



CPT/Inf (2019) 27

## **Response**

### **of the Russian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to the Russian Federation**

**from 19 to 29 October 2018**

The Russian Government has requested the publication of this response. The CPT's report on the October 2018 visit to the Russian Federation is set out in document CPT/Inf (2019) 26.

Strasbourg, 24 September 2019

NB: In accordance with Article 11, paragraph 3, of the Convention establishing the CPT, certain names have been deleted.

**OFFICIAL COMMENTS**  
**of the Russian Federation on paragraphs nos. 53 and 61 of the Report to the**  
**Russian Government on the visit of the European Committee for the Prevention**  
**of Torture and Inhuman or Degrading Treatment or Punishment to the Russian**  
**Federation**  
**from 19 to 29 October 2018**

*On paragraph 53*

In accordance with Article 10 § 2 of Law of the Russian Federation no. 3185-1 of 2 July 1992 on Psychiatric Care and Guarantees of Citizens' Rights during its Provision ("Law no. 3185-1"), diagnostics and treatment methods that are not prohibited by the legislation of the Russian Federation as well as drugs for medical use and medical devices registered in the order established by the legislation of Russian Federation shall be used to diagnose mental disorders and to treat a person suffering from mental disorder.

However, provisions of § 3 of the same Article establish that diagnosis and treatment methods as well as drugs for medical use and medical devices shall be used only for diagnostic and therapeutic purposes in accordance with the nature of painful disorders and shall not be used to punish a person suffering from mental disorder or in the interests of others.

In accordance with Article 20 § 1 of Federal Law no. 323-03 of 21 November 2011 on Fundamentals of Health Protection of Citizens in the Russian Federation ("Federal Law no. 323-FZ"), a prerequisite for medical intervention is the provision of an informed voluntary consent to medical intervention by a citizen or his/her legal representative on the basis of the complete information provided by a medical worker with regard to aims and methods of medical assistance, associated risk, possible medical intervention options, its consequences and anticipated outcomes of medical assistance in an accessible form.

However, according to Article 20 § 9 and § 10 of Federal Law no. 323-FZ, medical intervention is allowed without the consent of a citizen, one of his/her parents or other legal representative, inter alia: if such medical intervention is urgently necessary to eliminate a threat to human life and if his/her condition does not allow to express his/her will or no legal representative are available (in respect of the persons referred to in Article 20 § 2 of Federal Law no. 323-FZ), as decided by a medical council or, if it is impossible to assemble a council, directly by an attending doctor (doctor on duty) with such decision registered in the patient's medical records and with subsequent notification of officials of a medical organization (head of a medical organization or head of a department of a medical organization); in relation to persons

suffering from severe mental disorders, as decided by a court in the cases and in the manner established by the legislation of the Russian Federation.

According to Article 11 § 1 of Law no. 3185-1, treatment of a person suffering from a mental disorder is subject to the presence of his/her voluntary informed consent to medical intervention in accordance with the health care legislation except for the cases stipulated by § 4 of this Article.

However, Article 11 § 4 of Law no. 3185-1 establishes that treatment may be carried out without the consent of a person suffering from a mental disorder or without the consent of his/her legal representative only in the case of application of compulsory medical measures on the grounds stipulated by the Criminal Code of Russian Federation as well as in the case of involuntary hospitalisation on the grounds stipulated by Article 29 of Law no. 3185-1. In these cases, except for emergency cases, treatment is applied by the decision of a commission of psychiatrists.

Thus, treatment methods are applied in the view of the above standards of the health care legislation.

In accordance with Article 37 § 1 (4) of Federal Law no. 323-FZ, medical assistance is organized and is based on the medical assistance standards approved by the Ministry of Health of the Russian Federation.

Electroconvulsive therapy (ECT) in the Russian Federation is regulated by the following regulations:

- Order of the Ministry of Health and Social Development of the Russian Federation no. 566n of 17 May 2012 on Approval of Medical Assistance Procedure for Mental and Behavioural Disorders (“Order no. 566n”);

- Order of the Ministry of Health of the Russian Federation no. 1233n of 20 December 2012 on Approval of the Specialized Medical Assistance Standard for Schizophrenia of Acute (Subacute) Phase with Resistance, Intolerance to Therapy (“Order no. 1233n”);

- Order of the Ministry of Health of the Russian Federation no. 1400n of 24 December 2012 on Approval of the Specialized Medical Assistance Standard for Schizophrenia of Acute (Subacute) Phase with Protracted Course, Major Social Rehabilitation Issues (“Order no. 1400n”).

The standard for psychiatric hospital equipment established by Order no. 566n includes a ECT device.

ECT is included in the list of medical services for the treatment of diseases, conditions and treatment control approved by Orders nos. 1233n and 1400n as a treatment method that requires anaesthetic and/or resuscitative support.

Public Organisation “The Russian Society of Psychiatrists” prepared the following clinical recommendations: “Diagnostics and Treatment of Schizophrenia”

and “Recurrent Depressive Disorder, Diagnosis and Treatment” in accordance with Article 76 § 2 of Federal Law no. 323 in 2014. These clinical recommendations provide for the information on the methodology of ECT application with anaesthesia.

The lists of drugs for medical use registered in the Russian Federation as established by Orders nos. 1233n and 1400n contain drugs for general anaesthesia and muscle relaxants.

After a meeting with a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which was held on 29 October 2018 in the Ministry of Health of the Russian Federation, Federal State-Funded Institution “Serbskiy Federal Medical Research Centre for Psychiatry and Addictology” of the Ministry of Health of the Russian Federation prepared methodic recommendations for the use of ECT in psychiatric practice under the Order of the Ministry of Health of the Russian Federation of 21 November 2018. After their review and discussion by the Academic and Issue Management Council of the Centre, these recommendations will be provided to the Ministry of Health of the Russian Federation for their subsequent delivery to constituent entities of the Russian Federation for execution.

### *On paragraph 61*

Provisions of Article 5 § 1 of Law no. 3185-1 establish that persons with mental disorders shall have all the rights and freedoms of citizens guaranteed by the Constitution of the Russian Federation and federal laws. However, according to Article 55 § 3 of the Constitution of the Russian Federation, human and civil rights and freedoms may be limited by the federal law if it is necessary for the purpose of protection of the foundations of the constitutional system, morality, health, rights and legal interests of other persons, for provision of the country’s defence and security.

All persons suffering from mental disorders shall the following rights, inter alia, during the provision of psychiatric care under the said Article of Law no. 3185-1: respectful and humane treatment precluding degradation of human dignity; psychiatric care in the least restrictive environment, if possible, at the place of residence;

stay in a medical organization providing psychiatric care in a hospital environment only for the period necessary for the provision of psychiatric care in such conditions.

No restriction of the rights and freedoms of persons with mental disorders are allowed only on the basis of a psychiatric diagnosis, a fact of being under medical supervision or stay in a medical organization providing psychiatric health care in a hospital environment as well as in a social care hospital for people suffering from

mental disorders. Officials responsible for such violations shall be liable in accordance with the legislation of the Russian Federation and entities of the Russian Federation.

The rights of patients in medical organizations providing psychiatric care in a hospital environment, including those subject to compulsory psychiatric care under a court decision as governed by Article 37 of Law no. 3185-1, according to which (§ 2) all patients who are treated or examined in a medical organization providing psychiatric care in a hospital environment, shall have the following rights, inter alia: apply directly to the head physician or the department head with regard to their treatment, examination, discharge from the medical organization providing psychiatric care in a hospital environment and observance of the rights granted by Law no. 3185-1; submit uncensored complaints and petitions to representative and executive authorities, prosecutor's office, court, lawyer, public law office (if any); meet with a lawyer, an employee or an authorized person of a public law office and with a priest alone; perform religious rituals, observe religious canons, including fasting, hold religious paraphernalia and literature, if it does not violate the internal rules of the medical organization; receive newspapers and magazines under a subscription.

Any patient, including a person who is subject to compulsory psychiatric care under a court decision, shall also have the following rights which may be restricted under the recommendation of the attending physician, the department head or the chief physician for the health or safety of patients or others persons, in particular: send and receive parcels, postal packets and money transfers; use a phone; meet with visitors; hold and purchase essential items, use his/her own clothing.

Regarding the recommendation on the withdrawal of probationary rooms, psychiatric care in a hospital environment shall be provided in the least restrictive manner while ensuring the safety of the hospitalized person and other persons subject to the observance of his/her rights and legitimate interests by medical workers according to Article 30 § 1 of Law no. 3185-1.

In accordance with § 2 of the said Article, measures of physical restraint and isolation during involuntary hospitalization and stay in a medical organization providing psychiatric care in a hospital environment shall apply only in the cases, forms and at the time when, in the opinion of a psychiatrist, it is impossible to prevent the actions of the hospitalized person posing an immediate threat to themselves or others by other means carried out under the constant monitoring by medical staff.

**OFFICIAL COMMENTS**  
**of the Russian Federation on the Report to the Russian Government on the visit**  
**of the European Committee for the Prevention of Torture and Inhuman or**  
**Degrading Treatment or Punishment to the Russian Federation**  
**from 19 to 29 October 2018**  
**(except for paragraphs 53 and 61)**

*On paragraph no. 17*

In State Health Care Institution “Krasnoarmeyskaya Regional Psychiatric Hospital named after Yuriy Alekseevich Kalyamin” in Saratov region (“Kalyamin Psychiatric Hospital”) there are patients who can not leave this medical organization for several reasons: lack of their own homes, loss of social ties, lack of independent living skills, incapacitation and absence of a legal representative. The discharge of these patients from the hospital without any legal protection mechanisms, possibility of rehabilitation and reintegration into society can lead to negative social consequences. But despite the above problems, the hospital social service is working on the restoration of previously lost documents, search for relatives, registration in regional psycho-neurological care homes.

*On paragraph no. 18*

Order of the Ministry of Labour and Social Protection of the Russian Federation no. 2n of 12 January 2016 on Approval of the Professional Standard for Nursing Staff establishes requirements for education and training necessary for a nurse to carry out professional activities. When a nurse gets employed, he/she undergoes a check for compliance with the requirements established by the Order no. 2n and is required to attend an interview with the management of a medical institution. Nurses work under the supervision of mid-level medical staff and doctors. In Federal Public Entity “Kazan Specialised Psychiatric Hospital with Close Observation” (“Kazan Psychiatric Hospital”), regular seminars with nurses are organized on the observance of ethics and deontology in dealing with patients and their relatives, as well as control of their practical skills.

*On paragraphs nos. 25, 27*

The area per one patient in the patient wards of Kazan Psychiatric Hospital is different and ranges from 4 to 7 m<sup>2</sup>. Minimum wards area under the sanitary norms and

rules is 6 m<sup>2</sup> per bed. Thus, in some cases patient occupancy does not meet the sanitary norms and rules. At the same time, the bed stock of Kazan Psychiatric Hospital is 1020 beds (1020 beds in use) on the basis of Order of the Ministry of Health of the RSFSR No. 99 of 19 June 1989.

