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Ukraine

Prison conditions, 2024 update



COUNTRY OF ORIGIN INFORMATION (COI) - THEMATIC REPORT

Ukraine – Prison conditions, 2024 update

This report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed. It should thus be weighed against other country of origin information available on the topic.

The report at hand does not include any policy recommendations. The information does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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Executive summary

Independent monitoring of Ukrainian prisons remains accessible to international and local human rights organisations, though some isolated restrictions apply.

The war has strained Ukraine's already under-resourced prison system, impacting conditions, security and basic supplies. Since the full-scale invasion, Ukraine has lost 20 % of its prison population, with some facilities under Russian control or destroyed. To address shortages in manpower, a law now allows certain prisoners to enlist in the armed forces. As of mid-2024, over 3,000 prisoners have joined, with a government goal of enlisting around 10,000.

Ukraine has established new detention facilities, including prisoners of war (POW) camps and disciplinary battalions. Structural changes due to occupied territories and evacuations have affected facility locations but not prison types, which still include minimum, medium and maximum-security levels.

Living conditions in Ukrainian pre-trial detention centres (SIZO) have not improved, with overcrowding, limited access to medical care and inadequate hygiene conditions persisting. The introduction of paid cells has provided some inmates with better accommodations, but the majority face substandard conditions, especially near conflict zones. Despite limited changes to legislation, detainees can remain in SIZO for prolonged periods. Issues of overcrowding have worsened with new categories of detainees such as military personnel. Vulnerable groups and women's facilities have particular needs that remain unmet, although some positive steps like online legal consultations have been introduced in select locations.

Living conditions for sentenced prisoners in Ukraine are impacted by the war, with many facilities experiencing overcrowding, poor sanitation and deteriorating infrastructure. Access to healthcare remains inadequate, worsened by staff shortages, and prison labour often involves exploitation without fair compensation.

Instances of violence arise from poor conditions. Despite isolated improvements, overall prisoner access to meaningful activities, contact with the outside world and necessary healthcare remains limited, with issues such as the misuse of solitary confinement persisting.

Russian POWs in Ukraine have access to healthcare, hygiene and basic amenities, though some reports of ill-treatment exist.

Ukrainian disciplinary battalions hold Ukrainian military personnel convicted of minor offenses, and conditions are adequate but strained due to increased numbers.

There are reports of ill-treatment and torture against remand prisoners and sentenced prisoners committed by prison staff and so-called 'administrative assistants' from among the convicts.

Ukraine's judiciary faces issues with corruption, political pressure and undue trial delays, although recent reforms aim to improve judicial independence. While detainees have a right to legal support, access to quality legal aid is often hindered, particularly near frontline areas. Reports of torture to extract confessions exist but are not widespread. Prisoner transfers have raised concerns, with complaints about poor conditions, prolonged durations and in some cases humiliating treatment. Sources reported that impunity among prison staff is widespread.

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Introduction

This report focuses on the developments in prison conditions in Ukraine since the Danish Immigration Service (DIS) published the [last report on the same topic in November 2021](#). The report specifically looks into the situation since the beginning of Russia's full-scale invasion in February 2022.

CPT's standards consist of several different documents divided into themes on prison conditions. In each chapter or section of this report, the relevant CPT document is introduced in short terms but not presented in its full length.¹ The purpose of this report is to provide updated background information for the processing of asylum cases in Denmark. However, in accordance with country of origin information (COI) principles, the report at hand is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Hence, it does not include a discussion on the degree of compliance of the mentioned standards.

The main themes in the report are actors of independent monitoring, types of prisons and living conditions for remand, sentenced and military prisoners. This includes material conditions, health care, access to meaningful activities, contact to the outside world, use of solitary confinement, prevalence of ill-treatment and torture, differentiated treatment and accountability.

DIS drew up the terms of reference (ToR) in consultation with the Asylum department of DIS and the Danish Refugee Appeals Board. The ToR is included in [Annex 2](#).

The EUAA COI Report Methodology has been applied in the writing process.² The report is based on a synthesis of information obtained from oral sources complemented by written sources. The report includes online interviews with the Ministry of Justice of Ukraine (MoJ), the representative of the Commissioner for Human Rights in places of detention, the Kharkiv Human Rights Protection Group (KhPG), Ukraine without Torture (UwT) and Protection for Prisoners of Ukraine (PPU). The interviewed NGOs were recommended by DIGNITY. The Russian full-scale invasion has impacted all the sources' ability to carry out their work in relation to the Ukrainian prison system. One source used in DIS' previous report on the Ukrainian prison system has shifted its work scope entirely since February 2022. As such, this source is not included in this present report.

The online meetings with the sources were conducted in English and Russian without the use of a translator or in Ukrainian with the use of a translator.

¹ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26 April 2024, [url](#)

² EUAA, *EUAA Country of Origin Information (COI) Report Methodology*, February 2023, [url](#)

Before the online interview with PPU, the source forwarded DIS written answers to the ToR in Ukrainian, which were afterwards translated into English by the Ukrainian translation agency Aventa.

During the online meeting, the MoJ informed DIS that written answers for the ToR had been prepared before the meeting. These statements were forwarded to DIS in Ukrainian and subsequently translated into English by Aventa.

The oral sources were briefed about the purpose of the meetings and informed that their statements would be included in a publicly available report in accordance with their preferred referencing. Minutes were written for each interview and forwarded to the sources for their approval, which gave the sources the possibility to amend, comment or correct their statements. All of the meeting notes can be found in [Annex 1](#). Care has been taken to present the views of the sources as accurately and transparently as possible. The individual sources should not be held accountable for the content of the report.

For the sake of transparency, accuracy and reader-friendliness, the paragraphs in the minutes of the interviews in Annex 1 have consecutive numbers, which are used in the footnotes when referring to the statements of the sources. Not all details and nuances of the sources' statements are addressed in the report, but all statements are kept in the minutes.

As a rule, the report covers prison conditions in Ukraine following the introduction of the full-scale invasion by Russia on 24 February 2022. Attention should be paid to the changeable situation in Ukraine, which entails that data collected may quickly become outdated.

The research and editing of the report were finalised on 10 December 2024.

The report is available on the website of us.dk, thus available to all stakeholders in the refugee status determination process as well as to the public.

Map of Ukraine



Source: United Nations, *Ukraine Profile Map: Map No. 3733 Rev October 2023*, [url](#)

Abbreviations

COI	Country of Origin Information
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DIS	Danish Immigration Service
Disbat	Disciplinary Battalion
EUAA	European Union Agency for Asylum
KhPG	Kharkiv Human Rights Protection Group
NPM	National Preventive Mechanism
MoJ	Ministry of Justice of Ukraine
POW	Prisoners of War
PPU	Protection for Prisoners of Ukraine
ToR	Terms of Reference
UwT	Ukraine without Torture

Glossary

Pre-trial detention centre

Pre-trial detention centres (also known as SIZO or remand detention) are prisons for persons awaiting trial (see [4. Living conditions for detainees in remand detention](#)).

Remand prisoner

A remand prisoner is a person held in custody while awaiting trial or sentencing.³ A remand prisoner is typically held in a pre-trial detention facility (SIZO) (see [4. Living conditions for detainees in remand detention](#)).

Correctional colony

Correctional colony is one type of penitentiary facility (prison) where prisoners can serve their sentence. The word and concept of colonies derive from a Soviet prison tradition.⁴ Throughout this report, the terms correctional colony and prison are used interchangeably to accurately reflect the sources' statements (see [5. Living conditions for sentenced prisoners](#)).

Disciplinary battalion

A disciplinary battalion serves as the means for carrying out punishments involving the detention of convicted military personnel in a disciplinary battalion. This applies to conscripted servicemen, contracted servicemen, officers in professional military service, officers in conscription service, military personnel mobilized for service during special periods, and reserve personnel called up for special duty (excluding female military personnel) (see [6.2.1 Disciplinary battalions \(disbat\)](#)).⁵

³ New Zealand, Department of Corrections, *Remand*, n.d., [url](#)

⁴ DIS, *Ukraine - Prison conditions*, November 2021, [url](#), p. 9

⁵ MoJ: 73

1. Access to Ukrainian prisons for independent monitoring

This chapter describes actors given access and mandate to monitor the Ukrainian prison system. Furthermore, it looks into places of detention where monitoring is restricted. Overall, the situation regarding independent monitoring of Ukrainian prisons remains the same as in 2021.⁶ For further details, please see [1. Access to Ukrainian prisons for independent monitoring in DIS' previous report](#).

1.1 Actors granted access to prisons and detention facilities

The government of Ukraine has in general given independent monitors, such as international and local human rights organisations, access to prison and detention facilities.⁷ This includes, among others, the European Committee for the Prevention of Torture (CPT), the Ombudsman's Office, the UN Human Rights Monitoring Mission in Ukraine and members of the Public Council under the Ministry of Justice of Ukraine (MoJ).⁸

The Kharkiv Human Rights Protection Group (KhPG) noted that while there are some issues in relation to access to prisons for independent monitoring, they are typically isolated cases rather than widespread problems. The source, however, continued to encounter efforts from the MoJ to limit public monitoring rights.⁹

The Commissioner for Human Rights in places of detention (The National Preventive Mechanism, NPM¹⁰) has not faced problems in regards to access to places of detention. It has access to all places of detention owned by the state, documents and communication with detainees without eavesdropping. In 2023, they started visiting places of detention on private property.¹¹

The organisation Ukraine without Torture (UwT) opined that the NPM sometimes is unsystematic and more focused on quantitative metrics rather than the quality of monitoring visits and torture prevention. Nonetheless, the source added that it appears to be the most promising

⁶ KhPG: 1; UwT: 1

⁷ UwT: 1; KhPG: 1; USDOS, *2023 Country Report on Human Rights Practices: Ukraine*, 23 April 2024, [url](#), p. 9

⁸ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26 April 2024, [url](#), p. 6; MoJ: 6-7; UwT: 2-6; PPU: 4; USDOS, *2023 Country Report on Human Rights Practices: Ukraine*, 23 April 2024, [url](#), p. 9

⁹ KhPG: 1

¹⁰ DIS, *Ukraine - Prison conditions*, November 2021, [url](#), p. 10

¹¹ Commissioner for Human Rights in places of detention: 1-2

systemic solution. However, it requires additional training for personnel as well as the development of a strategy for its improvement by uniting the most active participants involved in its implementation.¹²

Many NPM employees left Ukraine after Russia's full-scale invasion. In 2023, the NPM was almost fully staffed again.¹³

1.2 Mandate

According to DIGNITY, Ukrainian prison authorities continue to be monitored by DIGNITY's partners following the same standards that were applied prior to the full-scale invasion.¹⁴

Prison monitoring organisations have a clearly defined mandate and operate independently of state structures. Their main responsibility is to monitor conditions of detention, record human rights violations and document cases of torture and ill-treatment. They have the right to:

- Unhindered access to any penal institution.
- Conduct private conversations with prisoners without the presence of the institution's employees.
- Requirement to provide any necessary documentation relating to conditions of detention.
- Publish the results of their observations and recommendations for correcting situations that threaten human rights.¹⁵

Due to their mandate, KhPG and PPU members have unhindered access to all documentation related to detention conditions.¹⁶

1.3 Facilities with restricted access

According to the MoJ, access to all penitentiary institutions, pre-trial detention centres and POW camps is ensured without exception.¹⁷

Despite the fact that organisations are legally granted access to all penal institutions in Ukraine, there are practical restrictions in regards to prisons in temporarily occupied territories. Independent monitoring organisations do not have access to prisons located in territories occupied

¹² UWT: 15-16

¹³ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26 April 2024, [url](#), p. 7

¹⁴ DIGNITY, *DIGNITY and partners step up prison monitoring efforts in Ukraine*, 6 September 2022, [url](#)

¹⁵ PPU: 5

¹⁶ PPU: 6

¹⁷ MoJ: 10

by the Russian Federation.¹⁸ Furthermore, in prisons where prisoners of war (POWs) are held, international observers are granted limited access and human rights organisations face limitations in their ability to conduct independent inspections.¹⁹

Ukrainian human rights groups have been monitoring places of detention in the occupied territories of Ukraine by means of indirect monitoring, such as gathering and confirming open-source information, interviewing former prisoners and other witnesses, continued communication with detainees - mostly upon their release - their relatives and employees of places of detention.²⁰

UwT noted that the nature of the war in Ukraine makes monitoring visits close to the frontline more difficult due to security measures that have to be undertaken. Moreover, UwT pointed out that in their opinion, the MoJ has not updated the legal framework regarding access to independent monitoring to ensure that it matches the reality that Ukraine is fighting a large-scale war on its own territory.²¹

Military or special service-related detention centres may be inaccessible to certain entities, particularly concerning national security. These may include military bases, special facilities of the Security Service of Ukraine (SBU) or temporary detention facilities not listed in official registries.²²

¹⁸ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26 April 2024, [url](#), p. 8; PPU: 7; UwT: 12, 14

¹⁹ PPU: 7

²⁰ UwT: 14; DIGNITY, *“Nine circles of hell”: places of detention in Ukraine under the Russian occupation*, March 2023, [url](#), p. 10

²¹ UwT: 1

²² UwT: 13

2. Impact of the war on prisons in Ukraine

In December 2022, the State Penitentiary System of Ukraine had 26,000 employees overlooking 48,000 prisoners in 109 prison facilities. Of the 48,000 prisoners, 38 % were remand prisoners.²³

Even before the full-scale invasion, the Ukrainian penitentiary system was lacking resources.²⁴ The war has significantly worsened prison conditions and weakened the State Penitentiary Service's ability to maintain security, safety and meet the basic needs of inmates. The MoJ stated that since February 2022, the country has lost 20 % of its prison population. Additionally, 12 prisons have reportedly come under Russian control, while three prisons have been destroyed. As a precautionary measure, 5,000 prisoners have been relocated from 12 prisons in the east to central and western regions of Ukraine.²⁵

Ukraine has re-established control over four prisons, which have been damaged, looted and mined. Consequently, these prisons have not been reopened.²⁶

A consequence of the war has been a shortage of food and other supplies in the Ukrainian prison system.²⁷ The penitentiary system has further been affected by winter and a lack of energy, heating, water supplies and equipment such as generators, warm clothing, bedding, sanitary items as well as medical provisions.²⁸

2.1 Drafting of prisoners to the armed forces of Ukraine

In May 2024, the Ukrainian Parliament approved a bill allowing certain prisoners to join the armed forces of Ukraine as the military has faced significant manpower problems.²⁹

Prisoners ineligible to serve include individuals convicted of sexual violence, multiple homicides, serious corruption offenses and former high-ranking officials. Only prisoners with less than three years remaining on their sentence would be eligible to apply. Individuals who are

²³ UNODC, *Penitentiary Assistance in response to the Armed Conflict and Emergency Needs in Ukraine (PACE.UA Programme)*, n.d., [url](#), p. 2

²⁴ European Commission, *Ukraine 2023 Report*, 8 November 2023, [url](#), p. 41

²⁵ UN Ukraine, *Ukraine Common Country Analysis 2023*, August 2023, [url](#), p. 23; UNODC, *The impact of war on prisons and penal reform in Ukraine*, 21 December 2023, [url](#)

²⁶ UNODC, *Penitentiary Assistance in response to the Armed Conflict and Emergency Needs in Ukraine (PACE.UA Programme)*, n.d., [url](#), p. 3

²⁷ DIGNITY, *DIGNITY and partners step up prison monitoring efforts in Ukraine*, 6 September 2022, [url](#)

²⁸ UNODC, *Penitentiary Assistance in response to the Armed Conflict and Emergency Needs in Ukraine (PACE.UA Programme)*, n.d., [url](#), p. 3

²⁹ Al Jazeera, *Ukraine parliament passes bill for prisoners to join army*, 8 May 2024, [url](#); FP, *Now Ukraine is also recruiting prisoners*, 1 August 2024, [url](#)

mobilised will receive parole, and not a pardon.³⁰ Remand prisoners are not included in the bill.³¹

As of July 2024, more than 3,000 prisoners have reportedly been enlisted and sent to military units.³² According to the MoJ, approximately 27,000 prisoners could be qualified for enlistment, while the aim of the government is to enlist approximately 10,000 prisoners.³³

³⁰ Al Jazeera, *Ukraine parliament passes bill for prisoners to join army*, 8 May 2024, [url](#)

³¹ KhPG: 54

³² AP, *Ukraine is releasing thousands of prisoners so they can join the fight against Russia*, 1 July 2024, [url](#)

³³ FP, *Now Ukraine is also recruiting prisoners*, 1 August 2024, [url](#)

3. Different types of prisons

3.1 Developments since the outbreak of the war

New places of detention have appeared since the beginning of the full-scale invasion, such as camps for Russian POWs. In addition, there are several new disciplinary battalions for military persons from the armed forces of Ukraine because of the higher numbers of military persons.³⁴

Furthermore, places of detention and prisons have been set up in places, which are now under Russian occupation. Some of them have been damaged. For instance, a prison in Kherson was closed due to damages during the occupation.³⁵

Due to the ongoing conflict in Ukraine, the MoJ has been looking into the possibility of adding shelters to the existing prison structure as a way of ensuring the safety of the inmates.³⁶

3.2 Distribution of prisoners among different types of prisons

The types of prisons - maximum, medium and minimum security levels - remain unchanged.³⁷ However, there have been structural changes since some prisons ended up in occupied territories, and certain prisoners and staff had to be evacuated. These structural changes have not significantly affected the prison types themselves.³⁸

Another development in terms of distribution of prisoners is that currently, mainly persons convicted of smaller offences serve their sentences in minimum security prisons. In the past, those who had committed serious offences could also be held in these prisons. Those convicted of serious crimes are placed under more severe prison conditions.³⁹

Depending on the level of security and conditions of detention, prisoners are distributed among different types of institutions:

- Correctional colonies of minimum security with lightened conditions – intended for first-time offenders of minor crimes or crimes of negligence. Prisoners can be held in conditions with less severe restrictions and access to work.
- Correctional colonies of minimum security with general conditions – men and women convicted for the first time of minor or medium-sized crimes are held here. The conditions of detention are stricter than in the light security colonies.

³⁴ Commissioner for Human Rights in places of detention: 11

³⁵ Commissioner for Human Rights in places of detention: 12-13

³⁶ MoJ: 5

³⁷ MoJ: 11; UwT: 19; KhPG: 2

³⁸ KhPG: 2

³⁹ KhPG: 3

- Correctional colonies of medium security correctional facilities – for those who have previously served sentences or for people convicted of serious crimes. These institutions have stricter rules and regime.
- Correctional colonies of highest security – for prisoners sentenced to life imprisonment or particularly serious crimes. The conditions of detention here are the most severe.
- Educational colonies – for minors who have been sentenced to imprisonment.
- Camps for prisoners of war.⁴⁰

⁴⁰ PPU: 8; MoJ: 12

4. Living conditions for detainees in remand detention

Sources agreed that in general, there have been few overall changes to the Ukrainian remand prison system or SIZO since 2021.⁴¹ One notable change is the introduction of *paid cells* in 25 SIZOs across Ukraine, where cells have been renovated to provide more comfortable living conditions, including private kitchens and dining areas.⁴²

4.1 Material conditions and overcrowding

Despite the introduction of paid cells, SIZOs continue to struggle with overcrowded and sub-standard conditions.⁴³ No significant legislative reforms have addressed these issues, and the conditions remain problematic, with SIZOs operating above capacity. The issue with overcrowded conditions has been observed prior to the war and still persists, with approximately a third of Ukraine's 44,000 inmates situated within SIZOs, underscoring a long-standing challenge that has not been resolved.⁴⁴ According to the Ukrainian Commissioner for Human Rights in places of detention, there are now new types of prisoners in the SIZOs; there are large amounts of POWs as well as military persons from the armed forces of Ukraine that might have committed crimes during martial law.⁴⁵ However, the POWs are kept in separate units.⁴⁶ KhPG pointed out that even though Ukrainian SIZOs struggle with overcrowding, remand prisoners are kept separate from convicted prisoners.⁴⁷

Changes in operational capacity have been implemented in certain regions.⁴⁸ In areas like Kherson and Zaporizhzhia, some facilities now operate at reduced capacity, with fewer inmates being admitted than before the war to avoid overcrowding and to enhance safety.⁴⁹ In the Donetsk region, however, inmates have been relocated entirely to other areas.⁵⁰

PPU pointed out that overcrowding in the SIZO system has led to a number of violations of the minimum standards of detention in Ukraine.⁵¹ There have been recent cases of violation of the

⁴¹ KhPG: 41

⁴² KhPG: 13

⁴³ Commissioner for Human Rights in places of detention: 15; KhPG: 41

⁴⁴ KhPG: 41

⁴⁵ Commissioner for Human Rights in places of detention: 16

⁴⁶ Commissioner for Human Rights in places of detention: 4-5

⁴⁷ KhPG: 5

⁴⁸ Commissioner for Human Rights in places of detention: 14; KhPG: 5-7

⁴⁹ KhPG: 5-7

⁵⁰ KhPG: 7

⁵¹ PPU: 9

norm of space per prisoner in Sumy SIZO.⁵² There has also been cases of insufficient natural light in some facilities; in cell No. 219, the lighting level was only 41 lux against the norm of 150 lux.⁵³ In Zhytomyr Penitentiary Facility (UPV) No. 8 (April 2024), monitors recorded the absence of drinking water in some cells and the absence of toilets. In some premises of the Kharkiv SIZO (January 2024), low lighting indicators were also recorded, in particular, only 10 lux was recorded in cell No. 103, which does not meet the requirements of the State Building Regulations of Ukraine.⁵⁴

