

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	561
Land:	Ukraine
Kilde:	Committee against Torture
Titel:	Concluding observations on the seventh periodic report of Ukraine
Udgivet:	11. juni 2025
Optaget på baggrundsmaterialet:	21. juli 2025



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
17 June 2025

Original: English

Committee against Torture

Concluding observations on the seventh periodic report of Ukraine*

1. The Committee considered the seventh periodic report of Ukraine¹ at its 2194th and 2197th meetings,² held on 24 and 25 April 2025, and adopted the present concluding observations at its 2203rd and 2204th meetings, held on 30 April and 1 May 2025.

A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the constructive dialogue held with the State Party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee.

4. The Committee, having due regard for General Assembly and Human Rights Council resolutions and the State Party's territorial integrity and political independence,³ acknowledges the challenges faced by the State Party in fully implementing its obligations under the Convention owing to the full-scale invasion by the Russian Federation against Ukraine in violation of article 2 (4) of the Charter of the United Nations and the ongoing occupation by the Russian Federation of part of the territory of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol, and certain areas of the Kherson, Zaporizhzhia, Donetsk and Luhansk oblasts. The Committee understands that the State Party has lost effective control over the occupied territory but recalls that the Convention is applicable in its entire territory. The State Party should therefore take all possible steps to implement the Convention and ensure accountability for the violations of the Convention committed on its entire territory and guarantee access by victims to truth, justice and reparations.

B. Positive aspects

5. The Committee welcomes the ratification of or accession to the following international instruments by the State Party:

- (a) Rome Statute of the International Criminal Court, in 2024;

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/UKR/7.

² See CAT/C/SR.2194 and CAT/C/SR.2197.

³ See General Assembly resolutions 68/262, 71/205 and 78/221, ES-11/1, ES-11/2, ES-11/3, ES-11/4, ES-11/5 and ES-11/6, and Human Rights Council resolutions 49/1, S-34/1, 52/32, 55/23 and 58/24.



(b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2022;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2015.

6. The Committee also welcomes the State Party's initiatives to revise and introduce legislation in areas of relevance to the Convention, in particular the following:

(a) The adoption of Law No. 4067-IX, on legal and social protection of persons affected by sexual violence related to the armed aggression of the Russian Federation against Ukraine, including provisions for urgent interim reparations, in 2024;

(b) The adoption of Law No. 2505-VIII on the legal status of persons missing under special circumstances, in 2018, and the amendments thereto adopted in 2022;

(c) The adoption of Law No. 2229-VIII on preventing and combating domestic violence, in 2017;

(d) The adoption of the Law on amendments to the Criminal Code and Criminal Procedure Code of Ukraine, which introduced the criminalization of domestic violence and other forms of gender-based violence, in 2017;

(e) The enactment of Law No. 794 on the State Bureau of Investigation, in 2016;

(f) The amendment introduced to article 14 of the law on free legal aid, in order to guarantee the right to free legal assistance for persons covered by the Law on Refugees, in 2016;

(g) The adoption of Law No. 160-VIII on Probation, in 2015.

7. The Committee commends the State Party's initiatives to modify its policies and procedures in order to afford greater protection to human rights and to give effect to the Convention, in particular the following:

(a) The adoption of the strategy for reforming psychoneurological and other residential institutions and deinstitutionalizing care for adults with disabilities and older persons (2024–2034);

(b) The adoption of the Strategy for Combating Torture in the Criminal Justice System and approval of the action plan for its implementation, in 2021, and updates made in 2024 to the action plan, which introduced the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) to improve the effectiveness of law enforcement, criminal investigations, court proceedings and other forms of information-gathering;

(c) The appointment of a commissioner for persons missing in special circumstances, in 2024;

(d) The introduction of an automated custody records system, implemented in territorial police units, in 2024;

(e) The issuance of Order No. 186 by the Ministry of Health, which introduced primary accounting documentation form No. 511, for certifying the documentation of bodily injury and instructions for its completion, in 2024;

(f) The adoption, in 2024, of joint Order No. 2/1/2 of the Ministry of Internal Affairs, the Prosecutor General's Office and the Security Service, by which the three institutions declared as invalid their joint Order No. 872/88/537 on approval of the instruction on the procedure for preventive detention, in the context of counter-terrorism operations, of persons involved in terrorist activities and the special regime of pretrial investigation in conditions of martial law, states of emergency or in the context of counter-terrorism operations;

(g) The approval of the updated National Human Rights Strategy, which identified the implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) as one of its strategic directions, in 2021;

- (h) The adoption of resolution No. 726 on approval of the procedure for maintaining the unified register of persons missing in special circumstances, in 2019;
- (i) The establishment of the Unified Register of Convicted Persons and Persons Taken into Custody, in 2018;
- (j) The establishment of the Unified State Register of Cases of Domestic Violence and Gender-Based Violence, in 2018.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

8. In its previous concluding observations,⁴ the Committee requested the State Party to provide information on the measures taken in follow-up to the recommendations on the following issues: fundamental legal safeguards; excessive use of force and killings; and the use of excessive force and grave violations of the Convention in the context of recent events in the east (paras. 9, 10 (a) and 11 (a)). In the light of the information included on those matters in the follow-up reports submitted by the State Party on 2 December 2015 and on 5 April 2017,⁵ as well as in its seventh periodic report, and with reference to the letter dated 29 August 2016 from the Committee's Rapporteur for follow-up to concluding observations,⁶ the Committee finds that, although the State Party has taken substantive steps to implement those recommendations, several issues remain outstanding. They are addressed in paragraphs 11 to 14, 19 and 20 of the present document.

