

Summary of Case Report AJB-704/2016 on OPCAT visit to the Zita Special Children's Home of the Somogy County Child Protection Directorate

On June 25-26, 2015, the NPM paid a visit to the Zita Special Children's Home of the Somogy County Child Protection Directorate (authorized housing capacity: 32 persons). At the time of the visit, there were 30 children with special needs, in three groups of boys and one group of girls, taken care of in the Home.

According to the NPM, relations between the children and the child carers and educators were basically good; however, incidents of verbal and physical violence between children, whose prevention would be one of the main tasks of the institution's staff, were quite common. In this context, it could be concluded that the children's free time was not appropriately structured, they were not continuously engaged, supervision for staff members was not ensured and the institution was one psychologist short. The NPM also concluded that increasing drug abuse by the children required measures going beyond the framework of the Home, and prostitution also presented a growing danger to the Home's inhabitants.

The NPM uncovered some anomalies in connection with changing the children's place of care, as well. He objected that children obligated to leave the home were informed of the decision concerning them belatedly, quite often on the day of their departure. This procedure fails to comply with the principles of child-friendly justice and infringes on the rights to due process and legal remedy.

The NPM concluded that isolation upon admission, in addition to restricting the children's freedom, also prevents them from maintaining contact with their birth parents, thus endangers the enforcement of this important right of the child. Furthermore, the restriction of the children's personal freedom highlights some anomalies in the prevailing legal regulation, as well. Having reviewed the situation, the NPM pointed out that the rules of secure isolation as a form of restricting freedom are not sufficiently clear on guarantees (regarding, e.g., the ordering of isolation, the rules of monitoring, terminating isolation, and notification), existing in other types of institutions (health- and social care institutions, penitentiary institutions). In connection with the regulation of restricting freedom within the frameworks of educational supervision, the NPM established that the timeframe available for adopting a court ruling, approving the restriction of freedom, seriously questions the integrity of the proceedings launched in order to impose isolation under supervision.

The NPM made several recommendations to the management and the maintaining authority of the institution, and also made legislative proposals to the Minister of Human Capacities in connection with depriving children of their personal freedom, as well as to the Minister of Human Capacities and the Minister of Justice in connection with providing information on the change of placement.