The Ukrainian Ministry of Justice (MoJ) stated that repair works in cells are carried out systematically depending on the sanitary and aesthetic condition of the premises.⁵⁵ The Commissioner for Human Rights in places of detention stated that there has been an effort to launch repairs and introduce changes, but financing was lacking.⁵⁶

4.2 Sanitary conditions and access to personal hygiene

The MoJ stated that prisoners are provided with regular weekly bathing in the bathhouse with mandatory replacement of underwear and bed linen, towels, washing of outerwear, towels and other property. Furthermore, prisoners are provided with soap, washing powder and other detergents for bath and laundry, sanitary and hygienic as well as toilet needs in accordance with the standards established by law.⁵⁷

PPU advised that in Zhytomyr UVP No. 8, serious violations were detected, including lack of toilets in some cells and insufficient water supply. The lack of water is a critical problem that directly affects the personal hygiene of prisoners. Cells often lack adequate ventilation, and constant humidity and unpleasant odors are typical in most facilities.⁵⁸

4.3 Ill-treatment and torture

The MoJ stated that in case of reported facts of ill-treatment of prisoners in SIZOs, the internal security services initiate an internal investigation.⁵⁹ The CPT delegation did not receive any allegations of recent ill-treatment by staff in any of the prison establishments visited. The vast majority of the prisoners interviewed stated that staff members treated them correctly.⁶⁰ However,

⁵² PPU: 9

⁵³ PPU: 9

⁵⁴ PPU: 9

⁵⁵ MoJ: 15

⁵⁶ Commissioner for Human Rights in places of detention: 18

⁵⁷ MoJ: 17-18

⁵⁸ PPU: 11

⁵⁹ MoJ: 28

⁶⁰ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 10

the Kharkiv Human Rights Protection Group pointed out that in the SIZO, conditions of detention are often worse than in colonies and that the European Court of Human Rights had ruled against Ukraine based on examples from Ukrainian SIZOs.⁶¹ In January and July of 2024, cases of physical violence were recorded in Sumy and Kharkiv SIZO.⁶²

4.4 Violence between prisoners

CPT stated that physical violence between prisoners did not seem to be a major problem in most of the establishments visited.⁶³ KhPG further elaborated that there had been no real changes in the prevalence of inter-prisoner violence in Ukrainian SIZOs since the outbreak of the full-scale invasion.⁶⁴

On the other hand, PPU stated that overcrowded cells and lack of staff has created ideal conditions for conflicts between prisoners. These conflicts often end in physical violence.⁶⁵

4.5 Access to activities and contact with the outside world

Opportunities for physical activity and engagement remain limited, as SIZOs continue to provide detainees only one hour of outdoor exercise per day, although this right is inconsistently observed due to overcrowding.⁶⁶ PPU pointed out that during a monitoring visit to Kharkiv SIZO, it became known that prisoners have almost no opportunity to participate in programs that would contribute to their rehabilitation or the development of new skills.⁶⁷

Contact with the outside world is also unchanged. Inmates are allowed access to legal counsel and family visitation with the permission of the investigator, following pre-existing protocols.⁶⁸

PPU stated that in reality, lack of access to legal aid deprives prisoners of their basic right to protection and increases the risk of their rights being violated. At the same time, a system of online consultations for prisoners with lawyers from the Free Legal Aid Center was implemented in Kharkiv SIZO, which significantly improved their access to legal support and protection. According to the source, such an example is positive in the field of ensuring the right to protection of prisoners, but remains an exception against the general background.⁶⁹ For more information regarding access to legal support, see [7.1.1 Access to a lawyer](#).

⁶¹ KhPG: 50

⁶² PPU: 22-23

⁶³ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 21

⁶⁴ KhPG: 53

⁶⁵ PPU: 27

⁶⁶ KhPG: 45; UwT: 30

⁶⁷ PPU: 15

⁶⁸ KhPG: 46

⁶⁹ PPU: 16

4.6 Access to medical care

Access to medical care remains insufficient, with inadequate staffing reported in SIZOs, which may sometimes lead to untreated medical needs among detainees.⁷⁰ According to UwT, this structural shortage of health care personnel is worst in the parts of Ukraine closest to the frontlines, as many doctors have relocated to other and safer parts of the country or even fled Ukraine.⁷¹

As a result of this medical personnel shortage, in Kharkiv SIZO, one of the seriously ill prisoners was taken care of by another prisoner, which is a violation of international standards for the treatment of prisoners.⁷²

According to the US Department of State, inmate Mykyta Mezentsev died in Lukyanivske SIZO in Kyiv from late-stage cancer in September of 2023, despite numerous appeals for specialised medical treatment and release.⁷³

4.7 Conditions of confinement

KhPG stated that there has not been any dramatic changes in the use of solitary confinement and other means of restraint in the pre-trial detention facilities since the full-scale invasion, and they have not encountered any cases of serious violations in this regard.⁷⁴ The commissioner for Human Rights in places of detention stated that it is the disciplinary commissions who decide whether to place someone in solitary confinement, but that the commissioner always informs the administration of the facility that solitary confinement is only allowed in specific cases, if the procedure is followed.⁷⁵

PPU pointed out that in Kharkiv SIZO, medical workers responsible for the state of health of persons held in the solitary confinement cell do not have the proper equipment to ensure control over the health of prisoners. Similar cases have been recorded in other institutions as well, where solitary confinement is used as a method of pressure on prisoners.⁷⁶

4.8 Differentiated treatment of ethnic and vulnerable groups

KhPG did not identify any significant issues of discrimination towards ethnic groups or vulnerable groups during their monitoring visits.⁷⁷ This view was echoed by the Commissioner for Human

⁷⁰ KhPG: 50; PPU: 12

⁷¹ UwT: 36-37

⁷² PPU: 12

⁷³ USDOS, *Ukraine 2023 Human Rights Report*, July 2024, [url](#), p. 8

⁷⁴ KhPG: 49

⁷⁵ Commissioner for Human Rights in places of detention: 37-38

⁷⁶ PPU: 20

⁷⁷ KhPG: 55

Rights in places of detention as well as the Ukrainian MoJ.⁷⁸ However, the Commissioner emphasised that informal hierarchies still exist in the Ukrainian prison system, which can lead to discrimination on basis of religion.⁷⁹ PPU held the view that members of ethnic minorities or the LGBTQ+ community are particularly vulnerable.⁸⁰ The MoJ did not receive any information of differentiated treatment in SIZOs.⁸¹

4.8.1 Special treatment for vulnerable groups

The Commissioner for Human Rights in places of detention assessed that women's SIZOs were not as overcrowded as the regular SIZOs, but that they are in need of repair work due to the unsatisfactory conditions.⁸²

PPU on the other hand stated that women and juvenile prisoners are often held in conditions that do not meet their needs. For example, in Rivne SIZO, women are kept in double cells with access to showers and hot water, which is a positive point. However, in some other detention facilities, women face limited access to medical care, and juveniles do not always have adequate conditions for education and psychological rehabilitation.⁸³

4.9 Detention duration and lack of legislative reform

The legal framework for duration of detention has not seen change. Detainees can be held for up to six months for minor offences or up to 12 months for serious offences while under investigation. However, if the case moves to trial, there are no restrictions on duration of detention, often leading to prolonged stays in SIZO facilities.⁸⁴

While there have been no changes to the legislation concerning duration of detention, the Ukrainian Commissioner for Human Rights in places of detention pointed out that in 2022, Ukraine introduced changes to the legislation concerning qualification of some activities. For instance, a person caught stealing in an area where martial law is in effect, regardless of proximity to hostilities, could be held in a SIZO for robbery according to martial law. This aggravates overcrowding in SIZOs.⁸⁵

⁷⁸ Commissioner for Human Rights in places of detention: 40-42; MoJ: 30

⁷⁹ Commissioner for Human Rights in places of detention: 40-42

⁸⁰ PPU: 34

⁸¹ MoJ: 51

⁸² Commissioner for Human Rights in places of detention: 50

⁸³ PPU: 35

⁸⁴ KhPG: 42-44

⁸⁵ Commissioner for Human Rights in places of detention: 17

5. Living conditions for sentenced prisoners

5.1 Material conditions

During their inspections in October 2023, CPT concluded that the Ukrainian prisons visited were primarily located in old buildings that had not been significantly refurbished in years, leaving most prisoner accommodations in poor condition.⁸⁶ KhPG shared a similar view on the general material conditions of the Ukrainian colonies, and elaborated that some colonies have seen deteriorating conditions, especially those that have had to accommodate evacuees from other regions. Prior to the war, some institutions were decommissioned. However, due to the war they have reopened, leading to worse living conditions, as they have not been maintained.⁸⁷ The MoJ maintained that lighting of the premises is provided in accordance with the established standards, and if there is insufficient natural light, artificial lighting is provided.⁸⁸

PPU held the view that in many correctional facilities, the premises are in an emergency condition, which poses a threat to the life and health of convicts. To illustrate their point, PPU highlighted that in Oleksiivka VK No. 25, during a visit in July 2024, it was discovered that walls were at risk of collapsing.⁸⁹ They further stated that in Temnivka VK No. 100 (July 2024), monitors revealed critical deficiencies, such as the lack of proper lighting and ventilation, which could lead to unsanitary conditions both in production and in residential premises.⁹⁰ In Sofiivka VK No. 45 (September 2024), convicts are forced to work in conditions of constant humidity due to a malfunction of the water supply system, which has worsened material conditions and endangered the convicts' health. In addition, the living premises do not meet the minimum living space standards.⁹¹

Despite the issues with the conditions of the Ukrainian colonies, sources agreed that repair works were being carried out, although to an insufficient degree due to lack of funds.⁹²

5.2 Sanitary conditions and access to personal hygiene

The MoJ stated that in penitentiary institutions, compliance with sanitary, hygienic and anti-epidemic rules is ensured. Persons arriving at penitentiary institutions undergo sanitary treatment,

⁸⁶ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 22

⁸⁷ KhPG: 14-15

⁸⁸ MoJ: 34

⁸⁹ PPU: 41

⁹⁰ PPU: 42

⁹¹ PPU: 43

⁹² CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 22; PPU: 44; KhPG: 14-15

which includes washing convicts in a bathhouse with soap and washcloth, followed by mandatory change of underwear as well as disinfection of body and personal clothing in a disinfection chamber. Subsequently, visits to the bathhouse are carried out at least once a week.⁹³

PPU had registered unsatisfactory levels of sanitary conditions at three colonies, including poor toilet conditions at Temnivka VK No. 100 as well as lack of constant access to clean drinking water at Pyatykhatky correctional colony and Oleksiivka VK No. 25. At the former, convicts were forced to collect rainwater for drinking due to the lack of constant access to clean water.⁹⁴

5.3 Ill-treatment and torture

CPT did not receive allegations of recent ill-treatment by staff in any of the prison establishments visited. The vast majority of the prisoners interviewed stated that staff members treated them correctly. According to a statement from DIGNITY in September of 2022, there had been a worsening of physical ill-treatment of prisoners since February 2022.⁹⁵

KhPG opined that the prevalence of torture in the Ukrainian colonies had remained somewhat unchanged since 2022. However, sources pointed out that recently there had been two high-profile cases, where prison officials were arrested and put on trial for creating systems of torture to extort money from the prisoners. These officials are currently on trial. One of the cases concerned the former Berdyansk colony No. 77. Another case took place in Bozhkivska Colony No. 16 in Poltava Colony No. 1. 16, where the accused officials are currently under investigation on suspicion of creating a criminal organisation involved in torturing prisoners.⁹⁶ CPT noted that violence between prisoners did not seem to be an issue except for the Zhytomyr Penitentiary Institution No. 8.⁹⁷

PPU stated that in Sofiivka VK No. 45, torture events, including wrapping individuals in tape and dousing with urine, took place in 2022. These abuses were recorded on video for further blackmail of the convicts, which caused widespread publicity after the video was published on the Internet. However, in 2024, no such cases were recorded, although systematic violations and abuses continue to be a serious problem in this institution, such as systematic beatings of convicts by so-called ‘administrative assistants’ from among the convicts (convicts to whom the administration delegates control functions).⁹⁸

⁹³ MoJ: 36

⁹⁴ PPU: 47-49

⁹⁵ DIGNITY, *DIGNITY and partners step up prison monitoring efforts in Ukraine*, 6 September 2022, [url](#)

⁹⁶ KhPG: 10; PPU: 107; UwT: 32; Commissioner for Human Rights in places of detention: 67; Dsnews, *Systemic torture of prisoners in Ukrainian penal colonies: video emerges*, 31 May 2024, [url](#)

⁹⁷ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 21

⁹⁸ PPU: 70; USDOS, *Ukraine 2023 Human Rights Report*, July 2024, [url](#), p. 7

PPU further stated that in Temnivka correctional colony No. 100, convicts also face ill-treatment. According to the testimonies of prisoners, torture and beatings are carried out by the so-called administrative assistants.⁹⁹

5.4 Violence between prisoners and riots

According to KhPG, violence between prisoners remains an issue in Ukrainian colonies. They added that in some institutions, the administration uses prisoners as tools to apply pressure on others. These are often so-called ‘trusted prisoners’ (day watchmen) who assist the administration, and they are sometimes involved in beating other prisoners.¹⁰⁰ This assessment was echoed by PPU, who elaborated that this practice allows for the creation of informal groups of prisoners in the colonies, who enjoy special privileges and have real power over other convicts. For example, in Oleksiivka VK No. 25, the functions of maintaining order were partially performed by prisoners united in the so-called ‘Sector of law and order’ (SPP). They had broad powers to control other convicts and used physical and psychological violence on them.¹⁰¹ This practice has also been detected in Kharkiv VK No. 43, Berdyansk VK-77, TVK No. 100 and Sofiivka VK No. 45.¹⁰²

In September 2024, a large riot took place in Sofiivka VK No. 45. According to studies by KhPG and PPU, riots are typically a form of response to what the inmates perceives as unsatisfactory conditions.¹⁰³

5.5 Access to healthcare

The CPT stated that healthcare facilities in the Ukrainian prison system could be regarded as overall acceptable, noting that the healthcare units possessed the necessary equipment and that their pharmacies were stocked with essential medication, which was available to prisoners free of charge.¹⁰⁴

On the other hand, KhPG stated that there had been negative changes in access to healthcare since the outbreak of the full-scale invasion. In the early stages of the war (2022-2023), there were shortages of medicines and healthcare personnel, as many staff members left. While the situation has somewhat stabilised, it has merely returned to pre-war levels, which were already inadequate.¹⁰⁵ PPU echoed this assessment and highlighted that an inmate lost his life at the

⁹⁹ PPU: 71

¹⁰⁰ KhPG: 26

¹⁰¹ PPU:

¹⁰² PPU: 78-80

¹⁰³ PPU: 81-83

¹⁰⁴ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26.

April 2024, [url](#), p. 33

¹⁰⁵ KhPG: 17

Sofiivka VK No. 45 due to the lack of medical assistance.¹⁰⁶ UwT called access to prison healthcare one of the most pressing issues with reference to – among others issues – the lack of healthcare personnel.¹⁰⁷

5.6 Access to activities and contact with the outside world

CPT stated that the rules governing prisoners' contact with the outside world have remained unchanged since the outbreak of the 2022 full-scale invasion. CPT expressed concern that both short and long-term visits are conducted in unsatisfactory manners.¹⁰⁸ US DOS elaborated that while prisoners, except those in disciplinary cells, were generally allowed to receive visitors, prisoner rights groups noted some families had to pay bribes to obtain permission for visits to which they were entitled by law.¹⁰⁹

KhPG stated that in the immediate aftermath of the full-scale invasion (February to August 2022), short-term visits for prisoners were prohibited due to the conflict. However, thanks to efforts by public organisations and prosecutors, this ban was lifted. Nevertheless, communication between convicts and the outside world has been affected by the war, as many relatives of prisoners have been evacuated or have moved abroad.¹¹⁰

With regards to meaningful activities, KhPG stated that this field was problematic even before the war, and that it remains problematic.¹¹¹ This view was shared by PPU, and both organisations emphasised that prison labour remains an issue, as prisoners are often exploited without proper payment.¹¹²

The commissioner for Human Rights in places of detention maintained that sentenced prisoners have the right to correspondence by writing letters and the use of internet, and that inmates have access to education to gain professional, technical and vocational skills.¹¹³

5.7 Use of solitary confinement

According to KhPG, there have been no changes in legislation regarding solitary confinement since the launch of the Russian full-scale invasion. As such, it is still only used as a disciplinary

¹⁰⁶ PPU: 51; Kharkiv Human Rights Protection Group, *Ukrainian prisoner dies after savage beating by prison staff and refusal to provide medical care*, 13 December 2023, [url](#)

¹⁰⁷ UwT: 29, 36

¹⁰⁸ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 38-39

¹⁰⁹ USDOS, *Ukraine 2023 Human Rights Report*, July 2024, [url](#), p. 7

¹¹⁰ KhPG: 19

¹¹¹ KhPG: 19

¹¹² KhPG: 18; PPU: 57

¹¹³ Commissioner for Human Rights in places of detention: 31, 34

measure. However, there have been instances of abuse, where prisoners are placed in solitary confinement in violation of the rules, which also occurred prior to the war.¹¹⁴

According to PPU, the organisation uncovered a systematic use of solitary confinement as a means of disciplinary punishment in Oleksiivka VK No. 25 during a monitoring visit in July 2024. PPU claimed that these cells are used to isolate prisoners for long periods, sometimes without proper reason. The administration of the colony often interprets this as a security measure, arguing that isolation is necessary to protect the prisoner himself or others, but in many cases, it is a means of pressure and punishment.¹¹⁵

5.8 Differentiated treatment based on ethnic, political or vulnerable groups

KhPG stated that they had not identified significant problematic cases of discrimination. There were situations where prisoners from Western Ukraine were serving sentences in Eastern regions, and they faced neglect. For example, when seeking medical assistance, they might be told, "You are not from our region, so you'll be served last". However, these were isolated incidents, and there were no broad conflicts based on ethnic grounds.¹¹⁶

5.8.1 *Special treatment of vulnerable groups*

There is a special treatment of vulnerable groups, such as people with disabilities and those sentenced for life. Furthermore, there are two institutions in Ukraine for women who have children – Kamianka Correctional Colony No. 34 and Naderzhynshchyna Correctional Colony No. 65, which accommodate approximately 20-25 children. The premises where the children live are provided with everything necessary.¹¹⁷

KhPG stated that there had been changes in criminal law that have led to an increase in the number of convictions of juvenile offenders. Changes in criminal legislation now result in more minors being prosecuted for relatively minor offences.¹¹⁸ Juvenile offenders have the possibility to temporarily leave the institution.¹¹⁹

¹¹⁴ KhPG: 20

¹¹⁵ PPU: 67

¹¹⁶ KhPG: 27

¹¹⁷ PPU: 90-91

¹¹⁸ KhPG: 29

¹¹⁹ MoJ: 55

6. Living conditions for military prisoners

This chapter focuses on the living conditions for Russian prisoners of war (POWs), as well as living conditions for military personnel from the armed forces of Ukraine.

6.1 Russian prisoners of war (POWs)

Russian POWs are interrogated by the military intelligence and security service SBU after being captured. If it is confirmed that the prisoners have not participated in war crimes, they are sent to internment. Those suspected of war crimes or of having fought in Donbass before the full-scale invasion in February 2022 are held in separate locations, while Ukrainian authorities investigate them. POWs who have committed war crimes are charged.¹²⁰

6.1.1 Conditions in military camps

Most Russian POWs are held in special camps in Ukraine, which are visited by representatives of international human rights organisations.¹²¹ These include the Office of the Ombudsman, International Committee of the Red Cross and the UN Special Rapporteur on the prevention of torture.¹²²

The conditions in camps for Russian POWs appear, according to several sources, to be reasonably satisfactory and in accordance with the Geneva Convention.¹²³ POWs have access to healthcare, fresh air, drinking water, personal hygiene kits, shoes, clothes and food three times per day. They also have access to paid work. They have stores and can receive parcels as well as money, which is transferred to their accounts. The military camps have generators, as Russia is targeting the energy objects of Ukraine.¹²⁴

As of October 2024, there are four camps for POWs, and a fifth is being constructed. Out of the four active ones, the Commissioner for Human Rights in places of detention has visited three. The Commissioner did not receive complaints of torture or ill-treatment in the three camps.

¹²⁰ Landinfo, *Ukraina: Behandling av russiske krigsfanger [Ukraine: Treatment of Russian prisoners of war]*, 19 March 2024, [url](#), p. 1

¹²¹ Meduza, «Медуза» побывала в украинской колонии, где держат российских военнопленных Вот наш фоторепортаж [Meduza visited a Ukrainian colony where Russian prisoners of war are held. Here is our photo report], 19. January 2023, [url](#)

¹²² Commissioner for Human Rights in places of detention: 5, 9; Landinfo, *Ukraina: Behandling av russiske krigsfanger [Ukraine: Treatment of Russian prisoners of war]*, 19 March 2024, [url](#), p. 2

¹²³ PPU 97; Commissioner for Human Rights in places of detention: 7; Landinfo, *Ukraina: Behandling av russiske krigsfanger [Ukraine: Treatment of Russian prisoners of war]*, 19 March 2024, [url](#), p. 2

¹²⁴ Commissioner for Human Rights in places of detention: 6, 10; Landinfo, *Ukraina: Behandling av russiske krigsfanger [Ukraine: Treatment of Russian prisoners of war]*, 19 March 2024, [url](#), p. 2; UN HRC, *Visit to Ukraine - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Alice Jill Edwards*, **, 30 March 2024, [url](#), pp. 10-11

Furthermore, the Commissioner has visited special units of SIZOs, as POWs are held in separate units.¹²⁵

According to OHCHR, in the period from February 2022 – February 2023, 40 POWs described ill-treatment and inadequate internment conditions. Moreover, 11 POWs reported beatings committed by military police or guards in Kharkiv SIZO, Dnipro SIZO, Dnipro penal colony No. 89 and Vinnytsia SIZO between March and April 2022.¹²⁶

6.2 Military prisoners from the armed forces of Ukraine

DIS faced challenges in obtaining updated information about Ukrainian military prisoners and conditions in disciplinary battalions. Therefore, some themes in the ToR have not been addressed in this report.

