SPECIAL REPORT

of the Ukrainian Parliament Commissioner for Human Rights

On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025

Омбудсман України
Ombudsman of Ukraine

Ombudsman of Ukraine

SPECIAL REPORT OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS

On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025

KYIV – 2026

TABLE OF CONTENTS

LIST OF ABBREVIATIONS 6

FOREWORD OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS 9

NPM IN FIGURES 13

SECTION 1 OBSERVANCE OF CONSTITUTIONAL HUMAN AND CIVIL RIGHTS AND FREEDOMS IN PLACES OF DEPRIVATION OF LIBERTY 15

1.1. Implementation of the NPM mandate in accordance with the Optional Protocol to the Convention against Torture 16

1.2 NPM indicators in 2025 19

SECTION 2 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE 29

2.1. General overview of places of deprivation of liberty under the authority of the MoJ 30

2.2. Results of monitoring compliance with the rights and freedoms of remand prisoners and convicted persons held in penitentiary institutions 32

2.3. Results of monitoring compliance with the rights of persons held in places of deprivation of liberty for prisoners of war 40

2.4. Medical care in penitentiary institutions 43

SECTION 3 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN THE ADMINISTRATION OF JUSTICE 57

Section4 HUMAN RIGHTS VIOLATIONS IN PLACES OF DEPRIVATION OF LIBERTY WHOSE ACTIVITIES ARE DIRECTED AND COORDINATED BY THE CMU THROUGH THE MINISTER OF INTERNAL AFFAIRS 65

4.1. State of human rights compliance in places of deprivation of liberty under the authority of the NPU 66

4.2. State of human rights compliance in places of deprivation of liberty under the authority of the SMS 75

4.3. General overview of places of deprivation of liberty under the authority of the SBGS 78

4.4. Key problems concerning respect for the rights and freedoms of persons detained by SBGS officials 78

SECTION 5 STATE OF HUMAN RIGHTS COMPLIANCE DURING DETENTION AND ACTUAL HOLDING OF PERSONS BY LAW ENFORCEMENT AGENCIES WITH SPECIAL STATUS 83

5.1. Units of the National Anti-Corruption Bureau of Ukraine 84

5.2. Units of the State Bureau of Investigation 85

SECTION 6 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF DEFENCE OF UKRAINE 89

SECTION 7 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS DURING STAY IN HEALTHCARE FACILITIES 93

7.1. Safety and ill-treatment 94

7.2. Staff and treatment 97

7.3. Conditions of stay for patients 98

7.4. Use of restraint measures 99

7.5. Remedies (legal safeguards) 101

SECTION 8 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY WITHIN THE SPHERE OF LEGAL REGULATION OF THE MINISTRY OF SOCIAL POLICY OF UKRAINE 107

8.1. General overview of places of deprivation of liberty in the social protection system 108

8.2. Issues in the operation of social welfare institutions 109

8.3. Main violations of human and civil rights in social welfare institutions 115

8.4. State of human and civil rights compliance in privately owned boarding houses for older persons 119

SECTION 9 STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED IN THE SPECIAL REPORT OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS 'ON PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN UKRAINE IN 2024' 125

LIST
OF ABBREVIATIONS

FLA	Free legal aid
MDNP	Main Department of the National Police of Ukraine
NPM Department	Department for the implementation of the National Preventive Mechanism
SBI	State Bureau of Investigation
SBN	State Building Norms
SPSU	State Penitentiary Service of Ukraine
SMS	State Migration Service of Ukraine
SBGS	State Border Guard Service of Ukraine
SJA	State Judicial Administration of Ukraine
SES	State Emergency Service of Ukraine
SBGS	State Border Guard Service of Ukraine
SI	State institution
EHS	Electronic Healthcare System
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
URPTI	Unified Register of Pre-Trial Investigations
EU	European Union
ECtHR	European Court of Human Rights
SMT	Substitution maintenance therapy
TDF	Temporary detention facility
CMU	Cabinet of Ministers of Ukraine
RD	Room for detainees
CrCU	Criminal Code of Ukraine
CrECU	Criminal Executive Code of Ukraine
Convention against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CrPCU	Criminal Procedure Code of Ukraine
MIS	Medical Information System
CMM	Compulsory medical measures
TDFF	Temporary detention facility for foreigners and stateless persons
MIA	Ministry of Internal Affairs of Ukraine
MSP	Ministry of Social Policy of Ukraine
MoH	Ministry of Health of Ukraine
MES	Ministry of Education and Science of Ukraine
MoJ	Ministry of Justice of Ukraine
NSSU	National Social Service of Ukraine
MoD	Ministry of Defence of Ukraine
NPM	National Preventive Mechanism
NPU	National Police of Ukraine
OMA	Oblast Military Administration(s)
OC	Oblast Council
Russia	Russian Federation
PTDF	Pre-trial detention facility
Commissioner's Secretariat	Secretariat of the Ukrainian Parliament Commissioner for Human Rights
PNRCH	Psycho-neurological care home

TOT	Ukraine's territory(ies) temporarily occupied by the Russian Federation
PI	Penitentiary institution
PD	Police department
Commissioner	Ukrainian Parliament Commissioner for Human Rights
SPT	United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UN	United Nations
Optional Protocol to the Convention against Torture	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
HC SPSU	State Institution 'Healthcare Centre of the State Penitentiary Service of Ukraine'

FOREWORD

OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS

In the civilised world, one principle has long been firmly established: the human being is the highest social value. The right to life, dignity, liberty and security of person is inalienable. This is why the international community creates mechanisms designed to prevent torture and ill-treatment.

The state has a key obligation to ensure respect for human rights in places of deprivation of liberty. Above all, it must prevent torture and other cruel, inhuman or degrading treatment or punishment.

As the Ukrainian Parliament Commissioner for Human Rights, I am responsible for protecting human and civil rights and freedoms. Since 2012, the Commissioner has also been entrusted with performing the functions of the NPM in accordance with the Optional Protocol to the Convention against Torture.

People held in places of deprivation of liberty are fully dependent on state institutions. In such conditions, the risks of ill-treatment, inadequate conditions of detention and actual helplessness increase significantly. Yet it must be remembered that human rights cannot be limited by bars or locks. They must be guaranteed fully and unconditionally.

This is precisely why the NPM operates in Ukraine: a system of regular visits to places of deprivation of liberty aimed at preventing torture and human rights violations. Even during the full-scale invasion, the NPM remained one of the key areas of our work.

Now, let me present several figures that show the real scale of this work.

Over the course of the year, staff of the Commissioner's Secretariat, together with representatives of NGOs, visited 626 places of deprivation of liberty. These were hundreds of opportunities to see the truth and the real situation in such places. Most importantly, they were opportunities to protect people who often have no means of protecting themselves.

What we saw during these visits gives cause for serious concern.

Many places of deprivation of liberty continue to have systemic human rights violations. These include risks of torture and ill-treatment, violations of the right to liberty and security of person, problems with access to medical care and cases of labour exploitation.

Persons with disabilities and other groups with reduced mobility remain particularly vulnerable. They are kept in dangerous or inadequate conditions in a number of institutions and often have no access to professional legal assistance there.



The Ombudsman's Office responds to such violations immediately.

I made 62 formal submissions to public authorities and relevant institutions. As a result of our visits, law enforcement agencies also opened 10 criminal proceedings. However, it is important not only to respond to individual violations. It is important to change the state's approach.

This is why the Special Report 'On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025' has been prepared. We have collected and systematised data on all human rights violations identified during visits to places of deprivation of liberty throughout Ukraine in this Special Report.

This is basically a picture of what is actually happening in places of deprivation of liberty.

This concerns institutions under the authority of the MoJ, NPU, SMS, SBGS, MoD, MSP and MoH. We also paid particular attention to the situation in units of the National Anti-Corruption Bureau of Ukraine, the State Bureau of Investigation and the courts.

Most importantly, this report contains specific recommendations for governmental authorities on how to improve respect for the rights of persons deprived of their liberty and the conditions in which they are held. Places of deprivation of liberty are always a test for the state. A test of whether human rights in Ukraine truly remain an unconditional value.

Today, this test is made even more difficult by the war.

Russia's armed aggression against Ukraine has for many years been accompanied by war crimes: attacks on civilian infrastructure and energy facilities, deportations of the population and the illegal annexation of Ukrainian territories. All of this has a direct impact on the safety of people held in places of deprivation of liberty. This is why we have separately analysed the situation concerning the destruction of and damage to such institutions, as well as the evacuation of the people held there.

I have repeatedly appealed to the relevant ministries, calling on them to take urgent measures in a timely manner to relocate institutional care facilities located in areas of active or potential hostilities. Unfortunately, this issue remains unresolved.

At the same time, I would like to note positive examples of response in 2025.

The National Anti-Corruption Bureau of Ukraine and the State Bureau of Investigation demonstrated a constructive approach and took systemic measures to eliminate most of the problems identified. Managers also responded promptly to comments and recommendations in a number of institutions. In some cases, violations were remedied within just a few days of our visits, and even during the visits themselves. This allowed for restoring people's violated rights quickly.

This is an ongoing obligation of the state and a shared responsibility of society as a whole. We cannot abandon this principle even in wartime.

Every day, we continue to defend human rights, fulfil our international obligations and work to ensure that there is no place for torture or ill-treatment in our state.

I am convinced that only through joint efforts can we guarantee that human rights and dignity remain an unconditional value, even in the most difficult times for the country.

After all, today Ukraine is fighting not only for its territorial integrity. We are fighting for a state founded on democracy, respect for the human being and the rule of law. That is precisely why the protection of human rights must remain the foundation of our public policy. Always and without compromise.

Glory to Ukraine!
Glory to Ukrainian Heroes!

NPM
IN FIGURES

Total number of appeals **47** 	**Draft regulatory acts reviewed** **19** 
Visits **626** 	**Response measures** **(Commissioner's submissions)** **62** 
Publications, clarifications, information materials, etc. **254** 	**Requests and initiative letters** **861** 
Protocols drawn up **1** 	**Number of criminal proceedings opened following reports by the Commissioner** **10** 

SECTION 1

OBSERVANCE OF CONSTITUTIONAL HUMAN AND CIVIL RIGHTS AND FREEDOMS IN PLACES OF DEPRIVATION OF LIBERTY

1.1. Implementation of the NPM mandate in accordance with the Optional Protocol to the Convention against Torture

In 2002, the UN adopted the Optional Protocol to the Convention against Torture[1], which provides for the establishment of a two-tier national and international system of regular visits to any places where persons deprived of their liberty are held, with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Optional Protocol to the Convention against Torture provides for the establishment, within the structure of the UN Committee against Torture, of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whose members have the right to visit places of deprivation of liberty and provide recommendations to States Parties on the protection of persons deprived of their liberty from torture.

In addition, the Optional Protocol to the Convention against Torture requires each State Party to the Protocol to establish, designate and maintain, at the national level, one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment — the NPM.

By ratifying the Optional Protocol to the Convention against Torture in 2006, Ukraine undertook international obligations to establish one or several independent NPMs for the prevention of torture at the national level.

In 2012, the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights'[2] assigned the NPM functions in accordance with the Optional Protocol to the Convention against Torture to the Commissioner.

In order to perform the NPM functions, the Commissioner regularly conducts unannounced visits to places of deprivation of liberty, without prior notice of the time or purpose of the visits and without any limit on their number, with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

A separate structural unit for the prevention of torture and other cruel, inhuman or degrading treatment or punishment has been established within the Commissioner's Secretariat — the NPM Department. The NPM Department consists of four divisions: the Division for Inspecting Facilities Subject to Monitoring in Law Enforcement and Judicial Bodies and Military Formations; the Division for NPM Implementation in the Healthcare Sector; the Analysis and Public Relations Division; the Division for NPM Implementation in Social Care and Education Institutions, as well as the European Integration and International Cooperation Unit, with 24 staff positions in total.

Given paragraph 32 of the Guidelines on National Preventive Mechanisms (SPT), adopted at the 12th session in Geneva on 15–19 November 2010, the NPM Department does not consider individual complaints within the scope of its powers, but conducts preventive visits to places of deprivation of liberty.

NPM visits in the regions are conducted by staff of the Division for Supporting Operations of Regional Offices of the Commissioner's Secretariat and by representatives of the Commissioner in the relevant region, totalling 103 persons.

The NPM provides recommendations to the relevant authorities and administrations of places of deprivation of liberty with a view to improving the treatment of persons deprived of their liberty and the conditions in which they are held, preventing torture and other cruel, inhuman or degrading treatment or punishment, with due regard to the relevant UN standards and national legislation. It also provides proposals and comments concerning current legislation or draft laws. Thus, in 2025, the Commissioner reviewed and prepared a legal position on 19 draft regulatory acts, including the draft Laws of Ukraine 'On the Penitentiary System', 'On the Disciplinary Statute of the Penitentiary System',

[1] Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: https://zakon.rada.gov.ua/laws/show/995 f48#Text.

[2] Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights': https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text.





‘On Amending the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine concerning the Functioning of the Penitentiary System’, ‘On Amending the Budget Code of Ukraine concerning the Functioning of the Penitentiary System’ relating to the reform of Ukraine’s penitentiary system and the humanisation of detention conditions; the draft Law of Ukraine ‘On the Establishment of a Two-Tier System of Regular Penitentiary Inspections’ concerning the creation of a system of regular internal (administrative) and external penitentiary inspections to ensure oversight of the observance of the human and civil rights and freedoms of persons held in places of deprivation of liberty; the draft Law of Ukraine ‘On Amending Certain Legislative Acts to Promote Respect for Human Rights in Conditions of Pre-Trial Detention’ (registration No. 12388 of 8 January 2025), which aims to promote respect for human rights in pre-trial detention; and the draft Law of Ukraine ‘On Amending the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and the Criminal Executive Code of Ukraine concerning the Humanisation of Legislation in the Field of the Execution of Criminal Sentences’, the purpose of which is to bring criminal legislation into line with European standards and CPT standards by repealing Article 391 of the Criminal Code of Ukraine (malicious disobedience to the requirements of the administration of a penitentiary institution), as well as to improve Ukraine’s criminal procedure and criminal executive legislation on the application of disciplinary sanctions to persons deprived of their liberty.

The NPM of Ukraine operates according to the ‘Ombudsman+’ model. This model provides for the performance of NPM functions by the Commissioner together with representatives of NGOs, experts, academics and specialists, including those from abroad.

In 2025, the Commissioner issued 156 authorisations to civil society representatives to conduct visits to places of deprivation of liberty. Psychiatrists, specialists of the State Labour Service of Ukraine and nutrition professionals were also involved in the visits.

In addition, three pilot projects were implemented jointly with civil society:

‘Regional Groups of the National Preventive Mechanism’, implemented by the Commissioner’s Secretariat to test a model for the autonomous work of civil society monitors as part of regional groups during follow-up NPM visits to places of deprivation of liberty in the social sector. A total of 76 visits were conducted in 19 oblasts of Ukraine: Kyiv, Zhytomyr, Vinnytsia, Poltava, Chernihiv, Sumy, Kharkiv, Rivne, Volyn, Khmelnytskyi, Ternopil, Dnipropetrovsk, Cherkasy, Odesa, Mykolaiv, Ivano-Frankivsk, Zakarpattia, Chernivtsi and Lviv. Following the visits, reports and relevant letters were sent to the authorities and administrations of places of deprivation of liberty;

‘Organisation of Cooperation between the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and the Supervisory Commissions of Oblast and Raion State (Military) Administrations’ (seven follow-up visits in Kyiv, Odesa, Ivano-Frankivsk, Chernihiv and Volyn oblasts);

‘Systematic Monitoring of Human Rights Compliance at State Institution “Kyiv Pre-Trial Detention Facility”’, during which 70 visits to the PTDF were conducted jointly with NPM civil society monitors.

Following the regional visits, the Commissioner’s Secretariat, together with representatives of NGOs, OMAs, heads of places of deprivation of liberty and law enforcement agencies, organised online working meetings.





These activities are aimed at monitoring the implementation of the recommendations issued following visits to places of deprivation of liberty and tracking positive changes to improve the state of human rights observance. Nine such meetings were held in 2025.

The Advisory Council on NPM Implementation under the Commissioner plays an important role in NPM activities. This body was established to provide professional advisory support in the implementation of NPM functions in accordance with the Optional Protocol to the Convention against Torture. The Advisory Council has 30 members, including representatives of NGOs, research institutions, the United Nations Development Programme and the Council of Europe Office in Ukraine. In 2025, its meetings considered the issuance of the Commissioner's authorisations to new representatives of NGOs who had completed training, as well as to representatives of NGOs who had previously held the Commissioner's authorisations and expressed their willingness to participate in NPM visits. The meetings also discussed the need to develop and approve safety protocols for NPM visits, including in the event of an air raid alert and during visits to specific places of deprivation of liberty; the draft Law of Ukraine 'On Amending the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and the Criminal Executive Code of Ukraine concerning the Humanisation of Legislation in the Field of the Execution of Criminal Sentences'; improvements to the procedure for release from serving a sentence on the grounds of serious illness, etc.

In order to consolidate efforts aimed at protecting human and civil rights and fundamental freedoms, numerous conferences and round tables are held with the participation of civil society representatives on problematic issues concerning the observance of human rights in places of deprivation of liberty and ways to address them.

These include, *inter alia*, release from serving a sentence on the grounds of serious illness, restoration of civil legal capacity and the introduction of modern approaches to guardianship and custody, challenges in NPM activities in the regions and prospects for development, violations of the labour rights of convicted persons, etc. Together with NGOs, the Commissioner's Secretariat provides training for representatives of NGOs who intend to join NPM visits to places of deprivation of liberty. The training programme includes, in particular: the theoretical foundations of the NPM (history, mission, objectives, establishment and development in Ukraine); familiarisation with the legal and regulatory framework governing NPM activities; the definition, features and classification of places of deprivation of liberty in Ukraine; minimum standards of proper treatment in places of deprivation of liberty; principles and methods for conducting visits; safety requirements for participation in NPM visits; and rules for communicating with persons in places of deprivation of liberty. The training is conducted in two stages: online and offline. Anyone who meets the established criteria may take part in the online component. Participants who successfully complete the online training are invited to the offline component. Participants who successfully complete both parts of the training are recommended for the Commissioner's authorisations to visit places of deprivation of liberty as part of NPM implementation.

A dedicated online course, 'Basic Principles of the Work of the National Preventive Mechanism', has been developed for persons wishing to contribute to the implementation of NPM functions, as well as for newly appointed staff of the Commissioner's Secretariat.

This course was developed by the Commissioner's Secretariat jointly with experts and with the support of the Council of Europe. It is aimed at acquiring the specialised knowledge and skills necessary for the successful implementation of NPM functions.

In 2025, a series of training sessions was conducted for NPM members on the specific features of monitoring places of deprivation of liberty where persons with mental disorders are held. These covered, *inter alia*, the legal and regulatory framework for the operation of facilities providing psychiatric care, assessment of the quality of psychiatric and health care, medical and technological documents, the theory and practice of monitoring human rights compliance in the provision of psychiatric care and national and international standards for ensuring the realisation of human rights. In addition, with the assistance of UNODC, an online course was completed on the application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

In 2025, quarterly training was introduced for staff of the regional offices of the Commissioner's Secretariat and representatives of NGOs participating in visits. These training sessions are aimed at sharing the positive experience gained by staff of the NPM Department, discussing problematic issues related to the procedure for conducting visits, preparing documents based on their results, etc.

As part of the expansion of the NPM's educational function, preparatory measures are being taken to develop advanced thematic courses for staff of places of deprivation of liberty on the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The Optional Protocol to the Convention against Torture establishes provisions requiring the state to guarantee the functional independence of the NPM, as well as the independence of its personnel.

The Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights' contains provisions on the independence of the NPM, in particular that it carries out its activities independently of other state bodies and officials; prohibits interference by governmental authorities, local governments, enterprises, institutions and organisations, regardless of their form of ownership, and their officials and officers in the activities of the Commissioner; and provides a number of other guarantees.

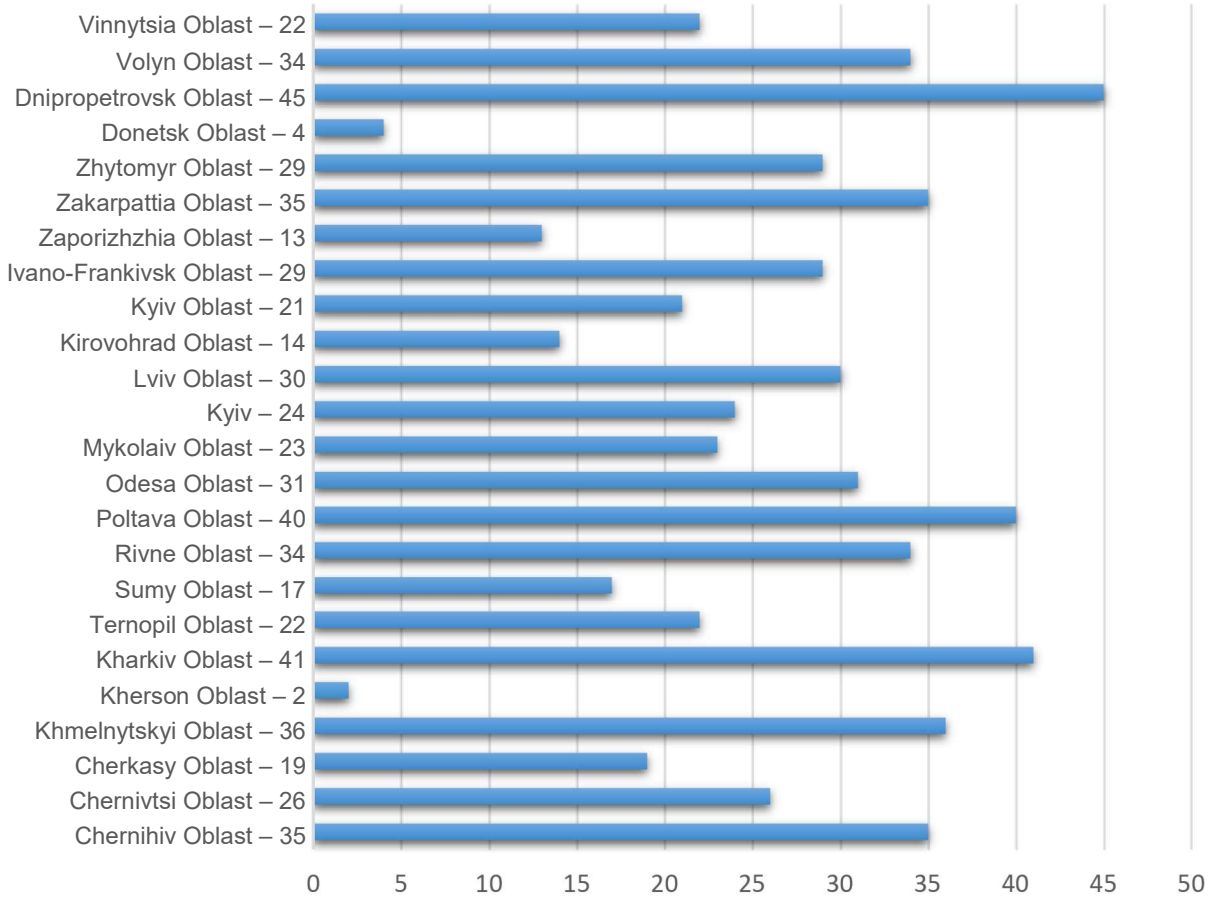
With regard to financial support, NPM activities are carried out under the budget programme 'Measures for the Implementation of the National Preventive Mechanism'. Since the introduction of a separate budget programme in 2019, funding had increased each year: UAH 1,567 thousand in 2020, UAH 3,282 thousand in 2021 and UAH 3,282 thousand in 2022. However, it decreased after Russia's full-scale invasion: UAH 2,658 thousand in 2023, UAH 2,658 thousand in 2024 and UAH 2,393 thousand in 2025.

1.2 NPM indicators in 2025

In 2025, the Commissioner's Secretariat conducted 626 visits to places of deprivation of liberty, including 204 by staff of the NPM Department and 422 by staff of the Division for Supporting the Work of Regional Offices. Broken down by oblast, the visits were as follows: Vinnytsia Oblast – 22, Volyn Oblast – 34, Dnipropetrovsk Oblast – 45, Donetsk Oblast – 4, Zhytomyr Oblast – 29, Zakarpattia Oblast – 35, Zaporizhzhia Oblast – 13, Ivano-Frankivsk Oblast – 29, Kyiv Oblast – 21, Kirovohrad Oblast – 14, Lviv Oblast – 30, Mykolaiv Oblast – 23, Odesa Oblast – 31, Poltava Oblast – 40, Rivne Oblast – 34, Sumy Oblast – 17, Ternopil Oblast – 22, Kharkiv Oblast – 41, Kherson Oblast – 2, Khmelnytskyi Oblast – 36, Cherkasy Oblast – 19, Chernivtsi Oblast – 26, Chernihiv Oblast – 35 and Kyiv – 24.

Under the Rules of Procedure for the Organisation and Conduct of Regular Visits to Places of Deprivation of Liberty for the Performance of NPM Functions in Ukraine[3], places of deprivation of liberty are defined as any places, regardless of their form of ownership, subordination or oversight, that meet the criteria set out in Article 13(8) of the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights' and Article 4 of the Optional Protocol to the Convention against Torture.

[3] Rules of Procedure for the Organisation and Conduct of Regular Visits to Places of Deprivation of Liberty for the Performance of the Functions of the National Preventive Mechanism in Ukraine, approved by Order of the Commissioner No. 60.15/23 of 2 June 2023 (as amended by Order of the Ukrainian Parliament Commissioner for Human Rights No. 137.15/24 of 17 October 2024): https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%9DD0%B0%D0%BA%D0%B0%D0%B7%2060.15.23.pdf.



Visits by oblast.

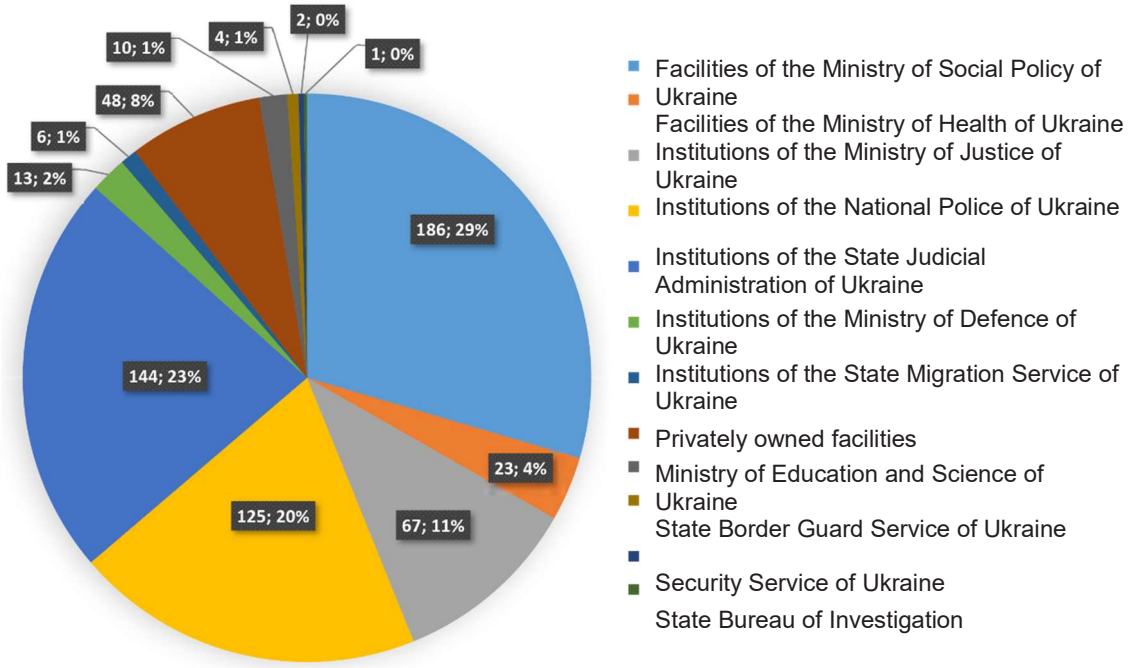
The NPM visits places of deprivation of liberty falling under the authority of, among others:

- MoJ: correctional colonies, PTDFs, camps for holding prisoners of war;
- MIA: NPU: police stations, TDFs; SMS: TDFFs, temporary accommodation centres for refugees; SBGS: transit zones, special premises of border guard service units, temporary holding facilities;
- MoH: infant homes, drug treatment dispensaries, palliative care units, observation units, psychiatric hospitals, tuberculosis dispensaries, centres for forensic psychiatric examination;
- MSP: psycho-neurological care homes, geriatric boarding houses, inpatient departments of territorial centres for social services (social service delivery);
- MES: children's homes, general boarding schools, special general boarding schools, educational and rehabilitation centres, sanatorium boarding schools, specialised general boarding schools;
- MoD: guardhouses, RDs, disciplinary battalions;
- SJA: courts;
- Security Service of Ukraine: Unit for Supporting Pre-Trial Investigation of the Security Service of Ukraine;
- State Bureau of Investigation.

In 2025, NPM visits were conducted to places of deprivation of liberty under the authority of:

- MSP – 186;
- SJA – 141;
- MoH – 23;
- MoJ – 67;
- MES – 10;
- NPU – 125;
- MoD – 13;

Institutions of the State Judicial Administration



- SMS – 6;
- SBGS – 4;
- Security Service of Ukraine – 2;
- State Bureau of Investigation – 1;
- privately owned facilities – 48.

Regional (cluster) visits to places of deprivation of liberty were conducted in 10 oblasts: Vinnytsia, Volyn, Khmelnytskyi, Poltava, Rivne, Kharkiv, Ivano-Frankivsk, Dnipropetrovsk, Lviv and Zakarpattia.

NPM visits covered all regions of Ukraine, except the TOT.

As a result of the visits, systemic violations of human and civil rights and freedoms in places of deprivation of liberty were identified, including violations of the rights to protection from torture and cruel or degrading treatment or punishment; an adequate standard of living; liberty and security of person; healthcare and medical care; life and safe conditions of detention; work and protection from exploitation; the rights of persons with disabilities and groups with reduced mobility, etc.

A report is prepared following each visit, setting out recommendations to be implemented in order to eliminate the identified violations of human and civil rights.

Taking into account the results of NPM visits, the following are submitted to governmental authorities, enterprises, institutions and organisations, regardless of their form of ownership:

- proposals on the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- letters initiating disciplinary proceedings and proceedings in cases concerning administrative offences;
- Commissioner's submissions on the elimination of identified violations of human and civil rights and freedoms;
- reports of criminal offences where facts indicating signs of criminal offences are established.

In 2025, the Commissioner made 62 submissions to governmental authorities, local governments, enterprises, institutions and organisations, regardless of their form of ownership, for measures to be taken to eliminate the identified violations.

Following reports by the Commissioner, law enforcement agencies entered information into the URPTI and initiated 10 criminal proceedings.

A set of systemic violations of fundamental human rights was identified in the activities of the National Guard of Ukraine, creating a real threat to the life and health of persons remanded in custody and convicted persons sentenced to imprisonment while they were being escorted in special railway carriages. According to the National Guard of Ukraine, during escort in special railway carriages, there were four deaths and 11 instances in which ambulance (emergency medical care) was called for persons in the above-mentioned category in 2024. A number of deaths and cases of deterioration in the health of escorted persons were presumably caused by poisoning with narcotic and other unknown (toxic) substances, which requires thorough verification as part of a pre-trial investigation in criminal proceedings conducted in accordance with the procedure established by the CrPCU. At the initiative of the Commissioner's Representative for Human Rights in Places of Deprivation of Liberty, in 2025, in connection with the above events, prosecution authorities entered information into the URPTI concerning staff of the National Guard of Ukraine and initiated four criminal proceedings on the grounds of criminal offences under Article 367(1) of the CrCU (official negligence); Article 367(3) of the CrCU (official negligence resulting in death); Article 307(2) of the CrCU (illegal production, manufacture, acquisition, storage, transportation or dispatch for the purpose of sale, as well as illegal sale of narcotic drugs, psychotropic substances or their analogues); and Article 425(4) of the CrCU (negligent attitude towards military service under martial law).

International cooperation

Pursuant to Article 19-1 of the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights', the NPM cooperates with the SPT, including through the exchange of information on systemic problems and best practices; uses CPT and SPT findings in its own reports and recommendations to public authorities; and annually submits a special report on prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine, as part of informing the CPT and SPT about the human rights situation in places of deprivation of liberty.

The Commissioner's Secretariat informs the CPT and SPT about the activities of the NPM of Ukraine on a monthly basis, in particular the number of visits conducted, the violations of fundamental human and civil rights identified, the response measures submitted to eliminate them, as well as specific violations and photographic materials.

From 26 May to 6 June 2025, a CPT delegation carried out a special visit to Ukraine to examine the conditions in which persons are held in psychiatric hospitals, as well as persons living in social care facilities. This was the CPT's second visit to Ukraine since the beginning of Russia's full-scale military aggression in February 2022. As part of this visit, Artem Volodin, Head of the NPM Department, took part in negotiations with the CPT delegation and informed the CPT about the state of human rights observance in places of deprivation of liberty, drawing attention to the challenges faced by the NPM. Following the visit, the CPT prepared and presented to the Government of Ukraine a report with recommendations reflecting the overall situation regarding human rights compliance in places of deprivation of liberty.

In addition, on 24–25 April 2025, in Geneva, Swiss Confederation, Ukraine presented its Seventh Periodic Report on Implementation of the Convention against Torture (the Report) during the 82nd session of the UN Committee against Torture. For its part, the Ombudsman's Office also submitted the Commissioner's information on the implementation of the Convention against Torture in Ukraine as of 2025 to the UN Committee against Torture. Following consideration of the Report, the UN Committee against Torture adopted and transmitted to the Ukrainian side its Concluding Observations, containing recommendations for governmental authorities.





Throughout 2025, representatives of the Ombudsman's Office participated in international events within the framework of the European NPM Forum, organised by the Council of Europe in Strasbourg, French Republic, on the following topics: 'Addressing Prison Overcrowding in Europe', 'NPM Monitoring in the Context of Migration', 'Monitoring Police Detention', 'Combating Informal Prison Hierarchies' and 'Effective NPMs: Strengthening Skills, Teamwork and Strategy'. Participation in the Forum creates additional opportunities to strengthen the capacity of the NPM to protect the rights and freedoms of persons in places of deprivation of liberty and to uphold human dignity, even in difficult conditions under martial law.

Also in 2025, with the support of the Council of Europe and with a view to exchanging experience with the Croatian NPM, a study visit to the Republic of Croatia was conducted. This provided an opportunity to deepen international cooperation between national human rights institutions.

In connection with the opening of negotiations on the future agreement on Ukraine's accession to the EU, the Commissioner's Secretariat, together with other involved public authorities and NGOs, participated in the preparation of the Roadmap on the Rule of Law in accordance with the negotiating framework. Pursuant to the recommendation of the European Commission set out in the Ukraine 2024 Progress Report under the EU Enlargement Package, the Roadmap was supplemented with a measure concerning the review of the NPM's work under Area 3.2 'Prevention of Torture and Ill-Treatment, and Prison System', of Block 3 'Fundamental Rights'.

In pursuance of this measure, Council of Europe experts conducted an external evaluation of NPM activities in 2025 and prepared a report based on its results.[4] This is an important component of fulfilling Ukraine's international legal obligations in the field of European integration, given that implementation of the roadmaps is a necessary precondition for opening and conducting negotiations on Ukraine's EU membership under Cluster 1 'Fundamentals'.

[4] Report on Performance Assessment of the National Preventive Mechanism of Ukraine https://rm.coe.int/npm-report-ukr-2025-bloc-2790-0604-6226-1/48802a6d33



The Commissioner organises and supports activities aimed at raising public awareness of constitutional human and civil rights and freedoms, ways to protect one's rights and the NPM mandate.

In 2025, jointly with the Charitable Foundation 'Let's Help', the training and educational project 'Human Rights in Geriatric Institutions' was implemented to raise awareness of the requirements for respecting the rights of older persons and persons with disabilities when providing them with social care services in municipal and privately owned institutions. The project comprised 10 training sessions held in different regions of Ukraine: Ivano-Frankivsk, Chernivtsi, Lviv, Cherkasy, Uzhhorod, Khmelnytskyi, Zhytomyr, Rivne, Ternopil and Kyiv. Representatives of public and non-governmental sector institutions providing social care services attended the training sessions.

In 2025, a number of meetings and round tables were organised jointly with civil society on problematic issues concerning the observance of human rights in places of deprivation of liberty and ways to address them.

On 18 March 2025, a round table entitled 'Challenges in NPM Activities in the Regions and Prospects for Development' was held.

On 23 July 2025, a round table was held on the introduction of new approaches in the NPM and pilot experience.

In June, staff of the NPM Department took part in a working meeting with participants in the pilot project 'Systematic Monitoring of Human Rights Compliance at the State Institution "Kyiv Pre-Trial Detention Facility"' to discuss the project results.

On 19 November 2025, the Commissioner's Secretariat, jointly with the NGO 'Kharkiv Human Rights Protection Group', organised a round table entitled 'Release from Serving a Sentence on the Grounds of Serious Illness: Challenges and Steps towards More Humane Treatment'.

In addition, in order to disseminate information, the Commissioner's website, Telegram channel and Facebook page publish information on NPM visits to places of deprivation of liberty, gross and systemic human rights violations identified and measures taken by staff of the Commissioner's Secretariat to restore human rights.

Separate attention is paid to the digitalisation of NPM activities. With the support of the Council of Europe, an automated NPM system has been created. It includes a public section providing general access to information on places of deprivation of liberty, visits, response measures and recommendations, as well as educational resources to raise public awareness of the role and functions of the NPM.

The purpose of implementing the database is to further increase the efficiency and transparency of NPM activities through the effective collection, processing and analysis of data, to improve the NPM's internal workflows for organising monitoring activities and to strengthen the institutional resilience of the NPM in the future.





As a result of the introduction of the automated NPM system, it is expected that the body of information, recommendations and guidance materials accumulated over the years of NPM work in Ukraine will be organised and structured. This will reduce the time required to prepare reports following visits and minimise technical and organisational errors. The automated system will create convenient working conditions for NPM groups at all stages, from planning to the implementation of recommendations issued following visits. In addition, the system will help improve monitoring of the implementation of recommendations and analytical generalisation of the results of NPM activities. An important positive outcome will be the preservation and accumulation of information on the results of NPM activities, ensuring continuity and sustainability of work regardless of staffing changes, as well as increasing the overall effectiveness of the implementation of the NPM mandate. The automated system is scheduled to be put into operation in 2026.

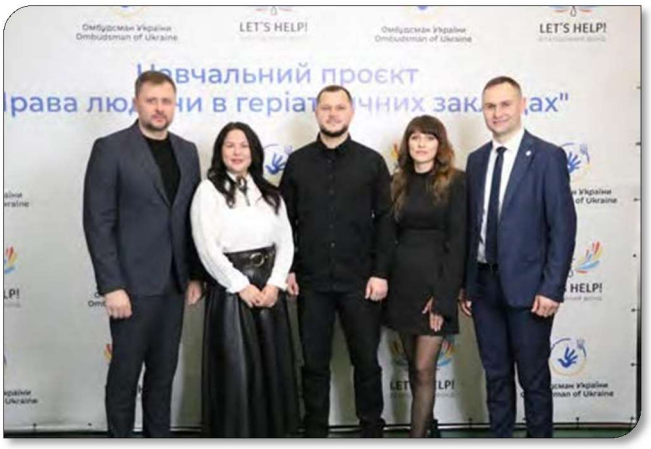
Impact of Russia's armed aggression on energy supply and heating in places of deprivation of liberty

Due to the hostilities, PTDFs and colonies have sustained damage and destruction, especially in frontline areas. Contact has been lost with institutions that remain in the TOT, and problems have arisen with the transfer of imprisoned persons to other PIs, deterioration of detention conditions, cell overcrowding, and violations of living space, sanitary and medical standards.

Since the beginning of the full-scale invasion on 24 February 2022, 36 penitentiary institutions have been destroyed or damaged, and 41 institutions have remained in territory temporarily outside Ukraine's control.

On 28 July 2025, Bilenke Correctional Colony (No. 99) in Zaporizhzhia Oblast was shelled, resulting in the destruction of buildings, the death of 16 convicted persons and injuries to 44 others. The dining hall for convicted persons, two dormitories and other secure premises were destroyed. Bilenke Colony is located approximately 20 kilometres from the line of contact. After the shelling, the convicted persons were evacuated to other PIs.

Places of deprivation of liberty under the NPU have also sustained damage and destruction. As a result of strikes by guided aerial bombs and missile attacks, 98 places of deprivation of liberty were damaged. A significant proportion of the damaged sites are located in the TOT, and nine have been completely destroyed.



The SBGS has 39 temporary holding facilities designed to hold 303 persons simultaneously, detained for offences that fall within the competence of the agency to counter. In Sumy and Kherson oblasts, two places of deprivation of liberty were destroyed, and six were damaged in Chernihiv, Sumy and Odesa oblasts.

In a number of regions of Ukraine, court buildings have been damaged by missile and artillery attacks of varying intensity, ranging from partial damage to premises and utility systems to significant destruction that prevents judicial institutions from functioning properly. Since the beginning of Russia's full-scale armed aggression against Ukraine, 167 buildings/premises of 154 courts have sustained varying degrees of damage, of which 20 court buildings/premises have been destroyed. Of this number, 40 court buildings/premises were damaged in 2025, of which three buildings were destroyed.

The destruction of places of deprivation of liberty in the social sector has also been recorded in different oblasts of Ukraine. These include social protection institutions, residential care institutions, psycho-neurological and geriatric boarding houses, children's residential care homes, rehabilitation centres and other institutions where persons requiring constant care and protection by the state are accommodated.

The largest number of damaged and destroyed facilities is in regions located near areas of hostilities or in regions that have regularly come under massive shelling. In these regions, the damage is systemic and includes the destruction of residential and administrative buildings, utility systems, heating systems, water supply and electricity supply systems, which significantly complicates or prevents the further operation of the institutions.