Definition of torture

9. The Committee notes the amendment made to article 127 of the Criminal Code in 2022, which improved the definition of torture, but notes with concern several remaining shortcomings. Firstly, the basic definition of torture in article 127 (1), punishable by imprisonment for only a term of three to six years, does not require the involvement of a public official or other person acting in an official capacity; therefore, any person can be considered the author of the crime. The commission of a such a crime by a representative of a State, including a foreign representative, is considered an aggravating circumstance only under paragraph 3 of article 127; and the commission of an act of torture committed for any reason based on discrimination is considered an aggravating circumstance only under paragraph 2 of the same article. Secondly, the principle of superior responsibility for all acts of torture is not expressly defined, although the Committee notes that principle of command responsibility is defined for acts of torture as a crime against humanity or war crime. Thirdly, articles 85, 86 and 87 of the Criminal Code do not explicitly exclude the application of amnesty and pardon for the crime of torture under article 127, although the Committee takes note of the State Party's assertion that amnesty does not apply to such crimes, in accordance with the Law on the Application of Amnesty in Ukraine. Lastly, the Committee observes with concern that the criminalization of torture as a crime against humanity in article 442-1 of the Criminal Code lacks several elements of the crime, and that the criminalization of war crimes under article 438 of the Criminal Code does not specifically mention the crime of torture and ill-treatment, as it merely refers to violations of the laws and customs of war stipulated by international treaties in force for the State Party. In this regard, the Committee takes note of the draft law on the amendments to the Criminal Code and the Criminal Procedure Code, which is pending (arts. 1 and 4).

10. The State Party should:

- (a) **Continue to align the provisions of article 127 of the Criminal Code with article 1 of the Convention, ensuring that those responsible can be identified and that acts committed for any reason based on discrimination of any kind are also included in**

⁴ CAT/C/UKR/CO/6, para. 27.

⁵ CAT/C/UKR/CO/6/Add.1 and CAT/C/UKR/CO/6/Add.2.

⁶ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FUKR%2F25026&Lang=en

the basic offence of torture, and ensure that the basic offence of torture is punishable by appropriate penalties that take into account its grave nature, in accordance with article 4 (2) of the Convention;

(b) Clearly incorporate the principle of superior responsibility for the offence of torture into the Criminal Code;

(c) Adopt the legislative measures necessary to ensure that no acts of torture are subject to amnesty and pardon;

(d) Continue harmonizing the provisions in article 442-1 of the Criminal Code criminalizing torture as a crime against humanity and specify the crime of torture as a war crime in article 438 of the Criminal Code.

Fundamental legal safeguards

11. The Committee takes note of the measures taken by the State Party to strengthen legal safeguards and the provision of free legal aid to those without sufficient means to pay for legal services, as well as the installation of video monitoring in Security Service facilities and the new custody records system installed in 132 territorial police units. The Committee, however, expresses concern about reports indicating ongoing shortcomings in providing effective and prompt access to a lawyer, and delays in notifying the legal aid centre, notably in relation to persons detained on conflict-related charges, although the Committee recognizes the strict time limits in place for the legal aid centre to appoint a lawyer once notified. It is further concerned that, on occasion, interrogations reportedly start in the absence of a lawyer, and that article 224 of the Criminal Procedure Code provides for optional rather than mandatory recording of interrogations. Moreover, the access to an initial confidential medical examination does not appear to be routinely granted, and if it is granted, it is reportedly performed in the presence of a police officer (art. 2).

12. The State Party should ensure that all fundamental legal safeguards are guaranteed in practice for all detained persons from the outset of the deprivation of their liberty, including by:

(a) Ensuring for all detained persons, in particular persons detained on conflict-related charges, the right to be assisted by a lawyer of their choice, including during interrogations, or to have access to qualified, independent and free legal aid without delay, if necessary;

(b) Amending article 224 of the Criminal Procedure Code to provide for mandatory recordings of all interrogations by law enforcement through the use of audio and video equipment;

(c) Ensuring for all detained persons the right to request and receive a medical examination by an independent doctor, free of charge, or a doctor of their choice, which is conducted out of hearing and sight of police officers, unless the doctor concerned explicitly requests otherwise.

