

**Information
of the Ukrainian Parliament Commissioner for Human Rights on the
implementation of the Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment in Ukraine**

**Regarding questions 18, 28 - implementation of the NPM's functions in
Ukraine**

According to paragraph 3 of part one of Article 3 of the Law of Ukraine ‘On the Ukrainian Parliament Commissioner for Human Rights’ (hereinafter - the Law), the purpose of parliamentary control exercised by the Ukrainian Parliament Commissioner for Human Rights is to prevent violations of rights and freedoms of man and citizen or to facilitate their restoration.

Article 19-1 of the Law entrusts the Ukrainian Parliament Commissioner for Human Rights (hereinafter - the Commissioner) with the functions of the National Preventive Mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter - the Convention against Torture).

A separate structural unit for the prevention of torture and other cruel, inhuman or degrading treatment or punishment has been established in the Ombudsman's Office - the Department for the Implementation of the National Preventive Mechanism (hereinafter referred to as the NPM Department). The NPM Department consists of four divisions: the Division for Inspection of Controlled Objects in Law Enforcement, Judicial Authorities and Military Formations; the Division for Implementation of the National Preventive Mechanism in Healthcare; the Division for Analytics and Public Relations; and the Division for Implementation of the National Preventive Mechanism in Social Welfare and Educational Institutions (22 staff members in total).

According to the Law, employees of the NPM Department visit any place under the jurisdiction and control of the state where persons deprived of their liberty are or may be held, by order of or at the direction of a state body, or with its knowledge or tacit consent. Visits to places of deprivation of liberty are carried out by NPM groups with the aim of prevention, strengthening the protection of persons from torture and other cruel, inhuman or degrading treatment or punishment.

In Ukraine, there is an Ombudsman+ model, which entrusts the NPM functions to the Commissioner, who implements them jointly with civil society organisations. Representatives of civil society organisations can visit and monitor places of detention, the state of observance of human rights and freedoms in places of detention, and record problems if they exist.

Thus, in 2020, 187 representatives of civil society organisations were involved in NPM visits, in 2021 - 137, in 2022 - 141, in 2023 - 177 and in 2024 - 183 representatives.

In order to increase the level of public involvement in the implementation of the NPM functions, the Ombudsman’s Office is implementing the project ‘Regional

Groups of the National Preventive Mechanism' in 2025 with the organisational, technical and resource support of the NGOs in order to test the model of autonomous work of public monitors as part of regional groups during repeated visits of the NPM to places of detention in the social sphere.

The project is being implemented in 20 regions of Ukraine (Kyiv, Zhytomyr, Vinnytsia, Poltava, Chernihiv, Sumy, Kharkiv, Rivne, Volyn, Khmelnytskyi, Ternopil, Dnipro, Cherkasy, Kirovohrad, Odesa, Mykolaiv, Ivano-Frankivsk, Zakarpattia, Chernivtsi, Lviv). As part of the pilot project, 80 visits will take place (4 visits in each region).

Each regional group of the National Preventive Mechanism (hereinafter referred to as the NPM RG) is headed by a head from among representatives of NGOs with relevant experience and knowledge of human rights activities in the field of prevention of torture in places of detention.

Based on the results of the visits, the heads of the NPM RG prepare draft press releases, reports, the Commissioner's response acts and initiative letters, which are processed together with the staff of the Commissioner's Secretariat and sent for implementation of recommendations (and familiarization) to the relevant state authorities and institutions.

Repeated visits to places of detention have significantly improved communication between the Ombudsman's Office and the heads of institutions, revealed new urgent needs of the institutions, and helped to identify the challenges faced by the management of the institutions during martial law.

In accordance with the Resolution of the Cabinet of Ministers of Ukraine of March 6, 2019 No. 169 'On Approval of the Procedure for the Use of Funds Provided for in the State Budget for Measures to Implement the National Preventive Mechanism', budget funds are allocated for the purchase of goods and services aimed at implementing measures to implement the national preventive mechanism, in particular for: services and/or reimbursement of expenses of persons involved in the functions of the national preventive mechanism, representatives of NGOs, experts, scientists

Currently, the costs of visits by representatives of NGOs are reimbursed by NGOs through grants received. The procedure for reimbursement of expenses from the state budget to monitors is not regulated by legal acts, which is a problem when organising NPM visits.