As a result of the damage, certain places of deprivation of liberty were forced to suspend their operations partially or completely, which led to the evacuation of residents, their transfer to other facilities or their temporary accommodation in conditions unsuitable for long-term stay. These circumstances had a negative impact on the rights of persons held in social-sector places of deprivation of liberty, in particular the right to safe living conditions, an adequate level of health and social care, privacy and dignified treatment.

In addition, damage to infrastructure complicated the work of institutional staff, limited the ability to provide rehabilitation, psychological and social services, and also created additional risks to the life and health of both residents and staff.

The Commissioner issued response measures concerning the need to take urgent and timely action to ensure the temporary transfer (evacuation or relocation) of institutional care facilities located in areas of active hostilities or in settlements close to such areas, as well as within less than 50 km of the state border with Russia and the Republic of Belarus, and to evacuate the persons held there to appropriate facilities or institutions located in safer regions.

In 2025, Russia continued its systematic mass attacks on Ukraine's energy system, primarily targeting thermal and hydropower generation facilities, as well as substations. Serious infrastructure damage was recorded, leading to power outages in various regions.

In 2025 alone, more than 4,500 strikes[5] were against energy infrastructure facilities.

The mass shelling of energy infrastructure affected the functioning of places of deprivation of liberty and forced the heads of these institutions to seek alternative options to maintain their operations in conditions of limited electricity and heating supply.

The administrations of penitentiary institutions, including PTDFs, as well as camps for holding prisoners of war, took advance measures to ensure uninterrupted operation in the event of possible power outages, in particular through the use of backup power sources and alternative heating systems.

At the same time, such measures are largely compensatory and do not always allow stable conditions of detention to be maintained throughout all residential and service premises.

Most institutions use diesel or petrol generators of varying capacity, which ensure the operation of critical systems and partial electricity supply to premises. However, prolonged generator operation requires significant quantities of fuel, as well as maintenance and repair, which creates an additional financial burden on institutions and risks to their uninterrupted functioning. In the event of prolonged outages, such costs become systemic and may exceed the institutions' planned budgetary capacities.

In conditions of unstable electricity supply, the operation of technical control and security systems becomes more difficult, in particular video monitoring systems and lighting in secure and residential areas. This may lead to a reduced level of control over the situation inside institutions, the emergence of blind spots, and an increased risk of emergencies (conflicts between detained persons or between detained persons and staff) and breaches of the detention regime.

Problems with electricity supply directly affect the maintenance of an appropriate temperature regime. Additional heat sources, such as solid-fuel stoves, heaters and fan heaters, may be used to heat cells and residential premises in institutions; however, they do not always ensure even heating of the premises. The temperature in cells may fall to a level that creates uncomfortable conditions of stay and increases the risk of illness among detained persons. *For example, violations of the temperature regime were recorded during a visit to the State Institution 'Kyiv Pre-Trial Detention Facility': in a number of cells, the air temperature ranged from +11.7 °C to +13.57 °C, which is significantly below the established standards.*

Violations of the temperature regime and prolonged stay in cold or insufficiently lit rooms have a negative impact on the psycho-emotional state of convicted persons and persons remanded in custody. Levels of tension, irritability and conflict increase, which complicates the work of staff and may lead to a deterioration of the security situation in institutions.

[5] Ukraine's Energy System Attacked More than 4,500 Times in 2025: https://kyivschina24.com/news/u-2025-roczi-energosystemu-ukravinv-atakuvalv-ponad-45-tvsvachi-raziv/.

In addition, power outages may complicate the work of institutional administrations, in particular the maintenance of records, communication with other bodies and the organisation of day-to-day activities. Unstable energy supply negatively affects the overall manageability of processes and requires additional organisational efforts by staff.

The management of the vast majority of territorial units of the NPU and TDFs took organisational and technical measures in advance to ensure the uninterrupted operation of institutions and prevent emergencies in conditions of limited electricity supply. In particular, police units in most regions are equipped with alternative power sources in the form of diesel or petrol generators of various capacities, fuel reserves are available and action plans for personnel in emergency situations have been developed.

In a number of oblasts, certain TDFs and territorial units are heated centrally through municipal heating systems, which, in the event of a complete lack of electricity supply, would make it impossible to ensure proper detention conditions. In the event of a prolonged interruption of electricity or heat supply in TDFs, mechanisms are in place for the relocation (escorting) of detained persons to other TDFs with autonomous supply systems, which in turn entails additional logistical, staffing and security challenges. To date, no TDF has suspended its operations and detained persons have not been relocated to other places.

At the same time, it should be noted that prolonged power and heating outages place an additional burden on the material and technical resources of police units, in particular due to increased fuel costs for generator operation and the need for their regular maintenance. In conditions of limited financial resources, this may negatively affect the stability of the long-term autonomous functioning of institutions and police units.

In addition, the stay of detained persons in TDFs in conditions of possible unstable energy supply, limited lighting, disruption of the usual temperature regime and general uncertainty may negatively affect their psycho-emotional state and require enhanced monitoring by staff.

During NPM visits, it was established that the heads of residential care institutions had taken advance measures to ensure backup energy supply, heat supply and the organisation of meals. Most institutions have alternative power sources and are equipped with generators of various capacities. In particular, they have generators with a capacity ranging from 5 to 72 kW. Some institutions have additionally installed solar panels with a capacity of up to 15 kW. Generators are used mainly during the preparation and distribution of food, as well as during the washing of linen and other soft inventory items.

Some institutions use catering services, which helps minimise dependence on power supply. In certain institutions, solid-fuel kitchens have been arranged as a backup option in the event of a lack of electricity and diesel fuel. Residential care institutions have also organised field kitchens using their own resources.

Most institutions have their own boiler houses, which provide them with heat independently of centralised energy supply. However, it should be noted that the boiler houses require repair in many institutions.

Some institutions sent official letters to energy supply companies requesting that outages be avoided, attaching documents confirming the institution's status as critically important.

Power outages negatively affect the operation of lifts, making it more difficult to organise walks for residents with reduced mobility who live on the second and higher floors. They also affect lighting in residents' living rooms. Residents of institutions are forced to remain in unlit rooms for prolonged periods, which negatively affects their psycho-emotional state. This is particularly relevant for bedridden residents.

Facilities providing psychiatric care, as part of the healthcare system, are also classified as critical infrastructure facilities, as their operation is vital to the functioning of society and the security of the state. Disruption to the operation of these facilities poses a risk of negative consequences and requires continuity of operation and protection in accordance with the Law of Ukraine 'On Critical Infrastructure'.

During NPM visits, it was established that psychiatric care facilities are equipped with alternative power supply sources of varying capacities to ensure the uninterrupted operation of critical equipment and the facility as a whole.

Hospitals with resuscitation and intensive care units have introduced energy storage devices to ensure autonomous operation.

Most specialised healthcare facilities have their own boiler houses and autonomous wells to ensure uninterrupted water and heat supply. Despite forced restrictions in Ukraine's energy system caused by hostile attacks on infrastructure facilities, almost all institutions operated steadily. A prolonged power outage (six hours) was recorded at the Municipal Non-Profit Enterprise 'Regional Clinical Facility for Psychoneurological Care and Socially Significant Diseases' of Zaporizhzhia Oblast Council. The remaining institutions continued to operate as usual thanks to stable centralised supply, as well as the availability of alternative power sources.

In the event of the suspension of centralised heat supply, the facilities are ready to switch to autonomous operation of their own boiler houses, which would involve increased expenditure on energy resources to maintain an appropriate temperature regime in inpatient departments and ensure sanitary and hygienic standards for patients.

The fact that prolonged power outages cause critical consequences that go beyond everyday inconvenience is of particular concern. The interruption of power supply negatively affects patients' condition, leading to the decompensation of mental disorders. Lack of lighting and disruption of the usual daily routine provoke heightened anxiety, panic attacks and outbreaks of aggression. Patients' disorientation in the dark creates additional risks for healthcare professionals, significantly complicating patient supervision and increasing the likelihood of dangerous situations and injuries. The inability to maintain the temperature regime and proper sanitary and hygienic conditions worsens patients' physical health, which substantially slows down their rehabilitation.

Section 2

VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE

2.1. General overview of places of deprivation of liberty under the authority of the MoJ

In the course of NPM activities, particular attention is paid to places of deprivation of liberty under the authority of the Ministry of Justice, which include institutions for pre-trial detention and the execution of criminal sentences, as these institutions hold the largest number of persons deprived of their liberty and account for a significant proportion of recorded human rights violations.

In accordance with the Regulation on the Ministry of Justice of Ukraine, approved by CMU Resolution No. 228 of 2 July 2014[6], one of the main tasks of the Ministry of Justice is to formulate and implement public policy in the field of the execution of criminal sentences.

Within the MoJ system, the functioning of places of deprivation of liberty is ensured through the SPSU, whose area of authority includes PTDFs, correctional and juvenile colonies, correctional centres and camps for holding prisoners of war. These institutions are empowered to organise the detention regime, material and living conditions, healthcare, social and educational support for detained persons, and to guarantee respect for their rights and freedoms.

As at 31 December 2025, Ukraine's penitentiary system comprised 56 correctional colonies of minimum, medium and maximum security levels, 24 PTDFs, five camps for holding prisoners of war, four correctional centres and one juvenile colony.

The total number of persons held in PIs and PTDFs as at 31 December 2025 was 34,925. Compared with the previous year, this figure decreased by 5.9%, indicating a continued downward trend in the number of persons held in the penitentiary system.

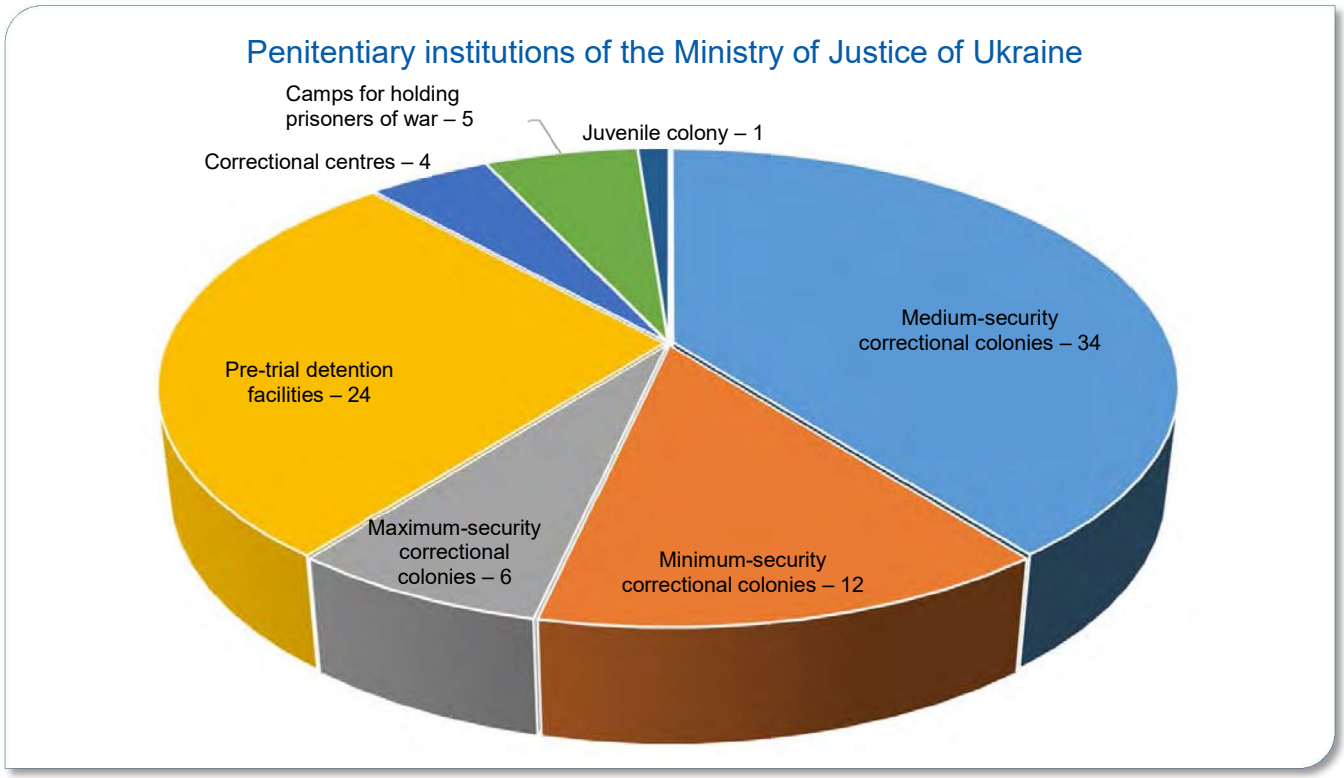
During 2025, staff of the Commissioner's Secretariat conducted 45 visits to penitentiary institutions, including 27 PTDFs, 13 correctional colonies and five camps for holding prisoners of war together with representatives of NGOs.

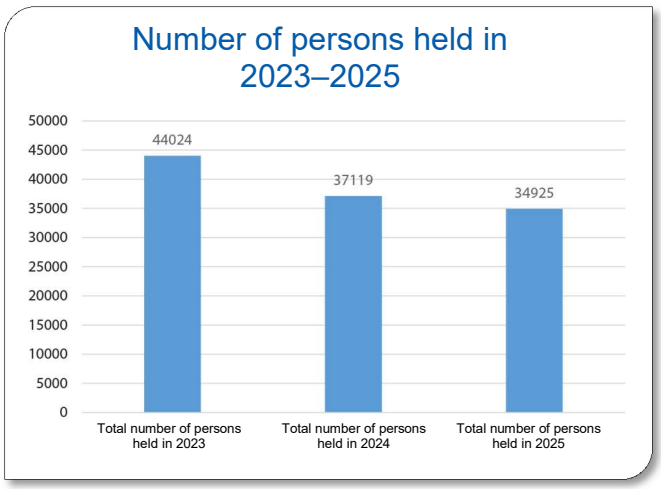
They visited the above-mentioned institutions in Kyiv and in 16 oblasts: Vinnytsia, Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Lviv, Odesa, Poltava, Rivne, Ternopil, Kharkiv, Khmelnytskyi, Chernivtsi and Chernihiv oblasts.

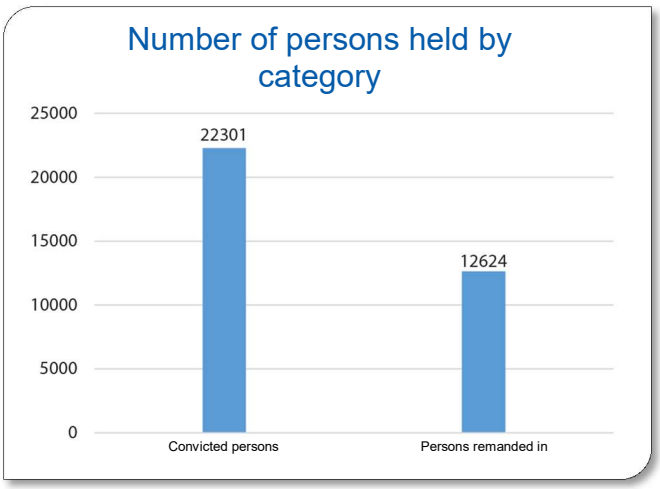
In 2025, the pilot project 'Systematic Monitoring of Human Rights Compliance at the State Institution "Kyiv Pre-Trial Detention Facility"' was completed. The pilot project was implemented through daily visits to the PTDF and its medical unit by staff of the Commissioner's Secretariat together with representatives of NGOs, confidential interviews with remand prisoners and convicted persons concerning respect for their rights, freedoms and legitimate interests, examination and analysis of documentary records, and other forms of information collection and processing.



[6] Resolution of the Cabinet of Ministers of Ukraine No. 228 of 2 July 2014 'On Approval of the Regulation on the Ministry of Justice of Ukraine', as amended as of 1 January 2025, subparagraph 2-5 of paragraph 3: https://zakon.rada.gov.ua/laws/show/228-2014-%D0%BF#Text







From 1 November 2024 to 1 May 2025, 70 visits were conducted as part of the pilot project, resulting in the identification of a number of systemic problems at the State Institution 'Kyiv Pre-Trial Detention Facility'.

The results of the pilot project recorded systemic human rights violations and shortcomings in the organisation of the institution's activities, requiring urgent response, the elimination of their causes and the conditions that contribute to them.

In particular, violations were found of the right to protection from torture and other cruel, inhuman or degrading treatment or punishment, the right to an adequate standard of living, the right to work and protection from exploitation, the right to respect for private life, as well as a number of other human rights violations.

In order to eliminate the identified violations and prevent their recurrence, the Commissioner sent a relevant letter to the Department for the Execution of Criminal Sentences and three submissions to the MoJ.

The problems identified during the visits indicate shortcomings in the functioning of the penitentiary system. Despite the decrease in the total number of persons held in PIs and PTDFs, the nature and recurrence of the recorded human rights violations indicate that these violations are not isolated, but systemic, and require an appropriate response.

At the same time, it should be noted that in certain institutions, the recommendations provided were implemented and appropriate response measures were taken following the visits.

> *For example, during a visit by an NPM group to th State Institution 'Kriukovska Correctional Colony (N 29)', a violation of convicted persons' right to acces education was found, namely the absence of a educational institution within the correctional colony. T eliminate the identified violation, a response measu was sent to the MoJ for appropriate measures to b taken and to ensure citizens' right to education. Th colony administration concluded a cooperatio agreement with Bozhkivske Lyceum in Poltava Oblas enabling the colony to organise the education process and ensure access to basic and comple general secondary education.*

The implementation of this measure creates conditions for the successful resocialisation of convicted persons after release and is an example of the positive impact of NPM activities on human rights observance in PIs.

The Commissioner also positively assesses the establishment of commissions to examine complaints concerning inadequate conditions of detention in pre-trial detention institutions and PIs. The task of these commissions is to examine complaints from persons remanded in custody, convicted persons, their family members or close relatives, and defence lawyers concerning inadequate conditions of detention in institutions, with a view to restoring violated rights. The commissions are one of the mechanisms for responding to complaints regarding inadequate detention conditions and ensuring proper oversight of respect for human rights in PIs.

2.2. Results of monitoring compliance with the rights and freedoms of remand prisoners and convicted persons held in penitentiary institutions

Prolonged solitary confinement of juvenile remand prisoners

During visits in 2025, NPM groups established that some PIs apply the practice of prolonged solitary confinement of juvenile remand prisoners. This form of isolation may have extremely destructive consequences for the psychological, physical and social health of such persons and, under certain conditions, may be regarded as cruel, inhuman or degrading treatment or punishment.

At the same time, the use of solitary confinement in respect of minors is contrary to national legislation.

Pursuant to Article 8 of the Law of Ukraine 'On Remand'[7], minors may not be held in solitary cells; where a threat to their life arises, they are transferred to another small-capacity or general cell.

In addition, the practice of applying solitary confinement to minors is contrary to international human rights standards. Rule 43 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[8], provides that prolonged or indefinite solitary confinement must be prohibited, as it may amount to cruel, inhuman or degrading treatment or punishment.

[7] Law of Ukraine 'On Remand', as amended as of 1 January 2025, Article 8: https://zakon.rada.gov.ua/laws/show/3352-12#Text

[8] United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 43: https://www.unodc.org/res/justice-and-prison-reform/cpcj-prison-reform_html/UKR_final_Nelson_Mandela_Rules-E-ebook.pdfhttps://www.unodc.org/res/justice-and-prison-reform/cpcj-prison-reform_html/UKR_final_Nelson_Mandela_Rules-E-ebook.pdf

Solitary confinement should be permitted only in exceptional cases, as a measure of last resort and for the shortest possible period.

> *During a visit by an NPM group to the State Institution 'Ivano-Frankivsk Penitentiary Institution (No. 12)', it was established that three juvenile remand prisoners were being held alone in separate cells. As a result of confidential interviews with the juveniles, it was found that they had been held in conditions of solitary confinement for approximately five months. The remand prisoners expressed a wish to be held together with other remand prisoners, as prolonged isolation, according to them, was negatively affecting their mental state.*

Following the identified violations, the Commissioner sent a submission[9] to the MoJ demanding that the practice of prolonged solitary confinement of juvenile remand prisoners be eliminated and that their detention conditions be brought into line with the national legislation and international standards.

In addition, during its visit to places of deprivation of liberty in Ukraine in 2023[10], the CPT recommended that the administrations of penitentiary institutions take measures to prevent juvenile remand prisoners from being held in conditions that may amount to solitary confinement. In exceptional cases where isolation is necessary, juveniles must be provided, under proper staff supervision, with an opportunity to communicate with adult remand prisoners of the same sex. Placing juveniles in conditions of solitary confinement is harmful and contrary to international standards, which expressly prohibit the use of this practice.

Discrimination, segregation and stigmatisation of persons held

One of the continuing systemic problems in the operation of penitentiary institutions remains the existence of an informal prison hierarchy among remand prisoners and convicted persons. Despite the response measures taken, this practice continues to have a negative impact on persons who find themselves at the 'bottom' of this hierarchy.

Such persons are usually subjected to physical and psychological violence, discriminatory treatment, segregation and stigmatisation by other persons held in custody. They are made to perform degrading work, including the systematic cleaning of toilets and common areas, and collecting rubbish. These persons are also accommodated in living areas with inadequate sanitary and hygienic conditions and do not receive appropriate medical care in full.

These manifestations have become possible due to insufficient attention by SPSU staff to preventing and promptly stopping negative practices of discrimination, segregation and stigmatisation among remand prisoners and convicted persons.

> *During a visit to the State Institution 'Drohobych Correctional Colony (No. 40)', the NPM group conducted confidential interviews with convicted persons belonging to a particularly vulnerable category. During the interviews, the NPM group received complaints about systematic discrimination, segregation and stigmatisation by the majority of other convicted persons. These persons are practically isolated from the daily life of the institution and are made to perform degrading work. According to them, they are regularly subjected to psychological pressure, ridicule and harassment.*

At the same time, during visits in 2025, NPM groups recorded positive examples of penitentiary administrations responding to the problem of informal prison hierarchy. Some PTDFs have introduced the practice of placing remand prisoners belonging to the most vulnerable category alone in separate cells in order to ensure their safety and prevent violence and humiliation by other persons held there. This practice may be regarded as a positive step aimed at reducing the risks of ill-treatment and protecting the rights of the most vulnerable persons.

The Commissioner also provided a recommendation to the MoJ on the need to develop and implement a comprehensive strategy to counter the negative impact of informal prison hierarchy, with a view to preventing influence by other persons who may cause harm.

---

[9] Submissions / Official website of the Ombudsman's Office: https://ombudsman.gov.ua/uk/podannya

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

Following consideration of these recommendations, the relevant provisions were included in the Operational Plan for the Implementation in 2025 and 2026 of the Strategy for Reforming the Penitentiary System until 2026, approved by CMU Order No.1188-r[11] of 29 October 2025.

Practice of involving convicted persons in positions related to monitoring the behaviour of other convicted persons

Despite the partial implementation of recommendations and amendments to the Internal Regulations of Penitentiary Institutions, approved by MoJ Order No. 2823/5 of 28 August 2018, as well as the reduction of the list of powers assigned to senior orderlies, the informal practice of using convicted persons to perform administrative functions continues to persist in the activities of SPSU institutions.

This practice creates preconditions for the development of a hierarchy among convicted persons, exposes other convicted persons to the risk of ill-treatment, psychological pressure and labour exploitation, and actually amounts to a partial withdrawal by the institution's administration from its responsibility for maintaining order and security, which, under the law, rests exclusively with institutional staff.

During visits to PIs and PTDFs, it was established that the duties of these persons include supervising order in living areas, resolving various issues, including conflict situations between persons held, and monitoring their behaviour.

It should be noted separately that some institutional administrations use convicted persons to perform administrative functions by delegating managerial and supervisory functions to them.

> *During confidential interviews with convicted persons in the social and psychological service units at the State Institution 'Pervomaisk Correctional Colony (No. 117)', it was established that one convicted person held a privileged position among those assigned to work in the dining hall and exercised informal control over their behaviour.*
>
> *All convicted persons working in the dining hall refused to engage in confidential interviews with members of the NPM group, which is likely the result of psychological pressure and influence exerted by the above-mentioned convicted person. This situation indicates the existence of an atmosphere of fear, prevents persons held from expressing their views freely and confirms the existence of an informal hierarchy. Taken together, this creates increased risks of ill-treatment and labour exploitation of convicted persons assigned to domestic service work.*
>
> *This practice was also identified at the state institutions 'Temnivka Correctional Colony (No. 100)' and 'Ivano-Frankivsk Penitentiary Institution (No. 12)'.*

Violation of living space standards in PIs and PTDFs

In accordance with Article 11(2) of the Law of Ukraine 'On Remand'[12] and Article 115(1) of the CrECU[13], the established area of cell (living) accommodation must be at least 2.5 m^2 for persons remanded in custody and at least 4 m^2 for convicted persons.

The results of visits conducted by NPM groups during 2025 show that most PTDFs and PIs continue to have a systemic problem of non-compliance with the established living space standards per person remanded in custody or convicted person. This leads to overcrowding in living areas, lack of privacy, an insufficient number of beds and excessive pressure on the system for bathing, laundry and medical support for persons held.

NPM groups have been recording the problem of non-compliance with the established living space standards per person held in PTDFs and PIs since 2012, which indicates the absence of an adequate response by the penitentiary system's governing bodies.

---

[11] Strategy for Reforming the Penitentiary System until 2026, as amended on 29 October 2025, paragraph 9: https://zakon.rada.gov.ua/laws/show/1188-2025-%D1%80#Text

[12] Law of Ukraine 'On Remand', as amended as of 1 January 2025, Article 11(2): https://zakon.rada.gov.ua/laws/show/3352-12#Text

[13] Criminal Executive Code of Ukraine, as amended as of 12 September 2025, Article 115(1): https://zakon.rada.gov.ua/laws/show/1129-15#Text

The systemic problem of non-compliance with living space standards was also noted in the CPT[14] report following its visit to Ukraine in 2023.

It should be emphasised separately that the most significant violations of the requirements concerning living space per person held were recorded at the State Institution 'Kyiv Pre-Trial Detention Facility', where, during daily visits by the NPM group as part of the pilot project, cases of significant overcrowding of cells were systematically identified.

> *For example, during a visit to the State Institution 'Kyiv Pre-Trial Detention Facility', the NPM group established that cells intended for newly arrived persons held approximately 30 remand prisoners, while their maximum permitted capacity was 16 persons. As a result, each person had approximately 1.3 m² of space.*
>
> *Due to significant overcrowding, some remand prisoners were forced to sleep in shifts and were also sleeping on the floor.*

Violations of the established living space standards are also caused by the presence of residential blocks on the premises of most PIs that are not actually used for their intended purpose for various reasons, which limits the possibilities for proper accommodation of persons held, although they were taken into account in the planned capacity.

> *A telling example is the State Institution 'Poltava Penitentiary Institution (No. 23)', where an unfinished secure block with a total area of 473 m² has been located on the institution's premises since 2017 and could accommodate 52 cells.*
>
> *Putting this block into operation would create conditions for the proper accommodation of persons held and would eliminate violations of the living space standards per convicted person or remand prisoner established by national legislation.*

NPM groups recorded violations of living space standards in the following state institutions: 'Vinnytsia Penitentiary Institution (No. 1)', 'Zamkova Correctional Colony (No. 58)', 'Kharkiv Pre-Trial Detention Facility', 'Dnipro Penitentiary Institution (No. 4)', 'Drohobych Correctional Colony (No. 40)', 'Zakarpattia Penitentiary Institution (No. 9)' and others.

The Commissioner sent a submission to the MoJ concerning the resolution of this problem and the need to review the current legislation, namely the living space standards for PTDF cells, which currently provide only 2.5 m² per person, with a proposal to increase the minimum area to at least 4 m² per person.

The MoJ is taking measures to address the overcrowding problem at the State Institution 'Kyiv Pre-Trial Detention Facility'. It reported that organisational measures had been taken to reduce the occupancy level of the institution, in particular by reconstructing the State Institution 'Boryspil Correctional Colony (No. 119)' into a PTDF, which will help reduce the burden and improve the detention conditions of remand prisoners.





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





Violation of the right to life

In accordance with Article 27 of the Constitution of Ukraine[15], every person has the inalienable right to life. The duty of the State is to protect human life.

Under Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms[16], everyone's right to life shall be protected by law.

The ECtHR case law emphasises that the state has a positive obligation to ensure the effective protection of the life and health of all persons deprived of their liberty. The state shall take reasonable preventive measures where there is a real and imminent threat to life. Failure to fulfil this obligation may be regarded as a violation of Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The absence of proper protective shelters, alert systems and evacuation plans creates an increased risk to the lives of convicted persons and remand prisoners, constituting a direct breach of the state's positive obligations to ensure their right to life.

> *During the shelling of the State Institution 'Bilenke Correctional Colony (No. 99)' in Zaporizhzhia Oblast by Russian forces on 28 July 2025, convicted persons were killed and injured. Given the institution's immediate proximity to the area of active hostilities, and the fact that the institution's administration failed to ensure an appropriate response to the 'Air Raid Alert' signal, the safety requirements for convicted persons were effectively ignored.*

During visits to institutions, NPM groups recorded the absence of protective shelters, in particular at Poltava Penitentiary Institution (No. 23) and Dnipro Correctional Colony (No. 89). At Drohobych Correctional Colony (No. 40), shelters are accessible only to some of the persons held, creating unequal protection conditions and increasing the risk to the lives of those who do not have access to protective structures.

It should also be noted that PTDFs are not provided with adequate protective shelters overall, which further increases the risks for persons held there.

Inadequate detention conditions for remand prisoners and convicted persons

The most common human rights violation in penitentiary institutions is inadequate material and living conditions for persons held. Following visits to PIs and PTDFs, NPM groups recorded, *inter alia*, a lack of privacy in living areas, an inadequate level of natural light, limited access to fresh air and drinking water and violations of the temperature regime in living areas. Such conditions do not comply with the requirements of national legislation and international standards, which guarantee dignified and safe detention of persons in places of deprivation of liberty.

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

[16] Convention for the Protection of Human Rights and Fundamental Freedoms, as amended as of 1 August 2021, Article 2: https://zakon.rada.gov.ua/laws/show/995_004#Text



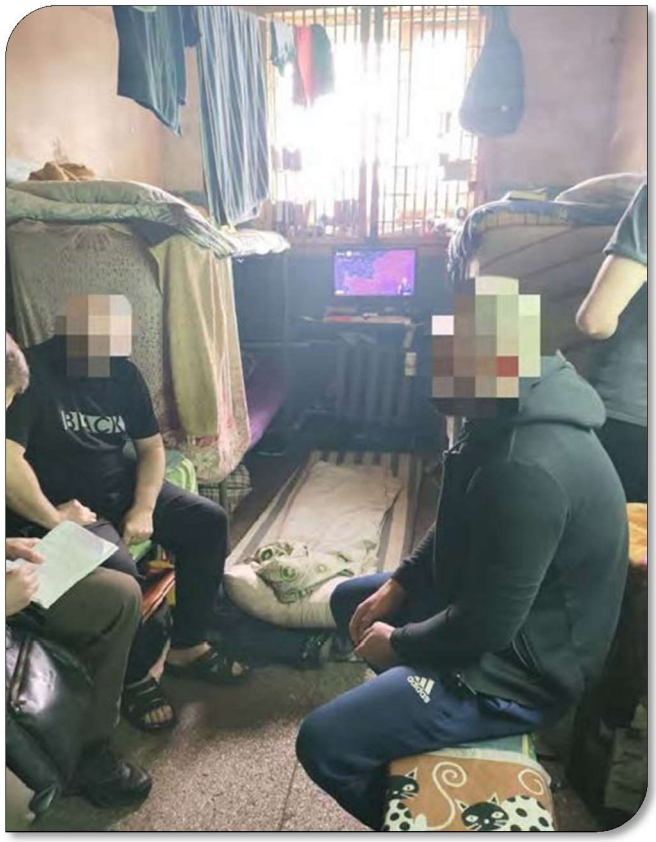


Pursuant to Rule 13 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[17], all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

> *During a visit to the State Institution 'Dnipro Penitentiary Institution (No. 4)', the NPM group found insanitary conditions in most cells, namely: an unpleasant smell, mould on the walls, dirty floors and sanitary facilities. In addition, the plumbing equipment is worn out and requires replacement, ventilation does not function, and there are no conditions to ensure respect for the right to private life, in particular because beds are placed directly next to one another.*
>
> *In the cells of the admission unit of the State Institution 'Zakarpattia Penitentiary Institution (No. 9)', proper sanitary and hygienic detention conditions are not ensured. In particular, all cells lack supply and exhaust ventilation systems and sanitary facilities. In addition, the cells are constructed as metal cages.*

It should be noted that holding persons in inadequate conditions in PTDFs and PIs is regarded by the ECtHR as a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms[18].

In 2025 alone, the ECtHR delivered 25 judgments against Ukraine concerning 205 applicants, finding violations of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to inadequate detention conditions in PIs and PTDFs. The total amount of compensation awarded was EUR 1,368,850.00.



Violations of the labour rights of convicted persons

During visits to places of deprivation of liberty under the authority of the SPSU, NPM groups recorded cases of labour exploitation of convicted persons, including overtime work of more than 40 hours per week, improper execution of employment contracts, violations of the right to occupational safety and health, insufficient remuneration, and failure to provide workwear and other personal protective equipment.

[17] United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 13: https://www.unodc.org/res/justice-and-prison-reform/cpcj-prison-reform_html/UKR_final_Nelson_Mandela_Rules-E-ebook.pdf

[18] Convention for the Protection of Human Rights and Fundamental Freedoms, as amended as of 1 August 2021, Article 3: https://zakon.rada.gov.ua/laws/show/995_004#Text

Work performed by persons deprived of their liberty must be organised in accordance with the labour legislation, occupational safety and health rules and standards, taking into account its mandatory nature. Convicted persons enjoy all human and civil rights, except for the restrictions established by the laws of Ukraine and the CrECU and imposed by a court judgment.

In accordance with Article 118 of the CrECU[19], work is performed on a voluntary basis under a civil-law contract or an employment contract concluded between the convicted person and private entrepreneur or legal entity for whom the convicted persons perform work or provide services.

> *However, during confidential interviews with convicted persons at the State Institution 'Temnivka Correctional Colony (No. 100)', the NPM group established facts of using the labour of persons held without proper formalisation. Convicted person B. reported that he had been carrying out construction work in the institution for two years without pay and without formalised employment relations. Convicted person Sh. stated that he had been working in construction under the same conditions for one year.*

It should be noted that the period of employment of such convicted persons is not included in their length of service, which deprives them of the right to pension provision in the future and makes it impossible to apply conditional early release, for which a conscientious attitude to work is a mandatory criterion.

As a result of the intervention of the NPM group, the administration of the State Institution 'Kriukovska Correctional Colony (No. 29)' implemented the recommendations provided: two additional staff positions were created in the dining hall and convicted persons were officially employed on a paid basis, enabling the practice of unpaid labour to come to an end.

In addition, cases were identified in which convicted persons received wages below the established minimum wage.

Under Article 8 of the Law of Ukraine 'On the State Budget of Ukraine for 2025'[20], the minimum wage is UAH 8,000 effective 1 January 2025.

During the NPM group's examination of records on the accrual of wages to convicted persons at the State Institution 'Mashivka Correctional Colony (No. 9)' for April 2025, it was established that the total remuneration of nine convicted persons working in the institution's workshop amounted to UAH 6,479, excluding taxes and utility costs. Each convicted person received wages of approximately UAH 700 on average.

During visits to penitentiary institutions, NPM groups regularly recorded cases where the working week of convicted persons exceeded 40 hours, which is a violation of Article 119(1) of the CrECU[21].

These violations occurred in the following state institutions: 'Rivne Pre-Trial Detention Facility', 'Kharkiv Pre-Trial Detention Facility', 'Dnipro Penitentiary Institution (No. 4)', 'Drohobych Correctional Colony (No. 40)', 'Manevychi Correctional Colony (No. 42)', 'Zamkova Correctional Colony (No. 58)', 'Stryzhavka Correctional Colony (No. 81)', 'Dnipro Correctional Colony (No. 89)' and 'Temnivka Correctional Colony (No. 100)', where convicted persons are involved in work beyond the working time limit established by law.

Violation of the right to respect for private life

Following visits conducted in 2025, the systematic use of round-the-clock video surveillance of remand prisoners and convicted persons in residential and cell areas of PIs was recorded.

The problem with the use of round-the-clock video surveillance of convicted persons and remand prisoners in residential or cell areas lies in the absence of legislative regulation of this issue.

---

[19] Criminal Executive Code of Ukraine, as amended as of 12 September 2025, Article 118(1): https://zakon.rada.gov.ua/laws/show/1129-15#Text

[20] Law of Ukraine 'On the State Budget of Ukraine for 2025', as amended as of 23 October 2025, Article 8: https://zakon.rada.gov.ua/laws/show/4059-20#Text

[21] Criminal Executive Code of Ukraine, as amended as of 12 September 2025, Article 119(1): https://zakon.rada.gov.ua/laws/show/1129-15#Text

Round-the-clock video surveillance effectively deprives them of the right to respect for private life, creating a risk of degrading human dignity.

Article 32 of the Constitution of Ukraine[22] establishes that no one may be subjected to interference in their personal and family life, except in cases provided for by the Constitution of Ukraine.

In addition, the ECtHR states in its judgments that round-the-clock video surveillance of remand prisoners and convicted persons in cells constitutes a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms[23], e.g., in the case of Van der Graaf v. the Netherlands (application No. 8704/03).

Accordingly, video surveillance in cells may be justified in individual cases, in particular where there is a risk of self-harm or attempted suicide, or where there is a specific suspicion that a person held is engaging in activities in the cell that may endanger security. However, any decision to introduce such surveillance in respect of a specific person held must always be based on an individual risk assessment and must be reviewed on a regular basis.

Given the above, the existence in national legislation of provisions allowing round-the-clock video surveillance in cell and residential areas is incompatible with international human rights standards and may give rise to numerous applications by convicted persons and remand prisoners to the ECtHR. It therefore requires correction.

> *A telling example is the State Institution 'Kyiv Pre-Trial Detention Facility', where 112 video surveillance cameras were installed in violation of the right to privacy of persons held. At the same time, the estimated need for video surveillance cameras in places where convicted persons and remand prisoners congregate is 79 units. This significantly complicates the implementation of security measures that must be ensured by PTDF staff, in particular in cases where physical force or other coercive measures are used against convicted persons and remand prisoners.*

In order to eliminate these violations, the Commissioner filed a submission to the MoJ concerning the initiation of amendments to the relevant regulatory acts governing the use of video surveillance in PTDFs and PIs. It was proposed to clearly define the grounds, procedure and limits for the use of video surveillance, prohibit its permanent use in cell and residential areas and ensure a balance between security needs and the right of persons deprived of their liberty to respect for private life and human dignity.

Violation of the right to contact with the outside world

In accordance with Article 55 of the Constitution of Ukraine[24], everyone has the right to apply to the Ukrainian Parliament Commissioner for Human Rights for the protection of their rights.

In its 27th General Report, the CPT[25] emphasises the need to ensure direct and confidential access to complaints mechanisms, for example by installing complaints boxes accessible to complainants in designated places and opened only by persons responsible for ensuring the confidentiality of complaints. Staff directly responsible for persons deprived of their liberty should not 'filter' complaints.

The exercise of this right for persons held is a key safeguard for the prevention of torture and cruel, inhuman or degrading treatment or punishment.

> *During visits to the state institutions 'Mashivka Correctional Colony (No. 9)' and 'Pervomaisk Correctional Colony (No. 117)', NPM groups established that no complaints from convicted persons had been sent to the Commissioner in 2024–2025. This situation cannot be regarded as evidence of the absence of problems or violations, but indicates the existence of systemic obstacles to the exercise of the right to petition.*

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

[23] Convention for the Protection of Human Rights and Fundamental Freedoms, as amended as of 1 August 2021, Article 8: https://zakon.rada.gov.ua/laws/show/995_004#Text

[24] Constitution of Ukraine, as amended as of 1 January 2020, Article 55: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text

[25] 27th General Report / Official website of the CPT: https://rm.coe.int/16807bc1cf

In particular, the institutions were found to have no, or an insufficient number of, complaints boxes, as well as no clear and accessible information indicating the Commissioner's hotline telephone number, postal address and email address. As a result, convicted persons are effectively deprived of the opportunity to submit complaints freely, without obstruction and confidentially, including to external oversight bodies.

Violations of the rights of persons with disabilities and groups with reduced mobility in penitentiary institutions

In accordance with the Law of Ukraine 'On the Fundamentals of Social Security of Persons with Disabilities in Ukraine', persons with disabilities in Ukraine enjoy the full range of socio-economic, political and personal rights and freedoms enshrined in the Constitution of Ukraine, the laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

Under Article 30 of the Law of Ukraine 'On the Fundamentals of Social Security of Persons with Disabilities in Ukraine', housing or residential premises occupied by persons with disabilities or by families that include such persons, as well as entrances and stair landings in buildings where persons with disabilities live, shall meet the requirements for barrier-free access and be adapted to the needs of such persons.

At the same time, during visits to the state institutions 'Mashivka Correctional Colony (No. 9)', 'Kriukovska Correctional Colony (No. 29)', 'Stryzhavka Correctional Colony (No. 81)' and 'Pervomaisk Correctional Colony (No. 117)', NPM groups found that living areas, dining halls and other infrastructure facilities were not equipped with special accessibility measures for persons with disabilities and groups with reduced mobility. The institutions lacked ramps, handrails, adapted entrances, sanitary facilities and other necessary technical solutions, making it impossible for such persons to move around independently.

This practice violates the rights of persons with disabilities and groups with reduced mobility to dignified detention conditions, creates dependence on outside assistance and is inconsistent with the principles of equality and non-discrimination. In addition, this situation increases the risk of isolating such persons held from full participation in the life of the PI.

Following the recommendations provided by NPM groups, measures were taken at the state institutions 'Mashivka Correctional Colony (No. 9)' and 'Stryzhavka Correctional Colony (No. 81)' to equip infrastructure for convicted persons with disabilities. In particular, common areas used by convicted persons, including the dining hall, living areas and other premises, were adapted to take account of the physical needs of persons with disabilities, contributing to the implementation of the principles of equality, non-discrimination and respect for human dignity.

