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Response

**of the Ukrainian 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 Ukraine**

from 2 to 11 April 2019

This response has been made public under an automatic publication procedure introduced by the Ukrainian authorities. The CPT's report on the April 2019 visit to Ukraine is set out in document CPT/Inf (2020) 1.

Strasbourg, 2 April 2020

Chapter № 1. Methodology

1. This report is prepared by the Ministry of Justice of Ukraine as the key cooperation coordinator between the Government of Ukraine and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter – the CPT). Functioning of such social care facilities as psycho-neurological boarding schools (“internats”) does not fall within the competence of the Ministry of Justice of Ukraine.
2. Report is drawn up on the basis of the materials provided by authorities responsible for the implementation of these recommendations, namely: the Ministry of Social Policy of Ukraine, the Ministry of Health Care of Ukraine, Odessa Regional State Administration and Cherkasy Regional State Administration.
3. Please, be also informed that on February 12, 2020 the Ministry of Social Policy of Ukraine held an inter-governmental meeting in order to discuss results of the realization of the CPT’s recommendations and further appropriate measures in this regard.

Chapter № 2. Torture and ill-treatment prevention (responses to recommendations made in paragraphs 13,14,15,16 of the CPT report)

Making clear to the staff on unacceptability of any kind of ill-treatment

4. The Ministry of Social Policy of Ukraine together with the Ministry of Health Care of Ukraine, the Ministry of the Interior of Ukraine and Ombudsman Secretariat conduct constantly trainings for the administration and staff of boarding houses (“internats”). Topics about observance of the right to freedom and personal integrity, freedom from torture and other types of ill-treatment are considered in course of qualification improvement sessions for the staff.

Odessa region

5. It is constantly emphasized during conference calls at the Social and Family Policy Department of Odessa Regional State Administration on the inadmissibility of the ill-treatment by the staff. Staff meetings regarding elimination and prevention of inhuman and degrading treatment (including verbal abuses) with residents were held in all boarding houses (“internats”). In every boarding house (“internats”) of the social care system of this region were held general meetings, during which clear and concrete clarifications about exclusion of residents` degrading treatment were stated.

Velykorybalskyi “internat”

6. Staff of the Velykorybalskyi psycho-neurological “internat” was alerted about elimination of physical and psychological violence against residents by the order of the “internat” of July 31, 2019 No. 123 “About conducting organizational work to protect persons with disabilities from the violence”.

7. In December 2019 working group of Odessa State Regional Administration carried out regular inspection of the Velykorybalskyi psycho-neurological “internat” to verify the progress in eliminating shortcomings revealed by the CPT. In course of this inspection conditions of living and treatment of residents were discussed with the staff. Another clear and strong message was delivered to the staff that any forms of ill-treatment, including verbal abuses, against residents are unacceptable and will be punished accordingly.

8. On January 14, 2020 the Head of the Social and Family Policy Department of Odessa State Regional Administration clearly explained the staff that any kinds of degrading treatment against residents are unacceptable and that perpetrators will be brought to accountability according to the law.

Baraboi “internat”

9. On May 13, 2019 and February 12, 2020 in the Baraboi psycho-neurological “internat” was held general staff meeting, during which staff was instructed about exclusion of degrading treatment against residents.

Victorivka “internat”

10. Trainings about observance of residents` rights and rules of professional ethics were conducted for the staff of the Victorivka “internat”. Provisions about prohibition of torture, cruel, degrading treatment against residents were incorporated to the job-descriptions.

Introduction of procedures for selection, training and supervision of orderlies

11. The Social Care Department of Cherkassy State Regional Administration recommended all “internats” to draft programs for internship of paramedical personnel (orderlies, etc.). In its turn, Odessa State Regional Administration controls harmonization of organization of procedures for selection, training and supervision of orderlies based on the CPT recommendations and comments.