After the commissioning of the new building in 2019, two departments are scheduled to open on the second and third floors. Ward area of one department is 187.3 m<sup>2</sup>, of two departments is 374.6 m<sup>2</sup>.

The planned patient occupancy is 31 people per department (respectively 62 people in two departments), which provides for 6.04 m<sup>2</sup> of ward area for each patient in the building.

In future, renovations of the first floor space are planned to provide for patients placement: 29 people within 175.7 m<sup>2</sup>.

The following measures were also implemented in Kazan Psychiatric Hospital to further improve the quality of care for patients undergoing compulsory treatment:

- all patients without any exceptions have an unimpeded access to the lavatory at any time of the day;
- all patients without any exceptions go for daily walks 2 times a day for 2 hours in the warm season and for 1 hour in winter;
- all departments have rooms (canteens) for organized patients meals and are provided with all necessary dining equipment for this purpose.

Single (probationary) wards are not used for long-term solitary keeping of patients and are used only for temporary physical restraint of patients with soft medical restraints in accordance with the Regulations on the Appointment and Use of Physical Restraint of 25 December 2005. The basis for this is Article 30(2) of the Law of the Russian Federation on Psychiatric Care and Guarantees of Citizens' Rights during its Provision.

At every meal, patients of Kazan Psychiatric Hospital use the following: a (plastic) mug for drinking, (dural) plates for first and second courses and a dural tablespoon as a cutlery piece. The use of knives and forks is not permitted in psychiatric hospitals. Cutlery pieces are given only during the meal time. The meals are taken under the supervision of medical staff. After the meals, cutlery pieces are taken by medical staff and cleaned.

*On paragraph no. 33*

Federal Public Entity "Volgograd Specialised Psychiatric Hospital with Close Observation" of the Ministry of Health of the Russian Federation ("Volgograd Psychiatric Hospital") has taken all measures to ensure humane and dignified



conditions for isolation and long-term preventive solitary keeping of patients:

- each patient has an unimpeded access to the lavatory at any time of the day on their first demand;
- outdoor walks on a daily basis; restrictions are permitted only if there are reasonable medical contraindications;
- each patient is provided with cutlery, toothbrush and other hygienic items. The application is carried out under the additional supervision of medical staff if directed so.

The issues on the withdrawal of probationary rooms and replacement with special rooms for isolation and long-term preventive keeping will be addressed subject to the completion of a three-story medical building for 180 beds planned for 2019–2023.

On paragraph no. 35

The technical development plan of Public Budgetary Health Institution “Volgograd Regional Clinical Psychiatric Hospital No. 2” (“Volgograd Psychiatric Hospital”) includes measures to repair a nearby medical building.

Staffing level of Volgograd Psychiatric Hospital is as follows: 60% (1:18) for psychiatrists, 75% (1:3) for mid-level medical staff, 70% (1:3) for junior-level medical staff, 50% (1:4) for other staff. Total staffing level of Volgograd Psychiatric Hospital with regard to medical, non-medical and other staff is 68%. Due to insufficient staffing, namely with regard to middle and junior staff, the department staff work in 24-hour shifts with their written consent in exceptional cases.

Order of the Ministry of Health and Social Development of the Russian Federation no. 566n of 17/05/2012 on Approval of Medical Assistance Procedure for Mental and Behavioural Disorders establishes recommended staffing standards for psychiatric hospitals. The positions for ward nurses, nurses or junior nurses for nursing care in psychiatric wards are established depending on the average hospital stay. Thus, if the average hospital stay is less than 100 days, there shall be one 24-hour ward nurse position per 25 beds in a department (ward) and one 24-hour nurse or junior nurse position for nursing care per 12 beds in a department (ward). Thus, there shall be two full-time ward nurse positions and four full-time nurse or junior nurse positions for patient care per 50 beds in a psychiatric department.

The number of clinical psychologists in the separate hospital structural division no. 2 of Volgograd Psychiatric Hospital meets the requirements of Order of the Ministry of Health and Social Development of the Russian Federation no. 566n of 17/05/2012 on Approval of Medical Assistance Procedure for Mental and Behavioural

Disorders, that is one psychologist position per 50 beds in the hospital environment with overnight-stay patients. With the existing 195 beds, the ratio is 1:65. This medical institution constantly takes measures to hire necessary specialists, to apply to the employment centre, to sign contracts for targeted training of medical specialists (three contracts were signed in 2018 and five contracts for targeted training of medical specialists are in the process of signing in 2019).

The separate hospital structural division no. 2 of Volgograd Psychiatric Hospital employs a psychotherapist, three psychologists, a social worker and four occupational therapy instructors.

The psychologist works in an office located in a renovated inpatient department. The office has been renovated and equipped with the necessary equipment.

To create a comfortable atmosphere and provide for the leisure of patients, the departments have decorative elements, indoor plants, digital television, literature, board games. The wards conditions ensure a conducive atmosphere for the treatment and welfare of patients: there are reproductions of paintings on the walls, a possibility of organizing a patient's personal space using his/her own belongings.

Each patient has a bedside table in their wards, lockers in both the wards and in the department hall for storage of personal belongings.

Daily walks are organized for patients, including with visitors. Meetings of patients with visitors are carried out in accordance with the schedule and their requirements.

During hospitalization, the first phase of psychosocial rehabilitation is implemented. Individual treatment plans for the overnight-stay patients in a hospital environment include psychotherapy, occupational therapy, social rehabilitation work.

The volume of the activities is adequate and is correlated with the mental condition of a patient and the extent of his/her social alienation level. Drug therapy is conducted in accordance with the standards and clinical guidelines, including with the use of atypical antipsychotics. Purchase of drugs is carried out in a sufficient volume based on the needs and nosological structure of patients.

Patients with learning disabilities are not hospitalized in Volgograd Psychiatric Hospital except for teenagers from 15 to 18 who are hospitalized in the adult department, but in separate wards, as this institution has no teen departments.

The use of physical restraint is regulated by Article 30 of Law of the Russian Federation no. 3185-1 of 02/07/1992 on Psychiatric Care and Guarantees of Citizens' Rights during its Provision and information letter of the Ministry of Health of the Russian Federation no. 2510/12967-02-32 of 26/12/2002 on Measures of Physical Restraint in the Provision of Mental Health Care Measures of physical restraint of patients using cloth bandage are carried out only in the monitoring ward only under the

directions of a psychiatrist after a preliminary examination of the patient under the constant supervision of staff. These wards accommodate from 7 to 10 patients requiring an ongoing monitoring.

As part of the agreement on cooperation between Volgograd Psychiatric Hospital and Volgograd Regional Public Institution “State Legal Office of Volgograd Region”, the overnight-stay patients in a hospital environment are able to get a free advice of leading counsels of the mentioned institution on all matters of their interest.

Order of the Ministry of Labour and Social Protection of the Russian Federation no. 2n of 12/01/2016 on Approval of the Professional Standard for Nursing Staff (“Order no. 2n”) establishes requirements for education and training necessary for a nurse to carry out professional activities. When a nurse gets employed by Volgograd Psychiatric Hospital, he/she undergoes a check for compliance with the requirements established by the Order no. 2n and is required to attend an interview with the management of the medical institution. Nurses in Volgograd Psychiatric Hospital work under the supervision of mid-level medical staff and doctors. In Volgograd Psychiatric Hospital, regular seminars with nurses are organized on the observance of ethics and deontology in dealing with patients and their relatives, as well as control of their practical skills.

Upon the hospitalization in Volgograd Psychiatric Hospital, patients receive the information, in particular, about their rights in an accessible form and give their voluntary informed consent to medical intervention and consent to hospitalization which are issued on the basis of Article 20 of Federal Law no. 323-FZ of 21/11/2011 on Fundamentals of Health Protection of Citizens in the Russian Federation and Article 11 of Law of the Russian Federation no. 3185-1 of 02/07/1992 on Psychiatric Care and Guarantees of Citizens’ Rights during its Provision.

Refusal of medical intervention and hospitalization is regulated by Article 20 of Federal Law no. 323-FZ of 21/11/2011 on Fundamentals of Health Protection of Citizens in the Russian Federation and Article 12 of Law of the Russian Federation no. 3185-1 of 02/07/1992 on Psychiatric Care and Guarantees of Citizens’ Rights during its Provision. At any stage of examination and treatment, a patient has the right to refuse to stay in the hospital, and in the absence of grounds for involuntary hospitalization in accordance with Article 29 of Law of the Russian Federation no. 3185-1 of 02/07/1992 on Psychiatric Care and Guarantees of Citizens’ Rights during its Provision, he/she will be immediately discharged.

The doctors of department no. 2 of Volgograd Psychiatric Hospital analysed hospitalization documentation of patients kept in a hospital environment, information about the right to refuse to stay in the hospital was brought to the attention of patients, consents to continued treatment were obtained.

On paragraph no. 38

The bed stock of Kalyamin Psychiatric Hospital is 610 full-time beds, including 560 psychiatric beds, 10 narcological beds, 10 nursing care beds, 30 medical rehabilitation beds for narcological patients. The hospital is located in the four medical building built in 1960–1980.

There are no empty wards in the medical organization. At the present time, the rehabilitation department is not functioning because it requires a major repair. Repair of the rooms of the rehabilitation department will be made with due regard to the available financial opportunities at the expense of other income-generating activities of the medical organization.

One of the hospital buildings has 2 general psychiatric department wards with 30 beds each. There are many patients who have completely lost their social connections in Kalyamin Psychiatric Hospital, which inevitably causes overcrowding in wards. To improve the keeping of patients and reduce the number of patients in the hospital, their previously lost documents are restored, search for relatives is performed, documents for social service hospital organizations are made.

The hospital departments are decorated and provided with plants to the extent possible. Due to limited space in Kalyamin Psychiatric Hospital and with a view to ensure the safety of other patients and hospital staff, there is no opportunity to provide “personal lockable facilities” to patients.

The staff and administration of Kalyamin Psychiatric Hospital impose no ban on personal belongings of patients; however, in some cases patients prefer hospital clothes to their own.

On paragraph no. 47

Specialists of Kalyamin Psychiatric Hospital prescribe Clozapine to patients in minimum therapeutic doses with regular general blood tests including control of the number of leukocytes. No agranulocytosis cases in the patients of Kalyamin Psychiatric Hospital have been ever registered.

On paragraph no. 49

Despite the low staffing in Kalyamin Psychiatric Hospital, local patients receive complex medical and social assistance aimed at creating an adequate attitude to the disease, their self, micro and macro social environment, re-socialization despite the fact

that the majority of patients have persistent congenital or acquired mental defects and their rehabilitation potential is very low.

Patients who can do simple non-specialised works with due regard to their mental and physical condition are involved in occupational therapy in the medical organization under their voluntary consent.

