## OHCHR Questions

*1. What social protection systems are in place for children in your country? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring children’s access to inclusive social protection and how these respect the rights of the child.*

Basic social protection services for children are provided by child welfare agencies and child care centres. Those children who are removed from their families are primarily placed with foster parents, in lack of which solution they are placed in children’s homes and group homes. Official protection is provided by the public guardianship offices. The guarantee rules on the social protection system and the elements thereof are stipulated in Act XXXI of 1997 on the Protection of Children and Guardianship Administration (Child Protection Act), while the more detailed rules are set out in NM (Ministry of Welfare) Decree No. 15/1998 (30 April) on Vocational Obligations and Conditions in Child Welfare Organizations and Child Care Services and Persons involved in these Activities.In Hungary, the *Biztos Kezdet Gyerekház Programme (Sure Start Children’s House Programme) can be highlighted as a programme* answering your question, which provides basic child welfare services to disadvantaged children*.* The goal is to establish a service environment in which the family, with the active participation of the family and the broader environment, ensures equal chances for unfolding inborn abilities in early childhood (from 0 to 3 years of age), for successful preschool participation and starting school. *Second chance schools* are also worth mentioning, which represent one form of the services provided by the basic social protection system. Second chance schools are primarily aimed at the social inclusion, the pursuance of studies, career planning, the useful spending of leisure time of those children or, exceptionally, young adults, who receive regular child protection benefits, are disadvantaged, have multiple disadvantages, and these services are essentially preventive measures that can be used voluntarily. Regular financial support to families and children include *child care support* and *child care fees* as allowances granted in the case of parental absence. *Family support amounts* include family allowances and schooling support, as well as child raising support in the case of families with three or more children.Maternity allowances are an *ad hoc type of support provided at the time of childbirth.* There are some other types of financial and in kind allowances that are subject to income, including care allowances, regular child protection support and extraordinary child protection support,

*2. What are the main gaps and challenges to children’s enjoyment of social protection in law, policy, and practice in your country and the impacts on children’s rights? Please provide any relevant statistical or disaggregated data based on age, gender, disability, ethnicity, religion, sexual orientation and gender identity, migration status, or other categories. Please consider the specific situation of marginalized children and those in vulnerable situations in your response.*

It is specifically defined by the above-mentioned Child Protection Act as a special right of children in state care that the establishment of a *children’s rights representation board* can be proposed for advocating the interests of the child. The supervising authority of the child care institution defines the rules of the establishment and operation of the *advocacy forum* for those who are in state care, as defined by the relevant law. The child, the child’s parent or any other legal representative of the child, as well as the children’s rights representation board and the advocacy and professional organs that represent children’s and young adults’ rights *may file complaints to the head or advocacy forum of the institution* as defined in the house rules. The children in state care can indicate any deficiencies to *the competent children’s rights representative, their child protection guardian or the foster care consultant.*

The contents of some reports dealing with the challenges of the child welfare system and regulations are as follows:

Report No. AJB-816/2021: Similarly to several earlier ombudsman’s inquiries, this investigation confirmed the lack of professionals observed in residential social care institutions providing care to persons with disabilities, the deficiencies in physical amenities, overcrowdedness, as well as the lack of external supervision with respect to all members of the specialist personnel, or the possibility to use recreational services.

In addition to examining the contents of the complaint, the inquiry also extended to the possibilities to provide care to children with autism spectrum disorder in Hungary. Based on the information gathered, it could be established that there is currently no competent residential institution in Hungary that could look after children with good or outstanding intellectual capacities who, nevertheless, need special care due to their autism spectrum disorder, or those who, in addition to their ASD, live with serious behavioural problems, and are often in a crisis situation.

Report No. AJB-1572/2021: in the case of special needs institutions, the setting up of districts that cover the whole country, that extend to several counties, or the entire area of the capital may lead to a situation where access to education adjusted to the condition of special needs students can only be ensured in a way that is different from that provided to the other persons in the residential community, which violates the constitutional principle of equal opportunities, the right of those concerned to education, as well as the international obligations arising from CRPD.

