



Compulsory placement in addictions rehabilitation clinics A look at the infringement of the right to Liberty

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Abstract

This scientific article analyzed the aspects concerning the forced internment in rehabilitation clinics for people with addictions, allowing a look at the violation of the rights to freedom of those who are forcibly forced to resort to these means. Taking also, as a starting point the principle of reality, international and Ecuadorian legislation, it was determined that, through documentary research and analytical-synthetic methodology, no individual can be deprived of his freedom without the existence of the legal means established within this context or an informed consent signed in lawful right by the treating party, This is not so in the case of citizens who have some type of addiction, for which the family members in collusion with the Rehabilitation Centers detain them in places where practices are carried out that would be in violation of fully acquired constitutional rights, This often results in crimes against freedom and physical integrity, not only at the beginning but also during the rehabilitation process in the use of torture, cruel and degrading treatment. In the same way, it was concluded that there is a large number of pseudo-clinics that operate outside the law and provide unspecialized services, which would also constitute a criminal practice and affect the recovery of addicts, directly threatening not only their recovery but also their right to freedom.

Key words

clinics, compulsory confinement, addictions, practice, violation, rights, right to freedom

Introduction

According to the World Health Organization (WHO), to speak of addiction is to speak of a disease that presents characteristics of a physical and psycho-emotional nature, which generates a dependence or need towards a substance; it is presented by a set of symptoms, in which biological, genetic (Institute on Alcoholism and Drug Dependence, 2019), psychological and social factors are involved (Vázquez et al., 2021).

This disease is progressive and fatal, characterized by continuous uncontrolled behaviors, distorted thoughts and constant denial of the disease situation. (Faculty of Psychology of the University of Oviedo, 2012) In relation to the same subject, Dr. Elkhonon Goldberg in his book "The Executive Brain" states that: drugs and other psycho-addictive substances directly affect the frontal lobe of the brain, which is responsible for directing all the functions that allow behavioral control, functions such as choosing, planning and making voluntary and conscious decisions. (Goldberg, 2012, p. 153)

Drug addiction is a complex issue that affects individuals and society as a whole. The use of artificial intelligence (AI) and machine learning (ML) can help understand the causes and patterns of drug use. Leyva et al. (2021) conducted a study analyzing the causes of drug consumption through machine learning techniques. However, drug addiction is a medical condition that requires professional treatment, and drug rehabilitation centers are essential in providing care to those struggling with addiction. The right to liberty and autonomy is a fundamental human right; however, it may conflict with the need to protect individuals from harm, such as in the case of drug addiction. González et al. (2021) discussed a case in which the violation of the right to health was evident. In conclusion, the use of AI and ML can aid in understanding drug addiction, but rehabilitation centers and legal protections must also be in place to provide care and ensure human rights are respected (Ricardo et al., 2021; Ricardo et al., 2022).

Considering what has been said in previous paragraphs, it is necessary to understand addiction as a social phenomenon that must be analyzed mainly from the perspective of public health. Since, to eradicate any disease, two elements have to concur: the first is prevention, the second – and object of this study – is treatment (Cánova, Cánova, & Mena, 2020).

In both cases, the active participation of the State is fundamental and even obligatory, since it is its primary duty to guarantee without any discrimination the effective enjoyment of the rights established in the Constitution and international instruments. (National Assembly, 2008)

In this sense, Article 3 of the Constitution of the Republic, in accordance with Article 32, establishes health as a right. This in full observance of the Article. 25.1 of the Universal Declaration of Human Rights, which states that: Each individual has the entitlement to a quality of life that is sufficient to support their physical and mental health, as well as their overall well-being. his family, medical

care and necessary social services. (United Nations, 2015). And the International Covenant on Economic, Social and Cultural Rights that in its Article 12.1. It provides that: The parties to the current agreement acknowledge that every person has the right to enjoy the highest achievable level of physical and mental health.. (Office of the United Nations High Commissioner, 1976)

To reduce this social and health problem, preventive measures have been taken, based on both public and private initiatives. In the field of education, awareness-raising and prevention campaigns have been carried out; In the legal aspect, various positions have been analyzed, from penalizing consumption to the creation of a table that regulates it (Cánova, Cánova, & Mena, 2020). But despite the efforts of the State, every day there are more people who adhere to the long list of "infected" by some type of addiction to these substances. Hence the importance of delving into the issue of treatment for the rehabilitation of people suffering from addictions (Peñafiel Palacios et al., 2021).

