

Ukraine

Prison conditions



Ministry of Immigration
and Integration

The Danish
Immigration Service

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

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

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

The report is a synthesis of information gathered from different sources, and it brings together condensed information in a relevant manner for the reader's COI needs and it organises information together thematically to form a coherent whole of the topic in question, instead of listing or quoting information source by source.

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Executive summary

Ukraine permits independent monitoring of prisons and detention centres by international and local human rights groups, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Ombudsman's Office. Monitors can visit all types of penitentiary institutions without prior warnings about their arrival. However, there are some limitations to the monitoring of pre-trial detention centres and the detention facilities under the jurisdiction of the Ukrainian Security Service, SBU.

The health care system of the Ukrainian penitentiary institutions is suffering from the lack of reform. The access to medical treatment is, in general, very limited. There is not enough medication in the prison system and the available medication is often expired.

90 percent of the visited institutions by the Ombudsman's Office violated the rights of detainees to adequate detention conditions, including lightning and ventilation.

The food provided by the prison administration was generally of poor nutritional value, which meant that prisoners often had to rely on supplementary food through parcels from their families.

Remand prisoners in Ukraine are placed separately from sentenced prisoners. Although women are placed in the same pre-trial detention centre as male prisoners, they are be placed in a separate wing. Women and men as well as juveniles also sit separately in penitentiary institutions, as there are separate prisons designated for women and juveniles. Furthermore, pre-trial detention centres stipulates only 2.5 m² per prisoner and are typically overcrowded.

A lawyer of an accused is allowed access during interrogations. However, the quality of the appointed defence lawyers varies widely. The use of metal cages in courtrooms where the accused is located during trials is widespread in Ukraine, although metal cages have been removed in some courts, which now use plastic boxes instead.

Ukrainian authorities have used torture and other forms of ill-treatment during interrogation and in the penitentiary institutions, albeit not widespread. However, the use of such methods was more prevalent in the past and the authorities have been fighting this practice in the past 25 years with some success, but impunity among Ukrainian prison staff remains widespread.

Prisoners are allowed by law to complain about any topic of relevance to their incarceration to a number of actors. However, prisoners are often reluctant to file complaints against the prison administration, as this could result in reprisals.

Draft evaders in Ukraine can be sentenced and imprisoned, according to the law. They serve their sentence together with the general prison population; since they are not serving in the military and hence cannot be sentenced by military law. However, there was not a single draft evader imprisoned, according to judicial statistics for 2021.

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Introduction

This report aims to describe and to provide updated information of the current conditions in Ukrainian penitentiary institutions for the use of processing of asylum cases. These findings are relevant in comparison to the standards of prison conditions set out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules') and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('The Bangkok Rules').

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

The report specifically looks into actors of independent monitoring, types of prisons and living conditions for prisoners, including material conditions, sanitation, health care, access to meaningful activities, contact to the outside world, use of solitary confinement, prevalence of ill-treatment and torture, prevalence of inter-prisoner violence, differentiated treatment, and accountability.

The Danish Immigration Service (DIS), in consultation with the Danish Refugee Appeals Board, drew up the terms of reference (ToR) for the report. The ToR are included at the end of the report (Annex 2). This report was written in accordance with the EASO COI Report Methodology.¹ In relation to one element of the ToR – point 5 on living conditions for military prisoners – it was not possible to gather sufficient information from the interviews to address this topic in a separate chapter in the report. However, the topic has been addressed in other relevant chapters where it was possible.

The report is based on five virtual interviews with the Ministry of Justice of Ukraine, the Commissioner of Human Rights (Ombudsman), a legal adviser, the director of Kharkiv Human Rights Protection Group (KhPG), and the Director of the Human Rights Protection Group SICH respectively. In addition, written reports by international organisations, NGOs, and news articles are included. The minutes from the meetings with the Ministry of Justice and the Commissioner of Human Rights (Ombudsman) was sent to DIS in Ukrainian and translated afterwards to English by the Ukrainian translation agency; [Aventa](#).

The five oral sources were briefed about the purpose of the meetings and informed that their statements would be included in a publicly available report in accordance with their preferred referencing.

The minutes of the interviews were validated by the sources. All notes were forwarded to the sources for their approval and amendment, allowing them the opportunity to correct or comment on their statements. All sources but one, Human Rights Protection Group SICH, approved actively their statements. Human Rights

¹ EASO, *EASO Country of Origin Information (COI) Report Methodology*, June 2019, [url](#)

Protection Group SICH was contacted by email and informed that the DIS would include the note in the report if no response was received by the deadline. The DIS never received any response.

The report is a synthesis of the sources' statements complemented with reports of relevance for the topics of the ToR. In the report, care has been taken to present the views of the sources as accurately and transparently as possible and reference is made by number to the specific paragraphs in the minutes of the interviews in the footnotes of the report. All sources' approved statements are found in their full extent in Annex 1 of this brief report.

The research and editing of this report was finalised on 12 November 2021.

The report can be accessed from the website of DIS, www.us.dk, and is thus available to all stakeholders in the refugee status determination process as well as to the general public.

Abbreviations

CC	Correctional Code of Ukraine
CoE	Council of Europe
COI	Country of Origin Information
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DIS	Danish Immigration Service
Disbat	Disciplinary Battalion
EASO	European Asylum Support Office
ECHR	European Court of Human Rights
IMF	International Monetary Fund
IPV	Inter-Prisoner Violence
KhPG	Kharkiv Human Rights Protection Group
MP	Member of Parliament
NGO	Non-governmental Organisation
SBI	State Bureau of Investigation
SBU	Security Service of Ukraine
TDF	Temporary Detention Facilities
ToR	Terms of Reference

Glossary

Pre-trial detention centre

Pre-trial detention centres are prisons for persons who are awaiting trial (see [2.1. Pre-trial detention centres](#)).

Remand prisoner

A remand prisoner is a person, who is held in custody while they are awaiting trial or sentencing.² A remand prisoner is typically held in a pre-trial detention facility (see [2.1. Pre-trial detention centres](#)).

Verkhovna Rada of Ukraine

The Verkhovna Rada (Supreme Council) is the parliament of Ukraine.³

Penitentiary institutions

A penitentiary institution is a place for imprisonment, reformatory discipline, or punishment of a person, who has been convicted (see [2.3. Penitentiary facilities/ The colonies](#)).⁴

Colony

Colony is one type of penitentiary facility where prisoners can serve their sentence. The word and concept of colonies derives from a Soviet prison tradition⁵ (see [2.3. Penitentiary facilities/ the colonies](#)).

² New Zealand, Department of Corrections, Remand, n.d., [url](#)

³ BBC Monitoring, *Parliament, Ukraine*, 23 October 2021, [url](#), Verkhovna Rada of Ukraine, Official portal, [url](#)

⁴ Dictionary.com, penitentiary, n.d., [url](#)

⁵ Independent prison expert: 54

1. Access to Ukrainian prisons for independent monitoring

This chapter describes the different actors who are given access to monitor the Ukrainian prison system. It further explains what the different actors' mandate is during visits. Finally, this chapter describes whether the Ukrainian state standards are accessible to the public.

Ukraine ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1997. This has allowed the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) access to places of detention. CPT carries out periodic and ad hoc visits.⁶

1.1. Actors granted access to prisons and complaint mechanisms

Ukraine permits independent monitoring of prisons and detention centres by international and local human rights groups, including the CPT, the Ukrainian Parliament Commissioner of Human Rights (The Office of the Ukrainian Ombudsman), and the UN Human Rights Monitoring Mission in Ukraine (HRMMU).⁷

Since 2012, the Ukrainian Parliament Commissioner for Human Rights (Ombudsman) has had a national preventive mechanism of monitoring.⁸ This mechanism has created a special branch, whose sole purpose is to visit penitentiary institutions. Every Ukrainian regional administrative region (*oblast*) has monitoring staff who have undergone training and can visit penitentiary institutions as directed by the Ombudsman. In order to get access to the perimeter, the Ombudsman writes a letter to a particular penitentiary institution, and the administration is thus obliged to allow their entry.⁹ The mandate includes monitoring of 4,720 institutions including orphanages.¹⁰

Since 2014, after the Maidan Revolution and following change of government, the new government introduced new laws, which meant that all monitors e.g. human rights affiliated organisations (with the help of assistants of parliamentarian members, MP) got access to monitor penitentiary institutions with few exceptions (see [1.2. Mandate in visits](#)).¹¹

There are now several ways for independent monitors to get access to penitentiary institutions in Ukraine:

The persons who are assigned to monitor the penitentiary institutions through the National Preventive Mechanism can visit all types of penitentiary institutions without any prior warnings or notifications about their arrival.¹²

⁶ CPT, *Chart of signatures and ratifications of Treaty 126*, 3 February 2021, [url](#); CoE, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Article 8, 2c, 1 marts 2002, [url](#); Ombudsman: 2, 6

⁷ USDOs, *2020 Country Reports on Human Rights Practices: Ukraine*, 30 March 2021, [url](#), p. 9

⁸ KHPG: 3; Ombudsman: 2-3; Модель Омбудсман+ (Model Ombudsman+), <https://ombudsman.gov.ua/ua/page/npm/model-ombudsman/>

⁹ KHPG: 3

¹⁰ Ombudsman: 2

¹¹ Independent prison expert: 6

¹² Ombudsman: 3

The Ombudsman advised that civil society representatives, NGOs and other members of the supervisory commission could also monitor penitentiary institutions, which are under the authority of the Ministry of Justice.¹³ When human rights organisations conduct monitoring visits through this mechanism, they have to draft their reports in collaboration with the Ombudsman.¹⁴

There exists a so-called Supervisory Commission, which is subordinated local and regional authorities. However, according to the Kharkiv Human Rights Protection Group (KhPG), this mechanism is not effective, because civil servants working in the commissions are not given any incentives to stimulate their interest in visiting penitentiary institutions. Members of the commission can choose representatives from NGOs who may visit the institutions, although, such visits have to be cleared with the commission beforehand.¹⁵

Since April 2014, it has been possible for members of national, regional and local parliaments (in their constituencies) and their assistants to visit penitentiary institutions. The members can bring two to three medical doctors and two to three journalists with them.¹⁶ According to Human Rights Protection Group SICH, the NGOs and the human rights organisations can use this mechanism to gain access to monitor prisons (colonies). However, this mechanism does not cover pre-trial detention facilities.¹⁷

According to the Ministry of Justice, article 24 of the Criminal Executive Code of Ukraine has defined a list of persons who are authorised to freely visit penitentiary institutions, including pre-trial detention centres, for monitoring and inspections at any time without a special permission or accreditation. They can be accompanied by their own choice by up to three medical professionals and two representatives of the media.¹⁸ This list includes:

- the President of Ukraine or his designated representatives;
- the Prime Minister or his designated representatives;
- the Ombudsman of the Parliament of Ukraine or designated representatives;
- the Chairman, deputy chairmen and members of the Commission for Pardons under the President of Ukraine;
- the Minister of Justice or his designated representatives;
- the Minister of Internal Affairs, Chairman of the National Police or their designated representatives;
- members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- Chairman of the Council of Ministers of the Autonomous Republic of Crimea, chairmen of local state administrations on the territory in which they are located or their designated representatives;
- People's deputies of Ukraine, their assistants-consultants, deputies of the Parliament of the Autonomous Republic of Crimea¹⁹ and deputies of local councils;
- The Prosecutor General, as well as prosecutors authorised by him and supervising the observance of laws during the execution of court decisions in criminal cases as well as the application of the other coercive measures related to the restriction of personal freedom of citizens in a relevant territory;

¹³ Ombudsman: 5

¹⁴ Human Rights Protection Group SICH: 3

¹⁵ KhPG: 4

¹⁶ KhPG: 5

¹⁷ Human Rights Protection Group SICH: 2

¹⁸ Ministry of Justice: 5

¹⁹ Ukraine does not recognise the annexation of Crimea in March 2014 by the Russian Federation

- Chairman, deputy chairman and members of the supervisory commission who organise public control over the observance of the rights and legitimate interests of the convicts during the execution of criminal sanctions;
- Village, settlement, city mayor or his designated representatives in the territory of a relevant council
- Members of public councils under the central body of executive power implementing the state policy on execution of criminal sanctions, and its territorial units in the relevant territory.²⁰

Finally, besides the abovementioned list, there exists a special Public Council, which was created by the Ministry of Justice, as a temporary consultative and advisory body promoting the public participation in the formation and implementation of the state policy on execution of criminal sanctions. The members of this council may also carry out public control over the penitentiary facilities and the pre-trial detention facilities together with independent representatives of the public. They are not subject to any restrictions and may visit penitentiary institutions at any time of the day.²¹

1.2. Mandate in visits

It is possible for independent monitors to conduct inspections unannounced, ad hoc and at any time of the day and night. The security staff or the prison administration cannot make any limitations to the inspection. The monitors are allowed to enter at all penitentiary institutions (except pre-trial detention facilities) and in all places of the premises.²²

The Office of the Ombudsman has access to all types of prisons, including maximum-security institutions, pre-trial detention facilities, and the facilities of the Security Service of Ukraine (SBU). Furthermore, there are no restrictions as to on who they can interview during those visits, including prisoners with lifetime sentences.²³

According to an independent prison expert, there have been a few cases where monitors could not enter because they were denied access by the prison administration. For example, this happened at Prison no. 77, which has also been described in the latest CPT report.²⁴ However, because the prison administration denied them access, it became a public scandal. Therefore, the source opined that few prisons would not dare to deny monitors access to the prisons nowadays.²⁵ The KHPG further elaborated that if the monitors were not granted access, they would subsequently complain to the prosecutor's office, as it is a violation of the law.²⁶

Human Rights Protection Group SICH noted that a few penitentiary institutions did not live up to the law. These prisons do not allow monitors inside, unless a prosecutor or the Ombudsman accompanies them. The same source has tried to write requests to the police, but the requests have not been answered, even though the police is obliged to look at them, according to the law.²⁷

²⁰ Ministry of Justice: 6

²¹ Ministry of Justice: 10

²² Independent prison expert: 7; KHPG: 10; Human Rights Protection Group SICH: 4; Ombudsman: 3, 7

²³ Ombudsman: 4, 10

²⁴ CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 August 2020*, 15 December 2020, [url](#), p. 15

²⁵ Independent prison expert: 8

²⁶ KHPG: 7

²⁷ Human Rights Protection Group SICH: 5

Several sources stated that monitors could conduct personal interviews with prisoners during their visit.²⁸ They can also make video and/or audio recordings.²⁹ According to the Ombudsman, all monitors, including international organisations, can have confidential conversations with the prisoners.³⁰ Two sources noted, however, that the prison administration would nonetheless try to sit in at the interview and listen to the interview or there would be prison guards close by and they would be able to listen to at least some part of the conversation.³¹

KhPG noted that the prison administration would often try to hide things in hidden places, such as secret production facilities or workshops that are not officially registered and in which unrecorded products are produced.³² This has been the case in the Temnovskaya Colony no. 100 in Kharkiv Region. The administration could also try to hide so-called ‘press-cells’, which are premises where convicts are physically abused. Furthermore, the prison administration could also try to hide certain prisoners so that they would not be able to talk to the monitors. For monitors to get access to all facilities, they must know such places or practices in advance.³³ According to an independent prison expert, monitors do not have access to watchtowers or armouries. Sometimes these places could be of interest, because previously inmates were temporarily detained in these facilities.³⁴

1.2.1. Monitoring capacity

Several sources agreed that there were not enough resources to monitor every prison.³⁵ There are 103 penitentiary institutions; 17 pre-trial detention centres, and 14 multifunctional institutions that covers both remand and sentenced prisoners under the jurisdiction of the Ministry of Justice alone.³⁶ Furthermore, there are between 4,720 and up to 5,000 places of detention in total.³⁷

It is difficult for the NGOs and the human rights organisations to monitor every prison. For example, the extent to which penitentiary institutions can be monitored is limited, according to the Ombudsman. The office of the Ombudsman tries to monitor approximately one third of all penitentiary institutions in Ukraine per year.³⁸

Furthermore, there are not enough parliamentarian members on both national, regional and local levels, who have demonstrated a willingness to monitor the penitentiary system. However, the NGOs try to follow up on any complaints of which they become aware.³⁹ Finally, the level of scrutiny within the prison system is high and prison staff are cautious before maltreating prisoners, as the risk of such actions being made public shortly after is high.⁴⁰

²⁸ KhPG: 5; Human Rights Protection Group SICH: 6; Ombudsman: 9-10

²⁹ KhPG: 5

³⁰ Ombudsman: 9

³¹ Human Rights Protection Group SICH: 6; KhPG: 12

³² KhPG: 10

³³ KhPG: 11

³⁴ Independent prison expert: 11

³⁵ Independent prison expert: 16; Human Rights Protection Group SICH: 4; Ombudsman: 8

³⁶ Ministry of Justice: 13

³⁷ Ombudsman: 2; Independent prison expert: 17

³⁸ Ombudsman: 8

³⁹ Human Rights Protection Group SICH: 4

⁴⁰ Independent prison expert: 15, 17

1.3 Monitoring of pre-trial detention centres

There are limitations to the monitoring of pre-trial detention centres. According to several sources, NGOs and human rights organisations cannot monitor remand prisoners.⁴¹ Overall, it is only the Ombudsman and the Prosecutor's Office who have access to monitor conditions in the pre-trial institutions.⁴² According to the Ombudsman, however, there is a certain list of stakeholders who can access these facilities, besides the Ombudsman and the Prosecutor's Office. The list includes among others:

- the President and Prime Minister of Ukraine;
- the Ministry of Internal Affairs;
- the national police;
- the Ministry of Justice;
- members of the Ukrainian Parliament;
- the European Committee against Torture (CPT).⁴³

Access to monitor pre-trial detentions centres for the MPs of the Ukrainian Parliament and their corresponding services depends, however, on what the requirements for the monitoring might be.⁴⁴

According to KHPG, the Prosecutor's Office will not inspect the pre-trial detention facilities very often.⁴⁵ Furthermore, an independent prison expert opined that it could be difficult for the ombudsman to criticise institutions under the jurisdiction of the Ministry of Internal Affairs, such as police detention facilities, as the Minister of Internal Affairs supported the Ombudsman's appointment.⁴⁶

1.4 Other institutions outside independent monitoring

Some detention facilities are under the jurisdiction of the Ukrainian Security Service (SBU), which makes it difficult for independent monitors to obtain information and get access to these facilities.⁴⁷ The European Committee against Torture (CPT) was also prevented from monitoring some of these facilities.⁴⁸ The Ombudsman, however, stated that they have access to monitor the facilities of the SBU.⁴⁹

Furthermore, the Ministry of Defence is responsible for the management of the so-called disciplinary battalions, where they incarcerate military personnel in service who have committed disciplinary offenses. According to an independent prison expert, only the Prosecutor's Office can visit the disciplinary battalions.⁵⁰

1.5 Public standards for prisons

According to several sources, the state standards for prisons are generally accessible to the public.⁵¹ The standards are published at the website of the penitentiary inspections department.⁵² They are also written

⁴¹ Independent prison expert: 9; KHPG: 6

⁴² Independent prison expert: 9; KHPG: 6

⁴³ Ombudsman: 11

⁴⁴ Ombudsman: 4

⁴⁵ KHPG: 6

⁴⁶ Independent prison expert: 9

⁴⁷ Independent prison expert: 12; KHPG: 9

⁴⁸ Ministry of Justice: 14; Independent prison expert: 12

⁴⁹ Ombudsman: 10

⁵⁰ Ministry of Justice: 15-16; Independent prison expert: 14

⁵¹ Independent prison expert: 22; Human Rights Protection Group SICH: 7; Ombudsman: 12

⁵² Human Rights Protection Group SICH: 7

in the Ukrainian laws, rights, conditions and requirements, which are published and accessible for every Ukrainian citizen.⁵³

According to an independent prison expert, the basic and most important standards are available, such as the size of a cell etc., but, for example, the information about the size of the window in the cell is in a separate document that is classified. Furthermore, there are no details of standards for long-term prisoners, which means that the standards for long-term prisoners can vary from prison to prison.⁵⁴

⁵³ Ombudsman: 12

⁵⁴ Independent prison expert: 22

2. Different types of prisons

In this section, the different types of penitentiary institutions in Ukraine are described with a specific focus on a differentiated level of security. The incarceration of different social categories (mentally impaired, juveniles and women) is also included at the end of this section.

According to the interviewed sources, there are six different types of imprisonment in Ukraine, which are divided into different security levels:

1. Pre-trial detention centres
2. Correctional centres with restricted freedom
3. Arrest houses
4. Penitentiary facilities/colonies
5. Sectors for prisoners serving life-time sentences⁵⁵
6. Disciplinary battalions⁵⁶

2.1. Pre-trial detention centres

Pre-trial detention centres called “*SIZO*⁵⁷” in Ukraine are for persons awaiting their trial.⁵⁸ In pre-trial detention centres, there are approximately 16,600-19,000 remand prisoners⁵⁹ of which 11,000 would be under either investigation or awaiting trial.⁶⁰

In the past, the pre-trial detention centres were under the control of the police, however, Ukraine had to restructure and put pre-trial centres under an independent institution before joining the Council of Europe (CoE).⁶¹

Remand prisoners can be housed in what is called an isolator of temporary detention under the police. They can stay there for no more than 30 days. However, remand prisoners are mostly detained in the penitentiary system and not by the police.⁶²

The Commissioner of the Human Rights Office explained that temporary detention facilities (TDFs) of the National Police of Ukraine are not used as pre-trial detention centres. The TDFs may be used as pre-trial detention facilities only as a preventive measure of detention for up to three days, if it is impossible to transfer the detainees to a pre-trial detention centre.⁶³

Due to long distance or lack of adequate means of communication, prisoners may be kept in the TDF for no more than 10 days. Furthermore, TDF can be used in case of detention of inmates who arrived from a pre-

⁵⁵ Ministry of Justice: 17; Ombudsman: 14; Independent prison expert: 25; Human Rights Protection Group SICH: 9

⁵⁶ Ombudsman: 14; Independent prison expert: 25; KhPG: 19

⁵⁷ SIZO (Ukrainian: Слідчий ізолятор/Russian: следственный изолятор) direct translation: investigatory isolation ward equal to a pre-trial detention centre/remand prison

⁵⁸ Ombudsman: 14, 16, 19

⁵⁹ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#); Ombudsman: 51, Independent prison expert: 26

⁶⁰ Independent prison expert: 26

⁶¹ Independent prison expert: 32

⁶² Independent prison expert: 31

⁶³ Ombudsman: 198

trial detention centre or correctional facilities in connection with court proceedings or investigations, which requires the prisoner's involvement.⁶⁴

One source explained that when a person has received a sentence, the person could choose to stay in the same premises as the pre-trial detention centre. In the premises, there are cellblocks that are dedicated to remand prisoners and cellblocks for sentenced prisoners. In such premises, the person would have the opportunity to do some administrative and housing work and get the status of an administrative worker.⁶⁵

Such sentenced prisoners have slightly extended rights equal to the colonies of minimum level of security. For example, they have the possibility to use mobile phones and have access to the internet.⁶⁶ The prisoners could also choose to serve their sentence in a colony.⁶⁷

2.1.1. Pre-trial detention centres for juveniles

According to KhPG, it happens very seldom that juveniles are placed with adult prisoners in pre-trial detention centres, as this is forbidden by law. The source has not heard of such cases in the last five to six years. The number of minors who end up in pre-trial detention centres is very small, KhPG thus found such events – cases of juveniles being placed with adult prisoners – extremely unlikely (see [4.11.2. Juveniles](#)).⁶⁸

2.1.2. Pre-trial detention centres under the Security Service of Ukraine

Two sources stated that the Security Service (SBU) has its own pre-trial centres.⁶⁹ When the conflict in Eastern Ukraine began in 2014-2015, special pre-trial detentions under the SBU were used to contain some military prisoners (mostly prisoners of war). This ended when formal contacts on exchange of prisoners between the parties of the conflict were agreed upon. Presently, prisoners of war, such as Ukrainians fighting for the opposite separatist side and foreigners, serve their sentence in a normal prison.⁷⁰

An independent prison expert opined that these SBU pre-trial centres are illegal, as the SBU does not have the legal authority to administer such institutions. These centres are used for persons who have committed state treason or something similar. According to the source, the SBU prefers to have these detainees under their own control, even though it is against European standards; according to the European standards, people should not be placed under the authority of the people who investigate them.⁷¹

⁶⁴ Ombudsman: 198

⁶⁵ Human Rights Protection Group SICH: 10

⁶⁶ Ombudsman: 20

⁶⁷ Human Rights Protection Group SICH: 11;

⁶⁸ KhPG: 18

⁶⁹ Independent prison expert: 31; Human Rights Protection Group SICH: 13

⁷⁰ Human Rights Protection Group SICH: 13

⁷¹ Independent prison expert: 31

2.2. Correctional centres

Correctional centres are open penitentiary institutions where the prisoners have so-called semi-liberty⁷², which is a mix of custody and liberty⁷³.⁷⁴ These prisoners can go out during the day within 5 km of the institution, and they have the right to work outside of the prison.⁷⁵

The correctional centres are usually for prisoners who have committed petty offences and thus received minor sentences, such as failure to pay alimony, traffic incidents, minor financial crimes or similar.⁷⁶

The correctional centres used to be called open prisons,⁷⁷ where people live in a colony and work outside of the colony. There is typically no medical unit in these colonies.⁷⁸

There are approximately 1,000⁷⁹-1,400 prisoners housed in 14 correctional centres in Ukraine. The numbers of correctional centres used to be higher; during the last couple of years, the authorities have closed some of these centres.⁸⁰

2.3. Penitentiary facilities/ the colonies

The term '*penitentiary facility*' is the official title of a prison that houses sentenced prisoners in Ukraine.⁸¹ However, the word colony is also used to describe these institutions, as they were first designed to be labour camps under the GULag⁸² in the Soviet Union.⁸³ The colonies house in total around 30,000 prisoners⁸⁴ and are divided into three categories for incarceration of prisoners:

- Minimum level of security with facilitated conditions or with general conditions
- Middle level of security
- Maximum security⁸⁵

2.3.1. The minimum level of security

Persons who committed minor crimes usually serve in minimum-security prisons.⁸⁶ Pursuant to article 12.2 of the criminal code of Ukraine, a minor criminal offense means an offense punishable by imprisonment for a term up to two years or a more lenient penalty.⁸⁷

⁷² Semi-liberty also called restraint of liberty. In Ukrainian called: Обмеження волі/in Russian: Ограничение свободы

⁷³ In accordance with Part 1 of [Article 61 of the Criminal Code of Ukraine](#), The punishment of restraint of liberty consists in holding a person in an open penitentiary institution without isolation from the society but under supervision and with compulsory engagement of the convicted person in work.

⁷⁴ Independent prison expert: 25; KHPG: 20

⁷⁵ Independent prison expert: 29; Human Rights Protection Group SICH: 9

⁷⁶ Independent prison expert: 29; Human Rights Protection Group SICH: 9

⁷⁷ In Russian called "Колония-поселение/Koloniya-poselenie"

⁷⁸ KHPG: 20

⁷⁹ Independent prison expert: 26

⁸⁰ KHPG: 20

⁸¹ Ombudsman:16

⁸² GULag (Russian: Главное Управление Лагерей/Glavnoye Upravleniye Lagerey) meaning the Main Directorate of Camps was a network of labour camps in the Soviet Union developed primarily under Stalin in the 1930-50s.

⁸³ Independent prison expert: 54

⁸⁴ Independent prison expert: 26

⁸⁵ Ombudsman: 14; Human Rights Protection Group SICH: 9; KHPG: 16; Independent prison expert: 27; Ministry of Justice: 18

⁸⁶ Human Rights Protection Group SICH: 15

⁸⁷ Criminal Code of Ukraine, 1 September 2001, article 12, [url](#)

Institutions with a minimum level of security are divided into two sectors: one with facilitated conditions, and one with general conditions. Facilitated conditions make it possible for prisoners to spend a prolonged period of time on walks or extended access to leisure.⁸⁸

The largest numbers of prisoners in Ukraine are housed in minimum-security prisons, where the prisoners can go outside to work in a nearby town; they are also allowed to have cell-phones. Just next to the prison, there is a separate wing where the prisoners can be accommodated and where they can work every day.⁸⁹ Prisoners serving their sentence in minimum-security prisons are living in dormitories or in small rooms.⁹⁰

According to article 18 of the Correctional Code of Ukraine, women convicted of minor, grave and especially grave crimes can also serve at prisons with minimum level of security with general conditions.⁹¹

2.3.2. Medium level of security

Medium level security are for persons who have committed more serious crimes than minor crimes.⁹² Pursuant to article 12.3 of the criminal code of Ukraine, a medium grave offense means an offense punishable by imprisonment for a term of up to five years.⁹³

Medium level security colonies are divided into different penitentiaries for first offenders, and for convicts who have been sentenced to prison more than once.⁹⁴ Prisoners serving their sentence in medium security prisons are living in dormitories or in small rooms similar to prisoners sitting in minimum level of security.⁹⁵

2.3.3. Maximum-security prisons

For the worst types of crimes, prisoners are housed in maximum-security prisons.⁹⁶ Prisons with maximum level of security are for men sentenced to life imprisonment.⁹⁷ Pursuant to article 12.4 and 12.5 of the criminal code of Ukraine, a grave criminal offense means an offense punishable by imprisonment for a term of up to ten years and for an especially grave offence more than ten years or a life sentence.⁹⁸

In prisons of maximum-security, the prisoners are housed in cells.⁹⁹ Furthermore, it is not a possibility for prisoners in the maximum-security prisons to work, as these prisoners cannot go outside the perimeter.¹⁰⁰

⁸⁸ Ombudsman: 15

⁸⁹ Independent prison expert: 28

⁹⁰ Independent prison expert: 27

⁹¹ Уголовно-исполнительный кодекс Украины от 11 июля 2003 года № 1129-IV статья 18/[Correctional Code of Ukraine, 11 June 2003, № 1129-IV, article 18], [url](#)

⁹² Human Rights Protection Group SICH: 15

⁹³ Criminal Code of Ukraine, 1 September 2001,article 12, [url](#)

⁹⁴ KHPG: 17; Independent prison expert: 27; Ministry of Justice: 19, Ombudsman: 17

⁹⁵ Independent prison expert: 27

⁹⁶ KHPG: 17

⁹⁷ Уголовно-исполнительный кодекс Украины от 11 июля 2003 года № 1129-IV статья 18/[Correctional Code of Ukraine, 11 June 2003, № 1129-IV, article 18], [url](#)

⁹⁸ Criminal Code of Ukraine, 1 September 2001,article 12, [url](#)

⁹⁹ Independent prison expert: 27

¹⁰⁰ Independent prison expert: 28

2.4. Arrest houses

Arrest houses as autonomous penitentiary facilities do not exist in Ukraine anymore. However, inside some sectors of the colonies arrest houses have been created.¹⁰¹

2.5. Disciplinary battalions

Disciplinary battalions (disbat) are prisons for military personnel.¹⁰² These facilities are for military personnel who has committed disciplinary offenses. They will serve time in these disciplinary battalions, which de facto is the equivalent of a military prison. The disciplinary battalions are only for sentenced military personnel, and thus does not include draft evaders, conscientious objectors or evaders of mobilisation.¹⁰³

2.6. Juvenile prisons

According to the United Nations' standards for imprisoned juveniles, the 'Beijing Rules', and CPTs standards, juveniles in detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.¹⁰⁴

The juvenile prisons are housing persons in the age of 14-18. However, it is possible to stay there until the age of 22 depending on the person's behaviour.¹⁰⁵

In Ukraine, juveniles are always separated from adult prisoners.¹⁰⁶ The juveniles are detained in an education colony for underage prisoners.¹⁰⁷ At the pre-trial stage, the male and female juveniles are held in different blocs, and at the sentence stage, they are held in different prisons. In Ukraine, there is one prison for male juveniles,¹⁰⁸ and for female juveniles, there is a special unit for minors in a female prison.¹⁰⁹

According to the recently amended legislation, the Ministry of Justice is trying to use a different type of alternative measures towards underage persons. Currently, Ukraine has 68 persons younger than 18 years old, who are being held at Kremenchug Educational Facility.¹¹⁰

The Ministry of Justice advised that prisoners, who have reached the age of 18, might be kept in an educational facility until they have served their sentence, but not after they turn 22, in order to consolidate the results of correction and completion of the general education or vocational training.¹¹¹

Convicts, who have turned 18, are kept in the educational facility based on a decision of the education board and an order issued by the head of the facility in consultation with the children's affairs office.¹¹²

¹⁰¹ Independent prison expert: 25

¹⁰² Ombudsman: 14; KhPG: 19

¹⁰³ KhPG: 19

¹⁰⁴ Further details on the standards can be found in these documents: UN, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice, (The Beijing Rules)*, Adopted by General Assembly resolution 40/33 of 29 November 1985, [url](#), section 13.4; CPT, *Juveniles deprived of their liberty under criminal legislation*, CPT/Inf(2015)1-part rev1, Extract from the 24th General Report of the CPT, 2015, [url](#), section 99

¹⁰⁵ Independent prison expert: 117

¹⁰⁶ Independent prison expert: 30; Ombudsman: 18; Ministry of Justice: 58

¹⁰⁷ Ombudsman: 18; Ministry of Justice: 17, 63

¹⁰⁸ KhPG: 17; Independent prison expert: 30; Ministry of Justice: 55

¹⁰⁹ Independent prison expert: 30

¹¹⁰ Ministry of Justice: 63

¹¹¹ Ministry of Justice: 64

¹¹² Ministry of Justice: 65

2.7. Prisons for women

CPT recommends that women in prison should, as a matter of principle, be confined in facilities that are physically separate from that occupied by any men being held at the same establishment.¹¹³

The Ukrainian legislation stipulates that women and men sit separately in penitentiary institutions.¹¹⁴ In Ukraine, there are special colonies designated for women, which are separate from colonies for men.¹¹⁵ This applies for both the colonies and the pre-trial detention centres.¹¹⁶ There are five separate prisons only for women in Ukraine.¹¹⁷

2.8. Mentally impaired

In addition to the abovementioned penitentiary institutions, an independent prison expert advised that persons with mental impairment or psychiatric diagnoses may be sent to psychiatric institutions in cases where they have committed a crime, however, those institutions are not part of the penal system.¹¹⁸

2.9. Procedure of allocation of sentenced prisoners

A special commission is responsible for the distribution of prisoners; the decision about where a prisoner should serve their sentence is typically made while the prisoner is in pre-trial detention. The commission decides where a particular prisoner should serve their time. In order to make this decision, the commission considers a colony that is in accordance with the crime committed.¹¹⁹ If a particular interregional department does not have a proper institution with the required level of security, the documents of the prisoner are sent to the central department of penitentiary in Kiev where the authorities will define the required level of security and subsequently send the person in question to a region, which meet the security requirements.¹²⁰

The commission will also take into consideration the location of the family of the prisoner. This is something the commission began to consider after a ruling of the ECHR, which stipulated that prisoners should be incarcerated at a place where the family had the chance of paying a visit. However, according to KHPG, the proximity of family was not a priority for the commission.¹²¹

¹¹³ Further details on the standards can be found in: CPT, *Women in prison*, January 2018 CPT/Inf(2018)5, [url](#), p. 2

¹¹⁴ Ministry of Justice: 53

¹¹⁵ Independent prison expert: 30; Ombudsman: 18; Ministry of Justice: 53

¹¹⁶ Ombudsman: 18

¹¹⁷ KHPG: 17

¹¹⁸ Independent prison expert: 25

¹¹⁹ KHPG: 22; Ministry of Justice: 19-20,

¹²⁰ Ministry of Justice: 20

¹²¹ KHPG: 22

3. Living conditions for detainees in remand detention

This chapter describes the living conditions for detainees in pre-trial detention centres in Ukraine. There may be paragraphs with information of relevance for both remand and sentenced prisoners.