12. Apart from orderlies, the duty of taking care of residents in the “internats” is entrusted to paramedical staff (female ward orderly). There should be mentioned that taking into account low salary, high workload and risks for life and health, the position of orderly does not demonstrate a significant demand on a labour market within the Odessa region. Consequently, there are vacant positions at the moment. As regards Velykorybalskyi “internat” staff positions of orderlies are absent therein. Existing employees are taking all possible measures for the timely elimination of acts of violence among wards.

13. Training of paramedical staff and medium medical personnel of psycho-neurological “internats” is carried out by Additional Professional Education Centre “Institute of Gerontology at the National Academy of Medical Sciences of Ukraine”.

Assistance by residents to maintain order

14. Regarding termination of use of residents in assisting the staff in maintaining order or providing urgent psychiatric support there has to be noted, that in each and every social care facility within the Cherkassy region a meetings were held with paramedical staff and medium medical personnel concerning immediate ceasing of such practice and preventing it in the future.

**Chapter № 3. Living conditions of residents
(responses to recommendations in paragraphs 17,18,19,21,22,23,34,45 of the report)**

15. The main goals of boarding houses (“internats”) are ensuring the rights and interests of residents, creation of proper conditions for living, social and household service, leisure, education, volunteering labour, creativity as well as provision of medical services to residents. Relevant activities to improve living conditions within the social care institutions are being conducted both in Odessa and Cherkassy regions.

16. Administration of the Victorivka psycho-neurological “internat” has taken measures in order to bring the premises of palliative care into line with the state building standards as recommended by the CPT in the paragraph 17 of the Report.

17. Odessa State Regional Administration in order to bring boarding houses (“internats”) in line with the State Building Norms “B.2.2.-18:2007” in terms of reducing their capacity ordered local communities to identify free buildings, that are owed by communities of cities and districts of the region, to transform them into boarding houses of the social care system and envisage the following wards: support living, palliative care. This will allow creating appropriate conditions of living, social and household service of residents as well as declining the number of residents, thus make such wards consistent with the State Building Standards.

18. After several monitoring visits to the **Velykorybalskyi psycho-neurological “internat”**, in order to improve living conditions for residents taking into consideration the CPT requirements regarding closing old wards (Nos. 6-8, 17) recommendations were given to the management of that “internat” to transfer maximum number of residents from wards 6-8, 17 into the ward No.1 (it is in the first floor). Such a transfer, *inter alia*, will provide an opportunity to rationally organize food delivery for residents. It shall also promote a free access to outdoor areas for residents, unless treatment activities require them to be present inside the building. Renovation activities have been started recently on the first floor of the ward No.1. Further, administration of that “internat” has to fence the territory of the “internat”.

19. Creation of small group houses for persons with disabilities with mental disorders in the free premises of psychiatric hospitals and schools is being addressed. Social and Family Policy Department resorted to the head of Odessa State Regional Administration with the proposal to announce a moratorium on accommodation into boarding houses (“internats”). Social and Family Policy Department closely supervises the situation with overcrowding in the psycho-neurological “internats” within Odessa region.

Overcrowding in the Baraboi psycho-neurological boarding house (“internat”)

20. The construction of the Baraboi “internat” has 160 sleeping places. During 1990s as a result of destruction of one ward some residents were transferred to the Velykorybalskyi “internat” and the rest were settled down at wards in Baraboi “internat”. Such a situation has lead to higher concentration at living rooms. To provide residents with basic comfort 2-floor beds were purchased. Free space was filled with drawers where each resident has a shelf for personal belongings. Out of 24 2-floor beds the second floor is used only in 14 beds at the moment. In order to improve living conditions of residents in Baraboi “internat” the decision was taken to stop accommodating residents with mental disorders therein. 150 residents are currently living there.

Hygiene items for residents

21. From June until August 2019 officials from Odessa State Regional Administration carried out inspections of 4 psycho-neurological “internats” (Velykorybalskyi, Baraboi, Baltskyi, Novosavyskyi ones).

