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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

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Strasbourg, 26 April 2024

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EXECUTIVE SUMMARY

This was the first visit to Ukraine by the CPT since the beginning of the full-scale military aggression by the Russian Federation in February 2022 and, from the outset, the Committee wishes to place on record the considerable efforts of the Ukrainian authorities to provide adequate conditions to persons deprived of their liberty in these extremely difficult times.

Police custody

The great majority of the interviewed persons who were, or had recently been, in police custody indicated that the police had treated them in a correct manner. The Committee takes note of this positive finding, illustrating the results of efforts deployed by the Ukrainian authorities in recent years to improve the treatment of persons detained by the police.

That said, the delegation did receive allegations of physical ill-treatment (shortly after apprehension, in the police vehicle or at the police establishment, prior to questioning) and excessive use of force upon apprehension as well as of psychological pressure and threats. The CPT reiterates its recommendations on this subject, in particular on the need for the Ukrainian authorities to pursue their policy of “zero tolerance” of police ill-treatment.

Regarding the fundamental legal safeguards against ill-treatment (notification of custody, access to a lawyer and to a doctor), the delegation’s findings suggested that the situation had generally improved as compared to the 2017 periodic visit. In particular, it was positive that, as a rule, the police swiftly informed the relevant Centre for Free Legal Aid (CFLA) and persons in police custody were quasi systematically questioned in the presence of (usually *ex officio*) lawyers. The main remaining shortcoming was the non-observance of confidentiality of medical screening performed (systematically) in polyclinics prior to the placement in temporary holding facilities (ITT). Other than this, the CPT notes with interest the ongoing progress in introducing a nation-wide comprehensive electronic custody record (ARMOR) and the development of the institutions of Human Rights Inspectors (working in ITTs) and of the State Bureau of Investigation (tasked *inter alia* with the carrying out of criminal investigations into possible cases of ill-treatment by law enforcement officials).

As for the material conditions, they were found to be generally satisfactory for detention periods of up to 72 hours. However, administrative detainees were still relatively frequently held in ITTs for periods of up to 15 days; further, persons remanded in custody could also occasionally remain in ITTs for several days, although this happened more rarely than in the past. In this context, the CPT stresses that conditions of detention in ITTs were far from optimal for such stays, mainly because of the scarcity of available activities.

As regards administrative detainees, the Committee invites the Ukrainian authorities to give serious consideration to setting up establishments specifically designed for this category of persons deprived of their liberty, especially for stays exceeding 72 hours. The CPT also invites the Ukrainian authorities to enlarge the range and frequency of activities available to administrative detainees, as long as they continue to be held in ITTs. As regards remand prisoners brought back to ITTs, the CPT reiterates its recommendation that the Ukrainian authorities take steps – including at the legislative level – to ensure that the return of remand prisoners to detention facilities of law enforcement agencies is sought and authorised only exceptionally and when there is no other alternative. Such returns should be authorised exclusively by a judge or a prosecutor, for specific reasons and for the shortest possible time. Further, such returns should never take place exclusively in order to interview the person, especially given the fact that all penitentiary establishments possess dedicated interview rooms.

Prison establishments

The CPT welcomes the continued efforts made by the Ukrainian authorities over the past 25 years to reduce the country's prison population. However, the Committee noted that the proportion of remand prisoners had remained high at the time of the 2023 visit and that many remand prisoners continued to be held in overcrowded conditions for prolonged periods of time. The CPT recommends that the Ukrainian authorities pursue their efforts to reduce the prison population and thereby combat overcrowding in penitentiary establishments, in particular by ensuring a more restrictive approach to the use of remand in custody by setting strict limits on its use and encouraging a greater use of alternative non-custodial measures.

The delegation received no allegations of recent ill-treatment by staff in any of the prisons visited. The vast majority of the prisoners interviewed stated that staff members treated them correctly. Further, physical violence between prisoners did not seem to be a major problem in most of the establishments visited.

However, the visit revealed that the long-standing phenomenon of informal prisoner hierarchy was still prevalent throughout the Ukrainian prison system. In this context, the situation of persons considered to be “humiliated”, that is, those who find themselves at the bottom of this hierarchy, remains a matter of serious concern to the CPT. These prisoners continued to be rejected by the mainstream prison population and were required by the hierarchy’s “code of conduct” to comply with a range of restrictions (for example, to avoid any physical contact with other prisoners, not to use communal facilities, etc.). Moreover, such prisoners were frequently compelled to perform “dirty” work (such as cleaning toilets and collecting rubbish) for which they were not paid.

In some of the prisons visited, the general policy was to separate this category of prisoners from the general inmate population for protection reasons, grouping them together in dedicated cells. In some other establishments, however, no such policy was in place; as a result, the “low caste” prisoners were often exposed to a risk of violence, intimidation and exploitation by their cellmates. In particular, at Vinnytsia Penitentiary Institution No. 1, the delegation received a few allegations of beatings (punches, kicks and blows with a stick) and several accounts of intimidation and verbal abuse of a sexual nature, all from prisoners accused of sex offences. Some of these prisoners felt that they were constantly under the threat of violence by fellow prisoners. The CPT calls upon the Ukrainian authorities to develop and implement a comprehensive strategy for combating inter-prisoner violence and intimidation and tackling the phenomenon of informal prisoner hierarchy with all its negative consequences.

Most of the prisons visited by the delegation were located in old buildings which had not undergone any major refurbishment for years, if not decades. As a result, the bulk of the prisoner accommodation in these establishments was in a poor state of repair (damp-ridden and crumbling walls, damaged floors, rusty sanitary installations, bug-infested bedding, limited access to natural light and ventilation, etc.). The situation was particularly precarious at Odesa Pre-Trial Detention Facility (SIZO) where the conditions of detention of the great majority of prisoners could, in the CPT’s view, easily be considered as inhuman and degrading.

The CPT stresses that it fully recognises the growing challenges for the authorities posed by the ongoing war in Ukraine. Nevertheless, the Committee recalls that, even during armed conflicts, the fundamental rights of detained persons must be guaranteed; this certainly includes a right for prisoners to be held in decent conditions. The Ukrainian authorities are therefore called upon to take the necessary measures to improve material conditions of detention in the prisons visited, and in particular to ensure that: occupancy levels are reduced (so as to offer at least 4 m² of living space per prisoner in multiple-occupancy cells); all prisoner accommodation areas are kept in an adequate state of repair and hygiene; and cells have sufficient access to natural light and ventilation.

The CPT also notes with concern that the situation in respect of out-of-cell activities for remand prisoners had not improved since its previous visits. As in the past, with the exception of a small number of working prisoners, adult remand prisoners (including women) held in the prisons visited were confined to their cells for up to 23 hours a day, with hardly any out-of-cell activities available to them, apart from daily outdoor exercise and – in some prisons – occasional access to a gym.

Further, access to outdoor exercise was offered only for one hour per day (usually slightly longer for women), in yards which were small and of an oppressive design (high walls with sky view only). It is of all the more concern that many prisoners had been held under these conditions for months or even years. On a more positive note, efforts were being made by the management of the establishments visited to involve juvenile remand prisoners in organised out-of-cell activities.

Regarding life-sentenced prisoners, the CPT expresses concern about the impoverished regime which was being applied to them (23-hour lock-up in a cell and no possibilities to associate with prisoners from other cells). The Ukrainian authorities are called upon to devise and implement a regime of out-of-cell activities (including group association activities) for life-sentenced prisoners. More generally, the Committee stresses once again that it can see no justification for the systematic segregation of life-sentenced prisoners.

As concerns the provision of healthcare to prisoners, recommendations are made, *inter alia* to increase the complement of general practitioners and the nursing staff resources in the establishments visited. Further, the Ukrainian authorities are called upon to improve the existing procedures for the recording of injuries observed on prisoners and to ensure that medical confidentiality is fully respected. The CPT also recommends that the Ukrainian authorities develop the admission procedures at all prisons accommodating female prisoners to take into account the gender-specific needs of women (e.g. screening for sexual abuse or other forms of gender-based violence inflicted prior to entry to prison). In addition, remarks and recommendations are made regarding prisoners' access to psychiatric and psychological care and the provision of assistance to prisoners using drugs.

In the report, the Committee formulates a number of specific recommendations regarding various other prison-related issues, such as prison staff, prisoners' contact with the outside world, and discipline. In particular, the Ukrainian authorities are called upon to significantly increase staffing levels in the prisons visited, with a view to reinforcing the presence of custodial staff in the detention areas. The authorities are also called upon to ensure that remand prisoners are entitled to receive visits and to make phone calls as a matter of principle and that all prisoners – whether sentenced or on remand – are entitled to receive one visit of at least one hour every week. As regards discipline, the CPT recommends that the disciplinary sanction of solitary confinement be abolished in respect of juveniles, in accordance with the European Prison Rules.

Military detention facilities

The delegation visited military detention facilities (“hauptvakhtas”) in Kyiv, Odesa and Zhytomyr. It should be stressed that the delegation received no allegations of any forms of ill-treatment of detained military servicemen by staff working at these establishments; further, there were no indications of any inter-detainee violence.

Material conditions were on the whole acceptable, problematic aspects including the too high intended occupancy (calculated on the basis of the norm of 2.5 m² per detainee instead of 4 m²), limited access to natural light in some of the cells in Odesa and Zhytomyr “hauptvakhtas” and the fact that in-cell sanitary annexes were only partially partitioned.

As regards the regime, all detained servicemen had access to daily outdoor exercise. Further, administrative detainees and sentenced servicemen spent a major part of the day outside their cells. By contrast, there were no organised activities for servicemen on remand, which was of particular concern given that many had stayed in the “hauptvakhtas” for long periods (months and even years). The CPT recommends that steps be taken to ensure that servicemen remanded in custody benefit from the same offer of activities as those serving sentences of imprisonment or administrative arrest.

On a positive note, the delegation observed that detained servicemen had adequate access to healthcare. However, at Kyiv “Hauptvakhta” medical screening on arrival was not confidential, with custodial staff being present in the examination room. The Committee recommends that steps be taken at Kyiv “Hauptvakhta” (as well as in other such establishments throughout Ukraine, as applicable) to ensure that medical confidentiality is always respected, including during the initial medical screening.

I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a periodic visit to Ukraine from 16 to 27 October 2023.¹ This was the first visit to Ukraine by the CPT since the beginning of the full-scale military aggression by the Russian Federation in February 2022.

2. The visit was carried out by the following members of the CPT:

- Therese Rytter, 2nd Vice-President of the CPT (Head of Delegation)
- Ömer Müslümanoğlu
- Ceyhun Qaracayev
- Victor Zaharia.

They were supported by Borys Wódz (Head of Division) and Elvin Aliyev of the CPT Secretariat and assisted by:

- Andres Lehtmetts, Head of the Psychiatry Clinic of Tartu University Hospital, Estonia (expert)
- Denys Danylenko (interpreter)
- Pavlo Hrytsak (interpreter)
- Dmytro Kopylov (interpreter).

3. A list of the establishments visited by the delegation is set out in the Appendix to this report.

4. The report on the visit was adopted by the CPT at its 113th meeting, held from 4 to 8 March 2024, and transmitted to the Ukrainian authorities on 27 March 2024. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests that the Ukrainian authorities provide within six months a response containing a full account of action taken by them to implement the Committee’s recommendations, along with replies to the comments and requests for information formulated in this report.

¹ The CPT has carried out 8 periodic and 9 ad hoc visits to Ukraine since 1998. The reports on all previous visits and related Government responses are available on the Committee’s website: <https://www.coe.int/en/web/cpt/ukraine>

B. Consultations held by the delegation and co-operation encountered

5. In the course of the visit, the CPT's delegation held consultations with Denys Maliuska, Minister of Justice, Olena Vysotska, Deputy Minister of Justice, and Viktoria Litvinova, Deputy Prosecutor General, as well as with senior officials from the Ministries of Internal Affairs, Defence and Justice, the National Police, the Armed Forces, the Prosecutor General's Office and the State Bureau of Investigation.

The delegation also met representatives of the Office of the Parliamentary Commissioner for Human Rights (Ombudsman) and staff of the National Preventive Mechanism (NPM) Department set up under the Optional Protocol to the United Nations Convention against Torture. Further, meetings were held with representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU), the United Nations Office on Drugs and Crime (UNODC), the United Nations High Commissioner for Refugees (UNHCR) and the European Union Advisory Mission (EUAM), as well as with members of non-governmental organisations active in areas of concern to the CPT.

6. The CPT is particularly pleased to note that, despite the extremely challenging situation prevailing in the country, the delegation received excellent co-operation throughout the visit at all levels. It enjoyed rapid access to all the establishments it wished to visit, was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty.

The CPT would like to express its appreciation for the assistance provided before and during the visit by the CPT's liaison officer, Ms Svitlana Rohozianska from the Ministry of Justice, as well as by her Deputy, Mr Vladyslav Klysha.

C. National Preventive Mechanism

7. As already mentioned above, at the outset of the visit the delegation met representatives of the NPM Department of the Office of the Parliamentary Commissioner for Human Rights (Ombudsman), including Mr Artem Volodin, Head of the aforementioned Department.

8. The delegation was informed that, after a temporary interruption followed by a reduction of activities in the immediate aftermath of the full-scale military aggression by the Russian Federation (in February 2022),² the NPM had become fully operational again.³ However, it had undergone major staff changes (approximately 80%) due to the fact that numerous staff members had left the country or quit their functions in the NPM. A similar phenomenon had taken place with regard to members of the non-governmental organisations (NGOs)⁴ co-operating with the Ombudsman's Office in the fulfilment of the NPM role, pursuant to the "Ombudsman +" model. That said, at the time of the 2023 periodic visit, the staff complement was almost full again (22 persons in total employed at the NPM Department).

² Nevertheless, the NPM had carried out 202 visits to places of deprivation of liberty in the course of the year 2022.

³ 385 visits to places of deprivation of liberty had been carried out by the NPM in the period between 1 January and 27 October 2023.

⁴ Approximately 180 persons in total.

9. Apart from the evident problem of the lack of access to places of deprivation of liberty located on territories temporarily occupied by the Russian Federation, the three key concerns and challenges identified by the delegation's interlocutors were as follows: the need to recruit a psychiatrist to the NPM team,⁵ the need to train newly-recruited staff and the need to finally eliminate the legal *lacuna* consisting of the lack of budget to cover transportation costs of NPM monitors.⁶

The Committee invites the Ukrainian authorities to seek ways to address the aforementioned concerns. As regards, in particular, the lack of funds for transportation of NPM monitors, reference is made once again to Article 18 (3) of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) – which requires States Parties to make available the necessary resources for the functioning of the NPMs – and paragraph 11 of the Guidelines on National Preventive Mechanisms adopted by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).⁷

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10. Before setting out the findings of the visit, the CPT would like to stress that it is mindful of the tremendous challenges faced by the Ukrainian authorities in light of the full-scale aggression by the Russian Federation. The Committee wishes to place on record the authorities' considerable efforts to provide adequate conditions to persons deprived of their liberty in these extremely difficult times.

⁵ A forensic doctor had been recruited recently.

⁶ The delegation was told that, as a result, NPM members tried to use public transportation wherever possible and, if available, relied on their private cars or cars offered for the occasion by some of the co-operating NGOs.

