

Experiences of Polish NPM in mental institutions

In Poland there are so many mental institutions (hospitals and social care houses) that we are forced to combine the competences of Ombudsman with those of the NPM. One must stress that as for visiting mental institutions there are only 3-5 employees available. As these persons deal with written complaints besides conducting the visitations we visit about one facility monthly.

Alas, the cooperation with the institutions is not good. As our visitations are unannounced, the directors of the facilities tend to be surprised. Sometimes they question our competences and authority or even refuse to let us in before they consult their lawyer. In such a case we usually suggest to call to the surveillance authority of the facility. As there are no doctors among us – because hitherto we have had a bad experience in that field; but this question is now reconsidered – we are asked if we can talk to the patients, if we take responsibility for what may happen and so on. Other things we have to encounter, although it happens rarely, are deliberate lies, fiddling with documents and hiding other shortcomings of an entity.

During a visitation we talk to a director of a facility, staff, patients and – in case such a person works at a given hospital – with Commissioner for Rights of the Mental Hospital's Patients. A commissioner is not a person hired by a hospital and thus may be of great assistance to us. Also, we check material conditions, activities offered to the patients and whether the patients' rights to privacy and dignity are respected. As for documentation, among others we read documents concerning unconsented placement, restraints, complaints and the way of dealing with forensic patients.

Some of the problems observed during the visitations are the misuse of restraints, poor knowledge of existing law, understaffing and overcrowding of most entities, violating of the right to a fair trial, cases of not treating the somatic illnesses of forensic patients and a complete ban of smoking. Also the patients are commonly treated without due respect and their privacy (especially in bathrooms) is not always ensured.

After the visitation we write a report that includes our recommendations. Firstly we send it to the facility that has been visited, asking for a stance. Later on we send the report to the facility's surveillance authority so that it makes sure that our recommendations have been implemented. In some cases we also apply to a court, notify a public prosecutor or address Ministry of Health or Ministry of Justice.

The effect of our visits are often the implementation of our recommendations. Quite often due to our visit the staff is instructed as to the legal status concerning application of restraints. There has been a few cases in which an investigation was conducted and some of the staff found guilty.