

CLR files criminal complaint for ill treatments against people with mental disabilities in Măciuca centre

Bucharest, February 15th 2017. The Centre for Legal Resources (CLR) visited on the 26th of January 2017 the persons with mental disabilities living in the Centre for Recuperation and Neuropsychiatric Rehabilitation (Romanian: CRRN) Măciuca, in Vâlcea county, and filed a criminal complaint with the Attorney's Office in Vâlcea county, for failing to refer, for illegally limiting the freedom of and submitting to ill treatments the 97 persons with mental disabilities from this centre.

Read the full report [here](#).

Read the criminal complaint [here](#).

Following its visit at the CNRR Măciuca, which is part of the project “The Legal Mobile Clinic”, the CLR expresses its concern regarding the way in which are observed the rights of the persons who are now living in the institution, but also of the 50 people who have recently been transferred to other centres.

The life conditions observed by the CLR experts during the visit do not respect the minimum quality standards requested by the laws. The men and women living in Măciuca are accommodated in rooms devoid of personal objects and of products of personal hygiene, with dampness on the walls and persistent humidity. The centre lacks access facilities, so the persons with disabilities who are immobilized in bed live on the first floor, without any access ramp to the ground floor. Apparently, the residents who live on the upper floor are not taken out of the building and do not have access to the institution's courtyard.

Although the international practice recommends the involvement of the people with disabilities in occupational therapy, which could sustain their development and contribute to their integration in the community, the centre's staff has failed to prove they have the necessary training or the interest to put in practice such activities. In reality, the residents spend all their time inside the walls of the centre, with no activities that could stimulate them, in conditions of extreme poverty.

Psychiatric treatment in a centre without any psychiatrist

In the Măciuca centre, all residents receive psychiatric treatment, although there is no one to actually prescribe it, because, according to the documents, no psychiatrist is hired there.

The same psychiatrist – who doesn't exist in the Măciuca centre – would also have an extremely important role in recommending and supervising the restraining methods used here. The photos published in the media showed the residents being tied to benches, beds and doors.

The interviews the experts did with the employees proved that the restraining measures were applied frequently and that no specialized means were used. During our visit, the doctor from the Govora centre was present at Măciuca, providing training for the employees on how to use new restraining instruments made of new straps of white cloth – which seemed to be recently purchased.

According to the law, there are situations in which the method of restraining can be used, but only if a psychiatrist recommends it, for short periods of time which are mentioned in the medical file of the patient, and only if the instruments used do not cause injuries. (Articles 26 and 39 of Law no. 487/2002, Article 21 of the Regulation for the enforcement of the law).

The causes of deaths in Măciuca – not investigated and incorrectly reported

As it happens in almost every centre for persons with mental disabilities in Romania, in Măciuca as well, people die and the causes that lead to their deaths are not investigated, as required by law.

Despite the cautions that CLR has been expressing for the past three years, the local and central authorities have no interest in investigating the causes of death and in lowering the number of deaths. Therefore, we have witnessed for the last 13 years an increase in the number of reported deaths caused by pneumonia or acute bronchitis, although no measure is taken to reduce the number of deaths caused by these two illnesses.

In a response to our requests for access to public information, the General Direction for Social Assistance and Child Protection (Romanian: DGASPC) in Vâlcea informed us that, in October 2016, three residents had died in the centre: a person aged 39 had died of acute cardiorespiratory insufficiency; the other two, aged 46 and 79, had died of cardiopulmonary arrest.

In 2015, DSACP Vâlcea reported another five deaths in Măciuca centre, all sharing the same cause: cardiorespiratory arrest. However, during our visit, we noticed from the deaths certificates of the five residents that the causes of their deaths were pneumonia and acute bronchitis. The files contained no information either about any emergency

medical help being asked for in any of the five cases, or about the residents being admitted to a specialised emergency hospital.

According to the laws, all deaths occurred in conditions of deprivation of liberty must be reported and treated as suspect deaths.

No access to means of complaint

The state has the obligation to respect the rights of the persons with disabilities who live in centres for recuperation and neuropsychiatric rehabilitation and must assure their rights to complain, to say when they are dissatisfied with the treatment they are submitted to, to ask for quality services in the community. But these rights are disrespected in Măciuca. During our visit, we observed that the residents have no access to information, to assistance lawyer or legal aid services, and also no means of communication, through which to express dissatisfaction or to ask for help. Therefore, the authorities have breached the Order of the Labour Minister No. 67/2015, Article 21 of the Romanian Constitution and Articles 9, 12, 13 and 21 from the UN Convention for rights people with disabilities.

Insufficient data regarding the transfer of people with mental disabilities

50 residents were transferred in December 2016 from the Măciuca centre to other four institutions.

The centre's employees couldn't offer us information to show whether the transfer was done according to the law. In fact, our conclusion was that the decision was taken urgently, as a consequence of the information and photos published in the media. Apparently, the will of the residents was not taken into account, nor was there any investigation prior to the transfer, to find out whether there are or not enough quality services in the new centres where the residents were taken. The CLR emphasizes that it is an abuse to transfer a resident without his/her consent and without taking into consideration the personal ties he/she has developed with other residents or with employees in the centre where he/she has stayed for a long time.

At the moment of our visit, the two rooms where the transferred residents were living were filled with new furniture, but there were no repair works in the institution.

The CLR asks the labour and social justice minister to urgently adopt the measures that allow institutionalised people with mental disabilities to have access to services in community, to investigate whether the transfer of the 50 residents from Măciuca was not abusive and that they were moved to centres where they have enough quality services, according to their needs.

As a reaction to the information published in the press, in January 2017 [the labour minister sent a team to analyse the situation in the Măciuca centre](#). During this visit, they discovered the institution didn't have the necessary licence to function, having admitted an incomplete file for the licence request. However, the Labour Ministry's experts denied the allegations published in the media, stating the accommodation conditions were proper for the residents living in the institution. They also admitted the existence of restraining method, adding they are recommended by a psychiatrist. Although, as mentioned before, the internal documents show no psychiatrist works in the Măciuca centre.

CLR stresses that authorities should not give the licence after the legal term has passed to a residential service provider which doesn't have the human or material resource to ensure that the rights of the people with disabilities are respected. (Article 35 of Law no. 197/2012 on ensuring the quality in the field of social services, with the subsequent changes, Government Decision no. 118/2014 approving the Methodology for the enforcement of Law no. 197/2012 on ensuring the quality in the field of social services).

For further information, please contact: Georgiana Pascu, program manager, Centre for Legal Resources, email gpascu@crj.ro, telephone 0729 881 159.