By constitutional mandate, in the second section of the Good Living regime in its article 364, the state is attributed the responsibility of offering treatment and rehabilitation to occasional, habitual and problematic consumers (National Assembly, 2008). Accordingly, article 18 of the Organic Law on the Comprehensive Prevention of the Socio-Economic Phenomenon of Drugs and on the Regulation and Control of the Use of Scheduled Substances Subject to Control, establishes that it is the primary non-exclusive obligation of the State to provide diagnosis, treatment and rehabilitation services to occasional, habitual and problematic consumers of drugs or other types of addictions (National Assembly, 2015).

In view of the social, medical and legal situation manifested, the existence of the Specialized Centres for the Treatment of Persons with Problematic Consumption of Alcohol and Other Drugs, which, according to the Ministry of Public Health, are public or private health establishments, with legal and legally registered personality that provide specialized services for diagnosis, treatment, rehabilitation, harm reduction, inclusion and social integration of people with problematic consumption of alcohol and other drugs. (Ministry of Public Health, 2014)

The treatment can be provided on an outpatient or residential basis -through hospitalization- according to the requirements that arise in each case. According to the Agency for Quality Assurance of Health Services and Prepaid Medicine (ACCESS) at the national level there is a number of clinics that appears on the lists is 205, of which 54 clinics (26.34%) appear in the two lists, 102 clinics (49.76%) are reported in the Technical Secretariat of Drugs and 49 clinics (23.90%) in the MSP. However, it is not unknown to anyone that there is a larger group of "rehabilitation clinics" that operate openly within the country; but, according to ACCESS, they would be operating outside the law. In this regard, ACCESS would be incurring in the omission of a duty of compliance, by not exercising the coercive power to prevent the operation of these unauthorized centers.

Considering this, it is important to note that the institutions created for this purpose must provide quality and efficient services, fully complying with the rules

that regulate their operation so that in this way patients have the required recovery and can be reintegrated into their family and social nucleus.

In the philosophical field, Aristotle, in his work *Moral to Nicomachus*, differentiates between involuntary acts, which are carried out of ignorance or under an external force that moves us without wanting it and voluntary acts that are chosen with knowledge of the cause and without external constriction. The *Dictionary of Pedagogy and Psychology*, in reference to the will, conceptualizes it as: that energy of the self with which it deliberates about several alternatives that are presented, to choose and act according to the decision. It is the final consequence of an act of reasoning. (Canda Moreno, 2006, p. 340).

In view of the above with regard to residential treatment, a debate is generated at the same time with respect to the right to liberty itself as in **art.** Article 161.- A person who deprives one or more persons of their liberty, detains, conceals, snatches or transfers to a place other than one, against their will, shall be punished by imprisonment for a term of five to seven years."

Among the rights to liberty guaranteed in the Constitution of the Republic of Ecuador are contained in art. 66 refer:

"The right to the inviolability of life. There shall be no death penalty. 2. The right to a dignified life, which ensures health, food and nutrition, 3. The right to humane treatment, which includes: (a) Physical integrity. 5. The free development of personality, with no limitations other than the rights of others. 9.- To make free, informed, voluntary and responsible decisions about their sexuality, and their life and sexual orientation. 10. The right to access quality public and private goods and services, efficiently, effectively and well-treated. 29. The rights of liberty also include: That no person may be compelled to do anything forbidden or to refrain from doing anything not prohibited by law..."

In accordance with the definitions mentioned above, and the determination of the COIP itself, it can be inferred that the crime of kidnapping consists of illegally depriving a person of his liberty against his will; and, understood briefly what kidnapping is, it can be determined that they are types of kidnapping, taking into consideration the absence of informed consent on the part of the internee who does not directly accept some type of therapy that involves acts that directly or indirectly threaten the integrity How the Commission on Torture, cruel, inhuman and degrading treatment conceives it around this the final paragraph of article 162 COIP, establishes:

"When, because of or on the occasion of the kidnapping, the victim is killed, he shall be punished with deprivation of liberty for a term of twenty-two to twenty-six years."

The problem is exacerbated by the fact that the rehabilitation of addictions - especially problematic consumption - requires residential treatment that most patients refuse to receive and therefore their relatives in complicity and sometimes with the advice of the staff of the Rehabilitation Center, resort to internment them against their will (forced internment). using various means ranging from deception to violence, thus restricting the freedom of the addicted person (Saavedra, n.d.).