At the moment, residents of Velykorybalskyi and Novosavvitskyi “internats” are completely (100%) provided with personal hygiene items, while Baltsyi “internat” covers only 25% of the residents need for diapers and Baraboi “internat” shows 96% of coverage.

22. Given that free-of-charge provision of personal hygiene items for residents takes place in accordance of the recommendations of the individual rehabilitation programs, the process of amending such programs is ongoing for those residents who require such hygiene items.

23. Cherkassy regional budget for 2020 fully envisages allocations to provide residents with personal hygiene items.

Nutrition of residents

24. From June until August 2019 officials from Odessa State Regional Administration carried out inspections of 4 psycho-neurological “internats” (Velykorybalskyi, Baraboi, Baltskyi, Novosavvitskyi ones). Residents are provided with nutrition in all mentioned inspected “internats”. The following resources have been allocated from regional budget for the psycho-neurological “internats” of the social care system (taking into account their own revenues) for purchasing food:

- 19.5 million UAH for 2019, out of that amount 7.5 million UAH were allocated to Velykorybalskyi “internat” which is 50.3% of the overall demand;
- 15.2 million UAH for 2020, out of that amount 6.2 million UAH were allocated to Velykorybalskyi “internat” which is 42.8% of the overall demand.

The administration officials are looking for possibilities to increase resources in order to cover 100% of need for daily nutrition.

25. To fix an issue of providing residents of Baraboi psycho-neurological “internat” with warm food, canteens and remote ward for residents are equipped with electronic stove to warm up food when needed.

26. In 2019 all psycho-neurological “internats” within Cherkassy region were financed according to budget estimates, including with regard to nutrition. Daily nutrition standards were absolutely (100%) fulfilled. Budget allocations for the needs of psycho-neurological “internats” within Cherkassy region for 2020 were increased for 5%.

Outdoor exercises, walking

27. In Velykorybalskyi psycho-neurological “internat” residents with restricted mobility who are moving in wheelchairs are living in a ward No. 14. This ward is equipped with large covered veranda and a ramp. There is a newly repaired arbour near the ward. For those residents who will be transferred from remote wards to the ward No. 1, a place for walking and leisure in the green zone was furnished near the ward.

28. Taking into consideration psychiatric state of persons with disabilities and with the view of prevention threat to their life and life of other residents, in Baraboi psycho-neurological “internat” residents are moving throughout the territory of that “internat” escorted by the staff, specifically two times per day for walking and four times per day to canteen. The place for walking is equipped with cover allowing residents to stay outside regardless of weather. When psychiatric state of residents is improving they participate in cultural events and occupational therapy if they so wish.

29. At Victorivka “internat” and other social care facilities within Cherkassy region, residents enjoy unrestricted movement on the territories of the institutions. The staffing list of Victorivka “internat” includes the position of a junior nurse-attendant, who has the responsibility of supporting persons with locomotor disabilities.

Access to phone

30. Residents living in social care institutions within Odessa region, including Velykorybalskyi “internat”, in the absence of personal telephones, can apply to the administration of social care facility if necessary.

Chapter № 4. Staff (responses to the recommendations in paragraphs 24, 29 of the report)

Odessa region

31. Staffing of medical personnel in psycho-neurological “internats”, including in the Velykorybalskyi and Baraboi psycho-neurological “internats”, is carried out in accordance with the methodical recommendations for determining the number of employees of social care facilities adopted by the Order of the Ministry of Social Policy of Ukraine No. 893 of June 06, 2019, that aims at determining the optimal number of employees of social care facilities by function and type of work performed.

32. As for the staffing of psychiatrists posts, *a psychiatrist (at 0.25 post rates) started working at the Baraboi psycho-neurological "internat"*. Psychiatrist consults residents every Saturday. Baraboi psycho-neurological "internat" therapist and senior nurse carried out trainings for junior nursing staff on caring for patients in the excited state and for those who are unable to move independently.