The comment on the limited number of places for leisure activities is due to the lack of hospital space. It should be noted that almost all patients of the department have clearly detected and persistent mental defects and sometimes not even half from 10 available TV watching seats are taken in connection therewith.

Every day patients go for a walk on the territory of the organization under the control of the middle and junior medical personnel. There are recreational areas with artificial or plant fence, benches, arbors for this purpose, also flower beds and landscape ponds in spring and autumn. Sets of warm clothes, waterproof rubber footwear are provided in each department for walks in nasty weather.

Daily walks are organized in department no. 2 of Volgograd Psychiatric Hospital for patients, including with visitors. Meetings of patients with visitors are carried out in accordance with the schedule and their requirements. During hospitalization, the first phase of psychosocial rehabilitation is implemented. Individual treatment plans for the overnight-stay patients in a hospital environment include psychotherapy, occupational therapy, social rehabilitation work. The volume of the activities is adequate and is correlated with the mental condition of a patient and the extent of his/her social alienation level.

The number of patients in Kazan Psychiatric Hospital who are involved in occupational, educational, cultural and therapeutic activities is 342 (47.1% of the total number of patients). The whole process of compulsory treatment of Kazan Psychiatric Hospital patients takes place within the conditions of a therapeutic and protective regimen. Many patients are in an acute psychotic state or demonstrate significant behavioural disorders or severe negative symptoms. Only after reducing the severity of the above disorders, patients are gradually involved in occupational therapy within the department and in different types of occupational therapy subsequently.

Psychosocial therapy and rehabilitation along with pharmacotherapy represent necessary and complementary therapeutic strategies. A complex of psychosocial intervention measures aimed at restoring the capacity of the patient, his/her participation in the rehabilitation process is applied.

Occupational therapy is chosen on an individual basis and is conducted in the occupational therapy and training departments where patients acquire working skills on conventional and electric sewing machines, fabric cutting, are engaged in art therapy (paper filigree, origami, shibori). In addition, cultural and therapeutic activities are

organised for patients within various clubs (literature, painting, general education, chess clubs, etc.) as well as amateur art activities. Rehabilitation activities include games and competitions in table tennis, chess, checkers. Patients have access to the hospital library.

The social support system performs the restoration of kinship, lost housing rights, family search, residence registration, assistance in paying off debts on utility bills taking into account the benefits that patients have, timely proof of disability.

*On paragraph no. 54*

In the course of an unscheduled document inspection, several cases of use of electroconvulsive therapy without anesthetic support were revealed in Kazan Psychiatric Hospital in 2018. In this regard, Tatarstan Department of the Federal Service for Supervision of Health Care and Social Development issued an order with a provision on appointment of electroconvulsive therapy with the use of anesthetic support to Kazan Psychiatric Hospital. This requirement was not challenged in a court, thus the administration of the organisation agreed with the conclusions of the supervisory body. Moreover, during the meeting held on 5 December 2018 by the Human Rights Commissioner of the Republic of Tatarstan, the head physician of Kazan Psychiatric Hospital R.R. Khamitov noted that no electroconvulsive therapy had been prescribed for patients after the visit of CPT delegation.

*On paragraph no. 55*

Currently, there are 28 HIV-infected patients in Kazan Psychiatric Hospital. In the present time, AIDS Centre provides no drugs to HIV-infected patients in Kazan Psychiatric Hospital. Thus, the problem indicated by CPT delegation is valid and is associated with the differences in the drugs provision procedure for patients of Kazan Psychiatric Hospital.

AIDS Centre provided antiretroviral drugs to Kazan Psychiatric Hospital purchased at the expense of the federal budget from the beginning of implementation of Health national project and to up to 2013 on the basis of donation contracts concluded between the parties.

Under the act of the Territorial Directorate of the Republic of Tatarstan of Federal Financial and Budget Supervision Service of 13 March 2013, the redistribution of antiretroviral drugs for 623.408 thousand rubles in the mentioned organisation was considered to be unauthorised (unjustified expenses) following an audit of the effectiveness and legitimacy of the use of federal budget funds.

In this regard, AIDS Centre stopped providing drugs to Kazan Psychiatric Hospital.

According to the information provided by State Autonomous Healthcare Institution “Republican Centre for Control of AIDS and Infectious Diseases of the Ministry of Health of the Republic of Tatarstan” (letter no. 02-2597 of 4 December 2018), the cooperation between AIDS Centre and Kazan Psychiatric Hospital within the scope of regular medical examinations of HIV-infected patients in the psychiatric hospital is currently performed on a contractual basis. The experts of AIDS Centre prescribed antiretroviral therapy measures taking into account the drugs available in Kazan Psychiatric Hospital.

The procedure and conditions for obtaining antiretroviral drugs by federal state institutions that provide health care and are subordinate to the Ministry of Health of the Russian Federation have been repeatedly explained in an oral form to Kazan Psychiatric Hospital when applying to AIDS Centre in accordance with the legislation. Advisory and methodological assistance was also provided during the formation of an application for antiretroviral drugs in 2019.

The principles of drugs provision to HIV-infected persons and the need for inclusion of the information about these persons in the Federal Register of Persons Infected with Human Immunodeficiency Virus were explained to Kazan Psychiatric Hospital by the Ministry of Health of the Russian Federation in letters nos. 2067338/25-5, 2050734/25-5 and 2937/25-2 of 28 June 2017, 24 May 2018 and 9 November 2018, respectively.

In accordance with the Decree of the Government of the Russian Federation no. 426 of 8 April 2017 on Approval of the Rules for the Federal Register of Persons Infected with Human Immunodeficiency Virus and the Federal Register of Persons Infected with Tuberculosis, all data on HIV-infected patients shall be entered in this register. On the basis of the data of the specified register, the need for drugs for HIV treatment is determined for a particular institution and corresponding supply applications are formed.

If the demand for these drugs is due to the need of drug provision within specialized medical care in a hospital environment, a state request for an institution is formed in accordance with the main activities provided by its founding documents as per the Decree of the Government of the Russian Federation no. 640 of 26 June 2015 on Order of Formation of a State Request for the Provision of State Services (Works) for Federal Government Agencies and Financial Support of such State Request.

According to the Order, such acquisition costs are included in the basic standard costs directly related to the provision of the state service.

For the treatment of HIV-infected people in a hospital environment, the calculation of the tariff treatment per patient per year shall provide for budgetary allocations for the treatment of this nosology upon the allocation of financial support for the state request.

On paragraph no. 56

All patients who die in Kalyamin Psychiatric Hospital are subjected to post-mortem autopsy except as provided for in Article 67 (3) of Federal Law no. 323- FZ of 21/11/2011 on Fundamentals of Health Protection of Citizens in the Russian Federation, according to which “an autopsy shall not be carried out for religious or other reasons in case of a written application of his/her spouse, close relatives (children, parents, adopted children, adoptive parents, brothers, sisters, grandchildren, grandparents) and, in their absence, other relatives or the deceased’s legal representative or the will expressed by the deceased person himself during his lifetime”, and Article 5 (1) of Federal Law no. 8 of 12/01/1996 on Burial and Funeral Services, according to which a post-mortem autopsy shall not be carried out in the presence of the corresponding “will expressed by the person orally in the presence of witnesses or in a written form on his/her consent or refusal to be subjected to an autopsy”.

On paragraph no. 57

The ward inspected by the members of CPT when visiting Kalyamin Psychiatric Hospital is a nursing ward with severe mentally and physically ill patients who are strictly confined to bed and need constant care and maintenance treatment due to their state.

Patients with learning disabilities are not hospitalized in Volgograd Psychiatric Hospital except for teenagers from 15 to 18 who are hospitalized in the adult department, but in separate wards, as this institution has no teen departments.

On paragraphs nos. 58–61

Patients in single (probationary) wards of Kazan Psychiatric Hospital may attend the shared department lavatory upon request. Their meals are organised in accordance with Order of the Ministry of Health of the Russian Federation No. 330 of 5 August 2003 on Measures to Improve the Nutritional Care in Medical Institutions of the Russian Federation like for all hospital patients. Patients of this category go for a



walk together with other department patients.

Special conditions for some patients are explained by objective necessity due to their aggressive and/or auto-aggressive behaviour.

Patient D. born in 1984 repeatedly swallowed nails, wires, pens, spoons and toothbrush handles in the period from 2003 to 2010, which had been removed by fibrogastroduodenoscopy (EGD). In 2006–2007, there were three operational interventions in the surgical departments of the city hospitals to remove foreign objects from his gastrointestinal tract.

Being in a mental health facility at the place of residence, patient D. swallowed a toothbrush which had been removed by EGD in 2014. In 2015, while in pre-trial detention, he swallowed a spoon handle which had been surgically removed, due to which a mediastinitis developed. In 2016, he again had an abdominal surgery after swallowing a toothbrush. On 24 October 2017 he swallowed a metal plate and was kept in a surgical department of Kazan city hospital no. 6 from 25 October 2017 to 30 October 2017.

Patient D. repeatedly appealed to department patients with requests to give him any objects (writing implements, rods or steal them from medical staff), looked for any objects on the ground in the yard with the aim of swallowing them and subsequent admission to another hospital of Kazan. He threatened a doctor with another act of auto-aggression.

On 12 October 2018, he turned several letters from his mother into a tube of 22 cm and swallowed it. He was sent to the health care unit of Kazan (Volga) Federal University for specialized medical aid with the following diagnosis: “a foreign object in the gastrointestinal tract”. After the medical manipulations (EGD) the foreign object was removed from the stomach. The medical report indicated the patient’s normal skin colour. The patient was returned to the organisation. To protect the patient from repeated auto-aggressive actions, all items that may cause self-inflicted injuries, including his toothbrush, were withdrawn. To avoid potential auto-aggressive actions, he was restricted in his movements. The patient refused to take solid food and took only liquid food. He was subjected to a preventive skin treatment with a solution of camphor spirit. Measures of physical restraint were later cancelled. On 15 October 2018, the patient was examined by an attending doctor and a therapist. In the lower third of the lumbar spine they found a hyperemic spot of 1x1.5 cm with no signs of pain, swelling or hyperthermia. Treatment with potassium permanganate solution was recommended. While being in the ward, the patient scratched the lumbar area and intentionally made scratches which were treated with a solution of potassium permanganate.

CPT delegation members (a forensic psychiatrist and a lawyer) and an interpreter visited the ward with patient D. The patient complained about the absence of opportunities to go for a walk, to the lavatory and about the withdrawn toothbrush. The demonstrated the scratches in the lumbar area with crusts and light pigmentation traces from potassium permanganate solution. The forensic psychiatrist did not request to present any objective information or medical records on the origin of scratches in the patient's lumbar area, so he mistakenly decided that it was a bedsore.

