

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

May 5, 2010

Prosecutor Oleksandr MEDVEDKO
Prosecutor General of Ukraine
High Council of Justice
89, Artem str, 04050, Kyiv-50

Your Excellency,

Human Rights Watch is seriously concerned about recent reports of threats against disability activist, Andrey Fedosov, which appear to have been made in retaliation for his efforts to document living conditions at several psychiatric institutions in the Crimea. This is all the more concerning given that the poor living conditions at institutions that Mr. Fedosov has documented are very serious and merit urgent attention. We urge you to take steps to investigate both the threats against Mr. Fedosov and the conditions in psychiatric institutions in the Crimea, particularly in light of Ukraine's recent ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD).

Mr. Fedosov and his organization Uzer (Ukrainian organization of users of psychiatric care) have monitored the conditions in six public psychiatric hospitals in Crimea. Conditions in three of these Institutions—the Crimea Republican Psychiatric Hospitals Number 2 and 4, and City Psychiatric Hospital Number 3 in Fedosia—all visited during the week of April 19, were so poor that the organization has asked the prosecutor's office to investigate. According to Mr. Fedosov and questionnaires filled out by residents, sanitary and living conditions in these three institutions are extremely poor and residents in all three reported physical abuse by staff. Mr. Fedosov told Human Rights Watch that strong smell of excrement penetrated one of the facilities; in another, some patients were locked behind metal bars and forced to use buckets as toilets. In the third institution, residents complained that they had no access to clean, running water, and were given one bucket of water every ten days for wash. All residents of that institution also complained of beatings. In all institutions, there were no options for residents to seek privacy, including in bathrooms.

Such conditions fall foul of the prohibition on inhuman and degrading treatment, as provided for in the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). Article 10 of the ICCPR requires, among others, that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” This principle of dignity is also one of the fundamental principles of the CRPD. Such conditions would also infringe on

HUMAN
RIGHTS
WATCH

www.hrw.org

Kenneth Roth, *Executive Director*
Michele Alexander, *Development & Outreach Director*
Carroll Bogert, *Associate Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance & Administration Director*
Peggy Hicks, *Global Advocacy Director*
Iain Levine, *Program Director*
Andrew Mawson, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
James Ross, *Legal & Policy Director*
Joe Saunders, *Deputy Program Director*

PROGRAM DIRECTORS

Brad Adams, *Asia*
Holly Cartner, *Europe & Central Asia*
Georgette Gagnon, *Africa*
José Miguel Vivanco, *Americas*
Sarah Leah Whitson, *Middle East & North Africa*
Joseph Amon, *Health and Human Rights*
John Biaggi, *International Film Festival*
Peter Bouckaert, *Emergencies*
Richard Dicker, *International Justice*
Bill Frelick, *Refugee Policy*
Arvind Ganesan, *Business & Human Rights*
Steve Goose, *Arms*
Liesl Gerntholtz, *Women's Rights*
Scott Long, *Lesbian, Gay, Bisexual & Transgender Rights*
Joanne Mariner, *Terrorism & Counterterrorism*
Alison Parker, *United States*
Lois Whitman, *Children's Rights*

ADVOCACY DIRECTORS

Juliette de Rivero, *Geneva*
Jean-Marie Fardeau, *Paris*
Marianne Heuwagen, *Berlin*
Lotte Leicht, *European Union*
Tom Malinowski, *Washington DC*
Tom Porteous, *London*

BOARD OF DIRECTORS

Jane Olson, *Chair*
Bruce J. Klatzky, *Vice-Chair*
Sid Sheinberg, *Vice-Chair*
John J. Studzinski, *Vice-Chair*
Karen Ackman
Jorge Castañeda
Geoffrey Cowan
Tony Elliott
Hassan Elmasry
Michael G. Fisch
Michael E. Gellert
Richard J. Goldstone
James F. Hoge, Jr.
Wendy Keys
Robert Kissane
Joanne Leedom-Ackerman
Susan Manilow
Kati Marton
Barry Meyer
Pat Mitchell
Joel Motley
Joan R. Platt
Catherine Powell
Sigrid Rausing
Neil Rimer
Victoria Riskin
Amy L. Robbins
Shelley Rubin
Kevin P. Ryan
Jean-Louis Servan-Schreiber
Darian W. Swig
John R. Taylor
Shibley Telhami
Catherine Zennström

Robert L. Bernstein, *Founding Chair, (1979-1997)*
Jonathan F. Fanton, *Chair (1998-2003)*
Bruce Rabb, *Secretary*

the right to physical and mental integrity and the prohibition of violence, abuse and exploitation against persons with disabilities, enshrined in the CRPD. Human Rights Watch calls on your government to investigate the conditions in all psychiatric institutions – public and private - and take the necessary steps to ensure that conditions and treatment at these facilities fully respect the rights of persons with disabilities.

We also urge you to investigate the threats against Mr. Fedosov. Mr Fedosov told Human Rights Watch that he received two phone calls on Sunday, April 25 after he announced on his Facebook page that he would file a complaint with the prosecutor's office regarding the conditions in three of the psychiatric institutions in the Crimea he had visited the previous week. A man, who introduced himself as Nikolai Vasilievich but did not give a last name, warned him not to make his findings public, threatening that his health could be in danger. Mr Fedosov has reported the threats to the prosecutor's office and has left Crimea for security reasons.

Independent monitoring of psychiatric institutions is an important safeguard for the rights of people with disabilities who live in institutions, and the involvement of civil society in the monitoring process for the CRPD is explicitly recognized under Article 33 of the Convention. Threats such as those made against Mr. Fedosov discourage civil society from monitoring conditions at these institutions.

We also note that the CRPD provides for a right for people with disabilities to live in the community, rather than in institutions. It is our understanding that many people at these institutions could live in the community if the government began a process of deinstitutionalization and provided quality support at the community level. We encourage the Ukrainian government to take steps to ensure people with disabilities can realize this right.

Thank you for your care and attention to this matter. We will look to the Ukraine government to continue to demonstrate its commitment to disability rights through its cooperation with civil society in monitoring compliance with the CRPD and its reform of psychiatric institutions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Amon', with a stylized flourish at the end.

Joseph Amon
Director, Health and Human Rights
Human Rights Watch

Cc: His Excellency Zinoviy MYTNYK, Minister of Health