



# **SPECIAL REPORT**

**of the Ukrainian Parliament Commissioner  
for Human Rights**

**On Prevention of Torture and  
Other Cruel, Inhuman or Degrading  
Treatment or Punishment in Ukraine in 2024**



**Ombudsman of Ukraine**







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Treatment or Punishment  
in Ukraine in 2024**

KYIV – 2025



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# **LIST OF ABBREVIATIONS**

<b>FLA</b>	Free legal aid
<b>WHO</b>	World Health Organisation
<b>MDNP</b>	Main Department of the National Police of Ukraine
<b>SBN</b>	State Building Norms
<b>SMDC</b>	State Service of Ukraine on Medicines and Drugs Control
<b>SSUF SCP</b>	State Service of Ukraine on Food Safety and Consumer Protection
<b>DICE</b>	Disciplinary cell
<b>SPSU</b>	State Penitentiary Service of Ukraine
<b>SMS</b>	State Migration Service of Ukraine
<b>SJA</b>	State Judicial Administration of Ukraine
<b>SES</b>	State Emergency Service of Ukraine
<b>SI</b>	State institution
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>URPTI</b>	Unified Register of Pre-Trial Investigations
<b>EU</b>	European Union
<b>ECtHR</b>	European Court of Human Rights
<b>SMT</b>	Substitution maintenance therapy
<b>TDF</b>	Temporary detention facility
<b>CAP</b>	Code of Administrative Proceedings of Ukraine
<b>CEC</b>	Criminal Executive Code of Ukraine
<b>RD</b>	Room for detainees
<b>MF</b>	Municipal facility
<b>CrCU</b>	Criminal Code of Ukraine
<b>CMU</b>	Cabinet of Ministers of Ukraine
<b>CrPCU</b>	Criminal Procedure Code of Ukraine
<b>MI</b>	Municipal institution
<b>MIA</b>	Ministry of Internal Affairs of Ukraine
<b>MYS</b>	Ministry of Youth and Sports of Ukraine
<b>MoD</b>	Ministry of Defence of Ukraine
<b>MSP</b>	Ministry of Social Policy of Ukraine
<b>MCIP</b>	Ministry of Culture and Information Policy of Ukraine
<b>MoH</b>	Ministry of Health of Ukraine
<b>MES</b>	Ministry of Education and Science of Ukraine
<b>MoJ</b>	Ministry of Justice of Ukraine
<b>NSSU</b>	National Social Service of Ukraine
<b>NPM</b>	National Preventive Mechanism
<b>NPU</b>	National Police of Ukraine
<b>NHSU</b>	National Health Service of Ukraine
<b>OMA</b>	Oblast Military Administration(s)
<b>OC</b>	Oblast Council
<b>CMM</b>	Compulsory medical measures
<b>CTR (SC)</b>	Cell-type room (solitary confinement)
<b>PNCHs</b>	Psycho-neurological care home
<b>TDF</b>	Temporary detention facility for foreigners and stateless persons
<b>RF</b>	Russian Federation
<b>Commissioner's Secretariat</b>	Secretariat of the Ukrainian Parliament Commissioner for Human Rights
<b>PTDF</b>	Pre-trial detention facility
<b>PI</b>	Penitentiary institution
<b>PD</b>	Police department
<b>Commissioner</b>	Ukrainian Parliament Commissioner for Human Rights
<b>SPT</b>	United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



**FOREWORD**

**OF THE UKRAINIAN  
PARLIAMENT COMMISSIONER  
FOR HUMAN RIGHTS**

The year 2024 is a year of challenges and resilience. This is the year the world finally realised the struggle between democracy and dictatorship, with the main objective of defending human rights.

The Universal Declaration of Human Rights affirms that everyone is entitled to all the rights and freedoms set forth herein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Constitution of Ukraine proclaims that all people shall be free and equal in their dignity and rights. Human rights and freedoms shall be inalienable and inviolable. The constitutional rights and freedoms shall be guaranteed and shall not be abolished.

At the same time, there are people who, due to certain life circumstances, are held in places of custody and are unable to fully defend their rights. Moreover, they may be subjected to torture and other cruel, inhuman, or degrading treatment or punishment.

To protect the rights and freedoms of such persons, the National Preventive Mechanism (NPM) has been operating in Ukraine for twelve years — this is an initiative of our Office to take preventive measures against torture and other cruel, inhuman, or degrading treatment or punishment in places of custody.

As part of the NPM implementation in 2024, employees of the Ombudsman’s Office together with representatives of the public visited 543 places of custody and identified numerous violations of human rights. These include violations of the rights to protection from torture and other cruel treatment, freedom and personal inviolability, healthcare, life and safe detention conditions, labour and protection from exploitation, and professional legal aid.

However, each visit is not only about identifying violations, but also taking further steps to eliminate them. As the Commissioner, I provide recommendations to this end. I also sent 70 submissions on taking relevant measures to eliminate the identified violations of rights and freedoms of man and citizen to public authorities, local governments, enterprises, institutions, organisations, and their officials and employees.

I emphasise that it is the public authorities that are responsible for the proper conditions of detention, decent treatment and respect for the individual, which subordinate penitentiary institutions, psychiatric hospitals, psycho-



neurological care homes, and children’s care homes.

The Special Report “On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2024” also outlines the violations of rights of man and citizen in places of custody under the jurisdiction of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Health of Ukraine, the Ministry of Social Policy of Ukraine, and private geriatric homes. It also includes recommendations to the relevant bodies to improve the treatment and detention conditions of persons deprived of their liberty.

The Special Report is addressed to public authorities, local governments, associations of citizens, and the heads of institutions and facilities whose decisions can ensure a decent and safe stay of persons in places of custody.

We have to protect rights together, no matter where people are!

# INTRODUCTION

According to clause 3, part 1 of Article 3 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights,”<sup>5</sup> the functions of the National Preventive Mechanism (NPM) in Ukraine are performed by the Ukrainian Parliament Commissioner for Human Rights under Article 23 of the Optional Protocol<sup>6</sup> to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Department for Implementation of the National Preventive Mechanism (hereinafter referred to as the NPM Department) – a separate structural unit on the prevention of torture and other cruel, inhuman or degrading treatment or punishment was established within the Commissioner’s Secretariat. The NPM Department include four divisions: the Division for the Inspection of Control Bodies in Law Enforcement Agencies, Judicial Bodies, and Military Units, the Division for the NPM Implementation in the Healthcare Sector, the Analytics and Public Relations Division, and the Division for the NPM Implementation in Social Care and Educational Institutions (22 staff members).

The staff of the NPM Department adhere to the principles of the rule of law, legality, professionalism, patriotism, integrity, efficiency, political impartiality, and transparency in the work.

While performing its functions, the NPM Department together with representatives of NGOs, experts, scholars, and specialists, visits any place under the jurisdiction and control of the state where persons deprived of their liberty are or may be detained, by order of or at the direction of state body, or with its knowledge or tacit consent, to prevent torture and other cruel, inhuman, or degrading treatment or punishment, and strengthen the protection of persons.

To ensure the periodic monitoring of places of custody, staff from the Commissioner’s regional offices also visit them. Currently, the Commissioner’s regional offices operate in every oblast.

**The National Preventive Mechanism of Ukraine operates in accordance with the Ombudsman+ model.** This model assigns the functions of the NPM to the Ukrainian Parliament Commissioner for Human Rights (the Ombudsman’s Office), who implements them in cooperation with NGOs, experts, scholars, and specialists.

The Ombudsman+ model is currently used by Ukraine, the Republic of Moldova, the Republic of Armenia, the Kingdom of Denmark, the Republic of Slovenia, the Republic of Kazakhstan, etc.

**The Ombudsman+ model includes:**

**The Commissioner** provides overall management and coordination of the national preventive mechanism system, and submits requests to public authorities, local governments, associations of citizens, enterprises, institutions, and organisations irrespective of the form of ownership, and their officials and employees, to take appropriate measures within one month to eliminate identified violations of rights and freedoms of man and citizen. The Commissioner also assigns specific individuals (monitoring officers) to visit places of custody.

*The Department for the Implementation of the NPM* ensures regular visits to places of custody.

*The Commissioner’s regional offices* ensure the exercise of the powers of the Ukrainian Parliament Commissioner for Human Rights in the field of parliamentary control over the observance of rights and freedoms of man and citizen, the implementation of the NPM functions at the regional level, and the organisation of personal citizen receptions in the regions.

*The Commissioner* established an advisory and consultative body – *the Advisory Board on the Implementation of the National Preventive Mechanism* to provide advisory support to the Ukrainian Parliament Commissioner for Human Rights in performing NPM functions under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to involve representatives of NGOs, experts, scholars, and

<sup>5</sup> Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”: <https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>.

<sup>6</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: [https://zakon.rada.gov.ua/laws/show/995\\_f48#Text](https://zakon.rada.gov.ua/laws/show/995_f48#Text).

specialists, including international ones, in regular visits to places of custody in Ukraine.

Representatives of NGOs participate in visits based on the Commissioner's order.

Representatives of NGOs, experts, scholars, specialists, and the Advisory Board form the so-called "+" – an integral part of the NPM model introduced in Ukraine.

**The powers of the Secretariat staff in fulfilling the functions of the NPM include:**

- Unimpeded access to any place of custody
- Regular visits to places of custody without prior notice of the time and purpose of the visits and without limitation on their number
- Access to any information
- Interviewing persons held in places of custody to obtain information on their treatment and detention conditions, as well as interviewing other persons who can provide such information
- Submitting proposals to public authorities, state bodies, enterprises, institutions, and organisations irrespective of the form of ownership, on the prevention of torture and other cruel, inhuman, or degrading treatment or punishment
- Other powers defined by the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights".

These places are visited in accordance with methodological recommendations for conducting NPM visits to various places of custody. In 2024, with the support of the Council of Europe, experts updated and developed 26 methodological recommendations. These recommendations cover the preparation and initiation of visits, interaction with the institution's administration, identification of human rights violations, interviewing, inspection of premises, summarising findings together with the institution's head, completion of the NPM visit result form completed during the visit, and an approximate route for the visit.

The visit includes the following stages:

- Planning the visit
- Preparing for the visit
- Conducting the visit
- Documenting the monitoring results

- Publishing information about the visit on the Commissioner's official website.

The NPM visit includes the following activities:

Identifying the place of custody, and clarifying its organisational and ownership forms, jurisdiction, subordination, administration, etc.; determining the number and categories of persons held; unimpeded inspection of any premises, buildings, and structures within the place of custody, examination of detention conditions and the treatment of detainees; interviewing any detainee in the absence of third parties and under conditions that exclude the possibility of listening or tapping to obtain information on their treatment and detention conditions; and reviewing any documents and surveillance footage.

If, during the visit, cases of cruel, inhuman treatment, torture, or other violations of detainees' rights are identified, in particular those posing a threat to their lives and health, the leader of the NPM group shall take immediate measures to stop the violations and/or call emergency services of law enforcement agencies, healthcare, emergency services, services for children, etc., and remain on-site until they arrive.

After the visit, each member of the NPM group shall inform the group leader of their observations, identified violations, and deficiencies.

Following the visit, the NPM shall prepare a report, a copy of which, along with recommendations, is sent to the head of the place of detention and, where applicable, to the public authority or local government to which the facility is subordinated/supervised, as well as to other relevant bodies, organisations, institutions, or enterprises for review and response within their competence.

To eliminate identified violations of rights and freedoms of man and citizen, the Commissioner sends submissions to public authorities, local governments, associations of citizens, enterprises, institutions, organisations irrespective of the form of ownership and their officials and employees, requiring appropriate measures and management decisions to be taken.

If the legal requirements of the Commissioner or his representatives are not fulfilled, a report on an administrative offence shall be drawn up, liability for which is provided for in Article 188–40 of the Code of Ukraine on Administrative Offences.

Information about identified violations of rights and freedoms of man and citizen and the NPM visit report

shall be published on the official website of the Commissioner, in compliance with current legislation on personal data protection.

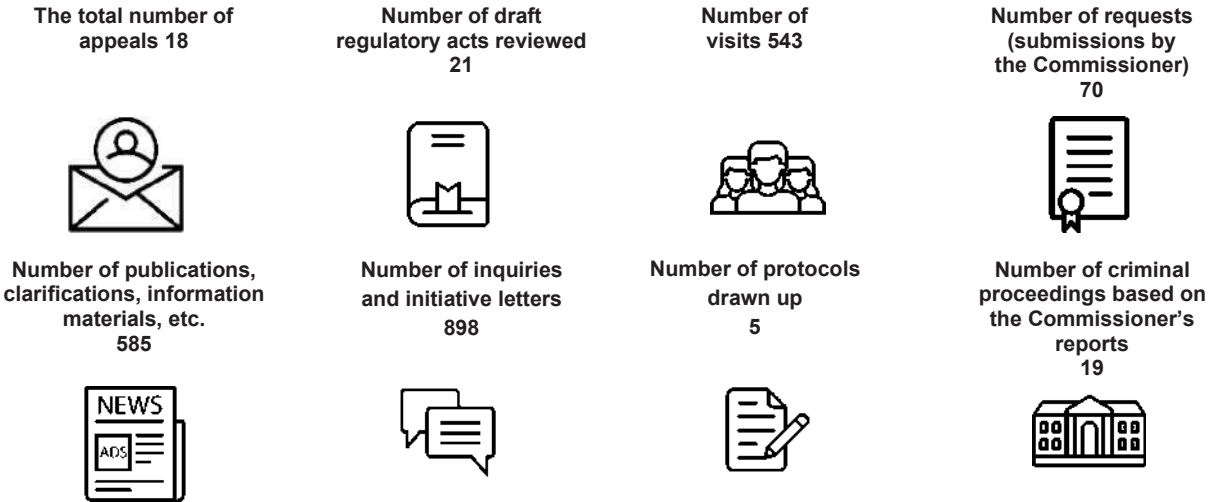
Expenditures for financing the National Preventive Mechanism shall be provided from the State Budget of Ukraine.

## Section 1

# **OBSERVANCE OF CONSTITUTIONAL RIGHTS AND FREEDOMS OF MAN AND CITIZEN IN PLACES OF CUSTODY DURING THE LEGAL REGIME OF MARTIAL LAW**

# 1.1. Performance of the National Preventive Mechanism of Ukraine during the Legal Regime of Martial Law

## NPM Activity in Numbers



To ensure the achievement of the NPM objectives and its effective functioning, international legal regulations and Ukrainian legislation entitle the NPM to:

- Access any information on the number of persons deprived of liberty in places of detention
- Access any information concerning the treatment of such persons and their detention conditions
- Access any places of detention, their premises, and objects
- Conduct confidential interviews with persons deprived of liberty without witnesses
- Freely choose the places they wish to visit and the persons they want to communicate with
- Establish contact with the SPT of the Torture Committee, send it information, and meet with it.

These powers are granted to prevent and protect detainees from torture and other forms of ill-treatment.

In 2024, implementing its NPM function, **543 places of custody were visited** (134 visits by NPM Department staff and 409 visits by staff of the Division for Supporting Operations of Regional Offices), in particular by oblast: Vinnytsia Oblast – 10, Volyn Oblast – 25, Dnipropetrovsk Oblast – 35, Donetsk Oblast – 5, Zhytomyr Oblast – 32, Zakarpattia Oblast – 26, Zaporizhzhia Oblast – 22, Ivano-Frankivsk Oblast – 23, Kyiv Oblast – 10, Kirovohrad Oblast – 26, Lviv Oblast – 15, Mykolaiv Oblast – 13, Odesa Oblast – 36, Poltava Oblast – 30, Rivne Oblast – 29, Sumy Oblast – 24, Ternopil Oblast – 13, Kharkiv Oblast – 25, Kherson Oblast – 3, Khmelnytskyi Oblast – 23, Cherkasy Oblast – 31, Chernivtsi Oblast – 34, Chernihiv Oblast – 35, and Kyiv City – 18.

Visits were conducted to places of custody under the subordination or jurisdiction of:

- The MSP – 142





- The SJA – 120
- The MoH – 16
- The MoJ – 64
- The MES – 13
- The MIA – 129
- The MoD – 11
- The SMS – 5
- The State Border Guard Service of Ukraine – 3
- The Security Service of Ukraine – 2
- Private facilities – 38

“Cluster” visits are one form of work of the NPM Department. This involves several NPM groups simultaneously visiting different types of places of custody within one oblast over several days.

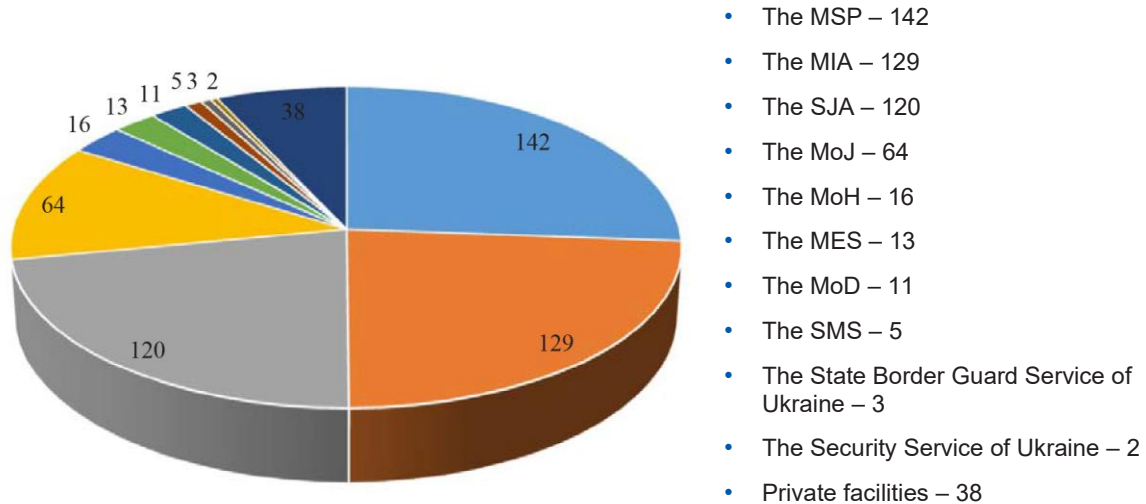
In 2024, “cluster” visits were conducted in Chernivtsi, Zhytomyr, Chernihiv, Mykolaiv, Odessa, Cherkasy, Zaporizhzhia, and Kirovohrad Oblasts.

The NPM visited all regions of Ukraine, except for temporarily occupied territories.

To eliminate violations of rights and freedoms of man and citizen identified during the visits, the Commissioner **sent 70 submissions** to public authorities, local governments, enterprises, institutions, and organisations irrespective of the form of ownership, and their officials and employees, requesting appropriate measures be taken.

After the Commissioner’s submissions had been considered, *27 officials from state bodies* were brought to disciplinary responsibility.

### In 2024, the NPM made 543 visits to various places of custody, namely:



Following visits and analysis of current information, including complaints and appeals about facts with elements of possible criminal offences, entries were made in the URPTI, and 19 criminal proceedings were initiated, in particular under the following articles:

- Part 1 of Article 125 (Intended minor bodily injury) of the CrCU
- Parts 1 and 2 of Article 127 (Torture) of the CrCU
- Part 1 of Article 172 (Gross violation of labour law) of the CrCU
- Part 2 of Article 189 (Extortion) of the CrCU
- Part 3 of Article 190 (Fraud) of the CrCU
- Parts 1 and 2 of Article 272 (Violation of safety rules related to high-risk operations) of the CrCU
- Part 1 of Article 364 (Abuse of authority or office) of the CrCU
- Parts 1 and 2 of Article 365 (Excess of authority or official powers by a law enforcement officer) of the CrCU

- Part 1 of Article 366 (Forgery in office) of the CrCU
- Part 1 of Article 367 (Neglect of official duty) of the CrCU.

For example, criminal proceedings have been initiated against officials of the Central Interregional Department of the SMS in Kyiv and Kyiv Oblast for knowingly including false information about foreigners and stateless persons in administrative offence reports, constituting a criminal offence under part 1 of Article 366 of the CrCU.

According to the summary of daily reports on high-profile, extraordinary incidents and criminal offences involving employees of the SPSU, remanded persons, and convicts, 843 cases of bodily injury to convicts and detainees during their stay in penitentiary institutions and pre-trial detention facilities were recorded in 2024, excluding injuries detected upon admission to the facility.

In addition, 271 deaths were reported, including suicides of convicts and detainees.

The NPM Department initiated 31 *internal investigations into suicides*, bodily injuries, and deaths of convicts that were disregarded by the management of the SPSU institutions.

**Monitoring of media reports about ill-treatment in places of custody remains a daily task for the NPM**

**Department.** To confirm or refute such information, unscheduled visits to these places are conducted, accompanied by official inquiries submitted to the competent authorities.

**If elements of potential criminal offences are identified during visits to places of custody**, the relevant law enforcement agencies and the Prosecutor General's Office are informed.

## 1.2. Main Activities of the NPM of Ukraine in 2024

**The NPM focuses on visiting places** under the jurisdiction and control of the state where persons deprived of their liberty are or may be detained by order of or at the direction of state body, or with its knowledge or tacit consent, to protect persons from torture and other cruel, inhuman, or degrading treatment or punishment.

The list of places of custody is defined in clause 8 of Article 13 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" but it is not exhaustive.

The highest number of human rights violations and, accordingly, complaints to the ECtHR of improper detention conditions in penitentiary institutions and pre-trial detention facilities and other issues have been recorded in the institutions of the MoJ system.

**Constant attention is given to** the medical facilities of SI "SPSU Healthcare Centre." Despite the preliminary recommendations provided by the NPM, many violations of the right to medical aid in penitentiary institutions are still being identified.

**The visits to TDFs** revealed violations of international and national standards for the proper detention of detainees in TDFs of the NPU. The human rights situation in NPU units is the most dynamic.

**Visits to psychiatric facilities** have revealed numerous systemic issues that regularly lead to violations of patients' rights, in particular, inadequate maintenance of medical records, lack of patients' signatures in primary record forms, the use of restraints, and unjustified restrictions of freedom.

**In social places of custody** in 2024, there were violations of the rights of wards and residents to work and protection from exploitation, guaranteed by Article 23 of the Universal Declaration of Human Rights and Article 43 of the Constitution of Ukraine, which had not been typical for Ukraine for several years.



**Representatives of NGOs, experts, scholars, and specialists** form the so-called "+," an integral part of the "Ombudsman+" model of the National Preventive Mechanism operating in Ukraine.

Every visit or event involves public participation.

Their advisory and professional support enhances the Commissioner’s efforts in protecting fundamental rights of man, including updating and searching for new monitoring techniques, applying outcomes of visits to places of custody, advancing NPM activities, etc.

The following pilot projects have been launched and are currently being implemented in cooperation with NGOs:

The “Regional NPM Groups” entitles NGOs representatives to independently re-visit social places of custody under the project.

The “Organisation of Interaction between the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and Supervisory Commissions of Oblast and Raion (Military) Administrations” provides for re-visits by supervisory commissions to penitentiary institutions. These visits aim to monitor the observance of convicts’ rights, fundamental freedoms, and interests during the enforcement of criminal sentences, and to verify the implementation of recommendations provided by the Commissioner following previous visits to places of custody.

The “Systematic Monitoring of Human Rights Observance at SI ‘Kyiv Pre-Trial Detention Facility’” initiative was introduced to ensure daily monitoring of human rights compliance at SI “Kyiv PTDF.”

New methodologies for visiting places of custody have been developed and updated. The most qualified and experienced monitoring officers — including representatives of NGOs, experts, and Secretariat staff — were involved in drafting the methodological recommendations.

Conferences and roundtables were held with the participation of NGO representatives to address key human rights issues in places of custody, including the state of human rights observance in the application of the CMs, the prevention of ill-treatment in the context of convicts’ labour rights, development strategies for the NPM, etc., and to explore possible solutions.

Throughout the year, to prevent violations and to restore the rights and freedoms of man and citizen, the Commissioner’s Secretariat cooperated under memoranda with the following entities:

- Charitable Organisation “All-Ukrainian Network of People Living with HIV/AIDS” and Charitable Organisation “FREE ZONE”
- NGO “Ukraine Without Torture”
- State Institution “Institute of Forensic Psychiatry of the MoH of Ukraine.”

The Advisory Board on the Implementation of the NPM under the Commissioner provides advisory support, promotes academic research, and examines proposals aimed at enhancing the protection of man and citizen’s rights and freedoms in the context of parliamentary control over the observance of constitutional rights and freedoms of man and citizen, as well as protecting everyone’s rights within the territory and jurisdiction of Ukraine during the execution of the NPM functions under the Optional Protocol. In 2024, the Advisory Board held four meetings. At the meetings, the Board discussed and approved the Commissioner’s draft acts (considered amendments to the NPM Visit Rules, approved the Procedure for the Selection and Training of NGO Representatives Involved in NPM Visits, and discussed the Draft Procedure for Reimbursement of Expenses Incurred by NGO Representatives Performing NPM Functions).



In 2024, the Commissioner authorised NGO representatives to visit 183 places of custody.



To enhance the competence of NGO representatives and the effectiveness of visits to places of custody, the Ukrainian Parliament Commissioner for Human Rights issued the Order “On Approval of the Procedure for the Selection and Training of Civil Society Representatives Involved in National Preventive Mechanism Visits by the Ukrainian Parliament Commissioner for Human Rights”.

According to the Order, the Commissioner's Secretariat introduced a training programme for NGO representatives to be involved in NPM visits.

**While performing NPM functions, the Commissioner cooperates with the SPT** of the UN Torture Committee, as well as with <https://zakon.rada.gov.ua/laws/show/776/97-%d0%b2%d1%80?find=1&text=%d0%bc%d1%96%d0%b6%d0%bd%d0%b0%d1%80%d0%be%23w1> 10- international organisations and relevant bodies of foreign states operating in this area.

The Department for the Implementation of the NPM provides monthly **reports to the CPT and the SPT** on NPM activities in Ukraine (number of visits, identified violations of fundamental rights of man and citizen, requests submitted to eliminate such violations, as well as case studies and photo materials).

The CPT recommendations are applied during visits to places of custody to identify human rights violations, in writing reports, submissions, and recommendations, as well as in preparing the Commissioner's annual and special reports.

Department staff took part in regional SPT webinars, including “The SPT's First General Comment: Places of Deprivation of Liberty.”

As any area of human rights protection, the NPM requires continuous development and improvement, which is impossible without incorporating international experience and applying international legislation in protecting rights and freedoms of man and citizen.

Relations have been established with NPMs of the Republic of Slovenia, the United Kingdom of Great Britain and Northern Ireland, the French Republic, the Republic of Croatia, the Kingdom of Denmark, the Republic of Estonia, the Czech Republic, the Republic of Armenia, and the Swiss Confederation.

To exchange experience, employees of the NPM Department visited foreign colleagues in 2024 and learned about effective NPM practices in Denmark, the Czech Republic, and Moldova.

During the visit to Denmark, the NPM Department adopted a good practice and recommended its



implementation to the Ministry of Health of Ukraine (integration of the Safewards model for inpatient psychiatric care), which the MoH approved and recommended for implementation in Ukraine.

The Commissioner's Representative for Human Rights in Places of Custody participated in the annual European NPM Forum Conference “Improvement and Safeguards of Health Conditions of Persons Deprived of Their Liberty with Substance Use Disorders” in Strasbourg, France.



**The Commissioner’s Secretariat takes part in activities related to the official assessment of the compliance of Ukrainian legislation with EU law.**

In 2024, with the launch of negotiations on a future agreement for Ukraine’s accession to the EU, bilateral meetings between Ukraine and the EU began as part of the official assessment of Ukrainian legislation’s compliance with EU law.

The Commissioner’s Secretariat prepared presentation materials for these meetings and answered to questions from the European Commission.

Among other negotiating chapters, the Commissioner’s Representative for Human Rights in Places of Custody participated in a meeting with members of the European Commission under Chapter 23 “Judiciary and Fundamental Rights” in Area 3.2 “Prevention of Torture and Ill-Treatment, and Prison System.”

The Commissioner’s Secretariat, in cooperation with other authorities and NGOs, took part in preparing the Rule of Law Roadmap aligned with the negotiation framework. According to the recommendation of the European Commission presented in the Report on Ukraine’s Progress under the 2024 EU Enlargement Package, the Roadmap includes a provision for reviewing the performance of the National Preventive Mechanism in Area 3.2 “Prevention of Torture and Ill-Treatment, and Prison System” of Block 3 “Fundamental Rights.”

**Article 22 of the Optional Protocol establishes that the competent authorities of the State Party concerned shall examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures.** It is the responsibility of the state bodies to implement NPM recommendations to prevent torture and other cruel, inhuman, or degrading treatment or punishment.

To monitor the implementation of recommendations provided following each “cluster” visit, the Commissioner’s Secretariat holds working Zoom meetings together with representatives of NGOs. In 2024, seven Zoom meetings were held.

The International Conference “Decade 2014–2024. Reclaiming Human Rights. Preserving Democracy” was held in Kyiv in December. This event brought together over 1,000 participants from around the world. The main goal was to draw global attention to systematic human rights violations during the Russian-Ukrainian war. A thematic panel discussion titled “Exploring Ways to Enhance the Implementation of National Preventive Mechanism Recommendations in Wartime” was held during the conference on Human Rights Day, where the ECtHR Judge, the UK NPM Chair, a representative of the UN Development Programme, an MP of Ukraine, experienced monitoring officers, and Commissioner’s regional coordinators shared their insights.



Non-implementation of recommendations following NPM visits is a global issue.

Both visit-specific recommendations and those included in the Commissioner’s annual and special reports remain unaddressed. Further information on implementation of recommendations is available in Section 8.

**In 2024, the Commissioner initiated control activities by the State Audit Service and the State Environmental Inspectorate.** The visits to structural units of SI “Healthcare Centre of the State Penitentiary Service of Ukraine” (HC SPSU) revealed systemic violations of the rights of detainees and convicts to adequate medical aid, timely provision of necessary medicines, and professional treatment were identified.

The Commissioner appealed the State Audit Service to initiate an audit of the procedures for procuring medicines by the HC SPSU.

The State Audit Service included the Department for the Execution of Criminal Sentences, the State Institution “General Directorate of the State Penitentiary Service of Ukraine,” and the State Institution “Healthcare Centre of the State Penitentiary Service of Ukraine” in its Q4 2024 State Financial Control Plan.

The audits revealed numerous violations of current legislation on the procurement of goods, works, and services.

**In addition, the Commissioner appealed to the CMU to initiate inspections** of the medical units of HC SPSU branches by the State Environmental Inspectorate in accordance with current legislation. This appeal was prompted by gross and systematic violations of environmental legislation regulating the storage, transportation, and disposal of medical waste, identified during NPM visits in 2022–2023 to the medical unit of HC SPSU branch in the city of Kyiv, Kyiv Oblast, Chernivtsi, Ivano-Frankivsk, Zakarpattia, and Ternopil Oblasts.

According to ad hoc state supervision (control), the State Environmental Inspectorate of Ukraine identified numerous gross violations of environmental legislation.

In particular, branches and their medical units failed to keep primary current records of the quantity, type, and composition of generated, collected, transported, stored, processed, disposed, and removed waste. There was no actual data on the volume and disposal of medical waste. They failed to submit statistical reports to supervisory bodies and had no agreements with relevant organisations for waste collection and disposal.

The violations documented in the reports of the State Environmental Inspectorate and identified by NPM Department staff constitute criminal offences under Article 239 of the CrCU (Contamination or Deterioration of Land), and Article 325 of the CrCU<sup>7</sup> (Violation of Sanitary Rules and Regulations on the Prevention of Contagious Diseases and Mass Poisoning).

All information and materials concerning identified violations were submitted to the Prosecutor General’s Office and the National Police of Ukraine for review and decision-making.

### 1.3. Impact of the Armed Aggression against Ukraine on Persons in Places of Custody

The Russian Federation continues to shell civilian infrastructure, devastate Ukrainian cities and villages, kill civilians, and annihilate their homes and the Ukrainian nation.

Places of custody located near active combat zones have been destroyed.

In 2024, the following penitentiary institutions were shelled: SI “Orikhiv Correctional Colony (No. 88),” SI (No. 99),” several convicts sustained bodily injuries

“Kryvyi Rih PI (No. 3),” SI “Kachanivska Correctional Colony (No. 54),” SI “Selydove Correctional Colony (No. 82),” SI “Bilenkivska Correctional Colony (No. 99),” SI “Konotop Correctional Colony (No. 130),” SI “Dnipro PI (No. 4),” SI “Poltava Correctional Colony (No. 64),” and SI “Zaporizhzhia PTDF.”

After an explosive UAV struck the territory of SI “Bilenkivska Correctional Colony

<sup>7</sup> Criminal Code of Ukraine: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.



According to CMU Resolution No. 934 of 7 November 2018 “On Approval of the Procedure for Mandatory Evacuation of Certain Categories of Population in the Event of Martial Law,” when martial law is imposed in areas near combat zones, the mandatory evacuation of convicts and remanded persons shall be carried out.<sup>8</sup> Currently, no detainees or inmates are held in SI “Kherson PTDF,” “Pivnichna Correctional Colony (No. 90),” and “Darivka Correctional Colony (No. 10).”

According to the State Judicial Administration, buildings/premises of courts and judicial bodies and institutions, especially those near active combat zones, have suffered destruction and significant damage. As of 31 December 2024, 140 buildings/premises of 125 courts have been damaged to varying degrees, with 16 of them destroyed (two of which are partially destroyed) since the beginning of the Russian full-scale invasion. In 2024, 26 premises/buildings of 28 courts were damaged, including two buildings that were destroyed.

**According to the MES,** 3,798 educational institutions have been affected by bombing and shelling, including 365 fully destroyed. This data is regularly updated.

**According to the NSSU, as of 1 January 2025,** 38 social institutions were damaged.

In Vinnytsia Oblast, the building of MI “Social Service Centre of Lityn Village Council” was partially damaged.

In Dnipropetrovsk Oblast, two institutions were damaged: MF “Vyschetarasivka Psycho-Neurological Care Home” of Dnipropetrovsk Oblast Council and the Social Service Centre of Marhanets City Council (two MLRS shells struck the centre’s territory).

In Donetsk Oblast, five institutions were damaged or destroyed: MI “Druzhkivka Children’s Care Home,” MI “Bakmut Psycho-Neurological Care Home,” MI “Komyshivka Psycho-Neurological Care Home,” MI “Kostiantynivka Care Home for the Elderly and Persons with Disabilities,” and MI “Lyman Care Home for the Elderly and Persons with Disabilities.”

Three institutions were damaged in Zaporizhzhia Oblast: MI “Tavriiske Psycho-Neurological Care Home with Geriatric Unit” of Zaporizhzhia Oblast Council (total destroyed area is 1,925.3 m<sup>2</sup>, 506.3 m<sup>2</sup> of which cannot be restored), MI “Liubomyrivka PNCH” of Zaporizhzhia OC (six auxiliary buildings were damaged, and one building was destroyed), and MI “Liubyske PNCH” of Zaporizhzhia OC (four buildings were damaged, including the canteen, medical unit, and utility premises).