Patient A. born in 1968 was admitted to Kazan Psychiatric Hospital on 8 November 2012 for the fourth time. In the hospital wards, he constantly violated the local regime, formed groups with antisocial patients while inducing and forcing them to violate the hospital regime. He was angry and aggressive towards the medical staff. He aspired to be a leader among the patients. He was constantly looking for ways to get euphoric drugs and inducing other patients to do this. He threatened disagreeing patients with physical violence. He forced weak-minded patients to beat other patients out of his favour. He considering himself to be a leader among patients and forced them to self-harm with broken window pieces with the aim of destabilization of hospital work. He establishes a schedule and sequence of such actions. In total, there were fourteen such cases. Patients with self-harm injuries were taken to other hospitals in Kazan for surgical care.

In view of the increased danger and threat to the health of others, his intentional acts aimed at destabilizing hospital work, patient A. was placed in a single (probationary) ward under special conditions.

Patient A. is isolated from other patients, he takes his food alone, goes for walks, to the lavatory and is provided with individual assistance in hygienic and sanitary measures. His mental state is unstable with bouts of anger and irritation. He occasionally appeals to department patients to breach regime requirements.

*On paragraphs nos. 62–63*

The use of physical restraints to patients of Kalyamin Psychiatric Hospital is regulated by Order of the head physician of the hospital no. 41 of 10 January 2018 on Rules of Patients Restraint for Medical Reasons and is carried out under strict indications near the nurse station. Duration of use of physical restraints is not more than 2 hours. The practice of isolation of patients in Kalyamin Psychiatric Hospital is not used.

Kalyamin Psychiatric Hospital departments had no patient restraint logs and records in patient cards and patient monitoring logs did not adequately reflect the dynamics of patient restraints according to CPT members. Immediately after the check,

this fault has been eliminated and Patients Restraint Logs for Medical Reasons were introduced in all departments. Separate rooms for restrained patients with constant supervision by medical personnel are planned to be created in the future.

The use of physical restraint to Volgograd Psychiatric Hospital patients is regulated by Article 30 of Law of the Russian Federation no. 3185-1 of 02/07/1992 and information letter of the Ministry of Health of the Russian Federation no. 2510/12967-02-32 of 26 December 2002 on Measures of Physical Restraint in the Provision of Mental Health Care. Measures of physical restraint of patients using cloth bandage are carried out only in the monitoring ward only under the directions of a psychiatrist after a preliminary examination of the patient under the constant supervision of staff. These wards accommodate from 7 to 10 patients requiring ongoing monitoring.

The order of Tatarstan Department of the Federal Service for Supervision of Health Care and Social Development establishes the need to ensure compliance with the requirements of Article 30 of Law no. 3185-1 of 2 July 1992 as well as local acts of Kazan Psychiatric Hospital on the provision of meals to restrained patients with regard to the restrained patients, whose meals shall be registered in restrained patient monitoring logs. At the present time, the local act on the provision of meals to restrained patients is amended. A record of food intake by a patient with an indication of the frequency of meals and the amount of food eaten according to the menu is registered in patient monitoring logs. Their refusals of meals are also registered.

Already mentioned patient D. of Kazan Psychiatric Hospital born in 1984 turned several letters from his mother into a tube of 22 cm and swallowed it on 12 October 2018. He was sent to the health care unit of Kazan (Volga) Federal University for specialized medical aid with the following diagnosis: “a foreign object in the gastrointestinal tract” After the medical manipulations (EGD), the foreign object was removed from the stomach. The medical report indicated the patient’s normal skin colour. The patient was returned to the organisation. To protect the patient from repeated auto-aggressive actions, all items that may cause self-inflicted injuries, including his toothbrush, were withdrawn. To avoid potential auto-aggressive actions, he was restricted in his movements. The patient refused to take solid food and took only liquid food. He was subjected to a preventive skin treatment with a solution of camphor spirit. Measures of physical restraint were later cancelled.

On 15 October 2018, the patient was examined by an attending doctor and a therapist. In the lower third of the lumbar spine they found a hyperemic spot of 1x1.5 cm with no signs of pain, swelling or hyperthermia. Treatment with potassium permanganate solution was recommended. While being in the ward, the patient scratched the lumbar area and intentionally made scratches which were treated with a solution of potassium permanganate.

On paragraphs nos. 65–66

All drugs in Kalyamin Psychiatric Hospital are prescribed by the attending doctor or the doctor on duty and recorded in the medical records. Only nurses have an admission to make injections.

After the manipulations, a nurse makes corresponding injections marks in patients prescription lists. The role of nurses is limited to auxiliary functions.

Administration of Kalyamin Psychiatric Hospital took the CPT report into consideration; the range of positive psychosocial methods to influence the behaviour of patients will be expanded in clinical practice in order to avoid the threat of punitive use of restraints and constraints in strict accordance with the federal law.

On paragraphs nos. 70–72

According to Article 28 (3, 5) of Law no. 3185-1 of 2 July 1992, persons are voluntarily hospitalised to a medical organization at his/her request or if there is a consent to hospitalization. Consent to hospitalization to a medical organization shall be made in writing and signed by the hospitalized person or his/her legal representative, a medical specialist and shall be kept in the medical records.

The rights of patients in medical organizations providing psychiatric care in a hospital environment, including those subject to compulsory psychiatric care under a court decision as governed by Article 37 of Law no. 3185-1, according to which (§ 2) all patients who are treated or examined in a medical organization providing psychiatric care in a hospital environment shall have the following rights, inter alia: apply directly to the head physician or the department head with regard to their treatment, examination, discharge from the medical organization providing psychiatric care in a hospital environment and observance of the rights granted by Law no. 3185-1; submit uncensored complaints and petitions to representative and executive authorities, prosecutor's office, court, lawyer, public law office (if any); meet with a lawyer, an employee or an authorized person of a public law office and with a priest alone; perform religious rituals, observe religious canons, including fasting, hold religious

paraphernalia and literature, if it does not violate the internal rules of the medical organization; subscribe to newspapers and magazines; receive general education including under an adapted educational programme; receive an equal payment for their work with other citizens in accordance with its quantity and quality, if the patient is involved in productive work.

In particular, there are consents of all patients of Kalyamin Psychiatric Hospital in the established form on the first page of their medical records.

Upon the hospitalization in Volgograd Psychiatric Hospital, patients receive the information, in particular, about their rights in an accessible form and give their voluntary informed consent to medical intervention and consent to hospitalization which are issued on the basis of Article 20 of Federal Law no. 323-FZ of 21 November 2011 on Fundamentals of Health Protection of Citizens in the Russian Federation and Article 11 of Law of the Russian Federation no. 3185-1 of 02/07/1992.

Refusal of medical intervention and hospitalization is regulated by Article 20 of Federal Law no. 323- FZ of 21 November 2011 on Fundamentals of Health Protection of Citizens in the Russian Federation and Article 12 of Law of the Russian Federation no. 3185-1 of 02/07/1992. At any stage of examination and treatment, a patient has the right to refuse to stay in the hospital, and in the absence of grounds for involuntary hospitalization in accordance with Article 29 of Law of the Russian Federation no. 3185-1 of 02/07/1992, he/she will be immediately discharged.

The doctors of department no. 2 of Volgograd Psychiatric Hospital analysed hospitalization documentation of patients kept in a hospital environment, information about the right to refuse to stay in the hospital was brought to the attention of patients, consents to continued treatment were obtained.

Among other things, as part of the agreement on cooperation between Volgograd Psychiatric Hospital and Volgograd Regional Public Institution “State Legal Office of Volgograd Region”, the overnight-stay patients in a hospital environment are able to get a free advice of leading counsels of the mentioned institution on all matters of their interest.

With regard to the comments of delegation members on the presence of “civil” patients without their consent in Kazan Psychiatric Hospital, the following shall be noted. Members of CPT delegation did not name any specific names of the so-called “civil” patients, their number, the period of keeping of such persons in the organisation.

The purpose of Kazan Psychiatric Hospital is the implementation of compulsory medical measures under court decisions in relation to persons suffering from mental disorders and those who committed socially dangerous acts. Other persons are not kept in this organisation.

On paragraph no. 73

In accordance with Article 37 § 3 of Law of the Russian Federation no. 3185-1 of 02/07/1992, any patient, including a person who is subject to compulsory psychiatric care under a court decision, shall also have the following rights which may be restricted under the recommendation of the attending physician, the department head or the chief physician for the health or safety of patients or others persons, in particular: send and receive parcels, postal packets and money transfers; use a phone; meet with visitors; hold and purchase essential items, use his/her own clothing.

Many patients of Kalyamin Psychiatric Hospital have phones that are kept in locked rooms with a view to keep them safe from damage. At their request, personal phones are given to patients to communicate without any censorship. Some patients also have laptops and tablets which are also allowed for use for communication with the outside world.

On paragraphs nos. 79–80

The reforming of psycho-neurological care homes and improvement of living conditions of persons with mental and psychophysical disabilities were considered at the meeting with Deputy Chairman of the Government of the Russian Federation T.A. Golikova on 29 January 2019 (Minutes no. TG-P12-7pr of 29 January 2019; “Minutes no. 7pr”) and at the meeting of the Council under the Government of the Russian Federation concerning guardianship in the social sphere (Minutes no. 3 of 28 March 2019).

In accordance with Minutes no. 7pr, the Russian Ministry of Labour elaborated on the criteria for designation of citizens with mental illnesses to partially able to work citizens and able to live independently taking into account the provision of essential social services.

It was also established that there are no current normative criteria to determine whether such citizens are able to live independently, and the statutory assessment of working ability in relation to citizens including those with mental disorders is carried out only when deciding on the recognition of their disability.

It was also established that the ability to live independently is determined by a medical commission with the participation of a psychiatrist at the discharge from a social organization providing care in a hospital environment to people suffering from mental disorders.

Thus, the Ministry of Labour of the Russian Federation plans to identify and discuss approaches to designation of citizens with mental illnesses to partially able to work citizens and able to live independently taking into account the provision of essential social services with national public disability organizations and patient organizations, main external experts of the Ministry of Health and expert community in the period from April to July 2019.

In particular, it proposes to consider and develop a point scoring system based on existing documents in the practice of various specialists (doctors, rehabilitation specialists) used for the assessment of independence based on an assessment of various human activities. In addition to this, one assessment scale will be developed on the basis of ability to perform complex actions by a citizen (using a mobile phone, public transport, personal finances, shopping at a store and etc.) and another assessment scale will be developed on the basis of ability to perform elementary actions by a citizen (movement within the premises, dressing, meals, personal hygiene).

With due regard to the points gained according to the developed scales, it is proposed to determine the approximate amount and frequency of necessary social services, including with regard to the implementation of hospital replacement solutions and different assisted living solutions for disabled persons.

This approach will focus on providing assistance to a disabled person in proportion to his/her needs, development of his/her greatest possible independence and will allow the disabled to live independently.

