

Summary of Case № AJB-410/2015

On February 26, 2015, the Commissioner for Fundamental Rights as OPCAT National Preventive Mechanism paid a visit to the Closed Psychiatric Ward of the Psychiatric and Addiction Treatment Center (Merényi Gusztáv Hospital premises) of the Unified Szent István and Szent László Hospital and Outpatient Care Clinic.

He found that the closed ward was plagued with leaks, mould, dangerously flaking-off plaster, broken tiles and the lack of barrier-free accessibility. Such conditions jeopardize the practical implementation of the ban on inhuman, degrading treatment.

At the time of the visit, the sanitary unit of the closed ward suffered from the lack of cleanliness, accessibility, toilet seats, handrails, soap and towels, which resulted in an impropriety related to the ban on degrading treatment. Furthermore, the toilet booths with a common anteroom, the mixed-gender bathroom, the doors that cannot be closed, the lack of bathtub and shower curtains allow the male and female patients to see one another while using the toilet, taking a shower or taking/receiving a bath. This infringes on the respect for modesty and results in an impropriety related to the right to human dignity and the ban on degrading treatment.

The smoking room may be described as one lacking cleanliness, accessibility and proper ventilation, which results in an impropriety related to the ban on degrading treatment.

The per capita living space in the wards (4.4 square meters in an eight-bed ward, including the space occupied by the furniture), the inoperability of the windows and the lack of proper shielding against the summer heat result in an impropriety related to the ban on inhuman, degrading treatment.

When it is raining outside, rainwater seeps through the dining hall's ceiling upon the head of the patients who have to negotiate buckets collecting rainwater. This results in an impropriety related to the ban on degrading treatment.

In general, it was concluded that the aforementioned factors make the third floor of Building 26 of the Merényi Gusztáv Hospital premises unsuitable for operating as a psychiatric ward or, for that matter, as any other hospital ward.

At the time of the visit, the adult psychiatric ward had also a patient under the age of eighteen, which is against the law and results in an impropriety related to the right of the child to protection and care.

There are some employees in the staff of the Psychiatric Ward who are not quite or at all familiar with the regulations on handling complaints. Patients either do not know how to lodge complaints or refrain from lodging them because they do not believe that their grievances will be duly investigated. The patients placed in the Closed Psychiatric Ward cannot contact the patients' advocate as they may not leave the ward to visit the advocate during business hours and the advocate does not have consultations in the Closed Psychiatric Ward. This situation generates an impropriety related to the right to complain.

At the time of the visit, the visiting delegation met a patient whose right wrist was tied to the frame of the bed and the left wrist was tied to the radiator. According to the patient, he had been tranquilized against his will; he also claimed that he could not place a phone call and that there was no bell so all he could do was shout if he was thirsty. Tying a patient to the radiator results in an impropriety related to the ban on inhuman, degrading treatment.

Among his recommendations to the Operator of the Hospital, the National Preventive Mechanism proposed to close the Closed Psychiatric Ward and, simultaneously, provide for the proper care of the persons concerned who live with psycho-social disabilities. In addition, the NPM made several other recommendations to the Chief Medical Director and the Operator of the Hospital, and to the Director General of the National Center for Patients' Rights and Documentation; he also requested the Minister of Human Resources to take the necessary legislative measures.