2.3. Results of monitoring compliance with the rights of persons held in places of deprivation of liberty for prisoners of war

In the context of the full-scale armed aggression against Ukraine and an increased number of prisoners of war as a result of hostilities, visits by NPM groups to camps and sections for holding prisoners of war are of particular importance. Such visits are a key mechanism for ensuring transparency of detention conditions and preventing torture and cruel, inhuman or degrading treatment.

In the current conditions of martial law, independent NPM monitoring also helps counter possible abuses, record human rights violations and maintain trust in the state as a party that fulfils its international obligations.

These camps operate under the supervision of international humanitarian organisations, in particular the International Committee of the Red Cross, which monitors detention conditions and ensures that prisoners of war are able to maintain contact with their families.

In addition to specialised camps, prisoners of war may be held temporarily in sections for holding prisoners of war within PTDFs and PIs, as provided for by the CrECU. Such places are used only for the period before a prisoner of war is transferred to a specialised camp.

In 2025, as part of the performance of NPM functions, staff of the Commissioner's Secretariat, together with representatives of NGOs, systematically visited places where prisoners of war are held. In particular, during the year, visits were conducted to the prisoner-of-war camps 'West-1', 'West-2', 'West-4', 'Centre-3' and 'Centre-5', as well as to certain sections for holding prisoners of war within PIs and PTDFs.

Legal and regulatory framework for the operation of camps and sections for holding prisoners of war

The key international instrument regulating the legal status, protection and conditions of detention of prisoners of war during international armed conflicts is the Geneva Convention relative to the Treatment of Prisoners of War. Under this Convention, prisoners of war are persons belonging to the armed forces of the enemy, volunteer corps or organised militias, provided that they carry arms openly and comply with the laws and customs of war.

At the national level, the operation of camps is regulated by the Procedure for Holding Prisoners of War, approved by CMU Resolution No. 413 of 15 April 2022, as well as the Procedure for Implementing Measures concerning the Treatment of Prisoners of War during a Special Period, approved by CMU Resolution No. 721 of 17 June 2022.

These regulatory acts implement the basic standards of the Geneva Convention and provide the legal basis for the operation of camps, ensuring proper living conditions, safety and medical care for prisoners of war.

At the same time, the existing legal and regulatory framework is fragmented and does not provide comprehensive regulation of the operation of camps for holding prisoners of war. There are no specialised departmental regulatory acts, including internal regulations of the camps, a procedure for the disciplinary liability of prisoners of war, instructions on regime, security and supervision, a procedure for the use of technical means of control, or standards for material and living support. As a result, camp administrations are forced to rely on regulatory acts developed for penitentiary institutions, which do not take into account the specific legal status of prisoners of war.

A lack of an effective management system for the subordination of camps has also been established. In particular, there is no separate relevant structural unit within the SPSU, as a result of which their administrative activities do not take into account the specific nature of holding prisoners of war and are organised according to the model of penitentiary institutions.

Conditions of detention of prisoners of war in Ukraine

NPM groups established that proper living conditions had been created for prisoners of war in camps and sections. Prisoners of war are accommodated in heated and well-lit sleeping areas that comply with floor-space standards.













It is separately noted that internal regime arrangements are properly organised, health care is provided in a timely manner, personal hygiene can be maintained and regular meals are provided in accordance with established standards. Prisoners of war also reported that there were no conflicts between them, that there was mutual respect and that interpersonal relations were monitored by the administration, which helps maintain a stable moral and psychological climate in the camps.

Proper sanitary conditions are ensured in the living areas. Prisoners of war carry out wet cleaning of the floors and ventilation on a daily basis according to schedules.

All living areas are equipped with the necessary furniture: each prisoner of war has a bed with a mattress and bedding, usually a chair and a place to store personal belongings.

During the visits, the weekly menu was examined and it was established that meals are provided three times a day, according to schedule.

During the visits, particular attention was paid to the timely provision of meals. The dishes were served on time and had proper organoleptic qualities.

In addition, the camps have a sufficient stock of clothing for prisoners of war, which allows worn or damaged items to be replaced in a timely manner and proper living conditions to be maintained.

The living areas of the camps have separate sanitary zones, including a toilet and a washbasin with running water. These zones are partially or fully separated, which helps maintain an appropriate level of privacy.

The visits found that shops operate in all camps, where prisoners of war are able to purchase additional food products, everyday items and usually tobacco or tobacco products.

The administrations of the facilities organise additional activities for prisoners of war, including sports activities. Prisoners of war are able to play football, volleyball, etc. on equipped sports grounds.

These activities are held regularly and participation is voluntary. Prisoners of war positively assess the opportunity to spend their time meaningfully and maintain their psycho-emotional state.



Work performed by prisoners of war

In pursuance of the Geneva Convention, the camps systematically involve prisoners of war in work. Prisoners of war work in production halls and workshops. In addition to production activities, prisoners of war perform work related to the domestic servicing of the camps. In particular, they work in the dining hall, where they prepare meals, distribute food and maintain the cleanliness of the food preparation area.

However, during a visit to the 'Centre-3' camp, it was established that the positions of workers involved in the domestic servicing of the camp were not provided for in the institution's staff list.

In this connection, payment is made from the special fund. Such a financing mechanism may cause certain difficulties, in particular because there is a risk of unstable funding, as special fund revenues depend on additional and irregular sources.

Moreover, in the event of delayed funding or failure to receive the planned funds in full, the provision of relevant services may be interrupted, which in turn may have a negative impact on the living conditions of persons held.

During a visit to the 'West-1' camp, prisoners of war involved in domestic service work reported that the working day was sometimes excessively long. Records of working time in the camp are not properly maintained, which makes it impossible to monitor compliance with the permissible duration of work.

2.4. Medical care in penitentiary institutions

System of penitentiary medicine

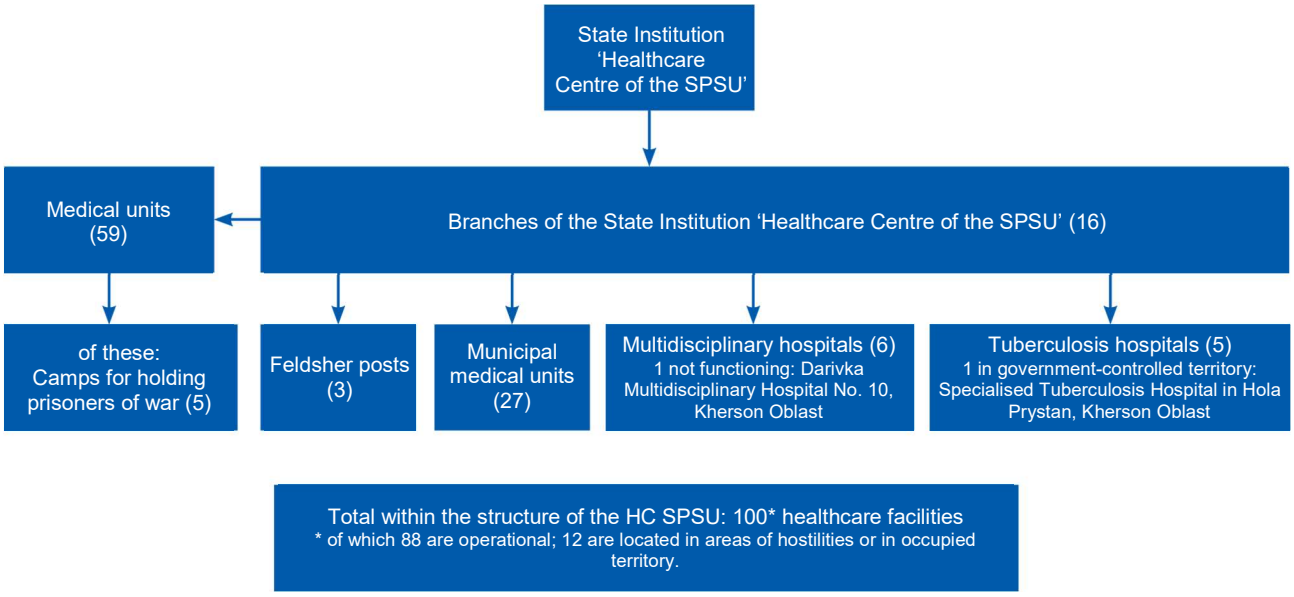
The healthcare system in Ukraine's penitentiary institutions operates as a separate area of the national healthcare system and is administratively subordinated to the HC SPSU, which falls under the authority of the MoJ.

The organisational structure of the HC SPSU includes 100 units: five specialised facilities providing health care to patients with tuberculosis, six multidisciplinary hospitals, three feldsher posts and a total of 86 medical units, five of which operate at camps for holding prisoners of war.

A key aspect of its operation is the independence of medical staff, who are not subordinated to the management of PIs, but are directly managed by the HC SPSU.

Despite the existence of a clearly regulated legal framework, its practical implementation remains unsatisfactory. NPM reports point to systemic violations in the provision of medical care, which create a real threat to the lives of convicted persons in the context of the penitentiary system.

This situation constitutes a direct violation of Article 49 of the Constitution of Ukraine, as well as Article 6 of the Law of Ukraine 'Fundamentals of the Legislation of Ukraine on Health Care', concerning the guaranteed right of citizens to healthcare and medical care.



Given the ECtHR case law on the improper organisation of medical provision for convicted persons and persons remanded in custody, in particular failure to comply with the principle of equivalence between healthcare in penitentiary institutions and care provided within the general healthcare system (single healthcare space) may constitute a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Despite the recommendations of the European Committee for the Prevention of Torture set out in the Report on Ukraine of 2017 (CPT/Inf (2017) 15), as well as the position of the SPT, supported by the UN Committee against Torture and reflected in European Commission documents under the EU Enlargement Package 2024, concerning the transfer of medical provision functions in penitentiary institutions from the MoJ to the MoH, as at the end of 2025 these recommendations remained unfulfilled. The penitentiary healthcare system remains under the authority of the MoJ and has not been integrated into the state's single healthcare space.

Integration into the single healthcare space and digitalisation

As part of the implementation of the Action Plan for 2025–2026 for the National Strategy for Creating a Barrier-Free Space in Ukraine until 2030, the HC SPSU is taking measures aimed at integrating penitentiary medicine into the state's single healthcare space. This is a positive step towards ensuring the provision of medical care.

During 2024, the institution's branches began implementing a pilot project to introduce an MIS, aimed at ensuring proper access to the EHS and guaranteeing cryptographic protection of information. In addition, all facilities are connected to the electronic information system 'Monitoring of Socially Significant Diseases'. This system enables automated record-keeping and medical support for patients with HIV infection and tuberculosis, as well as persons requiring SMT.

Pilot project on the integration of medical care

In order to ensure the right of convicted persons and remand prisoners to medical care, a set of methodological and organisational measures was taken to prepare a pilot project aimed at providing medical care to convicted persons and persons remanded in custody within the single healthcare space. Therefore, the activities of the interdepartmental task team on improving mechanisms for medical provision for persons held in places of deprivation of liberty were intensified. As part of the team's work, a number of meetings were held with the participation of representatives of the MoH, MoJ, HC SPSU, Commissioner's Secretariat and other stakeholders. In addition, joint working visits to PIs and PTDFs were conducted to monitor the current situation.

As at the end of the reporting period, the pilot project had been agreed with all stakeholders, including the Ministry of Economy, the Ministry of Digital Transformation, the Office of the Prosecutor General and the Commissioner.

In addition, a working visit was made to the State Institution 'Lutsk Pre-Trial Detention Facility'. During the visit, representatives of the MoH, the Health Department of Volyn Oblast State Administration and the Commissioner's Secretariat monitored the conditions for the provision of medical care and assessed the current state of respect for the rights of persons remanded in custody.

At the same time, a significant number of fundamental issues remain unresolved, in particular with regard to funding, staffing, determining the legal status of medical personnel and regulating doctors' access to institutions. Particular attention must be paid to ensuring continuity in the provision of medical care and preventing the termination of funding for the existing HC SPSU network until the integration process is fully completed.

At the same time, the experience of Armenia, where a similar reform began in 2023, points to risks associated with inadequate preparation of the transition period. The CPT report following its visit to Armenia (CPT/Inf (2023) 15) draws attention to problems with the escorting of patients, failure to ensure the confidentiality of medical consultations and legal uncertainty regarding the status of personnel.

The Commissioner emphasised the need to extend the pilot project not only to PIs, but also to PTDFs and facilities in regions with difficult territorial accessibility. The participation of the MoH in certification, assessment of clinical practice and staffing is a mandatory condition for overcoming the systemic crisis in penitentiary medicine, as well as for fulfilling the state's international obligations to ensure citizens' constitutional right to proper medical care.

In view of the above, it is necessary to consolidate and intensify the efforts of the MoJ and the MoH to develop practical mechanisms for integrating the penitentiary healthcare system into the single healthcare space. This process should take into account possible risks and successful international experience in this field.

Compliance with healthcare standards

One of the key reasons for non-compliance with the principle of equivalence of medical care is the low staffing level of medical units with professionals, which leads to systemic violations of established treatment standards for persons deprived of their liberty.

In particular, according to regulatory requirements, primary and preventive medical examinations of convicted persons require the mandatory participation of a general practitioner, a psychiatrist and a dentist. At the same time, visits conducted as part of NPM implementation recorded a significant number of vacancies for these professionals. This situation makes it impossible to conduct full medical examinations of patients and prevents the timely detection of diseases at early stages.

A separate problem is the unsatisfactory state of conditions for the provision of outpatient medical care. There is a lack of separate rooms for consultations by professionals in a number of medical units, as a result of which medical care is provided in rooms that do not meet the requirements for individual patient consultations. This practice does not allow for ensuring the confidentiality of medical information and may lead to a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

A significant obstacle in the operation of most medical units in PIs is the absence of concluded declarations on the choice of a primary healthcare professional. This problem effectively deprives patients of the opportunity to receive medical services under the Medical Guarantees Programme, since the existence of a declaration in the EHS is a mandatory condition for financing healthcare from the state budget.

Thus, the lack of an effective declaration mechanism leads to a violation of the right to healthcare and systemic discrimination against persons held in places of deprivation of liberty, as well as their effective exclusion from the national system of medical provision.

Documentation of bodily injuries and notification of law enforcement agencies

Ukrainian legislation defines a mechanism for recording bodily injuries in convicted persons and persons remanded in custody. In particular, where bodily injuries are found in a convicted person during a medical examination, healthcare professionals of the HC SPSU healthcare facilities are required to act in accordance with paragraphs 3 and 4 of Chapter 1, Section II of the Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment, approved by Joint Order of the MoJ and the MoH No. 1348/5/572 of 15 August 2014[26].

Under the requirements of this Procedure, the healthcare professional who identifies bodily injuries draws up the relevant certificate in triplicate. The healthcare professional must attach to this certificate primary record form No. 511/o, 'Certificate on the Recording of Bodily Injuries', approved by MoH Order No. 110 of 14 February 2012, as well as photographs of the bodily injuries identified in the convicted person.

> *During a visit to Vinnytsia City Medical Unit No. 1 of the HC SPSU branch in Vinnytsia Oblast, the NPM group identified cases of improper recording of bodily injuries.*
>
> *In particular, during a selective review of medical documentation, it was established that a convicted person had sought medical care in February 2025. Following an examination, a general practitioner diagnosed 'contusion of the left heel, ligament injury of the thumb of the left hand'. Despite the information about the injury being entered in the outpatient medical record, medical unit staff did not draw up a certificate on the recording of bodily injuries, did not record this fact in the relevant register and did not notify the prosecution authorities.*

Such actions or omissions by medical staff may indicate the concealment of facts involving the infliction of bodily injuries on persons deprived of their liberty, or improper performance of official duties. This makes it impossible to investigate incidents in a timely manner and hold the perpetrators accountable.

The lack of proper documentation of bodily injuries is inconsistent with paragraph 60 of the CPT Recommendations (CPT/Inf (93) 12-part), according to which medical services in places of deprivation of liberty should contribute to the prevention of violence through the systematic recording of injuries and the notification of the relevant public authorities.

In addition, the NPM group identified systemic cases where photographic materials were not attached to certificates on the recording of bodily injuries that had already been drawn up, which constitutes non-compliance with the established documentation procedure.

In its Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023, the CPT states that any traumatic injuries identified during a medical examination should be photographed in detail and the photographs kept in the person's individual medical file (CPT/Inf (2024) 20) paragraph 82)[27].

Staffing and medical care

Despite a statistical increase in the number of healthcare professionals during 2025, the problem of staffing levels at the HC SPSU remains acute and systemic. As at the end of the reporting period, only 1,928 of 2,241 staff positions were actually filled, amounting to 86%.

Despite the increase in the total number of doctors compared with 2024, the current distribution of staff does not allow legal requirements to be fully met in certain institutions, particularly with regard to the involvement of specialised healthcare professionals. NPM visits confirm the existence of vacancies for general practitioners, psychiatrists and dentists.

The absence of these professionals in medical units makes it impossible to conduct full primary and preventive medical examinations, which are a mandatory condition for the timely diagnosis of diseases and the provision of qualified medical care to persons deprived of their liberty.

[26] Joint Order of the MoJ and the MoH No. 1348/5/572 of 15 August 2014: https://zakon.rada.gov.ua/laws/show/z0990-14#Text.

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

The CPT calls on Ukraine to take immediate measures to strengthen staffing capacity specifically with specialised healthcare professionals in order to ensure real, rather than merely formal, medical care.

Access to doctors

One of the key shortcomings in ensuring the right to healthcare in places of deprivation of liberty remains the lack of effective mechanisms for persons deprived of their liberty to apply directly to doctors in medical units. The previously issued recommendation to introduce a system enabling remand prisoners and convicted persons to contact medical staff by submitting applications through locked boxes placed in areas of general access remains unimplemented in practice.

CPT reports have repeatedly emphasised that any mechanisms for communication between patients and doctors in places of deprivation of liberty must guarantee direct contact with the medical service, the confidentiality of complaints and a timely response. A number of Council of Europe member states have successfully introduced the practice of direct applications to medical units without mediation by the administration or other non-medical staff. This is implemented both through the use of locked correspondence boxes and through electronic appointment systems controlled only by medical staff.

Primary and specialised medical care

Despite the regulatory obligation to ensure primary and specialised medical care for convicted persons and persons remanded in custody, the practice of providing such care in places of deprivation of liberty continues to be characterised by a number of systemic problems. Formal compliance with established procedures does not always translate into timely, comprehensive and high-quality medical care, calling into question the effective implementation of the constitutional right to healthcare in conditions of isolation from society.

Although a significant number of preventive medical examinations were carried out in PIs and PTDFs during 2025, information obtained during visits indicates that the risk of these examinations being merely formal remains. In a number of cases, medical examinations are limited to a minimal set of procedures and are not accompanied by a proper assessment of patients' general state of health, the dynamics of chronic diseases or justification of the need for further treatment.

The issue of medical rehabilitation for persons with long-term or complex pathologies also remains critically important and unresolved.

Cases have been identified where other convicted persons are involved in carrying out certain elements of rehabilitation, such as movement exercises, massage, etc., which indicates that functions related to the provision of professional medical care are being shifted to persons without the relevant specialised education. This practice not only contradicts standards for the provision of medical services, but also creates significant risks of deterioration in patients' health and additional injuries.

> *During a visit to Medical Unit No. 42 of the HC SPSU branch in Volyn and Rivne oblasts, the NPM group established an unsatisfactory level of rehabilitation care for convicted persons with severe and disabling consequences of diseases and injuries.*
>
> *In particular, patient P. was held in the medical unit and, after suffering a stroke, required comprehensive and continuous rehabilitation in accordance with medical indications. However, the necessary rehabilitation measures within the institution are actually impossible due to the lack of proper conditions, specialised equipment and qualified rehabilitation specialists.*
>
> *A similar situation was recorded in respect of patient U., who had sustained a severe traumatic brain injury, had undergone long-term inpatient treatment and is currently a person with reduced mobility. Despite the existence of an individual rehabilitation programme (IRP), the assistance provided for in it is not being delivered to the patient due to the lack of rehabilitation specialists and the necessary equipment in the facility. In practice, certain care and rehabilitation measures have been entrusted to other convicted persons who do not have the relevant medical training, which is unacceptable and violates established standards for the provision of medical care.*

These facts indicate a systemic inability to ensure proper rehabilitation care as an integral component of medical provision in places of deprivation of liberty.

The situation described indicates a restriction of convicted persons' right to healthcare and is inconsistent with the principle of equivalence, under which persons deprived of their liberty must receive medical care at a level no lower than that provided in civilian healthcare facilities.

According to the ECtHR case law, the lack of proper and high-quality medical care for persons under the full control of the state, including the lack of rehabilitation where there is an objective need for it, may be regarded as cruel or degrading treatment within the meaning of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

In addition, the visits found an urgent need for institutions to have specialised medical transport adapted for the transportation of persons with reduced mobility. The availability of such transport is a necessary condition for ensuring patients' access to healthcare facilities providing specialised or rehabilitation care. The lack of proper means of transportation further restricts the exercise of the right to medical care and makes it impossible to refer patients in a timely manner to specialised healthcare facilities where the institution lacks the necessary conditions for treatment.

The CPT has repeatedly emphasised that rehabilitation is an integral part of medical care in places of deprivation of liberty, and that no access to physical therapy, occupational therapy and other forms of rehabilitative treatment for persons with disabling conditions is unacceptable. Where the necessary care cannot be provided within a penitentiary healthcare facility, the state is obliged to arrange for the patient's referral to a civilian healthcare facility.

Therapeutic nutrition

A separate problem identified following NPM visits in 2025 remains the organisation of therapeutic nutrition for patients who require it in HC SPSU healthcare facilities, which does not comply with the Procedure for the Organisation of the Therapeutic Nutrition System for Patients in Healthcare Facilities, approved by MoH Order No. 931 of 29 October 2013[28].

The use of outdated nutrition standards does not meet patients' physiological needs during treatment, in particular those of persons with chronic, infectious and socially significant diseases. This practice creates real risks of deterioration in health, prolonged treatment periods and exacerbation of chronic conditions. The situation is particularly critical for patients undergoing inpatient treatment, rehabilitation or anti-tuberculosis, antiretroviral or antiviral therapy, the effectiveness of which directly depends on complete, balanced and energy-adequate nutrition.

Material and technical support

Medical support for HC SPSU facilities is provided centrally, which should guarantee continuity and equal access for remand prisoners and convicted persons to the necessary medical care. It should be noted that NPM groups regularly receive complaints about the lack of medicinal products prescribed by healthcare professionals in medical units. As a result, convicted persons and remand prisoners are forced to purchase such medicinal products at their own expense or at the expense of their relatives.

> *During a visit, remand prisoner P. approached the NPM group. According to his medical documentation, he had been diagnosed with type 2 diabetes mellitus. The patient reported that he had not received medicines from the facility for a long time because they were unavailable, and that he was forced to get them from his relatives. The NPM group also found that the medical unit had no glucose-lowering medicinal products available, except for remaining stock whose expiry date had passed. Thus, the medical unit is not supplied with medicinal products in accordance with the list of medicinal products approved by CMU Resolution No. 333 of 25 March 2009, or with the unified clinical protocols developed in accordance with the standards for the provision of medical care approved by MoH Order No. 751 of 28 September 2012 'On the Creation and Implementation of Medical and Technological Documents for the Standardisation of Medical Care in the System of the Ministry of Health of Ukraine'.*

[28] MoH Order No. 931 of 29 October 2013 'On Improving the Organisation of Therapeutic Nutrition and the Operation of the Dietetic System in Ukraine': https://zakon.rada.gov.ua/laws/show/z2205-13#Text.



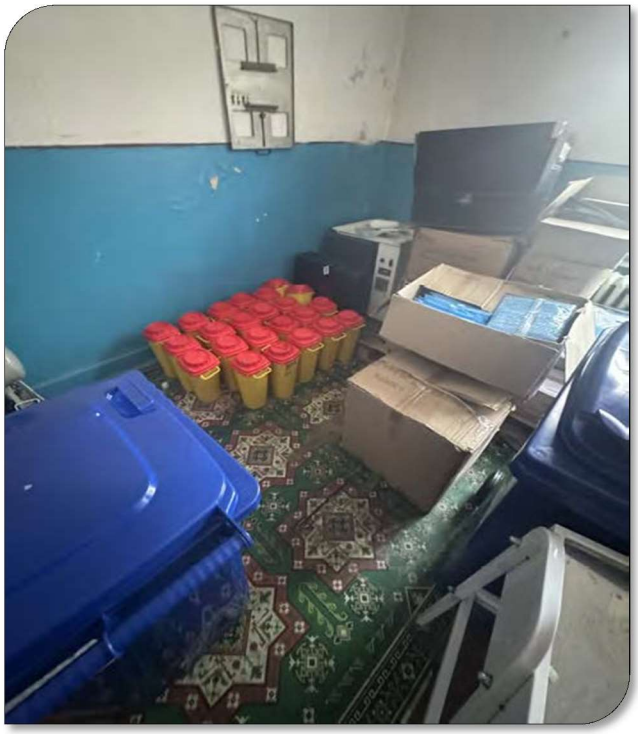
In addition, visits identify violations of the rules for storing medicinal products. Due to a shortage of shelving in medical units, cases have been recorded where medicines are stored directly on the floor. Premises also often lack proper conditions for maintaining and monitoring the required temperature regime.

In a number of facilities, medicinal products past their expiry date were found to be available and in use. This is a gross violation of MoH Order No. 584 of 16 December 2003 'On Approval of the Rules for the Storage and Quality Control of Medicinal Products in Healthcare Facilities'. Such practice creates real risks of reduced therapeutic efficacy and may have unpredictable adverse effects on patients' health.

Visits also identify violations of environmental legislation regulating the handling of category B medical waste. In particular, non-compliance with requirements for the safe storage of hazardous medical waste was recorded.

The lack of specialised premises for storing such waste, as well as the use of cardboard boxes for its accumulation instead of certified containers, is contrary to the requirements of Sections 8 and 9 of the State Sanitary and Anti-Epidemic Rules and Standards for the Handling of Medical Waste, approved by MoH Order No. 1827 of 31 October 2024.

In practice, medical waste is stored in technical rooms that do not meet regulatory requirements concerning area, interior finishing, ventilation systems and other sanitary and hygienic indicators.

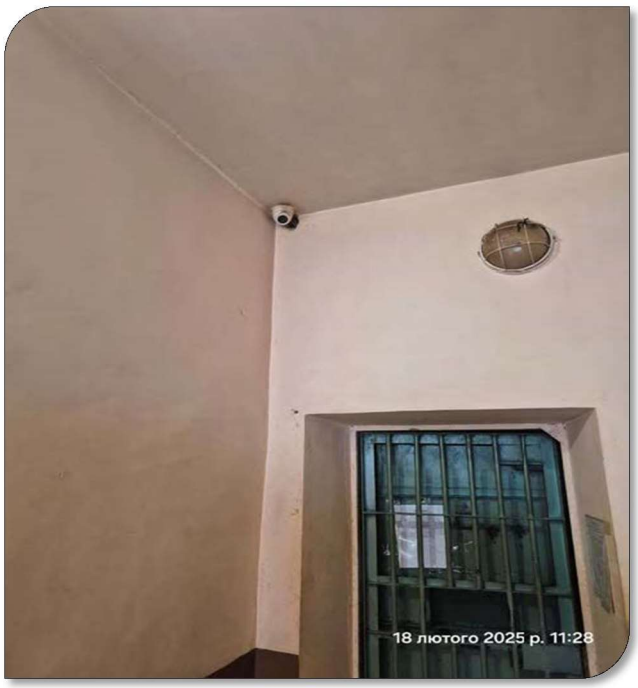




This situation creates a potential threat to the health of medical staff, convicted persons and remand prisoners, and increases the risks of deterioration of the epidemiological situation within institutions.

Non-compliance with medical confidentiality and privacy

Ensuring medical confidentiality is an integral component of the right to privacy and dignified treatment. However, the results of visits by NPM groups indicate systemic violations in this area. In particular, video surveillance cameras were recorded in wards for women and persons sentenced to life imprisonment, which constitutes a direct violation of paragraph 8 of Section VII of MoJ Order No. 2025/5 of 26 July 2018[29], which strictly prohibits video recording in rooms intended for medical examinations and check-ups.



This practice leads to unauthorised access by non-medical institutional staff to confidential information about patients' health, which is contrary to Article 39-1 of the Law of Ukraine 'Fundamentals of the Legislation of Ukraine on Health Care'[30].

The situation is aggravated by an acute shortage of medical offices, wards and isolation rooms in HC SPSU facilities. This forces staff to conduct appointments in rooms that are not adapted for individual examinations, effectively nullifying the patient's right to privacy. It should be emphasised that references by the administration to limited funding or the lengthy process of capital construction do not release the state from its obligation to ensure basic ethical standards and comply with the requirements of SBN V.2.2-10:2022 concerning the arrangement of healthcare facilities.

> *During a visit to Multidisciplinary Hospital No. 81 of the HC SPSU branch in Vinnytsia Oblast, the NPM group identified video surveillance cameras directly in wards for women and persons sentenced to life imprisonment. The use of portable video recorders was also recorded in rooms where medical examinations are conducted. These facts indicate that conditions have been created for unauthorised access by institutional staff to confidential information concerning the health of convicted persons during medical interventions or procedures.*

In accordance with CPT recommendations, all medical examinations of prisoners, both on admission and subsequently, should be conducted in such a way that non-medical staff cannot hear and, as far as possible, cannot observe the examination[31].

[29] On Approval of the List of Technical Means of Supervision and Control Used in Pre-Trial Detention Facilities, Correctional and Juvenile Colonies of the State Penitentiary Service of Ukraine, and the Procedure for the Use of Technical Means of Supervision and Control in Pre-Trial Detention Facilities, Correctional and Juvenile Colonies of the State Penitentiary Service of Ukraine: https://zakon.rada.gov.ua/laws/show/z0765-18#Text.

[30] Law of Ukraine 'Fundamentals of the Legislation of Ukraine on Health Care': https://zakon.rada.gov.ua/laws/show/2801-12#Text.

[31] SBN V.2.2-10:2022 'Healthcare Facilities. General Provisions': https://e-construction.gov.ua/files/new_doc/3508997870881604750/2024-11-25/2011b071-2321-440c-8ac3-2c3e6adbcab8.pdf.

Accessibility for groups with reduced mobility and fire safety

The protection of the rights of persons with limitations in daily functioning requires particular attention and immediate response. Despite declared steps towards reform, most medical units in PIs still do not provide accessibility conditions for groups with reduced mobility, effectively depriving them of the right to healthcare. An analysis of visit results shows that a significant proportion of medical units are located on the second floor of buildings that are not equipped with lifts or lifting mechanisms. For persons with musculoskeletal impairments, this becomes an insurmountable physical barrier to receiving medical care.

The situation is aggravated by the lack of ramps at building entrances, high thresholds inside premises and the complete lack of adaptation of sanitary and hygienic rooms, which do not have handrails, special shower seats or sufficient space for a wheelchair to turn.

An additional risk factor is the absence of automatic fire alarm systems in medical units. In view of patients' reduced mobility and their stay in places of deprivation of liberty, this creates a direct threat to their life and safety in the event of emergencies.

State of implementation of the right to mental health care and psychosocial support

Although mental health care is the foundation of rehabilitation, the situation in penitentiary institutions remains critical. The main problems are an acute staff shortage and systemic non-compliance with patients' rights provided for in Article 25 of the Law of Ukraine 'On Psychiatric Aid'.

During visits, NPM groups recorded that the staff lists of a number of medical units did not include positions for psychiatrists, although their presence is directly required by the MoH licensing conditions. As a result, convicted persons with mental and intellectual impairments are deprived of access to a specialised professional for prolonged periods. In such cases, the functions of a psychiatrist are necessarily performed by general practitioners or heads of medical units, which reduces medical care to a mere formality.

The shortage of clinical psychologists is of particular concern, as suicide prevention measures lose their effectiveness without them, since such measures require professional therapeutic work and not only risk assessment. In addition, cases were identified where the principle of voluntary treatment was ignored: patients are often not offered the opportunity to sign informed consent to medical intervention, effectively turning treatment into a tool of coercion.

At the same time, visits also identified certain positive developments in the activities of the HC SPSU. As at the end of 2025, 46.75 positions for clinical psychologists had been introduced, and a campaign to recruit professionals through digital platforms and employment centres was ongoing. An important achievement was the introduction of a multidisciplinary approach, within which psychiatrists began cooperating with the social and psychological services of institutions. This allowed for conducting joint training sessions and developing common strategies for preventing suicide among convicted persons and remand prisoners.

Infectious diseases

Hepatitis C virus (HCV) is one of the most socially significant infectious diseases, as it leads to the development of severe complications, including cirrhosis and hepatocellular carcinoma, resulting in a significant reduction in quality of life and a high rate of premature mortality. Despite this, the lack of timely and proper medical care for persons deprived of their liberty who have HCV remains one of the most acute problems in the healthcare system of penitentiary institutions.

In recent years, the NPM has noted certain positive developments in the primary diagnosis of HCV. At the same time, the problem of an incomplete diagnostic cycle has become systemic. In a significant number of cases, convicted persons and remand prisoners whose rapid tests detect antibodies to the virus do not undergo further confirmatory testing by polymerase chain reaction (PCR). This makes it impossible to verify an 'active infection' diagnosis and subsequently prescribe antiviral therapy by an infectious disease specialist.

In particular, according to the MoJ, there were 4,249 persons in PIs who had a positive HCV screening result during 2024. However, the diagnosis was confirmed by PCR in only 2,040 persons, while the actual number of patients who started treatment was recorded at an even lower level. These statistics indicate significant barriers at the stage of transition from diagnosis to treatment, which jeopardises the effectiveness of efforts to combat the HCV epidemic in places of deprivation of liberty.

With regard to the provision of healthcare to persons living with HIV, the NPM notes improved access to diagnosis and treatment for this category of patients.

Non-compliance with tuberculosis infection control requirements remains a separate problem. Although the current Procedure for Organising the Provision of Medical Care to Convicted Persons provides for the immediate referral of persons with active tuberculosis to specialised tuberculosis facilities, in practice such patients remain for long periods in cells that are not adapted for the isolation of infectious patients. These rooms are often located in secure blocks next to cells where other convicted persons and remand prisoners are held, creating real risks of the spread of infection.

In addition, isolation rooms for persons with infectious diseases in many institutions do not meet sanitary and hygienic requirements or the provisions of SBN V.2.2-10:2022 'Healthcare Facilities. General Provisions'[32]. Cell wards are often not equipped with individual sanitary facilities and shower cubicles, forcing patients with infectious diseases to use shared premises together with other patients. This practice makes proper isolation impossible and violates basic principles of epidemiological safety. Visits also periodically record cases where persons with signs of acute respiratory viral diseases are not isolated and continue to be held in shared cells.

During a visit to Zakarpattia City Medical Unit No. 9, it was found that patients with active tuberculosis were being held in rooms not intended for the isolation of persons with infectious diseases.



These cells are located on different floors of the secure block, in close proximity to cells where other categories of persons are held.

The CPT (CPT/Inf/E (2002) 1 Rev. 2011) notes that infectious diseases, in particular tuberculosis, hepatitis and HIV/AIDS, are a serious problem in many European countries and are especially acute in penitentiary systems. The Committee has repeatedly expressed concern about the inadequacy of measures aimed at addressing these threats. Poor detention conditions only increase the risk of infectious diseases spreading among prisoners and staff.

There are recorded violations of the requirements for disinfection, pre-sterilisation cleaning and sterilisation of medical devices, as defined by Order of the MoH No. 552 of 11 August 2014.

In particular, reusable medical devices undergoing disinfection were kept in containers without proper labelling.

[32] SBN V.2.2-10:2022 'Healthcare Facilities. General Provisions': https://e-construction.gov.ua/files/new_doc/3508997870881604750/2024-11-25/2011b071-2321-440c-8ac3-2c3e6adbcab8.pdf.

The containers do not contain information on the name of the disinfectant, its concentration, the date of preparation and the expiry date, which constitutes a violation of established sanitary standards.

In addition, improper maintenance of records on the control of sterilisation equipment was recorded. There were no entries in the Register for Monitoring the Operation of Sterilisers (air, steam) and the autoclave for medical instruments, which indicates a lack of daily control over the quality of sterilisation.

Following the visit, violations of proper sanitary and living conditions in medical offices were identified. In particular, doctors' offices in a number of medical units lacked hot water supply. This is contrary to the requirements of Article 19 of the Law of Ukraine 'Fundamentals of the Legislation of Ukraine on Health Care' and makes it impossible for staff to comply with personal hygiene rules and the sanitary and epidemiological regime when carrying out medical procedures.

> *The NPM group recorded the absence of hot water in the dentist's office at Zakarpattia City Medical Unit No. 9, which does not comply with the sanitary and hygienic requirements established by law.*

Treatment of persons with mental and behavioural disorders due to the use of psychoactive substances

Despite expanded access to the SMT programme in penitentiary institutions, NPM groups draw attention to the lack of systemic monitoring of the effectiveness of its implementation. At present, the main focus in SPSU institutions is on quantitative indicators of patient coverage, while assessment of the achievement of a therapeutic effect in specific individuals is not carried out at an adequate level.

As at 31 December 2025, 742 patients were receiving SMT, indicating an increase in coverage of almost 81% compared with the same period of the previous year (410 persons as at 31 December 2024). Healthcare under the programme is provided at 23 sites covering SPSU institutions of all security levels.

At the same time, in the absence of a unified approach to monitoring treatment effectiveness, it is impossible to objectively assess whether the therapeutic goals of SMT are being achieved, in particular with regard to stabilising patients' condition, reducing the risk of relapse into psychoactive substance use and preventing related complications.

The lack of qualitative assessment indicators complicates further healthcare planning, timely adjustment of treatment regimens and the overall assessment of the quality of healthcare provision in this area.

In 2025, as part of the implementation of the SMT programme, four training sessions were held, including with the possibility of remote participation, involving around 129 healthcare professionals from HC SPSU healthcare facilities. By comparison, two events were held for 60 participants in 2024. At the same time, improving staff training alone does not compensate for the lack of tools for systematically assessing treatment effectiveness.

In addition, visits recorded individual cases where medical units of institutions had not organised the provision of SMT to persons with mental and behavioural disorders resulting from opioid use. This situation violates patients' right to choose treatment methods and is contrary to the principles of continuity of healthcare, especially where the patient had been receiving such therapy before detention or transfer to the institution.

Given the above, there is an urgent need to introduce systemic monitoring of the effectiveness of SMT programmes in penitentiary institutions and to expand the network of SMT rooms. Such monitoring should provide for a comprehensive assessment of the achievement of therapeutic effect in patients and become an effective tool for improving the quality of healthcare. This will make it possible not only to track quantitative indicators of programme coverage, but also to ensure that treatment corresponds to the individual needs of persons held in places of deprivation of liberty.

Due to the prolonged failure to resolve these problems, the Commissioner decided to apply international legal response mechanisms. In particular, the Commissioner initiated a submission to the Committee of Ministers of the Council of Europe concerning the state of execution of judgments in the groups of cases of Logvinenko v. Ukraine and Isayev v. Ukraine under Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe. These cases concern the systemic inadequate provision of healthcare in places of deprivation of liberty, which is classified as a violation of Articles 3 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Accordingly, the issue is not isolated, but systemic, and requires comprehensive solutions at the level of public policy.

Within this procedure, the Commissioner prepared and submitted information with proposals for general measures aimed at eliminating the identified violations, in particular to:

- ensure the transfer of responsibility for healthcare in penitentiary institutions to the MoH;
- ensure the diagnosis and treatment of oncological diseases, hepatitis C virus and other diseases in accordance with healthcare standards;
- expand access to SMT in all penitentiary institutions of Ukraine;
- create proper conditions for the rehabilitation of persons with limitations in daily functioning who are held in penitentiary institutions and ensure the architectural accessibility of penitentiary institutions.

The proposed measures are aimed at overcoming systemic shortcomings and bringing national practice into line with international human rights standards. The implementation of these measures is intended not as a local response to individual cases, but as comprehensive reform of the system of healthcare provision in places of deprivation of liberty, in order to prevent the recurrence of violations and ensure real protection of the right to medical care.