This approach seems to be reasonable in view of the fact that it has already been the basis for the recommendations approved by Order of the Ministry of Labour of Russia no. 847 of 14 December 2017 on Approval of Methodic Recommendations on the Organization of Different Assisted Living Solutions for Disabled Persons Accompanied by Various Solutions including Assisted Living Solutions for Small Groups of Disabled Persons Living Together in Separate Residential Accommodation.

At the same time, it is planned to determine the competence of the specialists who will be required to participate in the work on the application of approximate criteria for people with mental disorders, and the technique of this work.

It is assumed that the Ministry of Labour jointly with the Ministry of Health will develop appropriate guidelines for specialists and will organize their implementation in August 2019.

At the same time, within the execution of Minutes no. 3, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare prepared amendments to SP 2.1.2.3358-16 "Sanitary and Epidemiological Requirements to Location, Arrangement, Equipment, Maintenance, Sanitary and Hygienic and Anti-Epidemic Regimes of Social Service Organizations" approved by Order of the Chief Public

Health Official of the Russian Federation no. 69 of 27 May 2016, in order to create living conditions in psycho-neurological care homes as close to home conditions as possible and to promote independent living and socialization skills among their residents. This document is uploaded to the official website providing information on the preparation of draft regulations by the federal bodies of executive power and results of public discussion for public debate.

In this regard, the highest state authorities of the Russian Federation entities are recommended to allocate the funds required to improve the material and technical capabilities of these organizations during the formation of the budgets of the Russian Federation entities for 2020 and subsequent years, up to 1 December 2019.

According to Minutes no. 3, from April to September 2019, Federal State-Funded Institution “Serbskiy Federal Medical Research Centre for Psychiatry and Addictology” of the Ministry of Health of the Russian Federation shall perform individual assessment and examination of the citizens living in psycho-neurological care homes (including assessment in the course of such: of the foundations for such citizens stay in psycho-neurological care homes; their state of the underlying disease; the completeness and effectiveness of standard medical examinations, identification and provision of medical assistance to the citizens in the case of other concomitant non-communicable diseases, comprehensiveness of standard medical examinations; the degree of independence of such citizens, their legal capability and ability to socialize) as well as analyse the adequacy of nutrition care for such citizens living in psycho-neurological care homes with a view to their state of health and the presence of concomitant diseases.

According to the results of the execution of these measures by the Ministry of Labour of the Russian Federation, each subject of the Russian Federation will make a register of citizens who need assisted living, training (retraining), employment and other measures of social support in the period up to 4 October 2019.

*On paragraph no. 81*

As part of the execution of Minutes no. 7pr in terms of development of social services options alternative to psycho-neurological care homes for people with mental disorders, including at home, in the regions of the Russian Federation, the Ministry of Labour of the Russian Federation developed Action Plan “Development of Hospital Replacement Solutions Providing Social Services to Citizens with Mental Disorders in the Regions of the Russian Federation (2019–2024)” (the “Action Plan”) while taking into account the information of the executive authorities of the Russian Federation entities.



The implementation of the Action Plan is aimed at improving social services for citizens with mental disabilities in the Russian Federation, increasing their level, quality and efficiency, including with a view to ensuring the availability of social services and their adaptation to the changing legal, social, economic and demographic conditions, introducing new approaches to understanding the needs and requirements of social services recipients living in psycho-neurological care homes, organizing activities of social service organizations to interact with social partners.

Given that the priority forms of social services for citizens, including those suffering from mental disorders, are social services provided at home, including with the use of hospital replacement solutions and semi-hospital form of social services, the main directions of development of social services options alternative to psycho-neurological care homes for people with mental disorders in the regions of the Russian Federation are as follows:

1. The organization of assisted living for citizens with mental disorders, including in small groups, in order to ensure that they are living in the conditions as close to home conditions as possible outside psycho-neurological care homes;

2. The introduction and development of hospital replacement solutions for the provision of social services to citizens with mental disorders, including those living in remote and rural areas;

3. The development of the maximum possible autonomy of citizens with mental disorders in the household, social, communicative and leisure activities during their preparation to assisted living;

4. The organization of constant daily employment of citizens with mental disorders, including in semi-hospital social service organizations, structural subdivisions of psycho-neurological care homes, non-governmental organizations;

5. The support of family care for citizens suffering from mental disorders;

6. The formation of an institute of “foster family for people suffering from mental disorders”.

The plan is expected to be approved by the order of the Ministry of Labour of the Russian Federation.

Currently, the draft order is in the agreement stage.

After the adoption of this order, similar action plans will be developed and approved in the Russian Federation entities.

It is expected that as a result of the implementation of the action plan, the number of people suffering from mental disorders who are sent to Psycho-Neurological care homes to receive full-time social care will reduce in the Russian Federation, the range of hospital replacement solutions for the provision of social services to citizens with mental disorders will expand, alternative regional systems

for the provision of social services to citizens with mental disorders (if compared to psycho-neurological social care homes) will be formed.

On paragraph no. 82

With regard to the fact of ill-treatment of a social services recipient of Moscow Public Budgetary Institution Psycho-Neurological Social Care Home no. 34 of Department of Labour and Social Protection of the Population of Moscow (“Social Care Home no. 34”) of the special care unit, the order of Social Care Home no. 34 of 19 October 2018 delivered a reprimand to nurse and bathroom attendant I.A. Yunina and the order of Social Care Home no. 34 of 22 October 2018 dismissed her at her own request.

On paragraphs nos. 83–85

To improve the quality of services provided, the heads of departments and senior nurses examine social services recipients to identify injuries (hematomas) during medical rounds on a daily basis. In this regard, Moscow Public Budgetary Institution Psycho-Neurological Social Care Home no. 16 of Department of Labour and Social Protection of the Population of Moscow (“Social Care Home no. 16”) developed and implemented an act on injury investigation in 2015, which investigates in detail the circumstances of injury, the measures taken for the elimination of their consequences, measures to prevent injuries. A regulation on actions of mid-level medical staff in the case of injuries of social services recipients is developed and will be registered up to 1 June 2019.

With regard to the adoption of measures for the protection of patients from other dangerous patients in Babushkinskiy Social Care Home, the following actions have been taken. Patients on bed rest live apart from other dangerous patients and are under full-time surveillance of support staff (department nursemaids) and medical staff (nurse on duty, psychiatrist, nurse practitioner).

With regard to the issue of staff training on complex situations settlement (transaggressive behaviour), Babushkinskiy Social Care Home filed an application for training on “Settlement of Difficult Situations Involving Patient Transaggressive Behaviour” to training centre of Ulan-Ude Integrated Social Services Centre “Doveriye” Psychiatrist carries out regular staff briefings registered in the log.

The instruction for medical personnel of Babushkinskiy Social Care Home on immediate reporting to senior medical staff on any traumatic injuries detected in patients is developed. All data are necessarily recorded in the medical history of a citizen and in the central register of injuries.

On paragraph no. 86

Administration of Social Care Home no. 16, in accordance with the indications of Department of Labour and Social Protection of the Population of Moscow, submitted documents for the development of estimates on the repair works for the purpose of re-planning of general men department no. 4 located in building no. 4 on the third and fourth floors, which provides for separate rooms for no more than four persons in compliance with the requirements of SanPiN 2.1.3.2630-10. From four residential departments, building no. 4 is fully consistent with the recommendations of CPT (accommodation of social services recipients in bedrooms for one to four persons in accordance with the requirements of SanPiN 2.1.3.2630-10). Work on the reconstruction of buildings nos. 1, 2, 3 (floor 2) will also be planned with due regard to CPT recommendations.

Within two years, the reconstruction of all dwellings of Social Care Home no. 16 (7 m<sup>2</sup> of living space per person) will be carried out with one to four persons per room.

On paragraph no. 87

Currently, repairs of general men department no. 3 of Social Care Home no. 16 include installing three showers and lavatory doors on the third and fourth floors.

On paragraphs nos. 88–89

Administration of Social Care Home no. 34 presented an overhaul project for building no. 8 of Social Care Home no. 34 to CPT members.

Currently, the following design and estimate documentation (DED) has been developed:

1. Building no. 8. DED has been developed by Pervaya Gazovaya Kompaniya LLC under state contract no. GK-304/18 of 25 May 2018. At the moment, DED is under the examination in Mosgorekspertiza.

2. Building no. 5. DED has been developed by Proektniy Institut No. 7 LLC under state contract no. GK-607/18 of 6 November 2018. At the moment, DED is under the examination in Mosgorekspertiza.

3. Building no. 6. DED has been developed by Proektniy Institut No. 7 LLC under state contract no. GK-607/18 of 6 November 2018. At the moment, DED is under the examination in Mosgorekspertiza.

4. Building no. 7. DED has been developed by SAB LLC under state contract no. GK-612/18 of 1 November 2018. At the moment, DED is under the examination in Mosgorekspertiza.

Creation of personal space for the social services recipients (SSR) living in the ward for ten or more people is possible after their displacement and will be carried out after the overhaul of residential buildings of Social Care Home no. 34 with corresponding planning of rooms in departments.

*On paragraph no. 90*

In Autonomous Public Institution of Social Service “Angarsk Psycho-Neurological Social Care Home” (“Angarsk Social Care Home”), all residents are placed in accordance with the standards established by SP 2.1.2.3358-16 “Sanitary and Epidemiological Requirements to Location, Arrangement, Equipment, Maintenance, Sanitary and Hygienic and Anti-Epidemic Regimes of Social Service Organizations”.

The institution is working on the improvement of social services and resident’s living conditions. To ensure comfortable living conditions and create personal space for each resident, rooms for two and more residents are equipped with screens, curtains, frames for personal photos, clocks, calendars, pictures, etc.

*On paragraph no. 92*

A new residential building Angarsk Social Care Home opened in February 2019, which includes a special care unit for 50 beds. In order to create an accessible and comfortable environment for people with disabilities, the building is equipped with modern medical and rehabilitation equipment. The introduction of an additional special care unit has improved the living conditions of the local residents.

In order to create an environment for positive social adaptation and overcoming social isolation, expansion of social circles, overall improvement of mental and physical performance of SSRs, a recreation room on the first floor of Block B of Angarsk Social Care Home is being equipped. The required equipment has been purchased: TV, soft flooring, safe furniture (soft poufs, toys). A multifunctional team

of psychiatrists, psychologists, rehabilitation specialists, social workers, middle and junior-level medical staff has been established to work with residents.

On paragraphs nos. 93–95

With regard to the living space for the residents of Babushkinskiy Social Care Home, the availability of bedside tables for personal belongings and clothing, access to the rest room, the following shall be explained. Resident citizens are placed in the institution in accordance with current laws and regulations on living space in psycho-neurological social care homes. The institution equipped all rooms with bedside tables, lockers for personal belongings of residents in all departments by 100%.

Each department has a lobby for leisure and recreation of citizens with TVs, shelves with fiction books, newspapers and magazines, board games, fireplaces, upholstered furniture. The department for physically challenged citizens is additionally equipped with a psychologist office with the appropriate equipment; there are educational kits, board games, balls, educational wall panels, lighting, materials for creative arts in the lobby. Upholstered furniture, 3D plasma TV with an access to the Internet, aquarium complex, pet corner with budgies, multimedia projector are located in the department for social rehabilitation and morale support in the lobby.