33. The issue of staffing of Velykorybalskyi psycho-neurological "internat" by a psychiatrist is in the process of solving. There are currently no offers to take this position. The Department of Social and Family Policy together with the Department of Health of Odessa Regional State Administration are jointly trying to solve the issue of filling vacant positions of doctors, especially a psychiatrist at Velykorybalskyi "internat". At the same time, the residents of the Velykorybalskyi "internat" do not remain without medical care, and undergo comprehensive medical examination annually. In the case of medical indicators, residents receive help in the district medical institutions or get hospitalized.

Chapter № 5. Medical care and treatment of residents (responses to the recommendations in paragraphs 25, 29,30,31,32,33,38,39 of the report)

34. The healthcare sector is undergoing through reformation of principles of financing for the maintenance of medical institutions to the principle of reimbursement to medical institutions of expenses for rendered medical services under contracts with the National Health Service of Ukraine (hereinafter – NHSU). There are already defined packages of medical services which are to be reimbursed under the contracts with the NHSU in accordance with the program of medical guarantees for 2020. The procedure for submitting proposals by medical institutions for the provision of medical services began since February 03, 2020, after which, until March 31, 2020, contracts will be concluded between the medical institutions and the NHSU, under which funding will start on April 1, 2020, according to the new principle. Medical facilities that do not enter into contracts with the NHSU and medical services that are beyond the scope of the 2020 medical guarantee program will be funded from local budgets and other sources not prohibited by applicable law.

Odessa region

35. Following the results of CPT's visit, in June and August 2019 inspections of 4 psycho-neurological institutions (namely Baltskyi, Baraboi, Velykorybalsk and Novosavytsk) were carried out by working group of the Odessa Regional State Administration consisting of experts in the field of social and family policy and also health care of the Odessa regional state administration, deputies of the Odessa regional council and representatives of public organizations. During the inspections, attention was paid to the quality of social services, the availability of individual programs for rehabilitation of mentally disabled persons, implementation of measures for *medical* and physical rehabilitation, provision with technical means of rehabilitation and *medical products, relevance for drawing up of individual rehabilitation programs, compatibility of residents with persons falling within the disability status*.

36. The residents are provided with clothing, foods, medicines, hygiene products in accordance with the allocated budget in all inspected institutions. In 2017-2018, licenses for the right to conduct economic activities on medical practices were received by institutions.

37. All residents of the mentioned institutions have signed health care declarations with family doctors of primary health care centers. So they have the possibility to be consulted by narrow specialists, undergo lab and instrumental examinations. Under the contracts, the primary care is provided on a cost-free basis within the medical guarantee program.

38. According to articles 12 and 13 of the Law of Ukraine «On psychiatric care» residents of institutions obtain referral for inpatient treatment within psychiatric institutions in case of deterioration of mental health (psychomotor excitement, signs of aggression, etc.). Such residents are provided with treatment in medical institutions and upon leaving it shall get recommendations on supportive therapy during their stay in institutions.

39. In case of deterioration of health, the residents or guardian (director) contact the family doctors with whom the declaration is signed and, if necessary, receive referrals to profile specialists or hospitalize in specialized institutions at the direction of the family doctor. All persons with disabilities living in social care facilities of the region have individual rehabilitation programs, respectively, provided with labor rehabilitation (optional), technical and other facilities for self-service and care.

40. Examinations. In June 2019, all 371 residents of the Velykorybalsk psycho-neurological institution were examined by psychiatrists of the Regional Psychiatric Hospital № 1. They were accordingly prescribed treatment and given appropriate recommendations. The prescriptions were also changed, namely *aminazine* and *haloperidol* were replaced by alternative pharmaceutical drugs. Patients with psychotic disorders take medicines as it was prescribed by doctors.

