

*mdri*

**Mental Disability Rights International**

# **Hidden Suffering:**

## **Romania's Segregation and Abuse of Infants and Children with Disabilities**



**MDRI found this emaciated teenager in an adult psychiatric institution.**

**Embargoed Until May 10, 2006**

**NOT FOR PUBLIC DISTRIBUTION**

# **Hidden Suffering:**

## **Segregation and Abuse of Children with Disabilities in Romania**

**A report by MENTAL DISABILITY RIGHTS INTERNATIONAL**

**May 2, 2006 DRAFT**

**NOT FOR PUBLIC DISTRIBUTION**

**Embargoed until May 10, 2006**

**Primary Authors:**

**Laurie Ahern**, Associate Director, Mental Disability Rights International (MDRI)

**Eric Rosenthal**, JD, Executive Director, MDRI

**Research Team & Co-Authors**

**Elizabeth Bauer**, MA, Michigan State Board of Education

**Robert Levy**, JD, Magistrate Judge, US District Court, Brooklyn, NY [check]

**Karen Green McGowan**, RN, MDRI Advisory Board, expert on complex developmental disabilities

**Dr. Robert Okin**, MD Chief of Psychiatry, San Francisco General Hospital

**Expert reviewer:**

**Clarence Sundram**, JD, President of MDRI & Special Master,

US District Court, District of Columbia

**Translation by:**

**Horatiu Rusu**, Mental Disability Rights International representative in Romania

**Contacts in Washington, DC:**

**Eric Rosenthal** Tel: 202-296-6550, Cell: 202-361-9195, [erosenthal@mdri.org](mailto:erosenthal@mdri.org)

**Laurie Ahern** Tel: 202-296-6573, Cell: 202-361-1402, [lahern@mdri.org](mailto:lahern@mdri.org)

**Contact in Romania:**

**Horatiu Rusu** Tel: +40369401248, Cell: +40726175706, [hirusu@mdri.org](mailto:hirusu@mdri.org)

**Funded by the Open Society Institute, the Morton and Jane Blaustein  
Foundation, the Public Welfare Foundation, and other donors to MDRI**

# Table of Contents

Acknowledgments.....	
Executive Summary.....	
<i>Violations of International Human Rights Conventions</i> .....	
<i>Conclusions and Recommendations</i> .....	
<b>I. Hidden Babies: Infants in Institutions .....</b>	
A. <i>Visit to an institution for newborns in Timisoara</i> .....	
B. <i>Findings of other studies</i> .....	
C. <i>Pressures to institutionalize</i> .....	
<b>II. Dangerous Conditions of Children in Adult Institutions.....</b>	
A. <i>The horrors of Braila: June 2005</i> .....	
B. <i>How many other Brailas?</i> .....	
<b>III. Dead End Reform: Dangers of “Smaller” Institutions .....</b>	
A. <i>Institutionalized for life – Braila: December 2005</i> .....	
B. <i>False Integration</i> .....	
C. <i>Harmful effects of “smaller” institutions</i> .....	
<b>IV: Prospects for a Lifetime: Adult Institutions .....</b>	
A. <i>Frightening prospects for the future</i> .....	
B. <i>Young Adults in Institutions</i> .....	
C. <i>No national priority for reform</i> .....	
<b>V. Legal Protections and Human Rights Oversight.....</b>	
A. <i>No human rights monitoring system</i> .....	
B. <i>Lack of legal protections</i> .....	
C. <i>Failure to implement the right to treatment and rehabilitation</i> .....	
Endnotes.....	

## Executive Summary

*Hidden Suffering: Romania's Segregation & Abuse of Infants and Children with Disabilities* is the product of an 18-month investigation by Mental Disability Rights International (MDRI) into the human rights abuses of children with disabilities in Romania. This report documents a broad range of atrocious conditions for children with disabilities inside Romania's institutions. While Romania has reduced its orphanage population and created foster care placements for many children, the reforms have left behind children with disabilities. This report documents serious human rights violations against children with disabilities in an institution for babies and in adult facilities. As the European Union (EU) readies to announce a date for Romania to join the EU, we urge the EU to insist on immediate action by the government of Romania to end these abuses.