3.1. Number of remand prisoners

According to a report published by KHPG in 2021, there were 16,673 prisoners in pre-trial detention centres in Ukraine as of 1 January 2021. These remand prisoners were placed in 12 existing pre-trial detention centres and 17 penitentiary institutions with the function of a pre-trial detention centre.¹²²

The Commissioner of Human Rights Office stated that as of 30 July 2020, 19,169 persons were held in pre-trial detention facilities and correctional facilities performing the function of pre-trial detention facilities at the stage of pre-trial investigation and trial.¹²³

3.1.1. Capacity in pre-trial detention centres

The capacity in pre-trial detention centres differs a lot, as they were built in different time periods. Some of them were built in the 18th century and some in the 19th and 20th century where the standards of the perimeter differed. Thus, some of these cells are for 20 persons, some for only four persons.¹²⁴

An independent prison expert noted that overcrowding is a huge problem in pre-trial detention centres. All centres are typically overcrowded. This is due to the standard for pre-trial detentions, which stipulates only 2.5 m² per prisoner. This does not meet the standards of the Council of Europe.¹²⁵ The most overcrowded pre-trial detention centres are located in the Kiev Region.¹²⁶

In pre-trial detention centres, it is common to see up to 20 persons in a cell of 30 m². The prisoners do not take shifts for sleeping in beds anymore. However, one source was aware of a recent case from a pre-trial detention centre in the south of Ukraine where prisoners had to sleep in shifts.¹²⁷

3.2. Separation of prisoners

According to the CPTs standards, efforts should be made to accommodate remand prisoners separately from sentenced prisoners.¹²⁸

According to article 8 of the Law on Pre-Trial Detention, sentenced prisoners shall be kept separately from persons in custody.¹²⁹ Several interviewed sources noted that remand prisoners in Ukraine are placed separately from sentenced prisoners.¹³⁰ The Ministry of Justice elaborated that prisoners in pre-trial

¹²² Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

¹²³ Ombudsman: 51

¹²⁴ Independent prison expert: 50

¹²⁵ Independent prison expert: 45, 52

¹²⁶ Independent prison expert: 50

¹²⁷ Independent prison expert: 49

¹²⁸ Further details on the standards can be found in: CPT, *Remand detention*, CPT/Inf(2017)5-part, Extract from the 26th General Report of the CPT, 2017, [url](#), section 55

¹²⁹ Ombudsman: 199

¹³⁰ Independent prison expert: 30; Ministry of Justice: 58; Human Rights Protection Group SICH: 17

institutions may reside in the same building. However, it is not in the policy to place them in rooms that are located close to sentenced prisoners; the blocks are isolated from each other.¹³¹

Two sources mentioned that sometimes there could be rare exceptions to this rule of separating remand prisoners from sentenced prisoners.¹³² These rare occasions could happen in cases where a sentenced prisoner returned to the pre-trial detention centres, for example if the person prepares a constitutional complaint or during transport.¹³³

3.2.1. Separation of women and men

In pre-trial detention centres, women are placed in the same detention centre as male prisoners, although in a separate wing.¹³⁴ The Commissioner of Human Rights Office elaborated that every pre-trial detention centre has different capacities and thus some detention centres have more physical space than others do. Therefore, some pre-trial detention centres cannot provide for separation of women and men in different buildings. However, women and men will never be held in the same cell.¹³⁵

In pre-trial detention centres, children are placed in the same room as their mother. This category of prisoners (mother with infants) are thus designated more space in the cells than other categories. Furthermore, they will be served special food and they will always have access to hot tap water and necessary furnishing.¹³⁶

3.3. Living space

In accordance with CPT's minimum standards, a remand or sentenced prisoner should be afforded 6 m² of living space for a single-occupancy cell plus sanitary facilities; in a multiple-occupancy cell, the standard is 4 m² of living space per prisoner plus a fully partitioned sanitary facility.¹³⁷

According to Article 11 in the Ukrainian law on pre-trial detention, remand prisoners should have at least 2.5 m² per person.¹³⁸ However, pregnant women and women with children will have 4.5 m².¹³⁹

According to article 8 of the Law on Pre-Trial Detention, persons taken into custody shall be kept in small or shared cells.¹⁴⁰ Remand prisoners in pre-trial institutions are placed in cells with two to four persons, in rare cases up to eight persons. In some pre-trial detention centres, there are rooms that can accommodate up to 50 persons.¹⁴¹ The Commissioner of Human Rights Office advised that detention in a separate cell is used as an exception to the general rule.¹⁴²

¹³¹ Ministry of Justice: 62

¹³² Independent prison expert: 30, 51; Human Rights Protection Group SICH: 17

¹³³ Human Rights Protection Group SICH: 17

¹³⁴ Independent prison expert: 112

¹³⁵ Ombudsman: 22

¹³⁶ Ministry of Justice: 77

¹³⁷ Further details on the standards can be found in: CPT, *Living space per prisoner in prison establishments: CPT standards*, CPT/Inf (2015) 44, 15 December 2015, [url](#), p. 1

¹³⁸ Ministry of Justice: 21; Ombudsman: 63

¹³⁹ Ombudsman: 196

¹⁴⁰ Ombudsman: 56

¹⁴¹ Ministry of Justice: 22

¹⁴² Ombudsman: 205

3.3.1 Solitary confinement

In exceptional cases, remand prisoners may be kept in solitary confinement if this is decided by the person or body conducting the criminal proceedings or the head of the pre-trial detention centre, authorised by the prosecutor. A decision to keep a prisoner in solitary confinement could be made:

- in order to preserve the secrecy of a pre-trial investigation,
- to protect prisoners from possible attacks on their lives,
- to prevent the prisoner from committing a new criminal offence,
- for medical reasons.¹⁴³

Solitary confinement shall not be used for minors, and if a remand prisoner's life is in danger, they shall be transferred to another small or shared cell.¹⁴⁴ Furthermore, a remand prisoner may be placed in a disciplinary cell or punishment cell for the purpose of punishment. The remand prisoner shall be kept in the punishment cell alone.¹⁴⁵

3.3.2. Paid cells in pre-trial detention centres

According to the Minister of Justice cited by the KHPG report, the authorities are in the process of creating special paid cells with improved conditions of detention in pre-trial detention centres of Ukraine.¹⁴⁶ Remand prisoners can choose to pay for a better cell, if they have the financial means.¹⁴⁷ However, many of these cells are often occupied, due to high demand. The authorities are opening more paid cells in Kiev, where the problem with overcrowding is most prevalent.¹⁴⁸

The Minister of Justice explain in a KHPG report that the paid cells provide for improved living conditions for remand prisoners. A paid cell contains a refrigerator, a TV set, and there is more space for each paid prisoner.¹⁴⁹

3.4. Lighting, fresh air and ventilation

According to CPT's minimum standards, prisoners should have access to natural light, fresh air and ventilation.¹⁵⁰

The Commissioner of Human Rights Office stated that 90 percent of the visited institutions where persons sentenced to imprisonment or those subject to preventive measures in the form of detention are kept, violated the right of detainees to adequate detention conditions, which include lighting and ventilation.¹⁵¹

3.4.1. Lighting

According to the internal regulations of pre-trial detention facilities of the State Criminal Executive Service of Ukraine, each cell in the pre-trial detention centre shall be equipped with working (day) and regular (night)

¹⁴³ Ombudsman: 206

¹⁴⁴ Ombudsman: 206

¹⁴⁵ Ombudsman: 207

¹⁴⁶ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

¹⁴⁷ Independent prison expert: 46

¹⁴⁸ Independent prison expert: 46; Human Rights Protection Group SICH: 25

¹⁴⁹ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

¹⁵⁰ Further details on the standards can be found in this document: CPT, *Developments concerning CPT standards in respect of imprisonment*, CPT/Inf (2001)16-part, Extract from the 11th General Report of the CPT, 2001, [url](#), p. 1-4

¹⁵¹ Ombudsman: 69, 72

lighting, as well as electrical outlets for connecting electrical appliances. The lighting and outlets shall be controlled from the room of the junior inspector of the duty shift (head of the corps) and switches installed in the corridors near the entrance door to the cells.¹⁵²

Daytime lighting shall be switched on and off by the personnel of the pre-trial detention facility at the time specified in the daily schedule. At night (from 10 p.m. to 6 a.m.), the staff on duty turn on the regular (night) lighting during cell inspections to prevent prisoners or inmates from committing suicide or self-harm, or from preparing to escape from custody. The level of lighting must not interfere with the sleep and rest of prisoners and inmates.¹⁵³

According to an independent prison expert, Ukrainian pre-trial detention centres have very poor lighting, partly due to small windows, but also because the authorities place a few layers of grilles on the windows, which significantly limits the passage of natural light into the room.¹⁵⁴

3.4.2. Fresh air and ventilation

According to article 11 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be provided with living conditions consistent with the sanitation and hygiene rules. These conditions include ensuring a sufficient level of ventilation at the premises.¹⁵⁵

The pre-trial detention centres are not designed to offer any ventilation system. Ventilation consists of opening the windows to allow for fresh air and in some rare cases, the window of the door can be opened as well. During hot summers, it happens that people die of a heatstroke due to poor ventilation.¹⁵⁶

Remand prisoners are confined in their cells for 23 hours per day, which exacerbates the living conditions in the cells and expose the detainees to tobacco smoke or other things harmful to their health.¹⁵⁷ Therefore, many non-smoking prisoners have to stay with smokers.¹⁵⁸ However, the Commissioner of Human Rights office noted that smoking was only allowed in designated areas, which prevented second-hand smoking by others.¹⁵⁹

3.5. Nourishment

According to the Ministry of Justice of Ukraine, free food is provided to all prisoners, who are being held in pre-trial detention centres. There are some categories of products, which are forbidden and are not to be given by the relatives or visitors in order to mitigate the risk of food poisoning. The list of such products is small. The list comprises among other things home cooked products.¹⁶⁰

All prisoners are provided with hot meals three times a day. The food is prepared in accordance with the stipulated standards and these standards depend on the status of each prisoner. There are different standards for persons who are in the pre-trial detention centres, in the colonies, and in medical departments

¹⁵² Ombudsman: 67

¹⁵³ Ombudsman: 68

¹⁵⁴ Independent prison expert: 56

¹⁵⁵ Ombudsman: 71

¹⁵⁶ Independent prison expert: 57

¹⁵⁷ Independent prison expert: 47, 71

¹⁵⁸ Independent prison expert: 71

¹⁵⁹ Ombudsman: 83

¹⁶⁰ Ministry of Justice: 46

at the penitentiary institutions, and there are different standards for juveniles and for tuberculosis patients etc.¹⁶¹

The Commissioner of Human Rights office advised that there was discrimination in terms of portions depending on where the person is kept and what their status was. In pre-trial detention centres, for example, remand prisoners are given 450 grams of bread, 400 grams of potatoes and one egg per day, which is less than sentenced prisoners get^{162 163}.

According to an independent prison expert, the food is worse in pre-trial detention centres than in the colonies, because remand prisoners are not allowed to work and hence have to rely on the state budget, which is scarce.¹⁶⁴ Therefore, around half of the remand prisoners refuse to eat food provided by the prison administration, as the prisoners believe it is uneatable. Instead, these prisoners rely on their relatives to bring them food.¹⁶⁵

The Commissioner of Human Rights office noted that although a decree on new nutritional standards was adopted in 2018, the regulation on punishment by reducing the portion of food still applied. This meant that remand prisoners could be punished by providing them less bread and meat than other inmates, and no milk or eggs being provided them at all.¹⁶⁶

In a KHPG report, the Minister of Justice of Ukraine advised that the pre-trial detention centres do not receive sufficient funds to buy normal nutrition.¹⁶⁷

3.6. Sanitary arrangements and access to personal hygiene

According to CPT standards, access to proper sanitation facilities and maintenance of good standards of hygiene are essential components of a healthy environment. Furthermore, prisoners should have adequate access to shower or bathing facilities. It is also desirable to have running water available in prisoners' cells.¹⁶⁸

According to the Commissioner of Human Rights office, sanitary, hygienic and anti-epidemic rules are enforced in pre-trial detention centres. Persons arriving at a pre-trial detention centre shall be sanitised. This includes the washing of prisoners and inmates in a bath, and changing of underwear, disinfection, and disinfestation of personal clothing in the disinfection chamber is mandatory. For men, if required, their hair will be cut, and their chin, beard and moustache shaved.¹⁶⁹

The Ministry of Justice of Ukraine advised that remand prisoners will often wear their own clothes while incarcerated; otherwise, the administration will provide them with clothes. The administration will also

¹⁶¹ Ministry of Justice: 47

¹⁶² In the colonies, it is 500 grams of bread, 400 grams of potatoes and two eggs – for more information on nourishment for [sentenced prisoners 4.6.](#)

¹⁶³ Ombudsman: 74

¹⁶⁴ Independent prison expert: 65

¹⁶⁵ Independent prison expert: 61

¹⁶⁶ Ombudsman: 74

¹⁶⁷ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

¹⁶⁸ CPT, *Imprisonment*, CPT/Inf(92)3-part2, Extract from the 2nd General Report of the CPT, 1992, [url](#), section 4

¹⁶⁹ Ombudsman: 76

provide them with bed linen.¹⁷⁰ However, in a KHPG report, the Minister of Justice stated that the pre-trial detention centres do not receive sufficient funds to buy bed linen.¹⁷¹

According to an independent prison expert, the conditions under which the remand prisoners live are very unhygienic. The prisoners have access to showers once a week. The prisoners do not have access to toilet paper, toothbrush, toothpaste, and shaving equipment.¹⁷²

It is possible to enquire the informal prison leaders for hygiene products in exchange for providing them with future services e.g. being part of their gang, being a spy, begging relatives for money, and then share them with the welfare fund for prisoners. This mechanism is most prevalent in the pre-trial detention centres, although it is also used in the colonies.¹⁷³

Concerning showers, the standards stipulate that prisoners can have a shower at least once a week, which means for most of the prisoners only once a week.¹⁷⁴ The remand prisoners have regular access to toilets without undue delay.¹⁷⁵ However, the toilets are in general only partly screened off with a wall that goes up half way to the ceiling; the toilets do thus not provide a sufficient level of privacy.¹⁷⁶

The prisoners have access to running water.¹⁷⁷ However, drinking water is not clean, regular or easily accessible. This is a general issue, especially in pre-trial detention centres. It is not possible to drink water straight from the tap in many Ukrainian prisons.¹⁷⁸

One source mentioned that the hygiene problem was not limited to the prison system in Ukraine, but should be seen as a broader problem; for example, one cannot get hygiene products in Ukrainian hospitals as well.¹⁷⁹

3.6.1. Sanitary arrangements and access to personal hygiene for women

Women do not have access to sanitary towels in the penitentiary institutions of Ukraine. The prison administration does not have a budget to purchase feminine hygienic supplies.¹⁸⁰ Therefore, hygienic products are scarce, which makes women more vulnerable to men.¹⁸¹

In some cases, the state provides limited amount of hygienic products for women but not a sufficient amount. Women can, however, buy such products in the prison shops. There is better access to such products in the colonies than in pre-trial detention centres.¹⁸²

¹⁷⁰ Ministry of Justice: 21; Ombudsman: 197

¹⁷¹ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

¹⁷² Independent prison expert: 66

¹⁷³ Independent prison expert: 67

¹⁷⁴ Independent prison expert: 70

¹⁷⁵ Ombudsman: 78

¹⁷⁶ Independent prison expert: 69; Ombudsman: 79

¹⁷⁷ Ombudsman: 80; Independent prison expert: 70

¹⁷⁸ Independent prison expert: 70

¹⁷⁹ Independent prison expert: 68

¹⁸⁰ Independent prison expert: 66

¹⁸¹ Independent prison expert: 112

¹⁸² Independent prison expert: 113

3.7. Health care

3.7.1. Standards of health care

According to CPT's standards, prisoners should be able to have access to a medical doctor at any time, irrespective of their detention regime. In addition, CPT standards require that a newly arrived prisoner should be examined on the day of admission.¹⁸³

According to the Ministry of Justice of Ukraine, health staff are available in any pre-trial detention centre, although they are not a part of the staff of the institution. The medical staff are not accountable or under the control of the head of the penitentiary institution. The purpose of this is to make it possible for the health staff to monitor any possible ill-treatment of prisoners; as such, any ill-treatment is documented by the health care employees.¹⁸⁴

The Commissioner of Human Rights Office advised that the medical unit provides primary treatment and preventive care for inmates and prisoners, which includes consultation with a medical officer, diagnostics and treatment of diseases, injuries and poisoning, preventive measures, and referral of sick inmates or inmates for specialised or highly specialised care.¹⁸⁵

The main tasks of the medical unit are:

- provision of emergency medical care, primary health care and organisation of the provision of secondary health care;
- organisation and conduct of medical examinations, surveys, and implementation of dispensary supervision;
- organisation of proper sanitary, hygienic and anti-epidemic surveillance;
- organisation and implementation of activities to introduce preventive medicine;
- hygiene education and promotion of a healthy lifestyle.¹⁸⁶

The medical unit consists of an outpatient clinic, an inpatient clinic, isolation rooms for tuberculosis patients and patients with intestinal infections, a separate isolation room for persons with mental disorders, a tuberculosis room, and rooms for storing medicines. All rooms of the medical unit shall be equipped with technical means of supervision and control.¹⁸⁷

¹⁸³ Further details on the standards can be found in: CPT, *Health care service in prisons*, CPT/Inf(93)12-part, Extract from the 3rd General Report of the CPT, 1993, [url](#), p. 2, cf. footnote 2

¹⁸⁴ Ministry of Justice: 27

¹⁸⁵ Ombudsman: 242

¹⁸⁶ Ombudsman: 243

¹⁸⁷ Ombudsman: 244

3.7.2. General availability of treatment

Two NGOs opined that the most important and urgent problem of the prison system is the health services.¹⁸⁸ There is not enough medication in the prison system, and the medication they have is often expired, which means that remand prisoners are not provided with medical care even if they require it.¹⁸⁹

There are many people who suffer from chronic diseases and, who cannot obtain the proper medicine, they need.¹⁹⁰ For example, a person can be offered an aspirin against cancer. Medicines are the worst area in the prison system in terms of supply and conditions.¹⁹¹

The reason for the poor medical service for remand prisoners is a lack of resources, and that prison doctors and administrations either fail to comply with court orders requiring them to provide the right care, or that they delay its provision indefinitely, in the vast majority of cases.¹⁹²

3.7.3. Examples of available treatments

Health care services in the prisons are under the jurisdiction of the Ministry of Justice. There has been a long dialogue about transferring health care services to the Ministry of Health's jurisdiction. So far, this has not happened, however, and the health care centres of the Ministry of Justice are not effective; there are neither medicine, nor qualified specialists and it is not possible to receive qualified medical examinations.¹⁹³

An independent prison expert advised that prisoners are obliged to undergo x-ray checks for tuberculosis, which in this expert's opinion has been successful. The number of prisoners with tuberculosis has dropped significantly, in comparison to the number that Ukraine had in the past.¹⁹⁴

On the other hand, according to a report by KHPG, no pre-trial detention centres can provide full isolation of remand prisoners with active forms of tuberculosis. In some institutions, the medical unit has not received license for the medical practice; the medical unit thus cannot guarantee that it meets licensing standards on technical grounds.¹⁹⁵

HIV tests are voluntary for all prisoners. According to an independent prison expert, the prisoners have access to treatment against AIDS, especially in the later stages of the disease. However, there are cases where prisoners are not able to get the lifesaving treatment required for HIV/AIDS.¹⁹⁶

¹⁸⁸ Human Rights Protection Group SICH: 23; Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, [url](#)

¹⁸⁹ Independent prison expert: 82; Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, [url](#)

¹⁹⁰ Human Rights Protection Group SICH: 23

¹⁹¹ Independent prison expert: 82

¹⁹² Human Rights Protection Group SICH: 23; Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, [url](#)

¹⁹³ Human Rights Protection Group SICH: 23

¹⁹⁴ Independent prison expert: 78

¹⁹⁵ Human Rights Protection Group SICH: 23; Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, [url](#)

¹⁹⁶ Independent prison expert: 78

3.7.4. Status as a disabled person

KhPG wrote in their report that it was almost impossible to get a disabled status for those who are awaiting their sentence in a pre-trial detention facility due to the Ukrainian legislation, which only allows for such a status to be granted to convicted persons.¹⁹⁷

3.7.5. Mandatory initial medical examination

According to the internal regulations of remand facilities of the State Correctional Service of Ukraine, all prisoners and inmates arriving in pre-trial detention facilities are subject to mandatory initial medical examination in order to identify persons with injuries that constitute an epidemic threat to others or require urgent medical care. Initial medical examination is also mandatory for children who have arrived in the pre-trial detention facility with female prisoners.¹⁹⁸

In Ukraine, prisoners will undergo a medical examination within 24 hours upon arrival in pre-trial detentions centres.¹⁹⁹ The initial medical examination of prisoners and inmates shall be conducted by a medical officer.²⁰⁰

The prisoner's medical records are all recorded very carefully.²⁰¹ If a prisoner has injuries, the medical officer draws up a certificate in triplicate, in which they shall record in detail:

- information about the prisoner or inmate (written statement, oral or written explanation) concerning the medical examination (including allegations of ill-treatment);
- the medical officer's assumption given the prisoner's or inmate's statement and objective medical indicators, as well as the rationale for their correlation;
- comprehensive description of objective medical findings, the nature of lesions, their size and location.²⁰²

Within 24 hours, the medical officer informs in writing the prosecutor and the head of a relevant healthcare branch of the Central Correctional Service of Ukraine, while the head of the pre-trial detention centre or their substitute informs the interregional department of any bodily injury found on prisoners or inmates.²⁰³

An independent prison expert further elaborated that the prisoners might have injuries, and if these were not recorded immediately, the prison administration would be held responsible for these injuries. However, injuries that happen during detention are usually recorded but not always.²⁰⁴

According to the Commissioner of Human Rights Office, medical monitoring of a remand prisoner's health is conducted in the pre-trial detention centre through medical examinations and tests, identification of persons in need of treatment and continuous medical observation. Furthermore, medical monitoring is conducted to maintain their health and fitness for work, and ensure their outpatient and inpatient treatment in accordance

¹⁹⁷ Human Rights Protection Group SICH: 23; Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, [url](#)

¹⁹⁸ Ombudsman: 232

¹⁹⁹ Independent prison expert: 77

²⁰⁰ Ombudsman: 232

²⁰¹ Independent prison expert: 76; Ministry of Justice: 25

²⁰² Ombudsman: 233

²⁰³ Ombudsman: 235

²⁰⁴ Independent prison expert: 76

with health standards and clinical protocols for medical care in accordance with the procedure prescribed by law.²⁰⁵

3.7.6. Examination of juveniles

The results of examinations of newly arrived minors for bodily injuries and tattoos are recorded in their medical cards and in the log of newly arrived minors.²⁰⁶

3.8. Meaningful activities

According to Article 9 of the Law on Pre-Trial Detention, persons taken into custody shall be entitled to:

- a daily walk for one hour. Pregnant women and women with children, minors as well as those who are sick are allowed to walk for up to two hours daily with the permission and consent of a doctor;
- receive transfers or parcels and money orders and deliveries;
- buy food and basic necessities for up to one minimum wage per month by non-cash payment, as well as stationery, newspapers, and books through the trade network without limitation;
- use their own clothes and footwear and keep the documents and records related to criminal proceedings;
- use television sets received from relatives or other persons, board games, newspapers and books from the library of the remand centre and purchased from the sales network;
- pastoral care provided by ministers (chaplains);
- individually perform religious rites and use religious literature and religious objects made of low-value materials inherent in their beliefs, provided that this does not violate the order of the pre-trial detention facilities or restrict the rights of others;
- an eight-hour night's sleep, during which no involvement in procedural or other actions is allowed, except in urgent cases;
- file complaints, reports and letters to the European Court of Human Rights as well as to other relevant bodies of international organisations, of which Ukraine is a member or participant, to authorised persons of such international organisations, to state bodies, and to officials as prescribed by Law.²⁰⁷

Furthermore, women taken into custody shall be entitled to have children under the age of three with them and young remand prisoners at the age of 14-35 shall be entitled to psychoeducational assistance from specialists at the social centre for families, children and young persons.²⁰⁸

According to the Ministry of Justice, remand prisoners may be employed with their consent and with the permission of the investigator or the court conducting the criminal proceeding. This means that this category of people also has the right to work in compliance with the laws of Ukraine.²⁰⁹ However, an international

²⁰⁵ Ombudsman: 236

²⁰⁶ Ombudsman: 237

²⁰⁷ Ombudsman: 246

²⁰⁸ Ombudsman: 248-249

²⁰⁹ Ministry of Justice: 39

prison expert explained that in pre-trial-detention centres, meaningful activities were almost non-existent, except for a one-hour walk per day.²¹⁰

3.9. Contact with the outside world

According to article 12 of the Law on Pre-Trial Detention, and articles 8, 51, 59, 110, 116, 138, 139, 140 and 151 of the Correctional code of Ukraine, the administration of a pre-trial detention centre may allow detainees and inmates to have short-term and extended visits.²¹¹ Remand prisoners shall be allowed to have visits if they get a written permission by the investigator or the court conducting the criminal proceeding.²¹² The head of the pre-trial detention centre approves short-term visits of relatives or other persons.²¹³

An independent prison expert stated that in general, remand prisoners are not allowed to receive visitors. However, they can ask an investigator to issue a permission for each visit. Furthermore, no long-term visits are allowed for remand prisoners. Nevertheless, visits by lawyers are allowed.²¹⁴

In pre-trial detention centres, phone calls to family and lawyers are not allowed. However, it is important to stress that this was not perceived as a problem, as every prisoner has cell phones. Although this is not allowed officially. According to the source, all prisoners use cell phones illegally.²¹⁵

3.9.1. Clerical visits

Remand prisoners are entitled to have visits by clergymen (chaplains) authorised by religious organisations, the Articles of Associations (regulations) that are registered in accordance with the law, to meet their religious needs without a limit on the number of visits in their time free from the conduct of investigative activities. The authority of clergymen (chaplains) shall be evidenced by an official application of the religious organisation to the administration of the pre-trial detention facility. The administration of the pre-trial detention facility shall facilitate the confidentiality of such visits.²¹⁶

3.10. Ill-treatment and torture

The Commissioner for Human Rights Office registered 165 cases of torture in monitoring institutions in 2020.²¹⁷

The typical victims of ill-treatment are homosexuals and sex offenders, such as paedophiles. Paedophiles even risk being killed by other inmates, which is a highly likely outcome for such persons, according to an independent prison expert.²¹⁸ The US Department of State's latest report on human rights corroborate this

²¹⁰ Independent prison expert: 87

²¹¹ Ombudsman: 141

²¹² Ombudsman: 142, 250

²¹³ Ombudsman: 142

²¹⁴ Independent prison expert: 92

²¹⁵ Independent prison expert: 93

²¹⁶ Ombudsman: 144

²¹⁷ Ombudsman: 152

²¹⁸ Independent prison expert: 102

tendency and describe how prison staff members and fellow inmates were charged for beating a 59-year-old prisoner who had been charged with rape of a minor.²¹⁹

3.11. Inter-prisoner violence (IPV)

Inter-prisoner violence (IPV) is more prevalent in pre-trial detention due to lack of space and lack of prison staff. Prisoners do not stay in pre-trial for a long time, which also creates more IPV. In pre-trial detention centres, new arrivals are coming all the time and they clash with other inmates. Furthermore, drugs and alcohol are more prevalent in pre-trial detention centres, which contributes to IPV.²²⁰

According to an international prison expert, there are policies and measures in place to detect and prevent IPV. The prison administration tries to divide prisoners, according to their characteristics. However, the source opined that the prison administration does not have IPV under control. If a prisoner's life is threatened, the administration will put them in solitary confinement. However, in such cases, the prisoners themselves ask for solitary confinement. Sometimes, the prison administration can also choose to transfer a prisoner to another prison, but these cases are rare. It is rather difficult for remand prisoners to be transferred to another prison, as the prisoners usually have a pending case in a specific court in that particular city.²²¹

²¹⁹ US Department of State: 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#)

²²⁰ Independent prison expert: 107

²²¹ Independent prison expert: 107

4. Living conditions for sentenced prisoners

This chapter describes the living conditions for sentenced prisoners in Ukraine. It covers mostly the prisoners who live in colonies but covers also sentenced prisoners in other types of penitentiary facilities to the extent such information is available.

4.1. Number of sentenced prisoners

The Ombudsman stated that there were 32,006 sentenced prisoners as of 30 July 2020 in Ukrainian penitentiary institutions, which among others included:

- 9,597 persons in medium security level prisons for first-time offenders,
- 988 persons in minimum security level prisons with general conditions for men,
- 473 persons in minimum security level prisons with milder conditions for men,
- 1,404 persons in minimum security level prisons with general conditions for women,
- 1,062 persons in specialised medical institutions,
- 476 persons in treatment facilities established in pre-trial detention centres and prisons,
- 1,302 persons in correction centres.²²²

4.2. Material conditions

According to the US Department of State's Human Rights Report, prison conditions remained poor during 2020, did not meet international standards, and at times posed a serious threat to the life and health of prisoners.²²³

4.2.1. Living space

In accordance with CPT's minimum standards, a prisoner should be afforded 6 m² of living space for a single-occupancy cell plus sanitary facilities; in a multiple-occupancy cell, the standard is 4 m² of living space per prisoner plus a fully partitioned sanitary facility.²²⁴

According to the Ministry of Justice of Ukraine, convicts, who are imprisoned in the correctional colonies are provided a space of at least 4 m² per person. If a prisoner gets sick, they will get at least 5 m².²²⁵

Generally, the inmates are kept in block-type quarters. The standard living space per inmate may not be less than 4 m², and in medical institutions at correctional colonies, at correctional colonies designed to contain and treat patients with tuberculosis, and in hospitals, a prisoner is allocated 5 m².²²⁶

According to an independent prison expert, there are almost no problems with overcrowding in Ukrainian colonies and prisons. Many colonies are half-empty and the State Penitentiary Service of Ukraine has closed down colonies or parts of colonies due to lack of prisoners. The source elaborated that, in general, Ukraine

²²² Ombudsman: 50

²²³ USDOS, 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#)

²²⁴ Further details on the standards can be found in: CPT, *Living space per prisoner in prison establishments: CPT standards*, CPT/Inf (2015) 44, 15 December 2015, [url](#), p. 1

²²⁵ Ministry of Justice: 21

²²⁶ Ombudsman: 52

has too many prisons, as the prison population has dropped five times in comparison to the prison population in 1991.²²⁷

However, sometimes it occurs that a colony allocates 3 m² and not 4 m² per prisoner. Ukraine has not received objections from the ECHR regarding this as long as the prisoners have had a certain degree of freedom of movement and that this only happened temporarily.²²⁸ In general, almost all colonies comply with the CPT standards of living space.²²⁹

Most prisoners live in multiple cells, except prisoners with lifelong sentences who usually live in cells of two persons.²³⁰ In the colonies, 70-80 percent of the prisoners live in dormitories that house 20 to 70 persons.²³¹

4.2.2. Lighting and ventilation

According to CPT's minimum standards, prisoners should have access to natural light, fresh air and ventilation.²³²

The Ombudsman advised that the level of both natural and artificial lighting was set by state standards to be minimum 100 Lux. However, the Ombudsman referred to a report from 2020, which says that 90 percent of the visited institutions violated the rights of detainees to adequate detention conditions, including lighting and ventilation.²³³

In the colonies, the windows are larger (than in pre-trial detention centres) and consequently the lightning is better. However, in institutions with maximum-security, the prisoners live in cells with smaller windows.²³⁴ According to a KHPG report, basement-like cells, poor ventilation, lighting, and restricted access to fresh air are among the unsatisfactory conditions in the penitentiary institutions.²³⁵

According to the independent prison expert, ventilation in Ukrainian prisons is usually natural. Ventilation systems have been installed in some institutions. However, these systems probably do not function in most cases.²³⁶

In the colonies, the problem with passive smoking is less prevalent than in the pre-trial detention centres, as prisoners tend to go outside to smoke instead of smoking inside the dormitories. Additionally, the source advised that a non-smoking prisoner with a lifelong sentence would not be placed with another prisoner who smokes.²³⁷

4.2.3. State of repair

The State Penitentiary Service of Ukraine has closed many prisons throughout Ukraine. The priority has been to close the prisons that were in the worst state and that had the worst conditions.²³⁸ However, in some

²²⁷ Independent prison expert: 44

²²⁸ Independent prison expert: 44

²²⁹ Independent prison expert: 52

²³⁰ Independent prison expert: 48; Ombudsman: 55, 59

²³¹ Independent prison expert: 53

²³² Further details on the standards can be found in this document: *CPT, Developments concerning CPT standards in respect of imprisonment*, CPT/Inf (2001)16-part, Extract from the 11th General Report of the CPT, 2001, [url](#), p. 1-4

²³³ Ombudsman: 66, 69, 72

²³⁴ Independent prison expert: 56

²³⁵ KHPG, *Prisoners' rights in Ukraine*, KHPG Report 2014-2021, 16. June 2021, [url](#)

²³⁶ Independent prison expert: 57

²³⁷ Independent prison expert: 71

²³⁸ Independent prison expert: 59

cases the prisoners are treated worse in prisons with the best physical conditions, as the prison staff in these places force the prisoners to work more in order to help the prisons earn more money and as a result build better physical conditions.²³⁹

According to KHPG, 27 penitentiary institutions were closed down in 2019-2021. Most of them were in economically attractive regions – in particular in suburbs of Kharkiv, Lviv, and in the centre of Odesa. The KHPG accordingly opined that the selection was not carried out on the criterion of their state, but on the assessment of the value of the property.²⁴⁰

Furthermore, there is a major underfunding in the state budget for the improvement of detention conditions in penitentiary institutions. Most of the penitentiary institutions only receive approximately five percent of what they need.²⁴¹

4.2.4. Nourishment

The food provided by the prison administration was generally of poor nutritional value and was described as ‘inedible’, which meant that prisoners had to rely on supplementary food they could receive through parcels from their family.²⁴²

Even though there are rules on the quality of food, which can be porridge, soup without meat, poor salad or cabbage, they are not observed due to corruption or underfunding. Furthermore, there are cases where the prison staff steal the food.²⁴³

KHPG wrote in a report from June 2021: ‘...nutrition standards for convicts do not meet the standards set by the Ministry of Health, as required by European Prison Rules.’ In most prisons, there is not enough meat in the food, food supplies are spoiled because of poor storage condition, and however, it is still used in cooking. Furthermore, there are problems with food deliveries, which can cause temporary or long food shortages, for example of meat or potatoes.²⁴⁴

The government adopted new nutrition standards that became effective on 1 January 2020. The new norms do not contain a calculation of energy values. Furthermore, the new standards stipulate that food substitution is done in order to diversify the prisoners’ menu, to comply with doctors’ advice or in the absence of other food products in stock. According to KHPG, this opens a door to abuse by the prison administrations.²⁴⁵

The ombudsman stated that the new standards have some positive aspects, since the menus are diversified and there is a slight increase in the nutritional standards. For example, the rations shall include milk and eggs, which was not the case before. However, the standards still contain provisions that were of concern previously:

²³⁹ Independent prison expert: 58

²⁴⁰ KHPG, *Prisoners’ rights in Ukraine, KHPG Report 2014-2021*, [url](#)

²⁴¹ PG, *Prisoners’ rights in Ukraine, KHPG Report 2014-2021*, [url](#)

²⁴² USDOS, *2020 Country Reports on Human Rights Practices: Ukraine*, 30 March 2021, [url](#), p. 8, Independent prison expert: 62

²⁴³ Independent prison expert: 62

²⁴⁴ KHPG, *Prisoners’ rights in Ukraine, KHPG Report 2014-2021*, [url](#)

²⁴⁵ KHPG, *Prisoners’ rights in Ukraine, KHPG Report 2014-2021*, [url](#)

- Firstly, there is a discrimination in terms of portions depending on where the person is kept and what the status of the person is. For example, sentenced prisoners receive 500 grams of bread per day, while a remand prisoner receives 450 grams.
- Secondly, reducing the portion of food as a punishment still applies.
- Thirdly, prisoners do still not receive any fruit. Fruit is only given to minors, while adults receive dried fruit.
- Finally, the standards still allow for the possibility to substitute food. Meat can be substituted with by-products such as eggs or fish, and fish may be substituted with milk. An egg can be replaced with 10 grams of butter. 100 grams of fruit can be substituted with 20 grams of jam. Dried fruit can be substituted with tea.²⁴⁶

Overall, according to the Ombudsman, the provisions of food is inadequate and contains discriminatory standards.²⁴⁷

4.3. Sanitary arrangements and access to personal hygiene

CPT standards recommend that ready access to proper toilet facilities and the maintenance of good hygienic standards are essential components of a humane environment. Furthermore, prisoners should have adequate access to shower or bathing facilities. It is also desirable to have running water available in the prisoners' cells.²⁴⁸

According to an independent prison expert, the sanitary conditions in Ukrainian prisons are unhygienic. However, the source opined that it also reflected a broader problem, as the same conditions could be found at Ukrainian hospitals etc.²⁴⁹

The official guidelines state that prisoners can have a shower at least once a week, which for most prisoners means that they can shower only once a week.²⁵⁰ According to the Ombudsman, access to showers for prisoners is not restricted. However, where unlimited access to showers is not available, the prisoners have the possibility to wash themselves at least once a week.²⁵¹

