

## Summary of Report No. AJB-1328/2021

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 church-maintained Group Home of the Saint Agatha Child Protection Service in Csanádpalota. The purpose of the visit was to inspect the measures taken for the prevention of the spread of the COVID-19<sup>1</sup> infection, as well as to look into the changes generated by the restrictions<sup>2</sup> ordered in the state of danger<sup>3</sup>, such as the ban on visits and the lockdown, and the subsequent epidemiological stand-by period among the children receiving specialized care and living in the group homes in Csongrád-Csanád County. In order to reduce the risk of infection, the members of the visiting delegation wore face masks during the on-site inspection, and entered the building after taking their temperature and sanitizing their hands.

The members of the visiting delegation inspected the conditions of placement, and the detached houses serving as group homes. The residents could enjoy new, shaded patios in the garden, but the fractured concrete cover was accident-prone, and the unkempt vegetation prevented the residents from properly making use of the space available. The homes were clean and orderly. In each of the homes, there was a spacious dining room and a living room, and the bedrooms and bathrooms were adequately equipped.

Each of the 12-person group homes accommodated 11 residents, including 3 young adults living in follow-up care. Most of the children had special needs, and several children stayed in a dormitory during the week.

The NPM established that in both group homes, the number of staff members looking after the group was higher than the minimum number defined in Decree No. 15/1998 (30 April) of the Ministry of National Welfare, but it also expressed concerns about the employment of a child carer who was not properly qualified. Moreover, the NPM underlined that the maintainer provided nearly one and a half times the amount possible to allocate for catering according to the above cited decree of the Ministry of National Welfare, and it also allowed the homes to buy non-perishable food due to the state of danger.

According to the NPM’s experience, the staff members of the Saint Agatha Child Protection Service adapted well to the challenges presented by the pandemic. The staff took the necessary protective measures, and introduced more frequent washing, cleaning, sanitizing practices in the group homes, and a sufficient amount of disinfectant and detergent was made available. There was no need to resort to isolation within the group homes because the maintainer also operated an isolation house, where children coming from an external location and forced into quarantine due to the risk of infection were in part received and looked after by professional healthcare workers. The coronavirus had not infected anyone until the time of the NPM’s visit.

The essential devices necessary for the transition to digital education were available in the group homes, and the children received sufficient help with their schoolwork.

During the ban on visits and the lockdown, contacts were made possible on the phone or via the Internet.

Neither the residents, nor their parents complained about the restrictive measures; however, the NPM pointed out that the lack of a child rights representative and of a complaints box endangered the enforcement of the children’s right to complain.

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<sup>1</sup> Infection or illness caused by the SARS-CoV-2 virus.

<sup>2</sup> Decision No. 13305-16/2020/EÜIG of the Chief Medical Officer of 17 March 2020.

<sup>3</sup> Government Decree No. 40/2020 (11 March) on the declaration of the state of danger.