



**Republika e Kosovës • Republika Kosovo • Republic of Kosovo  
Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution**

---

**REPORT WITH RECOMMENDATIONS  
OF  
NATIONAL PREVENTIVE MECHANISM ON TORTURE OF THE  
OMBUDSPERSON INSTITUTION**

**on the visit to**

**Centre for Integration and Rehabilitation of the Chronic Psychiatric Patients in Shtime**

To: **Mr. Uran Ismaili, Minister  
Minister of Health**

**Mr. Basri Sejdiu, Director  
Hospital and University Clinical Service of Kosovo**

**Mr. Miftar Zeneli, Director  
Centre for Integration and Rehabilitation of the  
Chronic Psychiatric Patients in Shtime**

Pursuant to Article 135, paragraph 3 of the Constitution of the Republic of Kosovo and Article 17 of Law No.05/L-019 on Ombudsperson, the National Preventive Mechanism on Torture of the Ombudsperson visited the Centre for Integration and Rehabilitation of the Chronic Psychiatric Patients in Shtime (CIRCPP).

**Prishtina, 26 October 2018**

### **Date of visit and the composition of the monitoring group**

1. Pursuant to Article 17 of the Law No.05/L-019 on Ombudsperson, the National Preventive Mechanism on Torture (hereinafter referred to as "NPMT") of the Ombudsperson visited the Centre for Integration and Rehabilitation of the Chronic Psychiatric Patients in Shtime (hereinafter referred to as "CIRCPP") on 16 May 2018. The monitoring team was composed of the Deputy Ombudsperson, a lawyer, a doctor, a psychologist and two Council of Europe experts (in the capacity of observers).

### **Co-operation of the institution with the NPMT during the visit**

2. During the visit made by NPMT, personnel of CIRCPP offered its full cooperation to the monitoring team. The team without any delay had access to all places and was able 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.

### **Short description of the institution**

3. The Centre for Integration and Rehabilitation of Chronic Psychiatric Patients in Shtime (CIRCPP) operates under the Hospital and University Clinical Service in Kosovo (HUCSK), and provides 24-hour services. CIRCPP is an open type institution, residents to this centre are mainly those diagnosed with psychotic disorders, such as *Schizophrenia*. There were 61 residents in total, of which 32 males and 29 females with an average age of 54. The official capacity of the institution is 65. This institution consists of 4 wards (A1-A4). NPMT, during the visit, noticed that the structure of the A1 and A2 wards is being upgraded and changed, with the aim of providing more family-friendly environments.

### **Relevant legislation**

4. The Law No. 05/L-025 on Mental Health 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. According to Article 12 of the Law on Mental Health, CIRCPP is an organizational unit of HUCSK and provides secondary level services.
5. Through the report with recommendations concerning the visit to CIRCPP, which was published on 6 March 2017, the Ombudsperson's NPMT recommended to the competent authorities to issue sub-legal acts as foreseen by Law No.05/L-025 on Mental Health.
6. On 20 March 2017, the Legal Office of the Ministry of Health informed the Ombudsperson's NPMT that "*at the end of the year, the Ministry of Health, taking into account the recommendation of the Ombudsperson to issue a sub-legal act in accordance with Article 18, paragraph 2 of the Law No.05/L-025 on Mental health, will draft the 2018 legislative plan regarding sub-legal acts*".

### **Accommodation conditions**

7. The rooms where residents stay have two beds. There was a 4 bed as well as a 5 bed room in another ward. The rooms are poorly painted; there are no personal lockers; doors are not locked; windows do not have grills on their outer part; the window handles have been

removed. Paintings have been placed only in the daily lounge. The bathrooms are not equipped with curtains, and some of them leak water all the time. Patients were dressed in personal clothes, despite being provided with pyjamas. The sheets are changed every day, and even twice a day in certain situations. Hot water is available on a constant basis.