Recommendations to the MoJ:

- ensure the stable and timely centralised supply of medicinal products to HC SPSU medical units, taking into account the needs related to the treatment of chronic diseases;
- equip specialised premises and ensure the availability of certified containers for the accumulation and disposal of category B medical waste, as well as internal control over compliance with the statutory requirements for its storage and disposal;
- take organisational measures to strengthen staffing capacity with specialised healthcare professionals in order to ensure the provision of medical care;
- introduce a system enabling remand prisoners and convicted persons to contact medical staff by submitting applications through locked boxes placed in common areas;
- ensure the availability of SMT programmes in all penitentiary institutions where persons with relevant medical indications are held and respect patients' right to choose treatment methods;
- define a single medical, psychosocial and behavioural indicator for achieving therapeutic effect for persons with mental and behavioural disorders resulting from opioid use;
- introduce monitoring of the effectiveness of SMT in penitentiary institutions, providing for assessment of the achievement of therapeutic effect in patients receiving the relevant treatment;
- introduce monitoring of treatment outcomes and adjustment of treatment regimens in order to assess the quality of medical care;
- ensure the institutional integration of penitentiary medicine into the single healthcare space;
- ensure methodological and regulatory support for the activities of HC SPSU medical units in certification, clinical audit and assessment of the quality of medical care in penitentiary institutions through effective oversight;
- ensure the implementation of a mechanism for concluding declarations with primary healthcare professionals for persons held in places of deprivation of liberty;
- ensure the full integration of medical data of patients held in penitentiary institutions into the MoH information systems in order to realise the right to proper medical care;
- strengthen control over compliance with infection safety requirements, in particular with regard to timely diagnosis and proper treatment of hepatitis C virus, HIV infection and tuberculosis;
- create conditions for confidential medical examinations of convicted persons and remand prisoners in order to ensure the confidentiality of communication between healthcare professionals and patients;

- ensure that remand prisoners and convicted persons with limitations in daily functioning have proper and unimpeded access to comprehensive rehabilitation services using a multidisciplinary approach;
- develop and implement a set of measures aimed at bringing the nutrition system for patients held in penitentiary institutions into line with modern principles and methodologies for organising therapeutic nutrition;
- develop and introduce electronic records of bodily injuries in persons held in penitentiary institutions and of notifications to law enforcement agencies about such cases;
- introduce the practice of healthcare professionals documenting their observations on the consistency between any statements made by the injured person and objective medical findings regarding the bodily injuries present in that person;
- introduce positions for clinical psychologists in each medical unit of the HC SPSU;
- introduce a system enabling remand prisoners and convicted persons to contact doctors in medical units directly by placing their applications in locked boxes located in areas where such persons congregate;
- ensure proper physical accessibility to medical units for persons with reduced mobility by adapting premises in line with barrier-free accessibility requirements, including the installation of ramps, handrails and lifting platforms (where necessary), and the arrangement of accessible sanitary and hygienic facilities;
- create proper sanitary, hygienic and anti-epidemic conditions for the isolation of patients with infectious diseases by arranging separate premises, including isolation boxes or isolation rooms, ensure compliance with infection control requirements, adequate material and technical resources, the provision of personal protective equipment to staff and the organisation of medical supervision in order to prevent the spread of infectious diseases among other patients and facility staff;
- consider the possibility of increasing the number of medical offices and wards for the provision of healthcare to patients;
- ensure that remand prisoners and convicted persons are duly familiarised with the 'Informed Consent of a Person to a Psychiatric Examination' (primary record form No. 003-7/o) and the 'Informed Consent of a Person to Outpatient Psychiatric Care' (primary record form No. 003-8/o);
- develop and implement a comprehensive programme to combat segregation and discrimination among remand prisoners and convicted persons;
- organise the separate accommodation of convicted persons and remand prisoners on the basis of risk and needs assessment, classification and allocation, so that to ensure their safety and prevent negative influence by other convicted persons;
- given the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, prepare and submit, in accordance with the established procedure, amendments to MoJ Order No. 2823/5 of 28 August 2018 'On Approval of the Internal Regulations of Penitentiary Institutions' and MoJ Order No. 1769/5 of 14 June 2019 'On Approval of the Internal Regulations of Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine', providing for a prohibition on appointing convicted persons to the positions of senior duty orderlies;
- ensure compliance with the established floor-space standard per person remanded in custody or convicted person, in accordance with the national legislation and international standards;
- initiate amendments to the Law of Ukraine 'On Remand', taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the ECtHR case law, to provide for a minimum floor space of at least 4 m^2 per person remanded in custody in cells, a minimum floor space of at least 6 m^2 for persons held in solitary cells and a minimum distance of at least 2 metres between opposite cell walls;

- amend the Internal Regulations of Penitentiary Institutions, approved by MoJ Order No. 2823/5 of 28 August 2018, the Internal Regulations of Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine, approved by MoJ Order No. 1769/5 of 14 June 2019, and the Procedure for the Use of Technical Means of Supervision and Control in Correctional and Juvenile Colonies of the State Penitentiary Service of Ukraine, approved by MoJ Order No. 2025/5 of 26 June 2018, and regulate the use of video surveillance so that its use in residential areas and cells is permitted only in exceptional cases involving an increased risk to the safety of persons or the possibility of harm being caused to oneself, other convicted persons or institutional staff;
- take measures to end the practice of solitary confinement of juvenile remand prisoners held in PIs and PTDFs, with mandatory consideration of international standards;
- review regulatory acts and the practice of implementing the right of convicted persons and persons remanded in custody to paid work in accordance with labour legislation and, where necessary, prepare and initiate amendments to regulatory acts, including with the involvement of other central executive authorities, in order to prevent violations of the labour rights of convicted persons and persons remanded in custody;
- ensure oversight of the provision to workers from among convicted persons and persons remanded in custody of collective and personal protective equipment necessary for the safe performance of production tasks and compliance with occupational safety legislation, with oversight measures to be carried out at least once per quarter;
- bring the detention conditions of convicted persons and persons remanded in custody into line with national and international standards by providing for the improvement of the material and technical infrastructure, repairs in cells, replacement of utilities and equipment with modern sanitary and hygienic facilities, the introduction of video surveillance systems in areas where convicted persons and persons remanded in custody congregate and compliance with sanitary and hygiene requirements, in accordance with the European Prison Rules;
- take measures to equip shelters in all PIs and PTDFs;
- create a separate structural unit responsible for organising the operation of camps for holding prisoners of war and introduce an effective control system.

Section 3

VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN THE ADMINISTRATION OF JUSTICE

Article 13 of the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights' provides that facilities visited within the NPM include, *inter alia*, premises or cells for holding defendants and convicted persons in courts.

According to the SJA, 758 appellate and local courts administered justice in Ukraine as at 31 December 2025. Of this number, 388 courts were equipped with special cell premises for holding accused persons, defendants and convicted persons.

In 2025, 141 visits were made to judicial system institutions within the framework of the NPM mandate. The visits identified systemic problems in the functioning of places of deprivation of liberty in Ukrainian courts, which negatively affect respect for human rights and freedoms.

Violation of the right to protection from torture and cruel, inhuman or degrading treatment or punishment

Despite the requirements of regulatory acts, in particular SBN V.2.2-26:2010 'Buildings and Structures. Courts', approved by Order of the Ministry of Regional Development and Construction of Ukraine No. 175 of 17 May 2010 (hereinafter SBN V.2.2-26:2010), and the Instruction on the Organisation of Escorting and Holding Accused Persons (Defendants) in Courts at the Request of Courts, approved by Joint Order of the MIA, MoJ, Supreme Court of Ukraine, High Specialised Court of Ukraine for Civil and Criminal Cases, SJA and Prosecutor General's Office of Ukraine No. 613/785/5/30/29/67/68 of 26 May 2015 (hereinafter the Instruction), the insufficient number or absence of cells for holding defendants (convicted persons) remains a problematic issue in courts under the authority of the SJA.

In accordance with the above-mentioned regulatory legal documents, court premises must provide for at least three cells for each courtroom used for hearing criminal cases.

During visits, cases were recorded where the lack of the required number of cells made it impossible to separate men and women, adults and minors, as well as isolate persons who are prohibited from communicating with one another. In such conditions, accused persons, defendants and convicted persons are forced to remain for long periods in fixed enclosed booths or special vehicles, which does not comply with national and international human rights standards.

In particular, during a visit to Hlyboka Raion Court of Chernivtsi Oblast in February 2025, the absence of cells for holding accused persons and defendants and convicted persons was found. Similar violations were identified during visits to Chutove Raion Court of Poltava Oblast, Sadhirskyi District Court of Chernivtsi and other courts.

One of the common problems in the operation of judicial institutions remains non-compliance with the requirements of paragraph 6.5.2 of SBN V.2.2-26:2010 concerning the minimum area of cells for holding accused persons (defendants) and convicted persons. NPM visits show that, in some courts, cell premises whose area does not meet the established standards and is less than 4 m^2 continue to be used.









In particular, during a visit to Bahacheve City Court of Cherkasy Oblast in September 2025, NPM representatives found that the area of the first cell for holding accused persons, defendants and convicted persons was only 2.272 m², while the second was *2.188 m², which constitutes a significant violation of the current legislation. Similar violations were recorded at Rivne City Court of Rivne Oblast, Krasyliv Raion Court of Khmelnytskyi Oblast and other courts.*

In addition to cells failing to meet the established area standards and their insufficient number, accused persons, defendants and convicted persons are often deprived of access to clean drinking water while awaiting court hearings in courts. This practice is contrary to Rule 20 of the Standard Minimum Rules for the Treatment of Prisoners, approved by the UN Economic and Social Council, as well as Rule 22.5 of the European Prison Rules.

During visits on 27 and 28 January 2025 to Smila City Raion Court of Cherkasy Oblast, it was established that defendants were not provided with drinking water. Similar facts were recorded at Kirovskyi District Court of Kirovohrad, Bohodukhiv Raion Court of Kharkiv oblast, Valky Raion Court of Kharkiv Oblast, Sribne Raion Court of Chernihiv Oblast and other courts.





Violation of the right to professional legal assistance

During visits to courts in 2025, a problem was identified concerning the absence of specially equipped rooms for confidential communication between lawyers and accused persons, defendants and convicted persons. This situation significantly restricts the ability to exercise the right to defence and is contrary to Article 59 of the Constitution of Ukraine, Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as Rule 23.4 of the European Prison Rules.

In particular, the absence of such rooms was found at Haivoron Raion Court of Kirovohrad Oblast, Vynohradiv Raion Court of Zakarpattia Oblast, Varash City Court of Rivne Oblast and other courts.

Non-compliance with the requirements for ensuring confidential communication between defendants, convicted persons and defence lawyers creates risks of violations of Ukraine's international obligations and may lead to applications being lodged with the ECtHR, which in turn entails the payment of significant amounts of compensation by the state.

In the case of Firstov v. Russia (application No. 67312/12), the ECtHR concluded that the possibility for a defendant to communicate with a lawyer through a barrier in the courtroom, in the presence of an escort, did not ensure the confidentiality of such consultations. In these circumstances, the Court found a violation of Article 6 of the Convention.

Accordingly, ensuring the possibility of confidential meetings between lawyers and defendants or convicted persons in courts is a necessary condition for the exercise of the right to defence and the prevention of ill-treatment.

Violation of the right to life

A problematic issue remains the location of certain judicial institutions in residential buildings with shared entrances used simultaneously by residents of the building, court staff, visitors, and for escorting accused persons, defendants and convicted persons. This practice is contrary to paragraph 6.1.6 of SBN V.2.2-26:2010, which expressly prohibits the location of courts in residential buildings and requires separate entrances and movement routes.

According to the SJA, 15 courts were located in residential buildings in Lviv, Poltava, Chernivtsi and other oblasts as at 31 December 2025, indicating a systemic problem of non-compliance of the material and technical base of courts with the current legislation.

The location of courts in residential buildings and the use of shared entrances create increased risks to the life and health of residents, court staff, visitors and persons held in custody, and do not ensure an adequate level of public safety. The absence of separate entrances and isolated movement routes enables the organisation of escorting to be effective, complicates the unhindered and safe conduct of court proceedings and does not guarantee residents of residential buildings the right to safe and proper living conditions.

In addition, NPM visits found violations of the requirements of the Civil Protection Code of Ukraine concerning the provision of judicial institutions with civil protection shelters. A number of courts lack premises that can be used for the safe stay of court staff, visitors and persons brought to court in the event of emergencies, hostilities or terrorist threats.

The absence of civil protection shelters, or the impossibility of actually using them during an air raid alert, creates a real threat to the life and health of people present in courts and indicates the inadequate organisation of civil protection measures. This problem has become particularly relevant under martial law and amid the systematic shelling of Ukraine's territory.

For example, during a visit to Shumsk Raion Court of Ternopil Oblast in 2025, it was established that the court building had no premises that could be used as a civil protection shelter. When an air raid alert is announced, participants in court proceedings and court staff are forced to leave the building or remain in corridors, which does not ensure an adequate protection.

A similar situation was recorded during visits to Dubno City Raion Court of Rivne Oblast, Rozdilna Raion Court of Odesa Oblast, Zavodskyi District Court of Mykolaiv and other courts.

These violations indicate non-compliance with the Civil Protection Code of Ukraine and directly affect the realisation of the right to life and safety guaranteed by the Constitution of Ukraine and the state's international obligations. The absence of proper shelters in courts creates increased risks for all persons present in judicial institutions and requires an urgent response by judicial authorities and civil protection authorities.

In addition, most courts do not comply with the requirements of paragraph 13 of the Instruction concerning the organisation of isolated escort routes for accused persons, defendants and convicted persons from cells to courtrooms. As a result, they are escorted through publicly accessible corridors used by third parties, creating conditions for unwanted contact, including between persons who are prohibited from communicating with one another.

It was also established that, the corridors used for escorting are not equipped with panic alarm buttons, which reduces the level of response to possible emergencies, in a number of courts.

Such violations were identified, in particular, at Bohuslav Raion Court of Kyiv Oblast, Pervomaisk City Raion Court of Mykolaiv Oblast, Tarutyne Raion Court of Odesa Oblast, Okhtyrka City Raion Court of Sumy Oblast and other courts.

At the same time, the block where cells for holding accused persons, defendants and convicted persons are located, as well as the corridors along their escort route from the cells to courtrooms, lack a video surveillance system, which constitutes a violation of paragraph 15 of the Instruction.

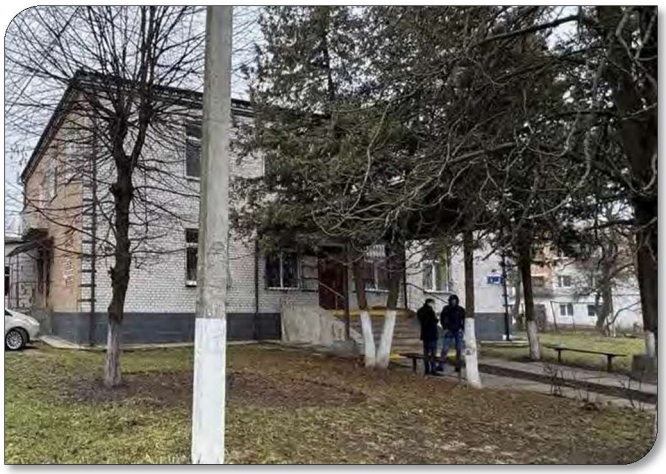
This makes proper control over compliance with safety requirements impossible, creates risks of emergencies and serves as a precondition for violations of the rights of persons present in courts to personal safety, security of person and protection from unlawful attacks.

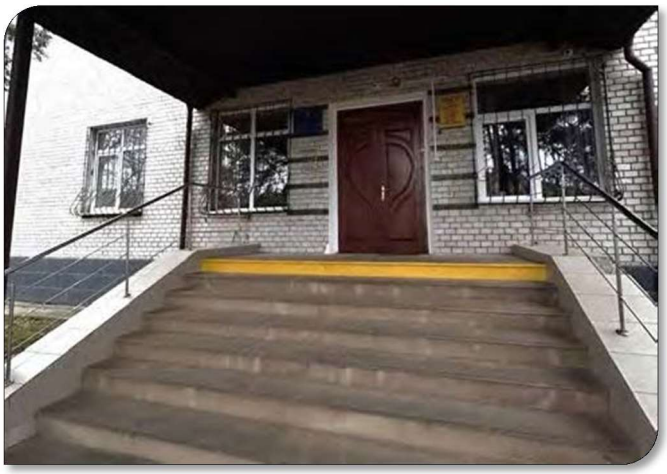
These violations were recorded, in particular, during visits to Tarutyne Raion Court of Odesa Oblast, Savran Raion Court of Odesa Oblast, Zastavna Raion Court of Chernivtsi Oblast and other courts.

Another common problem is the absence of specially equipped bays for escort vehicles or fenced parking areas for guard vehicles in courts, which constitutes a violation of paragraph 14 of the Instruction. In most cases, accused persons, defendants and convicted persons are brought in and out through common courtyards that lack proper fencing. This situation increases the risk of escape and creates a threat to the life and health of persons held in custody, court staff and visitors.

These violations were found, in particular, during visits to Khoroshiv Raion Court of Zhytomyr Oblast, Hoshcha Raion Court of Rivne Oblast, Kamianka Raion Court of Cherkasy Oblast and other courts.

Additional safety risks arise due to the absence of special sanitary facilities for accused persons, defendants and convicted persons in certain courts. In such cases, these persons are forced to use common toilet facilities together with court visitors, which violates paragraph 6.5.2 of SBN V.2.2-26:2010 and creates conditions for prohibited items to reach them.





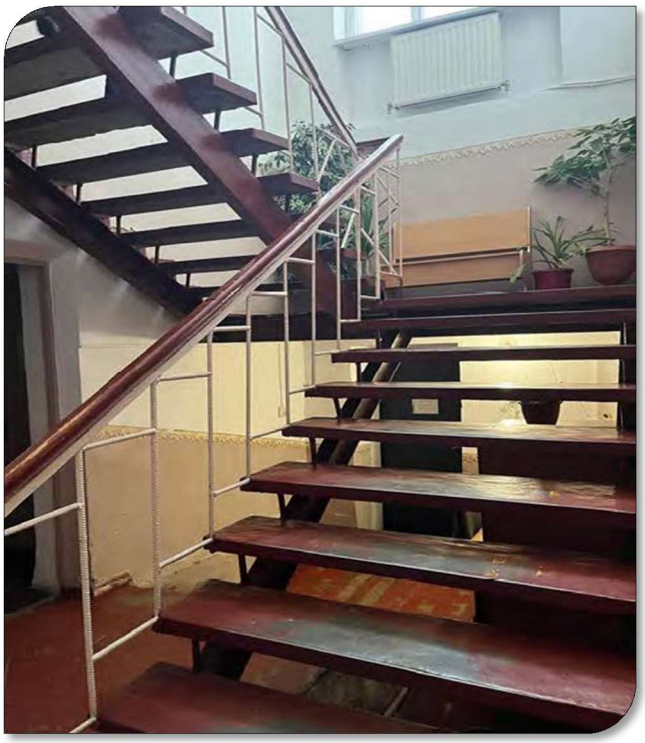


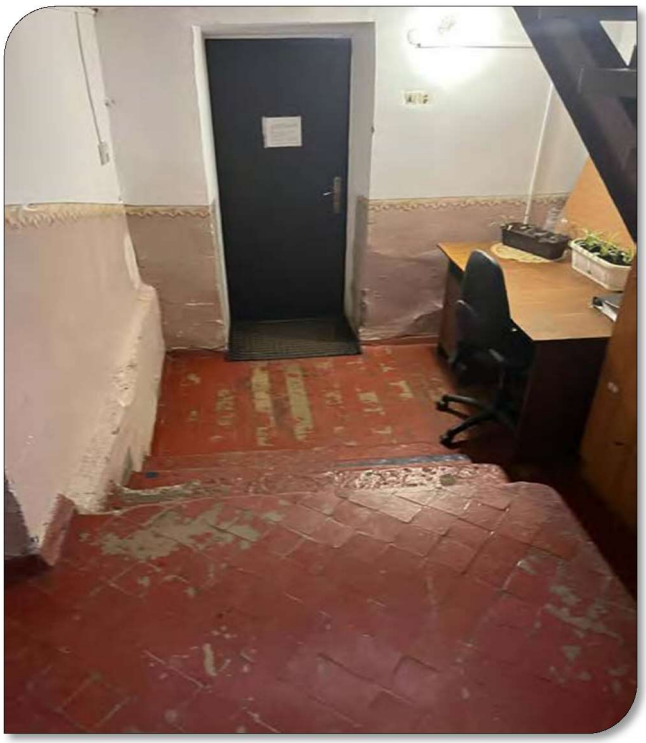


In particular, during a visit to Novoarkhanhelsk Raion Court of Kirovohrad Oblast in October 2025, the absence of a separate sanitary facility for accused persons, defendants and convicted persons was established. Similar violations were recorded during visits to Krasyliv Raion Court of Khmelnytskyi Oblast, Chutove Raion Court of Poltava Oblast and other judicial institutions.

Violations of the rights of persons with disabilities and other groups with reduced mobility

During visits to certain judicial institutions, NPM representatives found that, court premises did not meet accessibility requirements for groups with reduced mobility and persons with disabilities in a number of cases. This situation is contrary to the provisions of the Convention on the Rights of Persons with Disabilities, as well as SBN V.2.2-40:2018 'Inclusion of Buildings and Structures', approved by Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine No. 327 of 30 November 2018 (hereinafter SBN V.2.2-40:2018).





In particular, violations of paragraph 6.1.8 of SBN V.2.2-40:2018 were established, according to which all common areas in public buildings, except technical and technological premises, must be accessible to all categories of the population, including persons with reduced mobility. In addition to stairs, such buildings must be equipped with ramps, lifts or other technical means ensuring unobstructed movement.

Non-compliance with these requirements was recorded, in particular, at Voznesensk City Raion Court of Mykolaiv Oblast, Romny City Raion Court of Sumy Oblast, Hlyboka Raion Court of Chernivtsi and other courts.

In addition, a number of judicial institutions violate the requirements of paragraph 11.5 of SBN V.2.2-40:2018 concerning the arrangement of sanitary and hygienic facilities. In particular, toilet rooms are not adapted for use by groups with reduced mobility and persons with disabilities, which significantly restricts their ability to remain in courts on an equal basis with others.

Such violations were found during visits to Dolynska Raion Court of Kirovohrad Oblast, Derazhnia Raion Court of Khmelnytskyi Oblast, Sokyriany Raion Court of Chernivtsi Oblast and other judicial institutions.

Implementation of recommendations

Following the recommendations provided, the SJA informed about the response measures taken and planned.

In particular, the SJA reported that the practice of using metal cages in courtrooms in Ukraine had been completely discontinued as at 31 December 2025.

Court premises located in residential buildings were also audited. Following this audit, the process of implementing measures aimed at ensuring the isolation and autonomous functioning of judicial institutions was launched, in particular through the gradual relocation of courts to separate buildings or administrative complexes that will meet the requirements of national standards.

In addition, the SJA informed about the implementation of the recommendation concerning the development of a comprehensive programme, the implementation of which provides for the gradual alignment of court operating conditions with the established requirements and standards.

Free access of accused persons, defendants and convicted persons to clean drinking water has also been ensured.

Recommendations to the SJA

Despite the information provided by the SJA on response measures taken and planned in relation to the recommendations set out in the Commissioner's special report of 2024, the results of subsequent visits show that certain violations of international standards and national human rights legislation in the operation of courts have not been eliminated and continue to be systemic. In these circumstances, there is a need to strengthen oversight of the actual implementation of the recommendations provided.

In order to eliminate the identified violations and bring the operation of courts into line with national and international human rights standards, it is recommended to:

1. Take measures to bring court premises into compliance with SBN V.2.2-26:2010 and SBN V.2.2-40:2018, in particular to arrange in courts:
   - cells for accused persons, defendants and convicted persons with an area of at least 4 m^2, calculated on the basis of three cells for each courtroom used for hearing criminal cases;
   - sanitary facilities for accused persons, defendants and convicted persons;
   - isolated routes for escorting accused persons, defendants and convicted persons to the courtroom;
   - corridors through which accused persons, defendants and convicted persons are escorted, equipped with audible alarm buttons;
   - bays for the entry of special guard vehicles and the boarding and disembarkation of accused persons, defendants and convicted persons, or a fenced parking area for special guard vehicles where it is not possible to equip a bay;
   - rooms for lawyers to work with accused persons, defendants and convicted persons;
   - appropriate access conditions to court premises for groups with reduced mobility.

2. When prioritising works to improve the material and technical base of judicial institutions, taking into account the totality of identified human rights violations as a basic indicator, give priority to facilities with a critical state of infrastructure (absence of cells, sanitary facilities for defendants, accused persons and convicted persons, protective shelters, isolated escort routes, etc.) where non-compliance with regulatory acts poses the highest risk of cruel, inhuman or degrading treatment, as well as risks to the safety of persons held.

3. In order to comply with legislative requirements on civil protection and accessibility, examine the possibility of attracting additional resources within international technical assistance projects.

Section 4

HUMAN RIGHTS VIOLATIONS IN PLACES OF DEPRIVATION OF LIBERTY WHOSE ACTIVITIES ARE DIRECTED AND COORDINATED BY THE CMU THROUGH THE MINISTER OF INTERNAL AFFAIRS

4.1. St ate of human rights compliance in places of deprivation of liberty under the authority of the NPU

The National Police of Ukraine is a key institution in the system for protecting law and order and state security. The NPU also has the most extensive network of places of deprivation of liberty among all law enforcement agencies in the country.

Within the NPU system, places of deprivation of liberty include both specially designated and legally regulated facilities with established detention conditions, and premises that do not have the formal status of detention places but may, in practice, be used for the temporary stay of persons against their will. The first category includes TDFs, vehicles for transporting detained persons, RDs, reception and distribution centres and special wards in healthcare facilities. The second includes police officers' offices, rooms for investigative actions and other premises of police units.

As at 31 December 2025, specially equipped places of deprivation of liberty within the NPU system included:

- 91 TDFs, in which more than 32,500 persons were held during the year;
- 571 RDs in police bodies and units, where 2,419 persons were held;
- 406 specialised vehicles for transporting detained persons and persons remanded in custody;
- one reception and distribution centre for children;
- 275 special wards in healthcare facilities intended for guarding persons deprived of their liberty.

The territorial police bodies have 91 TDFs under their authority, of which 19 institutions had their operations temporarily suspended due to repairs, reconstruction, the consequences of hostilities or partial destruction.

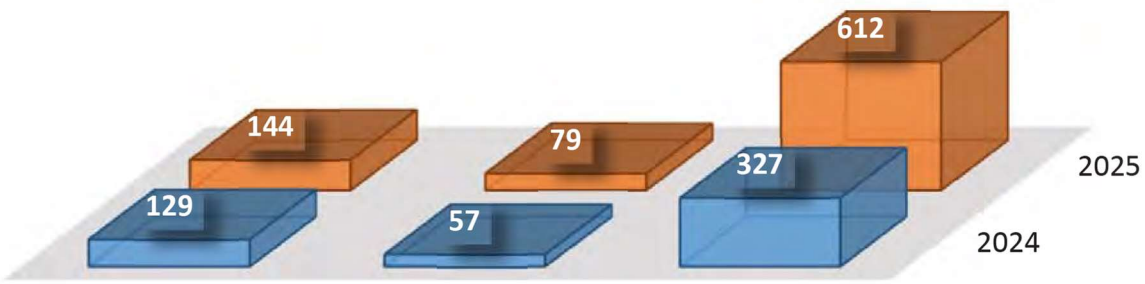
In addition, police units have 571 RDs; however, in 292 of them, detention conditions do not comply with national and international standards, which led to the suspension of their operation.

The structure of the main departments of the NPU in the oblasts and Kyiv includes 24 escort service units, with a total staffing level of 2,814 police officers.

During 2024–2025, the NPU system showed a stable positive trend in the development and scaling up of institutional guarantees for respect for the rights of detained persons. In particular, the implementation of the Custody Records information subsystem is being expanded, gradually transforming it from a tool used locally into a systemic mechanism for preventing human rights violations and increasing the transparency of police actions at the stage of actual detention.

At the same time, the organisational and staffing capacity of units responsible for safeguarding the rights of detained persons is being strengthened. The increase in the number of human rights compliance sectors and responsible inspectors indicates the institutional embedding of this function within the NPU structure and a transition from formal compliance with legislative requirements to the development of a sustainable internal system of control and prevention.

Dynamics of implementation of the Custody Records Information Subsystem



systems introduced in territorial units

human rights compliance sectors created

responsible persons appointed

The Custody Records Information Subsystem is intended to improve standards for protecting the rights of detained persons by introducing electronic recording of information on all actions concerning persons under police control from the moment of actual detention until their placement in a PTDF or release from custody, as well as by introducing mandatory interviews with the detained person and the police officer who carried out the detention.

The NPU took organisational and technical measures in advance to ensure the uninterrupted operation of territorial units and institutions in conditions of possible prolonged electricity and heating outages. The majority of units are provided with alternative power sources, fuel reserves and emergency action plans, which made it possible to avoid the suspension of TDF operations and the relocation of persons held. At the same time, dependence on centralised heat supply and the need to provide mechanisms for relocating persons in the event of prolonged power outages create additional logistical, organisational and security challenges in a number of regions.

At the same time, prolonged electricity and heating outages increase consumption of material and technical resources by police units, in particular due to increased costs for fuel and generator maintenance, which, in conditions of limited funding, may affect the stability of autonomous operation. Unstable energy supply also creates risks for proper detention conditions, the psycho-emotional state of persons held, staff safety and the effectiveness of supervision, in particular where the operation of video surveillance systems and information systems of duty units is limited.

In 2025, NPM groups visited 125 places of deprivation of liberty under the authority of the NPU, including 93 territorial police units, 29 TDFs and three specialised vehicles.

At the same time, despite positive institutional developments, the results of monitoring visits in 2025 show that certain systemic violations of the rights of detained persons persist at the stage of detention and during their stay in NPU bodies and units, which became the basis for preparing the relevant response measures.

Territorial units of the NPU

Ineffective response to reports of possible criminal offences committed by police officers

Under Article 4 of the Convention against Torture, Ukraine is obliged to criminalise all manifestations of torture and ensure their objective investigation. However, the results of monitoring visits indicate a difficult situation in the activities of NPU units. For many consecutive years, NPM groups have recorded identical systemic violations concerning the improper response to facts involving the use of physical force by police officers. Reports of possible criminal offences (beatings), committed by police officers are examined without informing the SBI or entering information into the URPTI.

Despite the systematic submission of the Commissioner's response measures during 2024–2025 and the provision of detailed recommendations in annual and special reports, the NPU leadership is not taking effective measures to implement them. Instead of ensuring an independent investigation into the use of physical force, certain police units have practised subjective departmental assessment of the actions of their subordinates for years. This practice of substituting procedural actions with internal service checks directly contradicts the CrPCU, nullifies the principle of objectivity and indicates Ukraine's failure to fulfil its positive obligations to investigate all alleged cases of torture and ill-treatment in line with the criteria of an effective investigation.

In 2025, NPM visits once again confirmed that heads of territorial police units at the local level deliberately avoid informing the SBI and do not register the relevant information in the URPTI, attempting to conceal criminal offences through formal internal service checks. Such mutual cover-up and disregard for the Commissioner's long-standing comments only encourage impunity.

Cases of disregard for the standards of independent investigation of incidents involving the use of physical force by police officers were identified during visits to Police Station No. 3 of Poltava Raion Police Department of the MDNP in Poltava Oblast, Police Station No. 1 of Kamianske Raion Police Department of the MDNP in Dnipropetrovsk Oblast, Zaporizhzhia Raion Police Department of the MDNP in Zaporizhzhia Oblast, Kovel Raion Police Department of the MDNP in Volyn Oblast, Ivano-Frankivsk Raion Police Department of the MDNP in Ivano-Frankivsk Oblast, Nadvirna Raion Police Department of the MDNP in Ivano-Frankivsk Oblast, as well as other units in different regions of Ukraine.

The CPT emphasises that confidence in the prohibition of torture and ill-treatment is undermined when officials responsible for such acts avoid punishment. The lack of a prompt and effective response to reports of ill-treatment creates conditions for impunity, threatens human rights principles and undermines the foundations of a democratic society, as those responsible for investigation and oversight risk becoming complicit in these violations.

The CPT considers that, even in the absence of a formal complaint, the authorities should be legally obliged to immediately open criminal proceedings and investigate them when credible information about ill-treatment is received. To strengthen accountability, an obligation should be established for officials, including police officers and prison management, to report such cases to the relevant authorities in a timely manner.

In addition, the CPT notes that a disciplinary investigation is an additional remedy against ill-treatment and may be conducted in parallel with criminal investigation procedures. The disciplinary liability of each relevant official should be reviewed systematically, regardless of whether the offence in question has been recognised as a criminal offence (CPT/Inf (2004) 28-part)[33].

Improper recording of cases involving the use of force and special means

In accordance with Article 45(6) of the Law of Ukraine 'On the National Police', a police officer shall notify their superior in writing about the use of a special means against a person.

However, the NPU has no established procedure for maintaining records, such as journals or registers, to document cases involving the use of special means, physical force and similar measures.

During visits, despite the existence of facts and complaints concerning the use of physical force and special means in a significant number of cases, police officials did not provide NPM groups with any information or documents, including reports, confirming that the officers who used force or special means had notified their superiors.

The absence of control over the legality and justification of the use of special means and physical force increases the risk of abuse and violations of the rights of detained persons. This complicates objective checks and investigations, weakens the accountability of officials and undermines trust in law enforcement agencies.

Framework for officials responsible for detained persons

The CPT emphasises three key rights of detained persons: notification of a third party about the detention, access to a lawyer and a medical examination by a doctor of their own choice. Ensuring these rights from the outset of detention is a fundamental safeguard against ill-treatment, while the effectiveness of control is strengthened by maintaining a complete file for each detained person (CPT/Inf/E (2002) 1 – Rev. 2015)[34].

In Ukraine, this approach is implemented through the framework of officials responsible for the custody of detained persons and for safeguarding their rights. Pursuant to Article 212 of the CrPCU, a body that includes a pre-trial investigation unit shall appoint one or more officials responsible for safeguarding the rights of detained persons, who are obliged to perform the duties set out in Article 212(3).

However, despite the recommendations of the CPT and the requirements of criminal procedure legislation, officials responsible for the custody of detained persons and for safeguarding their rights have not been appointed in a significant number of territorial police units.

[33] https://rm.coe.int/16806cd08b.
[34] https://rm.coe.int/16806cea2e.

During the visit on 16 October 2025 to Police Station No. 1 of Kamianske Raion Police Department of the MDNP in Dnipropetrovsk Oblast, it was established that no persons responsible for the custody of detained persons and for safeguarding their rights had been appointed, and none of the police station staff performed the duties provided for in Article 212 of the CrPCU.

As a result, the visit could not establish all the circumstances related to the detention, including the procedural actions conducted, the persons who carried them out, the places where they were conducted, the presence of bodily injuries, facts involving the use of physical force or special means, etc.

Similar cases were also established during visits to Police Station No. 2 of Uzhhorod Raion Police Department of the MDNP in Zakarpattia Oblast and Police Department No. 1 of Korosten Raion Police Department of the MDNP in Zhytomyr Oblast.

At the same time, despite the appointment in certain territorial police units of officials responsible for the custody of detained persons and for safeguarding their rights, such persons did not perform the duties provided for in Article 212 of the CrPCU, or performed them only partially. In other words, officials are formally assigned certain duties without actually performing them. For example, such violations were identified during visits to Ivano-Frankivsk Raion Police Department of the MDNP in Ivano-Frankivsk Oblast, Police Station No. 3 of Khmelnytskyi Raion Police Department of the MDNP in Khmelnytskyi Oblast and Police Station No. 2 of Zhytomyr Raion Police Department No. 2 of the MDNP in Zhytomyr Oblast.

Compliance with the rules for procedural actions

Paragraph 3 of the Regulation on Rooms for Investigative Actions and Other Measures in Bodies and Units of Internal Affairs of Ukraine, approved by MIA Order No. 1561 of 18 December 2003, and subparagraphs 9 and 10 of paragraph 3 of NPU Order No. 747 of 21 July 2017 'On the Pronouncement of Court Judgments concerning Former Police Officers', establish a prohibition on conducting procedural actions with visitors, invited persons and persons brought in to police officers' offices, except in investigation rooms, which must be properly equipped, including with a video recording system.

Visits established numerous cases of questioning and other procedural actions being conducted with visitors, invited persons and persons brought in for questioning in offices, public reception rooms and similar premises that were not properly equipped.

Although certain police units have temporarily designated separate offices of the pre-trial investigation body for questioning and other procedural actions with visitors, invited persons and persons brought in, these offices are not properly equipped, in particular with a video recording system.

During the visit on 18 February 2025 to Police Station No. 3 of Dnipro Raion Police Department No. 2 of the MDNP in Dnipropetrovsk Oblast, it was established that procedural actions at the police station involving invited, brought-in and detained persons were conducted in investigators' offices on the second floor without proper video recording of such actions.

Similar cases were identified during visits to Police Department No. 5 of Zaporizhzhia Raion Police Department of the MDNP in Zaporizhzhia Oblast, Pavlohrad Raion Police Department of the MDNP in Dnipropetrovsk Oblast, Police Station No. 1 of Okhtyrka Raion Police Department of the MDNP in Sumy Oblast, Police Station No. 2 of Ivano-Frankivsk Raion Police Department of the MDNP in Ivano-Frankivsk Oblast, Police Department No. 2 of Poltava Raion Police Department of the MDNP in Poltava Oblast and other police units.

State of functioning of RDs

In a significant number of territorial police units, RDs are not functioning due to non-compliance with national and international standards (292 out of the 571 existing RDs are not functioning), which constitutes a violation of subparagraph 1 of paragraph 1 of Section VII of the Instruction on the Organisation of the Activities of the Duty Service in the NPU, approved by MIA Order No. 440 of 23 May 2017.

The stay of detained persons in a police station without placing them in an RD creates risks that they may be held in conditions of deprivation of liberty under the control of police officers in a non-statutory manner, without being provided with the necessary food, drinking water, free access to a toilet, etc.

In its reports, the CPT notes the need to provide detained persons with food (at least one full meal per day, something more substantial than a sandwich), as well as access to water and a toilet. Persons who are required to spend the night in a place of detention must be provided with a clean mattress and blankets (CPT/Inf (2002) 15), paragraph 47)[35].

Respect for the rights of persons during their delivery to TCRSSs

In accordance with Article 38(3) of the Law of Ukraine 'On General Military Duty and Military Service' and Article 24(5) of the Law of Ukraine 'On the National Police', NPU bodies shall, as prescribed by law, upon requests from territorial centres of recruitment and social support, the Central Directorate or regional bodies of the Security Service of Ukraine, deliver persons who have committed administrative offences under Articles 210 and 210-1 of the Code of Ukraine on Administrative Offences (CAO) to such territorial centres of recruitment and social support (hereinafter TCRSSs), the Central Directorate or regional bodies of the Security Service of Ukraine.

Staff of certain police units deliver detained persons who have violated legislation on defence, mobilisation training and mobilisation to TCRSSs by force, mostly without drawing up administrative detention reports.

> During the visit to Police Station No. 3 of Poltava Raion Police Department of the MDNP in Poltava Oblast on 27 May 2025, it was established that the police station had received 1,249 requests concerning the delivery to TCRSSs of persons who had committed administrative offences during 2025. As a result, police officers delivered 194 persons to TCRSSs. At the same time, no administrative detention reports were drawn up in respect of any of these persons.
>
> At the same time, information on improper procedural documentation of a significant number of detentions is confirmed by citizens' complaints registered in the Unified Register of Statements and Reports of Criminal Offences and Other Events.

Detained persons are effectively deprived of their liberty without lawful grounds and without the basic safeguards provided by law, including the right to defence, medical care, the possibility of notifying relatives and recording the time of detention. This indicates a systemic violation of the CAO and creates conditions for uncontrolled restriction of the right to liberty and security of person guaranteed by Article 29 of the Constitution of Ukraine.

Exercise of detained persons' right to a confidential meeting

A meeting between a detained person and their defence lawyer in police units must take place in a room for confidential meetings under the visual supervision of an authorised official, but in conditions that preclude the possibility of transferring any unauthorised items, listening in or eavesdropping, in order to ensure legality during such a meeting and security measures. The meeting must be conducted in a manner that makes it impossible to record the content of the conversation between the detained person and the defence lawyer who has arrived to meet them. Eavesdropping, audio monitoring and the recording of messages, negotiations or conversations between the defence lawyer and the detained person, including by technical means for recording speech information, are not permitted.

However, in a significant number of police units, no room has been equipped for confidential meetings between detained persons and defence lawyers. As a result, such meetings are held in public reception rooms or offices that are not properly equipped and do not ensure compliance with the safeguards provided for in Article 46 of the CrPCU, since holding meetings in such rooms makes full compliance with the principle of confidentiality impossible and creates risks of disclosure of lawyer-client privilege. This constitutes a violation of the criminal procedure legislation and the Instruction on the Organisation of the Activities of the Duty Service of Bodies (Units) of the National Police of Ukraine, approved by MIA Order No. 440 of 23 May 2017.

[35] https://rm.coe.int/16806cd1ec.

These violations were identified by NPM groups during visits to Police Station No. 2 of Ivano-Frankivsk Raion Police Department of the MDNP in Ivano-Frankivsk Oblast, Police Station No. 3 of Chortkiv Raion Police Department of the MDNP in Ternopil Oblast, Kharkiv Raion Police Department No. 3 of the MDNP in Kharkiv Oblast, Police Station No. 1 of Lozova Raion Police Department of the MDNP in Kharkiv Oblast, Samarske Raion Police Department of the MDNP in Dnipropetrovsk Oblast and other police units.

Ensuring the right to privacy in rooms for detainees

During monitoring visits, NPM groups identified violations of legislative requirements concerning the right to privacy of persons held in rooms for detainees in police units.

In certain units, video surveillance equipment installed in rooms for detainees was directed at the sanitary area, and the viewing angle did not ensure the right to privacy of persons held. This constitutes a violation of the Instruction on the Organisation of the Activities of the Duty Service of Bodies (Units) of the National Police of Ukraine, approved by MIA Order No. 440 of 23 May 2017. These violations were identified by NPM groups during visits to the following units: Police Station No. 1 of Shepetivka Raion Police Department of the MDNP in Khmelnytskyi Oblast; Khmelnytskyi Raion Police Department of the MDNP in Khmelnytskyi Oblast; Police Department No. 1 of Kharkiv Police Department No. 1 of the MDNP in Kharkiv Oblast and others.

Such detention conditions are contrary to Rule 19.3 of the European Prison Rules and result in a violation of the right to respect for private life under Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 32 of the Constitution of Ukraine.



TDFs of the NPU

State of implementation of CPT recommendations on the detention regime in TDFs

In its report following the visit to Ukraine on 16–23 October 2023, the CPT emphasised that prolonged stay in TDFs is unacceptable. By their nature, TDFs are not intended for long-term detention, including the serving of administrative arrest, as the existing regime is limited to a minimum range of activities: daily walks, access to literature and, in some cases, listening to the radio or watching television.

Given the above, the CPT recommended that the Ukrainian authorities consider establishing specialised institutions for holding persons serving administrative arrest, especially those held in custody for more than 72 hours, and increase the range and intervals of activities available to persons detained for administrative offences for as long as they continue to be held in TDFs.

Despite the recommendations previously provided to the NPU in the Commissioner's reports, as well as the critical findings of the CPT, the problem of the infrastructure and regime requirements of TDFs not meeting the standards for long-term detention remains unresolved.

In addition, during visits to TDFs in 2025, NPM groups systematically recorded a number of shortcomings in detention conditions that limited leisure and permitted activities: insufficient library holdings, which restricted access to literature; the absence of sports equipment in exercise yards, making outdoor physical exercise impossible; the absence of radio systems in cells, speaker volume controls and televisions, which deprived persons held of the opportunity to regularly receive information on social and political events through radio or television.

These violations were identified during visits to TDF No. 5 and TDF No. 7 of the MDNP in Kyiv Oblast, TDF No. 1 of the MDNP in Kharkiv Oblast, TDF No. 4 of the MDNP in Dnipropetrovsk Oblast and others.