In order to perform the functions of the NPM, the Commissioner has the right to visit places of detention referred to in Article 13(8) of the Law without prior notice of the time and purpose of the visit. In the period from 2019 to 2024, there were isolated cases of non-admission of NPM groups to private geriatric institutions, while all other places of detention were accessed without any obstacles.

In 2019, the NPM conducted 711 monitoring visits to places of detention, 99% of which resulted in recommendations to the authorities in charge of the places of detention and the management of such places to eliminate violations of human rights.

In 2020, the Commissioner conducted 815 monitoring visits. In order to ensure the observance of the rights of detainees, the Ombudsman made 18 submissions to the central executive authorities to restore the violated rights of persons held in places of detention.

In 2021, 981 monitoring visits to places of detention were carried out, resulting in 2754 letters with proposals to take appropriate response measures to address the identified shortcomings that lead to violations of the rights of detainees, and 68 letters to law enforcement agencies.

In 2022, the NPM conducted 345 visits to various places of detention, which resulted in 21 submissions of the Commissioner to the central executive authorities to eliminate human rights violations in places of detention. The Ombudsman sent 1008 letters to state authorities to verify the facts of possible violations of rights and freedoms of man and citizen.

In 2023, together with representatives of NGOs, 538 visits to places of detention were carried out. In order to eliminate the identified violations of human and civil rights and freedoms, in 2023 the Ombudsman made 140 submissions to state authorities, local self-government bodies, associations of citizens, enterprises, institutions, organisations, regardless of ownership, to take appropriate measures to eliminate the identified violations. Following consideration of the submissions, 55 officials were brought to disciplinary responsibility.

In order to introduce a unified framework for the implementation of the NPM functions and unify the actions of persons involved in organising and conducting regular visits to places of detention, in 2023 the Commissioner approved a new version of the Regulations on Organising and Conducting Regular Visits to Places of Detention to Perform the Functions of the National Preventive Mechanism in Ukraine.

In 2024, the NPM conducted 543 visits to various places of detention, which resulted in 70 submissions of the Commissioner to central executive authorities and state bodies to eliminate human rights violations in places of detention. As a result of consideration of the submissions made by the Commissioner, 27 officials of state bodies were brought to disciplinary responsibility. Based on the results of visits, as well as after processing operational information, reviewing complaints and appeals about facts that have signs of possible criminal offences, the Commissioner initiated the registration of information in the Unified Register of Pre-trial Investigations and the opening of 19 criminal proceedings.

Over the past two years, one of the priorities of the NPM has been to visit non-state social protection institutions, including private institutions for the elderly and people with disabilities. The reasons for numerous violations in the activities of such institutions are the lack of regulation of their activities as a separate area, and failure to include them in the relevant Register of Providers and Recipients of Social Services. This leads to the lack of mechanisms for state control over their activities and mechanisms for terminating the activities of those entities that act in violation of legal norms. The Ukrainian Parliament Commissioner for Human Rights proposed to the central authorities to amend the national legislation in order to establish a transparent mechanism for the provision of social services and to establish appropriate state control over the quality of their provision.

In accordance with Article 19-1 of the Law, expenditures for financing the NPM are provided for in the State Budget of Ukraine.

Since 2019, the NPM has been funded under a separate budget programme 'Measures to Implement the National Preventive Mechanism', with expenditures of UAH 2,595 thousand budgeted in 2019, in 2020 - UAH 1,567 thousand, in 2021 - UAH

3,282 thousand, in 2022 - UAH 3,282 thousand, in 2023 - UAH 2,658.4 thousand, in 2024 - UAH 2,658.4 thousand, in 2025 - reduced to UAH 2,392.6 thousand.

These amounts of funding are insufficient for the NPM to function properly. Inflation and constantly rising prices for goods and services actually reduce financial resources available to the NPM to the minimum level permissible, which in turn affects the number of visits to places of detention that the NPM can carry out.

Based on the results of visits to places of detention, the Commissioner provides recommendations to the relevant authorities to improve the treatment of persons deprived of their liberty and their conditions of detention and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into account the relevant UN standards; provides suggestions and comments on current legislation or draft laws.

To this end, in 2022, the Commissioner reviewed and submitted proposals for 23 draft legal acts related to the operation of places of detention, rights of man and citizen, in 2023 - for 22 draft legal acts, and in 2024 - for 21 drafts.