8. 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, making available of bedside cabinets 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 did not have personal clothes; after washing, residents changed clothes; there were no decorations for visual stimulation.
9. **The NPMT considers that housing conditions at the CIRCPP are average.** However, renovations such as painting, reparation of toilet equipment, placement of paintings on the walls and personal wardrobes are needed. **NPMT considers that there is a lack of privacy in toilets since they are not equipped with curtains and this issue needs to be resolved immediately.**
10. The kitchen was renovated and put into use in July 2018 and possesses modern equipment. Through the report with recommendations published on 6 March 2017, the NPMT of the Ombudsperson recommended the undertaking of measures for renovation of the kitchen. Through this report, the NPMT of the Ombudsperson extends its gratitude regarding the implementation of this recommendation.
11. European Committee for the Prevention of Torture places special attention to the patients' food, which should not only be appropriate from the standpoint of quantity and quality, but also should be provided under satisfactory conditions. During the visit, NPM was informed that the Centre was supplied properly with food and that the kitchen staffs possess sanitary cards. NPMT did not come across expired food. At the Centre, meals are prepared according to the menu and three meals are provided per day.

### **Health care**

12. NPMT was informed that regular psychiatric services are provided in CIRCPP, and these services are provided by the Director of the Centre, as he is a psychiatrist by profession, while if needed, other health and specialist services are provided by Medical Family Centre in Shtime, Regional Hospital in Ferizaj and University Clinical Centre in Prishtina.
13. Work at CIRCPP consists of morning visits, individual visits to the ambulance and general psychiatric control every 3 weeks. Other priority consultations are conducted at HUCSK and the Family Medicine Centre. Women have been subjected to gynaecologic screening as well as internal screening once every three months and PPD (skin test for tuberculosis) checks once a month. The health unit possesses an oxygen tank, a sterilizer, ECG, defibrillator, anti-shock and a blood pressure checker.
14. Based on examination of medical records, it results that the use of antipsychotic, antidepressant and anxiolytic medications is reasonable and evidence-based. According to the staff, the use of medications is greatly reduced and they are more rational in terms of

prescribing them. They usually possess medications of the essential list such as: haloperidol, moditen, risperidone, olanzapine etc. (10 patients were being treated with haloperidol depo and 15 with moditen depo). According to information received, there are cases when CIRCPP faces a lack of medications. **NPMT considers that it is the responsibility of the competent authorities to supply this institution regularly with the necessary medicines.**

15. During emergency situations, the doctor is called by phone. He is often forced to prescribe therapy without seeing the patient. NPMT considers that prescribing therapeutic treatment, even during emergencies, without an appropriate medical visit, can be considered negligent. Therefore, competent authorities must provide an adequate number of medical staff (psychiatrists) as a prerequisite for an adequate treatment.
16. The NMPT noted that the institution possesses the following registers: register of residents using narcotics, register of sexual abuses, bodily injuries, self-injury, suicides, deaths, workers' injuries caused by residents, register for laboratory analysis, dentistry visits conducted outside the Centre, sterilization, vaccination registry, register of psychiatric and general checks, register of injuries and wound bandaging etc.
17. Folders are divided into psychiatric and organic folders. The NMPT noted that the patient background in most cases is blank; there are no detailed records in the accompanying health records. The NMPT encourages the staff to describe relevant situation in detail on the registers.
18. The systematization of social files is not functional. This institution had such database in the past, which operated for only one year and since 2016 this system has been terminated as the Ministry of Health has not extended the contract for the system.
19. Consequently, there are no electronic files. The NPMT considers that this electronic recording system, which is indispensable to the proper functioning of the institution, must be activated.

### **Treatment and activities**

20. During the visit, NMPT noted that the staffs have a close and friendly approach to the patients; the institution has a very positive environment. As far as clothing and hygiene is concerned, patients look good. We did not encounter signs of injuries. During interviews with patients we did not receive any complaints regarding any form of mistreatment. Also, NPMT, during interviews with residents did not receive any complaints of mistreatment or behaviour of personnel that violates the dignity of residents.
21. Psycho-social activities usually carried out are paintings, music, excursions. The institution possesses a table for activities; apart from the one in ward 2 all of the other TV's work, there are no games or books, since the existing ones are damaged. Family visits are allowed whenever they want. The European Committee for the Prevention of Torture stresses that maintaining contact with the outside world is essential not only for the prevention of mistreatment but also from a therapeutic point of view<sup>1</sup>.

---

<sup>1</sup> European Committee for the Prevention of Torture, 8th General Report, paragraph 54.