The absence of an effective response by the NPU to these challenges indicates a formal approach to fulfilling Ukraine's international obligations, delays the process of humanising the system and creates risks of discrediting the state at the international level.

Systemic problems in ensuring the safety of persons held during wartime threats

Following NPM monitoring visits, systemic problems were identified in ensuring the right to life of persons held in TDFs in the context of Russia's armed aggression against Ukraine.

The overwhelming majority of the TDFs visited do not have shelters for persons held and staff because of the absence of built-in civil protection structures, such as shelters or protective shelters.

According to information provided by the NPU, only the TDF of the MDNP in Odesa Oblast, certain TDFs of the MDNP in Rivne and Khmelnytskyi oblasts and the TDF of the MDNP in Kyiv have been recognised as basic shelters.

In TDFs without basic shelters, staff members who are not on 24-hour duty may use protective structures located in territorial police units when an Air Raid Alert signal is announced. At the same time, persons held remain in cells, while TDF staff members on 24-hour duty are forced to remain at their workplaces without access to protective structures and are exposed to potential danger.

> During the visit on 15 October 2025 to TDF No. 4 (Pavlohrad) of the MDNP in Dnipropetrovsk Oblast, which is located in close proximity to the line of hostilities, it was established that, after the Air Raid Alert signal was announced, persons held remained in their cells and TDF staff remained at their workplaces. There was no possibility of moving these persons to safe places.

Persons held are not removed from cells when an Air Raid Alert signal is announced because of the insufficient number of TDF staff required to ensure their safe escort to a shelter, the absence of clear procedures for such cases, and the absence of specially equipped places for persons held in shelters located in territorial police units.

The Instruction on Ensuring the Detention Regime and Security of Persons Held in TDFs of the NPU, approved by MIA Order No. 777 of 25 September 2023, does not contain clear procedures for staff actions or the procedure for evacuating persons held when an Air Raid Alert signal is announced.

The provisions of the Instruction define in detail the grounds for removing persons held from cells, in particular for procedural actions, visits, sanitary treatment, medical care, escorting, evacuation from a TDF, as well as certain cases of removal at night.

The term 'evacuation from a TDF', as a ground for removing persons held, corresponds to the concept of evacuation defined in Article 2 of the Civil Protection Code of Ukraine, since the Air Raid Alert signal is an official civil protection warning signal informing of an immediate threat of an air or missile strike, that is, a military emergency that creates a real danger to the life and health of persons held in TDFs.

At the same time, none of the analysed provisions defines the procedure for TDF staff actions in the event of an Air Raid Alert signal or another threat requiring the immediate evacuation of persons held, which confirms that the regulation is limited to day-to-day aspects of the detention regime.

The absence in the Instruction of procedures for such evacuation, including staff action algorithms, criteria for deciding on removal from cells, plans for escorting persons to shelters, etc., effectively makes it impossible to remove persons held from cells during an Air Raid Alert signal.

The provisions of the Instruction are limited to a general list of grounds for removing persons held from cells, without detailing the actions to be taken, which is contrary to the principle of legal certainty. This position is relevant given that, in its Decision No. 7-r(I)/2023 of 13 September 2023, the Constitutional Court of Ukraine stated that, it follows from the content of Article 8 of the Constitution of Ukraine, the legal positions of the Constitutional Court of Ukraine based on its provisions, and international instruments setting out the understanding of legal certainty, that the principle of the rule of law requires the legislature to establish clear, understandable, unambiguous and predictable legal regulation of social relations in order to ensure a stable legal position for the individual, to prevent arbitrary withdrawal from obligations assumed by the state and to guarantee proper protection of a person's lawful (legitimate) expectations.

In its judgment in Olsson v. Sweden (1988), the ECtHR stated that a norm cannot be regarded as a 'law' unless it is formulated with sufficient precision to enable the citizen – if need be, with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail. According to the established case law of the ECtHR, the concept of 'quality of law' means that domestic law must be sufficiently foreseeable in its terms to give individuals an adequate indication as to the circumstances in which and the conditions on which the authorities are entitled to resort to measures affecting their rights (judgments in Oleksandr Volkov v. Ukraine, C.G. and Others v. Bulgaria and others).

Thus, although the current version of the Instruction allows 'evacuation' to be used as a ground for removing persons held from TDF cells when an Air Raid Alert signal is announced, this ground remains formal and ineffective due to gaps in procedural regulation and creates a situation in which TDF staff are unable to act properly.

The NPU has not developed relevant guidelines or clear procedures for situations where an Air Raid Alert signal is announced. TDF staff do not receive proper training on actions to be taken during an air raid alert and are unable to move to a shelter, which also violates their right to safe and healthy working conditions guaranteed by Article 43 of the Constitution of Ukraine and Article 4 of the Law of Ukraine 'On Labour Protection'.

The ECtHR case law in Osman v. the United Kingdom (1998) and Kudła v. Poland (2000) confirms the state's positive obligations to prevent real threats to life and inhuman treatment in respect of persons under its control, especially in conditions of increased risk.

In its Report to the Ukrainian Government on the Visit to Ukraine from 16 to 27 October 2023 (CPT/Inf (2024) 20), the CPT emphasises the need to ensure the safety of persons held in places of deprivation of liberty, in particular by equipping protective structures and developing evacuation procedures in conditions of wartime threats.

In order to eliminate the identified violations, the Commissioner sent a submission to the MIA concerning the need to amend the regulatory acts currently in force. The amendments should concern the procedure for actions by TDF staff when an Air Raid Alert signal is announced and in the event of other wartime threats.

In addition, the submission provides for the development and communication to each TDF of guidelines containing clear step-by-step procedures and the distribution of duties among staff.

Video surveillance and privacy conditions in TDFs

In accordance with Rule 18.1 of the European Prison Rules, the accommodation provided for prisoners shall respect human dignity. This entails ensuring proper sleeping conditions, the possibility of privacy where appropriate conditions exist, and compliance with sanitary and hygienic standards, taking into account climatic conditions, the floor space and volume of the premises, and the level of lighting, heating and ventilation.

In addition, paragraph 6 of Section II of the Instruction on the Procedure for the Use of Video Surveillance Equipment in TDFs of the NPU, approved by MIA Order No. 777 of 25 September 2023, clearly establishes that video surveillance cameras must not transmit images from showers, sanitary facilities or changing areas in rooms for searches (inspections) and medical examinations. The viewing angle of video cameras in such areas must not violate the right to privacy of persons held.

However, during monitoring visits in 2025, NPM groups found violations of these requirements in a number of TDFs. In particular, the viewing angle of video cameras in cells covered sanitary facilities, which potentially violates the right to privacy of persons held.



These violations were identified during visits to TDF No. 4 and TDF No. 3 of the MDNP in Khmelnytskyi Oblast, TDF No. 1 and TDF No. 6 of the MDNP in Kyiv Oblast, TDF No. 2 of the MDNP in Volyn Oblast and others.

In addition, proper privacy is not ensured in the sanitary areas of certain TDFs. In particular, shower cubicles lack curtains, where only partitions are available, while the doors and partitions of sanitary facilities in cells are insufficient in size and only partially separate the sanitary area from the living space.

In its report to the Government of Ukraine (CPT/Inf (2024) 20), the CPT noted that the only issue of real concern to the delegation was that toilets in cells in all police establishments, including those recently renovated, were only partially partitioned.

Such shortcomings in the operation of TDFs undermine trust in law enforcement agencies, create risks of violations of Ukraine's international obligations and may further damage the state's image internationally.

Functioning of staff call systems in TDFs

Despite the recommendations of the CPT in its Twelfth General Report (CPT/Inf (2002) 15), a number of TDFs do not ensure the proper functioning of the call system for duty staff. In particular, in TDF No. 1 of the MDNP in Kharkiv Oblast, some call buttons in cells are not operational, while in TDF No. 4 of the MDNP in Dnipropetrovsk Oblast, call buttons are absent in all cells.

The absence or malfunctioning of alarm buttons increases the risk of delayed staff response to possible incidents, including violence between persons held, suicide attempts, fires etc., which is contrary to safety standards and the protection of the rights of persons deprived of their liberty.

Storage of video surveillance recordings

In a number of TDFs, the retention period for video surveillance recordings is significantly shorter than the 90-day period established by the relevant regulatory act. This constitutes a violation of the Instruction on the Procedure for the Use of Video Surveillance Equipment in TDFs of the NPU, approved by MIA Order No. 777 of 25 September 2023.

During the visit on 26 August 2025 to TDF No. 5 of the MDNP in Kyiv Oblast, it was established that the retention period for video surveillance recordings in the facility was only three days instead of 90.

Similar violations were also identified during visits to TDF No. 2 of the MDNP in Kyiv Oblast, TDF No. 4 of the MDNP in Zakarpattia Oblast and others.

This practice does not comply with international standards, in particular the recommendations of the CPT, which has repeatedly emphasised the need for long-term retention of video recordings in places of deprivation of liberty in order to ensure the effective investigation of complaints of ill-treatment, prevent impunity and protect the rights of persons held.

A shortened retention period significantly limits the possibility of using video materials as evidence in cases of incidents or complaints, which is contrary to the principles of effective prevention of ill-treatment.

Material and technical condition of cells

Despite the measures taken by the NPU to bring detention conditions in TDFs into line with national and international standards, NPM groups continued to record shortcomings indicating the unsatisfactory material and technical condition of TDF premises during visits in 2025.

In particular, in TDF No. 2 of the MDNP in Kyiv Oblast, the premises were found to be in an inadequate condition, characterised by a significant degree of physical deterioration and the need for major repairs.



During a visit to TDF No. 1 of the MDNP in Zaporizhzhia Oblast, it was established that the sanitary and hygienic condition of the cells was generally satisfactory but required improvement. In particular, worn and dirty floor coverings, damaged tiles in sanitary facilities, etc. were recorded in a number of cells.

In addition, in many TDFs, window units are solid, without small ventilation windows in the upper part, while the window-opening mechanism is located on the outside, making it impossible for persons held to ventilate the cells independently.

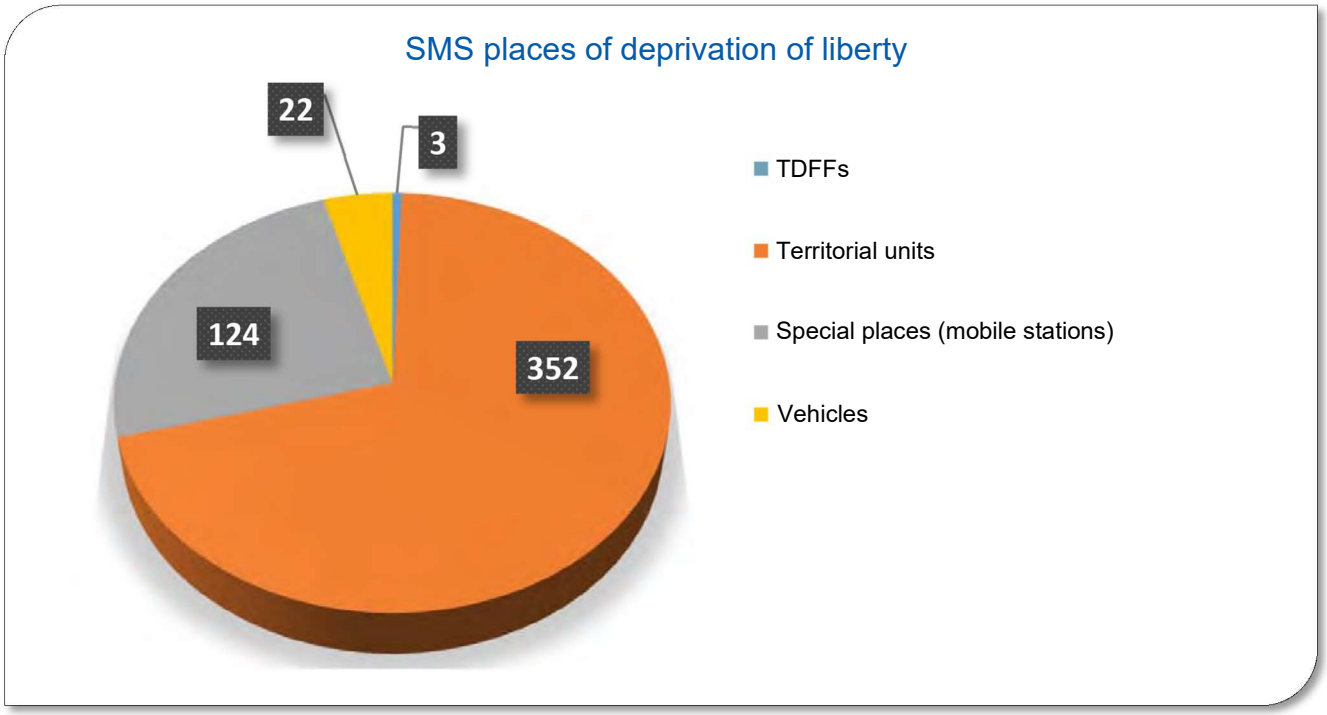
These violations were recorded in TDF No. 2 of the MDNP in Kyiv Oblast, TDF No. 4 of the MDNP in Khmelnytskyi Oblast, TDF No. 1 (Berezhany) of the MDNP in Ternopil Oblast, TDF No. 4 of the MDNP in Odesa Oblast and TDF No. 3 of the MDNP in Poltava Oblast.

The identified shortcomings indicate the systemic nature of the problem and the need for urgent measures to bring TDF infrastructure into line with established national and international standards for the treatment of persons deprived of their liberty.

4.2. State of human rights compliance in places of deprivation of liberty under the authority of the SMS

The list of places of deprivation of liberty in the SMS system includes institutions specially equipped for holding persons, vehicles for escorting detained and held persons, offices used by the SMS when preparing procedural documents in respect of detained persons, as well as other places where mobile stations are used to draw up reports on administrative detention, administrative offences and to adopt relevant decisions.

As at 31 December 2025, the SMS operated three TDFFs for persons staying in Ukraine illegally, 352 territorial units where foreigners and stateless persons are detained and procedural documents concerning them are prepared, and 124 special places where mobile stations are used. The SMS has 22 vehicles on its balance sheet intended for transporting detained foreigners and stateless persons.



In 2025, SMS officials detained 316 foreigners and stateless persons in order to stop administrative offences, identify, draw up reports on administrative offences and ensure the timely consideration of cases and enforcement of decisions in cases concerning administrative offences.

During the specified period, 421 persons staying illegally in Ukraine were held in TDFFs.

During 2025, NPM representatives conducted six visits to places of deprivation of liberty under the authority of the SMS.

Key problems concerning respect for the rights and freedoms of persons detained by SMS officials

Right to contact with the outside world in TDFFs

An analysis of respect for the rights of persons held in TDFFs indicates systemic restrictions on the right to contact with the outside world. Such restrictions are contrary to international standards and the principle of legal certainty.

In accordance with Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 1 of the First Protocol thereto, everyone has the right to respect for his private and family life, his correspondence, and to the peaceful enjoyment of his possessions.

In its 19th General Report (CPT/Inf (2009) 27), the CPT clearly states that persons deprived of their liberty under migration legislation must be able to maintain regular and stable contact with the outside world, in particular through frequent use of the telephone.

Although the Instruction on the Procedure for Holding Foreigners and Stateless Persons in Temporary Detention Facilities for Foreigners and Stateless Persons, approved by MIA Order No. 141 of 29 February 2016, provides for the possibility of issuing personal mobile phones to persons held, in practice this provision is applied improperly in Mykolaiv TDFF due to the absence of a clear, transparent and legally regulated procedure for such use.

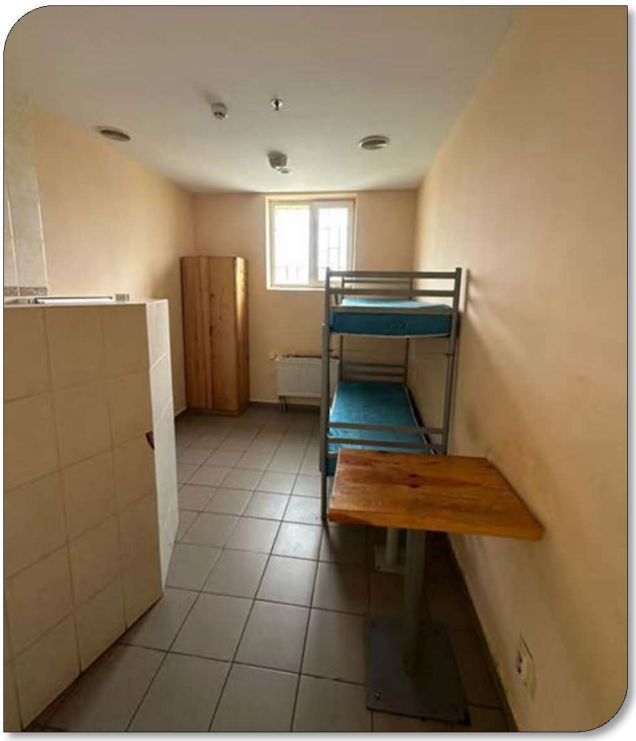
Following NPM monitoring visits, it was established that the administration of Mykolaiv TDFF imposes strict and unjustified restrictions, in particular access to means of communication only twice a week for several hours. Such restrictions are not provided for by any regulatory act and indicate an unacceptable expansion of the discretionary powers of the institution's management.

At the same time, monitoring identified positive practice in Chernihiv and Volyn TDFFs, where foreigners and stateless persons are able to use their own mobile phones without obstruction, including internet access where the device has the relevant function, throughout the day without artificial time restrictions. This confirms that the right to contact with the outside world can be effectively realised without prejudice to the security regime or internal order.

Procedure for placing persons in segregation rooms

During visits, NPM groups recorded inadequate legal regulation of the procedure for placing foreigners and stateless persons who commit or have committed unlawful acts in segregation rooms in TDFFs.

> In particular, the practice of placing persons in segregation rooms on grounds not provided for by regulatory acts was established in Mykolaiv TDFF.



The vast majority of persons placed in segregation rooms were placed there with the wording 'for violation of the internal regulations of the TDFF'.

This wording does not correspond to the exhaustive list of grounds defined by the Instruction on the Procedure for Holding Foreigners and Stateless Persons in Temporary Detention Facilities for Foreigners and Stateless Persons Illegally Staying in Ukraine, approved by MIA Order No. 141 of 29 February 2016, and indicates its systematic and improper application.

In order to change the practice of placing foreigners and stateless persons who commit or have committed unlawful acts in segregation rooms, recommendations were provided to the SMS concerning the introduction of relevant amendments to the Instruction, aimed at expanding the list of grounds for placing such persons in segregation rooms, in particular in connection with violations of the internal regulations of TDFFs.

Introduction of electronic recordings as an additional safeguard for respecting the rights of foreigners and stateless persons

Ensuring proper recording of the actions of officials during detention and while persons are under the control of the state is an important safeguard for respecting human rights, preventing cruel, inhuman or degrading treatment or punishment, and protecting officials themselves from unfounded allegations. The availability of objective electronic recordings promotes the transparency of proceedings, increases trust in law enforcement agencies and reduces the risk of distortion or subsequent withdrawal by detained persons of explanations previously provided.

In this context, the CPT emphasised in its Second General Report (CPT/Inf (92) 3) that the use of electronic recordings is an important additional safeguard against ill-treatment of detained persons and, at the same time, provides significant advantages for officials, as it helps avoid unfounded allegations of physical or psychological pressure.

However, despite international standards, visits to territorial units of the SMS established that offices are not equipped with video surveillance cameras, and that there are no special rooms for preparing procedural documents concerning detained persons that would be equipped with a video surveillance system.

During the visit to the Department of the SMS of Ukraine in Vinnytsia Oblast on 20 February 2025, it was established that offices were not equipped with video monitoring devices, and that specially designated rooms for preparing procedural documents concerning detained persons had not been arranged.

Provision of food to detained persons

At present, there are no regulatory acts defining requirements for providing food to foreigners who are under the control of SMS officials from the moment of detention until their placement in a TDFF.

Although the SMS is considering the issue of providing food packages to foreigners and stateless persons delivered to TDFFs, isolated cases of prolonged stay of detained persons under the control of SMS officials continue to occur in territorial SMS bodies. This creates risks that detained persons will not be provided with adequate food, drinking water, etc.

The visit to the Department of the SMS in Poltava Oblast on 26 May 2025 established that a detained foreigner had remained under the control of SMS staff (before placement in a TDFF) for almost 24 hours, including overnight. According to information provided by SMS officials, the detained citizen of the Republic of Uzbekistan, N., was provided with food and water during escort to the TDFF at the personal expense of SMS staff.

In its 32nd General Report, the CPT noted that deprivation of food and water for prolonged periods is perceived by the persons concerned as a threat to their physical integrity or as a humiliation of their dignity.

The ECtHR has repeatedly found that failure to provide food, or insufficient food provision, may constitute a violation of Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment or punishment.

In particular, in the case of Dudchenko v. Russia (application No. 37717/05), the ECtHR found that the absence of food during transfer between places of detention, together with other factors, constituted a violation of Article 3 of the Convention.

The ECtHR also found violations of Article 3 of the Convention in connection with inadequate food provision, in combination with other circumstances, in the cases of Stepuleac v. Moldova (application No. 8207/06), R.R. v. Hungary (application No. 36037/17) and a number of other judgments.

These cases emphasise that the state has positive obligations to provide persons under its control with basic living necessities, including adequate food. Failure to fulfil these obligations may lead to violations of fundamental human rights.

4.3. General overview of places of deprivation of liberty under the authority of the SBGS

Temporary holding points of the SBGS (hereinafter THPs) are special facilities intended for the short-term holding of persons detained for committing administrative offences, as well as persons suspected of committing criminal offences related to violations of legislation on the state border of Ukraine. By their legal nature, THPs are places of deprivation of liberty and are therefore subject to continuous NPM oversight in accordance with the Optional Protocol to the Convention against Torture.

As at 2025, the SBGS system operated 37 places of temporary holding (hereinafter PTHs) with a total design capacity of 297 places for the simultaneous holding of detained persons. On average, the design capacity of one PTH was approximately eight persons.

A total of 2,873 persons were held in places of temporary holding of SBGS bodies during 2025.

In addition, within the scope of their powers, SBGS officials drew up 12,957 administrative detention reports during 2025.

4.4. Key problems concerning respect for the rights and freedoms of persons detained by SBGS officials

Visits by NPM groups in 2025 allow for assessing not only the state of human rights compliance in specific institutions, but also identifying typical recurring problems characteristic of the SBGS temporary holding point system as a whole, as well as positive developments indicating that real improvements are possible where management responds appropriately.

One of the most stable positive features of THPs is the generally proper state of material and living conditions of detention.

At the temporary holding point of the 94th Border Guard Detachment, cells have been arranged and equipped with bunk beds, bedside tables, tables and stools for eating; access to drinking water is ensured; there is an adequate level of natural and artificial lighting; and staff call buttons and wall-mounted radios have been installed.

Similar conditions were recorded at the THP in Mostyska, where sanitary facilities in the cells are also fully partitioned, ensuring respect for the right to privacy when attending to physiological needs.

The fact that the living space in the THPs visited is at least 4 m^2 per person, excluding the area of the sanitary facility, is of particular importance. This figure complies with the CPT recommendations and minimises the risks of inhuman or degrading treatment associated with cell overcrowding.

A significant positive aspect is the availability of separate cells for groups with reduced mobility, equipped with due regard to the specific needs of persons with disabilities. This practice is more the exception than the rule in many places of deprivation of liberty in Ukraine, which makes it possible to assess it as an example of proper consideration of the principle of non-discrimination.

In addition, THPs have diesel generators intended for use in the event of emergency power outages. Under martial law and unstable energy supply, this is a critically important element in ensuring the continuity of essential detention conditions, including lighting, water supply and the operation of communication equipment.

In the institutions, staff ensure that medical examinations are conducted without the presence of security staff, which is consistent with standards of respect for private life and medical confidentiality. At the THP in Mostyska, it was additionally recorded that there were no video surveillance cameras in cells, reducing the risk of unjustified interference with the private life of detained persons.

The THP in Mostyska is a telling example of real progress in implementing the NPM recommendations issued following the 2020 visit. In particular, shortcomings relating to sanitary conditions, proper maintenance of the sanitary register, the completeness of medical first aid kits and control over the expiry dates of medicinal products were eliminated. This shows that NPM recommendations can be an effective tool for change where there is managerial will.

At the same time, Article 10 of the Convention against Torture continues to be violated, as the job descriptions of THP staff do not contain provisions on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

This violation is systemic and highly indicative. The formal failure to include the prohibition of torture in job descriptions is not merely a bureaucratic shortcoming. It indicates a lack of proper institutional culture of zero tolerance for torture, which in turn increases the risks of ill-treatment, especially in conditions of low publicity and limited access to external oversight.

The most serious and recurring violations in THPs concern the rights of foreigners, in particular the right to be informed, in a language they understand, of the grounds for detention and their procedural rights.

At the THP of the 94th Border Guard Detachment, an interpreter was formally involved in communication with detained persons. However, the case files contained no documents confirming the interpreter's competence or command of the relevant language, such as a diploma, certificate, extract from a register, etc. This practice creates a real risk of inaccurate or incomplete interpretation and, accordingly, a violation of Article 268 of the CAO and Article 5(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

At the THP in Mostyska, an even more obvious violation was recorded: during the administrative detention of a citizen of the Republic of Poland, no interpreter was involved at all, despite the fact that the person did not speak Ukrainian. An interpreter was provided only at the stage of placement in the THP, which does not remedy the violation committed at the initial and most critical stage of deprivation of liberty.

The issue of providing information sheets on rights and obligations in a language that the detained person does not understand deserves separate attention. At the THP in Mostyska, a citizen of the Republic of Colombia was given an information sheet in Ukrainian, although he spoke only Spanish. This directly contradicts the requirements of paragraph 16 of Section VI of the Instruction on the Procedure for Holding Detained Persons in State Border Protection Bodies.

Such actions effectively nullify the very purpose of informing persons of their rights, turning it into a purely formal procedure with no practical value for the detained person.

At the THP of the 94th Border Guard Detachment, all the reports reviewed lacked information on notifying close relatives of detained persons about the actual detention. However, notifying relatives is an obligation of the authority, not a right that the detained person may waive.

This violation is particularly dangerous, as it is directly linked to protection against enforced disappearances, torture and other forms of ill-treatment.

Violations were recorded in THPs that may formally appear 'minor', but collectively have a significant impact on the quality of stay of persons in places of deprivation of liberty.

At the THP of the 94th Border Guard Detachment, a room for religious observance is formally provided, but there is no religious literature. There is no such room at the THP in Mostyska at all. This restricts the exercise of freedom of thought and religion, guaranteed by the Constitution of Ukraine and international treaties.

In addition, exercise yards in THPs are not equipped with sports equipment, which effectively deprives detained persons of the opportunity to engage in physical exercise, although this right is expressly provided for by the Instruction on the Procedure for Holding.

The temporary holding points of the SBGS are characterised by an acceptable level of material and living conditions and the presence of certain positive practices, in particular regarding privacy, accessibility for persons with reduced mobility and response to previous NPM recommendations.

At the same time, the key risks of human rights violations are systemic and concern:

- procedural safeguards during detention;
- ensuring the rights of foreigners;
- the real, rather than formal, exercise of the right to information;
- institutional prevention of torture.

Addressing these problems requires not only individual changes, but also a review of approaches to staff training, internal instructions and departmental oversight, taking into account the standards of the Convention against Torture and the ECtHR case law.

Recommendations to the NPU:

1. Ensure the entry into the URPTI of information on criminal offences falling within the investigative jurisdiction of the State Bureau of Investigation, and immediately inform the territorial departments of the State Bureau of Investigation about facts involving the infliction of bodily injuries, unlawful use of physical force and special means of coercion committed by police officers.
2. Taking into account the requirements of the CrPCU, develop a procedure for actions by NPU officials in the event of receiving information that may indicate the commission of a criminal offence by a police officer, including beatings, excessive use of special equipment and physical force, unlawful detention, etc.
3. Appoint officials responsible for the custody of detained persons and for safeguarding their rights in all territorial units where a pre-trial investigation body operates, provide effective training for such officials and ensure that they properly perform the duties set out in Article 212(3) of the CrPCU.
4. Ensure managerial control over the conduct of all procedural actions with visitors, persons brought in and detained persons exclusively in specially equipped investigation rooms. Where specially designated and equipped service premises are temporarily absent in the administrative building of police units, or where there is an insufficient number of such premises to ensure the exercise of police powers, questioning and other procedural actions with visitors, invited persons and persons brought in should be conducted in properly equipped police offices designated by management, with video recording of such actions in accordance with the established procedure.
5. Ensure the arrangement or restoration of the functioning of RDs in territorial police units, with detention conditions that comply with national and international standards.
6. Introduce a unified record-keeping system in the NPU to record cases involving the use of special equipment and physical force, including the maintenance of relevant journals (logbooks) and/or an electronic register, and ensure mandatory written notification of a superior about each case in order to monitor the legality of such use.
7. Ensure compliance with legislative requirements when delivering persons who have committed administrative offences to TCRSSs by formally documenting the detention of such persons.
8. Equip all police units with separate rooms for confidential meetings between detained persons and defence lawyers, meeting the requirements of Article 46 of the CrPCU and excluding the possibility of third-party interference, listening in or recording conversations, thereby ensuring compliance with the principle of confidentiality.
9. Ensure proper respect for the right to privacy in rooms for detainees in territorial police units, in particular by installing video surveillance cameras in such a way that the viewing angle does not cover sanitary areas.
10. Develop a departmental regulatory act providing for the establishment and operation of institutions for holding persons subjected to administrative arrest and held for more than 72 hours, and expand the range and intervals of available activities during the holding of such persons in TDFs through the introduction of possible educational programmes (short-term courses, lectures and training sessions), cultural activities (film screenings and creative activities), psychological support (consultations by psychologists or social workers) and physical activity measures (arrangement of sports grounds or physical exercise areas), and submit it for approval in accordance with the established procedure.

11. Amend the Instruction on Ensuring the Detention Regime and Security of Persons Held in TDFs of the NPU, approved by MIA Order No. 777 of 25 September 2023, by supplementing it with provisions on the procedure for actions by TDF staff when an Air Raid Alert signal is announced and in the event of other wartime threats.

12. Pending amendments to the Instruction, develop and communicate to each TDF guidelines containing step-by-step actions and the distribution of duties that staff are required to perform immediately upon receiving an Air Raid Alert signal.

13. Ensure the right to privacy of persons held in TDFs, in particular by adjusting the viewing angles of video surveillance cameras, installing curtains in shower cubicles and properly equipping sanitary areas.

14. Ensure the full functioning of the system for calling duty staff in TDFs by remedying faults and installing call buttons in all cells, in order to guarantee timely response to emergencies and compliance with standards for protecting the rights of persons held.

15. To ensure the effective documentation and investigation of complaints of ill-treatment and to guarantee the rights of persons held, ensure compliance with the established retention period for video surveillance recordings in TDFs (at least 90 days, as required by regulatory acts).

16. Ensure the proper technical, sanitary and hygienic condition of TDF premises, in accordance with national and international standards for the treatment of persons deprived of their liberty.

SMS:

Standardise the procedure for exercising the right of foreigners and stateless persons to contact with the outside world in TDFFs, namely the possibility of using their own mobile phones without obstruction during the day, by amending the Instruction on the Procedure for Holding Foreigners and Stateless Persons in Temporary Detention Facilities for Foreigners and Stateless Persons, approved by MIA Order No. 141 of 29 February 2016, and eliminating excessive discretionary powers of TDFF administrations.

2. Develop a procedure for equipping the offices of territorial SMS units or bodies, where detained persons are held and procedural documents concerning them are prepared, with video surveillance cameras, and submit it for approval in accordance with the established procedure.

3. Develop a draft regulatory act establishing standards and procedures for providing food, drinking water and basic necessities to foreigners and stateless persons under the control of SMS staff before their placement in a TDFF, and submit it for approval in accordance with the established procedure.

SBGS:

1. Ensure proper observance of procedural safeguards during detention, in particular the right to be promptly informed, in a language understood by the person, of the grounds for detention and their rights, by mandatorily involving interpreters when foreigners or stateless persons who do not speak the state language are detained, with proper documentary confirmation of the interpreters' competence.

2. Ensure strict fulfilment of the obligation to notify close relatives or other designated persons of the fact of administrative detention, with proper recording of the relevant procedural actions in the case file, irrespective of the detained person's wishes.

3. Take measures to bring conditions of detention in THPs into line with departmental regulatory acts, in particular by equipping exercise yards with basic sports equipment, and by creating or properly equipping rooms for religious observance and ensuring access to religious literature.

Section 5

STATE OF HUMAN RIGHTS COMPLIANCE DURING DETENTION AND ACTUAL HOLDING OF PERSONS BY LAW ENFORCEMENT AGENCIES WITH SPECIAL STATUS

For the first time since the NPM functions were entrusted to the Commissioner, a systemic and targeted practice of monitoring visits to law enforcement agencies with special status, in particular the SBI and NABU, has been introduced.

The introduction of such visits is driven by the objective need to conduct external, independent and effective oversight of respect for human rights and freedoms in the activities of bodies vested with significant powers to apply procedural coercive measures, including detention and restriction of personal liberty.

Extending the NPM mandate to law enforcement agencies with special status is an important systemic step aimed at eliminating gaps in the national system for preventing torture and other forms of cruel, inhuman or degrading treatment or punishment. This approach helps increase the openness and accountability of law enforcement activities, establish uniform standards for the treatment of persons deprived of their liberty and bring Ukraine's practices closer to European standards.

5.1. Units of the National Anti-Corruption Bureau of Ukraine

NABU is a central executive body with special status, vested with powers to prevent, detect, stop and investigate corruption-related criminal offences.

Among the Bureau's positive practices, the functioning of the Internal Control Department and the availability of specially equipped rooms for procedural actions with modern video recording systems were noted. These serve as an additional safeguard for respect for the rights of detained persons and protect staff from unfounded allegations.

At the same time, the visit identified certain violations of national legislation and human rights standards that required an appropriate response.

During the visit, the NPM group established that NABU had no officials appointed as responsible for the custody of detained persons and for safeguarding their rights. As a result, there is no full and continuous recording of all actions related to the detention of persons, no interviews are conducted with detained persons regarding the circumstances of their detention and their complaints are not properly registered and examined, which makes effective oversight of respect for the rights of detained persons impossible and creates risks of ill-treatment.

NABU does not ensure proper recording of cases involving the use of physical force and special means. In particular, the duration of their use is not recorded, and there is no information on notifying management when they are used. This is contrary to the regulatory acts and makes effective oversight of the lawfulness of such actions impossible.

Due to the absence of specially equipped RDs in NABU, persons were, in certain cases, held for long periods in service rooms under the control of detectives. This results in de facto detention in conditions of deprivation of liberty in a manner not provided for by law, without proper detention conditions and basic needs being ensured. In particular, prolonged stay of detained persons on NABU premises without placement in a TDF was accompanied by risks of failure to provide food, drinking water, the possibility of rest at night, etc.

In addition, cases of delayed notification of free secondary legal aid centres about the detention of persons were established, which violates Article 213 of the CrPCU and deprives detained persons of effective assistance at the most vulnerable stage of proceedings.

NABU officials did not conduct regular checks with FLA centres regarding the timeliness of notifications and the arrival of lawyers, and did not ensure proper recording of the time when a defence lawyer arrived to meet a detained person for a confidential meeting or to participate in procedural actions. This made it impossible to identify systemic violations in this area.

Meetings between detained persons and defence lawyers were held in offices or investigation rooms, which does not guarantee the confidentiality of communication and violates the right to an effective defence.

Special means used by NABU staff do not have individual identification numbers and are not properly recorded, which makes it impossible to identify staff members if force is used and to conduct an effective investigation of possible abuses.

Following the visit, the Commissioner provided recommendations aimed at eliminating the identified shortcomings and bringing NABU's activities into line with the Constitution of Ukraine, the CrPCU, national legislation and international standards, in particular the CPT recommendations.

The National Anti-Corruption Bureau of Ukraine demonstrated a constructive approach to implementing the recommendations provided and took a number of systemic measures to eliminate most of the identified problems. In particular, the preparation of draft internal regulations defining the powers, rights and duties of officials responsible for the custody of detained persons and for monitoring respect for their rights was completed. Body armour and protective helmets used by staff of the Special Operations Department were marked with individual numbers, enabling identification of a person if physical force is used.

The heads of all structural units of NABU informed staff of clear requirements concerning the inadmissibility of detained persons remaining in offices for prolonged periods without urgent need, their immediate placement in pre-trial detention facilities after the completion of procedural actions, the timely drawing up of detention reports with accurate recording of the time of actual restriction of liberty and strict and prompt notification of free secondary legal aid centres. Ongoing explanatory and methodological work is being carried out with staff to prevent violations of the rights of detained persons.

A special room for confidential meetings between detained persons and defence lawyers is being arranged in accordance with national and international standards.

In addition, based on clarifications received from the MoH regarding physiological nutrition standards, additional funding is being calculated to provide detained persons with quality food and unhindered access to drinking water.

The measures taken indicate the commitment of the National Anti-Corruption Bureau of Ukraine to responding to identified violations and consistently improving its activities in line with European human rights standards.

5.2. Units of the State Bureau of Investigation

In April 2025, the NPM conducted its first visit to the State Bureau of Investigation. The SBI is a state law enforcement agency vested with powers to prevent, detect, stop and investigate criminal offences committed by officials holding positions of special responsibility, judges, law enforcement officers, service members and other officials defined by law.

A number of positive practices were recorded during the visit, namely the availability of specially equipped premises for investigative (search) actions, video recording of such actions, conditions for confidential communication between detained persons and defence lawyers, access to drinking water and information on human rights protection mechanisms.

The SBI has introduced a system for improving staff qualifications, appointed officials responsible for safeguarding the rights of detained persons, created an electronic system for monitoring complaints concerning torture and introduced psychological support for staff working on proceedings involving the death of victims, torture and other forms of ill-treatment.

In order to develop a policy of 'zero tolerance' and eradicate impunity for ill-treatment by law enforcement officers, the Public Control Council under the SBI approved and brought into effect amendments to the SBI professional ethics rules concerning the inadmissibility of torture and other forms of ill-treatment, as well as the application of the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).



In order to prevent and detect offences in the activities of SBI staff, internal control units operate within the central office and its territorial departments.

At the same time, the visit identified certain shortcomings in compliance with national legislation and human rights standards, requiring an appropriate response.

In particular, it was established that there was no proper recording of the use of physical force and special equipment, including cases involving the use of plastic restraints as a means of restraint without defined rules for their use.

The current regulatory acts do not contain clearly defined conditions and restrictions on the procedure for using plastic restraints, including those provided for handcuffs, namely the maximum permitted duration of continuous use and requirements for loosening pressure. This creates additional risks of human rights violations during detention.

Particular attention was drawn to the dissemination of photographic materials by the SBI that may have contained signs of degrading treatment of persons held. This concerns cases of physical immobilisation of detained persons and their being held on cold ground without obvious necessity, surrounded by armed law enforcement officers, apparently in the absence of any immediate threat that could justify such holding, where the person was not resisting, showing aggression or attempting to escape.

In addition, these images were not created for procedural purposes, e.g., to record evidence, but were published on social media and in SBI press releases, which may indicate elements of public humiliation.

At the same time, cases of improper fulfilment of Article 212 of the CrPCU by officials responsible for safeguarding the rights of detained persons with regard to recording the circumstances of detention were recorded, namely: not all actions involving detained persons were recorded, a complete file was not always maintained, detained persons were not interviewed about the circumstances of their detention and complaints were not forwarded to the internal control unit for verification.

SBI premises do not have specially equipped RDs, which in certain cases leads to detained persons remaining for prolonged periods under the control of SBI officials and creates risks of detention in conditions of deprivation of liberty in a manner not provided for by law, as well as of failure to provide proper food, drinking water, etc.





Despite the availability of equipped rooms for investigative actions, it was established that, in certain cases, procedural and investigative (search) actions involving detained persons were conducted in the offices of SBI investigators, which are not equipped with a video recording system.

The CPT emphasises that electronic recording of questioning (by audio or video recording) is an important additional safeguard against ill-treatment of detained persons. This practice ensures a complete and reliable record of questioning, which facilitates the effective investigation of complaints of ill-treatment. At the same time, it protects the rights of victims and the interests of officials who may be wrongly accused of physical or psychological violence.

Having considered Ukraine's seventh periodic report on the implementation of the Convention against Torture on 24 and 25 April 2025, the UN Committee against Torture, in its concluding observations[36], emphasised the need to amend Article 224 of the CrPCU in order to introduce mandatory audio and video recording of all questioning conducted by law enforcement agencies. This confirms the importance and relevance of introducing such a mechanism as an effective tool for preventing torture and protecting human rights in criminal proceedings.

The right of a person to professional legal assistance plays an important role in ensuring the exercise, protection and safeguarding of human and civil rights and freedoms in Ukraine as a democratic state governed by the rule of law.

The visit identified isolated cases where SBI investigators failed to ensure the right of detained persons to legal assistance immediately after detention.

The CPT emphasises that ensuring a detained person's right of access to a lawyer from the moment of deprivation of liberty is a key safeguard against ill-treatment. The presence of a lawyer has a deterrent effect on possible abuses and allows a prompt response if they occur. The highest risk of ill-treatment exists precisely at the initial stage of detention. To be fully effective, the right of access to a lawyer must be guaranteed from the very outset of a person's deprivation of liberty (CPT/Inf (2011) 28-part 1), paragraphs 18 and 19[37].

Following the visit, the Commissioner provided comprehensive recommendations aimed at eliminating violations and bringing the SBI's activities into line with national legislation and the standards of the CPT. In response, the State Bureau of Investigation demonstrated a constructive approach by developing and approving a special Instruction on safeguarding the rights of detained persons, which had previously been agreed with the Commissioner.

To implement the changes in practice, large-scale training was organised for staff of the central office and territorial departments, and relevant guidance materials were distributed. An important step was the creation and equipping of additional investigation rooms with mandatory audio and video recording systems. All personnel received clear instructions that any procedural actions must be conducted exclusively in such conditions, which exclude risks of ill-treatment and ensure transparency of the process.