⁷ According to which "[t]he necessary resources should be provided to permit the effective operation of the NPM".

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police custody

1. Preliminary remarks

11. The delegation visited several police establishments, mainly temporary holding facilities (ITTs) but also a few district police stations in Kyiv, Lviv, Odesa, Vinnytsia, Uman and Zhytomyr,⁸ and spoke with numerous remand prisoners in penitentiary establishments who had recently been held in police custody. The delegation's focus was on ill-treatment, legal safeguards and conditions of detention in police establishments.

12. The legal framework governing deprivation of liberty by the police (and other law enforcement agencies) had remained largely unchanged since the 2017 periodic visit. According to the Code of Criminal Procedure (CCP), criminal suspects could be held in the custody of the police or other law enforcement agencies, such as the Security Service of Ukraine (SBU), for a maximum of 72 hours; persons remanded in custody were in principle immediately transferred to a prison but could be held, for logistical reasons, in an ITT for up to 10 days.⁹

It must be stressed that the above-mentioned time-limits appeared to be duly respected in the police establishments visited; actually, most criminal suspects spent no more than 24 hours in police custody, and the provision allowing to hold persons remanded in custody in ITTs was used extremely rarely, which is a welcome development as compared with the findings from previous visits.¹⁰

13. As for persons suspected of having committed an administrative offence, they could be deprived of their liberty by the police for up to three hours (in order to draw up a protocol) or for up to three days (when this was considered necessary to establish the identity of the person concerned or to clarify the circumstances of breaches of law); if found guilty, the persons could be sentenced by a judge to up to 15 days of administrative detention in an ITT.

The Committee wishes to stress once again that ITTs are not suitable for prolonged detention and should not be used to hold persons (for whatever reason, including administrative detention) for longer than a few days (see also paragraph 34 below). The relevant legal provisions should be amended accordingly.

⁸ See the Appendix.

⁹ Sections 209 and following of the CCP.

¹⁰ See, for example, paragraph 17 of the report on the 2017 periodic visit (document CPT/Inf (2018) 41, <http://rm.coe.int/16808d2c2a>) and paragraph 11 of the report on the 2016 ad hoc visit (document CPT/Inf (2017) 15, <http://rm.coe.int/pdf/1680727930>).

14. Although the practice appeared to be much less widespread than in the past,¹¹ the delegation once again came across a few cases in which remand prisoners had been returned from prisons to police detention facilities for the purpose of investigative work. In one case, the person concerned had been transferred back and forth nine times between a prison and an ITT (in Vinnytsia), with only very short stays (several minutes each time) in prison. This was perceived by the person concerned (with whom the delegation spoke) as a form of psychological pressure, and reportedly the transfers stopped after he signed the confession.¹²

The CPT reiterates its recommendation that the Ukrainian authorities take steps – including at the legislative level – to ensure that the return of remand prisoners to detention facilities of law enforcement agencies is sought and authorised only exceptionally and when there is no other alternative. Such returns should be authorised exclusively by a judge or a prosecutor, for specific reasons and for the shortest possible time. Further, such returns should never take place exclusively in order to interview the person, especially given the fact that all penitentiary establishments possess dedicated interview rooms.

2. Ill-treatment

15. It should be stressed from the outset that the great majority of the interviewed persons who were, or had recently been, in police custody indicated that the police had treated them in a correct manner. The Committee takes note of this positive finding, illustrating the results of efforts deployed by the Ukrainian authorities in recent years to improve the treatment of persons detained by the police.

16. That said, the delegation did receive a few allegations of physical ill-treatment (mainly punches and kicks) inflicted by the police shortly after apprehension, in the police vehicle or at the police establishment, prior to questioning.

On a positive note, unlike on previous CPT visits, no allegations were received concerning physical ill-treatment in the context of questioning (with the aim of extracting confessions or obtaining other information). This could *inter alia* be connected with the now quasi-systematic presence of (usually *ex officio*) lawyers during police questioning (see paragraph 22 below).

Further, as had been the case in the past, no allegations were heard of ill-treatment of detained persons by custodial staff employed in the ITTs or police stations visited.

17. The delegation also received some allegations of excessive use of force during apprehension, mainly consisting of reportedly unprovoked and/or unannounced violent throwing of the persons concerned on the ground, kicks, punches and truncheon blows administered vis-à-vis persons who had been immobilised, handcuffed and brought under control, as well as too tight and prolonged handcuffing (including behind one's back). In some cases, injuries compatible with the allegations were recorded by prison doctors upon the persons' arrivals at pre-trial establishments (SIZOs).

¹¹ For example, at ITT No. 1 in Zhytomyr approximately 10% of all persons who had been detained there had returned from prison, but exclusively to participate in activities requiring their physical presence (such as crime scene examinations and reconstructions) and in most cases for no longer than eight hours. At Zhovkva ITT, there had been 178 detained persons in the period from January to September 2023, out of whom 24 had returned from prison and spent a maximum of two nights there (usually much less, i.e. a few hours).

¹² See also paragraph 18 below.

Most of these allegations referred to officers from the Rapid Operational Response Unit (KORD) and a few concerned SBU officers. In one of the cases, the detained person, Mr A.V., arrested by KORD officers in Odesa on 5 October 2023 made an official complaint registered by the National Police under case number [...]. **The CPT would like to be informed of the outcome of this complaint.**

Further, **the Committee would like to know whether the State Bureau of Investigation (SBI)¹³ has carried out inquiries into injuries sustained reportedly under similar circumstances, by Messrs V.K., O.M. and S.F., interviewed by the delegation at Vinnytsia Penitentiary Institution No. 1.** Injuries observed on the three above-mentioned persons upon their arrival at the prison had been recorded by the establishment's doctors and reported to the SBI in March and June 2023.

18. The delegation spoke with a prisoner who – in addition to physical ill-treatment – alleged to have been submitted to psychological pressure by means of repeated transfers from prison to an ITT (see paragraph 14 above) and threats that, if he refused to co-operate, his wife (a Russian citizen) would be charged with a serious criminal offence. As already mentioned, the prisoner had been returned from prison to an ITT on nine occasions within a period of three weeks. It transpired from the records of the ITT that only on four of these occasions had any investigative steps been taken (i.e. interviews by operational police officers or investigators). The remaining five returns did thus not appear to serve any investigative purpose. The aforementioned pressure reportedly stopped only after the remand prisoner's ninth return to an ITT when he agreed to co-operate with the investigation and accepted the charges against him.

19. In the light of the remarks in paragraphs 16 to 18 above, **the Committee recommends that the Ukrainian authorities remain vigilant and pursue their policy of “zero tolerance” of police ill-treatment, taking into account the precepts set out in the CPT's previous reports, in particular by delivering the firm message, through instructions and regular briefings from the police leadership and management, as well as through appropriate in-service training, that police officers will be held accountable for having inflicted, instigated or tolerated any form of ill-treatment, including psychological pressure or threats, and irrespective of the circumstances, including when the ill-treatment is ordered by a superior.**

Every police officer should have a clear understanding that the ill-treatment of detained persons is a criminal offence and that treating persons in custody correctly and reporting any information indicative of ill-treatment by colleagues to the competent authorities is their duty (and will be duly recognised). It is essential to continue to promote a police culture where it is regarded as both unprofessional and illegal to tolerate the conduct of colleagues who resort to ill-treatment. This implies the existence of a clear reporting line as well as the adoption of whistle-blower protective measures (i.e. a framework for the legal protection of individuals who disclose information on ill-treatment and other malpractice).

It should also be reiterated to police officers (especially those serving in KORD units) and to SBU officers that no more force than is strictly necessary is to be used when carrying out an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them. Whenever it is deemed essential to handcuff a person at the time of apprehension, the handcuffs should under no circumstances be excessively tight¹⁴ and should be applied only for as long as is strictly necessary.

¹³ See paragraph 31 below.

¹⁴ It should be noted that excessively tight handcuffing can have serious medical consequences (for example, sometimes causing a severe and permanent impairment of the hand(s)).

3. Safeguards against ill-treatment

20. Regarding the fundamental legal safeguards against ill-treatment (notification of custody, access to a lawyer and to a doctor), the delegation's findings suggested that the situation had generally improved as compared to the 2017 periodic visit.

21. In particular, the notification of custody (that is, informing the detained persons' relatives or other third persons of their choice of their deprivation of liberty) appeared to be performed duly and quickly in the great majority of the cases.

While welcoming this, **the Committee recommends that the Ukrainian authorities pursue their efforts to ensure that all detained persons effectively benefit from the right of notification of custody as from the outset of their deprivation of liberty.**

Further, **steps should be taken to ensure that detained persons are systematically provided with feedback on whether it has been possible to notify a close relative or another third party of the fact of their detention**; it would appear that this is still not always the case in practice.

22. The delegation also found that, as a rule, the police swiftly informed the relevant Centre for Free Legal Aid (CFLA). Indeed, one of the tasks of the Human Rights Inspectors working in ITTs (see paragraph 30 below) was to verify that the CFLA had been informed prior to the detained person's placement in a cell. Notification of the CFLA was recorded in a dedicated log (see also paragraph 27 below) and, in addition, police officers who brought detained persons to an ITT carried with them certificates attesting that the CFLA had been informed; these certificates were then handed over to the Human Rights Inspector and placed in the detained person's file.

Further, persons in police custody were quasi systematically questioned in the presence of (usually *ex officio*) lawyers. In a few cases, detained persons said that the interview had started before the arrival of the lawyer; however, none alleged having been obliged to sign a confession or any other official statement without the lawyer's presence and without having had the prior opportunity to speak with the lawyer. That being said, **the CPT is of the view that persons in police custody should, in principle, never be questioned without the presence of the lawyer.**

It is also noteworthy that most of the detained persons confirmed that they had been enabled to speak with their lawyer in private prior to the interview.¹⁵ These are positive developments as compared with the situation observed during the 2017 periodic visit.¹⁶

23. As for the medical screening before placement in ITTs, an important safeguard against police ill-treatment, it continued to be generally performed in local polyclinics. The procedure comprised a clinical examination and a chest X-ray, with the results written down by the doctor on a special form (No. 028U). The screening was not particularly detailed, but it is important to add that – if a detained person was remanded in custody – a much more thorough procedure was performed upon arrival at a prison.¹⁷ However, it appeared that the screening was still routinely carried out in the presence of escorting police officers and with the detained persons, including juveniles, often remaining handcuffed.

¹⁵ Most of the ITTs visited had suitable premises for such confidential meetings.

¹⁶ See paragraph 37 of document CPT/Inf (2018) 41 (<http://rm.coe.int/16808d2c2a>).

¹⁷ See paragraphs 80 and 81 below.

The Committee once again calls upon the Ukrainian authorities to ensure that:

- **all medical examinations of persons detained by the police are conducted out of the hearing and – unless the healthcare professional concerned expressly requests otherwise in a given case – out of the sight of police officers; ensuring this must be seen as a shared responsibility of police officers and healthcare staff;¹⁸**
- **medical data are no longer accessible to non-medical staff.**

Police officers should only have access to such medical information strictly on a need-to-know basis, with any information provided being limited to that necessary to prevent a serious risk for the detained person or other persons. There is no justification for giving staff having no healthcare duties access to information concerning the diagnoses made or statements concerning the cause of injuries.

Further, the CPT recommends that steps be taken to ensure that detained persons brought to polyclinics for medical screening are not handcuffed unless this is deemed necessary after an individual security assessment. As regards juveniles, reference is made to Rule 17 (1) (b) of the UN Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules")¹⁹ and to Rules 63 and 64 of the UN Rules for the Protection of Juveniles Deprived of their Liberty.²⁰

24. In addition to the aforementioned screening (which was obligatory as the ITT staff would not admit a detained person without the accompanying medical certificate attesting that the person's state of health is not incompatible with detention), a more superficial bodily check was carried out by the ITT duty officer (in principle, in the presence of the Human Rights Inspector), with injuries being recorded in a dedicated log.

The receiving ITT officers would normally ask detained persons about the circumstances in which their injuries had been sustained, as well as about any other health conditions and complaints which might necessitate calling an ambulance.²¹ Whenever injuries suggestive of use of force were observed, and in any event whenever the person alleged ill-treatment, the Human Rights Inspector would report that fact to the Inspection Department of the National Police and to the competent Prosecutor's Office.

¹⁸ Alternative solutions can and should be found to reconcile legitimate security requirements with the principle of medical confidentiality. For example, police holding facilities and local polyclinics should have a room available which provides appropriate security safeguards, and healthcare staff could be provided with alarm/call systems (such as panic beepers or call buttons), whereby they would be in a position to rapidly alert police officers, in those exceptional cases when a detained person becomes agitated or threatening during a medical examination.

¹⁹ "Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum".

²⁰ "Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below." "Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorised and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. [...] such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority."

²¹ Visits by ambulance teams (or, sometimes, by on-call doctors) were also recorded in the aforementioned log.

However, as with the medical screening performed in polyclinics, the procedure was not confidential, as among other things demonstrated by the fact that the entries in the log were also signed by police officers who brought the persons to the ITT.²² Given that, furthermore, the check was performed by medically untrained police personnel,²³ its utility as a means to prevent ill-treatment could arguably be called into question.

Whilst stopping short of recommending to abolish the procedure (which could still be useful to an extent, for example to identify any immediate health needs that might have remained undetected during the medical screening performed by the polyclinic's doctor, or to verify yet again the presence of injuries), **the Committee recommends that the relevant procedure be modified so as to ensure that police officers who bring the persons to the ITTs are not present while the ITT receiving officers perform bodily checks and question detained persons about the origins of any injuries they display.** Further, **steps must be taken to ensure that ITT officers receive appropriate training in carrying out such bodily checks.**

25. Most of the detained persons interviewed by the delegation stated that they had been informed of their rights by the police, first orally (immediately upon apprehension) and later in writing, upon arrival to a police establishment.²⁴ The few exceptions concerned persons who, as they declared to the delegation, had been intoxicated and had failed to understand the meaning of the information provided. Further, a few persons alleged to have received written information only at the outset of their first formal interview (a few hours after actual apprehension).

The written information, a copy of which could be provided to the detained person upon request, was in the form of relevant provisions of the Constitution, the CCP and the Pre-trial Detention Act, which made it relatively difficult to understand for persons without legal education (especially when under stress, as was often the case during and immediately following arrest). Furthermore, although the written information was available in a range of languages²⁵ in some of the ITTs visited (e.g. in Pustomyty), this did not seem to be the case in every establishment (and, indeed, several detained persons whose mother tongue was not Ukrainian complained that the written information they had received was exclusively in Ukrainian).

The CPT recommends that steps be taken by the Ukrainian authorities to ensure that persons detained by the police are provided with written information on their rights, formulated in a simple and accessible manner and in a language they understand, at the latest on the moment they arrive at a police establishment. Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case.

26. As regards juveniles, the delegation gained the impression that the legal requirements to systematically notify a parent or guardian and to ensure the presence of a lawyer during police questioning were generally respected. That said, **the Committee reiterates its recommendation that a specific information form, setting out the particular position of detained juveniles and including a reference to the presence of a lawyer and, in principle, another trusted adult, be developed and given to all such persons taken into custody. Special care should be taken to explain the information carefully to ensure comprehension.**²⁶

²² As well as by the receiving ITT officer and the detained person (unless they refused or were otherwise unable to sign, in which case a mention of the fact would be made in the log by the receiving officer).