In Kyiv Oblast, Baryshivka Settlement Territorial Social Service Centre of Baryshivka Settlement Council of Kyiv Oblast was damaged.

In Luhansk Oblast, the residential building of MI “Kreminna Oblast Care Home for the Elderly and Persons with Disabilities” suffered significant damage due to a fire.

In Mykolaiv Oblast, two institutions were damaged: Bashtanka Psycho-Neurological Care Home and Lupareve Psycho-Neurological Care Home.

In Sumy Oblast, three municipal facilities of Sumy Oblast Council were damaged: Atynskyi Psycho-Neurological Care Home (a two-storey residential building, a dormitory extension, a club, a boiler room, a bath-laundry room, a medical unit, a workshop, an administrative building, a barn, a nutrition unit, a food warehouse, an isolation ward, a lazaret, and a cellar were damaged), Svesa Psycho-Neurological Care Home (building No. 1 was destroyed), and Sumy Geriatric Home for War and Labour Veterans (the roof of the administrative block was demolished, the roof of the second block was damaged, and doors and windows were broken in the administrative, first, and second blocks).

In Kharkiv Oblast, nine institutions were damaged: MI “Kupiansk Psycho-Neurological Care Home,” MI “Pisky-Radkivski Psycho-Neurological Care Home,” MI “Vovchansk Special Care Home,” MI “Lyptsi Psycho-Neurological Care Home,” MI “Vovchansk Geriatric Home,” MI “Oskilskyi Psycho-Neurological Care Home,” Inpatient Unit of the Social Service Centre of Zolochiv Settlement Council, MF “Kharkiv City Centre for Reintegration of Homeless Persons,” and MI “Women’s Crisis Social Centre” of Kharkiv Oblast Council.

<sup>8</sup> CMU Resolution No. 934 of 7 November 2018 “On Approval of the Procedure for Mandatory Evacuation of Certain Categories of Population in the Event of Martial Law”: <https://zakon.rada.gov.ua/laws/show/934-2018-%D0%BF#Text>.





**Atynskyi Psycho-Neurological Care Home**



**Sumy Oblast Centre for Social and Psychological Rehabilitation of Children**



**Sumy Oblast Centre for Social and Psychological Rehabilitation of Children**



**Svesa Psycho-Neurological Care Home**



**Svesa Psycho-Neurological Care Home**

In Kherson Oblast, five institutions were damaged: Inpatient Care Unit for Permanent or Temporary Residence of Beryslav Raion Council "Territorial Social Service Centre," Inpatient Unit for Permanent Residence of MF "Novovorontsovka Social Service Centre," Inpatient Unit for Round-the-Clock Residence of MI "Territorial Social Service Centre" of Novooleksandrivka Village Council, Inpatient Care Unit for Permanent or Temporary Residence of MI "Social Service Centre" of Velyka Oleksandrivka Settlement Council, and Inpatient Care Unit for Permanent or Temporary Residence of Vysokopillia Social Service Centre.

Three institutions suffered destruction in Chernihiv Oblast: MF "Zamhlai Psycho-Neurological Care Home," MF "Territorial Social Service Centre" of Ichnia City Council, and MF "Chernihiv Oblast Centre for Social Adaptation" of Chernihiv Oblast Council (a blast wave destroyed the utility storage building).

In the city of Kyiv, three institutions were damaged: Sviatoshynskyi Children's Care Home, Kyiv Care Home for Labour Veterans, and Sviatoshynskyi Psycho-Neurological Care Home.

**The following medical facilities are affected during active hostilities:** Pokrovsk Specialised Tuberculosis Hospital No. 17, Medical Unit No. 18 of the HC SPSU Branch in Kharkiv Oblast, Sofiivska Specialised Hospital No. 45, Medical Unit No. 88, Medical Unit No. 101 of the HC SPSU Branch in Zaporizhzhia Oblast, Snihurivka Specialised Tuberculosis Hospital No. 5 of the HC SPSU Branch in Mykolaiv and Odesa Oblasts, Kherson City Medical Unit, Darivka Multidisciplinary Hospital No. 10, and Medical Unit No. 90 of the HC SPSU Branch in Kherson Oblast.

**Since the start of the full-scale invasion, the following medical facilities of the HC SPSU have been located in the temporarily occupied territories:** Medical Units No. 144 and No. 77 in Zaporizhzhia Oblast, Mariupol City Medical Unit and Medical Unit No. 107 in Dnipropetrovsk and Donetsk Oblasts, Starobilsk City Medical Unit in Luhansk Oblast, and Hola Prystan Specialised Tuberculosis Hospital No. 7 in Kherson Oblast.

Medical Units No. 2 and No. 82, and Bakhmut City Medical Unit in Dnipropetrovsk and Donetsk Oblasts, Sofiivska Specialised Hospital No. 55, Vilniansk Specialised Psychiatric Hospital No. 20, Medical Unit No. 88, Vilniansk City Medical Unit No. 11 (resumed operations in February 2024), and Medical Unit No. 101 (resumed operations in February 2024) in Zaporizhzhia Oblast **have been evacuated from regions near combat zone.**

The State Border Guard Service of Ukraine operates 41 temporary detention facilities (hereinafter referred to as the TDF). 19 TDFs are currently operating (with a total capacity of 185 persons), including seven temporary detention centres and twelve specially equipped rooms for detainees. Due to the armed aggression against Ukraine in 2022, 22 THFs have been suspended.

Ensuring the safety of educational institutions, including the arrangement and construction of civil defence facilities, is an integral part of creating a safe educational environment. Public and local executive authorities, local governments, and educational institutions continue to inventory available civil defence facilities within their competence, in particular, by inspecting ground floors, basements, or other underground structures of educational institutions, and bringing these facilities in line with established standards.

During wartime and in the event of air-raid alarms, foreigners, stateless persons, and TDFF staff use equipped basements, storage facilities, and other premises as shelters. Volyn TDFF uses double-purpose structures as shelters, which can accommodate up to 110 people. The basement of dormitory No. 1 is equipped to shelter 130 people at Chernihiv TDFF. In Mykolaiv TDFF, the basement of the technical unit can shelter 118 people.

There are still some places of custody that were not evacuated in time in the temporarily occupied territories. Lack of available transport and accompanying persons, even if there are “green corridors” and no hostilities nearby the facility, are the main obstacles to timely and proper evacuation.

## Section 2

# **VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY SUBORDINATED TO THE MINISTRY OF JUSTICE OF UKRAINE**

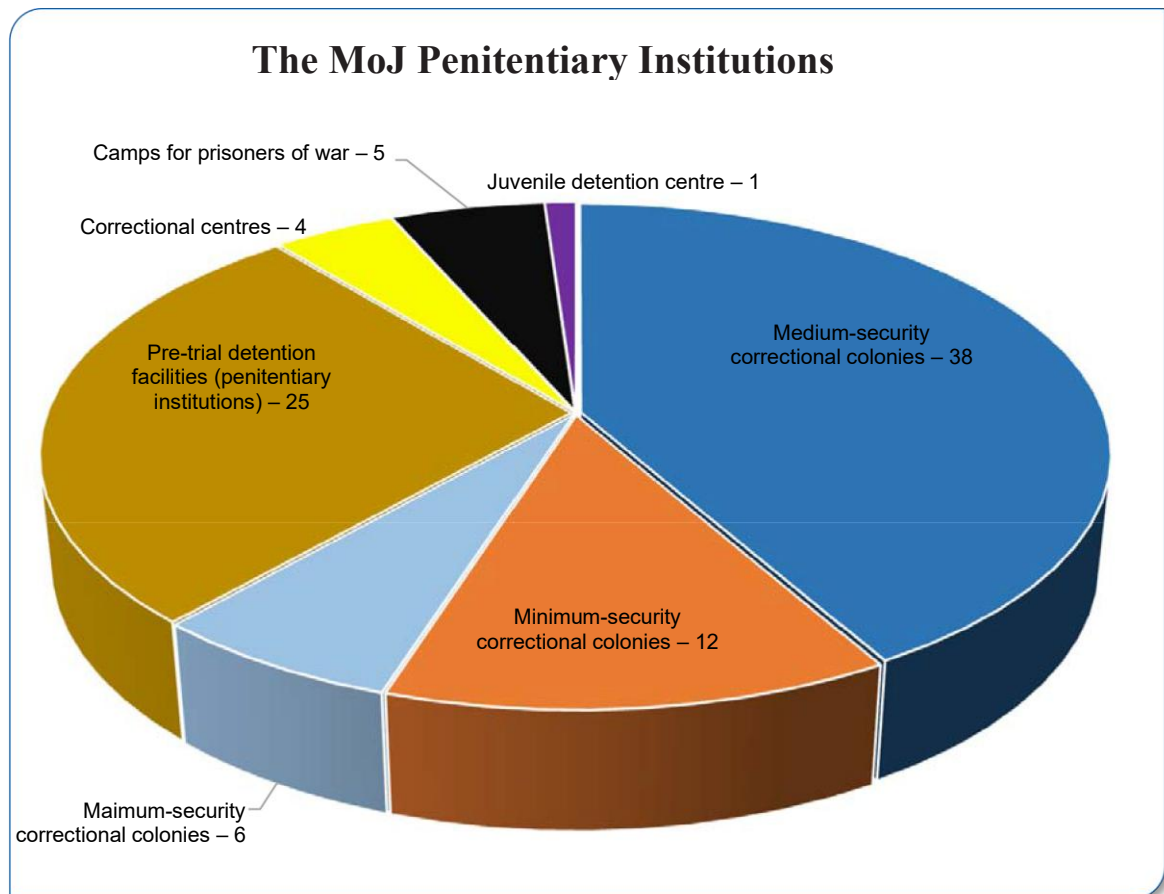
## 2.1. General Overview of Places of Custody Subordinated to the MoJ of Ukraine

According to the Regulation on the MoJ of Ukraine approved by CMU Resolution No. 228<sup>9</sup> of 2 July 2024, the development and implementation of the state penal policy is one of the main tasks of the MoJ of Ukraine.

The Law of Ukraine “On the State Penitentiary Service of Ukraine”<sup>10</sup> stipulates that the SPSU activities are based on the observance of rights and freedoms of man and citizen. The SPSU staff shall be obliged to respect human dignity and treat people humanely. Any restriction of the rights and freedoms of man and citizen not provided for by law is unacceptable and entails legal liability.

In its Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20]<sup>11</sup>, the CPT stresses that its delegation fully recognises the growing challenges for the authorities posed by the ongoing war in Ukraine. Nevertheless, even during armed conflicts, the fundamental rights of detained persons must be guaranteed.

As of 31 December 2024, the MoJ penitentiary system included 56 correctional colonies (of minimum-, medium-, and maximum-security levels), 25 pre-trial detention facilities (penitentiary institutions), five camps for prisoners of war, four correctional centres, and one juvenile detention centre.



<sup>9</sup> Resolution of the Cabinet of Ministers of Ukraine No. 228 of 2 July 2014 “On Approval of the Regulation on the Ministry of Justice of Ukraine,” as amended on 1 January 2025: <https://zakon.rada.gov.ua/laws/show/228-2014-%D0%BF#Text>

<sup>10</sup> The Law of Ukraine “On the State Penitentiary Service of Ukraine,” as amended on 31 March 2023: <https://zakon.rada.gov.ua/laws/show/2713-15#Text>

<sup>11</sup> Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20], 26 April 2024 / CPT official website: <https://rm.coe.int/1680af632a>

As of 31 December 2024, a total of 37,119 persons were held in 86 functioning penitentiary institutions and pre-trial detention facilities – 15.7% fewer than in the previous year.

In 2024, the Commissioner's Secretariat together with representatives of NGOs made 46 visits to penitentiary institutions, including 29 pre-trial detention facilities (penitentiary institutions), 15 correctional colonies, and two camps for prisoners of war.

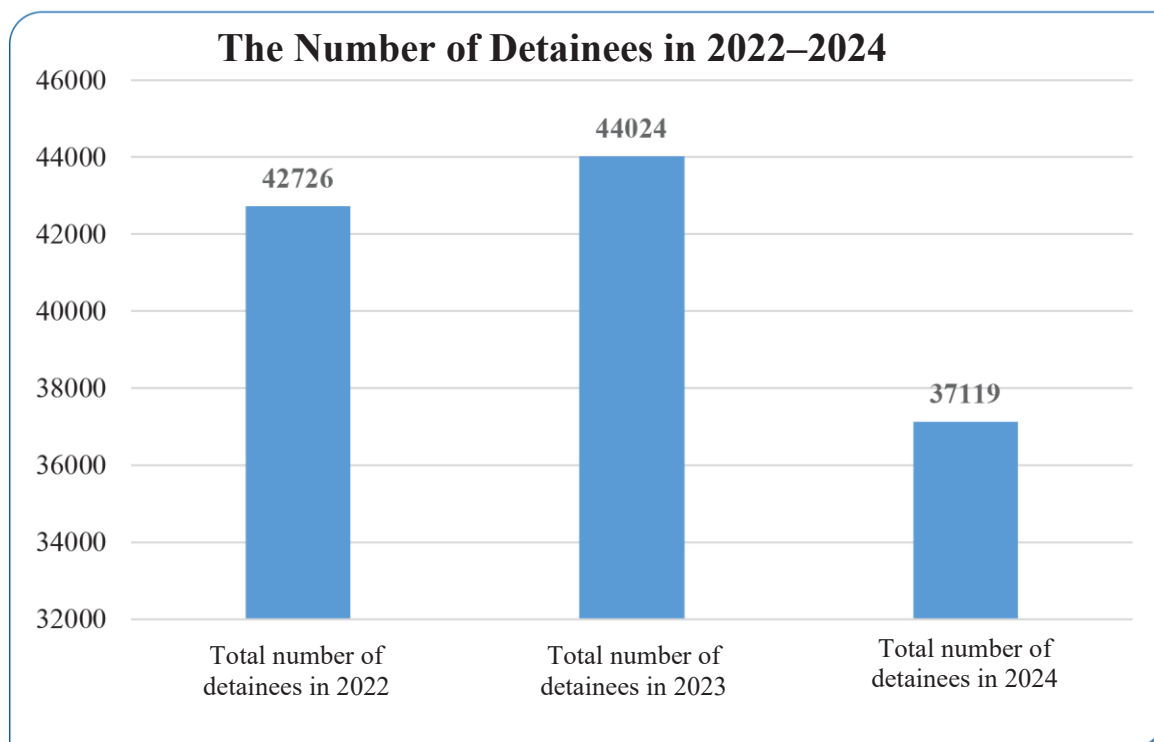
The above visits covered facilities in the city of Kyiv and 19 oblasts (*Cherkasy, Chernihiv, Chernivtsi, Dnipropetrovsk, Kharkiv, Kherson, Kirovohrad, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Vinnytsia, Volyn, Zakarpattia, Zaporizhzhia, and Zhytomyr*).

Among the innovations introduced in 2024 to strengthen monitoring mechanisms in penitentiary institutions aimed at ensuring compliance with international human rights standards and preventing torture and other the Commissioner has launched a system of daily visits to SI "Kyiv PTDF" and Kyiv Medical Unit of SI "HC SPSU" Branch in Kyiv and Kyiv Oblast.

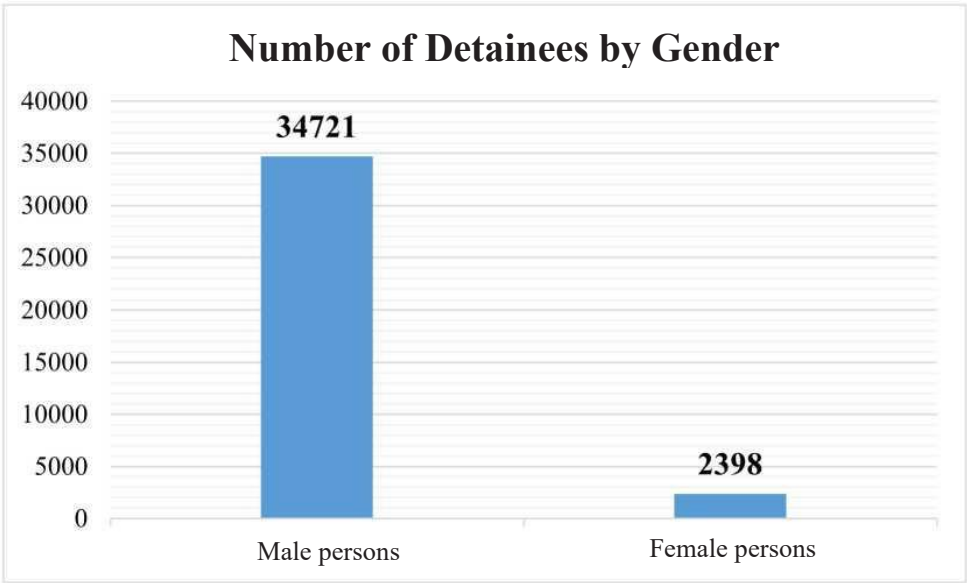
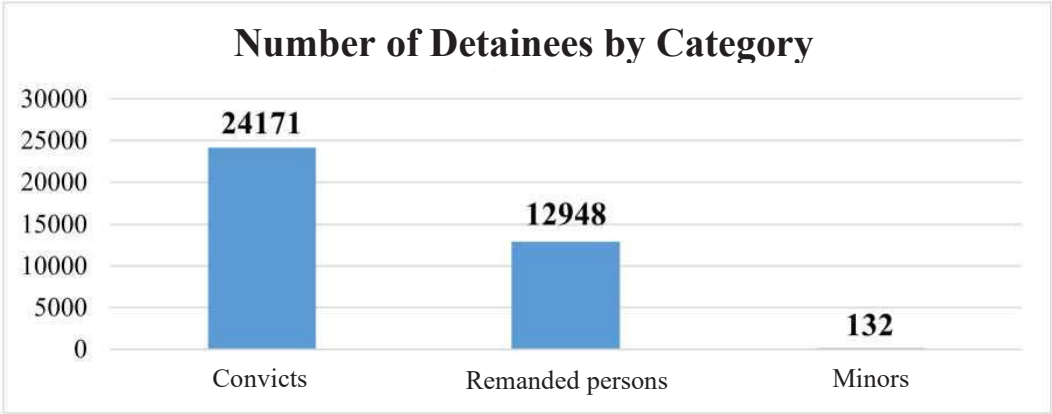
The pilot project is implemented through systematic visits to pre-trial detention facilities and medical units by employees of the Commissioner's Secretariat together with NGO representatives, confidential interviews with detainees and convicts regarding the observance of their rights, freedoms, and legal interests, review and analysis of documentation and other forms of data collection and processing.

The visits revealed multiple systemic violations of human rights. Within the framework of this project, 23 visits were made to the pre-trial detention facility, and two submissions were sent to the MoJ of Ukraine requesting the elimination of identified human rights violations.

In addition, interaction with supervisory commissions was significantly enhanced within the "Organisation of Interaction between the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and Supervisory Commissions of Oblast cruel, inhuman, or degrading treatment or punishment, and Raion (Military) Administrations" pilot project.







As part of the pilot project, the supervisory commissions exercise public oversight over the observance of the rights, fundamental freedoms, and interests of convicts during the execution of criminal penalties in penitentiary institutions, interacting with NGO representatives. Local state administrations establish the supervisory commissions and coordinate their activities.

As an innovation, at the end of November 2024, new positions of senior inspectors for the observance of convicts' rights and the prevention of torture were introduced in some penitentiary institutions. These inspectors work in more than 30 correctional colonies.

These employees shall respond to appeals from convicts that arise upon their arrival at the institution and throughout their sentence, as well as become a basis for a human rights observance system in penitentiary institutions.

## 2.2. Results of Monitoring the Observance of Rights and Freedoms of Detainees and Convicts in Penitentiary Institutions

### Discrimination, Segregation, and Stigmatisation among Detainees

The existence of an informal hierarchy among detainees and convicts, which negatively affects those who find themselves at the bottom of this hierarchy, remains a systemic issue within penitentiary institutions.

Such persons are typically subjected to physical violence, discrimination, segregation, and stigmatisation by other detainees. They are forced to perform dirty work (e.g., regular cleaning of sanitary facilities and other public places, rubbish collection, etc.), live in residential areas with inadequate sanitary and hygienic conditions, and do not receive full access to medical services.

During its 2023 visit to Ukraine, the CPT delegation noted in its report that the informal prison hierarchy continues to exert significant influence and remains a matter of serious concern.<sup>12</sup>

The CPT called upon the Ukrainian authorities to develop and implement a comprehensive strategy for combating inter-prisoner violence and intimidation and tackling the phenomenon of informal prisoner hierarchy with all its negative consequences. The prison authorities should also rationalise the risk and needs assessment, classification, and allocation of individual prisoners, to ensure that prisoners are not exposed to other inmates who may cause them harm.

*During the 2024 visit to SI “Voznesensk Correctional Colony (No. 72),” the NPM group noted that an inmate, serving as a duty prisoner during the cleaning of the quarantine, diagnostics, and allocation units, had been subjected to physical violence by other inmates who considered themselves as privileged.*

*In addition, newly arrived convicts classified as particularly vulnerable were accommodated in the medical ward of SI “Voznesensk Correctional Colony (No. 72)” due to an informal prohibition against their staying with other inmates. The ward did not meet human living conditions (there was an unpleasant smell, excessive clutter with personal belongings, and dirty and damp floors and mattresses).*



<sup>12</sup> Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20], 26  
April 2024 / CPT official website: <https://rm.coe.int/1680af632a>

This situation constitutes a violation of Article 95 of the CEC of Ukraine<sup>13</sup>, which stipulates that newly arrived convicts shall be placed in the quarantine, diagnostics, and allocation units and be subjected to a full medical examination for contagious, somatic and mental diseases, as well as initial psychological, educational and other examinations within fourteen days.

*Confidential interviews with detainees at the SI “Zaporizhzhia PTDF” revealed numerous complaints about medical staff refusing to provide medical care or admit detainees considered particularly vulnerable.*

*At SI “Drohobych Correctional Colony (No. 40),” the NPM group recorded that, due to informal rules of conduct, convicts from particularly vulnerable groups were unable to leave their living rooms and participate in social and disciplinary activities together with other inmates.*

*Evidence of informal prison hierarchy was also recorded in other state institutions as follows: Sokyriany Correctional Colony (No. 67), Stari Babany Correctional Colony (No. 92), Petrove Correctional Colony (No. 49), and Kropyvnytskyi Pre-Trial Detention Facility.*

According to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>14</sup>, such practices may be regarded as torture, namely the infliction of mental suffering based on discrimination of any kind with the tacit consent of the institution's staff.

In the case of *S.P. and Others v. Russia*<sup>15</sup>, the ECtHR emphasised the need to combat the negative influence of the informal prison hierarchy and held that the presence of particularly vulnerable categories constitutes a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>16</sup>

It is worth noting that some penitentiary administrations have introduced positive practices to address the negative phenomena of informal prison hierarchy. According to the CPT recommendations, some institutions have established social and psychological service units and transferred particularly vulnerable persons to separate cells. This aims to ensure their safety and counter the influence of other inmates who may harm them.

## Negative Practice of Appointing Convicts to Positions Involving Control over Other Inmates

The penitentiary institutions still maintain a practice of delegating functions and powers of the penitentiary staff to individual convicts, as provided for by regulatory acts.

According to clause 2 of Section XVIII of the Internal Regulations of the Penitentiary Institutions, approved by Order of the Ministry of Justice of Ukraine No. 2823/5<sup>17</sup> of 28 August 2018, penitentiary institutions appoint senior duty prisoners and duty prisoners from among the convicts to maintain proper sanitary conditions in living quarters and to inform the administration about the situation in the social and psychological service unit (cell).

In its reports, the CPT has repeatedly called on the Ukrainian authorities to amend national legislation and put an end to the above practice. No convict should have power over other convicts.

This practice exposes more vulnerable inmates to the risk of ill-treatment and exploitation by convicts appointed as duty prisoners or senior duty prisoners. Such delegation is essentially a disclaimer of liability for security and order, which lies with the administration of correctional colonies. It leads to abuse of power by other convicts.

<sup>13</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, Article 95: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

<sup>14</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as amended on 13 November 1998, Article 1: [https://zakon.rada.gov.ua/laws/show/995\\_085#Text](https://zakon.rada.gov.ua/laws/show/995_085#Text)

<sup>15</sup> Case of *S.P. and Others v. Russia* (Applications nos. 36463/11 and 10 others) 2 August 2023 / ECtHR official website: <https://hudoc.echr.coe.int/eng/?i=001-224435>

<sup>16</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, as amended on 1 August 2021, Article 3: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)

<sup>17</sup> Order of the Ministry of Justice of Ukraine No. 2823/5 of 28 August 2018 “On Approval of the Internal Regulations of the Penitentiary Institutions,” as amended on 13 December 2024, clause 2 of Section XVIII: <https://zakon.rada.gov.ua/laws/show/z1010-18#Text>



*During visits to SI “Voznesensk Correctional Colony (No. 72)” and “Sokyriany Correctional Colony (No. 67),” it was established that a duty prisoner permanently resides with the newly arrived convicts, explains to them their rights and obligations, monitors compliance with security requirements and maintaining the proper sanitary condition in the quarantine, diagnostics, and allocation unit.*

The above constitutes a violation of clause 2 of Section I of the Regulation on the Quarantine, Diagnostics, and Allocation Unit for Convicts approved by Order of the MoJ of Ukraine No. 2300/5<sup>18</sup> of 4 November 2013, which states that newly arrived convicts shall be placed in the quarantine, diagnostics, and allocation unit to prevent uncontrolled communication with other convicts.

*During a confidential interview with convicts performing upkeep works at SI “Odesa Correctional Colony (No. 14),” the NPM group found that the administration had appointed the convict as a senior duty prisoner to maintain order in living premises and workplaces, as well as to control the quality of upkeep works.*

*In addition, this convict receives the monetary rewards allocated for all inmates engaged in upkeep work and disposes of them at his own discretion.*

*This practice also exists at SI “Kropyvnytskyi PTDF,” where a detainee serving as a senior duty prisoner supervises the work of other inmates involved in preparing food in the facility’s canteen.*

It should be noted that no current regulatory act of Ukraine provides for the appointment of remanded persons to the position of senior duty prisoner. Therefore, such involvement is informal and not officially registered.

## **Violation of Living Space Standards in Penitentiary Institutions and Pre-Trial Detention Facilities**

NPM visits in 2024 revealed that most pre-trial detention facilities and penal institutions continue to face systemic violations of space standards per detainee or convict.

This situation leads to overcrowded cells and living quarters, lack of privacy, insufficient sleeping accommodation, and excessive burden on bathing, laundry, and medical services for detainees.

According to the current national law, namely part 2 of Article 11 of the Law of Ukraine “On Remand”<sup>19</sup> and part 1 of Article 115 of the CEC<sup>20</sup>, the established space standards in the cells (living premises) must be at least 2.5 m<sup>2</sup> for persons in custody and 4 m<sup>2</sup> for convicts.

Since its first visit to Ukrainian penitentiary institutions in 1998, the CPT has recommended increasing the legal minimum living space to 4 m<sup>2</sup> per detainee, and to 6 m<sup>2</sup> for those held in solitary confinement, with a minimum distance of 2 m between the walls.

This recommendation was reiterated in the CPT’s latest report following its 2023 visit to Ukraine<sup>21</sup>.

However, the MoJ of Ukraine has only implemented this recommendation for convicts, increasing the space standard from 3 m<sup>2</sup> to 4 m<sup>2</sup> in 2010, while the situation for remanded persons has remained unchanged for over 20 years.

<sup>18</sup> Order of the MoJ of Ukraine No. 2300/5 of 4 November 2013 “Regulation on the Quarantine, Diagnostics, and Allocation Unit for Convicts,” as amended on 9 April 2024, clause 2 of Section I: <https://zakon.rada.gov.ua/laws/show/z1864-13#Text>

<sup>19</sup> Law of Ukraine “On Remand,” as amended on 1 January 2025, part 2 of Article 11: <https://zakon.rada.gov.ua/laws/show/3352-12#Text>

<sup>20</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 1 of Article 115: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

<sup>21</sup> Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20], 26 April 2024 / CPT official website: <https://rm.coe.int/1680af632a>

During 2024 visits, the NPM groups systematically recorded violations of the established space standards per person.

*A visit to SI “Sokyriany Correctional Colony (No. 67)” revealed that the actual space per convict in some living premises was only 1.8 m<sup>2</sup>.*

These violations are also linked to the presence of residential buildings on the premises of nearly every penitentiary institution, which are not being used for their intended purpose due to various circumstances.

*During a visit to SI “Vilniansk PI (No. 11)”, it was established that there were five high-security buildings on-site. However, building No. 4 was not put into operation due to unfinished renovations, and building No. 3 was in disrepair due to the absence of 95% of its roof. As a result, the cell area per person serving a life sentence was 2.5 m<sup>2</sup>.*

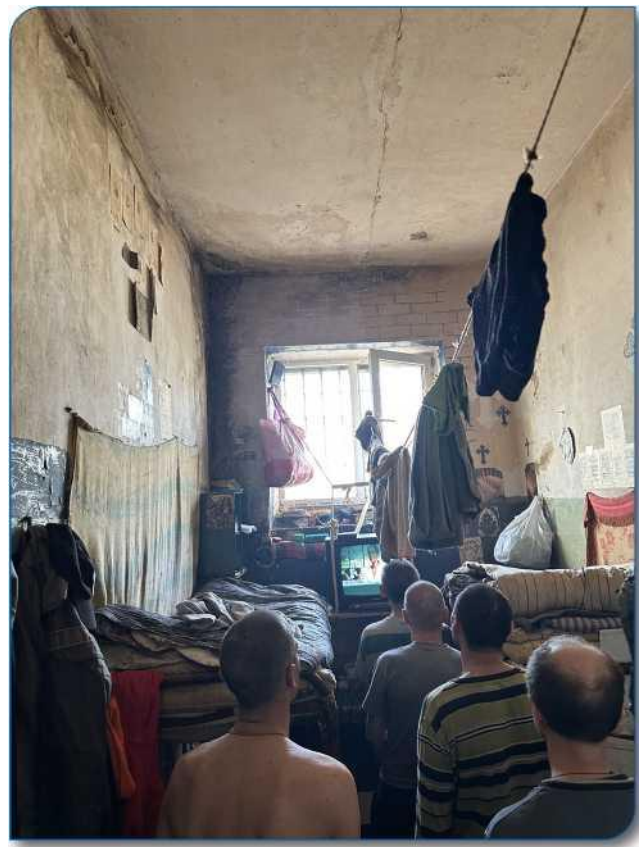
The use of all cells in the mentioned residential buildings would help prevent violations of convicts’ rights to minimum living space.



It should be noted that the requirements for living space were not met at SI “Kyiv PTDF,” where severe overcrowding in cells was recorded during daily visits by NPM groups as part of the pilot project.

*During the visit on 28 May 2024, there were 250 more detainees than the planned capacity at SI “Kyiv Pre-Trial Detention Facility,” which led to overcrowding in most of the cells.*

*For example, there were only 14 sleeping places in one of the cells housing 17 detainees. Some individuals were forced to take turns sleeping or sleep on the floor. The actual living space per person in that cell was only 1.2 m<sup>2</sup>.*



In the course of reviewing ECtHR judgments related specifically to the activities of SI “Kyiv PTDF,” it was established that in 2024, the ECtHR issued 13 judgments in cases against Ukraine, where violations of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms were found.



Since 2012 and up to date, the ECtHR has issued 77 judgments concerning inadequate detention conditions at SI “Kyiv PTDF.” The total amount of compensation that Ukraine must pay under these judgments is about EUR 1 million.

Violations of the living space standard per detainee or convict have also been recorded in other state institutions, including Menska Correctional Colony (No. 91), Chernihiv PTDF, Zhytomyr PI (No. 8), Mykolaiv PTDF, Korosten Correctional Colony (No. 71), Odesa PTDF, Odesa Correctional Colony (No. 14), Petrove Correctional Colony (No. 49), Sokyriany Correctional Colony (No. 67), and Kropyvnytskyi PTDF.

### III-Treatment in Disciplinary Cells

During visits to penitentiary institutions, the NPM groups assess the observance of the rights of convicts held in disciplinary cells and record inadequate conditions of detention in such premises.

Since 2015, regulatory acts regulating the activities of Correctional colonies have been amended, and the provision requiring beds in disciplinary premises to be fixed to the walls for daytime has been removed.

*However, Voznesensk Correctional Colony (No. 72), Sokyriany Correctional Colony (No. 67), Stari Babany Correctional Colony (No. 92), Izmail PTDF, Vilniansk PI (No. 11), and Drohobych Correctional Colony (No. 40) retained the means for such fixation, which creates conditions for possible abuse by the staff of the institution and may be an additional punitive element during the punishment, as convicted may be deprived of the opportunity to sit and lie on the bed during the day.*



In some penitentiary institutions, there have been cases of solitary confinement in cells. In its 21st General Report [CPT/Inf (2011) 28]<sup>22</sup>, the CPT emphasises that solitary confinement can have an extremely damaging effect on the mental, somatic and social health of detainees. In addition, it can create an opportunity for deliberate ill-treatment of prisoners.

<sup>22</sup> The 21st General Report [CPT/Inf (2011) 28] / CPT official website: <https://rm.coe.int/16806cccc5>





*During a visit to SI “Vilniansk PI (No. 11),” the NPM group found that eleven prisoners were being held in solitary confinement. A similar situation was observed at SI “Chortkiv PI (No. 26),” where seven persons were held alone in cells within the maximum-security sector for life-sentenced prisoners.*

While inspecting punishment cells and individual cells at SI “Kropyvnytskyi PTDF,” the NPM group recorded that facility staff-imposed requirements on detainees that are not foreseen in any national regulatory act and may be considered ill-treatment or degrading treatment.

*For example, when opening cell doors, pre-trial detention staff require detainees and convicts to raise their arms bent at the elbows.*

*During confidential interviews between NPM groups and detained women, it was established that failure to comply with such demands leads to increased tension in relations between inmates and staff and becomes one of the reasons for imposing disciplinary penalties in the form of placement in a punishment cell.*

It should be noted that the negative practice was already documented by the NPM group during a previous visit to SI “Kropyvnytskyi PTDF” on 20 October 2022. The facility’s administration was recommended to stop the practice, but the necessary measures have not been taken.

## Violation of Convicts’ Labour Rights

During visits to places of custody subordinated to the MoJ of Ukraine, the NPM groups recorded labour exploitation, overtime work (over 40 hours per week), improper documentation, and violations of rights to labour protection and adequate remuneration for convicts.

Due to the systemic nature of such violations in penitentiary institutions, on 20 September 2024, a roundtable “Exploring Ways to Prevent Ill-Treatment in the Context of Convicts’ Labour Rights” was held in Kyiv at the Commissioner’s initiative.

The event was attended by MPs of Ukraine, staff of the Prosecutor General’s Office, the National Police of Ukraine, the State Labour Service of Ukraine, the Department for the Execution of Criminal Sentences, NGO representatives, and academics.