KhPG does not have extensive information from disciplinary battalions, as they have not visited them recently. Thus, KhPG only has access to collected information from third parties.¹²⁷ UwT advised that sentencing of draft evaders and conscientious objectors is not their area of expertise.¹²⁸

6.2.1 Disciplinary battalions (*disbat*)

According to Article 17 of the Criminal Executive Code of Ukraine, a disciplinary battalion serves as the means for carrying out punishments involving the detention of convicted military personnel in a disciplinary battalion. This applies to conscripted servicemen, contracted servicemen, officers on professional military service, officers on conscription service, military personnel mobilised for service during special periods and reserve personnel called up for special duty (excluding female military personnel).¹²⁹

Two sources said that there is one disciplinary battalion in Ukraine, namely the 307th Disciplinary Battalion.¹³⁰ The Commissioner for Human Rights in places of detention, on the other hand, stated that there are several new disciplinary battalions for servicemen from the armed forces of Ukraine.¹³¹

The 307th Disciplinary Battalion is a specialised institution housing a specific group of individuals who have not committed serious criminal offences. These are service members whom the courts, while imposing disciplinary punishment, have deemed not entirely lost to society. The

¹²⁵ Commissioner for Human Rights in places of detention: 4-5

¹²⁶ OHCHR, *Treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine – 24 February 2022 – 23 February 2023*, 24 March 2023, [url](#), pp. 29-30

¹²⁷ KhPG: 36

¹²⁸ UwT: 20

¹²⁹ MoJ: 73

¹³⁰ KhPG: 35; PPU: 108

¹³¹ Commissioner for Human Rights in places of detention: 11

vast majority of detainees are military personnel who have violated Article 407 of the Criminal Code of Ukraine, meaning that they have unlawfully left their military units.¹³²

The court, considering the circumstances and the individual profile, can deem it possible to replace imprisonment of up to two years with detention in a disciplinary battalion for the same term. However, detention in a disciplinary battalion instead of imprisonment cannot be applied to individuals who have previously served imprisonment sentences.¹³³

Disbats are subordinate to the Ministry of Defence of Ukraine, which distinguishes them from other institutions. They have a special status that defines the order of serving the sentence, taking into account both the military status of the convicted individuals and the specifics of their offences.¹³⁴ The number of persons held in disbats has increased since the beginning of the war. Before the war, there were less than 100 servicemen. Official numbers were, however, not available during the research phase for security reasons.¹³⁵

6.2.1.1 Military personnel serving sentences in disciplinary battalions

All the consulted sources agreed that all Ukrainian servicemen can serve their sentences in disbats. However, PPU pointed out that whether a person is sentenced to serve in a disbat or in a regular correctional colony depends on both the severity of the crime as well as the opinion of the judge. However, the sources were not in complete agreement as to when a person is considered a serviceman.¹³⁶

The detention of a military member in a disciplinary battalion applies exclusively to convicted military personnel.¹³⁷ According to the KhPG, the question concerning where draft evaders and conscientious objectors are held is difficult to answer in definite terms, and therefore, individuals cannot be imprisoned immediately. There must first be a trial. If convicted, a person who refused to mobilise, and hence did not become a military serviceman, will not be sent to a disbat, but to a regular prison institution.¹³⁸

Asked if a person would be considered a civilian or a military person after not showing up for the military when receiving a call-up letter, the Commissioner for Human Rights in places of detention noted that up to the point where a person has received a conscription letter, they are considered civilian.¹³⁹

¹³² PPU: 108

¹³³ MoJ: 80

¹³⁴ PPU: 110; MoJ: 75

¹³⁵ KhPG: 33

¹³⁶ Commissioner for Human Rights in places of detention: 20; PPU: 108; KhPG: 8, 34

¹³⁷ KhPG: 34; Pryncyp, *Military justice and protection of the rights of military personnel*, 2023, [url](#), p. 31; MoJ: 73

¹³⁸ KhPG: 8, 34; UwT: 20; PPU: 109

¹³⁹ Commissioner for Human Rights in places of detention: 20

The KhPG stated that if a person, on the other hand, is sentenced to prison for desertion, then the person in question was already considered serving in the army and hence a military serviceman.¹⁴⁰ If convicted, such a person would serve time in a disbat, according to UwT. The source noted that this is not their field of expertise.¹⁴¹

The KhPG said that all servicemen serve their sentences in disbats.¹⁴² PPU, however, stated that military personnel who have violated Article 407 of the Criminal Code of Ukraine, by unlawfully leaving their military units, according to Ukrainian criminal law can be placed in a disbat or assigned a prison sentence, in which case the individual would serve their sentence in a general correctional colony.¹⁴³ Pursuant to Article 407 of the Criminal Code of Ukraine, the place where the individual would serve their sentence depends on the length of the period in which the person was absent without leave from a military unit or place of service.¹⁴⁴

6.2.1.2 Conditions in disciplinary battalions

According to KhPG, the conditions in the disbats are not bad. Before the war, there were very few convicts there, and the authorities managed to renovate the facilities. The disbats have allegedly not changed for the worse. As the number of prisoners has increased, however, the facilities are gradually wearing down. In terms of access to healthcare in disbats, the same issues as in regular colonies prevail, including a lack of personnel and medical supplies.¹⁴⁵

There can be no more than 500 convicts in a single disbat. The KhPG did not have precise information on the total number of prisoners serving their sentences in disbats.¹⁴⁶

As of October 2024, KhPG has not documented cases of harsh treatment or torture in these facilities.¹⁴⁷

KhPG informed DIS about a trend that has emerged where soldiers desert their posts, preferring to be sent to a colony rather than stay at the front. The source added that in a paradoxical way, prisoners have more rights, such as a set sentence and the possibility of early release, which soldiers do not have.¹⁴⁸

¹⁴⁰ KhPG: 34

¹⁴¹ UwT: 20

¹⁴² KhPG: 33

¹⁴³ PPU: 108

¹⁴⁴ The Criminal Code of Ukraine, *Article 407 - Absence without leave from a military unit or place of service*, revision on 25 October 2024, [url](#)

¹⁴⁵ KhPG: 35, 39

¹⁴⁶ KhPG: 37

¹⁴⁷ KhPG: 40

¹⁴⁸ KhPG: 32; UwT: 20

6.3 Military detention facilities

CPT visited military detention facilities (so called *hauptvakhtas*) in Kyiv, Odesa and Zhytomyr. These facilities house five types of servicemen detainees: persons who need to sober up or who are placed in preliminary custody; those in remand custody by a court order; persons sentenced by a court; persons sentenced to administrative arrest for a maximum of 15 days; and POWs before they are transported to other facilities.¹⁴⁹

CPT found no cases of ill-treatment or inter-detainee violence. The overall material conditions were reportedly acceptable with equipment such as beds, lockers, tables, radio and often TVs, etc. The cells did not lack artificial lighting, heating nor ventilation. The detainees were supplied with items for personal hygiene and clothing.¹⁵⁰

Nevertheless, there were some problems with access to natural lights in some cells because of the observance of the blackout in connection with the war, as well as the fact that only one shower was granted per week, while the CPT standard is at least twice each week.¹⁵¹

All detainees could participate in outdoor exercise on a daily basis for one hour, in addition to voluntary unpaid labour and attend military drills. However, servicemen remand detainees could not participate in organised activities or make telephone calls. Administrative detainees are not permitted to have visits.¹⁵²

According to CPT, the detainees were provided with satisfactory healthcare assistance.¹⁵³

¹⁴⁹ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 43

¹⁵⁰ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), pp. 43-44

¹⁵¹ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 44

¹⁵² CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), pp. 44-45

¹⁵³ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023*, 26. April 2024, [url](#), p. 44

7. Conditions during interrogations, trials and transfer

7.1 Trial conditions

The Ukrainian constitution guarantees an independent judiciary. In practice, political pressure and systemic corruption among judges and prosecutors have influenced the courts. For instance, some judges and prosecutors have accepted bribes in return for making specific legal decisions.¹⁵⁴ In May 2023, the head of the Supreme Court, Vsevolod Kniaziev, was detained for reportedly accepting bribes.¹⁵⁵

Since the outbreak of the war, there have been reports of undue trial delays, weakening of due-process rights and interference by perpetrators in ongoing investigations.¹⁵⁶

The Ukrainian authorities have introduced some recent reforms. For example, the reestablishment of the High Council of Justice and the High Qualification Commission of Judges in 2023 resulted in new judicial jobs and review of existing judges.¹⁵⁷

7.1.1 Access to a lawyer

Any detainee without a lawyer, has the right to free legal support.¹⁵⁸ The MoJ added that convicts are allowed to have visits with a certain frequency and telephone conversations without restrictions with their lawyers.¹⁵⁹

Conversely, KhPG opined that in practice, there have been instances where access to a lawyer has been hindered. Obstacles include failure to authorise the lawyer, obstruction of confidential communication, etc.¹⁶⁰ There have been complaints concerning the quality of the legal aid and the lawyer's actions during the process.¹⁶¹ At times, officials have monitored meetings between defendants and their lawyers.¹⁶²

According to UWT, there has been an enduring problem regarding legal access in the prison system because of financial constraints. This was also the case before the full-scale invasion and

¹⁵⁴ USDOS, *2023 Country report on human rights Practices: Ukraine*, 23 April 2024, [url](#), p. 11; Bertelsmann Stiftung, *BTI 2024 Country Report Ukraine*, 19 March 2024, [url](#), p. 12; Landinfo, *Ukraina - Politi- og rettsvesen [Ukraine - Police and Judiciary]*, 25 May 2023, [url](#), p. 20

¹⁵⁵ BBC, *Ukraine Supreme Court head held in corruption probe*, 16 May 2023, [url](#)

¹⁵⁶ USDOS, *2023 Country report on human rights practices: Ukraine*, 23 April 2024, [url](#), p. 12

¹⁵⁷ Freedom House, *Freedom in the world 2024 – Ukraine*, 29 February 2024, [url](#); Reuters, *Wanted: Thousands of Ukrainian judges, in huge overhaul sought by EU*, 19 October 2023, [url](#)

¹⁵⁸ Commissioner for Human Rights in places of detention: 26; MoJ: 23

¹⁵⁹ MoJ: 43

¹⁶⁰ KhPG: 11-12

¹⁶¹ Commissioner for Human Rights in places of detention: 29-30

¹⁶² USDOS, *2023 Country report on human rights practices: Ukraine*, 23 April 2024, [url](#), p. 13

thus, the conditions during interrogation have not been subjected to significant changes. In practice, however, people close to the front line face greater obstacles in accessing lawyers, since many citizens from the eastern and southern regions with financial means have moved to other parts of Ukraine or entirely fled the country.¹⁶³

7.2 The use of torture or coercion to obtain confessions

There have been accounts of law enforcement and military officials abusing, and in some cases torturing, detainees to extract confessions, often linked to suspected collaboration with Russia. In August 2023, two police officers were charged with abuse of their authority after beating and firing gunshots near an arrested individual in order to obtain a confession.¹⁶⁴

KhPG conducted monitoring visits of prisons in 2022, 2023, and 2024. While there have been reports of torture, such cases are not widespread. The source encountered two cases of mass beatings and torture. Individual cases do occur, but prisoners often fear reporting them and avoid answering such questions in a direct manner.¹⁶⁵

CPT reported on a case where a prisoner alleged that he had been subjected to psychological pressure through repeated transfers between a prison and a temporary holding facility (ITT), and threats that his wife would face charges if he did not cooperate. Over a three-week period, he was moved back and forth to the ITT nine times, albeit only four of these instances involved investigative purposes. The pressure reportedly ceased after the ninth transfer, when the prisoner agreed to cooperate and pleaded guilty to the charges.¹⁶⁶

7.3 Conditions during transfer

KhPG and the Commissioner for Human Rights in places of detention held the view that there have not been significant issues or changes noted during transportation or relocation since the beginning of the full-scale invasion.¹⁶⁷ PPU, conversely, opined that conditions of transportation of prisoners to other institutions are often unsatisfactory. A key challenge is prolonged transfers, which can last several weeks and sometimes more than a month. This particularly affects prisoners who are ill, and who often have not been supplied with adequate medical care.¹⁶⁸

7.3.1 Transfer of Russian POWs

Between February 2022 and February 2023, OHCHR documented 19 cases in which evacuated Russian POWs reported humiliating treatment during transportation to internment camps. This

¹⁶³ UwT: 33

¹⁶⁴ USDOS, 2023 Country report on human rights practices: Ukraine, 23 April 2024, [url](#), pp. 6-7

¹⁶⁵ KhPG: 9

¹⁶⁶ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023, 26 April 2024, [url](#), p. 11

¹⁶⁷ KhPG: 31; Commissioner for Human Rights in places of detention: 45

¹⁶⁸ PPU: 36-38

included being only partially clothed during transport and placed in overcrowded vehicles in so-called stress positions with hands tied behind their backs. This has been corroborated through videos filmed by members of the armed forces of Ukraine.¹⁶⁹

In the same period, 16 POWs recounted being subjected to beatings at checkpoints or by soldiers who transported them.¹⁷⁰

7.3.2 Transfer of ‘inconvenient prisoners’

In the opinion of PPU, the transfer of prisoners who become inconvenient for the administration of correctional facilities due to providing testimony about mistreatment or torture, has become a widespread practice in the Ukrainian penitentiary system. In 2024, there has been an increase in the number of such transfers to Temnivka Correctional Colony No. 100 and in Kharkiv Correctional Colony No. 43.¹⁷¹

The transfer of prisoners to another interregional administration is carried out exclusively by the decision of the Central Commission of the Department for the Execution of Criminal Sentences.¹⁷²

¹⁶⁹ OHCHR, *Treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine – 24 February 2022 – 23 February 2023*, 24 March 2023, [url](#), p. 29

¹⁷⁰ OHCHR, *Treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine – 24 February 2022 – 23 February 2023*, 24 March 2023, [url](#), p. 29

¹⁷¹ PPU: 73

¹⁷² PPU: 76

8. Accountability

This chapter focuses on the availability of independent complaint mechanisms and independent authorities to investigate complaints in Ukrainian prisons. Furthermore, it looks into impunity for perpetrators of ill-treatment and torture.

According to the sources, the procedure concerning complaint mechanisms is the same as before the beginning of the full-scale invasion.¹⁷³

8.1 Complaint and prosecution mechanisms

In Ukraine, a prisoner has the right to complain about any topic of relevance to their incarceration to a number of actors. These actors comprise:

- state prosecutors;
- the State Bureau of Investigation (SBI);
- the ombudsman's office, although the ombudsman transfers the complaints to the prosecutor's office if the complaint leads to a criminal matter;
- the European Court of Human Rights (ECHR);
- other international organisations of which Ukraine is a member or participant.¹⁷⁴

Convicts can also file complaints via the internet.¹⁷⁵ As stated, prisoners can file complaints with the Office of the Ombudsman, albeit in practice, there have been obstacles. For more information, see [7.2 Reprisals for filing complaints](#). Furthermore, KhPG found that in 18 institutions, it has not been possible for prisoners to submit complaints.¹⁷⁶

The Commissioner for Human Rights in places of detention works on implementing the whistle-blower scheme with the SBI and the General Prosecutor's Office on issues related to torture.¹⁷⁷

8.1.1 Procedure to file complaints

Complaints are submitted in a sealed envelope and the administration does not have the right to read the contents of the complaint.¹⁷⁸ The Commissioner for Human Rights in places of de-

¹⁷³ Commissioner for Human Rights in places of detention: 58; KhPG: 56

¹⁷⁴ DIS, *Ukraine - Prison conditions*, November 2021, [url](#), p. 54

¹⁷⁵ MoJ: 71

¹⁷⁶ USDOS, *2023 Country report on human rights Practices: Ukraine*, 23 April 2024, [url](#), p. 9

¹⁷⁷ Commissioner for Human Rights in places of detention: 69

¹⁷⁸ KhPG: 59

tention also stated that letters to the Ombudsman on human rights are not read by unauthorised persons. They are sent in a sealed envelope, and the complainant receives the answer in a sealed envelope. According to the source, this right is not violated.¹⁷⁹

PPU informed DIS that obstacles have been identified in the process of introducing tablets for filing complaints. The introduction of tablets in penitentiary institutions should have become a convenient tool for filing electronic appeals and complaints, but in practice, colony staff have often blocked this initiative. In some cases, it has been reported that tablets are allowed for a limited range of functions, such as viewing entertainment content, but access to human rights sites or legal resources is blocked.¹⁸⁰

The MoJ stated that in cases of reported ill-treatment, internal security services initiate internal investigations. If the facts are accurate, then they will be passed on to the prosecutor's office or the SBI.¹⁸¹

8.1.2 Number of complaints

The Commissioner for Human Rights in places of detention stated that there have not been more complaints because of the war. They, however, receive 3-4 times more appeals due to greater awareness about the possibility of contacting the Ombudsman/Commissioner, which has increased trust in the institution, according to the source itself. Nonetheless, there have been some obstacles from the administrations of the institution, because they think it could have negative impacts for them if prisoners complain. The source has dealt with institutions, where prisoners have never sent any letters.¹⁸²

During 2023, the Commissioner received a total of 95,796 appeals concerning all aspects of the Commissioner's work. Reportedly, the number of appeals to the institution has more than doubled (42,485 appeals during 2022). The most common category of applicants were family members of servicemen, as well as family members of POWs and missing servicemen (20.5 % of applications).¹⁸³

Approximately 70 % of the complaints from prisons have concerned process, such as trial and investigation of court cases. There have also been complaints about material and medical provisions. Sometimes, prisoners complain about food, but it depends on the institution.¹⁸⁴

According to the KhPG, however, from 2022-2023, there were 5-7 complaints throughout Ukraine. Sources believed that the absence of complaints indicates that either convicts are not

¹⁷⁹ Commissioner for Human Rights in places of detention: 59

¹⁸⁰ PPU: 64, 104

¹⁸¹ MoJ: 70

¹⁸² Commissioner for Human Rights in places of detention: 59-60

¹⁸³ Commissioner of the Verkhovna Rada of Ukraine on human rights, *Рік діяльності Уповноваженого Верховної Ради з прав людини [Year of activity of the Commissioner for Human Rights of the Verkhovna Rada]*, n.d., [url](#)

¹⁸⁴ Commissioner for Human Rights in places of detention: 63

allowed to submit complaints at all; which means correspondence does not pass through the proper channels or that complaints are not sent to the addressee if they ‘threaten’ the prison administration.¹⁸⁵

In many cases, the number of electronic complaints filed in 2023-2024 is either insignificant or non-existent, which indicates that the electronic complaint system is not functioning properly or is not used at all.¹⁸⁶

8.2 Reprisals for filing complaints

Officials working in prisons have censored or discouraged complaints filed with the Ombudsman’s Office. Prison officials have punished or abused some prisoners for filing complaints, and sometimes complaints have not been investigated thoroughly or not been kept confidential.¹⁸⁷

The KhPG has encountered cases during monitoring visits where prisoners refused to talk about their problems. The source believed this was because they were afraid of further reprisals. It is very common that prison staff mock prisoners, and consequently, prisoners are afraid of speaking up and hence do not complain.¹⁸⁸

The Commissioner for Human Rights in places of detention believed that there might be cases where prisoners refrain from filing a complaint out of fear of reprisals, as there are institutions where prisoners never submit any letters.¹⁸⁹

8.3 Impunity for perpetrators of ill-treatment and torture

Since the beginning of the war, there have been prison officials enjoying impunity for cases of ill-treatment or torture.¹⁹⁰ One case of torture took place in Colony No. 77 in Berdyansk from 2019-2021. It was not until September 2024 that the case went to court.¹⁹¹ In another case in Bozhkivske VK No. 16, perpetrators were taken to court. According to PPU, such cases are the exception rather than the rule, which indicates a problem of impunity.¹⁹²

PPU further explained that impunity remains a significant problem in the penitentiary system. Torture and ill-treatment in colonies are often linked to the lack of proper control by state authorities and the impunity of administrations. PPU added that despite some reform efforts by the government and international organisations, the number of successful investigations into torture cases is extremely low. Most of those responsible for ill-treatment of prisoners do not

¹⁸⁵ KhPG: 59-60; PPU: 102

¹⁸⁶ PPU: 103-104

¹⁸⁷ USDOS, *2023 Country report on human rights practices: Ukraine*, 23 April 2024, [url](#), p. 9

¹⁸⁸ KhPG: 61-62

¹⁸⁹ Commissioner for Human Rights in places of detention: 60, 65

¹⁹⁰ Commissioner for Human Rights in places of detention: 66

¹⁹¹ Commissioner for Human Rights in places of detention: 67; PPU 107

¹⁹² PPU: 107

face legal consequences. The administration of institutions often creates conditions for violations to go unnoticed or unregistered, making it impossible to investigate and punish the perpetrators.¹⁹³

KhPG opined that impunity among the prison staff has always been the case. The source has faced many of such instances, but they remain within the same statistical patterns that existed earlier. Recently, KhPG uncovered situations where prisoners were forced into labour, and instead of being compensated with money, they were given drugs.¹⁹⁴

According to a report published by the European Commission, criminal courts in Ukraine have not adequately addressed the severity of the practice of torture, which has contributed to an atmosphere of impunity among staff employed in law enforcement and prisons.¹⁹⁵

The Commissioner for Human Rights in places of detention has seen examples of activities that might be considered as torture, such as people with bodily trauma or damages. Such information has been sent to the Office of the General Prosecutor. However, as of October 2024, the source has not seen any sentences.¹⁹⁶

¹⁹³ PPU: 75, 106; UWT: 18

¹⁹⁴ KhPG: 24

¹⁹⁵ European Commission, *Ukraine 2023 Report*, 8 November 2023, [url](#), p. 41

¹⁹⁶ Commissioner for Human Rights in places of detention: 68

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Annex 1 – Meeting minutes

Mykhailo Romanov, Kharkiv Human Rights Protection Group (KhPG)

Skype meeting, 3 October 2024

Could you please introduce yourself and briefly tell us about your organisation?

