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Pristina, 6 March 2017

**REPORT WITH RECOMMENDATIONS  
OF THE OMBUDSPERSON'**

**NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE**

**on the visit to**

**CENTRE FOR INTEGRATION AND REHABILITATION OF CHRONIC  
PSYCHIATRIC SICK PEOPLE IN SHTIME**

To: Mr. Imet Rrahmani, Minister  
Ministry of Health

Mr. Curr Gjocaj, General Director  
University Clinical and Hospital Service of Kosovo

Mr. Miftar Zeneli, Director,  
Center for Integration and Rehabilitation of the Chronic  
and Psychiatric Sick People in Shtime

Mr. Naim Ismajli, President  
Shtime Municipality

Copy for: Mrs. Lirije Kajtazi, Chairperson  
Parliamentary Committee for Human Rights, Gender Equality, Missing  
Persons and Petitions.

Pursuant to Article 135, paragraph 3 of Constitution of the Republic of Kosovo and Article 17 of Law 05/L-019 on the Ombudsman, the Ombudsman's National Preventive Mechanism against Torture visited the Centre for Integration and Rehabilitation of the Chronic Psychiatric Sick People in Shtime (CIRCPSP)

### **Dates on the visit and the composition of the monitoring team**

1. Pursuant to 17 of Law 05/L-019 on the Ombudsperson, National Preventive Mechanism against Torture (hereinafter “NPMT”) of the Ombudsperson, on 26 June 2016 and 13 December 2016, visited the Centre for Integration and Rehabilitation of Chronic Psychiatric Sick People in Shtime (hereinafter “CIRCPSP”). The monitoring team was composed of a legal advisor, a doctor and a psychologist.

### **A brief background of the institution**

2. The Centre for Integration and Rehabilitation of Chronic Psychiatric Sick People in Shtime (CIRCPSP) is as an institution within the Hospital and University Clinical Service in Kosovo (HUCSK), which provides 24 hour services. It is established in 2006, with 3270m<sup>2</sup>, with 4 wards (A1-A4) with a total of 48 rooms, with capacity of up to 80 beds.

### **General description of institution**

3. CIRCPSP is an open type institution, residents to this centre are mainly those diagnosed with psychotic disorders, such as *Schizophrenia*. There were 63 residents in total, of them 36 males and 27 females. The average age was about 54 years old, there were also residents of different nationalities, such as; 43 Albanians, 8 Serbs, 5 Ashkali, 1 Macedonian, and 2 Muslims.
4. CIRCPSP’s personnel is comprised of 39 persons, of them 1 psychiatrist who is also a Director of Institution, nine nurses, 12 medical assistants, one social worker, five kitchen workers and the other part of staff is for technical services and security, etc.

### **Relevant legislation**

5. First Law on Mental Health No. 05/L-025 which entered into force in December 2015 aims to protect and promote mental health, prevent the problems associated with it, guaranteeing the rights and improving the quality of life for persons with mental disorders. Neni 18 paragrafi 2, parasheh nxjerrjen e aktit nënligjor për trajtimin e rezidentëve që gjenden në institucionet e kujdesit social<sup>1</sup>. Article 34 of Law on Mental Health sets forth promulgation of sublegal acts which should be in accordance with this Law<sup>2</sup>. There is no sublegal act issued to date.

### **Cooperation with NPMT during the visit**

6. During the visit made by NPMT, personnel of CIRCPSP offered full cooperation to the monitoring team. The team without any delay had access to all places and was to speak in private with some residents who were conscious and able to communicate with them, and the conversation was conducted without the presence of Centre’s personnel.

### **Living conditions of patients and treatment**

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<sup>1</sup>Article 18, paragraph 1 of the Law No. 05/L-025 on Mental Health, stipulates: “Persons who are in residential social care institutions are offered counseling, treatment, rehabilitation and mental health care equally and according to health standards, approved by the Ministry of Health”. Paragraph 2 of this law stipulates the following: “The way of organization and provision of services, as provided in paragraph 1. of this Article shall be determined by special sub-legal act proposed by the Ministry of Health in cooperation with the Ministry of Labour and Social Welfare, adopted by the Government”.

<sup>2</sup> Article 34 of Law on Mental Health: “For implementation of this Law, within one (1) year from the date of entrance into force of this law, the Government of Kosovo and respective ministries shall issue respective sub-legal acts foreseen by this Law”.