41. Specialized psychiatric medical and social care expert commission (hereinafter – expert commission) carried out work on updating of individual rehabilitation programs (hereinafter - IRP) of residents of the Velykorybalsk psycho-neurological institution. All IPR to be reviewed in 2019 for 227 people with disabilities have been reviewed. Moreover, 124 mentally disabled persons have their paperworks done and their IRP were renewed as well. Amendments to IPR programs for the provision of free personal hygiene items (diapers, disposable pads etc.) to the residents are currently ongoing. Their provision is being carried out according to the IPR recommendations.

42. Residents staying in Velykorybalsk psycho-neurological institution were checked for tuberculosis by fluorographic examination. They had not been diagnosed with tuberculosis. Those 78 residents who were not prescribed for health reasons fluorographic examination will be checked for tuberculosis by X-ray studies in February 2020 as they had it in February 2019.

43. Home visits by psychiatrists will be taken place according to the schedule of planned visits but not less than once every 6 months. When visiting institutions, psychiatrists and experts in narcology of the Odessa regional medical center examine residents together with psychiatrists of the regional hospitals as well as change the course of treatment thus improving the effectiveness of psychiatric assistance.

44. In order to organize the proper psychiatric treatment of the residents the management of the **Velykorybalskyi psychoneurological “internat”** should, before April 01, 2020, apply once again to the management of the Saratsk Central District Hospital to provide a weekly inspection of the patients by the psychiatrist or to conclude contracts with the territorial medical institutions.

45. Specialists working in the above psycho-neurological institutions, Department for social and family policy, Department of healthcare within Odessa regional state administration are making efforts to build up an effective mechanism of cooperation, so the residents could be provided with qualified medical assistance.

46. Concerning the use of azaleptol. *Azaleptol* is not used in Velykorybalskyi psycho-neurological social care facility for treatment of residents. In Baraboi psycho-neurological “internat” residents taking *azaleptol* are regularly got blood tests (advanced, biochemical). Facility administration has approached a regional specialized medical institution in which the residents are being treated, regarding the replacement of *the azaleptol* type medicine with anti-psychiatric drugs of the new generation.

47. Occupational therapy. Those residents who are able to take care of themselves are involved in socially useful activities within the Velykorybalskyi “internat”. The introduction of occupational therapy and leisure for the residents in Baraboi psycho-neurological social care facility is progressing slowly, since most of the residents refuse organized leisure and work.

48. Work on the organization of occupational therapy and leisure of the residents is still ongoing in all psycho-neurological social care institutions. Trainings in basic working skills are offered to the residents with their consent by the staff of institution. At the same time, most of the residents refuse organized leisure and work. At the request and in the presence of available seats, residents, whose legal capacity is not restricted by the court, are accepted in psycho-neurological social care institutions for vacant positions that do not require special specialization.

Cherkassy Region

49. According to the order of the Ministry of Health of Ukraine No. 2639 of December 21, 2019, Viktorivka psycho-neurological “internat” is licensed to conduct economic activities on medical practices. Medical aid to the residents is provided by family doctor (0,5 post rates), psychiatrist doctor (0,5 post rates). All the residents had signed up declaration for primary care with a family doctor at a local health institutions.

50. The procedure for providing primary care was approved by the order of the Ministry of Health of Ukraine of March 19, 2018 No. 504. Pursuant to paragraph 2 of the Section II of this Procedure, the primary care provider shall arrange for the provision of patients with medical services, including laboratory and instrumental diagnostic examinations.

51. In accordance with the requirements of Article 23 of the Law of Ukraine "On Psychiatric Care" and paragraph 9 of the Model Regulations on Psycho-neurological social care facility, approved by the Decree of the Cabinet of Ministers of Ukraine No. 957 of December 14, 2016, all residents are inspected at least once a year by a medical commission with the participation of a psychiatrist, for the purpose of resolving the issue of their further residence in the institution or the possibility of reviewing the decisions on incapacity of those recognized as such, as evidenced by the records in the medical records and the relevant conclusion in the personal file.