The foregoing translates into a clear violation of the provisions of articles 3 and 5 of the Universal Declaration of Human Rights, which in the respective articles states: "Everyone has the right to life, liberty and security of person" "No one shall be subjected to torture or to cruel treatment or punishment, inhuman or degrading" (United Nations, 2015). Likewise, it would be in clear contradiction with the current constitution of Ecuador, which in article 66 clearly recognizes the right of people to freedom (National Assembly, 2008).

It should be noted that not every violation of rights is a crime; Therefore, it is necessary to carry out several conceptualizations from the doctrinal, constitutional and legal perspective, which will allow obtaining theoretical, philosophical and legal foundations that together with field research contribute to the realization of an objective analysis regarding this social reality, in order to answer the question raised in the subject of this research work.

A crime in its legal conception is any voluntary human act that conforms to the legal presupposition of a criminal law. (Peña & Almanza, 2010, p. 62). In this regard, Jorge Machicado states that it is a human behavior that opposes what the law mandates or prohibits under threat of punishment (Machicado, 2010, p. 3)

Criminal offense according to Article 18 of the Organic Integral Criminal Code "It is the typical, unlawful and guilty conduct whose sanction is provided for in this Code", in turn in Article 19 classifies offenses into crimes and contraventions (National Assembly, 2017) In accordance with the above, it is understood that for a conduct to be considered a crime, three elements must be present; The typicity that refers to the set of elements that must concur for an act to have criminal relevance. (Margarita Martínez Escamilla, 2012, p. 82); the illegality, (which opposes or is contrary to the legal system) in the words of Dr. Zaffaroni: when the conflict of pragma is not resolved by the legal order through any permissive precept 8. (Zaffaroni, 2009, p. 14) and guilt, which according to Dr. Alfonso Zambrano Pasquel in his work Criminal Law, General Part is: "the judgment of personal reproach that is formulated to the subject for the crime, when having the general capacity to understand the illegality of the behavior and to be determined according to that understanding, in the specific case he could act differently complying with the conduct that was required and that imposes on him the legal system" (Pasquel, 2006, p. 322)

Forced internment

It amounts to an illegal detention intended as a crime against the freedom of an individual (Hernández, 2004, p. 2425). The person who deprives of liberty, detains, hides, snatches or transfers to a different place one or more persons, against their will, will be punished with imprisonment of five to seven years (National Assembly, 2017) From the above quotes it could be deduced that forced internment restricts a basic right such as liberty.

In this context, Ecuadorian legislation provides in the current Constitution in chapter six, article 66, numeral 14, the right to move freely through the national territory; In the same way, numeral 29 of the same article recognizes the fact that

all people are born free. (National Assembly, 2008). Taking into account what Hernández says and what is determined in Article 161 of the Organic Integral Criminal Code. It is at this point that the fact of internment constitutes a criminal practice, which is discussed below.

Torture from the voices of the victims

You cannot conceive of work like this on the fight against torture without first explaining what torture is, what it is for those who have lived through it. And, for those who "live safely in their heated house", there is no better way, or rather, no other way to understand what torture is than to listen to the testimonies of survivors. It is painful to do so but, as Pérez Vilar points out, "only in this way is it possible to approach the dimensions of the violent act, the effects that torture leaves on the subjects", only those who have lived it are able to transmit it, and not without difficulty.³ Following Viñar, talking about torture "is not talking about victims and affected, of its stigmata and sequelae, but to use its witness and humanity to denounce an order of coexistence that can only base its existence and survival on the destruction of our fellow man".⁴ Only by listening to the victims and peering "into the oppressive order that destroyed them" can we "heal their wounds" and "restore them to a human order and to their condition of Fellow Being".⁵ Well, To get closer to the reality of torture, we have selected some testimonies and experiences from among the very many existing ones. Different historical moments, geographical locations, political regimes and social contexts in which torture has constituted a policy perpetrated directly or in some way consented to by the State have been chosen.

These testimonies constitute the basis from which we will base our frontal rejection of torture and certain positions that have tried in recent years to "relax" the absolute prohibition of torture, redefine its concept and justify its use in exceptional situations.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was approved and made available for signature, ratification, and accession by the General Assembly in its resolution 39/46 of 10 December 1984 Entry into force: 26 June 1987, article 1 states:

"1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person in order to obtain from him or a third person information or a confession, to punish him or her for an act he has committed, or is suspected of having committed, or of intimidating or coercing such person or others, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. Pain or suffering which results solely from, inherent in or incidental to lawful sanctions shall not be considered torture.

