

## Guiding Questions for the focus areas of the IX Session of the Open-ended Working Group on Ageing: Autonomy and independence

- 1) In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?

Pursuant to the provisions set out by the Fundamental Law of Hungary:

### *Article XV*

- (1) Everyone shall be equal before the law. Every human being shall have legal capacity.
- (2) Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, color, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status.
- (3) Women and men shall have equal rights.
- (4)\* By means of separate measures, Hungary shall promote the achievement of equality of opportunity and social inclusion.
- (5)\* By means of separate measures, Hungary shall protect families, children, women, **the elderly** and persons living with disabilities.

### *Article XVI*

- (4) Adult children shall be obliged to take care **of their parents** if they are in need.

### *Article XIX*

- (1)\* Hungary shall strive to provide **social security** to all of its citizens. Every Hungarian citizen shall be entitled to assistance in the case of maternity, illness, disability, handicap, widowhood, orphanage and unemployment for reasons outside of his or her control, as provided for by an Act.
- (2) Hungary shall implement social security for the persons referred to in Paragraph (1) and for other persons in need through a system of social institutions and measures.
- (3) The nature and extent of social measures may be determined in an Act in accordance with the usefulness to the community of the beneficiary's activity.
- (4) Hungary shall contribute to ensuring **the livelihood for the elderly** by maintaining a general state pension system based on social solidarity and by allowing for the operation of voluntarily established social institutions. The conditions of entitlement to state pension may be laid down in an Act with regard to the requirement for stronger protection for women.

In addition to the above, the effective laws explicitly contain the right of the elderly to autonomy and independence.

- 2) What other rights are essential for the enjoyment of the right to autonomy and independence by older persons, or affected by the non-enjoyment of this right?

- 3) What are the key issues and challenges facing older persons in your country/region regarding autonomy and independence? What studies and data are available?

Joint answer to questions 2-3:

In the case of residential old-age homes, it is a condition of admission to the institution that a high level of care should be necessary for the patient, i.e. by using the institutional services providing security and care, the elderly should relinquish the full enjoyment of their right to self-determination in parallel to accepting the house rules of these institutions.

- 4) What steps have been taken to ensure older persons' enjoyment of their right to autonomy and independence?
- 5) What mechanisms are necessary, or already in place, for older persons to seek redress for the denial of autonomy and independence?

Joint answer to questions 4-5:

The mechanisms of filing complaints (complaint boxes, patients' rights representatives, resident meetings, advocacy forums) work well in the majority of residential old-age homes, their management is an organic part of institutional care.

- 6) What are the responsibilities of other, non-State, actors in respecting and protecting the right to autonomy and independence of older persons?

In Hungary, there is no such non-state actor which would have such explicit obligation. It is the obligation of all state and non-state legal bodies to take into consideration the rights and obligations required by the Fundamental Law of Hungary in relation to the protection of the rights of the elderly.