13 October 2020, the Commissioner for Fundamental Rights, acting in his competence as OPCAT National Preventive Mechanism (hereinafter: the “NPM”), and three of his staff members paid a visit to the Group Home of the Saint Agatha Child Protection Service maintained by the church in Hódmezővásárhely. The purpose of the visit was to inspect the measures taken for the prevention of the spread of the COVID-19¹ infection, as well as to look into the changes generated by the restrictions ordered in the state of danger², such as the ban on visitation and the curfew, and the following epidemiological stand-by period³ among the youngsters living at the group home in Csongrád-Csanád County and receiving child protection services. In consideration of the epidemiological stand-by period⁴, the Commissioner for Fundamental Rights announced his visit in advance. During the on-site inspection, the members of the visiting delegation wore face masks, and entered the building after taking their temperature and sanitizing their hands.

The staff members of the NPM listened to the information provided by the deputy director-general of the Saint Agatha Child Protection Service, and conducted interviews with the children and the staff members present at the group home.

During the on-site inspection, the members of the visiting delegation inspected the conditions of placement. In the detached house operating as a group home, some renovations were necessary as regards the spacious interior, while major refurbishment was needed in its yard, the benches in the garden were unsafe. The visiting delegation found no complaint box at the group home, which made it difficult for the residents to exercise their right to complain. The visiting delegation found cleanliness and order at the group home.

At the group home with a capacity of 12 places, 8 children were raised, their average age was 15 years and 7 months. Every second child had different from the average needs. The NPM expressed its concerns about the fact that the number of children with dual needs was higher than the number stipulated by NM (Minister of Welfare) Decree No. 15/1998 (30 April). The requirements of the same decree on personal conditions were not met at the group home either. Nevertheless, the number of staff members responsible for the group was higher than the minimum professional staff headcount prescribed by the law, therefore the provision of 24-hour supervision did not result in overtime among the staff members either. The NPM found it exemplary that the amount of money allocated by the maintainer to the daily catering of children was almost one and a half times the amount prescribed by the NM (Minister of Welfare) Decree and that it also provided an additional amount of money to be spent on non-perishable food as a result of the state of danger. The NPM recommended that the Minister of Human Capacities consider revising the provision on the minimum amount of money to be allocated to the catering of children specified in Section 76 (1) of NM (Minister of Welfare) Decree No. 15/1998 (30 April), and he also proposed that the Minister of Human Capacities review and clarify the provisions of EMMI (Ministry of Human Capacities) Decree No. 37/2014 (11 March) pertaining to group homes providing family-style catering.

The NPM concluded that the staff of the group home that was visited, as well as the Saint Agatha Child Protection Service itself had adapted well to the challenges caused by the pandemic. The necessary protective measures were put in place, and cleaning and disinfecting efforts were made more frequent at the group home, for which a sufficient amount of

¹ Infection or illness caused by the SARS-CoV-2 virus

² Government Decree No. 40/2020 (11 March) on the declaration of the state of danger

³ Decision No. 13305-16/2020/EÜIG of the Chief Medical Officer of 17 March 2020

⁴ Government Decree No. 283/2020 (17 June) on introducing a state of epidemiological preparedness

disinfectants and cleaning supplies was available. The group home under inspection managed to carry out the transition to digital education smoothly. During the period of the restrictions⁵, contacts were maintained via telephone and Internet, and after lifting the ban on visitation and the curfew⁶, contacts authorised by the guardianship office were kept in the usual forms.

The Saint Agatha Child Protection Service operated an isolation house, where medical staff also participated in the reception and care of newly admitted children who had to be quarantined due to the risk of infection. As a result of this good practice, there was no need for isolation in the individual group homes. There were no cases of infection at the group homes operated by the Saint Agatha Child Protection Service by the time of the NPM's visit.

In order to reduce the risk of infection, the institution concluded a contract with a healthcare provider. In the case of issues related to the coronavirus infection, the institution followed the rules of procedure issued by the Ministry of Human Capacities and the National Chief Medical Officer, and acted under the direct guidance of professional consultants.

The residents were well-informed about the pandemic situation and its prevention, they understood the factors contributing to the need for the introduction of the ban on visitation and the prohibition to leave the institution. They did not protest against the restrictive measures. The NPM found that the failure to ensure the possibility of keeping contact with a child rights representative and the lack of a complaints box endangered the enforcement of the children's right to complain.

⁵ Decision No. 13305-16/2020/EÜIG of the Chief Medical Officer of 17 March 2020

⁶ Decision No. 13305-47/2020/EÜIG of the Chief Medical Officer of 18 March 2020