

Press release:

The Hungarian Ombudsman's findings about the legal regulation on missing children and some other related issues

Legal regulation is incomplete, and the existing rules are unclear. There is no unified practice for collecting data, no common understanding on definitions, nor are there well-defined obligations for which anyone could be held accountable and through which the State, families and civil society organisations could decrease the number of missing children. In a comprehensive, ex officio investigation the Commissioner for Fundamental Rights has asked those responsible about the reasons for children missing or playing truant, about the ways of prevention and intervention, about the measures taken to deal with the children concerned, and about how professionals working in the field see these problems.

Hundreds of children disappear from their homes or escape from child protection institutions every year. Most of them go back home out of their own free will, but others are found by the police, several of them become victims of crime, and there are even some whose fate remains unknown forever. It is on these phenomena that the Ombudsman has requested data and information from several ministries, the country government offices, the Metropolitan Methodology Centre for Child Protection and relevant NGO's.

His inquiry has established that there is no uniformly used definition or a unified practice of collecting data on missing children. From the information provided, however, the Ombudsman has concluded that it is mainly children over 14 – typically girls – and cared for within the child protection system that are found missing. Many of them live in specialized child protection institutions, from where they mainly escape to stay with their parents, relatives or acquaintances. Girls over 14 typically run away to their boyfriends. The same child may repeatedly leave the institution without permission, while others are continuously on the run, and there are even some who do not spend one day in the children's home. Occasionally the institution or the police initiate that the child should return finally to his or her family, which often endangers the young person's development. According to the Commissioner this practice is contrary to the principle of the best interest of the child, and at the same time it violates the child's right to protection and care.

The Commissioner for Fundamental Rights has also found that there are no codified obligations of the State or civil society organisations for which they could be held accountable and with the help of which one could reduce the number of missing children. Professionals in the field often work independently of each other and without any coordination. It also constitutes an impropriety that the activities of authorities investigating the causes of children missing and of child protection providers are not sufficiently regulated or consistent.

Another problem articulated by our data providers is the decreasing number of day-care possibilities at school and of summer day-camps. The Ombudsman holds that during the school-year young people tending to loaf about in their free time could be best occupied in the afternoons in the framework of after-school care, while prevention could be fostered by opportunities for spending the summer holidays in a meaningful way. If, especially in the summer, we fail to provide day-care at schools, which proved a very good practice in the past, we make it impossible for families with children to find or keep their jobs, since disadvantaged families cannot afford privately organised, profit-oriented camps for the whole of the summer holidays.

The Act on Public Education does not contain any provisions on organising school day-care for the period between September 2012 and September 2013. The relevant provisions of the Child Protection Act, effective as of 1 January 2012, do not mention summer day-camps either, nor do they refer to kindergartens or school day-care falling under the scope of the Public Education Act. This lack of regulation is contrary to the requirement of legal certainty, and it endangers the realisation of children's right to care and protection, concludes Máté Szabó, Commissioner for Fundamental Rights.

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