Report No. AJB-1073/2022: The past few years have seen some progress in the criteria of special education identified by the Uniform Special Education Methodological Institution (EGYMI) with regard to ensuring the personal conditions (increase in the number of work positions), however, due to the lack of specialist personnel, some experts who did not meet the qualification criteria also took part in education at the Institution under review, which causes an impropriety with regard to the right of children to education, and it is contrary to the best interests of the child as well. The missed special education classes also represent a deficiency, especially with regard to the right to education of those students with severe and multiple disabilities living in the Institution who would be entitled to receive a weekly 20 special education classes pursuant to the provisions set out in the Public Education Act.

 *3. What are the good practices initiated by the Government to ensure that social protection benefits the rights of children in your country?*

The latest development related to this question is that on 22 November 2022, the National Assembly approved the amendment of the Child Protection Act, according to which with effect from 1 January 2023, the current amount of the child raising fee and special allowances paid to foster parents *will be increased by 25 percent*, and this will be disbursed to the foster parents under the combined legal title of *child raising allowances*. According to the reasoning, the amount of the basic child raising allowances as defined by the Budget Act is determined in a differentiated manner depending on the needs of the child in question. Thus, the amount of the child raising allowances will become revisable at any time when the state budget is planned, which ensures the value stability of the amount of the child raising allowances.

*4. Are there examples of how measures and responses to alleviate poverty through social protection systems in emergency situations or, for example, in response to the COVID-19 pandemic, have positively affected children’s rights, particularly to social security?*

The Office has no relevant research, data or target inquiries on this topic.

*5. Can you provide information on any programs or activities your organization has implemented regarding inclusive social protection and the rights of the child?*

***In 2021,* on the initiative of the Commissioner for Fundamental Rights of Hungary, the National Headquarters of the Hungarian Prison Service (BVOP) took part in the renovation of the Rum Special Children’s Home of Vas County and the Baja Special Group Home of Bács-Kiskun County. The coordination effort was agreed upon at the talks between the National Commander of the Hungarian Prison Service and the Commissioner for Fundamental Rights.** The background to this agreement was that it was disclosed by an earlier on-site inspection and the ensuing report that, among others, some of the premises of the institution were in need of renovation, furthermore, the courtyard of the Children’s Home was not surrounded by a fence. No investigations had been conducted at the other institution, i.e. at the Baja Special Group Home but the maintainer said that the improvement of the physical conditions would greatly contribute to ensuring better living conditions for the children. At the request of the Commissioner for Fundamental Rights, the National Commander of the Hungarian Prison Service (BVOP) offered to take part in the renovation of the two institutions. At the Rum Children’s Home, among others, a group room for therapeutic activities is being refurbished, the courtyard is being fenced, and premises suitable for doing sports and receiving visitors are being established. Simultaneously, the internal premises will be redecorated and the furniture of the room will be revamped at the Baja Special Group Home. The Ombudsman welcomed the measure taken by the National Headquarters of the Hungarian Prison Service. Dr. Ákos Kozma thinks that all this is a clear demonstration of that the prison organisation, as permitted by their conditions, pays special attention to supporting children in state care and children with disabilities, and that it is open to properly considering the proposals made by the Office of the Commissioner for Fundamental Rights. Szombathely Forestry Rt also took part in the renovation of the Rum Children’s Home. In late December, the Commissioner, the heads of the National Headquarters of the Hungarian Prison Service, as well as the CEO of Szombathely Forestry Rt paid a visit to the institutions concerned and they reviewed the completed renovation works. The positive and fruitful collaboration *continued in 2022 as well*, as at the proposal of the Commissioner, the National Headquarters of the Hungarian Prison Service and the state forestry companies such as VERGA Veszprém Forestry Zrt and Mecsekerdő Zrt also took their share in the renovation of two institutions, i.e. the Szentlőrinc Group Home of Baranya County and the Veszprém-Gyulafirátót Children’s Home of Veszprém County.  In addition to this, the Office also raised donations for the children raised in these children’s homes before the Christmas season.

*6. How can States deliver more effectively to ensure the effective implementation of universal social protection for children, including through international cooperation?*

The Office has no relevant research, data or target inquiries on this topic.