Mykhailo Romanov is a legal expert with the Kharkiv Human Rights Protection Group. He has been collaborating with the organisation since 2003 as both an expert and, since 2022, as an analyst, especially after the war began.

The Kharkiv Human Rights Protection Group is an NGO primarily dedicated to protecting human rights across all areas of social life, not just related to prisons but in various other spheres as well. However, since Mikhail Romanov is also a scholar specialising in penitentiary law, his main area of focus is in this field. Consequently, this is also the field where the Kharkiv Human Rights Protection Group mostly have used the expertise of Mykhailo Romanov.

Have there been any changes regarding independent organisations' access to monitor Ukrainian prisons since the war began?

1. To answer briefly, no. The information you received in the previous interview remains relevant. Independent monitoring organisations are still allowed access to prisons. While there are some issues, they are typically isolated cases rather than widespread problems. However, we continue to encounter efforts from the Ministry of Justice to limit public monitoring rights, but for now, the access remains the same.

Have there been any changes in the types of prisons since the war started?

2. Again, the short answer is no. The types of prisons—maximum, medium, and minimum security levels—remain unchanged. However, there have been structural changes because some prisons ended up in occupied territories, and certain prisoners and staff had to be evacuated. These structural changes have not significantly affected the prison types themselves.

Have there been changes regarding which groups of prisoners or types of crimes are allocated to different types of prisons?

3. There have been some changes. Today, it is mainly those convicted of smaller offences are now serving their sentences in minimum security prisons. In the past, those who had committed serious offences could also be held in these prisons. It is possible to establish that the caratel approach has dominated and punishments have become more severe. Those convicted of serious crimes are placed in more severe conditions.
4. Additionally, structural changes have occurred due to the need to house prisoners of war. While they are not convicted criminals, they are sometimes held in specific sectors of correctional institutions.

Since the war started, have remand prisoners been held together with long-term sentenced prisoners?

5. No, they have not been housed together. Remand prisoners are always held separately in Ukraine, typically in pre-trial detention centres (SIZO). However, in cases where there is no SIZO in a particular region, separate sectors may be organised within colonies to house remand prisoners, but they are kept entirely apart from the other prisoners.

SIZO are typically located in the regional capitals, like Kharkiv? Are SIZO in cities near the front lines, such as Kherson or Zaporizhzhia, still operational?

6. Yes, the institutions in areas under Ukrainian control, including Kherson and Zaporizhzhia, are still operational, though some function at reduced capacity. Fewer inmates are being sent to these prisons compared to pre-war times, largely for safety reasons. Authorities are avoiding overpopulating these institutions.

What about cities in the Donetsk region, like Kramatorsk and Slavyansk?

7. There are no prisoners in the Donetsk region's cities. The prisoners there were evacuated to other regions. However, in Kharkiv, all the colonies continue to operate.

Where are draft evaders or conscientious objectors housed?

8. This question is difficult to answer definitively, as even if someone evades or refuses military service for conscientious reasons, they cannot be imprisoned immediately. There must first be a trial. If convicted, they (if it is about those who refuse or unsubscribe from service) are sent to ordinary correctional colonies—not with military personnel.

How widespread is the use of torture or coercion to obtain confessions?

9. In 2022, 2023, and 2024, we regularly conducted monitoring visits. While there have been reports of torture, these cases are not widespread. Throughout this time, we encountered two cases of mass beatings and torture. As for individual cases, yes, they do occur, but prisoners often fear reporting them or avoid answering such questions directly.

Have these instances of torture increased or decreased since the war began?

10. It is hard to say that they have increased. The numbers seem stable. However, it is worth noting that there have been two high-profile cases recently, where prison officials were arrested and put on trial for creating systems of torture to extort money from the prisoners. One case concerned the former Berdyansk colony No. 77, and these officials are now on trial. Another case took place in Bozhkivska Colony No. 16 in Poltava Colony No. 1. 16, where the accused officials are currently under investigation on suspicion of creating a criminal organisation involved in torturing prisoners.

Is a lawyer allowed to be present during interrogations of prisoners?

11. Yes, a lawyer's presence is allowed during interrogations.

Are there cases where this right is denied?

12. Undoubtedly, there are instances where access to a lawyer is hindered. While the law guarantees confidential meetings between lawyers and prisoners without restrictions, in practice, obstacles can arise such as failure to authorise the lawyer, obstruction of confidential communication, etc.

Have material conditions for prisoners changed since the war started?

13. There are two sides to this issue. On the one hand, many colonies are undergoing repairs, and the Ukrainian authorities have implemented a project to introduce paid cells in the SIZOs, which continues to expand. As of now, 25 SIZOs have cells renovated with comfortable living conditions, including private kitchens and dining areas. However, this project is only limited to the SIZOs.
14. The situation in colonies has not improved in the same way. Although, some routine repairs are being carried out, if there is a need to make repairs and in fact, such repairs have been made in many colonies recently.
15. On the other hand, some colonies have seen deteriorating conditions, especially those that have had to accommodate evacuees from other regions. Prior to the war, some

institutions were decommissioned, however, due to the war they were reopened, leading to worse living conditions, as they had not been maintained.

Is this the case across all of Ukraine?

16. I personally took part in visits in the Kharkiv region and here material conditions in most colonies are acceptable. However, these same colonies have been damaged by shelling, so such issues could potentially arise anywhere in Ukraine.

Has access to healthcare for prisoners changed since the war started?

17. Unfortunately, there have been negative changes. Healthcare was already problematic before the war, and the war exacerbated these issues. In the early stages of the war (2022-2023), there were shortages of medicines and healthcare personnel, as many staff members left. While the situation has somewhat stabilised, at the initial stage there were problems with the provision of medicines. There were problems with medical personnel, since people left in the initial stage of the war. It was a period of panic. Now the situation is gradually stabilising. However, this does not mean that it is becoming good. It has merely returned to pre-war levels, which were already inadequate.

Has access to meaningful activities such as education, work, sports, and outdoor activities changed since the war started?

18. These areas were problematic even before the war, and they remain so. There has not been any significant improvement, and the same issues persist—especially with prison labour, where prisoners are often exploited without proper payment.

To what extent have prisoners been allowed to maintain contact with the outside world since the war began?

19. At the beginning of the war (February to August 2022), short-term visits for prisoners were prohibited due to the conflict. However, thanks to efforts by public organisations and prosecutors, this ban was lifted, and there are no new restrictions, everything is as it was prior to the war. Another thing is that communication between convicts and the outside world was very seriously affected by the war, as many relatives of prisoners have been evacuated or moved abroad.

Has solitary confinement or other restraint measures changed since the war started?

20. No changes in legislation regarding solitary confinement have occurred. It is still only used as a disciplinary measure. However, there have been instances of abuse, where prisoners are placed in solitary confinement in violation of the rules, which also happened before the war.

Have other forms of force or restraint been used?

21. There were two mass beating incidents, which the source mentioned earlier. One occurred in a colony where rapid-response teams were called in to beat the prisoners. Another similar, though unconfirmed, incident was reported by prisoners. While there have been no legislative changes, isolated incidents of abuse still occur.

What about the prevalence and types of physical and psychological abuse? Has it become more widespread or stayed the same?

22. The Kharkiv Human Rights Protection Group cannot assert that such prevalence has statistically increased. For example, in 2023, the Kharkiv Human Rights Protection Group prepared an analytical report based on monitoring visits to colonies, and we do not note any increase in such cases. They do occur, but the trend has remained the same as it was before the war.

Are there any cases of deaths resulting from abuse?

23. We encountered four deaths of prisoners that could have been avoided, all related to the lack of timely and adequate medical care. In a sense, these could be classified as abuse because the administration could have provided help but did not. We documented these four cases.

How widespread is impunity among the prison staff?

24. This has always been the case. We constantly face such instances, but they remain within the same statistical patterns that existed earlier. Recently, my colleagues uncovered situations where prisoners were forced into labour, and instead of being compensated with money, they were given drugs. This is a severe violation by the prison staff.

Has the prosecutor initiated any cases of abuse?

25. Yes, two such cases have been initiated and are currently in court.

What changes have occurred regarding violence between prisoners since February 2022?

26. It continues, and in some institutions, the administration uses prisoners as tools to apply pressure on others. These are often so-called "trusted prisoners" (day watchmen) who assist the administration, and they are sometimes involved in beating other prisoners.

To what extent has discrimination based on ethnic groups, particularly Russians, occurred since the start of the war?

27. During our monitoring visits, we did not identify significant problematic cases of this nature. There were situations where prisoners from Western Ukraine were serving sentences in Eastern regions, and they faced neglect. For example, when seeking medical assistance, they might be told, "You are not from our region, so you'll be served last." However, these were isolated incidents, and there were no broad conflicts based on ethnic grounds.

Have there been any changes regarding political groups, for example, those from the former Party of Regions or those who support Yanukovich?

28. We have observed the opposite trend. Many prisoners have become more patriotically inclined, although some remain neutral or indifferent. However, the majority are now leaning towards patriotic views.

What about vulnerable groups such as women, minors, or people with disabilities?

29. There have been changes in criminal law that have led to an increase in the number of convictions of juvenile offenders. Changes in criminal legislation now result in more minors being prosecuted for relatively minor offences. We are talking about theft. The penalties for these offences have become more severe. However, no exceptions have been made for minors who are not minors. The situation is related to attempts to discourage looting. However, this has led to an increase in the number of juvenile convictions.

Have there been any changes in the treatment of women in prisons since the start of the war?

30. There have been individual incidents in women's colonies, such as banning the use of mobile phones (which is illegal) or installing surveillance cameras in communal living areas. These are isolated violations, and there have been no legislative changes.

Have the conditions of prisoner transfers changed since the start of the war?

31. In general, there has been no changes. However, the situation with prisoners of war is complicated due to the large numbers. While only two camps for prisoners of war have been established, other prisoners are held in sections of regular colonies. There have not been significant issues or changes noted during transportation or relocation.

What about conscientious objectors or those refusing military service?

32. A strange trend has emerged where many soldiers desert their posts, preferring to be sent to a colony rather than stay at the front. In a paradoxical way, prisoners have more rights, such as a set sentence and the possibility of early release, which soldiers do not have.

Why type of military personnel are serving time in military prisons?

33. The number of persons held in disciplinary battalions (Disbats) has increased since the beginning of the war. Before the war there were less than 100 servicemen in prisons. However, now of course there are considerably more. Unfortunately official statistics are not available at the moment. Probably for security reasons. All convicted servicemen are transferred to Disbats. They are sent to a disciplinary battalion and serve their sentences in Disbats. However, Russian military personnel are not sent there.
34. It is only military personnel, that is serving in Disbat. If a person refused to mobilise, and hence did not become a military serviceman, then he will not be sent to a Disbat. He will go to a regular prison institution. However, if a person is sentenced to prison for desertion, this means that the person in question was already serving in the army and hence a military serviceman.

What are the conditions in military prisons?

35. There is one disciplinary battalion in Ukraine. Conditions in the disciplinary battalions of Ukraine (Disbat) were not bad. Before the war there were very few convicts in these prisons and the authorities managed to renovate them. Therefore, the conditions there are normal. The Disbats have not changed for the worse, although, as the number of prisoners increases, the facilities are gradually wearing down, though they remain acceptable for now.

Have material and living conditions changed?

36. No significant changes have occurred. However, The Kharkiv Human Rights Protection Group does not have extensive information from these disciplinary battalions, as they

have not been visited recently. Therefore, there is only collected information from third parties.

Has there been overcrowding in these facilities?

37. There can be no more than 500 convicts in these disbats. We do not have precise information on the number of prisoners serving their sentences in a disbat.

Can such battalions be visited?

38. Yes, visits are allowed, with no special restrictions.

Has access to healthcare for military personnel changed?

39. No significant changes. There are the same issues as in regular colonies—lack of personnel and medical supplies.

Have there been cases of harsh treatment or torture in these facilities?

40. So far, we have not documented any such cases.

Have the conditions in pre-trial detention facilities (SIZO) changed since the start of the war?

41. No, there were no serious changes in the legislation that affected the conditions of the SIZO, but the SIZO is a completely different situation than that of the colonies. SIZO in Ukraine were problematic because they really have problems with overcrowding. There are significantly more people there. In Ukraine, there are about 44,000 places of incarcerated persons and of these, probably a third are in pre-trial detention centres. Therefore, both in terms of quantity and in terms of overcrowding, there are fewer conditions and more people and all these problems that existed before the war remain. There have not been any significant legislative changes, but SIZOs in Ukraine have long had problems with overcrowding and poor conditions, which persist.

Is there a limit on how long someone can stay in a SIZO?

42. In Ukraine, a person can be incarcerated in SIZO under two conditions:
43. The first concerns if a person is under pre-trial investigation, for example when the police or the prosecutor's office conduct an investigation, then a person is held in a SIZO. Under these conditions, there are restrictions of 6 months for non-serious offences and no more than 12 months for serious and extremely serious offences.

44. The second concerns if the case is transferred to a court, and the person is still in SIZO. Under trial there are no restrictions in duration. It all depends on how long the trial will last before a verdict is issued. This can in some cases end up being many years.

Do prisoners in SIZOs have access to meaningful activities, such as education, work, sports, or outdoor activities?

45. A walk in the fresh air, as before the war, was supposed to be provided to remand prisoners for at least one hour during the day, and this is still more or less the case. Again, taking into account the overcrowding in the SIZO, there are cases when prisoners complained that they were not given a walk. However, they have no other types of activity. They are not involved in labour. They can take books from the library, but there are few conditions for this, they can go to the sports ground, but again, if they only have an hour of fresh air, then remand prisoners cannot always go and do sports. On the other hand, there have not been any changes since the beginning of the war.

Is there contact with the outside world?

46. Contacts with the outside world have not changed either. They are provided with the opportunity to contact a lawyer, the opportunity to meet with relatives, but with the permission of the investigator. That is, the investigator has to give the remand prisoner permission.

To what extent are remand prisoners allowed to meet with their family?

47. They can ask for a meeting both as a family and as a prisoner. However, permission to hold such a meeting must be agreed upon with the investigator. Within the SIZO, there is a private room for such meetings, where they can be without supervision of the staff. Although the staff does not always comply with this.

Are there regional differences in how regulations are enforced?

48. Yes, Kharkiv, for example, has a history of more violations in this regard.

Have there been any changes regarding solitary confinement and other means of restraint in the pre-trial detention facility since February 2022?

49. No, there have not been any serious changes in the laws. Although, these violations continue to exist, that is, such situations do occur, but over the past two years, we have not encountered any cases of such serious violations.

Prevalence and types of physical and psychological abuse and ill-treatment?

50. The Kharkiv Human Rights Protection Group has not encountered this recently. However, the problem exists and there has been a ruling by the ECHR (European Court of Human Rights) against Ukraine, which is based on examples from SIZO: that is to say, it is in the SIZO that the conditions of detention are often worse than in colonies.
51. That is why the Ukrainian authorities started a project to introduce paid cells. It is in the SIZO that there is a problem with access to medicine, because there are also problems with the fact that there were not enough medical personnel to provide the medications. Such cases exist, this is cruel treatment, but not always associated with causing physical pain, but can be associated with the creation of such conditions when a person does not receive what he needs.
52. In the SIZOs, violations are of a slightly different nature, because there are fewer activities in which prisoners participate. They sit in cells more, and therefore the means of influencing them, which means a person will be deprived of the opportunity to go out into the fresh air. While this problem persists, we have not encountered new cases recently.

Has inter-prisoner violence in SIZOs changed?

53. No, there have not been significant changes.

How has the new law allowing prisoners to fight in the war affected the situation in the colonies?

54. The new law applies to the colonies, as remand prisoners are not included in the law: One has to have a sentence to be able to join the army. Regarding the number of prisoners mobilised, there is not an official number. However, the authorities predicted that it would be approximately 5,000 convicts, but so far, there are no official statistics.

To what extent has there been discrimination against ethnic groups in the SIZO since the beginning of the war?

55. It is the same as in the colonies. Ukrainians from the east visit the western part of Ukraine, especially now that the population of Ukraine has mixed a lot because of the war. The same trend among political groups and vulnerable groups (women, teenagers, people with disabilities). Women in SIZO are kept separately.

Has there been any change in how prisoners can file complaints or seek legal redress?

56. There have been no changes. Although, now the topic of starting to commence the so-called penitentiary inspection is being very actively discussed. This is a type of control and a place to where you can complain. The penitentiary inspection has existed for a long time, but they have not started to work yet, although now this topic has begun to be actively discussed again, and maybe this time there will be changes, but so far, there have been none.

What is the number of cases investigated and brought to justice?

57. The most striking, the two cases I have told you about, are the first cases in the history of Ukraine in which the heads of colonies have been held criminally liable. As for lower-level personnel, it is highly probable that there have been cases of prosecution. But these are mostly administrative rather than criminal liability. I.e. they are cases of violation of various rules, as well as corruption offences, etc.

What is the number of convictions since the war began for prison personnel?

58. I am afraid that a separate study would have to be conducted to determine the crime rate amongst personnel of Penitentiary service of Ukraine. As I have already indicated, there are no separate statistics on such cases. But in any case, this indicator is not very widespread.

To what extent can prisoners file their complaints anonymously?

59. In this part, the rules have not changed. Complaints are submitted in a sealed envelope and the administration cannot see the contents of the complaint. It has no right to read that correspondence. The absence of such complaints indicates that either convicts are not allowed to submit complaints at all, or they are opened, read and not sent to the addressee if they 'threaten' the prison administration. However, as the Kharkiv Human Rights Protection Group conducted a statistical study, for the entire period from 2022-2023, there were 5-7 complaints throughout Ukraine.
60. This may indicate that everything is fine, which I doubt. It probably means that prisoners are simply prevented from filing these complaints. That is, apparently, with confidentiality, there are still problems.

To what extent are prisoners subject to reprisals as a result of filing a complaint?

61. The Kharkiv Human Rights Protection Group has encountered cases during monitoring visits where prisoners simply refused to talk about their problems. Everything was fine, everything was wonderful, better than at a resort. They did this precisely because they were afraid of further reprisals.

To what extent do the perpetrators enjoy impunity for cruel treatment and torture applied to prisoners?

62. They do so quite actively. Again, in Kharkiv colonies No. 25, 100, and 45 - they are problematic places, where there is such pressure and such restrictions and minor dirty tricks. That is to say, it is very common that the prison staff mocks the prisoners, and as a consequence, the prisoners are afraid speaking up and hence do not complain.

Hanna Skrypka, Protection of Prisoners of Ukraine (PPU)

4 October 2024

Online

Access to information

1. Hanna Skrypka is a legal advisor at Protection of Prisoners of Ukraine (PPU), an organisation that seeks to uphold the rights of prisoners in Ukraine. PPU monitors all aspects of life in Ukrainian prisons including in the occupied areas of the country. PPU collaborates with among others the Kharkiv Human Rights Protection Group and the Committee for the Prevention of Torture in monitoring the conditions of the Ukrainian prison system.
2. PPU does not have access to the prisons in the occupied areas of the country. Instead they conduct interviews with former inmates in either previously occupied areas such as Kherson, or with inmates who had served in prisons in occupied Ukraine who are now located in Russia. From these interviews, they piece together a picture of the conditions of the prison system in the occupied territories.
3. The information presented in this note stems from data gathered by both PPU and the Kharkiv Human Rights Protection Group.

Access to Ukrainian prisons for independent monitoring

4. **Access** In Ukraine, several categories of organizations have the right to access prisons to conduct independent monitoring. These include:
 - **The National Preventive Mechanism (NPM)** established in accordance with the UN Protocol for the Prevention of Torture. It operates under the auspices of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine and ensures regular visits to prisons in order to check the conditions of detention and prevent human rights violations.
 - **Members of the Public Council under the Ministry of Justice of Ukraine** – bodies that involve representatives of the public in the process of monitoring and

consulting in matters of reforming the penitentiary system. Their tasks include monitoring conditions in prisons and making recommendations for improvement.

- **Non-governmental organizations** – such as the Kharkiv Human Rights Protection Group (KhPG) and the NGO “Protection of Prisoners of Ukraine”, which have experience in monitoring prison conditions and combating torture. They are allowed to conduct visits to document violations of prisoners' rights and provide advice on human rights issues. These organizations visit institutions with the mandate of an assistant MP or a member of the Public Council under the Ministry of Justice of Ukraine.
 - **International organizations** – such as the European Committee for the Prevention of Torture (CPT), which has a mandate from the Council of Europe to conduct visits to all institutions where people may be deprived of their liberty in order to prevent ill-treatment.
5. **Mandate, independence and powers of actors** Prison monitoring organizations have a clearly defined mandate and operate independently of state structures. Their main responsibility is to monitor conditions of detention, record human rights violations and document cases of torture and ill-treatment. They have the right to:
- Unhindered access to any penal institution.
 - Conducting private conversations with prisoners without the presence of the institution's employees.
 - Requirement to provide any necessary documentation relating to conditions of detention.
 - Publishing the results of their observations and recommendations for correcting situations that threaten human rights.
6. For example, as part of visits to Sofiivka Correctional Colony No. 45 in 2023-2024, representatives of KhPG and ZVU managed to conduct private conversations with prisoners who confirmed the facts of torture. The results of the monitoring were publicly announced and submitted to the relevant authorities for investigation. Thanks to their mandate, KhPG and ZVU members have unhindered access to all documentation related to detention conditions.
7. **Types of prisons and facilities with restricted access** Despite the fact that organizations

are legally granted access to all penal institutions in Ukraine, there are practical restrictions:

- **Prisons in temporarily occupied territories** – independent monitoring organizations do not have access to prisons located in territories occupied by the Russian Federation.
- **Prisons where prisoners of war are held** – in these institutions limited access is granted for international observers, but human rights organizations face limitations in their ability to conduct independent inspections.

