

ANALYTICAL REPORT FOLLOWING THE RESULTS OF MONITORING VISITS

**to Penitentiary
and Social Detention Facilities
in 2024**

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This analytical report is based on the results of monitoring visits by three Ukrainian human rights organisations — “Protection for Prisoners of Ukraine” (PPU), “Kharkiv Human Rights Group” (KHRG), and “Ukraine Without Torture” (UWT), as well as on reports of the National Preventive Mechanism. The analysis covers the state of human rights observance in penitentiary and social detention facilities in Ukraine and consists of two parts.

The publication was prepared as part of the DIGNITY project “Seeking Justice for Survivors” (Denmark).



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LIST OF ABBREVIATIONS

CF	Correctional Facility
OCH	Orphan Care Home
SBS	State Building Standards
DIU	Disciplinary Isolation Unit
CES	State Criminal Executive Service of Ukraine
ESU	Enhanced Surveillance Unit
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EPR	European Prison Rules
PPU	Protection for Prisoners of Ukraine
CEC	Criminal Executive Code
CC	Criminal Code
MSPU	Ministry of Social Policy of Ukraine
MOH	Ministry of Health of Ukraine
NPM	National Preventive Mechanism
CTP	Cell-Type Premises
PNRCH	Psychoneurological Residential Care Home
IRPI	Internal Regulations for Penal Institutions
IRPTDC	Internal Regulations for Pre-Trial Detention Centres of the State
Criminal	Executive Service of Ukraine
PTDC	Pre-Trial Detention Centre
SPS	Social and Psychological Service
UWT	Ukraine Without Torture
PI	Penal Institution
KHPG	Kharkiv Human Rights Protection Group
HC-SCES	Healthcare Centre of the State Criminal Executive Service

INTRODUCTION

This report, prepared in partnership by three Ukrainian human rights organisations — Protection for Prisoners of Ukraine (PPU), Kharkiv Human Rights Group (KHRG) and Ukraine Without Torture (UWT) in collaboration with the Danish Institute Against Torture (DIGNITY), summarises the results of monitoring visits to penitentiary and social detention facilities in Ukraine in 2024. It consists of two sections, each focusing on a separate type of detention facilities. This document is based solely on the facts recorded in the reports and the assessments of the monitoring groups, and did not provide for a separate assessment of the facts contained in these reports.

The report is a continuation of the work on monitoring detention facilities, which began during the full-scale war, and is based on the conclusions of previous reports for 2022¹ and 2023². In addition, the experience of visits conducted by representatives of organisations since 2018 was taken into account during its preparation.

For many years, our organisations have been engaged in the protection of the rights of persons in detention facilities in Ukraine, including protecting rights at the level of international bodies, such as the Committee of Ministers of the Council of Europe, the European Court of Human Rights, and the UN Human Rights Committee. Each of the organisations has created and maintains awareness of teams of monitors involved in activities to assess the state of human rights compliance in detention facilities.

Despite the ongoing armed conflict, the situation with respect for human rights in detention facilities in Ukraine generally maintains stable dynamics. During monitoring visits, both human rights violations and positive developments inherent in both social and penitentiary facilities were recorded. However, this report focuses primarily on the identified violations — with the aim of systematically eliminating them and preventing their recurrence in the future.

We express our sincere gratitude to the staff of the institutions who, despite the extremely difficult conditions of wartime and limited resources, continue to perform their duties aimed at ensuring security, decent treatment and basic standards of detention for people in places of detention. It is their daily work that creates space for changes that must become systemic.

The sections of the document detail various types of human rights violations, and the end of the report contains a comprehensive list of recommendations.

We can note the following main human rights violations recorded in the PIs:

- unlawful use of physical force;
- inadequate documenting bodily injuries;
- disproportionate use of disciplinary sanctions;
- obstruction of the activities of monitoring groups;
- psychological violence and informal practices of segregation.

¹ Analytical Report Following the Results of Monitoring Visits to Detention Facilities in Territories Controlled by the Ukrainian Government in 2022 / M. V. Romanov. 2023. See here: <https://library.khpg.org/index.php?id=1695205635>

² Analytical Report on Monitoring Visits to Penitentiary and Social Detention Facilities in 2023 / H. V. Ovdienko; edited by V. O. Chovhan. 2023. See here: <https://library.khpg.org/index.php?id=1704569670>

Key recommendations for eliminating these violations:

- Improve mechanisms for recording and investigating physical violence: introduce international standards for documenting bodily injuries with the mandatory involvement of independent medical experts.