In 2022, the Commissioner's Order established the Advisory Council on the Implementation of the National Preventive Mechanism under the Ukrainian Parliament Commissioner for Human Rights (hereinafter - the Advisory Council), whose main tasks are, in particular, to facilitate the exercise of the Commissioner's powers in the field of parliamentary control over the observance of the right to protection from torture and other cruel, inhuman or degrading treatment or punishment.

The Advisory Council provides professional advice to support the Commissioner in fulfilling the functions of the NPM under the Optional Protocol. The Advisory Council consists of 30 members, including 25 representatives of the most influential and reputable organisations with experience in the field of rights and freedoms of man and citizen.

Pursuant to the Optional Protocol to the Convention against Torture, the Ombudsman annually prepares a special report on the state of affairs in preventing torture and other cruel, inhuman or degrading treatment or punishment in Ukraine. Such reports were prepared and published for 2020-2023. Special reports were also issued in 2020-2022: 'On the State of Implementation of the Istanbul Protocol in Ukraine as a Tool for Effective Documentation of Torture and Other Ill-Treatment', 'The State of Observance of the Rights of Prisoners to Medical Care during the Reform of the Healthcare System of the State Criminal Executive Service of Ukraine in 2018-2021', 'The State of Observance of Human Rights and Freedoms in Places of Detention During the Emergency Situation Related to the Spread of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2'.

The recommendations provided to the state authorities in the special report of the Ukrainian Parliament Commissioner for Human Rights "On the State of Implementation of the National Preventive Mechanism in Ukraine for 2022" have been implemented only by 11%, 45% are in the process of implementation, and 44% of the recommendations have not been implemented. Implementation of the recommendations was complicated by the military aggression of the Russian Federation on the territory of Ukraine and the occupation of certain territories, the temporary movement of persons from places of detention due to active hostilities and overcrowding of other places of detention where these persons were evacuated. A

significant part of the recommendations, due to their failure, was provided to the competent authorities in a special report of the Commissioner in 2023.

A similar trend is observed in the implementation of the recommendations provided in the special report for 2023, which were implemented by 15%, 26 % of the recommendations were not implemented, while 59% are in the process of implementation.

Non-fulfillment of recommendations is observed both regarding the outcomes of annual and special reports, and on the results of specific visits.

Information on the study of acute respiratory disease COVID-19 during NPM visits is not relevant.

Regarding question 7 - exchange of detainees and prisoners, transfer of convicts from the temporarily occupied territories

Russia implements the policy of genocide of the Ukrainian people. The commission of war crimes by the Russian Federation implements the policy of genocide of the Ukrainian people. Committing war crimes and crimes against humanity is Russia's deliberate policy. Almost all Ukrainians released from captivity report torture, extremely cruel and aggressive treatment and inhuman conditions of detention, which indicates a deliberate violation of international humanitarian law. Torture and summary executions - are used as weapons of war, intimidation and destruction.

Russia grossly and systematically violates international humanitarian law, not distinguishing between civilians and prisoners of war, holding captive thousands of Ukrainian civilians who are not combatants and are not subject to exchanges under the Geneva Conventions. The aggressor uses civilians as "living shield" in war, violating the fundamental principles of military ethics.

Illegal detention of civilians is used by the Russian Federation in the framework of information and psychological operations, manipulating facts and creating a false impression of the alleged unwillingness of Ukraine to return its citizens.

Contrary to the requirements of the Geneva Convention, Russian law enforcement agencies continue the practice of arbitrary detention of civilian Ukrainians. Captured civilians are subjected to torture, inhuman treatment, sexual violence and are kept in complete isolation from the outside world, which is a war crime and displays the genocidal nature of the Kremlin's policy.

Failure to provide adequate medical care to prisoners indicates a violation of the requirements of international humanitarian law, since without proper assistance, such a person is actually subjected to torture or inhuman or degrading treatment or punishment.

For reference. According to the National Information Bureau on Prisoners of War, nearly 16.7 thousand civilians are in search or remain in captivity. The identities of 149

thousand Ukrainian citizens who were illegally deported and forcibly moved to the territory of the Russian Federation, the Republic of Belarus and the temporarily occupied territories have been verified.