Prevention and investigation of acts of torture and ill-treatment, including excessive use of force, by law enforcement officials

13. While noting the establishment of a specialized unit to investigate complaints of torture and ill-treatment within the State Bureau of Investigation, the establishment of specialized divisions in regional prosecutor's offices, the carrying out of various capacity-building activities, and the adoption of the comprehensive strategic plan for the reform of law enforcement for 2023–2027 and its associated action plan, among other measures, the Committee is concerned that incidents of excessive use of force, together with ill-treatment, on the part of law enforcement, including the police and Security Service officers, notably during apprehension and police custody, continue to be reported, although such practice has decreased. The Committee further considers that the following issues relating to the prevention and investigation of torture and ill-treatment by law enforcement officers remain a cause of concern:

(a) Reportedly, a low number of cases result in the criminal prosecution and conviction of law enforcement and prison officers for torture and ill-treatment, including cases of excessive use of force. This is particularly notable given the relatively high number of allegations. Torture complaints are often classified and investigated under article 365 of the Criminal Code (abuse of power) rather than article 127 (torture);

(b) The operational effectiveness of the State Bureau of Investigation in investigating allegations of torture and ill-treatment requires further strengthening, as do its standardized operational protocols. Moreover, in practice, the Bureau reportedly investigates a wide range of crimes beyond its core competence, such as economic and anti-corruption crimes, among others. This contributes to its core investigative activities related to torture and ill-treatment being ineffective, with significant delays and a loss of evidence;

(c) A high number of cases are still pending at the pretrial investigation stage or have been under judicial consideration for more than a decade after the events and alleged incidents of excessive use of force during the protests that took place at the Maidan in Kyiv between December 2013 and February 2014, and in Odesa and Mariupol in May 2014. Several defendants have reportedly left the State Party's territory to avoid prosecution, although the Committee notes that several indictments have been issued and sentences handed down (arts. 2, 10, 12–14 and 16).

14. The State Party should take all measures necessary to ensure that:

(a) **The State Bureau of Investigations and the prosecutor's office carry out prompt, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, including the excessive use of force and application of means of coercion, made against police law enforcement officers, as a priority, including those related to the events that took place in 2013 and 2014, ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the investigation, while ensuring that the principle of presumption of innocence is observed, and ensure that suspected perpetrators are duly brought before a court and, if they are found guilty, sentenced to a punishment commensurate with the gravity of their acts and that the victims receive appropriate redress;**

(b) **Strengthen the operational independence of the State Bureau of Investigations, in particular the specialized unit investigating cases of torture and ill-treatment, develop adequate standardized operational protocols for investigating allegations of abuse of power, torture and ill-treatment and ensure that staff are properly trained in the effective implementation of those protocols;**

(c) **Continue to strengthen mandatory initial and in-service training programmes to ensure that all law enforcement officers and security service officers are acquainted with the provisions of the Convention, in particular the absolute prohibition of torture, and that they are made fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, appropriately punished.**

Inadmissibility of confessions obtained as a result of torture

15. While taking note of the guarantees set forth in article 87 (2) (2) of the Criminal Procedure Code, regarding the inadmissibility of evidence obtained under coercion, the Committee is concerned by reports indicating that practices of torture and ill-treatment are still being used by law enforcement, including police and security service personnel, to extract confessions. It acknowledges, however, that such practices have decreased during the reporting period. Information received by the Committee suggests that law enforcement officers have exerted various forms of pressure or intimidation on detainees prior to the arrival of their lawyers. In addition, the Committee is concerned about consistent reports that the lower courts do not properly examine complaints of this kind (arts. 2, 15 and 16).

16. The State Party should:

(a) **Continue to adopt effective measures to ensure that confessions and statements obtained through torture or ill-treatment are not admitted as evidence in**

practice, except against persons accused of committing torture, as evidence that the statement was made;

(b) Ensure that, when it is alleged that a confession or other statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;

(c) Continue to implement effective training for law enforcement officers, including police and Security Service officers, and prosecutors on the Méndez Principles in line with the action plan for the implementation of the Strategy for Combating Torture in the Criminal Justice System and expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts;

(d) Compile and make public information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in that regard.

Violations of the Convention by the State Party in the context of the armed conflict and occupation

17. The Committee notes the State Party's commitment to, and measures taken to abide by, international humanitarian law and international human rights law in the context of the ongoing armed conflict and occupation, as well as the information provided by the delegation about the ministerial orders issued on the escort, treatment and protection of the prisoners of war, among other things. However, it is concerned by reports regarding:

(a) Allegations of torture, including sexual violence against, ill-treatment of, threats against and humiliation of Russian prisoners of war, and illegal deprivation of life and deaths in custody of Russian prisoners of war, allegedly perpetrated by the Ukrainian armed forces and military police, mainly in unofficial or transit places in several regions prior to the internment of the prisoners of war, although it notes the State Party's denial of the existence of such unofficial places; the lack of information on the procedural safeguards provided to the captured prisoners of war; and the inadequate recording and reporting of visible injuries sustained by Russian soldiers as a result of torture or ill-treatment. In this regard, the Committee takes into account the 20 investigations launched by the general prosecutor's office into war crimes committed by members of Ukrainian armed forces and expects further information on their outcome;

(b) Acts of torture and ill-treatment of, and arbitrary detentions of, "conflict-related detainees" charged with collaboration and other national security-related offences, allegedly perpetrated by law enforcement, notably the State Security Service officers, during the apprehension or interrogation stage, including to extract confessions or information, which on some occasions, in several regions, took place in unofficial places, although the Committee also notes the State Party's denial of the existence of such unofficial places; the reported lack of investigations into such allegations; and the vague and overly broad definition of the crime of collaboration under article 111-1 of the Criminal Code. The Committee notes the existence of a draft law to amend that article, as reported by the delegation;

(c) The alleged lack of adequate and prompt investigations into allegations of torture, ill-treatment, enforced disappearance and arbitrary and incommunicado detention allegedly committed by members of the Ukrainian army and other forces in the conflict zones in the east of the Ukraine since 2014, including crimes committed by members of the Tornado special police battalion, members of the Aidar territorial defence battalion and members of the Azov brigade; the number of cases still pending on appeal; and the delivery of only a handful of convictions to date;

(d) Alleged abuses committed by enlistment officers against civilians and conscripts, including conscientious objectors (arts. 1, 2, 12–14 and 16).