Right to liberty

Among the rights to liberty guaranteed in the Constitution of the Republic of Ecuador are contained in art. 66 refer:

"The right to the inviolability of life. There shall be no death penalty. 2. The right to a dignified life, which ensures health, food and nutrition, 3. The right to humane treatment, which includes: (a) Physical integrity. 5. The free development of personality, with no limitations other than the rights of others. 9.- To make free, informed, voluntary and responsible decisions about their sexuality, and their life and sexual orientation. 10. The right to access quality public and private goods and services, efficiently, effectively and well-treated. The rights of liberty also include: That no person may be compelled to do anything prohibited or to refrain from doing anything not prohibited by law..."

It reiterates Art. 32 of the same constitutional norm:

"Health is a right guaranteed by the State, whose realization is linked to the exercise of other rights, including those that sustain good living"... Establishing that the provision of health services will be governed by the principles of equity, universality, solidarity, interculturality, quality, efficiency, precaution and bioethics, with a gender and generational approach."

El Art. 52 of the aforementioned CRE, provides: People have the right to have access to goods and services of the highest quality and to choose them freely, as well as to accurate and non-misleading information about their content and characteristics. The law shall establish quality control mechanisms and consumer protection procedures; and sanctions for violation of these rights, reparation and compensation for deficiencies, damages or poor quality of goods and services, and for the interruption of public services that was not caused by fortuitous event or force majeure.

The Regulation for the Regulation of Recovery Centers for the Treatment of Persons with Addictions or Dependencies on Psychoactive Substances, of the Ministerial Agreement 00000767, in its Art. 8 effective May 11, 2012 establishes:

"Any intervention in patients with problems of addiction to psychoactive substances must be carried out with appropriate devices, through a comprehensive diagnosis that indicates the appropriate therapeutic approach for each person, taking as a reference the guide for Diagnosis and Referral (GDD), issued by the Ministry of Public Health, which must contemplate treatment for both patients who present or not a picture of intoxication. "

Internment protocol

El Art. 9 adds:

"For the placement of any person in a recovery center, the following requirements must be met, and people must be guaranteed access: First, admission interview: All admission to a recovery center must be preceded by an admission interview to the patient.

The interview must be conducted by a team of professionals from the CR, in order to determine at least: The voluntariness of the person to enter the program; the suggested therapeutic strategy and its modalities; the relevance or otherwise of the internment.

Secondly, the clinical phase: medical, psychological and social studies necessary to make an accurate diagnosis, according to the guidelines of the Ministry of Public Health, the patient must be guaranteed the delivery of clear and adequate information about their medical situation, recommended therapy, alternative procedures; the recording of this diagnosis, recommendations; medical record".

The same regulation establishes:

"In the case of adults, have a signed acceptance to enter the CR, to which the diagnosis, treatment, duration of the hospitalization and any relevant information of the treatment must be specified."

It adds the aforementioned rule:

"Exceptionally, the doctor may order the hospitalization of the patient, when the diagnosis determines, the life or integrity of the patient or his environment is in danger, due to the abuse of psychoactive substances provided that the following is met: Capacity of the center that is referred by medical prescription, hospitalized for risk situation, those who authorize and recommend the internment will assume the responsibility derived from their actions by order of a competent judge, in these cases, the report accompanied by the Judicial must be sent to the Ministry of Public Health, so that it can carry out the corresponding visit and evaluation."

Article 13 of that provision also stipulates: "Patients in public and private rehabilitation centres (RCs) also have the following rights common to every patient: (a) To adequate and clear information about their health and treatment, including alternatives for their care; (b) Confidentiality; (c) To receive appropriate treatment; d) To express their consent to initiate, modify and terminate their treatment, except in cases where there is an order from a competent authority or by medical evaluation, in accordance with the mechanisms established in these regulations and under the responsibility of those who request the treatment, those who execute it and those who prescribe it; (e) Respect for personality, freedom, dignity and privacy, without discrimination without cause; (f) Respect for their dignity, autonomy and consideration; (g) The application of the most desirable therapeutic alternative that least restricts their freedom; i) To have procedures, protocols and mechanisms aimed at preventing gender-based sexual violence and other forms of violence, and especially co-dealing and sexual abuse..."