- Review and regulate the procedure for using disciplinary sanctions: introduce control over the proportionality and reasonableness of the imposition of penalties and the exclusion of the possibility of their artificial creation.

- Resist psychological violence and informal hierarchy: introduce special training for prison staff on human rights, including non-discrimination practices and humane treatment; strengthen the knowledge of monitors on identifying and recording cases of psychological violence.

- Ensure unhindered access for monitoring teams: strengthen control over the observance of the right to monitoring visits, including clear sanctions for obstructing such activities.

- Increase funding and staffing of detention facilities: increase the staffing level of institutions to minimise the risks of ill-treatment and ensure adequate conditions for the detention of inmates.

The main recorded human rights violations in social facilities:

- inadequate living conditions and hygiene in residential care homes;
- restrictions on the right to privacy, in particular through the installation of video surveillance in sanitary premises;
- lack of actual access to specialised medical care;
- insufficient attention to the needs of people with disabilities;
- formality in drawing up individual rehabilitation and social support plans.

Key recommendations:

- Ensure adequate living conditions and compliance with sanitary and hygiene standards: inspect the premises, urgently eliminate threats to the life and health of residents, and take the necessary measures to realise the right to privacy of those in care.

- Strengthen privacy protection: remove video surveillance in sanitary rooms where it violates human rights, ensure the right to individuality and dignity.

- Guarantee access to quality medical care: ensure the timely involvement of doctors, including field experts, in medical examinations and control over the provision of medical services.

- Develop mechanisms to support people with disabilities: adapt infrastructure to ensure inclusiveness and meet the needs of residents for individual rehabilitation tools according to their needs.

- Ensure actual implementation of individual plans: abandon a formalistic approach in favour of meaningful, person-centred assistance.

Thus, systemic human rights problems in PIs and social facilities persist, but the clear implementation of the recommendations above and the detailed list at the end of the report will gradually change the situation for the better, regardless of the conditions of martial law.

REPORT PREPARATION METHODS

Each of the organisations that participated in the preparation of the report gathered professional teams of monitors who underwent specialised training. These training programs covered aspects of human rights monitoring, ethical communication with persons in detention facilities, and prevention of corruption and discrimination. The monitors have relevant education in law, psychology, medicine, journalism or pedagogy, as well as significant experience in assessing conditions in penitentiary institutions and social institutions in Ukraine.

Monitoring visits were carried out by the representatives of the National Preventive Mechanism (NPM) and public activists on the basis of Article 24 of the Criminal Enforcement Code of Ukraine. According to this article, members of the Public Council under the Ministry of Justice of Ukraine, people's deputies of Ukraine and their assistants have the right, without special permission (accreditation), to visit PIs at any time and without hindrance for control and inspections (if desired, accompanied by up to three medical workers and up to two media representatives).

The powers of the NPM include regular visits to detention facilities without prior notice of the time and purpose of the visits, as well as without limiting their number. The monitors have the right to interview persons held in the detention facilities. The functions of the NPM are implemented by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine in the Ombudsman+ format in accordance with the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine" and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The monitoring was carried out on the basis of methods for visits to penitentiary³ and social facilities⁴ previously developed by our experts in partnership with the Danish Institute Against Torture (DIGNITY). These methods aim to implement the principles of preventive monitoring, taking into account the Ukrainian context.

The key purpose of the visits was to prevent torture and ill-treatment, as well as to identify human rights violations. To the extent possible, the visits included dialogue between government authorities and civil society to jointly address the identified problems. Alternative tools were used only in the cases where state institutions were unwilling to engage in constructive cooperation: public disclosure of facts, initiation of legal proceedings, etc.

Monitoring visits to social detention facilities were carried out exclusively within the mandate of the NPM, as national legislation does not provide for other forms of systematic preventive monitoring for this type of institutions.