In the colonies, most toilets are screened off completely, although some colonies are only partly screened off by a half wall.²⁵² According to an independent prison expert, prisoners do not have access to toilet paper. In colonies where prisoners can work, toilet paper has to be bought in the prison shop.²⁵³

The prisoners have access to running water, but drinking water is neither clean nor regular or easily accessed.²⁵⁴

²⁴⁶ Ombudsman: 74; Independent prison expert: 64

²⁴⁷ Ombudsman: 74; Independent prison expert: 64

²⁴⁸ CPT, Imprisonment, CPT/Inf(92)3-part2, Extract from the 2nd General Report of the CPT, 1992, [url](#), section 4

²⁴⁹ Independent prison expert: 66, 68

²⁵⁰ Independent prison expert: 66, 70

²⁵¹ Ombudsman: 82

²⁵² Independent prison expert: 69; Ombudsman: 78-79

²⁵³ Independent prison expert: 66,67

²⁵⁴ Independent prison expert: 70; Ombudsman: 80

4.3.1. Access to personal hygiene for women

Toothbrush, toothpaste, shaving equipment and hygienic items for women such as sanitary towels etc. are not accessible. In colonies where prisoners can work, they can purchase it in the prison shop. Otherwise, they can enquire the informal prison leaders for hygienic items in exchange for providing them with future services e.g. being part of their gang, being a spy etc. or begging relatives for money.²⁵⁵

4.4. Health care

According to CPT's standards, prisoners should have access to a doctor at any time, irrespective of their detention regime. In addition, CPT standards require that a newly arrived prisoner should be examined on the day of admission.²⁵⁶

4.4.1. Structure of the health care system at penitentiary institutions

The healthcare facilities of State Criminal Executive Service of Ukraine are subordinated to the Head of the State Institution "Healthcare Centre of the State Criminal Executive Service of Ukraine", which falls under the authority of the Ministry of Justice of Ukraine and is coordinated by the Deputy Minister of Justice of Ukraine.²⁵⁷ The reform was introduced to monitor potential ill-treatment, as health workers document such treatment.²⁵⁸

According to Human Rights Protection Group SICH, there has been a long dialogue about transferring the organisational responsibility for health care service delivery in the prisons to the Ministry of Health, but no development has happened to this date.²⁵⁹

Health care is provided through a system of medical and preventive measures and by a combination of free and paid forms of medical assistance. Inmates are guaranteed the right to freely choose a physician to receive medical care, including at their own expense. Inmates with mental and behavioural disorders due to the use of alcohol, narcotic drugs, psychotropic substances or their analogues or other intoxicating substances may undergo treatment for these diseases subject to their written consent.²⁶⁰

4.4.2. General availability of treatment

According to an independent prison expert and Human Rights Protection Group SICH, the biggest and most urgent problem of the Ukrainian penitentiary institutions is the health care system.²⁶¹ In the prison system, there are many people who suffer from chronic diseases and who cannot obtain the proper medicine they need. This is mainly due to a lack of resources.²⁶² The independent prison expert further stated that there is less access to medical aid in the prisons than outside the prisons.²⁶³

²⁵⁵ Independent prison expert: 66, 67

²⁵⁶ Further details on the standards can be found in this document: CPT, *Health care service in prisons*, CPT/Inf(93)12-part, extract from the 3rd General Report of the CPT, 1993, [url](#), p. 2, cf. footnote 2

²⁵⁷ Ministry of Justice: 24

²⁵⁸ Ministry of Justice: 27

²⁵⁹ Human Rights Protection Group SICH: 23

²⁶⁰ Ombudsman: 84

²⁶¹ Independent prison expert: 72; Human Rights Protection Group SICH: 23

²⁶² Human Rights Protection Group SICH: 23

²⁶³ Independent prison expert: 72

In their latest human rights report, US Department of State noted that there were systemic problems with the provision of medical care in Ukrainian penitentiary institutions. There was observed a lack of medical confidentiality, poor recording of injuries, and deficient access to specialists, including gynaecological and psychiatric care. Conditions in prison health-care facilities were poor and unhygienic.²⁶⁴

In general, access to treatment was very restricted. There was not enough medicines or medical supplies in the prison system, and the medicines in the prisons had often expired, which meant that prisoners had to rely on their families to provide most of the medicines.²⁶⁵ Additionally, the quality of the medication is very poor. For example, a prisoner could risk being given an aspirin pill against cancer. Medicines are the worst area in the prison system in terms of supply and conditions.²⁶⁶

Furthermore, there was no access to harm reduction treatment for prisoners using drugs until recently. In May 2021, however, Ukraine adopted a rule that stipulates that all prisoners have the right to possess and to buy syringes, condoms, needles etc. However, these medical supplies are not provided by the state.²⁶⁷

The risk of death from disease is higher in prisons than in the Ukrainian society, although the formal mortality rate is lower in the prisons. According to an independent prison expert, this is because the prison administration does not record the statistics of death of prisoners that happens outside the prisons, e.g. if a prisoner dies at a hospital.²⁶⁸

4.4.3. Prevalence of suicide and self-harm

An independent prison expert advised that the prevalence of suicide and self-harm is high among Ukrainian prisoners, and the tendency is still growing, albeit the number of prisoners is declining. Suicides per capita in prisons are thus growing fast.²⁶⁹

Even though the authorities would state that measures are at place to prevent suicides, such as separating prisoners who have suicidal tendencies, persons at risk of suicide are not followed closely by the staff.²⁷⁰ According to the KHPG, the statistics on suicide state that there was a rise in numbers of suicides with between 43-62 cases from 2014-2019, while in 2020, there were 567 cases.²⁷¹

4.4.4. Medical subdivisions and mandate

The medical and health care provision includes 86 medical units and 15 hospital institutions. Seven of the 15 hospital institutions are specialised in treatment of somatic diseases, and seven centres treats patients with tuberculosis. Furthermore, there is one hospital for persons with mental problems.²⁷²

The medical units provide the primary medical services and support for prisoners. This is where prisoners undergo the initial examination, which is the examination that is conducted when the convicts arrive in a penitentiary institution. They examine if the prisoner has any bodily injuries. If the person has bodily injuries,

²⁶⁴ USDOS, 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#), p. 8

²⁶⁵ USDOS, 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#), p. 8; Independent prison expert: 82; Human Rights Protection Group SICH: 23

²⁶⁶ Independent prison expert: 82

²⁶⁷ Independent prison expert: 83

²⁶⁸ Independent prison expert: 86

²⁶⁹ Independent prison expert: 85

²⁷⁰ Independent prison expert: 85

²⁷¹ KHPG, prisoners' rights in Ukraine 2014-2021: KHPG Report, 16. June 2021, [url](#)

²⁷² Ministry of Justice: 24

the doctors document this and make the general prosecutors aware of it.²⁷³ However, the documentation from the medical journals can be deleted if the prison administration insists on this, even though the prison doctors formally have been segregated from the prison administration in recent administrative reforms. The prison management is still able to blackmail the doctors by refusing to provide services to the patients such as transfer to hospitals, or the doctors can be fired if they refuse to comply.²⁷⁴

The hospital institutions provide the secondary health care, which is the in-house treatment, specialised medical treatment, and medical rehabilitation. Moreover, the hospital institutions also provide the medical documentation for the persons who are being released.²⁷⁵

Medical examinations of inmates shall be carried out outside the hearing area and (unless the medical worker wishes otherwise in each particular case) outside the sight of non-medical workers. Only medical personnel may be present during a medical examination, unless the doctor requests the presence of the detention facility staff for security reasons or the inmate requests it.²⁷⁶

The prisoners are obliged to undergo x-ray checks for tuberculosis. The numbers of prisoners with tuberculosis has dropped significantly. The prisoners receive treatment against HIV, especially in the later stages of the disease. However, there are cases where prisoners are not able to get the treatment required for HIV/AIDS.²⁷⁷

4.5. Access to meaningful activities

According to CPT's standards, a satisfactory programme of activities (work, education, sport, etc.) is of crucial importance for the well-being of prisoners. Sentenced prisoners should spend a minimum of eight hours, and preferably more, a day outside their cells.²⁷⁸

Two sources acknowledged that prisoners have access to meaningful activities in the colonies.²⁷⁹ For example, the Minister of Justice mentioned that they have access to sports and to the internet. Furthermore, there are group activities that include concert programmes, holiday activities, sport competitions and lectures of different topics.²⁸⁰

The Ombudsman noted that the prisoners have the right to participate in work and educational activities, participate in work of amateur organisations and clubs of social useful orientation, including sports and physical education.²⁸¹

According to the Ministry of Justice, there are individual programmes for education. For example, participation in educational and social work is part of the considerations when early release is being assessed.

²⁷³ Ministry of Justice: 25

²⁷⁴ Independent prison expert: 74-75

²⁷⁵ Ministry of Justice: 26

²⁷⁶ Ombudsman: 91-92

²⁷⁷ Independent prison expert: 78

²⁷⁸ Further details on the standards can be found in this document: CPT, *Imprisonment, CPT/Inf(92)3-part2, Extract from the 2nd General Report of the CPT, 1992*, [url](#), section 47

²⁷⁹ Independent prison expert: 87; Ministry of Justice: 23 , 37 , 38-45 No other sources than these were interviewed about this part.

²⁸⁰ Ministry of Justice: 23 , 37

²⁸¹ Ombudsman: 103

The penitentiary institutions have made agreements with educational institutions in order to make teachers and educators provide certain educational services to the convicted.²⁸²

Regarding the professional and vocational training, some of the penitentiary institutions have their own educational training centres in their structure. These centres give inmates the opportunity to learn professional skills and competences, which they can use, when they re-enter the society.²⁸³

An independent prison expert advised that prisoners who are studying have several hours per week to study. The colonies have access to teachers from local educational institutions, which come and teach the prisoners in the colony. However, the quality of education in prisons is very poor.²⁸⁴

The prisoners also have certain possibilities to work. Most prisoners are housed in minimum-security prisons. In those institutions, most prisoners have access to leave the premises and work in the nearest city.²⁸⁵

In medium- and maximum-security prisons, the prisoners are offered work opportunities within the prison premises.²⁸⁶ According to the Ministry of Justice, the penitentiary institutions create the opportunity to work, and the prison functions as the main employer.²⁸⁷

Although the salary is not high compared to the average in the country, the possibility to work can help the prisoners in obtaining an earlier release.²⁸⁸ Other categories of prisoners are directly obliged to work as a part of their sentence. Some prisoners might have financial obligations they have to pay. Thus, the penitentiary institutions create the conditions for the convict to earn money in order to repay debt or alimony etc.²⁸⁹

4.6. Contact to the outside world

According to CPT's standards on imprisonment, it is very important for prisoners to maintain reasonably good contact with the outside world and safeguarding their relationships with their families and close friends. Any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or on resource considerations. CPT emphasised the need for some flexibility as regards the application of rules on visits and telephone contacts vis-à-vis prisoners whose families live far away.²⁹⁰

The Ombudsman cited article 107 of the Correctional Code of Ukraine, which states that inmates have the right to, among other things, meet with relatives and other persons and exchange mail, have telephone calls, including through mobile communications with persons outside the prisons, and to use the internet.²⁹¹

²⁸² Ministry of Justice: 42 , 44

²⁸³ Ministry of Justice: 42-44

²⁸⁴ Independent prison expert: 88

²⁸⁵ Independent prison expert: 28

²⁸⁶ Independent prison expert: 28 , 89

²⁸⁷ Ministry of Justice: 38

²⁸⁸ Independent prison expert: 90

²⁸⁹ Ministry of Justice: 40

²⁹⁰ Further details on the standards can be found in this document: CPT, *Imprisonment, CPT/Inf(92)3-part2, Extract from the 2nd General Report of the CPT*, [url](#), section 51

²⁹¹ Ombudsman: 113

The prisoners are allowed short visits by relatives and other persons in the presence of a representative of the prison administration once a month.²⁹² Once every two months (or in some cases every three months) they can have long-term visits.²⁹³ However, in minimum-security prisons, prisoners are allowed to have visits from families and friends once a week.²⁹⁴

Extended visits are allowed to close relatives only, which include spouses or partners for couples who live together as a family provided that they have common minor children, parents, children, adoptive parents, siblings, grandparents and grandchildren.²⁹⁵ Previous behaviour, violations of rules, and recommendations of psychologists can influence the possibility and length of a visit.²⁹⁶

Prisoners in health care facilities are normally not allowed extended visits. However, close relatives and the spouse can visit the prisoner if the person is seriously ill or in a life-threatening condition. This will not be counted as a visit.²⁹⁷

During the COVID-19 lockdown, long-term visits were suspended. However, in the summer of 2021, the visits were to some extent allowed again.²⁹⁸

The independent prison expert pointed to the problem that some prisoners were imprisoned far away from their region of origin, which constitutes a violation of article 8 of the European Convention on Human Rights. This happens because Ukraine has a system of classification based on crimes. If a prisoner committed one specific type of crime, they are sent to a specific colony and a specific region. For example, there is only one prison for juveniles, which is located in the eastern part of Ukraine. This makes it more difficult for people coming from the western part of Ukraine to visit. The same is the case with female prisons since there are only five female prisons.²⁹⁹ (See also [2.1. Procedure of allocation of sentenced prisoners](#))

According to the Ombudsman, persons sentenced to restriction of freedom shall – as a rule – serve their sentence in open-type prisons within the administrative-territorial unit in which they resided before conviction.³⁰⁰

4.6.1. Contact with a lawyer

Prisoners are generally allowed visits by their lawyers.³⁰¹ In accordance with article 110 of the Correctional Code of Ukraine, a prisoner can have visits by a lawyer or another legal specialist on the written request of the prisoner, their close relatives, or a public organisation. Visits shall be granted by the prison administration upon presentation of a warrant or an agreement between the lawyer or legal specialist and the prisoner. The visit will not be counted as a short-term visit; it will thus not deny the prisoner the opportunity to have other short-term visits. Furthermore, there are no restrictions on how many and how long the visits can be. However, visits shall be carried out during the day, outside the time where the inmates eat and sleep.³⁰²

²⁹² Ombudsman: 114-115; Independent prison expert: 91

²⁹³ Independent prison expert: 91

²⁹⁴ Independent prison expert: 92

²⁹⁵ Ombudsman: 120-121

²⁹⁶ Ombudsman: 116

²⁹⁷ Ombudsman: 119 , 122

²⁹⁸ Independent prison expert: 91

²⁹⁹ Independent prison expert: 94

³⁰⁰ Ombudsman: 135-137

³⁰¹ Independent prison expert: 92; Ombudsman: 126-129

³⁰² Ombudsman: 126, 128-129

Prisoners are also allowed to make phone calls with their lawyers. However, the prisoners have to pay for the phone call themselves.³⁰³

4.7. Use of solitary confinement, force and means of restraint

The Ombudsman cited article 132 of the correctional code of Ukraine, which states that persons can be subjected to cell-type accommodation (solitary confinement) for up to three months if they fail to comply with their obligations or for violations of established prohibitions.³⁰⁴

4.7.1. Solitary confinement

Overall, solitary confinement is not often used in Ukrainian prisons and it is generally not an issue in Ukraine. Although, some prisons have exceptions, because the conditions there are more strict. In general, this was not an issue in Ukraine.³⁰⁵

4.7.2. Disciplinary isolation

According to the law, the prison administration cannot sanction a person by putting him in isolation. Instead, the prisons tend to use what is called ‘disciplinary isolation’ where typically two persons are put in the same cell.³⁰⁶

Disciplinary isolation is used very differently among the prisons. One prison might place 600 prisoners in isolation, while another prison could place 50 prisoners in isolation. The maximum time a prisoner can be held in isolation is 14 days. It is possible to extend this period to three months, but this requires the approval of a judge.³⁰⁷

A prisoner rarely uses a lawyer to complain when disciplinary rules are used. All prisoners can file a complaint to a court without a fee unlike other Ukrainian citizens.³⁰⁸

4.8. Prevalence and patterns of ill-treatment and torture

Ukraine established the State Bureau of Investigation (SBI) in February 2016. SBI commenced its work in November 2018 as an independent central executive body that was mandated to ‘prevent, detect, stop, solve and investigate crimes within its jurisdiction’, which notably included crimes committed by law enforcement officials.³⁰⁹

According to the latest CPT report, the SBI has processed 579 complaints about torture and ill-treatment by prison officers from 2018 and to the deadline of the CPT report in the autumn of 2020. In 70 cases, the agency had initiated pre-trial investigations. In total, 109 criminal proceedings had been or were being carried out.

³⁰³ Independent legal expert: 93; Ombudsman: 130-133

³⁰⁴ Ombudsman: 138-140

³⁰⁵ Independent prison expert: 95

³⁰⁶ Independent prison expert: 95, 96

³⁰⁷ Independent prison expert: 97

³⁰⁸ Independent prison expert: 99

³⁰⁹ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 August 2020, 15 December 2020, [url](#), p. 17

42 cases were closed due to lack of evidence, one investigation was suspended, and 66 cases had an ongoing investigation.³¹⁰

In the colonies, the CPT visited in August 2020, the reported ill-treatment could among other things consist of truncheon blows and tight handcuffing (Colony no. 25 in Kharkiv), blows with plastic pipes to the soles of the feet, forced standing for the whole day, or sleep deprivation (Colony no. 77 in Berdyansk).³¹¹

According to the Ombudsman, they registered 165 cases of torture in prisons in 2020.³¹²

There have been some cases of deaths due to ill-treatment in the prison system. The typical victims have been homosexuals and sex offenders, such as paedophiles.³¹³

Human rights groups in Ukraine have expressed concern about the prevalence of torture in some colonies. The NGO Human Rights Protection Group SICH tries to identify these cases and prevent such methods and to protect the victims. However, the work is complicated because Ukraine has not yet ratified the Istanbul Protocol, which is a manual on effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment.³¹⁴

In its latest report on human rights, US Department of State noted that physical abuse by guards was a problem. The report mentions an incident in March 2020 in Prison no. 26 in Zhovti Vody where the prison administration called in Special Forces allegedly to prevent a riot. However, afterwards there were many complaints of mass beatings of inmates in the prison. Experts from KHPG identified seven inmates with signs of serious physical abuse. Eight inmates were transferred to another prisoner facility. The eight inmates accused the prison staff of beating them, restraining them with tape, and of putting plastic bags on their heads before they were dragged into prison trucks. The prison administrators claimed that the inmates had inflicted bodily injuries on themselves. The police have opened an investigation that continued as of mid-October 2020.³¹⁵

According to an independent legal expert, there exists a lot of policies and measures to prevent and detect ill-treatment in the prison system. If a prisoner has been subjected to ill-treatment, it would most likely be published in news outlets and social media for a broader public. Furthermore, the conditions regarding ill-treatment has improved because the penitentiary system is more open now for scrutiny and monitoring from the outside.³¹⁶

³¹⁰ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 August 2020, 15 December 2020, [url](#), p. 17

³¹¹ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 August 2020, 15 December 2020, [url](#), p. 18-19

³¹² Ombudsman: 152

³¹³ Independent prison expert: 104, 102

³¹⁴ Human Rights Protection Group SICH: 22

³¹⁵ USDOS, 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#), p. 7

³¹⁶ Independent prison expert: 103, 101

4.9. Prevalence and patterns of inter-prisoner violence (IPV)

According to several sources, inter-prisoner violence (IPV) is prevalent in the Ukrainian prison system, especially in some particular colonies.³¹⁷

According to an independent prison expert, many of the violations that happen within the prison system happen subtly and are thus more difficult for independent monitors to identify. Due to the high degree of scrutiny within the prison system, the prison staff employ prisoners to exercise violence within the prisons. The so-called ‘duty prisoners’ are unofficially but openly working for the prison administration. Additionally, the prison staff also hire convicts, who influence other prisoners upon instigation of the prison administration. The collaborating prisoners get a variety of benefits in exchange. The prison staff respect the ‘internal prison code’, which is a subcultural set of rules or norms that regulates everyday life in prison, and they could severely harm the health of other prisoners through this scheme.³¹⁸

The ‘internal prison code’ is one of the worst things within the prison system in Ukraine, as the violence within the prison can be completely covered up afterwards. Furthermore, a prisoner cannot complain in such situation because it will most likely result in the perpetrators killing him. The prison staff usually know what is happening, as they are often the ones who give the orders to the collaborating prisoners in the prisons.³¹⁹

The latest US Department of State report on human rights offers an example of IPV from March 2020 where an inmate of Berdyansk Prison raped another inmate, allegedly at the direction of the prison administration. The police have opened an investigation without any arrests as of October 2020. According to media reports, the victim has been repeatedly approached by the local military prosecutor and the police demanding that he sign documents where he states that he will not hold the prison administration responsible for the attack.³²⁰

There are some policies and measures in place to detect and prevent IPV. The prison administration attempts to divide prisoners according to their characteristics. However, an independent prison expert opined that the prison administration did not have a monopoly of violence; they do not control the exercise of violence inside the prisons. The result is that if a prisoner is under threat, the administration can place him in solitary confinement, but in some cases, the prisoners ask themselves to be placed in solitary confinement. At other times, the administration can also choose to transfer a prisoner to another prison, but these cases are rarer.³²¹

4.9.1. Unofficial subdivision of prisons

There is a clear unofficial division between some prisons in Ukraine:

- Some prisons are called “red prisons” and are prisons that are under the actual control of the prison administration.³²²

³¹⁷ Independent prison expert: 18-21; Human Rights Protection Group SICH: 18; Ministry of Justice: 57

³¹⁸ Independent prison expert: 18

³¹⁹ Independent prison expert: 19

³²⁰ USDOS, 2020 *Country Reports on Human Rights Practices: Ukraine*, 30 March 2021, [url](#), p. 7

³²¹ Independent prison expert: 108

³²² Independent prison expert: 20; Human Rights Protection Group SICH: 18

- Other prisons are called “black prisons”, in which the internal rules and norms more or less are under the control of designated, powerful inmates.³²³

This system derives from a strong ‘internal prison code’ among inmates that rely heavily on violence and respect. As examples of “red prisons” are the prisons no. 25, 77 and 100 where the prison staff faced a so-called democracy challenge when journalists and human rights activists started to monitor the prisons. Due to the monitoring, the prison administration lost their usual instruments of violence, which they used in the past. As a result, the prison administration started to outsource such violent punishments to designated prisoners; hence, most prisons became “black prisons”.³²⁴

4.10. Differentiated treatment in terms of ethnicity, political groups and vulnerable groups

In general, discriminatory treatment based on ethnicity, political affiliation or of vulnerable groups does not take place in the prison system of Ukraine.³²⁵

An independent prison expert stated that if prisoners belong to a specific political group, for example, the former members of the Party of Regions, who is connected with the former president, Viktor Yanukovych, they would not experience any problems in prison due to their political views.³²⁶

In addition, ethnic Russians do not experience problems in Ukrainian prisons. According to an independent prison expert, this is primarily because the informal prison code is derived from a Soviet tradition; hence, the informal prison code is in Russian. The majority of all prisoners in Ukraine is Russian speaking, and there is no equivalent to the prison code or subculture in the Ukrainian language.³²⁷ Furthermore, the Ministry of Justice has not registered a single serious conflict based on international misunderstandings or discrepancies.³²⁸

Separatists captured during the conflict in the Donbass area are kept separately from other prisoners, and they would not be transported to Western Ukraine, where tensions against the separatists are highest.³²⁹

4.11. Special treatment for vulnerable groups

In general, vulnerable groups such as women, juveniles, and people with disabilities do not have problems with other prisoners in the prison system, as they are placed separately.³³⁰

³²³ Independent prison expert: 20-21

³²⁴ Independent prison expert: 20-21

³²⁵ Independent prison expert: 109; Ombudsman: 157

³²⁶ Independent prison expert: 111

³²⁷ Independent prison expert: 109

³²⁸ Ministry of Justice: 81

³²⁹ Independent prison expert: 111

³³⁰ Independent prison expert: 112; Ministry of Justice: 74-75; Ombudsman: 157-158

4.11.1. Women

CPT recommends that women in prison should, as a matter of principle, be confined in facilities that are physically separate from that occupied by any men being held at the same establishment.³³¹ According to CPT's standards, women's specific hygiene needs should be adequately addressed. Ready access to sanitary and washing facilities, adequate quantities of essential hygiene products, such as sanitary towels and tampons, and safe disposal arrangements for bloodstained articles are of particular importance. The failure to provide women in prison with such items can amount in itself to degrading treatment.³³² In accordance with the UN standards of imprisoned women, the "*Bangkok Rules*", and the CPT's standards of 'Women in Prison', female prisoners are recommended to have access to a balanced and comprehensive programme of activities, which take account of gender appropriate needs.³³³

According to the Ombudsman, women have access to sanitary and hygienic products to the same extent as men.³³⁴ However, according to an independent prison expert, access to hygienic products is scarce, which makes women in prison more vulnerable than men. In some cases, the state would provide some limited amount of hygienic products, but it is normally not sufficient. However, women can buy the products in the prison shops.³³⁵

In the colonies, there are designated medical doctors that could provide health services to female prisoners, such as gynaecological examinations etc. However, regarding special attention to mental health care, including traumas connected to domestic violence, the prison system does not have any special means for women, although the prisons formally have a programme for victims of domestic violence. Furthermore, women are given medical confidentiality during medical examination and treatment and are given the possibility to be examined and treated by female staff.³³⁶

According to the Ministry of Justice, women who gave birth while either in pre-trial detention or in prison are categorised as a vulnerable group. These women are accommodated in a penitentiary institution together with the child. The Ministry of Justice has so-called children's homes, where children up to three years of age are kept, while the mother is in a penitentiary institution. Furthermore, there are also childcare centres where medical staff provide food and other necessary items and services. The mother can live together with the child, if she is behaving properly and does not pose a threat to the child.³³⁷

Regarding female prisoners with children older than three years, these women can maintain relationship with their children and spouse in theory. However, because the colonies are typically located far away from their region of origin, they are most likely not able to preserve a regular relationship.³³⁸

³³¹ Further details on the standards can be found in this document: CPT, *Women in prison*, January 2018 CPT/Inf(2018)5, [url](#), p. 2

³³² Further details on the standards can be found in this document: CPT, *Factsheet: Women in Prison*, CPT/Inf(2018)5, January 2018, [url](#), p. 4

³³³ Further details on the standards can be found in these documents: UN, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, A/C.3/65/L.5, 6 October 2010, [url](#); CPT, *Women in prison*, January 2018 CPT/Inf(2018)5, [url](#), p. 2

³³⁴ Ombudsman: 159

³³⁵ Independent prison expert: 112-113

³³⁶ Independent prison expert: 115; Ombudsman: 162-163

³³⁷ Ministry of Justice: 76, 78

³³⁸ Independent prison expert: 114

4.11.2. Juveniles

According to the United Nations' standards for imprisoned juveniles, the 'Beijing Rules', and CPT's standards, juveniles in detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.³³⁹ Furthermore, the UN standards of imprisoned juveniles 'the Beijing Rules', as well as CPT standards on juveniles emphasise that juvenile prisoners should be provided with a full program of education, sports, vocational training, recreation and other purposeful out-of-cell activities.³⁴⁰

According to Ukrainian legislation on education in the colonies, special conditions apply for teenagers and underage persons.³⁴¹ The Ombudsman and an independent prison expert noted that juveniles are separated from adults in prison. Male and female juvenile prisoners are also separated. In Ukraine, there exists one prison for male juveniles, while female juveniles have a separate block in a female prison.³⁴²

The juvenile prisons are housing persons in the age of 14-18. However, it is possible to stay there until the age of 22 depending on the person's behaviour.³⁴³

Juveniles are offered a full programme of out-of-cell activities and education. They are also granted access out of the prison.³⁴⁴ Juveniles are provided with food, clothing, footwear, underwear and utilities free of charge.³⁴⁵ Furthermore, juveniles undergo preventive medical examinations twice a year.³⁴⁶

Two sources indicated that corporal punishment of juveniles is forbidden in the prison system of Ukraine.³⁴⁷

4.11.3. Other vulnerable categories

People with disabilities in prison are located in separate, specialised institutions. The institutions are equipped with special medical staff and special food etc. as a separate norm.³⁴⁸

In these separate institutions, prisoners have access to wheelchair, crutches etc.³⁴⁹ However, prison administrations are not always fully accustomed to handle persons with disabilities, which has resulted in some cases where persons in wheelchairs had to be transferred by other prisoners to different floors.³⁵⁰

³³⁹ Further details on the standards can be found in these documents: UN, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice "The Beijing Rules"*, Adopted by General Assembly resolution 40/33 of 29 November 1985, [url](#), section 13.4; CPT, *Juveniles deprived of their liberty under criminal legislation*, CPT/Inf(2015)1-part rev1, Extract from the 24th General Report of the CPT, 2015, [url](#), section 99

³⁴⁰ Further details on the standards can be found in these documents: UN, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules')*, Adopted by General Assembly resolution 40/33 of 29 November 1985, [url](#), section 1.2 and 26.2; CPT, *Juveniles deprived of their liberty under criminal legislation*, CPT/Inf(2015)1-part rev1, Extract from the 24th General Report of the CPT, 2015, [url](#), section 107

³⁴¹ Ministry of Justice: 42-44

³⁴² Independent prison expert: 30; Ombudsman: 171

³⁴³ Independent prison expert: 117

³⁴⁴ Independent prison expert: 118-119; Ombudsman: 173-174

³⁴⁵ Ombudsman: 77

³⁴⁶ Ombudsman: 88

³⁴⁷ Independent prison expert: 121; Ombudsman: 180

³⁴⁸ Ministry of Justice: 65-66

³⁴⁹ Independent prison expert: 84

³⁵⁰ Independent prison expert: 73

4.12. Prison conditions for draft evaders and deserters

Pursuant to articles 335-337 of the Criminal Code of Ukraine, draft evaders can be sentenced and imprisoned according to the law. Convicted draft evaders serve their sentence together with the general prison population; as such, these persons are not serving in the military and hence cannot be sentenced by military law. However, according to judicial statistics for 2021, none out of the 295 of such offenders was imprisoned. Only eight persons were placed in semi-open prisons, 175 persons got a suspended sentence, and 73 were fined.³⁵¹

According to the Ombudsman, military personnel currently employed can be punished by detention in a disciplinary battalion, which is under the supervision of the Ministry of Defence.³⁵² (See [2.5. Disciplinary battalions](#)).

Within the disciplinary battalion, the imprisoned military personnel are subject to socially useful work, social-educational work, general education, vocational training and social influence. The ombudsman noted that imprisoned personnel could not be granted leave.³⁵³

Pursuant to articles 407-409 of the Criminal Code of Ukraine, deserters and the like also serve their sentence together with the general prison population, unless they have the rank of junior lieutenant or any rank above that. The officers are normally held separately, but there are no formal rules on this matter. Prisoners who served in the National Guard of Ukraine and the Military Service of Order are held in a special prison for sentenced law enforcement personnel, according to existing law.³⁵⁴ According to statistics on persons punished after articles 407—409 from 2020, out of 1,744 cases in 2020:

- 165 persons were imprisoned,
- 8 persons received the sentence of disciplinary battalion,
- 67 were arrested,
- 148 were fined,
- 1,202 were put on probation.³⁵⁵

Sentenced, former military personnel do not in general have problems with the general prison population; they are usually treated properly. The only reservation is that they cannot be promoted to higher levels of the internal prison hierarchy.³⁵⁶ Otherwise, they live under all the same common rules within the correctional colonies as other prisoners.³⁵⁷

³⁵¹ Independent prison expert: 33; Ombudsman: 23; KHPG: 23

³⁵² Ombudsman: 184-186

³⁵³ Ombudsman: 188-193

³⁵⁴ Independent prison expert: 34; Ministry of Justice: 58

³⁵⁵ Independent prison expert: 36

³⁵⁶ Independent prison expert: 35

³⁵⁷ Ministry of Justice: 23; KHPG: 23

5. Conditions during interrogations, trials and transfer

This chapter describes the conditions under which detainees are interrogated by the police, presented before a judge, and how prisoners are transferred to and from penitentiary institutions in Ukraine.

5.1. Conditions during interrogations

A number of interviewed sources indicated that the Ukrainian authorities have used torture and other forms of ill-treatment in the quest of obtaining a confession from a person under interrogation.³⁵⁸ Torture and ill-treatment have been used to force the accused to say, what the police want them to say.³⁵⁹ Furthermore, one source stated that the police are doing this with impunity. A police officer would never be charged for using violence during interrogations.³⁶⁰ (For further information on actors of impunity, see [6.3. Impunity for perpetrators of ill-treatment and torture](#)).

