

A HOSPITAL CAN NEVER BECOME A HOME... FOR ANYONE

Summary

In 2009, HCA-Vanadzor conducted human rights monitoring in the RA psychiatric institutions. The monitoring revealed a number of systemic problems in this sphere related to:

- cruel and degrading treatment, including physical and psychological violence and abuse;
- lack of appropriate care and treatment;
- bad living conditions
- being held in isolation and segregation from the community, away from the public eye, and where:
 - o participation in the community
 - o conducting an independent life
 - o making decisions
 - o having one's rights effectively protected are denied

Dispensary is a small country and I cannot change anything, as it is set like this; no one can change anything at all; no complaint works.

A person with a mental disability

Patients have no other way out, they have to eat the food given by the establishment, let them not have gone crazy, what can we do?

An employee

When accepting the patient instead of asking him about his mental state, sources of the illness, they ask his relatives and without knowing the primary source, they assign treatment.

A person with mental disability

I read the letters; I see that they do not make sense; most of the time, I do not mail them.

An employee

Under current system of psychiatric care

Violence and abuse in psychiatric institutions

Risks of ill-treatment are high in psychiatric institutions; as such institutions by their nature are conducted as closed systems, and are difficult to subject to public supervision. The monitoring conducted in the psychiatric institutions showed that degrading and cruel treatment still exists in these institutions, including physical and psychological violence application of restraining measures as punishment, and abuse through labor.

Psychiatric confinement denies basic rights

Studies show that appropriate living conditions, such as sanitary conditions, quality of food are not ensured in these institutions.

Moreover, life in an institution is by definition isolated from the community. Such isolation and deprivation of liberty cannot be justified by the individual's need to receive treatment or care.

Conducting an independent life and making decisions becomes impossible as a result of being locked in the psychiatric institution. Life in the institutions leads to a decrease of a person's independence and abilities.

The individuals in these institutions are deprived of making decisions and being independent in such elementary issues, as what to eat, when to take a shower, when to go for a walk and so on.

"There was a person receiving coercive treatment, who had no relatives and no place to go, the court did not know what decision to make, and they did not discharge him."

An employee

There were numerous cases when patients tried to escape. As punishment they are restrained and injected.

An employee

There were no cases when a patient turned to a lawyer or an advocate after he was discharged. If a person was able to turn to a lawyer or advocate, then they would have discharged him and let go.

An employee

Lack of appropriate care

In the majority of the RA communities, there are no available mental health services. As a result, the person's right to receive mental care is violated. Psychiatric institutions by their nature are centralized and by necessity will have to draw people from far away. Treatment of a person in a psychiatric establishment which is far from his place of residence also contributes to communication break with relatives and isolation from society.

Legal framework – Convention on the Rights of Persons with Disabilities

On September 22, 2010, the Republic of Armenia ratified the UN Convention on the Rights of Persons with Disabilities, by which the Republic of Armenia assumed responsibilities for ensuring and protecting the rights of person with psychosocial disabilities.

HCA-Vanadzor calls on the government to take steps, detailed below, in order to perform its responsibilities according to the Convention. This call-to-action has been developed taking into account the UN Convention on the Rights of Persons with Disabilities” and issue papers of the Council of Europe’s Human Rights Commissioner “On the Right of People with Disabilities to Live Independently and be Included in the Community” and “Right to Legal Capacity for Persons with Intellectual and Psychosocial Disabilities.”

The following legislative, structural, and educational reforms and measures in the mental health sphere are necessary in order to prevent continued violations and abuse:

Urgent measures

As an urgent measure it is necessary to eliminate cases of ill-treatment in all psychiatric institutions and implement proper, independent, impartial, and objective examination to hold perpetrators responsible and to prevent further cases. Special attention should be paid to:

- ✓ cases of subjecting a person to physical and psychological violence,
- ✓ application of physical restraining measures,
- ✓ cases of inhuman, degrading treatment towards a person including

those, related to living conditions in psychiatric institutions

- ✓ death cases in psychiatric institutions.

Necessary reforms

Legislative reforms

- Implementing the RA legal acts on mental health and international standards, namely comparative analysis of the UN Convention “On Protection of the Rights of Persons with Disabilities” and implementing relevant amendments to the RA Legislation
- Ratifying the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities
- Creating a competent body endowed with official authorities to deal with cases of violation of the rights of persons with psychosocial disabilities
- Developing and enlarging legislative regulations of mechanisms of providing community services to people with psychosocial disabilities in the Republic of Armenia
- Actively involving users and ex-users of mental health services, or persons with psychosocial disabilities, in policy planning and legislative reform efforts
- Development and adoption of relevant legislative regulations for involving people with psychosocial disabilities in community life, namely, ensuring equal opportunities in education, work, leisure, etc.

Structural reforms

- Development and implementation of a strategic program for investing in community-based services, as a result of which
 - ✓ every person will be provided with personal care and support relevant to his/her needs in the place of his/her residence,
 - ✓ the opportunity of a person to make decisions related to his/her treatment and care will be ensured,

- ✓ people with psychosocial disabilities, with their informed agreement, will receive psychological and general medical aid together with others in equal conditions in the medical establishments of a general type.

Educational reforms

- Developing the necessary expertise to provide community-based care and social support, and preparation and training of specialists relevant to these needs
- Developing and implementing programs aimed at enhancing the skills and increasing the independence of people with mental health problems to be fully involved in public life, taking into account the individual needs of every person

Reforms aimed at forming public opinion and mental health provision

- Organizing and conducting human rights courses for people with psychosocial disabilities, and for medical personnel, those providing care of people with psychosocial disabilities, relatives, reporters, employees, which focus on upholding the dignity, independence and response to the needs of people with psychosocial disabilities
- Increasing public awareness to mental health for the purpose of eliminating stigma and discrimination against persons with psychosocial disabilities
- Increasing public awareness about the factors, which influence mental wellbeing and mental health among a wide range of citizens and among specific target groups, such as children, teenagers, adults, women (including during prenatal and postnatal health care services), people with drug, alcohol, or other addictions, people, who suffer from illnesses, which require long-lasting treatment and fatal illnesses, as well as their caretakers.

Society should be aware of all the activities conducted by the government in implementation of the responsibilities assumed by the country under the UN Convention "On the Rights of Persons with Disabilities".