Taking into consideration the above, it is important to highlight the relationship as a result of people who have an inadequate internalization, which violates their right to freedom due to the lack of an informed consent signed by the patient, which authorizes the treatment provided by rehabilitation clinics, which have shown indices of malpractice not only in the personal psychological therapies performed on their patients in addition, restriction to visits to family

visits is, food restriction, the obligation to perform on physical efforts, physical punishment, becoming acts of torture cruel, inhuman and degrading treatment that have even ended in situations of abuse and death of inmates throughout the country.

In addition, one of the fundamental steps for internment is the acceptance of the rehabilitation clinic or in effect a judicial or loss prior medical opinion or an act arising from a state of health of the patient who cannot express his voluntary internment, this action of forced internment in the RC for addictions constitutes a criminally relevant, typical, unlawful and culpable conduct provided for in Art. 162 COIP, involves as responsible, family members who contract such forced internment as those responsible for said CR in addition to the State for the omission of control of the public officials responsible for this obligation.

Method

To fulfill the objective of this research, theoretical and empirical methods were used, it was also based on the guidelines established by Dr. Miguel López Ruiz in his book *Methods and Techniques of Legal Research* who mentions that "legal research is an indispensable activity to help prevent or solve a problem of a legal nature ..." (López Ruiz, 2013, p. 33)

Inductive-deductive method: it allowed to obtain a general conclusion based on scoops with particular data that were presented when considering how the procedure is carried out to rehabilitate a psycho-dependent, in relation to the rights that would be violated, compared to the desire of those around them that this be rehabilitated at any cost (Romero Fernández et al., 2022).

Analytical-synthetic method: Through the analysis, the whole was decomposed into its parts and qualities, that is, doctrinal definitions in relation to psychodependence, the will and the affectation that it receives when under the effect of drugs, the role of the State in the face of this public health problem, all this from the contrasted approach of the rights guaranteed by international treaties and conventions, and the Ecuadorian legal system

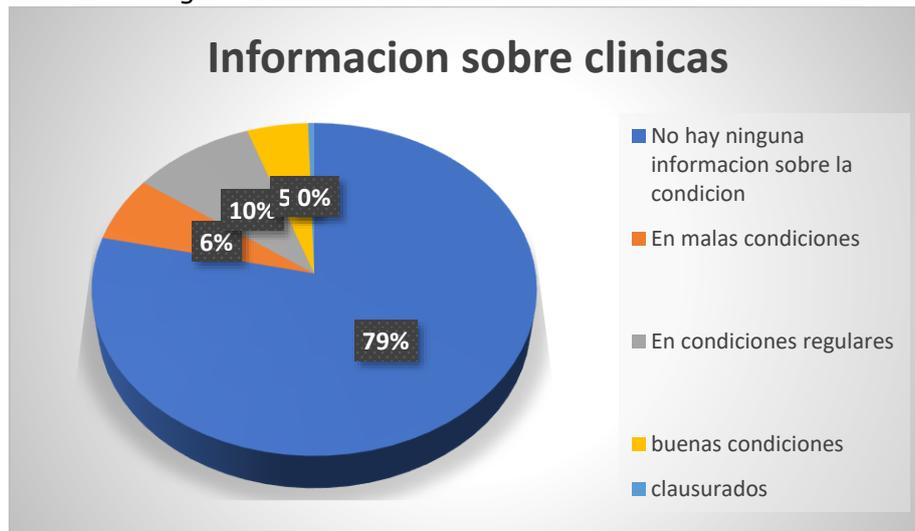
Documentary research method: this method allowed the analysis of several documents of a legal, psychological and doctrinal nature; research that was carried out through a systematic and sequential process of collection, selection, classification, evaluation and analysis of the content of the documentary material, guaranteeing the quality of the theoretical foundations of the research

Results

The information analyzed below corresponds to the lists received from the MSP and the Technical Secretariat of Drugs. The number of rehabilitation clinics that appears on the lists is 205, of which 54 clinics (26.34%) appear in the two lists, 102 clinics (49.76%) are reported in the Technical Secretariat of Drugs and 49 clinics (23.90%) in the MSP. In the analysis by provinces, the two institutions