*Since February 24, 2022, law enforcement agencies have registered **more than 1,720** criminal offenses on the facts of torture or ill-treatment. **More than 3 800** civilians have been recognized as victims of torture and inhuman treatment¹.*

The resolution of the Parliamentary Assembly of the Council of Europe, adopted in October 2024, contains data from the Office of the Prosecutor General of Ukraine, according to which "6 places of detention of peaceful Ukrainian citizens" were discovered on the territory of the Russian Federation. The Assembly is "appalled" by the evidence provided of the torture suffered by Ukrainians in these places of detention. "In addition to insufficient and substandard food and the denial of adequate medical support, reported ill-treatment includes systematic beatings, the use of electric shocks and rape".²

Women deprived of their liberty are in the greatest danger - the Russian Federation's complete disregard for international humanitarian law and impunity do not allow it to protect women from persecution, torture, inhuman treatment, and rape. Currently, on the temporarily occupied territories, forcibly detained women are falsely accused by the occupation authorities of espionage, sabotage, treason, etc. Some of them are held in pre-trial detention centres, others have received so-called 'sentences' and have been deported to penal colonies in Russia.

***For reference.** As of February 2025, according to the National Information Bureau on Prisoners of War, at least 134 women (including 108 civilians) were held captive, of whom 34 were confirmed as prisoners of war.*

Russia blocks the issue of returning civilians and uses them as an element of political pressure. The release of civilian hostages is chaotic, and Russia manipulates their status, replacing civilians with prisoners of war in an attempt to legitimise their detention.

Russia denies international human rights and humanitarian organisations proper access to war victims and persons entitled to protection under the Geneva Conventions.

***For reference.** The UN has confirmed 44 cases of denial of humanitarian access by the Russian armed forces and associated armed groups (paragraph 328 of the UN Secretary-General's Report on Children and Armed Conflict).*

Therefore, important are joint international legal efforts for the following steps: demanding that Russia stop torture and ill-treatment of Ukrainian prisoners of war and detainees;

continuing to support all relevant initiatives on the UN platform aimed at ending Russian war crimes and crimes against humanity;

granting access to international human rights organisations to places of detention of Ukrainian citizens held by the Russian Federation in order to ensure Moscow's compliance with international humanitarian law;

¹ Дані Офісу Генерального прокурора України.

² <https://www.dw.com/uk/pare-prigolomsena-dokazami-tortur-u-rosijskomu-poloni/a-70390260>

condemning the illegal actions of the Russian Federation and bringing the perpetrators to justice.

It is important to use all levers of influence within the mandate of international institutions, in particular, the full implementation of the mandates of international organisations, primarily the International Committee of the Red Cross, in terms of access to Ukrainian prisoners and civilians deprived of their liberty held in institutions under the jurisdiction of the Russian Federation.

Regarding question 10 - on bringing the definition of ‘torture’ in line with the Convention against Torture

The Law of Ukraine ‘On Amendments to the Criminal Code of Ukraine on Improving Liability for Torture’ of December 1, 2022 No. 2812-IX sets out Article 127 of the Criminal Code of Ukraine in a new wording. As stated in the explanatory note to the draft law (reg. No. 5336 of April 5, 2021), the proposed version of Article 127 of the Criminal Code of Ukraine takes into account the provisions of the Convention on the content of the criminal law term ‘torture’. However, the legal definition of ‘torture’ needs to be further improved and brought into line with the Convention. To this end, another draft Law of Ukraine ‘On Amendments to the Criminal Code of Ukraine on Strengthening Responsibility for Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’ No. 12319 of December 16, 2024 (hereinafter - Draft Law No. 12319) was developed. The draft law No. 12319 was submitted to the Ombudsman's Office for processing. The Commissioner's position with comments and suggestions to the Draft Law No. 12319 was sent to the Committee on Law Enforcement of the Parliament.

Regarding questions 20, 24 - visits to the units of the State Migration Service of Ukraine

Systematic visits by the NPM to the units of the State Migration Service of Ukraine (hereinafter - the SMS of Ukraine) were introduced in 2023, which is an important step towards ensuring respect for human rights and bringing detention conditions in line with international standards. The results of the visits showed that, in fact, for 12 years since the transfer of powers to combat illegal migration to the SMS of Ukraine, violations of the rights of foreigners and stateless persons have been taking place in its territorial bodies (units) and institutions.