22. The NMPT notes that the activity plan is not written. There are no individual plans, while the budget for psychosocial activities is relatively small. Therapeutic weekends are very rare because families are not interested in such activities.
23. **MKPT expresses concern regarding the fact that the number and quality of psychosocial and recreational activities is very poor.** There is also no individualized treatment plan with patient involvement. NMPT, in its 2017 report with recommendations recommended focusing on planning the construction of a vocational unit, but this has not been done so far. **The institution should prioritize engaging in increasing psycho-social activities and involving all patients equally in these activities.**
24. According to the European Committee for the Prevention of Torture, psychiatric treatment should be based on an individualized approach, which implies the design of a treatment plan for each patient, and the plan must include rehabilitation and therapeutic activities, including individual psychotherapy, group therapy; art, theatre, music and sports activities. Patients should have regular access to well-equipped recreation rooms and have the opportunity to engage in open air exercises.<sup>2</sup>
25. During the visit, NMPT noted that only one patient with a primary diagnosis of learning disability still stays with other patients usually suffering from chronic psychotic disorders. NPMT considers that by allowing them to stay in common areas there are chances of mistreatment of this category. Therefore, NMPT considers that necessary arrangements must be made in order to not to have these categories in joint accommodation.
26. NMPT also identified 4 cases to which the court imposed the measure of compulsory psychiatric treatment at the CIRCPP, despite the fact that the institution does not have the necessary conditions to handle such cases. According to NMPT, CIRCPP has neither the legal grounds nor the capacity to continue handling such cases. NMPT encourages CIRCPP staff to regularly inform the state courts regarding the health situation of these cases.
27. Regarding the issue of effective review of such cases, i.e. mandatory psychiatric treatment cases and other treatments in mental health institutions, competent courts and other institutions that at a certain stage may face persons with mental disorders, the Ombudsperson Institution, in cooperation with the Office of the Council of Europe in Prishtina, on 18 September 2018 held a workshop where all relevant stakeholders such as psychiatrists, judges, prosecutors were invited to discuss and improve the situation in this regard.
28. During this workshop, it was concluded that the Ministry of Health should compile the list of mental health institutions where the measure of mandatory psychiatric treatment should be executed. Handling of cases by institutions that do not have the capacity to do so constitutes a prerequisite for mistreatment or neglect.

---

<sup>2</sup> Standards of the European Committee for the Prevention of Torture, Part from the 8th General Report [CPT/Inf (98) 12]

## **Suicide Prevention**

29. According to the directorate, two suicides occurred after the war, while suicide attempts are frequent. During 2018, two persons have passed away at this institution. CIRCPP does not have any specific preventive plans related to suicides. **NPMT considers it necessary to draft a clear guide that will effectively help identify cases with suicidal tendencies, as well as draft a special observation scheme with immediate psychological/psychiatric support.**

## **CIRCPP personnel**

30. The total number of personnel in CIRCPP is 39, consisting of 1 psychiatrist who is also the director of the institution, 9 nurses, 16 medical assistants, 7 administrative staff and 7 technical service workers.
31. NPMT considers that the number of staff is inadequate. Also, there is a lack of professionals such as psychologists, occupational therapists, etc. NPMT in the report with recommendations published on 6 March 2017 recommended the employment of a clinical psychologist and an additional social worker, however, this is yet to happen. **Authorities and institutions should provide an adequate number of medical staff (psychiatrists, nurses, occupational therapists) as a prerequisite for adequate treatment.**
32. NPMT was informed that employees work in 3 shifts over 24 hours. Two nurse work during the day, and two during night shift; sometimes only one nurse during holidays. The personnel complain regarding the amount of workload, the stress due to the nature of the job and they feel that their remuneration is not satisfactory.
33. According to the CIRCPP staff, they are not provided with training. NPMT considers the provision of professional training outside the institution as well as adequate remuneration based on the nature of the job to be very important. The NPMC considers that the way personnel perceive the quality of life at work and the way they are treated by their managers and colleagues has a significant impact on the atmosphere at the institution and their treatment of residents. Institution officials who feel valued, trustworthy and respected in their workplace are more likely to apply these values when working with residents. Favourable working conditions in this institution are also important with regard to attracting and retaining the adequate professional staff.
34. Medical assistants (not medical professionals) work in 12-hour shifts, one during the day and one during the night. They mainly clean patients, and assist in cases when patients become aggressive. Medical assistants have no specific training on working with patients with chronic psychiatric disorders.
35. **The NPMT considers that medical staff should be trained more appropriately with regard to the specific work they do in taking care of patients with chronic psychiatric disorders.**

## **Means of restraint**

36. Regarding the means of restraint, Law No.05/L-025 on Mental Health stipulates that physical limitation of persons with mental disorders applies to mental health institutions



specialized with beds and includes, according to respective protocol, the following elements: keeping the person with force, forceful use of medicines, immobilization, and isolation.