Different types of prisons

8. **Distribution of prisoners among different types of prisons** Depending on the level of security and conditions of detention, prisoners are distributed among different types of institutions:
 - **Correctional colonies of minimum security with lightened conditions** – intended for first-time offenders of minor crimes or crimes of negligence. Prisoners can be held in conditions with less severe restrictions and access to work.
 - **Correctional colonies of minimum security with general conditions** – men and women convicted for the first time of minor or medium-sized crimes are held here. The conditions of detention are stricter than in light security colonies.
 - **Correctional colonies of medium security correctional facilities** – for those who have already served their sentences or for people convicted of serious crimes. These institutions have stricter rules and regime.
 - **Correctional colonies of highest security** – for prisoners sentenced to life imprisonment or particularly serious crimes. The conditions of detention here are the most severe.
 - **Educational colonies** – for minors who have been sentenced to imprisonment.
 - **Camps for prisoners of war**

Conditions of detention in pretrial detention centers (SIZO)

Material conditions

9. According to recent reports, the material conditions in most pretrial detention centers (SIZO) remain critical and do not meet the minimum standards of detention. For example, in Sumy SIZO (July 2024), cases of violation of the norm of space per prisoner were recorded. Many cells are overcrowded, leaving prisoners with limited personal space, which violates their right to be treated with dignity. There is not enough natural light in

the cells. For example, in cell No. 219, the lighting level was only 41 lux against the norm of 150 lux. In **Zhytomyr Penitentiary Facility (UPV) No. 8** (April 2024), monitors recorded the absence of drinking water in some cells and the absence of toilets, which also complicates the lives of prisoners. In some premises of the pretrial detention center of **Kharkiv SIZO** (January 2024), low lighting indicators were also recorded, in particular, only 10 lux was recorded in cell #103, which does not meet the requirements of the State Building Regulations of Ukraine.

10. It should also be noted that the material conditions are slightly improving only in some parts of the SIZO, where repair work is being carried out. In Sumy SIZO, the administration carried out repair work in some premises, such as shower rooms and staff rooms. However, these measures are insufficient to ensure normal living conditions for prisoners, and the problem of overcrowding in cells remains relevant.

Sanitary conditions and access to personal hygiene products

11. Sanitary conditions in detention centers are one of the most acute problems. In **Zhytomyr UVP No. 8**, serious violations were detected, including no toilets in some cells and insufficient water supply. The lack of water is a critical problem that directly affects the personal hygiene of prisoners. Cells often lack adequate ventilation, and constant humidity and unpleasant odors are typical of most facilities. Violations of fire safety rules and the lack of proper sanitary conditions for low-mobility population groups were also recorded in Sumy SIZO, which is a violation of the requirements for prison institutions.

Medical service

12. One of the biggest problems in pretrial detention centers is inadequate medical care. Prisoners often cannot receive timely medical care due to the lack of doctors and the lack of necessary equipment. In Rivne SIZO, it was discovered that due to the lack of declarations with family doctors, prisoners do not have access to medical services, which are provided free of charge to the civilian population. Moreover, in the same pretrial detention center, monitors revealed the absence of a dental X-ray machine, which complicates the provision of dental care. In Kharkiv SIZO, one of the seriously ill prisoners was taken care of by another prisoner due to a lack of medical personnel, which is a gross violation of international standards for the treatment of prisoners.
13. In many cases, prisoners do not undergo preventive medical examinations, which leads

to the detection of diseases at late stages. Also, the medical departments of many institutions lack the necessary medical equipment and drugs. For example, a shortage of psychiatrists was recorded in Sumy SIZO, which makes it impossible to provide assistance to persons with mental disorders.

14. In Zhytomyr UVP No. 8, it was found that dental care is not provided in full due to the lack of appropriate equipment, and medical waste is not disposed of properly, which creates a risk of spreading infections.

Access to meaningful activities

15. Access to educational and professional programs in pretrial detention centers is practically non-existent. According to the results of monitoring visits to **Kharkiv SIZO**, it became known that prisoners have almost no opportunity to participate in programs that would contribute to their rehabilitation or the development of new skills. Prisoners can work within the institution, but this activity is often limited to manual labor, which does not have a major impact on their resocialization. Juvenile prisoners have slightly better conditions, including opportunities for psychological work and recreation.

Contact with the outside world

16. Contacts with families and lawyers in many pretrial detention centers (SIZO) are limited or difficult. For example, in Rivne SIZO prisoner P. was detained without a court decision for more than 11 years, without being able to effectively contact human rights organizations or lawyers. Lack of access to legal aid deprives prisoners of their basic right to protection and increases the risk of their rights being violated. At the same time, a system of online consultations of prisoners with lawyers of the Free Legal Aid Center was implemented in Kharkiv SIZO, which significantly improved access to legal support and protection. Such an example is positive in the field of ensuring the right to protection of prisoners, but remains an exception against the general background.
17. In many institutions, lawyers face problems in accessing their clients due to bureaucratic delays of the administration. Lawyers often have to wait for permission to visit their clients, and procedures can take a long time. This limits timely access to legal support and can negatively affect the course of court proceedings.
18. Separately, it should be noted that a pilot project to install payphones for prisoners has begun to be implemented in pretrial detention centers. However, access to this feature

is limited by several factors:

- **Cost** – Phone calls are charged, making them unaffordable for inmates who don't have the funds.
 - **Violation of lawyer confidentiality** – all conversations, including legal advice, are subject to wiretapping, which jeopardizes the confidentiality of the prisoner's communication with the lawyer.
 - **Permission of the administration** – calls are made only with the permission of the administration, which creates additional restrictions and control over the contact of prisoners with the outside world.
19. These factors significantly limit the possibility of realizing the rights to communicate with the outside world and the right to legal assistance, which is a significant obstacle to ensuring a fair trial and observing human rights.

Use of solitary confinement, force and means of restraint

20. Solitary confinement and the use of solitary confinement remain a common practice in pretrial detention centers. In **Zhytomyr UVP No. 8**, the cells of the solitary confinement cells are in an unsatisfactory condition, and the medical examination of prisoners placed in the solitary confinement cell is conducted in conditions that violate the right to privacy. In Kharkiv SIZO, medical workers who are responsible for the state of health of persons held in the solitary confinement cell do not have the proper equipment to ensure control over the health of prisoners. Similar cases have also been recorded in other institutions where solitary confinement is used as a method of pressure on prisoners.

Ill-treatment and torture

21. Mistreatment and torture in pre-trial detention centres remain a serious issue, although their occurrence has decreased compared to previous years. Despite the reduction in the scale of systemic violence, individual cases of mistreatment are still reported by human rights organisations. The reports of the Kharkiv Human Rights Protection Group (KhPG) and the NGO “Protection of Prisoners of Ukraine” reveal numerous cases of ill-treatment by pretrial detention centers and the lack of proper control mechanisms for such actions.
22. In Sumy SIZO (July 2024), monitors recorded regular violations of prisoners' rights, in-

cluding physical violence. The most common is the use of force for disciplinary punishment. Prisoners are often subjected to physical and psychological pressure, especially when they try to file complaints against the institution's administration. It is also recorded that when a prisoner is placed in a solitary confinement cell, a medical certificate is used, which allows the administration to justify the prisoner's physical condition, which indicates manipulation and abuse.

23. In Kharkiv SIZO (January 2024), there were recorded cases of physical violence by the staff, especially against persons who are in solitary confinement. At the same time, a proper medical examination is not conducted after cases of use of physical force. Prisoners reported that ill-treatment is used not only as a disciplinary measure, but also as a method of psychological pressure on individuals who try to assert their rights or file complaints. Violations of the right to privacy and security are observed in cells intended for the detention of minors, which also creates an atmosphere of fear and pressure.
24. **Zhytomyr UVP No. 8** (April 2024) also demonstrates violations of prisoners' rights. Numerous cases of physical violence by administration employees are recorded. Prisoners are beaten, often without proper medical care. It is especially worth noting the cases when improper treatment takes place in the solitary confinement cells, including ill-treatment of prisoners by other prisoners with the tacit consent of the administration.
25. Most prisoners do not dare to file complaints due to fear of persecution or reprisals from the administration. The reports indicate that the pretrial detention center administration often ignores the complaints of inmates or tries to hide the facts of the violence.
26. Thus, ill-treatment and torture in pretrial detention centers are not only a tool of disciplinary punishment, but also a way of suppressing the resistance of prisoners and manipulating their behavior.

Violence between prisoners (NVZ)

27. Violence between prisoners remains a widespread and serious problem in many Ukrainian detention facilities, especially where the administration is unable to provide adequate control and security. According to the latest reports, a critical situation is observed in Kharkiv SIZO due to insufficient number of employees, as well as overcrowding of cells, which creates ideal conditions for conflicts between prisoners. These conflicts often end in physical violence.

Use of police detention centers as pretrial detention centers

28. PPU is not aware of such cases.

Separate detention of suspects and convicts

29. According to the latest reports by KhPG and the NGO “Protection of Prisoners of Ukraine”, the separate detention of detainees in pretrial detention centers (SIZO) remains a problem, despite the requirements of the law. In most pretrial detention centers, the legally defined rules, which oblige to keep suspects separately from convicts, are often not implemented in practice.
30. In Kharkiv SIZO, numerous cases were recorded when suspects were kept in the same cells with convicts or with persons who already had a criminal record. This puts the suspects in a vulnerable position, as they are often subjected to physical and psychological pressure in such conditions. In addition, it violates their rights to a fair trial, since joint detention with other categories of prisoners may affect the course of investigative actions.
31. Violations of standards regarding separate detention were also recorded in Sumy SIZO. Our reports indicate that suspects under investigation are often held together with those sentenced to imprisonment for serious crimes, which poses additional risks to their safety. This especially applies to persons who do not have a criminal past.
32. In the pretrial detention center of Temnivka Correctional Colony (VK) No. 100 (as of June 2023), a violation was recorded when juvenile suspects were detained together with adult prisoners. This is a gross violation of international standards, including the UN Convention on the Rights of the Child, and significantly increases the risk of abuse and intimidation of minors.
33. Thus, the practice of holding detainees separately in pretrial detention centers often does not comply with legal regulations, which creates additional risks for the security and rights of detainees.

Differentiated treatment of ethnic and vulnerable groups

34. Prisoners may face discrimination based on ethnicity or political affiliation. Members of ethnic minorities or the LGBTQ+ community are particularly vulnerable. They can be the objects of aggression both from other prisoners and from the staff.

Special treatment for vulnerable groups

35. Women and juvenile prisoners are often held in conditions that do not meet their needs. For example, in **Rivne SIZO**, women are kept in double cells with access to showers and hot water, which is a positive point. However, in some other detention facilities, women face limited access to medical care, and juveniles do not always have adequate conditions for education and psychological rehabilitation.

Conditions during transportation

36. The conditions of transportation of prisoners to other institutions are often unsatisfactory and violate their rights to humane conditions of detention. One of the key challenges is the long phasing, which can last several weeks and sometimes more than a month. During this time, prisoners are transported from one institution to another, making stops in various detention centers.
37. Such long transfers are especially difficult for sick prisoners, who are usually not provided with adequate medical care during the staging. This can lead to a significant deterioration of their health, since there is no access to doctors or medicines during transportation, and the conditions in the vehicles do not meet sanitary standards.
38. Cases were also recorded when sick prisoners were forced to endure long relocations without providing minimal medical services, which is a serious violation of their rights to life and health.
39. Such transportation conditions are contrary to international standards, which provide for the provision of humane conditions during the transportation of prisoners, including access to medical care and proper care for persons with health problems.
40. The general condition of detention of prisoners in remand detention centers of Ukraine is unsatisfactory. Major problems include overcrowding, poor sanitation, inadequate medical care, limited contact with the outside world, and cases of ill-treatment. At the

same time, there are some positive changes, such as the introduction of online consultations with lawyers and Internet access in some institutions, but they are the exception rather than the general standard.

Living conditions for convicted prisoners

Material conditions

41. Material conditions in the colonies of Ukraine remain extremely unsatisfactory and often do not meet international standards. In many correctional facilities, the premises are in an emergency condition, which poses a threat to the life and health of convicts. For example, in Oleksiivka VK No. 25, during a visit in July 2024, it was discovered that due to the risk of the walls collapsing, a significant part of the floors of the colony was preserved. Convicts continue to live in dangerous conditions, being in buildings that can collapse at any moment.
42. In Temnivka VK No. 100 (July 2024), monitors revealed critical deficiencies, such as the lack of proper lighting and ventilation, which leads to unsanitary conditions both in production and in residential premises. Inadequate level of service and material conditions increases the risks of diseases and deterioration of the physical condition of convicts.
43. In **Sofiivka VK No. 45** (September 2024), convicts are forced to work in conditions of constant humidity due to a malfunction of the water supply system, which not only worsens material conditions, but also endangers the convicts' health. In addition, the premises where they live do not meet the minimum living space standards.
44. At the same time, repair works are being carried out in some colonies. Institutions announce the reconstruction of individual premises, and as a result of such repairs, part of the premises may indeed meet European standards. However, there are currently very few such premises. This is only a small percentage of the total number of residential and industrial premises of the colonies, which still remain in an abandoned or dilapidated state.
45. The question of whose expense these repairs are being carried out remains open. It is known that in some cases, repairs are carried out at the expense of relatives of convicts. Monitoring groups recorded cases when relatives paid for the repair of the premises

where their relative was kept, but the convict himself did not receive any compensation or salary for the work he performed during the repair. This highlights the problem of forced labor in the colonies, where convicts perform work without formal pay or contracts, violating their rights to decent wages.

46. Such cases create situations where the convicts are used as free labor, and the administration of the colonies remains without control over the working conditions and material compensation of the convicts. This also violates the rights of convicts to adequate conditions of maintenance and restoration of residential and industrial areas under fair and legal conditions.

Sanitary conditions and access to personal hygiene

47. Sanitary conditions in the colonies of Ukraine remain at a critically low level, despite the fact that some institutions are constantly undergoing repair work. However, the financing of these works is insufficient, as noted by the heads of institutions, which leads to an uneven improvement of conditions. In **Temnivka VK No. 100**, during a monitoring visit in July 2024, it was found that the toilets are in a state of emergency, disinfection is not carried out, and access to the shower is limited – only a few times a month.
48. Problems with water supply and access to drinking water are also common. For example, in **Pyatykhatky correctional colony**, convicts are forced to collect rainwater for drinking due to the lack of constant access to clean water. In the Specialized Tuberculosis Hospital No. 89, sanitary units are in an extremely neglected state, which creates additional risks for the health of patients.
49. In **Oleksivka VK No. 25**, during the July 2024 visit, the lack of access to clean water in residential premises was recorded, which makes it difficult to observe personal hygiene. Toilet facilities are often faulty, which leads to constant unsanitary conditions and the threat of the spread of infectious diseases.
50. Despite constant repair work in some colonies, resources for full improvement of conditions are insufficient, and these problems remain acute for most institutions.

Medical service

51. Medical care in the colonies of Ukraine remains one of the most acute problems, which

directly threatens the lives of convicts. A vivid example is **the case of Serhiy Trotsko**, who died in **Sofiivka VK No. 45** due to the lack of medical assistance. This case became known due to the public publicity, but there are many such situations and they often remain out of the public eye and without proper investigation.

52. During the visits of the monitoring groups to **Sofiivka VK No. 45** (September 2024), it was established that convicts with serious chronic diseases, including tuberculosis, hepatitis and other infectious diseases, do not receive adequate medical care. The hospital at the institution does not have the necessary equipment and qualified medical personnel, which significantly complicates the treatment of convicts.
53. In **Oleksiivka VK No. 25** (July 2024), it was found that the medical staff was either insufficiently trained or absent at all. This creates a situation where medical care is virtually unavailable to most convicts, even in critical cases. For example, convicts with serious injuries and illnesses do not receive the necessary treatment, and the lack of medicines and equipment makes it impossible to provide even basic medical care.
54. The problem of release due to illness also remains unresolved. According to the law, convicts suffering from serious illnesses have the right to be released on the grounds of health. However, in many cases, the colony administration either ignores such appeals or rejects them without due consideration, making access to justice much more difficult for convicts. This is confirmed not only by the Trotsko case, but also by numerous testimonies of other convicts.
55. One of the most egregious examples is **Sofiivka VK No. 45**, where convicts are often sent to the hospital without proper justification, which is used as a method of punishment or manipulation, rather than for medical care. The monitors also recorded the facts when convicts lived in the medical part, using it for more comfortable living conditions, which creates the impression of a selective approach.
56. Problems with medical care also relate to the lack of proper equipment. In many institutions, such as **Oleksiivka VK No. 25**, there is a shortage of medical devices and medicines, which leads to situations where even simple diagnostic or treatment procedures are impossible.

Access to meaningful activities

57. Working conditions in the colonies of Ukraine remain critically unsatisfactory, which violates both national legislation and international standards. Convicts working in penal institutions are in fact in a situation of labor slavery, where their work is not paid properly or is paid irregularly.
58. In many colonies, such as **Kharkiv VK No. 43** (July 2024), convicts work exclusively in production, in particular in sewing factories, where there are no labor contracts. The lack of proper documentation allows the administration of the colonies to avoid paying official wages, arguing that the convicts perform “labor activities”. This creates a situation where convicts work almost around the clock, without the right to adequate rest, weekends and overtime compensation.
59. Wages in such conditions are either absent or accrued in much smaller amounts than is provided for by law. According to the testimony of convicts in various colonies, such as **Sofiivka VK No. 45**, they work 12-14 hours a day, but in fact do not receive wages. In some cases, instead of money, convicts receive narcotics, which creates additional problems of drug addiction among prisoners. In **Sofiivka VK No. 45** (September 2024), cases were recorded when narcotic substances were issued instead of wages for work performed, which only deepens the crisis of labor rights of convicts.
60. Moreover, working conditions are dangerous. Adequate workplace safety measures are not provided in the colonies, resulting in regular industrial injuries. For example, in **Temnivka VK No. 100** (July 2024), a low level of safety at work was recorded, where the working premises are in a neglected state, there is no proper ventilation and lighting, which creates risks for the health of the convicts. Convicts do not have access to protective equipment, and medical care after industrial injuries is often either not provided at all or is insufficient.
61. Most convicts also report a lack of opportunities for education or vocational training that could improve their chances of reintegration into society after release. In **Kharkiv VK No. 43**, it was established that educational programs are not conducted, and the only possibility for convicts is participation in production, where they work without proper control from the administration and without appropriate social guarantees.
62. Thus, labor exploitation in colonies is a systemic problem, and most prisoners do not have the opportunity to receive adequate wages, social guarantees or labor rights, which significantly complicates their further reintegration into society after release.

Contact with the outside world (family, lawyers)

63. Prisoners' contact with the outside world, particularly with families and lawyers, remains severely limited in many correctional facilities. For example, in **Temnivka VK No. 100** (July 2024), contact with the family is carried out exclusively through paid phone calls, which makes it inaccessible to many prisoners who do not have funds in their personal account. In order to call relatives, prisoners must top up their account, but not everyone has the opportunity to do so due to the lack of financial support from the outside.
64. Regarding tablets, which could improve communication, the initiative to use them is often blocked by the employees of the institutions themselves. In particular, prison officials fear that prisoners will have easier access to human rights organizations and will be able to submit complaints through tablets. In some cases, it has been reported that tablets are allowed for a limited range of functions, such as viewing entertainment content, but access to human rights sites or legal resources is blocked. This limits the prisoners' ability to obtain information and seek legal assistance.
65. Furthermore, although prisoners have the right to telephone for 15 minutes per day by law, the administration of some institutions creates artificial obstacles, such as long queues or technical malfunctions, which limit the actual possibility of communication. The situation with cell phones was another problem faced by human rights defenders. For half a year, they fought for permission to use Android-based mobile phones, which were supposedly allowed by law, but the colonial administration blocked their use. Thanks to the efforts of human rights defenders, it was possible to achieve legislative clarifications, which made it possible to resolve this issue.

Use of solitary confinement, force and means of coercion

66. Solitary confinement remains a common practice in many colonies and is often used as a means of coercion and punishment. Convicted for the slightest violations of the rules of internal order often end up in disciplinary isolation cells, where they can stay for a long time. In some cases, the colony administration applies solitary confinement even for years, which poses a serious risk to the physical and psychological health of prisoners.

67. For example, the systematic use of solitary confinement as a means of disciplinary punishment was recorded in **Oleksiivka VK No. 25** during a monitoring visit in July 2024. These cells are used to isolate prisoners for long periods, sometimes without proper reason. The administration of the colony often interprets this as a security measure, arguing that isolation is necessary to protect the prisoner himself or others, but in many cases it is a means of pressure and punishment.
68. Prisoners are often transferred to solitary confinement after conflicts with the administration or for infractions that do not meet strict disciplinary measures. In some colonies, such as in **Sofiivka VK No. 45**, monitors recorded cases where solitary confinement was used not only as a disciplinary punishment, but also as a method of psychological influence on convicts, with the aim of isolating them from the outside world and limiting the possibility of filing complaints or communicating with lawyers .