The integration of an electronic system for monitoring complaints concerning torture into the SBI's general document flow has become an important aspect in preventing torture and other forms of ill-treatment. Control over the timely notification of FLA centres about detention has been strengthened. The heads of pre-trial investigation bodies received instructions on preventing detained persons from remaining on Bureau premises for prolonged periods and on the mandatory immediate transfer of such persons to TDFs of the NPU.

The set of measures taken indicates the SBI's commitment to the systemic transformation of its activities and to ensuring their compliance with European human rights standards.

Recommendations to NABU:

1. Ensure compliance with the requirements of the CrPCU with regard to approving internal regulatory acts defining the powers, rights and duties of officials responsible for safeguarding the rights of detained persons, as well as a clear procedure for recording all actions concerning detained persons.

SECTION 5

36 https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FUKR%2_FCO%2F7&Lang=en

37 https://rm.coe.int/16806ccd24.

2. Appoint officials responsible for the custody of detained persons and for safeguarding their rights, provide effective training for such officials and ensure that they properly perform the duties set out in Article 212(3) of the CrPCU.

3. Equip NABU premises with an RD whose detention conditions comply with national and international standards or exclude cases where detained persons remain for prolonged periods in NABU service rooms and ensure their prompt placement in TDFs of the NPU.

4. Arrange a room on NABU premises for confidential meetings between detained persons and defence lawyers, with appropriate confidentiality conditions and respect for the right to defence.

SBI:

1. Develop and approve a programme of measures aimed at:

- ensuring respect for the right to dignity of persons during detention;
- properly recording each case involving the use of physical force and special equipment, with subsequent management oversight;
- conducting procedural actions with detained persons exclusively in specially equipped rooms with mandatory audio and video recording;
- guaranteeing timely and unhindered access of detained persons to a defence lawyer.

2. Ensure the proper performance of duties by officials responsible for the custody of detained persons and for safeguarding their rights, as set out in Article 212(3) of the CrPCU, and conduct effective systematic training for such officials.

3. Exclude cases where detained persons remain for prolonged periods under the control of SBI staff in the Bureau's service rooms and ensure the prompt placement of detained persons in TDFs of the NPU.

Section 6

VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF DEFENCE OF UKRAINE

Article 5 of the Universal Declaration of Human Rights establishes an absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment. In this context, the Commissioner has repeatedly emphasised the need to ensure proper protection of human rights and freedoms regardless of a person's legal status, place of stay or the grounds for restriction of liberty. The state is obliged to guarantee respect for human dignity, security of person and proper detention conditions for all persons deprived of their liberty.

Places of deprivation of liberty under the authority of the Ministry of Defence of Ukraine, in particular guardhouses, rooms for temporarily detained service members, as well as specialised closed-type institutions, including disciplinary battalions of the Military Law Enforcement Service in the Armed Forces of Ukraine (hereinafter the MLES AFU), occupy a special place in the system of deprivation and restriction of liberty. The specific nature of these institutions lies in the fact that only service members are held there.

The conditions of detention of service members in these institutions must comply not only with the requirements of military discipline, but also with generally recognised international human rights standards enshrined in the Constitution of Ukraine, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention against Torture, the European Prison Rules, as well as national legislation and departmental regulatory acts, in particular the Procedure for Holding Convicted, Remanded, Arrested and Detained Service Members, approved by Order of the Ministry of Defence of Ukraine No. 394 of 3 November 2020.

Under martial law, given the increase in the size of the Armed Forces of Ukraine and the intensified application of disciplinary and criminal-law measures, the issue of respecting the rights of service members held in places of deprivation of liberty has become particularly relevant. At the same time, the introduction of martial law does not cancel or suspend Ukraine's international human rights obligations. Accordingly, the state is obliged to ensure effective protection of the rights of all persons deprived of their liberty, regardless of their legal status.

These institutions hold service members whose liberty has been restricted in connection with detention, arrest, remand in custody, the serving of a disciplinary sanction or punishment, as well as within the framework of criminal proceedings or the enforcement of court decisions. The nature and duration of detention are determined by the person's legal status, the grounds for restriction of liberty and the type of institution concerned.

According to information from the Ministry of Defence of Ukraine, as at November 2025, 34 places of deprivation of liberty operated within the Ministry's system, including 19 rooms for temporarily detained service members, 11 guardhouses and four disciplinary battalions.

At the same time, these institutions differ in terms of their material and technical support and intensity of use. Following the visit to the guardhouse of the Ivano-Frankivsk Zonal Department of the MLES AFU, it was established that it had been arranged relatively recently, in June 2025, which to some extent accounts for the better material, technical and sanitary condition of certain premises. By contrast, the room for temporarily detained service members of the Rivne Zonal Department of the MLES AFU operates in a building that does not fully meet the requirements of the current Holding Procedure.

During the visit to the guardhouse of the Ivano-Frankivsk Zonal Department of the MLES AFU, it was established that the cells were in proper condition and equipped with beds, tables, benches, shelves for storing personal belongings and staff call buttons. Access to natural light and fresh air is ensured through the possibility of opening windows independently.

Similarly, during the visit to the guardhouse of the Uzhhorod Zonal Department of the MLES AFU, the satisfactory sanitary condition of the cells, regular disinfection and the provision of food to persons held in accordance with established standards were recorded.

A positive practice identified during the visit to the guardhouse of the Uzhhorod Zonal Department of the MLES AFU was the presence of an employed healthcare professional, who conducts primary and periodic medical examinations of persons held. This significantly reduces the risks of failure to provide, or delays in providing, medical care.

During the visits, NPM group representatives were granted unhindered access to all premises of the institutions and the opportunity to communicate confidentially with persons held, which indicates a general understanding of the role and mandate of the NPM by the administrations of MLES AFU units.

At the same time, during the visit to the guardhouse of the Ivano-Frankivsk Zonal Department of the MLES AFU, information was recorded concerning the use of excessive physical force by police officers against a service member during his detention, which resulted in bodily injuries. Although these actions were not committed by guardhouse staff, the state has a positive obligation to conduct an effective and impartial investigation into such facts.

In addition, the practice of prohibiting sitting or lying on beds during the daytime may be regarded as creating degrading detention conditions.

A significant violation recorded in the disciplinary battalion was non-compliance with the requirements for the use of portable video recorders provided for in paragraph 9 of Section VI of the Procedure for Serving Sentences by Convicted Service Members. Failure to use such recording devices creates risks of violations of convicted persons' rights, makes it impossible to properly record offences and hinders the documentation of cases involving unjustified or excessive use of force.

In addition, stationary video surveillance is absent or does not function properly in certain places of deprivation of liberty within the system of the Ministry of Defence of Ukraine. At the same time, some guardhouses carry out round-the-clock video surveillance in cells, including coverage of sanitary facilities, which is contrary to ECtHR standards and the recommendations of the CPT. In its case law, the ECtHR has repeatedly stated that round-the-clock video surveillance during detention constitutes serious interference with the right to respect for private life within the meaning of Article 8 of the Convention (in particular in the case of Van der Graaf v. the Netherlands, application No. 8704/03).

The room for temporarily detained service members of the Rivne Zonal Department of the MLES AFU also lacks a shower room, a staff call alarm system and proper natural lighting, which indicates the systemic nature of problems related to outdated infrastructure.

A separate concern is the absence or actual non-use of proper shelters in the guardhouse of the Ivano-Frankivsk Zonal Department of the MLES AFU and the room for temporarily detained service members of the Rivne Zonal Department of the MLES AFU. Only four facilities are equipped with full protective structures, while basements, utility rooms or conditional dispersal areas are used in other cases, creating real risks to the life and safety of persons held during air raid alerts.

A comparative analysis of the operation of the institutions indicates uneven compliance with human rights standards: the detention conditions in the guardhouse of the Uzhhorod Zonal Department of the MLES AFU are closest to the established requirements, while the room for temporarily detained service members of the Rivne Zonal Department of the MLES AFU is characterised by a significant number of systemic violations.

Overall, the results of the visits indicate that the system of places of deprivation of liberty of the MoD is undergoing transformation, but currently combines certain positive practices with persistent systemic shortcomings. Further improvement in this area requires a comprehensive approach, including institutional, regulatory and material and technical measures aimed at the full implementation of international standards in the field of torture prevention and ensuring dignified detention conditions for persons deprived of their liberty.

Recommendations to the Ministry of Defence of Ukraine:

1. Ensure that the detention conditions of service members in places of deprivation of liberty of the MLES AFU are brought into line with international human rights standards, in particular by eliminating practices that may be regarded as degrading, including prohibitions on sitting or lying on beds during the daytime, and by ensuring proper natural lighting, ventilation, access to sanitary and hygienic facilities and the personal privacy of persons held.

2. Ensure the proper functioning of video recording and video surveillance systems in compliance with the principle of proportionality, in particular through the mandatory use by staff of portable video recorders in disciplinary battalions and other places of deprivation of liberty of the MLES AFU in accordance with the requirements of current regulatory acts.

3. Exclude cases of round-the-clock video surveillance, as well as the use of video surveillance cameras in sanitary facilities and living areas, except where justified by security considerations.

4. Take organisational, material and technical measures to guarantee the safety of service members held under martial law, in particular the possibility for them to stay in equipped shelters.

5. Conduct training for staff of places of deprivation of liberty under the authority of the Ministry of Defence of Ukraine on the requirements concerning respect for human rights provided for in the Constitution of Ukraine, the European Convention on Human Rights, the Convention against Torture, etc.

Section 7

VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS DURING STAY IN HEALTHCARE FACILITIES

Psychiatric care facilities in Ukraine remain a key element of the mental healthcare system, performing the complex and socially significant role of providing specialised healthcare to persons with mental disorders in inpatient facilities providing round-the-clock care, both on a planned and urgent basis. These facilities provide treatment for patients with severe, chronic and acute mental conditions, including those requiring constant supervision, intensive therapy and multidisciplinary support.

Within their powers, psychiatric hospitals, taking into account Article 49 of the Constitution of Ukraine, the Law of Ukraine 'Fundamentals of the Legislation of Ukraine on Health Care' and the Law of Ukraine 'On Psychiatric Aid', are called upon to guarantee everyone the right to accessible, safe and high-quality medical care with respect for rights, freedoms and human dignity. These facilities remain the only specialised institutions capable of providing care of any complexity, including compulsory hospitalisation by court decision, treatment of persons with comorbidities, severe forms of dementia and other conditions requiring special stay arrangements. However, limited financial, material, technical and staffing resources directly affect the realisation of patients' right to healthcare. Insufficient provision leads to a decline in the quality of medical services, deterioration of stay conditions, difficulties in accessing necessary medicinal products and increased risks to the life and health of patients. This situation prevents the full realisation of state guarantees in the field of medical care and is contrary to the principles of accessibility, safety and proper quality of treatment defined by national legislation and international human rights standards.

Positive changes were recorded in strengthening the material and technical base and therapeutic environment in almost all visited facilities. Considerable attention is paid to repair works in hospitals and furnishing rooms where patients receive treatment. Specialised departments are being equipped with functional beds and anti-bedsore mattresses, which improves patients' quality of life and treatment. Some hospitals have introduced canine-assisted therapy methods, indicating a transition to modern rehabilitation models with due regard to the International Classification of Functioning (ICF). An important step in ensuring patients' procedural rights has been the arrangement of courtrooms for remote or on-site court hearings directly on hospital premises. Cooperation with international donors, including the UN and the ICRC, has attracted additional resources for the renovation of premises and the modernisation of food preparation areas. However, limited resources directly affect the quality of medical services, living conditions, access to necessary treatment and the level of patient safety[38].

7.1. Safety and ill-treatment

In pursuance of the recommendations of the Istanbul Protocol and following the Commissioner's response, MoH Order No. 186 of 2 February 2024 approved primary record form No. 511/o 'Certificate on the Recording of Bodily Injuries'. At the same time, NPM groups continue to record cases of improper documentation of bodily injuries in patients, as well as failure to notify law enforcement agencies of such facts, during visits. Such practice significantly complicates the effective investigation of possible cases of ill-treatment and the holding of perpetrators accountable, as the CPT[39] has repeatedly emphasised.

> *During a visit to the Municipal Enterprise 'Poltava Regional Addiction Therapy Centre of Poltava Oblast Council', the NPM group found that healthcare professionals did not draw up certificates on the recording of bodily injuries (primary record form No. 511/o) in accordance with the MoH Order No. 186 of 2 February 2024.*

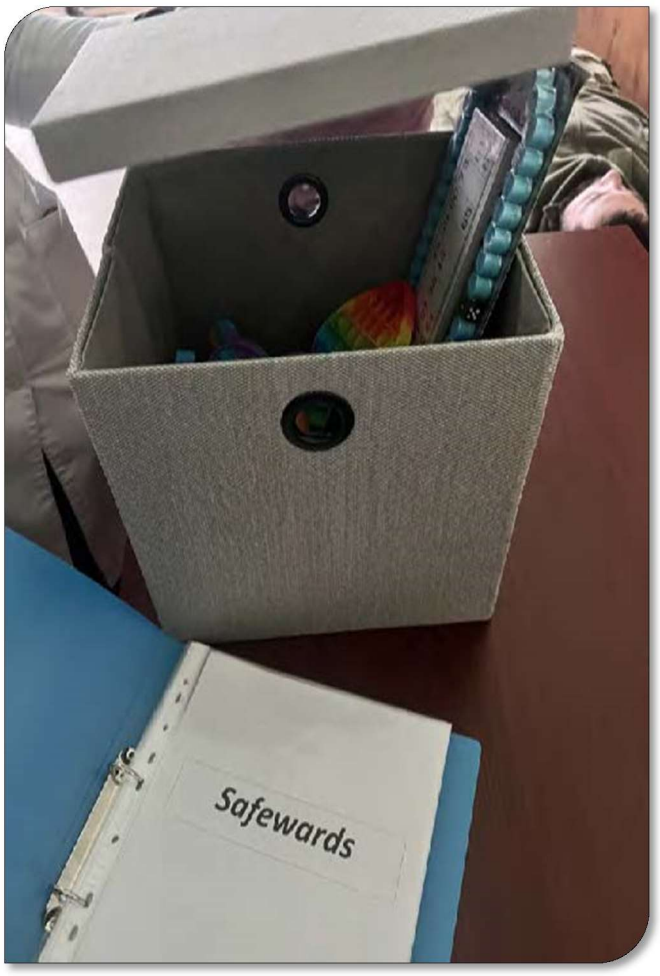
[38] Law of Ukraine 'On Psychiatric Aid': https://zakon.rada.gov.Ua/laws/show/1489-14#Text.

[39] The Istanbul Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: https://surl.gd/mcxuly. MoH Order No. 186 of 2 February 2024 'On Amending Paragraph 1 of Order of the Ministry of Health of Ukraine No. 110 of 14 February 2012': https://zakon.rada.gov.ua/laws/show/z0243-24#n4.

In order to genuinely strengthen safeguards for respecting patients' rights during their stay in psychiatric inpatient facilities, in 2024 the Commissioner sent a letter to the MoH proposing the introduction of the international Safewards model into the operation of the relevant facilities.

The proposed model is a modern preventive mechanism that complies with international human rights standards and is aimed at minimising the use of restrictive measures, reducing the level of conflict in wards, improving communication between medical staff and patients and creating a safe therapeutic environment based on unconditional respect for human honour, dignity and rights.

In 2025, staff of the Commissioner's Secretariat, as part of the implementation of NPM functions, made a regional visit to a psychiatric care facility in Vinnytsia Oblast.



Following the visit, the NPM positively assessed the introduction of the Safewards model at the Municipal Non-Profit Enterprise 'Vinnytsia Regional Clinical Psychoneurological Hospital named after Acad. O.I. Yushchenko of Vinnytsia Oblast Council'. The facility's administration ensured proper organisational support for the process: a phased implementation roadmap was developed, relevant organisational and administrative acts were issued and the practical implementation of the model began in the hospital's structural units. These steps indicate the development of a systemic approach to preventing violations of patients' rights and bringing psychiatric care practice into line with international human rights standards. In addition, this model is being introduced in the facilities of the State Institution 'Institute of Forensic Psychiatry of the Ministry of Health of Ukraine'.

However, during NPM visits to psychiatric care facilities, a set of systemic violations of patients' rights was identified. These concern both the conditions in which patients are held and the organisation of treatment, as well as the use of restrictive measures and the safeguarding of dignity and safety.

> *During a visit to the Municipal Enterprise 'Volyn Regional Psychiatric Hospital of Lutsk' of Volyn Oblast Council, in the course of confidential communication with patients and staff, the NPM group received information about cases in which patients were escorted by police officers directly to the psychiatric ward with the use of handcuffs.*

The CPT emphasises that the use of special equipment, including handcuffs, on persons with mental disorders is unacceptable in healthcare facilities, including during their hospitalisation, as this undermines the therapeutic purpose and degrades human dignity.

In addition, visits to the Municipal Enterprise 'Regional Psychiatric Care Facility of Poltava Oblast Council' identified cases of the application of patient management protocols that, in essence, had features of a penitentiary approach, which is incompatible with modern principles of psychiatric care. In particular, staff conducted daily morning and evening roll calls of patients, line-ups and searches before patients went outside for walks. Such measures degrade patients' dignity and lack proper medical justification.



Walks took place in a specially designated enclosed area with gazebos, under constant staff supervision. Patients were prohibited from leaving the gazebos without the permission of medical staff, which effectively reduced the walk to restricted movement of patients. A particular concern is the fact recorded by the NPM group that some patients slept in the gazebos, sitting on benches with their heads resting on tables.

Paragraph 36 of the CPT Standards emphasises that patients who so wish should be allowed to have access to their room during the day, rather than being obliged to remain assembled together with other patients in communal areas [CPT/Inf (98) 12].

Unlawful deprivation of liberty and violation of the right to liberty

One of the most serious violations is the de facto unlawful holding of persons in inpatient facilities despite the existence of a court decision replacing inpatient CMM with outpatient measures.

> *During a visit to the Municipal Enterprise 'Regional Psychiatric Care Facility of Poltava Oblast Council', in the course of confidential communication with patients conducted in the absence of third parties and in conditions excluding the possibility of being overheard, as well as during the review of documentation, the NPM group received information about cases of continued compulsory holding of persons in inpatient care despite the existence of court decisions changing the type of CMM. In particular, this concerned patients whose inpatient form of CMM had been replaced with an outpatient form by court rulings. At the same time, the court decisions had not in fact been enforced and the patients remained in inpatient treatment at the facility against their will.*

A separate problem is the recorded practice of forcibly involving patients in unpaid labour, in particular work in the hospital's food preparation area. Under Article 25 of the Law of Ukraine 'On Psychiatric Aid', persons receiving psychiatric care have the right to receive remuneration for work actually performed on an equal basis with others. At the same time, the absence of legal grounds for such labour participation, proper employment contracts and financial compensation indicates a gross violation of patients' rights. It should be emphasised that this activity does not correspond to individual psychosocial rehabilitation programmes and cannot be classified as occupational therapy, which gives grounds to regard such practice as exploitation of a vulnerable category of persons.

A significant problem is staff non-compliance with the principles of professional ethics and deontology, manifested in improper and dismissive treatment of patients. Reports were recorded of actions by certain staff members who were at work under the influence of alcohol, violated the smoking regime inside hospital premises and communicated with patients in a condescending manner. Of particular concern are cases of using psychiatric measures, including threats of isolation or forced administration of neuroleptics, as an instrument of disciplinary pressure or punishment for refusal to perform work. Such practice is categorically unacceptable, as it contradicts Article 25 of the Law of Ukraine 'On Psychiatric Aid', which guarantees every person the right to humane treatment excluding the humiliation of human honour and dignity. Such actions by staff not only undermine the therapeutic process, but also show signs of ill-treatment.

> *During confidential communication at the Municipal Non-Profit Enterprise of Kharkiv Oblast Council 'Regional Clinical Psychiatric Hospital No. 3', some patients reported cases of physical force being used against them by certain staff members from among junior medical personnel. In particular, they reported blows to the body and the use of abusive language towards patients.*

7.2. Staff and treatment

A systemic problem that directly affects the quality of medical services remains the critical staff shortage in psychiatric facilities, in particular in Poltava, Dnipropetrovsk, Rivne and Zakarpattia oblasts. NPM groups identified a significant number of vacant positions for psychiatrists, nurses, psychologists and rehabilitation specialists. In some cases, e.g., in Kryvyi Rih Raion, the workload reaches 100 patients per doctor, while at night and on weekends patients are effectively left without medical supervision.

This situation directly contradicts the recommendations of the CPT, which emphasise that staffing should be balanced in terms of numbers, professional specialisation (psychiatrists, general practitioners, nurses, psychologists, occupational therapists, social workers, etc.) and the ratio of experienced professionals to those undergoing training. A shortage of human resources often seriously undermines attempts to introduce an individual approach and develop a separate treatment plan for each patient. In addition, such a shortage, despite the good intentions and genuine efforts of staff, may lead to situations that pose a serious risk to patients.

Moreover, the excessive workload on existing staff not only makes full rehabilitation work impossible, but also creates high risks of conflicts and violence, which staff are unable to prevent in a timely manner under such conditions. This endangers patients' right to a safe environment and dignified treatment.

Another systemic problem remains non-compliance with legislative requirements concerning proper information for patients about the treatment process. During visits, patients repeatedly informed NPM groups that they did not know the names or purpose of the medicinal products they were taking, or the treatment methods being used.

Such facts indicate a violation of Article 26 of the Law of Ukraine 'On Psychiatric Aid', under which a psychiatrist shall inform a person, in an accessible form, about the state of their mental health, the prognosis of the disease, diagnostic and treatment methods, possible alternatives, risks and side effects, the conditions and duration of treatment, as well as possible restrictions of rights in connection with the provision of psychiatric care.

Contrary to these requirements, psychiatrists do not provide proper explanations in an accessible form, and medical records contain no substantiated entries indicating that the provision of full information could harm the patient's health. This indicates a formal approach to the realisation of a person's right to informed participation in treatment and the effective disregard of the principle of informed consent, which nullifies the patient's legal personality in the treatment process.

In addition, significant shortcomings were identified in the maintenance of medical documentation. The transition of certain departments to maintaining medication prescription sheets and daily patient observation notes only in electronic form is accompanied by a lack of entries in paper medical records, which in some cases are not updated for two to three weeks. The lack of regular entries on the patient's condition and treatment dynamics not only violates established medical standards, but also makes proper control over the quality of care impossible, creating additional risks to patients' health.

During the review of medical documentation, a case of discrepancy between prescribed and actually administered treatment was also established.

> *A patient treated at the Municipal Non-Profit Enterprise of Lviv Oblast Council 'Lviv Regional Clinical Psychiatric Hospital' was prescribed a treatment plan during hospitalisation: Duloxetine capsules, Valprokom-300 Chrono tablets and Truxal tablets. According to the doctor's notes, this treatment was not changed. However, the medication prescription sheet listed completely different medicinal products: Zonik, Kvetiksol and Spilacton.*

The actual discrepancy between the treatment plan determined by the doctor and the medicines reflected in the prescription sheet indicates either improper implementation of medical prescriptions by junior medical staff or an unauthorised change of therapy without proper justification and documentation. Such practice creates real risks to the patient's life and health, may lead to destabilisation of their mental state and constitutes a direct violation of the principle of continuity and safety of medical care.

The inadequate haematological monitoring of patients receiving medicinal products containing Clozapine as the active substance is of particular concern. The lack of regular monitoring of white blood cell levels contradicts the Instruction approved by MoH Order No. 147 of 8 August 1995 and creates a high risk of agranulocytosis, a complication that poses an immediate threat to the patient's life.

The use of Clozapine is included in the List of Diagnostic and Treatment Methods and Medicinal Products That Pose an Increased Risk to a Person's Health, approved by MoH Order No. 1638 of 24 September 2024, which imposes increased requirements for monitoring its use.

During visits, cases of storing and using medicinal products past their expiry date are identified. This may lead to a significant reduction in the effectiveness of the prescribed treatment and, in some cases, harm to health.

7.3. Conditions of stay for patients

Healthcare facilities that provide inpatient psychiatric care often do not comply with current regulatory acts and SBNs, resulting in systemic violations of patients' rights. The actual occupancy of hospitals exceeds planned indicators, leading to violations of floor-space standards per patient and the placement of beds in passage areas and department corridors.

In the departments of the Municipal Non-Profit Enterprise of Kharkiv Oblast Council 'Regional Clinical Psychiatric Hospital No. 3', the NPM group recorded violations of regulatory requirements concerning the number of patients who may be accommodated in one ward at the same time. In addition, cases were recorded where a significant number of patients were placed on beds in department corridors.

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

The material and technical condition of departments often does not meet the established requirements. Many wards have no doors, which restricts patients' right to privacy.

In addition, damaged wall, ceiling and floor coverings are systematically found on the premises.

Violations also concern the organisation of patients' meals. Cases are identified where food products of improper quality are stored in warehouses, the consumption of which may pose a threat to patients' life and health.



During an inspection of the food preparation area's storage room at the Municipal Non-Profit Enterprise of Lviv Oblast Council 'Lviv Regional Clinical Psychiatric Hospital', flour past its expiry date was found, indicating inadequate control over the conditions and periods of food storage. Cases were recorded where daily samples of dishes and culinary products were not taken, which violates control over the quality and safety of prepared food.

Other significant violations concern patients' right to respect for private life. Some psychiatric facilities have round-the-clock video surveillance directly in wards where patients stay during treatment, as well as in isolation rooms. Furthermore, ward windows are often fitted with bars, which does not contribute to a therapeutic environment, creates an oppressive atmosphere and constitutes a violation of the Law of Ukraine 'On Psychiatric Aid' and MoH Order No. 2085 of 7 December 2023.

In certain cases, patients' access to personal portable devices and telephone communication devices, which are kept by medical staff, is restricted without proper grounds. Under Article 13 of the Procedure for the Provision of Inpatient Psychiatric Care, approved by MoH Order No. 2085 of 7 December 2023, patients have the right to telephone conversations and internet use at their own expense, in compliance with the facility's daily routine. At the same time, there are cases where telephone conversations are permitted only in the presence of a healthcare professional and for no more than 30 minutes, which effectively imposes additional restrictions on patients' rights without proper legal justification.

There are cases where patients held in observation wards are effectively deprived of the opportunity to go outdoors, although walks are provided for in the daily schedule approved by the facility administration. The conditions in such wards do not ensure the exercise of the right to spend time outdoors, which is an important element of physical and psycho-emotional health. Cases were identified where a patient who had previously given informed consent to hospitalisation was forced to write an application requesting permission to go for a walk with a relative within the facility premises.

The CPT recommends taking urgent measures to remedy this situation. Overall, the aim should be to ensure unrestricted access for all patients to outdoor exercise during the day, except where treatment requires their presence in the department [CPT/Inf (98) 12].

Insufficient accessibility of healthcare facility premises for persons with limitations in daily functioning remains an important problem. In particular, facilities often lack ramps, while thresholds inside premises hinder the free movement of patients with reduced mobility within the facility.

Members of the NPM group witnessed a situation where healthcare professionals from among junior medical staff, due to negligent performance of their duties and the presence of an unequipped door threshold, forcefully jerked a wheelchair used by an older patient, causing the patient to fall out of the wheelchair. The medical staff did not even ask the patient about his well-being or state of health. In addition to the lack of inclusive arrangement of the facility, healthcare professionals lack the relevant skills for handling patients.

During visits, NPM groups identified cases where a healthcare facility was not equipped with a civil protection shelter, which does not ensure the safety of patients and medical staff in the facility when an Air Raid Alert signal is announced.

7.4. Use of restraint measures

The use of restraint measures in psychiatric care facilities must be based on the principles of legality, justification, necessity and proportionality. This approach provides for the use of physical or chemical restraint only as a measure of last resort, when all alternative de-escalation methods have been exhausted and there is a real threat to the patient or others.

Pursuant to international human rights standards in the provision of psychiatric care, in particular the recommendations of the CPT, as well as modern approaches to the organisation of psychiatric inpatient facilities, priority should be given to measures aimed at minimising any forms of coercion and restriction of patients' liberty.

The CPT emphasises that the use of physical restraints, seclusion or other coercive measures must be exceptional, proportionate and as short as possible, while the main focus of the work of facilities should shift towards the prevention of crisis situations. To this end, psychiatric inpatient facilities should introduce a systemic approach that corresponds to the principles of respect for dignity, autonomy and the least restrictive intervention, and is aimed at gradually moving away from a culture of coercion towards a partnership-based, person-centred model of psychiatric care.

Seclusion and other restrictive measures should be used only as exceptions, for the shortest possible period, with mandatory documentation, medical supervision and subsequent analysis of each case. The modern approach provides for a gradual transition to practices focused on respect for dignity, autonomy and human rights, with the minimisation or complete abandonment of coercive measures wherever possible. At the same time, numerous violations are identified in the use of physical restraint of patients.

In a number of facilities, no specially designated room has been arranged or equipped for physical restraint measures, namely physical fixation of patients. The lack of a specially equipped room indicates non-compliance with established regulatory requirements for ensuring safe, humane and proper conditions for the use of physical fixation. This makes it impossible to carry out such measures in a manner fully compliant with current legislation and creates additional risks of violating the rights, dignity and personal integrity of the persons subjected to such restrictions.

The NPM group witnessed a case where a patient who expressed the intention to leave the department remained physically restrained in an observation ward using improvised means in the presence of other patients. This practice contradicts paragraph 11 of the Rules on the Use of Physical Restraint and/or Seclusion in the Provision of Psychiatric Care to Persons with Mental Disorders, approved by MoH Order No. 240 of 24 March 2016 (hereinafter the Rules), which prohibits the physical restraint of patients in the presence of other persons with mental disorders.

Healthcare professionals explain the need for restrictive actions by referring to patients' potentially dangerous behaviour. However, as established, such restraints are not properly documented. This calls into question the legality and justification of such measures, deprives patients of the right to protection and makes proper oversight of respect for their rights during treatment impossible.

The CPT recommends taking urgent measures to ensure that mechanical restraint is applied in compliance with the principles of patients' dignity and privacy, in particular by making it impossible to restrain in the presence of other patients.

Numerous cases of unofficial use of mechanical restraint by healthcare professionals, information about which is not recorded in medical documentation, are of particular concern. This may indicate attempts to conceal such cases, which obstructs control over the safety and appropriateness of using such measures.

In addition, the practice of chemical restraint of patients through the administration of psychotropic medicinal products is widespread in facilities.



This approach is used to quickly reduce psychomotor agitation or aggressive behaviour in patients.

> *During a visit to the Municipal Enterprise 'Regional Psychiatric Care Facility' of Poltava Oblast Council, the NPM group received reports from patients about threats by a healthcare professional (seclusion or the forced administration of the medicinal product Haloperidol) made in the event of refusal to perform certain work. This may indicate possible abuse of psychiatric methods of influence.*
>
> *One patient reported being subjected to fixation for violating the regime, which may indicate the use of this measure as punishment.*

Such practice is unacceptable and contradicts Article 28 of the Constitution of Ukraine, Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and CPT standards, which prohibit the use of restraint measures for punitive purposes.

It should be noted that current national legislation does not regulate the procedure for using chemical restraint measures, which is not in line with modern international standards, in particular the recommendations of the CPT.

The lack of clear regulatory requirements concerning the conditions, dosage, duration and monitoring of the use of medicinal means of restraint increases the risk of abuse and leads to violations of patients' rights.

The Commissioner sent the above recommendations to the MoH concerning amendments to Article 8 of the Law of Ukraine 'On Psychiatric Aid' and to the Rules, with a view to improving legislation on the use of restraint measures in respect of patients.

7.5. Remedies (legal safeguards)

NPM groups record cases of non-compliance with the requirements of Article 94(2) of the Criminal Code of Ukraine and Article 8 of the Law of Ukraine 'On Psychiatric Aid' concerning the provision of psychiatric care in the least restrictive conditions. In particular, in the inpatient department of the Municipal Enterprise 'Regional Psychiatric Care Facility of Poltava Oblast Council', patients were identified in respect of whom the court had applied CMM in the form of outpatient psychiatric care. In other words, persons who, according to a court decision, do not require hospitalisation due to their mental health condition are in fact held in conditions of isolation typical of inpatient treatment.

Such practice contradicts the requirements of Article 94(2) of the Criminal Code of Ukraine, which provides that compulsory outpatient psychiatric care may be applied by a court to a person who has a mental disorder and has committed a socially dangerous act if, due to the state of their mental health, the person does not require hospitalisation in a psychiatric care facility.

Article 8 of the Law of Ukraine 'On Psychiatric Aid' emphasises that psychiatric care is provided in the least restrictive conditions that ensure the safety of the person and others, while respecting the rights and legitimate interests of the person receiving psychiatric care. Compulsory outpatient care entails treatment without isolating the person from society and without restrictions on freedom of movement characteristic of hospitalisation. Accordingly, contrary to Article 29 of the Constitution of Ukraine, Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 3 of the Universal Declaration of Human Rights, patients' right to liberty and security of person was violated.

The ECtHR emphasises the inadmissibility of unlawful detention of patients, in particular in the judgment in Spivak v. Ukraine (application No. 21180/15)[40].

The actual holding of these persons in an inpatient department therefore indicates an unjustified restriction of their right to liberty and security of person.

[40] Spivak v. Ukraine (application No. 21180/15): https://zakon.rada.gov.ua/laws/main/974 026-25?utm source=chatgpt.com#Text.

In addition, the facility does not always comply with the requirements for obtaining a patient's informed consent to hospitalisation and treatment.

During confidential communication with patients, they reported that, while under psychological pressure from medical staff, they signed informed consent to treatment in a psychiatric facility every month. In this way, despite formal voluntary nature, patients' stay in departments where CMM had previously been applied to them was effectively extended.

Accordingly, contrary to Article 29 of the Constitution of Ukraine, Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Articles 3 and 6 of the Universal Declaration of Human Rights, patients' right to liberty and security of person was violated. The ECtHR emphasises the inadmissibility of unlawful holding of patients.

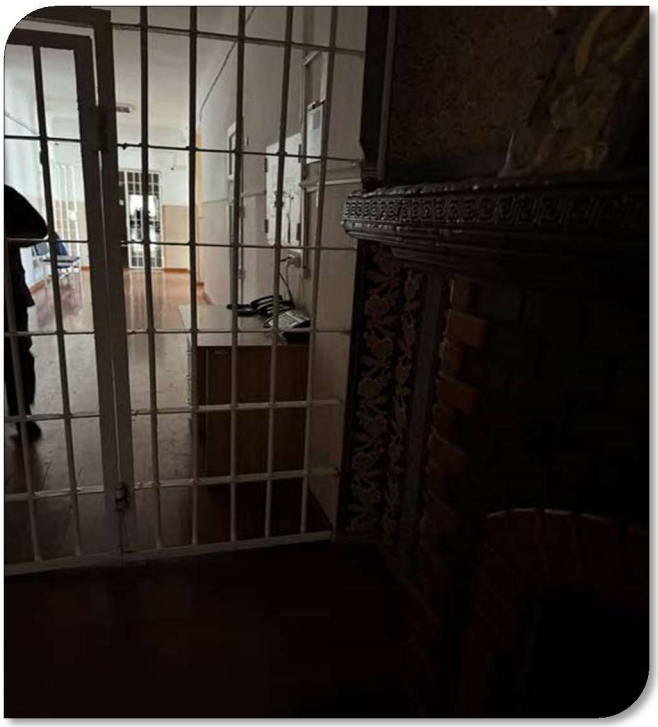
In response to facts identified during the visit that may indicate a criminal offence, the NPM group called an investigative and operational group of the NPU.

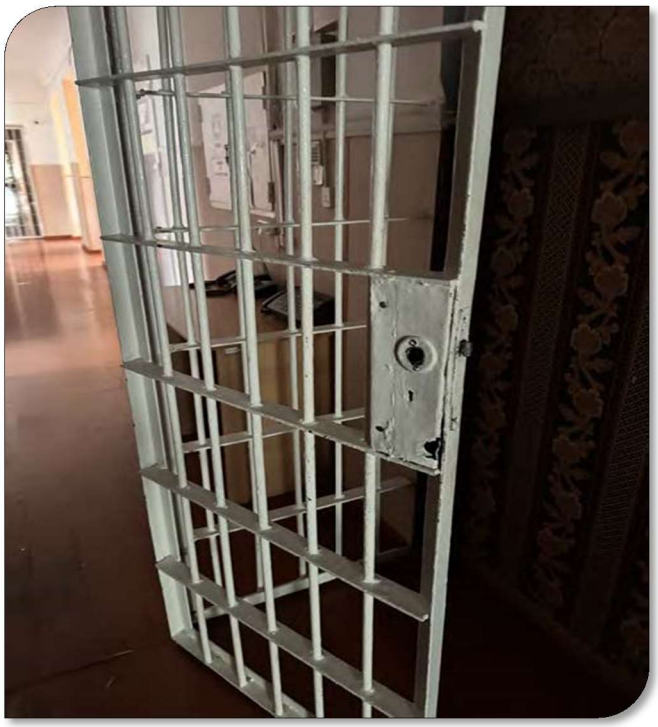
Subsequently, the MDNP in Poltava Oblast informed the Commissioner's Secretariat of the registration and investigation of criminal proceedings concerning the unlawful holding of patients of the Municipal Enterprise 'Regional Psychiatric Care Facility of Poltava Oblast Council' in compulsory treatment, on grounds of a criminal offence under Article 146(1) 'Unlawful Deprivation of Liberty or Abduction of a Person' of the Criminal Code of Ukraine.

NPM groups also identified cases of patients staying in psychiatric departments without signed informed consent in other psychiatric care facilities.

At the Municipal Non-Profit Enterprise of Kharkiv Oblast Council 'Regional Clinical Psychiatric Hospital No. 3', the absence of a patient's signature confirming their informed consent to treatment was recorded, which calls into question the voluntary nature of the patient's receipt of medical care in the facility.

In paragraph 41 of the CPT Standards (CPT/Inf/E (2002) 1), the Committee notes that, after admission to psychiatric care facilities, patients must receive full, clear and accurate information, including about their right to consent or refuse consent to hospitalisation, as well as the possibility of subsequently withdrawing their consent[41].





[41] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards) https://atlas-of-torture.org/api/files/1535003531724aby7zo7ug pmvjpd95i2hdunmi.pdf.



However, the issue of informed consent and the voluntary nature of stay in inpatient care is not the only problematic aspect. An analysis of the practice of psychiatric care facilities indicates systemic violations concerning not only procedural safeguards, but also the actual conditions in which patients are held.

Persons who are in inpatient care on the basis of their own consent, and to whom compulsory hospitalisation under Article 14 of the Law of Ukraine 'On Psychiatric Aid' has not been applied, are in fact held in conditions identical to the regime of compulsory treatment.

Contrary to the requirements of paragraph 9 of the Procedure for the Provision of Inpatient Psychiatric Care, approved by MoH Order No. 2085 of 7 December 2023, metal bars that do not open are installed on ward windows, while the doors of wards and departments remain locked during the day. In certain cases, doors are fitted with bars without handles and can be unlocked only by medical staff using a key.

The above requirements of the Procedure expressly prohibit the installation of structures that obstruct patients' free exit in the event of an emergency or create a feeling of isolation, as well as restrictions on free entry to and exit from departments, except at night. Instead, actual practice indicates the opposite, namely the preservation of a punitive and isolating model of organising treatment conditions.

Such conditions do not comply with the principles of humanising psychiatric care, respect for human dignity and the creation of a therapeutically safe environment. They create a feeling of punishment in patients, reinforce stigmatisation and may negatively affect their psycho-emotional state and rehabilitation process.

Other means of protecting patients' rights

The problem of patients' insufficient awareness of their rights, the conditions of stay in the facility and protection mechanisms in the event of violations requires separate attention. During visits, cases were repeatedly recorded where departments lacked accessible and up-to-date information for patients. In particular, information boards do not contain contact details of bodies and officials to whom complaints may be submitted, including the Commissioner's contact details. In a number of cases, the information is outdated, incomplete or presented in a foreign language, which effectively makes it impossible for patients to understand it.

At the same time, proper practice may include providing each patient and, where necessary, their legal representative or relatives with an information brochure upon hospitalisation. Such information material should contain the internal rules of the healthcare facility, a list of patients' rights and duties, information on the procedure for giving and withdrawing consent to treatment, mechanisms for reviewing the hospitalisation decision, the possibility of obtaining FLA, and a clear procedure for submitting complaints and applications.

Ensuring that such information is accessible, understandable and complete is an integral component of the exercise of the right to effective protection, informed consent and the person's informed participation in the treatment process, as well as a safeguard against possible abuses and human rights violations during stay in inpatient departments of psychiatric facilities.

During visits to psychiatric facilities, NPM groups identify persons who, according to clinical indications, no longer require inpatient treatment but cannot in fact be discharged because they lack an alternative place of residence or properly organised support in the community.

This practice indicates the existence of a systemic problem at state and local levels in the field of mental health, namely the insufficient development of supported living services, social support and other forms of integrated assistance for persons with mental disorders. As a result, inpatient psychiatric facilities are forced to perform a function that is not inherent to them, namely long-term social care. This creates risks of violating a person's right to liberty and security of person, independent living, inclusion in community life and respect for human dignity.

Recommendations to the MoH, oblast and city military administrations:

1. Develop and implement a comprehensive strategy for preventing violations of patients' rights in psychiatric care facilities, which, through a combination of regulatory, organisational, educational and monitoring measures, will ensure the development of a safe, person-centred and therapeutically effective environment in inpatient facilities.

2. Take measures to ensure that healthcare facilities are staffed, in particular by increasing staff motivation and social guarantees.

3. Develop and implement a programme for the reconstruction of departments of healthcare facilities providing inpatient psychiatric care in order to accommodate no more than four patients in wards.

4. Bring the procedure for applying physical restraint and/or seclusion of patients in psychiatric facilities into line with international standards. To this end, initiate updates to the Law of Ukraine 'On Psychiatric Aid' and MoH Order No. 240 of 24 March 2016, based on the CPT recommendations 'Means of Restraint in Psychiatric Establishments for Adults'.

5. Develop and implement basic training and regular advanced training courses for healthcare professionals on the use of means of restraint and de-escalation methods for patients with mental disorders.

6. Ensure the EHS technical possibility of mandatory recording of all cases of using means of restraint against patients, including medicinal (chemical).

7. Disseminate the experience of introducing the international Safewards model in facilities providing inpatient psychiatric care.