Participants dogmatically agreed on the inadmissibility of violating the labour rights of convicts.

During penitentiary visits, the NPM groups revealed violations of labour rights, including cases where convicts received wages below the statutory minimum one.

According to part 1 of Article 120 of the CEC of Ukraine<sup>23</sup> and clause 6.1 of Section VI of the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment, approved by Order of the Ministry of

<sup>23</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 1 of Article 120: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

Justice of Ukraine No. 396/5<sup>24</sup> of 7 March 2013, the labour of convicts sentenced to imprisonment shall be remunerated in accordance with its quantity and quality. The wages accrued to convicts cannot be lower than the statutory minimum wage, provided that they comply with the work quota or working hours.

According to Article 8 of the Law of Ukraine “On the State Budget of Ukraine for 2024,”<sup>25</sup> the statutory minimum wage is UAH 8,000 as of 1 April 2024.

*Upon review of wage data in June 2024, the NPM group found that the convicts’ average wage in SI “Voznesensk Correctional Colony (No. 72)” was about UAH 400 without tax and utility deductions. It should be noted that the above convicts work a full working week.*

*Similar violations were recorded in the following institutions: Mykolaiv PTDF, Chernihiv PTDF, Korosten Correctional Colony (No. 71), Stari Babany Correctional Colony (No. 92), Cherkasy PTDF, Odesa Correctional Colony (No. 14), etc.*

It should be noted that, at the Commissioner’s initiative, the administrations of SI “Mykolaiv PTDF” and SI “Odesa Correctional Colony (No. 14)” restored the right of convicts to fair remuneration. In these institutions, the wages of 28 convicts performing upkeep works were increased to comply with legal requirements.

In addition, the administrations of penitentiary institutions abused the provisions of part 5 of Article 118 of the CEC of Ukraine<sup>26</sup> and part 2 of Article 16 of the Law of Ukraine

“On Remand,”<sup>27</sup> which allows the involvement of detainees and convicts in work without payment to ensure proper living conditions in the facilities.

Such practices result in penitentiary administrations involving detainees and convicts in full-time upkeep work without pay or proper documentation, amounting to their actual labour exploitation.

*During confidential interviews with detainees employed in the maintenance department of SI “Kropyvnytskyi PTDF,” it was found that only one of 16 employees received wages under an employment agreement. The other 15 individuals were working in the facility’s canteen without remuneration. Their working hours did not differ from those who were paid for their labour.*

Numerous cases involving detainees in full-time unpaid work were also recorded in SI “Menska Correctional Colony (No. 91)” and SI “Kyiv PTDF.”

It should be noted that the period of employment of detainees and convicts working without pay is not included in their length of service. According to Article 12 of the Law of Ukraine “On Pension Provision,”<sup>28</sup> it deprives such persons of the right to pension provision even upon reaching retirement age.

During the visits to penitentiary institutions, the NPM groups regularly recorded that convicts worked more than 40 hours per week, which violates Article 52 of the Labour Code of Ukraine<sup>29</sup> and part 1 of Article 119 of the CEC of Ukraine<sup>30</sup>.

<sup>24</sup> Order of the Ministry of Justice of Ukraine No. 396/5 of 7 March 2013 “On Approval of the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment,” as amended on 13 November 2024, clause 6.1 of Section VI: <https://zakon.rada.gov.ua/laws/show/z0387-13#Text>

<sup>25</sup> Law of Ukraine “On the State Budget of Ukraine for 2024,” as amended on 21 September 2024, Article 8: <https://zakon.rada.gov.ua/laws/show/3460-20#Text>

<sup>26</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 5 of Article 118: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

<sup>27</sup> Law of Ukraine “On Remand,” as amended on 1 January 2025, part 2 of Article 16: <https://zakon.rada.gov.ua/laws/show/3352-12#Text>

<sup>28</sup> Law of Ukraine “On Pension Provision,” as amended on 14 August 2021, Article 12: <https://zakon.rada.gov.ua/laws/show/1788-12#Text>

<sup>29</sup> Labour Code of Ukraine, as amended on 1 January 2025, Article 52: <https://zakon.rada.gov.ua/laws/show/322-08#Text>

<sup>30</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 1 of Article 119: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

According to confidential interviews with convicts in SI “Vilniansk PI (No. 11)” in the absence of third parties and under conditions that exclude the possibility of listening or tapping, it was established that the working day engaged in upkeep works started at 07:00 and ended at about 17:00. Their working week consists of seven working days and no day off.

*Moreover, a review of the hourly attendance register maintained by the administration of SI “Voznesensk Correctional Colony (No. 72)” showed that the working week of convicts working as bakers for the period from 8 July 2024 to 14 July 2024 (a full working week) was more than 60 hours.*

Similar cases were recorded in the following institutions: SI “Mykolaiv PTDF,” “Chernihiv PTDF,” “Korosten Correctional Colony (No. 71),” “Stari Babany Correctional Colony (No. 92),” “Cherkasy PTDF,” “Odesa Correctional Colony (No. 14),” “Zaporizhzhia PTDF,” and “Drohobych Correctional Colony (No. 40).”

One of the most problematic issues in the MoJ system is the widespread violations of rights to labour protection for convicts working in correctional colony enterprises, resulting in numerous work-related injuries.

According to part 3 of Article 119 of the CEC of Ukraine<sup>31</sup> and clause 1.2 of Section I of the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment, approved by Order of the Ministry of Justice of Ukraine No. 396/5<sup>32</sup> of 7 March 2013, the labour of convicts shall be organised in compliance with labour protection, safety, and occupational sanitation standards established by labour legislation.

Article 153 of the Labour Code of Ukraine<sup>33</sup> obliges the employer to implement modern safety measures to prevent occupational injuries and instruct (train) employees on occupational safety.

*However, the NPM group visited Temnivka Multidisciplinary Hospital No. 100 of SI “HC SPSU” Branch in Kharkiv and Luhansk Oblasts and revealed a convicted woman who had sustained a limb injury while operating a synthetic fibre processing machine at SI “Kachanivska Correctional Colony (No. 54)”.*

*The woman had been diagnosed with a traumatic amputation of four fingers on her right hand. During a confidential interview, she stated that she had not been previously informed about the technical specifics of working on the machine, nor had she received any safety instruction or training.*

*The NPM group found violations of the right to safe working conditions in SI “Korosten Correctional Colony (No. 71),” where convicts reported during confidential interviews that they regularly suffered hand injuries due to the lack of gloves and other personal protective equipment.*

Some penitentiary administrations, in particular SI “Stari Babany Correctional Colony (No. 92)” and “Voznesensk Correctional Colony (No. 72),” concluded civil law agreements with all working convicts, including those performing upkeep works.

<sup>31</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 3 of Article 119: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

<sup>32</sup> Order of the Ministry of Justice of Ukraine No. 396/5 of 7 March 2013 “On Approval of the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment,” as amended on 13 November 2024, clause 1.2 of Section I: <https://zakon.rada.gov.ua/laws/show/z0387-13#Text>

<sup>33</sup> Labour Code of Ukraine, as amended on 1 January 2025, Article 153: <https://zakon.rada.gov.ua/laws/show/322-08#Text>

Such a practice is deemed unacceptable and requires immediate review and legal regulation, considering that, as explained by the State Labour Service of Ukraine<sup>34</sup>, civil law agreements are intended for the performance of one-time, not systematic, work.

Furthermore, according to civil law agreements, the client, who, in the case of convicts, is the head of the institution, is not obliged to ensure working conditions, or provide a workplace or equipment for the employee.

Convicts employed under civil law agreements are not covered by labour legislation and are deprived of labour rights protection and social guarantees, including decent and safe working conditions, regulated working hours, regular payment of wages not lower than the statutory minimum one, protection against unjustified penalties, access to basic and regular advanced trainings, etc.

Among the positive aspects, it should be noted that the administrations of SI “Odesa PTDF,” SI “Odesa Correctional Colony (No. 14),” and SI “Kropyvnytskyi PTDF” have organised the employment of detainees in workshops under the law. This is a positive step toward the implementation of the recommendations provided to Ukraine by the CPT delegation. In its reports, the delegation has repeatedly emphasised that detainees should be provided with opportunities to engage in other activities outside their cells (in particular, work in workshops).

## Inadequate Conditions for Detainees and Convicts

The most widespread human rights violation in penitentiary institutions is the inadequate physical and living conditions of detainees and convicts. According to visits, the most common violations include lack of privacy, limited access to fresh air and clean drinking water, and failure to comply with temperature and lighting requirements in the premises where detainees are held.

According to clause 10 of the Standard Minimum

Rules for the Treatment of Prisoners<sup>35</sup>, the accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet all sanitary requirements, due regard being paid to climatic conditions and especially to cubic content of air, minimum floor space, lighting, heating, and ventilation.

It should be noted that the poor conditions of detention of prisoners and convicts violate Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>36</sup> and lead to their numerous applications to the ECtHR.

In 2024 alone, the ECtHR issued 37 judgments against Ukraine concerning 243 applicants, where it found violations of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to inadequate detention conditions in penitentiary institutions and pre-trial detention facilities. The total amount of compensation is EUR 1,598,740.00.

Sanitary and hygienic conditions required by clause 10, Chapter 2, Section II of the Internal Regulations of the Pre-Trial Detention Facilities of the SPSU, approved by Order of the MoJ of Ukraine No. 1769/5<sup>37</sup> of 14 June 2019, are not ensured in holding cells of some PTDFs.

*In SI “Odesa PTDF” and “Zaporizhzhia PTDF,” there are no supply and exhaust ventilation systems, sanitary facilities, and access to drinking water in some holding cells. The only available furnishing is a sitting bench.*

<sup>34</sup> Trudovyi chy tsyvilno-pravovyi dohovir: yakyi variant obraty pratsivnyku? [Employment or Civil Law Agreement: Which Option Should an Employee Choose?] / Official website of the State Labour Service of Ukraine: <https://dsp.gov.ua/podolannia-nelehalnoi-zainiatosti/trudovyi-chy-tsyvilno-pravovyi-dohovir/>

<sup>35</sup> Standard Minimum Rules for the Treatment of Prisoners, as amended on 30 August 1955, clause 10: [https://zakon.rada.gov.ua/laws/show/995\\_212#Text](https://zakon.rada.gov.ua/laws/show/995_212#Text)

<sup>36</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, as amended on 1 August 2021, Article 3: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)

<sup>37</sup> Order of the Ministry of Justice of Ukraine No. 1769/5 of 14 June 2019 “On Approval of the Internal Regulations of the Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine,” as amended on 13 December 2024, clause 10, Charter 2 of Section II: <https://zakon.rada.gov.ua/laws/show/z0633-19#Text>





In violation of clause 6, Chapter 4 of Section IV of the Internal Regulations of the Pre-Trial Detention Facilities of the SPSU, approved by Order of the MoJ of Ukraine No. 1769/5 of 14 June 2019, the administrations of certain PTDFs fail to make daily entries in the food accounting register to document the distribution of food to detainees (convicts) before they depart from the facility.

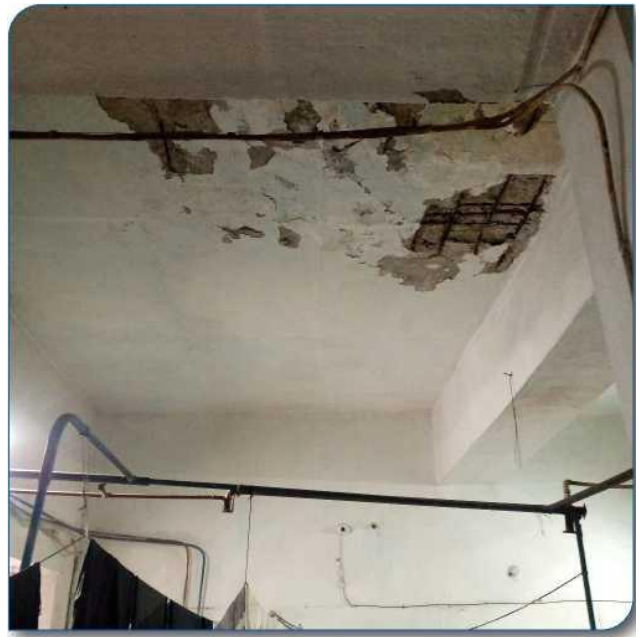
As a result, it is not possible to verify whether detainees (convicts) received food on the days of their departure from the facility, which provides grounds for claims that no food was provided upon departure.

In its judgments, the ECtHR has emphasised that failure to provide food to detainees (convicts) constitutes a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>38</sup> (for example, Case of Korneykova and Korneykov v. Ukraine<sup>39</sup>).

The review of bathing and laundry services provided to detainees at SI “Izmail PTDF” revealed numerous violations of the Regulation on Bathing and Laundry Services for Persons Held in Penitentiary Institutions and Pre-trial Detention Facilities, approved by Order of the Ministry of Justice of Ukraine No. 849/5 of 8 June 2012<sup>40</sup>.

*In particular, the facility’s laundry room lacks a supply and exhaust ventilation system, a hot water supply, and a hairdressing area. The disinfection chamber is non-functional, and the premises require renovation. In addition, the bath facilities are not equipped with central heating, leading to constant overcooling of the detainees.*

Similar deficiencies in providing bathing and laundry services were recorded at Mykolaiv PTDF, Odesa PTDF, and Petrove Correctional Colony (No. 49).



The conditions in the cells of most penitentiary institutions visited do not meet the standards set out in the European Prison Rules and may be considered inhuman and degrading.

<sup>38</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, as amended on 1 August 2021, Article 3: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)

<sup>39</sup> Case of Korneykova and Korneykov v. Ukraine (Application No. 56660/12) 24 June 2016 / ECtHR official website: <https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%5D%2C%22itemid%22:%5B%22001-161543%22%5D%7D>

<sup>40</sup> Order of the Ministry of Justice of Ukraine No. 849/5 of 8 June 2012 “On Approval of the Regulation on Bathing and Laundry Services for Persons Held in Penitentiary Institutions and Pre-trial Detention Facilities,” as amended on 5 March 2024: <https://zakon.rada.gov.ua/laws/show/z0947-12#Text>





As part of the Commissioner's pilot project, systematic visits to SI "Kyiv PTDF" revealed that most of the cells were dirty. There was an unpleasant smell, condensed moisture on the ceiling, which caused the walls to become mouldy, a significant clutter of bags and personal belongings, dirty floors and sanitary facilities, wet bedding and mostly torn mattresses.

During a visit to SI "Zhytomyr PI (No. 8)," the NPM group documented the poor condition of the roof and structural elements of high-security building No. 1, where cells for convicts and detainees are located.

Communication with the facility's staff revealed that this building has been in operation for over 100 years and is in an emergency condition due to natural ageing. The roof fails to protect the interior from atmospheric precipitation, resulting in constantly damp walls, mould infestation, and gradual structural degradation.



According to Rule 18 of the European Prison Rules<sup>41</sup>, all buildings where prisoners are required to live, work, or congregate shall have windows large enough to enable them to read or work by natural light in normal conditions. Artificial light shall satisfy recognised technical standards.

<sup>41</sup> European Prison Rules (Recommendation Rec(2006)2 of the Committee of Ministers to Member States), as amended on 11 January 2006, Rule 18: [https://zakon.rada.gov.ua/laws/show/994\\_032#Text](https://zakon.rada.gov.ua/laws/show/994_032#Text)

*However, some cells in SI “Odesa PTDF” and “Vilniansk PI (No. 11)” have virtually no access to natural light due to heavily barred windows, and artificial lighting is entirely absent.*

Such lighting deficiencies were also recorded at SI “Mykolaiv PTDF,” “Zhytomyr PI (No. 8),” “Chernihiv PTDF,” “Chernivtsi PTDF,” “Kropyvnytskyi PTDF,” and “Kyiv PTDF.”



While the majority of detainees in pre-trial detention facilities are held in inadequate conditions, since 2020 the MoJ of Ukraine has introduced a paid service offering improved detention conditions in special cells.

These cells, for which a detainee pays a monthly fee, are equipped with at least 6 m<sup>2</sup> of living space per person.

In addition, they are furnished with a computer workplace, a shower, an electric water heater, a refrigerator, a microwave, a multicooker, a TV set, and access to the Internet and telephone communication, etc.

However, according to Article 6 of the Law of Ukraine “On Remand,”<sup>42</sup> it is prohibited to grant privileges or benefits to persons held in pre-trial detention based on their race or nationality, religious beliefs, property status, political views, or past accomplishments.

The vast majority of detainees in pre-trial detention facilities receive fewer empowerments compared to those who pay for improved conditions, making them victims of discrimination based on their property status.

## Violation of the Right to Life

According to Article 27 of the Constitution of Ukraine<sup>43</sup>, every person shall have the inalienable right to life. The duty of the state shall be to protect human life.

According to Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>44</sup>, everyone’s right to life shall be protected by law.

The duty of the state to exercise the right to life means the obligation of the state to create appropriate conditions for the exercise of this right.

The ECtHR has repeatedly emphasised that the state is obliged to protect the right to life of persons under its control by taking practical preventive security measures to protect detainees. Such persons are in a vulnerable position and public authorities are obliged to protect their right to life.

Due to the violation of the Fire Safety Rules in Ukraine approved by Order of the MIA of Ukraine No. 1417<sup>45</sup> of 30 December 2014, there are cases of injuries and even deaths in penitentiary institutions.

<sup>42</sup> Law of Ukraine “On Remand,” as amended on 1 January 2025, part 3 of Article 6: <https://zakon.rada.gov.ua/laws/show/3352-12#Text>

<sup>43</sup> Constitution of Ukraine, as amended on 1 January 2020, Article 27: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

<sup>44</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, as amended on 1 August 2021, Article 2: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)

<sup>45</sup> Order of the Ministry of Internal Affairs of Ukraine No. 1417 of 30 December 2014 “On Approval of the Fire Safety Rules in Ukraine,” as amended on 14 August 2024: <https://zakon.rada.gov.ua/laws/show/z0252-15#Text>.

*While convict I. was held in a cell at Dnipropetrovsk Multidisciplinary Hospital No. 4 of SI "HC SPSU" Branch in Dnipropetrovsk and Donetsk Oblasts, a fire broke out. As a result of the fire, convict I. suffered carbon monoxide poisoning, severe burns to the respiratory tract, burn shock, and third- to fourth-degree burns (covering 75% of the body). The convict died as a result of the injuries sustained.*

In addition, significant violations of the Code of Civil Protection of Ukraine<sup>46</sup> were found during visits to the SPSU institutions.

Some institutions lack civil defence facilities, in particular Mykolaiv PTDF, Zhytomyr PI (No. 8), Chernihiv PTDF, Korosten Correctional Colony (No. 71), Cherkasy PTDF, Odesa PTDF, Izmail PTDF, Zaporizhzhia PTDF, and Drohobych Correctional Colony (No. 40).

The prisoners and convicts held in these institutions, along with the staff, are exposed to daily risks to their lives and health, remaining unprotected, during the air-raid alarm caused by the military aggression against Ukraine.

### **Violation of the Right to Maintain Contact with the Outside World**

According to Article 55 of the Constitution of Ukraine<sup>47</sup>, everyone has the right to appeal for the protection of his rights to the Ukrainian Parliament Commissioner for Human Rights.

During the visits, the NPM groups systematically provided recommendations to penitentiary administrations on exercising detainees' and convicts' right to send and receive correspondence, and access the Internet and IP telephony.

In its reports, the CPT has repeatedly emphasized that any refusal to allow the sending or receiving of correspondence must be justified by the needs of the proceedings, require approval by a body not involved in the proceedings, and be limited in duration with a clear explanation of reasons.

At nearly all penitentiary institutions visited in 2024, there was no information available with hotline telephones, postal and email addresses of the Commissioner, other state bodies, and international organisations. There were also insufficient numbers of mailboxes for sending letters.

*Due to the above violations, in 2024, no complaints or appeals were sent by convicts to the Commissioner from certain institutions, in particular: "Voznesensk Correctional Colony (No. 72)," "Korosten Correctional Colony (No. 71)," and "Stari Babany Correctional Colony (No. 92)."*

According to clause 1, Section I of the Procedure for Organising Access to the Global Internet for Convicts, approved by Order of the Ministry of Justice of Ukraine No. 3233/5<sup>48</sup> of 19 October 2017, access to the Internet and the ability to submit online appeals may be provided to convicts through the use of a tablet computer that lacks hardware support for any type of SIM cards and has software-disabled cameras.

*However, during a visit to the high-security unit of SI "Odesa Correctional Colony (No. 14)," it was found that all tablet computers had been confiscated from the convicts without any explanation.*

During its 2017 visit to Ukraine, the CPT recommended that detainees and convicts should have effective access to phone calls. Any limitations or prohibitions on telephone calls or correspondence must be specifically justified by the needs of the criminal proceedings and applied only for a limited period.

<sup>46</sup> Code of Civil Protection of Ukraine, as amended on 1 January 2025: <https://zakon.rada.gov.ua/laws/show/5403-17#Text>

<sup>47</sup> Constitution of Ukraine, as amended on 1 January 2020, part 3 of Article 55: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

<sup>48</sup> Order of the Ministry of Justice of Ukraine No. 3233/5 of 19 October 2017 "On Approval of the Procedure for Organising Access to the Global Internet for Convicts," as amended on 27 September 2024: <https://zakon.rada.gov.ua/laws/show/z1280-17#Text>



Part 5 of Article 110 of the CEC of Ukraine<sup>49</sup> stipulates that convicts shall be granted, including during their stay in inpatient healthcare facilities, the right to telephone calls without limitation of their number under the supervision of the administration. Telephone calls shall take place during the day in their free time and outside the time designated for meals and uninterrupted sleep and, if necessary and upon agreement with the administration, – at any time.

*However, according to information provided by the administration of SI “Drohobych Correctional Colony (No. 40),” only one IP telephone call was made throughout 2024.*

## Violation of Labour Rights of Penitentiary Staff

Based on visits to penitentiary institutions and pre-trial detention facilities, the NPM groups recorded low staffing across the facilities. In 2024, the average staffing shortage in the visited institutions was about 19%.

The lowest staffing levels were observed at SI “Zhytomyr PI (No. 8),” “Chernivtsi PTDF,” “Cherkasy PTDF,” and “Odesa PTDF,” where more than 25% of positions were vacant at the time of the visit.

Communication with penitentiary staff revealed that the main causes of this situation were low salaries, violation of labour rights, and harsh working conditions.

In its reports on the visits to Ukraine, the CPT also expressed concern over the insufficient staffing levels, noting that this is a common issue across all visited institutions.

Low staffing levels reduce the opportunity for direct contact with detainees, increase tension between staff and inmates, and contribute to the reliance on so-called “duty prisoners” to supervise other inmates.

The CPT has called on the Ukrainian authorities to take immediate measures to revise staffing levels in penitentiary institutions, ensuring greater guards’ presence in residential and working areas.

According to clause 26 of the 7th General Report [CPT/Inf (97) 10], the CPT states that inadequate staffing levels for maintaining security and enforcing security requirements necessitate frequent overtime work, leading to stress and rapid fatigue (known as “burnout”).

The visits of NPM groups found that the surveillance and security department officers in some institutions were heavily overburdened, often required to work two consecutive 24-hour shifts, totalling 48 hours of continuous service.

*Reviewing internal documents at SI “Odesa PTDF,” the NPM found that shifts were organised on a “two days on, four days off” basis.*

Such excessive working hours lead to chronic fatigue, irritability, and emotional exhaustion, which, in turn, adversely affects the quality of interaction between staff and inmates.

In its Report on the visit to Ukrainian penitentiary institutions from 16 to 27 October 2023, the CPT recommended putting an end to the 24-hour shifts for staff working under such a schedule. The existing shift system, which requires prison staff to work for 24 hours at a time, is intrinsically flawed and negatively affects professional standards.

<sup>49</sup> Criminal Executive Code of Ukraine, as amended on 1 January 2025, part 5 of Article 110: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

## 2.3. Results of Monitoring the Observance of the Rights of Persons Held in Places of Custody for Prisoners of War

Due to the armed aggression of the RF against Ukraine, there arose a need to establish separate places of custody for the temporary holding of prisoners of war.

To perform NPM functions, staff of the Commissioner's Secretariat, together with NGO representatives, visit camps for prisoners of war.

In 2024, the NPM groups visited two such institutions, as well as units for prisoners of war established in PTDFs (PIs) and correctional colonies.

According to the Procedure for the Detention of Prisoners of War, approved by CMU Resolution No. 413<sup>50</sup> of 5 April 2022, a prisoner-of-war camp is a facility established by the Ministry of Justice to place and keep prisoners of war for the duration of the martial law in Ukraine, including the wartime and partially the post-war reconstruction period.

During the visits to the camps, the NPM groups recorded compliance with the requirements of the Geneva Convention relative to the Treatment of Prisoners of War<sup>51</sup>.

The NPM groups were granted the right to freely access the camps and conduct confidential interviews with prisoners of war.

During the visit, there were no cases of overcrowding, violation of the right to privacy, excessive working hours, violation of labour remuneration, or failure to provide prisoners of war with underwear, clothing, and footwear.

All prisoners of war were provided with sleeping places (bed, bedside table, chair), bed linen (two sheets, two towels, pillowcase, blanket, cotton mattress, pillow), and seasonal clothing (headwear, cotton suit, insulated jacket).

During the visits and confidential interviews, no information was received from prisoners of war regarding improper detention conditions, torture, or other cruel, inhuman, or degrading treatment or punishment.



Overall, the camps visited provided proper living and sanitary and hygienic conditions for prisoners of war.

In particular, according to clause 9 of Section III of the Procedure for the Detention of Prisoners of War, approved by CMU Resolution No. 413 of 5 April 2022, No. 413, premises for accommodation, a bath point, a dining room,

<sup>50</sup> CMU Resolution No. 413 of 5 April 2022 "On Approval of the Procedure for the Detention of Prisoners of War," as amended on 1 January 2025: <https://zakon.rada.gov.ua/laws/show/413-2022-%D0%BF#n23>

<sup>51</sup> Geneva Convention relative to the Treatment of Prisoners of War, as amended on 23 February 2023: [https://zakon.rada.gov.ua/laws/show/995\\_153#Text](https://zakon.rada.gov.ua/laws/show/995_153#Text)



a laundry room, a medical unit, a quarantine and diagnostics unit, a kitchen, a bakery, a store, a shoe and clothes repair shop, and a library are established to ensure the daily living activities of prisoners of war.

To meet the religious needs of prisoners of war, religious facilities operate on the premises of the camps or, taking into account religious preferences, prayer corners are arranged.

To prevent the spread of contagious diseases, prisoners of war arriving at the camps shall be subjected to a 14-day quarantine.

Prisoners of war, during their stay in the quarantine and diagnostics unit, are familiarised with the order and conditions of internment in the camp, with their rights and duties enshrined in the legislation of Ukraine and international regulatory acts, are briefed on fire safety measures, are informed about the liability for violating the established detention procedure in the camp, are informed about the use of audiovisual, electronic, and other technical means of surveillance and control in the camp.

Information about the staying of prisoners of war in the camps is sent to their relatives. In addition, newly arrived persons are given the opportunity to make a free telephone call.

After the 14-day quarantine and diagnostics period ends, prisoners of war are transferred to dormitories located in separate local areas.

These dormitories provide adequate living conditions for the prisoners of war. The premises are protected from moisture and are sufficiently lit. In addition to living rooms, dormitories include canteens, storage rooms for food, rooms for educational activities and watching television, sanitary facilities, etc.

According to the requirements of the Code of Civil Protection of Ukraine, shelters have been arranged to protect prisoners of war held in camps, as well as the staff within the secured zone. These defence facilities are used as intended.

Moreover, notice stands with an action plan in case of emergencies are installed in the camps in a language accessible to all prisoners of war.

The review of fire safety conditions in the camps revealed that there were no fire extinguishers lacking maintenance. Fire shields equipped with appropriate extinguishing tools were also present in the visited camps.

Sports facilities, such as stadiums or designated playgrounds, are available in the camps, allowing prisoners of war to engage in physical exercise.

Prisoners of war have meals in camp canteens in accordance with the daily schedule. To ensure proper nutrition, the NPM groups assessed the availability of food products with valid shelf life in the camps. The NPM groups identified no violations.

Camp canteens and kitchens had proper sanitary and hygienic conditions, with no cases of food poisoning reported since the camps began operating. The canteens are equipped with all necessary technological appliances (vegetable cutters, freezers, electric meat grinders, etc.).

Water supply in the camps visited by the NPM groups is provided either through the central water system or their own artesian wells. The camps are fully supplied with drinking water.

Prisoners of war have access to a bathhouse. Bathing is conducted weekly under the supervision of camp staff in accordance with the daily schedule. Prisoners of war are provided with bathing supplies and personal hygiene products in accordance with the legislation. The bathhouses in the camps are equipped in compliance with the prisoners' right to privacy.

According to the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, camp administrations ensure the rights of prisoners to correspondence and telephone calls.

Prisoners of war are allowed to send and receive an unlimited number of letters (telegrams). Telephone calls are permitted during free time in accordance with the daily schedule and subject to technical feasibility.

According to the Geneva Convention, prisoners of war may also receive parcels and remittances of money during their stay in the camps.

Given that work is mandatory for all able-bodied prisoners of war, the camp administrations are creating a sufficient number of jobs. The working hours for prisoners are 40 hours per week (five days of seven hours and one day of five hours).

There are stores in the camps, where prisoners can buy food products, soap, and essential goods.

All camps visited by the NPM groups have medical units, where initial and monthly medical examinations are carried out, including necessary examinations using telemedicine equipment and laboratory tests. All newcomers undergo fluorography examinations.

All prisoners are examined by dentists, general practitioners, surgeons, and psychiatrists. If additional examinations or consultations are needed, patients are referred to healthcare facilities.

Medical staff conduct rapid HIV/AIDS and hepatitis B and C testing with the informed consent of the detainees. Pre- and post-test counselling is provided by a responsible healthcare provider.

The medical units in the camps are supplied with sufficient medicines and medical equipment to provide the necessary treatment.

To prevent contagious diseases and ensure timely medical care, medical staff make daily rounds with mandatory questioning of prisoners about any complaints and/or deteriorations in health.

The right of prisoners of war to medical aid is fully ensured.

Confidential interviews with prisoners of war established that camp staff treat them humanely. There were no reports of violence, reprisals, ill-treatment and torture, offensive and degrading treatment, intimidation, conviction, and punishment without a prior court decision.

Given that the camps for prisoners of war were established through the reorganisation of correctional colonies, residential and auxiliary premises need to be adapted to the needs of people with reduced mobility in accordance with the State Building Norms of Ukraine 2.2–40:2018 "Inclusiveness of Buildings and Structures. General Provisions," approved by Order of the Ministry of Regional Development, Construction, and Housing of Ukraine No. 327<sup>52</sup> of 30 November 2018.

Many thresholds at entrances impede free movement of wheelchair users. In the residential premises, corridors, and sanitary facilities, there are no ramps, handrails, or other necessary equipment for persons with reduced mobility.

<sup>52</sup> Order of the Ministry of Regional Development, Construction, and Housing of Ukraine No. 327 of 30 November 2018 "On Approval of the State Building Norms of Ukraine 2.2–40:2018 Inclusiveness of Buildings and Structures. General Provisions," as amended on 20 January 2025: [https://e-construction.gov.ua/laws\\_detail/3192362160978134152?doc\\_type=2](https://e-construction.gov.ua/laws_detail/3192362160978134152?doc_type=2).



## 2.4. Medical Care in Penitentiary Institutions

### 2.4.1. Penitentiary Healthcare System

Penitentiary healthcare staff are administratively independent of the establishments’ leadership in which they are employed. Instead, they are subordinated to SI “HC SPSU” under the MoJ of Ukraine. This institution includes five specialised tuberculosis hospitals, seven multidisciplinary hospitals, 83 medical units, and four medical stations.

For many years, the CPT has repeatedly recommended delegating the responsibility for medical services in penitentiary institutions to the MoH of Ukraine. This recommendation remains unimplemented. After analysing potential transformation models and assessing the advantages and risks of each option, the MoJ and the MoH jointly decided to launch a pilot project at one penitentiary institution. The project aims to integrate penitentiary healthcare into the general healthcare system and is scheduled for implementation in 2025.

The Commissioner gave feedback to the relevant ministries on the need to extend the pilot project to other types of penitentiary institutions, such as pre-trial detention facilities, and to institutions in other regions of Ukraine that have limited access to medical infrastructure.

In this context, it is worth noting the example of Armenia, where in 2023, authority over penitentiary healthcare was transferred from the Ministry of Justice to the Ministry of Health. In its report on the visit to Armenia from 12 to 22 September 2023, the CPT noted that the transfer could have been better prepared and implemented. There were issues with transportation and escorting of detainees to healthcare facilities by penitentiary staff, the unclear status of medical personnel, benefits and salaries, the right of access to and movement within penitentiary institutions, and the assurance of confidentiality in medical consultations and appointment requests.

Given the above, the MoJ and the MoH of Ukraine should work together to develop practical conditions for integrating the penitentiary healthcare system into a unified medical space, taking into account potential risks and the experience of other countries.

It is important to emphasise that the prevailing trend across European countries is to transfer penitentiary healthcare services, either partially or entirely, under the responsibility of the Ministry of Health. In this regard, in its Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023, and recommendations to other countries, the CPT emphasised that active involvement of the MoH (in particular in recruiting medical staff, its professional development, assessment of clinical practices, certification, and inspection) is indispensable for ensuring optimal healthcare for prisoners and convicts and observance of the general principle of equivalence of healthcare in prison with that in the outside community.

### 2.4.2. Documenting Bodily Injuries and Reporting to Law Enforcement Agencies

Thorough documentation of bodily injuries is crucial when a person in custody is subjected to physical or psychological violence. **The CPT emphasizes that accurate and timely documentation and reporting of such medical data greatly facilitate the investigation of possible ill-treatment and bringing the perpetrators to liability. This, in turn, serves as a strong deterrent against future instances of ill-treatment.**

The improper recording of bodily injuries

of convicts and detainees is highly concerning. Instead of thorough documentation, as required by the Procedure for Organising Medical Care for Prisoners<sup>53</sup> and the Procedure for Interaction Between Healthcare Facilities of the State Penitentiary Service of Ukraine and Healthcare Facilities for Persons in Custody<sup>54</sup>, medical staff often make only formal records. There were cases where law enforcement agencies were notified of such incidents in violation of legal requirements. Moreover, bodily injuries are not properly photographed, and the recorded information is not provided to the injured person.