There is also a computer class (seven laptops, tablets), an office for arts and crafts, a psychologist office with special equipment (light column, fiberoptic curtain, table for sand therapy, sound system, plasma TV, feet sensory path, light tablet, soft play kit, easel, starry sky projector, mini fountains, and etc.), occupational therapy instructor office (with sports equipment: Nordic walking poles, balls, sports and fitness machines, mats, wall bars, etc.), a prayer room, a library. There is a stage for cultural events in the open air.

With regard to the improvement of living conditions in the wards for physically challenged SSRs and in other departments and rooms of Babushkinskiy Social Care Home, the institution has performed an analysis of improvement of the living conditions in the department for physically challenged citizens.

In 2018, the improvement measured were taken with regard to material and technical capabilities of the department for physically challenged people and leisure rooms, in the amount of 985.3 thousand rubles. In order to improve the quality of social services in the field of leisure, expand comfort zone, improve the living conditions of staying people, each ward in the department for physically challenged people was equipped with interior doors and televisions, partition walls were installed in the lavatories providing for more personal space of residents, the leisure area in the lobby was equipped: faux leather sofas, fiberoptic curtain for rehabilitation activities, mini

fountains, educational wall modules, lighting, paintings, clocks, mirrors, carpets, area for art classes was equipped (tables, chairs, hanging shelves for residents art, materials for lessons in drawing, modelling, design, etc.), educational kits, lego, modular patterns (also in the living rooms), educational board games, fiction books. In the wards were equipped with new bedside tables, wardrobes, chairs, clocks, paintings, new blankets, bed mats, dressing tables, dining area for physically challenged residents, additional technical means of rehabilitation: walking chairs, strollers, walkers, bedside tables, crutches and chairs for the bathroom. The department for physically challenged citizens has a new psychologist room with special equipment (chairs, tables, wall panels, fiberoptic curtain, mini fountains, materials for psychocorrective activities).

In May 2019, the dining hall was repaired, the medical unit with reception and probationary ward and pharmacy warehouse was reconstructed, the social rehabilitation unit and living rooms were renovated, 110 pieces bedside tables were purchased for replacement, seven three-door wardrobes.

Curtains purchased for the lobby and the social rehabilitation unit, extra furniture (wardrobes, shelves for books) to organize a more comfortable rehabilitation environment.

Landscaping works are also carried out in the territory of the institution: walking paths are ennobled, canopies, gazebos, arbors, benches, flower beds; a playground project and a field for football and volleyball are under development.

*On paragraph no. 96*

With regard to the individual assessment of the needs of A.<sup>1</sup> in Babushkinskiy Social Care Home and his transfer into the room that is more suitable for his intellectual and physical abilities, the following shall be explained.

According to the requirements of fire safety, wheelchair users must reside on the first floor; in the view of his intellectual abilities, personal opinion and desire, A. was relocated to a double room on the first floor, which is more suitable for his physical abilities. In the room of A., there is a TV, a purchased laptop with an access to the Internet for personal use, a wheelchair received under the programme on provision of people with disabilities with technical means of rehabilitation in accordance with the Individual Rehabilitation or Habilitation Programme; the provision of A. with clothing for people without arms under the support of the Social Insurance Fund is in progress; he also has easy access to the local library. In addition, A. is actively involved in the activities on social and cultural (film shows, clubs, bibliotherapy) and social and psychological rehabilitation (sessions with a psychologist, consultations, training in the

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<sup>1</sup> In accordance with Article 11, paragraph 3, of the Convention establishing the CPT, the name has been deleted.

sensory room, training on improving the communicative capacities, music therapy and etc.).

The institution has implemented measures on the restoration of legal capability of A. According to the court decision, the statement of Babushkinskiy Social Care Home on the recognition of legal capacity of A. was dismissed on 19 March 2019.

*On paragraph no. 99*

In connection with the death of a doctor and a change in residence of another doctor, the number of psychiatrists in Social Care Home no. 16 was decreased by two people.

Currently, there are 5 psychiatrists employed. New medical specialists including psychiatrists are interviewed for vacant positions.

As of 24 April 2019, Social Care Home no. 34 employs 14 psychiatrists, 24 specialist doctors, 163/75 FTE for mid-level nurses and 278/75 FTE for junior-level nurses, which correspond to the model staffing of psycho-neurological care homes approved by Order of Department of Labour and Social Protection of the Population of Moscow no. 1070 of 24 December 2014.

*On paragraph no. 100*

In order to ensure an access to appropriate conservative or prosthetic dental care in Babushkinskiy Social Care Home, the individual needs of staying persons with regard to dental prosthetics were analysed. At the moment, four staying persons have already received prosthetic services, and the work in this direction continues.

*On paragraph no. 101*

On 6 May 2019, in accordance with Minutes no. 3, the Ministry of Health prepared a draft order of the Ministry of Health of the Russian Federation on Introduction of Amendments to Appendix no. 22 to Order of the Ministry of Health and Social Development of the Russian Federation no. 566n of 17/05/2012 on Approval of Medical Assistance Procedure for Mental and Behavioural Disorders, which provides for the interaction between psychiatric medical organizations and psycho-neurological care homes in the provision of psychiatric medical assistance to citizens, their supervision and treatment by the forces and means of medical organizations. This document is uploaded to the official website providing information on the preparation of draft regulations by the federal bodies of executive power and

results of public discussion for public debate.

In addition, the highest authorities of state power of the Russian Federation are recommended to provide the citizens living in psycho-neurological care homes with medical care, including regular medical checks for the patients with chronic non-communicable diseases, including with the use of field methods, by attaching medical organizations to each psycho-neurological care home.

With regard to the organization of psychiatric and physical treatment in Babushkinskiy Social Care Home, the following shall be explained. Planned health care for the residing citizens is provided by Kabansk Central Regional Hospital, emergency medical care is provided by the ambulance of Babushkin. According to the medical examination plan, 100% of the residing citizens are examined in accordance with the year of passaging the medical examination. 145 residing people are planned to pass medical examinations in 2019. Medical examinations are held annually, 100% of residents are examined.

In February 2019, the institution employed a full-time psychiatrist N.V. Pukhov with the qualification in psychiatry and working experience of 45 years and 4 months. He additionally performs the functions of head of the department. The doctor is in the institution on a full-time basis, providing quality medical care by developing residents examination plan, establishing diagnosis, determining treatment course, prescribing and controlling treatment, examining residents, making changes to treatment plans, being responsible for the internal control of quality of care in the institution, preparing medical records, preparing documents for health and social expertise.

The second psychiatrist has an agreed schedule of regular examinations of the institution residents.

The mentioned specialists and the nurse practitioner of the institution provide for the following:

1. implementation of the plan of regular medical examinations;
2. maintaining records of objective examination of residents by a psychiatrist;
3. examination of residents at least once a week with the introduction of the corresponding record in the history of the disease;
4. implementation of dynamic monitoring of treatment with psychotropic drugs with the registration of dynamic observation records;
5. correction of examination plan and treatment plan with due regard to the clinical diagnosis, state, characteristics of the disease, presence of concomitant diseases, complications of the disease and the results of the treatment of a resident;
6. detailed registration of prescribed psychotropic drugs regardless of their dosage form in the history with its justification, date and dosage form, single dose, mode and frequency of reception or administration, name and surname of the doctor



who made the prescription, description of the effect of the drug, evaluation of the effectiveness of the treatment for chronic administration of the drug, revision of treatment.

On paragraph no. 102

With regard to the revision of the need for the continuation of stay of the residents of Babushkinskiy Social Care Home, the organization of checks on drug reception as necessary (with prior psychiatric resolution as the need arises) by an independent psychiatrist or other oversight bodies, the multidisciplinary evaluation and review of the need for the continuation of capacity constraints for all patients, the following activities have been performed.

According to Article 43 of Law of the Russian Federation no. 3185-1 of 2 July 1992 on Psychiatric Care and Guarantees of Citizens' Rights during its Provision ("Law no. 3185-1"), Order of Kabansk Central Regional Hospital No. 547-OD of 12 December 2018 established a visiting committee with the participation of a psychiatrist in order to address the issue of the possibility of review of the decisions on the incapacity of citizens living in the social care home. The conclusions of the medical commission were prepared after the check. The commission revealed no residing citizens who need a review of the decisions on their incapacity.

Letters were sent to the Ministry of Health of the Irkutsk Region (no. 05-01-43-i6427 of 5 December 2018), Ministry of Health of the Zabaykalskiy Region (ref. no. 05-01 -43-i 907 of 12 February 2019), Federal State Educational Institution of Higher Professional Education Buryat State University with a request for an independent examination of the quality of care, analysis of the accessibility and quality of mental health care. Refusals to the request were received with a reference to legal documents: letter from the administration of Kandinskiy Regional Clinical Psychiatric Hospital (ref. no. 2805 of 11 March 2019), an letter from the administration of Buryat State University (ref. no. 09-88 of 21 January 2019), letter from the Ministry of Health of the Irkutsk Region (ref. no. 02- 54-24629/18 of 21 December 2019).

However, on 15 November 2018, on the basis of the inter-agency cooperation, a commission from visiting psychiatrist of the Ministry of Health of the Republic of Buryatia I.B. Ochirova, deputy chief physician of Republican Mental Hospital of the Republic of Buryatia V.N. Dashinamzhilova, Senior Analyst of Material, Procurement and Security Department of the Ministry of Social Protection of the Republic of Buryatia B.M. Borgolov was launched to assess the organization of therapeutic and diagnostic work in Babushkinskiy Social Care Home. Based on the results of the assessment of the organization of therapeutic and diagnostic work in Babushkinskiy

Social Care Home, the commission recommended the following:

1. In order to implement article 43 of Law no. 3185-1, the administration of the institution shall sign an agreement with the regional medical institution (the “RMI”) for launch a medical commission with a psychiatrist to address the issue of the future residence of its residents and to review the decisions on the incapacity of citizens living in the social care home;

- expand the list of drugs used to treat psychiatric disorders by adding atypical antipsychotics, new-generation drugs (antidepressants, hypnotics);
- organize essential drugs provision for the residents under the corresponding programme;
- take measures to employ one more full-time psychiatrist (nurse practitioner).

Currently, all the items recommended by the commission have been covered as follows:

The administration of Babushkinskiy Social Care Home, in order to meet the requirements of Article 43 § 3 of Law no. 3185-1 of 2 July 1992, signed a contract with Kabansky CDH to conduct a medical commission with a psychiatrist in order to address the issue of the future residence of its residents and to review the decisions on the incapacity of citizens living in the social care home, in particular A.

Atypical antipsychotics, new-generation drugs (antidepressants, hypnotics) have been also added in the current list of medicines used to treat mental disorders, and essential drugs provision has been organised for the residents under the corresponding programme.