8. Conduct psychiatric examinations, provide outpatient psychiatric care and hospitalise a person in a psychiatric care facility only with their informed written consent, except in cases defined by the Law of Ukraine 'On Psychiatric Aid'.

9. Amend the Procedure for the Provision of Inpatient Psychiatric Care, approved by MoH Order No. 2085 of 7 December 2023, taking into account the following provisions:

- discontinuing the use of uncertified means of fixation on persons with mental disorders in healthcare facilities;
- regulating the issue of patients' work activities, taking into account the current labour legislation;
- developing an information brochure setting out the internal rules of the healthcare facility and patients' rights, including information on legal aid, review of the hospitalisation decision, consent to treatment and complaint procedures, and introducing the practice of familiarising patients with it upon admission to the healthcare facility.

10. Ensure in healthcare facilities providing inpatient psychiatric care:

- proper control over the storage of medicinal products and medical devices;
- proper maintenance of medical documentation;
- proper conditions of stay for patients, corresponding to therapeutic conditions, privacy requirements and accessibility requirements for premises for persons with limitations in daily functioning;

- removal of bars from ward windows and discontinuation of the practice of video surveillance directly in patients' wards;
- mandatory operation of specially equipped premises for carrying out physical fixation in compliance with the principles of privacy, safety and human dignity;
- mandatory and proper completion by medical staff of form No. 511/o, approved by MoH Order No. 186 of 2 February 2024, when bodily injuries are identified in patients;
- strengthened control over compliance with the requirements for mandatory haematological monitoring when using medicinal products containing the active substance Clozapine, in accordance with current instructions and orders of the MoH;
- development and implementation of a standardised procedure for medical staff to ensure patients' right to informed consent, with mandatory documentation of the fact that full and accessible information has been provided on treatment methods, risks and side effects;
- development and systemic implementation of training and retraining programmes for psychiatrists, psychologists, social workers and rehabilitation specialists, with an emphasis on respect for human rights, the use of practices to minimise coercion, verbal de-escalation techniques, interdisciplinary cooperation and modern approaches to psychosocial rehabilitation;
- exclusion from psychiatric hospitals of the practice of roll calls, line-ups, searches, the use of handcuffs, etc. as practices incompatible with the therapeutic nature of psychiatric care;
- realisation of patients' right to unhindered access to telephone communication and the internet without unjustified additional restrictions, in accordance with MoH Order No. 2085 of 7 December 2023;
- accessibility of buildings and premises for persons with disabilities and groups with reduced mobility, including the installation of ramps, removal of thresholds and training of staff on the safe support of such patients;
- access to civil protection shelters, as well as the development of evacuation procedures for patients with reduced mobility during an Air Raid Alert signal;
- taking measures to prevent the forced involvement of patients in unpaid labour, as well as labour without employment contracts.

Section 8

VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY WITHIN THE SPHERE OF LEGAL REGULATION OF THE MINISTRY OF SOCIAL POLICY OF UKRAINE

8.1. General overview of places of deprivation of liberty in the social protection system

Places of deprivation of liberty in the social protection system have specific features determined by the nature of the activities of the relevant institutions and by the categories of persons who receive social services in them. Such institutions usually accommodate persons belonging to vulnerable populations, in particular older persons, persons with disabilities, children, as well as persons who, due to their health condition or other circumstances, require constant third-party care, support or supervision. In this connection, such persons often have limited ability to independently defend their rights and interests, which increases their vulnerability to possible violations during their stay in such institutions.

In view of the above, ensuring proper living conditions, care, social service delivery and educational services, as well as the effective functioning of the mechanism for preventing ill-treatment and other human rights violations in such institutions, is one of the important areas of NPM activity.

According to information provided by the National Social Service of Ukraine, as at 1 January 2026, the number of places of deprivation of liberty in Ukraine's social protection system was 591, accommodating 44.3 thousand persons, including:

34 children's residential care homes, accommodating 3.4 thousand persons in total (1.3 thousand women and 0.2 thousand girls, 1.4 thousand men and 0.5 thousand boys);

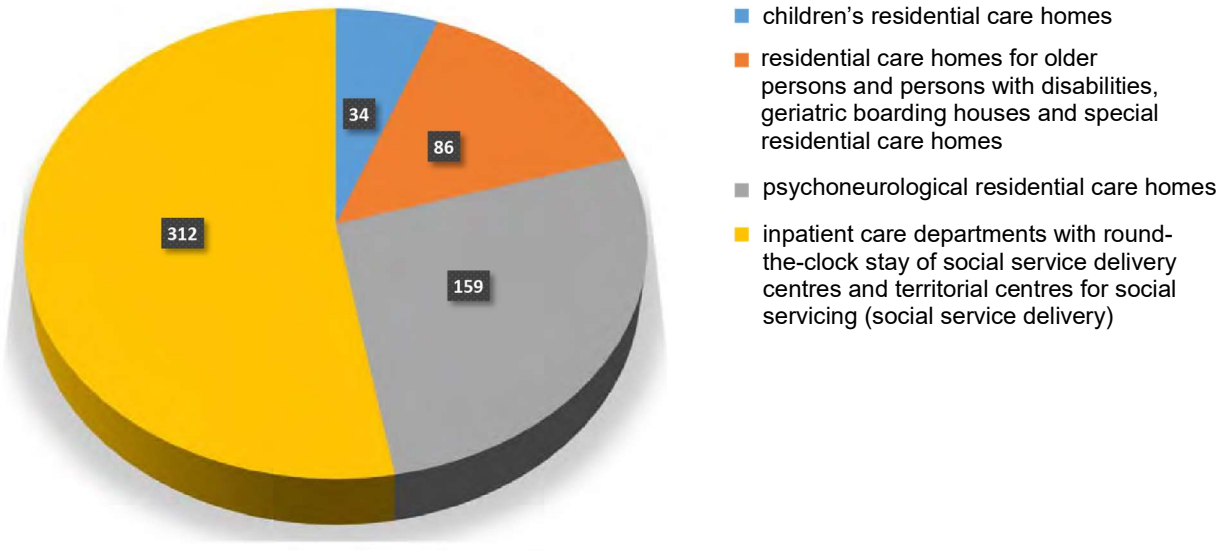
86 residential care homes for older persons and persons with disabilities, geriatric boarding houses and special residential care homes, accommodating 10.6 thousand persons in total (5.2 thousand women and 5.4 thousand men);

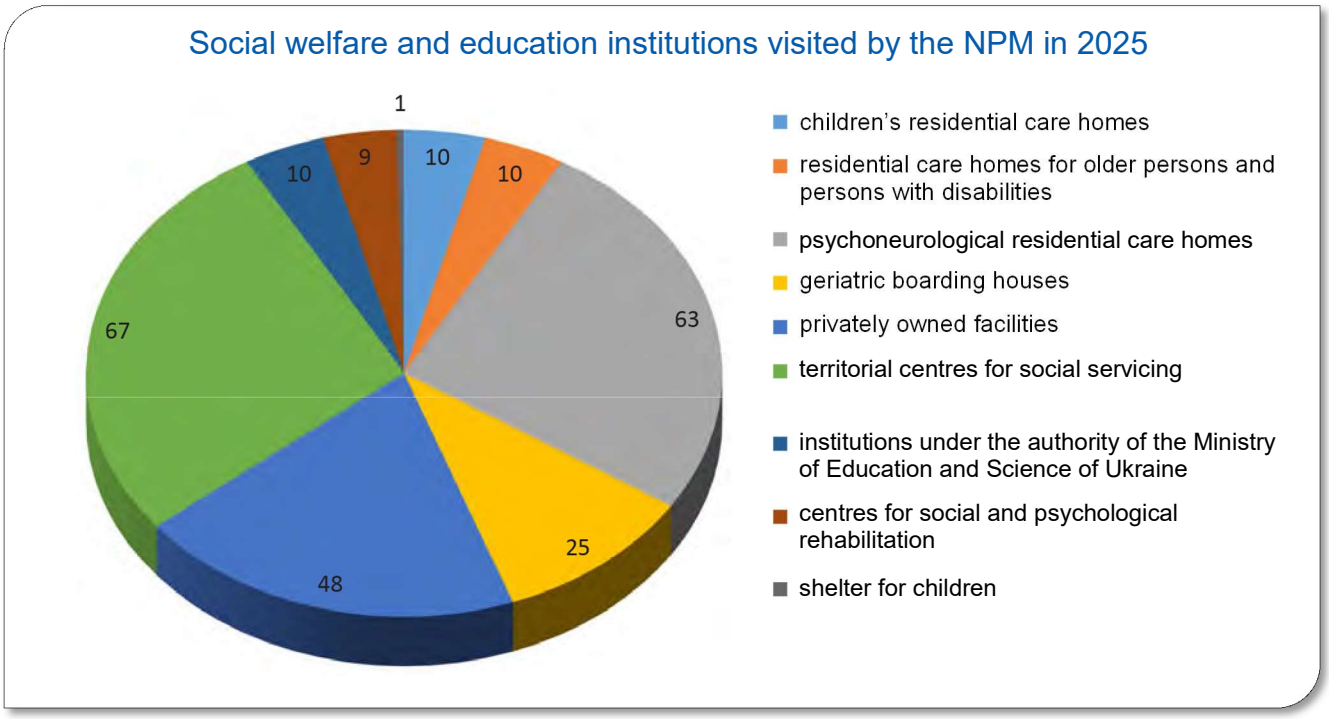
159 PNRCHs, accommodating 23.1 thousand persons in total (10.9 thousand women and 12.2 thousand men);

312 inpatient care departments with round-the-clock stay of social service delivery centres and territorial centres for social servicing (social service delivery), accommodating 7.2 thousand older persons and persons with disabilities in total (3.8 thousand women and 3.4 thousand men).

As part of the implementation of NPM functions, 243 social welfare and education institutions were visited during 2025: 63 PNRCHs, 10 residential care homes for older persons and persons with disabilities, 25 geriatric boarding houses, 10 children's residential care homes, 48 privately owned institutions, 67 territorial centres for social servicing, 10 institutions under the authority of the MES, nine centres for social and psychological rehabilitation of children and one shelter for children.

Social welfare and education institutions





8.2. Issues in the operation of social welfare institutions

Violations of the rights of legally incapacitated residents

Following NPM visits in 2025, it was established that around half of residents of residential institutions have the status of legally incapacitated persons on average, while in some institutions the number of legally incapacitated residents reaches 80–90%. In practice, every second resident is deprived of the legal ability to make decisions about their own life, from everyday matters to the possibility of changing their life and leaving the institution.

> *During a visit to Sviatoshynskyi Psychoneurological Residential Care Home, it was established that the institution accommodated 705 residents, of whom 565 were legally incapacitated, representing 80% of the total number.*

At the same time, the key problem is not the increase in the number of decisions depriving persons of legal capacity, but the complete lack of effective mechanisms for restoring it, which is contrary to the principles and objectives set out in the Convention on the Rights of Persons with Disabilities[42]. In 2025, none of the residential institutions visited by the NPM initiated procedures for restoring residents' legal capacity. In particular, during examinations of residents by the medical advisory commission, the issue of the need to establish or terminate guardianship or custody over them was not raised.

[42] Convention on the Rights of Persons with Disabilities: https://zakon.rada.gov.ua/laws/show/995_g71#Text.

A visit to the psychoneurological department of the municipal institution 'Zdolbuniv Geriatric Boarding House' of Rivne Oblast Council established that healthcare professionals organise examinations of residents by a medical advisory commission with the participation of a psychiatrist at least once a year in order to decide on the appropriateness of their further stay in the institution. At the same time, medical records contain no entries concerning consideration of the need to establish or terminate guardianship or custody over residents.

An additional obstacle to restoring the civil capacity of residents of residential institutions is the need to pay for costly forensic psychiatric examinations. At the same time, current legislation in cases of this category does not provide for the costs of such examinations to be borne by the state, which in practice significantly complicates, or even makes impossible, the initiation of the relevant court procedures.

Under Article 300(4) of the Civil Procedure Code of Ukraine, a natural person's civil capacity is shall be restored by a court decision on the basis of the conclusion of a forensic psychiatric examination. At the same time, institutions that perform the functions of guardian under Article 66 of the Civil Code of Ukraine do not have the financial capacity to ensure that such examinations are conducted, since their budgets do not provide for the relevant expenditure.

In addition, another systemic problem is identified in practice, namely the improper performance by guardians of their duties and insufficient oversight of their activities by guardianship and custody authorities. A significant proportion of legally incapacitated residents formally have guardians from among their relatives. However, visits recorded that such guardians do not visit residents, do not maintain any contact with them, do not take an interest in residents' health or living conditions and therefore effectively fail to perform the duties assigned to them. There are known cases where residents have not seen their guardians for several years.

During the review of the register of visits and parcels at the municipal institution of Lviv Oblast Council 'Sozan Psychoneurological Residential Care Home', it was established that certain guardians do not perform the duties assigned to them. In particular, guardians of legally incapacitated residents had not visited them for more than a year, had not sent parcels and had not maintained telephone contact with them.

Despite this, administrations of residential institutions usually do not inform guardianship and custody authorities about guardians' failure to perform their duties. In turn, guardianship and custody authorities have effectively withdrawn from performing their oversight functions in respect of legally incapacitated persons living in residential institutions: they do not visit them, do not inspect their living conditions, the state of residents' property or the level of their medical care and do not request annual reports from guardians, as provided for by the Rules of Guardianship and Custody, approved by Joint Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the MoH and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88 of 26 May 1999[43].

In none of the institutions visited in 2025 were scheduled visits to legally incapacitated residents conducted by guardianship and custody authorities.

A separate and extremely acute problem is cases where the residential institution itself, represented by its director, acts as guardian of legally incapacitated persons. In such situations, one person effectively performs the functions of guardian for dozens, and sometimes hundreds, of residents, which makes an individual approach and proper performance of guardianship duties impossible. In addition, an obvious conflict of interest arises, since the director of the institution simultaneously manages residents' pension funds and property and may objectively be uninterested in restoring their civil capacity or their departure from the residential institution.

In its reports following visits to Ukraine, the CPT has repeatedly called on the Ukrainian authorities, in particular in paragraph 44 of the Report to the Ukrainian Government on the Visit to Ukraine from 2 to 11 April 2019, CPT/Inf (2020) 1[44] (hereinafter the Report to the Ukrainian Government on the Visit to Ukraine CPT/Inf (2020) 1), to seek alternative solutions that would effectively ensure the independence and impartiality of guardians.

[43] Rules of Guardianship and Custody, approved by Joint Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the MoH and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88 of 26 May 1999: https://zakon.rada.gov.Ua/laws/show/z0387-99#Text.

[44] 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 2 to 11 April 2019: https://rm.coe.int/1680997b34?utm source=chatgpt.com.

Systemic inability of residential institutions to ensure social rehabilitation

Despite the declared transition to a deinstitutionalised model of care in accordance with the Strategy for Reforming Psychoneurological and Other Residential Institutions and Deinstitutionalising Care for Adults with Disabilities and Older Persons until 2034[45], the results of visits to social welfare institutions show that most residential institutions continue, in practice, to operate according to a model of holding and isolating persons with disabilities, rather than social rehabilitation and preparation for life in the community.

> *During a visit to Sniatyn Psychoneurological Residential Care Home, the NPM group established that residents were sitting on benches without any organised activity in the day room. According to staff, the television was broken and did not work. Residents informed the NPM group that they spent most of their time on benches outside or lying on the ground, which indicates a lack of measures aimed at their socialisation and support for their psycho-emotional state. Moreover, the administration prohibits residents from having mobile phones, despite their wish to maintain contact with guardians, relatives and friends.*





During visits, NPM groups observe the absence of any work with residents aimed at restoring and developing basic independent living skills. In most residential institutions, residents are not taught self-care skills, everyday independence or social interaction, including independently carrying out minor everyday transactions, planning their own expenses, preparing meals and organising daily life.

> *The visit to the psychoneurological department of the municipal institution 'Zdolbuniv Geriatric Boarding House' of Rivne Oblast Council established that social adaptation and rehabilitation activities for residents are not organised, which does not comply with paragraph 5 of the Standard Regulation on Psychoneurological Residential Care Homes, approved by CMU Resolution No. 957 of 14 December 2016[46].*

[45] Strategy for Reforming Psychoneurological and Other Residential Institutions and Deinstitutionalising Care for Adults with Disabilities and Older Persons until 2034: https://zakon.rada.gov.ua/laws/show/1315-2024-%D1%80#Text.
[46] Standard Regulation on Psychoneurological Residential Care Homes, approved by Resolution of the Cabinet of Ministers of Ukraine No. 957 of 14 December 2016: https://zakon.rada.gov.ua/laws/show/957-2016-%D0%BF#Text.

In addition, visits recorded cases where residents are not assisted with basic hygiene routines and are not given explanations on the use of personal hygiene items, despite the fact that such measures are provided for in individual social service delivery plans.

Such a formal approach to identifying residents' individual needs is a systemic violation. In many institutions, individual social service delivery plans are either not prepared or are not reviewed for years, persons responsible for their implementation are not designated and the results of the social services provided are not assessed.

A typical problem is the lack of proper conditions for supporting residents' personal identity. Residents are deprived of the opportunity to keep personal belongings and are forced to use non-personalised clothing in a number of institutions. Such practice nullifies the individuality of persons staying in institutions and may be regarded as degrading their human dignity. In paragraph 34 of Section III of the Eighth General Report [CPT/Inf (98) 12][47], the CPT states that residents should be allowed to keep personal belongings, such as photographs, books, etc. It is also very important to provide residents with lockable storage space for their personal belongings. The absence of such a possibility may be perceived by residents as an infringement of their personal security and independence.

> *During a visit to Ziankivtsi Psychoneurological Residential Care Home, it was established that wardrobes and bedside tables in residents' rooms were empty, while residents' personal belongings were kept by staff. Accordingly, residents do not have free access to their belongings, which makes it impossible to create a positive therapeutic environment and a homely atmosphere in the institution.*

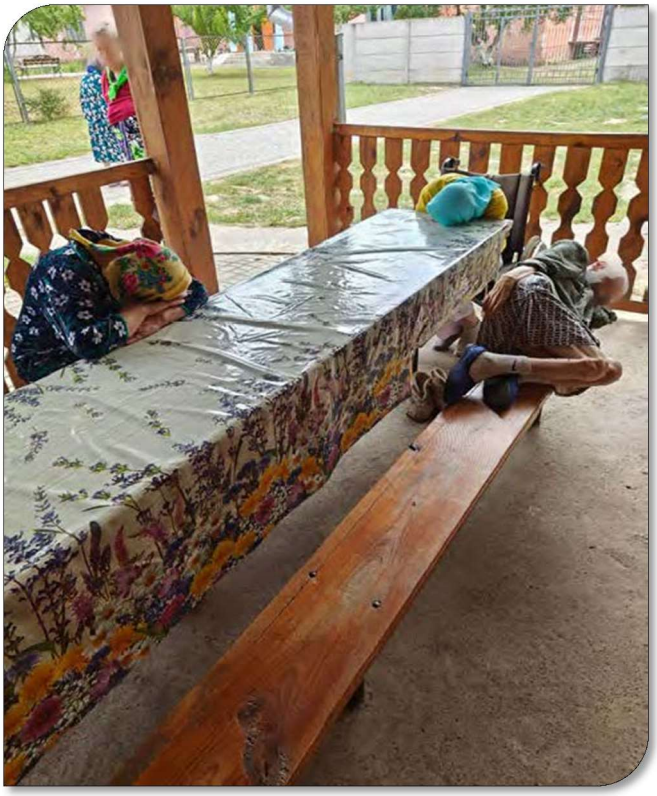
Occupational therapy, which by its purpose should ensure the restoration of professional, labour and social skills, is in most visited institutions effectively reduced to residents performing auxiliary work, in particular cleaning premises or the territory, which does not correspond to its rehabilitation purpose.



Residents are also not involved in the social life of the community, do not participate in cultural, educational or social events outside the institutions and do not have the opportunity to communicate with people outside the residential institution, which restricts the exercise of the right of persons with disabilities to participate in cultural life on an equal basis with others.

Moreover, NPM groups record violations of residents' freedom of movement, in particular their isolation in areas fenced off by barriers or in specially designated rooms of the institution that they are prohibited from leaving. In some cases, residents who could independently plan their day and choose time for leisure and rest are prohibited from sitting down on their beds. The administrations of institutions justify such prohibitions by the need to maintain cleanliness and order on the premises, which indicates the prioritisation of housekeeping interests rather than human needs.

[47] 8th General Report on the CPT's activities: https://rm.coe.int/1680696a72?utm_source=chatgpt.com.



During a visit to Ponornytsia Psychoneurological Residential Care Home, residents reported that they were not allowed to stay in their living rooms during their free time. Depending on their health condition and level of intellectual development, women stay in fenced-off areas, winter playrooms or inside the residential building. It was also found that certain residents, while in rooms, were forced to sit on chairs or stand, without the possibility of proper rest.

A separate problem is the absence of an approved procedure for the activities of the organiser of social and cultural activities with clearly defined functions and tasks. In practice, the substance of the work in this position depends entirely on the subjective vision of a particular employee and is not subject to meaningful oversight. In most institutions, cultural and leisure activities are reduced to formal conversations or passive time spent and have no effect. In such circumstances, the existing approach to organising cultural and leisure activities effectively imitates the exercise of the right of persons with disabilities to participate in cultural life, while residents remain deprived of real opportunities for development and social interaction.

Staff shortage

One of the key causes of the above violations is systemic staff shortage, manifested in a lack of qualified employees and an excessive workload on existing staff.

In most of the institutions visited, the number of junior medical staff is critically insufficient. In such conditions, staff are physically unable to carry out individual work with residents, including teaching them self-care skills, accompanying them during hygiene procedures and developing their everyday and social independence.

During a visit to Ladyzhyn Psychoneurological Residential Care Home, it was established that the staffing level of healthcare professionals did not correspond to the institution's actual needs, taking into account the number of residents and their condition. Ninety-four per cent of the institution's residents are bedridden patients with severe somatic and neurological disorders and profound dementia, who are unable to care for themselves and require full medical and everyday care.

In paragraphs 28–30 of its Eighth General Report [CPT/Inf (98) 12], the CPT states that working with persons with mental illness is always a difficult task for all categories of staff in such institutions and emphasises the need to ensure the continuous presence of sufficient numbers of staff in residential institutions, including at night and on weekends, in order to create a positive therapeutic environment.

In its published Report to the Ukrainian Government on the Visit to Ukraine CPT/Inf (2020) 1, the CPT also recommends that the Ukrainian authorities urgently address the issue of staffing Ukrainian PNRCHs with medical staff and staff qualified to provide psychosocial therapy.

A systemic problem is also the absence in institutions of specialists without whom residents' social rehabilitation is impossible. Many residential institutions have no psychologists or social workers, while the position of organiser of social and cultural activities is either not provided for in the staff list or has remained vacant for a long time.

> *In Psychoneurological Department No. 1 of the municipal institution 'Rivne Psychoneurological Residential Care Home' of Rivne Oblast Council, residents are not provided with daytime occupation, such as creative activities, leisure, learning, voluntary work, etc., taking into account their health condition and wishes. The position of organiser of cultural and leisure activities is vacant.*

The acute staff shortage in the medical units of PNRCHs should be noted separately. NPM visits repeatedly identified the absence of a psychiatrist in institutions, as well as an insufficient number of medical staff. Given the specific nature of PNRCHs, the absence of a psychiatrist and proper medical support creates serious risks to the life, health and safety of residents.

> *During a visit to Geriatric Department No. 3 of the municipal institution 'Rivne Psychoneurological Residential Care Home' of Rivne Oblast Council, it was established that the institution does not ensure a set of rehabilitation measures for residents because there is no position of rehabilitation doctor.*

The main causes of staff shortage are the extremely low level of remuneration, especially for healthcare professionals. An additional deterrent is the territorial remoteness of most residential institutions from populated areas and the difficulty of transport links, which significantly reduces the attractiveness of work in such institutions.

In addition, staff of residential institutions receive virtually no professional support: regular training, advanced training, supervision and other forms of professional support are not provided.

The Commissioner has repeatedly raised the issue of aligning the remuneration of healthcare professionals in social welfare institutions with the remuneration level of healthcare professionals in the healthcare sector. At the same time, this issue remains pending as of today.

Order of the Ministry of Social Policy of Ukraine No. 893 of 6 June 2019 approved the Guidelines on Determining the Number of Employees of Residential Institutions and Institutions of the Social Protection System[48], which define the minimum number of staff. These indicators may be increased depending on the number of residents, their health condition and the actual needs of the institution. At the same time, visits found that even where there is a significant number of residents with severe health impairments and an obvious need for additional staff, oblast military administrations do not review staffing levels and limit themselves to applying the minimum indicators provided for in these recommendations.

[48] Guidelines on Determining the Number of Employees of Residential Institutions and Institutions of the Social Protection System, approved by Order of the Ministry of Social Policy of Ukraine No. 893 of 6 June 2019:

8.3. Main violations of human and civil rights in social welfare institutions

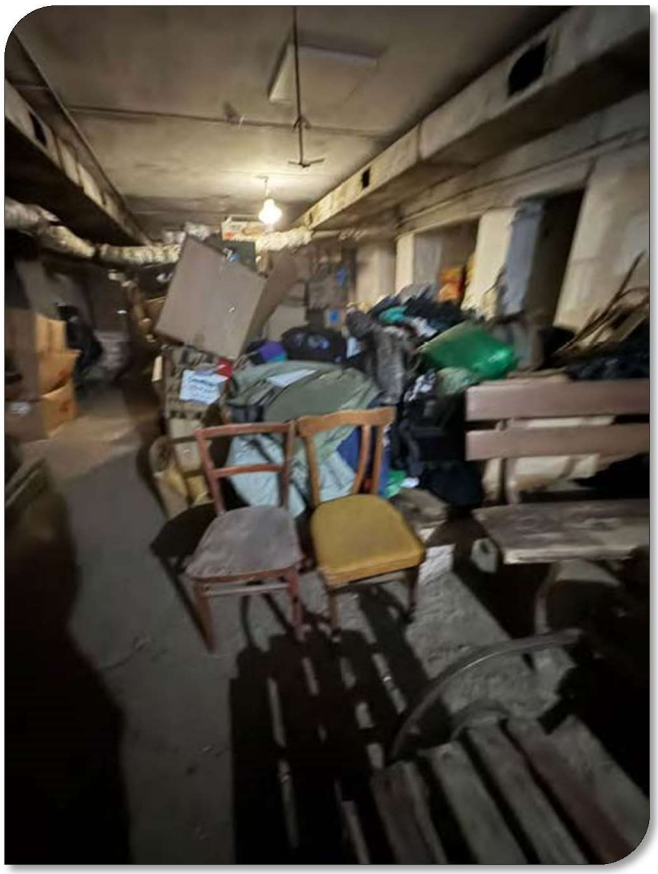
Violation of the right to life and safety

During visits to social welfare institutions in 2025, NPM groups recorded systemic violations of residents' right to life and safety related to the absence or inadequate condition of civil protection shelters. In a significant number of institutions, shelters are either completely absent or have been identified as not complying with the Requirements for the Maintenance, Arrangement and Operation of Facilities of the Civil Protection Shelter Fund, approved by MIA Order No. 579 of 9 July 2018[49]. In particular, such premises are not equipped with ventilation and lighting systems, emergency exits, proper sanitary and hygienic conditions, drinking water supplies or places for sitting or resting.

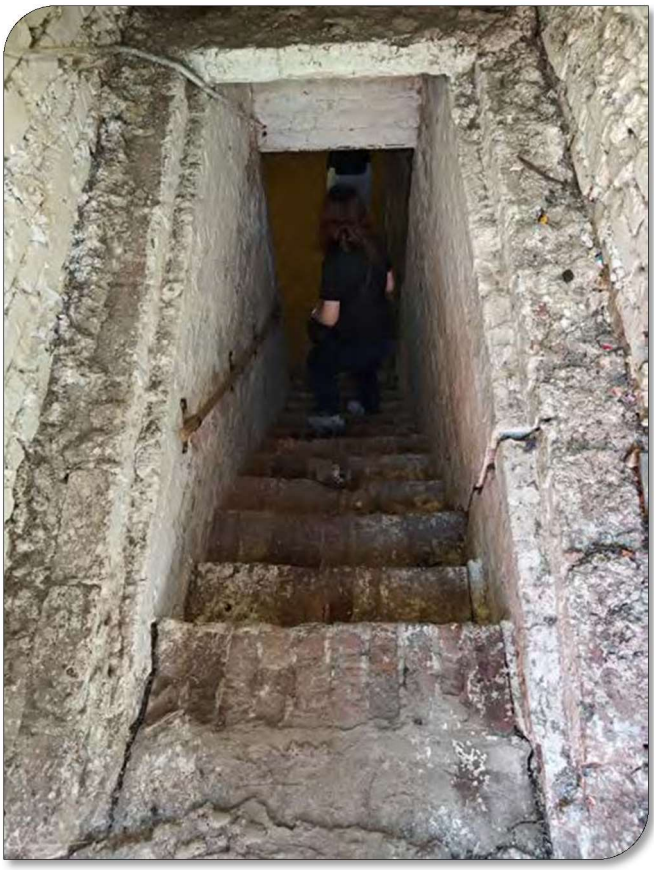
In a number of cases, they are cluttered, damp and show signs of mould, creating additional health risks for older persons and persons with disabilities. Photos 7, 8.

> *The shelters of Ivano-Frankivsk Geriatric Boarding House are not equipped with a sufficient number of places for sitting or lying down, containers with drinking and technical water, containers for storing food products, medical care supplies, means of communication, etc. Commode chairs are used instead of fully equipped sanitary and hygienic facilities.*





[49] Requirements for the Maintenance, Arrangement and Operation of Facilities of the Civil Protection Shelter Fund, approved by Order of the Ministry of Internal Affairs of Ukraine No. 579 of 9 July 2018: https://zakon.rada.gov.ua/laws/show/z0879-18#Text.



A separate problem is the physical impossibility of safe access for residents to shelters. In many institutions, routes to shelters lack ramps and handrails, and have steep stairs, making independent or prompt movement impossible for persons with reduced mobility and persons using wheelchairs.

Violation of the right to healthcare and medical care

In 2025, NPM groups continued to record cases of inadequate medical supervision of residents who had been taking medicinal products containing clozapine as the active substance for a long time. Medical staff do not conduct monthly haematological monitoring of such residents, which violates the Instruction on Ensuring Haematological Monitoring during Treatment with Leponex (Clozapine), approved by MoH Order No. 147[50] of 8 August 1995, and poses a danger to residents' life and health.

In its Report to the Ukrainian Government on the Visit to Ukraine CPT/Inf (2020) 1, the CPT recommended that the Ukrainian authorities take urgent measures to ensure that regular blood tests are carried out for residents taking medicinal products containing clozapine, and provide staff training on recognising early signs of potentially fatal side effects of clozapine.

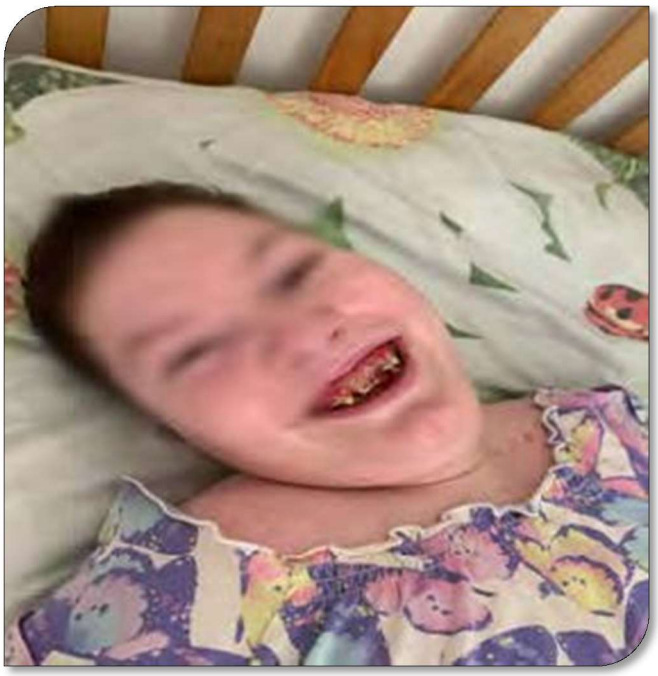
> *During a visit to the municipal institution 'Rzhavets Psychoneurological Residential Care Home', it was established that haematological monitoring of residents taking medicinal products containing clozapine is not conducted monthly.*

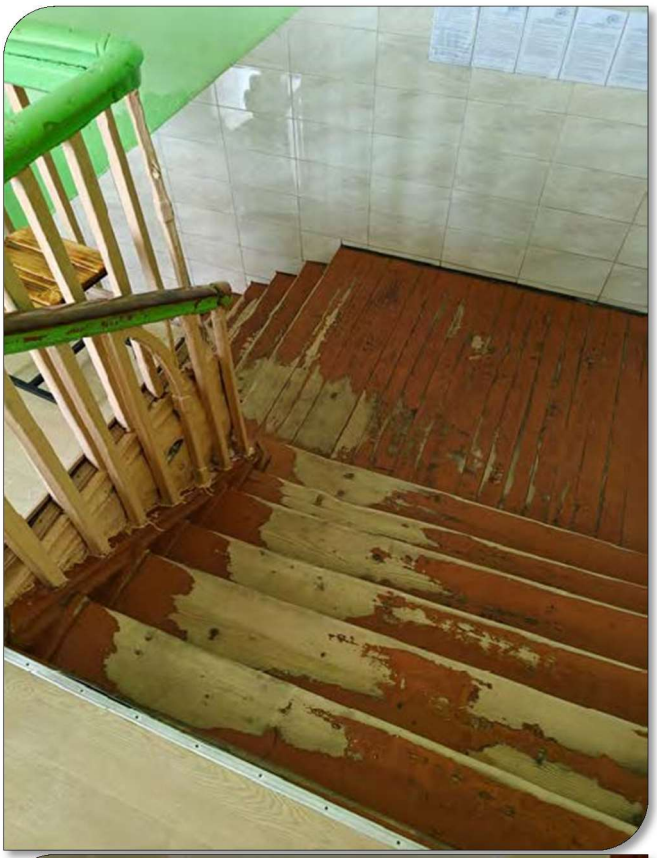
In residential institutions, especially PNRCHs, residents frequently sustain bodily injuries. However, healthcare professionals of such institutions usually do not draw up a certificate on the recording of bodily injuries (primary record form No. 511/o), as required by MoH Order No. 186 of 2 February 2024[51]. The lack of proper documentation of bodily injuries prevents the effective investigation of cases of torture and other cruel, inhuman or degrading treatment or punishment.

During a visit to the municipal institution of Lviv Oblast Council 'Khodoriv Psychoneurological Residential Care Home', resident V. was found with a plaster cast on an upper limb. At the same time, the medical documentation maintained in the institution contained no entries concerning the injury, prescribed recommendations or the date for removing the plaster cast.

Another acute problem is the lack of proper dental care in PNRCHs and geriatric boarding houses. In paragraph 31 of the Report to the Ukrainian Government on the Visit to Ukraine CPT/Inf (2020) 1, the CPT recommends taking measures to provide free somatic examinations, treatment, including dental treatment, medicines and materials for all residents.

[50] Instruction on Ensuring Haematological Monitoring during Treatment with Leponex (Clozapine), approved by Order of the Ministry of Health of Ukraine No. 147 of 8 August 1995: https://zakon.rada.gov.ua/rada/show/v0147282-95#Text.
[51] Order of the Ministry of Health of Ukraine No. 186 of 2 February 2024: https://zakon.rada.gov.ua/laws/show/z0243-24#n19.



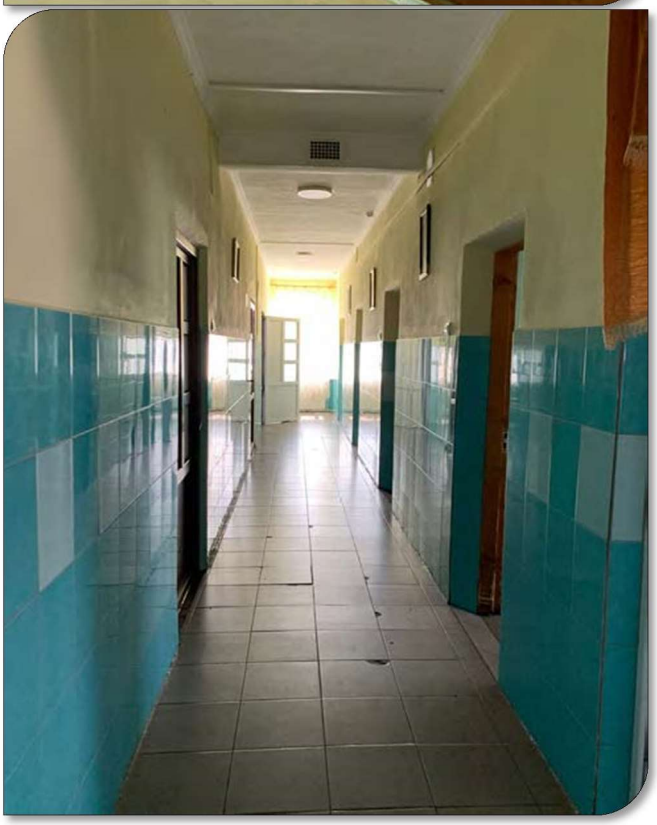


A visit to Lonky Psychoneurological Residential Care Home found that residents are not provided with proper dental care; they only have teeth extracted.

Violation of the right to accessibility, in particular for persons with disabilities and populations with reduced mobility

In most social welfare institutions, violations of the right to accessibility of persons with disabilities and residents with reduced mobility are systemically recorded. The premises of institutions are usually not adapted to the needs of these categories of persons, which contradicts SBN V.2.2-40:2018 'Inclusion of Buildings and Structures'[52], as well as international human rights standards.

In particular, it was found that residential buildings are mostly not equipped with lifts or hoists. This effectively makes movement and the organisation of walks impossible for residents with reduced mobility who live above the first floor, and leads to their prolonged isolation within living premises.



[52] SBN V.2.2-40:2018 'Inclusion of Buildings and Structures': https://e-construction.gov.ua/files-token/c5453e8585fe128c89568f54a805ff33.



In addition, the corridors of residential premises are not equipped with horizontal handrails in most institutions, creating additional risks of falls and injuries.

Persons with disabilities also face barriers when using sanitary and hygienic facilities that are not adapted to their needs. In particular, premises lack fixed and folding handrails, sufficient space for wheelchair manoeuvring is not ensured, and hooks for crutches and other assistive equipment are not provided, which limits the possibility of using such premises independently and safely.

In addition to architectural inaccessibility, NPM groups systematically record the failure to provide persons with disabilities with the necessary individual rehabilitation aids. In particular, residents often do not have orthopaedic footwear, individual commode chairs, bedside tables, functional beds, anti-bedsore mattresses or other special equipment.

> *During a visit to a department of Sniatyn Psychoneurological Residential Care Home, the NPM group recorded a case where a resident was tied with a piece of cloth to the back of a wheelchair in the yard in order to keep him in a sitting position, because the wheelchair did not meet the resident's individual needs.*

Violation of the right to possess, use and dispose of one's property

In accordance with the Procedure for the Use of Pension Amounts (Monthly Lifelong Monetary Allowance) and/or State Social Assistance Accrued in Accordance with Legislation to Orphans, Children Deprived of Parental Care, Legally Incapacitated Persons and Persons with Limited Civil Capacity, Who are Residents of Children's Residential Care Homes and Psychoneurological Residential Care Homes, approved by Order of the Ministry of Social Policy of Ukraine No. 1173 of 17 August 2018,[53] the funds of legally incapacitated residents under the guardianship of an institution are their property and must be used only in the interests of the residents themselves.

At the same time, in practice, institution administrations often do not consider it appropriate to spend residents' funds on purchasing items and services requested by them, in particular household appliances, cosmetic products or placing online orders. Instead, residents' funds are mostly spent on purchasing identical food packages for all persons, without taking individual needs into account.

[53] Procedure for the Use of Pension Amounts (Monthly Lifelong Monetary Allowance) and/or State Social Assistance Accrued in Accordance with Legislation to Orphans, Children Deprived of Parental Care, Legally Incapacitated Persons and Persons with Limited Civil Capacity, Who are Residents of Children's Residential Care Homes and Psychoneurological Residential Care Homes, approved by Order of the Ministry of Social Policy of Ukraine No. 1173 of 17 August 2018: https://zakon.rada.gov.Ua/laws/show/z1055-18#Text.

Residents whose accounts contain significant amounts of money are not offered the opportunity to use them.

> *Residents of Sniatyn Psychoneurological Residential Care Home stated that they wished to purchase certain items with their own money, in particular a radio and a clock, but such requests were ignored. Purchases for legally incapacitated persons are made according to a single approach: identical food packages for a fixed amount of UAH 500 are prepared monthly.*

The situation is particularly problematic in respect of bedridden residents who, due to their health condition, are unable to independently control the use of their own funds. In such cases, measures are often not taken to ensure that the funds are used to genuinely improve their conditions of stay, for example by arranging a more comfortable living space or purchasing items that contribute to comfort and support their psycho-emotional state, such as a television, radio, toys, special devices, etc.

> *The funds of legally incapacitated residents of Ladyzhyn Psychoneurological Residential Care Home are accumulated in bank accounts because the institution's staff are afraid to assume responsibility for spending them. At the time of the visit, the amount of funds belonging to legally incapacitated residents accumulated in bank accounts had reached UAH 400,000.*

In addition, NPM groups recorded cases where residents were not informed about the actual amount of funds in their accounts, did not receive accessible information about their own financial situation and were therefore deprived of the opportunity to make informed decisions about their use.

> *At the time of the visit to the municipal institution of Lviv Oblast Council 'Sudova Vyshnia Psychoneurological Residential Care Home', the amounts accumulated in the accounts of certain residents totalled UAH 137,000. At the same time, the residents were not informed about the existence or amount of funds in their own accounts.*

There is also a practice in PNRCHs whereby pension funds and other social payments of residents with legal capacity are received by institution staff, who then independently determine the timing and amount of funds issued to residents. Such practice effectively restricts the ability of residents with legal capacity to freely possess, use and dispose of their property and may indicate an abuse of official powers by staff of residential institutions.