III-treatment and torture

69. Ill-treatment in Ukrainian correctional colonies has become systemic, which is confirmed by numerous reports of convicts and the results of monitoring visits by human rights organizations. Cases of torture and inhuman treatment are part of the daily reality of many prisoners, and this issue remains one of the most critical in the reform of the penitentiary system of Ukraine.

Sofiivka VK No. 45 (September 2024)

70. Ill-treatment and torture in the colonies has become systemic, although certain changes have been recorded recently. In Sofiivka VK No. 45, torture events, including wrapping in tape and dousing with urine, took place in 2022. These abuses were recorded on video for further blackmail of the convicts, which caused widespread publicity after the video was published on the Internet. However, in 2024, no such cases were recorded, although systematic violations and abuses continue to be a serious problem in this institution, such as systematic beatings of convicts by so-called “administrative assistants” from among the convicts.

Temnivka VK No. 100 (July 2024)

71. In Temnivka correctional colony No. 100, convicts also face ill-treatment. According to the testimonies of prisoners, torture and beatings are carried out by the so-called “administrative assistants” – convicts to whom the administration delegates control functions. This practice remained unpunished, and most victims of beatings were afraid to file official complaints because of the threat of even greater repression. Some of the convicts reported that they were beaten in such a way as to leave no marks on their bodies, making it difficult to document these crimes.

Oleksiivka VK No. 25 (July 2024)

72. In Oleksiivka correctional colony No. 25, beatings of convicts became regular. During confidential conversations with human rights defenders, most of the convicts reported being beaten by operatives of the colony. The violence took place in such a way as to avoid leaving visible traces of physical injuries. Such methods of ill-treatment became part of the system of punishment and pressure on convicts, which also included psychological violence and threats.

Transfer of Inconvenient Prisoners: Persecution of Witnesses and Pressure on Those Who Testify About Rights Violations

73. The transfer of prisoners who become inconvenient for the administration of correctional facilities due to providing testimony about mistreatment or torture has become a widespread practice in the Ukrainian penitentiary system. Such actions are used as a tool of repression, complicating access to justice and undermining attempts to protect human rights.

According to data collected by the NGO "Protection of Prisoners of Ukraine" and other human rights organisations, the number of prisoner transfers has significantly increased in recent years. In 2022-2023, five prisoners were transferred to Temnivka Correctional Colony No. 100, while in 2024, this figure rose to at least 23 individuals. A similar trend is observed in **Kharkiv Correctional Colony No. 43**, where seven people were transferred in 2022-2023, and already 23 prisoners in 2024.

These transfers often occur without objective necessity and may serve as a tool of pressure on those who cooperate with human rights defenders. This situation arises when prisoners file complaints or testify about violations in the colonies, including torture and mistreatment.

74. Specific Cases

For example, in August 2024, the NGO "Protection of Prisoners of Ukraine" appealed to the authorities regarding the persecution of prisoners in **Sofiivka Correctional Colony No. 45**, who had provided testimony about systematic human rights violations, including torture. Following their statements, six of them were charged under Article 392 of the Criminal Code of Ukraine (disorganisation of the work of correctional institutions), and instead of investigating the crimes committed by the administration, criminal proceedings were initiated against the prisoners themselves.

A particularly high-profile case involved the transfer of two key witnesses, prisoners K. and T., to colonies in the Kharkiv region, far from their relatives, which significantly complicated visits. Kharkiv facilities have a dubious reputation due to frequent cases of persecution of prisoners who cooperate with human rights defenders. In these colonies, Article 391 of the Criminal Code of Ukraine ("persistent disobedience to the administration's demands") is often used, allowing the administration to systematically persecute those attempting to defend their rights.

75. Torture and ill-treatment in colonies are often linked to the lack of proper control by state authorities and the impunity of correctional administrations. This creates the conditions for the further spread of violence and human rights violations. Cases similar to those recorded in the **Sofiivka**, **Temnivka**, and **Oleksiivka** colonies demonstrate that ill-treatment is becoming a systemic problem that must be urgently addressed at the state level by strengthening control over the observance of human rights in places of deprivation of liberty and introducing effective mechanisms to bring perpetrators to justice. Responsibility

76. Transfer Procedures

The transfer of prisoners to another Interregional Administration is carried out exclusively by the decision of the Central Commission of the Department for the Execution of Criminal Sentences. However, in many cases, this decision is made without proper

consideration of the cases and in the absence of corresponding requests from prisoners about the need for transfer to ensure their safety.

It should be noted that this practice is often used by the administration to intimidate witnesses and reduce the opportunities for prisoners to protect their rights. In 2024, compared to previous years, the number of such repressive transfers has significantly increased, raising concerns among human rights organisations.

Violence between prisoners (NVZ)

77. Violence between prisoners in colonies is a serious problem that is greatly exacerbated by the administration's delegation of some of its policing functions to the prisoners themselves. This practice allows for the creation of informal groups of prisoners in the colonies, who enjoy special privileges and have real power over other convicts. For example, in Oleksiivka VK No. 25, the functions of maintaining order were partially performed by prisoners united in the so-called “Sector of law and order” (SPP). They had broad powers to control other convicts and used physical and psychological violence on them.
78. Reports indicate that such groups of inmates often resort to violence in order to maintain their status and comply with the administration's orders, while oppressing less protected inmates. In this context, violence between prisoners not only does not stop, but is encouraged, because those in power act with impunity, being under the protection of the colony administration. Thus, in Kharkiv VK No. 43, monitors recorded that the SPP controls the behavior of other convicts at the domestic level, forcing them to submit through threats, blackmail and physical punishment.
79. This informal hierarchy establishes an atmosphere of violence and intimidation in the colonies, which worsens the overall level of security and increases the number of cases of physical and psychological violence between prisoners.
80. Studies and reports of the Kharkiv Human Rights Group (KhPG) and the NGO “Protection of Prisoners of Ukraine” confirm that in colonies such as Berdyansk VK-77, TVK No. 100, Sofiivka VK No. 45, as well as other institutions, some prisoners have the status of “administration assistants” and carry out their orders, using violent methods to maintain

internal order. This leads to an increase in informal punishments, in particular, such as humiliation, severe physical abuse and intimidation of other convicts.

Riots and riots in the colonies

81. In September 2024, a large-scale riot took place in Sofiivka VK No. 45, which involved about 150 convicts. The cause of the uprising was systematic cases of violence, torture and humiliation by the colony's administration and the so-called “administrative assistants”. The beating of one of the convicts, who was forced by the administration to repay a debt for drugs, caused special indignation among the prisoners. This beating was not an isolated incident, but part of a systemic violence that had long been widespread in the colony.
82. According to reports by the Kharkiv Human Rights Group (KhPG) and the NGO “Protection of Prisoners of Ukraine” (ZVU), this incident was the culmination of years of abuse and ill-treatment, which included torture such as being wrapped in tape and doused with urine. These methods were used to blackmail and intimidate prisoners in order to prevent them from contacting human rights defenders or other authorities.
83. Previously, in 2022, similar torture methods had already attracted public attention after the publication of a video on the Internet, which led to certain reforms. However, as the riot of September 2024 showed, these changes were not enough. Systematic violence continued, and punishment for those responsible for the abuses remained minimal or non-existent.
84. The convicts' rebellion was a response to the total disregard of their rights by the colony administration and the constant use of violence as a tool of control. Convicts opened the gates of local sectors and marched to the scene of the beating, protesting years of humiliation. However, instead of investigating cases of abuse, the colony administration shifted all responsibility for the riots to the convicts themselves, initiating criminal prosecution against them under Article 392 of the Criminal Code of Ukraine (actions that disrupt the work of penal institutions).
85. The practice of mass riots in penitentiary institutions of Ukraine has significantly decreased in recent years. Instead, there are isolated acts of protest, such as suicide, hunger strike or self-harm, which convicts use as a last resort to draw attention to systemic

violations of their rights. In such situations, the administration of institutions usually tries to hide these incidents, which makes the situation even more critical.

Differentiated treatment based on ethnic, political or vulnerable groups

86. Differentiated treatment along ethnic, political or vulnerable groups in the colonies remains a widespread problem. Discrimination can take the form of selective benefits, better housing, access to health care, or even protection from abuse. Privileged convicts often get these privileges thanks to cooperation with the administration or through the status of “assistants”, as was recorded in Oleksiivka VK No. 25, where convicts L. and S. enjoyed better living conditions and food in the medical section without legal grounds. These cases of selectivity not only violate the principle of equal treatment, but also contribute to the criminalization of the prison environment, where certain groups of convicts gain power over others.
87. Reports also indicate ethnic and political discrimination. Convicts from vulnerable ethnic minorities or those with political views that differ from the administration may experience discriminatory treatment, including physical and psychological harassment. Such prisoners often come under close surveillance, face restrictions on their rights and freedoms, or even face repression because of their views or origins.
88. For example, in colonies where prisoners with political convictions openly assert their rights or criticize the actions of the administration, there may be cases where they are tried to isolate or limit their contact with the outside world, using disciplinary punishments or transfers to other colonies without justifiable reasons. A July 2024 report noted that such individuals are often moved to colonies far from where their relatives live, making visits difficult and making it difficult to maintain contact with the outside world.
89. Also, in some colonies, the influence of the so-called criminal “bosses” remains, but human rights, surprisingly, are violated much less than in those institutions where the so-called administrative assistants manage. In such institutions, the number of complaints about ill-treatment is significantly lower, because “bosses” have certain moral and informal restrictions on the use of violence and control over convicts. This creates a kind of “equilibrium”, which, although based on an informal hierarchy, to some extent restrains the systemic violations of human rights characteristic of other colonies.

Special treatment of vulnerable groups (women, minors and other groups)

90. In the colonies, there is a special treatment of vulnerable groups, such as people with disabilities and life prisoners. Problems related to the rights of these categories remain serious.
91. There are two institutions in Ukraine for women who have children – Kamianka Correctional Colony No. 34 and Naderzhynshchyna Correctional Colony No. 65, which hold approximately 20-25 children. The premises where the children live are provided with everything necessary.
92. In general, complaints from juvenile convicts are rare, which may indicate both the absence of violations and fear of the administration.
93. The situation for persons with disabilities remains particularly difficult. For example, in Sofiivka VK No. 45, which had a specialized hospital for people with disabilities, the conditions were so terrible that prisoners sometimes simply did not receive proper care and were actually in the colony to die.
94. It is also known that the colony administration often deducts funds from the accounts of persons with disabilities, in particular from their pension payments, in a misleading way.
95. Conditions for lifers also remain harsh. In such colonies as Temnivka VK No. 100 and Zamkova VK No. 58, in particular, monitors recorded systematic humiliation and ill-treatment. Convicts are forced to face the wall when the cell doors are opened and follow other humiliating rules. The ban on sitting on one's own bed during the day and other similar restrictions indicate a lack of humane treatment and create additional psychological pressure.
96. There are changes for lifers, they are multi-bed cells, which is a positive change compared to the previous isolation

Conditions of detention of prisoners of war

97. The conditions of detention of prisoners of war in Ukraine generally meet the requirements of the Geneva Conventions. Due to the fact that we do not have access to these prisons, it is difficult to say in more detail.

Accountability

Independent bodies investigating torture and ill-treatment

98. The National Preventive Mechanism (NPM) and public organizations such as the Kharkiv Human Rights Group (KhPG) and the NGO “Protection of Prisoners of Ukraine” play an important role in investigating cases of torture and ill-treatment in penitentiary institutions. They have the right to conduct monitoring visits and collect information on human rights violations. NPM's tools and powers are much broader compared to civil society organizations, which gives them more opportunities to influence the situation.
99. Yet, the effectiveness of such investigations often depends on cooperation with government agencies, including the Department of Justice and law enforcement. Many cases require full transparency on the part of colony administrations and an independent approach to inspections, but in some cases, the management of the institution tries to create a false picture of well-being. In particular, such institutions manipulate information or resort to discrediting human rights defenders in order to avoid publicity and interference.
100. This practice calls into question the independence and objectivity of investigations, creates an atmosphere of intimidation for both convicts and human rights defenders, which significantly limits the ability of public organizations to effectively carry out their mission to identify and stop cases of torture and ill-treatment.

Independent complaints mechanisms

101. Independent complaints mechanisms in penal institutions face numerous obstacles. One of the key problems is the limited or controlled access of prisoners to complaints mechanisms, which leads to the fact that most of them cannot effectively protect their rights

102. A study of outgoing and incoming correspondence conducted by the Kharkiv Human Rights Protection Group (KhPG) and the NGO “Prisoners' Protection of Ukraine” (ZVU) revealed serious violations in the complaint system. Many institutions showed almost zero correspondence, indicating limited or no access to independent complaint mechanisms through these official channels. This may mean that correspondence does not go through the proper channels or is blocked by the administration of the institutions.
103. The situation with electronic complaints is particularly problematic. In many cases, according to the study, the number of electronic complaints filed in 2023-2024 is insignificant or non-existent (indicated as “0-0”), which indicates that the electronic complaint system is not functioning properly or is not used at all. This state of affairs creates serious obstacles for prisoners to file complaints through electronic means, which could be an alternative and convenient tool for ensuring their rights.
104. Moreover, significant obstacles were identified in the process of introducing tablets for filing complaints. The introduction of tablets in penitentiary institutions should have become a convenient tool for filing electronic appeals and complaints, but in practice this initiative is often blocked by colony staff. The administration of the institutions fears that the use of such technologies will make it easier for prisoners to access human rights organizations and submit complaints, so blocking access to tablets has become part of the systemic control. In several cases, it was documented that the administration allows the use of tablets only for a limited range of functions, such as viewing state content, but blocks access to human rights websites.
105. Thus, independent complaint mechanisms remain ineffective in practice due to blocking by the administration of institutions, which complicates the filing of complaints and limits the rights of prisoners to protection and access to justice.

Impunity for torture

106. Impunity remains a significant problem in the Ukrainian penitentiary system. Despite some reform efforts by the government and international organizations, the number of successful investigations into torture cases is extremely low. Most of those responsible for ill-treatment of prisoners do not face any legal consequences. The administra-

tion of institutions often creates conditions for violations to go unnoticed or unregistered, making it impossible to investigate and punish the perpetrators.

107. The organization “Prisoners' Protection of Ukraine” participated in two significant cases – Berdianska VK No. 77 and Bozhkivske VK No. 16. Numerous cases of torture were documented in these institutions, and the efforts of human rights defenders helped bring the perpetrators to justice. However, such cases are the exception rather than the rule, which indicates a systemic problem of impunity.

Disciplinary Battalions and Their Specifics

108. Ukraine's only disciplinary battalion, the 307th Disciplinary Battalion, is a specialized institution housing a specific group of individuals who have not committed serious criminal offenses. These are service members whom the courts, while imposing disciplinary punishment, have deemed not entirely lost to society. The vast majority of detainees are military personnel who have violated Article 407 of the Criminal Code of Ukraine, meaning they have unlawfully left their military units. According to Ukrainian criminal law, the court has the authority to impose punishment by placing the individual in a disciplinary battalion or assigning a prison sentence, in which case the individual serves their sentence in a general correctional facility.
109. Those who evade military service or refuse to serve due to personal beliefs, if sentenced to prison, serve their terms on general grounds in correctional facilities.
110. Disciplinary battalions are subordinate to the Ministry of Defense of Ukraine, which distinguishes them from other institutions. They have a special status that defines the order of serving the sentence, taking into account both the military status of the convicted individuals and the specifics of their offenses.

Kostiantyn Avtukhov, Ukraine without Torture (UwT)

11 October 2024

Online meeting

About the source

Kontiantyn Avtukhov is deputy chairman of the board at Ukraine without Torture – an organisation that works for the eradication of torture and ill-treatment of persons in places of detention in Ukraine.

Change in access to independent monitoring

1. There has been no real change of independent monitoring of the Ukrainian prison system since the outbreak of the full-scale invasion. In start October 2024, UwT wrapped out a monitoring visit to Zaporizhzhia. As such, there has been put no restraints on the access to the prisons by the authorities. However, the nature of the war in Ukraine makes monitoring visits close to the frontline more difficult due to the security measures that have to be undertaken. Moreover, UwT pointed out that in their opinion, the Ukrainian Ministry of Justice has not updated the legal framework regarding access to independent monitoring so that it matches the reality that Ukraine is fighting a large-scale war on its own territory. There is no distinction between prisons in Western Ukraine and prisons much closer to Russia in Eastern Ukraine.

General remarks regarding monitoring of the Ukrainian prison system

a. Entities Granted Access (such as independent state institutions and civil society organizations)

2. In Ukraine, several entities are entitled to access prisons for independent monitoring: **The National Preventive Mechanism (NPM)** – Established under the Optional Protocol to the UN Convention Against Torture, its implementation is entrusted to the Commissioner for Human Rights of the Verkhovna Rada (Ombudsman). NPM monitoring visits are conducted without prior notice, aiming to prevent torture and inhumane or degrading treatment. During these visits, the Ombudsman involves civil society representatives, human rights activists, and medical experts. Our organization, *Ukraine Without Torture*, was founded in 2016 to unite individuals serving as NPM public monitors. Currently, more than 10 organizations have recommended their representatives for NPM participation, with over 100 of the 170 monitors being recommended by *Ukraine Without Torture*.
3. **Civil and human rights organizations** – These organizations can also visit prisons under Article 24 of the Criminal Executive Code. However, their representatives must obtain a specific mandate, usually in the form of an assistant to a Member of Parliament.
4. **Observation Commissions** – These commissions serve as a specialized mechanism for monitoring only convicted individuals. They are established under regional or district administrations to oversee the protection of human rights and assist with social adaptation.
5. The **Prosecutor's Office of Ukraine** is constitutionally empowered to oversee the observance of citizens' rights and freedoms, including in penitentiary institutions. Its mandate includes investigating violations of prisoners' rights, ensuring the enforcement of court decisions, and overseeing the legality of prison administration activities.
6. **Prosecutors** responsible for supervision in the penitentiary system have the right to unhindered access to prisons, to receive information about the conditions of detainees,

and to conduct interrogations. However, the effectiveness of the prosecutor's office as an independent oversight body is often criticized by human rights defenders due to its dependence on state structures and insufficient response to prisoner complaints

b. Mandate, Independence, and Powers of the Entities

7. **The Commissioner for Human Rights of the Verkhovna Rada** operates within the framework of the Ukrainian Constitution, and their activities are regulated by the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine." The Ombudsman has a broad mandate, which includes independent monitoring and access to any locations where people may be held, such as detention centers, prisons, psychiatric hospitals, etc. Importantly, the Commissioner has the right to conduct unannounced visits, which is a critical factor for effective monitoring.
8. **Civil organizations** gain access to prisons through collaboration with state agencies or by participating in mechanisms like the NPM. Their mandate may be limited depending on agreements with authorities. However, the independence of these organizations is ensured by their non-involvement in state policies, although there are cases where authorities obstruct their efforts.
9. According to the Criminal Executive Code, the public can also participate in visiting detention facilities by engaging with public councils under the Ministry of Justice and its regional offices. However, the activities of regional public councils was suspended between 2019-2021 due to the Ministry of Justice's position and reluctance to cooperate. Only the Public Council at the Ministry of Justice remains active, with several representatives of the public regularly monitoring detention facilities using their mandate.
10. Virtually all prisons are covered by various control mechanisms, except for observation commissions. According to the law, observation commissions can monitor only the rights of convicted individuals. They cannot monitor the rights of those awaiting trial (so-called detainees). Thus, pretrial detention centers are partially subject to observation commission monitoring only concerning individuals already convicted.
11. **International organizations**, such as the UN Committee Against Torture and the European Committee for the Prevention of Torture (CPT), conduct monitoring in accordance with international treaties ratified by Ukraine. Their visits occur as part of Ukraine's international human rights obligations.

c. Types of Prisons and Facilities Denied Access

12. Officially, access to all penitentiary institutions in Ukraine should be open to the NPM and representatives of international organizations under relevant international conventions. However, in practice, there are certain restrictions:

13. **Military or special service-related detention centers** may be inaccessible to certain entities, particularly concerning national security. These may include military bases, special facilities of the Security Service of Ukraine (SBU), or temporary detention facilities not listed in official registries.
14. **Occupied territories** – Access to prisons located in territories temporarily outside Ukrainian control is impossible. This includes the occupied regions and Crimea. Monitoring here is only possible through the testimony of former prisoners or independent investigations, significantly limiting objective oversight.
15. The capability of both public tools and the state to control the observance of human rights in detention facilities requires attention. Unfortunately, it must be acknowledged that the activities of observation commissions are significantly limited by regional factors. Regarding the National Preventive Mechanism, it has been noted that it is sometimes unsystematic and more focused on quantitative metrics rather than the quality of monitoring visits and torture prevention. This situation calls for a sharp review of public and state oversight mechanisms for human rights protection.
16. The National Preventive Mechanism appears to be the most promising systemic solution. However, it requires additional training for personnel, as well as the development of a strategy for its improvement and uniting the most active participants involved in its implementation. In particular, our organization, *Ukraine Without Torture*, is launching a project to establish cooperation between observation commissions and regional offices of the Ombudsman, which perform the functions of the National Preventive Mechanism in the regions.
17. Thus, independent monitoring of prisons in Ukraine faces certain challenges, including restricted access to specific facilities and the effectiveness of mechanisms protecting prisoners' rights. Nonetheless, efforts to improve the situation are ongoing at both national and international levels.