*The NPM group visited Kropyvnytskyi City Medical Unit No. 14 of SI "HC SPSU" Branch in Cherkasy and Kirovohrad Oblasts and found that detainee D. had sustained bodily injuries while in a cell, specifically: "haemorrhage in the left eye, haematoma, soft tissue contusion, contusion of the left temple, and haematoma on the left side of the head." Medical staff did not photograph the injuries and only informed the prosecutor by phone, in violation of established procedures. In addition, the outpatient medical record contained no details of the medical care provided to the detainee.*

*In another case, it was found that medical staff photographed only minor injuries, while more serious ones were ignored. These photographs were stored on the personal computers of the medical staff and not kept in the patient's medical file as required by current regulations.*

Despite the CPT recommendations, when documenting bodily injuries in convicts or detainees, even in cases where ill-treatment is suspected, **medical staff fail to record their own observations regarding the consistency between the victim's allegations and the objective medical findings.**

In addition, many victims of ill-treatment report that their injuries were accidental or refuse to disclose how they were sustained due to fear of repercussions.

While reviewing medical documentation at one of the medical units, it was established that in 2024, medical staff recorded 190 cases of bodily injuries among convicts and detainees. According to the registry of documented bodily injuries, nearly all detainees claimed that the injuries were due to their own negligence or refused to explain the circumstances. In addition to the victim's statement, medical staff recorded only the injury and whether medical care was provided.

In this context, a medical opinion obtained during an examination in a penitentiary institution holds particular importance, unlike evidence collected later after a complaint has been filed, and an investigation was initiated. In addition, it is essential to ensure effective protection mechanisms against any unlawful influence on medical staff in relation to documenting bodily injuries of persons in custody.

**The lack of independent and objective documentation of injuries significantly impedes both the prevention of violence and effective investigations. It also undermines the credibility of the penitentiary system and creates an environment of impunity for those who commit violence against persons in custody.**

### 2.4.3. Staffing and Medical Aid

#### Staffing

Insufficient staffing of the medical units and hospitals of SI "HC SPSU" with qualified medical staff

<sup>53</sup> Procedure for Organising Medical Care for Prisoners: <https://zakon.rada.gov.ua/laws/show/z0990-14#Text>.

<sup>54</sup> Procedure for Interaction Between Healthcare Facilities of the State Penitentiary Service of Ukraine and Healthcare Facilities for Persons in Custody: <https://zakon.rada.gov.ua/laws/show/z0212-12#Text>.

is a critical issue. While medical units serving detainees in PTDFs are generally completely staffed, the situation in healthcare facilities within penitentiary institutions remains unsatisfactory. Many such institutions suffer from a severe shortage of medical staff, including medical specialists, junior medical staff, and psychologists, which directly affects the accessibility and quality of medical services.

*The NPM group found that in Medical Unit No. 49 of SI “HC SPSU” Branch in Cherkasy and Kirovohrad Oblasts, only one doctor was providing medical aid, going on daily duty. Due to the lack of other doctors and physician assistants, there was no staff available to replace the doctor the following day to ensure continuous round-the-clock care for convicts.*

*In addition, due to inadequate staffing, other detainees are recruited to fulfil the duties of junior medical staff, such as caring for persons with reduced mobility.*

**Following these circumstances, the CPT urges measures to increase the medical staffing levels in penitentiary institutions.**

#### **Access to the Doctors**

The restricted access to doctors for detainees in PTDFs remains a serious issue. Individuals in need of medical aid are often forced to wait extended periods before receiving a consultation or treatment. This significantly worsens their health condition and may lead to complications, especially when delays in medical care could have critical consequences.

*The NPM visited Zaporizhzhia City Medical Unit of SI “HC SPSU” Branch in Zaporizhzhia Oblast and received numerous complaints from detainees regarding obstructed access to doctors. Detainees in cell-type facilities were required to first receive approval from a physician assistant to visit the medical unit, and had to explain the reason for the visit in front of other inmates. In addition, detainees were required to draw up a written application, which medical staff kept for about a day and then destroyed. Some detainees reported waiting over a week to receive a consultation.*

Convicts in transit to or from penitentiary hospitals require special attention. Due to the significant distance of such facilities and the logistical challenges of escorting, the process may take up to a month. These persons require careful medical monitoring and prompt response to any changes in their health condition. However, the NPM received reports that during their stay in transit facilities, such convicts were not given the opportunity to meet with a doctor, and other medical staff (e.g., physician assistants) visited them no more than once a week.

#### **Primary and Specialised Medical Care**

In many cases, initial and preventive medical examinations of convicts and detainees are either not conducted by doctors or are formally performed, making effective health monitoring impossible. This violates the Procedure for Organising Medical Care for Prisoners, approved by Joint Order of the MoJ and the MoH of Ukraine No. 1348/5/572 of 15 August 2014. Such a situation significantly increases the risk of delayed detection and treatment of diseases, potentially leading to serious complications and a general decline in healthcare in penitentiary institutions. In addition, the NPM groups report instances of extremely superficial medical examinations. The situation is further complicated by the lack of access for medical personnel to the unified information network (Electronic Healthcare System), which hinders their ability to obtain medical history data for convicts and detainees prior to their placement in penitentiary institutions.

Access to specialised medical care also is another issue

The NPM groups continue to identify systemic difficulties in cooperation between penitentiary healthcare facilities and healthcare facilities of other ownership and subordination. One key issue is that most convicts do not have contracts with primary care physicians or the necessary identity documents, complicating their verification and becoming a basis for refusing medical services in municipal healthcare facilities.

Due to insufficient staffing, lack of material and technical support, and logistical and organisational challenges, penitentiary healthcare facilities often cannot provide timely and adequate specialised medical care at a level equivalent to that offered in non-penitentiary healthcare facilities. As a result, convicts and detainees are forced to wait extended periods for consultations with specialists and the required treatment, which in many cases leads to a deterioration in their health condition.

*During a visit to Medical Unit No. 49 of SI "HC SPSU" Branch in Cherkasy and Kirovohrad Oblasts, the NPM group identified patient Z. with a complex fracture of the right lower limb. He had been bedridden in a plaster boot for over six months and required an additional consultation with a traumatologist and the development of an individual rehabilitation plan. Due to his health condition, the patient cannot care for himself and needs assistance with daily hygiene procedures. Other convicts are currently providing this care.*

It should be noted that the HC SPSU facilities are equipped with IDIS 7500 mobile diagnostic complexes, which were intended to enable the provision of medical care via telemedicine. However, in practice, these are mostly used for measuring diagnostic indicators. Doctors cannot request telemedicine consultations to provide medical care to detainees and convicts due to the need for expensive software updates on these devices.

The lack of access to dental care for detainees and convicts is a pressing issue. In many cases, tooth extraction and preventive examinations are the only types of dental services provided. Tooth filling is often

unavailable due to a lack of filling materials in the facility. In medical units where fillings are performed, convicts reported that the service was only available for a fee, effectively denying them access to necessary dental care.

Rehabilitation services are also virtually unavailable to convicts and detainees, particularly for persons with disabilities, depriving them of the right to proper medical aid and violating the Law of Ukraine "On Rehabilitation of the Disabled in Ukraine."

Therapeutic nutrition for patients in penitentiary institutions is another concern. Convicts and detainees receiving inpatient treatment in the HC SPSU healthcare facilities are fed in accordance with Standard No. 8, established by CMU Resolution No. 336 of 16 June 1992 "On Nutritional Standards of Persons Held in Penitentiary Institutions, Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine, Temporary Detention Facilities, and Other Reception Centres of the National Police." However, this standard does not meet modern principles of sufficient and balanced nutrition, nor does it reflect the physiological needs of individuals for nutrients and energy, especially considering the health conditions of those undergoing treatment.

**The CPT emphasises that medical services in places of custody shall be capable of providing medical care and treatment, as well as an appropriate diet, physiotherapy, rehabilitation, or any other special care at the same level as is available to patients in civilian healthcare facilities.**

There are also numerous cases of inadequate maintenance of medical records, which violates legal requirements and may result in a lack of adequate health monitoring and infringe on the patient's right to access their own medical information. In addition, there are instances where convicts and detainees are not familiarised with the informed voluntary consent form before undergoing medical examinations or treatment. This undermines the principle of voluntary medical care and raises the risk of interventions being performed without the patient's informed consent.

*The NPM group reviewed medical records at City Medical Unit No. 8 of SI “HC SPSU” Branch in Zhytomyr Oblast and identified improper record-keeping, in particular, full names of patients were missing in outpatient medical records (Form No. 025/o), and some lacked signed informed voluntary consent forms for examinations and treatment. Initial and preventive medical examinations were formally conducted: the medical records contained identical pre-printed text, which suggests that examinations may have been improperly conducted by medical staff. These findings violate Article 43 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Healthcare” and Order of the MoH of Ukraine No. 110 of 14 February 2012 “On Approval of Primary Record Forms and Instructions for their Completion Used in Healthcare Facilities Regardless of Ownership and Subordination.”<sup>55</sup>*

#### **Material and Technical Support**

Despite some improvements in recent years, the insufficient supply of medical equipment to SPSU healthcare facilities is a major problem. The NPM groups regularly receive complaints about shortages of prescribed medicines in medical units. As a result, convicts and detainees are often forced to purchase medicines at their own or relatives' expense.

There are violations of environmental legislation related to the disposal of Class B medical waste have also been identified. During 2024 visits, the NPM recorded improper storage of hazardous medical waste, which had accumulated and was kept on the premises of medical facilities in violation of established regulations, posing health risks to those in penitentiary institutions. In addition, expired medicines were found in several facilities, along with improper storage practices, further endangering patient health.

Some medical units lack essential medical equipment, or the equipment is damaged, including X-ray machines, haematology analysers, defibrillators, fume hoods, etc. Some medical units reported that they are expecting equipment updates in the near future.

To ensure compliance with legislation on the quality and safety of medicines and medical equipment, the SMDC, at the Commissioner's initiative, took state supervision (control) measures in the activities of healthcare facilities of SI “HC SPSU” in 2024.

#### **2.4.4. Medical Secrecy**

**According to the CPT recommendations, all medical examinations of convicts (both immediately upon arrival and later) should be conducted in such a way that nonmedical staff cannot hear and, if possible, observe the examination. Furthermore, persons in custody should undergo medical examinations individually, not in groups.**

The NPM groups have witnessed cases where medical consultations are conducted in the presence of institutional staff who are not members of the medical staff. The CPT emphasises that there is no justification for the presence of penitentiary staff during medical examinations. Their presence undermines the establishment of appropriate doctor-patient relationships and is generally not required for security purposes. In addition, such presence may discourage detainees from disclosing the origin of bodily injuries they may have suffered. A security-oriented solution could be **the installation of doors with transparent polycarbonate panels at the entrances to medical offices and alert systems, allowing medical staff to quickly notify penitentiary staff in exceptional cases, such as when a detainee becomes agitated or threatening during a medical examination.**

Moreover, there are still instances of video surveillance cameras in medical offices, which violates the right of detainees and convicts to medical confidentiality and may cause them to feel vulnerable and distrustful of the medical staff.

<sup>55</sup> Order of the MoH of Ukraine No. 110 of 14 February 2012 “On Approval of Primary Record Forms and Instructions for their Completion Used in Healthcare Facilities Regardless of Ownership and Subordination”: <https://zakon.rada.gov.ua/laws/show/z0661-12#Text>.



As mentioned above, due to shortages of medical staff, convicts are sometimes involved in duties as junior medical staff, which under certain circumstances may grant them access to the medical records of other prisoners.

Another issue is the lack of a sufficient number of medical offices on premises rented by SI “HC SPSU.” Doctors are often forced to examine patients in a shared space, leading to situations where doctors of different specialities see several detainees or convicts simultaneously in the same room.

*The NPM group visited Kropyvnytskyi City Medical Unit No. 14 of SI “HC SPSU” Branch in Cherkasy and Kirovohrad Oblasts and witnessed an incident when a group of detainees was questioned by medical staff in a corridor, in the presence of institutional staff who had escorted them to the medical unit.*

*At Medical Unit No. 49 of SI “HC SPSU” Branch in Cherkasy and Kirovohrad Oblasts, the NPM group found that convicts were being examined and receiving medicines in an examination room equipped with a surveillance camera, which constitutes a violation of legal requirements.*

**The CPT has called upon the Ukrainian penitentiary system to take appropriate steps throughout the prison system to ensure that medical confidentiality is fully respected during consultations/examinations of convicts and detainees.**

**In addition, a system should be introduced that allows convicts and detainees and convicts to submit written requests directly to the medical unit by placing them in a secure box accessible only to medical staff, with the reason for the request indicated. Medical staff shall collect these requests daily.**

### 2.4.5. Conditions of Stay

The conditions for the provision of medical care in the inpatient units of penitentiary healthcare facilities remain a major issue. In many medical units, in particular in pre-

trial detention facilities, inpatient wards are entirely absent, so detainees are often forced to stay bedridden in their own cells during treatment.

In some cases, rooms intended for patient accommodation do not comply with international recommendations or state building norms for healthcare facilities. The NPM identified insufficient space for accommodating patients with beds placed directly next to one another. The premises had damaged wall surfaces, and a lack or insufficient number of essential furniture items such as bedside tables, and wardrobes for personal belongings, making it impossible to ensure proper therapeutic conditions and respect for patient privacy.

In several instances, patients lacked access to water and suffered from inappropriate temperatures due to the absence of heating.

*During a visit to the psychiatric ward of Lviv Multidisciplinary Hospital No. 19 of SI “HC SPSU” Branch in Lviv Oblast, the NPM group found that the facility lacked continuous centralised water supply for over two years. Water is supplied under a schedule, for only a few hours per day. As a result, both patients and medical staff are forced to collect water in plastic containers in advance, which is later used for drinking and hygiene needs in the sanitation facility.*

*Furthermore, there are inadequate temperature conditions in the cell-type wards. The rooms lack heating, and patients are forced to remain in bed wearing their outer clothing.*

A serious issue is the existence of separate cell-type wards with improved conditions that are not made available to patients from other wards, even when their own conditions are unsatisfactory. The NPM visits revealed that such wards are usually renovated at the expense of the convicts themselves, and access is limited to persons designated by the informal inmate hierarchy. This situation demonstrates unequal access to proper medical conditions and constitutes a violation of the principles of equality and non-discrimination.



Particular attention shall be paid to persons with disabilities, as in most cases, there is no necessary accessibility in the medical units of penitentiary institutions. Many medical units are located above the first floor and lack lifts, which severely restricts access to medical care for persons with reduced mobility.

Several facilities lack ramps at the entrances to medical units, and door thresholds within the premises further impede patients' free movement. Sanitary and hygiene facilities do not meet universal design standards, lacking features such as handrails, special shower seating, and sufficient space for manoeuvring wheelchairs.

Attention must also be given to the adequate provision of fire alarm systems in medical units of penitentiary institutions.

#### 2.4.6. Mental Health

There are significant concerns regarding the provision of mental health care. Medical services for persons with mental disorders are provided in violation of their rights, as established by Article 25 of the Law of Ukraine “On Psychiatric Aid.”<sup>56</sup>

The absence of clinical psychologists in medical units, along with poor coordination between psychiatrists and penitentiary social and psychological services, undermines suicide prevention efforts among convicts and detainees and negatively impacts conflict prevention in penitentiary institutions.

**The CPT emphasised the need to strengthen the provision of psychological care in prisons and develop the training and the role of prison psychologists, especially as regards therapeutic clinical work with inmates. In this context, efforts are needed to recruit clinically trained psychologists who should form part of the healthcare team and whose work should not combine two different roles, that is, risk assessment and therapeutic clinical work.**

The NPM welcomes the recent decision by HC SPSU to establish positions for clinical psychologists and begin recruiting relevant professionals.

It is also necessary to ensure adequate psychosocial rehabilitation for persons with mental disorders, based on a multidisciplinary approach equivalent to the standards applied in non-penitentiary healthcare facilities.

Special attention should be paid to identifying potential vulnerabilities (such as traumatic experiences) and signs of PTSD and incorporating this information into an individual care plan for the concerned detainee or convict. The CPT also recommends the development of admission procedures at all prisons accommodating female prisoners to take into account the gender-specific needs of women. This should include screening for sexual abuse or other forms of gender-based violence inflicted prior to entry to prison and incorporating this information into an individual care plan for the woman concerned.

The NPM team visited a psychiatric ward of a penitentiary hospital and found that the facility lacked a licence for conducting business activities involving narcotic drugs, psychotropic substances, and precursors, which significantly limits the ability to provide adequate medical care. **The CPT recommends that the long-standing problem of lack of licence allowing the use of psychotropic medication in prisons should be resolved without any further delay.**

Violation of the right to informed consent for psychiatric care is a further key concern. There are instances when detainees were not offered the opportunity to review and sign informed consent forms for psychiatric examination and outpatient mental health services, as required by Order of the MoH of Ukraine No. 970 of 15 September 2016<sup>57</sup>.

#### 2.4.7. Contagious Diseases

Viral hepatitis C (HCV) is a major factor contributing to severe complications such as liver cancer and cirrhosis, leading to reduced quality of life and premature death.

<sup>56</sup> Law of Ukraine “On Psychiatric Aid”: <https://zakon.rada.gov.ua/laws/show/1489-14#Text>.

<sup>57</sup> Order of the MoH of Ukraine No. 970 of 15 September 2016 “On Approval of Primary Record Forms and Instructions for their Completion”: <https://zakon.rada.gov.ua/laws/show/z1325-16#Text>.

Inadequate access to medical care for convicts and detainees suffering from HCV remains a serious concern.

The NPM notes that the overall situation with HCV diagnostics in penitentiary institutions has slightly improved, and there has been no supply of rapid diagnostic tests for detecting HCV antibodies in many of the visited medical facilities for several months. This resulted in insufficient under-diagnosis of the disease.

In many cases, convicts and detainees who test positive for HCV antibodies do not receive further testing using polymerase chain reaction (PCR), an essential diagnostic step for contagious disease specialists to prescribe antiviral treatment. According to the MoJ of Ukraine, in 2024, 4,249 persons were suspected of having HCV (with most test sensitivity ranging from 92–98%). However, only 2,040 persons had their diagnosis confirmed via PCR, and even fewer received antiviral treatment.

Regarding medical care for HIV-positive patients, the NPM acknowledges improvements in access to diagnostics and treatment for this group. However, the NPM recorded a case in which HIV-positive convicts were not regularly tested for CD4 cell count due to a lack of laboratory reagents, which poses a risk to the quality control of treatment for such patients.

The failure to comply with tuberculosis (TB) infection control requirements is another persistent issue. Despite the current Procedure for Organising Medical Care for Prisoners, which mandates that a person diagnosed with active TB must be immediately transferred to a specialised tuberculosis hospital, such persons may remain for extended periods in standard cells, which are not designed for isolation of infectious patients. These cells are often located in high-security buildings, next to cells housing other convicts and detainees, thereby violating infection control protocols and increasing the

risk of tuberculosis outbreaks within penitentiary institutions.

Isolation units designated for housing individuals with infectious diseases often do not meet established sanitary and hygiene standards and State Building Norm B.2.2–10:2022 “Healthcare Facilities. General Provisions.”<sup>58</sup> These isolation cell-type wards often lack sanitary facilities and showers, forcing patients with contagious diseases to use shared facilities with other inmates. This situation makes effective isolation of infected individuals impossible. The NPM has periodically recorded cases where detainees and convicts showing symptoms of acute respiratory viral infections were not isolated and continued to be housed in shared accommodation.

*The NPM discovered that most convicts in transit, who had been held in a cell for over a week, displayed signs of acute respiratory infections, yet had not been separated from other detainees, increasing the threat of outbreaks within the facility.*

There were violations in the disinfection, pre-sterilisation cleaning, and sterilisation of medical equipment, regulated by Order of the MoH of Ukraine No. 552<sup>59</sup> of 11 August 2014.

*During a visit to the dentist’s office at Medical Unit No. 72 of SI “HC SPSU” Branch in Mykolaiv and Odesa Oblasts, the NPM found that reusable medical tools covered with rust were being soaked together in unmarked containers and air-dried on a towel placed on a windowsill. This procedure does not ensure proper disinfection of the reusable dental tools, which may result in the spread of secondary bacterial infections and complicate the treatment process.*

<sup>58</sup> SBN B.2.2–10:2022 “Healthcare Facilities. General Provisions”: [https://e-construction.gov.ua/files/new\\_doc/3508997870881604750/2024-11-25/2011b071-2321-440c-8ac3-2c3e6adbcab8.pdf](https://e-construction.gov.ua/files/new_doc/3508997870881604750/2024-11-25/2011b071-2321-440c-8ac3-2c3e6adbcab8.pdf).

<sup>59</sup> State Sanitary Standards and Regulation “Disinfection, Pre-Sterilisation Cleaning, and Sterilisation of Medical Equipment in Healthcare Facilities”: <https://zakon.rada.gov.ua/laws/show/z1067-14#Text>.



The CPT emphasises that the spread of contagious diseases, including tuberculosis, hepatitis, and HIV/AIDS, has become a serious problem in many European countries. These diseases are dangerous to the population, but their spread has reached particularly alarming levels within some penitentiary systems. The Committee has repeatedly expressed serious concern about the inadequacy of measures aimed at addressing this issue. In addition, the living conditions to which persons deprived of their liberty are often subjected only contribute to the spread of contagious diseases.

#### 2.4.8. Treatment of Persons with Mental and Behavioural Disorders Related to Psychoactive Substance Use

One of the pressing issues in Ukraine's penitentiary institutions is the limited access to medical care for persons suffering from mental and behavioural disorders related to psychoactive substance use.

According to the MoJ of Ukraine, in 2024, a total of 3,639 persons held in penitentiary institutions were diagnosed with mental and behavioural disorders due to the use of psychoactive substances. As of September 2024, only 284 persons were receiving substitution maintenance therapy (SMT).

The NPM notes that SMT is more frequently available to detainees who were already enrolled in such therapy prior to their placement in penitentiary institutions. Currently, other persons who show symptoms of substance use disorders are typically referred to healthcare facilities for short-term detoxification, aimed only at minimising withdrawal symptoms, without access to comprehensive treatment. The lack of adequate psychological support and rehabilitation programmes may cause significant suffering and deny these persons access to effective care.

SMT is provided in 16 facilities of SI “HC SPSU.” In addition, the establishment of ten more SMT facilities is planned on the premises of PTDFs and PIs. A key ongoing problem is the absence of licences required for conducting business activities involving narcotic drugs, psychotropic substances, and precursors. The licensing process is hindered by the lack of accessibility of these premises for persons with disabilities.

The CPT, representatives of the Pompidou Group and members of international organisations, emphasise the need to strengthen comprehensive drug treatment systems within the criminal justice system. This includes the active expansion of programmes for treating individuals with substance use disorders, such as SMT, the establishment of therapeutic communities, and the implementation of needle and syringe programmes (NSPs), which are currently only partially used in Ukrainian penitentiary institutions.

The CPT highlights that admission to prison is an opportunity to address a person's drug-related problem, and it is therefore important that suitable assistance be offered to all persons concerned; consequently, appropriate healthcare must be available in all prisons. In addition, the CPT recommends developing a comprehensive strategy for the provision of assistance to prisoners with drug-related problems, as part of a wider national drugs strategy, taking into account the above remarks.

### The MoJ of Ukraine shall:

- Analyse the reasons for the non-implementation of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2024) 20) as outlined in the Report of the CPT's Visit to Ukraine from 16 to 23 October 2023 regarding the penitentiary institutions' activities, and develop an action plan to ensure the implementation of the provided recommendations
- Study the judgements of the European Court of Human Rights awarded in cases of violations of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in penitentiary institutions, and urgently develop an action plan to address and prevent similar violations in penitentiary institutions of Ukraine
- Develop and implement a comprehensive programme to combat segregation and discrimination among detainees and convicts
- Conduct explanatory work with convicts and prisoners on their basic rights and obligations and place relevant information on notice stands in public places
- According to established procedures, prepare and submit amendments to Order of the Ministry of Justice of Ukraine No. 2823/5 of 28 August 2018 "On Approval of the Internal Regulations of the Penitentiary Institutions" and Order No. 1769/5 of 14 June 2019 "On Approval of the Internal Regulations of the Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine," to prohibit the employment of convicts as senior duty prisoners, taking into account the CPT recommendations
- Ensure regular information sessions, at least once per quarter, for staff of penitentiary institutions regarding the prevention of torture and other cruel, inhuman, or degrading treatment or punishment in their professional activities
- Analyse the causes and conditions leading to violations of Articles 64 and 115 of the Criminal Executive Code of Ukraine and Article 11 of the Law of Ukraine "On Remand" regarding minimum space standards per person, and develop comprehensive measures to prevent such violations in the future
- Review the current planned capacity of penitentiary institutions, excluding premises, buildings, and structures that are uninhabitable, mothballed, non-operating, in disrepair, or unused
- Prepare draft amendments to current regulatory acts to enshrine minimum space standards per a convict and a person in custody, taking into account the CPT recommendations
- Develop proposals to restore the operation of mothballed penitentiary institutions to comply with minimum space standards set forth by Articles 64 and 115 of the Criminal Executive Code of Ukraine and Article 11 of the Law of Ukraine "On Remand"
- Dismantle the locks of the folding beds in disciplinary cells (DICEs, punishment cells or cell-type rooms)
- Cease the practice of solitary confinement of convicts and detainees on grounds not provided for by law
- Draft amendments to the CEC of Ukraine, the Law "Remand," the Law "On Collection and Registration of the Single Contribution for Mandatory State Social Insurance," and CMU Resolution No. 653 of 22 April 1999 "On Measures to Ensure the Activities of the State Penitentiary Service" (in terms of removal of paragraph 2 of clause 7), as well as the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment,

approved by Order of the MoJ of Ukraine No. 396/5 of 7 March 2013, to prevent ambiguous interpretations of its provisions and regulate the legal relationships concerning the conditions under which an employment agreement with a convict is mandatory; a standard employment agreement for convicts; an exhaustive list of work (services) for which civil law contracts may be concluded with convicts; and requirements for registration of civil law contracts

- Review the practice of exercising detainees' and convicts' rights to paid work in accordance with labour legislation. If necessary, prepare and send initiative letters to other central executive authorities to prevent violations of labour rights of convicts and detainees
- Ensure that convicts and detainees are provided with personal and collective protective equipment, necessary for the safe performance of work and compliance with occupational safety laws. Such monitoring should be conducted at least once per quarter
- Treat every workplace injury as an emergency incident, investigate the circumstances of injury sustained by convicts in each case, and develop preventive measures. Start collaboration with the State Labour Service of Ukraine to address this issue
- Introduce the position of senior inspectors for the protection of convicts' rights and prevention of torture in all PIs and PTDFs. The competitive selection should be independent, open, and transparent
- Ensure direct subordination of senior inspectors for the protection of convicts' rights and prevention of torture to the leadership of the Department for the Execution of Criminal Sentences
- Develop and implement a comprehensive programme to bring the conditions of detention of

convicts and detainees in line with national and international standards, including improvement of material

and technical base, repair of the cells, replacement of utilities, installation of modern sanitary and hygienic facilities, implementation of video surveillance systems, ensuring adequate natural and artificial lighting, compliance with sanitation and hygiene requirements, in accordance with the European Prison Rules (Recommendation Rec(2006)2 of the Committee of Ministers to Member States)

- Conduct comprehensive inspections of all PIs and PTDFs and develop action plans for compliance with fire safety regulations
- Take measures to equip shelters in all PIs and PTDFs
- Consider changing the work schedule for staff of security, supervision, and safety departments in PIs, as well as regime and security departments of PTDFs, from 24-hour shifts (or longer) to 12-hour shifts
- Prepare draft amendments to current regulatory acts to define a clear and exhaustive list of improvement works within PIs and adjacent territories, including improvement of living and sanitary conditions, auxiliary works to support food provision, and works related to creating proper living conditions in PTDFs, which may be performed by convicts and detainees in the order of priority, during non-working hours, for no more than two hours per day and without payment
- Equip at least a few cells in each penitentiary institution for persons with disabilities, ensuring accessibility and inclusivity
- Ensure the integration of the penitentiary healthcare system into a unified medical space



- Develop and implement an electronic system for recording bodily injuries in persons held in PIs and reporting to law enforcement agencies such incidents
- Ensure proper documentation of bodily injuries by medical staff and reporting to law enforcement agencies, in particular:
  - documenting by medical staff's opinions on the consistency between the victim's statements and objective medical opinions regarding the bodily injury sustained by that person
  - providing the medical facilities of SI "HC SPSU" with colour photo printers to attach images to medical records and law enforcement reports
  - reporting to law enforcement agencies about detected cases using various sources (telephone, email and written notice), attaching photos and certificates of bodily injuries (Form No. 511/o)
  - providing the victim with a personal copy of documented injury findings
- Staff the medical facilities of SI "HC SPSU," in particular, by improving staff motivation and social guarantees
- Introduce positions for clinical psychologists and junior medical staff in all medical units of SI "HC SPSU"
- In cooperation with the MoH of Ukraine, develop a training programme for medical staff of SI "HC SPSU" facilities, taking into account the specifics of providing medical care in relevant conditions (in particular, issues of medical ethics and human rights, the treatment of persons with bodily injuries, and the treatment of patients with contagious diseases or mental disorders), and integrate it into the continuous professional development process of medical professionals
- Allow detainees to be referred for treatment to healthcare facilities not listed in the Indicative List of Healthcare Institutions for the Provision of Medical

#### Care to Persons in Custody

- Develop an access algorithm for medical staff of SI "HC SPSU" facilities to medical records of persons in transit
- Introduce a system allowing detainees and convicts to submit requests directly to doctors of medical units by placing them in secure boxes located in common areas of detainees and convicts
- Grant the medical staff of SI "HC SPSU" access to the Electronic Healthcare System, including interaction with patients' electronic medical records
- Ensure initial and preventive medical examinations, the provision of appropriate outpatient medical care by specialist physicians, as well as proper maintenance of medical records of detainees and convicts in accordance with the requirements established by law
- Ensure access to rehabilitation services for detainees and convicts with disabilities using a multidisciplinary approach
- Align the nutrition of patients held in penitentiary institutions with the principles and methodologies defined by the Procedure for Organising the Therapeutic Nutrition System for Patients in Healthcare Facilities, approved by Order of the MoH of Ukraine No. 931 of 29 October 2013
- Implement quarterly internal control over compliance with legal requirements for the storage and disposal of medical waste
- Provide the SI "HC SPSU" facilities with necessary medical equipment in accordance with existing needs
- Ensure confidentiality of interactions between medical staff and patients
- Cease the practice of video surveillance in medical offices of SI "HC SPSU"
- Consider increasing the number of medical rooms and wards/isolation rooms for providing care to patients, used by the SI "HC SPSU" facilities

Ensure all premises used by SI “HC SPSU” facilities comply with SBN V.2.2–10:2022 “Healthcare Facilities. General Provisions” and CPT recommendations

- Develop and implement a comprehensive strategy and action plan for the development of mental health care in penitentiary institutions, in accordance with modern standards for the provision of mental healthcare. This includes medical care for persons suffering from mental and behavioural disorders related to psychoactive substance use, the expansion of SMT programmes, therapeutic communities, and other harm reduction programmes within PTDFs and PIs
- Introduce monitoring of SMT effectiveness in PIs, which includes assessing the therapeutic outcomes

in patients undergoing SMT

- Develop an interaction model between psychiatrists of the SI “HC SPSU” facilities and penitentiary social and psychological services to prevent suicides among inmates
- Ensure mandatory familiarisation of detainees and convicts with the Informed Consent for Psychiatric Examination (Primary Record Form No. 003–7/o) and the Informed Consent for Outpatient Mental Health Care (Primary Record Form No. 003–8/o)
- Provide HCV diagnosis and treatment for all convicts and detainees
- Ensure strict compliance with infection control protocols within penitentiary institutions, including disinfection, pre-sterilisation cleaning, and sterilisation of medical equipment

## Section 3

# **VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN THE PROCESS OF ADMINISTERING JUSTICE**

According to Article 13 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights,” the premises (rooms) for holding defendants (convicts) in courts are subject to visits by the NPM.

According to the SJA of Ukraine, as of 31 December 2024, there were 590 courts of appeal and local courts administering justice, 366 courts of which are equipped with cells for defendants (convicts).

### **Violation of the Right to Protection from Torture, Cruel, Inhuman or Degrading Treatment or Punishment**

In 2024, the NPM visited 120 judicial institutions to perform its functions.

These visits revealed a significant number of problematic issues and deficiencies in the places of custody within the judicial system of Ukraine.

Despite the requirements of regulatory acts, including the State Building Norms of Ukraine B.2.2–26:2010 “Buildings and Structures. Courts,” approved by Order of the Ministry of Regional Development and Construction of Ukraine No. 175 of 17 May 2010 (hereinafter referred to as the “SBN B.2.2–26:2010”)<sup>60</sup>, the Instruction on the Organisation of Escort and Detention in Courts of Accused (Defendants) at the Request of Courts, approved by Joint Order of the MIA of Ukraine, the MoJ of Ukraine, Supreme Court of Ukraine, High Specialised Court of Ukraine for Civil and Criminal Cases, the SJA of Ukraine, and Prosecutor General’s Office No. 613/785/5/30/29/67/68 of 26 May 2015, and the General Requirements for Protective Glass Enclosures for holding accused (defendants) or convicts, approved by Order of the SJA No. 350<sup>61</sup> of 20 March 2017 (hereinafter referred to as the “Instruction”), and recommendations based on visits to places of custody subordinated to the

SJA of Ukraine, there are still metal-bar cages to be used in courtrooms to detain defendants (convicts).

*During a visit to the Leninskyi Raion Court of Zaporizhzhia in April 2024, the NPM group observed a metal cage in courtroom No. 2 used for criminal proceedings to hold defendants/convicts during trials.*

The ECtHR has repeatedly stated that detaining accused or convicts in metal cages, given their inherently degrading nature, is incompatible with principles of civilised behaviour, a hallmark of a democratic society. It violates human dignity and Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

An insufficient number of cells for the detention of defendants in courts is a common problem in observing the rights and freedoms of man and citizen. Clause 6.5.2 of SBN B.2.2–26:2010 stipulates that each courtroom should have cells for defendants (convicts), based on a calculation of three cells for each courtroom used for criminal cases.

However, the courts visited have insufficient cells for defendants, which violates the requirements for separate accommodation of men and women, adults and minors, as well as isolated detention of persons who are banned from talking to each other. As a result, defendants (convicts) often wait for court hearings in a stationary holding booth or a special vehicle, leading to prolonged confinement in unacceptable conditions, contrary to national and international human rights standards.

*For example, during a visit to the Sribnianskyi Raion Court of Chernihiv Oblast in November 2024, the NPM group found that no holding cells were available for defendants or convicts.*

<sup>60</sup> Order of the Ministry of Regional Development and Construction of Ukraine No. 175 of 17 May 2010: [https://e-construction.gov.ua/laws\\_detail/3080028339264554910?doc\\_type=2](https://e-construction.gov.ua/laws_detail/3080028339264554910?doc_type=2)

<sup>61</sup> Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, Supreme Court of Ukraine, High Specialised Court of Ukraine for Civil and Criminal Cases, the State Judicial Administration of Ukraine, and Prosecutor General’s Office No. 613/785/5/30/29/67/68 of 26 May 2015 “On Approval of the Instruction on the Organisation of Escort and Detention in Courts of Accused (Defendants) at the Request of Courts”: <https://zakon.rada.gov.ua/laws/show/z0698-15#Text>



*Similar cases were identified during visits to Pershotravnevnyi District Court of Chernivtsi, etc.*

A common issue concerning compliance with human rights in courts is violation of the requirements of clause 6.5.2 of DBN B.2.2–26:2010, in particular, some courts continue to use holding cells for defendants (convicts) with a space of less than 4 m<sup>2</sup>.

