



Press Release

Poiana Mare case, under ECHR decision after 5 years

14 December 2009

On Friday 15th December, the [Center for Legal Resources](#) and [Interights](#) filed an application with the European Court of Human Rights on behalf of five patients who died at the Poiana Mare Psychiatric Hospital in the period January to February 2004. The Hospital has a sad reputation for its record of human rights abuses perpetrated against its residents. Over the two years 2002 and 2003, 155 patients died at the hospital, with a further 28 people dying during the first five months of 2004, with many of these deaths taking place during winter time. The applicants are four women and a man who suffered from various mental health problems and spent long periods, in some cases their whole life, in social care institutions. The applicants died from a combination of poor care and inadequate treatment, as well as extremely substandard living conditions, including insufficient food and heating.

The case raises issues of access to justice for people with disabilities as well as shedding light on the failure of authorities to prevent the numerous abuses perpetrated against people with disabilities inside social care institutions and psychiatric hospitals. The NGOs hope that a positive decision from the European Court will strengthen further the case against long-stay residential institutions and in favor of community living for people with disabilities.

The applicants are asking the European Court of Human Rights to adapt its requirements on standing and victim status in order to permit the Centre for Legal Resources to file this application on the applicants' behalf. Current standing rules, which state that applicants who are deceased may only be represented by their family, **are symptomatic of the sort of procedural barriers** that people with disabilities have to face in their access to justice throughout Europe. The NGOs argue that the application on behalf of the patients is justified on the basis that they have no next of kin, that no alternative source of representation is available, and that the highest Romanian court has already recognised the Center for Legal Resources standing to act on the applicants' behalf. The NGOs also maintain that it is in the best interest of the realisation of human rights for the Court to hear this complaint.

The case emphasizes the plight of individuals who are often termed “social cases” by the authorities – socially marginalised individuals who may, or may not, have mental health issues before entering an institution. Their social status is due mainly to the absence of family or other community-based support, possibly in combination with other factors such as lack of a home, income, or a substance abuse problem. Instead of providing them with the requisite community-based support, authorities are driving vulnerable individuals into social care institutions where they have few procedural safeguards ensuring their right to liberty, and where they spend lengthy periods of time, frequently the remainder of their lives.

The case paints a comprehensive picture of the range of unchecked abuses taking place in social care institutions, as well as the entrenched discrimination towards people with disabilities by those in authority, including medical professionals and other hospital staff, their own communities, and the wider public. Perpetrators of these abuses are very rarely prosecuted despite the existence of laws meant to protect vulnerable people with mental and physical disabilities. Although the Prosecutor's Office initiated criminal investigations in relation to each of the deaths occurring during the period 2002-2004, in no case was any individual found criminally responsible.

Poiana Mare Psychiatric Hospital is in an isolated countryside location in South-eastern Romania, on an extensive 26-hectare site which formerly housed military barracks. The hospital is also notorious as a place

of detention for political dissidents during the Communist regime. Since 1989 the hospital has been used as a place of detention for many categories of patients including patients hospitalised in the context of criminal proceedings, persons with mental health problems or intellectual disabilities, persons suffering from tuberculosis. The establishment has been visited by the Committee for the Prevention of Torture on three occasions in 1995, 1999 and 2004. Each time the Committee has released a very critical report regarding the conditions at the hospital, requesting the Romanian authorities to take urgent action to remedy the situation. Despite the Committee's exhortations the situation at the Poiana Mare Hospital has remained more or less unchanged until today.

Notes

1. For further information on the case, please see <http://www.interights.org/poina-mare> or contact Constantin Cojocariu at ccojocariu@interights.org or Pádraig Hughes at phughes@interights.org , Georgiana Pascu, Program Manager, 0729.881.159, Catalina Radulescu, Lawyer, 0723.296.366
2. The Centre for Legal Resources is a non-governmental, non-profit organization, established in 1998, which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice, and which contributes to the capitalization of its legal expertise for the general public interest.
3. Interights is an international NGO and UK registered charity (number 292357) which works to promote respect for human rights through the use of law. It does so by providing legal expertise to lawyers, judges, human rights defenders and other partners concerning international and comparative human rights law.