52. In 2019 in Viktorivka psycho-neurological “internat” such an examination covered 160 residents. Since the beginning of this year, examination has covered 69 residents. In cases where the provision of specialized psychiatric care is only possible under inpatient conditions, the residents are referred for treatment to the Cherkassy Regional Psychiatric Hospital. When conducting treatment in an institution, doctors prescribe medicines approved by the Ministry of Health, which meets the requirements of Article 44 of the Law of Ukraine “Fundamentals of Legislation of Ukraine on Health Care” and which included in the National List of Essential Medicines. *All prescribed medicines are purchased by the facility as needed and are provided free of charge.*

53. Treatment in “internats” is carried out in accordance with the recommendations based on the results of the treatment at Cherkassy Regional Psychiatric Hospital. As of February 07, 2020, 11 “internats” have been licensed to conduct business activities in medical practice. Pursuant to the Order No. 43/3 of May 11, 2019 of Viktorivka “internat”, a multidisciplinary team was created to determine the degree of individual needs of the residents. In personal files there is a card for identifying the individual needs of the recipient of the social service and measures that make up the content of the social care service.

54. The individual plan shall be reviewed by the social service provider together with the social service recipient and/or his legal representative in accordance with the requirements of the State standard of inpatient care for persons who have lost the ability to self-service or have not acquired such capacity. It was approved by the order of the Ministry of Social Policy No. 198 of February 29, 2016.

55. “Internats” are conducting work on the organization of occupational therapy by instructor for occupational therapy in accordance with the individual program of rehabilitation of the disabled and the conclusions of the family doctor on the results of medical examination. The residents are divided into groups according to their state of health, mental state and attitude to the occupational therapy by the residents themselves in accordance with the methodological recommendations for the organization of occupational therapy for the elderly, persons with disabilities, children with disabilities in institutions of the social protection system, approved by the Order of the Ministry of Social Policy No. 1778 of November 26, 2018. *Individual rehabilitation programs have been issued to all residents, there are no expired ones.*

56. According to paragraph 6 of the Methodical recommendations, it is recommended to divide the occupational therapy participants into five groups for health reasons. From the residents of the first group, it is recommended to create a reserve of employees who can be recruited on the basis of civil agreements.

57. Heads of psycho-neurological “internats” were informed about the position of the CPT regarding physical fixation and isolation of the residents and stressed about the need to strictly comply with the requirements of the Law of Ukraine “On Psychiatric Care”.

58. The paragraph on the personal responsibility of the director and staff for preserving life and health of the residents, respecting their rights and preventing discrimination against them was included to the Regulation on Psycho-neurological “Internat”.

Chapter № 6. Legal safeguards **(responses to the recommendations in paragraphs 40,41,42,43,44,46 of the report)**

Odessa region

59. Psycho-neurological “internats” of the social care system within Odessa region do not apply any means of restraint.

60. In 2019 there were no appeals from guardians or directors of “internats” who are in charge of guardianship, as well as from residents to court for renewal (review) of their legal capacity. The directors of “internats” were instructed to review the mental state of the residents in order to address to courts for the restoration of civil capacity.

61. Interviews with residents about all necessary clarifications of their rights and the possibility of submitting complaints were held by the staff. The directors of “internats” were instructed to provide each building with informational boards containing information about the rights and responsibilities of the residents and contact telephones of representatives of the Department of Social and Family Policy of the Regional State Administration, the hotline of the Government, as well as arrange boxes for complaints and proposals for the residents.

62. Pursuant to Article 66 of the Civil Code of Ukraine, guardianship of an individual who is in a special institution and over whom no guardianship has been established or a guardian has not been assigned, shall be performed by the institution itself (where person resides). 115 residents who were recognized as legally incapable by the court have guardians.