*In November 2024, during a visit to Kirovskyi Raion Court of Kropyvnytskyi, the NPM found that holding cell No. 3 is only 1.8 m<sup>2</sup>, which is below the required minimum of 4.0 m<sup>2</sup>.*

*Similar violations of cell space standards were identified during visits to Liubotyn City Court of Kharkiv Oblast, Rokytna Raion Court of Rivne Oblast, etc.*

In addition to the violation of cell space standards and the insufficient number of cells, the defendants have to face the problem of lack of access to clean drinking water that violates clause 20 of the Standard Minimum Rules for the Treatment of Prisoners approved by the United



Nations Economic and Social Council, and clause 22.5 of the European Prison Rules approved by the Committee of Ministers of the Council of Europe on 12 November 1987.

*During a visit to Talalaivka Raion Court of Chernihiv Oblast on 12 December 2024, the NPM group recorded that defendants awaiting hearings had no access to clean drinking water. The same violation was found in Kirovskyi Raion Court of Kropyvnytskyi, Bohodukhiv Raion Court of Kharkiv Oblast, Sribnianskyi Raion Court of Chernihiv Oblast, and other courts.*

Another persistent issue is the lack of proper sanitary conditions in judicial institutions, particularly in defendants' holding cells, which is a critical element of human rights protection and legal compliance.

*During a visit to the guardrooms of the Kirovskyi Raion Court of Kropyvnytskyi, the NPM found that the cells were in an unsanitary condition, with an unpleasant smell, and wall graffiti promoting criminal subculture and Nazi totalitarian symbols,*





*which are prohibited by the Law of Ukraine “On the Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Prohibition of Propaganda of Their Symbols.”*

#### **Violation of the Right to Professional Legal Aid**

Many courtrooms lack a room for lawyers to work with defendants (convicts). This makes it impossible to fully exercise their right to defence and to ensure confidential communication between a lawyer and a defendant (convict), violating Article 59 of the Constitution of Ukraine, Article 6 of the European Convention on Human Rights and Fundamental Freedoms, and clause 23.4 of the European Prison Rules.

*During court visits throughout 2024, the NPM groups found that such rooms were absent in Novoselytsia Raion Court of Chernivtsi Oblast, Rokytna Raion Court of Rivne Oblast, Talalaivka Raion Court of Chernihiv Oblast, and other courts.*

In addition, this violation may lead to further applications to the ECHR and the payment of significant amounts of compensation by Ukraine.

In the case of *Firstov v. Russia* (Application No. 67312/12), the ECtHR stated that although the defendant could communicate with his counsel through the barriers in the courtroom, in particular during breaks announced by the judge for this purpose at the applicant’s petition, it was not proved that such consultations were confidential due to the presence of the convoy within hearing distance. Therefore, the ECtHR recorded a violation of

Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Thus, confidential meetings between a lawyer and a defendant (convict) are essential to ensure protection against possible ill-treatment.

#### **Violation of the Right to Life**

The NPM representatives found that some courts are located in residential buildings, sharing the same entrance used by residents, court staff, and for the escort of defendants (accused) and convicts. This violates national regulatory acts, particularly clause 6.1.6 of SBN B.2.2–26:2010, which explicitly prohibits such arrangements.

*In October 2024, during a visit to Netishyn City Court in Khmelnytskyi Oblast, the NPM groups recorded a violation of this requirement – the court was located in a residential building.*

Such placement violates safety and isolation standards, creating risks for residents, court staff, and persons inside the courthouse, including defendants and convicts. The lack of separate entrances for these groups violates public order and security regulations and may compromise the proper conduct of judicial proceedings. A shared entrance between the court and residential premises also violates the residents’ right to safe living conditions, exposing them to potential threats to their life and health.



*In 2024, the NPM identified the same violations in Komsolmolsk City Court of Poltava Oblast.*

Some courts fail to comply with clause 13 of the Instruction on Ensuring Isolated Routes for Escorting Defendants (Convicts) from Their Cells to the Courtroom, and therefore, defendants (convicts) are escorted through corridors open to unauthorised persons and have the opportunity to contact visitors or persons who are banned from talking to each other.

Moreover, the corridors used to escort defendants or convicts are not equipped with sound alarm buttons, which poses additional security risks.

*This violation was established in Hertsa Raion Court of Chernivtsi Oblast, Pershotravnevyi Raion Court of Chernivtsi, Ripky Raion Court of Chernihiv Oblast, etc.*

A lack of boxes for the arrival of special convoy vehicles or a fenced parking area for special convoy vehicles, which violates the requirements of clause 14 of the Instruction, is a common problem of violation of the right to security in the court. A convoy vehicle usually arrives for boarding (disembarking) defendants (convicts) through a backyard that is not fenced, which increases the risk of escape of defendants and endangers the life and health of defendants, visitors, and court staff.

*This violation was recorded in Kostopil Raion Court of Rivne Oblast, Lypova Dolyna Raion Court of Sumy Oblast, Kitsman Raion Court of Chernivtsi Oblast, Solone Raion Court of Dnipropetrovsk Oblast, etc.*

Due to the lack of a separate sanitary facility for defendants (convicts) in some courts, they use the same toilet as visitors, which creates additional risks of prohibited items getting into the hands of defendants (convicts) and violates the requirements of clause 6.5.2 of the SBN B.2.2–26:2010.

*In December 2024, the NPM visited Hertsa Raion Court of Chernivtsi Oblast and found that no dedicated sanitary facility was available for defendants (convicts). Instead, they had to use a common sanitary facility shared with court visitors and other users.*

*Similar violations were observed during visits to the Berdychiv City District Court of Zhytomyr Oblast and other courts.*

### **Violation of the Rights of Persons with Reduced Mobility**

The NPM groups visited several courts and found that the facilities were not adapted to the needs of persons with reduced mobility or disabilities, contrary to the requirements of the UN Convention on the Rights of Persons with Disabilities and SBN B.2.2–40:2018 “Inclusiveness of Buildings and Structures,”

approved by Order of the Ministry of Regional Development, Construction, and Housing of Ukraine No. 327 of 30 November 2018 (hereinafter referred to as the Accessibility SBN).

The NPM groups identified violations of clause 6.1.8 of the Accessibility SBN, which requires that all common-use premises (except for technical and technological ones) in public buildings and structures must be accessible to all population groups, including persons with reduced mobility. In addition to stairs, ramps, lifts, or other mobility devices shall be provided.

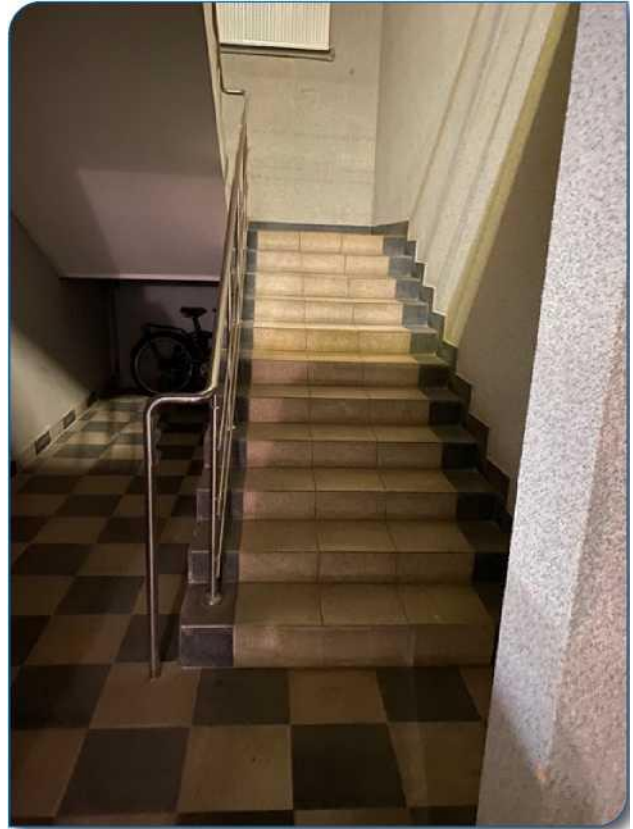
*These violations were recorded in Bohodukhiv Raion Court of Kharkiv Oblast, Shevchenkivskyi Raion Court of Chernivtsi, Shostka City District Court of Sumy Oblast, Ripky Raion Court of Chernihiv Oblast, etc.*

Courts also violate the requirements of clause 11.5 of SBN B.2.2–40:2018 “Accessibility,” namely sanitary facilities are not adapted for use by persons with reduced mobility.

*Such non-compliance was identified in Shostka City District Court of Sumy Oblast, Novoselytsia Raion Court of Chernivtsi Oblast, and Khotyn Raion Court of Chernivtsi Oblast, etc. where sanitary facilities were not accessible to persons with reduced mobility.*

#### **Recommendations to the SJA of Ukraine:**

1. Audit courthouses located in residential buildings, and take immediate steps to ensure isolation and autonomous functioning of courts by relocating them to separate buildings or administrative complexes that meet national standards
2. Ensure the dismantling of metal cages to hold persons brought to court to participate in court hearings
3. Take measures to bring court premises in line with SBN B2.2–26:2010 and Accessibility SBN, namely to equip all courts with:
  - Holding cells for accused (defendants) or convicts of at least 4 m2 at a rate of Three cells per courtroom for hearing criminal cases
  - Sanitary facilities for accused (defendants) or convicts
  - Isolated routes for escorting accused (defendants) or convicts from their cells to the courtroom
  - Corridors used for escorting accused (defendants) or convicts with sound alarm buttons
  - Boxes for the entry of special convoy vehicles and the boarding (disembarkation) of accused (defendants) or convicts, or a fenced parking area for special convoy vehicles (if a box cannot be installed)
  - Rooms for lawyers to work with accused (defendants) or convicts
  - Appropriate conditions for persons with reduced mobility to ensure full access to court premises



## Section 4

**VIOLATION OF RIGHTS OF MAN  
IN PLACES OF CUSTODY  
MANAGED  
AND COORDINATED BY THE CMU  
THROUGH THE MIA**

## 4.1. General Overview of Places of Custody Subordinated to the NPU

The National Police of Ukraine (NPU) plays a key role in ensuring stability, security, and strengthening the rule of law in Ukraine.

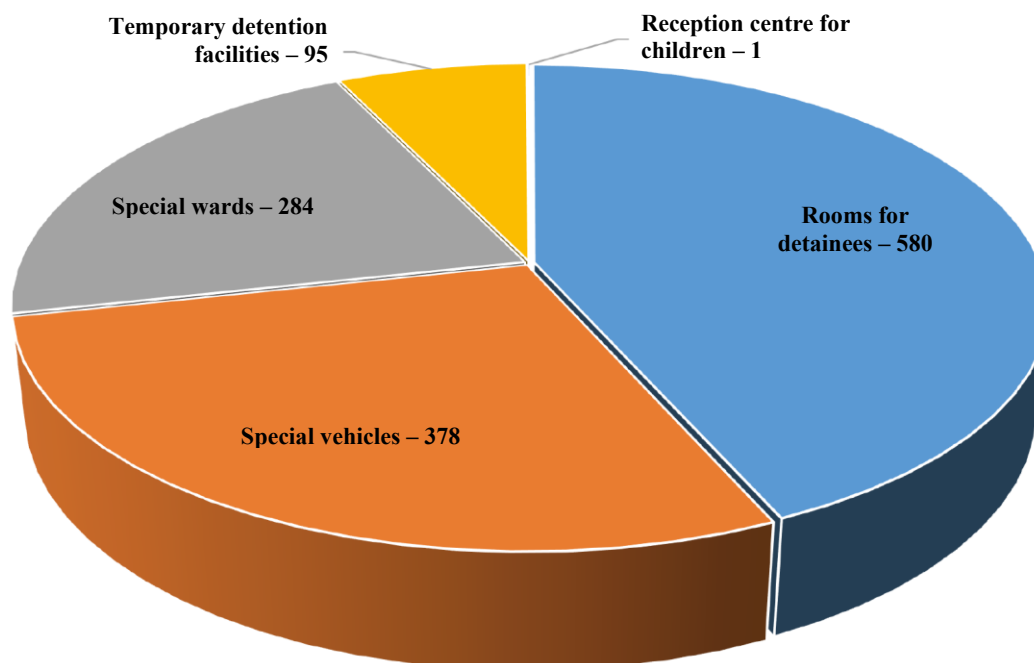
Respecting the rights of persons in police custody is not only a requirement of national legislation but also an international obligation of Ukraine and a prerequisite for building a modern European state.

The places of custody of the NPU include both specially equipped facilities with legally regulated conditions of detention (TDFs, vehicles, MFs, reception centres), and premises that may de facto be used for temporary detention against a person’s will, even though they are not officially intended for this purpose (e.g., police officers’ offices, investigators’ rooms, or other police premises).

As of 31 December 2024, the specially equipped detention facilities with regulated conditions included:

- 95 TDFs, where more than 32,300 persons were held during the year
- 580 RDs in police bodies and units, where 2,303 persons were held during the year
- 378 vehicles for transporting detainees, persons in custody and convicts
- 1 reception centre for children
- 284 specialised hospital wards, where security and supervision may be provided for persons detained on suspicion of committing a criminal offence, remanded persons, defendants, or convicts

### Places of Custody of the National Police of Ukraine





The territorial police bodies are responsible for 95 TDFs, primarily intended for the temporary detention of persons detained for committing criminal or administrative offences or subjected to administrative arrest. Operations of 27 TDFs have been temporarily suspended due to reconstruction or repair, hostilities, or partial destruction.

There are 580 RDs in territorial police bodies (units). However, the conditions in 307 of them do not meet national or international standards, so their operation has been suspended.

The structure of the Main Departments of the National Police in oblasts and the city of Kyiv includes 36 convoy service units, employing a total of 2,909 police officers.

As of 31 December 2024, the Custody Records Information Subsystem of the Information Portal of the National Police of Ukraine has been implemented and is operating in 129 territorial police units.

The Custody Records Information Subsystem is designed to enhance standards for protecting detainees' rights by electronically recording information

on all actions taken against persons under police control from the moment of actual detention until placement in PTDF or release from custody. It also introduces a mandatory interview with the detainee and the arresting officer.

As of 31 December 2024, 57 human rights sectors have been established, and 327 inspectors, senior inspectors, and heads of human rights sectors in territorial police units have been appointed. They are responsible for detainees' custody and detainees' rights.

In 2024, employees of the Commissioner's Secretariat together with representatives of the public visited 129 places of custody subordinated to the NPU.

Despite the positive trends in ensuring the observance of the constitutional rights and freedoms of detainees, during visits to places of custody of the NPU in 2024, violations by police officers during the detention of persons and their stay in the bodies and units of the NPU continued to be identified, as reflected in the relevant reports and requests.

## 4.2. Major Problems with the Observance of Rights and Freedoms of Detainees by the NPU

The CPT attaches particular importance to three rights for persons detained by the police: the right of the person concerned to have the fact of their detention notified to a third party of their choice, the right of access to a lawyer, and the right to request a medical examination by a doctor of their choice. They are, in the CPT's opinion, three fundamental safeguards against the ill-treatment of detained persons which should apply from the very outset of deprivation of liberty (clause 36 CPT/Inf(92)3-part1)<sup>62</sup>.

The CPT considers that the fundamental safeguards granted to persons in police custody would be reinforced if a single and comprehensive custody record were to exist for each person detained, on which would be

recorded all aspects of their custody and action taken regarding them (clause 40 CPT/Inf(92)3-part1).

The new Criminal Procedure Code of Ukraine, which came into force in November 2012, has incorporated nearly all the abovementioned CPT recommendations. One of the most important innovations is the introduction of the Institute of Officials responsible for detainees, which has been continually improved.

On 21 March 2024, the Verkhovna Rada of Ukraine adopted Law No. 3623-IX "On Amendments to the Criminal Procedure Code of Ukraine to Enhance the Effectiveness of the Institution of Officials Responsible for the Custody and Protection of Detainees' Rights."

<sup>62</sup> Detention by Law Enforcement Officials: <https://rm.coe.int/16806cea2e>.

Among other things, this law stipulates that such officials shall subordinate not to the heads of investigative units, but to the head of the pre-trial investigation body itself.

However, despite CPT recommendations and requirements of criminal procedure legislation, the NPM groups recorded cases where no such designated officials responsible for the custody and protection of detainees' rights were appointed in police units. This led to violations of the fundamental rights of detainees.

*On 4 July 2024, the NPM visited Police Division No. 2 of Bucha Raion Police Department of Kyiv Oblast MDNP and established that no official responsible for the detainees' custody and protection of their rights had been appointed.*

*As a result, no records or documentation of actions involving detainees were maintained, and other duties prescribed by Article 212 of the CrPCU were not fulfilled.*

*The Commissioner sent a submission to the NPU (No. 9294.2/239.1/15018–24/24/39.1 of 18 July 2024) requesting immediate action to prevent further violations of detainees' rights.*

*According to the NPU leadership (Letter No. 114669/012024 of 21 August 2024), on 26 July 2024, an official responsible for the custody and protection of detainees' rights was appointed in accordance with the Order of Police Division No. 2 of Bucha Raion Police Department of Kyiv Oblast MDNP.*

However, the absence of such officials was also found during a visit to Dubno Raion Police Division of Rivne Oblast MDNP.

Even in territorial police units where officials responsible for the custody and protection of detainees' rights had been appointed, they often did not perform the responsibilities outlined in the CrPCU, or did so only partially.

*During a visit on 11 March 2024 to Chernivtsi Raion Police Department of Chernivtsi Oblast MDNP, it was found that the inspector of the investigative unit, who had been assigned the role of the responsible official, limited their duties to merely collecting copies of detention protocols, without fulfilling the full scope of responsibilities under Article 212 of the CrPCU.*

Similar cases were identified during visits to Police Station No. 1 of Nizhyn Raion Police Department of Chernihiv Oblast MDNP, Police Station No. 1 of Odesa Raion Police Department No. 2 of Odesa Oblast MDNP, etc.

One of Ukraine's key obligations under Article 4 of the UN Convention Against Torture is to qualify all acts of torture as crimes under national criminal law. This includes the obligation to conduct thorough and impartial investigations into any use of force by law enforcement officers against detainees.

Covering up or taking a formal approach to internal and pre-trial investigations of torture, as well as failure to bring the perpetrators to justice, contributes to an increase in such incidents.

During visits to NPU territorial units in 2024, the NPM groups consistently recorded cases of improper consideration of citizens' reports of physical force used by police officers against them in violation of the law.

In some units, the heads introduced a negative practice of considering reports of potential criminal offences committed by police officers without timely informing the relevant territorial unit of the State Bureau of Investigation and the relevant entrance of such information in the URPTI, thereby violating criminal procedure requirements.

Police officers evaluating the actions of their colleagues cannot be considered objective, and this constitutes a direct violation of the CrPCU.

*During the visit on 11 March 2024 to Chernivtsi Raion Police Department, it was found that 169 reports were received from citizens in 2023–2024 regarding possible misconduct by police officers, including beatings.*

*Following the verification of the facts presented in these reports, the police officers registered only two criminal proceedings. No information or reports were forwarded to the State Bureau of Investigation.*

*The Commissioner sent a submission (No. 3701.2/24/39.1 of 3 April 2024) to the NPU and the State Bureau of Investigation, urging immediate action and ensuring the protection of detainees' rights.*

*According to Khmelnytskyi Territorial Department of the State Bureau of Investigation (No. 8726–24/x/14-02-05-20073/2024 of 1 May 2024), interaction with Chernivtsi Oblast MDNP was established to prevent human rights violations and ensure timely provision of information on potential criminal actions by police officers.*

*According to the NPU leadership (Letter No. 64152/01–2024 of 4 May 2024), the head of Chernivtsi Raion Police Department of Chernivtsi Oblast MDNP was instructed to ensure timely and immediate notification of the State Bureau of Investigation about any suspected criminal actions by police and to enter such incidents in the URPTI.*

Similar issues were recorded during visits to Odesa Eaion Police Department No. 1 in Odesa Oblast MDNP and Bucha Raion Police Department in Kyiv Oblast MDNP, etc.

During visits, reports from citizens about illegal actions (beatings, use of special means, etc.) by staff of Territorial Centres of Recruitment and Social Support and servicemen were received by police.

Despite the possibility of administrative or disciplinary violations of servicemen, this information was not forwarded to the Military Law Enforcement Service of the Armed Forces of Ukraine.

*For example, on 25 April 2024, reports of illegal actions (beatings) by servicemen were received in Chernihiv Raion Police Department of Chernihiv Oblast MDNP but not forwarded to the Military Law Enforcement Service of the Armed Forces of Ukraine.*

*The Commissioner sent a submission (No. 556 0.2/24/39.1 of 14 May 2024) to the NPU and the MoD of Ukraine, urging immediate action and ensuring the protection of detainees' rights.*

*According to the MoD of Ukraine (letter No. 220/8499 of 17 June 2024), the Military Law Enforcement Service of the Armed Forces of Ukraine and the NPU have now established proper coordination between the bodies (units) of the Law Enforcement Service and territorial police bodies, and a number of joint activities are being carried out to identify and stop offences among the members of the Armed Forces of Ukraine.*

*The NPU leadership (letter No. 83532/01–2024 of 14 June 2024) instructed Oblast and Kyiv City MDNP to inform the authorities of the Military Law Enforcement Service of the Armed Forces of Ukraine of any administrative or disciplinary offences (including suspected or unconfirmed) committed by servicemen of the Armed Forces of Ukraine, the MoD of Ukraine and the State Special Transportation Service.*

Similar failures in interaction between employees of these agencies were observed in Chernivtsi Oblast and Kyiv City Police Units.

Eradicating torture is a complex task that can be achieved only if the state demonstrates determination and ensures adherence to the principles of the rule of law and respect for human rights.

Ukrainian law defines an exclusive list of locations that may be used by police for the temporary detention of persons deprived of their liberty. The MIs are available for temporary detention of persons in police units.

However, the NPM groups revealed that many police units lacked rooms for detainees, or their rooms were non-operational due to failing to meet international standards.

The stay of detained persons in police units without placement in temporary detention rooms may lead to keeping them in detention conditions under police control in a manner not provided for by law, without necessary nutrition, drinking water, free access to the sanitary facilities, etc.

The absence of detention rooms or cessation of their functioning was established during visits to the Police Division of Police Station No. 1 of Odesa Raion Police Department No. 2 of Odesa Oblast MDNP, Police Division No. 2 of Cherkasy Raion Police Department of Cherkasy Oblast MDNP, and other police units.

The CPT has stated that police custody should be of relatively short duration ([CPT/Inf (2002) 15], clause 47).

The national legislation provides that persons may be held in detention rooms for up to three hours, after which they must be transferred to TDFs. If delivery to the TDF within this period is not possible due to remoteness or lack of proper transportation, the detention may last no longer than 24 hours.

*During the visit to Sviatoshynskiy Police Department of Kyiv City MDNP on 19 January 2024, it was found that despite the presence of TDFs in Kyiv, out of 192 detained persons placed in RDs in 2023, 50 persons were held for more than three hours, and one person for more than 25 hours.*

*In addition, the NPM group discovered expired food items intended for detainees in the room for heating and consuming food. Eight instances of expired food being issued to detainees by police officers were recorded.*

*The Commissioner sent a submission to the NPU (No. 2215.2/39.1/3296–24/24/39.1 of 26 February 2024) requesting immediate action to prevent further violations of detainees’ rights.*

*According to the NPU leadership (Letter No. 41354/09–2024 of 18 March 2024), the Kyiv City MDNP conducted an internal investigation based on the facts in the submission. As a result, responsible officers were brought to disciplinary responsibility, and urgent measures were taken to ensure that detainees receive only food within its expiration date and to enforce strict monitoring of the permitted detention duration in the RDs.*

In its Report on the visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20], the CPT emphasised that electronic (i.e., audio and/or video) recording of police interviews represents an important additional safeguard against the ill-treatment of persons in police custody. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical or psychological ill-treatment.

To ensure the rights of detainees, consideration of the circumstances of their detention or delivery to the police, interviews, and other procedural actions with visitors, invited and delivered persons shall be carried out in specially designated office premises, and if there are no specially designated and equipped office premises in the administrative building of the police body (unit) or they are insufficient to ensure the police powers, interviews, and other procedural actions with visitors and persons invited and delivered to the police may be carried out in the police officers’ offices designated by the head, with video recording of such actions in accordance within the established procedure.

During their visits in 2024, the NPM groups established that there is no room for investigative actions in the police department and procedural actions with detainees are carried out in investigators’ offices without proper video recording.

*During a visit on 11 September 2024 to Zolotonosha Raion Police Division of Cherkasy Oblast MDNP, it was established that there is no room for investigative actions in the police department and procedural actions with detainees are carried out in investigators’ offices without proper video recording.*



*The Commissioner sent a letter to Cherkasy Oblast MDNP (No. 12790.2/24/39.1 of 24 September 2024) requesting immediate response measures to prevent violations of the rights of detained persons.*

*According to Cherkasy Oblast MDNP leadership (Letter No. 1299/01/48-2024 of 12 November 2024), procedural (investigative) actions with detainees are conducted in specially designated offices with video recording of such actions in accordance with the established procedure.*

Similar violations were found during visits to Police Station No. 1 of Berehove Raion Police Department of Zakarpattia Oblast MDNP, Sviatoshyn Police Department of Kyiv City MDNP, Zolochiv Raion Police Division of Lviv Oblast MDNP, etc.

In recent years, the NPU has indeed taken effective steps to improve the detention conditions in TDFs. These initiatives aim to align detention conditions with national legislation and international human rights standards.

Capital renovations of such facilities include improvements to the material and technical infrastructure, renovation of cells, replacement of outdated utilities, installation of modern sanitary and hygienic equipment, and the implementation of video surveillance systems.

*During a visit to TDF No. 1 of Chernivtsi Oblast MDNP on 13 March 2024, it was found that after capital renovation, detention conditions had improved and complied with human rights standards.*

In addition, the facility has implemented the Custody Records Information Subsystem, introduced the position of inspector for the protection of detainees' rights, and launched training programs on human rights observance.

These steps contribute not only to improved detention conditions but also to building public trust in the law enforcement system. This marks a significant stage in the reform of the police in Ukraine in line with European standards.

Despite the NPU's positive progress and efforts, inspections of TDFs also revealed violations of detention standards, particularly violation of the right to privacy, insufficient natural and artificial lighting, unsatisfactory sanitary conditions in cells, and the lack of high-quality bedding for detainees.

The most serious violations of detainees' rights were recorded in the following facilities: TDF No. 1 of Zaporizhzhia Oblast MDNP, TDF No. 3 of Zakarpattia Oblast MDNP, TDF No. 3 in Poltava Oblast MDNP, TDF No. 4 and TDF No. 6 in Vinnytsia Oblast MDNP, and TDF No. 2 in Chernihiv Oblast MDNP.

*During a visit to TDF No. 1 of Zaporizhzhia Oblast MDNP on 8 October 2024, it was found that the sanitary and hygienic condition of the cells was extremely poor. The sanitary facilities were dirty and had an unpleasant smell. Although bedding was available in the TDF, detainees used worn-out mattresses that had lost their functional properties, emitted a foul smell, and required to be replaced.*





*The Commissioner sent a submission (No. 14365.2/24/39.1 of 22 October 2024) to the NPU, urging immediate action and ensuring the protection of detainees' rights.*

*According to the NPU leadership (Letter No. 160757/01-2024 of 22 November 2024), Zaporizhzhia Oblast MDNP conducted an internal investigation based on the information contained in the submission. As a result, the TDF leadership was held disciplinarily accountable, and urgent measures were taken to bring detention conditions into compliance with national and international standards.*

In its Report on the visit to Ukraine from 16 to 27 October 2023 [CPT/Inf (2024) 20], the CPT emphasised that TDFs are not suitable for long-term detention and should not be used to hold individuals (for any reason,

including administrative arrest) for more than a few days. This is primarily due to the suboptimal conditions for extended stays, mainly because of the scarcity of available activities (apart from daily outdoor exercise and access to reading matter and, sometimes, radio and/or TV).

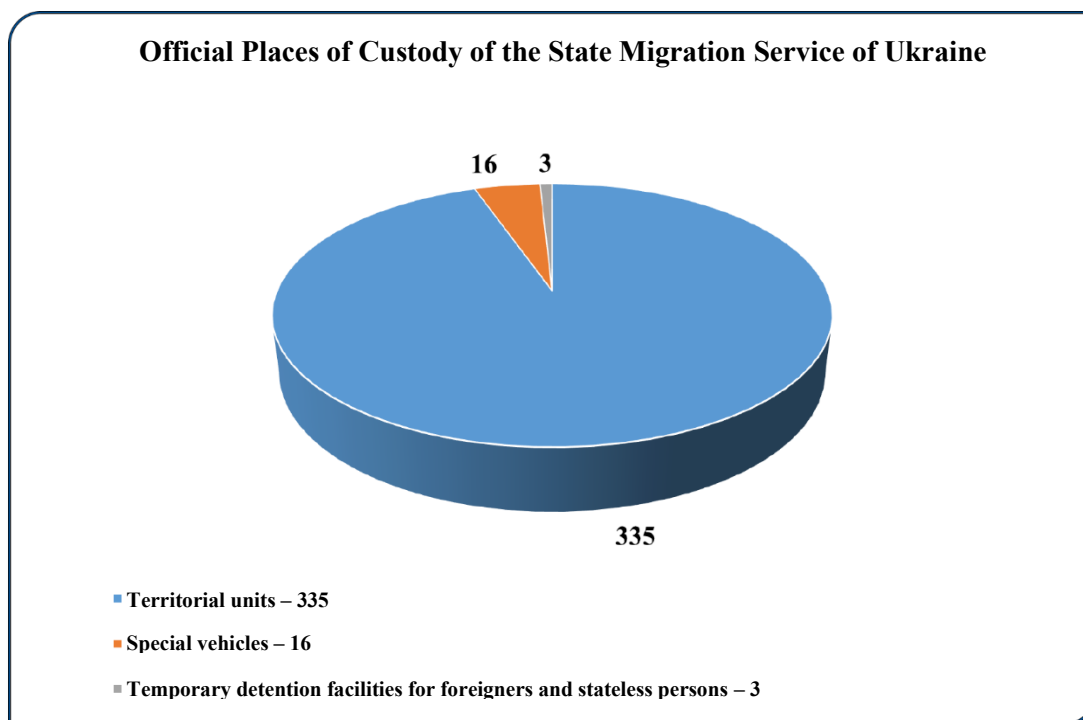
The Committee invites serious consideration to improve the conditions of detention for individuals subjected to administrative arrest, particularly in terms of ensuring their rights to access social and rehabilitative activities. Enlarging the range and frequency of such activities can significantly contribute to the humanisation of the temporary detention system.

This enlargement of activities can be achieved through the implementation of educational programmes, cultural events, psychological support, physical activity, etc.

### 4.3. General Overview of Places of Custody Subordinated to the SMS of Ukraine

The official places of custody of the SMS of Ukraine include institutions specially equipped for the detention of persons, vehicles for escorting detainees and persons taken into custody, as well as offices used by the SMS for processing procedural documents related to detainees.

As of 31 December 2024, the SMS of Ukraine operates three temporary detention facilities for foreigners and stateless persons who are illegally staying in Ukraine, as well as 335 territorial units where foreigners and stateless persons are detained, and relevant procedural documents are processed.



The SMS has 16 vehicles designated for transporting detained foreigners and stateless persons.

In 2024, 377 persons were held in temporary detention facilities for foreigners and stateless persons who were illegally staying in Ukraine.

In 2024, the NPM groups visited five places of custody subordinated to the SMS of Ukraine.

## 4.4. Major Problems with the Observance of Rights and Freedoms of Detained Persons by SMS Officers

The fact that the activities of places of custody subordinated to the SMS of Ukraine remained outside the NPM attention for a long time highlights the importance of strengthening parliamentary oversight over such places of custody by the Commissioner and NGO representatives.

Systematic visits to SMS units, launched in 2023, are an important step toward ensuring respect for human rights and aligning detention conditions with international standards. The results of these visits show that in practice, over the 12 years since the SMS of Ukraine assumed responsibilities for combating illegal migration, violations of the rights of foreigners and stateless persons continue to occur in its territorial bodies (units) and facilities.

Based on 2024 visits, the Commissioner submitted two recommendations to the SMS of Ukraine and the MIA

of Ukraine to take measures to eliminate violations of rights and freedoms of man and citizen.

However, the leadership of both the SMS and the MIA has not taken effective action and, in most cases, has only issued formal replies in response to identified violations.

During visits to places of custody subordinated to the SMS of Ukraine, it was found that SMS officers are not authorised to use coercive measures (physical force, special means). As a result, when unforeseen situations arise during the detention and escort of foreigners (attempted escape, refusal to comply with a lawful order of an SMS officer, attack on an SMS officer), this often leads to the abuse of official authority by SMS personnel.

According to Article 262 of the Code of Ukraine on Administrative Offences, SMS officers have the right to carry out administrative detention. However, due to the limited scope of authority of the SMS, it is not fully possible to implement measures necessary for proceedings in cases of administrative offences, escorting, and guarding of foreigners.

International experience shows that combating illegal migration is typically entrusted to specialised law enforcement agencies of a police nature (e.g., *Immigration Enforcement in the UK*, *U.S. Immigration and Customs Enforcement in the USA*). Their mission is to ensure internal migration security – detaining and removing foreign offenders, combating migration-related crimes and transnational criminal activity.

Administrative (service-oriented) functions in the area of legal migration (issues of migration status, residence and immigration permits, asylum and refugee procedures, citizenship) are handled by relevant migration services (e.g., *U.S. Citizenship and Immigration Services in the USA*, *UK Visas and Immigration in the UK*, *the Federal Office for Migration and Refugees in Germany*, *and the French Office for Immigration and Integration (OFII) in France*).

It should be noted that at the Commissioner's request, EU countries (Czech Republic, Netherlands, Slovak Republic, Republic of Moldova, Republic of Croatia, United Kingdom of Great Britain and Northern Ireland) also shared their experience in combating illegal migration. In these countries, the powers to detain, escort, and use physical force or special means against illegal migrants are granted to law enforcement bodies (police, border guards).

As a result of an interdepartmental working meeting on the issue of creating and operating temporary detention facilities for foreigners and stateless persons who are illegally staying in Ukraine, held with the participation of international institutions in the field of migration, Massimo Ramanzin, Senior IBM Programme Manager of IOM, concluded that it is inappropriate to assign the functions of detention, escorting, and temporary holding of

foreigners to the SMS of Ukraine as an administrative agency, due to its limited powers.

