

AMNESTY INTERNATIONAL

Public Statement

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Amnesty International: the Romanian government fails to acknowledge the human tragedy unfolding in psychiatric hospitals

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Amnesty International welcomes the statement of the Spokesperson of the Romanian Government published on the government's Internet site on 4 May 2004, in reply to the *Romania: Memorandum to the government concerning inpatient psychiatric treatment* (AI Index EUR 39/003/2004) published on the same day. At the same time the organization regrets that the government has failed to take this opportunity to fully acknowledge the crisis in mental health care services, one of the most tragic human rights issues facing Romania today. Amnesty International also regrets the government's failure to engage in a constructive dialogue with the organization and the Romanian civil society, as a first step to remedying the situation.

In the last 15 years, successive Romanian governments failed to recognize the gravity of the situation in mental health care services and to introduce the required comprehensive and effective reforms. Without recognizing the true dimensions and all aspects of the problem it is impossible to expect that a tragic situation which concerns thousands of human beings held in psychiatric institutions in deplorable conditions is addressed urgently and appropriately and in line with all of Romania's obligations under international human rights treaties. The government is not simply in violation of international and domestic law. In light of the human suffering which takes place in these institutions, recognized by most Romanians who are well informed about this situation, the morality of a position that denies reality is highly questionable.

Amnesty International would also like to reply to specific points raised in the government's press release. The reply notes that currently Romania is unable to provide mental health services which are like those available in the West. Nevertheless, the Romanian authorities, according to the statement, have taken required measures to ensure the respect of basic rights and elemental needs of people who had been subjected to in-patient psychiatric treatment.

In light of numerous violations documented in our memorandum, based primarily on information collected in the field by Amnesty International's delegate, the organization would appreciate to receive specific information regarding the above-mentioned government measures. We would particularly like to receive information on existing standards regarding living conditions, diet, heating and hygiene, which are in force for institutions under the control of the Ministry of Health; as well as information about institutional methods to ensure that such standards are complied with in all facilities providing inpatient services.

It is also alleged that not all of the information presented in Amnesty International's memorandum is true, giving as an example the fact that representatives of the Ministry of Health and public prosecutors periodically visit medical facilities, including those where patients are subjected to involuntary psychiatric treatment.

No statement to the contrary was made in Amnesty International's memorandum. In fact, the memorandum did not specifically reflect on the government's obligation to supervise psychiatric hospitals. This is an opportunity then to put on record Amnesty International's observation regarding this issue: the organization's field research established that the government's supervision of the psychiatric hospitals is insufficient and in breach of international standards(1). For example, in a number of instances, hospital directors were unable to produce for Amnesty International's delegate copies of reports of any recent inspection visits. Presumably, such documents would arise following an inspection by the Ministry's representatives, and would contain their observations, any recommendations made and advice on terms and methods of their implementation.

Furthermore, Amnesty International is concerned to note in the Government's statement that the inspections, so far, have not brought to light any irregularities with regard to the placement of people for involuntary psychiatric treatment and that a list of patients' rights is prominently posted in the visited facilities. Such lists were not observed in locked wards visited by Amnesty International's delegate where interviewed patients had been subjected to treatment without being given the opportunity to effectively challenge this decision as provided in the Mental Health Act(2). Moreover, Amnesty International is aware of the public prosecutor's duty to periodically visit hospitals which care for people who are deemed criminally irresponsible under the provisions of the Penal Code. In that respect it is interesting to note that a senior prosecutor who participated in a debate concerning conditions in psychiatric hospitals organized in Bucharest in late March 2004 by the Group for Social Dialogue, reportedly stated that the living conditions in Poiana Mare were considerably worse than in any prison and that placement for involuntary treatment in this hospital amounts to "being sentenced to death".

The government's statement also challenges Amnesty International's observation that the Mental Health Act is not being implemented because the government had failed to adopt regulations for its implementation.

Almost all of the directors of the hospitals visited and medical and legal specialists who had been consulted in Romania by Amnesty International's delegate, including a member of the team of experts who participated in the drafting of the law, stated unequivocally that the Act is not directly applicable. An exception, as stated in Amnesty International's memorandum, was only noted in a hospital in Bihor county but this effort, although well-intentioned, did not appear to provide all the required legal safeguards to the patients concerned. Amnesty International would welcome to receive detailed information about the direct implementation of the law and specific instances in which decisions have been challenged before judicial bodies, noting that any such practice may only be sporadic and inconsistently applied. The very fact that this is not a practice that is systematically ensured throughout the country indicates its arbitrary nature and is in violation of international law.

With regard to the so-called "social cases" - people who had been placed in psychiatric hospitals on non-medical grounds, including those who had formerly been cared for in children's institutions - the government's statement claims that such cases are not numerous and result from the situation which prevailed in the country before the changes in 1989.