### **This report finds:**

- Children are detained in adult facilities in conditions that are dangerous and life-threatening; some children are kept in permanent restraints (pp 7-12).

*I have visited institutions in twenty countries around the world. What I witnessed in Braila was the most disturbing horror I have ever seen. These children were close to death. – MDRI investigator*

Children were tied to cribs, wrapped head to toe in sheets used as full-body restraints, with open wounds and bed sores all over their bodies, malnourished, and near death. We found teenagers so emaciated that they looked like they were 3 or 4 years old. Their spindly arms and legs were twisted into contorted positions from disuse and atrophy. Their eyes were deeply sunken into their skulls, and they stared blankly at us when we entered the room. Ribs and other bones stuck out from their skin, which seemed to sag from their bodies without any extra flesh.

- Romania's new law 272 that bans placement of babies in institutions does not protect children with "severe disabilities;" despite this law, MDRI has found babies with and without disabilities detained in institutions (pp 2-6).

*I have worked here for twenty years and my heart has turned to stone. I thought it would be better after the revolution, but it is not. – Nurse in institution for babies*

In February 2006, MDRI found 65 infants – with and without disabilities – in an institution for children in the city of Timisoara. Staffing is so low that the children never leave their cribs. These children are becoming psychologically and developmentally disabled as a result of this placement. Staff informed MDRI investigators that some children, with little or no disability could easily be adopted, but they are stuck in the facility only because they lack identity papers.

Off the public record, it is impossible to say how many more facilities of this kind exist in Romania.

***We do our best, but it is impossible for us to stop the spread of lice and contagious diseases...I give an injection and a baby cries and I have to keep going. There are too many. They become disabled from being here.***  
– Nurse, hospital for babies in Timisoara

- Children with disabilities are hidden away in adult and medical institutions (pp 7-13); according to UNICEF statistics in 2005, thousands of babies have no identity papers; officially, they do not exist (pp 2-6).

***The medical staffs still encourage the abandonment of children with disabilities.*** – Sub-secretary, National Authority of Protection of Children's Rights

- As part of Romania's reform, many children with disabilities have merely been moved from large to small institutions. While these facilities are newer and cleaner, they are still inappropriate for children and will contribute to increased disability. Extensive Romanian and international funding has gone into building new institutions, draining scarce resources from the process of creating foster care and other services necessary for the community integration of children with disabilities. According to UNICEF, nearly 200 new "small" institutions have been opened in recent years (pp 13-20);

***As a result of the investigation by the Center for Legal Resources (CLR) and MDRI, and support from UNICEF, the lives of the children detained in Braila's psychiatric facility have been saved from impending death. They have been transferred to two new facilities. While some may be transferred to foster care, the authorities informed MDRI that many of the children will spend their entire lives in institutions.***

- Thousands of children with disabilities face life-time segregation from society in extremely abusive and barren institutions (pp 21-24).

***Staff agreed to unwrap several of the children. One girl, who looked to be about 4 or 5 years old, was actually 17 and weighed no more than 25 pounds (about 10 kilos). As the staff removed the restraint, her skin came off with the sheet, leaving a raw open wound beneath it. Another boy looked to be the size of a baby, but was 7 years old. He too, when unwrapped, was wasting away, his legs covered with sores and his fingers chewed and swollen.*** – MDRI investigator

- No true, national commitment or planning for community integration of children with disabilities detained in adult facilities and a pervasive lack of information by the government regarding the nature and scope of the problem (pp 23-28).

*Our planning process is like a man who wakes up every morning and says he is going to paint his house. But somehow, he keeps talking and the house never gets painted. -- Report to the Intersectorial Committee for Coordination on Mental Health by a representative of the National Authority on Persons with Handicap, February 2006*

While the child protection authorities admit that there remain more than 30,000 children in Romania's institutions, children outside the child protection system are off the public record. Ministry of Health and Child Protection authorities told MDRI that they do not know how many more facilities with conditions like those we found in Braila there might be in the psychiatric system. While health authorities admit that at least 700 infants have never left maternity wards of hospitals, they deny the existence of any other infants in institutions.