²³ Apart from a basic first aid training.

²⁴ The delegation saw filled-in detention protocols with enclosed information on rights, signed by the detained person to confirm the fact of having received this information (specifying the date and time). Detained persons were also informed of the ITT house rules (internal regulations), following the same procedure.

²⁵ Ukrainian, Russian, Polish, Hungarian, English, French, German, Spanish, Italian, Turkish, Arabic and Farsi.

²⁶ See also paragraph 98 of the substantive section of the CPT's 24th General Report: "[Juveniles deprived of their liberty under criminal legislation](#)".

27. The delegation found the various records on apprehension, arrest and investigation to be generally well kept in the police establishments visited. Further, there had been further progress in the nationwide introduction of the comprehensive computerised custody record (ARMOR)²⁷ although it was still not applied everywhere²⁸ and, pending this, there was a hybrid (electronic and manual) recording system. **The CPT recommends that efforts be stepped up to introduce ARMOR in all police establishments.**

28. Senior National Police officers met in Kyiv at the end of the visit informed the delegation of plans to expand the use of body-worn cameras by police officers. At the time of the 2023 periodic visit, such devices were routinely used by Patrol Police officers. However, this was not yet the case with (plainclothes) criminal police officers and with custodial officers employed in ITTs. **The Committee would like to receive further information on these plans and their implementation.**

29. At the time of the visit, interviews with persons held in police custody were reportedly video recorded. However, in some instances, the video camera – and hence the video recording – would only capture the face of the investigator, not that of the interviewed person. Furthermore, police interviews were reportedly not audio-recorded. While there currently was no routine audio-video recording, the delegation was told that – as the process of equipping police establishments with CCTV and ARMOR progressed – it would become technically possible to systematically audio-video record procedural actions, including police interviews²⁹ and to save the footage in ARMOR (to be preserved for 3 months to 25 years, depending on the nature of the procedural action concerned).

The CPT must stress in this context that electronic (i.e. audio and/or video) recording of police interviews represents an important additional safeguard against the ill-treatment of persons in police custody. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical or psychological ill-treatment. Electronic recording of police interviews also reduces the opportunity for defendants to later falsely deny that they have made certain statements.

The Committee recommends that efforts be pursued to put in place such systematic electronic recording of police interviews. Reference is also made here to paragraph 81 of the CPT's 28th General Report.³⁰

²⁷ See paragraph 9 of the report on the 2016 ad hoc visit (document CPT/Inf (2017) 15) and paragraph 44 of the report on the 2017 periodic visit (document CPT/Inf (2018) 41).

²⁸ At the time of the visit, the ARMOR system was operational in approximately 70 out of the total of some 480 police establishments (with most of the ITTs already equipped with the system).

²⁹ Most of the ITTs visited already possessed the required premises and recording equipment, although at ITT No. 1 in Vinnytsia staff informed the delegation that interviews were video-recorded but not audio-recorded, reportedly because investigators and lawyers used the same offices and the police needed to ensure full confidentiality of lawyer-client meetings.

³⁰ See document CPT/Inf (2019) 9-part (<https://rm.coe.int/1680942329>). Paragraph 81 of the said General Report states as follows: "The CPT has also stressed the importance of accurate recording of all police interviews (including the start and end times and the names of all persons present during the interview). The electronic recording of police interviews (with audio/video-recording equipment) has also become an effective means of preventing ill-treatment during police interviews whilst presenting significant advantages for the police officers involved. Electronic recordings should be kept securely for a reasonable period, be made available to the detained persons concerned and/or their lawyers, and be accessible to representatives of international and national monitoring bodies (including NPMs), as well as to any officials responsible for investigating allegations or reports of police ill-treatment."

30. The ITTs visited by the delegation had amongst their staff specially trained Human Rights Inspectors whose task was to ensure that persons detained by the police were treated in accordance with the law and benefited from all the rights foreseen in the relevant legislation; this also included verifying the due and expedient recording of custody and the speedy notification of the relevant Centres of Free Legal Aid.³¹

Further, as already mentioned in paragraph 24 above, whenever a person in police custody alleged ill-treatment (upon arrival at the ITT or in the course of questioning), it was the task of the Human Rights Inspector to record these allegations, enter a report into the ARMOR system and inform the Inspection Department of the National Police and the competent Prosecutor's Office. **The CPT would like to receive information on the number of such reports transmitted in the course of the year 2023 and the first half of the year 2024, together with information on the follow-up given to them by the Inspection Department of the National Police and the Prosecutor's Office.**

At the meeting with senior officials of the National Police in Kyiv, the delegation was informed that draft amendments to the CCP were being prepared in order to officialise and generalise the institution of Human Rights Inspectors throughout the country.³² This is indeed a welcome initiative. **The Committee would like to be informed whether the aforementioned amendments to the CCP have now been adopted.**

31. The CPT has followed with great interest, from the very moment when the institution was first mentioned in the current CCP (adopted in 2012),³³ the process of setting up the State Bureau of Investigation (SBI) tasked *inter alia* with the carrying out of criminal investigations into possible cases of ill-treatment by law enforcement officials.³⁴

The delegation met senior SBI officials in the course of the 2023 periodic visit and was informed that the SBI was now at last fully operational, with approximately 150 investigators specifically appointed to work on ill-treatment cases. Such cases were made known to the SBI by means of direct complaints from detained persons and their lawyers,³⁵ reports from ITTs and prisons,³⁶ information received from other official bodies (e.g. Ombudsman/NPM), reports sent from healthcare facilities as well as NGO and media reports (upon which the SBI could initiate investigating activities *ex officio*).

According to the statistical information provided to the delegation, the SBI had completed³⁷ 93 investigations under Sections 127 (torture) and 365 (abuse of authority) in the year 2021, 33 investigations in 2022 (due to a temporary reduction of activity immediately after the start of the armed aggression by the Russian Federation) and 60 investigations in the first 9 months of 2023. **The Committee would like to be informed how many of these investigations resulted in indictments and criminal sanctions.**

³¹ See also paragraph 22 above.

³² At the time of the 2023 periodic visit, Human Rights Inspectors still carried out their activities in the framework of a pilot project, not expressly foreseen in any relevant legal provisions.

³³ See, for example, paragraphs 23 to 25 of the report on the 2013 periodic visit (document CPT/Inf (2014) 15), paragraph 24 of the report on the 2016 ad hoc visit (document CPT/Inf (2017) 15), paragraph 30 of the report on the 2017 periodic visit (document CPT/Inf (2018) 41), and paragraphs 29 to 32 of the report on the 2020 ad hoc visit (document CPT/Inf (2020) 40).

³⁴ Other SBI tasks included proposing legislative amendments, issuing methodological guidelines and recommendations for investigators, etc. See more information on the SBI's official website (<https://dbr.gov.ua/en/>).

³⁵ There had been 1 922 such registered complaints in 2021, 882 in 2022 and 618 in the first 9 months of the year 2023.

³⁶ The procedure for the latter being set out in a joint order issued by the Head of the SBI and the Minister of Health dated 23 March 2023 (see also paragraph 81 below).

³⁷ The term "completed" should be understood as the case having been sent to the Prosecutor's Office with a view to bringing it to the court.

32. The Committee welcomes the fact that, after many years of preparatory activities, the SBI seems to have approached its “cruising speed”. However, three issues of concern remain.

First, as far as the delegation could ascertain, the 150 investigators dealing with ill-treatment cases were not fully independent functionally, i.e. they could, in principle, be tasked with carrying out investigations into other crimes committed by high-ranking officials, judges, law enforcement officers, as well as against persons suspected of having committed war crimes.

Second, as acknowledged by senior SBI officials, the number of investigators specialised in ill-treatment cases was not yet entirely adequate, and it was envisaged to recruit and train more such investigators in the context of the planned increase of the SBI’s overall staff complement.³⁸

Third, the procedure under which Human Rights Inspectors informed the SBI of injuries observed on persons in police custody (and of any allegations of ill-treatment) was indirect and *de facto* subjected to double filtering (by the internal inspection of the National Police and by Prosecutor’s Office), with only the cases containing *prima facie* elements of crime (in the view of the two aforementioned bodies) being forwarded to the SBI.

The CPT recommends that steps be taken to address the aforementioned issues of concern, including as regards the functional independence, recruitment and training of SBI investigators. Information on injuries (and ill-treatment allegations) should be directly transmitted from ITTs to the SBI, which should have at its disposal more investigators tasked exclusively with investigating such cases.

4. Conditions of detention

33. In all the police ITTs visited, material conditions were generally satisfactory for detention periods of up to 72 hours (the statutory maximum police custody period). The only issue of real concern was that, as previously, toilets in multiple-occupancy cells in all police establishments (including those recently refurbished) were only partially partitioned. Further, ventilation and state of cleanliness left something to be desired at ITT No. 1 in Vinnytsia and at Odesa ITT. **The Committee recommends that steps be taken to eliminate the above-mentioned deficiencies.**

34. As already mentioned (see paragraph 13 above), administrative detainees were still relatively frequently held in ITTs for periods of up to 15 days; further, persons remanded in custody could also occasionally remain in ITTs for several days, although this happened more rarely than in the past.

In this context, the CPT wishes to stress that conditions of detention in ITTs were far from optimal for such stays, mainly because of the scarcity of available activities (apart from daily outdoor exercise and access to reading matter and, sometimes, radio and/or TV). As regards administrative detainees, **the Committee invites the Ukrainian authorities to give serious consideration to setting up establishments specifically designed for this category of persons deprived of their liberty, especially for stays exceeding 72 hours.**³⁹ The CPT also invites the Ukrainian authorities to enlarge the range and frequency of activities available to administrative detainees, as long as they continue to be held in ITTs. As regards remand prisoners brought back to ITTs, reference is made to the recommendation in paragraph 14 above.

³⁸ From the current 1 600 to approximately 2 500.

³⁹ On the assumption that the sanction of administrative arrest will continue being used in practice.

More generally, the Committee again wishes to draw the attention of the Ukrainian authorities to a trend (observed by the CPT in recent years in several countries where such sanction has existed in the national legislation) of either shortening the maximum term of administrative detention in police establishments or abolishing that type of sanction altogether. **The Committee invites the Ukrainian authorities to consider introducing similar legislative changes.**

35. The delegation also visited three district police stations, in Lviv (No. 1), Kyiv (in the district of Podil) and Uman (in the district of Zhashkiv). Conditions were adequate in Lviv whilst the detention area in Uman had been taken out of service pending refurbishment (and, meanwhile, detained persons were transferred to other police establishments). As for the facility in the Podil district of Kyiv (located on Khoryva Street), not only the cells but the whole building (including staff offices) was in the state of advanced dilapidation, due in particular to several water damage to the floors, walls and ceilings. **The CPT recommends that the latter police station be closed and either thoroughly reconstructed or (were it to prove too costly) replaced by another suitable facility.**

B. Prison establishments

1. Preliminary remarks

36. The CPT welcomes the continued efforts made by the Ukrainian authorities over the past 25 years to reduce the country's prison population.⁴⁰ At the time of the 2023 visit, the number of prisoners in Ukraine⁴¹ had decreased further and stood at around 44 000 (a prison population rate of some 112 per 100 000 inhabitants⁴²), compared to approximately 51 000 prisoners at the time of the Committee's previous visit in 2020. The authorities referred to various measures taken in this regard, in particular the increased resort to non-custodial alternatives to imprisonment (for example, community service, fine, etc.) and release on probation.⁴³

However, the CPT noted that the proportion of remand prisoners had remained high, amounting to some 36% of the total prison population. The Committee is aware that this situation is at least partially related to the acute shortage of judges in Ukraine in the context of the ongoing judicial reforms, which has resulted in a considerable backlog of criminal cases and lengthy court proceedings. As will be described in more detail later in this report (see paragraphs 49, 50, 51 and 53), at the time of the visit, many remand prisoners continued to be held in overcrowded conditions for prolonged periods of time.

The CPT recommends that the Ukrainian authorities pursue their efforts to reduce the prison population and thereby combat overcrowding in penitentiary establishments. In particular, steps should be taken to ensure a more restrictive approach to the use of remand in custody by setting strict limits on its use and encouraging a greater use of alternative non-custodial measures, taking due account of the relevant recommendations of the Committee of Ministers of the Council of Europe.⁴⁴ In this context, it is essential that appropriate action be taken vis-à-vis the investigative and judicial authorities, including through training, to ensure their full understanding of – and support for – the policies being pursued, thereby avoiding unnecessary pre-trial detention practices.

37. The CPT noted with interest that a new 'Penitentiary Reform Strategy until 2026' had been approved by the Ukrainian Government in December 2022. Recognising the importance of relevant international norms and standards in this area, including CPT standards, the Strategy envisages a series of measures – including of a legislative nature – aimed at increasing the efficiency of the penal enforcement system and defines a number of priority objectives, such as:

- providing appropriate conditions of detention in penitentiary establishments (including by gradual transition from large-capacity dormitories to smaller living units⁴⁵);
- ensuring the safety of persons held in penitentiary establishments and preventing all forms of ill-treatment, and guaranteeing good order and security within such establishments;
- improving the provision of healthcare to prisoners;

⁴⁰ It should be recalled that Ukraine's prison population had been over 220 000 in the year 2000.

⁴¹ Not including the prison population of the territories that are currently under occupation by the Russian Federation.

⁴² According to the 2022 SPACE I Statistics (Council of Europe Annual Penal Statistics on Prison Populations), the median rate for the Council of Europe area in January 2022 was 104 prisoners per 100 000 inhabitants.

⁴³ According to information provided by the authorities, of the total number of persons convicted of a criminal offence in the period between 2020 and 2022, about 35% had benefited from alternatives to imprisonment and some 40% had been released on probation.

⁴⁴ More particularly, Recommendations R(99)22 concerning prison overcrowding and prison population inflation, Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Rec(2014)4 on electronic monitoring, and Rec(2017)3 on the European Rules on community sanctions and measures. Reference is also made to the substantive section of the CPT's 26th General Report: "[Remand detention](#)".

⁴⁵ The various drawbacks of large-capacity dormitories are described in the [CPT's 11th General Report](#) (paragraph 29).

- increasing the resort to non-custodial sanctions and measures and further developing the probation system;
- improving methods and tools for rehabilitation and resocialisation of offenders;
- enhancing the status of penitentiary staff, including through the provision of appropriate training and by improving their social welfare.

The Committee would like to be regularly updated on the progress made in implementing the Penitentiary Reform Strategy.

38. The CPT has repeatedly stressed that the minimum legal standard of 2.5 m² of living space per remand prisoner, as provided for by the Ukrainian law,⁴⁶ is too low and should be increased. In this regard, it is noteworthy that the Action Plan for the implementation of the above-mentioned Strategy envisages that conditions for the accommodation of persons remanded in custody will be brought in line with international standards, offering at least 4 m² of living space per prisoner. **The Committee would like to receive updated information in this respect.**

More generally, **the CPT must once again call upon the Ukrainian authorities to take steps, in line with the Committee's long-standing recommendation, to revise the existing legal standard on living space for remand prisoners, so as to guarantee at least 4 m² per person in multiple-occupancy cells (not counting the area taken up by in-cell toilets).**⁴⁷

39. In the course of the 2023 visit, the delegation carried out first-time full visits to Starobabanivska Correctional Colony No 92 and Vinnytsia Penitentiary Institution No. 1.⁴⁸ Further, it paid follow-up visits to Kyiv Pre-Trial Detention Facility (SIZO), Odesa SIZO, Lviv Penitentiary Institution No. 19 and Zhytomyr Penitentiary Institution No. 8.