The situation with respect to the rights of foreigners, in particular in terms of bringing them to administrative responsibility, detention, other administrative processes, as well as their placement in temporary accommodation centres for foreigners and stateless persons, remains relevant.

Based on the results of the Commissioner's visits to the SMS of Ukraine and the Ministry of Internal Affairs of Ukraine in 2024, the Commissioner made two submissions and provided recommendations to eliminate violations of rights and freedoms of man and citizen.

During the visits in 2023-2024, the NPM teams recorded facts of abuse of the right to use the services of an interpreter. When studying the materials of cases on forced expulsion, it was found that in some cases, various procedural documents were drawn up both with an interpreter, as it was recorded that the foreigner did not understand Ukrainian, and without an interpreter with a note on the proficiency in Ukrainian.

There have also been cases of violations of the right to professional legal aid.

Some territorial bodies of the State Migration Service of Ukraine do not immediately inform regional centres for free legal aid in each case of detention of a foreigner for more than three hours for the purpose of the forced return or for the purpose of identification and enforcement of forced expulsion.

During the detention of foreigners or stateless persons, officials of the Central Department of the SMS in Kyiv and Kyiv region take procedural documents from detainees that are not defined by any legal act (statements, comments to administrative detention protocols on the alleged refusal to use lawyers (defence counsels) and the intention to defend their rights and interests in person).

According to the information received from the Regional Centre for Free Legal Aid in Kyiv (hereinafter referred to as the Centre), in 2023, the Centre was not informed of any case of detention of a foreigner for more than three hours by officials of the Central Department of the SMS in Kyiv and Kyiv region.

During confidential conversations with foreigners and stateless persons in course of visits to the temporary accommodation centres for foreigners and stateless persons, numerous complaints were received that they were not informed of their right and possibility to receive free legal aid in accordance with the Law of Ukraine 'On Free Legal Aid', did not speak Ukrainian and did not understand the content of the administrative detention protocol, the above statements and comments to the administrative detention protocols.

The occurrence of an unforeseen situation during the detention and escort of foreigners (an attempt to escape, failure to comply with a lawful request of an official of the SMS of Ukraine, an attack on an employee of the SMS of Ukraine) causes an abuse of power by officials of the SMS of Ukraine. Article 262 of the Code of Ukraine on Administrative Offences provides for the right of the SMS officials to carry out administrative detention, but it is impossible to ensure the measures necessary for the proceedings on administrative offences, escort and protection of foreigners in full due to the limited scope of the SMS powers.

International experience shows that the fight against illegal migration is entrusted to specialised police-style law enforcement agencies (e.g., in the UK - Immigration Enforcement, in the US - U.S. Immigration and Customs Enforcement), whose mission is to ensure migration security within the country, detain and expel foreign offenders, and combat migration crimes and transnational crime.

As a result of an interagency working meeting to discuss the creation and operation of premises for the temporary detention of foreigners and stateless persons illegally staying in Ukraine at the territorial bodies of the State Migration Service of Ukraine, with the participation of international migration institutions, Massimo Ramanzin, Head of the Immigration and Border Management Division of the International Organization for Migration (IOM), it was concluded that inappropriate to

entrust the powers of detention, escort, and temporary detention of foreigners to the SMS of Ukraine due to the limited scope of its mandate.

Also, during confidential interviews, detainees complained about the use of physical violence by the SMS of Ukraine, which the SMS has no authority to use.

Photographs posted on the official websites of some territorial bodies of the SMS of Ukraine allow us to conclude that SMS officials use physical force during the detention of foreigners, without having the authority to do so.³

The above facts may indicate abuse of power by the officials of the SMS of Ukraine during the detention of foreigners, and therefore the Commissioner sent a report on criminal offences committed by the officials of the SMS of Ukraine to the Prosecutor General's Office in accordance with Article 214 of the Criminal Procedure Code of Ukraine.

As a result, the Unified Register of Pre-trial Investigations was entered with information on two facts of a possible criminal offence committed by officials of the State Migration Service of Ukraine under Article 365 (2) of the Criminal Code of Ukraine (hereinafter – the Criminal Code) (abuse of power or authority by a law enforcement officer).

The territorial departments of the State Bureau of Investigation are conducting pre-trial investigations into these facts in criminal proceedings.