7. The Centre is divided into four wards (A1-A4). Ward A1 was on the first floor, which used to be a rehabilitation section, now there are cases placed in this ward requiring enhanced attention, as identified as cases with suicidal ideas, while ward A4 was only for females, where showers and toilets were divided as well, according to sex and this made it easy for the staff to keep residents under control.

**NPMT positively assesses the restructuring of wards within the Institution, as well as categorisation of residents according to sex and risk level, which provides security to residents.**

8. Creating a positive therapeutic environment includes making available crucial sufficient area for patients, such as; light, heating, appropriate airing as well as satisfactory cleanliness. During the visit made by NPMT in rooms where residents were accommodated, there were mainly 2 to 3 beds in one room, there was natural light and rooms were mainly warm and clean, and were in compliance with Article 6, paragraph 1.10 of Law No. 05/L-025 on Mental Health.<sup>3</sup>
9. According to standards of European Committee for the Prevention of Torture, attention should be paid to the decoration of patients' rooms and entertainment environments, to offer visual stimulation to patients; also the making available of bedside cabinets next to beds and wardrobes is very desirable. During the visit by NPMT in residents' rooms, there were bedside cabinets for placing clothes and personal belongings, however, residents lacked personal footwear, and every time they are washed they are changed among residents, there were no decorations for visual stimulation either.
10. In addition, NPMT was informed that laundry has been renovated in this Centre, which was equipped with big laundry machines, drying machines as well as ironing clothes and bedclothes.

### **Kitchen**

11. During the visit made to CIRCPSP, NPMT team visited the kitchen where food is prepared and served. Kitchen was on the ground floor, it lacked proper light and ventilation, and sanitary facilities were very close to the kitchen, while cleanliness was on a good level. During the last visit, NPMT observed that the dining hall was equipped with new tables and chairs.
12. European Committee for the Prevention of Torture places special attention to the patients' food, which according to them, not only should food be appropriate from the standpoint of quantity and quality, but it also should be provided under satisfactory conditions.<sup>4</sup> During the visit, NPMT was informed that Centre was supplied well and properly with food, and the kitchen staff possessed sanitary booklets. NPMT encountered no expired food. Food is prepared according to menu and is given in three meals. **NPMT hails the staff engagement about care and cleanliness in kitchen. NPMT recommends relevant authorities to undertake appropriate actions to build a new kitchen.**

### **Treatment**

13. According to European Committee for the Prevention of Torture, psychiatric treatment should be based on an individualised comparison, which means drafting a treatment plan for each patient, which should include rehabilitation and therapeutic activities,

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<sup>3</sup>Article 6, paragraph 1.10 of Law No. 05/L-025 on Mental Health, determines "*the right to provide appropriate living, hygienic, nutritional and security conditions*"

<sup>4</sup> Standards of European Committee for the Prevention of Torture, parts from the 8<sup>th</sup> general report

including individual psychotherapy, group therapy, art, theatre, music and sports. Patients should have regular access to entertainment rooms, appropriately equipped and should have the possibility to do airing workouts on the open sky<sup>5</sup>.

14. During the visit, NPMT was informed that psycho-social activities in CIRCPSp are reduced due to the lack of vocational and supporting wards, where recreational activities could take place. According to the staff of the Centre, a regular activity they do is 2-3 excursions a year, e.g. going nature and sightseeing in some touristic city. NPMT concludes that in CIRCPSp, the treatment offered to residents consists mainly in pharmacotherapy, while effective psycho-social rehabilitation is insufficient. This situation is as a result of the lack of the number of staff and the appropriate environment for the execution of activities. **NPMT recommends that in future the Centre should focus on project planning for building a vocational unit, and engaging a clinical psychologist and one additional social worker.**

### Health care

15. NPMT was informed that regular psychiatric services are provided in CIRCPSp, and these services are carried out by the Director of the Centre, as he is a psychiatrist by profession, while in case of need, other health and specialist services are provided by Medical Family Centre in Shtime, Regional Hospital in Ferizaj and University Clinical Centre in Prishtinë.
16. The Centre possesses an ambulance, which meets the conditions for the psychiatrist to carry out visits and there was a steriliser and some equipment for small surgical intervention or wound bandaging,
17. NPMT visited 4 rooms which were regulated within the Centre thanks to donations, the rooms with serve for isolating cases identified with some contagious disease. NPMT was informed that TB test was conducted to some residents, and the team was also informed that vaccination against flu is administered every year. **NPMT recommends that regular gynaecology services are offered to females, and all should undergo regular laboratory analysis.**
18. The Centre keeps 19 registers, such as: register of drug addicts, sexual abuses, corporal damages, self-injuries, suicides, deaths, register of workers' damages caused by residents, register for laboratory analysis, dentistry visits conducted outside the Centre, register for sterilisation, vaccination, register on psychiatric and general examinations, and register on injuries and wound bandaging, etc. **NPMT encourages the staff to describe the relevant event in detail in registers.**