Kyiv SIZO had previously been visited by the CPT on several occasions, most recently in 2017.⁴⁹ At the time of the 2023 visit, the prison was operating above its official capacity of 2 530 places, with a total of 2 673 prisoners. Of them, 2 343 were on remand (including 190 women), 33 had been sentenced to life imprisonment and had appeals pending, 27 were serving short sentences (of up to six months) for minor offences, 34 were sentenced prisoners who had been assigned to work in the establishment's general services,⁵⁰ 53 (including 14 women and two juveniles) were sentenced prisoners awaiting transfer, and the rest were prisoners in transit. The establishment was also accommodating a number of Russian prisoners of war at the time of the visit (mostly in transit between the east and west of the country).⁵¹

Odesa SIZO had been visited by the CPT several times in the past, most recently in 2016.⁵² The establishment's official capacity remained at 1 216 places, and it was holding 1 098 prisoners on the first day of the visit. Of them, 860 were on remand (including 82 adult women and five juveniles) and the remainder were sentenced.⁵³ The prison also held 13 life-sentenced prisoners awaiting the outcome of their appeal.

⁴⁶ See Section 11 of the Pre-trial Detention Act. Sentenced prisoners shall be provided with at least 4 m² of living space per person (see Section 115 (1) of the Criminal Executive Code (CEC)).

⁴⁷ With regard to single-occupancy cells, any cells of this type should measure at least 6 m², and should preferably be larger. See CPT/Inf (2015) 44: "[Living space per prisoner in prison establishments: CPT standards](#)".

⁴⁸ This prison was only briefly visited by the CPT in 2013 in order to interview recently arrived remand prisoners.

⁴⁹ For a general description of the prison, see [CPT/Inf \(2011\) 29](#), paragraph 100.

⁵⁰ See Section 89 of the CEC.

⁵¹ The delegation did not visit the unit for prisoners of war (see Article 17, paragraph 3, of the Convention which reads as follows: "The Committee shall not visit places which representatives or delegates of [...] the International Committee of the Red Cross effectively visit on a regular basis by virtue of the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 thereto.")

⁵² For a general description of the establishment, see [CPT/Inf \(2004\) 34](#), paragraph 108.

⁵³ Since the beginning of the full-scale military aggression by the Russian Federation, the prison had increasingly also been accommodating sentenced prisoners relocated from the east of Ukraine.

Lviv Penitentiary Institution No. 19 was visited by the CPT in 2017.⁵⁴ Still operating mainly as a remand prison, the establishment was accommodating 829 prisoners at the time of the visit, for an official capacity of 1 072 places. The inmate population included 55 adult women and two juveniles (all on remand) as well as 34 prisoners serving a life sentence.

Vinnitsia Penitentiary Institution No. 1, opened in 1825, is situated in a residential area of the city. It operates both as a remand facility and a maximum-security prison for male life-sentenced prisoners. With an official capacity of 1 236 places, the establishment was accommodating 938 prisoners at the time of the visit. Of them, 583 were on remand (including 35 adult women and two juveniles), 328 were serving life imprisonment and 27 were sentenced working prisoners. The prison comprised five detention blocks, two of which (Blocks 3 and 4) were housing life-sentenced prisoners.

Zhytomyr Penitentiary Institution No. 8 had been visited by the CPT in 2002.⁵⁵ The establishment's structure had not changed and still comprised two detention blocks – one for men (a large cross-shaped building with a separate annexe for life-sentenced prisoners) and another for women and juveniles, with a total capacity of 856 places. At the time of the visit, the prison was accommodating 767 prisoners, of whom 388 were on remand (including 15 adult women and two juveniles), 173 were serving life imprisonment, 136 were long-term prisoners placed in cell-type premises⁵⁶ (see, in this regard, paragraph 108) and the remainder were either serving short sentences for minor offences or were sentenced working prisoners.

Starobabanivska Correctional Colony No. 92, brought into service in 1962, is located in the village of Stari Babany in the Uman district and operates as a medium-security prison⁵⁷ for sentenced male adults. With an official capacity of 1 008 places, it was accommodating 639 prisoners (mainly repeat offenders) at the time of the visit. Prisoner accommodation consisted mainly of large-capacity dormitories spread over seven two-storey buildings.

2. Ill-treatment

40. The delegation received no 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.

41. Further, physical violence between prisoners did not seem to be a major problem in most of the establishments visited. That said, at Zhytomyr Penitentiary Institution No. 8, recent injuries indicative of violence between prisoners (such as haematomas around the eyes and a fractured jaw) were found in the medical records consulted by the delegation.

42. The visit revealed that the long-standing phenomenon of informal prisoner hierarchy was still prevalent throughout the Ukrainian prison system; this was acknowledged at both national and local levels. In this context, the situation of persons considered to be “humiliated”, that is, those who find themselves at the bottom of this hierarchy, remains a matter of serious concern to the CPT.

⁵⁴ See [CPT/Inf \(2018\) 41](#), paragraph 54.

⁵⁵ See [CPT/Inf \(2004\) 34](#), paragraph 107.

⁵⁶ Prisoners convicted of particularly serious crimes and certain categories of repeat offenders (Section 140 (1) of the CEC) or persistent violators of internal regulations (Section 101 (3) of the CEC).

⁵⁷ According to Section 18 of the CEC, correctional colonies (for sentenced adults) are classified as follows: minimum-security colonies with light regime of detention and with general regime of detention; medium-security colonies; maximum-security colonies.

Although it transpired from the information gathered during the visit that, with some exceptions, the above-mentioned category of prisoner was generally not subjected to physical violence by other inmates in the establishments visited, they continued to be rejected by the mainstream prison population in virtually every domain of prison life. These prisoners were required by the informal hierarchy's "code of conduct" to avoid any physical contact with other prisoners and to comply with a range of other restrictions (for example, not to use communal facilities or have their meal at the same table with others, etc.).⁵⁸

Moreover, they were frequently compelled to perform "dirty" work (such as cleaning accommodation areas and toilets and collecting rubbish) for which they were not paid.⁵⁹ For instance, at Starobabanivska Colony No. 92, the delegation was able to witness a clear demonstration of the informal caste system in daily prison life: while the "ordinary" prisoners were queueing up to receive their meals in the establishment's dining hall, the food for the "low caste" prisoners was kept in containers placed on the tables distinctly "reserved" for them at the far end of the hall, to make sure that they did not mix with others. Clearly, the management and staff of the prison were aware of and tolerated this deplorable state of affairs.

43. The delegation noted that in some of the prisons visited, such as Odesa SIZO and Zhytomyr Penitentiary Institution No. 8, the general policy was to separate this category of prisoners from the general inmate population for protection reasons, grouping them together in dedicated cells. In some other establishments, however, no such policy was in place; as a result, the "low caste" prisoners were often exposed to a risk of violence, intimidation and exploitation by their cellmates.

In particular, at Vinnytsia Penitentiary Institution No. 1, the delegation received a few allegations of beatings (punches, kicks and blows with a stick) and several accounts of intimidation and verbal abuse of a sexual nature, all from prisoners accused of sex offences. Some of these prisoners felt that they were constantly under the threat of violence by fellow prisoners. It also appeared that in their cells such prisoners were forced to sleep on the beds located towards the toilet area.

44. As emphasised in previous CPT reports, it is the responsibility of the staff and of the prison authorities as a whole to protect the physical and psychological integrity of all prisoners, including against assault by fellow inmates. This positive obligation entails that prison staff must take resolute action to prevent episodes of inter-prisoner intimidation and violence and intervene promptly whenever such acts take place.⁶⁰

Naturally, an effective strategy to tackle this phenomenon should seek to ensure that prison staff are placed in a position to exercise their authority in an appropriate manner. Consequently, the level of staffing must be sufficient to enable prison officers to supervise adequately the activities of prisoners and support each other effectively in the exercise of their tasks (see, in this regard, paragraph 93). Further, the existence of positive relations between staff and prisoners, based on the notions of dynamic security and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Moreover, both initial and ongoing training programmes for staff of all grades must address the issue of managing inter-prisoner violence.

⁵⁸ As one prisoner interviewed by the delegation put it: "We have no rights, only duties."

⁵⁹ In return, they received various goods such as food items, tea or cigarettes.

⁶⁰ It is noteworthy that the European Court of Human Rights has recently examined the situation of persons who belonged to the lowest caste of prisoners in an informal hierarchy and had been subjected to segregation, humiliating practices and abuse in their daily lives while in detention. The Court concluded that the State authorities had failed to protect the applicants from the treatment prohibited under Article 3 of the European Convention of Human Rights (see *S.P. and Others v. Russia*, applications nos. 36463/11 et al., 2 May 2023; *D v. Latvia*, application no. 76680/17, 11 January 2024).

Addressing the phenomenon of inter-prisoner intimidation and violence will also require enhanced ongoing monitoring of prisoner behaviour (including the identification of potential perpetrators and victims), the proper reporting of suspected and confirmed cases of inter-prisoner intimidation/violence, the thorough investigation of all incidents and, where appropriate, the adoption of suitable sanctions or other measures.

45. **The CPT calls upon the Ukrainian authorities to develop and implement a comprehensive strategy for combating inter-prisoner violence and intimidation and tackling the phenomenon of informal prisoner hierarchy with all its negative consequences, in light of the above remarks. In this context, the prison authorities should also rationalise the risk and needs assessment, classification and allocation of individual prisoners, with the aim of ensuring that prisoners are not exposed to other inmates who may cause them harm.**

The Committee also recommends that the management and staff of Zhytomyr Penitentiary Institution No. 8 be instructed to exercise continuing vigilance and make use of all appropriate means at their disposal to prevent inter-prisoner violence.

46. The CPT has noted that one of the tasks set out in the Penitentiary Reform Strategy is to counteract the negative influence of the criminal subculture and the informal prison hierarchy. More specifically, the Action Plan for the implementation of the Strategy envisages certain measures in this context, including placing in separate accommodation those convicted of crimes related to the participation in a criminal organisation and the spread of criminal influence.⁶¹ **The Committee would like to receive detailed information in this regard.**

47. In its previous visit reports, the CPT called upon the Ukrainian authorities to put an end to the practice of employing inmates as “duty prisoners” (*днювальний*), who were assigned supervisory tasks over other prisoners.⁶² The Committee was therefore concerned to note during the 2023 visit that this practice had remained in place.

The delegation noted that, at Starobabanivska Correctional Colony, each detachment (see paragraph 56) had two to four duty prisoners, who had been selected by the prison management and given tasks involving the maintenance of order and control, including that of reporting to staff any incidents and violations of the regime.

The CPT wishes to reiterate its view that any partial relinquishment of the responsibility for order and security in prison – which properly falls within the ambit of custodial staff – is unacceptable. Such a practice exposes weaker prisoners to the risk of abuse and exploitation by their fellow inmates. **The Committee once again calls upon the Ukrainian authorities to put a definitive end to the above-mentioned practice. No prisoner should be put in a position to exercise power over other inmates.**⁶³

⁶¹ Criminal Code, Sections 255 (“Creation, management of a criminal community or criminal organisation, and participation therein”) and 255¹ (“Establishment or spread of criminal influence”).

⁶² This practice is formally provided for in the Internal Rules of Establishments for the Execution of Sentences (see Section XVIII, paragraph 2).

⁶³ See also Rules 62 of the European Prison Rules which states that “[n]o prisoner shall be employed or given authority in the prison in any disciplinary capacity”.

3. Conditions of detention of the general prison population

a. material conditions

48. Most of the prisons visited by the delegation in the course of the 2023 visit were located in old buildings which had not undergone any major refurbishment for years, if not decades. As a result, the bulk of the prisoner accommodation in these establishments was in a poor state of repair. Having almost no budget allocations for even minor repairs, the management of the prisons were seeking financial support from alternative sources – such as charities, funds received from paid cells⁶⁴ (see paragraph 59) or prisoner's own resources – to finance sporadic renovations.⁶⁵

49. The situation was particularly precarious at **Odesa SIZO**. As in 2016, material conditions of detention in this remand facility were, with some exceptions, appalling. Most of the cells were in an advanced state of dilapidation with damp-ridden and crumbling walls and ceilings, damaged floors and rusty sanitary installations, the bedding was often decrepit and bug-infested, and the ventilation inadequate (see also paragraph 55).

This state of affairs was most evident in Block 6 (mainly holding newly arrived prisoners)⁶⁶ where some of the cells also had very limited access to natural light and some were extremely unhygienic, literally teeming with cockroaches. Further, the communal showers of this block were in a poor state of repair and covered with mildew.

In addition, many cells throughout the establishment were overcrowded, offering less than 3 m² of living space per prisoner.

The only exception to the above-described unacceptable situation were the two cells accommodating juveniles, some of the cells holding women and a few paid cells (all located in Block 5), which offered satisfactory or even good material conditions. The same could be said of the small number of cells located in other parts of the prison, which had recently been refurbished.

To sum up, for the bulk of the prisoner population, the conditions of detention at Odesa SIZO could, in the CPT's view, easily be considered as inhuman and degrading.

50. The delegation noted that the material conditions of detention at **Kyiv SIZO** had improved in some respects as compared to the situation found by the Committee during its 2017 visit. First of all, the level of overcrowding appeared to be less severe than in the past.⁶⁷ Further, approximately 50 out of the total of 363 accommodation cells had been refurbished (which included 25 paid cells) and the establishment's healthcare unit had been partially renovated.

Those cells in Block 3⁴ which had been recently renovated offered the best material conditions in the whole establishment.⁶⁸ Conditions were also on the whole satisfactory in Block 5 and in the cells for working (sentenced) prisoners and for juveniles, notably in terms of state of repair and living space.⁶⁹ Further, conditions in cells located in Block 6 were found to be generally adequate, albeit somewhat cramped.

⁶⁴ According to Section 11¹ of the Pre-trial Detention Act, cells with improved conditions of detention can be set up in SIZOs. Placement of remand prisoners in such cells is done on a paid basis (payment to be made by the prisoner concerned or other persons).

⁶⁵ Further, the delegation was informed by the Ukrainian authorities during the visit that their long-standing project to construct two remand prisons in Kyiv and Lviv had had to be put on hold due to the start of the war.

⁶⁶ Block 6 had larger cells (with up to 14 beds) and was holding about 70 prisoners at the time of the visit, usually for up to two weeks (although longer stays were also observed).

⁶⁷ It should be recalled that, at the time of the 2017 visit, the establishment was overcrowded even according to the national norm of 2.5 m² per remand prisoner and there were some cells with more inmates than beds, obliging prisoners to sleep in shifts.

⁶⁸ This detention block was also accommodating Russian prisoners of war.

⁶⁹ For example, a double-occupancy cell in Block 5 measured some 12 m².