On the other hand, an international prison expert advised that torture and other forms of ill-treatment was rarely used as a means to obtain a confession, as confessions are not accepted as evidence, according to the Ukrainian Criminal Procedure Code. A new criminal procedure code was adopted in 2012 and was drafted in cooperation with the Council of Europe (CoE). However, investigators can use torture in situations where they need some leading information about the case in question. Such pieces of information could be, for example, where a suspect had hidden a knife.³⁶¹

Ukraine has previously had a few high profile cases where the police beat, raped or otherwise assaulted the witness. Such cases were treated as huge scandals by the media.³⁶² Although, the use of such methods has been more prevalent in the past and the authorities have been fighting this practice in the past 25 years with some success. Furthermore, new legislation has been introduced to reduce the use of torture.³⁶³

An independent prison expert stated that torture is used by the staff in the prison system, but it is, according to this source, not widespread. Torture is not used in politically motivated cases or in cases of corruption because such cases would be made public instantly.³⁶⁴

5.1.1. Access of a lawyer during interrogation

According to the interviewed sources, a lawyer of an accused is allowed access during interrogations.³⁶⁵ The quality of the defence lawyers, however, varies widely. Two sources were aware of a number of complaints filed by prisoners about lawyers due to a perceived lack of competencies of the state-appointed lawyers.³⁶⁶ According to Human Rights Protection Group SICH, the system of a state-appointed lawyer free of charge is new and needs time to develop.³⁶⁷

³⁵⁸ KHPG: 26; Ombudsman: 24

³⁵⁹ KHPG: 27; Ombudsman: 24

³⁶⁰ KHPG: 27

³⁶¹ Independent prison expert: 38

³⁶² Independent prison expert: 39

³⁶³ KHPG: 26

³⁶⁴ Independent prison expert: 40

³⁶⁵ KHPG: 29; Human Rights Protection Group SICH: 21; Independent prison expert: 43; Ombudsman: 17 , 29

³⁶⁶ Independent prison expert: 43, Human Rights Protection Group SICH: 21

³⁶⁷ Human Rights Protection Group SICH: 21

The police seldom read an accused their rights including the right to the assistance of a lawyer.³⁶⁸ However, if the accused is aware of their rights and can afford a lawyer, the assistance of a lawyer will be allowed.³⁶⁹

One source knew of cases where the attorney, who was appointed to the accused, worked for the police. If an accused is not satisfied with the appointed attorney, the police will typically say, that they do not have access to any other attorney. This practice is not in accordance with the law. However, the police will conduct their interrogations anyway, even if the accused is not satisfied with this appointed attorney.³⁷⁰

In many cases, the police will only allow the attorney to enter the interrogation room, after they have obtained all the information they need from the accused.³⁷¹ Therefore, there are cases where lawyers are not informed immediately of the detainment of their client.³⁷²

The Commissioner of Human Rights Office was aware of cases where the lawyer arrived seven to eight hours after a person had been detained, whereas the law stipulates that the lawyer of a detainee has to be informed immediately after their arrest and that the lawyer has to be present within two hours.³⁷³

5.2. Use of metal cages during trials

According to three interviewed NGOs, the use of metal cages in which the accused is kept during trials is widespread in Ukraine,³⁷⁴ especially in high-profile criminal cases.³⁷⁵ However, metal cages have been removed from some courts, which use plastic boxes instead.³⁷⁶

In 2015-2016, the Ukrainian authorities started to change some metal cages in the major cities to plastic boxes. However, the prisoners complained about the plastic boxes stating that the ventilation was poor and that it was not possible to communicate and greet their relatives before the trial started.³⁷⁷

The use of metal cages or plastic boxes depends on the crime committed. The attorney can ask the judge to let the accused sit outside of the cage and the judge can then choose to allow this,³⁷⁸ although such cases were typically the exemption to the rule.³⁷⁹

The Ministry of Justice of Ukraine and the Commissioner of Human Rights Office advised that the practice of using metal cages in trial and court proceedings lies in the past. Nowadays, most courtrooms are equipped

³⁶⁸ Independent prison expert: 43

³⁶⁹ Independent prison expert: 43; Ombudsman: 29

³⁷⁰ KHPG: 30

³⁷¹ KHPG: 29

³⁷² Ombudsman: 27-28

³⁷³ Ombudsman: 28

³⁷⁴ Independent prison expert: 41; Human Rights Protection Group SICH: 19; KHPG: 28

³⁷⁵ Independent prison expert: 41

³⁷⁶ Independent prison expert: 41

³⁷⁷ Human Rights Protection Group SICH: 19

³⁷⁸ Independent prison expert: 41; Human Rights Protection Group SICH: 20

³⁷⁹ KHPG: 28

with glass fence.³⁸⁰ According to the Ministry of Justice, the purpose of the glass fence is to provide security and safety for the participants of the court trial.³⁸¹

The Ministry of Justice mentioned that the authorities have never used metal cages in the penitentiary institutions or in pre-trial detention centres. The Ministry provides rooms, which are equipped and furnished for prisoners to meet with an investigator or lawyer. The lawyer and the convicted can meet face to face.³⁸²

5.3. Conditions during transfer

The Ministry of Justice advised that the police and the National Guard of Ukraine are performing transits of prisoners. Concerning transit from pre-trial detentions to trial sessions, the Ministry tries to conduct such sessions remotely to minimise transportation, because it has a bad influence on all convicts.³⁸³

Bureaucratic and financial impediments prevented the prompt transfer of inmates to city hospitals, resulting in their prolonged suffering and delayed diagnoses and treatment.³⁸⁴

5.3.1. *Conditions prior to transfer*

All persons who are transferred are first held at the so-called transit point, which is a room, where a person is placed prior to transfer to a court hearing. In this room, the person will undergo the first check-up by the security inspectors in order to make sure they do not carry any kind of prohibited items with them. The person is placed in these rooms for no more than two hours.³⁸⁵

At a transit point, there is no bed or TV, and sometimes, the rooms do not have the needed sanitary facilities. However, the Ministry of Justice is trying not to use unequipped rooms or is making an effort to equip them, according to the current legislation.³⁸⁶ After the hearing room, the person is taken to the representatives of the national police or the National Guard.³⁸⁷

According to an independent prison expert, transfers of prisoners can be a great problem in Ukraine. The authorities always place the offenders in cages, usually in the basement of the court to await the trial. It is worth noting, however, that there is an ongoing process in Ukraine to remove metal cages.³⁸⁸

³⁸⁰ Ministry of Justice: 84; Ombudsman: 26

³⁸¹ Ministry of Justice: 84

³⁸² Ministry of Justice: 83

³⁸³ Ministry of Justice: 66

³⁸⁴ USDOS, 2020 Country Reports on Human Rights Practices: Ukraine, 30 March 2021, [url](#), p. 8

³⁸⁵ Ministry of Justice: 67

³⁸⁶ Ministry of Justice: 68

³⁸⁷ Ministry of Justice: 69

³⁸⁸ Independent prison expert: 42

*5.3.2. The prisoner transport vehicle (*avtozak*)*

The Commissioner of Human Rights office is monitoring the specialised vehicles – the so-called “*Avtozak*³⁸⁹”, which are used to transporting prisoners. According to the law, it is within the power of the commissioner to monitor such vehicles.³⁹⁰

The *avtozak* vehicles typically comprise of six cells: three solitary cells for one person, two cells for two persons and one cell for three persons. In most of the cases, the systematic violations consist in the prison staff for transfer not following the norms as regards the amount of persons located in each cell. There are also violations regarding fire security and medical support. Sometimes, the *avtozak* vehicles do not have the needed pharmacy kits.³⁹¹ During transfers, prisoners are handcuffed.³⁹²

The commissioner of Human Rights Office indicated that there was a lack of access to light in the vehicles. Sometimes, the *avtozak* cars are caged and the windows are barred in a way, which makes it difficult for light to enter. Furthermore, there are violations regarding ventilation. According to the commissioner, the ventilation in such cars is not good.³⁹³

After a person returns to the pre-trial detention centre, medical staff and the security service examine them before they are returned to their cell.³⁹⁴

5.3.3. Transfer of women and juveniles

In regards to transfer of women and juveniles, the Ombudsman advised that they are transported separately, which means that they are placed in separate cells inside the vehicle. In relation to the railway carriages that are used to transfer prisoners, women and juveniles can be transferred in groups not exceeding 30 persons. Concerning pregnant women who are less than 24 weeks into their pregnancy, and women with infants, they can be transferred in *avtozak* vehicles if the distance is less than 200 km between the destinations.³⁹⁵ Information on this subject was scarce, corroborating information could thus not be found.

³⁸⁹ *Avtozak*, (in Russian: **автомобиль для перевозки заключенных/avtomobil dlya perevozki zaklyuchyonnykh**) Prisoner transport vehicle

³⁹⁰ Ombudsman: 30

³⁹¹ Ombudsman: 33

³⁹² Independent prison expert: 100; Ombudsman: 31

³⁹³ Ombudsman: 32

³⁹⁴ Ministry of Justice: 70

³⁹⁵ Ombudsman: 34

6. Accountability

This chapter describes the different complaint mechanisms, which are available to prisoners in the Ukrainian penitentiary system, the most prevalent types of complaint and the prison authorities' reactions to these complaints.

6.1. Complaint and prosecution mechanisms

6.1.1. Actors investigating complaints

In Ukraine, a prisoner is allowed by law to complain about any topic of relevance to their incarceration to a number of actors. These actors comprise:

- state prosecutors;
- the State Bureau of Investigation (SBI);
- the ombudsman's office, although the ombudsman transfers the complaint to the prosecutor's office if the complaint leads to a criminal matter;³⁹⁶
- the European Court of Human Rights (ECHR);
- other international organisations of which Ukraine is a member or participant.³⁹⁷

6.1.2. Procedure to file complaints

According to the Ministry of Justice of Ukraine, there are several ways in which a prisoner can file a complaint:

1. a prisoner may file a complaint by sending a letter³⁹⁸
2. a prisoner may file a complaint online³⁹⁹
3. a prisoner can make their lawyer aware of a problem and the lawyer can subsequently file a complaint.⁴⁰⁰

6.1.2.1. Filing a complaint by mail

According to the Ministry of Justice, a prisoner can file a complaint by sending a letter. The correspondence received and sent by prisoners is subjected to review by the authorities with the written permission of the head of the institution based on a report of the operational unit officer given the individual risks of specific inmates or convicts with a mandatory deadline for revision.⁴⁰¹

Complaints that are addressed to the Commissioner of Human Rights Office, the ECHR⁴⁰² and other international organisations of which Ukraine is a member or participant shall not be reviewed by the court and the prosecutor, and the complaints shall be sent to the designated address within 24 hours of its submission.⁴⁰³

³⁹⁶ Independent prison expert: 122; ombudsman: 35

³⁹⁷ Ministry of Justice: 31

³⁹⁸ Ministry of Justice: 29

³⁹⁹ Ministry of Justice: 34

⁴⁰⁰ Ministry of Justice: 32

⁴⁰¹ Ministry of Justice: 29-30

⁴⁰² European Court of Human Rights

⁴⁰³ Ministry of Justice: 31

According to the Ukrainian law, complaints are confidential and are not supposed to be reviewed by the prison administration. The response to those complaints is also confidential.⁴⁰⁴ However, the formal system does not provide for confidentiality, which means that letters written by prisoners are opened by the prison administration.⁴⁰⁵

6.1.2.2. Filing a complaint online

A prisoner can file a complaint online. All of Ukraine's penitentiary institutions have internet access and each institution has Wi-Fi networks, computers and special computer rooms.⁴⁰⁶

6.1.2.3. Filing a complaint through a lawyer

Prisoners can send complaints to their lawyer in a criminal proceeding. This complaint is not subject to revision and shall be sent to the designated address within 24 hours of its submission. The response that prisoners receive from such their lawyer shall not be subject to revision.⁴⁰⁷

The Commissioner of Human Rights Office noted that their representatives are sometimes approached during their monitoring visits to penitentiary institutions. During a visit, they receive complaints from prisoners. Sometimes, their lawyers provide complaints on behalf of the prisoner.⁴⁰⁸

The Commissioner of Human Rights' representatives monitored 815 penitentiary institutions during 2020. In 2021, they have conducted almost 800 monitoring visits as of August 2021. Some of the penitentiary institutions are only monitored once a year. However, a prisoner can always file a complaint with the Commissioner's Office.⁴⁰⁹

6.1.3. Amount and type of complaints

The Commissioner of Human Rights office had 3,200 cases in 2020.⁴¹⁰ The amount of complaints has doubled in recent years. According to the commissioner, this new tendency is due to higher awareness of the representative office and the activity of the National Preventive Mechanism.⁴¹¹

The Commissioner of Human Rights office stated that the majority of complaints in 2020 concerned:

- systematic violations of the prisoner's living conditions;
- provisions of the medical services;
- violent treatment of inmates;
- violation of standards for delivering parcels;
- rights to protection;
- restrictions on access to lawyers;

⁴⁰⁴ Ombudsman: 36

⁴⁰⁵ Independent prison expert: 125

⁴⁰⁶ Ministry of Justice: 34; Independent prison expert: 125

⁴⁰⁷ Ministry of Justice: 32

⁴⁰⁸ Ombudsman: 36

⁴⁰⁹ Ombudsman: 41

⁴¹⁰ Ombudsman: 47

⁴¹¹ Ombudsman: 42

- violation of the right to communicate with relatives.⁴¹²

The complaints regarding the violation of the right to communicate with relatives were particularly prevalent in 2020 during the COVID-19 lockdown, as the visits were stopped in order to prevent the spread of COVID-19.⁴¹³

Most of the cases concerning the prison administration staff was about either their actions or their lack of action. For example, in 2020, the Commissioner monitored a remand prison due to complaints about a dead remand prisoner. The Commissioner's office had been informed by the authorities that the death was due to natural causes. However, the Commissioner's representatives asked for additional expert support on the matter, and it was proved that the prisoner had died due to internal bodily harm.⁴¹⁴ The medical staff had not taken enough action to save the life of the inmate and had not informed the prosecutor's office in due time. Therefore, a criminal case has now been opened both against the inmate who harmed the other inmate and against the prison administrative personnel due to their lack of action, which caused this lethal outcome.⁴¹⁵

Concerning complaints about living conditions, the Commissioner's office noted that the prison administration usually explains the poor conditions by pointing to insufficient funds.⁴¹⁶

6.1.4. Numbers of complaint cases under investigation and prosecution

An independent prison expert advised that the number of cases under investigation and prosecution on the excessive use of force was in the hundreds, and there were around 20-30 cases on torture. It is hard to say the exact number of cases, as there are no specific statistics on prisons. However, there have not been any convictions on cases on the excessive use of force or torture in the past years.⁴¹⁷

6.1.5. Reluctance to file a complaint by prisoners

Prisoners are often reluctant to file complaints against the prison administration, as this could result in reprisals. Therefore, many prisoners fear torture and ill-treatment if they file a complaint.⁴¹⁸ This is especially the case for prisoners in stricter security regimes. Prisoners who try to complain about the staff's actions are usually put in higher security blocks. Prisoners risk being beaten by prison staff for violating regulations, including minor ones.⁴¹⁹

Filing a complaint can diminish the prisoner's possibility to work or the possibility for parole. Furthermore, it can also lead to the prisoner being beaten by other inmates; it all depends on the type of complaint.⁴²⁰

⁴¹² Ombudsman: 37

⁴¹³ Ombudsman: 37

⁴¹⁴ Ombudsman: 43

⁴¹⁵ Ombudsman: 44

⁴¹⁶ Ombudsman: 38

⁴¹⁷ Independent prison expert: 123

⁴¹⁸ Independent prison expert: 126; Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

⁴¹⁹ Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

⁴²⁰ Independent prison expert: 126; Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#)

Additionally, to complain is not part of the ‘internal prison code’. Hence, a complaint is a major breach of this code and will be dealt with accordingly by fellow inmates.⁴²¹

6.2. Internal inspections of ill-treatment by the authorities

If the medical staff finds bruises or signs of any other kind of ill-treatment on the bodies of the convicts, they prepare a memo on the incident and subsequently communicate it to the prosecutor’s office and the administration of the respective penitentiary institution. The Ministry of Justice highlighted that the ministry has conducted 124 internal inspections in the period 2017-2021.⁴²²

In case of reported ill-treatment, the internal security services start an internal investigation. The Ministry of Justice firstly considers whether the penitentiary institution itself has registered these facts officially as the institutions has to report every injury. If the prisoner has been ill-treated they can choose to provide the information to the prosecutor’s office or provide it to the State Investigation Bureau that is dealing with possible violations by the executive forces of Ukraine.⁴²³

The authorities will respond accordingly if their employees are responsible for violations and would typically be sanctioned by disciplinary punishments.⁴²⁴ However, the Ministry of Justice stressed that the purpose of their inspections are not to punish the employees, but to identify, whether the institutions are effective in all of the directions of its activities.⁴²⁵

6.3. Impunity for perpetrators of ill-treatment and torture

The prosecutors would definitely open a case against prison officers if such cases come to their attention. However, these cases are closed again relatively fast often because of a lack of evidence. It happens that a prisoner is not brought to a doctor before two months after an incident when the clear signs are gone and/or hard to detect.⁴²⁶

Furthermore, the independent prison expert did not recall any cases of a prison officer being sentenced for ill-treatment. In practice, an officer most likely gets a suspension sentence if the case is detected and brought before a court.⁴²⁷

Torture and ill-treatment used during interrogations by the police are often done with impunity. Furthermore, no member of the prison administration has been prosecuted for torturing prisoners since 2014.⁴²⁸ Additionally, prison officers are rarely be sentenced for, bribes or smuggling drugs into the prison.⁴²⁹

⁴²¹ Independent prison expert: 126

⁴²² Ministry of Justice: 50-51

⁴²³ Ministry of Justice: 52-53

⁴²⁴ Independent prison expert: 124; Ministry of Justice: 54

⁴²⁵ Ministry of Justice: 54

⁴²⁶ Independent prison expert: 105-106

⁴²⁷ Independent prison expert: 105-106

⁴²⁸ Kharkiv Human Rights Protection Group, *Prisoners’ rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, [url](#); KHPG: 27; Ombudsman: 24

⁴²⁹ Independent prison expert: 105

6.3.1. Impunity of fellow prisoners

There have been some cases of deaths due to ill-treatment in the prison system. Few of those cases were prosecuted. The typical victims in such cases are homosexuals and sex offenders such as paedophiles.⁴³⁰ Furthermore, prisoners who have beat other prisoners for filing a complaint often manage to do so with impunity.⁴³¹ (For further on inter-prisoner violence see [3.12. Inter-prisoner violence \(IPV\)](#))

⁴³⁰ Independent prison expert: 104, 102; KhPG: 27

⁴³¹ Independent prison expert: 126

Bibliography

Interviewed sources

Interview with Vadym Chovgan, legal adviser, independent prison expert

Interview with Kharkiv Human Rights Protection Group (KhPG)

Interview with the Ministry of Justice of Ukraine

Interview with Human Rights Protection Group SICH

Interview with the Ukrainian Parliament Commissioner of Human Rights (Ombudsman)

Written sources

BBC Monitoring, *Parliament, Ukraine*, 23 October 2021, <https://monitoring.bbc.co.uk/product/3251962>

CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 August 2020*, 15 December 2020, <https://rm.coe.int/1680a0b93c>

EASO (European Asylum Support Office), *EASO Country of Origin Information (COI) Report Methodology*, June 2019, https://coi.easo.europa.eu/administration/easo/PLib/2019_EASO_COI_Report_Methodology.pdf

Kharkiv Human Rights Protection Group, *Prisoners' rights in Ukraine 2014-2021: KHPG report*, 16.06.2021, <https://kphg.org/en/1608809217>

Kharkiv Human Rights Protection Group, *Prisoners' rights to health protection and medical care in 2014-2021: KHPG report*, 18.06.2021, <https://kphg.org/en/1608809232>

New Zealand, Department of Corrections, *Remand*, n.d.,
https://www.corrections.govt.nz/working_with_offenders/courts_and_pre-sentencing/remand

USDOS – US Department of State: *2020 Country Reports on Human Rights Practices: Ukraine*, 30 March 2021, <https://www.ecoi.net/en/document/2048176.html>

Verkhovna Rada of Ukraine, *Official portal*, <https://www.rada.gov.ua/en>

Prison standards

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Combating impunity*, CPT/Inf(2004)28-part, Extract from the 14th General Report of the CPT, 2004, <https://rm.coe.int/16806cd08c>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Imprisonment*, CPT/Inf(92)3-part2, Extract from the 2nd General Report of the CPT, 1992, <https://rm.coe.int/16806ce96b>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Factsheet: Women in Prison*, CPT/Inf(2018)5, January 2018, <https://rm.coe.int/168077ff14>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Complaints mechanisms*, CPT/Inf(2018)4-part, Extract from the 27th General Report of the CPT, 2018, <https://rm.coe.int/16807bc668>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Remand detention*, CPT/Inf(2017)5-part, Extract from the 26th General Report of the CPT, 2017, <https://rm.coe.int/168070d0c8>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Solitary confinement of prisoners*, CPT/Inf(2011)28-part2, Extract from the 21st General Report of the CPT, 2011, <https://rm.coe.int/16806cccc6>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Developments concerning CPT standards in respect of imprisonment*, CPT/Inf (2001)16-part, Extract from the 11th General Report of the CPT, 2001, <https://rm.coe.int/16806cd24c>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Health care service in prisons*, CPT/Inf(93)12-part, Extract from the 3rd General Report of the CPT, 1993, <https://rm.coe.int/16806ce943>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Juveniles deprived of their liberty under criminal legislation*, CPT/Inf(2015)1-part rev1, Extract from the 24th General Report of the CPT, 2015, <https://rm.coe.int/16806ccb96>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Living space per prisoner in prison establishments: CPT standards*, 2015 CPT/Inf (2015) 44, 15 December, <https://rm.coe.int/16806cc449>

CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), *Women deprived of their liberty*, CPT/Inf(2000)13-part, Extract from the 10th General Report of the CPT, 2000, <https://rm.coe.int/16806cd381>

United Nations (UN) General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)*, 6 October 2010, <https://www.ohchr.org/Documents/ProfessionalInterest/BangkokRules.pdf>

United Nations (UN) General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, November 1985, <https://www.un.org/ruleoflaw/files/UNAdminofJJUSTICE.pdf> accessed January 11 2021,

Laws and regulations

Legislation online, *Criminal Code of Ukraine*, 1 September 2001, <https://www.legislationline.org/documents/action/popup/id/16257/preview>

Continent online, Уголовно-исполнительный кодекс Украины от 11 июля 2003 года № 1129-IV/[Correctional Code of Ukraine, 11 June 2003, № 1129-IV] (in Russian)
http://continent-online.com/Document/?doc_id=30418034#pos=14;-192

Закон України, *Про попереднє ув'язнення*, (Відомості Верховної Ради України (ВВР), 1993, № 35, ст.360)
/ [Law of Ukraine on Pre-trial Detention, 1993, № 35, art. 360] (in Ukrainian)
<https://zakon.rada.gov.ua/laws/show/3352-12#Text>

Annex 1: Sources statements

Interview with Vadym Chovgan, legal adviser, independent prison expert

Skype meeting, 14 June 2021

About the source

1. Vadym Chovgan is Dr. in Public law and expert in prison matters of Ukraine. He has been working in and with many different non-governmental organisations, as well as he helped draft several laws on prison conditions in Ukraine.

New legislation regarding the prison system in Ukraine

2. The source explained that the Verkhovna Rada⁴³² is preparing a new law on the penitentiary system. The legislators want to replace the old law called the *law on criminal executive service*. The current draft law focuses on the administrative structure in the prison system. The source opined that the new law would not change much for people who are detained. The law focuses on the legal status of the prison personnel in terms of leaves etc. The new law will also include the possibility for prisoners in pre-trial detention centres to pay for cells with better conditions. This will now be stated in the actual law. Currently it is only stated in a sub-law.
3. Another draft law aims to increase the alternative to imprisonment. The source himself has drafted this particular law for the Ministry of Justice. This draft law aims to look at the articles of the criminal code, which result in the biggest number of inmates in Ukraine in order to reduce the overall prison rate in the country. The most widespread violation in Ukraine is theft, which comprises 1/3 of the Ukrainian prison population. In Ukraine a person would usually get 3-4 years in prison for theft, in the EU countries a person would normally get no more than one year. Also drug related offences were targeted in this draft law.
4. The draft law would enhance the rules of probation, introduce electronic monitoring and introduce probation as a standalone sanction also called probation supervision, not as a suspended sentence and finally the new draft law excludes semi-open prisons from the current criminal code. The circumstances under which a prisoner could get conditional released would be clearer. There will be introduced a risk and needs assessment in such cases, which has not been used before in the former Soviet republics.
5. When asked about the implementation of the abovementioned draft laws, the source opined that for now the Verkhovna Rada is more interesting in solving the legislation needed to fulfil Ukraine's commitments in frames of cooperation with the IMF⁴³³, but if everything goes after the plan these draft laws would be implemented sometime in the autumn of 2021. However, there is no guarantee.

⁴³² Verkhovna Rada is the name of the parliament of Ukraine

⁴³³ International Monetary Fund

Independent monitoring mechanisms in Ukrainian prisons

6. Since 2014, after the political prisoners were released, the government opened up for monitoring of Ukrainian prisons completely. They introduced very liberal laws, which meant that all monitors e.g. human rights affiliated organisation (with the help of MP's assistants), office of the ombudsperson (National Preventive mechanism) got access to the prisons.
7. All monitors are allowed to make unannounced, ad hoc or even night visits to prison facilities without limitations by the security personnel. This is how it is written in the law and this is also how it functions in practice.
8. There has been a few cases where monitors were refused to enter. For example in prison 77, which is also mentioned in the latest [CPT report](#). However, because the prison refused, there were a lot of scandals, because the monitors would publicise this. Therefore, few prisons would dare not to allow monitors into prisons.

Monitoring of pre-trial detention centres

9. There exist limitations for human rights organisations to open monitor in pre-trial detention centres. This is because these detainees are under investigation or on trial. Only state institutions such as the Prosecutors Office and the Office of the Ombudsperson have access to pre-trial detention facilities. However, the source opined that the Office of the Ombudsperson is not a completely independent organisation in this matter, because the ombudsperson's appointment was supported by the Minister of Internal Affairs, thus making it difficult for her to criticise institutions under the responsibility of the ministry, such as police detention facilities.
10. MP's from Verkhovna Rada and their assistants have access to all colonies in the country. However, local and regional legislators or representatives of local supervisor commissions have access in their constituencies. The source stated that he himself was a member of such a commission. Furthermore, one is also allowed to bring journalists, doctors and other persons of interest with you while monitoring a prison.

Challenges to monitoring

11. The source noted, however, that there are limits to what you can monitor. It is forbidden to get access to intelligence information – for example the prison authorities' information about informal collaborators among the prisoners. Furthermore, one cannot conduct inspections of a watchtower or an armoury. The source elaborated that sometimes such facilities would be of interest, due to previous experiences of inmates who were (temporary) detained in such facilities, also during winter.
12. Furthermore, the security services also have some facilities, who are restricted from international inspections. Additionally, very few people monitor psychiatric institutions, even though the reports from these institutions are alarming.

13. In regard to access to military institutions and police stations, this could be much more difficult. As previous mentioned, Police stations is difficult now to inspect via the current ombudsperson, as her appointment was supported by the minister of internal affairs. However, the ombudsperson has criticised the penitentiary system, as this falls under the competence of the Ministry of Justice.
14. According to the source, it is only prosecutors who can visit military institutions. When asked who would be detained under the military institutions, the source replied that very few people are incarcerated at military institutions. There is a penalty of arrest, which can be executed to military servants. In addition, the general sentence of imprisonment can be applied to the military personnel. The number of such prisoners is very low not more than a few hundred for the whole country.
15. According to the source, these changes has resulted in a more cautious prison staff, who now will hesitate before maltreating prisoners. They are aware that within a few hours there will be journalists in the prison with cameras and talking to prisoners confidentially.
16. However, the primary challenge with the monitoring bodies is that they do not have adequate resources by the state, which means that they are not as efficient as they could be.
17. There are over 100 prisons in Ukraine and over 5000 other places of detention. So it can be somewhat difficult to monitor all prisons regularly. If prisons are not monitored regularly, the preventive effect would consequently be limited. Although it was the opinion of this interlocutor that overall there was a high level of scrutiny in prison system in Ukraine.
18. Another issue is that a lot of the violations, that happen within the prison system, happens subtle, which would be more difficult for monitors to identify. Due to the high degree of scrutiny within the prison system, the prison staff employ prisoners to exercise violence within the prisons. The duty prisoners are the official ones, but they also hire convicts, who influence other prisoners upon instigation of the prison administration. As a result the collaborating prisoners get a variety of benefits in exchange. They respect the internal prison code, which is a subcultural set of rules or norms that regulates everyday life in prison, and they could severely harm the health of other prisoners through this scheme.
19. According to the source, this scheme is the worst thing about the prison system in Ukraine, since you can make crimes within the prisons and cover it up completely afterwards. Furthermore, a prisoner cannot complain in such situation, because it will most likely end up with that the perpetrators would kill him. The prison staff usually know what is happening, as they are often the ones, who give the orders to the paid prisoners in the prisons.
20. As a result of a long tradition there is a clear division between some prisons in Ukraine. Some prisons are called “*red prisons*” and are prisons that are under the actual control of the prison administration. Other prisons are called “*black prisons*”, in which the internal rules and norms more or less are under the control of designated, powerful inmates. The system comes from a strong prison code among inmates that rely heavily on violence and respect.

21. As an example the source mentioned the “*red prisons*” such as no. 77, 25 and 100 where the prison staff faced a so-called democracy challenge, when journalists and human rights activists started to monitor the prisons. Due to the monitoring, the prison administration lost their usual instruments of violence, which they used in the past. As a result, the prison administration started to outsource such violent punishments to designated prisoners, hence most prisons became “*black prisons*”.

Public state standards for prisons

22. The source noted that the state standards for prisons is public available. It is written in the Ukrainian laws. That is to say, one can find information about the size of a cell, however, one cannot find information about the size of a window. Such information would be found in a separate document, which is to be labelled classified. In general the most important standards are publicly available. That a prison cell should be clean, there should be ventilation etc. such standards are available. There is no details of standards for long term prisoners, which means that the standards for long term prisoners can vary from prison to prison.
23. When the government opened the prisons up, there was a variety of scandals regarding the prison facilities such as very bad conditions for toilets and such. However, nowadays all the needed information is more or less public available, but there is a sense that there is nothing much you can do about the prison conditions due to lack of resources. On the other side, the source opined that the monitoring of prisons played a crucial role in improving the conditions and in particular the treatment of the prisoners.
24. However, the body that is supposed to investigate and prosecute prison staff for wrongdoings in the prisons is called the State Bureau of Investigation (SBI), and it does not work properly, according to the source. Since its establishment in 2016 there were very few cases brought to the court on accounts of torture by prison staff (2016 – 2 cases, 2017 – 0 cases, 2018 – 1 case, 2019 – 0 cases, 2020 – 3 cases). In 2021, the SBI became more active in these sphere brining over 40 cases on torture to the court, some of which were against prison personnel, but this was the result of establishment of a new specialised department in the Prosecutor General’s Office rather than a shift in paradigm of the SBI. The SBI is ineffective primarily due to the lack of prioritisation of torture cases on the political level and other challenges such as difficulties in proving torture.

Different types of prisons

25. According to this interlocutor, there are different types of prisons in Ukraine.

- ***The Colonies*** – accommodates by far the biggest amount of prisoners in Ukraine.
- ***The arrest houses*** – Although these houses were never build and as a result they are now situated inside of colonies, although they are still called arrest houses.
- ***Correction centres*** – where the prisoners have so-called semi-liberty⁴³⁴, which is a mix of custody and liberty.⁴³⁵
- ***Military institutions***

⁴³⁴ Semi-liberty also called restraint of liberty. In Ukrainian called: Обмеження волі/in Russian: Ограничение свободы

⁴³⁵ In accordance with Part 1 of [Article 61 of the Criminal Code of Ukraine](#), The punishment of restraint of liberty consists in holding a person in an open penitentiary institution without isolation from the society but under supervision and with compulsory engagement of the convicted person in work.

- ***Psychiatric institutions*** – for mentally incapable people, however, those institutions would not be part of the penal system.
26. There are approximately 1,000 persons in the correction centres, and in the colonies there are around 30,000 persons, in pre-trial detention centres there are 18,000 persons (sentenced offenders and prisoners on remand). 11,000 of them would either be under investigation or awaiting trial, but they would not be sentenced yet.
27. In the colonies there are three levels of security (minimum, medium, maximum), where the only difference would be the maximum security level, where prisoners are housed in cells, while the minimum and medium security prisons house their prisoners in dormitories or in small rooms. There are two types of medium security prisons: prisons for those who have been in prison before and those who have not.
28. The largest numbers of prisoners in Ukraine are housed in minimum security prisons, where the prisoners can go outside to work in the city, they are also allowed to have cell-phones. Just next to the prison there is a separate wing where the prisoners can be accommodated and where they can work every day. This is not a possibility in the maximum security prisons, where the prisoners cannot go outside.
29. The correction centres are usually for prisoners who committed petty offences for example for not paying alimony. These prisoners can move within 5 km of the institutions.
30. The source stated that juveniles would be separated from adults in prisons. Furthermore, the source noted that remand prisoners would be placed separately from other prisoners. However, there are sometimes exceptions but these are very rare. The male and female juveniles would be separated. At the pre-trial stage, they would be held in different blocs, and at the sentence stage, they would be held in different prisons. There is one prison for male juveniles, and a unit for minors in a female prison.
31. Remand prisoners could be housed in what is called an isolator of temporary detention under the police. They can stay there for no more than 30 days. However, remand prisoners mostly go through the penitentiary system and not the police. Furthermore, the Security Service (SBU) has its own remand centres. These centres are illegal, as the service do not have the legal power to administer such institutions. These centres would be for persons who have committed state treason etc. The SBU prefers to have these detainees under their own control, even though it is against European standards, because the standard says that one should not be placed under the authority of the people who investigate them.
32. In the past the pre-trial detention centres were under the control of the police, however, Ukraine had to restructure and put pre-trial centres under an independent institution before joining the Council of Europe (CoE).

Prison conditions for draft evaders, conscientious objectors etc.

33. When asked in which type of prison a draft evader would serve, the source replied that Prisoners of the first category (those who avoided conscription - articles 335-337 of the Criminal Code) would be held together with the general prison population. However, according to the judicial statistics for 2021 none out of 295 such offenders was imprisoned. And only 8 of them were placed in semi-open prisons. By way of example, 175 of them got suspended sentences and 73 were fined.
34. Prisoners of the second category (deserters and alike - articles 407-409 of the Criminal Code) would be held together with the general prison population, unless they are "officers", i.e. have the rank of junior lieutenant and above. The "officers" would be held separately, but there is no formal rule on that. In addition, prisoners who served not in the Armed Forces of Ukraine, but in the National Guards of Ukraine (Mol) and Military Service of Order⁴³⁶ would be held in a special prison for sentenced law enforcement personnel, according to the existing law.
35. The source noted that being a former military in a general prison population does not constitute a problem. They are normally treated properly with one reservation - they cannot promote to higher levels of the prison hierarchy. Thus, they would have to be "ordinary" prisoners, i.e. go to work, in general not take drugs etc.
36. According to statistics on the 2nd category, out of 1744 cases in 2020, 165 persons were imprisoned, the others received the sentence of disciplinary battalion (8 persons), arrest (67 persons), fines (148), probation (1202) etc.
37. Furthermore, according to this source, the military battalion is subject to external scrutiny by the prosecutor's office and internal inspection of the Armed Forces of Ukraine. Those sentenced to arrest would be held in usual prisons because the special arrest houses have not been created in Ukraine as required by the law adopted in 2004.

Conditions during interrogations and trials

38. According to the source, torture could happen in Ukraine. However, it is rarely used as a means to obtain a confession. This is due to the fact that confessions are not accepted as evidence, according to the criminal procedure code. A new criminal procedure code was adopted in 2012 and was drafted in cooperation with the Council of Europe (CoE). However, the source opined that torture could happen if the investigators would need some leading information about the case in question. Such information could be, for example, where a person had hidden a knife.
39. There is a department under the Prosecutor's Office created specifically to fight torture in Ukraine. Last year, the department had around 50 cases of torture, which was an increase. In the past such cases were prosecuted under the article on the excess of official powers, now it is prosecuted under the article of torture. In terms of exceeding one's powers, there are many cases in Ukraine. Ukraine had previously had a few high profound cases when the police beat, raped or otherwise harmed the witness. This was treated as a huge scandal by the media etc.

⁴³⁶ In Ukrainian called: Військова служба правопорядку

40. The source stated that torture happens, but it is not widespread in the prison system. Torture would not be used in political motivated cases or cases with corruption, because it would be made public instantly.
41. When asked how prevalent the use of metal cages are at trials, the source replied that such cages are widespread. The source added, however, that they had been removed in some courts. Just some years ago such cages were everywhere. Now in some cases the courts use plastic boxes, but even in the plastic boxes they would sometimes ask the court to be allowed outside of the box or cage, and this would be granted in some cases. However, the general rule would be to put persons in cages during trial, especially in high-profiled criminal cases.
42. According to the source, the transfers of prisoners could be a great problem in Ukraine. They will always place the offenders in cages, usually in the basement of the court to await the trial. Although, it is worth noting that there is an ongoing process in Ukraine to remove metal cages. But it takes time.
43. When asked if the lawyer of the accused is allowed access during interrogations, the source replied that they would be granted access. However, the question is more about the quality of the lawyers. The source was aware of a number of complaints about lawyers. For example that they just want money, they did not provide proper protection etc. Furthermore, the police would seldom read an accused their rights including the right to a lawyer. But if one knows the law and can afford a lawyer, they will be granted.

Living conditions

Material conditions

44. According to this source, problems with overcrowding is mostly not a problem in Ukraine. The colonies are half empty and Ukraine has even closed colonies or parts of the colonies down due to lack of prisoners. The ministry now started to sell prison premises for business opportunities. Ukraine has too many prisons nowadays, as the prison population had dropped 5 times in comparison to the population in 1991. However, it happens that a prisoner in a colony would have 3 m² and not 4 m². ECHR⁴³⁷ has no objections to this as long as the prisoners have some freedom of movement and that this only happens temporarily.
45. However, in pre-trial detention centres overcrowding is a huge problem. All centres are as a rule overcrowded. This is due to the standard for pre-trial detentions, which stipulates only 2.5 m² per prisoner. This will not meet the standards by the CoE.
46. There exist exceptions with so-called “paid” cells and some pre-trial detention centres. In Ukraine everyone can pay for a cell, if they have the financial means. Although, another problem is that these cells are often occupied, because of the high demand. This is why the authorities are opening more and more paid cells in Kiev, where the problem with overcrowding is biggest.

⁴³⁷ European Court of Human Rights

47. The source noted that a big problem in pre-trial detention centres was that prisoners were confined in their cells for 23 hours per day, which exacerbates the living conditions in the cells and expose the detainees to tobacco smoke or other things harmful to their health.
48. When asked if prisoners live in single or multiple cells, the source replied that most prisoners live in multiple cells, except prisoners with lifelong sentences who usually live in cells of two persons. However, currently the authorities are shifting to large rooms. The interlocutor emphasised that there were no prisoners living in single cells. It is only possible to live in a single cell in case of solitary confinement.
49. In pre-trial detention centres it is common to see up to 20 persons in a cell of 30 m². There are normally no shifts for sleeping in beds anymore, but the source was aware of a recent case from a pre-trial detention centre in the south of Ukraine, where prisoners had to sleep in shifts. These are, however, exception cases, but it still happens.
50. It is worth noting that the pre-trial detention centres differ a lot, because they were built in different times. Some of them were built in the 18th century, some in 19th and 20th century where the standards of the perimeter differed. So some of these cells will be for 20 persons, some for only 4 persons etc. The worst conditions for pre-trial detention centres would be in the Kiev Region due to overcrowding.
51. In Kiev some prisoners who had been sentenced could sit in the same prison as prisoners awaiting trial. However, they would not sit in the same block. The distinction in this regard is very clear. Although, the source had recently heard about one such case, where one prisoner was killed as a result of violation of this standards.
52. When asked to what extent Ukrainian prisons comply with the CPT standards of living space, the source replied that almost all colonies would comply, and for pre-trial detention centre almost none. The pre-trial detention centres were built back when the population size was smaller than today and such centres only exist in the regional capitals, because of this they have a constantly high number of prisoners.
53. In the colonies 70-80 percent of the prisoners live in dormitories. The dorms would house from 20 to 70 persons. It is worth noting that the conditions are still better than it was before 2014. In the past one dorm could house 120 persons alone, living in two or three bunks of beds. Such dorms do not exist anymore, in present day Ukraine you only have two bunks. So the good thing about the colonies is that there are a lot of space, on the other hand, there is no privacy in the colonies.
54. The colonies were first designed to be labour camps under the GULag.⁴³⁸ In the czar system you did not have prisons of this type. The prisons at that time were mostly in the far east of the Russian Empire. So the pre-trial detention centres were designed around 200 years ago and structured under the czar, while the colonies were built in the Soviet Union within the last 70 years.