Cherkassy region

63. Management of the institutions is working to restore the capacity of the residents. During 2019, 3 cases were filed by the Guardianship Board of Shukayvodskyi Village Council to the Khrystyniv District Court. At present the problematic issue is to implement work on the rehabilitation of residents in accordance with Article 23 of the Law of Ukraine "On Psychiatric Care". Thus, in accordance with paragraph 1 of the order of the Ministry of Health of Ukraine dated July 17, 2019 No. 1626, the order of the Ministry of Health of Ukraine dated June 29, 2017 No. 722 "On Organization of the Service of Forensic Psychiatric Expertise", that listed psychiatric institutions (including Cherkassy Regional Psychiatric Hospital) which were entitled to conduct judicial-psychiatric examination, *became invalid*.

64. In accordance with the requirements of the State Standard, each social service recipient or its legal representative is contracted to provide a social service based on an individual plan.

65. Information stands for the residents contain information on the addresses and telephone numbers of free legal aid, hotlines of the Government and management of the Social Care Department. All institutions have boxes for complaints and suggestions.

66. Regarding the issue of informing the residents about their state of health and the treatment involved, it should be noted that hospitalization to the institution for the provision of psychiatric care takes place in accordance with the requirements of the Law of Ukraine "On Psychiatric Care". The psycho-neurological "internats" provide supportive therapy in accordance with the recommendations of medical institutions.

67. Guardianship is provided in accordance with the Civil Code of Ukraine. In Viktorivka "internat" 20 persons who are recognized as legally incapable obtain inpatient care service, 8 of them are placed under guardianship of the institution.

Free legal aid

68. In compliance with the requirements of the Law of Ukraine "On Free Legal Aid", starting from July 1, 2015, local secondary legal aid centers (hereinafter referred to as - local centers) established throughout Ukraine are provided such free secondary legal aid as: protection; representation of interests in courts, other authorities, before other persons; drafting of procedural documents. The following categories of persons are entitled to free secondary legal aid:

- persons with disabilities who receive a pension or an allowance instead of a pension, in the amount not exceeding two subsistence minimums for incapable persons as well as
- persons whose cases about restriction, recognition or restoration of civil capacity are considered by the court, recognition of a person as having no civil capacity and restoration his/her civil capacity.

69. From July 01, 2015 till January 01, 2020, a total of 42,881 written requests from persons with disabilities were submitted to local centers requesting provision of free secondary legal aid (3837 applications in 2015, 10218 applications in 2016, 9878 applications in 2017, 9901 applications in 2018, and 9047 applications in 2019). During that period, the centers adopted 161 decisions on the provision of free secondary legal aid to persons in respect of whom the court is considering case of restriction civil capacity, recognition an individual as a person as having no civil capacity and restoration his/her civil capacity as well. Most often, people with disabilities have sought the support of the local centers for legal assistance in resolving various types of civil law disputes, as well as regarding their social security, family, inheritance and housing rights.

70. The functioning of the free legal aid system is aimed at enhancing its inclusiveness for persons with disabilities and taking measures to provide legal services to such persons in the most convenient way and place for them. In order to expand access to legal services for socially vulnerable categories of citizens, including persons with disabilities, since 2015 systematic work has been carried out on the establishment and development of a network of remote access points for free legal aid.

71. As of January 01, 2020 there are more than 3000 remote access points for legal aid in Ukraine. 234 of them are operating on the basis of centers for social services, health and educational institutions, boarding houses ("internats") and NGOs dealing with the protection of the rights of persons with disabilities. In such remote access points, citizens are entitled to obtain legal information, consultations and clarification on legal issues, assistance in drawing up of applications, complaints and other legal documents.

72. In 2019 local centers provided legal advice and clarifications for more than 2,800 people within the framework of these remote access points. Majority of consultations was related to social security, inheritance and housing law. Another tool to ensure access to free legal aid is to conduct off-site citizens' receptions within the framework of mobile consultation points.