18. The Committee underscores that the prohibition of torture is non-derogable, that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture and that the obligations stemming from this prohibition are not subject to reciprocity. The Committee recalls that the four Geneva Conventions of 12 August 1949 and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) apply to all cases of armed conflict between two High Contracting Parties and that the State Party should strictly fulfil its obligations under international humanitarian law and international human rights law with respect to the treatment of prisoners of war and civilians. In this regard, the Committee recommends that the State Party:

(a) Continue to make clear at the highest levels that any violations of international humanitarian law and international human rights law related to the conflict in the region are completely unacceptable, conduct prompt, independent, impartial, transparent and effective investigations into all allegations of violations of international humanitarian law and international human rights law committed by Ukrainian armed forces and military police in the context of hostilities in the region and the capture of combatants, and provide the Committee with details about the outcome of those investigations. In addition, it should ensure that captured combatants are brought to, and interviewed only in, official places of detention from the moment of their capture until their internment in the camps, and that they are afforded procedural safeguards, including information about their rights, access to medical screening upon every transfer and entry into a new facility, and other rights guaranteed under international humanitarian law and international human rights law, including the Convention;

(b) Ensure that investigations and prosecutions of alleged torture and ill-treatment include the acts of any person in a position of command or superior responsibility who knew or should have known that his or her subordinates had committed, or were likely to commit, such crimes and failed to take reasonable and necessary preventive measures, or to refer the case to the competent authorities for investigation and prosecution;

(c) Ensure that prompt, impartial and effective investigations are undertaken by an independent body into all allegations relating to acts of torture and ill-treatment of conflict-related detainees, prosecute and punish appropriately those determined to be responsible, and adopt effective measures to amend the vague and broadly worded provisions in article 111-1 of the Criminal Code on collaboration to ensure that the article is in conformity with the Convention and other human rights obligations;

(d) Strengthen efforts to prosecute reported crimes committed since 2014 by the members of the Ukrainian army and other forces, including the Tornado special police battalion, the Aidar territorial defence battalion and the Azov brigade, and provide the Committee with detailed information about their outcome;

(e) Conduct independent investigations into alleged abuses committed during conscription into the State Party's armed forces and ensure that enlistment officers comply strictly with the obligations set out in the Convention.

Violations of the Convention committed in the occupied territory of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol

19. In the light of the preliminary considerations raised in paragraph 4 above, the Committee is seriously concerned about the numerous allegations of widespread and systemic torture, including sexual violence, and ill-treatment inflicted on Ukrainian prisoners of war and civilian detainees by the occupying authorities of the Russian Federation during the admission, interrogation and internment stages, the inhuman conditions of their detention, the absence or denial of medical assistance, and their transfer to other prisons in the occupied

territory or in the Russian Federation.⁷ While noting the State Party's efforts to establish specialized units within the General Prosecutor's Office and the National Police to investigate war crimes, in addition to the existing State Security Service competence to do so, and the creation of a dedicated unit for conflict-related sexual violence, the Committee raises concern about the obstacles faced by victims in achieving justice and about the prevailing impunity for these violations, owing mainly to the limited – or lack of – capacity and practical ability of the national authorities to access the occupied territory, the loss of crucial evidence, the difficulties in verifying the existing evidence under the national legislation, and the limitations of the criminal justice system with regard to dealing with the more than 160,000 documented war crimes, among other issues. The Committee is further concerned about the reported high proportion (95 per cent) of criminal proceedings conducted in absentia for war crimes, the insufficiency of guarantees of fair trial, the internal displacement of many victims and witnesses and the ineffective infrastructure, which does not assist them adequately. Furthermore, the Committee notes with concern the information it received about the challenges faced by civilians who returned from detention by the occupying authorities of the Russian Federation in having their victim status recognized and in accessing effective remedies, although it appreciates the effective mechanisms and remedies in place for returned Ukrainian prisoners of war. The Committee is seriously concerned about the unlawful deportation and transfer of children from the occupied territory to the Russian Federation and acknowledges the mechanisms and registers put in place by the State Party to search for, register, return, assist and reintegrate those children. Furthermore, the specific challenges faced by persons in vulnerable circumstances, including children, persons with disabilities and elderly persons in social protection institutions, are of serious concern to the Committee owing to the damages to facilities and the displacement of such persons. It is also concerned about the State Party's loss of control over several penitentiary facilities in the occupied territory since 2014, about transfers of prisoners to the Russian Federation and the difficulties in accounting for exact figures on such transfers, about cases of torture or ill-treatment during or after such relocation and about the impact of such transfers on the prisoners' families. Lastly, the Committee takes into account the ongoing process to develop a compensation mechanism for damages caused by the full-scale invasion of Ukraine by the Russian Federation and to implement the register of damages, which will encompass compensation claims for torture, deprivation of liberty and sexual violence, as reported by the delegation during the dialogue. It is unclear, however, whether the mechanism will be accessible to victim of violations committed in the occupied territory since 2014 as well (arts. 12–14 and 16).