During a visit to the Mykolaiv Temporary Accommodation Centre for Foreigners and Stateless Persons Illegally Staying in Ukraine, the State Migration Service, the investigators found facts of prolonged detention (from 4 to more than 120 days) of foreigners and stateless persons without relevant court decisions on detention.

The dynamics of such violations is rapidly increasing. Thus, while in 2023, one person was detained in the said state institution for more than 72 hours without a court decision on detention, in 2024, 26 cases of unjustified detention of foreigners and stateless persons were established.

During visits to the units of the SMS of Ukraine, it was revealed that some of those do not have special temporary accommodation centres for foreigners and stateless persons, and therefore, the officials of the SMS of Ukraine are forced to transport foreigners to the special temporary accommodation centres for foreigners and stateless persons for a long time over long distances, in some cases, up to 900 km (mostly at night).

The absence of temporary accommodation centres for foreigners and stateless persons, the conditions of which would meet national and international standards, leads to foreigners being held in conditions of detention under the control of the SMS officials for a rather long time in a manner not provided for by law. Most foreigners and stateless persons are brought to the places for temporary detention of detained foreigners after dinner. Accordingly, they are deprived of the opportunity to eat until at least the next morning. In addition, the SMS of Ukraine and the Ministry of Internal Affairs of Ukraine do not take full measures to verify the violations identified by the NPM groups, and internal checks are not carried out on each established fact.

As a result, no decisions are made to initiate disciplinary proceedings against responsible officials of the SMS of Ukraine, which allows them to avoid responsibility.

³ (<https://www.facebook.com/cmudmsu/photos/pb.100069945144529.2207520000/1934259730087430/?type=3>)

Regarding question 27 – on human rights violations in penitentiary institutions

In accordance with the current national legislation, namely part 2 of Article 11 of the Law of Ukraine "On Pre-Trial Detention" and part 1 of Article 115 of the Criminal Executive Code of Ukraine, the established norm of the area of chamber (residential) premises should be at least 2.5 m² for persons taken into custody, and at least 4 m² for convicts.

The results of visits by NPM groups during 2024 indicate that in most penitentiary institutions there remains a problematic situation with violations of the norms of the area per prisoner or convict.

The Ministry of Justice of Ukraine increased the standard area only for convicted persons from 3 m² to 4 m² in 2010, and the situation for persons taken into custody remains unchanged.

Since 2014, at the initiative of the leadership of the Ministry of Justice of Ukraine, the activities of 41 penitentiary institutions (the total number at the beginning of 2014 is 182 institutions), convicted, have been gradually suspended, and transferred to institutions in other regions for further serving their sentences.

Thus, the excessive number of convicts in correctional colonies leads to violations of the norms of the area.

During a visit to the State Institution "Kyiv Pre-trial Detention Centre," it was established that there were 250 detainees in the institution more than provided for by the planned filling, which led to the overflow of most of the cell premises.

For example, one of the cell rooms, where there were 17 prisoners, had 14 beds, and some people were forced to sleep alternately or on the floor. The actual area per person in this cell was 1.2 m².

Violation of the norms of the area is also associated with the presence in the territories of almost every penitentiary institution of residential buildings that are not used due to various circumstances.

So, in course of a visit by a group of NPM to the Vilniansk State Penal Institution (No. 11), it was established that five buildings with special access regime were located on the territory of the institution, but building No. 4 was not put into operation due to incomplete repair work, building No. 3 is in disrepair due to the actual absence of 95% of the roof.

Due to the above facts, in the cell rooms for those sentenced to life imprisonment, the area per person was only 2.5 m², which is a violation of norms.

In penitentiary institutions, there still exists a practice of discrimination and stigmatization of detained persons, which is expressed by their division into so-called "castes".

Thus, some persons are obliged to clean the restrooms, they are constantly subjected to harassment and ridicule by other convicts, are forced to constantly be isolated from the public, eat at a separate table in the dining room, while others try to influence the resolution of conflict situations, the delivery of prohibited items, the state of law and order and the operational situation in institutions.

The above is obvious discrimination when a group of persons are in an institution subject to unacceptable restrictions on the recognition, exercise and enjoyment of the universally recognized fundamental right to respect for human dignity.

