

EXECUTIVE SUMMARY

The purpose of this ad hoc visit was to examine the treatment of residents of Psycho-neurological Institutions (“Internats”) and, in this context, to assess the progress made as regards the implementation of previous CPT’s recommendations. The Committee’s delegation visited the “Internat” in Viktorivka (Cherkasy Region) and two “Internats” in Odesa Region, in Velykorybalske and Baraboi.

The delegation did not receive any direct and credible allegations of deliberate physical ill-treatment of residents by staff at the three “internats” visited. However, the delegation did receive isolated allegations of occasional rude behaviour (e.g. pushing) and verbal abuse (shouting and insults) of residents by some junior health-care staff (orderlies). The Committee recommended that the management of Viktorivka, Velykorybalske and Baraboi Internats make it clear to staff that all forms of ill-treatment of residents, including verbal abuse, are unacceptable and will be punished accordingly. Inter-resident violence was clearly a problem in the “internats” visited, which was acknowledged by the management and staff and related with the residents’ psychiatric condition, the very low staff presence on the wards and – in Velykorybalske – with the lack of appropriate treatment for some of the residents. The CPT recommended that steps be taken to combat this phenomenon.

Living conditions were overall acceptable at Viktorivka Internat. As for Baraboi Internat, living conditions were rather poor because of outdated infrastructure and overcrowding. That said, the CPT put on record the Director’s evident determination to constantly improve the conditions and provide a pleasant and homely environment to residents. By contrast, living conditions were generally very poor at Velykorybalske Internat where the whole establishment was severely dilapidated and where the condition of the smaller wards (located in former village houses) was beyond repair. The Committee recommended that a major concerted reflection take place in the nearest future at the level of the Ministry of Social Policy and the regional authorities concerning the material environment of Velykorybalske Internat. Further, the CPT called upon the Ukrainian authorities to ensure that all residents in the three “internats” visited benefit from unrestricted access to sufficiently spacious outdoor areas during the day unless treatment activities require them to be present inside the buildings.

Regarding health-care staff, the three “internats” visited were grossly understaffed with doctors, nurses and orderlies. Furthermore, there was hardly any other staff qualified to provide psycho-social therapy and other activities. The Committee recommended that efforts be made to improve the health-care staffing situation at Viktorivka, Velykorybalske and Baraboi Internats, by increasing substantially the numbers of ward-based staff (nurses and orderlies), filling all vacant doctors’ posts and recruiting other qualified staff (psychologists, occupational therapists, physiotherapists, social workers, etc.). All the aforementioned different categories of staff should work as a multi-disciplinary team. As a first step, a regular, preferably daily, presence of a psychiatrist must be ensured in the three “internats” visited, considering the needs of the respective populations of these establishments.

In the three “Internats” psychiatric treatment was essentially based on pharmacotherapy, with a limited range of mostly first-generation anti-psychotic drugs available. The worst situation was observed at Velykorybalske Internat where the psychiatric treatment was inadequate. In particular, in the absence of a psychiatrist, the acting Director (who had no medical training) had instructed the health-care staff not to administer to residents discharged from psychiatric hospitals the medication prescribed by psychiatrists from those hospitals. The lack of proper treatment led to a deterioration of residents’ mental conditions which contributed to an environment that was unsafe for the residents concerned, as well as for other residents and the staff. Consequently, at the end of the visit the delegation invoked Article 8, paragraph 5, of the Convention and made an immediate observation requesting the Ukrainian authorities to confirm, within one month, that all residents with psychotic disorders at Velykorybalske Internat have been seen by a psychiatrist and that they are given medication as prescribed. Further, the Ukrainian authorities were requested to confirm, within 3 months, that there is a regular (at least once a week) presence of a psychiatrist at Velykorybalske Internat.

The Committee stressed that measures taken so far fell clearly short of what the CPT considered as acceptable. The Committee called upon the Ukrainian authorities to redouble their efforts regarding the presence of a psychiatrist at Velykorybalske Internat and to report on the results of these efforts in the response to this report. The CPT also wished to receive unequivocal confirmation that that all residents with psychotic disorders at Velykorybalske Internat are given medication as prescribed by psychiatrists.