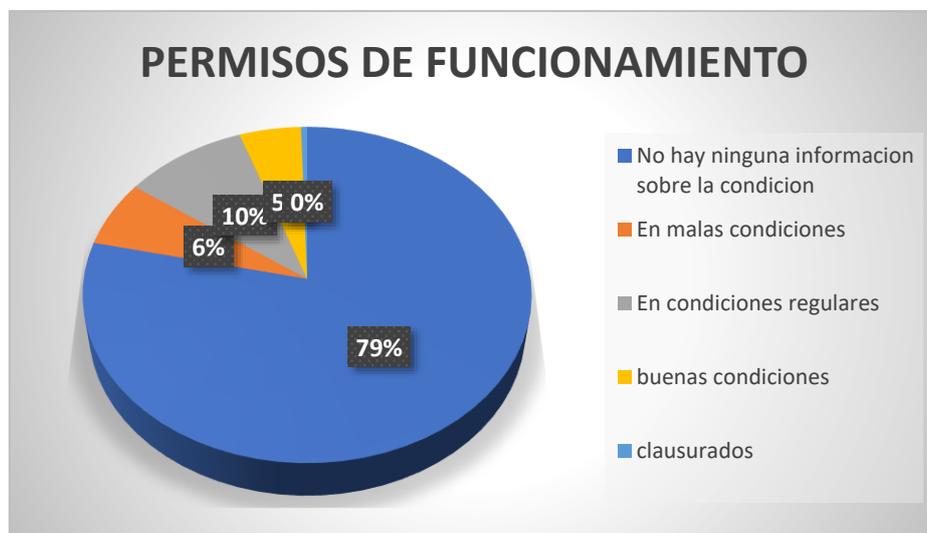
register clinics in Azuay, Carchi, Esmeraldas, Imbabura, Napo and Pichincha. Only the Technical Secretariat of Drugs registers in Azuay-Cañar, Guayas, Manabí, Morona Santiago, Orellana, Pastaza and Suroriente Loja. Only the MSP registers in El Oro and Los Ríos. Of the 205 clinics for which there is information reported by the two institutions, 74 clinics (36.1%) do not have registered information, 58 (28.2%) have irregularities, 6 (2.93%) clinics are not functioning, and in 12 clinics (5.85%) there are contradictions in the information presented. Only 26.83% of the information, that is, 55 clinics are in agreement

Figure 1 Information from rehabilitation clinics



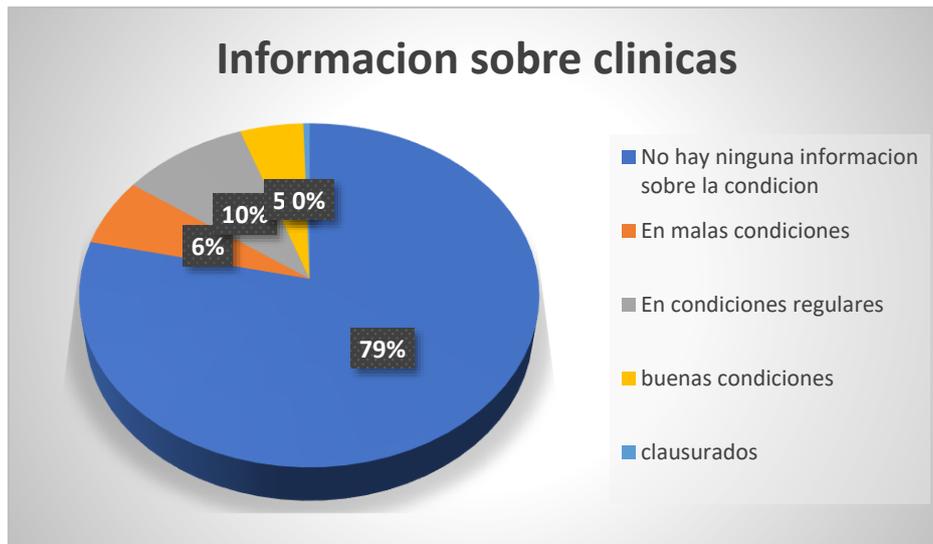
Operating permit

60.97% of clinics (125) do not have information about the operating permit, 43 clinics (20.98%) had operating permit at some time 4.4 clinics (1.95%) operate without permission, 31 clinics (15.12%) do not have a permit, 2 clinics (0.98%) are registered as not needing it.



Condition of the Centers

In the list issued by MSP the condition category of the center is not contemplated and in the list of the Technical Secretariat of Drugs the category is divided into three variables, good, regular and bad. Of the 205 clinics analyzed, 161 (78.54%) have no registered information on the condition of the facilities, 13 (6.34%) are in poor condition, 20 (9.76%) in regular conditions and only 10 (4.88%) in good condition. Finally, 1 (0.48%) clinic appears as closed.