By contrast, material conditions had remained basically unchanged in Block ½ which was the establishment's largest detention block accommodating approximately 900 prisoners at the time of the visit. As in 2017, prisoners were being held in large-capacity cells (up to 20 beds) which were poorly ventilated and often cramped. It is also a matter of concern that the cells in the transit unit located on the ground floor of Block ¾ were dilapidated and stuffy, in addition to being overcrowded.

51. At the outset of its follow-up visit to **Lviv Penitentiary Institution No. 19**, the delegation was informed that, in the period since the CPT's previous visit to the establishment in 2017, it had been possible to renovate only some of the cells for women, juveniles and life-sentenced prisoners (see paragraph 68) and a few cells in the transit unit, along with six paid cells.

Indeed, the visit revealed that material conditions of detention in this prison had remained essentially the same as in 2017: most of the prisoner accommodation areas were dilapidated (crumbling walls, decrepit furniture and mattresses, etc.) and were severely affected by damp due to the leaking roof and defective water and sewage installations as well as the insufficient ventilation. Moreover, conditions were cramped in many of the cells for remand prisoners (see also paragraph 55).

52. Similar deficiencies were observed at **Zhytomyr Penitentiary Institution No. 8**. Whilst the establishment was generally clean, most of the prisoner accommodation showed numerous signs of disrepair, such as a leaking roof, broken water and sewage pipes,⁷⁰ walls and ceilings impregnated with mould (posing a health hazard for prisoners, especially on the upper floors), dangerously exposed electric wires, and leaking radiators. Further, cells for male remand prisoners were often badly ventilated. In this regard, the delegation was informed that the limited resources available to the prison management had allowed to refurbish only about 10% of the cells (including two paid cells) as well as the kitchen and some of the communal shower facilities.

On a positive note, material conditions of detention were on the whole satisfactory in the cells accommodating female remand prisoners. Most notably, these cells offered generous living space,⁷¹ had good access to natural light and ventilation and were equipped with single beds (as opposed to bunk beds in men's accommodation).

53. At **Vinnytsia Penitentiary Institution No. 1**, with the notable exception of the accommodation for women and juveniles (where evidence of recent repairs was visible), most of the cells seen by the delegation in the establishment's remand sections were overcrowded,⁷² sometimes to an extent that even the already insufficient national norm of at least 2.5 m² of living space per prisoner was not respected. For instance, in Block 2, a cell holding seven persons measured only some 14 m².

It is also a matter of concern that many cells throughout the prison were in a poor state of repair and hygiene and contained old bunk beds with worn out mattresses. Furthermore, a number of cells were infested with bedbugs and cockroaches⁷³ (see also paragraph 55).

Particular mention should be made of a 20-bed cell for prisoners in transit located in Block 3, which was very cramped (16 persons in some 40 m²), dilapidated (crumbling and damp walls, badly worn floors, rusty beds and sanitary facilities, etc.) and poorly ventilated.

⁷⁰ Work was ongoing during the visit to replace damaged pipes.

⁷¹ For example, a cell measuring some 50 m² had five beds. Another cell of approximately 80 m² was equipped with 12 beds.

⁷² For instance, 22 prisoners in a cell of some 55 m² (excluding the toilet area).

⁷³ Some of the prisoners met by the delegation appeared to have insect bites on their bodies.

54. As already indicated above, each of the aforementioned prison establishments was accommodating a small number of juvenile remand prisoners at the time of the visit. The delegation was pleased to note that all of them were being held – separately from adults – in refurbished cells which were clean, well-lit and ventilated, and suitably equipped (including with a fully screened sanitary annexe).

It is also positive that, in most of the prisons visited, those cells offered sufficient and, on occasion, even generous living space (for example, four beds in a cell of some 60 m² at Kyiv SIZO and two beds in a cell of some 20 m² at Zhytomyr). The only exception to this favourable situation concerned Odesa SIZO where the delegation saw a cell holding two juveniles, which measured only some 6.5 m².

55. At Odesa SIZO, Lviv Penitentiary Institution No. 19 and Vinnytsia Penitentiary Institution No. 1, most of the in-cell toilets were only partially partitioned from the rest of the cell, which constitutes a significant shortcoming in cells that can be occupied by more than one person.

56. As already mentioned above, prisoner accommodation at **Starobabanivska Correctional Colony No. 92** mainly consisted of large-capacity dormitories spread over seven two-storey buildings located within the colony's inner secure perimeter, each surrounded by its own fence. Prisoners were allocated to one of the 14 detachments (each having up to 50 persons) and every building housed one or two such detachments. Each detachment occupied a separate living unit consisting of one or more dormitories⁷⁴ and some auxiliary facilities (such as a TV room, a kitchen, and communal toilets). As the dormitories were generally left unlocked, prisoners had ready access to those facilities.

While the overall state of repair of the colony could be considered as acceptable, conditions of detention in many detachments were deficient in several other respects. A shortcoming common to almost all dormitories was that they contained old bunk beds with worn out and thin mattresses. It is also a matter of concern that some of the large-capacity dormitories offered cramped conditions, with beds touching. Moreover, some dormitories (such as that in detachment 3) and communal toilets (in particular in detachment 2) were in a poor state of hygiene and smelly.

On the positive side, practically all the dormitories had good access to natural light. The delegation also noted extensive renovation works in detachment 1 which were nearing completion and had brought about distinctly better living conditions.⁷⁵

57. As during the previous visits, in all the prison establishments visited, communal showers were, as a rule, available to adult male prisoners only once a week (though more frequently to working prisoners).⁷⁶

58. The CPT wishes to stress once again that it fully recognises the growing challenges for the authorities posed by the ongoing war in Ukraine. Nevertheless, even during armed conflict, the fundamental rights of detained persons must be guaranteed; this certainly includes a right for prisoners to be held in decent conditions.

In light of the remarks in paragraphs 49 to 57 above, **the CPT calls upon the Ukrainian authorities to take the necessary measures to improve material conditions of detention in the prisons visited, in order to ensure that:**

- **occupancy rates are reduced so that all multiple-occupancy cells offer at least 4 m² of living space per prisoner (not counting the area taken up by in-cell toilets). Reference is also made in this regard to the recommendation in paragraph 38;**

⁷⁴ Some detachments comprised smaller bedrooms with 7 to 18 beds.

⁷⁵ Unlike standard prisoner accommodation, the detachment's dormitory was equipped only with single beds.

⁷⁶ Women and juveniles usually had access to a shower at least twice a week.

- all prisoner accommodation areas, including sanitary facilities, are kept in an adequate state of repair and hygiene and are disinfested on a regular and frequent basis;
- cells have sufficient access to natural light and ventilation and in-cell sanitary facilities are fully partitioned (i.e. from floor to ceiling);
- all prisoners are provided with appropriate bedding and have access to a shower at least twice a week.⁷⁷

59. As indicated above, most of the prison establishments visited possessed a certain number of paid cells for remand prisoners, which offered distinctly better material conditions, notably in terms of state of repair, living space and cell equipment.

The CPT is aware that, in the current exceptional circumstances resulting from the ongoing war, the scheme of paid cells is one of the very few sources of income for prisons which is channelled to address their priority needs, including the renovation of substandard prisoner accommodation (see paragraph 48). However, what cannot be overlooked is that this arrangement raises questions in connection with the State's obligation to ensure that all persons held in prison are treated equally and benefit from similarly adequate material conditions of detention. **The CPT would like to receive the Ukrainian authorities' observations on this subject.**

b. regime

60. The CPT was very concerned to note that the situation in respect of out-of-cell activities offered to remand prisoners had not improved since its 2017 periodic visit.

As was the case during previous visits, with the exception of a small number of working prisoners,⁷⁸ *adult remand prisoners* (including women) held in the prisons visited were effectively confined to their cells for up to 23 hours a day, with hardly any out-of-cell activities available to them, apart from daily outdoor exercise and – in some prisons – occasional access to a gym. Further, access to outdoor exercise was offered only for one hour per day (usually slightly longer for women), in yards which were small and of an oppressive design (high walls with sky view only).⁷⁹ Inside the cells, the principal means of distraction were watching television, reading books, and playing board games.⁸⁰ It is of all the more concern that many prisoners had been held under these conditions for months or even years.

61. The CPT recognises that the provision of organised activities in remand prisons, where there is likely to be a high turnover of inmates, poses particular challenges. However, it is not acceptable to leave prisoners to their own devices for months at a time. The aim should be to ensure that all remand prisoners are able to spend a reasonable part of the day outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).

The Committee calls upon the Ukrainian authorities to take decisive steps to develop programmes of activities for remand prisoners, taking into account the above remarks.⁸¹ Steps should also be taken in the prisons visited (and, where appropriate, in other prison establishments in Ukraine) to ensure that outdoor exercise yards are sufficiently large to allow prisoners to exert themselves physically and, as far as possible, provide a horizontal outside view.

⁷⁷ See also Rule 19.4 of the European Prison Rules.

⁷⁸ Remand prisoners were allowed to perform unpaid work (such as maintenance and cleaning inside the prison) for up to two hours per day, upon request.

⁷⁹ In all the prisons visited, most of the outdoor yards were equipped with exercise bars and – in the prisons at Kyiv, Lviv, Vinnytsia and Zhytomyr – some also with a table tennis table.

⁸⁰ Their idleness was only occasionally interrupted by visits from lawyers or investigators, participation in court hearings, or infrequent family visits.

⁸¹ See also the substantive section of the CPT's 26th General Report: "[Remand detention](#)".

62. On a more positive note, the delegation observed that efforts were being made by the management of the establishments visited to involve *juvenile remand prisoners* in organised out-of-cell activities. Most notably, such prisoners attended primary education classes several times a week (including in the form of distance learning). Further, they had access to outdoor exercise (for two hours a day) and a gym and could play computer games in a common room. The delegation also noted that psychologists held individual sessions with the juveniles once or twice a week. That said, **efforts should be made to provide juvenile remand prisoners with some form of out-of-cell activity (such as sports and recreation) also during weekends** (which was not the case in most of the prisons visited).⁸²

63. The CPT was concerned to note that, at Vinnytsia Penitentiary Institution No. 1, a 17-year-old female remand prisoner had been held in conditions akin to solitary confinement for at least four months. It appeared that she was offered hardly any meaningful human contact, apart from weekly meetings with a psychologist and online classes.⁸³

A similar situation was observed at Zhytomyr Penitentiary Institution No. 8 where the only two juvenile prisoners (both male) were being held on their own, because of their differing legal status.

64. As documented by scientific research, placing an adult in conditions akin to solitary confinement may have a negative impact on the person's mental health, even after a few days. Placing children in such conditions may be even more detrimental, and this is why international standards prohibit such placement. **The CPT recommends that the Ukrainian authorities take steps throughout the prison system to ensure that no juvenile prisoner is held in conditions akin to solitary confinement; when necessary, they should be able to associate – under staff supervision – with young adults of the same sex.**

65. As regards sentenced prisoners held at Starobabanivska Correctional Colony, the vast majority of them had access throughout the day to courtyards adjacent to their accommodation buildings, which were equipped with tables, benches, and exercise bars.

Further, according to the information provided by the establishment's management, approximately one hundred prisoners (some 15% of the prisoner population) were engaged in paid work in the establishment's production facility (mainly stonework) or on various household duties (kitchen, food distribution, maintenance, etc.).

In addition, some 130 inmates (about 20% of the prisoner population) were reportedly involved in education (an evening school) or vocational training.⁸⁴

Nevertheless, as acknowledged by the management, the employment opportunities that the colony was able to offer were not sufficient for the size of the prisoner population, and a significant proportion of prisoners were not involved in any purposeful activities. **The CPT recommends that the Ukrainian authorities increase their efforts to provide more employment opportunities (preferably of a vocational value) to prisoners at Starobabanivska Correctional Colony No. 92 (and, as appropriate, in other prison establishments in Ukraine).**

⁸² See also the substantive section of the CPT's 24th General Report: "[Juveniles deprived of their liberty under criminal legislation](#)".

⁸³ After the visit, the Ukrainian authorities informed the CPT that the juvenile concerned had been transferred to a correctional colony to serve her sentence.

⁸⁴ At the time of the visit, there were vocational courses in masonry, lathe operating and sewing.

4. Situation of life-sentenced prisoners

66. As already indicated above (see paragraph 39), three of the prison establishments visited were accommodating prisoners serving a life sentence: there were 34 of them at Lviv Penitentiary Institution No. 19, 328 at Vinnytsia Penitentiary Institution No. 1, and 173 at Zhytomyr Penitentiary Institution No. 8. In addition, Kyiv and Odesa SIZOs were holding respectively 33 and 13 prisoners who had been sentenced to life imprisonment and had appeals pending.

67. In none of the establishments visited were life-sentenced prisoners routinely handcuffed when escorted by staff inside the prison. However, it is a matter of grave concern that, at Kyiv SIZO and Zhytomyr Penitentiary Institution No. 8, custodial staff used service dogs inside the prison when escorting such prisoners outside their units (for example, for taking outdoor exercise or visiting the healthcare unit).

In their communication of 1 February 2024, the Ukrainian authorities informed the CPT that the practice of using service dogs when escorting life-sentenced prisoners at Zhytomyr Penitentiary Institution No. 8 had been stopped. It was also indicated that a circular would soon be issued by the State Criminal Enforcement Service on the inadmissibility of using service dogs inside prisons. **The CPT would like to receive confirmation that this practice has now been abolished throughout the entire prison system.**

68. The material conditions of detention under which life-sentenced prisoners were being held varied from one establishment to another.

At *Lviv Penitentiary Institution No. 19*, the delegation was pleased to note that a number of life-sentenced prisoners⁸⁵ were accommodated in larger living units (consisting of a bedroom with a sanitary annexe and a kitchen) for four persons, which provided improved material conditions and increased possibilities for association among prisoners. The majority of life-sentenced prisoners continued to be held in double-occupancy cells, under conditions which could be described as generally acceptable.

At *Kyiv SIZO*, the unit for life-sentenced prisoners on appeal (in Block 3/4) was undergoing rolling refurbishment at the time of the visit, and the material conditions in the already refurbished cells were on the whole satisfactory.⁸⁶

By contrast, at *Zhytomyr Penitentiary Institution No. 8*, life-sentenced prisoners were being held in double-occupancy cells, many of which offered inadequate conditions in terms of living space and state of repair (the lifers' unit reportedly not having benefitted from any refurbishment for over 20 years).

At *Vinnytsia Penitentiary Institution No. 1*, a new living unit had been established (in Block 4), which comprised a room with eight single beds, a well-equipped kitchen/dining room and a sanitary annexe (with toilets and a shower) and offered generally satisfactory material conditions. Nevertheless, as the Committee has stressed in the past, it does not favour such large accommodation units; it would be far preferable for prisoners to be accommodated in smaller-capacity sleeping rooms with common association areas. **The CPT trusts that this will be taken into account in future construction/renovation projects.**

⁸⁵ Those who have served at least five years of their sentence and demonstrated good behaviour (see paragraph 73).

⁸⁶ It is noteworthy that single cells measured some 9 m² (including a fully partitioned sanitary annexe).