General issues relating to the State Bureau of Investigation (SBI)

18. There is a significant issue with the effectiveness of the independent body responsible for investigating crimes in places of detention. In fulfilling its international obligations, Ukraine established the State Bureau of Investigation (SBI), one of whose three key mandates is to investigate crimes committed by the administration of detention facilities. However, since the creation of this body, the investigation of torture and other human rights violations committed by the administration has not become a priority for the SBI. Even before the full-scale invasion, almost half of all cases investigated by the SBI were related to the unauthorized absence of military personnel from their units. This indicates that, despite the initial intent to focus on investigating crimes committed by law enforcement personnel, practice has shifted. Cases of torture and ill-treatment by law enforcement officers are rarely investigated, and only a few isolated cases reach

the courts. In reality, since the establishment of the SBI, the statistics on investigations of such crimes, the number of registered cases, and the number of convictions have not significantly changed. Thus, unfortunately, this tool has not led to improvements in addressing crimes in places of detention.

Types of prisons in Ukraine

19. There has been no change to the types of prisons in Ukraine since the outbreak of the full-scale invasion. The categories of minimum, medium and maximum security are still in effect.

Types of crime and sentencing

20. As far as the source is concerned, draft evaders and conscientious objectors will serve time in the regular prison system if convicted, whereas deserters will service time in military prisons if convicted. However, the sources pointed out that this is not the area of his expertise.
21. Article 51 of the Criminal Code in Ukraine lists the types of punishments applicable under Ukrainian law.

The court may apply the following types of punishment to persons found guilty of a criminal offence

- 1) a fine
- 2) deprivation of military, special rank, rank or qualification class
- 3) deprivation of the right to hold certain positions or engage in certain activities;
- 4) community service
- 5) correctional labour;
- 6) service restrictions for military personnel;
- 7) confiscation of property;
- 7-1) probation supervision
- 8) arrest

- 9) restriction of liberty;
 - 10) detention in a disciplinary battalion of servicemen;
 - 11) imprisonment for a fixed term;
 - 12) life imprisonment.
22. As such, the law still stipulates that servicemen must serve time in a disciplinary battalion (Disbat).

The System of Inmate Distribution for Serving Sentences

23. The system of distributing inmates for serving sentences has been highly developed since Soviet times. According to departmental regulations, up to 15 criteria are used to separate different categories of convicts. A specific sub-legal normative act regulates this. Until 2003, the distribution of convicts was decided by the court at the time of sentencing. However, since 2003, this responsibility has shifted to special commissions created at regional offices or directly in pretrial detention centers. This process has moved beyond court proceedings and is now conducted by the Ministry of Justice's units.
24. The criteria for distribution include:
- 1. Severity of the committed crime;
 - 2. Previous imprisonment experience;
 - 3. Prior criminal responsibility;
 - 4. Age (minors or adults);
 - 5. Work ability;
 - 6. Gender, etc.
25. Since Soviet times, Ukraine has had a system for separating inmates into different colonies with varying security levels. In 2003, a new system was introduced, which essentially involved renaming and implementing three security levels: minimum, medium,

and maximum. Minimum security is further divided into general and relaxed conditions. Most prisoners in Ukraine serve their sentences in medium-security colonies, which are divided into two types:

1. Colonies for those who have previously served a sentence;
2. Medium-security colonies for first-time offenders.

26. Maximum-security colonies hold the most dangerous criminals, including those sentenced to life imprisonment. Additionally, there is a practice of creating sectors of one type of colony based on another. For instance, a maximum-security sector may be created within a medium-security colony.

Pre-trial Detention Centres

27. Within the Ukrainian prison system, pre-trial detention centres are the most difficult to endure, as they often fail to meet sanitary standards, and conditions are the worst. The most challenging situations are found in so-called transit cells, where individuals are held while being transferred from one region of Ukraine to another.

Current Trends in Prison Populations

28. Since the full-scale invasion began, statistics on prison populations have become limited. However, the trend of decreasing numbers of convicts in correctional colonies continues, while the number of detainees in pre-trial detention centres is increasing. Currently, pre-trial detention centres are overcrowded due to a large number of new criminal cases.

Prison Medicine

29. One of the most pressing issues is prison healthcare. According to the reform initiated in 2016, prison healthcare, previously under the Ministry of Justice, was to be gradually separated into an independent structure and eventually integrated into Ukraine's general healthcare system. In 2016, a special state institution, the Center for Health Protection of the State Criminal Executive Service of Ukraine, was created. It was intended to be incorporated into the general healthcare system, but the reform process has been halted. Prior to 2016, doctors were directly subordinate to colony directors,

which affected their independence. Although formally they have been moved into a separate structure, the situation remains unchanged—the medical unit is still dependent on the colony administration. This leads to issues with diagnosing injuries, particularly those sustained by inmates during work or due to violence from other inmates or staff.

Occupational Issues in Pretrial Detention Centers

30. In pre-trial detention centres, inmates are often left without activity for 23 hours a day, confined to their cells. They are only allowed outside for one hour of exercise daily in courtyard areas.

Solitary Confinement Practices

31. The issue of solitary confinement remains complex in most post-Soviet countries. In the past five years, changes have been made to the regulations for solitary confinement, but it is still frequently used, especially based on the administration's attitude toward specific inmates.

Torture Practices

32. Over the past 10-15 years, the number of instances of torture by staff against inmates has decreased. Increasingly, other inmates, known as “administration assistants,” are used for physical or psychological pressure. Recently, there have been two high-profile cases where prison officials were arrested on accusations of torture; one in the Berdyansk colony and one in Poltava.

Conditions during interrogations

33. There has been an enduring problem regarding legal access and legal help in the Ukrainian prison system because many face a financial constraint. This was also a problem before the full-scale invasion, and therefore there has not been any significant changes to the conditions during interrogation. In practice, however, people close to the front line face greater obstacles in accessing high skilled labour such as lawyers since many from the Eastern and Southern regions with the financial means have moved either to other parts of Ukraine or fled the country.
34. People who are accused or convicted of collaborating with Russia face greater risks to their security in the prison system. It is difficult to assess the scope of this phenomenon.

Living conditions in prisons

35. The living conditions in Ukrainian prisons is the same as before the Russian invasion. However, prisons located closer to the front line face greater security risks. Many serve time close to their home, family and friends because it is easier to get visits this way. UwT pointed out that around half of the prison population have previously served time. Inmates cannot decide where they serve time, but they can request to be placed closer to home, family etc.
36. Access to health care has in reality been harder in the parts of the country closer to the frontline since many doctors from those areas have relocated to other and safer parts of the country or even fled Ukraine.

Living conditions in remand prisons

37. The source pointed out that people in remand prisons face similar health care issues as in the rest of the prison population due to structural shortages in health care personnel – especially in parts of the country close to the frontlines.

The representative of the Commissioner for Human Rights in places of detention

Online meeting, 16 October 2024

The representative of the Commissioner for Human Rights in places of detention is responsible for implementing the national preventive mechanism in Ukraine, mainly concerning torture and other forms of ill-treatment.

Independent monitoring mechanisms

1. The National Preventive Mechanism (NPM) has not been facing problems in regards to access to places of detention. The source has access to all places of detention owned by the state, including documents and communication with the detainees without eavesdropping.
2. The NPM of Ukraine is trying to expand monitoring opportunities. Last year, they started visiting places of detention on private property. Only in one such facility, in the Zakarpattia region, access was not granted. After six months, the monitoring group visited the same facility without any obstacles. Most likely, the head of the institution did not realise the mandate of the NPM. Therefore, as of now, there are no problems with access.
3. The source always has representatives of civil society organisations, so they can remain objective and unbiased in implementing their mandate. Currently, the source has involved 183 civil monitors in Ukraine in general.

Russian prisoners of war (POWs)

4. The NPM pays attention to the question of Russian POWs. With the aim of monitoring the alignment of the Geneva Convention, the source visits camps of POWs as well as special units of remand prisons, because POWs stay in separate units.
5. Currently, there are four camps for POWs, and a fifth one will come. Out of the four active ones, the source has visited three, as the fourth has recently opened. The source did not receive complaints of torture or ill-treatment in these three camps.
6. POWs in these camps have access to fresh air, drinking water, personal hygiene kits, shoes, clothes and food three times per day. They also have access to paid work. They have stores and can receive parcels as well as money, which is transferred to their accounts. The military camps have generators, as Russia is targeting the energy objects of Ukraine.
7. Overall, the conditions for Russian POWs are in alignment with the Geneva Convention, and the NPM is tracking this. In general, the conditions of POWs are better than those of regular sentenced prisoners.
8. There are no POWs in regular prisons. POWs serve in camps or in remand prisons, if there is a procedure. The source has not heard of POWs serving sentences in other places of detention.
9. Other monitoring mechanisms that visit POWs include the International Committee of the Red Cross and Alice Edwards, the UN Special Rapporteur on the prevention of torture.
10. Health care is provided to POWs in full. Sometimes, the POWs might have difficult traumas.

Different types of prisons

11. New places of detention have appeared after the beginning of the full-scale invasion, such as camps for military prisoners. There are several new disciplinary battalions for militarists from the armed forces of Ukraine because there are more military persons now.
12. Several institutions have created units for extradition of people abroad. The source visited these, and the overall conditions are good.
13. Additionally, in areas currently under occupation, detention facilities and prisons were operational. Some of them have been damaged. For instance, in Kherson, one of the prisons was liquidated due to damages and occupation.
14. The source visited places of detention close to the frontline in Zaporizhzhia the week before the interview. In three days, the source visited 12 places of detention of different types, including remand prisons, pre-trial detention centres and police units.

Conditions in remand prisons

15. There are problems with overcrowding in some areas. However, some changes have recently been introduced to the legislation resulting in some minor crimes being decriminalised, and instead became administrative violations, which helped a little with the situation in remand prisons.
16. The problem, nonetheless, still exists because of relocation of places of detention located near the frontline. In remand prisons, there are big amounts of POWs as well as military persons from the armed forces of Ukraine that might have committed crimes during martial law.
17. In 2022, Ukraine introduced changes to the legislation concerning qualification of some activities. For instance, a person stealing under the conditions of martial law, even if it is the territory of Ukraine that is not in the areas of hostilities, could end up remand prison for robbery according to martial law. This could also be the case for minor crimes, such as stealing a bottle of vodka. This also influenced the overcrowding of remand prisons.
18. The heads of remand prisons have tried to launch repairs and introduce changes, but financing was lacking.
19. Based on a recommendation by the source, the Ministry of Justice is currently developing the model of Institute of Inspectors of Human Rights. That would mean that in every facility, there is one person monitoring whether human rights are met in such facilities. So far, the model will be introduced in colonies and later in remand prisons.

Military prisoners

20. Asked if a person would be considered a civilian or a military person after not showing up for the military when receiving a call-up letter, the source replied that up to the point where a person has received a conscription letter, they are considered civilian.
21. Healthcare for Ukrainian prisoners is an urgent matter for the source. The source receives many appeals from sentenced prisoners and inmates concerning healthcare provisions. The source is advocating the work of moving prison medicine to general medicine. There is a pilot project to be implemented in one of the colonies, where healthcare services will be provided by civilian doctors.
22. Currently, there are issues with medical equipment. Sometimes it is unavailable or damaged. The quality of healthcare provision changes from region to region. The situation in regional centres is better because they have more doctors and more specialists.
23. Several colonies are located in small villages and towns. The situation there is more complicated because there are not enough doctors and specialists. Additionally, the salaries are very low for such specialists. In general medicine, salaries are higher.

24. In relation to cases of death of prisoners who did not receive the necessary medical treatment, the source added that such cases have occurred but are isolated.¹⁹⁷ In general, deaths in places of detention happen due to suicide because of prisoners' emotional conditions or personal problems. There was a case where a prisoner died in hospital, but the source did not know whether this happened because of the medical services.
25. The source has visited three military prisons and has not received any information concerning ill-treatment, force or other treatments that are not dignified.

Access to lawyers

26. Any person who is detained, if this person does not have his or her own lawyer, has the right to free legal support. Every detainee receives a state lawyer. However, the person might use his or her own lawyer.
27. The source understands that several hours after detention are the most important, when someone might use physical impact measures to the person. The source responds if it has been more than three hours from the time of detention to the time of contacting legal aid support. Official face penalties for this, as it is a violation of their functional responsibilities.
28. The source has not received complaints from sentenced prisoners about not being provided with a lawyer.
29. However, there have been complaints concerning the quality of the legal aid and the lawyer's actions during the process. The quality of legal aid, however, is not the subject of the source's monitoring.
30. The source received a complaint from a remand prisoner, who had not received proper legal aid. A lawyer was assigned to him. The lawyer saw him once and afterwards did not meet in court. The source conducted internal monitoring to control the quality of the provision. As a result, the lawyer in question is no longer providing legal aid.

Contact with the outside world

31. Sentenced prisoners have the right to correspondence by writing letters and the use of internet.
32. For sentenced prisoners and remand prisoners, there is a pilot project concerning pay phones allowing them to call to their relatives
33. From time to time in the colonies, prisoners have short term meetings and long-term meetings for up to three days in a separate room.

Access to meaningful activities

¹⁹⁷ Zmina, У Дніпрі внаслідок черепно-мозкової травми помер засуджений, якого лікували від бронхіту [In Dnipro a convict who was treated for bronchitis dies of a brain injury], 13 December 2023, [url](#)

- 34. Inmates have access to education, such as professional, technical and vocational skills.
- 35. The situation is different in remand prisons and colonies. In remand prisons, there are courtyards where prisoners can walk around. There is also sports equipment for physical activities. In colonies and military prisons, inmates can play football, volleyball and table tennis.
- 36. There are paid cells in every remand prison in the country. Under the conditions of military law, the government prisons have no other sources of funding but the state budget. Due to the money that they receive now because of the paid cells, they are able to improve conditions in regular cells. Colonies do not have paid cells.

Solitary confinement

- 37. The decision to place someone in solitary confinement is taken by disciplinary commissions.
- 38. When the source visits prisons, they inform the administration of the facility that a person cannot be in solitary confinement. Only in specific cases, if the procedure is followed, solitary confinement is allowed.
- 39. If there is a case of solitary confinement, usually it is someone who is serving life imprisonment. These cases are, however, rare and usually short in time.

Differentiated treatment in terms of ethnicity and political views

- 40. Concerning differentiated treatment in terms of Russian ethnicity or religious views, the source has not seen such problems. In Ukraine, there are many people of Russian ethnicity, especially in the Central and Eastern parts of the country.
- 41. There are informal prison hierarchies, which leads to some discrimination of religious basis. This issue is related to the heritage of the Soviet past. This situation remains the same after 2021.
- 42. Asked about differentiated treatment in regards to prisoners holding pro-Russian political views, the source mentioned an example of a citizen of Ukraine serving a sentence for state treason. This person complained to the Ombudsman concerning the negative attitude towards him. Based on the court's decision, this person, by his own decision, is in solitary confinement.
- 43. In remand prisons, there are special units for persons who have committed state treason or collaboration. They are isolated from other prisoners due to the risk for such persons.
- 44. The source has not heard about cases of differentiated treatments where a person from Eastern Ukraine is to serve a sentence in the western part of the country – or the other way around.

Transfer of prisoners

45. There has been no changes since 2021 on the matter of transportation. Prisoners are transported by railway and by road.

Women's prisons

46. The source visited women's colonies in Poltava region. Generally, the conditions were satisfactory. In one of them, the conditions were very good. The women are able to work, they can go for walks and have access to good nutrition.
47. The situation regarding medical services is the same as previous discussed. The source has received complaints in relation to healthcare provision. In some instances, however, the complaints were in fact attempts to leave the colony.
48. Furthermore, there is a place for the women's children. At the time of the visit, there were about five children.
49. In general, the conditions in women's colonies are much better than in male colonies.
50. Due to the lack of financing, the conditions in remand prisons are not as good. Remand prisons need repair work. Remand prisons for women are not overcrowded.

Juvenile prisons

51. There is only one juvenile facility in Ukraine. There used to be four facilities, however, due to the decreasing number of juvenile prisoners, it was decided that the others should be closed. The source does not agree with the decision, as there is an increase of the penitentiary population in some places, which could mean that the norms of square are not met.
52. The decrease in juvenile prisoners is also connected to social processes and the demographic gap in Ukraine 18 years ago, when the birth rate decreased.
53. Living conditions of women and juveniles are in priority. Juvenile prison conditions are absolutely acceptable.
54. Educational rights of children have been implemented in juvenile prisons. Children attend school and receive grading certificates. The certificates do not mention that they received them in a place of detention. It is a general document that cannot be differentiated from the one received by children who graduate in general education institutions.
55. Juveniles take active part in external independent tasks that gives the opportunity to enter higher educational institutions.
56. Children in Ukraine can stay in juvenile colonies until the age of 22. By the time they turn 22, they must have been transferred to an adult facility.
57. Adult and juvenile prisoners stay in the same remand prisons, but in different buildings and different sections. The conditions for juveniles in remand prisons are proper. They can go for walks and play football.

Accountability

58. The procedure in regards to complaint mechanisms is the same as it was before the beginning of the war.
59. Persons in places of detention have the right to appeal to authoritative bodies and the right for correspondence. According to legislation, the letters are read. However, letters to the Ombudsman on human rights are not read. They are sent in a sealed envelope, and the person also receives the answer in a sealed envelope. According to the source, this right is met without any problems.
60. There are some difficulties and obstacles from the side of the administrations of the institutions, because they think it might have negative impacts for them if prisoners complain. The source is trying to deal with some institutions, where prisoners never send any letters.
61. According to the mandate of the NPM, the source does not work with individual complaints but is simply informed about complaints and possible violations in different places of detention. The Department of Procedural Rights work with the individual complaints. The information provided in complaints is addressed during facility visits. Visit planning takes into account the content of these complaints.
62. There are many complaints due to the current problematic situation, which is connected to the medical aid provision. There is, however, also a category of sentenced prisoners who file complaints to receive privileges or benefits.
63. Around 70 % of the complaints are connected with process, such as trial and investigation of court cases. There are also complaints about material and medical provisions. Sometimes, prisoners complain about food, but it depends on the institution.
64. Asked if there has been more complaints since the beginning of the full-scale invasion, the source replied that there have not been more complaints because of the war. The Ombudsman, however, receives 3-4 times more appeals. This is due to greater awareness about the possibility of contacting the Commissioner, increasing trust in the institution. This year, the Ombudsman received 90,000 complaints.
65. Asked if there are prisoners who refrain from filing a complaint out of fear of reprisals, the source replied that it might be the case, and not without reason. As mentioned, some institutions file no complaints at all. The source has demanded from the administrations of the institutions to provide the implementation of the right to submit complaints.

Impunity of prison officials in cases of ill-treatment or torture

66. Asked if there has been cases where prison officials have been enjoying impunity for cases of ill-treatment or torture since the beginning of the war, the source replied that there has been such cases. However, the source did not know whether these cases were directly linked to the beginning of the war.

67. One case of torture took place in Colony no. 77 in Berdyansk from 2019-2021. It was not until September 2024 that this case went to court.
68. The source has seen examples of activities that might be considered as torture, such as people with bodily trauma or damages. Such information was sent to the office of the General prosecutor. However, as of now, the source has not seen any sentences.
69. The source explained that they are working on implementing the institute of whistleblowers about torture together with the State Bureau of Investigation and the General prosecutor's office.

Olena Volodymyrivna Vysotska, Deputy Minister of Justice of Ukraine

Online meeting

16 October 2024

Reform of the Ukrainian prison system

1. In 2022, the Ukrainian government adopted the strategy of reforming the penitentiary system that runs through 2026. This is a key document that defines the areas of concern within the penitentiary system and identifies solutions within the framework of the European Court of Human Rights. The MoJ underlined that this is not just a declarative document, it is a working document.
2. First of all, the strategy of reforming the penitentiary system focuses on changing the legislative framework that regulates criminal penalties. Since adopting the strategy, thousands of laws have been adapted. This is in order to bring Ukrainian legislation into compliance with European norms and standards. Among the changes to the legislation, there has been a focus on improving the rights of inmates in the Ukrainian prison system.
3. Secondly, the strategy has identified the facilities in the Ukrainian prison system as an area of future focus. The MoJ stressed in this relation, the current facilities levels of international standards and in some cases is considerably above these standards, but added that this nevertheless will become a point of focus in the future. This especially concerns the older Soviet-era facilities, but the MoJ is also aware of the issues currently surrounding remand prisons in Ukraine. Since the start of the Russian full-scale invasion, remand prisons have been overcrowded due to a spike in incarceration related to the war efforts. To tackle this issue, detailed plans have been developed to build new remand prisons. The Ukrainian MoJ has also looked into the possibility of alternative types of punishments, including probation monitoring in order to decrease the overall prison population.

4. The Ukrainian MoJ is also working with international partners to ensure that conditions surrounding the extradition of Ukrainian nationals from other countries to Ukraine, including the reception in Ukraine is conducted in accordance with international standards.
5. Due to the ongoing conflict in Ukraine, the MoJ is looking into the possibility of adding shelters to the existing prison structure as a way of ensuring the safety of the inmates.

