

M. Lukášová: Ethical Aspect of Restriction of Free Movement in the Course of Providing Social and Health Care

Abstract

In the course of providing social and health care, the providers on occasions resort to measures which limit the person's freedom of movement with the aim to prevent a harm to their life or health. Depending on the circumstances it involves a more or less invasive intervention – sometimes it is immediate and includes use of force in the situation of conflict and aggression management, other times it is rather a long-term nursing practice, for instance focused on fall prevention. Restraining is connected with the risk of considerably negative effects on health of a patient/service user. Therefore some authors doubt whether the use of restrictive intervention is ethical and lawful, and it is seen as inhuman and degrading treatment. Nevertheless, the most widespread approach accepts restrictive interventions as a measure of last resort (*ultima ratio*) providing that the principles of necessity and subsidiarity are respected. In the Czech Republic the public and professional debate is not sufficient and the use of restrictive interventions is not subjected to the state inspection. The human rights monitoring of persons held in health and social care institutions reports cases of restrictions overuse.

The aim of this doctoral thesis is to identify and analyse the ethical aspects of restriction of free movement of a person who receives care in an institution. Firstly, it summarises and analyses the work of four prominent authorities in the field of protection of vulnerable persons. Secondly, it elaborates the challenging issues that arise from the analysis. I deal with questions what the restrictive measure is, what consequences of the principles of necessity and subsidiarity are, the question of admissibility of restraining and the individual responsibility of care professionals and other participants in the provision of institutional care.

Key words: ethics, ethics applied, ethics principles, means of restraint, human rights law, restriction of free movement, services social, services health-care