⁴³⁸ GULag (Main Directorate of Camps) was a network of labour camps in the Soviet Union developed primarily under Stalin in the 1930-50s.

55. The tendency today is that you break down the big premises of the colonies into smaller ones, which they call "Kubrik". These are small rooms with 4-6 beds, which prisoners prefer compared to the larger dorms.
56. According to this source, the colonies would have bigger windows and consequently better light, apart from the maximum-security penitentiary institutions, where the prisoners would live in cells. Furthermore, pre-trial detention centres have very poor lightning, partly due to small windows, but also because the authorities place a few layers of grilles on the windows, which significantly limit the natural light in the room. In comparison, in Norway they have one or no layers of grilles on the windows, and in Ukraine they have 3-4 layers.
57. The source explained that the ventilation is usually natural. In some institutions ventilation systems were installed. However, these systems would probably not function. In regards to pre-trial detention centres, there are not even designed any ventilation. In these places, ventilation consists of opening the windows to get fresh air and in some rare cases the window on the door can be opened as well. The problems show during hot summers, where people could die of a heatstroke.
58. The source noted that there is no general overview of the state of repair of the prison facilities in Ukraine. For example in Kharkiv region the prisoners have excellent physical conditions. However, the treatment in the same region is one of the worst. The source explained that because of the bad treatment, the prison staff would force the prisoners to work more, which helps the prisons to earn more money, and as a result the prisons could build better physical conditions.
59. The source noted that the prisons with the worst conditions would get closed, as they reduce the number of prisons in the whole of Ukraine. A lot of prisons were closed in the Western part of Ukraine, because the previous prison administration who originated from the East of Ukraine (Kharkiv), and thus had more interest in developing the Eastern part of the country.
60. When asked if there is a kind of call bell system in the prisons for emergency use, the source stated that such a system did not exist. There exist quite clear informal rules how to get the attention of the prison staff. E.g. they could scream to get the attention of the staff. Emergency bottoms is not a part of the Ukrainian prison tradition as it is not written anywhere in the Ukrainian laws.
61. According to the interlocutor, the prisoners have a common boiler from which they cook their food. In the pre-trial detention centres the source estimated that around 50 percent of the prisoners would refuse to eat food that is provided by the prison administration, because in their opinion it is uneatable. Instead these prisoners rely on their relatives to bring them food.
62. In the colonies the prisoners eat the food provided by the prison administration. However, this food has a very poor nutritional value. In Ukraine you cannot get these kind of module nutrition packages as you get in Europe. The prisoners would get their food on a tray through a window, which could be porridge, poor salad, cabbage and soup without meat. However, there are rules on these matters, but they are not observed due to corruption and underfunding. There are also cases where members of the prison administration steal the food.

63. The idea is that Ukraine will introduce module nutrition packages, however, the current Ministry of Justice has postponed this decision for another year. Although, such nutrition packages have been introduced in the military service.
64. Furthermore, in Ukraine there are norms of what kind of food one should have. However, the official rules stipulates that it is possible to switch one type of food out with another. For example one can get tea instead of milk, butter instead of eggs etc. As a result the prisoners do not have milk, eggs, fruits or greens. In this regard, one can easily distinguish Ukrainian prisoners from other European prisoners. They would be pale and would have few teeth left, because of the poor nutrition.
65. In pre-trial detention centres, the food is even worse, because the prisoners in pre-trial are not allowed to work, so they have to rely on the state budget, which is scarce. In the colonies, the most of the prisoners work, and a lot of an inmate's income goes to the prison, which they use in improving conditions for the prisoners and also to buy better food.
66. According to the source, the conditions under which the prisoners live are very unhygienic. The prisoners have access to showers once a week. This includes all prisoners both pre-trial and colonies. They do not have access to toilet paper, toothbrush, toothpaste, and shaving equipment. Women do not have access to sanitary towels. So this part of human dignity is not considered in Ukraine. The prison administration do not have a budget to purchase hygienic items.
67. In the colonies, where there are the possibility to work, the prisoners would buy hygienic items the official way themselves at the prison shop. However, it is also possible to inquire the informal prison leaders and ask for hygienic items in exchange for their future services e.g. being a part of their gang, being a spy, begging relatives for money and then share them with the welfare fund for prisoners. This mechanism is most prevalent at the pre-trial detention centres, although it is also used in the colonies.
68. The source elaborated that the hygiene problem was not limited to the prison system in Ukraine, but should be seen as a broader problem for example one would not get hygienic items in Ukrainian hospitals as well.
69. When asked if the prisoners have regular access to toilets without undue delay, the source advised that this was the case. The toilets are screened off somewhere and in other places they are only partly screened off by a half wall. In pre-trial detention centres the toilets are in general only partly screened off with a wall that goes up half way to the ceiling. The source explained that in many colonies they have now built toilets that are fully screened off.
70. In regard to showers, the rules stipulate that prisoners can have a shower at least once a week, which means for the most of the prisoners only once a week. Furthermore, the prisoners have access to running water. But drinking water would either not be clean nor regular or easily accessed. This is a general issue, especially in pre-trial detention centres. It is not possible to drink water straight from the tap in many Ukrainian prisons.

71. The source advised that it was an issue, in general, that prisoners would be exposed to passive smoking in prisons. Furthermore, it is a problem that a prisoner cannot complain about it. So many non-smoking prisoners have to stay with smokers, which is a permanent violation of art. 3. In the colonies the problem with passive smoking is less prevalent than in pre-trial detention centres, because prisoners would rarely smoke inside their dorms, as they have the possibility to go outside and smoke. Furthermore, a non-smoking prisoner with lifelong sentences would not be placed together with a smoker.

Health care

72. The source stated that the biggest number of cases and therefore the biggest concern in prisons is about poor health care. The access to medical aid in the prisons is much lower than outside of the prisons and this is also highlighted in the CPT reports all the time. It is very rare that a prisoner would get the medical health care they needed if they could not pay for it. Free government medical aid in prisons would be very rare. The state insurance funding regarding health care is very limited in Ukraine.
73. In regards to vulnerable prisoners, including persons with disabilities and mental health issues, given necessary treatment, the interlocutor noted that such persons would live in separate prisons. However, the prison administration is not fully accustomed to handle persons with disabilities, which has resulted in some cases where persons in wheelchairs would have to be transferred by other prisoners to different floors.
74. According to the interlocutor, the medical checks and treatment were being documented in a medical journal. However, such documentation could also be deleted if the prison administration insisted on this, although recently there was an administrative reform by which the prison doctors became sort of independent, as they are not reporting directly to the prison director anymore.
75. They are now reporting to their own hierarchy of medical health care. Then prison directors started to blackmail prison doctors telling them that if the doctors did not do what the prison directors required then the prison directors would not provide the transport needed to transfer prisoners to outside hospitals. Because of that prison doctors did not risk to go against the prison administration quite often. There were also cases where prison doctors refused not to record the injuries of the prisoners, and as a result hereof they were fired.
76. Especially for those prisoners who arrive to pre-trial detentions, their medical records are all recorded very carefully. The prisoners might have injuries on them, and if these are not recorded immediately, then the prison administration would have the responsibility for these injuries. However, the injuries that happen during detention are usually recorded but not always.
77. The prisoners will undergo a medical examination within 24 hours upon arrival in pre-trial detentions centres and within 48 hours in the colonies.
78. The prisoners are obliged to undergo x-ray check for tuberculosis, which has been successful. The numbers of prisoners with tuberculosis has dropped significantly in comparison to what Ukraine had

in the past. In regards to HIV tests, they are voluntary. According to this source, the prisoners would get the treatment against HIV, especially in the later stages of the disease. However, there are cases where prisoners would not be able to get the treatment required for HIV/AIDS.

79. The source explained that the medical staff in Ukraine is not adequately trained. Their training does not correspond to the training of the doctors at large. The training is not synchronised, which also means that the medical staff in prisons does not undergo regular education.
80. According to the law, consultations with the medical staff are confidential. However, there are cases where prison officers were present during medical consultations. This is also something that the CPT wrote about in their reports.
81. A prisoner could, according to the law, be examined by a medical doctor of their own choice. The problem is, though, that the prisoner need to pay for this, and most of the prisoners do not have adequate funds to pay for such services. But the prison administration would not reject to such a request.
82. The access to treatment in general is very bad. There is not enough medication in the prison system and the medication they have are often expired. Furthermore, the quality of the medication they have is very poor. For example, one could get an aspirin pill against cancer. Medicines are the worst area in the prison system in terms of supply and conditions.
83. The source advised that there was no access to harm reduction treatment for prisoners using drugs until recently. In May 2021, however, Ukraine adopted a rule that stipulates that all prisoners have the right to possess and to buy syringes, condoms, needles etc. But these things are not provided by the state.
84. In the special prisons for disabled people, the prisoners have access to relevant equipment e.g. wheelchair, crutches etc. However, in regular prisons it would be difficult to get such provided by the administration. The source opined that a prisoner could get it, but they had to get the needed equipment themselves.
85. According to the source, the prevalence of suicide and self-harm is high among the Ukrainian prisoners, and it is a growing tendency just within the past few years. One can see a growing number of suicides in the prisons, and the number of inmates are falling, so the number of suicides per capita is actually growing fast. The Ministry of Justice would say, that there are measures in place to prevent suicides, due to their cooperation with international projects. However, this source did not know of any such concrete measures apart from separating prisoners who have suicidal tendencies and they should be under more close attention.
86. In regards to the risk of death from disease, the source stated that it was higher in prisons than in the society at large. However, the formal mortality rate in prisons is actually lower than outside of the prisons, because the prison administration does not record death of prisoners that happen outside of prisons e.g. if a person dies at a hospital, which is common. Such statistics are hidden.

87. When asked if the prisoners had access to **meaningful activities** the source advised that in the colonies they did have more or less access to such activities. However, in pre-trial-detention centres such activities were almost non-existent, except for one-hour walk pr. day.
88. Prisoners in the colonies had several hours pr. week for those who study. Normally each colony would have access to teachers from local educational institutions, which would come and teach the prisoners in the colony. However, the interlocutor opined that the quality of education in prisons was very poor. In the colonies the prisoners also have access to gyms, football fields etc.
89. In maximum security institutions the prisoners have fewer opportunities in regard to activities. They still have the possibility to work, although, they cannot work outside of the prison perimeter, while the prisoners in the medium and minimum security have such opportunities.
90. Although the salary is not good the possibility to work is helping prisoners to get an earlier release. This is the main reason for prisoners to work, which means if a prisoner want to work, he will work. On the other hand, the source mentioned that it was a part of the prison code that decent prisoners should not work.
91. The prisoners are allowed to have short term visits of family and friends once a month and once every two month or in some cases every three months they can have long term visits. However, during COVID-19 long term visits were suspended. Now the administration allowed such visits to some extend again.
92. In minimum-security institutions, the prisoners are allowed to have visits from families and friends once a week. However, as a rule prisoners in pre-trial detention are not allowed to have visits. They have to ask an instigator to issue a permission for each visit. Furthermore, there is no long term visits allowed for pre-trial detainees. Visits by lawyers are another case. This is allowed.
93. When asked to what extent prisoners are allowed to make phone calls with their family and lawyer, the source stated that in pre-trial detention centres such phone calls are not even provided. In the colonies it is legally provided but the prisoners have to pay for it. This also includes phone calls to lawyers. However, it is important to stress that nobody really cares so much about this, as everyone has cell phones. Although officially this is not allowed. All prisoners use cell phones illegally. In minimum-security institutions, prisoners are allowed to have cell phones and chargers.
94. According to the source, it was a problem for prisoners, that they were imprisoned far away from their region of origin, which is a violation of art. 8. This was due to the Ukrainian system of classification. This classification is based on the type of crime. If a prisoner had committed one specific type of crime, they would be sent to a specific colony and a specific region. While the normal practice should be, the prisoner's level of risk is such, therefore they go to this prison. The source noted that a map of the different types of colonies existed on the website of department under the ministry of justice. For example there only exist one prison for juveniles, which is located in the East of the country and therefore makes it difficult, for persons to visit from the West, due to the country's size. The same goes to female prisons. In Ukraine there exists only five such prisons.

Solitary confinement and other means of restraints

95. When asked to what extent solitary confinement is used illegally or disproportionately for prisoners, the source opined that it is not used much. It is not a problem. Although, some prisons have exceptions, because the conditions there are more strict. In general, this was not an issue in Ukraine.
96. In Ukraine, you do not use solitary confinement. It is not even written in the law. Instead, they use what is called disciplinary isolation. In these cases, there would typically be two persons in the same cell. Only sometimes, it would be one person sitting in a cell. According to the law, the prison administration cannot sanction a person by putting him in isolation. Although, in practice it could happen.
97. There is a prison that placed 600 prisoners in solitary confinement per year, and there is a prison that placed 50 per year. So the numbers vary a lot depending on the prison. The maximum time in solitary confinement is 14 days. Although, there exists a possibility of three months, but this should be approved by a court, which is why it is not used anymore.
98. If the prisoners got drunk or similar, they would be put in solitary confinement. However, it is not used in the same degree as it was previous, when a prisoner could be sent to solitary confinement for smoking. It is worth noting that the prison administration would very seldom indicate the real reason for solitary confinement. Such cases had to entail new cases of criminal prosecution against the prisoner such as drug use etc. Nevertheless, it seems like the prison administration sort of close their eyes to that and put them in solitary confinement instead.
99. A prisoner would rarely use a lawyer to complain when disciplinary rules are used against them. They would complain themselves. All prisoners can apply to court for free unlike other Ukrainian citizens at large.
100. It is possible to use straitjackets, although they are not in use. Also handcuffs and truncheons are used especially for life prisoners. During transfers, the prisoners are handcuffed.

III-treatment and torture

101. III-treatment is all hidden in prisons and nobody dares to complain against fellow prisoners. This is why it is quite difficult to get a real estimate of the prevalence of such practises within the prisons. However, the source advised that the conditions regarding ill-treatment had improved due to the fact that the prison gates got open for scrutiny and monitoring from the outside. This improved the conditions.
102. The typical victims of ill-treatment is homosexuals and sex offenders, such as paedophiles. The only question would be if paedophile only would get ill-treated or they would be killed. It is a highly likely outcome for such persons. Military personal would have separate cells in pre-trial detentions.

103. There exists a lot of policies and measures to prevent and detect ill-treatment in the prison system. Of one touches a prisoner, it would somehow wind up on social media and soon the whole oblast would know about this.
104. According to the source, there are cases of deaths due to ill-treatment in prison. Few of these cases were also prosecuted. If we are talking inter-prisoner killings the estimation is that at least 10 persons would be killed every year.
105. When asked about impunity amongst the prison staff, the source replied that he did not recall that a prison officer was sentenced for ill-treatment. Prison officers would rarely get sentenced for bribes or smuggling drugs into the prison. Furthermore, they would usually get suspended sentences. So in this regard, the impunity is thriving in amongst the prison staff.
106. On the one hand, the prosecutors would gladly open cases against prison officers. Such a case would be opened automatically when it is reported. On the other hand, such cases would get closed again very fast, usually because of lack of evidence. For example, they would bring a prisoner to a doctor after two months after the incident, and therefore not find any evidence of ill-treatment.
- Inter-prisoner violence (IPV)**
107. Inter-prison violence is more prevalent in pre-trial detentions due to lack of space and lack of prison staff. Furthermore, prisoners do not stay in pre-trial for a long time, which also creates more IPV. In the colonies they have a code which the prisoners abide by. In pre-trial detention centres there are new arrivals coming all the time, and they clash with other inmates. Furthermore, drugs and alcohol are more prevalent in pre-trial detention centres.
108. According to this source, there are some policies and measures in place to detect and prevent IPV. The prison administration tries to divide prisoners according to their characteristics, however, the source opined that the prison administration does not have IPV under control. If a prisoner is under threat of live they would put him in solitary confinement, but in such cases, the prisoners themselves ask for solitary confinement. Sometimes one can also choose to transfer a prisoner to another prison, but these cases are rarer. This applies both to colonies and pre-trial detention centres. Although, for pre-trial detention centres it is more difficult to be transferred to another prison, because the prisoners usually have a pending case in a specific court in that particular city.
109. The source stated that differentiated treatment, in general, did not take place in the prisons. Regarding Russians, it is not a problem at all, because the informal prison code is made from the soviet tradition and hence in Russian. The majority of all prisoners in Ukraine are Russian speaking; also in the Western part of Ukraine. There is no equivalent to the prison code or subculture in the Ukrainian language.
110. Perhaps it could be a problem with Roma people, because other prisoners would not like such persons and thus would not enjoy the same level of interaction/protection from other inmates.

111. According to the source, it would not be a problem if a prisoner came from a specific political group such as former members of party of regions. Furthermore, separatist from the Donbass are kept separately from other prisoners and they would not be transported to the West for example.
112. Vulnerable groups such as women, juveniles, and people with disabilities would not have problems in prisons, because they would be placed separately. Although, hygienic products could be more scarce, which would make women more vulnerable to men. However, in women prisons the prison staff would also be women. In pre-trial detention, women would be placed in the same prison, although it would be in a separate wing.
113. In some cases, the state would provide for some limited amount of hygienic products for women, but not sufficient amount. The women could, however, buy such products in the prison shops. The access to such products would be worst in pre-trial detention compared to the colonies.
114. In theory women are allowed to maintain relationship with their spouse and children. However, because the prisons typically would be very far away from their home and they are more likely not to have preserved relations with the family. Sometimes such women would be blamed by the family. For example marriages in male prisons are very common, but in female prisons it is an exception. The system do not take active steps to resort family relations.
115. There are specific doctors that could give women special attention in terms of gynaecology etc. However, in relation to special attention to mental health care, including traumas connected to domestic violence, the source opined that the prison system would not have any special means for women. Formally they have a programme for victims of domestic violence. Women are, however, given medical confidentiality during medical examination and treatment and given the possibility to be examined and treated by female staff.
116. If a women is placed in a disciplinary isolator, which is very rare, then they do not have the right to see anybody including underage children. This is a general rule, which also applies for women.
117. The juvenile's prison in Ukraine is housing persons in the age of 14-18, although one can stay there until they are 22 years old, if they behave well. Juveniles could, in theory, be placed in a disciplinary isolator, however, such cases would be extremely rare. It happens, perhaps, once a year.
118. The source advised that juveniles are offered a full programme of out-of-cell activities and education. Juveniles who are sentenced under criminal legislation are not held together with juveniles who are deprived of their liberty for other reasons.
119. The juveniles are not separated by age groups, but they are separated by gender. Juveniles are also granted access to the outside world. Furthermore, the source noted that flexible measures such as probation, community service, financial penalties etc. are used to avoid the juvenile to be institutionalised as much as possible in Ukraine.

120. Parents are notified upon apprehension and they are given access to participate in the legal proceedings in case. However, there could be some delays in the notification and the parents do not have the right to defend their child at court not through a lawyer.

121. It is forbidden to inflict corporal punishment or in other ways ill-treated upon juveniles in Ukraine, and the source have not heard of cases where such actions took place. However, it could happen occasional.

Accountability

122. When asked what complaint and prosecution mechanisms are in place for prisoners, the source explained that one could complain to prosecutors, the SBI, ombudsperson, although the ombudsperson would transfer the complaint to the prosecutor's office if it is about a criminal matter.

123. According to the source, the number of cases under investigation and prosecution on the excess of force was in the 100's, and on torture it would be 20-30 cases. It is hard to say exactly because there is not any specific statistics on prisons. However, there have not been any convictions in the past years.

124. Prison officials would usually get sanctioned by disciplinary punishments mostly, they will get internal investigations, and this is something new. In the past such measures would not even happen.

125. Prisoners could easily submit their complaints confidentially, due to their access to the internet. But the formal system does not provide for confidentiality, which means that letters are opened by the prison administration. This is of course against the law.

126. Prisoners would be subjected to reprisals as a result of having submitting a complaint. Complaining is very dangerous. It could diminish the prisoner's possibility to work or the possibility for parole, but it could also mean getting beaten by other inmates, all depends on the type of complaint. When fellow prisoners beat other prisoners for a complaint they would face total impunity. Furthermore, to complain is not a part of the internal prison code. So a complaint would be a major breach of this code and would be dealt with accordingly.

Interview with Kharkiv Human Rights Protection Group (KhPG)

Skype meeting, 24 June 2021

About the source

1. KhPG is a Ukrainian NGO that focuses on assisting individuals whose rights have been infringed, and carrying out investigations into cases of human rights violation in Ukraine. KhPG also monitors the use of ill-treatment and torture, which they publish in reports available online at their [webpage](#).

Access to Ukrainian prisons for independent monitoring

2. According to the source, there are several ways to get access to penitentiary institutions in Ukraine:
3. First, there is a national mechanism under the ombudsman institution called Ombudsman+. This mechanism means that there is a branch under the ombudsman, which sole purpose is to visit penitentiary institutions. In every Oblast,⁴³⁹ there is a monitoring crew, who has undergone training and visit colonies as directed by the ombudsman. In order to get access to the perimeter, the ombudsman is writing a letter to a particular colony, and thus the prison administration is obliged to let them in.
4. Secondly, one can get access to the prisons via a so-called supervisory commission. However, this way of getting access is less efficient, as the supervisory commission is subordinated local/regional authorities. This means that the civil servants working in this commission typically have no incentives or interests to go visit penitentiary institutions. However, sometimes the members of the commission choose representatives from NGOs, who then can visit the colonies. Although, such visits should be cleared through the commission.
5. Thirdly, from April 2014 it became possible to visit penitentiary institutions in Ukraine excluding pre-trial detention centres for MP's and their assistants, which includes MP's from Verkhovna Rada⁴⁴⁰ and from the regional parliaments. Furthermore, the MP's can take 2-3 doctors and 2-3 journalists with them. They are also able to conduct tête-à-tête interviews with the prisoners. They can make audio or video recordings, which the prison administration should provide for. This third option of monitoring is the most effective of the three. The source noted that there are a couple of organisations working on monitoring of penitentiary institutions on a daily basis.
6. In regards to visiting the pre-trial detention centres, the ombudsman and their staff together with the prosecutor's office are able to visit these institutions. However, the source advised that visiting prison facilities is not something that the prosecutor's office would do often.

⁴³⁹ Oblast is administrative unit in Ukraine often referred to as a region.

⁴⁴⁰ The parliament of Ukraine.

7. If the prison administration is not willing to let monitors in at their perimeter, it will be a violation of the law and subsequently the monitors will complain to the prosecutor's office. However, such rejections would happen very seldom.
8. On 3 January 2020, more than 50 people decided to complain to monitors of KHPG in a colony in Kharkiv Oblast. However, KHPG only managed to receive complaints from 22 people, due to four holidays in connection with the Orthodox Christmas. The KHPG staff advised the prison administration that they would arrive on 8 January. It is worth noting that this was the first case in this colony when prisoners had decided to complain about the administration. The source mentioned that the conditions at this colony is tough, which had kept prisoners from complaining. However, on 7-8 January, the administration had summoned the Special Forces to the colony, where they beat up many of the prisoners. The prison administration stated that there was a riot of prisoners at the colony, and the administration felt obliged to summon the Special Forces because of the riots. The administration announced afterwards that because of the special situation in the colony, they would not let anyone in at the colony. Hence, KHPG's monitors were not allowed access to the colony for at least three weeks.
9. The source advised that there was a challenge concerning the facilities of the Security Service of Ukraine (SBU). These facilities would be difficult to get information about.
10. On the other hand, the source stated that the monitors could visit the colonies unannounced, and they have access to all facilities they wish to examine. However, the prison administration would often hide things at hidden places, such as secret production facilities or workshops that are not officially registered and in which unrecorded products are produced, where they did not want the monitors to examine.
11. The source mentioned that they found such facilities in the Temnovskaya colony No. 100 in Kharkiv region. The administration also hides the so-called press-cells - premises in which convicts are beaten. The administration also hides the convicts so that they do not meet with the monitors. Sometimes for the sake of this she slips other convicts instead of those with whom the monitors wanted to meet. To get access to such places would require, that one knows in advance, where they are in order to examine them.
12. The monitors can conduct confidential interviews with the prisoners. Although, the source opined that the prison administration would always try to sit down with the monitors and listen to what the prisoners had to say. They would typically say that it is for security reasons that they would like to attend the interviews.
13. The KHPG always visits the disciplinary detention centre, which used to be the former pre-trial detention centre. Then they visit the different cell-types. After that, they always visit the medical unit, the living area and the barracks, where the prisoners sleep. They look at how the prisoners have arranged their daily life, count how many beds there are in the barracks, if the beds are double bunked, and then they look at the repair plan, find out if there are any taps dripping etc. They also monitor the facilities for making food, how many pots and pans are available and so on. The monitors also visit the canteen, where the prisoners eat. This is followed by a visit to the working spaces and

the showers. The monitors also check whether the prisoners have access to the internet, and how often access is granted etc.

14. These elements are all part of an overall assessment of whether the prisons complies with the national standards for prisons. After every visit, a report is conducted with pictures and recommendations. The report will then be handed to the prison administration before publication with specifications of things that are not in accordance with the norms. The administration can then comment and often it agrees with the recommendations. The KHPG then publish the report, most often without specifications of the errors and flaws from the visit in order to give the administration a possibility to correct the changes. However, at a following visit the KHPG will carefully monitor whether the administration has fixed the errors and flaws.
15. The source noted that the organisation did not have a plan for regular monitoring of the prison facilities. The goal of this organisation is to monitor the facilities, understand what is going on at the premises and subsequently influence on the conditions there. Furthermore, KHPG also helps the prisoners on different questions, such as the use of violence. The source noted that unfortunately, this happened at the prisons. The interlocutor advised that as a rule of thumb, if a colony is looking all too good, one knows that it is a bad colony.

Different types of prisons

16. The colonies are divided into three categories for incarceration of prisoners: minimal, middle and maximum security. It is possible to visit all three levels of security, although, the prison administration would not recommend monitors to go into cells with prisoners with life-time sentences or visit cells with prisoners in maximum security. Therefore, one would speak to such prisoners through the windows in the cell doors.
17. Furthermore, there are five separate prisons only for women and only one prison for juveniles. For adult men the colonies are divided in penitentiaries for first offenders, and for convicts, who have been sentenced to prison more than once, which is classified as medium security level. For the worst type of crimes, there are maximum-security prisons.
18. According to the interlocutor, it happened very seldom that juveniles were incarcerated with adult prisoners in pre-trial detention centres, as this was forbidden by the law. The source have not heard of such cases in the last 5-6 years. The number of minors who end up in pre-trial detention centres is very small, so such events are extremely unlikely.
19. On the question, whether there existed military prisons in Ukraine, the source noted that there existed so-called disciplinary battalions (Disbat). These facilities are for those military personnel who has committed disciplinary offenses. They will serve time in these disciplinary battalions, which de facto would be the equivalent to a military prison. The source stressed that Disbat is only for sentenced military personnel, and thus does not include draft evaders, conscientious objectors or evaders of mobilisation.

20. Approximately 1,400 prisoners are housed in 14 corrective centres in Ukraine. The numbers of corrective centres used to be higher, but the authorities have closed some centres. The corrective centres are housing people, who have been sentenced to restraint of liberty⁴⁴¹, which is a lighter sentence than general imprisonment. These corrective centres used to be called open prisons⁴⁴², where people live in the colony and would work outside the colony. There would typically not be any medical unit in these colonies.
21. The sources advised that the state standards for prisons is public available for every Ukrainian citizen.
22. There exists a special commission on the distribution of incarcerated persons who decides where a particular prisoner should serve their time. This commission would look at a colony that is in accordance with the crime committed. Thereafter, the commission would look at where the family to the prisoner is living. This is something they began to look at after the ruling of the ECHR, which stipulated that prisoners should be incarcerated at a place where the family had the chance to come visit. The source opined that unfortunately, the latter was not a big priority for the commission.

Prison conditions for draft evaders, conscientious objectors etc.

23. In regards to draft evaders and conscientious objectors, the source noted that such persons would not sit in the facilities of the SBU, but in regular civilian prisons. The source added that such prisoners did not face any problems in prisons specifically related to their crime. It was the opinion of this source, that such prisoners were very few.
24. The laws regulating this area are very old; many are from the soviet times. Furthermore, Ukraine has not declared martial law at any time during the conflict in East Ukraine. The source advised that as long as there are not declared martial law, the rules of conscription is actually very liberal. For example, if the military commission wants to call up a person who is on the list for conscription, the commission has to deliver the call-up personally. The call-up should contain the person's personal ID and signature, before it is valid. This means that if the person is not home or he is hiding from the commission representatives, then he is not obliged to stand before the commission. The commission cannot do anything about this, according to the current legislation. So dodging in this way is not perceived as a crime, according to the law, as there is no proof that the person in question was called up, because he had not signed the call-up.
25. There are call-ups two times a year and when nobody comes to the military commissions, they have to make a plan on how to get people enrolled in the army. The source stated that the commission together with the police would approach people at a so-called collection point, which could be on a street, at a cinema, universities or at exams. It is campaigns like this that KHPG is fighting, because they are not allowed, according to the law. The source knew of cases where they had called up persons who lived in another city, and was only in that particular city to visit friends. It is something that the military commission do, only to get a check mark in their book, so they can show their superiors that they have fulfilled the plan.

⁴⁴¹ In accordance with Part 1 of [Article 61 of the Criminal Code of Ukraine](#), The punishment of restraint of liberty consists in holding a person in an open penitentiary institution without isolation from the society but under supervision and with compulsory engagement of the convicted person in work.

⁴⁴² In Russian called "Колония-поселение"

Conditions during interrogations and trials

26. According to the source, it was widespread for the authorities to use torture and ill-treatment to get a confession of the accused. However, the use of such methods has been more prevalent in the past and the country has been fighting this practice in the past 25 years with some success. There has been introduced legislation to reduce the use of torture. However, it still used because the Ukrainian police believe that this is needed to solve crimes.
27. The source opined that torture and ill-treatment is used to get the accused to say, what the police want them to say, disregard whether this has anything to do with the truth. Furthermore, the police are doing this with impunity. The police would never be charged for using violence during interrogations.
28. When asked how prevalent the use of metal cages is in Ukraine, the source answered that such cages were in use and were widespread, although, there had been a court ruling from ECHR⁴⁴³ stipulating that such cages should not be used. However, the use would depend on the crime committed. For example if a person is accused of theft, the attorney could ask the judge to let the accused sit outside of the cage. The judge can then choose to accept this. Such cases are typically the exemption to the rule.
29. According to the source, an attorney is allowed to sit together with the accused during interrogations. Although, the police are trying to avoid this. In many cases, the police would only allow the attorney to enter the interrogation room, after they have obtained all the information out of the accused they needed.
30. The source also knew of cases where the attorney who was appointed to the accused worked for the police. If the accused was not satisfied with the appointed attorney, the police would typically say, that they do not have access to any other attorney. This practice is not in accordance with the law, but the police will conduct their interrogations in this way, if they are convinced that they have caught the right person.

⁴⁴³ European Court of Human Rights

Minutes of online-meeting between the Danish Immigration Service with the Ministry of Justice of Ukraine⁴⁴⁴

Zoom meeting, 25 June 2021

Mechanisms of independent monitoring in penitentiary institutions and pre-trial detention facilities of the State Criminal Executive Service of Ukraine

1. In order to ensure control over penitentiary facilities and pre-trial detention facilities of the State Criminal Executive Service of Ukraine (hereinafter – the PFs and PTDFs of the SCESU), they, together with key stakeholders from the executive branch of power, ombudsman institution and prosecutor's office, developed the draft Law of Ukraine "On establishing a dual system of regular penitentiary inspections." The subject of the dual system of regular penitentiary inspections is the implementation of internal and external control on the compliance of the places of detention with the requirements of the Constitution of Ukraine, international and national laws, providing for two types of inspection mechanisms: external and internal.
2. The draft law envisages implementation of internal (administrative) penitentiary inspections by the bodies and units of the Security Service of Ukraine; military management bodies (military units, divisions) of the Armed Forces of Ukraine and management bodies (divisions) of the Military Law Enforcement Service in the Armed Forces of Ukraine; military management bodies, military units and divisions of the National Guard of Ukraine; central executive body ensuring the formation and implementing the state policy on protection of the state border, and its territorial bodies; the central executive body implementing state policy on migration (immigration and emigration), including the combating illegal migration, citizenship, registration of individuals, refugees and other categories of migrants defined by law; the central executive body implementing the state policy in the health sector.
3. In order to organize and carry out inspections in places of detention (the list of which is defined by the draft Law) and temporary accommodation facilities for refugees, the subjects of internal (administrative) penitentiary inspections shall form authorized units (designate authorized persons). The draft law was approved at the government session on September 1, 2021, and submitted by the Cabinet of Ministers of Ukraine to the Verkhovna Rada of Ukraine for consideration. On September 2, 2021, the draft law was filed with in the Verkhovna Rada of Ukraine (reg. No. 5884). As of today, the said draft law has been submitted to the leadership of the Verkhovna Rada of Ukraine for consideration.
4. The list of persons and the procedure for visiting PFs and PTDFs of the SCES of Ukraine stipulated by Article 24 of the Criminal Executive Code of Ukraine, the Internal Regulations of Penitentiary Institutions, approved by the Order of the Ministry of Justice of Ukraine dated August 28, 2018 No. 2823/5 and the Internal Regulations of Pre-Trial Detention Facilities of the State Criminal Executive Service of Ukraine, approved by the Order of the Ministry of Justice of Ukraine dated June 14, 2019 No. 1769/5.
5. In particular, Article 24 of the Criminal Executive Code of Ukraine (hereinafter – the CEC of Ukraine) defines the list of persons authorized to freely visit penal institutions for monitoring and inspections

⁴⁴⁴ This note was originally sent in Ukrainian and translated to English by the Ukrainian translation agency '[Aventa](#)'

at any time without a special permission (accreditation) (if desired – accompanied by up to three medical professionals for medical examination of prisoners and two representatives of the media).

6. Such persons include:

- The President of Ukraine or his designated representatives (not more than five persons in each region, the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol)
- Prime Minister of Ukraine or his designated representatives (not more than two persons in each region, the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol)
- Ombudsman of the Verkhovna Rada of Ukraine or his designated representatives;
- chairman, deputy chairmen and members of the Commission under the President of Ukraine for Pardons;
- the Minister of Justice of Ukraine or designated representatives (not more than two persons in each region, the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol)
- the Minister of Internal Affairs of Ukraine, Chairman of the National Police or their designated representatives (not more than two persons in each oblast, the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol)
- members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- chairman of the Council of Ministers of the Autonomous Republic of Crimea, chairmen of local state administrations on the territory of which they are located, or their designated representatives (not more than five persons per relevant territory)
- people's deputies of Ukraine, their assistants-consultants, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea and deputies of local councils;
- Prosecutor General, as well as prosecutors authorized by him and prosecutors supervising the observance of laws during the execution of court decisions in criminal cases, as well as the application of the other coercive measures related to the restriction of personal freedom of citizens in a relevant territory;
- chairman, deputy chairman and members of the supervisory commission, who organize public control over the observance of the rights and legitimate interests of the convicts during the execution of criminal sanctions;
- village, settlement, city major or his designated representatives (not more than five persons) – in the territory of a relevant local council;
- members of public councils under the central body of executive power implementing the state policy on execution of criminal sanctions, and its territorial units – in the relevant territory.

7. The other persons, as well as close relatives of the convicts may visit penal institutions based on a special permission granted by the administration of these institutions or the management bodies of these institutions.

8. In order to implement the convict's right to protection, to legal assistance and confidential legal advice (visits), the administration of the penal institution shall allow access of the persons listed in the first paragraph of part two of Article 8 of this Code to the convict on business days, weekends, holidays, and days off at any time from 8:00 am to 8:00 pm without a special permission (accreditation) without delay at the request of the convict or person(s) authorized to visit him (her) as aforesaid.
9. Persons referred to in Article 24 of the CEC of Ukraine may visit any PFs and PTDFs of the SCES of Ukraine, have the right to visit the convicts detained in pre-trial detention facilities for maintenance

works, persons sentenced to restriction of freedom, persons sentenced to detention, deprivation of liberty or life imprisonment, whose sentences have become final and binding, and persons sentenced under Article 87 of the CEC of Ukraine, who are to be sent to penal institutions. The said convicts may be visited without a special permission (accreditation) at any time of the day for the purpose of monitoring and inspections. The Law of Ukraine "On pre-trial detention" does not contain such provisions.