20. In the light of the pledges made by Ukraine during the Human Rights 75 initiative,⁸ the Committee requests the State Party: to strengthen the capacity of its national authorities to ensure that all allegations of violations of the Convention committed on the State Party's occupied territory by the occupying authorities of the Russian Federation are thoroughly documented; to take steps to establish accountability for all of those crimes by ensuring fair and independent investigation and prosecution at the national and international levels, in accordance with international human rights standards; and to continue reforming and strengthening its criminal justice system to that end. In addition, the State party should take measures to improve the collection of evidence and develop necessary methodology for its verification and use. The State Party should also reinforce its efforts to protect and adequately assist, in line with the Convention, victims and witnesses of grave international crimes committed in the context of the armed conflict and occupation since 2014, document and accommodate their needs, and pay particular attention to the returned civilian detainees and ensure their prompt access to effective remedies, including redress and as full a rehabilitation as possible.

⁷ See General Assembly resolutions 77/229 and 78/221; and [A/75/334](#), [A/76/260](#), [A/77/220](#), [A/78/340](#), [A/79/258](#), [A/79/549](#), [A/HRC/44/21](#), [A/HRC/47/58](#), [A/HRC/50/65](#), [A/HRC/53/64](#) and [A/HRC/56/69](#).

⁸ See <https://uhri.ohchr.org/en/pledges?countries=469ba5d7-9d95-41cc-ba4f-b198dffcaf6b>.

Conditions of detention

21. While taking note of the information provided by the State Party regarding the adoption of the penitentiary system reform strategy for 2022–2026 and the establishment of the expert council for the penitentiary system, as well as the decrease in the overall prison population since the Committee's consideration of the State Party's previous periodic report, the Committee remains concerned about the underfunding of the penitentiary system, and about the following long-term structural issues in the State Party's prisons:

(a) The high number of persons held in pretrial detention, which contributes to persistent overcrowding in pretrial detention facilities; in that regard, the Committee takes note of the information provided by the delegation regarding funds that have been allocated to build a new pretrial detention facility in Kyiv. In addition, poor and unsanitary material and living conditions have been reported in many old prison facilities;

(b) The shortages of medical personnel and shortcomings in the provision of adequate healthcare, including mental healthcare. There are also delays in accessing specialized medical care, and the provision of reasonable accommodation for detainees with disabilities is limited. Shortcomings have been detected in the confidentiality of medical examinations undertaken during the prison intake process and preventive screenings, including screenings for mental health conditions, drug-related problems and other potential vulnerabilities, particularly in pretrial detention facilities. There is reportedly also a lack of adequate procedures concerning the force-feeding of detainees on hunger strike;

(c) The lack of progress in transferring responsibility for prison healthcare to the Ministry of Health; in that regard the Committee takes note of the delegation's statement, made during the dialogue, about the planned consultations on that issue;

(d) The limited progress made in addressing the lack of meaningful rehabilitation programmes, including educational, recreational and vocational activities, for all persons deprived of liberty. This is particularly the case for remand prisoners and prisoners serving life sentences. The Committee takes note of the information provided by the State Party's delegation about the pending adoption of an existing bill on labour in prison;

(e) The limited use of alternatives to imprisonment; in that regard, the Committee acknowledges that some progress has been made in introducing probation supervision (arts. 2, 11 and 16).

22. The Committee urges the State Party:

(a) **To continue its efforts to improve the material conditions of detention in all penitentiary and pretrial detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and reduce overcrowding at such facilities, including through the strengthening of the application of non-custodial measures. In that connection, the Committee recalls the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **To ensure that pretrial detention is resorted to only in exceptional circumstances, where strictly necessary and when no other measures can be applied, for limited periods and in accordance with the law;**

(c) **To intensify its efforts to ensure access to adequate healthcare, including specialized medical care, and that detainees have access to a medical examination as soon as possible after their entry to the facility and as often as necessary thereafter so that their health needs, including those related to mental health conditions, drug-related problems and other conditions, can be identified and adequately addressed, and that persons with disabilities are provided with individualized reasonable accommodation and accessible facilities in prisons;**

(d) **To ensure the confidentiality of medical examinations conducted during the process of intake to a detention facility, improve the health screening of inmates upon admission to places of detention, establish clear procedural guarantees and**

develop medical care standards for the decision to force-feed detainees, on the basis of a human-rights approach;

(e) To consider the possibility of transferring the responsibility for prison healthcare to the Ministry of Health;

(f) To strengthen rehabilitation and reintegration programmes in all places of deprivation of liberty, in particular by promoting educational, recreational and social and employment integration activities, and reinforce efforts to provide systematic and individualized programmes for all prisoners.