73. In particular, employees of local centers make visits to single persons, elderly persons and persons with disabilities at their place of actual residence or stay for the purpose of providing targeted legal assistance to them. In 2019, employees of the local centers provided 9108 remote consultations. During 2016-2019 in total, more than 40000 of such off-site citizens' receptions were conducted by employees of the centers.

74. Pilot projects are being systematically implemented by the Coordination Center for Legal Aid together with its partners, in particular aiming at implementing modern information technology to facilitate access to legal aid for people with disabilities. The aim of a pilot project launched on the basis of Kyiv center for legal aid in October 01, 2019, was to attract a sign language interpreter providing a sign language translation services via Skype once every week. Mentioned mechanism allows hearing impaired persons seeking free legal assistance from local centers to receive sign language translator services.

75. Local centers jointly with NGOs working in the field of protection of the rights of persons with disabilities systematically organize trainings, round tables, open lessons, lectures, street campaigns, working meetings related to issues of legal protection of persons with disabilities. For the period from 2016 to 2019 3437 educational activities were conducted, including in psychiatric hospitals and "internats", in particular on the following topics *"Rights of persons with disabilities", "Features of employment of people with special needs", "Procedure for providing secondary legal aid for persons with disabilities", "Education for Persons with Special Needs", "Rights of Persons with Special Needs", "Benefits for Persons with Disabilities"*. These aforementioned events were attended by more than 35,000 people. 57 907 copies of information materials on the rights of persons with disabilities were distributed by the employees of the centers, in particular, their rights to free legal aid.

Chapter № 7. Deinstitutionalization; other issues (responses to recommendations in paragraphs 12, 46 of the report)

Cherkassy region

76. As of January 01, 2020 some 11 institutions providing social services have been established in 60 joint territorial communities (hereinafter referred to as "JTC") of Cherkassy region. In the city of Zolotonosha and Uman daily-care centers for elderly people and persons with disabilities are opened on the basis of existing social service centers. Trainings about proper organization of providing social services in JTC, including staff of "internats", were held during 2019.

77. A 24-hour presence of nursing staff is organized in "internats". When placing the residents in living rooms, their wishes and psychological compatibility are taken into account. Work is also being done to locate the residents with locomotor disabilities or who are bedridden in the living rooms on the ground floor.

Odessa region

78. 37 JTC have been established In Odessa region, in which the formation of units for the provision of social services has been continued. In 22 communities, social work professionals have been entered into the staffing list of communities. For example, since 2018 there is a center of social service in Kuyalnyk village council, in which there are two departments: inpatient and social assistance at home (the latter includes the department for children and social protection of the population), staffed by 5 social workers to provide social care services at home.

79. In accordance with the order of the Ministry of Social Policy of Ukraine of January 20, 2014 No. 28 "On Approval of the Procedure for Determining the Needs of the Population of the Administrative-Territorial Unit in Social Services" the determination of the needs of the population in social services is carried out and is to be ceased before April 01, 2020. The final data analysis will be performed, the needs of the population in social services will be determined and recommendations will be provided to organize the provision of social services according to the needs, in particular, if necessary, the creation of small groups for the accommodation of persons with mental disabilities in inpatient units of territorial centers of social services (provision of social services) or social service centers.

80. In order to regulate control (supervision) of the observance of state social standards and guarantees, the State Social Service was created (Decree of the Cabinet of Ministers of Ukraine of December 18, 2019 No. 1053 "Some issues of the State Social Service"). A methodology for verifying compliance with state standards by social service providers is being developed.

81. With regard to the recommendations made in paragraph 46 of the report, the Ombudsman's Secretariat informed that all relevant information requested by the CPT would be forwarded to the Committee directly by the Ombudsman's Secretariat.

82. Employees of Baraboi, Velykorybalskyi, and Victorivka psycho-neurological "internats" are continuing their work to eliminate each of the shortcomings established by the CPT.