10. In addition to the above-mentioned list, the Public Council shall be established under the Ministry of Justice of Ukraine as a temporary consultative and advisory body promoting the public participation in the formation and implementation of the state policy on execution of criminal sanctions. The Members of this Council, jointly with independent representatives of the public, may also carry out public control over the PFs and PTDFs of the SCES of Ukraine. They are not subject to any restrictions and may visit penitentiary institutions at any time of the day.
11. The only restriction imposed on this category is that PFs and PTDFs of the SCES of Ukraine may not receive more than 10 visitors at a time. Also, visitors should not disrupt the usual regime of the penitentiary institution operation.
12. The Ministry of Justice reported that the PFs and PTDFs of the SCES of Ukraine are capable of accommodating about 79,000 persons, while the actual number of convicts and prisoners is 49,555. This means that the occupancy rate is about 60 percent of the maximum capacity. In 2017, there were 60,000 persons in the PFs and PTDFs of the SCES of Ukraine, in 2018 – 57,000, in 2019 – 55,000, and in 2020 – 49,555 persons. There is a tendency for the total number of convicts and prisoners to decrease by about 3,000 persons annually.
13. As of today, approximately 49,500 persons are kept in the PFs and PTDFs of the SCES of Ukraine. In total, the SCES of Ukraine consists of 103 penitentiary facilities and 17 pre-trial detention facilities. There are also 14 institutions, which are the so-called functional institutions, i.e. where prisoners and convicts are accommodated.
There are also institutions of the Security Service of Ukraine (SBU), to which the European
14. Committee for the Prevention of Torture failed to get access. They are not within the competence of the Ministry of Justice. All of the institutions within the competence of the Ministry of Justice are accessible to the above-mentioned monitors.
15. The Ministry of Defence administers the so-called disciplinary battalions where convicted conscripts, military personnel carrying out military service under contract, officers who are on military service, officers who are on military service by conscription, military personnel called up for military service during mobilization, persons on military service under call-up during a special period (except for female military personnel) are detained. For more information on the conditions of detention in these disciplinary battalions, contact the Ministry of Defence.
16. Some former combatants and military personnel convicted of criminal offences and crimes are also kept in the penitentiary institutions of the Ministry of Justice. During the conflict in eastern Ukraine, a number of volunteers joined volunteer battalions or military service. Some of them have committed crimes and are now in penitentiary institutions. However, these are not separate institutions.

Types of prisons

17. The types of prisons in Ukraine are differentiated by security levels:

- houses of detention (enforcing detention sentences);
- correctional centres (enforcing restriction of liberty);
- penitentiary facilities (enforcing punishments in the form of imprisonment for a fixed term, life imprisonment). Pre-trial detention facilities and sectors with the other security levels may be established in penitentiary facilities;
- special educational establishments (for the detention of convicted juveniles);
- pre-trial detention facilities.

Correctional facilities

18. Correctional facilities are subdivided into minimum, medium and maximum security prisons.

19. The medium level is also subdivided into two sublevels: the first one is intended for persons sentenced to imprisonment for the first time, and the second one – for convicts who have served a detention sentence. The prisoners are allocated to the institutions in view of the crime committed – a crime of minor gravity, a serious crime and a particularly serious crime.

20. The prisoners are usually allocated to pre-trial detention facilities by a special commission, which is established in the interregional departments for the enforcement of criminal sanctions of the Ministry of Justice. If an interregional department does not have a proper institution with the required level of security, the documents are sent to the central commission, which is formed in the Department Enforcement of Criminal Sanctions. Here, the level of security is determined, after which the person concerned will be sent to a region where there is an institution with the required level of security.

21. The convicts serving their sentences in correctional facilities are provided with a space of at least 4 square meter per person. In medical facilities at correctional facilities, and at correctional facilities intended for the custody and treatment of patients with tuberculosis, in the inpatient unit – the standard of living space is not less than 5 square meters. The convicts are provided with clothes, bed linen, and access to showers once a week, and women at least twice a week. As for the inmates in the pre-trial detention facility, they often wear their own clothes while in prison; if not, the administration will provide them with clothes. The administration will also provide them with bed linen. As for the space for inmates in the pre-trial detention facility, they should be provided with at least 2.5 square meters per person.

22. In pre-trial detention facilities, the inmates are kept in cells for two to four persons, in rare cases eight persons or more. Some pre-trial detention facilities have cells for 50 persons. However, the Ministry of Justice is trying to move away from this practice to a system of small cells. Therefore, the cells are equipped for a small number of persons, which means that most of our facilities are equipped with cells for 2-4 persons.

23. As for detention conditions for former military personnel, they live under the same general rules in the pre-trial detention facilities or correctional facilities as other prisoners. They have access to sports, Internet and communication with their relatives. Prisoners are allowed to have short visits for no more than three hours. If the prison administration considers that the prisoner poses a threat, the visits may take place behind a safety glass. Long visits of up to three days are also possible. The

prisoner will be given a separate cell to spend time with his wife or family and children. There are also general and vocational schools, which provide the required basic education for the prisoners.

Health and wellness services

24. Now the system of penitentiary medical and health services is undergoing various reforms. The consequences include, but not limited to, the demilitarization of health workers, which means their withdrawal from the subordination to the heads of PFs and PTDFs of the SCES of Ukraine. The health care facilities of the SCES of Ukraine are subordinate to the Head of the State Institution "Healthcare Centre of the State Criminal Executive Service of Ukraine" (hereinafter – the HC of the SCES of Ukraine), which falls under the authority of the Ministry of Justice of Ukraine and is coordinated by the Deputy Minister of Justice of Ukraine. Medical and healthcare services are provided by 86 medical units and 15 hospital institutions. Seven of the 15 hospital units are specialized in the treatment of somatic diseases and seven treat tuberculosis. There is also one hospital for people with mental illnesses.
25. Medical units provide convicts and detainees with primary medical care and support. Here, convicts and detainees undergo an initial medical examination, i.e. an examination upon entering the PFs and PTDFs of the SCES of Ukraine. Here inmates are checked for bodily injuries. If bodily injuries are detected, doctors document this fact and report the same to the prosecutor's office.
26. The medical institutions of the HC of the SCES of Ukraine provide secondary medical care, i.e. in-patient, specialized treatment, and medical rehabilitation. Patients with signs of disability are examined here and receive appropriate treatment; they are referred for examination to the territorial medical and social expert commission, which shall determine the percentage of disability and assign a disability group. Also, these institutions provide medical documentation to the persons who are released.
27. There are medical workers in any PF and PTDF of the SCES of Ukraine, although these workers are not part of the institution staff. They are not responsible and do not report to the head of the penitentiary institution. This reform was introduced directly for the purpose of monitoring eventual ill-treatment of convicts and prisoners, as such measures are documented exactly by medical workers.
28. As regards medical devices and medicines, the MoJ considers the current situation to be less than ideal, although it has improved over the past ten years.

Filing of complaints

29. There are several procedures for filing complaints: Correspondence received and sent by inmates and convicts is subject to review, except in cases provided for by the Law of Ukraine on Pre-Trial Detention, the Criminal Executive Code of Ukraine, and the regulations of the Ministry of Justice of Ukraine.
30. The correspondence sent by inmates and convicts shall be reviewed with the written permission of the head of the institution on the basis of a report of the operational unit officer given the individual risks of specific inmates or convicts with a mandatory deadline for revision.

31. In this case, the correspondence which the inmates and convicts address to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, the European Court of Human Rights, as well as other relevant bodies of international organizations of which Ukraine is a member or participant, to the authorized officers of such international organizations, to the court and to the prosecutor shall not be subject to review and shall be sent to the designated address within 24 hours of its submission. Correspondence that the inmates and convicts receive from these bodies and persons shall not be subject to revision.
32. The correspondence which the inmates and convicts send to a defence counsel in a criminal proceeding who exercises his/her powers according to the Criminal Procedure Code of Ukraine is not subject to revision and shall be sent to the designated address within twenty-four hours of its submission. Correspondence that the inmates and convicts receive from such defence counsel shall not be subject to revision.
33. The inmates and convicts shall be entitled to pass on correspondence concerning a criminal proceeding to their defence counsel in the criminal proceeding directly during his/her visit.
34. An inmate can file a complaint using the Internet. Today, all the correctional facilities have access to the Internet, and each institution has Wi-Fi networks, computers and special rooms for this purpose.
35. When an inmate or a convict is penalised, the administration of the institution shall allow him/her to notify his/her family members, defence counsel or other legal professionals who are entitled by law to provide legal assistance personally or on behalf of a legal entity about the same in accordance with the established procedure.

Interaction with public organizations

36. In terms of interaction with public organizations, each penitentiary institution interacts with at least five public organizations, which also include religious organizations. Such interaction can be subdivided into two main trends: group activities and individual activities.
37. Group interventions include concert programs, recreational facilities, sports competitions, legal assistance or lectures. Individual actions mean the assistance and support by family members. They also include assistance with finding documents required for employment.

Work

38. The convicts have the right to work in places of deprivation of liberty. The institutions shall create an opportunity for the implementation of this right, as they act as the principal employer.
39. Inmates may be employed with their consent and with the permission of the investigator or the court conducting the criminal proceeding. This means that this category of people also has the right to work in compliance with the laws of Ukraine.
40. Certain categories of convicts are obliged to work, which is part of their sentence. Some convicts have financial obligations that they have to pay, and therefore the PF creates conditions for convicts to earn money to pay their debt under the writs of execution or alimony.

41. Workshops for convicts serving life sentences are set up at the PFs. Convicts have the right to exercise their right to work. The work used to be compulsory for the convicts, but today it is perceived as their right. The Ministry of Justice helps to create an environment for the convicts to exercise this right, but it does not force them to work.

Education

42. Participation in social outreach work will be taken into account when deciding on the condemned person's parole.
43. The PFs and PTDFs of the SCES of Ukraine enter into contracts with educational institutions in order to provide certain educational services to the convicts. According to the Law of Ukraine "On Education", additional conditions for juveniles and juveniles are created in correctional facilities.
44. Regarding vocational and technical training, some correctional facilities have their own training centres. They provide an opportunity to learn vocational skills and competencies that can be used when a person returns to society.
45. According to religious practice, Ukrainian legislation provides for freedom of conscience for all convicts, as well as observance of their religious traditions. In accordance with Ukrainian legislation, while in the PFs and PTDFs of the SCES of Ukraine, convicts and inmates have an opportunity to communicate with representatives of different religions. The institution never interferes with the secrecy of confession

Dietary regimen

46. According to the Ministry of Justice, all inmates kept in pre-trial detention facilities are fed free of charge. There are certain categories of prohibited foods that relatives or visitors cannot pass on to reduce the risk of food poisoning. The list of such foods is not long. It includes, but not limited to, homemade foods.
47. Convicts and inmates are provided with hot meals three times a day. Food is prepared in accordance with the stipulated standards, and these norms depend on the status of a particular person. There are different nutrition standards for persons in the PFs and PTDFs of the SCES of Ukraine, persons in medical wards of the HC of the SCES of Ukraine, for juveniles and for tuberculosis patients, etc.

Early release and probation

48. Convicts have the possibility of being released early if they fall under the terms of the Ukrainian legislation on early release. Also, the court may decide to grant amnesty or early release to a person. Besides, an inmate may have his/her sentence commuted or may be released early for health reasons.
49. Since Ukraine now applies more alternative types of punishment, probation is applied more often, and the Ministry of Justice is continuously developing the mechanism of probation, consequently, there has been a decrease in the number of convicts exactly in places of deprivation of liberty.

Reporting of ill-treatment

50. Medical staff of the HC of the SCES of Ukraine in the PFs and PTDFs of the SCES of Ukraine conducts initial and daily examinations of convicts and inmates, and if bruises or signs of any other ill-treatment are found on their bodies, a memo on the incident shall be prepared and communicated to the prosecutor's office and administration of a respective penitentiary institution or detention facility.
51. Since 2017, the MoJ has conducted 124 internal inspections. Due to the COVID-19 pandemic and the implementation of quarantine restrictions, the number of inspections was limited in 2020.
52. When asked whether the Ministry of Justice had any data on the ill-treatment of inmates or convicts by the administration of the PFs and PTDFs of the SCES of Ukraine and further sanctions against those responsible, the MoJ replied that in the case of reported facts of ill-treatment, the internal security services start an internal investigation.
53. First, the Ministry of Justice considers whether these facts were officially registered by the PF or PTDF of the SCES of Ukraine. According to the law, each injury must be reported to a specific executive service. If an incident is reported, an internal investigation shall be conducted. If the MoJ believes that the signs are genuine, they forward the information to the prosecutor's office or the state bureau of investigation, for them to take appropriate action in response.
54. If the MoJ establishes the guilt of its employees, they respond accordingly. However, the main business of such investigations and inspections is not to punish the employees of the institution; the purpose of these inspections is to determine whether the institution is effective in all its activities.
55. Therefore, when the MoJ discovers cases of misconduct, they provide this information and communicate the same to the relevant authorities so that they can investigate the facts further.
56. As for international organizations, following the recent visit of the European Commission against Torture two years ago, the MoJ received reports on the commission's findings. According to the MoJ, the facts of torture mentioned in these reports were not found.
57. The Ministry of Justice is aware of the cases of violence between inmates and convicts. The Ministry of Justice attributed this to certain disputes among prison subcultures. However, there were no reports about employees of the PFs and PTDFs of the SCES of Ukraine who ill-treated convicts or inmates.

Separation of convicts

58. When asked whether inmates in pre-trial detention facilities will be kept together with those already convicted, the Ministry of Justice replied that in accordance with the Criminal Executive Code of Ukraine and the Law of Ukraine "On Pre-trial Detention", the PFs and PTDFs of the SCES of Ukraine observe the isolation and keep:
- men separately from women;
 - juveniles separately from adults;
 - convicted persons separately from persons in custody;
 - officers of the intelligence agencies of Ukraine, employees of the State Bureau of Investigation and employees of the National Anti-Corruption Bureau of Ukraine in custody separately from the other persons in custody;

- persons who have been prosecuted for the first time separately from those who have been prosecuted previously;
- persons who have previously served their sentences in places of deprivation of liberty separately from those who have not been in places of deprivation of liberty;
- people first convicted to imprisonment for crimes committed through negligence;
- persons accused or suspected of committing grave and especially grave crimes separately from other persons in custody;
- persons accused or suspected of committing crimes against the foundations of Ukraine's national security are usually kept separately from the other persons in custody;
- persons who used to work in internal affairs bodies, National Police, Military Law Enforcement Service of the Armed Forces of Ukraine, Security Service, Prosecutor's Office, Justice, State Bureau of Investigation, National Anti-Corruption Bureau of Ukraine, State Criminal Execution Service of Ukraine and in courts – separately from the other convicts and inmates;
- foreign nationals and stateless persons are usually kept separately from the other persons in detention;
- persons suspected or accused of committing criminal offences under Articles 173-177, 200-235, part five of Article 255, Articles 255-1, 255-2 of the Criminal Code of Ukraine separately from the other persons in custody;
- convicted of committing a crime under part five of Article 255, Articles 255-1, 255-2 of the Criminal Code of Ukraine.

59. Those sentenced to life imprisonment are kept in isolation from all other persons in custody.

60. Persons accused or suspected of committing the same criminal proceedings shall, if the person or body conducting the criminal proceedings so decides, be kept apart.

61. As for women, the Ministry of Justice noted that Ukrainian legislation provides for separate detention of men and women in the PFs and PTDFs of the SCES of Ukraine. In Ukraine, women are kept in separate institutions, cells and separate blocks of buildings. Even underage women and women over the age of 18 are kept separately. In Ukrainian prisons, convicted men are not allowed to access convicted women.

62. In Ukraine, there are no common facilities for women and men; only in pre-trial detention facilities can they be kept in the same building. However, they may not be kept in cells located close to each other; the units are isolated from each other.

63. As for the separation of juveniles from adult convicts, the MoJ said that convicted adults are kept in penitentiary facilities, while juveniles are kept in educational facilities. Only one educational facility now exists in Ukraine. A few years ago, there were 11 of them. According to the recently amended legislation, the Ministry of Justice is trying to introduce the other types of alternative measures for juveniles. Currently, 68 persons under 18 years old are kept in the Kremenchuk Educational Facility.

64. In order to consolidate the results of correction and completion of the general education or vocational training, convicts who have reached the age of eighteen may be kept in an educational facility until the expiry of their sentence, but not after they become twenty-two.

65. The convicts who have become 18 years old shall be kept further in the educational facility on the basis of a decision of the education board and an order issued by the head of the facility in consultation with the children's affairs office.

Transportation conditions

66. The Ministry of Justice reported that the police and the National Guard of Ukraine handle the transportation of inmates. As for transportation from pre-trial detention facilities to court hearings, the Ministry of Justice tries to hold such hearings remotely in order to reduce the number of transports, as it has a bad effect on all inmates.
67. Regarding the transportation conditions, all pre-trial detention facilities have a "transit point", i.e. a room where the person is placed before being transported to the court hearing. In this room, the person undergoes the first security check for the presence of prohibited items. The person is left in this room for no more than two hours.
68. There are no beds or TV sets in such premises; sometimes the premises do not have the required sanitary facilities. However, the Ministry of Justice tries not to use unequipped premises or tries to equip them in accordance with applicable legislation.
69. From the hearing room, the person is handed over to representatives of the National Police or National Guard, who are responsible for his/her transportation.
70. Upon the person's return to the pre-trial detention facility, medical personnel and security service officers examine him/her. S/he is then transferred back to the permanent detention cell.

Conscription evaders and conscientious objectors

71. Regarding conscription evaders and conscientious objectors, the MoJ reported that it does not have statistical data on how many persons of these categories are serving their sentences in the SCES system of Ukraine. However, the Ministry of Justice has a separate facility for law enforcement officers serving their sentences. There are also separate units in pre-trial detention facilities where prisoners who used to work in law enforcement bodies are kept.
72. The MoJ has no statistics of individuals who took part in military actions, such as in a volunteer battalion, or if a person previously served in the Ukrainian Armed Forces. The MoJ believes that the number of persons serving a sentence for evading military service will be extremely small.
73. As regards mobilization, the MoJ reported that this category of people was beyond their sphere of competence; hence, they did not have any statistics about it. The MoJ said that such issues should be discussed with the Ministry of Defense of Ukraine.

Attitudes towards vulnerable groups

74. Groups vulnerable for medical or health reasons are people with disabilities. The Ministry of Justice has a penal colony for serving the sentences by convicts in this category. This is one of the vulnerable groups, in addition to juveniles and women with children.
75. People with disabilities serve their sentences in a separate institution, where certain accommodations are created for them. The institution has special medical personnel and special food according to separate standards.

76. Women with children are also included in the category of vulnerable groups. This category includes women who gave birth during imprisonment, in pre-trial detention facilities or while serving their sentence. They are kept in the PFs and PTDFs together with the child.
77. In pre-trial detention facilities, children are kept in one cell with their mother. Thus, this category of prisoners is provided with more space in the cells than other categories of prisoners. They are also provided with special food, and there is always access to hot running water and required equipment.
78. As regards penitentiary facilities, the MoJ has the so-called children's homes, where children under the age of three are kept while their mothers are serving their sentences. The mother may live with her child, provided that the mother behaves properly and does not pose a threat to the child.
79. Previously, Ukrainian legislation provided for the mother's visits to her child during a certain period only, while at night the children were looked after by nurses or specialized workers. Today, the Ministry of Justice has provided for a permanent stay for a mother with her child in this children's home.
80. When asked whether the Ministry of Justice promotes the separation of prisoners belonging to vulnerable groups because of their beliefs, race, sexual orientation, or the type of crime they have committed, the source reported that prisoners are allocated to cells in pre-trial detention facilities according to certain rules. For example, the "placement" of a person who raped a minor in a cell might create some tension on the part of the other inmates. If there is a threat to their life or health, they will be isolated from others to ensure their safety. The MoJ has increased staff security and provided a psychologist for people in this category.
81. With regard to ethnic Russians, the MoJ stated, *inter alia*, that the Ukrainian nation has always been benevolent and positive towards any nation, so despite various political and other aspects, there are no problems with Russian-speaking inmates or any other minorities in the Ukrainian PFs and PTDFs of the SCES of Ukraine. The Ministry of Justice has not registered any serious conflicts based on international misunderstandings or disagreements.

Predominant use of metal cages during hearings

82. The Ministry of Justice noted that they are not a law enforcement body that deals with court cases. The MoJ only enforces court sentences or decisions, e.g. imprisonment. Therefore, the trial process is closer in its scope to investigative departments and judicial authorities, and the MoJ is not one of them.
83. As for metal cages, the PFs and PTDFs of the SCES of Ukraine subordinate to the Ministry of Justice do not use them in their activities. For meetings between inmates and an investigator or a defense counsel, the MoJ uses properly equipped and furnished premises. In such cases, the defense counsel and the convict can meet face to face. The Ministry of Justice does not use metal cages in the PFs and PTDFs of the SCES of Ukraine.
84. Also, the Ministry of Justice reported that the practice of using metal cages during hearings and trials is a thing of the past. Now most of the premises are equipped with a glass fence to ensure the safety

and protection of the trial participants. However, this is not within the competence of the Ministry of Justice.

Period for pre-trial detention

85. According to the Article 3 of the Law of Ukraine "On Pre-trial Detention", the grounds for pre-trial detention are as follows: a reasoned decision of the court to choose detention as a precautionary measure or to apply temporary or extradition arrest, issued in accordance with the Criminal and Criminal Procedure Codes of Ukraine and / or a decision of a competent authority of a foreign state in cases foreseen by law.

Interview with Human Rights Protection Group SICH

Skype meeting, 22 June 2021

About the organisation

1. [Human Rights Protection Group SICH](#) is a Ukrainian non-governmental human rights organisation that was established in 2014. Their activities are aimed at protecting and respecting the rights of victims of the armed conflict in eastern Ukraine, as well as covering the most vulnerable categories of citizens. Furthermore, SICH provides legal assistance to citizens in custody and places of imprisonment and monitoring the effectiveness of local government programmes and monitoring of penitentiary institutions. They work together with other national and international NGOs and international state donor organisations.

Access to Ukrainian prisons for independent monitoring

1a Actors given access (such as independent state institutions and civil society organisation)

2. Nowadays, there are two mechanisms of monitoring Ukrainian prisons: according to article 24 of the Ukrainian criminal procedure code, NGOs and human rights organisations can obtain access to Ukrainian prison facilities through the help of MPs or their assistants of the Ukrainian Parliament (Verkhovna Rada) and MPs of regional and local legislative bodies in their respective constituencies. It is also possible to get access with the help of two journalists or medical staff. If the human rights defenders also have status as journalists, they can also get access to prisons in this way. This is only possible for penitentiary institutions such as colonies, not pre-trial detention facilities
3. Secondly, it is also possible to make visits through the national preventive mechanism system through a request at the Ombudsman. The Human rights organisations then have to draft reports from these visits together with the Office of the Ombudsman.

1b. Mandate, independence, powers of actors

4. Formally, independent inspections can monitor without advance notice, and there are no limitations to where and when they can inspect in Ukrainian prisons. The prisons have to allow inspections to all premises of the prisons at all time of the day. In theory, monitors could access every day. However, there are not enough MPs who have the will, nor have the human rights NGOs not enough resources to conduct visits that often. However, the NGOs are trying to follow up on any complaints of which they become aware.
5. According to the source, there are also a few penitentiary institutions who do not live up to the law, for example Colony no. 75, who do not let monitor groups into the premises, unless they are accompanied by a prosecutor or the Ombudsman. SICH have tried to write requests to the police, but the requests are not even looked at, even though the police are obliged to look at them, according to the law. However, lack of access to prisons is not a general problem; it regards only a few institutions who are under the mandate of the law enforcement.
6. On the question whether the inspections have access to confidential conversations with the inmates, the interlocutor replied that they actually could take the inmates to an isolated room for confidential

conversations. There will be guards close by, though, in order to secure the monitors' security, and they will as a minimum listen to parts of the conversation.

7. The source stated that state standards on prison conditions exist and they are publicly available on the website of the penitentiary inspections department.

1c. Types of prisons and facilities to which access is not granted

8. On the questions on which types of prisons that are not accessible for independent monitoring, the interlocutor replied that they have access to all prisons. In the last 18 months SICH have conducted more than 25 visits to prisons and they were without hinder allowed into all prisons, even in the maximum-security institutions and the detention centres (for sentenced prisoners). The only limitation is that the inmates have to have received their sentence.

Different types of prisons

9. Firstly, there are open penitentiary institutions, which are also called correctional centres where people with minor sentences, such as traffic incidents, minor financial crimes or similar, are sent to. In those institutions, the inmates can go out during the day or they can work. Secondly, there are colonies with minimal level of security; thirdly, colonies with medium level of security and then fourthly, colonies with maximum level of security.
10. The interlocutor explained that when a person has received his sentence, he/she could chose to stay in the same premises as the pre-trial detention centre. In the premises, there are cellblocks that are dedicated remand prisoners and cellblocks for sentenced prisoners. In such premises, the person would have status as a “хозяйственный работник”.
11. Otherwise, the person could choose to serve his sentence in a colony.

Military prisons

12. According to this source, there are no specific military prisons in Ukraine.
13. When the conflict in Eastern Ukraine began in 2014-2015, special pre-trial detentions centres belonging to the Ukrainian Security Service were used to contain some military prisoners (mostly prisoners of war). This ended when formal contacts on exchange of prisoners between the parties of the conflict were agreed upon. Presently, prisoners of war such as Ukrainians fighting for the opposite separatist side and foreigners serve their sentence in normal type of prison.
14. People evading military service etc. would serve their sentence at ordinary civilian prisons together with other convicts.

2a. Which prisoners/crimes are allocated in the different types of prisons (high, medium, low security and military)

15. The source explained that people who committed minor crimes are usually serving in minimum security prisons. People who committed crimes that are more serious are serving in medium or high security prisons. It also depends on whether the person has committed several or repeatable crimes.

16. Juveniles are always separated from adult prisoners. There are separate colonies for juveniles as well as for women. There are also colonies for disabled people.

Mix of remand and sentenced prisoners

17. As a rule, sentenced and remand prisoners are not mixed. The only situations would be either when a sentenced prisoner return to the pre-trial detention centres for example if the person prepares a constitutional complaint or during transport. However, those examples happen rarely.

Prevalence of ill-treatment or torture

18. On the question how prevalent the use of physical or psychological pressure to obtain a confession from the detainees, the source replied that these incidents would be when the detained are situated in the interrogation of the premises of the Ministry of Interior and not in the pre-trial detention centres. Under these circumstances it happens not rarely that the detainee will be put under pressure for example to obtain a certain evidence or similar. All pre-trial detention centres are different and by that have different approaches. The source mentioned that there are some colonies, the so-called “*red colonies*,” where the prison administration use the prisoners themselves, the so-called “*voluntary helpers*” to put pressure or punish other prisoners. There are also colonies who deliberately have refused these practices.

Prevalence of metal cages in courts

19. The interlocutor stated that it is rather prevalent to use metal cages in courts. However, for five to six years ago the authorities started to change some cages in the major cities to plastic constructions where the prisoner is located behind a plastic window. However, the prisoners then started to complain that the ventilation is poor in those constructions and that it was not possible to communicate and socialise with their relatives. The plastic construction have only been changed in some courts only in the major cities, while in the provinces only the metal cages are used, which is due to lack of resources.

20. It can also happen that a judge allows the prisoner to sit next to his lawyer.

Access of lawyer during interrogation

21. According to the source, a lawyer of the detainee has access during interrogation because if the lawyer was not present it would be a violation of the rights of the detainee. However, it is not all detainees, who can afford a lawyer in whom they trust. The competencies of the lawyers free of charge appointed by the state are different and many complain about the appointed lawyer. However, the system of a lawyer appointed free of charge by the state is new and need time to develop.

General problems of the Ukrainian prison system

22. The source highlighted the concern of the prevalence of torture in some colonies and as an NGO SICH tries to find and prevent these methods and to protect the victims. Unfortunately, Ukraine has not yet ratified the Istanbul Protocol⁴⁴⁵.

⁴⁴⁵ [The Istanbul Protocol](#) as a UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

23. Furthermore, the source pointed to the biggest and urgent problem of the prison system, which is the health services. There is a large amount of people, who suffer from chronic diseases and, who cannot obtain the proper medicine, they need. The reason for this is mainly lack of resources. The health care services in the prisons are under the jurisdiction of the Ministry of Justice and there have been a long dialogue about transferring it to the Ministry of Health. So far, it has not happened and the health care centres of the Ministry of Justice are not effective; there are neither medicine, nor qualified specialists and it is not possible to receive qualified medical examinations.
24. There are no real agreement between prison hospitals and state hospitals outside prisons. State hospitals often reject patients from prisons due to security reasons, and the prisoners only have the choice to approach the prison hospitals, who as stated above, do not function effectively. Therefore, it is practically not possible to pay for health services by neither the prisoner themselves nor by their relatives.

Paid cells

25. In the pre-trial detention centres there are so-called “paid cells” where the prisoner can pay for a better room. The money should go to the repair of the other cells in order to bring them up to better standards. The problem is, however, that there are not enough paid cells so it is not possible to pay for them.
26. There are some plans to introduce paid cells to the colonies too, according to the sources.

Interview with the Ukrainian Parliament Commissioner of Human Rights (Ombudsman)⁴⁴⁶

Zoom meeting, 4 August 2021

Access to Ukrainian prisons for independent monitoring

1. The article 2 of UN Convention against torture and other cruel, inhuman or degrading treatment or punishment establishes that each State party takes effective legislative, administrative, justice and other measures in order to prevent the acts of torture within any territory under its jurisdiction. No exceptional circumstances, whatever they might be, state of war or the threat of war, internal political instability or any other state of emergency could justify the tortures.
2. Accordingly to the Optional protocol's provisions to the Convention against torture, ratified by Ukrainian Parliament on July 21, 2006, and the article 191 of the Law of Ukraine «On the Ukrainian Parliament Commissioner for Human Rights» within the framework of carrying out the functions of NPM there had been conducted the systematic visits (monitoring) of liberty deprivation places in order to prevent the cases of tortures, and, if necessary, to strengthen the protection for detained persons from cruel, inhuman or degrading treatment or punishment. Total number of places in Ukraine where the persons are forcibly kept by a court decision or by decision of administrative authority accordingly to the law, and which Commissioner visits without prior notice about the time and purpose of visit, as of now, on January 1, 2020 is 4 720. The list of organisations that can conduct monitoring visits has been extended, which now also includes children's orphanages. Furthermore, the representatives of the commissioner are monitoring private institutions and the police departments.
3. The persons, who can monitor the penitentiary institutions through the National Preventive Mechanism, can visit all types of penitentiary institutions without any prior warnings or notifications about their arrival, according to the protocol.
4. The pre-trial/remand detention centres can be monitored without any prior warning or notification by the Prosecutor's Office and the representatives of the Ombudsman, the prevention service, the Ministry of Justice, the President of Ukraine, the MP's of Verkhovna Rada and their corresponding services, however, for this category it depends on what the requirements for monitoring might be.
5. The civil society representatives, NGOs and other members of the supervisory commission can also monitor penitentiary institutions, which are under the authority of the Ministry of Justice.
6. Furthermore, international institutions also have the mandate to monitor penitentiary institutions. Those international institutions comprise the European Committee on Preventing Torture (CPT). The CPT can monitor both prisons and remand detention centres.

⁴⁴⁶ This note was originally sent in Ukrainian and translated to English by the Ukrainian translation agency '[Aventa](#)'

7. In regards to the National Preventive Mechanism, and the work of the Commissioner, there are no limitations or restrictions on what can be monitored at a penitentiary institution. The prison administration should give them access to every room, according to Ukrainian legislation.
8. The source stated that they are trying to monitor as much as possible, however, there was also a limitation to the extent of penitentiary institutions, which could be monitored. The Ombudsman is trying to monitor one third of all penitentiary institutions in Ukraine per year.
9. According to the source, monitors including international organisations can have confidential conversations with prisoners. They added that they conduct general interviews as well as confidential interviews. In regards to NGOs, they can interview prisoners.
10. This office can go to any kind of penitentiary institution including maximum security institutions and can interview any prisoner including persons who has been given lifetime sentences. Furthermore, the representatives of the Commissioner have access to SBU⁴⁴⁷'s facilities as well.
11. According to the Ukrainian legislation, there is a certain list of stakeholders that can monitor remand prisons. This list comprises the Ombudsman, the Prosecutor General's Office, the President, the Prime Minister, the Ministry of Internal Affairs including the national police, the Ministry of Justice, the MP's and the European Committee Against Torture.

Public state standards for prisons

12. The source advised that the state standards for prisons are available for the public and the civil society as they are written in the laws, rights, conditions and requirements, which are published and accessible for every Ukrainian citizen.
13. Currently the Verkhovna Rada⁴⁴⁸ is working on a draft law on conditions of imprisonment, which should now be synchronised with international standards. It is the hope of this source, that the law would be approved by the parliament in the autumn.

Different types of prisons

14. In Ukraine, the different types of penitentiary institutions are depending on the type of prisoners in question:
 - *Pre-trial/remand detention centres* – for persons awaiting their trial.
 - *Disciplinary battalions* – for the military personnel.
 - *Penitentiary institutions* – for the criminal persecuted persons, which again are divided into four levels of security:
 - Minimum level of security with facilitated conditions
 - Minimum level with general conditions
 - Middle level of security
 - Maximum security

⁴⁴⁷ Security Service of Ukraine (SBU)

⁴⁴⁸ The Parliament of Ukraine

15. The level of security depends on the required conditions that has been identified for each prisoner. There are certain requirements for each security level. In regards to the minimum level of security, this category is divided into two sectors: one with facilitated conditions, and one with general conditions. Facilitated conditions could e.g. be the possibility for a longer time for a walk or extended access to leisure.
16. The term “penitentiary institutions” is the official title for a prison in Ukraine. The difference between remand detention and the Penitentiary institutions is that the penitentiary institutions are the residence of sentenced prisoner and the remand centres for persons awaiting trial.
17. When asked if there is a certain penitentiary institutions for a certain type of crime, the source replied that there is a division of penitentiary institutions. Penitentiary institutions with minimum level of security are for prisoners who have been sentenced for the first time. Persons who have been sentenced more than once or committed a serious crime, are kept at penitentiary institutions with a higher level of security.
18. According to the interlocutor, juveniles would always be separated from adult prisoners. The juveniles would be located at an education penitentiary institutions for underage prisoners. Furthermore, there is special penitentiary institutions designated for women, which are separate from penitentiary institutions for men. This applies for both the penitentiary institutions and the pre-trial detention centres.
19. No remand prisoners would be situated in the Penitentiary institutions. If a person still awaits trial, the person will be located in a pre-trial detention centre called “SIZO⁴⁴⁹” in Ukraine.
20. However, there could still be persons in the remand detention centres that could also be held in the penitentiary institutions for minimum level of security for any kind of administrative work. They have slightly extended rights than for the persons who are under persecution. For example, they have the possibility to use mobile phones and have access to the internet.
21. Those persons who can stay at such a remand detention, also to have opportunity to do some administrative and housing work, which is equal to the penitentiary institutions of minimum level of security.
22. The remand detention centres have their own capacities, which means, that in some detention centres, they have more space than in others. Therefore, some pre-trial detention centres cannot provide for separation of women and men in different buildings. However, the source emphasised that they will never be held in the same cell.

Prison conditions for draft evaders, conscientious objectors etc.

⁴⁴⁹ SIZO (Ukrainian: Слідчий ізолятор/Russian: следственный изолятор) direct translation: investigatory isolation ward equal to a pre-trail detention centre/ remand prison

23. The source explained that if draft evaders eventually ended up in prison, they would serve their sentence in normal prisons and not disciplinary battalions, as such persons are not working in the military and hence cannot be sentenced by military law.