Prison security and deaths in custody

23. While taking note of the formal abolishment of the practice of “duty prisoners” (*днювальний*) – inmates reportedly assigned by the prison administration to help maintain order in prisons – the Committee is concerned about reports indicating that the practice still continues. It is also concerned that instances of abuse by prison staff are prevalent but often go unreported. While the Committee notes the efforts made by the State Party to include the Istanbul Protocol, as revised, in its strategy and improve the form for the documentation of injuries, it observes with concern that injuries are generally recorded without documentation or an assessment of their cause. The Committee also notes with concern reports indicating that investigations of reported cases of deaths in custody are ineffective and deficient, and that the mortality rate of detainees, including the suicide rate, is significantly high. The Committee expresses concern that article 391 of the Criminal Code, establishing the offence of “malicious disobedience to the requirements of the administration of a penal institution”, has not been abolished yet, and that it is reportedly abused and applied arbitrarily by penitentiary personnel to exert pressure on prisoners and contributes to corruption practices; the Committee, however, takes note of the State Party’s explanation that such a system helps to fight the prison subculture and criminality therein. Furthermore, the Committee takes into account the information received during the dialogue about the establishment of a new internal-security service in prisons in 2025, composed of 250 intelligence officers tasked with uncovering misconduct by personnel. However, the Committee lacks sufficient information about the protocols of engagement for the officers, their chain of responsibility, including for reporting on misconduct by prison personnel, and about the specific training provided to the officers prior to their appointment. In addition, the information received about the tightening of security measures in the prison system since the end of 2024 and about the continuous operation, and the reported increase in deployment, of special forces units within several prisons, and allegations of the use of illegal and excessive force against inmates by those forces, raise issues of concern for the Committee (arts. 2, 11 and 16).

24. The State Party should:

(a) Continue to strengthen measures to properly record all violent incidents, abuses, injuries and deaths in prison and ensure that such cases are immediately brought to the attention of relevant authorities ex officio for further investigation, including independent forensic examination. In cases in which autopsies are called for, they should be performed in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The State Party should also compile and provide the Committee with detailed information on the number of cases of violent incidents, injuries and deaths recorded in all places of detention, their causes and the outcomes of investigations into them;

(b) Intensify its efforts to eliminate the prison subculture and adopt strategies and programmes for the prevention and management of violence in prison, including by monitoring, documenting and impartially investigating incidents of this type, and strengthen the protection of prisoners in vulnerable circumstances and other prisoners at risk, in accordance with the Nelson Mandela Rules and with the European Prison Rules adopted by the Council of Europe;

(c) Continue to improve security in all places of deprivation of liberty, including by providing training to all prison personnel, including members of the new internal-security service, on dynamic security principles, and inform the Committee about the rules of engagement and protocols put in place for the new internal-security

service and about the measures taken to ensure that special forces units are not used inside prisons and thereby prevent mistreatment and intimidation of inmates;

(d) Continue to strengthen training programmes for all relevant staff, including medical and psychological personnel, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised, and ensure that, if medical personnel conducting the examination of a detainee or recording injuries in prison have grounds to believe that a person has been tortured or ill-treated, the case is immediately reported to the prosecutor's office and all other relevant independent entities.

Complaint mechanism

25. The Committee notes that there are several avenues by which persons deprived of liberty can lodge a complaint regarding torture or ill-treatment, including through the Ukrainian Parliament Commissioner for Human Rights, the State Bureau of Investigations, the Prosecutor General's Office and the Ministry of Justice. It also notes the newly created online channel through which prisoners can submit anonymous complaints to be transmitted to the Department for the Execution of Criminal Punishments. Moreover, it appreciates the role of recently appointed human rights inspectors, tasked with monitoring compliance with safeguards and the rights of persons deprived of liberty and receiving complaints. However, the Committee is concerned about confidentiality, given that inspectors can report human rights violations to the prison director and the chief of the interregional division. Furthermore, the Committee is concerned about reports indicating that persons deprived of their liberty are reluctant to lodge complaints of torture or ill-treatment owing to a lack of trust in the confidentiality and efficiency of the system, or to fear of reprisals or intimidation; this is related to the lack of adequate mechanisms to protect witnesses and victims. The Committee does, however, take note of the information received regarding a road map for introducing a whistleblower institution. Furthermore, it regrets the lack of comprehensive statistics provided by the State Party on complaints of torture and ill-treatment submitted by detained persons that have been investigated, prosecuted or closed during the reporting period (arts. 2, 12, 13 and 16).

26. The State Party should continue strengthening the existing complaint mechanisms in all places of detention, including by ensuring confidential and unhindered access to such mechanisms in complete confidentiality and by ensuring that complainants are protected against any intimidation or reprisals as a consequence of their complaints. In that connection, it should, in practice, ensure the security of victims and witnesses through protection mechanisms, including by establishing a risk evaluation system for those detainees and by suspending personnel suspected of torture or ill-treatment from their duties throughout the investigation, while guaranteeing the presumption of innocence. The State Party should further ensure that neither directors of facilities nor their institutional or hierarchical superiors should play any role in receiving, transmitting or addressing complaints on torture and ill-treatment.

