

Summary of Case Report AJB-1667/2022

OPCAT visit to the “Viktória” Integrated Care Center of Szabolcs-Szatmár-Bereg County in Mándok and Fülöpösdaróc, and Supported Residential Home No. 6 in Fülöpösdaróc

On 24 March 2022 and 5 April 2022, the staff members of the Office of the Commissioner for Fundamental Rights of Hungary, who is responsible for performing the tasks of the OPCAT National Preventive Mechanism (NPM), paid visits to the “Viktória” Integrated Care Center of Szabolcs-Szatmár-Bereg County in Mándok and Fülöpösdaróc, and Supported Residential Home No. 6 in Fülöpösdaróc, close to the Ukrainian–Hungarian border.

The visits of the NPM to the institutions situated near the Ukrainian–Hungarian border had a special focus, they examined the way in which these institutions contribute to the care and eventually the placement of the people fleeing to Hungary due to the Russian-Ukrainian war, and also, what influence this may exert on the circumstances of the residents living in the institutions. Another focus of the visits was to inspect, with regard to the Covid-19 epidemic, whether the protection of the residents against the infection was ensured.

At the time of the visit, 77 residents lived in the home, and 12 residents lived in the residential home in Mándok. 36 persons of the home and 4 residents of the residential home lived with psychosocial disability, out of which 8 residents lived with autism spectrum disorder. In the home of Fülöpösdaróc, 56 elderly residents lived at the time of the visit, of whom 38 residents moved in in 2021. Out of the residents, 52 persons lived with dementia. In February 2021, 60 residents could move out from the home to supported living homes. Supported living home No. 6 in Fülöpösdaróc had 12 residents.

The NPM established that most of the residents of the supported living home did not have the right to vote, which was not in conformity with Article 29 of the CRPD, ensuring participation of persons with disabilities in political and public life. The report of the NPM stated that the residents should be supported in getting back their right to vote in the process of reviewing their guardianship, or initiating a process to terminate their guardianship. In the case of the residents living in the supported living homes, the replacement of guardianship by supported decision-making, which has no impact on their legal capacity, could be justified.

Regarding the material conditions in the home of Mándok, the investigation concluded that, based on the size of the rooms and the number of in-patients, the statutory minimum living space of six square meters per person was not provided, also, in some cases, more than 4 residents were placed in one room. The crowded rooms caused an impropriety related to inhuman, degrading treatment in the home of Mándok. In relation to the personal requirements, the report pointed to the fact that the personnel of the home should be supported by supervision.

The home of Fülöpösdaróc could accommodate persons fleeing from Ukraine in its old, separated castle building, where there were no residents. At the time of the visit, a family of 3 (parents with their young child) lived in this building. On the day of the visit, the home expected the arrival of another 25 refugees, out of whom 15 persons lived with disability (including a

child living with autism, people using a wheelchair, and elderly people living with dementia). For ensuring the safe placement of those who have movement disorders, the home provided 10 wooden beds with mattresses, besides the camp beds. For babies and young children, baby carriages were available. The refugees were placed separately from the residents of the home, the personnel could not ensure their supervision, as they were providing care for the residents of the home. In case any problems occurred (e.g. a child was ill), the refugees could turn to the personnel in the home with their problems, and the personnel helped them.

The Covid-19 cases that occurred during the epidemic were isolated both in the home of Mándok and of Fülöpösdaróc, and the residents received the vaccination. The health care services necessary for the residents were also ensured during the epidemic. Study and employment opportunities for the children and the residents were supported in the homes, the residents of the supported living home worked 4 hours daily, and participated in creative activities as well. During the period of the epidemic, when the personal visits were prohibited, the residents could contact their relatives via phone or video calls, or they spoke with them through the fence. Since the lifting of this prohibition, the visitors are received in person but the necessary measures for preventing the infection are still kept.