Conditions during interrogations and trials

24. According to the source, there are cases of ill-treatment and bodily harm of prisoners in pre-trial detention centres and Penitentiary institutions and persons who have been detained by the police. The ill-treatment could be a result of law-enforcement personnel wanting the person in question to say certain things during interrogation. In the penitentiary institutions, however, there could be slightly different reasons for using ill-treatment against the prisoners, because such persons already have a sentence. Disregard the reasons for ill-treatment; the Commissioner is still monitoring those cases in the Penitentiary institutions.
25. The source has noted cases of ill-treatment and misuse of detention without providing the needed documents and protocol of arrest. It happens that the required documents only are forwarded 9, 15 or 22 hours after the person has been detained. Such cases of violations from the police officers are seen as well.
26. Metal cages are not used during trials anymore in Ukraine. There are only few cases of such use in Ukraine. Now the Ukrainian trials are using a special kind of glass fence.
27. When asked if a lawyer is allowed to be present during interrogations, the source replied that, according to the law, this is the case. However, unfortunately the Commissioner was aware of a negative practice, when the lawyers are not informed straight away, when a person is being detained by the police. The lack of access to lawyers is a systematic violation by the law-enforcement, when a person is detained.
28. The source has seen cases when the representatives of the police did not inform the lawyer or the lawyer did not come in time. There are cases where the lawyer came 7-8 hours after a person had been detained. However, in the law, it is stated that a detainee has to be informed immediately after their arrest and the lawyer has to be present within two hours.
29. However, if a prisoner knows their rights and demands to get access to a lawyer, this will be granted.

Conditions during transfer

30. The Commissioner is monitoring specialised vehicles – the so-called “Avtozak”⁴⁵⁰. According to the legislation, it is within the power of the Ombudsman to monitor such vehicles.
31. There exist special requirements for the *avtozak* vehicles. The cars are specially equipped and have a special certificate in order to transfer prisoners. The representatives of the Commissioner are monitoring these vehicles, and have noted down some of the violations made during transfers. The most systematic violation is the law-enforcements lack of following the norms for the designated space provided for one person during transfer. Typically, there are more prisoners in the vehicle than the norms stipulate.

⁴⁵⁰ Avtozak, (in Russian: **автомобиль для перевозки заключенных**) Prisoner transport vehicle

32. Secondly, there is lack of access to light. Sometimes the *avtozak* cars are caged and the windows are barred in a way, which makes it difficult for the light to enter. Thirdly, there are violations regarding ventilation. According to the interlocutor, the ventilation in such cars is not good.
33. The *avtozak* vehicles typically comprise of six cells: three solitary cells for one persons, two cells for two persons and one cell for three persons. In most of the cases the systematic violations comprises that the prisoner personnel for transfer would not follow the norms on the amount of persons to be located in each cell. There are also violations regarding the fire security and the medical support. Sometimes the *avtozak* vehicles do not have the needed pharmacy kits, according to the source.
34. In regards to transfer of women and juveniles, the source advised that they are being transported separately. This means that they will sit in separate cells inside the vehicle. When talking about the railway carriages that are used to transfer prisoners, women and juveniles can be transferred in groups not exceeding 30 persons. Concerning pregnant women who are less than 24 weeks into their pregnancy, and women with children, they can be transferred in *avtozak* cars if the distance is less than 200 km between the destinations.

Accountability

35. After every monitoring visit, the representatives of the Commissioner will write a report providing the prison administration with recommendations on how they can prevent violations that have been identified in the future. If the representatives have reported serious violations of human rights that have caused grave consequences or even caused a lethal case, then they would forward their findings to the prosecutor general's office who then will open a criminal prosecution.⁴⁵¹
36. Furthermore, the source added that their representatives can be addressed during their visits. During a monitoring visit they receive complaints from prisoners. Sometimes their lawyers are providing such complaints on behalf of the prisoner. According to the Ukrainian legislation, such complaints are confidential and are not supposed to be reviewed by the prison administration. The response to the representatives to those complaints are also confidential.
37. According to the interlocutor, the majority of complaints in 2020 was about systematic violations on unsuitable conditions, the provisions of the medical services, the violent treatment of inmates, or violating the rights of communications with the relatives. The last-mentioned complaint was very prevalent in 2020 during the COVID-19 lockdown, because the visits were stopped in order to prevent the spread of COVID-19. Then there is also the complaints about the regime of the parcels being provided, the rights to protection and restrictions of meeting with lawyers.
38. Concerning complaints on conditions, the prison administration will usually answer that the poor conditions are due to insufficient budgets and that they lack finances to comply with the norms. However, the source noted that insufficient budgets cannot be an argument for not complying with the norms.

⁴⁵¹ The Commissioner's reports are available on their website [here](#).

39. The interlocutor advised that their recommendations were generally followed by the prison administration. However, some of the recommendations were not followed as strictly as they would like to see.
40. As an example, the source mentioned that during last year, the Commissioner had identified certain recommendations to the police for them to be sticking to the legislation on informing the lawyers, so they would actually do this in time. Therefore, the situation on this matter has slightly improved.
41. The Commissioner's representatives had monitored 815 penitentiary institutions in 2020. In 2021, they have conducted almost 800 monitoring visits so far. Some of the penitentiary institutions are only being monitored once every year, some not. However, this does not prevent others from sending a complaint to the Commissioner's Office.
42. The amount of complaints have grown two fold within the recent years. The source believed that this new tendency is due to the higher awareness of the representative office and the activity of the National Preventive Mechanism.
43. Most of the cases concerning the prison administration staff is about either their actions or their lack of action. For example in 2020, in one of the remand detention centres, the Commissioner has monitored due to different complaints, which outlined that an detainee has died in the remand detention centre, the Commissioner has been informed that the death was due to natural causes. However, the Commissioner's representatives asked for additional expertise on the matter, which has proven that the detainee died due to internal bodily harm.
44. When the Commissioner received the new information, they forwarded this to the prosecutor's office. The new information stated that one of the inmates had caused deadly injury to another inmate. Furthermore, it was advised that the prison administration had located the now deceased person who violated the law for the first time, together in the same cell with a person who has been sentenced before. They had a conflict and the latter injured the former. However, the medical staff had not taken enough actions to save the life of the inmate, or inform the prosecutor's office in due time. The criminal case has now been open both against the inmate who harmed the other inmate, and to the prison administrative personnel due to their lack of action, which caused this lethal outcome.
45. When asked about the classification of the prison system, the representatives of the Commissioner replied that they were well aware of the classification within the Ukrainian prison system (red & black prisons) and added that they provide recommendations to improve the situation, according to the legislation of Ukraine.
46. The Commissioner had a couple of complaints in 2020, due to the lockdown and transport restrictions because there were no possibilities to transfer prisoners. However, although there was no opportunity to transfer prisoners the Commissioner managed to transfer a sick prisoner to hospital.
47. When asked about the scale of cases regarding ill-treatment and torture, the source answered that the Commissioner does not provide investigations and is not responsible for the investigation. We

are identifying the information, and then we pass over this information to the law-enforcement bodies.

48. The law-enforcement bodies conduct the investigative activity, according to the Ukrainian legislation. It is up to them to open a case of prosecution.

The following part below is a written answer from the Commissioner of Human Rights, which was sent to the DIS after the Zoom meeting.

Conditions of stay of inmates.

Living conditions

What is the situation regarding overcrowding of cells (number of prisoners and trends)?

49. A Draft Law of Ukraine on Amnesty on the Occasion of the 30th Anniversary of Independence of Ukraine is currently under consideration in the Verkhovna Rada of Ukraine. The purpose of the bill is to reduce the number of persons kept in places of detention and, consequently, to save budgetary funds spent on the maintenance of inmates, and to ensure proper conditions for serving the sentence for persons who will continue to stay there.

In which types of prisons is overcrowding most prevalent?

50. As of July 30, 2020, **32,006 persons** were serving their sentences in correctional facilities, including **9,597 persons** in medium security level prison camps for the first-time offenders, **988 persons** in minimum security level prison camps with general conditions for men, **473 persons** in minimum security level prison camps with milder conditions for men, **1,404 persons** in minimum security level prison camps with general conditions for women, **1,062 persons** in specialised medical institutions, **476 persons** in treatment facilities established in pre-trial detention centres and prison camps and **1,302 persons** in correction centres.
51. In addition, as of 30 July 2020, **19,169 persons** were held in pre-trial detention facilities and correctional facilities performing the function of pre-trial detention facilities at the stage of pre-trial investigation and trial.

How are the cells measured, e.g. how many square meters are provided per prisoner in the cell?

52. In accordance with Article 115 of the Correctional Code of Ukraine (hereinafter the CC of Ukraine), **persons serving their sentences** in correctional and educational prison camps are provided with the required living conditions in accordance with the sanitation and hygiene rules. As a rule, the inmates are kept in block-type quarters. The standard amount of living space per inmate may not be less than four square meters, and in medical institutions at correctional camps, in correctional camps designed to contain and treat patients with tuberculosis, and in the hospital – five square meters.
53. Under Article 11 of the Law of Ukraine on Pretrial Detention, the **persons taken into custody** are provided with living conditions consistent with the sanitation and hygiene rules.

54. The minimum size of the cell must be 2.5 square meters for a detainee and 4.5 square meters for a pregnant woman or a woman carrying a child.

Do the prisoners stay in separate cells/shared cells?

55. The inmates and detainees are held in cell-type premises or shared-type accommodations for simultaneous stay of several persons. Detention in a separate cell is used as an exception to the general rule.
56. Pursuant to Article 8 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be kept in small or shared cells. In exceptional cases, in order to preserve the secrecy of the pre-trial investigation, to protect prisoners from possible attacks on their lives or to prevent them from committing a new criminal offence, or for medical reasons, they may be kept in solitary confinement according to a relevant decision of the person or body conducting the criminal proceedings or the head of the pre-trial detention facility, authorised by the prosecutor. This measure shall not be applied to minors, and if their lives are in danger, they shall be transferred to another small or shared cell.
57. Besides, the prisoner may be placed in a disciplinary cell or punishment cell for the purpose of punishment. The prisoners shall be kept in the punishment cell alone.
58. Under Article 132 of the CC of Ukraine, persons serving custodial sentences may be subjected to penalties for failure to comply with their obligations and for violations of the established prohibitions, namely transfer of inmates kept in correctional camps, except for those kept in minimum security level correctional camps with milder conditions, to cell-type accommodation (solitary confinement) for up to three months.
59. Under Article 151 of the CC of Ukraine, inmates serving a sentence of life imprisonment are usually housed in cell-type accommodations, two persons per cell, and wear special clothes. On the inmate's application and in other required cases, in order to protect the inmate from possible attacks on his/her life by other inmates or to prevent him from committing a crime, or for medical reasons, s/he may be kept in solitary confinement based on the decision of the head of the prison camp.

How many persons can stay in one cell?

60. The cell can accommodate as many inmates as the living space standards per inmate allow.

Does the number of persons in the cell depend on the severity of the sentence the inmate is serving?

61. No, it does not, except for the persons sentenced to life imprisonment, who are placed in cell-type premises, usually two persons per cell (Article 151 of the CC of Ukraine)

To what extent do Ukrainian prisons meet the living space standards?

62. Since its first visit to Ukraine in 1998, the Committee recommended increasing the living space standard per prisoner to 4 m² (1998, 112). This recommendation was later repeated several times in 2000, 2005, 2009, 2013, and 2017.

63. For the prison camps, this recommendation was implemented in 2010, when the statutory standard of living space for prisoners was increased from 2.5 to 4 m². This standard is often not respected in the prison camps. At the same time, the standard of 2.5 m² in pre-trial detention facilities (Article 11 of the Law of Ukraine on Pre-Trial Detention) is still applicable. In other words, Ukraine has not fulfilled this recommendation for over 20 years. A Bill has been developed in order to implement the recommendation of the Committee on the Preventive Detention Facility. This Bill was registered in the Parliament in 2015 and passed in the first reading, but it never became law.

Are dormitories used in some prisons?

64. Pursuant to Article 59 of the CC of Ukraine, persons sentenced to **restriction** of liberty are generally obliged to reside in specially designated dormitories.
65. With regard to inmates sentenced to imprisonment, in accordance with Articles 94 and 96 of the CC of Ukraine, the following sections are established in juvenile correctional facilities: quarantine, diagnosis and allocation; resocialisation; and social adaptation. Inmates in the resocialisation section are allocated to social and psychological service units and are housed in accommodations with local cohabitation of the unit members. In fact, the living conditions in the resocialisation section and the living conditions in the social adaptation section are similar to those of the dormitory.

To what extent do prisoners' cells have sufficient lighting?

66. The internal regulations of penitentiary establishments provide the required living conditions for inmates. These conditions include the provision of sufficient lighting in places where inmates are kept. The level of lighting (both natural and artificial) is set by the standards of the State Construction Supervision to be min 100 Lux.
67. According to the internal regulations of pre-trial detention facilities of the State Criminal Executive Service of Ukraine, each cell in the **pre-trial detention facility** shall be equipped with working (day) and regular (night) lighting, as well as electrical outlets for connecting electrical appliances. The lighting and outlets shall be controlled from the room of the junior inspector of the duty shift (head of the corps) and switches installed in the corridors near the entrance door to the cells.
68. Daytime lighting shall be switched on and off by the personnel of the pre-trial detention facility at the time specified in the daily schedule. At night (from 10 p.m. to 6 a.m.), the staff on duty turn on the regular (night) lighting during cell inspections to prevent prisoners or inmates from committing suicide, committing self-harm, or preparing to escape from custody. The level of lighting must not interfere with the rest and sleep of prisoners and inmates.
69. According to the special report of the Parliamentary Commissioner for Human Rights "Status of implementation of the national preventive mechanism in 2020", 90% of the visited institutions where persons sentenced to imprisonment or those subject to preventive measures in the form of detention are kept, violated the right of detainees to adequate detention conditions.

To what extent are inmates' cells ventilated?

70. The internal regulations of penitentiary establishments provide for creation of required living conditions for inmates. These conditions include ensuring a sufficient level of ventilation in the premises where inmates are kept.
71. Pursuant to Article 11 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be provided with living conditions consistent with the sanitation and hygiene rules. These conditions include ensuring a sufficient level of ventilation in the premises.
72. However, as noted above, based on the special report of the Parliamentary Commissioner for Human Rights "Status of implementation of the national preventive mechanism in 2020", 90% of the visited institutions where persons sentenced to imprisonment or those subject to preventive measures in the form of detention are kept, violated the right of detainees to adequate detention conditions.

What is the status of renovation of the prison facilities?

Is there a call bell system?

73. No, such a system is not provided for in applicable laws.

How adequate is the nutritional value of the food served to prisoners?

74. On December 27, 2018, the Cabinet of Ministers adopted a decree on new nutritional standards, which apply to persons kept in penitentiary institutions. The specified standards have several positive aspects. They diversify the menu and slightly increase the nutritional standards. The ration shall include milk and eggs, which has not been the case before. However, the standards also contain provisions that reinforced existing issues:
 - there is still discrimination in terms of portions depending on where the person is kept and what his/her status is. For example, in the prison camp the portion of bread is 500 grams per day, and in the pre-trial detention facility – 450 grams per day. Two eggs per week are allowed in the prison camp, and one in the pre-trial detention facility. The prison camp serves 500 grams of potatoes, when the pre-trial detention facility – 400 grams;
 - the regulation on punishment by reducing the portion of food still applies. Inmates who are placed in the pre-trial detention and cell-type accommodations are provided with less bread and meat than other inmates. No milk or eggs are provided for them at all. The same applies to inmates serving life sentences and those sentenced to arrest.
 - lack of fruit. They will be given only to minors, while prison camps for adults will serve dried fruit only. Another issue inherent in standards is the possibility of substituting the food. For example, meat may be substituted with by-products, eggs or fish. Fish may be substituted with milk, for example, and milk with fish. An egg may be substituted with 10 grams of butter. 100 grams of fruit may be substituted with 20 grams of jam. Dried fruit may be substituted with tea. In general, there are a lot of possibilities for such substitutions in the regulations. Thus, the provision of food, even at the official level, is inadequate and contains discriminatory standards.

To what extent do the prisoners live in proper hygienic conditions in prison (sanitary conditions in or outside their cells, showers, cleaning of cells, laundry (indoor climate))?

75. In accordance with the requirements of Article 11 of the Law on Pre-Trial Detention and Article 115 of the CC of Ukraine, prisoners and inmates shall be provided with living conditions consistent with the sanitation and hygiene rules.
76. Sanitary, hygienic and anti-epidemic rules are enforced in pre-trial detention facilities. Persons arriving in the pre-trial detention facility shall be sanitised, including the washing of prisoners and inmates in the bath subject to mandatory change of underwear, disinfection, and disinfestation of personal clothing in the disinfection chamber. For men, if required, hair on the head is cut, while chin, beard and mustache are shaved.
77. Inmates serving their sentences in juvenile correctional facilities are provided with food, clothing, footwear, underwear and utilities free of charge.

Do prisoners have regular access to toilets without undue delay?

78. Yes, there are toilets installed in every place of detention of inmates and prisoners.

Are the toilets fenced off from the other prisoners (separate room)?

79. Yes, toilets are fenced off from public view, but in some facilities there is a problem of inadequate size of the said partitions, which are unable to provide sufficient level of privacy.

Do prisoners have access to running water (cold/warm)?

80. All prisoners and inmates at least have access to running cold water; access to warm water in some facilities is limited. In such facilities, the water heating is organised to meet sanitary and hygienic needs of detainees.

How often do prisoners have access to a shower cubicle?

81. The Torture Prevention Committee has recommended that the frequency of prisoner showering should be increased in some prison camps and across the prison system, taking into account Rule 19.4 of the European Prison Rules. Rule 19.4 provides that "The number of bathrooms and showers shall be sufficient to enable each prisoner to use them, at a temperature appropriate to the climate, if possible daily, but at least twice a week or more frequently if required to maintain hygiene".
82. In most institutions access to showers for prisoners and inmates is not restricted; where there is no such possibility, the detainees are created conditions for washing at least once a week.

To what extent are prisoners exposed to second-hand smoke?

83. Smoking is only allowed in the designated areas, preventing second-hand smoking by others.

Healthcare

To what extent do prisoners have access to healthcare services comparable to those offered in community?

84. In accordance with Article 8 of the CC of Ukraine, inmates have the right to healthcare to the extent prescribed by the Fundamentals of Healthcare Laws of Ukraine, with the exception of restrictions provided for by law. Healthcare is ensured by a system of medical and preventive measures and by a combination of free and paid forms of medical assistance. Inmates are guaranteed the right to freely choose and admit a physician to receive medical care, including at their own expense. Inmates with mental and behavioural disorders due to the use of alcohol, narcotic drugs, psychotropic substances or their analogues or other intoxicating substances may, subject to their written consent, undergo treatment for these diseases.

Do vulnerable prisoners, including those with disabilities and mental health problems, receive appropriate treatment?

85. These categories of persons have the same right of access to healthcare services as other categories of detainees.

Are medical examinations and treatment procedures recorded in the medical logbook? (Recording of injuries (a) report of alleged victims, (b) complete record of medical reports based on medical examination findings, and (c) assessment of consistency between allegations and objective medical reports; reporting of injuries to independent prosecuting authorities.)

86. The results of all medical examinations of inmates are recorded in a logbook and entered in the medical card of the outpatient in accordance with the "Procedure for organising medical care for inmates of the penitentiary system".

Are prisoners regularly checked for infectious diseases?

87. In accordance with the "Procedure for organising medical care for inmates of the penitentiary system", preventive medical examinations shall be conducted in detention facilities once a year in accordance with the procedure for organising medical care for inmates of the penitentiary system in order to detect and prevent the spread of infectious and parasitic diseases, as well as to detect systemic and psychiatric diseases among inmates.

88. Juvenile inmates and inmates in cell-type detention facilities undergo preventive medical examinations twice a year.

Do the prisoners undergo medical examination within 24 hours of imprisonment?

89. In accordance with the "Procedure for organising medical care for inmates of the penitentiary system", upon arrival at the detention facility, all inmates undergo an initial medical examination within 24 hours in order to identify those who have been injured, those posing an epidemic risk to others and requiring emergency or other medical assistance, as well as those with lice.

Does medical staff receive adequate training?

90. All medical staff are required to improve their qualifications continuously.

Are the consultations with medical staff confidential?

91. Medical examinations of inmates shall be carried out outside the hearing area and (unless the medical worker wishes otherwise in each particular case) outside the sight of non-medical workers.
92. Only medical personnel may be present during a medical examination, unless the doctor requests the presence of the detention facility staff for security reasons or the inmate requests it.
93. Medical examinations shall be carried out in the presence of staff of the same sex as the inmates.
94. Female inmates are guaranteed the right not to provide information and not to be examined in relation to their reproductive health history.
95. Whenever possible, a woman should be provided with a possibility to undergo medical examination by a female physician, except for the situations requiring the provision of medical care in an emergency.

Can an inmate be examined by a doctor of his/her own choice?

96. In accordance with Article 8 of the CC of Ukraine, inmates are guaranteed the right to choose and admit a doctor to receive medical care at their sole discretion, including at their own expense.

Is access to *correct medical treatment* granted?

Is access to prescribed medicines granted, where appropriate?

97. In accordance with the "Procedure for organising medical care for inmates of the penitentiary system", inmates are provided with medicines, medical devices, technical and other means of rehabilitation in accordance with legal requirements.
98. Medicines or their analogues (hereinafter – the medicines), medical devices, technical and other means of rehabilitation may be obtained on the recommendation of the attending physician from close relatives of inmates or other persons, provided that they are prescribed by a doctor and agreed with the head of a relevant healthcare institution of the State Correctional Service of Ukraine.
99. Medicines, medical devices, technical and other means of rehabilitation provided to inmates, in accordance with the medical report, shall be transferred to healthcare facilities of the State Correctional Service of Ukraine for their treatment.

Is access to restorative treatment granted to the inmates who used to take drugs?

Is access to appropriate equipment (e.g. wheelchair, crutches) granted?

100. Detention facilities must be equipped with required equipment, i.e. crutches and wheelchairs for persons unable to move on their own.

What is the prevalence of suicide and self-harm?

Are the measures in place to prevent suicide and self-harm?

101. In accordance with the "Procedure for organising medical care for inmates of the penitentiary system", inmates shall be handcuffed by order of the head of the correctional facility, his/her deputies, the assistant to the head of the correctional institution on duty and his/her deputies in the event of suicide attempts, self-mutilation or attacks on inmates or other persons.
102. Preventive measures are also carried out to identify individuals prone to suicide or self-mutilation.

What is the risk of death caused by a disease?

Is there access to meaningful activities (provision of education, work, sport, outdoor exercise) in prison?

103. According to Article 107 of the CC of Ukraine, inmates serving a sentence of imprisonment have the right, in accordance with the procedure established by this Code and regulations of the Ministry of Justice of Ukraine, to:
 - participate in work activities;
 - dispose of money, purchase, possess and dispose of objects, things, products;
 - exchange mail with persons outside prison camps, have telephone calls with them, including through the mobile communication networks, and to use the Internet;
 - participate in the work of amateur organisations and clubs of socially useful orientation, engage in physical education and sports;
 - purchase, use and store basic necessities, periodicals, literature, and food;
 - use the free time allocated in the daily schedule without violating the rules of conduct;
 - obtain education in accordance with laws on education;

Duration and regularity of the above activities

104. Within the framework of the daily schedule set by the administration of the place of detention.

To what extent are there different regimes for different categories of prisoners, including high, medium and low security level prisoners?

105. In accordance with Article 102 of the CC of Ukraine, the regime in correctional and educational prison camps is the procedure established by law and other regulations for the enforcement and service of sentences, which ensures the isolation of inmates; constant supervision of them; performance of the duties assigned to them; exercising of their rights and protection of their legitimate interests; safety of prisoners and staff; segregation of different categories of prisoners; different conditions of inmates detention depending on the type of the prison camp; and change of the inmates detention conditions.
106. The regime in the prison camps has to minimise the difference between living conditions in the prison camp and at large, which should contribute to increasing the responsibility of prisoners for their behaviour and awareness of human dignity.

107. The regime creates conditions for socially useful work of inmates, general education and vocational training, social and educational work, as well as public impact.

108. According to Article 11 of the CC of Ukraine, correctional institutions are subdivided into open-type correctional institutions (hereinafter referred to as correctional centres) and closed-type correctional institutions (hereinafter referred to as correctional prison camps).

109. Correctional facilities are subdivided into minimum-, medium- and maximum-security prison camps.

110. Minimum-security prison camps are subdivided into minimum-security prison camps with mild conditions and minimum-security prison camps with general conditions.

111. Maximum-security sectors may be established in medium-security prison camps for male prisoners sentenced to life imprisonment.

112. In minimum-security prison camps with general detention conditions, medium-security sectors may be set up for female prisoners sentenced to life imprisonment.

To what extent are the inmates allowed contact with the outside world?

113. In accordance with Article 107 of the CC of Ukraine, inmates have the right to:

- exchange mail with persons outside prison camps, have telephone calls with them, including through mobile communication networks, and use the Internet;
- receive and send parcels, packages, money orders, and receive transfers;
- meet with relatives and other persons;
- submit proposals, reports and complaints orally or in writing on their own behalf;

To what extent are they allowed to meet with their family and lawyer privately?

114. Inmates are allowed short and extended visits according to the rules established in Articles 51, 59, 110 and 151 of the Correctional Code of Ukraine.

115. Short-term visits are allowed to relatives and other persons in the presence of a representative of the correctional institution administration.

116. Taking into account the behaviour of the inmate while serving the sentence, violations of the rules of behaviour during previous visits, as well as recommendations of the psychologist, short-term visits can be provided both in open conditions (without a solid demarcation glass and an intercom) and in closed conditions (through a solid demarcation glass and an intercom).

117. Short-term visits in closed conditions shall take place in cases of a high risk of the inmate violating the established visiting procedures, as well as in the case provided for in paragraph 1 of section XV of these Rules.

118. Short-term and extended visits to inmates in medical institutions shall be provided in accordance with the procedure established in this section, provided that inmates have no medical contraindications.
119. Inmates in healthcare facilities shall not be allowed extended visits.
120. In accordance with Articles 59, 110 and 151 of the Correctional Code of Ukraine, extended visits are allowed to close relatives only (spouses, parents, children, adoptive parents, siblings, grandparents and grandchildren).
121. Extended visits may be granted to spouses who live together as a family, but were not married. In correctional prison camps, such visits may be granted to spouses, provided that they have common minor children.
122. In the case of an inmate who is seriously ill and is in a life-threatening condition, the inmate's close relatives or spouse shall be allowed to visit him (or her). Such visitations shall not be counted as visits.
123. Extended visits at the time of the marriage registration shall be granted out of turn.
124. The inmates are allowed to substitute short-term visits for extended visits at their sole discretion.
125. The duration of visits shall be determined by the administration of the correctional facility, depending on the capacity of the premises in which they are kept, as well as taking into account the behaviour of the inmate, his/her attitude to work and study. In all cases, short visits may not last less than two hours, and extended visits – less than a day, unless the persons arriving for a visit insist on shorter terms.
126. In accordance with Article 110 of the Correctional Code of Ukraine, in order to obtain legal assistance, at the written request of inmates, their close relatives or public organisations, inmates shall be allowed to see a lawyer or another legal specialist, who is legally entitled to provide legal assistance personally or on behalf of a legal entity, as well as a defence counsel in the criminal proceeding, who exercises his/her authority in accordance with Article 45 of the Correctional Code of Ukraine.
127. At the request of an inmate or a lawyer or another legal specialist, who is legally entitled to provide legal assistance personally or on behalf of a legal entity, or a defence counsel in the criminal proceeding, who exercises his/her authority in accordance with Article 45 of the Correctional Code of Ukraine, visits shall be arranged in private in a room for short-term visits without a solid protective glass partition (with their consent), with their safety ensured. Inmates sentenced to life imprisonment, who are kept in cell-type accommodations, shall be allowed to have visits in short-term visitation rooms located, as a rule, in the cell-type accommodation building of the maximum-security correctional prison camp (sector).

128. A visit shall be granted by the administration of the correctional facility upon presentation of a warrant or an agreement on the provision of legal assistance by the lawyer, and another appropriate document, as well as documents certifying their identity by the other legal professionals who are legally entitled to provide legal assistance personally or on behalf of a legal entity.

129. Such visits shall not count towards the number of visits set out in Articles 110 and 151 of the Correctional Code of Ukraine. Their number and duration are not limited, but they shall be carried out during the day outside the time provided for the inmates to eat and sleep uninterrupted. No fee for the use of short-term visitation rooms shall be charged.

To what extent are the inmates allowed to have telephone calls with family and legal counsel?

130. The administration of the correctional facility ensures that inmates are allowed to have telephone conversations without limitation of their number at a specified time. In order to exercise the right of all inmates serving their sentence in the facility to telephone conversations, the duration of conversation per inmate must not exceed 15 minutes.

131. The inmate shall be allowed to have the first telephone call immediately upon arrival at the correctional facility.

132. For having telephone conversations in a place determined by the administration of the correctional facility, payphones are installed and the availability of mobile communication facilities registered at the facility is ensured.

133. Telephone conversations shall be conducted at the expense of the inmate under the supervision of a representative of the correctional facility administration during the day at the time free from work and outside the time provided for eating and uninterrupted sleep. If required, and in agreement with the correctional facility administration, a telephone call may be allowed at any time.

Are these rights limited, including the limitations on such rights depending on the category of inmates?

134. Pursuant to Article 110 of the CC of Ukraine,

- inmates who are placed in the reinforced supervision section shall be allowed to have one short visit per month and one extended visit per three months;
- inmates kept in the re-socialisation section shall be allowed to have one short visit per month and one long visit per two months;
- inmates kept in the social adaptation and social rehabilitation section shall be allowed to have an unrestricted number of short-term visits and an extended visit on a monthly basis.

Do the inmates serve their sentences close to the region of their origin?

135. The referrals of inmates sentenced to imprisonment for a fixed term, life imprisonment, detention, restriction of freedom and their transfer to serve the sentence shall be issued in accordance with the procedure for determining the type of the correctional facility.

136. Persons sentenced to restriction of freedom shall serve their sentences in correctional facilities of open type (hereinafter – the correctional centres), as a rule, within the administrative-territorial unit where they used to reside before conviction.

137. Inmates shall serve their sentences in the same correctional or educational prison camp, as a rule, within the administrative-territorial unit where they used to reside before conviction or near the place of residence of inmates' relatives.

Solitary confinement and other means of restraint

To what extent is solitary confinement used illegally or disproportionately for prisoners?

To what extent is it used as a last resort?

138. Under article 132 of the CC of Ukraine, persons serving custodial sentences may be subjected to penalties for failure to comply with their obligations and for violations of the established prohibitions, namely the transfer of inmates kept in correctional prison camps, except for those kept in minimum-security correctional prison camps with milder conditions, to cell-type accommodation (solitary confinement) for up to three months.

What are the reasons for using solitary confinement (disciplinary ones)?

What is the maximum duration of stay in solitary confinement in days by law and in practice?

139. Pursuant to Article 132 of the CC of Ukraine, the maximum term of the inmate's stay in solitary confinement may not exceed 3 months.

What guarantees are in place (access to a lawyer and reports/appeals)?

140. Inmates disciplined in the form of placement in a cell-type accommodation (solitary confinement) are provided with the same guarantees to appeal, including with the assistance of a counsel, as other categories of inmates.

What are the conditions of detention, including the contact with the outside world?

141. Pursuant to Article 12 of the Law of Ukraine on Pre-Trial Detention, and Articles 8, 51, 59, 110, 116, 138, 139, 140 and 151 of the CC of Ukraine, the administration of a pre-trial detention facility may allow detainees and inmates to have short-term and extended visits.

142. short-term visits of relatives or other persons shall be allowed by the head of the pre-trial detention facility or his/her deputy (persons acting in their capacity):

- inmates shall be allowed to have visits subject to the written permission of the investigator or the court conducting the criminal proceeding;
- inmates whose sentences have become final and binding and who, pursuant to Article 90 of the CC of Ukraine, are temporarily kept in a pre-trial detention facility or transferred to a pre-trial detention facility from an arrest facility, correctional centre, disciplinary battalion or

correctional prison camp, in the event that they are remanded in custody in connection with another criminal proceeding, shall be allowed to have visits upon written permission of the investigator or court conducting the criminal proceeding;

- foreign nationals kept in custody may meet with representatives of the embassies and consulates of the relevant States by agreement with the Ministry of Foreign Affairs of Ukraine and with the written permission of the investigator or court conducting the criminal proceeding;
- persons subjected to a provisional or extradition arrest shall be allowed to have visits on the basis of a written permission of the body conducting the extradition check.

143. Extended visits shall be allowed by the administration of the pre-trial detention facility to inmates left in the pre-trial detention facility for maintenance works, as well as to inmates whose sentences have become final and binding, who are temporarily left in the pre-trial detention facility or transferred to the pre-trial detention facility from the detention centre, correctional centre, disciplinary battalion or correctional prison camp under Article 90 of the CC of Ukraine, except for those against whom a preventive measure of detention in connection with another criminal proceeding has been selected.

144. Prisoners and inmates shall be entitled to have visits with clergymen (chaplains) authorised by religious organisations, the Articles of Associations (regulations) of which are registered in accordance with the law, to meet their religious needs without limiting the number of visits, in their time free from the conduct of investigative activities. The authority of clergymen (chaplains) shall be evidenced by an official application of the religious organisation to the administration of the pre-trial detention facility. The administration of the pre-trial detention facility shall facilitate the confidentiality of such visits.

145. Under paragraph 3 of Article 42 of the CC of Ukraine, an inmate shall be entitled, upon first request, to have a defence counsel and to communicate with him or her before the first interrogation in the environment ensuring confidentiality; to have a defence counsel attend the interrogation and other procedural actions; to waive a defence counsel at any time during the criminal proceeding; to receive legal assistance from the defence counsel at the expense of the State in cases specified in the CC of Ukraine and/or the law governing free legal assistance, including due to the lack of funds to pay for it.

Apart from solitary confinement, what other forms of force and means of restraint are used and to what extent?

146. Pursuant to Article 15 of the Law of Ukraine on Pre-Trial Detention, the administration of a pre-trial detention facility may impose the following penalties on the persons taken into custody who violate the regime requirements:

- a warning or a reprimand;
- an unscheduled involvement in the cleaning of the premises.

147. Inmates maliciously violating the rules may, on the basis of a reasoned decision of the head of the pre-trial detention facility, be placed in a punishment cell for up to ten days, and minors for up to five days. Placement in a punishment cell must not be combined with deterioration of the established nutritional standards.

148. Pregnant women and women with children may not be placed in a disciplinary cell.

149. The penalties imposed on persons taken into custody must be proportionate to the gravity and nature of the offence. Measures that deliberately inflict physical or mental suffering or undermine human dignity of detainees are not permitted.

150. A penalty may be imposed for a period not exceeding ten days from the date of discovery of the misconduct or, if an inspection was carried out in connection with the misconduct, from the date of its completion, but not later than six months from the date of the misconduct.

151. A penalty shall be enforced immediately or within one month from the date of its imposition.

How much abuse and torture occurs in prison?

What are the prevalence, patterns and types of physical and psychological abuse and torture?

152. The Commissioner for Human Rights registered 165 cases of torture in monitoring institutions in 2020.

Who are the typical victims, perpetrators, and what is the context of the abuse?

Is torture used as a means of obtaining confessions?

153. This practice is sporadic; in respect of each such case identified by the competent authorities, a criminal proceeding is instituted.

Are there policies and measures in place to prevent and detect abuse?

154. In accordance with the Optional Protocol to the Convention against Torture, ratified by the Verkhovna Rada of Ukraine on July 21, 2006, and Article 19-1 of the Law of Ukraine on the Ukrainian Parliament Commissioner for Human Rights, the Commissioner shall conduct regular visits to (monitoring of) the places of detention in order to prevent the cases of torture and, where required, to strengthen the protection of persons kept in such places against cruel, inhuman or degrading treatment or punishment.

Are there any cases of death due to abuse?

155. No such cases have been recorded.

What is the prevalence of impunity among prison staff?

Will the prosecutor's office open an abuse case?

If so, how often did it happen?

156. Under Article 216 of the Correctional Code of Ukraine, the pre-trial investigation into this category of cases is the responsibility of the State Bureau of Investigation. Criminal proceedings are instituted in respect of each reported case of abuse.

To what extent does inter-prisoner violence (IPV) occur in the pre-trial detention facility?

What are the prevalence, patterns and types of IPV?

Who are the typical victims and perpetrators, and what is the context of IPV?

Are there policies and measures in place to identify and prevent IPV?

What are the inmate protection options (supervision)?

How is the treatment differentiated in terms of:

ethnicity (Russians, Armenians, Roma)?

political groups (former members of the Party of Regions) and

vulnerable groups (women, minors, physically and mentally handicapped persons)

Any cross category of the above?

157. Differentiated treatment shall apply only to vulnerable groups (women, minors, physically and mentally handicapped persons). All other groups receive the same treatment.

Special treatment of women in prisons

Are the women housed separately from imprisoned men?