Further, it is a matter of serious concern that many of the cells for life-sentenced prisoners located in Block 3 of Vinnytsia Penitentiary Institution were dilapidated and – given that the windows were covered with metal grids (in addition to bars) – also had poor access to natural light. Moreover, the cells located on the ground floor of Block 3 received virtually no daylight and offered no outside view, as the windows faced a high wall. In addition, the national standard of 4 m² per sentenced prisoner was not being respected in most of the double-occupancy cells in Block 3 (for example, two persons in a cell measuring some 7 m²).⁸⁷

Conditions of detention were generally better in cells located in Block 4, notably in terms of living space (for example, four persons in a cell of some 17 m²).

At Odesa SIZO, cells in the lifers' unit were dilapidated and too small.⁸⁸ Further, there was very limited access to natural light and no outside view, due to cell windows being fitted with frosted glass. It should be noted that some prisoners had already been held in such conditions for several years.

The CPT considers that, for most of the life-sentenced prisoners held in Block 3 of Vinnytsia Penitentiary Institution No. 1 and in Odesa SIZO, the material conditions of detention could be described as inhuman and degrading.

69. With regard to the conditions of detention of life-sentenced prisoners at Vinnytsia (Block 3), Odesa and Zhytomyr, **reference is made to the recommendation in paragraph 58 above. In particular, immediate steps should be taken to improve access to natural light in the cells for life-sentenced prisoners in Block 3 of Vinnytsia Penitentiary Institution No. 1 and Odesa SIZO** (including by replacing frosted glass by transparent windowpanes). In this connection, the Committee must stress that **cells with no access to natural light (such as those located on the ground floor of Block 3 at Vinnytsia) are not suitable for use as prisoner accommodation and should be withdrawn from service.**

70. The CPT was very concerned to note that, despite the specific recommendations repeatedly made by the Committee in its previous visit reports, the regime for life-sentenced prisoners had remained impoverished. As in the past, the vast majority of these prisoners were locked up in their cells for 23 hours a day and were not offered any organised activities or possibilities to associate with prisoners from other cells. The only regular out-of-cell activity available to life-sentenced prisoners was daily outdoor exercise for one hour which took place in small yards, separately for each cell.⁸⁹

It is noteworthy that, at Vinnytsia and Zhytomyr Penitentiary Institutions, a number of life-sentenced prisoners had paid jobs (cardboard production, making souvenirs and sewing inside workshop-cells where they could also associate with lifers from other cells); however, it appeared that the offer of employment was sporadic and depended on external orders.

71. The delegation noted that life-sentenced prisoners in the establishments visited were allowed to keep in their cells a range of personal items, including TV sets, DVD-players and tablet computers. In this connection, it is positive that, in most of the prisons visited, life-sentenced prisoners had (restricted) access to the Internet in their cells.⁹⁰

⁸⁷ The delegation was informed that the number of life-sentenced prisoners in the establishment had recently increased, after a number of lifers held in prisons in eastern Ukraine had to be transferred to this prison for safety reasons.

⁸⁸ The unit consisted of a number of double-occupancy cells which measured only some 6 m²; a few of them were holding two persons at the time of the visit.

⁸⁹ Apart from small-group association sessions in a common room (equipped with a TV set and board games) at Lviv Penitentiary Institution No. 19.

⁹⁰ At a cost of 76 UAH/month.

72. **The CPT must once again call upon the Ukrainian authorities to take steps without any further delay to devise and implement a regime of out-of-cell activities (including group association activities) for life-sentenced prisoners. In this context, it is important that life-sentenced prisoners are, as a rule, allowed to associate with prisoners from other cells, including during outdoor exercise.**⁹¹

73. According to Section 151¹ (2) of the Criminal Executive Code, after having served at least five years of imprisonment (and on condition of good behaviour and attitude to work), life-sentenced prisoners may be transferred from cell-type premises for two persons to multiple-occupancy cell-type accommodation in a maximum-security prison with permission to participate in group activities, and from multiple-occupancy accommodation to ordinary living quarters in a maximum-security prison after another five years of imprisonment. In other words, after having served ten years of their sentence, life-sentenced prisoners can, in principle, be accommodated together with other prisoners.⁹²

That said, the general rule remains the segregation of life-sentenced prisoners. The CPT must stress once again that it can see no justification for keeping life-sentenced prisoners apart from other categories of prisoners. Particular reference should be made in this regard to Section 7 of the Recommendation Rec (2003) 23 of the Council of Europe's Committee of Ministers on the management by prison administrations of life sentence and other long-term prisoners, which emphasises that life-sentenced prisoners should not be segregated from other prisoners on the sole ground of their sentence (*non-segregation principle*). This principle should be read in conjunction with the *security and safety principle*, which calls for a careful assessment of whether prisoners pose a risk of harm to themselves, to other prisoners, to those working in the prison or to the external community. It recalls that the assumption is often wrongly made that a life sentence implies that a prisoner is dangerous. The explanatory report to this recommendation notes that "as a general rule, the experience of many prison administrations is that many such prisoners present no risk to themselves or to others" and that "they exhibit stable and reliable behaviour".

The placement of persons sentenced to life imprisonment should therefore be the result of a comprehensive and ongoing risk and needs assessment, based on an individualised sentence plan, and not merely a result of their sentence. In this context, it is difficult to justify all life-sentenced prisoners being required to serve at least the first ten years of their sentence segregated from the rest of inmate population. **The CPT therefore reiterates its recommendation that the Ukrainian authorities reconsider their segregation policy vis-à-vis life-sentenced prisoners, in light of the above remarks.**⁹³

Further, **the Committee would like to receive detailed information on the application in practice of Section 151¹ (2) of the Criminal Executive Code, as regards the accommodation of life-sentenced prisoners together with other categories of prisoners.**

74. The Committee is pleased to note that, by virtue of legislative amendments introduced in October 2022, life-sentenced prisoners who have served at least 15 years of their sentence now have the possibility to apply to a court for the replacement of a life sentence by fixed-term imprisonment (for a term of 15 to 20 years).⁹⁴ According to the information provided by the Ukrainian authorities, in 2023, 42 prisoners had their life sentences replaced by fixed-term imprisonment.

⁹¹ See, in this regard, also §§ 58 to 65 of the judgment of the European Court of Human Rights in the case of *Ivan Karpenko v. Ukraine* (application no. 45397/13; 16 December 2021).

⁹² See also Section 150 (2) of the CEC which stipulates that life-sentenced prisoners shall be kept separately from other prisoners, except for those who, after serving ten years of imprisonment in cell-type premises, are transferred to ordinary living quarters of a maximum-security colony.

⁹³ See also the substantive section of the CPT's 25th General Report: "[Situation of life-sentenced prisoners](#)".

⁹⁴ See Section 82 (5) of the Criminal Code.

5. Healthcare services

75. In the report on its 2017 periodic visit to Ukraine, the CPT had called upon the authorities to step up their efforts to transfer the responsibility for prison healthcare services from the Ministry of Justice to the Ministry of Health. The Committee regrets to note that there has been no progress in the implementation of this long-standing plan.

The CPT acknowledges that healthcare staff in Ukrainian prisons are administratively independent of the management of the establishments in which they are employed, being subordinated directly to the regional branches of the Healthcare Centre of the State Criminal Enforcement Service under the Ministry of Justice. It is also evident that, in principle, recourse can be had to outside medical services when required. However, the Committee remains of the view that the active involvement of the Ministry of Health is indispensable for ensuring optimal healthcare for prisoners and observance of the general principle of equivalence of healthcare in prison with that in the outside community. **The CPT would like to receive an update on the Ukrainian authorities' plans to place prison healthcare services under the responsibility of the Ministry of Health.**

76. During the 2023 visit, the delegation noted that there had been a slight increase in medical staffing levels at *Kyiv SIZO* since the Committee's 2017 visit. The establishment (which was holding some 2 700 prisoners at the time of the visit) employed 18 clinical specialists (including four general practitioners, a surgeon, an infectious diseases specialist, a radiologist, two TB specialists, a gynaecologist, a neurologist, two dentists and a half-time psychiatrist).⁹⁵

As in 2017, the medical team at *Lviv Penitentiary Institution No. 19* (holding approximately 800 prisoners) consisted of nine clinical specialists (including a general practitioner, an infectious diseases specialist, a radiologist, an addiction specialist, a TB specialist, a psychiatrist and a dentist). In addition, the medical personnel of the adjacent Prison Hospital (see paragraph 90) were easily accessible.

Odesa SIZO (holding some 1 100 prisoners) and *Vinnytsia Penitentiary Institution No. 1* (some 940 prisoners) had respectively 14 and 7 clinical specialists at the time of the visit, including two general practitioners in each establishment. The posts of infectious diseases specialist at Odesa and of TB specialist at Vinnytsia were vacant at the time of the visit (see also paragraph 84).

Zhytomyr Penitentiary Institution No. 8 (some 750 prisoners) employed a general practitioner, an infectious diseases specialist, a radiologist, a TB specialist and a psychiatrist.

At *Starobabanivska Correctional Colony* (holding some 640 prisoners), the medical team consisted of a dentist, a radiologist and a psychiatrist; the posts of general practitioner, TB specialist and infectious diseases specialist were vacant at the time of the visit.

77. As regards nursing staff resources, as had been the case during previous CPT visits, the number of feldshers and nurses were insufficient to meet the needs of the respective prisoner populations in all the prisons visited.⁹⁶ On a more positive note, in each establishment, the team of feldshers ensured a round-the-clock presence, including on weekends.

⁹⁵ At the time of the 2017 visit, Kyiv SIZO had 14 doctors.

⁹⁶ 11 feldshers and 5 nurses at Kyiv SIZO; 4 feldshers and 2 nurses at Lviv Penitentiary Institution No. 19; 3 feldshers and 2 nurses at Odesa SIZO; 5 feldshers at Vinnytsia Penitentiary Institution No. 1; 4 feldshers and 2 nurses at Zhytomyr Penitentiary Institution No. 8; 5 feldshers and a nurse at Starobabanivska Correctional Colony.

78. The CPT recommends that the Ukrainian authorities take the necessary steps to fill the vacant posts of doctors at Odesa SIZO, Vinnytsia Penitentiary Institution No. 1 and Starobabanivska Correctional Colony No. 92. Further, the number of general practitioners should be increased in all the prisons visited.

Steps should also be taken in all the establishments visited to reinforce the nursing staff resources (feldshers and/or nurses).

79. Healthcare facilities could be regarded as overall acceptable in most of the prisons visited. The delegation also noted that the healthcare units of the establishments visited possessed the necessary equipment and that their pharmacies were stocked with essential medication, which was available to prisoners free of charge.

However, at Lviv Penitentiary Institution No. 19, the consultation rooms were in a poor state of repair and too small. Further, at Starobabanivska Correctional Colony, there was no ultrasonography machine, and, as a result, prisoners had to be transferred to outside medical facilities even for minor interventions. **The CPT recommends that steps be taken to remedy these deficiencies.**

80. In all the establishments visited, the medical screening of newly arrived prisoners was conducted shortly after admission (either by a doctor or a feldsher) and included a physical examination and systematic screening for TB. Further, screening/testing for other transmissible diseases (such as hepatitis B/C and HIV) was carried out for those entering the prison system.

In addition, at Vinnytsia Penitentiary Institution No. 1, female juvenile prisoners were screened for mental health issues (anxiety, depression, or self-harm) upon admission and were later questioned by a psychologist about any history of sexual and gender-based violence sustained prior to admission to prison. As far as the delegation could ascertain, there was no such practice in the other prisons visited.⁹⁷ It also transpired from the information gathered that the general prison population recently admitted to the establishments visited had not been screened for potential vulnerabilities (such as past traumatic experiences) and signs of post-traumatic stress disorder (PTSD), the likelihood of which cannot be underestimated in time of war.

81. The delegation noted that medical documentation was well kept in all the prisons visited. In particular, a dedicated register was in place for injuries observed upon admission or whilst in prison.

As regards the recording of injuries, the medical files examined by the delegation in the establishment visited contained a fairly detailed description of injuries, body charts and, in particular at Odesa SIZO and Vinnytsia Penitentiary Institution No. 1, also photographs of injuries. However, statements of the prisoners concerned as to the origin of their injuries were not always recorded and there was usually no mention of the conclusions on the consistency of the injuries with any recorded statements.

The delegation noted that information on injuries was generally reported to the competent prosecutor. Further, it appeared that, in cases where the person concerned had explicitly alleged ill-treatment by law enforcement officials or when the injuries were indicative of such treatment, a copy of the report was also sent to the State Bureau of Investigation.

⁹⁷ At Odesa SIZO, the delegation was informed that all female prisoners were seen by a gynaecologist upon admission and that, if necessary, a pregnancy test was performed.

82. In light of the above, the CPT once again calls upon the Ukrainian authorities to take the necessary steps to ensure that in all the establishments visited (and, as appropriate, in other prisons in Ukraine):

- the record drawn up after the medical examination of a prisoner (whether upon admission or during imprisonment) contains:
 - i. a full account of objective medical findings based on a thorough examination,
 - ii. an account of statements made by the person which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment), and
 - iii. the healthcare professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings.
- the record also contains the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed;
- any traumatic injuries observed in the course of medical examination are photographed in detail and that the photographs are kept, together with the body charts, in the prisoner's individual medical file;
- the results of every examination, including the above-mentioned statements and the healthcare professional's conclusions, are made available to the prisoners and their lawyers;
- special training is provided to healthcare professionals working in prisons. In addition to developing the necessary competence in the documentation and interpretation of injuries, as well as ensuring full knowledge of reporting obligations and procedures, the training should cover the technique of interviewing persons who may have been ill-treated.⁹⁸

Further, particular attention should be paid to the identification of potential vulnerabilities (such as traumatic experiences) and any signs of PTSD, which should be duly taken into account when drawing up a care plan for the prisoner concerned.

The Committee also recommends that the Ukrainian authorities develop the admission procedures at all prisons accommodating female prisoners to take into account the gender-specific needs of women. This should include screening for sexual abuse or other forms of gender-based violence inflicted prior to entry to prison⁹⁹ and ensuring that such information is considered in the drawing up of a care plan for the woman in question.¹⁰⁰

83. The observations made by the delegation during the visit suggested that medical confidentiality was far from being respected in most of the prisons visited, despite the CPT's repeated recommendations on this subject. It appeared that medical consultations of prisoners (including upon admission to prison) were still usually carried out in the presence of custodial staff or within their earshot.

⁹⁸ Reference is also made to the Istanbul Protocol – Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (issued by the Office of the United Nations High Commissioner for Human Rights: Professional Training Series No. 8 / Rev. 2).

⁹⁹ While it may not be appropriate for such screening to be carried out immediately upon admission to prison out of concerns to avoid re-traumatisation, it should be factored into the admission "process" and take place within the first few weeks following admission.

¹⁰⁰ See also the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ([Bangkok Rules](#)), Rule 6.

The Committee must reiterate that medical examinations/consultations of prisoners should always take place out of the hearing of prison officers, and only within the latter's sight if so requested by the healthcare staff; there can be no justification for prison officers being systematically present during medical examinations. Their presence is detrimental to the establishment of a proper doctor-patient relationship and is usually unnecessary from a security standpoint.

Moreover, the presence of penitentiary staff may well deter prisoners from providing accounts of the origins of any injuries they have sustained.

The CPT once again calls upon the Ukrainian authorities to take appropriate steps throughout the prison system to ensure that medical confidentiality is fully respected during consultations/examinations of prisoners, taking into account the above remarks.