Access to Ukrainian penitentiary institutions for independent monitoring

Entities with granted access (independent state institutions and non-governmental organizations)

6. The Criminal Executive Code of Ukraine defines a list of persons who have the right to visit penitentiary institutions at any time without special permission to monitor and conduct inspections, including independent state representatives and members of the public:
 - the Ukrainian Parliament Commissioner for Human Rights or their specially authorized representatives;
 - the Chairman, Deputy Chairmen and members of the Presidential Commission on Pardons;
 - members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
 - the chairman, deputy chairman and members of the supervisory commission who organize public control over the observance of the rights and legitimate interests of convicts during the execution of criminal sentences;
 - village, town, city mayor or their specially authorized representatives (no more than five persons) – on the territory of the respective local council.
7. In addition to the above list, the Ministry of Justice of Ukraine establishes a Public Council – a temporary advisory body that promotes public participation in the formation and implementation of state policy in the field of execution of criminal sentences. The members of this council, together with independent representatives of society, can also exercise public control over the penitentiary facilities (UVPs) and pretrial detention centers (SIZOs) of the State Penitentiary Service (DKVS) of Ukraine. They also have no restrictions and can visit penitentiary institutions at any time of the day or night.

Mandate, independence, powers of the subjects

8. Subjects of control have the right to move freely, without time limits, with maximum assistance from employees and administrations of penitentiary institutions, to move

around the territory of penitentiary institutions, to make audio and video recordings and disseminate the information received, and to carry out inspections.

9. The only restriction for this category is that, for security reasons, no more than 10 people can visit UVPs and SIZOs of the DKVS of Ukraine and the ability of the administration of the institutions to ensure the protection and safety of visitors at the same time. Also, visitors should not disrupt the normal working hours of the correctional institution.

Types of penitentiary institutions to which access is not allowed

10. Access to all penitentiary institutions, pretrial detention centers and prisoner of war camps is ensured in Ukraine without exception.

Different types of penitentiary institutions

Which prisoners/crimes are distributed across different types of penitentiary institutions (maximum, medium and minimum levels and military)

11. Correctional colonies are divided into those of minimum security (with lighter conditions and general conditions), medium security and maximum security.
12. The criteria for the distribution of convicts to correctional colonies of appropriate security are set out in Part 2 of Article 18 of the Criminal Executive Code of Ukraine. Thus, the convicts sentenced to imprisonment serve their sentences in correctional colonies:
 - of minimum security with lighter conditions of detention – first-time offenders sentenced to imprisonment for crimes committed through negligence and minor crimes;
 - of minimum security with general conditions of detention – men sentenced to imprisonment for the first time for non-serious crimes; women sentenced to imprisonment for non-serious crimes, serious and especially serious crimes;
 - of medium security – women sentenced to life imprisonment; women whose sentence of death or life imprisonment was commuted to imprisonment for a certain term by way of pardon; women whose sentence of life imprisonment was commuted to imprisonment for a certain term under the rules provided for in the Criminal Code of Ukraine – commutation of sentence to a lesser sentence; men first sentenced to imprisonment for grave and especially grave crimes; men who previously served a sentence of imprisonment; men convicted of committing an intentional minor crime while serving a sentence of imprisonment;
 - of maximum security – men sentenced to life imprisonment; men whose sentence of death was commuted to life imprisonment; men whose sentence of

death or life imprisonment was commuted to imprisonment for a fixed term by way of pardon; men whose sentence of life imprisonment was commuted to imprisonment for a fixed term in accordance with the rules provided for in the Criminal Code of Ukraine – commutation of sentence to a lesser sentence; men convicted of intentional particularly grave crimes who previously served a sentence of imprisonment; men convicted of committing an intentional grave or particularly grave crime while serving a sentence of imprisonment; men convicted of committing a crime under Part Five of Article 255, Articles 255-1, 255-2 of the Criminal Code of Ukraine; men transferred from medium security colonies for violating the order of serving their sentence.

13. Regarding the conditions of detention for former military personnel convicted of criminal offenses, they live under the same general rules in pre-trial detention centers or penitentiary colonies as other prisoners. They have access to sports, the Internet and communication with their families.

Conditions of detention in the pretrial detention center

Material conditions (state of repair, space (number and trends in the number of prisoners), lighting, ventilation, food)

14. The standard of living space per prisoner cannot be less than 2.5 square meters.
15. Repair works in cells are carried out systematically depending on the sanitary and aesthetic condition of the premises.
16. Prisoners are provided with free meals according to uniform standards. The prisoners are provided with hot meals three times a day. The food is cooked in accordance with the prescribed standards.

There are 15,642 persons in custody, the number of detainees is rapidly changing and usually tends to increase.

Sanitary conditions and access to personal hygiene products

17. Prisoners are provided with regular weekly bathing in the bathhouse with mandatory replacement of underwear and bed linen, towels, washing of outerwear, underwear and bed linen, towels and other property.
18. Prisoners are provided with soap, washing powder and other detergents for bath and laundry, sanitary and hygienic and toilet needs in accordance with the standards established by law.

Healthcare

19. The healthcare institutions of the DKVS of Ukraine provide primary medical care and support to prisoners, conduct initial medical examinations, and check prisoners for bodily injuries. If bodily injuries are detected, doctors document this fact and report it to the prosecutor's office and the State Bureau of Investigation if the injuries were caused by employees of the DKVS of Ukraine.
20. If it is necessary to provide more qualified medical care, the prisoners are transferred to the institutions of the Ministry of Health of Ukraine.

Access to important events

21. Prisoners are provided with the opportunity to perform religious rites, conduct intellectual, educational and recreational activities, and stay outdoors according to the daily schedule and during the time free from investigative actions and court hearings. For this purpose, prisoners are provided with appropriate premises and necessary equipment.

Communication with the outside world (family, lawyer)

22. Prisoners are granted visits with relatives or other persons with the written permission of the investigator or court conducting the criminal proceedings at least three times a month.
23. Prisoners are guaranteed the right to legal aid, confidential legal consultations with a defense counsel, lawyer, or legal representative.
24. They may also correspond with relatives and other citizens, as well as enterprises, institutions, organizations with the written permission of the person or body conducting the criminal proceedings.

Use of solitary confinement, force and means of restraint

25. Solitary confinement may be applied:
 - as a punitive measure against persons who maliciously violate the requirements of the regime for up to 10 days;
 - or to ensure safety of prisoners until possible risks are eliminated.
26. Measures of physical influence and special means may be applied to prisoners to stop physical resistance, violent acts, riots, overcome opposition to the lawful requirements of the administration, if other means have not ensured the fulfillment of its duties.

27. In exceptional cases, weapons may be used, and the prosecutor and the Commissioner for Human Rights are notified.

Prevalence and forms of ill-treatment and torture

28. Prisoners are held on the principles of strict compliance with the Constitution of Ukraine, the Universal Declaration of Human Rights, and other international legal norms and standards for the treatment of prisoners. In case of reported facts of ill-treatment of prisoners, the internal security services initiate an internal investigation.

Distribution of detainees and convicts

29. Convicts are housed in cells separately from pretrial detainees, men separately from women, and minors separately from adults. Moreover, certain categories of prisoners are held separately and in isolation according to the law

Differential treatment in terms of ethnicity, political groups and vulnerable groups

30. It is not allowed to grant any privileges or advantages to persons in pretrial detention based on their race, nationality, attitude to religion, property status, political views or past merits. The DKVS did not receive any information about this issue in the UVPs and SIZOs.

Special treatment of vulnerable groups (women, minors and other groups)

31. The legislation establishes specifics of detention of women and minors. Thus, it is not allowed to hold minors in solitary confinement, and women have the right to have children under the age of three with them. Pregnant women and women who have children with them are not subject to placement in solitary confinement.

Living conditions of convicts

Material conditions (state of repair, space (number and dynamics of the number of convicts), lighting, ventilation, food)

32. The standard of living space per convict cannot be less than four square meters. Repair works in the living premises are carried out systematically depending on the sanitary and aesthetic condition of the premises.

33. The necessary living conditions are created for the convicts. The convicts are provided with three hot meals a day, clothes of the standard established by the legislation, underwear and shoes, as well as bedding.
34. Lighting of the premises is provided in accordance with the established standards, and if there is insufficient natural light, artificial lighting is provided.
35. There are 23,163 persons serving their sentences, the tendency is decreasing recently due to the mobilization of the convicts.

Sanitary conditions and access to personal hygiene products

36. In penitentiary institutions, compliance with sanitary and hygienic and anti-epidemic rules is ensured. Persons arriving at penitentiary institutions undergo sanitary treatment, which includes washing convicts in a bathhouse with soap and a washcloth with mandatory change of underwear, disinfection, and disinfection of personal clothing in a disinfection chamber. Subsequently, visits to the bathhouse are carried out at least once a week.

Healthcare

37. The medical units and hospitals of the DKVS of Ukraine provide:
 - clinical examination and supervision of convicts to assess their health condition, in case of detection of diseases – provision of medical care and determination of their ability to work;
 - outpatient, inpatient and specialized treatment.
38. Convicts have the right to seek medical consultations and treatment in the healthcare institutions that provide paid medical services.

Access to important events

39. Free demonstrations of feature films and videos are held in penitentiary institutions. Convicts are allowed to use literature available in the libraries of penitentiary institutions, as well as newspapers and magazines.
40. In correctional colonies (except for maximum security colonies) it is allowed to conduct free (charitable) and paid (at the expense of the convicts and with their consent) performances by professional creative groups (theaters, philharmonic societies, etc.).
41. Physical training and recreational activities among convicts are held at the time established by the daily schedule and within the penitentiary institution.

42. The administration of the penitentiary institution takes measures to provide convicts with sports equipment, inventory and board games (chess, checkers, backgammon, dominoes).

Sports equipment is provided for convicts in local sectors.

Communication with the outside world (family, lawyer)

43. Convicts are allowed to have visits with a certain frequency and telephone conversations without restrictions with relatives, lawyers and other persons, and they have the right to use the global Internet.
44. In addition, convicts in the social rehabilitation units of minimum and medium security correctional colonies and correctional centers have the right to short-term trips of up to 7 days outside the institution.

Use of solitary confinement, force and means of restraint

45. In case of danger to life and health of a convict, the need to protect them from reprisals by other convicts or at the request of a convict with a request to ensure personal safety, as well as in case of necessity to isolate a convict, it is allowed to keep them in a separate cell.
46. The staff of the bodies and penal institutions of the State Criminal Execution Service of Ukraine has the right to use special means, measures of physical influence, including hand-to-hand combat, to stop offenses by convicts, to overcome opposition to the legal requirements of the administration of penal institutions, if other means have not ensured the fulfillment of their duties.
47. In exceptional cases, weapons are used, and the prosecutor and the Commissioner for Human Rights are notified.

Prevalence and forms of ill-treatment and torture

48. Convicts, inter alia, have the right to be treated humanely and with respect for their human dignity; convicts shall not be subjected to cruel, inhuman or degrading treatment and to their personal safety. The staff, by their behavior and performance of their duties, should have a positive influence on the convicts and inspire respect in them. In case of reported facts of ill-treatment of prisoners, the internal security services initiate an internal investigation.

Prevalence and patterns of violence between prisoners (IPV)

49. There are certain disputes among prison subcultures, which sometimes create the basis for conflict situations among prisoners. In turn, the administration of the institutions promptly takes measures to resolve and prevent them. To this end, various practical measures are taken, such as professional training, workshops, seminars, etc.

Prevalence of riots/disturbances in prisons

50. In case of riots or mass disorders, the staff of the institutions acts in accordance with the developed emergency action plans. Other law enforcement agencies may also be involved in stopping illegal actions by convicts. The above facts were not recorded in the institutions of the DKVS of Ukraine.

Differential treatment in terms of ethnicity, political groups and vulnerable groups

51. Discrimination on the grounds of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other grounds is prohibited. No information on the violation of this issue was received by the UVPs and SIZOs of the DKVS of Ukraine.

Special treatment of vulnerable groups (women, minors and other groups)

52. The legislation provides for the possibility for convicted women to live with their children, provided that the mother behaves properly and does not pose a threat to the child. Transportation of women sentenced to life imprisonment is carried out without the involvement of a dog handler and without handcuffs.
53. It is forbidden to use physical force, special means and firearms against women during medical examinations, labor, childbirth and after the birth of a child, as well as against women with obvious signs of pregnancy, elderly persons or persons with severe disabilities and minors, except in cases of group or armed attack that threatens the life and health of penitentiary staff or other persons, or armed resistance.
54. The straitjacket does not apply to convicted minors and women. Inclusive conditions (handrails, ramps, stair lifts, etc.) are created for persons with disabilities and low mobility in the institutions.
55. For juvenile convicts there is a possibility to go outside the institution.

Living conditions of prisoners of war

Material conditions (state of repair, space (number and trends in the number of prisoners of war), lighting, ventilation, food)

56. In accordance with the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949 and the Procedure for the Detention of Prisoners of War as approved by the Cabinet of Ministers of Ukraine on April 5, 2022 No. 413, proper living conditions are created for prisoners of war in camps. Prisoners of war are placed in lighted sleeping quarters with heating and that meet the standards of area and air volume. Proper sanitary conditions and fire safety measures are ensured in such premises. All premises are cleaned, mopped and ventilated every day according to schedules. All prisoners of war are provided with clothing, underwear, footwear and bedding free of charge.

Sanitary conditions and access to personal hygiene products

57. Prisoners of war are washed in the bathhouse every week under the supervision of camp staff at a time determined by the daily schedule. Prisoners of war are provided with detergents and personal hygiene products. Timely washing and replacement of underwear and bed linen is carried out in the camp on a weekly basis by prisoners of war in the premises equipped for this purpose.

Healthcare

58. Medical care, including initial medical examination, control and analysis of the health of prisoners of war in the camps, as well as state sanitary and epidemiological supervision on the territory of the camps are organized and carried out by medical workers of the health care institutions of the DKVS.
59. Emergency medical care, as well as specialized medical care and palliative care for prisoners of war are provided in the closest to the camp health care facilities of state or municipal ownership that do not belong to the sphere of management of the Ministry of Justice, where such care can be provided.

Access to important events

60. Prisoners of war are provided with the opportunity to perform religious rites, conduct intellectual, educational and recreational activities, sports competitions, games and outdoor activities. For this purpose, prisoners of war are provided with appropriate premises (places) and necessary equipment.

Communication with the outside world (family, lawyer)

61. A prisoner of war is guaranteed the right to legal aid, confidential legal consultations with a defense counsel, lawyer, or legal representative. Prisoners of war are allowed to send and receive letters (telegrams) without limitation of their number, post cards and parcels.

If technically possible, prisoners of war are granted the right to make telephone calls using IP telephony.

Use of solitary confinement, force and means of restraint

62. In the enhanced control unit, prisoners of war serve a disciplinary sanction in the form of arrest. The detention in the enhanced control area is solitary. The use of weapons against prisoners of war, in particular against those who escape or attempt to escape, is an extraordinary measure that must always be preceded by a warning of the intention to use them.

63. Maintaining order among prisoners of war and ensuring the regime of detention is carried out by camp supervision units. The camps' personnel ensure the regime of detention in the same way as in penitentiary institutions.

Prevalence and forms of ill-treatment and torture

64. Prisoners of war are always treated humanely, without violence, reprisals, ill-treatment and torture, insulting and humiliating treatment, or intimidation. In particular, prisoners of war may not be subjected to physical injury, medical or scientific experiments. Under any circumstances, prisoners of war are treated with respect for their person and honor. The above facts were not confirmed during inspections of the camps.

Prevalence and patterns of violence between prisoners of war (IPV)

65. These facts were not confirmed during inspections of the camps. No information was received from the camp administration.

Use of police station as a detention center by authorities

66. Police bodies and institutions are not within the competence of the Ministry of Justice

Separation of detainees and convicts

67. Convicted prisoners of war are held separately from other prisoners of war in accordance with international humanitarian law.

Differential treatment in terms of ethnicity, political groups and vulnerable groups

68. Discrimination on the grounds of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other grounds is prohibited.

Special treatment of vulnerable groups

69. Women are treated with all the respect due to their gender, as well as men. Wounded and sick prisoners of war are provided with timely medical care. The Ukrainian nation has always been friendly and has a positive attitude towards any nation, so, despite various political and other aspects, there are no problems with any minorities in UVPs, SIZOs and camps.

Reporting

Independent bodies to investigate complaints of torture/ill-treatment

70. In case of reported case of ill-treatment, the internal security services initiate an internal investigation. If the facts are true, they are passed on to the prosecutor's office or the State Bureau of Investigation for appropriate response. With regard to international organizations, the recent visit of the European Commission against Torture found no evidence of torture.

Independent complaint mechanisms

71. Correspondence received and sent by prisoners and convicts. A convicted person may file a complaint via the Internet. Prisoners of war have the right to address the camp administration, the Ministry of Justice or the patron state personally or through an authorized representative with a petition (application, complaint) regarding the conditions of their detention in the camp.

Impunity for perpetrators of ill-treatment and torture

72. If employees are found to be at fault, appropriate action is taken, so when cases of employee misconduct are identified, information is provided and reported to the relevant authorities so that they can further investigate the facts.

Disciplinary battalions

73. According to Article 17 of the Criminal Executive Code of Ukraine (hereinafter – CEC of Ukraine), a disciplinary battalion serves as the means for carrying out punishments involving the detention of convicted military personnel in a disciplinary battalion. This applies to conscripted servicemen, contracted servicemen, officers on professional military service, officers on conscription service, military personnel mobilized for service during special periods, and reserve personnel called up for special duty (excluding female military personnel).
74. The procedure and conditions for serving sentences in a disciplinary battalion by military personnel are defined in Chapter 14 of the CEC of Ukraine. Specifically, under paragraphs one through three of Article 71, and paragraph one of Article 72 of the CEC of Ukraine, punishments involving detention in a disciplinary battalion are enforced by the battalion itself.
75. The organizational structure and staffing of the disciplinary battalion are determined by the Ministry of Defense of Ukraine, and overall management is the responsibility of the Minister of Defense of Ukraine. The transfer and admission of convicted military personnel to the disciplinary battalion follow procedures set by the Ministry of Defense of Ukraine.
76. Convicted military personnel are required to adhere to the regime requirements established by this Code and regulatory acts of the Ministry of Defense of Ukraine.
77. Additionally, it is reported that Article 336 of the Criminal Code of Ukraine (hereinafter – CC of Ukraine) provides for punishment by imprisonment of three to five years for evading conscription during mobilization, special periods, or by reservists summoned during a special period.
78. Article 409 of the CC of Ukraine prescribes punishment for evading military service duties through self-injury, feigned illness, document forgery, or other forms of deception, with detention in a disciplinary battalion for up to two years or imprisonment for the same term. Refusal to perform military service duties is punishable by imprisonment for two to five years. Acts provided for in parts one or two of this article, committed during a special period excluding martial law, are punishable by imprisonment for three to seven years. Acts provided for in parts one or two of this article, committed under martial law or in combat conditions, are punishable by imprisonment for five to ten years.
79. It should be noted that under Article 62 of the CC, punishment in the form of detention in a disciplinary battalion can be assigned to conscripted servicemen, contracted servicemen, officers on professional or conscription service, military personnel called to duty during mobilization or special periods, as well as reserve personnel called up for special

duty (excluding female military personnel) for periods ranging from six months to two years, in cases stipulated by this Code.

80. If the court, considering the circumstances and the person's profile, deems it possible to replace imprisonment of up to two years with detention in a disciplinary battalion for the same term. Detention in a disciplinary battalion instead of imprisonment cannot be applied to individuals who have previously served imprisonment sentences.

Annex 2 – Terms of Reference (ToR)

1. Access to Ukrainian prisons for independent monitoring

- a. Actors given access (such as independent state institutions and civil society organisation)
- b. Mandate, independence, powers of actors
- c. Types of prisons and facilities to which access is not granted

2. Different types of prisons

- a. Which prisoners/crimes are allocated in the different types of prisons (high, medium, low security and military)

3. Living conditions for detainees in remand detention

- a. Material conditions (state of repair, space (prison population rate and trends), light, ventilation, nutrition)
- b. Sanitary arrangements and access to personal hygiene
- c. Health care
- d. Access to meaningful activities
- e. Contact to the outside world (family, lawyer)
- f. Use of solitary confinement, force and means of restraint
- g. Prevalence and patterns of ill-treatment and torture
- h. Prevalence and patterns of inter-prisoner violence (IPV)
- i. Authorities' use of police custody as remand prison
- j. Separation of remand prisoners from sentenced prisoners
- k. Differentiated treatment in terms of ethnicity, political groups and vulnerable groups
- l. Special treatment for vulnerable groups (women, juveniles and other groups)
- m. Conditions during transfer

4. Living conditions for sentenced prisoners

- a. Material conditions (state of repair, space (prison population rate and trends), light, ventilation, nutrition)

- b. Sanitary arrangements and access to personal hygiene
- c. Health care
- d. Access to meaningful activities
- e. Contact to the outside world (family, lawyer)
- f. Use of solitary confinement, force and means of restraint
- g. Prevalence and patterns of ill-treatment and torture
- h. Prevalence and patterns of inter-prisoner violence (IPV)
- i. Prevalence of turmoil/unrest in prisons
- j. Differentiated treatment in terms of ethnicity, political groups and vulnerable groups
- k. Special treatment for vulnerable groups (women, juveniles and other groups)

5. Living conditions for military prisoners

- a. Material conditions (state of repair, space (prison population rate and trends), light, ventilation, nutrition)
- b. Sanitary arrangements and access to personal hygiene
- c. Health care
- d. Access to meaningful activities
- e. Contact to the outside world (family, lawyer)
- f. Use of solitary confinement, force and means of restraint
- g. Prevalence and patterns of ill-treatment and torture
- h. Prevalence and patterns of inter-prisoner violence (IPV)
- i. Authorities' use of police custody as remand prison
- j. Separation of remand prisoners from sentenced prisoners
- k. Differentiated treatment in terms of ethnicity, political groups and vulnerable groups
- l. Special treatment for vulnerable groups

6. Accountability

- a. Independent authorities to investigate complaints of torture/ill-treatment
- b. Independent complaint mechanisms
- c. Impunity for perpetrators of ill-treatment and torture