Complaints

Of 205 clinics analyzed, 27 (13.17%) have a complaint registered with the Technical Secretariat of Drugs or the MSP. Of these 27, only 1 (2.63%) appears as investigated in the Special Processes Unit Technical Secretariat of Drugs, Pichincha. Of the 27 clinics with complaints, 10 (37.04%) are reported by both the Technical Secretariat of Drugs and the MSP, and are reported in Pichincha; 4 (14.18%) of the complaints are reported by MSP and are in the provinces of Carchi and Pichincha, the remaining 13 (48.15%) are registered by the Technical Secretariat of Drugs and are located in Esmeraldas, Loja, Manabí, Napo and Pichincha. According to MSP, 16 (7.7%) clinics are under investigation in the Special Processes Unit without having a complaint, (10 in Azuay and 6 in Pichincha).

Discussion

When talking about arbitrary deprivation of liberty (kidnapping) of those who are hospitalized in rehabilitation clinics for addictions, there are many criteria to take in relation, first they do not receive adequate information about the convenience of internment, informed consent is absent, nor the voluntariness to initiate, modify and terminate their treatment, except in cases where there is an order from a competent authority or by medical assessment. It is common for Ecuadorian society to find in the press headlines such as "Torture as therapy: the

risky road to addiction centers" that suggests the violation of the rights of people with problematic consumption or any type of addiction, who are confined in these so-called rehabilitation clinics, where the therapies consist of torture, cruel, inhuman and degrading treatment, all undoubtedly traumatic experiences, such as the difficulty of transmitting the experiences to those who have not lived them (even sometimes the lack of an appropriate language to relate the facts), the bankruptcy of the referents of security and control over one's own life, the loss of trust in others, the questioning of oneself in front of oneself and in front of the world, irreparable damage to personal identity, the ability to relate to others and to develop a full life, and so on. For Marrades Millet (2018), "the effects produced by such experiences, as they break confidence in the possibility of living in a human world, are devastating: that trust is no longer restored, the victim never fully recovers from that loneliness and helplessness, in addition to those titles such as 7 young people died in a fire of a rehabilitation clinic in Guayaquil, hint at weaknesses in the admission and management of rehabilitation centers where, far from providing quality care to patients, they violate their right to freedom, physical and psychological integrity, such as a dignified and healthy life, while the State fails to comply with the provisions of Article 366 of the Constitution of the Republic, This is to allocate timely, regular and efficient resources, to guarantee the right to health of those suffering from addictions, who must be subjected to adequate treatment for their recovery, so as not to be criminalized, stigmatized, or subjected to cruel, inhuman and degrading treatment (Ricardo et al., 2022).

Conclusions

Aware that addiction in its different types are subject to control, is a public health problem, and the treatment as well as the rehabilitation of people who have some type of addiction is a primary obligation of the state, however this practice does not receive due attention or adequate importance to the point that even creating public entities that in quotes allow to satisfy this need can not cover the demand, on the contrary, this responsibility is addressed to the private sector whose main priority is the Profit to the point of creating the so-called clinics of rehabilitation who mostly operate without complying with the established technical standards and therefore do not have the corresponding permits or the license of the Access

It is in this context that clandestine rehabilitation clinics take place in which agreements are reached between the family and the representatives of the same residential treatments or hospitalizations without complying with the signature of the patient's informed consent, absolutely violating his right to liberty and providing him with irrelevant treatments in exchange, therapies associated with pain, suffering and torture; This forced internment (without informed consent or judicial order), is a violation of fundamental rights and also according to the Organic Integral Penal Code constitutes the crime of kidnapping, which due to particular circumstances of the case is frequently associated with other crimes such as injuries, torture and in some other cases homicides. By virtue of the fact that this

conduct is widespread and recurrent within rehabilitation centers, it is possible to determine that forced internment in rehabilitation clinics constitutes a criminal practice, based on that the judicial system must find mechanisms that allow the collection of statistical data of different processes for crimes related to inhuman and degrading treatment within the rehabilitation clinics the authorities in a consistent manner. The required parameters should be reconsidered in order to improve and make more flexible requirements and avoid as far as possible the existence of these inhumane acts that threaten the integrity of patients.

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