## **Violations of International Human Rights Conventions**

The conditions documented in this report constitute violations of the European Convention on Human Rights (ECHR) and the Convention on the Rights of the Child (CRC). The abusive conditions and lack of care constitute "inhuman and degrading treatment" under article 3 of the ECHR. The absence of adequate nutrition, the dangerous use of physical restraints, the lack of hygiene and the exposure to communicable diseases threaten the right to life under article 2 of the ECHR.

As the psychiatric literature reveals, it is not just physical deprivation that can lead to loss of life. Emotional abandonment – resulting in "failure to thrive" – causes both emotional and physical damage to children at a critical time in their development. Even children who receive adequate food in clean institutions become disabled; some children are so emotionally neglected they will not eat – they may become malnourished and die. While some developmental delays can be reversed, the psychological impact of institutionalization may plague a child for a lifetime. Thus, Romania's newer, cleaner, and smaller institutions constitute a threat to children's right to life and protection from inhuman and degrading treatment under articles 2 and 3 of the ECHR. Reforms that leave an entire class of children with disabilities behind are thus discriminatory under article 14 of the ECHR.

Law 272, which bans institutionalization of all children under the age of two, allows children with so-called "severe" disabilities to be institutionalized. As applied, the law is discriminatory. The authorities use the law to write off a broad class of children with disabilities who are capable of living in the community.

By leaving children with disabilities behind in "smaller" institutions, Romania's reform violates a broad array of rights under the UN Convention on the Rights of the Child (CRC). Under the Convention, children "should grow up in a family environment..." to ensure their "full development." The CRC defines a "child" as "every human being below the age of eighteen years..." Thus, the CRC's protections apply to *all* children – including children with so-called "severe disabilities." The CRC

recognizes the right of “a mentally or physically disabled child [to] enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and *facilitate the child’s active participation in the community.*” To make this possible, governments must provide the “education, training, health care services, rehabilitation services, preparation for employment... in a manner conducive to the child’s achieving the *fullest possible* social integration and individual development...” Romania’s community service system, which fails to provide support for “severely disabled” children, does not protect their rights under the CRC. Placement in a small institution is not the “fullest possible” social integration for children with severe disabilities.

The lack of human rights monitoring and oversight in Romania’s institutions and community programs violates CRC article 3(3), which requires governments to “ensure that institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities...” Romania’s failure to register children, provide them with an identity, and acknowledge their existence within institutions violates CRC article 7(1) specifying that “[t]he child shall be registered immediately after birth and shall have the right from birth to a name... and, as far as possible, the right to know and be cared for by his or her parents.”

## **Conclusions and Recommendations**

As Romania prepares to join the European Union, the EU has stated that “care and living conditions of the mentally ill in specialized institutions continue to cause great concern.” This report documents the need for urgent attention to protect children in the mental health system. We urge the Romanian government and international funders not to waste additional funding – and precious time in the lives of children – on new forms of institutional care. Small institutions, group homes, and so-called “family-like” settings are no substitute for real families. To avoid future institutionalization for children with disabilities, Romania must dedicate itself to creating true community services for people with disabilities.

While expressing concerns about psychiatric facilities, the EU has concluded that Romania has met its EU accession requirements with regard to children. This is based on the following findings:

New legislation on children’s rights and adoption entered into force in January 2005. This legislation brings Romania in line with the UN Convention on the Rights of the Child and the European Convention on Human Rights and completes the reform of child protection.

This report disputes these findings and documents serious violations of both human rights conventions. When Romania joins the European Union – in 2007 or in 2008 – these human rights violations become not only the responsibility of the Romanian government – but also of the EU. MDRI calls on the EU to recognize and take a responsible stand against these human rights abuses. EU “structural funding” provided to new member States should be linked to clear and verifiable outcomes on the part of the

Romanian government -- to create community services and end the pervasive human rights abuses against Europe's newest and most vulnerable citizens.