National preventive mechanism

27. While noting the improvements to the functioning of the national preventive mechanism within the office of the Ukrainian Parliament Commissioner for Human Rights introduced during the reporting period, and the information provided by the delegation about the pending draft law to improve the mechanism's legal framework and the election of its members, the Committee remains concerned about certain identified shortcomings. Notably, the mechanism lacks the human and financial resources necessary to fully carry out its functions as set out in the Optional Protocol to the Convention, in particular given the numerous places of deprivation of liberty in the State Party (more than 3,770). The Committee also notes that there is frequent staff turnover and insufficient participation of specialized experts in monitoring groups, and a lack of adequate continuous training for the members of the mechanism. Lastly, the State authorities do not sufficiently implement the recommendations made by the mechanism (art. 2).

28. The State Party should ensure that the national preventive mechanism has sufficient financial and human resources, including qualified personnel, such as medical

professionals, social workers and other relevant experts, to carry out its work effectively in all types of places of deprivation of liberty, including social and other closed-type institutions, in accordance with the requirements of the Optional Protocol to the Convention. It should strengthen its efforts to ensure adequate follow-up to and implementation of the recommendations made by the mechanism as part of its monitoring activities.

Administration of justice

29. While noting the steps taken by the State Party to strengthen the independence of the judiciary, and in view of recent recommendations made by the Human Rights Committee,⁹ the Committee remains concerned about reports of undue external influence over and interference with the work of members of the judiciary, by means of criminal charges being brought against them, which may have an impact on the work of judicial institutions, including the adjudication of cases of torture and ill-treatment (arts. 2, 12, 13 and 16).

30. The State Party should intensify its efforts to ensure the full independence, impartiality and effectiveness of the judiciary in line with international standards, such as the Basic Principles on the Independence of the Judiciary, and guarantee that courts are free to operate without undue pressure or interference, in order to restore trust in the justice system.

Juvenile justice

31. The Committee notes the State Party's new initiative to provide a psychologist for criminal proceedings involving minors, as well as child-friendly interviewing spaces and a pilot project on restorative justice. The Committee also notes the information provided by the delegation regarding the draft bill on juvenile justice, and regrets that the bill has been pending adoption since 2017. In addition, the Committee is concerned by reports that children in conflict with the law may be detained in pretrial detention for up to one year and placed in solitary confinement for up to five days (arts. 2, 11 and 16).

32. The State Party should strengthen its efforts to bring its juvenile justice system fully into line with the relevant international standards. In particular, the State Party should take legislative steps to limit the pretrial detention of children in line with international standards,¹⁰ actively promote alternatives to detention and ensure that detention is used as a measure of last resort and for the shortest possible period of time and is regularly reviewed with a view to its withdrawal, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). The State Party should also amend its legislation to ensure that solitary confinement is not used as a disciplinary measure against children, in accordance with rule 45 (2) of the Nelson Mandela Rules and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Social protection residential institutions and psychiatric hospitals

33. The Committee is concerned about the over-institutionalization of persons with intellectual and psychosocial disabilities, including children, on the basis of impairment, and older persons, including their placement for prolonged periods in social protection residential institutions, such as psychiatric hospitals, residential homes for older persons or for persons with disabilities or children's residential facilities, owing mainly to the lack of alternative support services and community-based services. In this connection, the Committee takes note of the development of 126 mental health centres to provide multidisciplinary and outpatient psychiatric care, as reported by the delegation. The Committee is further concerned that many people placed in such institutions are deprived of legal capacity and are placed and receive treatment without their consent, in the absence of appropriate safeguards. According to information received by the Committee, deplorable conditions, further worsened by the current situation of the armed conflict, as well as allegations of ill-treatment, abuse and

⁹ [CCPR/C/UKR/CO/8](#), paras. 43 and 44.

¹⁰ See Committee on the Rights of the Child, general comment No. 24 (2019).

excessive use of means of restraint and isolation as punishment, were detected in these long-term care institutions during the reporting period. In this regard, the Committee notes the State Party's explanation that the 2024 strategy for deinstitutionalization should address and remedy the above-mentioned issues (arts. 2, 11 and 16).

34. **The State Party should:**

(a) **Improve material conditions in all social protection residential institutions and psychiatric institutions and intensify its efforts towards deinstitutionalization in the form of alternative and community-based care services and other forms of outpatient treatment programmes, including through the effective implementation of the strategy for reforming psychoneurological and other residential institutions and deinstitutionalizing care for adults with disabilities and older persons (2024–2034);**

(b) **Review legislation and policies on depriving persons with mental disabilities of their legal capacity, provide legal and procedural safeguards for their rights, and ensure that such persons are not placed in institutions or given treatment without their full and informed consent unless this is done on a legal basis, as a matter of last resort, with a careful forensic psychiatric evaluation, access to assisted decision-making, the possibility of judicial review of decisions and access to effective remedy in the event of violations;**

(c) **Ensure that means of restraint and isolation are used in accordance with the law, under strict supervision and regular monitoring by specialized medical personnel, and for the shortest time possible, in order to prevent the risk of harm to the individual concerned or to others and only when strictly necessary and proportionate, when all other reasonable options would fail to satisfactorily contain the risk; ensure that the use of means of restraint and isolation is rigorously recorded in special registers and guarantee that any allegation of torture, ill-treatment and abuse is effectively investigated and prosecuted, where necessary;**