Babushkinskiy Social Care Home employed a full-time psychiatrist.

In addition, pursuant to paragraph 5 of Minutes no. 3 of 28 March 2019, visit and conduct of an individual assessment and examination of the citizens living in the psycho-neurological care home as well as an independent examination of the quality of care and the accessibility of mental health care are planned for July 2019 by the commission with the participation of experts from Serbskiy Federal Medical Research Centre for Psychiatry and Addictology of the Ministry of Health of the Russian Federation. The institution prefilled the questionnaires (profiles) for 211 SSRs and sent them to Serbskiy Federal Medical Research Centre for Psychiatry and Addictology.

Currently, a full-time psychiatrist is employed to determine the dosage and the need for medications for each patient.

*On paragraph no. 103*

On 1 February 2019, Social Care Home no. 16 introduced a new staffing schedule (Order no. 176 of Social Care Home no. 16 of 23 November 2018) which

adds 4 FTE to the existing 2 FTE of psychologists. As of today, 3 FTE from 6 are employed. Further work on the search for qualified staff (psychologists) is performed.

According to the work plans of psychologists, weekly (psychodiagnostic and psychocorrective) activities are carried out to prevent negative, affective actions and reactions of SSRs, to promote the development of personal potential and to create comfortable living conditions to suit the individual needs and characteristics in all departments Social Care Home no. 16. All activities recorded in the working time register.

According to Order no. 84/1 of Social Care Home no. 16 of 29 March 2019 issued for the execution of Order of Department of Labour and Social Protection of the Population of Moscow no. 01-22-8979/19 of 21 March 2019, additional ten practical nurse positions were created in the special care unit. Individuals are being currently employed subject to prior training. Eight nurses for vacant positions have been additionally employed from November 2018.

The Ministry of Social Development, Guardianship and Custody of the Irkutsk Region and its subordinate institutions, including Angarsk Social Care Home, has begun their work on the implementation of elements of the system of long-term care for senior citizens and disabled people. In the course of this work, it is planned to review the staffing schedules to ensure, inter alia, an individual approach to social services for residents, to improve the quality of care provided.

In addition, under the preparation of the Concept of Functioning of a Modern System of Comprehensive Rehabilitation and Habilitation of Persons with Disabilities and Children with Disabilities by the Ministry of Labour of the Russian Federation jointly with the Ministry of Health, Ministry of Enlightenment, Ministry of Education and Science, Ministry of Sport, Ministry of Industry, Ministry of Culture and Ministry of Construction of the Russian Federation, it is expected to include the provisions to ensure the socialization and way of life of persons with disabilities and mental disorders or mental health problems, using a variety of support solutions in the delivery of rehabilitation and habilitation services including services for the organization assisted living, daily employment and work, prior to 1 November 2019.

*On paragraph no. 104*

Social Care Home no. 16 involves an interdisciplinary committee to analyse and prepare comprehensive and individualized plans for psychosocial rehabilitation. There are 715 SSRs in the social care home, an indicative date for completion is 2021 with subsequent correction once a year.

All social workers and rehabilitation specialists have specialized education or training.

Currently, 19 people (doctors, nurses, social workers) are receiving additional education in Moscow State Autonomous Institution “Institute of Additional Professional Education for Social Workers” of the Department of Labour and Social Protection of the Population of Moscow under the following programme of professional retraining: Rehabilitation Work in Social Institutions.

Additionally, a deputy director for social work became a member of staff of Social Care Home no. 16 from November 2018.

*On paragraph no. 105*

The Social Care Home no. 34 has a social and rehabilitation department (the “SRD”) which is attended by about 120 SSRs on a daily basis and about 800 SSRs receive social and domestic, social and psychological, social and educational services, communicative potential enhancement services in the departments (classes are held by rehabilitation specialists, labour instructor, librarian, psychologists under the schedule), (sporting activities, workshops, etc.) are held in the territory of Social Care Home no. 34, outdoor events (excursions, visits to theatres, exhibitions, etc.). The SRD keeps rehabilitation potential documentation for all SSRs (as of 24 April 2019, the number of SSRs in Social Care Home no. 34 is 924), which is filled by psychologists and rehabilitation specialists. A set of measures aimed at increasing the level of his/her rehabilitation potential is developed for each SSR. Reports on the rehabilitation potential of SSRs are sent to the Department of Labour and Social Protection of the Population of Moscow twice a year.

In developing rehabilitation measures plans, an interdisciplinary approach is applied while involving a wide range of specialists to cover different areas of rehabilitation work with residents (medical specialists, social workers, psychologists). Annual clinical reports are agreed not only by the deputy medical director, the department head and the physician, but also by the involved rehabilitation specialists (psychologists, social workers, specialists in rehabilitation and social work). In order to adopt an interdisciplinary approach to develop a rehabilitation plan, Order no. 269 of Social Care Home no. 34 of 23 October 2018 changed the composition of the medical commission of Social Care Home no. 34 by including psychologists, social workers and specialists in social work.

On paragraph no. 106

With regard to the development of programmes of psychological rehabilitation, psychological support and cooperation of psychiatrist and psychologist with social workers of Babushkinskiy Social Care Home, the institution has developed a comprehensive programme of psychosocial rehabilitation of people living in Babushkinskiy Social Care Home (using a multidisciplinary approach), which includes social and cultural, psychological rehabilitation, therapeutic activities of occupational therapy, wellness activities. In addition, the programme includes a set of measures for cooperation with psychiatrist, department staff and social workers, public organizations. The aim of the programme is the rehabilitation of the citizens living in the institution in the light of interdisciplinary interaction. The occupational therapy programme obtained a review from the Irkutsk Methodical Centre, occupational therapy medical documentation, individual psychocorrective documents are developed and maintained.

Babushkinskiy Social Care Home actively cooperates with the Baikal Star volunteers and students of Mysovskaya School No. 56: they are involved in the daily life of the care home, for example, they walk with residents and physically challenged residents with the help of the care home employees.

Babushkinskiy Social Care Home organises daily morning exercises, including in the open air in summer taking into account the wishes of the SSRs, as well as Nordic walking classes (up to 60 people engaged daily).

Angarsk Social Care Home, regardless of the detected independent living restrictions, regularly performs rehabilitation activities with regard to rehabilitation potential, organizes recreational and cultural events, clubs and amateur art and crafts groups.

In order to create an environment for positive social adaptation and overcoming social isolation, expansion of social circles, overall improvement of mental and physical performance of the local SSRs, a recreation room on the first floor of Block B of Angarsk Social Care Home is being equipped. The required equipment has been purchased: TV, soft flooring, safe furniture (soft poufs, toys). A multifunctional team of psychiatrists, psychologists, rehabilitation specialists, social workers, middle and junior-level medical staff has been established to work with residents.

On paragraph no. 107

Minutes no. 3 also provides that the Ministry of Enlightenment of the Russian Federation shall, up to 1 July 2019, address the issue on the need for inclusion of the provisions on the issuance of uniform documents to the citizens living in psycho-neurological care homes after the completion of their training under educational programmes of various levels, including special individual development programmes and adaptive training programmes, in the legislation of the Russian Federation, and develop, up to 1 August 2019, adaptive education programmes for the citizens aged 18 and older living in psycho-neurological care homes, who previously received no general education, and adaptive training programmes for the citizens aged 18 and older living in psycho-neurological care homes, as well as establish a list of such educational institutions close to psycho-neurological care homes, on the basis of which these programmes are to be implemented.

On paragraph no. 108

There are specially equipped areas for outdoor activities, as well as arbors and benches, two playgrounds with fitness equipment, football and volleyball fields on the territory of Social Care Home no. 16 All SSRs are provided with clothing and shoes for walking depending on the time of year. Outdoor walks are performed daily and are available for all SSRs if accompanied by rehabilitation professionals (for SSRs with severe disabilities) or on their own (for SSRs with less severe disabilities).

To ensure access of the residents to the equipped outdoor exercise area, Angarsk Social Care Home organizes walks with them, including with those with severe disabilities. Walks are held individually or in groups of up to five people based on their health status. The social workers accompany the residents.

The territory of Angarsk Social Care Home is equipped with benches, arbors, a football pitch, a training area with bars. Additional territory improvements for Angarsk Social Care Home are planned for 2019: extra ramps, benches, arbors and terrenkur areas.

Babushkinskiy Social Care Home organises daily morning exercises, including in the open air in summer taking into account the wishes of the SSRs, as well as Nordic walking classes (up to 60 people engaged daily).

On paragraphs nos. 109–111

Social Care Home no. 16 does not apply any restraints or placement of SSRs in isolated observation rooms. In the event of changes in the SSR mental status, the SSR is examined by local doctors or, in their absence, by ambulance psychiatrists, after which a decision on further measures is taken, for example, hospitalization to specialized psychiatric hospitals of Moscow, if necessary.

With regard to the residents of Social Care Home no. 34 with mental disorders involving a risk of dangerous behaviour for themselves and others, the decision on the possibility of the use of restraints, including soft restraints, is taken by the psychiatrist and the head of the department for the term which is the shortest possible and which is enough to neutralise the dangerous behaviour.

Instances of physical restraint are recorded in the physical restraint log. All traces of such intervention are recorded in a special log of injuries or damage. Injuries are subject to official investigations.

Administrations of Social Care Home no. 16 and Social Care Home no. 34 have increased their control in this direction. There are no probationary wards for the restrained SSRs.

On paragraphs nos. 114–116

Order no. 230/1 of Social Care Home no. 34 of 24 September 2018 established a psychological, medical and social commission (the “PMSC”) to address the issues on restoration or limitation of legal capacity and on the possibility of living outside Social Care Home no. 34. Focus groups are created on the basis of the decision minutes of the PMSC to determine the possibility of independent living and groups to address the restoration or limitation of legal capacity.

Currently, active work is performed with SSRs focus groups.

According to the results of the work of the PMSC, eight SSRs were discharged from Social Care Home no. 34 in 2018 and five SSRs in 2019. Currently, eight applications have been submitted to the court for the restoration (limitation) of legal capacity of SSRs.

The minimum rehabilitation goals are set for the SSRs with severe disease forms, which include activation of motor activity, basic skills of individual living. For this purpose, volunteers, psychologists, experts in labour training, psychologists are involved.

In accordance with Article 35 (4) of the Civil Code of the Russian Federation, no guardians or trustees are appointed for the incapable or not fully capable citizens

who are placed under the supervision of organizations providing social services. The duties of guardians or trustees are assigned to these organizations.

However, the disposal of funds and property of SSRs is possible only in accordance with the decision of the commission created by the head of the organisation in accordance with paragraph 2.4. of Order of the Ministry of Labour of the Russian no. 45 of 18 September 1997 on Approval of the Clarification on the Transfer of Pensions to Persons in a Mental Health Facility (the “Commission”).