### Ill-treatment

19. During the visit of NPMT to the Centre, a positive climate and good relations could be observed between residents and the staff. **NPMT recorded no case of torture or ill-treatment done by the staff to persons with mental disorders.**
20. During the register check-up, NPMT noticed a high number of injured residents, which the residents caused to one another, self-injuries as well as injuries caused by stray dogs within the fence of the Institution. **NPMT recommends undertaking of measures for eliminating the problem of the presence of stray dogs in the courtyard of Institution.**

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<sup>5</sup> Standards of European Committee for the Prevention of Torture, parts from the 8<sup>th</sup> general report [CPT/Inf (98) 12]

21. European Committee for the Prevention of Torture points out that it is also essential that appropriate procedures be in place in order to protect certain psychiatric patients from other patients who might cause them harm. This requires inter alia an adequate staff presence at all times, including at night and weekends.<sup>6</sup> **NPMT recommends that in addition to building vocational units, the number of nurses should be increased as well, in order that the staff is able to keep residents under control.**

#### **Means of restrain**

22. According to European Committee for the Prevention of Torture, the restraint of agitated or violent persons should be as much as possible, not physical (e.g., verbal instruction) and where necessary physical restraint, that should in principle restraint hand control. During the visit made, NPMT interviewed the staff regarding the issue of means of restraint in case of crises, which according to them, no means of restraint is used, other than hand control when some residents become aggressive. And in such cases, all night shift staff are gathered, seek assistance from psychiatrist/director or they call emergency. **During the visit, NPMT noted no case of use of instruments of physical restraint or isolation.**

#### **Contacts with the outside world**

23. European Committee for the Prevention of Torture points out that the maintenance of contact with the outside world is essential, not only for the prevention of ill-treatment but also from a therapeutic standpoint<sup>7</sup>. During the visit, NPMT was informed that there is an increase of family visits recently, there is interest shown and some of residents are taken home during holidays or weekends. There are minutes filed in by the staff and signed by family when the resident goes home, family members are also given therapy with themselves. NPMT was informed that two residents who were at the stage of remission are returned to their biologic families. This is a result of Centre's staff engagement maintaining contacts with family members, Centres for Social Work, encouraging more frequent visits.

24. Each resident possess a file for the use of pensions which is managed by the social worker of CIRCPS. There is a three-member commission for pension use who verifies purchases and stores its verifications in the residents' files.

#### **Complaint procedure**

25. Ombudsperson Institution has placed complaint boxes in CIRCPS, which can be opened only by personnel of this institution, which provides confidentiality to complainants in filing complaints. **NPMT has never received a complaint from residents or their family members. NPMT encourages the staff to inform the family members of residents on the possibility to filing complaints through the complaint boxes placed in this Centre.**

Based on findings and conclusions reached during the visit, pursuant to Article 135, par. 3 of Constitution of the Republic of Kosovo, and Article 16, par. 4 of Law no. 05/L-019 on Ombudsperson, the Ombudsperson recommends:

#### **The Ministry of Health:**

- Sublegal acts should be promulgated in accordance with Law on Mental Health

<sup>6</sup> Standards of European Committee for the Prevention of Torture, parts from the 8<sup>th</sup> general report [CPT/Inf (98) 12], *Prevention of ill-treatment*, paragraph 30

<sup>7</sup> Ibid, *Safeguards during placement*, paragraph 54

- Ministry of Health should undertake measures to build a vocational unit within CIRCPS
- Ministry of Health should undertake actions to build a new kitchen.
- A clinical psychologist and one additional social worker should be engaged.
- The number of nurses should be increased in this Centre.

**The Municipality of Shtime and the CIRCPP:**

- To undertake measures for eliminating the problem of the presence of stray dogs in the courtyard of Institution.

**The Centre to provide to the residents:**

- Regular gynaecological services should be provided.
- Laboratory analysis should be regularly conducted.

Sincerely,

Hilmi Jashari  
Ombudsperson