(d) **Promptly, impartially and effectively investigate all allegations of ill-treatment, abuse and excessive use of means of restraint and isolation, prosecute the alleged perpetrators and, if they are found to be responsible, punish them.**

Protection of human rights defenders and journalists

35. While noting the State Party's information about an enabling and generally favourable environment in which civil society actors can operate without fear of intimidation or reprisals, the Committee is concerned about some reports of instances of alleged harassment and intimidation of several media outlets and journalists critical of the Government during the reporting period. It is also concerned about reports indicating some acts of intimidation and harassment, including judicial harassment, of feminist and lesbian, gay, bisexual and transgender human rights defenders and of lawyers denouncing corruption and organized crime, among others (art. 16).

36. **The State Party should ensure that all journalists, human rights defenders and activists are able to carry out their legitimate work in an enabling environment, free from intimidation or other forms of harassment. The State Party should vigorously, promptly, thoroughly and impartially investigate all allegations of intimidation or other forms of harassment of journalists, lawyers and feminist and lesbian, gay, bisexual and transgender human rights defenders, prosecute alleged perpetrators, appropriately punish those found guilty and provide victims with redress.**

Gender-based violence, including domestic violence

37. The Committee takes note of the legislative and other measures adopted by the State Party to combat gender-based violence, including domestic violence, as well as awareness-raising and capacity-building programmes, and the establishment of 722 mobile teams, among other measures. However, it notes with concern that crimes involving domestic violence, rape, sexual violence and coerced sexual intercourse continue to be included as private prosecution cases in accordance with article 477 (1) of the Criminal Procedure Code, and therefore proceedings can be initiated only upon a victim's complaint, which contravenes

the State Party's obligations under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The Committee also notes with concern the reported delays in criminal proceedings concerning cases of gender-based violence and the significant number of closed criminal proceedings. Lastly, it is concerned that there is not sufficient access to specialized services and shelters for victims of domestic violence across the entire territory, a concern previously expressed by the Committee on the Elimination of Discrimination against Women¹¹ (arts. 2, 12–14 and 16).

38. The State Party should continue to ensure that all acts of gender-based violence, in particular those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are thoroughly and promptly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims and survivors or their families receive redress, including adequate compensation and rehabilitation, and have access to specialized support services and safe shelters. The State Party should adopt legislative measures to provide for ex officio prosecution of gender-based violence, including domestic and sexual violence, and amend article 477 (1) of the Criminal Procedure Code accordingly.

Trafficking in persons

39. While taking note of the State Party's efforts to combat trafficking in persons at the national and international levels, the Committee remains concerned that the phenomenon, notably trafficking in women and girls for the purpose of sexual exploitation, is still prevalent in the State Party's territory. The Committee is also concerned about reports indicating that persons internally displaced due to the armed conflict are at a high risk of being trafficked. Furthermore, it notes with concern that the access of trafficking victims to specialized services, such as temporary accommodation and financial support, is reportedly limited (arts. 2, 12–14 and 16).

40. The State Party should continue implementing measures to combat and prevent all forms of trafficking in persons and pay particular attention to internally displaced persons and individuals in vulnerable situations. The State Party should adopt the measures necessary to ensure that all trafficking cases are thoroughly investigated, that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims obtain full redress, including adequate compensation and rehabilitation. It should also strengthen its efforts to provide victims with specialized assistance and safe accommodation.

Redress

41. The Committee takes note of the information provided by the State Party about the steps taken to finalize a draft law on compensation for victims of violent crimes and to establish the State fund for compensation. It also notes that victims of torture have several avenues through which to claim compensation for the damage sustained as a result of torture or ill-treatment, including through civil action in the course of criminal proceedings (article 128 of the Criminal Procedure Code). The Committee nevertheless regrets that no comprehensive information has been provided about the rehabilitation programmes available to victims of torture and ill-treatment in the State Party outside the armed conflict and the occupation and the resources made available to them, about the number of requests for compensation made, the number and amounts awarded by domestic courts since the previous periodic report and about the means of full rehabilitation, including medical or psychosocial rehabilitation, afforded to victims (art. 14).

42. The State Party should ensure that, in law and in practice, all victims of torture and ill-treatment can obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The State Party should compile and provide the Committee with information on redress, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment. The State Party should also

¹¹ CEDAW/C/UKR/CO/9, paras. 29 and 30.

inform the Committee about progress made in the adoption and implementation of the draft law on compensation for victims of violent crimes and the budget assigned to the State fund for the compensation of victims.

Follow-up procedure

43. The Committee requests the State Party to provide, by 2 May 2026, information on follow-up to the Committee's recommendations on fundamental legal safeguards, violations of the Convention by the State Party in the context of the armed conflict and occupation and prison security and deaths in custody (see paras. 12 (c), 18 (a) and (b) and 24 (c) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the present concluding observations.

Other issues

44. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

45. The Committee requests the State Party to submit its next periodic report, which will be its eighth, by 2 May 2029. For that purpose, and in view of the fact that the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its eighth periodic report under article 19 of the Convention.