8.4. State of human and civil rights compliance in privately owned boarding houses for older persons

The Law of Ukraine 'On Amending the Law of Ukraine "On Social Services"'[54] [13] (hereinafter the Law) introduced, *inter alia*, the obligation to enter information on recipients of social services into the Register of Providers and Recipients of Social Services. The Law also provides for liability for delivering social services without entry in the Register, which may be disciplinary, administrative, civil-law or criminal.

At the same time, despite the existence of legislative requirements, private geriatric boarding houses often operate effectively outside proper state oversight. The main reason is that the relevant provisions have not been implemented in the Code of Ukraine on Administrative Offences or the Criminal Code of Ukraine. As a result, there are no effective mechanisms for holding offenders accountable.

[54] Law of Ukraine 'On Amending the Law of Ukraine "On Social Services"': https://zakon.rada.gov.ua/laws/show/4332-IX#Text.



Moreover, significant gaps remain in legislation, allowing private boarding houses to operate without proper legal regulation:

- there is no mechanism for identifying social service providers operating without entry in the Register;
- governmental authorities have no powers to carry out state supervision and oversight measures;
- there is no mechanism for terminating the activities of such entities in the event of violations of legislation.

In such circumstances, numerous violations of residents' rights arise, as confirmed by the results of visits. In particular, the most common violations in privately owned institutions remain the improper arrangement or absence of shelters necessary for the safe stay of residents in the event of an Air Raid Alert signal or shelling. Residents with reduced mobility who live on upper floors and cannot evacuate independently are especially vulnerable. At the same time, there is often not enough staff to organise their safe movement.

In addition to safety issues, the practice of formalising legal relations between the institution and residents remains problematic. For example, contracts on the delivery of social services in private boarding houses are usually concluded not with residents, but with their relatives, which may indicate the involuntary placement of older persons in the institution.

A visit to the private boarding house for older persons 'Oberih' in Kharkiv established that most social service delivery contracts had been concluded not with residents, but with third parties, including relatives, neighbours of residents, etc. The institution's administration does not require service customers to provide a court decision declaring a person to have limited legal capacity or to be legally incapacitated, which would provide legal grounds for concluding such a contract with their legal representatives.

It should be emphasised that most private boarding houses are not adapted to the needs of persons with disabilities and residents with reduced mobility. In particular, buildings are not equipped with lifts, hoists, ramps or handrails in corridors, which limits residents' ability to move independently around the premises of the institution. As regards the organisation of leisure, it should be noted that it is mostly limited to watching television and reading books, which does not ensure social activity or psychological comfort.

Cases of using medicinal products past their expiry date are not uncommon in private boarding houses. Furthermore, institutions do not have licences to conduct business activity in medical practice or contracts with healthcare facilities. As a result, medical procedures, including injections and intravenous drips, are performed by institution staff, most of whom do not have medical education.



Following the identified violations, the Commissioner sent reports on the commission of criminal offences, as well as response acts, to the management of boarding houses and to the relevant governmental authorities in order to eliminate violations and bring the activities of the institutions into line with legislative requirements.

Recommendations to the Ministry of Social Policy of Ukraine:

1. Ensure proper implementation of the Operational Action Plan for the Implementation in 2025–2027 of the Strategy for Reforming Psychoneurological and Other Residential Institutions and Deinstitutionalising Care for Adults with Disabilities and Older Persons until 2034, approved by CMU Resolution No. 1315-r of 24 December 2024, in particular in terms of developing alternatives to institutional care and supporting people's living in the community, and organise regular public reporting on the status of implementation of the measures.
2. Ensure the development of a regulatory and methodological framework for social rehabilitation and preparation for independent living of persons staying in psychoneurological and other residential institutions.
3. Develop and implement a clear mechanism for regular review of the civil capacity status of persons living in residential institutions, in particular by preparing guidelines for staff of residential institutions and guardianship and custody authorities, as well as conducting training sessions and workshops for professionals on the algorithm for initiating and supporting the procedure for restoring civil capacity.
4. Initiate amendments to the civil procedure legislation of Ukraine concerning the allocation to the state of the costs of forensic psychiatric examinations in cases concerning the restoration of civil capacity of persons staying in residential institutions.
5. Develop and approve a procedure for the activities of guardianship and custody authorities in protecting the rights of adults who require the establishment of guardianship or custody, and define an effective mechanism for supervision and control over respect for the rights of legally incapacitated persons and persons with limited civil capacity.
6. Develop and approve a procedure for interaction between guardianship and custody authorities and institutional care facilities, providing for a clear procedure for monitoring living conditions and respect for the rights of legally incapacitated persons and persons with limited civil capacity, the procedure for regular visits by representatives of guardianship and custody authorities and the mechanism for responding to identified violations of their rights.
7. Develop a set of measures for the gradual discontinuation of the practice of appointing residential institutions and their directors as guardians of legally incapacitated persons, with the simultaneous introduction of alternative guardianship models that ensure the independence and impartiality of the guardian.
8. Initiate amendments to Ukrainian legislation concerning the establishment of administrative liability and a clear definition of the grounds for disciplinary liability of officials of guardianship and custody authorities for improper oversight of respect for the rights of legally incapacitated persons and persons with limited civil capacity.
9. Take measures to align the salaries of healthcare professionals in social welfare institutions with those of healthcare professionals in healthcare facilities, including through the necessary legislative and regulatory amendments.
10. Take urgent measures to address the systemic problem of insufficient provision of dental care to residents of residential institutions, providing for proper funding, organisational access to services and coordination with healthcare facilities.
11. Develop guidelines on the organisation of cultural and leisure activities in residential institutions, defining the functional duties of the organiser of cultural and leisure activities and the forms and types of work with residents, taking into account their individual needs and the provisions of the Convention on the Rights of Persons with Disabilities.
12. Take measures to ensure regulatory settlement and state oversight of the activities of private social service providers that are not entered in the Register of Providers and Recipients of Social Services, ensuring the termination of unlawful activities and the preparation of guidelines on legalising activities through entry in the Register of Providers and Recipients of Social Services.
13. Initiate amendments to the Code of Ukraine on Administrative Offences in order to establish liability for violations of the Law of Ukraine 'On Social Services', in particular for delivering social services without entry in the Register of Providers and Recipients of Social Services.

Initiate amendments to the Criminal Code of Ukraine concerning the establishment of criminal liability for gross or systemic violations of legislation in the field of social service delivery by private providers that create a threat to the life or health of persons staying in such institutions.

Recommendations to the National Social Service of Ukraine:

1. Ensure control over regular examinations of persons staying in residential institutions by medical commissions with the participation of a psychiatrist, in particular to assess the need to establish, continue or terminate guardianship or custody over them.
2. Establish systemic control over the use and accounting of residents' personal funds in residential institutions in accordance with the Procedure for the Use of Pension Amounts (Monthly Lifelong Monetary Allowance) and/or State Social Assistance Accrued in Accordance with Legislation to Orphans, Children Deprived of Parental Care, Legally Incapacitated Persons and Persons with Limited Civil Capacity, Who are Residents of Children's Residential Care Homes and Psychoneurological Residential Care Homes, approved by Order of the Ministry of Social Policy of Ukraine No. 1173 of 17 August 2018.
3. Introduce mandatory audits of medical documentation concerning the recording of bodily injuries during each inspection of an institution, with mandatory notification of law enforcement agencies and the Commissioner if facts of concealment of residents' injuries are identified.

Recommendations to oblast military administrations and local governments:

1. Ensure systemic inspections of the performance by guardians of their duties in respect of legally incapacitated persons living in residential institutions.
2. Ensure implementation of the current Rules of Guardianship and Custody and respect for the rights and freedoms of adult legally incapacitated persons and persons with limited civil capacity.
3. Ensure scheduled visits to legally incapacitated residents in social welfare institutions, control over respect for their rights and prompt response to identified violations.
4. Introduce a system of regular monitoring of the activities of guardianship and custody authorities in supervising guardians, in particular by approving schedules of planned visits to legally incapacitated residents in residential institutions and analysing reports on the state of respect for their rights.
5. Require administrations of residential institutions to initiate the issue of replacing a guardian in the event of failure to perform their duties.
6. Ensure control over the submission of annual reports by guardians, in particular concerning the management of residents' property.
7. Ensure the organisation and coordination of systemic information and awareness-raising activities in residential institutions aimed at informing persons with disabilities about their right to review and appeal court decisions declaring them legally incapacitated.
8. Strengthen control over comprehensive assessments of the individual needs of social service recipients, the preparation of individual social service delivery plans and their regular review.
9. Discontinue the practice of unjustified isolation of residents and the application of regime restrictions not provided for by law in subordinate residential institutions.
10. Ensure managerial control over the activities of institutions in implementing systemic leisure, learning and socialisation programmes for residents, taking into account each person's individual needs through the organisation of staff training.
11. Ensure methodological support and training for staff of residential institutions on the organisation of meaningful occupational therapy in residential institutions.
12. Ensure interagency cooperation between social welfare institutions and local governments in order to integrate residents into community life by introducing joint planning of leisure activities and expanding residents' access to community services.
13. Take measures to fill positions in residential institutions, in particular by reviewing and bringing staffing levels into line with the actual number of residents and their care needs.

14. Introduce a system of professional support for staff of residential institutions, covering regular training, advanced training, supervision and other forms of professional support.

15. Take urgent measures to bring civil protection shelters in residential institutions into line with MIA Order No. 579 of 9 July 2018.

16. Ensure regular monthly haematological monitoring of residents of residential institutions who have been taking medicinal products containing clozapine as the active substance for a long time, and organise staff training on the timely recognition of early signs of potentially fatal side effects of the medicine.

17. Ensure control over the documentation by healthcare professionals of residential institutions of cases of residents' bodily injuries in accordance with MoH Order No. 186 of 2 February 2024 and organise staff training on the rules for documenting bodily injuries.

18. Bring the activities of residential institutions into line with the inclusion requirements provided for in SBN V.2.2-40:2018 'Inclusion of Buildings and Structures'.

19. Provide social welfare institutions with the necessary individual rehabilitation aids and special equipment for persons with disabilities and residents with reduced mobility.

20. Ensure proper control over respect in subordinate residential institutions for residents' right to privacy, in particular by preventing the practice of using non-personalised soft inventory, and discontinue any unjustified restrictions on residents keeping personal belongings in their rooms, guaranteeing them the unconditional right to use their own property.

21. Ensure systemic control over respect by residential institutions for the right of residents with legal capacity to possess, use and dispose of their own funds, including pension payments and other types of social assistance.

Recommendations to oblast councils:

1. Take measures to ensure the staffing of residential institutions, in particular by introducing positions of social work specialists and organisers of social and cultural activities into staff lists, as well as by improving staff qualifications on deinstitutionalisation and social integration of persons with disabilities.

Section 9

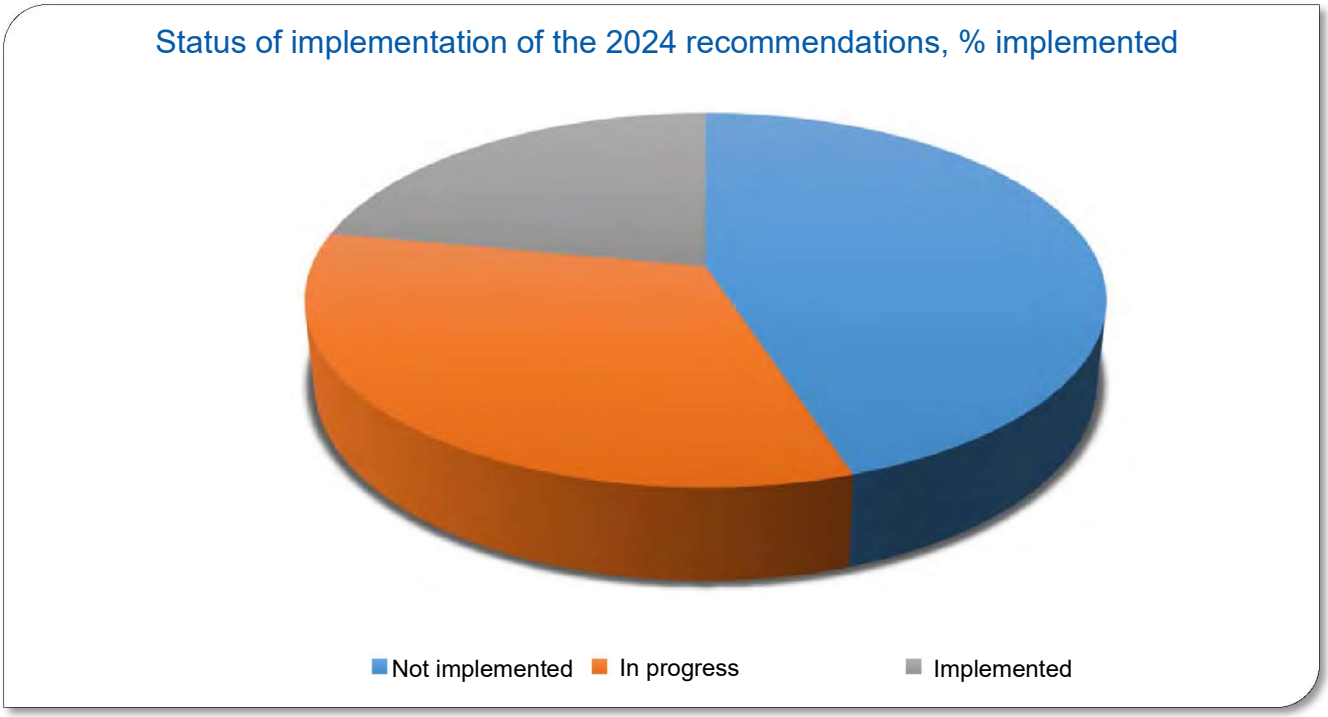
STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED IN THE SPECIAL REPORT OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS ‘ON PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN UKRAINE IN 2024’

Implementation of NPM recommendations is an obligation of the State Party to the Optional Protocol to the Convention against Torture. Article 22 of the Optional Protocol to the Convention against Torture requires the competent authorities of the State Party to examine the NPM recommendations and enter into dialogue with the NPM on possible measures for their implementation.

The administrations of institutions and the relevant authorities are obliged, pursuant to Article 22 of the Law of Ukraine 'On the Ukrainian Parliament Commissioner for Human Rights', to provide reasoned written responses on the measures taken. Implementation of the recommendations is systematically analysed, and the results of such analysis are presented annually in the Commissioner's special report, which reflects both positive examples of proper implementation and problems related to failure to respond or improper implementation.

NPM recommendations are used to shape public policy: they serve as a basis for preparing draft laws and other draft regulatory acts aimed at improving detention conditions in places of deprivation of liberty and preventing torture and other forms of ill-treatment.

The recommendations set out in the Commissioner's Special Report On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2024 **have been implemented by only 22%; 33% are in the process of implementation, while 45% of the recommendations have not been implemented.**



INFORMATION ON THE STATUS OF IMPLEMENTATION of the recommendations set out in the Special Report of the Ukrainian Parliament Commissioner for Human Rights On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2024

#	Recommendation	Status
	Section 2 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE OF UKRAINE	
	Recommendations to the MoJ:	
1	analyse the reasons for failure to implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CPT/Inf (2024) 20, set out in the Report on the Visit to Ukraine from 16 to 23 October 2023 concerning the activities of institutions of the penitentiary service, and develop an action plan aimed at implementing the recommendations provided;	**IMPLEMENTED**
2	study the practice of ECtHR judgments delivered in cases concerning violations of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms in penitentiary institutions, and urgently develop an action plan to eliminate and prevent similar violations in institutions of the penitentiary service of Ukraine in the future;	**IMPLEMENTED**
3	develop and implement a comprehensive programme to combat segregation and discrimination among remand prisoners and convicted persons;	**IN PROGRESS**
4	conduct awareness-raising work with convicted persons and prisoners on their basic rights and duties, and place relevant information on information boards in common areas;	**IMPLEMENTED**
5	given the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, prepare and submit, in accordance with the established procedure, amendments to MoJ Order No. 2823/5 of 28 August 2018 'On Approval of the Internal Regulations of Penitentiary Institutions' and MoJ Order No. 1769/5 of 14 June 2019 'On Approval of the Internal Regulations of Pre-Trial Detention Facilities of the State Penitentiary Service of Ukraine', providing for a prohibition on using convicted persons as senior duty orderlies;	**IN PROGRESS**
6	ensure the systematic conduct, at least once a quarter, of information activities for staff of bodies and PIs on preventing cases of torture and other cruel, inhuman or degrading treatment or punishment in their practical activities;	**IN PROGRESS**
7	analyse the reasons and conditions for non-compliance in institutions of the penitentiary service with Articles 64 and 115 of the CrECU and Article 11 of the Law of Ukraine 'On Remand', namely violations of the established floor-space standards for one convicted person and one person remanded in custody, and develop comprehensive measures to prevent such violations in the future;	**NOT IMPLEMENTED**
8	review the existing planned occupancy of institutions of the penitentiary service without taking into account premises, buildings and structures that are unfit for habitation, mothballed, not commissioned, in an emergency condition or not in use;	**NOT IMPLEMENTED**
9	prepare draft amendments to current regulatory acts concerning the regulatory establishment of floor-space standards for one convicted person and one person remanded in custody, taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;	**NOT IMPLEMENTED**
10	develop proposals for restoring the functioning of mothballed institutions of the penitentiary service in order to ensure compliance with the floor-space standards established by Articles 64 and 115 of the CrECU and Article 11 of the Law of Ukraine 'On Remand';	**NOT IMPLEMENTED**

#	Recommendation	Status
11	remove the locks from fold-up beds in disciplinary rooms (disciplinary isolation wards, punishment cells or cell-type rooms);	IMPLEMENTED
12	discontinue the practice of solitary confinement of convicted persons and prisoners on grounds not provided for by law;	NOT IMPLEMENTED
13	prepare amendments to the CrECU, the Law of Ukraine 'On Remand', the Law of Ukraine 'On the Collection and Accounting of the Single Contribution for Compulsory State Social Insurance', CMU Resolution No. 653 of 22 April 1999 'On Measures to Ensure the Activities of the State Penitentiary Service' (in terms of deleting paragraph 2 of clause 7 of the Resolution), as well as amendments to the Instruction on Working Conditions and Wages of Convicted Persons Sentenced to Restriction of Liberty or Imprisonment, approved by MoJ Order No. 396/5 of 7 March 2013, in order to prevent different interpretations of its provisions and regulate legal relations concerning the conditions under which an employment contract with a convicted person is mandatory; the standard form of an employment contract with a convicted person; the exhaustive list of works (services) for the performance or delivery of which civil-law agreements may be concluded with convicted persons; and the need to register civil-law agreements;	IN PROGRESS
14	review the practice of exercising the right of convicted persons and persons remanded in custody to paid work in accordance with labour legislation and, where necessary, prepare and send initiative letters to other central executive authorities in order to prevent violations of the labour rights of convicted persons and persons remanded in custody;	IN PROGRESS
15	ensure oversight of the provision to workers from among convicted persons and persons remanded in custody of collective and personal protective equipment necessary for the safe performance of production tasks and compliance with occupational safety legislation; Control measures should be carried out at least once a quarter;	NOT IMPLEMENTED, NO INFORMATION AVAILABLE
16	treat every case of bodily injury at work as an emergency event, establish all circumstances in which convicted persons sustained injuries in connection with such events, determine measures for their prevention and non-recurrence. Initiate cooperation on this issue with the State Labour Service of Ukraine;	NOT IMPLEMENTED
17	introduce positions of senior inspectors for respect for the rights of convicted persons and prevention of torture in all PIs and PTDFs. Competitive selection of these staff members should be conducted in compliance with the principles of independence, openness and transparency;	IMPLEMENTED
18	ensure that senior inspectors for respect for the rights of convicted persons and prevention of torture are subordinated directly to the management of the SPSU;	NOT IMPLEMENTED
19	develop and implement a comprehensive programme to bring detention conditions for convicted persons and persons remanded in custody into line with national and international standards, providing for improvement of the material and technical base, repair works in cells, replacement of utilities, equipment with modern sanitary and hygienic facilities, introduction of video surveillance systems, ensuring an adequate level of lighting, both natural and artificial, and compliance with sanitary and hygienic conditions in accordance with the European Prison Rules (Recommendation No. R (2006) 2 of the Committee of Ministers to member states;	NOT IMPLEMENTED
20	conduct comprehensive inspections of PIs and PTDFs and develop plans for meeting the requirements of the Fire Safety Rules;	NOT IMPLEMENTED
21	take measures to equip shelters in all PIs and PTDFs;	IN PROGRESS
22	consider transferring staff of security departments, supervision and security departments of PIs, as well as regime and security departments of PTDFs of the SPSU, from 24-hour or longer shifts to a 12-hour work schedule;	NOT IMPLEMENTED
23	prepare draft amendments to current regulatory acts to establish an exhaustive list of works for the improvement of PIs and adjacent territories, as well as for improving the living conditions of convicted persons, auxiliary works to supply PIs with food and works related to creating proper sanitary and living conditions and maintaining order in places of pre-trial detention, to which convicted persons and prisoners may be assigned on a rotating basis, outside working hours and for no more than two hours per day without pay.	NOT IMPLEMENTED

#	Recommendation	Status
24	equip at least several cells for persons with limitations in daily functioning in each penitentiary institution, in compliance with inclusion requirements;	IN PROGRESS
25	ensure the integration of the penitentiary healthcare system into the single healthcare space;	IN PROGRESS
26	develop and implement an electronic register system for bodily injuries of persons held in PIs and notifications of such cases to law enforcement agencies;	IMPLEMENTED
27	Ensure proper documentation of bodily injuries by healthcare professionals and notification of law enforcement agencies, in particular through: - documentation by healthcare professionals of their observations concerning the consistency between any statements made by the injured person and the objective medical findings regarding the bodily injury identified in that person; - provision of HC SPSU healthcare facilities with devices for printing colour photographs and adding them to medical documentation and notifications to law enforcement agencies; - informing law enforcement agencies of identified cases using various channels (by telephone, email and written notification), with photographs and the certificate on the recording of bodily injuries (form No. 511/o) attached; - personally providing the injured person with documented information concerning the identified bodily injury;	IN PROGRESS
28	take measures to ensure that healthcare facilities of the HC SPSU are staffed, in particular by increasing staff motivation and social guarantees;	IN PROGRESS
29	introduce positions for clinical psychologists and junior medical staff in each medical unit of the HC SPSU;	IN PROGRESS
30	ensure the possibility of referring prisoners for treatment to healthcare facilities that are not included in the Indicative Lists of Healthcare Facilities for Providing Medical Care to Persons Remanded in Custody;	NOT IMPLEMENTED
31	develop an algorithm for access by medical staff of HC SPSU facilities to the medical documentation of persons in transit;	NOT IMPLEMENTED
32	introduce a system enabling remand prisoners and convicted persons to contact doctors in medical units directly by placing their applications in locked boxes located in areas where such persons gather congregate;	NOT IMPLEMENTED
33	provide healthcare professionals of the HC SPSU with access to the EHS, in particular for interaction with patients' electronic medical records;	IN PROGRESS
34	ensure primary and preventive medical examinations, the provision of proper outpatient medical care by specialist doctors, as well as proper maintenance of medical documentation of prisoners and convicted persons, taking into account the requirements established by law;	IN PROGRESS
35	ensure access for prisoners and convicted persons with limitations in daily functioning to rehabilitation services with due regard to a multidisciplinary approach;	NOT IMPLEMENTED
36	bring the nutrition of patients held in PIs into line with the principles and methodologies defined by the Procedure for Organising the Therapeutic Nutrition System for Patients in Healthcare Facilities, approved by MoH Order No. 931 of 29 October 2013;	NOT IMPLEMENTED
37	ensure quarterly internal control over compliance with legislative requirements for the storage and disposal of medical waste;	IN PROGRESS
38	provide healthcare facilities of the HC SPSU with medical equipment and medical devices in accordance with existing needs;	IN PROGRESS
39	ensure the confidentiality of communication between healthcare professionals and patients;	IN PROGRESS
40	discontinue the practice of video surveillance in medical offices of HC SPSU facilities;	IMPLEMENTED

#	Recommendation	Status
41	consider the possibility of increasing the number of medical offices and wards/isolation rooms used by HC SPSU facilities for providing healthcare to patients;	NOT IMPLEMENTED
42	bring the premises used by HC SPSU facilities into line with the requirements of SBN V.2.2-10:2022 'Healthcare Facilities. Main Provisions' and the recommendations of the CPT;	NOT IMPLEMENTED
43	develop and implement a comprehensive strategy and action plan for the development of mental healthcare in penitentiary institutions in accordance with modern standards for the provision of healthcare in the field of mental health, including healthcare for persons with mental and behavioural disorders resulting from the use of psychoactive substances, the expansion of SMT programmes, therapeutic communities and other harm reduction programmes in PTDFs and PIs;	IN PROGRESS
44	introduce monitoring of the effectiveness of SMT in penitentiary institutions, providing for assessment of the achievement of therapeutic effect in SMT patients;	IN PROGRESS
45	introduce a model of cooperation between psychiatrists of HC SPSU facilities and the social and psychological service of penitentiary institutions in order to effectively prevent suicide among prisoners and convicted persons;	IN PROGRESS
46	ensure that remand prisoners and convicted persons are duly familiarised with the 'Informed Consent of a Person to a Psychiatric Examination' (primary record form No. 003-7/o) and the 'Informed Consent of a Person to Outpatient Psychiatric Care' (primary record form No. 003-8/o);	NOT IMPLEMENTED
47	ensure the diagnosis and treatment of hepatitis C virus in all convicted persons and prisoners;	IMPLEMENTED
48	ensure strict compliance with infection control measures in PIs and with the requirements for disinfection, pre-sterilisation cleaning and sterilisation of medical devices.	IN PROGRESS
	To the MoJ and the MoH:	
49	The MoJ, jointly with the MoH, should develop a training programme for medical staff of HC SPSU facilities, taking into account the specific nature of providing healthcare in the relevant conditions, including issues of medical ethics and human rights, treatment of persons who have sustained bodily injuries, management of patients with infectious diseases and psychiatric conditions etc., and integrate it into the process of continuous professional development of healthcare professionals.	IN PROGRESS
	Section 3 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN THE ADMINISTRATION OF JUSTICE	
	Recommendations to the SJA:	
50	audit court premises located in residential buildings and take urgent measures to ensure the separation and autonomous functioning of courts by relocating them to a separate building or administrative complex that complies with national standards;	IN PROGRESS
51	ensure the removal of metal cages used for holding persons brought to court to participate in court hearings;	IMPLEMENTED
52	take measures to bring court premises into line with the requirements of SBN V.2.2-26:2010 and SBN 'Inclusion', in particular by arranging in courts: • cells for accused persons, defendants and convicted persons of at least 4 m^2, calculated on the basis of three cells for each courtroom used for hearing criminal cases; • sanitary facilities for accused persons, defendants and convicted persons; • isolated routes for escorting accused persons, defendants and convicted persons to the courtroom; • corridors through which accused persons, defendants and convicted persons are escorted, equipped with audible alarm buttons; • bays for the entry of special guard vehicles and the boarding and disembarkation of accused persons, defendants and convicted persons, or a fenced parking area for special guard vehicles where it is not possible to equip a bay; • rooms for lawyers to work with accused persons, defendants and convicted persons; • appropriate access conditions to court premises for groups with reduced mobility.	NOT IMPLEMENTED

#	Recommendation	Status
	Section 4 VIOLATIONS OF HUMAN RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY WHOSE ACTIVITIES ARE DIRECTED AND COORDINATED BY THE CMU THROUGH THE MINISTER OF INTERNAL AFFAIRS	
	To the MIA:	
53	Taking into account international experience and the need to implement norms of international law on migration into Ukraine's domestic legislation, ensure the separation of the law enforcement function of countering irregular migration from administrative service delivery in the migration sphere by transferring the powers of the SMS, in terms of carrying out coercive measures, including detention, documentation, escorting persons who violate the legislation on the legal status of foreigners, the use of physical force and special measures, to NPU bodies;	**NOT IMPLEMENTED**
54	develop or amend existing regulatory acts concerning the provision of food to foreigners who are under the control of officials/officers of the SMS/NPU: • before their placement in TDFFs; • persons escorted to the border for the enforcement of decisions on forced expulsion; • persons escorted to administrative courts for the consideration of administrative cases and handed over to police officers or staff of other law enforcement agencies for participation in procedural actions within criminal procedure legislation.	**NOT IMPLEMENTED**
	To the NPU:	
55	appoint officials in territorial units or bodies of the NPU responsible for the custody of detained persons and for safeguarding their rights, and ensure that they properly perform the duties set out in Article 212(3) of the CrPCU;	**IN PROGRESS**
56	equip RDs in territorial units or bodies of the NPU, with detention conditions that comply with national and international standards;	**NOT IMPLEMENTED**
57	ensure that territorial units or bodies of the NPU inform the command bodies of the Military Law Enforcement Service in the Armed Forces of Ukraine about administrative or disciplinary offences, including alleged or unconfirmed offences, committed by service members of the Armed Forces of Ukraine, the Ministry of Defence of Ukraine and the State Special Transport Service;	**NOT IMPLEMENTED, NO INFORMATION AVAILABLE**
58	ensure that persons are held in RDs of territorial NPU units within the time limits defined by regulatory acts;	**IMPLEMENTED**
59	ensure that procedural and investigative actions involving detained persons are conducted in specially designated offices with mandatory video recording of such actions in accordance with the established procedure;	**NOT IMPLEMENTED**
60	ensure the entry in the URPI of information on criminal offences falling within the investigative jurisdiction of the SBI and the immediate notification of territorial offices of the SBI about cases involving the use of physical force by police officers against individuals;	**NOT IMPLEMENTED**
61	bring the conditions of detention of persons in all TDFs into line with national and international standards, providing for improvement of the material and technical base, repair works in cells, replacement of utilities, equipment with modern sanitary and hygienic facilities, introduction of video surveillance systems, ensuring an adequate level of lighting, both natural and artificial, and compliance with sanitary and hygienic conditions;	**IN PROGRESS**
62	develop and approve departmental regulatory acts providing for the creation and functioning of institutions for holding persons subjected to administrative arrest (remaining in custody for more than 72 hours) and expand the range and frequency of available activities during their stay in TDFs.	**NOT IMPLEMENTED**
	To the SMS:	
63	discontinue the practice of SMS officials applying coercive measures, including physical force, to detained foreigners and stateless persons, which leads to cases of abuse of official powers;	NOT IMPLEMENTED

#	Recommendation	Status
64	discontinue the practice of holding foreigners and stateless persons in TDFFs for more than 72 hours without a relevant court decision on the detention of such persons;	NOT IMPLEMENTED
65	ensure that SMS officials immediately inform regional FLA centres in each case where a foreigner is detained for more than three hours in connection with forced return or for the purpose of identification and ensuring forced expulsion, and develop an effective mechanism for monitoring the completeness and timeliness of such notification;	IMPLEMENTED
66	ensure the right of foreigners and stateless persons to access interpreter services;	IMPLEMENTED
67	ensure systematic classes and training sessions for personnel on respect for human rights, the prohibition of torture and other forms of ill-treatment;	IMPLEMENTED
68	conduct internal inspections in every case where the rights of foreigners and stateless persons are violated and resolve the issue of personal liability of SMS staff and management.	IMPLEMENTED
SECTION 5 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY UNDER THE AUTHORITY OF THE MINISTRY OF DEFENCE OF UKRAINE		
Recommendations to the Ministry of Defence of Ukraine:		
69	ensure compliance with the established floor-space standard per service member and bring the planned occupancy of disciplinary battalions and guardhouses into line with national and international standards;	IMPLEMENTED
70	initiate amendments to the Law of Ukraine 'On the Regulations of the Internal Service of the Armed Forces of Ukraine' in order to establish the floor-space standard per service member at 4 m^2;	NOT IMPLEMENTED
71	take measures to eliminate violations related to discrimination and breaches of military discipline among service members;	NOT IMPLEMENTED
72	provide service members in disciplinary battalions and guardhouses with broader opportunities for involvement in work.	NOT IMPLEMENTED
SECTION 6 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS DURING STAY IN PSYCHIATRIC DEPARTMENTS OF HEALTHCARE FACILITIES		
To the MoH, oblast and city military administrations:		
73	ensure the integration of the penitentiary healthcare system into the single healthcare space;	NOT IMPLEMENTED
74	develop and implement a comprehensive strategy to combat violations of the rights of patients receiving inpatient psychiatric care;	NOT IMPLEMENTED
75	take measures to ensure that healthcare facilities are staffed, in particular by increasing staff motivation and social guarantees;	NOT IMPLEMENTED
76	develop and implement a programme for the reconstruction of departments of healthcare facilities providing inpatient psychiatric care in order to accommodate no more than four patients in wards;	IN PROGRESS
77	equip all healthcare facilities with civil protection shelters;	IN PROGRESS
78	_____ amend primary record form No. 511/o 'Certificate No. ___ on the Recording of Bodily Injuries' and the Instruction on Completing Primary Record Form No. 511/o 'Certificate No. ___ on the Recording of Bodily Injuries', approved by MoH Order No. 186 of 2 February 2024, regarding the need for a healthcare professional to document their observations concerning the consistency between any statements made by the injured person and the objective medical findings regarding the bodily injury identified in that person;_____ amend primary record form No. 511/o 'Certificate No. ___ on the Recording of Bodily Injuries' and the Instruction on Completing Primary Record Form No. 511/o 'Certificate No. ___ on the Recording of Bodily Injuries', approved by MoH Order No. 186 of 2 February 2024, regarding the need for a healthcare professional to document their observations concerning the consistency between any statements made by the injured person and the objective medical findings regarding the bodily injury identified in that person;	IMPLEMENTED
79	develop and implement a procedure for the use of electroconvulsive therapy in healthcare facilities;	NOT IMPLEMENTED

#	Recommendation	Status
80	amend the Law of Ukraine 'On Psychiatric Aid', the Rules on the Use of Physical Restraint and/or Seclusion in the Provision of Psychiatric Care to Persons with Mental Disorders and the primary record forms approved by MoH Order No. 240 of 24 March 2016, taking into account the CPT recommendations 'Means of Restraint in Psychiatric Establishments for Adults';	**IN PROGRESS**
81	create a special register of all cases of using means of restraint against patients, including chemical restraint, in particular one integrated with the EHS;	**IN PROGRESS**
82	identify the responsible body/unit and organise systematic monitoring of the practice of using means of restraint in order to develop a strategy to reduce their frequency and duration;	**NOT IMPLEMENTED**
83	develop and implement basic training and regular advanced training courses for healthcare professionals on the use of means of restraint and de-escalation methods for patients with mental disorders;	**IMPLEMENTED**
84	disseminate the experience of introducing the international Safewards model in facilities providing inpatient psychiatric care;	**IN PROGRESS**
85	amend Article 16 of the Law of Ukraine 'On Psychiatric Aid', taking into account the following provisions: psychiatric examination, outpatient psychiatric care and hospitalisation of a person in a psychiatric care facility are carried out only with the person's informed written consent; - where it is necessary to decide on the appropriateness of compulsory hospitalisation of a patient, the decision should be taken by a commission of psychiatrists who will not subsequently be directly involved in providing healthcare to that patient;	**NOT IMPLEMENTED**
86	amend the Procedure for the Provision of Inpatient Psychiatric Care, approved by MoH Order No. 2085 of 7 December 2023, taking into account the following provisions: - prohibition of torture or inhuman or degrading treatment or punishment in respect of patients; - prohibition of the practice of segregation among patients in departments; - provide that the procedure for compulsory hospitalisation should be considered where further inpatient care is deemed necessary for a voluntary patient who wishes to leave the hospital. Otherwise, the patient should be allowed to leave the facility freely; - regulation of the issue of patients' work activities; - ensuring unrestricted access for patients, including those compulsorily hospitalised, to outdoor exercise during the day, unless therapeutic measures require their presence in the department;	**NOT IMPLEMENTED**
87	amend legislation to establish the need to familiarise patients subject to CMM with informed consent to treatment;	**NOT IMPLEMENTED**
88	develop an information brochure setting out the internal rules of the healthcare facility and patients' rights, including information on legal aid, review of the hospitalisation decision, consent to treatment and complaint procedures, and introduce the practice of familiarising patients with it upon admission to the healthcare facility;	**NOT IMPLEMENTED**
89	amend regulatory acts to enshrine the right of patients to participate in the preparation and review of their treatment plan;	**NOT IMPLEMENTED**
90	ensure in healthcare facilities providing inpatient psychiatric care: hospitalisation and discharge procedures by guaranteeing the free and unbiased expression of consent; - proper informing of patients about the treatment methods applied to them; - haematological monitoring during treatment of patients with medicinal products containing Clozapine as the active substance; - proper control over the use, storage and disposal of medicinal products and medical devices; - proper maintenance of medical documentation; - proper conditions of stay for patients, corresponding to therapeutic conditions, privacy requirements and accessibility requirements for premises for persons with limitations in daily functioning; - removal of bars from ward windows and discontinuation of the practice of video surveillance directly in patients' wards; - proper storage of food products;	**IN PROGRESS**

#	Recommendation	Status
91	ensure timely access for patients receiving inpatient psychiatric care to consultations with doctors specialising in somatic care;	IMPLEMENTED
92	assess current regulatory acts governing the provision of medical care in the field of mental health in order to bring them into line with the recommendations of the CPT and the case law of the ECtHR.	NOT IMPLEMENTED
	To the Coordination Centre for Legal Aid Provision:	
93	take measures to ensure effective representation by lawyers of the interests of patients in respect of whom CMM are planned or have been applied.	IMPLEMENTED
	SECTION 7 VIOLATIONS OF FUNDAMENTAL HUMAN AND CIVIL RIGHTS IN PLACES OF DEPRIVATION OF LIBERTY WITHIN THE SPHERE OF LEGAL REGULATION OF THE MSP	
	To the MSP:	
94	prepare and send to OMAs a list of buildings to which residential institutions can be relocated, or where residents evacuated from the area of active hostilities or from settlements close to it can be resettled, in order to prevent overcrowding in institutions;	IN PROGRESS
95	analyse the Guidelines on the Organisation of Occupational Therapy for Older Persons, Persons with Disabilities and Children with Disabilities in Institutions/Facilities of the Social Protection System, approved by Order of the Ministry of Social Policy of Ukraine No. 1778 of 26 November 2018, in order to identify gaps that lead to abuse by institution administrations in the organisation of occupational therapy;	IN PROGRESS
96	organise and conduct training for administrations of residential institutions on the implementation of occupational therapy in accordance with the current legislation and in compliance with human rights standards;	IMPLEMENTED
97	analyse the Rules of Guardianship, approved by Order of the State Committee of Ukraine for Family and Youth Affairs, the Ministry of Education of Ukraine, the MoH and the Ministry of Labour and Social Policy of Ukraine No. 34/166/131/88 of 26 May 1999, and regulate the maximum number of residents for whom the director or an employee of a residential institution may act as guardian;	NOT IMPLEMENTED
98	analyse the Guidelines on Determining the Number of Employees of Residential Institutions/Facilities of the Social Protection System, approved by Order of the Ministry of Social Policy of Ukraine No. 893 of 6 June 2019, and review the recommended number of medical staff involved in providing care for residents;	NOT IMPLEMENTED
99	review and update the food standards of residential institutions in the social sector and bring them into line, in particular, with the Standards of Physiological Needs of the Population of Ukraine for Essential Nutrients and Energy, approved by MoH Order No. 1073 of 3 September 2017, since the energy and nutritional value of food (macro- and micronutrient content) in institutions must correspond to the general age-related needs of residents and children;	IN PROGRESS
100	include in the Standard Regulations (on residential care homes for older persons and persons with disabilities, on psychoneurological residential care homes and on children's residential care homes) a provision on the mandatory taking of food samples and their proper storage, labelling and disposal.	NOT IMPLEMENTED
	To the National Social Service of Ukraine:	
101	organise and conduct follow-up inspections of compliance with legislative requirements during social service delivery, where non-compliance leads to violations of the rights of residents/children, in particular in institutions in respect of which Commissioner's submissions were issued following visits.	NOT IMPLEMENTED

#	Recommendation	Status
	To oblast state administrations:	
102	urgently relocate institutions or evacuate persons staying in places of deprivation of liberty located in the area of active hostilities or in settlements close to it, as well as in an area less than 50 km from the state border with Russia, to appropriate facilities or institutions located in a safe area;	**IMPLEMENTED**
103	take measures to organise and control the arrangement, operation and maintenance of civil protection shelters in residential institutions of the social protection system;	**IN PROGRESS**
104	ensure control over institutions' compliance with floor-space standards per person in accordance with the established requirements of SBN V.2.2-18:2007 'Buildings and Structures. Social Protection Institutions';	**IN PROGRESS**
105	consider the possibility of relocating institutions, which cannot be refurbished to ensure inclusion in accordance with current legislative requirements, to buildings that can architecturally be arranged in accordance with SBN and inclusion requirements;	**IN PROGRESS**
106	facilitate inspections by competent authorities of the condition of shelters and premises used by institutions as shelters, and the receipt of inspection reports for such premises by the relevant commissions with the involvement of territorial bodies of the SES;	**IMPLEMENTED**
107	facilitate the renewal of the vehicle fleet of residential institutions used for the emergency transportation of bedridden residents, as well as residents belonging to groups with reduced mobility, to healthcare facilities;	**IN PROGRESS**
108	ensure continuous monitoring of the organisation of safe food, the quality of social services, the organisation of medical care for wards, sanitary and hygienic, anti-epidemic (preventive) and fire protection measures;	**IMPLEMENTED**
109	conduct training for staff of residential institutions in the social sector on strict respect for the rights of residents/children to work and protection from exploitation, as well as the rights of residents/children to liberty and security of person;	**IMPLEMENTED**
110	strengthen control over the taking of urgent response measures in the event of identified facts of labour exploitation or restriction of residents'/children's rights to liberty and security of person, ensure that an internal investigation is conducted in each case of rights violations and that responsible persons are held accountable;	**NOT IMPLEMENTED**
111	organise and conduct follow-up inspections of compliance with legislative requirements during social service delivery, in particular in institutions in respect of which Commissioner's submissions were issued following visits.	**IN PROGRESS**



Ombudsman of Ukraine