

Summary of Case № AJB-1686/2015

On June 23, 2015, the National Preventive Mechanism (hereinafter the "NPM") paid a visit to the disability unit of the Platán Residential Home operated by the Directorate of Health and Social Care Institutions. The visit focused on investigating a complaint filed by the Hungarian Association for Persons with Intellectual Disability in connection with excessive medication.

The investigation concluded that, based on the size of the rooms and the number of inpatients, the statutory minimum living space of six square meters per person was not provided. The lack of appropriate living space in the patients' rooms and the condition of the showers, bathrooms and lavatories were causing an impropriety related to inhuman, degrading treatment.

Patients could not own mobile phones without the management's permission; in most cases, their phones had been confiscated, which constituted an impropriety related to the rights to property, privacy, family life and maintaining contact.

The NPM also established that there was no properly functioning complaints mechanism and representation forum in the institution, which was causing an impropriety related to the right to complaint.

Considering the dosages of medication, given to the patients, and on the basis of the examination of patients by an expert psychiatrist and the inspection of medical documentation, no excessive medication could be established. According to the physician's expert opinion, the applied dosages were in compliance with the rules of the profession.

In order to manage the occasional outbreaks of aggression among the inmates, the institution's staff used to administer drug injections. Such restrictive measures of biological or chemical nature had not always been properly documented. The report called attention to the fact that the protocol for restrictive measures should be followed. The NPM also pointed out that, in the stead of administering tranquilizer shots, the staff should organize varied leisure activities and pay more attention to community life in order to ensure the harmonious coexistence of the patients. It is of particular importance that the patients could select their own roommates.

Based on the applicable legal regulations, the protocol for restrictive measures, applied by the institution, turned out to be problematic and incomplete from several aspects; the report contains detailed conclusions vis-à-vis supplementing the protocol.

As regards their illnesses and the drugs taken by them, patients were not fully apprised as stipulated in the Healthcare Act; the majority of them did not even know what drugs they were taking.

The institution is visited daily by a family doctor and weekly by a psychiatrist; however, they examine the patients only when deemed important by the nurses. The NPM pointed out that, with a view to prevention and continuous treatment, family doctors should monitor the state of health of all patients and continuously check their treatment documentation and the records of the drugs administered to them. The psychiatrist should regularly check the condition of persons living with a psycho-social disability, taking antipsychotics or antidepressants even in the absence of behavioral problems or behavior disorder.

The institutionalization of a patient with partially limited capacity to act against his will, his inability to maintain proper contact with relatives caused an impropriety related to the right to mental health. In order to prevent such situations, the NPM asked for the amendment of Act III of 1993 on Social Governance and Social Benefits, so that persons with partially limited capacity to act could not be placed in institutions providing residential care without their consenting statement.

The institution cannot provide a sufficient number of rooms for married couples and there is no conjugal room, either; therefore, the NPM established an impropriety related to the right to privacy and family life and the right to human dignity.