This supports the need to separate the law enforcement function of combating illegal migration from the administrative (service-oriented) functions in the migration field. Such separation would support Ukraine in fulfilling certain commitments under its European integration course and meeting the EU's post-accession requirements, in particular, contributing to migration security in the EU and ensuring public and national security.

Instances of violations of the rights of foreigners and stateless persons were also recorded by the NPM groups during visits to temporary detention facilities for foreigners and stateless persons illegally staying in Ukraine. During confidential interviews, detainees complained of the use of physical force by SMS officers.

Photographic evidence posted on the official websites of some territorial SMS bodies indicates that SMS officers used physical force during the detention of foreigners, despite lacking the legal authority to do so.

*On the official Facebook page of the Central Interregional Department of the State Migration Service of Ukraine in Kyiv and Kyiv Oblast, photographic materials were posted that confirm the use of physical force by SMS officers during the detention of foreigners and stateless persons.*

(<https://www.facebook.com/cmudmsu/photos/pb.100069945144529.2207520000/1934259730087430/?type=3>)

Similar confirming photographic materials were also posted on the official Facebook page of the State Migration Service Office in Khmelnytskyi Oblast.

The facts described above may indicate an abuse of authority by SMS officers during the detention of foreigners. The Commissioner submitted a report to the Prosecutor General's Office, pursuant to Article 214 of the CrPCU, regarding the commission of criminal offences by officials of the SMS of Ukraine.



As a result, two entries were made in the URPTI concerning possible criminal offences committed by the SMS officials under part 2 of Article 365 of the CrCU (Excess of authority or official powers by a law enforcement officer).

Territorial departments of the State Bureau of Investigation are currently conducting pre-trial investigations into these criminal proceedings.

This issue confirms that in public authorities not subject to systematic and transparent monitoring by independent institutions, the implementation of human rights remains overlooked by the leadership of these authorities.

According to the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Protection of the State Border of Ukraine” No. 2952-IX of 24 February 2023, amendments were made to part 18 of Article 280 of the CAP of Ukraine, which stipulates that for the duration of the consideration of a case on its merits by a court of the first instance and the court of appeal, and until the decision enters into legal force, a foreigner or stateless person is to be held in a facility specially designated for such purposes by the body (unit) responsible for border protection or the Security Service of Ukraine, or in a temporary holding facility for foreigners and stateless persons unlawfully staying in Ukraine.

According to the legal position of the Constitutional Court of Ukraine, detention should be understood as both a temporary preventive criminal and administrative procedural measures, the application of which restricts a personal right to liberty and personal integrity.

The Constitutional Court of Ukraine also notes that a systematic analysis of the provisions of Article 29 of the Constitution of Ukraine gives grounds to believe that the constitutional requirement contained in part 3 of Article 29 of the Basic Law of Ukraine regarding the maximum possible time for restricting a person’s freedom without a reasoned court decision in criminal proceedings should be taken into account when determining the maximum possible time for such restriction in administrative proceedings.

Detention of foreigners and stateless persons without a substantiated court decision shall not exceed 72 hours.

According to the Commissioner, the provision of part 18 of Article 289 of the CAP of Ukraine does not align with the provisions of Article 29 of the Constitution of Ukraine, since “detention,” in substance, is a coercive measure that restricts the personal liberty of foreigners and stateless persons. According to part 2 of Article 29 of the Constitution of Ukraine, no one shall be arrested or held in custody except under a substantiated court decision and on the grounds and in accordance with the procedure established by law.

However, during a visit to SI “Mykolaiv Temporary Detention Facility for Foreigners and Stateless Persons Illegally Staying in Ukraine” of the SMS, facts of prolonged detention (from four to over 120 days) without appropriate court decisions were recorded.

It is important to note that the number of such violations is rapidly increasing. While in 2023, only one person was held in the facility for over 72 hours without a court decision,<sup>26</sup> such cases have been recorded in 2024.

The International Organisation for Migration (IOM) has also criticised this provision of part 18 of Article 289 of the CAP of Ukraine, particularly during an analysis of issues concerning the detention of foreigners conducted at the end of 2023.

Unfortunately, the leadership of the SMS of Ukraine and the MIA of Ukraine has not taken effective steps to eliminate these violations or to initiate amendments to legislation and has instead limited itself to formal responses, which not only undermines efforts to protect human rights but also poses a risk of similar violations recurring in the future.

During the visits, it was also found that territorial bodies (units) of the SMS of Ukraine lack special facilities for the temporary detention of foreigners, forcing officials to transport detainees to the TDFFs over long distances, sometimes up to 900 km, often at night.

*For example, Volyn TDFF is located more than 190 km from the Main Department of the SMS of Ukraine in Lviv Oblast, over 260 km from the SMS Department in Khmelnytskyi Oblast, more than 200 km from the SMS office in Ternopil Oblast, over 400 km from the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast, and more than 870 km from the Main Department of the SMS in Kharkiv Oblast.*

At the same time, the absence of designated facilities for the temporary detention of foreigners, the conditions of which would meet national and international standards, leads to foreigners being held in conditions of deprivation of liberty under the supervision of SMS officials for prolonged periods and in a manner not provided for by law.

*For example, citizen A., detained by officials of the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast at 10:20 on 23 August 2023, was placed in the TDFF only at 12:50 the following day.*

*Citizen Sh., detained by the same office at 13:30 on 21 December 2023, was placed in the TDFF only at 03:20 the following day.*

Prolonged detention of foreigners in offices, transport vehicles, or medical institutions used for transfer to the TDFF occurs without provision of adequate food, drinking water, etc.

Most foreigners and stateless persons are delivered to the TDFF after dinner, which means they are deprived of the opportunity to eat until at least the next morning.

*According to information received from citizen D. of the Republic of Belarus, he was detained around 18:00 on 14 May 2023 by police officers, then transferred to the SMS office in Khmelnytskyi Oblast, and was only placed in Volyn TDFF on 16 May 2023. During the more than 30 hours under the control of police and SMS officials in Khmelnytskyi Oblast, he was not provided with full meals.*

In some cases, SMS officials have been forced to purchase food and water for detainees at their own expense.

*According to information from the internal inspection report of the SMS Department in Khmelnytskyi Oblast, it was established that during the time foreigners were under the control of SMS officers and before their placement in the TDFF, they were provided with food purchased at the personal expense of employees of the SMS Department in Khmelnytskyi Oblast.*

There are no regulatory acts governing the provision of food to foreigners under the control of SMS officers prior to their placement in TDFFs.

Despite this, the SMS of Ukraine and the MIA of Ukraine ignored the requirement in the Commissioner's submission (No. 12369.2/24/39.1 of 17 September 2024) to take effective measures, particularly by developing or amending existing regulatory acts to ensure the provision of food to foreigners under the control of SMS officials before being placed in the TDFF.

It was found that current legislation does not provide for food packages for foreigners and stateless persons who are being escorted to the border for the execution of decisions on forced expulsion, being transferred to administrative courts for the consideration of administrative cases, being handed over to police or other law enforcement officers for participation in procedural actions under the Criminal Procedure Code. This can lead to prolonged periods without food for detained persons.

*On 17 January 2024, officers of the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast escorted a foreigner to the border who had not been provided with food for over 19 hours.*

In response to the Commissioner's submission, the SMS of Ukraine issued an order instructing the administrations of all three TDFFs to ensure that when detainees are transferred outside TDFFs for escort or procedural actions by law enforcement agencies, border guards, or territorial bodies/units of the SMS of Ukraine, they must be provided with food packages.



Moreover, during visits, numerous instances of abuse of the right to interpreter services were identified. While reviewing the materials of cases related to forced expulsion, it was found that in some cases, various procedural documents were drawn up both with and without an interpreter, some indicating that the foreign national did not understand the Ukrainian language, while others stated they were fluent in it.

Numerous violations of the right to professional legal aid were also identified.

Officials of certain territorial bodies of the SMS of Ukraine failed to promptly notify regional centres for the provision of free legal aid in every case of detention of a foreigner for more than three hours in connection with forced return or for identification and ensuring forced expulsion, thereby violating relevant regulatory acts.

*In 2023, officials of the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast detained and placed 78 foreigners or stateless persons in TDFFs.*

*During these detentions, officials of the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast obtained from detainees certain procedural documents that are not defined in any regulatory act, such as statements or comments attached to administrative detention protocols, allegedly indicating a refusal of legal representation (by a lawyer) and an intention to defend their rights and interests independently.*

*According to information from [the Regional Centre for Free Legal Aid in Kyiv](#), in 2023, not a single case of detention of a foreigner for more than three hours was reported to the centre by officials of the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast.*

During confidential interviews with foreigners and stateless persons at TDFFs, numerous complaints were received stating that they had not been informed at all of their right and opportunity to receive free legal aid under

the Law of Ukraine “On Free Legal Aid.” They did not speak Ukrainian and did not understand the content of the administrative detention protocol, nor the abovementioned statements and comments attached to the detention protocols.

It was established during the visits that none of the offices of the territorial bodies of the SMS of Ukraine are equipped with video surveillance cameras, and there are no dedicated premises for the processing of procedural documents concerning detained persons that would be equipped with video surveillance systems.

In the 2nd General Report [CPT/Inf(92)3], the CPT emphasised that electronic recording is another useful safeguard against the ill-treatment of detainees that provides significant benefits to the officials, as it eliminates unfounded allegations of physical or psychological abuse. Recording will also reduce the likelihood of detainees deliberately recanting their previous testimony.

In the Commissioner’s submission of 14 February 2024 (No. 1726.2/24/39.1) addressed to the MIA of Ukraine and the Head of the SMS, a demand was made to develop and adopt a procedure for equipping with video surveillance cameras the offices of the SMS territorial units (bodies), where detainees are held, and procedural documents are processed.

However, the leadership of the SMS of Ukraine ignored the abovementioned demands, failed to take any effective actions to eliminate the violations, and provided only formal responses.

The MIA of Ukraine, ignoring CPT recommendations, informed the Commissioner that as of today, there is no legislative or regulatory act for public authorities, including the MIA of Ukraine, to equip their territorial offices, where detainees are held, and procedural documents are processed, with video surveillance cameras.

The implementation of CPT recommendations for Ukraine is particularly relevant in the context of law enforcement reform. Compliance with European human rights standards is part of the country's obligations to the Council of Europe and a prerequisite for effective EU integration.

The SMS of Ukraine and the MIA of Ukraine are not taking full measures to investigate the violations identified by the NPM groups. Internal investigations are not conducted for each established incident. As a result, decisions to initiate disciplinary proceedings against responsible SMS officials are not made, allowing them to avoid accountability.

*In response to the submission requesting that the issue of holding perpetrators accountable be addressed, the SMS of Ukraine informed the Commissioner that the Central Interregional Office of the SMS in Kyiv and Kyiv Oblast is taking steps to verify the violations identified by the NPM group and is conducting internal investigations for each established incident.*

*However, upon review of the internal investigation opinion, it was found that the investigation was improperly conducted. Most of the violations cited in the submission were not examined, the responsible officials were not identified, and, as a result, the materials were not submitted to the disciplinary commission for review.*

Impunity for officials who abuse their powers undermines faith in justice and the rule of law. When there is no accountability for such actions, it sets a dangerous precedent and erodes public trust in state institutions.

## Recommendations

### 1. The MIA of Ukraine shall:

Taking into account international experience, the need to implement international migration law into Ukraine's domestic legislation, ensure the separation of law enforcement function of combating illegal migration from the administrative (service-oriented) functions in the migration field by transferring the powers of the SMS of Ukraine, in terms of the enforcement of coercive measures (detention, documentation, escort of offenders of the legislation on the legal status of foreigners, and application of physical force and special measures), to the NPU bodies

Develop or amend existing regulatory acts to regulate the provision of food to foreigners under the control of the SMS of Ukraine/NPU officers

- prior to their placement in TDFFs
- for those being escorted to the border for enforcement of expulsion decisions
- for those escorted to administrative courts for consideration of administrative cases and handed over to police or other law enforcement agencies for participation in procedural actions within the framework of criminal procedure legislation

### 2. The NPU shall:

Appoint responsible officers in territorial NPU units (bodies) to oversee the custody and protection of detainees' rights and ensure proper fulfilment of their duties as defined in part 3 of Article 212 of the CrPCU

Equip RDs in territorial NPU units (bodies) that meet national and international standards of detention conditions

Ensure that territorial NPU units inform the authorities of the Military Law Enforcement Service of the Armed Forces of Ukraine of any administrative or disciplinary offences (including suspected or unconfirmed) committed by servicemen of the Armed Forces of Ukraine, the MoD of Ukraine and the State Special Transportation Service

Ensure that persons held in RDs of territorial NPU units are kept only for periods defined by regulatory acts

Ensure that procedural (investigative) actions with detainees are carried out in specially designated rooms with mandatory video recording in accordance with established procedures

Ensure the entry of information on criminal offences under the jurisdiction of the State Bureau of Investigation into the URPTI and the immediate notification of the territorial departments of the State Bureau of Investigation about instances of police officers using physical force against citizens

Ensure that the conditions of detention in all TDFFs meet national and international standards, which include the improvement of material and technical infrastructure, renovation of cells, replacement of utilities, installation of modern sanitary and hygienic equipment, implementation of video surveillance systems, provision of adequate lighting (both natural and artificial), and adherence to sanitary and hygiene requirements

Develop and approve departmental regulatory acts providing for the establishment and operation of facilities for holding persons under administrative arrest (detained for more than 72 hours), as well as expanding the range and frequency of activities available during detention in TDFFs

### **3. The SMS shall:**

Cease the practice of using coercive measures (physical force) by SMS officers against detained foreigners and stateless persons, which leads to instances of abuse of authority

Cease the practice of holding foreigners and stateless persons in TDFFs for more than 72 hours without a proper court decision authorising such detention

Ensure the immediate notification by SMS officers of regional centres for free legal aid in every case of a foreigner being detained for more than three hours for forced return or identification and deportation, and develop an effective mechanism for monitoring the completeness and timeliness of such notifications

Ensure the right of foreigners and stateless persons to access interpreter services

Organise regular training and workshops for staff on human rights, the prohibition of torture, and other forms of ill-treatment

Conduct internal investigations into each case of human rights violations against foreigners and stateless persons, and ensure decisions are made regarding the personal responsibility of SMS staff and leadership



## Section 5

# **VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY SUBORDINATED TO THE MINISTRY OF DEFENCE OF UKRAINE**



An increase in the number of servicepersons of the Armed Forces of Ukraine, caused by the military aggression of the RF against Ukraine, has naturally necessitated the establishment of new facilities under the MoD of Ukraine to maintain discipline and order within the Armed Forces.

In 2024, the NPM groups visited 11 places of custody within the Ministry of Defence system: five rooms for temporarily detained servicepersons, three guardhouses, two disciplinary battalions (visited twice in 2024), and one territorial directorate of the Military Law Enforcement Service of the Armed Forces of Ukraine.

In the Report to the Ukrainian Government on the Visit from 16 to 27 October 2023, the CPT notes that the material and living conditions in facilities for servicepersons were generally acceptable. However, problematic issues included excessively high occupancy rates in cells, based on a standard of 2.5 m<sup>2</sup> per detainee instead of the recommended 4 m<sup>2</sup>.

The CPT recommended taking appropriate measures (including, if necessary, legislative amendments) to resolve these issues.

The NPM visited places of custody under the MoD of Ukraine and identified cases of violations of the Law of Ukraine “On the Regulations of the Internal Service of the Armed Forces of Ukraine,” specifically concerning the creation of appropriate living conditions for detained, remanded, and convicted servicepersons, in particular cases of overcrowding of sleeping quarters and non-compliance with the established space standards per serviceperson.

Such violations result in unhygienic conditions, lack of privacy, and overburdened infrastructure.

The Regulations of the Armed Forces of Ukraine stipulate that living quarters for personnel shall provide a space of 2.5–4 m<sup>2</sup> per serviceperson.

*During a visit to the 308th Disciplinary Battalion of the Military Law Enforcement Service of the Armed Forces of Ukraine on 18 December 2024, it was found that the actual space per serviceperson was 2.2 m<sup>2</sup>. Similar violations were observed in living rooms No. 202 and 203 of the 4th disciplinary company and other living rooms within the disciplinary battalion.*

*During a visit to the guardhouse of the Southern Territorial Directorate of the Military Law Enforcement Service, the number of servicepersons held in detention exceeded the maximum allowable limit by nearly twofold.*

In addition, according to Article 4 of Section I of the Law of Ukraine “On the Disciplinary Regulations of the Armed Forces of Ukraine,” military discipline requires every serviceperson to show respect for each other, be polite and behave with dignity and honour.

According to the Law of Ukraine “On the Regulations of the Internal Service of the Armed Forces of Ukraine” (hereinafter referred to as the Armed Forces Regulations), a company commander shall be obliged to take measures to restore order in the event of any violations of the rules established by the Regulations.

However, the NPM representatives received numerous complaints from convicted servicepersons about non-statutory relationships and instances of discrimination, which may indicate violations of regulatory acts.

*During a visit to the 308th Disciplinary Battalion of the Military Law Enforcement Service of the Armed Forces of Ukraine and confidential interviews with convicted servicepersons in the absence of third parties and under conditions that exclude the possibility of listening or tapping, it was established that permanent servicepersons manifest discrimination, in particular psychological pressure, open hatred and humiliation towards the shift servicepersons, despite age and combat experience of the latter.*

It should be noted that conditions for the formation of non-statutory relationships among servicepersons depend significantly on the leadership and permanent staff of the disciplinary battalion.

Similar violations were identified during visits to guardhouses, where remanded servicepersons were held. According to the Procedure for the Detention of Convicted and Remanded Servicepersons, approved by Order of the MoD of Ukraine No. 394 of 3 November 2020, such servicepersons are entitled to rest and sleep on beds during the day.

*During a visit to the guardhouse of Zhytomyr Area Unit of the Military Law Enforcement Service of the Armed Forces of Ukraine and confidential interviews with convicted servicepersons, it was established that detained servicepersons are effectively not allowed to sit or lie on their beds during the day. This constitutes a violation of their rights.*

This situation can be considered as ill-treatment by the administration of the guardhouse and creates harsh living conditions for remanded servicepersons.

In addition, in places of deprivation of liberty such as disciplinary battalions and guardhouses, violations related to proper working conditions and opportunities for meaningful engagement of servicepersons were also identified.

According to part 1 of Article 77 of the CEC of Ukraine and paragraph 2, clause 3 of Section V of the Procedure for Serving Sentences by Convicted Servicepersons as Detention in a Disciplinary Battalion, approved by Order of the MoD of Ukraine No. 155 of 4 June 2021, convicted servicepersons must be involved in labour activities at enterprises, institutions, and organisations subordinated to the MoD of Ukraine, including workshops of the disciplinary battalion. However, in practice, employment in disciplinary battalions is limited to minor maintenance work on the territory of the battalion for no more than two hours per day.

During confidential interviews with convicted servicepersons in the absence of third parties, it was revealed that some expressed a desire to be engaged in more meaningful activities aimed at supporting the social

and economic needs of the state.

A similar situation is in the guardhouse where servicepersons are detained. Servicepersons in guardhouses have practically no access to productive activities, apart from short walks, reading books, and watching television. They spend up to 23 hours per day in their cells, which clearly violates the standards of appropriate conditions of detention.

In its report following the October 2023 visit to Ukraine, the CPT recommended that servicepersons in custody should be provided with the same opportunities for work and activity as those serving sentences of imprisonment or administrative arrest.

**The MoD of Ukraine shall:**

- Ensure compliance with the established space standard per serviceperson and align the planned occupancy of disciplinary battalions and guardhouses with national and international standards
- Initiate amendments to the Law of Ukraine “On the Regulations of the Internal Service of the Armed Forces of Ukraine” to establish a minimum space standard of 4 m<sup>2</sup> per serviceperson
- Take measures to eliminate violations related to discrimination and breaches of military discipline among servicepersons
- Provide servicepersons in disciplinary battalions and guardhouses with broader opportunities to engage in work



## Section 6

# **VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PSYCHIATRIC WARDS OF HEALTHCARE FACILITIES**

Despite the significant efforts of many dedicated doctors, nurses, and other healthcare professionals, the excessive workload of healthcare facilities, and lack of financial, human, and material resources lead to systemic violations of the patients’ rights in

inpatient psychiatric care facilities. Limited resources directly impact the quality of medical services, living conditions, access to necessary treatment, and patient safety.

## 6.1. Safety and Ill-Treatment

According to the recommendations of the Istanbul Protocol<sup>63</sup> and following the Commissioner’s response, Order of the Ministry of Health of Ukraine No. 186<sup>64</sup> of 2 February 2024 approved a certificate on bodily injuries. However, the NPM groups have recorded cases of non-compliance with the requirements for documenting bodily injuries in patients, as well as the lack of reports of such cases to law enforcement agencies. This significantly complicates the investigation of incidents of ill-treatment and the prosecution of perpetrators, as the CPT has repeatedly emphasised.

*During a visit to Municipal Non-Profit Enterprise “Clinical Mental Health Facility ‘Psychiatry’” of the Executive Body of Kyiv City Council (Kyiv City State Administration), the NPM group held a confidential interview with patient B., who had visible bodily injuries. Patient B. reported that he did not remember the circumstances of these injuries, as he had been helpless due to an acute episode of a mental disorder. According to the medical staff, other patients inflicted the injuries. However, the medical staff did not properly record the bodily injuries, and information about the patient’s beating was not reported to law enforcement agencies, which constitutes a gross violation of the current legislation.*

To improve the observance of patient’s rights during their stay in a psychiatric ward, the Commissioner sent a letter to the MoH of Ukraine proposing the implementation of the international Safewards model<sup>65</sup> in inpatient psychiatric care facilities. This model aims to reduce restrictions on patients, improve relationships between staff and patients, enhance safety in the wards, and create a supportive therapeutic environment. The NPM welcomes the implementation of this model in Municipal Non-Profit Enterprise “Academician O. I. Yushchenko Vinnytsia Oblast Clinical Psycho-Neurological Hospital of Vinnytsia OC.” In addition, it is planned to be introduced in facilities of the SI “Institute of Forensic Psychiatry of the MoH of Ukraine.”

During the visits, the NPM group continues to identify the phenomena of patient segregation in psychiatric facilities, including the spread of informal hierarchy resembling those found in penitentiary institutions. Such practices negatively affect the therapeutic process and lead to the emergence of unlawful relationships among patients and humiliation of their honour and dignity.

NPM groups were reported of verbal abuse and physical force used by junior medical staff against patients, which is unacceptable. Such incidents require thorough investigation and the introduction of effective control and prevention mechanisms.

<sup>63</sup> Istanbul Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <https://surl.gd/mcxujy>.

<sup>64</sup> Order of the MoH of Ukraine No. 186 of 2 February 2024 “On Amending Clause 1 of Order of the Ministry of Health of Ukraine No. 110 of 14 February 2012”: <https://zakon.rada.gov.ua/laws/show/z0243-24#n4>.

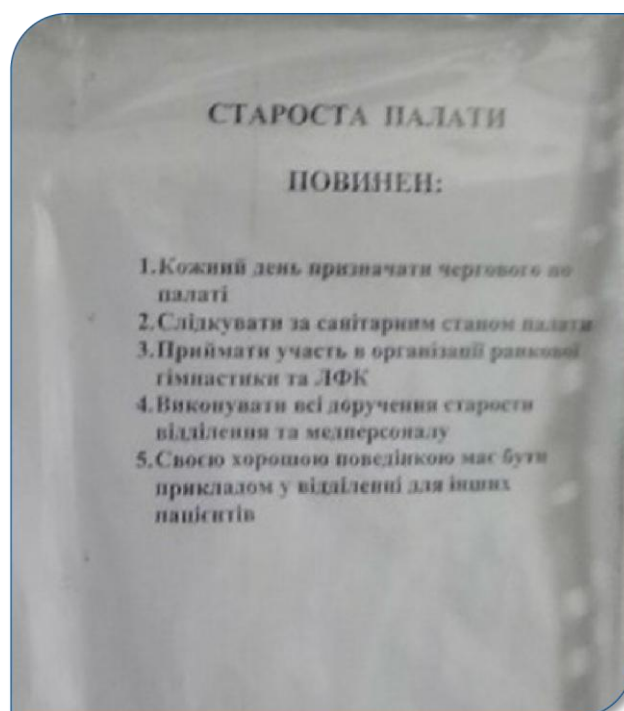
<sup>65</sup> Safewards Model: <https://www.safewards.net/>.



During a visit to the CMM unit of the Municipal Non-Profit Enterprise “Oblast Psychiatric and Narcological Medical Association” of Kyiv Oblast Council, the NPM group found that medical staff appointed “heads” from among the patients in the unit and the wards. These “heads” were supposed to impose certain duties on other patients, including waking them up in the morning and cleaning sanitary facilities.

In this context, the CPT emphasises the need to prevent violence among patients and to ensure that no patient is placed in a position of authority over others.

Another issue of concern is the engagement of patients in labour activities without paying monetary remuneration (most often involving cleaning the premises). According to Article 25 of the Law of Ukraine “On Psychiatric Aid”,<sup>66</sup> persons receiving psychiatric care are entitled to receive remuneration for work performed on an equal basis with other citizens. However, many facilities fail to take measures to ensure such payment, which also constitutes a gross violation of patients’ rights.



<sup>66</sup> Law of Ukraine “On Psychiatric Aid”: <https://zakon.rada.gov.ua/laws/show/1489-14#Text>.

## 6.2. Staff and Treatment

Another issue is the preference of healthcare facilities for pharmacotherapy in the treatment process. Doctors often keep relying on first-generation antipsychotics, even though, in accordance with the National List of Essential Medicines, second-generation antipsychotics are available for use in healthcare facilities.

There is an insufficient development of psychosocial rehabilitation, which significantly complicates the return of patients to autonomous life or their families.

The NPM also highlights that patients are rarely involved in developing their treatment plans, which contradicts the principle of patient participation in their treatment process. In this context, the CPT recommends taking the necessary measures to draw up and regularly review/update a written individual treatment plan for each patient (taking into account the specific needs of acute, long-term, and forensic patients, and in the case of the latter, the need to mitigate any potential risk they may pose), including the diagnosis, treatment goals, therapeutic agents to be used, and the responsible staff members. **Patients should be involved in drawing up and reviewing their treatment plans and be informed about their progress.**

There are issues in organising patients' access to consultations with somatic medical specialists. This may lead to the deterioration of the patient's health, as a prolonged lack of necessary medical care can result in the progression of non-psychiatric diseases that significantly affect the patient's general condition.

*During the visit to the Municipal Non-Profit Enterprise “Oblast Psychiatric and Narcological Medical Association” of Kyiv Oblast Council, the NPM group identified a case when a female patient in the psychiatric ward with a previously diagnosed oncological disease was denied access to an oncologist. In response to the NPM group's comments, the hospital management informed that access to a consultation with the relevant medical specialist would be arranged for the patient as soon as possible.*

There are also cases when doctors fail to conduct necessary neurological examinations during primary psychiatric ones. This may hinder accurate diagnosis and proper organisation of the treatment process.

Psychiatric facilities often face shortages of medicines, which forces patients to purchase prescribed medicines at their own expense, which is an unacceptable practice in the context of guaranteed access to healthcare.

In addition, NPM groups have recorded numerous cases when medical staff grounded medicines (particularly neuroleptics) into powder before being administered to patients. This may reduce their therapeutic effectiveness. During the visits, expired medicines are frequently discovered in storage and use, which can significantly decrease the effectiveness of prescribed treatments.

Some patients also report that they are not informed about the medicines prescribed to them and the methods of treatment being applied. This violates the basic principles of patient informed consent, as everyone has the right to be informed about their treatment, risks, and benefits of any medical intervention.

The failure of many facilities to comply with the requirements for regular haemolytic control of patients receiving medicines containing the active ingredient clozapine is of particular concern. Without proper monitoring, this drug can cause agranulocytosis that poses a serious threat to the patient's life. It should be noted that, as recommended by the Commissioner, the above drug is included in the List of Diagnostic and Treatment Methods and Medicines that Pose an Increased Risk to the Health of a Person Receiving Psychiatric Care, approved by Order of the MoH of Ukraine No. 1638 of 24 September 2024<sup>67</sup>.

<sup>67</sup> List of Diagnostic and Treatment Methods and Medicines that Pose an Increased Risk to the Health of a Person Receiving Psychiatric Care: <https://zakon.rada.gov.ua/laws/show/z1509-24#Text>.

In addition, this list defines that electroconvulsive therapy (ECT) may also pose an increased risk to the patient's health. However, a procedure for the use of ECT in healthcare facilities has not yet been approved, which should ensure patient safety and the protection of their rights during its use.

Another persistent issue is the inadequate maintenance of medical records, which negatively affects the effectiveness of patient care.

*During the visit to the Municipal Non-Profit Enterprise "Oblast Medical Specialised Centre" of Zhytomyr Oblast Council, it was found that identical patient diaries, containing weekly health status updates, had been copied by medical staff into medical records for several years without any changes. This practice may lead to improper monitoring of patient's*

*health dynamics and, consequently, inadequate adjustment of treatment during their stay at the facility. In response to the NPM group's comments, medical staff explained that the diaries were copied due to a lack of time to keep them properly.*

Some medical records contain diagnoses that do not correspond to the International Classification of Diseases (ICD-10/ICD-11).

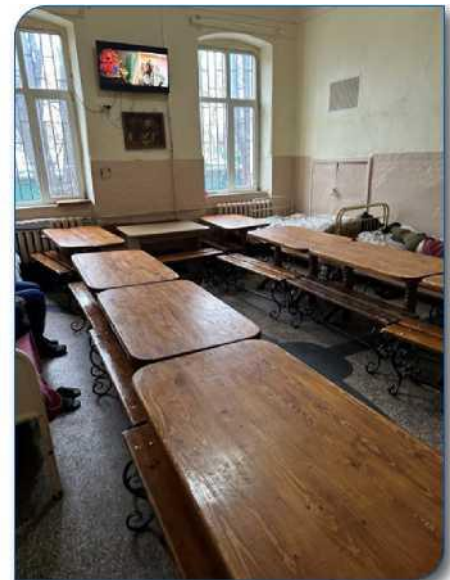
There are cases of a lack of a patient observation plan in palliative psychiatric care units, approved by Order of the MoH of Ukraine No. 1308<sup>68</sup> of 4 June 2020. This may result in inadequate medical care and health monitoring of palliative patients. In some cases, medical staff reported completing the observation plan only at the time of the patient's discharge.

### 6.3. Living Conditions for Patients

The conditions in inpatient psychiatric care facilities often do not meet current regulatory standards, which leads to violations of patients' rights. In many cases, the actual occupancy of hospitals exceeds the planned capacity, resulting in non-compliance with space

standards per patient and the placement of beds in passage rooms, ward corridors, or even dining rooms.

**The CPT emphasises that no more than four patients should be accommodated in a ward to ensure a proper therapeutic environment.**



<sup>68</sup> Procedure for Palliative Care Provision: <https://zakon.rada.gov.ua/laws/show/z0609-20#Text>

*During the visit to the Oblast Municipal Non-Profit Enterprise “Chernivtsi Oblast Psychiatric Hospital,” it was found that most wards accommodate more than ten patients. Due to violations of minimum space standards per person (about 3.7 m<sup>2</sup> on average, with a minimum of 7 m<sup>2</sup>) and overcrowding, some patients’ beds are placed close together, and some ones are located in dining rooms. The wards themselves are passageways. In addition, there is a lack of bedside tables and cabinets for storing patients’ personal belongings.*

The material and technical condition of the units do not meet established standards. Many wards lack doors, limiting patients’ right to privacy. Furthermore, many rooms have damaged wall, ceiling, and floor coverings. In some instances, there was no heating, forcing patients to remain in their outerwear and cover themselves with extra blankets.

The provision of patient nutrition is also violated. There are cases where food products of inadequate quality were stored in pantries, posing a risk to patients’ lives and health. In some hospitals, nutrition unit facilities require pest control measures due to cockroach infestations.

Other significant violations concern patients’ rights to privacy. In some facilities, there is 24-hour video surveillance directly in the wards. There are also cases where sanitary facilities in toilets lack partitions.

Ward windows are often equipped with bars, creating a feeling of imprisonment among patients. In some hospitals, cages were found for holding patients delivered by police officers.

*During the visit to one of the hospital units, the NPM discovered a specially equipped ward with a metal cage used for providing inpatient psychiatric care to patients detained by law enforcement officers.*

*This constitutes a gross violation of human rights and contradicts the principles of decent treatment of patients, regardless of their legal status.*

*It is important to note that the current legislation of Ukraine does not provide for the installation of metal cages in the wards for inpatient treatment of detained patients.*

In some cases, patients are unreasonably restricted in their access to personal portable devices kept by medical staff and given only upon an application.

There are also instances when patients are not provided with regular outdoor walks. Many patients reported that they did not leave the hospital building during their entire stay, and spent most of their time either in bed or moving around the corridors. It should be emphasised that **the CPT recommends establishing a clear policy to promote and facilitate daily outdoor access for all patients, including involuntary ones. The goal should be to ensure that all patients have unrestricted access to outdoor walks throughout the day unless treatment measures require their presence in the wards.**

In some units, patients are forced to drink water bottled in sanitary rooms, buy it themselves, or receive it from relatives, as the units do not have proper access to drinking water.

Insufficient accessibility of healthcare facilities for people with disabilities in everyday functioning remains a major issue. In particular, facilities often lack ramps, have thresholds between rooms that impede free movement of patients with reduced mobility, lack universal sanitary facilities, etc.

In addition, during the visits, the NPM groups identified cases when the healthcare facility lacked a civil defence facility, which does not ensure the safety stay of both patients and medical staff during air-raid alarms.



## 6.4. Means of Restrain in Use

The application of means of restraint in the correct manner in healthcare facilities is one of the key aspects of ensuring the rights of patients with mental disorders. However, there are many violations in the application of physical restraints on patients.

In particular, patients reported cases of mechanical restraint lasting more than eight hours, which constitutes a gross violation of the Rules for Physical Restraint and/or Seclusion (hereinafter referred to as the “Rules”), approved by Order of the MoH of Ukraine No. 240 of 24 March 2016.<sup>69</sup>

Mechanical restraint is often applied in supervisory wards in the presence of other patients, which contradicts both legal norms and ethical standards of medical care. Moreover, there are cases where patients are restrained to beds with armour nets, and improvised means are used instead of straps, which can be considered ill-treatment.

Many reports of the unofficial use of mechanical restraints by medical staff without relevant entries in medical records are of particular concern. This may indicate attempts to conceal such actions, thus preventing oversight of their safety and appropriateness of such measures.