Social Care Home no. 34 developed Order no. 46 of 7 February 2018 on Approval of the Regulation on the Procedure for the Acquisition of Food, Consumer Durables, and Services by SSRs at the Expense of Own Funds.

Spending the money of SSRs and disposal of their property is possible only on the basis of the permission of the Custody and Guardianship Agency followed by a report on actions taken, which is regulated by Federal Law no. 48-FZ of 24 April 2008 on Guardianship and Trusteeship.

The Commission does not address any issues related to drugs prescription and treatment; this issue is within the competence of the medical commission of Social Care Home no. 34 and the medical institutions of Moscow health care system.

We would like to mention that Social Care Home no. 34 has licenses for medical activities, including for the provision of specialized medical care in a hospital environment in: psychiatry, psychiatry and narcology, psychotherapy, as well as a license for pharmaceutical activity.

Law of the Russian Federation no. 3185-1 of 2 July 1992 on Psychiatric Care and Guarantees of Citizens’ Rights during its Provision applies to the citizens of the Russian Federation in the provision of psychiatric care and applies to all organizations and individuals providing psychiatric care in the Russian Federation (Article 3 thereof), including for the provision of psychiatric care in psycho-neurological institutions.

*On paragraph no. 118*

With regard to an independent audit in respect of the legality of expenditure of personal funds (25% of pensions) of the disabled citizens living in Babushkinskiy Social Care Home by the trustee/director of the institution, the following shall be explained. In order to conduct an independent audit of the legality of expenditure of personal funds of the residents by the trustee/director of Babushkinskiy Social Care Home, an agreement with Triada Audit LLC was concluded on 21 May 2019.

A scheduled inspection of personal funds expenditure of the incapacitated adult citizens (25%) under the supervision of Babushkinskiy Social Care Home was performed and an act was made on 29 March 2019.



In order to protect the property rights of the residents based on the results of the inspection, a letter of 17 May 2019 was submitted to the head of Babushkinskiy Social Care Home on the need to address the identified observations up to 22 June 2019 and to return personal funds spent on additional social services to the residents accounts.

*On paragraph no. 119*

As part of the execution of Minutes no. 7pr and no. 3, the Ministry of Labour of the Russian Federation is working on amendments to the normative legal acts of the Russian Federation to provide for the establishment of the rules of organization of psycho-neurological care homes activities, including with regard to establishing its functions and tasks, the procedure for sending citizens into these care homes and their discharge, increased control over the observance of the citizens rights in psycho-neurological care homes.

The issue of making these amendments was addressed by the Ministry of Labour together with the Ministry of Health and the executive authorities of the Russian Federation entities responsible for the organization of social service of citizens in accordance with Federal Law no. 442-FZ of 28 December 2013 on Fundamental Social Service Principles in the Russian Federation.

According to the results thereof, the Ministry of Labour prepared a draft order providing for amendments to the Rules of Organization of Social Service Organizations, their Structural Units approved by the Ministry of Labour and Social Protection of the Russian Federation no. 940n of 24 November 2014 on the Approval of Rules of Organization of Social Service Organizations, their Structural Units (the "Rules"), as well as the addition of these regulations with the Model Regulation on Psycho-Neurological Social Care Homes including Social Care Homes for Children (the "Draft Order").

A proposal is submitted to complement the Rules with provisions defining the main tasks of psycho-neurological care homes, including those for children and those for citizens with mental disorders, according to the degree of severity, the possibility of rehabilitation and socialization of such persons, the functions of dispensary supervision and medical assistance for citizens living in these organizations, for cooperation with medical organizations, including the procedure for the admission of people in need to the appropriate medical institutions.

In addition, the draft of the Model Regulation on Psycho-Neurological Social Care Homes including Social Care Homes for Children is supposed to include the objectives and activities of these organizations, the main activities on the socialization of people living in them, the types of social services provided to the citizens in these

organizations, the forms of social service, activities conducted to ensure the implementation of the rights of these citizens to education and health care, provisions to regulate fundamental accommodation rules for the citizens and other.

The Model Regulation on Psycho-Neurological Social Care Homes including Social Care Homes for Children is also expected to indicate that the activities of psycho-neurological care homes including those for children and accommodation of orphans and children deprived of parental care are carried out taking into account the requirements of Decree no. 481 of the Russian Federation Government of 24 May 2014 on the Activities of Organizations for Orphans and Children Deprived of Parental Care and Accommodation of Children Deprived of Parental Care in such Organizations.

The prepared draft order is submitted for consideration to the executive authorities of the Russian Federation entities, the Council, the Public Council of the Russian Ministry of Labour as well as to the members of the working group of the Ministry of Labour for the elaboration of the main approaches to the reform of psycho-neurological care homes. In addition, this document is uploaded to the official website providing information on the preparation of draft regulations by the federal bodies of executive power and results of their public discussion.

In accordance with the received comments and suggestions, the draft order of the Ministry of Labour was finalized, including with due regard to the provisions of the CPT report on the visit to the Russian Federation, and was re-submitted for consideration to the Ministry of Enlightenment, to the Ministry of Health of the Russian Federation, the Council, the executive authorities of the Russian Federation entities.

Currently, the draft order is being amended and, after its harmonization by relevant executive authorities, the order will be adopted in due course.

*On paragraph no. 120*

According to Article 43 of Law of the Russian Federation no. 3185-1 of 2 July 1992, Order of Kabansk Central Regional Hospital No. 547-OD of 12 December 2018 established a visiting committee with the participation of a psychiatrist in order to address the issue of the possibility of review of the decisions on the incapacity of citizens living in the social care home. The conclusions of the medical commission were prepared after the check. The commission revealed no residing citizens who need a review of the decisions on their incapacity.

On 15 November 2018, on the basis of the inter-agency cooperation, a commission from visiting psychiatrist of the Ministry of Health of the Republic of Buryatia I.B. Ochirova, deputy chief physician of Republican Mental Hospital of the Republic of Buryatia V.N. Dashinamzhilova, Senior Analyst of Material, Procurement

and Security Department of the Ministry of Social Protection of the Republic of Buryatia B.M. Borgolov was launched to assess the organization of therapeutic and diagnostic work in Babushkinskiy Social Care Home. Based on the results of the assessment of the organization of therapeutic and diagnostic work in Babushkinskiy Social Care Home, the commission recommended, inter alia, that the administration of the organisation shall sign an agreement with the RMI for launch a medical commission with a psychiatrist to address the issue of the future residence of its residents and to review the decisions on the incapacity of citizens living in the social care home in order to implement article 43 of Law no. 3185-1;

Currently, this item has been covered as follows:

The administration of Babushkinskiy Social Care Home, in order to meet the requirements of Article 43 § 3 of Law no. 3185-1 of 2 July 1992, signed a contract with Kabansky CDH to conduct a medical commission with a psychiatrist in order to address the issue of the future residence of its residents and to review the decisions on the incapacity of citizens living in the social care home, in particular A.

*On paragraph no. 122*

SSRs of Social Care Home no. 16 and Social Care Home no. 34 were informed on the right to file a complaint with regard to the action/inaction of the institution staff, as well as in other cases. Complaints are taken in oral form, in writing and by email. All written complaints are registered and processed with the subsequent response to the filing person within the term established by the legislation of the Russian Federation.

It is necessary to mention that Social Care Home no. 16 establishes a public council of residents to consider such complaints and present them on council meetings (inter alia). As of today, the active members of the public council have already reviewed and addressed some proposals and complaints.

*On paragraph no. 124*

Within the execution of Minutes no. 3, the Ministry of Labour of the Russian Federation worked on the implementation procedure for the provisions of Article 38 of Law no. 3185-1 of 2 July 2 1992 on the establishment and organization of a service to protect the rights of patients in psycho-neurological care homes.

This work demonstrated that the Social Policy Committee of the Federation Council of the Federal Assembly of the Russian Federation has actively participated in the establishment of such a service, including in the consolidation of its legal status;

the Committee has established a working group on draft Federal Law no. 879343-6 on Amendments to Certain Legislative Acts of the Russian Federation in Order to Increase the Guarantees of the Rights and Freedoms of Incapable or Partly Capable Citizens (the “Draft Law”).

The Draft Law was passed by the State Duma in the first reading on 7 June 2016. At the present time, the Russian government is developing amendments to the Draft Law in order to present the amendments to the State Duma of the Federal Assembly for consideration in the second reading of the Draft Law.

According to expert opinion no. 187-5/2019 adopted at the meeting of the Presidential Council of the Russian Federation for the codification and improvement of civil legislation on 18 April 2019 with regard to the draft of the amendments of the Government of the Russian Federation, the amendments to the draft law prepared by the Ministry of Justice in February will require further refinement.

In addition, within the execution of Minutes no. 7pr, the Federal Service for Labour and Employment, the Federal Service for Supervision of Health Care and Social Development, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare with the participation of the Federal Bureau of Medical and Social Expertise of the Ministry of Labour and social organizations jointly conducted unscheduled inspections of all operating psycho-neurological care homes in the Russian Federation according with a specially designed list of questions on compliance with the legislation of the Russian Federation on the rights of citizens with mental illness while providing medical assistance to them, social services, rehabilitation and socialization measures, including education and employment, in February and March 2019.

During the inspection period, about 154.900 residents with more than 112.100 disabled accounting for 71% of the total number of residents appeared to live in 645 psycho-neurological care homes. In the course of the unscheduled inspections, more than 1.600 violations of legislation in the field of social services as well as about 1.300 violations of the requirements of the labour legislation were revealed.

According to the results of social, 394 orders were issued to eliminate the identified violations in the sphere of social services, 419 orders to eliminate violations of labour legislation as well as 185 decisions to impose an administrative penalty in the form of a fine.

The outcomes of the inspections were examined at the Council meeting held on 28 March 2019.

In accordance with Minutes no. 3, the Ministry of Labour in cooperation with the Ministry of Enlightenment, the Ministry of Health, the Federal Service for Labour and Employment, the Federal Service for Supervision of Health Care and Social

Development, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare with the participation of the Council members prepared a draft unified plan to eliminate violations revealed by regulatory authorities in the course of inspections of psycho-neurological care homes of the Russian Federation entities, which will be submitted for approval to the Government after its complete harmonization.

In order to strengthen control over the activities of psycho-neurological care homes, the Federal Service for Labour and Employment, the Federal Service for Supervision of Health Care and Social Development, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare with the participation of the Federal Bureau of Medical and Social Expertise of the Ministry of Labour are instructed to hold annual joint inspections of psycho-neurological care homes.

The supreme executive bodies of the Russian Federation entities are also recommended to consider the material of supervisory authorities on the results of the inspections of psycho-neurological care homes, to form and approve the plans to eliminate detected violations in the context of each institution, to submit the plans to the Ministry of Labour and the Federal Service for Labour and Employment. Summarized information on the performance of the above activities by the Ministry of Labour of the Russian Federation will be presented to the Council before 1 February 2020.