As for somatic treatment, access to different somatic specialists was in principle provided but the delegation noted that dental care was not free of charge for the residents. Furthermore, at Velykorybalske Internat, the delegation was told that outpatient clinics and hospitals sometimes required payment for specialist examinations and materials, and even for some more expensive somatic medication. The CPT recommended that steps be taken to ensure free of charge somatic examinations, treatment (including dental treatment), medication and materials for all residents in the “internats” visited (and, as applicable, in all other “internats” in Ukraine).

Viktorivka Internat did not have a Ministry of Health licence for the provision of health care to residents and the licence given to Baraboi Internat only covered somatic care so technically any psychiatric treatment provided in those two establishments was illegal. Considering that granting of such a licence is connected with the requirement to fulfill several criteria related with staffing, medication and premises, the Committee recommended that urgent steps be taken to ensure that all psycho-neurological “internats” obtain, as soon as possible, a Ministry of Health licence, both for somatic and (especially) psychiatric treatment.

The offer of psycho-social therapy and other activities was generally underdeveloped in the “internats” visited and the Committee recommended that steps be taken to develop it, including the drawing up of genuine individual treatment and rehabilitation plans for each resident.

In the three “internats”, a number of residents were allowed (or even asked, on a voluntary basis) to perform work such as cleaning, small repairs and helping with gardening or farm work. While the CPT acknowledged that work can play an important positive role in the psycho-social functioning of residents, the Committee expressed the view that any kind of work should be remunerated.

Regarding means of restraint, senior officials from the Ministry of Social Policy told the delegation that they could only be legally resorted to in those of the psycho-neurological “internats” which had a Ministry of Health licence for the provision of psychiatric care; in such cases, the rules applicable would be the same as those applied in psychiatric hospitals. In practice, the delegation observed that mechanical restraint was occasionally resorted to in Velykorybalske and Baraboi, and seclusion was used in the three “internats”, as was chemical restraint, irrespective of whether the establishment concerned had the relevant Ministry of Health licence or not. The CPT recommended that the Ukrainian authorities ensure that resort to means of restraint in all psycho-neurological “internats” takes place in accordance with the law; this would require, as a first step, obtaining a Ministry of Health licence for the provision of psychiatric care.

As for the legal safeguards for residents, attempts were made at Viktorivka and Baraboi Internats to apply the current legislation, including the requirement to sign “contracts” between residents (or their guardians) and the establishments’ Directors, and to carry out reviews by medical commissions and district medico-social expertise commissions; that said, reviews were performed in a perfunctory manner and were poorly documented. The situation was of even more concern at Velykorybalske Internat where no “contracts” existed and the last review by a medical commission had reportedly taken place in February 2018 – but there was no documentary proof of such review to be found. Furthermore, there was very little information available to residents in the three “internats” on the actual content of the “contracts” and – more generally – on their rights. It is to be added that in the three “internats” the delegation met many residents (especially on closed wards) who stated spontaneously and insistently that they did not wish to stay there; in Velykorybalske in particular, the delegation had the impression that a very large proportion of residents were *de facto* deprived of their liberty, without benefiting from any legal safeguards. The CPT called upon the Ukrainian authorities to ensure that residents in the three “internats” visited, and especially at Velykorybalske Internat, benefit from the legal safeguards. The Committee also reiterated its recommendation that written information (e.g. in the form of a brochure) on daily routine, residents’ rights, and complaints bodies and procedures be made available to all residents of “internats” in Ukraine.

In none of the “internats” visited was any attempt being made to obtain consent to treatment from those of the residents who were receiving psychotropic medication. In this context, the CPT recommended that all residents (and, if they are incompetent, their guardians) be provided systematically with information about their condition and the treatment prescribed for them, and that doctors be instructed that they should always seek the resident’s consent to treatment prior to its commencement.

The delegation was very concerned to note that several residents in Viktorivka and the vast majority of those in Velykorybalske and Baraboi had the “internat” as acting guardian. The Committee again called upon the Ukrainian authorities to search for alternative solutions which would better guarantee the independence and impartiality of guardians. The CPT also recommends that steps be taken to facilitate residents’ access to a telephone and to put in place a formal complaints system in all “internats” in Ukraine. Last but not least, the Committee called upon the Ukrainian authorities to step up their efforts towards the development of social care in the community. Such community accommodation should consist of small group home living units in the community, ideally in towns, with all the relevant facilities close at hand, and not larger units situated on the grounds of long-standing social care establishments (which do not allow genuine de-institutionalisation and proper re-integration into the community).