*During the visit to Municipal Non-Profit Enterprise “Oblast Clinical Psychiatric Hospital of Kirovohrad Oblast Council,” the NPM found that physical restraints are periodically applied to patients in supervisory wards on beds with armour nets in the presence of other patients with mental disorders.*

*In addition, during confidential interviews with patients at Municipal Non-Profit Enterprise “Oblast Medical Specialised Centre” of Zhytomyr Oblast Council, they reported that medical staff periodically used physical restraints. At the same time, the Register of the Use of Physical Restraint and/or Seclusion in the Provision of Psychiatric Care to Persons Suffering from Mental Disorders contained no records of such incidents.*



It should be noted that the current Rules do not meet international recommendations on the use of restraints and require appropriate harmonisation.<sup>70</sup>

In particular, using restraints indicates the need for a regulatory definition of additional methods, such as manual and chemical restraints, which are widely used in healthcare facilities.

In crises, the primary approach should be oral persuasion, which involves talking to the patients to calm them down. If freedom of movement needs to be limited, preference should be given to manual restraint accompanied by psychological means of influence. Furthermore, the use of mechanical restraints on minors must be strictly prohibited.

Special attention should be given to a debriefing after each episode of restraint. The debriefing is essential for both the patient and others who witnessed the incident to explain the rationale behind the restraint, reduce the psychological trauma, and help rebuild trust between the patient and doctor. This process allows staff and the patient to identify alternative self-control techniques to prevent similar situations in the future.

<sup>69</sup> Rules for Physical Restraint and/or Seclusion during the Provision of Psychiatric Care to Persons Suffering from Mental Disorders: <https://zakon.rada.gov.ua/laws/show/z0570-16#Text>.

<sup>70</sup> Means of Restraint in Psychiatric Establishments for Adults (CPT/Inf(2006)35-part): <https://rm.coe.int/16806cceb5>.



Voluntary patients should only be restrained with their consent. If the patient disagrees, the patient’s legal status should be reviewed in court. When using manual or chemical restraints, including sedatives or antipsychotic medications, the same rules must be followed as for other means of restraint.

Information on the frequency and duration of the use of restraint should be regularly submitted to the health departments of local executive authorities and the MoH

of Ukraine to systematically monitor the restraint practices and develop a strategy to reduce its frequency and duration.

The Commissioner sent these and other recommendations on amendments to Article 8 of the Law of Ukraine “On Psychiatric Aid” and the Rules to improve the legislation on the use of restraints on patients to the MoH of Ukraine.

## 6.5. Legal Remedies (Legal Safeguards)

Voluntary hospitalisation is one of the most challenging problems in the context of ensuring patients’ rights. The NPM groups continue to record cases where voluntary patients are subjected to the same restrictions as those imposed on patients by court order. In particular, patients who have not been subjected to involuntary hospitalisation under Article 14 of the Law of Ukraine “On Psychiatric Aid” are held in locked wards, which violates their right to freedom and personal inviolability.

In addition, the requirements for obtaining patient informed consent for hospitalisation and treatment are not always met. There are cases when patients stay in psychiatric wards without signed informed consent forms or when medical staff sign such documents instead of patients, which constitutes a gross violation.

*While reviewing patients’ medical records at Municipal Non-Profit Enterprise “Oblast Clinical Psychiatric Hospital of Kirovohrad Oblast Council,” it was found that some patients did not sign the Informed Consent for Hospitalisation in a Psychiatric Facility (Form No. 003-9/o) or the Informed Consent for Treatment in a Psychiatric Facility (Form No. 003-10/o), or some forms did not contain the date of signature and the patient’s full name.*

*In one unit, the NPM group established that medical staff had signed informed voluntary consent forms in place of the patients.*

It is also questionable that as of 31 December 2024, healthcare facilities in some oblasts of Ukraine reported that there is no patient hospitalised involuntarily by court order.

It should be noted that in accordance with the Law of Ukraine “On Psychiatric Aid,” psychiatric examination, outpatient psychiatric care, and hospitalisation of a person aged over 14 to a mental health facility is carried out **at their request or with their informed written consent**. However, such ambiguities lead to situations where medical care or hospitalisation is initiated without properly executed informed written consent of the patient.

If the patient has made such a request, it must be supported by informed written consent for receiving medical care. This, in turn, must be regulated by law. In cases where the patient’s mental health condition makes it impossible to obtain consent, the decision on the voluntariness (or involuntariness) of the hospitalisation must be postponed, but resolved within 24 hours prescribed by law.

## Заява

Прошу судовий розгляд про продовження застосування примусових заходів медичного характеру з посиленням наглядом у відношенні мене проводити без моєї участі.

Objective assessment of the person's condition by an independent psychiatrist is another condition for ensuring patients' rights during involuntary hospitalisation. However, national legislation does not establish such a requirement.

**The CPT emphasises the importance of providing individuals admitted to psychiatric facilities with complete, clear, and accurate information, particularly about their right to consent to or refuse hospitalisation, as well as the right to withdraw such consent in the future. Patients considered voluntarily hospitalised and legally capable must be informed of their right to leave the facility at any time, including the right to leave immediately if they wish to be discharged. If inpatient care is deemed necessary for a voluntary patient who wishes to leave the hospital, the legally prescribed procedure for involuntary civil hospitalisation must be fully applied.**

Measures should also be taken, in particular at the legislative level, to ensure that internal review of involuntary hospitalisation requires the opinion of a doctor independent of the psychiatric ward where the patient is being held.

#### **Compulsory medical measures**

According to the amendments to the CrPCU of 2017, the issue of the CMM application shall be considered with the mandatory participation of the person concerned. However, during the NPM group's visits, many instances were found when court decisions to extend CMMs were made without the patients being present at the hearings.

In particular, there were instances when medical staff obtained patients' signatures on pre-printed applications for refusal to participate in court hearings. At the same time, some patients reported that they did not understand the content of the documents they signed or did not recall signing them at all. This practice raises serious concerns as it effectively deprives persons of the opportunity to participate in the trial, protect their rights, and express their position.

*During confidential interviews, about 10% of patients in the CMM unit of Municipal Non-Profit Enterprise "Oblast Medical Specialised Centre" of Zhytomyr Oblast Council expressed a desire to attend court hearings, complained about being denied access, and reported not having participated in them. A review of documentation revealed that patients signed a pre-printed refusal to participate in court hearings. However, some patients said they did not recall signing such a refusal or did not understand the content of the application they signed.*

The lack of adequate legal aid for patients subjected to CMMs is a common issue. Most of the interviewed patients reported that, despite having signed agreements for free legal aid, they did not know their lawyers and had no contact with them. This indicates that legal aid was provided formally to such patients, making them vulnerable and significantly limiting their ability to pursue legal protection.

Although the Rules for Applying CMM in a Specialised Psychiatric Care Facility, approved by Order of the MoH No. 992<sup>71</sup> of 31 August 2017 (hereinafter referred to as the CMM Rules), provide for informing the patient about their health condition, the current legislation does not provide for obtaining informed consent to treatment from patients undergoing CMMs.

The CPT emphasises that patients should be placed in a position to give their free and informed consent to treatment. The admission of a person to a psychiatric establishment on an involuntary basis should not be construed as authorising treatment without their consent. It follows that every competent patient, whether voluntary or involuntary, should be allowed to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances<sup>72</sup>.

It is worth noting the risks of the patients' unjustified undergoing CMMs under various forms of supervision. The NPM encounters cases where medical staff do not assess the risk of socially dangerous acts using a risk assessment scale (e.g., HCR-20 Version 3), as required by the CMM Rules. This undermines the objectivity of doctors' decisions, in particular when preparing an opinion of the mental health review board to be sent to the court on the extension, modification, or termination of the CMM application, and may result in patients being held in hospitals unreasonably.

The CPT considers appointing the independent psychiatric expert's opinion at reasonable intervals

in the context of the review of forensic psychiatric examination would be an additional important preventive measure. This would serve as an additional significant guarantee for the patient. This is especially relevant for patients who have been hospitalised for extended periods.

Despite the CMM Rules and contrary to the type of supervision imposed by the court, patients are often prohibited from leaving their units without a staff escort. The general prohibition of leaving without a staff escort violates the principle of individual approach and fails to account for the actual needs and capacities of each patient. Patients undergoing CMMs should not be restricted from moving freely within the unit or facility without sufficient grounds.

One of the crucial issues is the significant prolongation of patients' stays in CMMs. Many patients stay in healthcare facilities long after the court order on the CMM appointment expires, awaiting a decision to extend or terminate the measure. In the case of *Cherednychenko v. Ukraine* and other similar cases, the ECtHR emphasises that such treatment constitutes a direct violation of the patient's right to freedom and personal inviolability.<sup>73</sup>

It is worth noting that the Commissioner has submitted a proposal to the Verkhovna Rada Committee on National Health, Healthcare, and Health Insurance to establish clear procedural deadlines for courts to consider proceedings on the extension, modification, or termination of the CMM application.

## 6.6. Other Problematic Issues

According to the MoH of Ukraine, the number of patients who no longer require hospitalisation but are forced to stay in institutions due to the lack of alternative accommodation or relevant conditions of care in the

community amounted to 931 persons as of 31 December 2024. This situation shows insufficient development of supported living services and social support for such persons at the community level.

<sup>71</sup> Rules for Applying Compulsory Medical Measures in a Specialised Mental Health Facility: <https://zakon.rada.gov.ua/laws/show/z1408-17#Text>.

<sup>72</sup> Clauses 41 and 51 of the Involuntary Placement in Psychiatric Establishments, CPT/Inf(98)12-part: <https://rm.coe.int/16806cd43d>.

<sup>73</sup> ECtHR Judgment of 7 November 2024 in the Case of *Cherednychenko v. Ukraine* (Application No. 33630/17): <https://hudoc.echr.coe.int/eng?i=001-241622>.

The patients' insufficient awareness about their rights, the conditions of their stay, and the availability of legal aid is one of the key issues in psychiatric facilities. The NPM groups have repeatedly recorded cases when there are no hotline telephones or officials' contact details, including the Ukrainian Parliament Commissioner for Human Rights, whom patients can contact in case of violation of their rights, at the units' notice stands, or the information was outdated or provided only in a foreign language.

Moreover, patients and their relatives must receive an informational leaflet outlining the internal rules of the healthcare facility and patients' rights, including information on legal aid, review of hospitalisation decisions, consent to treatment, and complaint procedures upon admission to the hospital.

### Recommendations

#### To the Ministry of Health of Ukraine, and Oblast and City Military Administrations:

- Ensure the integration of the penitentiary healthcare system into a unified medical space
- Develop and implement a comprehensive strategy to combat violations of the rights of inpatient psychiatric care patients
- Take measures to staff healthcare facilities, in particular by improving staff motivation and providing social guarantees
- Develop and introduce a program for the renovation of units of inpatient psychiatric care facilities to accommodate no more than four patients in a ward
- Equip every healthcare facility with civil defence facilities
- Amend Form of Primary Record No. 511/o "Certificate of Bodily Injuries No. \_\_\_\_" and the Instruction on Completing Form of Primary Registration Documentation No. 511/o "Certificate of Bodily Injuries No. \_\_\_\_," approved by MoH Order No. 186 of 2 February 2024, to require that medical staff document the conclusions of their observations regarding the consistency between the victim's statements and the objective medical opinions on the bodily injuries
- Develop and introduce the procedure for the use of electroconvulsive therapy in healthcare facilities
- Amend the Law of Ukraine "On Psychiatric Aid," the Rules for Physical Restraint and/or Seclusion during the Provision of Psychiatric Care to Persons Suffering from Mental Disorders, and primary record forms approved by MoH Order No. 240 of 24 March 2016, taking into account the CPT Recommendations "Means of Restraint in Psychiatric Establishments for Adults"
- Establish a special register of all cases involving restraints (including chemical restraint) integrated with the Electronic Healthcare System (eHealth)
- Identify a responsible body or unit and organise systematic monitoring of restraint practices to develop a strategy aimed at reducing its frequency and duration
- Develop and implement basic and regular advanced trainings for healthcare professionals on the use of restraints and de-escalation techniques in the management of patients with mental disorders
- Promote the experience of implementing the international Safewards model in inpatient psychiatric care facilities
- Amend Article 16 of the Law of Ukraine "On Psychiatric Aid" to include the following provisions:
  - Psychiatric examination, outpatient psychiatric care, and hospitalisation to a mental health facility shall only be carried out with the person's informed written consent
  - If it is necessary to decide on the expediency of a patient's involuntary hospitalisation, it is taken by a mental health review board which will not be directly involved in providing future medical care to the patient

- Amend the Procedure for Providing Inpatient Psychiatric Care, approved by MoH Order No. 2085 of 7 December 2023, to include the following provisions:
  - A prohibition of torture or inhuman or degrading treatment or punishment of patients
  - A prohibition of segregation practices among patients within units
  - A requirement to consider the procedure of involuntary hospitalisation if further inpatient care is deemed necessary for a voluntary patient who wishes to leave the facility. Otherwise, the patient should be allowed to leave the facility freely
  - Regulation of patient labour activities
  - Ensuring that patients, including involuntarily hospitalised, have unrestricted access to outdoor walks throughout the day unless treatment measures require their presence in the wards
- Amend the legislation to identify the need to familiarise patients undergoing CMMs with informed consent to treatment
- Develop an informational leaflet outlining the internal rules of the healthcare facility and patients’ rights, including information on legal aid, review of hospitalisation decisions, consent to treatment, and complaint procedures. Introduce the practice of informing patients about the leaflet upon admission to healthcare facility
- Amend regulations to enshrine the patients’ right to be involved in drawing up and reviewing their treatment plans
- Ensure that inpatient psychiatric care facilities provide the following measures:
  - A hospitalisation and discharge procedures that guarantee free and unbiased consent
  - Proper informing patients regarding their treatment methods
  - Haemolytic control during treatment with medicines containing the active ingredient clozapine
  - Proper control over the use, storage, and disposal of medicines and medical devices
  - Proper medical record-keeping
  - Adequate living conditions for patients that meet therapeutic standards, privacy requirements, and accessibility of premises for persons with disabilities
  - Removal of bars from ward windows and cessation of direct video surveillance in patients’ wards
  - Proper storage of food products
- Ensure timely access for inpatients of psychiatric care facilities to consultations with somatic medical specialists
- Assess current regulatory acts governing the provision of mental healthcare to bring them in line with CPT recommendations and ECtHR case law

#### **To the Coordination Centre for Legal Aid:**

- Take measures to ensure effective representation by lawyers of patients’ interests who are subject to, or at risk of being subjected to, compulsory medical measures



## Section 7

# **VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY UNDER THE JURISDICTION OF THE MSP OF UKRAINE**

## 7.1. General Overview of Places of Custody in the Social Protection System

According to the MSP of Ukraine, as of 31 December 2023, the number of places of custody in the social protection system was 452, with 43,400 persons staying there.

Due to the ongoing military aggression by the RF for over three years, 23 residential institutions (eleven care homes for the elderly and persons with disabilities, eleven PNCHs, and a children’s care home) and eight inpatient care units for permanent or temporary residence of territorial social service centres are currently located in the temporarily occupied territories of Ukraine.

Central executive authorities do not have information on the damage or destruction of residential institutions in the temporarily occupied territories of Ukraine.

According to the NSSU, due to Russian armed aggression, as of 31 December 2024, 37 institutions subordinated to the MSP of Ukraine were damaged,

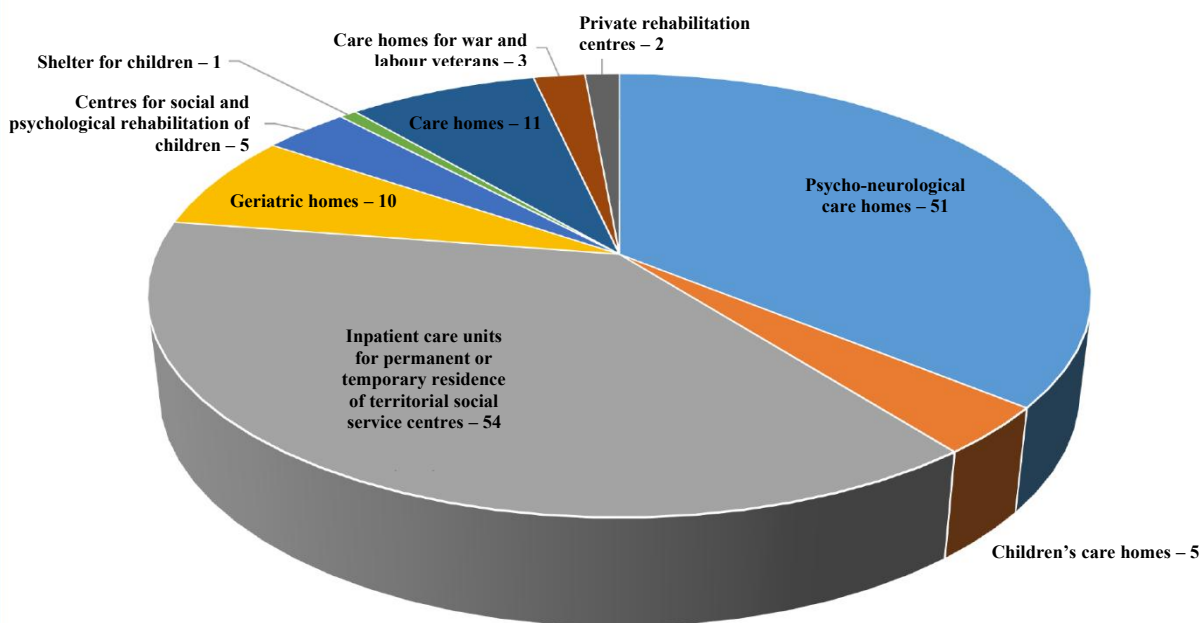
seven of which were destroyed.

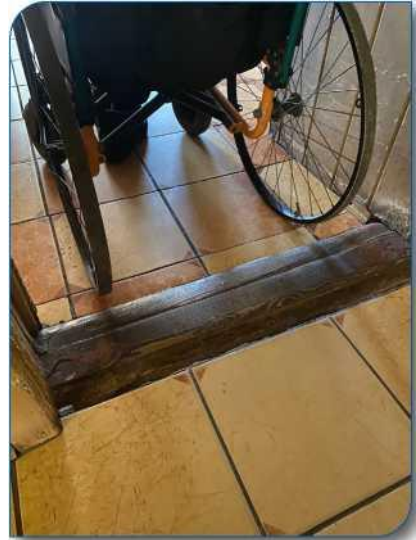
As of 10 December 2024, 4,887 residents of residential institutions had been temporarily relocated (evacuated): 4,011 persons were relocated to residential institutions in other oblasts, and 876 persons moved abroad.

The largest numbers of residents and wards were relocated (evacuated) from Donetsk, Zaporizhzhia, Kharkiv, and Kherson Oblasts.

In 2024, as part of its service, the NPM groups visited 142 facilities of the social protection system under the jurisdiction of the MSP of Ukraine, including PNCHs (51), CCHs (5), inpatient care units for permanent or temporary residence of territorial social service centres (54), geriatric homes (10), centres for social and psychological rehabilitation of children (5), shelter for children (1), care homes (11), care homes for war and labour veterans (3), and private rehabilitation centres (2).

**Visits to the NPM in 2024**





In 2024, the NPM groups visited 36 private geriatric homes.

The most constant and widespread violations recorded in social residential institutions in 2024 are as follows:

- Living space standards per person due to overcrowding, resulting in the placement of wards in service and non-residential premises
- Lack of basic household furniture (wardrobes, lockers, tables, etc.) in living rooms, as required by the Minimum Standards for the Provision of Items, Materials, and Equipment to Elderly People, Disabled People and Disabled Children in Residential Institutions and Territorial

Social Service Centres (for Social Services) of the Social Protection System approved by Order of the MSP of Ukraine No. 857<sup>74</sup> of 19 August 2015

- Lack or untimely provision of specialised medical care, which directly affects the wards' health and lives
- Neglected condition of living premises (damaged wall and floor coverings, broken plumbing, insufficient lighting, etc.)
- Failure to adapt institutional premises for easy use by persons with disabilities and reduced mobility

<sup>74</sup> Order of the Ministry of Social Policy of Ukraine No. 857 of 19 August 2015 "On Approval of Minimum Standards for the Provision of Items, Materials, and Equipment to Elderly People, Disabled People and Disabled Children in Residential Institutions and Territorial Social Service Centres (for Social Services) of the Social Protection System": <https://zakon.rada.gov.ua/laws/show/z1068-15#Text>

## 7.2. Main Violations of the Rights of Man and Citizen in Social Protection Institutions

### Ensuring the Right to Life and Safety of Wards

The issue is conditionally divided into two parts, in particular: the evacuation/relocation of institutions from dangerous regions close to the border with the RF or the line of contact was either not carried out or carried out with significant delays, and security measures are not being observed within the institutions (staff deliberately ignore regional air-raid alarms, the wards are not moved to shelters, the “two-wall” rule is not followed, and many institutions lack properly equipped shelters).

Lack of timely evacuation/relocation of wards from social residential institutions located less than two kilometres from business entities of great national and defence importance of the respective civil protection category (special importance I or II), and/or less than 100 kilometres from the administrative border between the TOT and another territory of Ukraine where no hostilities are taking place, the line of contact, or less than 50 kilometres from the state border of Ukraine with the RF and the Republic of Belarus, contradicts the requirements established by CMU Resolution No. 546 of 1 June 2023 “The Procedure for the Temporary Relocation (Evacuation) of Children and Persons Residing or Enrolled in Institutions of Various Types, Forms of Ownership and Subordination for Round-the-Clock Stay, and Their Return to the Place of Permanent Residence (Stay), and in Case of Travel Outside Ukraine – to Ukraine.”<sup>75</sup>

This problem is particularly evident in Sumy, Dnipropetrovsk, Zaporizhzhia, Kharkiv, and Kherson Oblasts.

The need to relocate institutions from areas where hostilities are taking place has been repeatedly confirmed by Russian airstrikes targeting social institutions.

*Sumy Geriatric Home for War and Labour Veterans, Municipal Non-Profit Enterprise “Kherson City Geriatric Centre” of Kherson City Council, Atynskyi Psycho-Neurological Care Home, Municipal Institution “Bilopillia Children’s Care Home” of Sumy Oblast Council, Municipal Institution “Svesa Psycho-Neurological Care Home” of Sumy Oblast Council, Sumy Centre for Social and Psychological Rehabilitation of Children, Municipal Institution “Druzhkivka Children’s Care Home,” etc. suffered significant damage from the airstrikes.*



<sup>75</sup> CMU Resolution No. 546 of 1 June 2023 “The Procedure for the Temporary Relocation (Evacuation) of Children and Persons Residing or Enrolled in Institutions of Various Types, Forms of Ownership and Subordination for Round-the-Clock Stay, and Their Return to the Place of Permanent Residence (Stay), and in Case of Travel Outside Ukraine – to Ukraine”: <https://zakon.rada.gov.ua/laws/show/546-2023-%D0%BF#Text>





The above indicates that the presence of persons in places of custody located in an active combat zone or nearby settlements, including those near the state border with the RF, poses a direct threat to their lives and health.

In 2024, the Commissioner's Secretariat repeatedly sent official letters to OMAs and the MSP regarding the need to evacuate/relocate residential institutions from regions with an increased level of danger. However, no appropriate measures have been taken to ensure the wards' right to security.

Furthermore, during the visits, the NPM groups identified cases of failure to take security measures in the institutions, including those in regions distant from the line of contact or active combat zones.

*The Liubetskyi Psycho-Neurological Care Home is located 15 km from the border with the Republic of Belarus, posing a potential threat to the lives and health of both wards and staff due to regular military exercises, including those involving Russian forces.*

*According to the director, the institution has basements that are used as shelters. However, according to the Act of the Commission Inspection of Defence Facilities of 22 July 2022, these premises do not meet the requirements of current legislation and are not recommended for use as a shelter for people.*

The deliberate disregard of security measures by institutional staff directly endangers wards and may lead to massive injuries in case of an emergency.

#### **Violations of Food Safety Legislation Posing a Threat to Wards' Health**

Such violations include, in particular, storage conditions of food products, the use of expired food for cooking, and the lack of statutory documents for food produced on the subsidiary farm.

One of the most common violations is non-compliance with temperature requirements for food storage in institutions, in particular in freezers and refrigerators of warehouses. There are no thermometers in their refrigerators, and temperature and maintenance logs for refrigeration equipment are either not kept or kept improperly. This constitutes a violation of clause 2, part 1 of Article 41 of the Law of Ukraine "On Basic Principles and Requirements for Food Safety and Quality."<sup>76</sup> The absence of temperature control can degrade food quality and pose a risk of mass food poisoning among the wards.

*These violations were recorded during visits to Stavy PNCH, Mokra Kalyharka PNCH, Kyiv PNCH, etc.*

In addition, the NPM groups repeatedly identify cases of expired and unlabelled food products being used for cooking. This violates the requirements of the Law of Ukraine "On Basic Principles and Requirements for Food Safety and Quality."

*During a visit to the Liubetskyi Psycho-Neurological Care Home, expired milk and chicken meat were found.*

The use of expired food products poses a direct threat to the health of the wards and violates their right to safe nutrition.

<sup>76</sup> Law of Ukraine "On Basic Principles and Requirements for Food Safety and Quality": <https://zakon.rada.gov.ua/laws/show/771/97-%D0%B2%D1%80#Text>.



Failure to comply with food separation rules in refrigerators, potentially resulting in cross-contamination and the penetration of pathogens from one product to another, is the other widespread violation in social institutions. This increases the risk of food poisoning and food-borne infections, posing a serious threat to the health of the wards.

*Violations of food separation requirements were identified during visits to Private Care Homes for the Elderly “Dopomoha Blyzkym” and “Teplo Rodyny” in Kropyvnytskyi, and the Liubetskyi Psycho-Neurological Care Home.*

A serious violation involves using food produced on the subsidiary farms without the required quality control and accompanying documents for meat and milk. According to the Law of Ukraine “On Veterinary Medicine,”<sup>77</sup> meat must be accompanied by slaughter certificates and veterinary certificates confirming its safety. Milk, in turn, must undergo laboratory testing for compliance with sanitary requirements under the State Standard of Ukraine 3662:2018. The absence of these inspections and relevant documents endangers wards’ health and violates food safety legislation.

The number of violations identified reflects systemic problems in the provision of nutrition within social residential institutions.

### **Violation of the Wards’ and Residents’ Right to Work and Protection from Exploitation**

During visits to residential institutions, an increasing number of cases have been recorded where occupational therapy is used not as a means of rehabilitation but rather as a form of forced labour, involving tasks assigned to service personnel (e.g., janitors or cleaners) or junior medical staff (e.g., orderlies). This practice violates the human right to protection from forced labour and contradicts the Methodological Recommendations of the Organisation of Occupational Therapy for the Elderly, Persons with Disabilities, and Children with Disabilities in

Institutions/Facilities of the Social Protection System, approved by Order of the MSP of Ukraine No. 1778<sup>78</sup> of 26 November 2018. Moreover, no other rehabilitation activities aimed at supporting the wards are provided. Occupational therapy is misinterpreted in institutions and does not meet the key principle established in legislation: improving the quality of life of the wards in society.

*During the visit to Mora Kalyhirka Psycho-Neurological Care Home, the NPM group found that the occupational therapy had signs of indirect staff coercion. The wards were insufficiently informed that they had the right to refuse to work in cases of poor health or unwillingness. Moreover, many wards believed that refusal to perform certain tasks could negatively affect the conditions of their further stay in the institution.*

In addition, instances of explicit labour exploitation were recorded, where wards and residents were engaged in hard, unpaid work on the institution’s subsidiary farms. They perform this work without the conclusion of any employment or civil law agreements and receive no form of remuneration for it.

*Interviews with the wards of the Liubetskyi Psycho-Neurological Care Home revealed that they perform daily duties related to livestock care. A review of the relevant documentation confirmed that these wards were not officially employed on the subsidiary farm with proper payment and their social guarantees were not observed.*

*Labour exploitation of the wards was also confirmed in Oleksandriia Psycho-Neurological Care Home. Namely, seven wards work on a subsidiary farm located at a distance of ten kilometres from the institution, with four of them staying in a guard house near the site. No employment or civil law agreements have been concluded with the wards working on the subsidiary farm. They receive no remuneration for their work.*

<sup>77</sup> Law of Ukraine “On Veterinary Medicine”: <https://zakon.rada.gov.ua/laws/show/2498-12>

<sup>78</sup> Order of the MSP of Ukraine No. 1778 of 26 November 2018 “On Approval of the Methodological Recommendations of the Organisation of Occupational Therapy for the Elderly, Persons with Disabilities, and Children with Disabilities in Institutions/Facilities of the Social Protection System”: <https://www.msp.gov.ua/documents/4424.html>

Thus, the administrations of institutions exploit the wards' labour while depriving them of social and economic guarantees associated with employment, including accident insurance, injury compensation, etc.

### **Violation of the Right to Healthcare and Medical Aid**

During visits to social residential institutions, the NPM groups consistently encountered the problem of an insufficient number of medical staff involved in caring for their wards (including bedridden patients).

The Methodological Recommendations for Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System approved by Order of the MSP of Ukraine No. 893<sup>79</sup> of 6 June 2019 (hereinafter referred as to the Methodological Recommendations No. 893) establish the staffing level of nursing assistants.

Subclause (e) of clause 5 of the Regulation on State Registration of Regulatory Acts of Ministries and Other Executive Bodies, approved by CMU Resolution No. 731 of 28 December 1992, stipulates that *methodological recommendations are intended for advisory, expository, and informational purposes only*. Nevertheless, staffing schedules in residential institutions within the social protection system continue to be developed in accordance with the standards set out in Methodological Recommendations No. 893, disregarding the actual needs of the institution.

The NPM groups have found that the number of junior medical staff recommended by Methodological Recommendations No. 893 is insufficient to provide quality inpatient care, as it fails to account for the needs of residents with severe physical and neurological disorders or profound dementia, who are incapable of self-care and require full household care.

*During a visit to Municipal Institution "Berezivskyi Psycho-Neurological Care Home" of Zhytomyr Oblast Council, the NPM group found that, in violation of clause 1 of Section III of the Methodological Recommendations*

*for Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System approved by Order of the MSP of Ukraine No. 893 of 6 June 2019, only two members of junior medical staff were assigned to care for 39 wards, including 17 bedridden patients. This imposes a significant burden on the staff and reduces the quality of care provided to the wards.*

In addition, clauses 28–30 of the 8th General Report of the CPT (CPT/Inf (98) 12) stipulate that working with the mentally ill and mentally handicapped will always be a difficult task for all categories of staff involved. They also emphasise the need to ensure adequate staff presence in residential institutions at all times, including at night and weekends, to create a positive therapeutic environment.

In its published report (CPT/Inf (2020)), the CPT recommends that the Ukrainian authorities urgently address the situation with the staffing of medical and psychosocial therapy staff in psycho-neurological care homes in Ukraine.

### **Violation of the Wards' Right to Freedom and Personal Inviolability**

During the visits, it was found that some institutions (e.g., Chortoryia Psycho-Neurological Care Home, Oleksandriia Psycho-Neurological Care Home) continue to prohibit the wards from staying in their living rooms during the daytime.

*During a visit to Oleksandriia PNCH (19 November 2024), the NPM group found that the wards were forced to leave their living rooms at 6.00 a.m. and stay in residential building No. 2, often resting on other wards' beds, or outside all day. At the same time, the wards of residential building No. 2 cannot use their rooms and have to spend all day in the day room. Part 2 of clause 36 of the 8th General Report of the CPT stipulates that patients who wish to do so may stay in their rooms during the day.*

<sup>79</sup> Order of the MSP of Ukraine No. 893 of 6 June 2019 "On Approval of Methodological Recommendations for Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System": [http://www.msp.gov.ua/files/norm\\_baza/893.pdf](http://www.msp.gov.ua/files/norm_baza/893.pdf).



Forced stay in common areas or outdoors significantly worsens the psycho-emotional state of the wards. Furthermore, staying in overcrowded premises creates additional stress. Such restrictions can be particularly distressing and harmful for people with mental illnesses.

The NPM groups also identified instances where the wards have access to their rooms during the day but cannot use their own beds.

*During a visit to Municipal Institution “Radomyshl Psycho-Neurological Care Home” of Zhytomyr Oblast Council, the NPM group found that the wards are restricted from using their beds during the daytime. According to the wards, this prohibition is justified by the claim that rooms should appear tidy.*

Taking medicines, in particular psychotropic drugs or those affecting the nervous system, may cause side effects such as drowsiness, fatigue, headaches, or decreased energy. In such circumstances, a person needs sufficient time for rest and recovery. Denying residents the opportunity to rest in their beds may lead to chronic fatigue, health deterioration, and the exacerbation of existing diseases.



In addition, many psycho-neurological care homes often impose restrictions on the freedom of movement of certain groups of the wards within the PNCH territory. These wards stay under enhanced supervision in the so-called “day room” and leave it only for meals. This internal rule has no legal basis and is intended to ensure the safety of the wards and prevent escape from the facility grounds.



*The above violations were identified, in particular, in Chereskyyi Psycho-Neurological Care Home, Borodianka Psycho-Neurological Care Home with Geriatric Unit, and Pushcha-Vodytsia Psycho-Neurological Care Home.*



Such treatment of this group of wards constitutes unlawful restrictions and degrading treatment.

According to the Model Regulations on Psycho-Neurological Care Home, approved by CMU Resolution No. 957<sup>80</sup> of 14 December 2016 (hereinafter referred to as the Model Regulation), the administration of a psycho-neurological care home is not only required to familiarise the wards with the daily routine but also to ensure its observance. However, this requirement of the Model Regulation is being ignored by the administration. Despite the approved daily routine, the staff forces the wards to leave their living rooms without their consent at 5–6 a.m. for cleaning. As a result, the wards have to stay in common areas, waiting for further instructions from the staff. Forced

interference in personal space, in particular the early wake-ups, creates a stressful situation and disrupts their regular sleep patterns, which may lead to a deterioration in the wards' overall physical and mental health.

### **Other Common Violations in Institutional Practices That Adversely Affect the Rights and Freedoms of the Wards**

#### **Violation of the Right to Adequate Living Conditions**

Despite the new vector of state policy aimed at the deinstitutionalisation of social institutions and the transition to small-scale placements and community-based social services, inadequate infrastructure in operating institutions remains a pressing issue to be addressed.

Contrary to the requirements of the current Ukrainian SBNs, institutions are located in old housing buildings (in some cases, built before the early 20th century), which require restoration and major repairs. These buildings lack properly equipped shelters or structures that can serve as simple shelters (e.g., Antopil PNCH of Vinnytsia Oblast Council, Stavy PNCH, Chortoryia PNCH, Chervonenskyi PNCH, and Vynohradivka PNCH in Mykolaiv Oblast).

The premises converted into living spaces do not meet the legal standards for minimum living space per person. Due to technically unequipped entrance areas and the lack of lifts or hoists in residential buildings, it is impossible to organise outdoor walks for the wards with reduced mobility or bedridden residents living on the first or higher floors.