During confidential communication with detainees in the State Institution "Zaporizhzhia Pre-trial Detention Centre", numerous complaints were received regarding the failure to provide medical care to persons belonging to a particularly vulnerable category of prisoners, and even the refusal of medical workers to receive them.

The administration of the State Institution 'Voznesensk Correctional Colony (no. 72)' informally prohibits the stay of vulnerable prisoners with other prisoners and places them in the wards of the medical unit, where basic living conditions are not created (there is an unpleasant smell, the rooms are heavily cluttered with personal belongings, the floors are dirty, the walls are covered with mould and the mattresses are wet).

The administrations of penitentiary institutions still delegate functions and powers of the staff of penitentiary institutions to individual convicts, as provided for by the legal acts.

Thus, in accordance with paragraph 2 of section XVIII of the Internal Regulations of Penitentiary Institutions, approved by the Order of the Ministry of Justice of Ukraine No. 2823/5 of August 28, 2018, senior day officers and day officers are appointed in penitentiary institutions to maintain proper sanitary conditions in the places of residence of convicts, to inform the administration of the institution about the state of order in the department of social and psychological service (cell) from among the convicts.

This practice exposes weaker convicts to the risk of ill-treatment and exploitation by convicts who hold the position of a day worker or senior day worker. Such delegation is essentially a relinquishment of responsibility for security and order, which lies with the administration of correctional facilities.

During the confidential communication with the convicts performing housekeeping services at the Odesa Correctional Colony (No. 14), the NPM group found that the administration appointed one of the convicts to the position of senior day worker to supervise the maintenance of order in the living quarters and workplaces and to control the quality of the housekeeping services.

In addition, the said convict receives monetary remuneration from all the convicts who perform the work on the economic maintenance and disposes of it at own discretion.

The most widespread human rights violation in penitentiary institutions is inadequate material and living conditions for prisoners and convicts. The visits revealed that most of the violations include: lack of privacy, limited access to fresh air and clean drinking water, non-compliance with temperature and lighting requirements in the premises where inmates are held.

In most of the penitentiary institutions visited, the conditions of detention in the cells do not meet the requirements set out in the European Prison Rules and can be considered inhuman and degrading.

During the visits to the Kyiv Pre-trial Detention Centre, it was found that most of the cells were dirty, there was an unpleasant smell, there was wet condensation on the ceiling, which caused the walls to become mouldy, there was a significant clutter

of bags and personal belongings, the floors and bathrooms were dirty, the bedding was wet and the mattresses were mostly torn.

During a visit to the Zhytomyr Penitentiary Institution (No. 8), the NPM team noted the unsatisfactory condition of the roof and structural elements of the building with special access regime (No. 1), which houses the cells where convicts and prisoners are held.

In the course of communication with the staff of the institution and representatives of the NPM group, it was established that the said building had been in operation for over 100 years and was in a state of disrepair due to natural ageing. The roof of the building does not prevent atmospheric precipitation from entering the building, as a result of which the walls are constantly damp, affected by fungus and gradually collapsing.

Regarding questions 27, 30-31 – on medical care in penitentiary institutions

Currently, members of the medical staff in Ukrainian penitentiary institutions are not administratively dependent on the leadership of the institutions in which they work, and are subordinate to the State Institution "Health Care Center of the State Penitentiary Service of Ukraine" under the Ministry of Justice of Ukraine. Over the years, the ECPT has repeatedly recommended that medical care in penitentiary institutions be transferred under the responsibility of the Ministry of Health of Ukraine, while such a recommendation remains unfulfilled.

The understaffing of medical units and hospitals of the State Institution "Health Care Center of the State Penitentiary Service of Ukraine" by qualified medical staff remains a critical problem; convicted persons are often involved in executing the duties of junior medical staff.

Primary and preventive medical examinations of convicted and imprisoned persons in many cases are not carried out at all. The situation is complicated by the lack of access of medical workers to a single information network (Electronic Health System), which makes it difficult to obtain data on the medical history of convicts and inmates before they enter penitentiary institutions.

It should also be noted that medical consultations are often held in the presence of non-medical staff.

Also, a common problem is the difficult access of convicts and prisoners to doctors, especially in pre-trial detention centers. Prisoners are forced to wait a long time before they get an appointment with a doctor and receive advice and medical care.