Amnesty International would like to receive more information from the Romanian government regarding the basis for this assessment of the situation. On 5 May 2004, a day following the publication of the Government's statement, the State Secretary in the Ministry of Health, according to a report published the same day by BBC-Romanian Service, could not provide journalists at a press conference with any figures concerning the number of people who are held in psychiatric hospitals on non-medical grounds. However, he gave an example of the psychiatric hospital in Jebel where 60 residents, out of a total of 414, were "social cases". In one of the hospitals visited by Amnesty International's representative, according to the director, 40-50 residents, none of whom need psychiatric treatment, out of a total of 450 in this institution, had been transferred there from a near-by orphanage. In the medical-social centre of the Nucet Psychiatric hospital which has about 95 residents, most of whom had previously been in orphanages, in February 2004,

when Amnesty International's delegate visited the hospital, the latest resident from an orphanage had arrived on 1 December 2003.

Amnesty International is concerned to note that the Government considers its description of the situation in "Socola" Psychiatric University Hospital in Iasi as erroneous. In support of this claim it is noted that "the management of this hospital had confirmed that Amnesty International's experts did not visit this facility in May 2003". Furthermore, the government stated that the registry of received funds by the hospital in the indicated period showed that the hospital was not in a difficult situation and that its activities were carried out in normal conditions.

In the organization's memorandum there is a clear designation of institutions visited by its representative as well as the date of the visits. Amnesty International has made no claim to have visited the hospital in Iasi and had described its situation based on a report in a national daily newspaper. This information, to our best knowledge, had not been refuted at the time by the hospital or other authorities involved (4). In fact the same article quoted Dr Stefan Georgescu, Chief of Iasi Directorate for Public Health, who reportedly stated: "Because of the debts that exist in the system "Socola" hospital has problems in obtaining supplies. Psychiatry is seriously underfunded. For example, Intensive Care Therapy is allocated several million lei per day while for a bed in psychiatry we receive only 300.000 lei. We cannot manage on such modest sums."(5)

The government statement further notes that the budget of the Ministry of Health provides not only for conventional therapies but also for other appropriate therapies.

Amnesty International has noted the inadequacy of some forms of therapy, such as pharmacotherapy, and the absence of a wide range of other therapies in practically all of the institutions visited. We would be interested to receive specific information regarding the volume of such funds and its precise allocation to psychiatric hospitals in 2003. The organization is concerned that the Government is failing to acknowledge what every psychiatrist who had been interviewed by Amnesty International's delegate had stated: that allocated resources even for pharmacotherapy were grossly insufficient and that they feared further cuts. Some doctors were forced to resort to collecting donations from the staff in order to purchase the required medication, while others relied on gifts and aid from their foreign colleagues.

Similarly, Amnesty International's findings do not correspond with the government's observations regarding methods of restraint and seclusion or that patients are provided with all the information in appropriate circumstances to be able to exercise their right to free and informed consent.

Finally, with regard to the cases described in the memorandum, concerning patients who died following an assault by another patient, Amnesty International concurred with the observations of competent authorities which issued statements at the time that understaffing was a major contributing factor to the reported tragic events.

Amnesty International welcomes the government's statement that it will thoroughly investigate the violations of human rights described in the organization's memorandum. We also welcome a statement of 5 May 2004 by the Ministry of Health as a positive first step to improve the situation in psychiatric facilities for which it is responsible. At the same time, Amnesty International would like to reiterate its appeal to the Romanian government to fully implement all the recommendations made in the organization's memorandum.

(1) See Principle 22 of the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care which states that: "States shall ensure that appropriate mechanisms are in force to promote compliance with the present principles, for the inspection of mental health facilities, for the submission, investigation and resolution of complaints and for the institution of appropriate disciplinary or judicial proceedings for professional misconduct or violation of the rights of a patient".

(2) A list of patients' rights was observed in an open pavilion in Gataia hospital.

(3) See *Ziua*: "*Psihatrii condamna statul pentru drama de la Poiana Mare*" 4("Psychiatrists condemn the state for the drama in Poiana Mare") 1 April 2004.

(4) See *Evenimentul zilei*: "Jale in spitale" (Misery in hospitals), 12 May 2003.

(5) "Din cauza datoriilor care exista in sistem, la Spitalul Socola s-au inregistrat unele neazuri in aprovizionare. In psihiatrie, exista o puternica subfinantare. De exemplu, daca pentru Terapie Intensiva se aloca si citeva milioane de lei pe zi, pentru un pat la psihiatrie se dau doar 300.000 de lei. Sumele sint la un nivel de modestie cit sa ne descurcam", a declarat seful Directiei de Sanatate Publica Iasi, Dr. Stefan Georgescu.