84. As regards the provision of psychiatric care, the delegation noted that, in most of the prisons visited, prisoners appeared to have access to a psychiatrist. However, it is a matter of concern that the only (part-time) post of psychiatrist at Vinnytsia Penitentiary Institution No. 1 was vacant at the time of the visit. Although it was reportedly possible to engage psychiatrists from local healthcare institutions, the CPT considers that the presence of a psychiatrist, at least on a part-time basis, should be ensured at Vinnytsia, especially given that the prison accommodates a large number of life-sentenced prisoners.

The CPT was also concerned to note that, despite a specific recommendation made by the Committee in the report on its 2017 visit, it remained the case that, for legal (licence-related) reasons, psychiatrists working in prisons were not allowed to prescribe certain types of psychotropic medication, in particular benzodiazepines, which negatively affected the quality of care for prisoners.

Another issue which gives rise to particular concern is the practice observed in some of the prisons visited of placing mentally ill prisoners in isolation for prolonged periods without any meaningful human contact. For example, at Zhytomyr Penitentiary Institution No. 8, the delegation met a life-sentenced prisoner who appeared to suffer from a severe mental disorder. Unable to maintain his personal hygiene, the prisoner concerned was being held in a filthy cell, on his own. In the CPT's view, such management of persons with mental health disorders is unacceptable and could be considered as amounting to degrading treatment.

In light of the above, the Committee recommends that the Ukrainian authorities take decisive steps to improve the provision of psychiatric care to prisoners. In particular, the long-standing problem of lack of licence allowing the use of psychotropic medication in prisons should be resolved without any further delay. Steps should also be taken to fill the vacant post of psychiatrist at Vinnytsia Penitentiary Institution No. 1.

The CPT also recommends that appropriate measures be taken to ensure that prisoners with mental health disorders who require in-patient psychiatric treatment are always promptly transferred to appropriate hospital facilities.

85. Each of the prisons visited employed one or more psychologists. However, as had been the case during previous visits, their role was essentially limited to carrying out a security risk assessment of prisoners. **The CPT reiterates its recommendation that the Ukrainian authorities further strengthen the provision of psychological care in prisons and develop the training and the role of prison psychologists, especially as regards therapeutic clinical work with inmates. In this context, efforts are needed to recruit clinically trained psychologists who should form part of the healthcare team and whose work should not combine two different roles, that is, risk assessment and therapeutic clinical work.**

86. In each of the prisons visited there were a number of prisoners using drugs. The delegation noted that many opioid-dependent prisoners were receiving opioid agonists (methadone). That said, under the regulations in force, prison doctors had no mandate to initiate opioid agonist therapy (OAT); it was only available to those prisoners who had already been receiving such treatment prior to their imprisonment.

The CPT's view in this regard is that admission to prison is an opportunity to address a person's drug-related problem and it is therefore important that suitable assistance be offered to all persons concerned; consequently, appropriate healthcare must be available in all prisons. The assistance offered to such persons should be varied; substitution programmes for prisoners with drug dependence should be combined with genuine psycho-social and educational programmes for opioid-dependent persons who are unable to stop taking drugs. Further, access to OAT programmes in prisons should be readily available and be managed also by prison doctors, who should receive specific training on issues related to drug use.

The CPT recommends that the Ukrainian authorities develop a comprehensive strategy for the provision of assistance to prisoners with drug-related problems, as part of a wider national drugs strategy, taking into account the above remarks.

87. In the course of the visit, the delegation also paid a follow-up visit to Lviv Multi-Purpose Prison Hospital which is located in a building adjacent to Lviv Penitentiary Institution No. 19.

Since the CPT's previous visit to the Hospital in 2017,¹⁰¹ its official capacity had been reduced from 130 to 80 beds, allocated as follows: 40 beds on the general medicine ward (including 10 beds for neurological diseases and 5 beds for psychiatric diseases) and another 40 beds on the surgical ward (including 10 beds for oncological diseases). At the time of the visit, the Hospital was accommodating 55 patients (all sentenced male adults). The average stay was said to be two to three weeks.

88. Despite the age of the premises, the accommodation areas were generally well maintained and clean. Patients' rooms were also well lit and ventilated and adequately heated. Further, they offered sufficient living space, with rooms of some 30 m² containing three to five beds. Other equipment included tables, benches, bedside lockers and sanitary annexes (toilet and washbasin); **however, the latter were only partially screened.**¹⁰² The delegation also noted that the communal shower facility had been renovated and some patients' rooms were taken out of service for refurbishment.

Furthermore, the necessary medical equipment was in place and, as far as the delegation could ascertain, the supply of essential medication and relevant materials did not pose any particular problems.

89. However, it is a matter of concern that hardly any out-of-room activities were offered to patients, apart from daily outdoor exercise of one hour which was taken in small yards. For the rest of the day, patients were usually locked up in their rooms, the only occupation being watching television (if they could afford to buy a TV set) and reading books/newspapers. **The CPT recommends that steps be taken at Lviv Prison Hospital to improve the regime afforded to patients. Consideration should also be given to increasing the duration of outdoor exercise.**

¹⁰¹ See [CPT/Inf \(2018\) 41](#), paragraph 94.

¹⁰² In this context, the recommendation made on this subject in paragraph 58 above should be read as applying also to Lviv Prison Hospital.

90. Healthcare staffing levels were on the whole adequate. The Hospital had 61 posts for various specialities (of which 15 were vacant, including those of surgeon and general practitioner) such as general practitioner, surgeon/oncologist, gynaecologist, ophthalmologist, neuropathologist, ORL, psychiatrist, infectious diseases specialist and radiologist. They were assisted by a team of technicians, feldshers and nurses (11 staff members in total) who assured round-the-clock cover, and there was one duty doctor on the premises outside working hours. **The CPT recommends that steps be taken to fill the existing vacancies.**

91. Specific mention should be made of a wheelchair-using patient (Mr M.S.) who had had a stroke and could hardly function autonomously, having to rely on fellow patients to move, wash and use the toilet. He was also incontinent. According to staff, the patient concerned no longer needed in-patient treatment, but only appropriate care. In this regard, the delegation was informed that legal procedures had been initiated to ensure his release on compassionate grounds. **The CPT would like to receive an update on the current situation of the prisoner concerned.**

6. Other issues

a. prison staff

92. Low staffing levels in Ukrainian prisons have been of concern to the CPT for many years, and the Committee has repeatedly recommended that the Ukrainian authorities address this problem.¹⁰³ Regrettably, the 2023 visit revealed that the situation in this respect had remained highly unsatisfactory, with a very low presence of custodial staff inside prisoner accommodation areas and numerous custodial staff vacancies in the prisons visited.

Most strikingly, at Zhytomyr Penitentiary Institution No. 8, more than 40% of the positions of junior custodial staff were vacant at the time of the visit. The Committee was also concerned to learn that, at Starobabanivska Correctional Colony, two detachments with a total of some 100 prisoners had only one prison officer permanently present during working hours from Monday to Friday. For the rest of the time (that is, from 5 p.m. till 8 a.m. on weekdays and over the entire weekend), prisoners were left largely unsupervised, staff presence being limited to two prison officers making regular rounds (approximately every two to three hours). Unsurprisingly in such circumstances, staff relied on a select group of inmates (duty prisoners) to maintain good order in the establishment (see paragraph 47).

It goes without saying that such a state of affairs excludes any kind of dynamic security or positive staff-prisoner engagement.

93. The CPT must stress once again that ensuring a positive climate in prison requires a professional team of staff, who must be present in adequate numbers at any given time in detention areas. Inadequate staff complements can only increase the risk of violence and intimidation between prisoners. The shortage of frontline custodial staff also undermines the quality and level of the activities offered to prisoners and jeopardises the prospect of preparation for release and social rehabilitation. In this context, the Committee also considers that the existing shift system, which requires prison staff to work for 24 hours at a time,¹⁰⁴ is intrinsically flawed and negatively affects professional standards.

¹⁰³ See, most recently, [CPT/Inf \(2018\) 41](#), paragraphs 97 and 98.

¹⁰⁴ At Odesa SIZO, the delegation was told that some senior staff members occasionally had to work on two consecutive shifts of 24 hours, totalling 48 hours in a row.

The CPT once again calls upon the Ukrainian authorities to take decisive steps to significantly increase staffing levels in the prisons visited (as well as in other prison establishments in Ukraine where similarly low levels of staffing occur), with a view to reinforcing the presence of custodial staff in the detention areas. Steps should also be taken to put an end to the 24-hour shift pattern for custodial staff.

94. As regards staff training, it transpired from the information gathered during the visit that almost none of the staff members working in the units with female and juvenile prisoners in the establishments visited had received gender- or child-specific training to manage these particular groups of prisoners. **The CPT recommends that the Ukrainian authorities take steps to ensure that prison officers who are assigned to work with women and juveniles undertake a specific training programme adapted to the particular characteristics of working with these categories of prisoners.**¹⁰⁵

95. In all the establishments visited, custodial officers were routinely carrying truncheons inside detention areas (including in the units for juveniles and women). It is noteworthy that an examination of the relevant records in most of the establishments visited showed that there had been no instances of resort to truncheons in recent years.

The CPT considers that the routine carrying of truncheons in detention areas is not conducive to developing positive relations between staff and prisoners; this is all the more relevant where juveniles and women are concerned. **The Committee therefore recommends that custodial staff stop carrying truncheons routinely in detention areas.**

96. The CPT has noted that one of the tasks defined by the new Penitentiary Reform Strategy is modernisation of video surveillance in penitentiary institutions, including the use of portable video cameras by prison staff.

The Committee considers that the use of portable video equipment may, if properly regulated, constitute an important safeguard against abusive use of force by prison staff. **The CPT would like to be informed of any developments in this area.**

b. contact with the outside world

97. The rules governing prisoners' contact with the outside world have remained unchanged since the CPT's 2017 visit. It is recalled that, in general, adult sentenced prisoners (including those serving a life sentence) are allowed to have one short-term *visit* (of up to 4 hours) every month and one long-term visit (of up to 72 hours) every two months.¹⁰⁶ Further, sentenced prisoners are in principle entitled to make an unlimited number of *telephone* calls and to use the Internet.¹⁰⁷

As for remand prisoners, they continue to require prior authorisation by the competent investigative body or court to receive a *visit*.¹⁰⁸ Moreover, the law still does not guarantee access to a *telephone* for such prisoners (although it was not uncommon for remand prisoners in the establishments visited to be given permission to make phone calls).

¹⁰⁵ See, in this regard, the substantive section of the CPT's 24th General Report: "[Juveniles deprived of their liberty under criminal legislation](#)" (paragraphs 119 to 121) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ([Bangkok Rules](#)), Rules 29 to 35.

¹⁰⁶ Section 110 (4) of the CEC. Prisoners are also allowed to have their long-term visits replaced with short-term visits.

¹⁰⁷ Section 110 (5) of the CEC.

¹⁰⁸ Section 12 of the Pre-trial Detention Act.

98. The CPT has repeatedly criticised the fact that the legal provisions governing remand prisoners' contact with the outside world are unduly restrictive. The Committee has also stressed that the frequency of visits for sentenced prisoners is too low. It regrets to note the lack of progress on these important matters.

The CPT therefore calls upon the Ukrainian authorities to amend the relevant legislation in order to ensure that remand prisoners are entitled to receive visits and to make phone calls as a matter of principle. Any prohibition of visits or phone calls should be specifically substantiated by the needs of the investigation, require the approval of a body unconnected with the case at hand and be applied for a specified period of time, with reasons stated.¹⁰⁹

The Committee also recommends that all prisoners – whether sentenced or on remand – be entitled to receive one visit of at least one hour every week. Further, it is important that prisoners be allowed to accumulate unused visit entitlements.

99. As regards visiting arrangements, it is a matter of concern that, despite there being some exceptions in practice,¹¹⁰ short-term visits still as a rule took place under closed conditions, with prisoners and their visitors separated by a Plexiglass partition.

The Committee must once again reiterate that, for all categories of prisoners, open visiting arrangements (for instance, around a table) should be the rule, and closed ones the exception – based on well-founded and reasoned decisions following individual assessment of the potential risk posed by a particular prisoner. **The CPT calls upon the Ukrainian authorities to review the arrangements for short-term visits in the establishments visited (and, as appropriate, in other prisons in Ukraine), so as to ensure that such visits take place, as a rule, under open conditions.**

100. The facilities for long-term visits were generally adequate in the establishments visited. However, at Starobabanivska Correctional Colony, the communal shower facility in the long-term visiting area was dilapidated. **Steps should be taken to remedy this shortcoming.**

c. discipline and segregation

101. Under the Ukrainian legislation,¹¹¹ sentenced adult male prisoners may be subjected to the disciplinary sanction of solitary confinement for up to 14 days (up to 10 days in the case of adult remand prisoners¹¹² and of adult women). Further, adult sentenced prisoners may be placed (by court decision) in disciplinary segregation – “PKT”¹¹³ – for up to three months.

As regards juvenile prisoners (both sentenced and on remand), the law still permits their placement in disciplinary solitary confinement for up to 5 days.¹¹⁴

¹⁰⁹ See also Rule 99 of the European Prison Rules.

¹¹⁰ The delegation noted that juvenile and occasionally female remand prisoners as well as working sentenced prisoners in the establishments visited were granted open visits.

¹¹¹ Section 132 (1) of the CEC.

¹¹² Section 15 of the Pre-trial Detention Act.

¹¹³ ПКТ - приміщення камерного типу (cell-type premises).

¹¹⁴ Section 15 of the Pre-trial Detention Act and Section 145 of the CEC.

The CPT wishes to stress that any form of isolation may have a detrimental effect on the physical and/or mental well-being of prisoners, and even more so vis-à-vis juveniles. In this regard, the Committee observes an increasing trend within Council of Europe member States to abolish solitary confinement as a disciplinary sanction in respect of juvenile prisoners. In this context, reference is made to Rule 60.6.a of the European Prison Rules stipulating that solitary confinement shall never be imposed on children.¹¹⁵ **The CPT recommends that the Ukrainian authorities amend the relevant legislation accordingly.**

102. It is a matter of concern that, despite the specific recommendation repeatedly made by the Committee after previous visits, the sanction of disciplinary confinement still entailed a general ban on family visits and phone calls. **The CPT calls upon the Ukrainian authorities to revise the relevant legal provisions so as to ensure that the measure of disciplinary confinement does not include a total prohibition on family contact during the enforcement of the measure and that any restrictions on family contact as a form of punishment are applied only when the offence relates to such contacts.**¹¹⁶

103. Recourse to disciplinary cellular confinement in the prisons visited did not appear to be excessive, and in practice the periods of disciplinary confinement were often below the maximum provided for by law.

Further, an examination of a sample of disciplinary files in the establishments visited showed that disciplinary procedures were generally carried out in accordance with the legal framework¹¹⁷ and that the paperwork pertaining to the cases was properly kept. However, it transpired from the delegation's interviews that, while prisoners were requested to sign the disciplinary decision and were usually informed verbally of their right to appeal the decision, they were not always given a copy of the decision. Further, with the notable exception of Starobabanivska Correctional Colony, most of the prisoners interviewed by the delegation in the different establishments visited appeared to be unaware of their right to have access to a lawyer in the context of disciplinary proceedings.