Medical units and hospitals do not have enough medicines and medical devices. Often there are cases of use of overdue medicines and their improper storage. An equally important problem is the violation of the requirements for the disposal of medical waste.

Another extremely disturbing fact is the inadequate recording of cases of bodily injuries of convicted and imprisoned persons. Instead of careful documentation, medical professionals are often limited to formal records, and law enforcement reports of such incidents occur in violation of established legal requirements.

Despite the fact that some regulations used in places of detention are partially brought into line with the recommendations of the Istanbul Protocol, some of its

provisions, as well as the relevant comments of the CPT, remain unfulfilled. In particular, when documenting the presence of bodily harm in convicted and imprisoned persons, medical workers still do not record their own observations on the correspondence between any statements made by the victim and objective medical conclusions. As a result, the vast majority of ill-treated persons report that they received bodily injuries through their own negligence, or completely refuse to name the cause of the injuries, fearing negative consequences.

In many cases, convicts and prisoners who have antibodies to viral hepatitis C are not given the necessary examinations by polymerase chain reaction (PCR), necessary for the appointment of an antiviral treatment by an infectious disease doctor. In many cases, convicted and imprisoned persons who have antibodies to viral hepatitis C are not examined to establish a final diagnosis and are not prescribed antiviral treatment.

During their stay in the hospital, patients are kept in cells that do not meet therapeutic conditions and sanitary and hygienic requirements, which creates additional risks to the health of the inmates. Patients with infectious diseases, such as tuberculosis, are often held in ordinary cells in high-security buildings next to other prisoners. This practice violates basic principles of infection control and significantly increases the risk of spreading infectious diseases among convicts and prisoners.

There are also problems with the provision of medical care to persons with mental disorders. The absence of a clinical psychologist in medical units makes it difficult to provide comprehensive and timely assistance, significantly reduces the effectiveness of suicide prevention measures among convicted and imprisoned persons and negatively affects the prevention of conflicts in penitentiary institutions.

Another critical issue is the failure to respect patients' right to voluntariness in receiving psychiatric care. Often, prisoners are not offered to read and sign the informed consent of a person to a psychiatric examination and the informed consent of a person to outpatient psychiatric care, as provided for by the order of the Ministry of Health of Ukraine No. 970 of September 15, 2016.

Access to medical care for people with mental and behavioural disorders due to the use of psychoactive substances remains an important problem. At present, the implementation of the substitution maintenance therapy (SMT) programme in penitentiary institutions remains partial and is provided only in 16 medical institutions of the State Institution 'Health Care Centre of the State Penitentiary Service of Ukraine', which deprives many convicts and prisoners with the relevant diagnosis of access to effective treatment. In addition, in the institutions where the SMT programme has already been implemented, access to it is mostly limited to those prisoners who have already received this therapy before entering the penitentiary system.

Regarding question 41 - on the use of restraints against persons with mental disorders

The appropriate use of restraint in health care facilities remains one of the key aspects of ensuring the rights of patients with mental disorders.

During NPM visits, numerous violations in the use of physical restraint of patients were identified. In particular, patients reported cases of mechanical restraint lasting more than eight hours, which is a gross violation of the Rules for the Application

of Physical Restraint and (or) Isolation (hereinafter - the Rules), approved by Order of the Ministry of Health of Ukraine No. 240 of March 24, 2016.

Violations of confidentiality and dignity of patients have also been identified, in particular, mechanical restraint is often used in supervisory wards in the presence of other patients, which contradicts both legislative norms and ethical standards of medical care. In addition, there are cases of restraint on beds with armored nets and with the use of improvised means.

Of particular concern is the fact of numerous cases of unofficial use by medical workers of mechanical restraint, information about which is not recorded in medical documentation.

The current legislation has significant shortcomings in regulating the use of restraint for patients and requires appropriate harmonization, in particular in accordance with the recommendations of the CPT "Means of restraint in psychiatric establishments for adults" (CPT/Inf (2006) 35-part). In particular, the use of methods such as chemical and manual restraint of the patient is not regulated. There is also no established practice of debriefing the patient after applying the restraint procedure, which would provide an explanation of the reasons for the application of restrictions, reduce psychological trauma and restore trust between the patient and the doctor. A separate problem is the implementation of restraint in the presence of other patients, especially in the so-called "supervisory wards."