*The building of Stavy PNCH in Kyiv Oblast was built in 1949 and designed without consideration for current standards governing the construction and operation of social protection institutions. After the building was adapted for use as a residential institution, some of the institution's structures do not meet building norms and require major repairs to bring them in line with Ukrainian SBN B.2.2–18:2007 "Social Protection Institutions."*

<sup>80</sup> CMU Resolution No. 957 of 14 December 2016 "On Approval of the Model Regulations on Psycho-Neurological Care Home": <https://zakon.rada.gov.ua/laws/show/957-2016-%D0%BF#Text>

*Such reconstruction will ensure proper living conditions for the institution’s residents and provide them with quality social services.*

Given the provisions of the Strategy for Reforming Psycho-Neurological and Other Residential Institutions and Deinstitutionalising Care for Persons with Disabilities and the Elderly until 2034, and Approval of the Operational Action Plan for its Implementation in 2025–2027, approved by the CMU Order No. 1315-r<sup>81</sup> of 24 December 2024, the construction of new large residential institutions appears unjustified. However, there are options for upgrading them (in particular, in accordance with the current State Building Norms of Ukraine and inclusivity standards) or relocating them to other mothballed premises.

In addition, one approach to addressing the identified issues is to reconstruct large institutional buildings and territories into smaller and separate premises, which can be converted to meet other community needs (such as supported living) during the implementation of the Strategy.

#### **Technically Faulty or Outdated Vehicles Used to Transport the Wards Requiring Intensive Care to Healthcare Facilities**

In most institutions, the vehicle fleet does not meet the needs for transporting bedridden wards or those with reduced mobility, if necessary. In some cases, there is no such transport at all. The lack of appropriate transport significantly complicates the prompt transfer of wards to healthcare facilities, particularly when the residential institution is located in remote areas of the oblast and emergency hospitalisation takes a significant amount of time, the delay of which may cause irreversible health deterioration or even death.

*The vehicles available at Mora Kalyhirka Psycho-Neurological Care Home for transporting wards in need of intensive care to healthcare facilities need to be renewed. The head of the institution reported that the vehicle has been in operation since 1992 and is currently out of use due to a technical malfunction, which complicates the timely transfer of wards to healthcare facilities.*



<sup>81</sup> CMU Order No. 1315-r of 24 December 2024 “On Approval of Strategy for Reforming Psycho-Neurological and Other Residential Institutions and Deinstitutionalising Care for Persons with Disabilities and the Elderly until 2034, and Approval of the Operational Action Plan for its Implementation in 2025–2027”: <https://zakon.rada.gov.ua/laws/show/1315-2024-%D1%80#Text>.



### **Establishing Limits on the Number of Incapacitated Wards Assigned to a Single Guardian Staff Member**

According to clause 3.1 of the Guardianship Rules, approved by Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the Ministry of Health of Ukraine, and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88<sup>82</sup> of 26 May 1999 (hereinafter referred to as the Guardianship Rules), when appointing a guardian (or custodian), their capacity to fulfil guardianship duties is taken into account.

In violation of the above, the NPM groups have found during visits to psycho-neurological care homes that staff members (or the director) often serve as guardians for more than 100 wards.

*For example, it was found that in Chereshskiy Psycho-Neurological Care Home, the social worker serves as the guardian for 108 wards. This situation does not allow the guardian to properly perform their duties and contradicts clause 3.1 of the Guardianship Rules.*

A guardian is obliged to care for their ward, create necessary living conditions for them, provide them with appropriate care, and take into account their needs and interests. However, under constant

excessive workload, it is impossible to fulfil the guardianship duties with the necessary quality for such many persons, which entails a violation of the wards' rights.

The guardian responsible for many incapacitated persons is physically unable to review appeals about each ward's needs more than once a month, purchase food and other items individually, properly keep accounting and cash flow records, etc.

This situation prevents the guardian from fully performing their duties and results in violations of the Guardianship Rules, as they are unable to submit over 100 annual reports to the guardianship authorities on their activities over the past year, including efforts to protect the wards' rights and interests and ensure the preservation of their property and housing.

In addition, the heavy burden on the guardian leads to violations of the Procedure for the Use of Pensions (Monthly Lifetime Allowance) and/or State Social Benefits Accrued in Accordance with the Law for Orphans, Children Deprived of Parental Care, Incapacitated Persons and Persons with Limited Civil Capacity Who are Residents/Wards of Children's Care Homes or Psycho-Neurological Care Homes, approved by Order of the Ministry of Social Policy of Ukraine No. 1173<sup>83</sup> of 17 August 2018.

## **7.3. Problems with Ensuring the Rights of Man and Citizen in Private Care Homes for the Elderly and Persons with Disabilities**

In 2024, the situation with the provision of social services by private institutions for the elderly remained unchanged.

Privacy of private care homes to the public and state control bodies and the reluctance of private entrepreneurs to enter information about their institutions in the Register of Social Service Providers

<sup>82</sup> Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the Ministry of Health of Ukraine, and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88 of 26 May 1999 "On Approval of the Guardianship Rules": <https://zakon.rada.gov.ua/laws/show/z0387-99#Text>.

<sup>83</sup> Order of the Ministry of Social Policy of Ukraine No. 1173 of 17 August 2018 "On Approval of the Procedure for the Use of Pensions (Monthly Lifetime Allowance) and/or State Social Benefits Accrued in Accordance with the Law for Orphans, Children Deprived of Parental Care, Incapacitated Persons and Persons with Limited Civil Capacity Who are Residents/Wards of Children's Care Homes or Psycho-Neurological Care Homes": <https://zakon.rada.gov.ua/laws/show/z1055-18#Text>.

and Recipients (hereinafter referred to as the Register) to operate separately from the main system of social service providers — all this leads to the isolation of private care homes and the vulnerability of their wards in cases of rights violations.

Currently, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights is the only state body authorised to visit private care homes for the elderly that are not included in the Register.

If gross violations of wards’ rights are identified in private care homes, the legal framework does not require the business entity to conduct an internal investigation into the incidents. Moreover, it is nearly impossible to take measures to shut down the institution or bring the perpetrators to justice.

Most private care homes operate under the Classifier of economic activities (KVED) 87.30 “Residential care activities for the elderly and disabled.” This class includes the provision of care services for the elderly and persons with disabilities who are unable to fully care for themselves. Care under this classification typically includes the provision of accommodation, nutrition, care, and assistance with daily activities, etc.

However, in the vast majority of cases, the wards in private institutions are bedridden patients or those suffering from cognitive impairments, including dementia, and require specialised medical care. However, these institutions do not provide services due to the lack of medical staff, a licence to engage in medical practice (in particular, nursing), or a contract with a healthcare facility.

During visits to private care homes and confidential interviews with the wards, the NPM groups have identified cases of failure or delays in the provision of medical care. This occurs because communication with healthcare facilities is carried out only through the wards’ relatives. If there is a need to reconsider the prescribed treatment, the staff inform the relatives of the ward about the need to contact a family doctor. The decision to seek medical care is made by the relatives or close persons of the ward, which may not always align with the ward’s interests and needs.

Violations of wards’ rights are also evident in the fact that social services agreements are not signed by the recipients themselves but by third parties. The institutions do not require confirmation that these third parties are legally authorised to act on behalf of the ward, such as a power of attorney or a court decision on guardianship. In addition, the wards of private institutions often do not give their informed consent to stay in these care homes. The agreement form used in such institutions also does not comply with the Standard Agreement on the Provision of Social Services, approved by Order of the MSP of Ukraine No. 847<sup>84</sup> of 23 December 2020.

Moreover, business entities fail to provide basic and advanced training for the staff, which results in a generally low standard of service provision and care activities for social service recipients.

The situation with non-compliance with security measures during air-raid alarms or shelling remains unchanged. The absence of defence facilities (shelters) or any equipped premises ensuring the safety of the wards is typical of private care homes. This is largely because the premises used (usually private houses not originally designed for accommodating large numbers of people) lack such infrastructure, and landlords are generally unwilling to re-equip them because of the high financial costs involved.

Architectural features of the buildings used for care homes also pose challenges for adaptation to meet the needs of persons with reduced mobility. Care homes are usually located in two- or three-storey buildings without lifts or hoists, making it difficult for wards to access outdoor recreational areas.

In addition, many care homes place bedridden patients on the upper floors to enable those with reduced mobility to live on lower floors and go outdoors on their own. As a result, bedridden wards are completely isolated, with their only access to fresh air coming from room ventilation.

<sup>84</sup> Order of the MSP of Ukraine No. 847 of 23 December 2020 “On Approval of the Standard Agreement on the Provision of Social Services”: <https://zakon.rada.gov.ua/laws/show/z0214-21#Text>

The above shortcomings are the most widespread in the activities of private care homes, though they are by no means exhaustive.

All of this once again underscores the urgent need to establish cooperation with private providers of social services and integrate them into a unified system aimed at delivering social services in accordance with the legislation.

#### **Recommendations to the MSP of Ukraine:**

- Prepare and send to oblast military administrations a list of buildings suitable for the relocation of residential institutions or resettlement of the wards evacuated from active combat zones or nearby settlements to prevent overcrowding in institutions
- Analyse the Methodological Recommendations of the Organisation of Occupational Therapy for the Elderly, Persons with Disabilities, and Children with Disabilities in Institutions/Facilities of the Social Protection System, approved by Order of the MSP of Ukraine No. 1778 of 26 November 2018, to identify gaps that allow misuse the organisation of occupational therapy by administrations of institutions
- Organise and conduct training for the administrations of residential institutions on the implementation of occupational therapy in accordance with current legislation and with respect for human rights standards
- Review the Guardianship Rules, approved by Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the Ministry of Health of Ukraine, and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88 of 26 May 1999, and regulate the maximum number of wards for whom a director or staff member of a residential institution may serve as guardian

- Analyse the Methodological Recommendations for Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System approved by Order of the MSP of Ukraine No. 893 of 6 June 2019, and revise the recommended number of medical staff involved in the care of wards
- Review and update nutrition standards in social residential institutions to bring them in line, in particular, with the Standards for Physiological Needs of the Population of Ukraine in Basic Nutrients and Energy, approved by Order of the Ministry of Health of Ukraine No. 1073 of 3 September 2017, as the energy and nutritional value of meals (macro- and micronutrient content) should meet the general age-related needs of wards and residents<sup>85</sup>
- Include a clause on the mandatory sampling of food, its proper storage, labelling, and disposal to the Model Regulations (for care homes for the elderly and persons with disabilities, psycho-neurological care homes, and children's care homes)

#### **To the National Social Service of Ukraine**

- Organise and conduct repeat inspections to verify compliance with legal requirements in the provision of social services, the violation of which results in infringements of the rights of wards/residents, in particular in institutions for which submissions have been made by the Commissioner following monitoring visits

#### **To Oblast State Administrations**

- Urgently relocate institutions or evacuate persons held in places of custody located in active combat zones, nearby settlements, as well as areas less than 50 km from the state border with the RF, to appropriate institutions or facilities located in safe areas

<sup>85</sup> Order of the Ministry of Health of Ukraine No. 1073 of 3 September 2017 "On Approval of the Standards for Physiological Needs of the Population of Ukraine in Basic Nutrients and Energy": <https://zakon.rada.gov.ua/laws/show/z1206-17#Text>.

- Take measures to organise and monitor the arrangement, operation, and maintenance of civil defence facilities in residential social protection institutions
- Ensure monitoring of compliance with minimum space standards per person in institutions in accordance with the established State Building Norms of Ukraine B.2.2–18:2007 “Buildings and Structures. Social Protection Institutions”
- Consider relocating institutions that cannot be adapted to meet inclusivity requirements in accordance with current legislation to buildings that can be architecturally upgraded in compliance with State Building Norms and inclusivity standards
- Facilitate the inspection of shelters and premises used as shelters by competent authorities and the issuance of inspection reports for such premises by relevant commissions with the involvement of the SES territorial bodies
- Support the renewal of the vehicle fleets of residential institutions used for emergency transportation of bedridden wards and those with reduced mobility to healthcare facilities
- Ensure continuous monitoring of safe nutrition, the quality of social services, the organisation of medical care for wards, sanitary and hygienic, anti-epidemic (preventive) and fire protection measures
- Conduct training for staff of social residential institutions on the unconditional observance of the rights of wards/residents to work and protection from exploitation, as well as the rights to freedom and personal inviolability
- Strengthen oversight of the implementation of immediate response measures if labour exploitation or violations of the wards'/residents' rights to freedom and personal inviolability are identified, and ensure that internal investigations are conducted for each right violation and the perpetrators are brought to justice
- Organise and conduct repeat inspections to verify compliance with legal requirements in the provision of social services, in particular in institutions for which submissions have been made by the Commissioner following monitoring visits

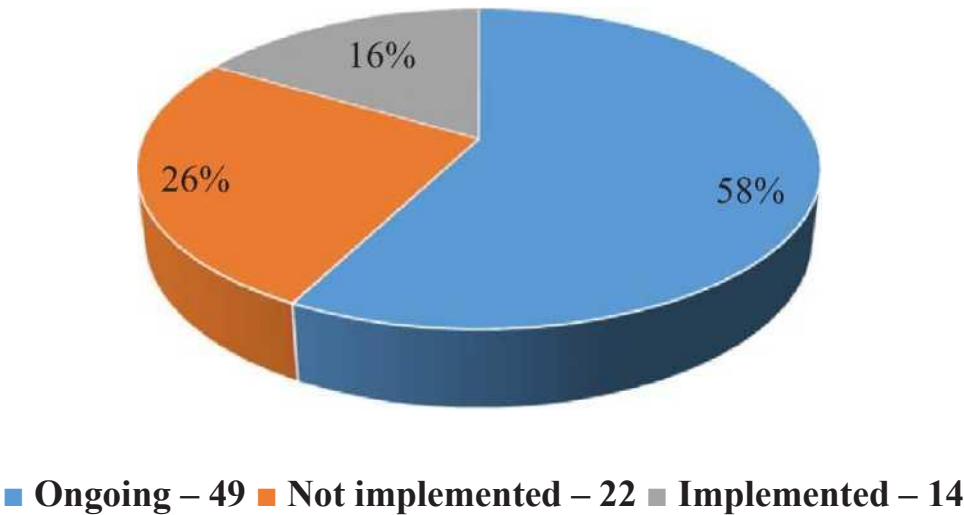
## Section 8

# **PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS MADE FOLLOWING THE NPM VISITS IN 2023**



The recommendations set out in the Special Report of the Ukrainian Parliament Commissioner for Human Rights “On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2023” have been implemented by 16%, 26% are not implemented, and 58% are ongoing.

Progress in Implementing the 2023 Recommendations,  
% of Implementation



INFORMATION ON THE PROGRESS IN IMPLEMENTING  
the Recommendations set out in the Special Report of the Ukrainian Parliament Commissioner  
for Human Rights “On Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment  
in Ukraine in 2023”

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY SUBORDINATED TO THE MOJ OF UKRAINE		
The MoJ of Ukraine shall:		
1.	Bring the planned occupancy of all PIs and PTDFs in line with the requirements of Articles 53, 64, and 115 of the CEC of Ukraine and Article 11 of the Law of Ukraine “On Remand,” respectively	NOT IMPLEMENTED
2.	Analyse the regulatory acts adopted since 2014 on optimisation of PTDFs and PIs, identify the main reasons that led to the existing violations of the established space standards per prisoner and convict in cells and living premises, and develop a complex programme to improve the living conditions of convicts and prisoners aimed at complying with the established space standards	NOT IMPLEMENTED

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
3.	Ensure systematic awareness-raising activities at least once a quarter among the staff of penitentiary bodies and institutions to prevent cruel, inhuman or degrading treatment or punishment in their practice	ONGOING
4.	Develop memos on the importance of humane treatment of prisoners and convicts, respect for their human dignity, and the inadmissibility of segregation, stigmatisation, and discrimination of prisoners and convicts, with information on responsibility for such actions and provide them to junior and senior personnel of penitentiary bodies and institutions	NOT IMPLEMENTED
5.	Amend the Instruction on Working Conditions and Wages of Persons Sentenced to Deprivation of Liberty or Imprisonment approved by Order of the MoJ of Ukraine No. 396/5 of 7 March 2013 and other regulatory acts to provide for the accrual of wages for the maintenance of convicts left for upkeep works in PIs outside the special fund of the facility, i.e., income received from the employment of convicts and funds from the deduction of convicts' wages for utilities	NOT IMPLEMENTED
6.	Include the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the curricula for vocational training of all staff categories	IMPLEMENTED
7.	Dismantle the locks of the folding beds in the cells of DICEs and punishment cells	NOT IMPLEMENTED
8.	Conduct explanatory work with convicts and prisoners on their basic rights and obligations and place relevant information on notice stands in public places	NOT IMPLEMENTED
9.	Expand access of convicts and prisoners to medical services and gradual integration of penitentiary medicine into a unified medical space together with the MoJ of Ukraine in accordance with the Strategy for Reforming the Penitentiary System for the period up to 2026 and approval of the Operational Plan for Its Implementation in 2022–2024 approved by the CMU Resolution No. 1153-r of 16 December 2022	ONGOING
10.	Develop and approve together with the MoH of Ukraine the Procedure for Providing Medical Care to Prisoners in PTDFs of the SPSU	ONGOING
11.	Develop and implement a programme for providing medical care to convicts aimed at in-depth diagnosis and treatment of viral hepatitis C	ONGOING
12.	Implement a programme of comprehensive treatment with SMT drugs for people with mental and behavioural disorders due to opioid use in all SPSU institutions	ONGOING
13.	Staff vacant positions in medical units and multidisciplinary hospitals of SI "Healthcare Centre of the SPSU" to ensure the rights of convicts and persons in custody to health care and quality medical aid	ONGOING
14.	Provide medical units and multidisciplinary hospitals of SI "Healthcare Centre of the SPSU" with medical equipment, medicines and medical devices in accordance with the list of material and technical equipment of healthcare facilities	NOT IMPLEMENTED
<b>The MoH of Ukraine shall:</b>		
15.	Expand access of convicts and prisoners to medical services and gradual integration of penitentiary medicine into a unified medical space together with the MoJ of Ukraine in accordance with the Strategy for Reforming the Penitentiary System for the period up to 2026 and approval of the Operational Plan for Its Implementation in 2022–2024 approved by the CMU Resolution No. 1153-r of 16 December 2022	ONGOING
16.	Develop and approve together with the MoJ of Ukraine the Procedure for Providing Medical Care to Prisoners in PTDFs of the SPSU	NOT IMPLEMENTED

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
<b>The State Audit Service of Ukraine shall:</b>		
17.	Carry out public financial control of the activities of the Department for the Execution of Criminal Sentences and its other local authorities, SI “General Directorate of the SPSU” and its subordinate authorities, and SI “Healthcare Centre of the SPSU” aimed at the assessment of efficient, legal, targeted, and effective use and preservation of public financial resources, fixed and other assets, achieving the economy of the budget fund	IMPLEMENTED
<b>The Accounting Chamber of Ukraine shall:</b>		
18.	Organise and conduct financial and performance audits, as well as other control measures of the public external financial control (audit) of the activities of the Department for the Execution of Criminal Sentences and its other local authorities, SI “General Directorate of the SPSU” and its subordinate authorities, and SI “Healthcare Centre of the SPSU”	NOT IMPLEMENTED
<b>VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN THE PROCESS OF ADMINISTERING JUSTICE</b>		
<b>The State Judicial Administration of Ukraine shall:</b>		
19.	Audit courthouses to identify cages used to hold defendants/convicts and take urgent measures to dismantle them	ONGOING
20.	Develop and submit draft amendments to the Instruction on the Organisation of Escort and Detention in Courts of Accused (Defendants) and Convicts at the Request of Courts approved by Order of the MIA of Ukraine, the MoJ of Ukraine, Supreme Court of Ukraine, High Specialised Court of Ukraine for Civil and Criminal Cases, the SJA of Ukraine, and Prosecutor General’s Office No. 613/785/5/30/29/67/68 of 26 May 2015, in terms of reviewing the routes for escorting from special vehicles to cells and courtrooms and vice versa, the operability of engineering security and communication means, and the provision of engineering means to ensure reliable security Draw up the relevant inspection reports. Use this information in the formation of budgetary needs for the next year, if necessary	ONGOING
21.	Ensure free access of defendants (convicts) to clean drinking water	ONGOING
22.	Equip the simplest shelters in court buildings	NOT IMPLEMENTED
<b>VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY MANAGED AND COORDINATED BY THE CMU THROUGH THE MIA OF UKRAINE</b>		
<b>The MIA of Ukraine and the National Police of Ukraine shall:</b>		
23.	Inspect all TDFs, establish the level of natural and artificial lighting, assess the sanitary condition of the cells, record the space standards per person based on the availability of sleeping accommodation, and, if necessary, plan repair works in the relevant buildings	ONGOING
24.	Introduce the Custody Records information subsystem in all territorial units of the National Police of Ukraine	ONGOING
25.	Equip or restore the functioning of the RDs of territorial police units (bodies), which detention conditions will meet the requirements of the Law of Ukraine “On Remand”, the Instruction on the Organisation of the Duty Service of the National Police Bodies (Units) approved by Order of the MIA of Ukraine No. 440 of 23 May 2017, the Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules, and the recommendations of the CPT “Detention by Law Enforcement Officials” CPT/Inf(92)3-part1	NOT IMPLEMENTED
26.	During daily briefings, to draw the police officers’ attention to the inadmissibility of violating the terms of citizens’ detention in the RDs and prevention of conducting procedural actions with detainees in offices without video recording. Take relevant response measures if such incidents are identified	ONGOING

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
27.	Ensure continuous training and advanced training of officials responsible for the custody of detainees in police units (bodies) and a system of monitoring their activities by independent specialists (experts) to increase the efficiency of such persons	ONGOING
28.	Stop the practice of independent consideration of reports of citizens being beaten by officers of police units (bodies) and ensure that each case is reported to the relevant territorial department of the State Bureau of Investigation and such information is registered in the URPTI	ONGOING
29.	Conduct internal investigations into all established violations of the deadlines for informing the FLA centres by officials of the National Police of Ukraine and develop preventive measures to prevent further violations	ONGOING
30.	Ensure compliance with the requirements of the Procedure for Training and Advanced Training of Persons Obligated to Provide First Aid approved by the CMU Resolution No. 1115 of 21 November 2012, by having officers of the National Police of Ukraine undergo first aid training and obtaining relevant certificate	ONGOING
31.	Conduct proper internal investigations into human rights violations by officers of police units (bodies), with the possibility of including members of the public as independent experts in the police department's disciplinary commission	ONGOING
32.	Archive video surveillance in all police units (bodies) for at least 30 days. If necessary, provide the relevant units with additional memory drives	ONGOING
33.	Include the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the training modules for police officers of all staff categories	ONGOING
<b>The MIA of Ukraine and the SMS shall:</b>		
34.	Develop and approve an order on the creation of conditions (special places) for the temporary detention of foreigners and stateless persons detained for illegal stay in Ukraine until the issue of their forced expulsion or placement in a temporary detention facility for foreigners and stateless persons is resolved	NOT IMPLEMENTED
35.	Develop and approve an order on the procedure for organising the activities of employees of the SMS bodies (units) on the procedure for placing and keeping detainees in the detention room and supervising their behaviour, as well as the procedure for providing three meals a day and drinking water to persons held in the RD for more than three hours	NOT IMPLEMENTED
36.	Ensure systematic awareness-raising activities at least once a quarter among the employees of the SMS of Ukraine to prevent cruel, inhuman or degrading treatment or punishment in their practice	ONGOING
37.	Conduct internal investigations into all established violations of the deadlines for informing the FLA centres by SMS officials and develop preventive measures to prevent further violations	NOT IMPLEMENTED
38.	Amend the certificate of transfer of foreigners to the TDFFs, as provided for in Annex 1 to the Instruction on the Procedure for Detention of Foreigners and Stateless Persons in Temporary Detention Facilities for Foreigners and Stateless Persons Illegally Staying in Ukraine approved by Order of the MIA of Ukraine No. 141 of 29 February 2016, in terms of indicating exact time (hours and minutes) of the foreigner's transfer	ONGOING

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
<b>VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY SUBORDINATED TO THE MOD OF UKRAINE</b>		
<b>The MoD of Ukraine shall:</b>		
39.	In all detention facilities of the MoD system, arrange stands with visual information on compliance with the requirements of Article 4 of the Law of Ukraine “On the Disciplinary Regulations of the Armed Forces of Ukraine” in terms of respectful and polite attitude between servicepersons and explanations that in case of violation of rights of man and citizen, they can apply to the Ukrainian Parliament Commissioner for Human Rights	IMPLEMENTED
40.	Develop a complex programme to improve the living conditions of convicted servicepersons aimed at complying with the established space standards	ONGOING
41.	Ensure systematic awareness-raising activities at least once a quarter among permanent personnel of DICEs to prevent cruel, inhuman or degrading treatment or punishment	IMPLEMENTED
42.	Conduct explanatory work with convicted servicepersons on their basic rights and obligations and place relevant information on notice stands in public places	IMPLEMENTED
<b>VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY UNDER THE JURISDICTION OF THE MOH OF UKRAINE</b>		
<b>The MoH of Ukraine shall:</b>		
43.	Amend the Order of the MoH of Ukraine No. 110 of 14 February 2012 and approve the form of primary registration documentation “Certificate on Bodily Injuries” and the Instruction on Completing the Form of Primary Registration Documentation “Certificate on Bodily Injuries”	IMPLEMENTED
44.	Approve the procedure for organising the provision of psychiatric care if a court applies preventive measures to a person in respect of whom CMMs are to be applied or the issue of their application is being considered	IMPLEMENTED
45.	Develop and approve the procedure for the use of electroconvulsive therapy	IMPLEMENTED
46.	Develop and implement a strategy for staffing healthcare facilities in accordance with their needs	ONGOING
<b>Oblast and Kyiv City Military Administrations shall:</b>		
47.	Take measures to ensure that mental health facilities meet the requirements of the Rules for Physical Restraint and (or) Seclusion during the Provision of Psychiatric Care to Persons Suffering from Mental Disorders and the forms of primary registration documentation approved by Order of the MoH of Ukraine No. 240 of 24 March 2016 to improve the provision of medical care to persons with mental disorders	NOT IMPLEMENTED
48.	Take measures to bring the premises used to provide medical care in the healthcare field in line with the requirements of the current legislation to ensure decent conditions for inpatient treatment of patients and a positive therapeutic environment	ONGOING
49.	Ensure that psychological and social rehabilitation is provided in mental health facilities in accordance with the requirements of the current legislation	ONGOING
50.	Ensure that healthcare facilities are equipped to meet the needs of persons with disabilities and reduced mobility	ONGOING
<b>VIOLATION OF FUNDAMENTAL RIGHTS OF MAN AND CITIZEN IN PLACES OF CUSTODY UNDER THE JURISDICTION OF THE MSP OF UKRAINE</b>		
<b>The Cabinet of Ministers of Ukraine shall:</b>		
51.	Entrust the authorised bodies to develop and introduce the necessary amendments to the regulatory acts to regulate the issue of remuneration of employees of the social protection system	IMPLEMENTED



Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
52.	Entrust the authorised bodies to develop and introduce the necessary amendments to the regulatory acts to bring the level of remuneration of medical, pharmaceutical, and rehabilitation specialists working in social service facilities with round-the-clock accommodation (stay) in line with the level of remuneration of the relevant specialists in healthcare facilities	IMPLEMENTED
<b>The MSP of Ukraine shall:</b>		
53.	Develop and submit to the CMU draft laws of Ukraine on regulating the development and regulation of the social services market, defining legal and organisational framework for state control over compliance with the requirements of the legislation by private social service providers	ONGOING
54.	Develop and submit to the CMU a draft Strategy for Reforming Psycho-Neurological and Other Residential Institutions and Deinstitutionalising Care for Persons with Disabilities and the Elderly, and an operational plan for its implementation	IMPLEMENTED
55.	Bring the Law of Ukraine “On Social Services” and other regulatory acts in line with the model provisions on: <ul style="list-style-type: none"> <li>• PNCH (CMU Resolution No. 957 of 14 December 2016), taking into account the judgement of the ECtHR in the case of Kaganovskyy v. Ukraine and the requirements of the Decree of the President of Ukraine No. 30/2021 of 29 January 2021 “On Some Measures to Ensure the Right of Citizens to Quality and Safe Social Services”</li> <li>• CCH (CMU Resolution No. 978 of 14 December 2016)</li> <li>• Care homes for elderly people and persons with disabilities (CMU Resolution No. 772 of 2 September 2020)</li> <li>• Territorial social service centre (for social services) (CMU Resolution No. 1417 of 29 December 2009)</li> <li>• Centre for social services (CMU Resolution No. 177 of 3 March 2020)</li> </ul>	ONGOING
56.	Improve state standards for social services, in particular the State Standard for Inpatient Care for Persons Who Have Lost the Ability to Care for Themselves or Have Not Acquired Such Ability (Order of the MSP No. 198 of 29 February 2016), and the State Standard for Palliative Care (Order of the MSP No. 58 of 29 January 2016)	ONGOING
57.	Review the Minimum Standards for the provision of items, materials, and equipment to elderly people, disabled people and disabled children in residential institutions and territorial social service centres (for social services) of the Social Protection System approved by Order of the MSP of Ukraine No. 857 of 19 August 2015, to bring them in line with the requirements of the current legislation in the field of social services provision and the practical needs of wards/residents thereof	NOT IMPLEMENTED
58.	Review the Order of the MSP of Ukraine No. 893 of 6 June 2019 “On Approval of Methodological Recommendations for Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System” to increase and bring the number of medical and nursing staff in line with the real needs of residential institutions	NOT IMPLEMENTED
59.	Develop and approve the procedure for detecting and registering cases of bodily injuries during the arrival and residence (stay) of social service recipients at social service providers with round-the-clock accommodation (stay), forms of registers for such injuries, the procedure for reporting them to the relevant law enforcement agencies and healthcare facilities, a questionnaire on the presence of bodily injuries and the procedure for recording their detection	ONGOING
60.	Develop a system of social services for the elderly and people with disabilities, including those with intellectual and mental disorders, in the territorial communities where they live	ONGOING
<b>The NSSU shall:</b>		
61.	Constantly monitor the compliance of social service providers, including those with round-the-clock accommodation (stay), with the Criteria for the activities of social service providers and the requirements of state standards of social services	ONGOING

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
62.	Provide organisational and methodological support to social service providers, including those with round-the-clock accommodation (stay), in providing social support and social services	ONGOING
63.	Ensure control over the availability of contracts with healthcare facilities or licences for medical practice for social service providers with round-the-clock accommodation (stay)	ONGOING
64.	Organise the capacity building of employees of the NSSU territorial bodies and their methodological support in compliance with state standards of social services, in terms of observance of the rights of social service recipients who are in residential care facilities with round-the-clock accommodation (stay)	ONGOING
65.	Together with the State Service of Ukraine for Food Safety and Consumer Protection, monitor compliance by social service providers with sanitary and hygiene and anti-epidemic requirements, as well as requirements for food safety and quality	ONGOING
<b>The MoH of Ukraine shall:</b>		
66.	Ensure that providers of social services with round-the-clock accommodation (stay) comply with licensing conditions for economic activities in medical practice	ONGOING
67.	Ensure control over the provision of medical care, including psychiatric one, to residents/wards who live (stay) with a social service provider that has a licence to medical practice	NOT IMPLEMENTED
68.	Develop and approve sanitary regulations for PNCHs, CCHs and care homes for elderly people and persons with disabilities in pursuance of Decree of the President of Ukraine No. 553/2016 of 13 December 2016 “On Measures Aimed at Ensuring the Observance of the Rights of Persons with Disabilities”	NOT IMPLEMENTED
<b>The SESU shall:</b>		
69.	Ensure that providers of social services with round-the-clock accommodation (stay) comply with fire safety regulations	NOT IMPLEMENTED
<b>The State Service of Ukraine for Food Safety and Consumer Protection together with the NSSU shall:</b>		
70.	Monitor compliance by social service providers with sanitary and hygiene and anti-epidemic requirements, as well as requirements for food safety and quality	NOT IMPLEMENTED
<b>The Ministry of Finance shall:</b>		
71.	Consider amending the CMU Resolution No. 590 of 9 June 2021 “On Approval of the Procedure for Exercising Powers by the State Treasury Service in a Special Regime under Martial Law” regarding the possibility for social service providers with round-the-clock accommodation (stay) to purchase items and materials following the needs of social service recipients	IMPLEMENTED
<b>Oblast and Kyiv City Military Administrations shall:</b>		
72.	Take measures to organise and monitor the arrangement, operation, and maintenance of civil defence facilities in residential social protection institutions	ONGOING
73.	Take measures to identify entities that actually provide social services for care, and stay/residence to the elderly and persons with disabilities, to bring the activities of such entities in line with the requirements of the law	ONGOING
74.	Ensure that entities that actually provide social services for care, and stay/residence to the elderly and persons with disabilities enter the relevant information into the Register of Providers and Recipients of Social Services	ONGOING
75.	Carry out regular training for social service providers, including private ones, with the involvement of NGO representatives	ONGOING
76.	Ensure that social service providers with round-the-clock accommodation (stay) obtain licences for economic activities in medical practice	ONGOING

Number	Recommendation	Progress in implementing (implemented, not implemented, ongoing)
77.	To take measures to bring the activities of social service providers with round-the-clock accommodation (stay) in line with state standards of social services and the Criteria for the activities of social service providers approved by the Resolution of the CMU No. 185 of 3 March 2020, in particular, to organise barrier-free space in the premises of social service providers with round-the-clock accommodation (stay) following the requirements of SBN B.2.2–40:2018	ONGOING
78.	Take measures to provide medical care to residents/wards, including signing a declaration by all wards and legal representatives on the choice of a doctor who provides primary health care	ONGOING
79.	Ensure control over the cooperation of social service providers with healthcare institutions, in particular in terms of providing primary and specialised medical care to wards/residents	ONGOING
80.	Monitor the organisation of safe food, the quality of social services, the organisation of medical care for wards, sanitary and hygienic, anti-epidemic (preventive) and fire protection measures	ONGOING
81.	To strengthen control over the quality of the organisation and conduct of examinations of wards by the medical and social expert commission, and of children by the medical advisory commission, to establish their disability and provide them with individual rehabilitation programmes in accordance with the law	ONGOING
82.	Ensure the implementation of the measures specified in individual rehabilitation programmes for children and persons with disabilities, in particular, to organise the provision of rehabilitation measures and orthopaedic footwear	ONGOING
83.	Ensure that social service institutions comply with the Methodological Recommendations on the Organisation of Occupational Therapy for the Elderly, Persons with Disabilities, and Children with Disabilities in Institutions/Facilities of the Social Protection System approved by Order of the MSP No. 1778 of 26 November 2018	ONGOING
84.	Establish cooperation with FLI centres	IMPLEMENTED
85.	To ensure that providers of social services with round-the-clock accommodation (stay) place information on the rights of persons with disabilities, telephone numbers of hotlines, officials, including the Commissioner and the Centre for Free Legal Aid, to whom persons can apply, in an accessible place and form	IMPLEMENTED

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**COMMISSIONER FOR HUMAN RIGHTS**  
**On Prevention of Torture and Other Cruel, Inhuman**  
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**in Ukraine in 2024**

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