The CPT recommends that steps be taken in the prisons visited (and, where appropriate, in other prisons in Ukraine) to ensure that prisoners subjected to a disciplinary sanction are systematically given a copy of the decision. Further, prisoners should be informed about their right to have access to a lawyer in the context of disciplinary proceedings.

104. The CPT once again found that prison doctors were required to certify that the prisoners concerned were fit to sustain the measure before their placement in disciplinary solitary confinement.

The Committee has repeatedly stressed that obliging prison doctors to certify that prisoners are fit to undergo punishment is scarcely likely to promote a positive doctor-patient relationship. As a matter of principle, medical personnel should never participate in any part of the decision-making process resulting in any type of solitary confinement, except where the measure is applied for medical reasons. On the other hand, healthcare staff should be very attentive to the situation of prisoners placed in solitary confinement. Healthcare staff should immediately be informed of every such placement and should visit the prisoner without delay after placement and thereafter on a regular basis, at least once per day, and provide them with prompt medical assistance and treatment as required. Healthcare staff should report to the prison management whenever a prisoner's health is being put seriously at risk by being held in solitary confinement.

¹¹⁵ See also Rule 95.3 of Recommendation CM/Rec (2008) 11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures.

¹¹⁶ See Rule 60.4. of the European Prison Rules.

¹¹⁷ See Section 135 of the CEC.

The CPT must once again reiterate its recommendation that the Ukrainian authorities review the role of healthcare staff in relation to disciplinary confinement, in light of the above remarks. In so doing, regard should be had to the European Prison Rules (in particular, Rule 43.2) and the comments made by the Committee in its 21st General Report (paragraphs 62 and 63).¹¹⁸

105. According to Section 94 (4) of the Criminal Executive Code, sentenced adult male prisoners who repeatedly commit a violation of the internal order, endangering the safety of staff or other inmates, may be placed in a reinforced control unit (commonly referred to as “DPK”).¹¹⁹

At the time of the visit, several prisoners were being held in such a unit at Starobabanivska Correctional Colony, the longest stay being close to two years.¹²⁰ An examination of the relevant records showed that this measure was applied sparingly. However, the delegation noted that initial placement and extension decisions were almost always for the duration of six months, without the decision being reviewed during that period, irrespective of the prisoner’s behaviour.

It is also a matter of concern that prisoners placed under reinforced control were subjected to a very restrictive regime: they were confined to a cell for 23 hours a day (usually two to three persons to a cell), the only regular out-of-cell activity being daily outdoor exercise, and were allowed no contact with prisoners from other cells. In this regard, the delegation was shown files containing an individual programme drawn up for each prisoner (as required by law);¹²¹ however, it transpired from interviews with both staff and prisoners in the unit that, in practice, no activities were organised for the prisoners concerned, except for weekly visits by a psychologist offering individual sessions.

On the positive side, these prisoners could, in principle, receive short-term family visits and use the telephone on a daily basis.¹²²

106. Every prison system needs to have a mechanism for administrative segregation, in order to cope with particularly disruptive prisoners who persistently refuse to comply with the rules. However, the CPT is of the view that a complete lack of activity programmes is not an appropriate means of responding to problematic behaviour in prison. On the contrary, throughout the period of administrative segregation, the objective should be to persuade the prisoner to re-engage with the ordinary regime. Accordingly, it is essential that there is a plan for all such prisoners and that all staff involved with them work according to that plan, to maximise its effect.

The CPT recommends that steps be taken to ensure that prisoners placed in a reinforced control unit are offered an appropriate programme of out-of-cell activities, including group association activities. Such a programme should be developed and revised by a multi-disciplinary team, on the basis of an individualised risk and needs assessment, following consultation with the prisoner concerned. Further, the need for the placement of a prisoner in a reinforced control unit should be reviewed at least every two months.

Steps should also be taken to ensure that this measure does not amount to solitary confinement (which was occasionally the case at Starobabanivska Correctional Colony).

¹¹⁸ See [CPT/Inf\(2011\)28-part2](#). See also Rule 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (*Nelson Mandela Rules*).

¹¹⁹ *Дільниця посиленого контролю (ДПК)*.

¹²⁰ The decision on placement was taken following a hearing (attended by the prisoner concerned) before a commission comprising the prison director and the heads of various services.

¹²¹ See Section 97 (3) of the CEC.

¹²² As could any other prisoner in this colony. In addition, prisoners placed in a reinforced control unit were entitled to one long-term visit every three months.

107. Material conditions in the disciplinary confinement cells in the prisons visited were on the whole adequate and do not call for any particular comment.

However, at Starobabanivska Correctional Colony, one of the cells (Cell No. 6) in the reinforced control unit was in a poor state of repair (damaged floor, broken tiles, dirty walls, etc.). Further, the toilets in all the cells of this unit were not fully partitioned. **Steps should be taken to remedy these deficiencies.**

108. Finally, at Zhytomyr Penitentiary Institution No. 8, the delegation noted that certain categories of prisoners were automatically held in conditions of maximum security and placed on segregation for a prolonged period following a court sentence, on the sole basis of their crimes (see paragraph 39). In this regard, the CPT must recall its position of principle that decisions concerning the security level to be applied to a given prisoner as well as the measure of segregation for preventative purposes should not be pronounced – or imposed at the discretion of the court – as part of the sentence. The decision whether or not to impose a particular security level or whether segregation for preventative purposes is necessary should lie with the prison authorities, on the basis of an individual risk assessment, and should not be part of the catalogue of criminal sanctions. **The Committee reiterates its recommendation that the relevant legal provisions be amended accordingly.**

C. Military detention facilities

109. The delegation visited military detention facilities (“hauptvakhtas”) in Kyiv, Odesa and Zhytomyr. Further, the delegation went to the military detention facility (KTZ) in Lviv, which turned out to be closed for refurbishment at the time of the 2023 periodic visit.

110. “Hauptvakhtas” were in principle used to accommodate five categories of detained servicemen: those placed for sobering up (24 hours maximum) and in preliminary custody (72 hours maximum)¹²³ by decision of the unit Commander; those remanded in custody by court order (which could result in very long stays, on occasion up to 3 years¹²⁴); those already sentenced by court (up to 6 months);¹²⁵ and those sentenced by a judge to administrative arrest for up to 15 days. In addition, “hauptvakhtas” could be used for the initial accommodation of prisoners of war (POWs), prior to their transfer to penitentiary establishments and specifically designated POW detention facilities. As for the KTZ facilities, they were only used for the first two of the aforementioned categories (24-hour and 72-hour custody).

Both the “hauptvakhtas” and the KTZ were under the responsibility of the Ministry of Defence, but the actual management and administration were assured by the Ministry’s law enforcement branch (Military Law Enforcement Service, operating on the basis of a dedicated legal act), sometimes colloquially referred to as the “Military Police”. The basic rules applicable were in the main the same as the corresponding provisions of the Criminal Executive Code (albeit with certain specificities¹²⁶), with detailed implementing provisions set out in the two Orders by the Minister of Defence (one on holding servicemen suspected, accused and sentenced in criminal cases in disciplinary battalions and “hauptvakhtas”, the other on holding servicemen who are administrative detainees). Further, a recently adopted Special Resolution of the Cabinet of Ministers set out the rules applicable to holding POWs in “hauptvakhtas”.

111. From the outset, it should be stressed that the delegation received no allegations of any forms of ill-treatment of detained military servicemen by staff working at the “hauptvakhtas” visited; further, there were no indications of any inter-detainee violence.

112. In the three “hauptvakhtas”, staff told the delegation that authorised “special means” (including truncheons and handcuffs) were hardly ever used in practice, with the exception of occasional handcuffing during transfers outside the facility. Reportedly, each instance was reported to the Headquarters of the “Military Police” and to the Military Prosecutor’s Office; that said, there were no dedicated registers of the use of “special means”. **The CPT recommends that this *lacuna* be eliminated.**

¹²³ The equivalent of police custody but applied to military servicemen, with the relevant provisions of the CCP, including as regards safeguards against ill-treatment, applied *mutatis mutandis*.

¹²⁴ Especially in case the servicemen appealed the initial sentence, in which case they were legally considered to be on remand until the sentence became final.

¹²⁵ Servicemen sentenced to more than 6 months of deprivation of liberty were transferred (either directly after receiving their final sentence or subsequently, but in any case no later than by the end of the 6th month of their sentence) to disciplinary battalions, until the end of their sentence (if it was equal to or shorter than 2 years) or until the end of the second year of the sentence (if the sentence was longer than 2 years). In the latter case, the remainder of the sentence would be served in a prison (under the responsibility of the Ministry of Justice).

¹²⁶ For example, as regards the contact with the outside world (see paragraph 116 below).

113. Material conditions were on the whole acceptable in the three “hauptvakhtas” visited,¹²⁷ with all the cells being in a good state of repair, clean, suitably furnished (single or bunk beds with full bedding, cupboards, lockers, tables, chairs or stools, call bells, radio and (often) TV sets, and many personal items) and provided with adequate artificial lighting, heating and ventilation. Further, there were no problems with the supply of adapted clothing and personal hygiene items, and the delegation heard no complaints about the food served to detained servicemen.

Problematic aspects included the too high intended occupancy (calculated on the basis of the norm of 2.5 m² per detainee instead of 4 m²),¹²⁸ limited access to natural light in some of the cells in Odesa and Zhytomyr “hauptvakhtas” (with windows covered, reportedly in order to observe the blackout in place since the start of the full-scale military aggression by the Russian Federation) and the fact that in-cell sanitary annexes (comprising a toilet and a washbasin) were only partially partitioned. Further, access to communal showers (which were of a decent standard) was only granted once a week, whilst the CPT’s standard is a minimum of two showers per week (and more often if possible). **The Committee recommends that steps (including, when needed, of a legislative nature) be taken to address these concerns.**

114. As regards the regime, all detained servicemen had access to daily outdoor exercise (lasting up to an hour) taken in yards equipped with means of rest, shelters against inclement weather and basic fitness devices. Further, administrative detainees and sentenced servicemen spent a major part of the day outside their cells, associating (within each category) and participating in various activities including voluntary unpaid work, attending military drills, studying military statutes, etc.

By contrast, there were no organised activities for servicemen on remand, which was of particular concern given that many had stayed in the “hauptvakhtas” for long periods (months and even years, see paragraph 110). Those servicemen spent 23 hours per day inside their cells, with nothing to occupy themselves but reading books from the library, listening to the radio and (sometimes) watching TV, and playing board games. The regime was particularly impoverished (amounting *de facto* to solitary confinement) for the few servicemen on remand who were held in single cells.¹²⁹

The CPT recommends that steps be taken to ensure that servicemen remanded in custody benefit from the same offer of activities as those serving sentences of imprisonment or administrative arrest. Particular attention should be paid to the need to offer at least two hours of meaningful human contact every day to servicemen accommodated in single-occupancy cells.

115. On a positive note, the delegation observed that detained servicemen had adequate access to healthcare. A feldsher or a nurse was always on duty and the delegation heard no complaints about access to a doctor (including as concerns dental care). Further, whenever required, it was reportedly easy and quick to arrange a transfer for consultation or treatment in the nearest military hospital. All newly arrived servicemen were medically examined at the latest within 24 hours from admission, with any injuries duly recorded in a dedicated journal.

¹²⁷ As far as the delegation could ascertain, conditions would also be adequate in the four cells at Lviv KTZ, once the establishment would reopen.

¹²⁸ Although, in practice, there was more living space available. For example, at Zhytomyr “Hauptvakhta”, cells measuring 10 m² were accommodating two detained servicemen each and those measuring 25 m² were accommodating three detainees. At Kyiv “Hauptvakhta”, single-occupancy cells measured 12 m², and those for two or three detainees measured approximately 16 m² (sanitary annexe included).

¹²⁹ This applied in particular to servicemen accused of high treason, who were accommodated apart from other detainees for their own safety.

However, at Kyiv “Hauptvakhta” such screening was not confidential, with custodial staff being present in the examination room. **The Committee recommends that steps be taken at Kyiv “Hauptvakhta” (as well as in other such establishments throughout Ukraine, as applicable) to ensure that medical confidentiality is always respected, including during the initial medical screening.**

116. As already mentioned in paragraph 110 above, the biggest difference as compared with civilian detainees was with respect to contact with the outside world, with the applicable rules being more restrictive.

In particular, servicemen remanded in custody were, as a rule,¹³⁰ not allowed to make telephone calls¹³¹ and those already sentenced had to submit a written request to the Commander of the “hauptvakhta” each time they wanted to make a call. As regards the visiting entitlement for sentenced servicemen, it was similar to that of civilian sentenced prisoners¹³² but the difference was that it was the relatives who had to request the Commander (in writing) to be allowed to visit the sentenced serviceman. As for administrative detainees, they were not allowed to receive visits but could request permission to make one telephone call upon arrival and then another after 10 days (if their placement in administrative arrest was longer than 10 days in total).

To sum up, the possibilities for servicemen detained in “hauptvakhtas” to receive visitors and make telephone calls were insufficient. **The CPT recommends that the existing entitlement be increased significantly.** In this context, **reference is made to the recommendations in paragraph 98 above which apply *mutatis mutandis* also to military detention facilities.**

117. The delegation was informed that there were no formal disciplinary sanctions that could be applied vis-à-vis servicemen breaking the internal rules in “hauptvakhtas” and, in particular, no sanction of disciplinary solitary confinement.

118. The delegation was impressed by the excellent quality of custody records and other documentation and written information for detainees (including on the house rules and available avenues of complaint), especially at Kyiv “Hauptvakhta”.

As for outside monitoring, military detention facilities were *inter alia* visited on a frequent basis by representatives of the NPM.

¹³⁰ At Odesa “Hauptvakhta”, the delegation was told that servicemen remanded in custody could, in principle, request permission from the competent military prosecutor to make a telephone call; no such information was provided to the delegation at the other two “hauptvakhtas” visited.

¹³¹ The provisions concerning (exclusively short-term) visits were the same as for civilians on remand (i.e. each visit required authorisation by the organ of inquiry).

¹³² Four long-term (72 hours) and at least four short-term (4 hours) visits per year, with more short-term visits allowed (upon decision by the Commander) as a reward for good behaviour. It is noteworthy that, unlike in prisons, short-term visits took place, as a rule, under open conditions (that is, around a table).

APPENDIX
Establishments visited by the CPT delegation

Police establishments

- Odesa ITT No. 1
- Pustomyty ITT
- Vinnytsia ITT No. 1 (Building 1, Pyrohovo street)
- Zhovkva ITT
- Zhytomyr ITT No. 1
- Lviv Police Station No. 1
- Podil Police Division, Kyiv
- Zhashkiv Police Station, Uman

Prison establishments

- Kyiv SIZO
- Odesa SIZO
- Lviv Penitentiary Institution (No. 19)
- Vinnytsia Penitentiary Institution (No. 1)
- Zhytomyr Penitentiary Institution (No. 8)
- Starobabanivska Correctional Colony (No. 92), Uman
- Lviv Multi-Purpose Hospital (Prison Hospital)

Military detention facilities

- Kyiv Guardhouse (“Hauptvakhta”)
- Odesa Guardhouse
- Zhytomyr Guardhouse
- Temporary holding premises for military servicemen (KTZ) in Lviv