37. Based on the claims of the CIRCPP directorate and residents' files, no mechanical means of physical restraint are used in this institution, but only chemical means such as psychotherapy, pharmaco-therapeutic interventions; isolation measures are not used because there are no conditions to apply such measures.
38. With regard to the consent for treatment and residence, the consent is given by the resident's family or legal guardian in cases where pursuant to a decision of the competent body the resident is deprived of his capacity to act.
39. **The ward does not have a patient rights card or leaflet for this purpose, whereas only the ambulance contains a rights card.** NPMT considers that information regarding patients' rights should be placed appropriately in visible places, supported by leaflets and explained to patients as appropriate.
40. Family visits are allowed at any time. However, according to the directorate, patients' families do not express interest to keep contact, either by phone or personal visits. Despite the commitment of staff there are no results in this regard. The staffs are aware that this is very disturbing, but they feel helpless in terms of changing it. According to CIRCPP staff, there are also cases where the legal guardian assigned by a decision of the competent body does not fulfil his or her duties towards the resident.
41. The NMPT notes that Article 9 paragraph 4 of the Law on Mental Health stipulates that measures in case of non-compliance, cooperation and care of the family member/legal guardian towards patient with serious mental disorder is regulated by a special sub-legal act issued by the Ministry of Health. Further, Article 16, paragraph 3 of the Law on Mental Health stipulates that Local government bodies and Centres for Social Work within their competence, in collaboration with health structures, take all measures to support people with mental disorders and their families.
42. NPMC considers that maintaining contact with the outside world is essential not only for the prevention of mistreatment but also from a therapeutic point of view. CIRCPP and other social care institutions (MLSW, Centres for Social Work) should review and utilise all legal mechanisms and means to improve this issue, as set out in Article 16, paragraph 3 of the Law on Mental Health. Whereas, the Ministry of Health should issue sub-legal acts as foreseen in Article 9, paragraph 4 of the Law on Mental Health.
43. Ombudsperson Institution has placed complaint boxes in CIRCPP, which can be opened only by personnel of this institution, which provides confidentiality to complainants in filing complaints. NPM has never received a complaint from residents or their family members. NPM encourages the staff to inform the family members of residents on the possibility to filing complaints through the complaint boxes placed in CIRCPP.
44. Deinstitutionalization, as one of the concerns and tasks foreseen for CIRCPP, has stalled. As far as the personnel are aware, only 3 cases have returned to the community.

45. NMPT considers that the Ministry of Health should develop a clear deinstitutionalization policy by building effective community services. MLSW and Centres for Social Work should be involved in providing the necessary effective resources to support such a policy.

Pursuant to the findings and conclusions made during the visit, in accordance with Article 135 paragraph 3 of the Constitution of the Republic of Kosovo and Article 16 paragraph 4 of Law No.05/L019 on Ombudsperson, the Ombudsperson recommends as follows:

**Ministry of Health:**

- **NMPT of the Ombudsperson reiterates the recommendation for the issuance of sub-legal acts in accordance with the Law on Mental Health.**
- **Ministry of Health should issue a decision listing mental health institutions where the mandatory psychiatric treatment measure should be executed.**

**Hospital and University Clinical Service of Kosovo (HUCSK):**

- **NMPT reiterates the recommendation for the construction of the Vocational Unit within the CIRCPP.**
- **Provide an adequate number of medical personnel, such as psychiatrists, nurses, clinical psychologists, occupational therapists as a prerequisite for adequate treatment.**
- **Provide adequate training for staff.**
- **Regularly supply of CIRCPP with the necessary medicines.**
- **Functionalization of the computer identification system (database).**
- **Drafting of the Roadmap (strategy) on Prevention of Suicide.**

Pursuant to Article 132, paragraph 3 of the Constitution of the Republic of Kosovo (“*Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law*”) and Article 28 of the Law No. 05/L-019 on the Ombudsperson (“*Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question*”), we kindly request from you to inform us regarding actions undertaken in relation to the matter in question.

Respectfully,

Hilmi Jashari

Ombudsperson