158. Yes, there is an established procedure for the separate detention of imprisoned men and women.

Do women have adequate access to sanitary and hygienic products (at all times), washing facilities and hygiene products?

159. Yes, to the same extent as men.

Are women allowed to maintain relationships with their spouses and children?

160. Yes, within the framework of the rights granted by Article 107 of the CC of Ukraine.

Is special attention given to women in terms of gynecology, breast cancer treatment, cervical cancer treatment, prenatal, postnatal and childcare?

161. Yes, they are given such attention as part of preventive medical examinations.

Is special attention given to women in terms of mental health care, including for the trauma related to domestic violence?

Are women afforded medical confidentiality during medical examinations and treatment?

162. Yes, to the same extent as men.

Are women given the opportunity to be examined and treated by female staff according to individual preferences?

163. Thus, treatment is provided by persons of the same sex, except in life-saving emergencies.

Do disciplinary sanctions against women include prohibition of family contact, especially with minor children?

164. There is no such penalty.

Special treatment of minors in places of detention

What is the definition of a "minor"?

165. Minor is a person under 18 years old.

Are the minors kept in institutions only deprived of their liberty as a last resort?

166. Under Article 97 of the Criminal Code of Ukraine, a minor who has committed a criminal offence for the first time, or an imprudent minor offence, may be exempted from criminal liability, if his or her correction is possible without the use of punishment. In these cases, the court shall apply forced measures of educational nature provided for by part two of Article 105 of the pre said Code to the minor.

167. The court may impose the following penalties on minors found guilty of a criminal offence:

- 1) penalty;
- 2) community service;
- 3) correctional work;
- 4) arrest;
- 5) imprisonment for a certain period of time.

168. Additional penalties in the form of fines and deprivation of the right to occupy certain positions or engage in certain activities may be imposed on minors.

169. Pursuant to Article 102 of the Criminal Code of Ukraine, punishment in the form of imprisonment of the persons under eighteen at the time of committing a crime can be appointed for a term from six months up to ten years, except for the cases provided for by paragraph 5 of part three of the said article. Minors condemned to punishment in the form of imprisonment shall serve it in special educational facilities.

170. A custodial sentence shall be imposed on a minor:

- 2) for a non-serious offences – for a term not exceeding four years
- 3) for a serious crime – for a term not exceeding seven years

- 4) for a particularly grave crime – for a term not exceeding ten years
- 5) for a particularly grave crime connected with deliberate deprivation of human life – for a term up to fifteen years.

Are they separated from adult prisoners?

171. Pursuant to Article 92 of the CC of Ukraine, separate custody of men and women, minors and adults is arranged in correctional prison camps.

Are the minors accommodated in facilities designated for this group?

172. Yes, the law provides for the accommodation of minors exclusively in the facilities provided for the accommodation of such a group.

Are the minors offered a full program of activities and education beyond prison?

173. Yes, minors are given an opportunity to receive the same training as outside the correctional institution.

174. Minors who are improving their educational level as part of a general education program on their own are given an opportunity to use textbooks from the library and to purchase or receive stationery in parcels (packages) without limitation at their own expense. They are educated about legal and hygienic issues.

Are the minors imprisoned under criminal law kept together with minors deprived of liberty for the other reasons?

175. Involuntary detention for a minor shall be allowed only in cases where s/he has been held criminally liable, or in the case of release from criminal liability subject to the application of compulsory measures of educational nature.

Are they segregated by gender and age?

176. Article 92 of the CC of Ukraine provides for separate detention for imprisoned men and women. There is no segregation by age.

Are they given access to the outside world?

177. Under Article 107 of the CC of Ukraine, minor offenders shall have the same right as other inmates to:

- exchange mail with persons outside prison camps, have telephone calls with them, including through mobile communication networks, and use the Internet;
- receive and send parcels, packages, money orders, and receive transfers;
- meet with relatives and other persons;
- submit proposals, reports and complaints orally or in writing on their own behalf;

Are flexible measures, such as probation, community service, financial penalties, etc., used to avoid the possible institutionalisation of minors?

178. Yes, the use of measures such as probation supervision, non-custodial sentences such as community service and fines is of paramount importance in the case of minors. Application of punishment in the form of imprisonment is used in exceptional cases.

Are the parents notified after detention and allowed to attend the court proceedings, if it is in the best interest of minors?

179. Parents, guardians, custodians and persons in loco parentis shall be immediately informed after the minor is detained and shall be granted access to the court proceedings, where this is in the minor's best interest.

Are the minors subjected to corporal punishment or ill-treated otherwise?

180. Corporal punishment or any other cruel, inhuman or degrading treatment or punishment is prohibited.

Special treatment of the other vulnerable groups in prisons

Which groups of prisoners would you describe as vulnerable?

How are they treated compared to the other groups?

Conditions during transfer

Please, describe the general conditions for inmates during their transfer?

181. The transfer of an inmate for further serving of a sentence from one correctional or educational prison camp to another shall be allowed in exceptional circumstances preventing the inmate from further serving of his/her sentence in that correctional or educational prison camp. The procedure for transfer of inmates shall be determined by regulations of the Ministry of Justice of Ukraine.

182. When prisoners or inmates are transferred to another facility, they shall be provided with conditions excluding the cruel, inhuman or degrading treatment of the person.

Does the abused inmate have access to food and water, sanitary facilities, ventilation, smoking/tobacco?

183. They have, at the same level as other detainees.

Conditions for those who refuse military duty, evade conscription, evade mobilisation, or desert the color.

184. The current military personnel is punished by detention in a disciplinary military unit. Article 71 of the CC of Ukraine provides that the punishment in the form of detention in a disciplinary military unit shall be enforced by a disciplinary military unit. The organisational structure and size of the disciplinary military unit shall be determined by the Ministry of Defense of Ukraine.

185. The overall management of the disciplinary military unit shall be exercised by the Minister of Defence of Ukraine.

186. The assignment and admission of imprisoned military personnel to the disciplinary military unit shall be carried out as determined by the Ministry of Defense of Ukraine.
187. The term of serving the punishment in the form of detention in the disciplinary military unit shall be calculated from the date determined by the court sentence, taking into account the time of the imprisoned person's detention in places of preliminary detention in accordance with Article 72 of the Criminal Code of Ukraine.
188. Imprisoned military personnel kept in a disciplinary military unit shall be subject to the provisions of this Code concerning socially useful work, social-education work, general education and vocational training, and social influence. Military exercises shall also be carried out with the inmates.
189. Persons serving their sentence in a disciplinary military unit shall perform the duties and enjoy the rights established by law for fixed-term military personnel of the Armed Forces of Ukraine, with the limitations stipulated by this Code.
190. No leave shall be granted to imprisoned military personnel.
191. Proposals, reports and complaints by imprisoned military personnel shall be considered as provided for by law.
192. According to Article 72 of the CC of Ukraine, imprisoned military personnel shall comply with the regime established by this Code and regulations of the Ministry of Defence of Ukraine.
193. While serving their sentence in a disciplinary military unit, all sentenced military personnel, regardless of their military rank and the nature of their previous service, are kept as soldiers and wear the same uniform and insignia of the disciplinary military unit in question.

Are the aforementioned individuals treated differently from the other inmates/inmates in civilian prisons?

194. Yes, imprisoned military personnel kept in a disciplinary military unit have a different status from those imprisoned in civilian prisons due to the fact that they are on military service.

Pre-trial detention facility – accommodation conditions of detainees

What is the average length of time a prisoner is kept in custody?

In relation to different types of crime?

What about the physical conditions of detention?

195. Pursuant to Article 11 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be provided with living conditions in accordance with the rules of sanitation and hygiene.

196. The minimum size of the cell shall be 2.5 square meters for a detainee and 4.5 square meters for a pregnant woman or a woman carrying a child.

197. Detainees shall be provided with food, an individual bed, bed linen and other amenities free of charge in accordance with the unified norms established by the Cabinet of Ministers of Ukraine. If required, they shall be provided with standard clothes and footwear.

Do the authorities use the temporary detention facilities in police as pre-trial detention facilities?

198. Temporary detention facilities (hereinafter – the TDFs) of the National Police of Ukraine are not used as pre-trial detention facilities. The temporary detention facilities may be used as pre-trial detention facilities only in the case of detention of persons in respect of whom a preventive measure of detention is applied for up to 3 days (if it is impossible to transport the detainees to a pre-trial detention facility (hereinafter – the PTDF) during this period due to a long distance or lack of adequate means of communication, they may be kept in the TDF for no more than 10 days), and in case of detention of inmates who arrived from PTDFs and correctional facilities in connection with court proceedings or conducting investigations (searches) with their involvement.

Are the inmates segregated from persons in custody?

199. Pursuant to Article 8 of the Law of Ukraine on Pre-Trial Detention, inmates shall be kept separately from persons in custody;

What are the material conditions?

200. Pursuant to Article 11 of the Law of Ukraine on Pre-Trial Detention, **persons taken into custody** shall be provided with living conditions consistent with the sanitation and hygiene rules.

201. The minimum size of the cell shall be 2.5 square meters for a detainee and 4.5 square meters for a pregnant woman or a woman carrying a child.

What is the situation regarding cell overcrowding (prisoner levels and trends)?

202. As of 30 July 2020, 19,169 persons were kept in pre-trial detention facilities and correctional institutions with a pre-trial detention function.

To what extent do Ukrainian prisons meet the living space standards?

203. Since its first visit to Ukraine in 1998, the Committee recommended increasing the living space standard per prisoner to 4 m² (1998, 112). This recommendation was later repeated several times in 2000, 2005, 2009, 2013, and 2017.

204. For the prison camps, this recommendation was implemented in 2010, when the statutory standard of living space for prisoners was increased from 2.5 to 4 m². This standard is often not respected in the prison camps. At the same time, the standard of 2.5 m² in pre-trial detention facilities (Article 11 of the Law of Ukraine on Pre-Trial Detention) is still applicable. In other words, Ukraine has not fulfilled this recommendation for over 20 years. A Bill has been developed in order to implement the recommendation of the Committee on the Preventive Detention Facility. This Bill was registered in the Parliament in 2015 and passed in the first reading, but it never became law.

Do the inmates live in separate cells/multiple cells?

205. The inmates are kept in cell-type accommodations or in shared-type accommodations with simultaneous accommodation of several persons. Detention in a separate cell is used as an exception to the general rule.

206. Pursuant to Article 8 of the Law of Ukraine on Pre-trial Detention, persons taken into custody shall be kept in small or shared cells. In exceptional cases, in order to preserve the secrecy of the pre-trial investigation, to protect prisoners from possible attacks on their lives or to prevent them from committing a new criminal offence, or for medical reasons, they may be kept in solitary confinement according to a relevant decision of the person or body conducting the criminal proceedings or the head of the pre-trial detention facility, authorised by the prosecutor. This measure shall not be applied to minors, and if their lives are in danger, they shall be transferred to another small or shared cell.

207. Besides, the prisoner may be placed in a disciplinary cell or punishment cell for the purpose of punishment. The prisoners shall be kept in the punishment cell alone.

Are dormitories used in some prisons?

208. Pursuant to Article 59 of the CC of Ukraine, persons sentenced to **restriction** of liberty are generally obliged to reside in specially designated dormitories.

Are the cells of prisoners properly lit?

209. According to the internal regulations of pre-trial detention facilities of the State Criminal Executive Service of Ukraine, each cell in the **pre-trial detention facility** shall be equipped with working (day) and regular (night) lighting, as well as electrical outlets for connecting electrical appliances. The lighting and outlets shall be controlled from the room of the junior inspector of the duty shift (head of the corps) and switches installed in the corridors near the entrance door to the cells.

210. Daytime lighting shall be switched on and off by the personnel of the pre-trial detention facility at the time specified in the daily schedule. At night (from 10 p.m. to 6 a.m.), the staff on duty turn on the regular (night) lighting during cell inspections to prevent prisoners or inmates from committing suicide, committing self-harm, or preparing to escape from custody. The level of lighting must not interfere with the rest and sleep of prisoners and inmates.

211. According to the special report of the Parliamentary Commissioner for Human Rights "Status of implementation of the national preventive mechanism in 2020", 90% of the visited institutions where persons sentenced to imprisonment or those subject to preventive measures in the form of detention are kept, violated the right of detainees to adequate detention conditions.

To what extent are the cells of prisoners ventilated?

212. Pursuant to Article 11 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be provided with living conditions consistent with the sanitation and hygiene rules. These conditions include ensuring a sufficient level of ventilation in the premises.

213. However, as noted above, based on the special report of the Parliamentary Commissioner for Human Rights "Status of implementation of the national preventive mechanism in 2020", 90% of the visited institutions where persons sentenced to imprisonment or those subject to preventive measures in the form of detention are kept, violated the right of detainees to adequate detention conditions.

What is the status of renovation of the prison facilities?

Is there a call bell system?

214. No, such a system is not provided for in applicable laws.

How adequate is the nutritional value of the food served to prisoners?

215. On December 27, 2018, the Cabinet of Ministers adopted a decree on new nutritional standards, which apply to persons kept in penitentiary institutions. The specified standards have several positive aspects. They diversify the menu and slightly increase the nutritional standards. The ration shall include milk and eggs, which has not been the case before. However, the standards also contain provisions that reinforced existing issues:

- there is still discrimination in terms of portions depending on where the person is kept and what his/her status is. For example, in the prison camp the portion of bread is 500 grams per day, and in the pre-trial detention facility – 450 grams per day. Two eggs per week are allowed in the prison camp, and one in the pre-trial detention facility. The prison camp serves 500 grams of potatoes, when the pre-trial detention facility – 400 grams;
- the regulation on punishment by reducing the portion of food still applies. Inmates who are placed in the pre-trial detention and cell-type accommodations are provided with less bread and meat than other inmates. No milk or eggs are provided for them at all. The same applies to inmates serving life sentences and those sentenced to arrest.
- lack of fruit. They will be given only to minors, while prison camps for adults will serve dried fruit only. Another issue inherent in standards is the possibility of substituting the food. For example, meat may be substituted with by-products, eggs or fish. Fish may be substituted with milk, for example, and milk with fish. An egg may be substituted with 10 grams of butter. 100 grams of fruit may be substituted with 20 grams of jam. Dried fruit may be substituted with tea. In general, there are a lot of possibilities for such substitutions in the regulations. Thus, the provision of food, even at the official level, is inadequate and contains discriminatory standards.

216. Prisoners and inmates are provided with food according to the standards and in accordance with the procedure established by resolutions of the Cabinet of Ministers of Ukraine
<https://zakon.rada.gov.ua/laws/show/336-92-%D0%BF>

217. dated June 16, 1992 "On nutritional standards for persons kept in correctional institutions and pre-trial detention facilities of the State Correctional Service, temporary detention facilities, reception and distribution centres, as well as other reception centre of the National Police" (as amended), No. 1752 dated December 27, 2001 "On nutritional standards in tuberculosis institutions for persons with tuberculosis, minors and underage infected with Mycobacterium tuberculosis" (as amended), as well as the Regulation on the organisation of food supply in the State Correctional Service of Ukraine in peacetime, approved by Order of the Ministry of Justice of Ukraine No. 850/5 dated June 8, 2012, filed with the Ministry of Justice of Ukraine on June 15, 2012, No. 982/21294.

218. Prisoners and inmates take their meals in cells, at the times specified in the daily schedule. In order to ensure timely delivery of food from the canteen of the pre-trial detention facility to the cells, inmates left in the pre-trial detention facility to work on household chores are involved.

219. Inmates who are left in a pre-trial detention facility to work on household chores take their meals in the eating area of the social and psychological service department or in the canteen. Prisoners who work in workshops or work cells take their meals at the place of work in designated places with observance of sanitary and hygiene requirements or in cells.

220. In order to maintain proper order, the food is dispensed to cells and consumed in the canteen under continuous monitoring of the pre-trial detention facility staff.

To what extent do prisoners live in hygienic conditions in prison (sanitary conditions in or outside their cells, showers, cleaning of cells, laundry (indoor climate))?

221. In accordance with Article 11 of the Law of Ukraine on Pre-Trial Detention, prisoners are provided with living conditions that meet the rules of sanitation and hygiene.

222. Sanitary, hygienic and anti-epidemic rules are enforced in the pre-trial detention facilities. Persons arriving in the pre-trial detention facility shall be sanitised, including washing of prisoners and inmates in the bath with mandatory replacement of underwear, disinfection, and disinfestation of personal clothing in the disinfection chamber. For men, if necessary, hair on the head is cut, and chin, beard and moustache are shaved.

Do prisoners have regular access to toilets without unnecessary delay?

223. Thus, there are toilets installed in every place of detention.

Are the toilets fenced off from the other prisoners (separate room)?

224. Yes, toilets are fenced off from public view, but in some facilities there is a problem of inadequate size of the said partitions, which are unable to provide sufficient level of privacy.

Do prisoners have access to running water (cold/warm)?

225. All prisoners and inmates at least have access to running cold water; access to warm water in some facilities is limited. In such facilities, the water heating is organised to meet sanitary and hygienic needs of detainees.

How often do prisoners have access to a shower cubicle?

226. The Torture Prevention Committee has recommended that the frequency of prisoner showering should be increased in some prison camps and across the prison system, taking into account Rule 19.4 of the European Prison Rules. Rule 19.4 provides that "The number of bathrooms and showers shall be sufficient to enable each prisoner to use them, at a temperature appropriate to the climate, if possible daily, but at least twice a week or more frequently if required to maintain hygiene".

227. In most institutions, access to showers for prisoners and inmates is not restricted; where there is no such possibility, the detainees are created conditions for washing at least once a week.

To what extent are prisoners exposed to second-hand smoke?

228. Smoking is only allowed in designated areas, preventing second-hand smoking by others.

Healthcare

To what extent do prisoners have access to healthcare services comparable to those offered in community?

229. Pursuant to Article 11 of the Law of Ukraine on Pre-Trial Detention, medical care, as well as preventive and anti-epidemic work in pre-trial detention facilities are organised and conducted in accordance with the healthcare laws.

230. The procedure for the provision of medical care to prisoners, the use of state and municipal health care facilities not subordinate to the bodies performing pre-trial detention for this purpose, the involvement of their medical staff and the conduct of medical examinations shall be determined by the Cabinet of Ministers of Ukraine.

Do vulnerable prisoners, including those with disabilities and mental health problems, receive appropriate treatment?

231. These categories of persons have the same right of access to healthcare services as other categories of detainees.

Are medical examinations and treatment procedures recorded in the medical logbook? (Recording of injuries (a) report of alleged victims, (b) complete record of medical reports based on medical examination findings, and (c) assessment of consistency between allegations and objective medical reports; reporting of injuries to independent prosecuting authorities.)

232. According to the internal regulations of remand facilities of the State Correctional Service of Ukraine, all prisoners and inmates arriving in pre-trial detention facilities are subject to mandatory initial medical examination in order to identify persons with injuries that constitute an epidemic threat to others or require urgent medical care. Initial medical examination is also mandatory for children who have arrived in the pre-trial detention facility with female prisoners.

233. The initial medical examination of prisoners and inmates shall be conducted by a medical officer (in accordance with his/her official duties) in the medical room of the collection unit out of

hearing and (unless the medical officer wishes otherwise in each particular case) out of sight of non-medical personnel.

234. If prisoners or inmates have injuries, the medical officer shall draw up a certificate in triplicate, in which s/he shall record in detail:

- information (written statement, oral or written explanation) of the prisoner or inmate concerning the medical examination (including allegations of ill-treatment);
- the medical officer's assumption given the prisoner's or inmate's statement and objective medical indicators, as well as the rationale for their correlation;
- comprehensive description of objective medical findings, the nature of lesions, their size and location.

235. The first copy of the certificate, after review by the head of the pre-trial detention facility or his/her substitute, shall be attached to the personal file, the second copy shall be filed with the medical card of the prisoner or inmate, and the third copy shall be given to the prisoner or inmate. The medical officer shall enclose pictures of the prisoner's or inmate's bodily injuries to the certificate.

236. The medical officer shall, within 24 hours, inform in writing the prosecutor and the head of a relevant healthcare branch of the Central Correctional Service of Ukraine, while the head of the pre-trial detention facility or his/her substitute shall inform the interregional department of any bodily injury found on prisoners or inmates.

237. Medical monitoring of inmates' and prisoners' health is conducted in pre-trial detention facilities through medical examinations and tests, identification of persons in need of treatment and continuous medical observation, as well as conduct of medical and sanitary measures to maintain their health and fitness for work, and ensure their outpatient and inpatient treatment in accordance with a system of health standards and clinical protocols for medical care in accordance with the procedure prescribed by law.

238. The results of examinations of newly arrived minors for bodily injuries and tattoos shall be recorded in their medical cards and in the log of newly arrived minors.

Are prisoners regularly checked for disease transmission?

239. In Ukraine, all prisoners and inmates arriving in a pre-trial detention facility are subject to a mandatory initial medical examination, and further medical examinations are carried out as necessary.

Do the prisoners undergo medical examination within 24 hours of imprisonment?

240. Yes, they do immediately upon admission to institutions.

Are the consultations with medical staff confidential?

241. Yes, the initial medical examination of prisoners and inmates shall be conducted by a medical officer (in accordance with his/her official duties) in the medical room of the collection unit out of

hearing and (unless the medical officer wishes otherwise in each particular case) out of sight of non-medical personnel.

Treatment of HIV/AIDS, tuberculosis, other chronic diseases that require regular treatment?

242. In accordance with Article 11 of the Law of Ukraine on Pre-trial Detention, medical care, as well as preventive and anti-epidemic work in pre-trial detention facilities are organised and conducted in accordance with healthcare laws. For this purpose, a medical unit operates on the territory of the pre-trial detention facility.

243. The medical unit provides primary treatment and preventive care for inmates and prisoners, which includes consultation with a medical officer, diagnostics and treatment of diseases, injuries and poisonings, preventive measures, and referral of sick inmates or inmates for specialised and highly specialised care.

244. The main tasks of the medical unit are:

- provision of emergency medical care, primary health care and organisation of the provision of secondary health care;
- organisation and conduct of medical examinations, surveys, and implementation of dispensary supervision;
- organisation of proper sanitary, hygienic and anti-epidemic surveillance;
- organisation and implementation of activities to introduce preventive medicine;
- hygiene education and promotion of a healthy lifestyle.

245. The medical unit consists of an outpatient clinic, an inpatient clinic, isolation rooms for tuberculosis patients and patients with intestinal infections, a separate isolation room for persons with mental disorders, a tuberculosis room, and rooms for storing medicines. All rooms of the medical unit shall be equipped with technical means of supervision and control.

What is the prevalence of suicide and self-harm?

Are measures in place to prevent suicide and self-harm?

246. The inmates shall be handcuffed by order of the head of the correctional facility, his/her deputies, the assistant to the head of the correctional institution on duty and his/her deputies in the event of suicide attempts, self-mutilation or attacks on inmates or other persons.

What is the risk of death from the disease?

What access to meaningful activities (education, work, sports, outdoor exercise, etc.) is provided in the remand centre?

247. Pursuant to Article 9 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be entitled to:

- a daily walk for 1 hour. Pregnant women and women with children, minors as well as those who are sick are allowed to walk for up to two hours daily with the permission and consent of a doctor;
- receive transfers or parcels and money orders and deliveries;
- buy food and basic necessities for up to one minimum wage per month by non-cash payment, as well as stationery, newspapers, and books through the trade network to order without limitation;
- use their own clothes and footwear and keep the documents and records related to criminal proceedings;
- use television sets received from relatives or other persons, board games, newspapers and books from the library of the remand centre and purchased from the sales network;
- pastoral care provided by ministers (chaplains);
- individually perform religious rites and use religious literature and religious objects made of low-value materials inherent in their beliefs, provided that this does not violate the order of the pre-trial detention facilities or restrict the rights of others;
- an eight-hour night's sleep, during which no involvement in procedural or other actions is allowed, except in urgent cases;
- file complaints, reports and letters to the European Court of Human Rights, as well as to the other relevant bodies of international organisations, of which Ukraine is a member or participant, to authorised persons of such international organisations, state bodies and officials as prescribed by Article 13 of this Law.

248. Women taken into custody shall be entitled to have children under the age of 3 with them.

249. Young persons (aged 14-35) in detention shall be entitled to psychoeducational assistance from specialists at the social centres for families, children and young persons.

250. Persons serving their sentences in places of deprivation of liberty, if a measure of restraint in the form of detention in connection with other criminal proceedings has been taken against them or if a decision has been taken to extradite them temporarily to another State, shall be kept in accordance with the rules established by this Law. Receipt of parcels and deliveries, as well as the purchase of food and basic necessities by these persons shall be governed by the Correctional Code of Ukraine to ensure the security level of the correctional camp assigned to it by the central executive authority implementing the state policy in the field of the criminal punishment enforcement.

To what extent are prisoners allowed to have contact with the outside world?

251. In accordance with Article 12 of the Law of Ukraine on Pre-Trial Detention, detainees may be visited by relatives or other persons only with the written permission of the investigator or the court conducting the criminal proceedings, at least three times a month. The duration of the visit shall be from one to four hours.

To what extent are they allowed to meet with their family and lawyer in private meetings?

252. A person taken into custody is guaranteed the right to legal assistance and confidential legal advice from his or her defence counsel(s) or defence lawyer(s) in criminal proceedings, the legal

representative(s) representing the person in administrative, civil or economic court cases, as well as lawyer(s) or legal specialist(s) representing the person before the European Court of Human Rights, and when the inmate is a minor, s/he shall be allowed to meet with his/her legal representative(s).

To what extent are they allowed to have calls with family and legal counsel?

253. Prisoners are not allowed to make telephone calls.

Solitary confinement and other means of detention in pre-trial detention

To what extent is solitary confinement used illegally or disproportionately for prisoners?

254. Pursuant to Article 8 of the Law of Ukraine on Pre-Trial Detention, persons taken into custody shall be kept in small or shared cells. In exceptional cases, in order to preserve the secrecy of the pre-trial investigation, to protect prisoners from possible attacks on their lives, or to prevent them from committing a new criminal offence, or for medical reasons, they may be kept in solitary confinement according to a relevant decision of the person or body conducting the criminal proceedings or the head of the pre-trial detention facility, authorised by the prosecutor. This measure shall not be applied to minors, and if their lives are in danger, they shall be transferred to another small or shared cell.

To what extent is it used as a last resort?

255. The imposition of penalties in the form of transfer to cell-type accommodation (solitary confinement) is subject to a court decision. If the disciplinary commission decides at a meeting to transfer the prisoner to a cell-type room (solitary confinement), the administration of the pre-trial detention facility shall, within twenty-four hours, send a relevant petition (submission) to the court along with the commission's decision.

What is the maximum duration of stay in solitary confinement in days by law and in practice?

What guarantees are in place (access to a lawyer and filing of reports/appeals)?

256. Prisoners who have been disciplined by placement in cell-type accommodation (solitary confinement) have the same guarantees of appeal, including with the assistance of a legal counsel, as other categories of prisoners.

What are the conditions of detention, including contact with the outside world?

257. Pursuant to Article 12 of the Law on Pre-Trial Detention and Articles 8, 51, 59, 110, 116, 138, 139, 140 and 151 of the CC of Ukraine, the administration of a pre-trial detention facility may allow detainees and prisoners to have short and extended visits.

258. short-term visits of relatives or other persons shall be allowed by the head of the pre-trial detention facility or his/her deputy (persons acting in their capacity):

259. inmates shall be allowed to have visits subject to the written permission of the investigator or the court conducting the criminal proceeding;

260. inmates whose sentences have become final and binding and who, pursuant to Article 90 of the CC of Ukraine, are temporarily kept in a pre-trial detention facility or transferred to a pre-trial detention facility from an arrest facility, correctional centre, disciplinary battalion or correctional prison camp, in the event that they are remanded in custody in connection with another criminal proceeding, shall be allowed to have visits upon written permission of the investigator or court conducting the criminal proceeding;
261. foreign nationals kept in custody may meet with representatives of the embassies and consulates of the relevant States by agreement with the Ministry of Foreign Affairs of Ukraine and with the written permission of the investigator or court conducting the criminal proceeding;
262. persons subjected to a provisional or extradition arrest shall be allowed to have visits on the basis of a written permission of the body conducting the extradition check.
263. Extended visits shall be allowed by the administration of the pre-trial detention facility to inmates left in the pre-trial detention facility for maintenance works, as well as to inmates whose sentences have become final and binding, who are temporarily left in the pre-trial detention facility or transferred to the pre-trial detention facility from the detention centre, correctional centre, disciplinary battalion or correctional prison camp under Article 90 of the CC of Ukraine, except for those against whom a preventive measure of detention in connection with another criminal proceeding has been selected.
264. Prisoners and inmates shall be entitled to have visits with clergymen (chaplains) authorised by religious organisations, the Articles of Associations (regulations) of which are registered in accordance with the law, to meet their religious needs without limiting the number of visits, in their time free from the conduct of investigative activities. The authority of clergymen (chaplains) shall be evidenced by an official application of the religious organisation to the administration of the pre-trial detention facility. The administration of the pre-trial detention facility shall facilitate the confidentiality of such visits.
265. Under paragraph 3 of Article 42 of the CC of Ukraine, an inmate shall be entitled, upon first request, to have a defence counsel and to communicate with him or her before the first interrogation in the environment ensuring confidentiality; to have a defence counsel attend the interrogation and other procedural actions; to waive a defence counsel at any time during the criminal proceeding; to receive legal assistance from the defence counsel at the expense of the State in cases specified in the CC of Ukraine and/or the law governing free legal assistance, including due to the lack of funds to pay for it.

Apart from solitary confinement, what other forms of force and means of restraint are used and to what extent?

266. Pursuant to Article 15 of the Law of Ukraine on Pre-Trial Detention, the administration of a pre-trial detention facility may impose the following penalties on the persons taken into custody who violate the regime requirements:

- a warning or a reprimand;
- an unscheduled involvement in the cleaning of the premises.

267. Inmates maliciously violating the rules may, on the basis of a reasoned decision of the head of the pre-trial detention facility, be placed in a punishment cell for up to ten days, and minors for up to five days. Placement in a punishment cell must not be combined with deterioration of the established nutritional standards.

268. Pregnant women and women with children may not be placed in a disciplinary cell.

The penalties imposed on persons taken into custody must be proportionate to the gravity and nature of the offence. Measures that deliberately inflict physical or mental suffering or undermine human dignity of detainees are not permitted.

269. A penalty may be imposed for a period not exceeding ten days from the date of discovery of the misconduct or, if an inspection was carried out in connection with the misconduct, from the date of its completion, but not later than six months from the date of the misconduct.

270. A penalty shall be enforced immediately or within one month from the date of its imposition.

Are there cases of abuse and torture in the pre-trial detention facility?

What are the prevalence, patterns and types of physical and psychological abuse and torture?

271. The Commissioner for Human Rights registered 165 cases of torture in monitoring institutions.

Who are the typical victims, perpetrators, and what is the context of abuse?

Are there policies and measures in place to prevent and detect abuse?

272. In accordance with the Optional Protocol to the Convention against Torture, ratified by the Verkhovna Rada of Ukraine on July 21, 2006, and Article 19-1 of the Law of Ukraine on the Ukrainian Parliament Commissioner for Human Rights, the Commissioner shall conduct regular visits to (monitoring of) the places of detention in order to prevent the cases of torture and, where required, to strengthen the protection of persons kept in such places against cruel, inhuman or degrading treatment or punishment.

Are there any cases of death due to abuse?

273. No such cases have been recorded.

To what extent does inter-prisoner violence (IPV) occur in the pre-trial detention centre?

What are the prevalence, patterns, and types of IPV?

Who are the typical victims and perpetrators, and what is the context of IPV?

Are there policies and measures in place to identify and prevent IPV?

What are the options for protecting prisoners?

How is the treatment differentiated in terms of:

ethnicity (Russians, Armenians, Roma)?

political groups (former members of the Party of Regions) and

vulnerable groups (women, minors, physically and mentally handicapped persons)

Any cross category of the above?

274. Differentiated treatment shall apply only to vulnerable groups (women, minors, physically and mentally handicapped persons). All other groups receive the same treatment.

Special treatment of women in prisons

Are the women housed separately from imprisoned men?

275. Yes, there is an established procedure for the separate detention of imprisoned men and women.

Do women have adequate access to sanitary and hygienic products (at all times), washing facilities and hygiene products?

276. Yes, to the same extent as men.

Is a comprehensive program of meaningful activities (work, training, education and sports) provided to women?

277. Yes, within the framework of the rights granted by Article 9 of the Law of Ukraine on Pre-Trial Detention.

Are women allowed to maintain relationships with their spouses and children?

278. Yes, as part of the visiting rights.

Is special attention given to women in terms of gynaecology, breast cancer treatment, cervical cancer treatment, prenatal, postnatal and childcare?

279. Yes, they are given such attention as part of preventive medical examinations.

Is special attention given to women in terms of mental health care, including for the trauma related to domestic violence?

Are women afforded medical confidentiality during medical examinations and treatment?

280. Yes, to the same extent as men.

Are women given the opportunity to be examined and treated by female staff according to individual preferences?

281. Thus, treatment is provided by persons of the same sex, except in life-saving emergencies.

Do disciplinary sanctions against women include prohibition of family contact, especially with minor children?

282. There is no such penalty.

Special treatment of minors in places of detention

What is the definition of a "minor"?

283. Minor is a person under 18 years old.

Are the minors kept in institutions only deprived of their liberty as a last resort?

284. Under Article 492 of the CC of Ukraine, one of the measures envisaged by the Code may be applied to minors on the basis of their age, psychological characteristics, and occupation.

285. Detention and custody may be applied to a minor only if s/he is suspected or accused of committing a grave or especially grave crime, provided that application of the other preventive measure will not ensure prevention of risks listed in Article 177 of the said Code.

286. The minor's parents or persons in loco parentis shall be immediately informed of his/her detention and imprisonment.

Are they separated from adult prisoners?

287. Pursuant to Article 8 of the Law of Ukraine on Pre-Trial Detention, separate detention of men and women, minors and adults is arranged in the pre-trial detention facilities.

Are the minors accommodated in facilities designated for this group?

288. Yes, the law provides for the accommodation of minors exclusively in the facilities provided for the accommodation of such a group.

Are the minors offered a full program of activities and education beyond prison?

Are the minors imprisoned under criminal law kept together with minors deprived of liberty for the other reasons?

289. Involuntary detention for a minor shall be allowed only in cases where s/he has been held criminally liable, or in the case of release from criminal liability subject to the application of compulsory measures of educational nature.

Are they segregated by gender and age?

290. Article 8 of the Law of Ukraine on Pre-Trial Detention provides for separate detention for imprisoned men and women. There is no segregation by age.

Are they given access to the outside world?

291. Pursuant to Article 12 of the Law of Ukraine on Pre-Trial Detention, and Articles 8, 51, 59, 110, 116, 138, 139, 140 and 151 of the CC of Ukraine, the administration of a pre-trial detention facility may allow detainees and inmates to have short-term and extended visits.

292. short-term visits of relatives or other persons shall be allowed by the head of the pre-trial detention facility or his/her deputy (persons acting in their capacity):

- inmates shall be allowed to have visits subject to the written permission of the investigator or the court conducting the criminal proceeding;
- inmates whose sentences have become final and binding and who, pursuant to Article 90 of the CC of Ukraine, are temporarily kept in a pre-trial detention facility or transferred to a pre-trial detention facility from an arrest facility, correctional centre, disciplinary battalion or correctional prison camp, in the event that they are remanded in custody in connection with another criminal proceeding, shall be allowed to have visits upon written permission of the investigator or court conducting the criminal proceeding;

Are flexible measures, such as probation, community service, financial penalties, etc., used to avoid the possible institutionalisation of minors?

293. Yes, the use of measures such as probation supervision, non-custodial sentences such as community service and fines is of paramount importance in the case of minors. Application of punishment in the form of imprisonment is used in exceptional cases.

Are the parents notified after detention and allowed to attend the court proceedings, if it is in the best interest of minors?

294. Parents, guardians, custodians and persons in loco parentis shall be immediately informed after the minor is detained and shall be granted access to the court proceedings, where this is in the minor's best interest.

Are the minors subjected to corporal punishment or ill-treated otherwise?

295. Corporal punishment or any other cruel, inhuman or degrading treatment or punishment is prohibited.

Special treatment of the other vulnerable groups in prisons

Which groups of prisoners would you describe as vulnerable?

How are they treated compared to the other groups?

Annex 2: Terms of Reference (ToR)

1. Access to Ukrainian prisons for independent monitoring

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

2. Different types of prisons

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

3. Living conditions for detainees in remand detention

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

4. Living conditions for sentenced prisoners

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

5. Living conditions for military prisoners

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

6. Accountability

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

Annex 3: Map of Ukraine



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