³ Methods for Preventive Monitoring of Human Rights in Penitentiary Institutions in the Territory of Ukraine Controlled by the Government / NGO "Kharkiv Human Rights Group". — Kharkiv: 2023. — 92 p. Available at: <https://library.khpg.org/index.php?id=1694150330>

⁴ Methods of Preventive Monitoring of Human Rights Compliance in Social Facilities / O. Prashko, I. Serhienko, O. Temchenko, K. Avtukhov; NGO "Ukraine Without Torture". — Kyiv: 2024. — 114 p. <https://files.notorture.org.ua/lib/UBT%20Methodology.pdf>

After the visits, regional post-monitoring meetings were held with the participation of NPM public monitors⁵.

In 2024, monitoring visits took place throughout Ukraine, with the exception of temporarily occupied territories. In areas with an increased risk of shelling, monitoring was temporarily suspended for the safety of the teams.

Scheduled visits to PIs and social facilities were conducted based on several criteria: type of facility, date of last visit, nature of previously recorded violations, number of complaints from persons in the facility, reports of high-profile incidents, specific characteristics of the institution (e.g. presence of a hospital at the PI), information on the elimination of previously identified serious human rights violations.

In addition to scheduled visits, unscheduled (ad hoc) visits were carried out in cases of reports of torture or other forms of ill-treatment. Repeated visits were also made to the facilities where serious violations had been recorded during previous visits in order to assess the dynamics of change.

The report covers visits carried out in November–December 2023 and throughout 2024. A total of 49 visits were analysed: 31 — to penal institutions, 18 — to social facilities. Of these, 26 visits were carried out within the NPM mandate. A list of detention facilities, dates of visits, and relevant sources are provided in Appendix 1.

Based on these visits, recommendations were prepared for state authorities and communicated through official channels, both verbally and in writing. Further measures to advocate for the recommendations were implemented taking into account the level of their implementation.

Thus, this report documents both progress and challenges in the field of human rights in detention facilities in Ukraine, serving as a platform for further constructive dialogue between state authorities and civil society.

⁵ Results of Cluster Meetings <https://notorture.org.ua/article/938>

1. RESULTS OF MONITORING HUMAN RIGHTS IN THE PENAL INSTITUTIONS

1.1. Access to facilities and obstacles for monitors

Most visits to PIs were conducted within the powers defined by Article 24 of the Criminal Enforcement Code of Ukraine, and some visits were conducted within the NPM mandate. Since 2014, there has been an established practice of monitoring visits by assistants to members of parliament. The vast **majority of visits were conducted without any opposition from the administration** regarding access to the facilities. However, it should be noted that the administration of the facilities where there are systemic human rights violations periodically tries to obstruct effective monitoring in every possible way. Thus, during a visit to Naderzhynshchynska CF No. 65, after passing the appropriate check, representatives of the monitoring group remained on the premises of the facility. However, the representatives of the facility's administration — Lieutenant Colonel of Internal Service Pavlo Oleksandrovych Usov and Major of Internal Service Dmytro Mykolaiovych Makarenko — systematically attempted **to obstruct the work of the monitoring group**. Namely: They demanded that the assistants to the MPs provide additional permits to check the availability of relevant logbooks, which are checked in the general order of the monitoring visit without information about the personal data of convicts. The administration representatives demanded that the assistant to the Ukrainian MP have a separate permit from the MP to review each logbook.

The administration representatives justified these requirements by referring to the resolution of the Verkhovna Rada of Ukraine “On Approval of the Regulations on the Assistant-Consultant to a Member of the Ukrainian Parliament”, where Article 2.1 lists the rights of the assistant-consultant to a member of the Ukrainian Parliament, in paragraph 8 “to receive, upon written request of a People's Deputy of Ukraine, from executive authorities, local self-government bodies, citizens' associations, state-owned enterprises, institutions and organisations, in accordance with the established procedure, documents, information and reference materials necessary for the People's Deputy of Ukraine to exercise his or her deputy powers, upon written request from the People's Deputy of Ukraine”.

At the same time, members of the monitoring group cited the provisions of a document with higher legal force, the CEC of Ukraine, which is also a special deed. Part 3 of Article 24 of the CEC of Ukraine states that assistants to members of parliament, as well as other persons conducting visits in accordance with this article, have the right to move freely and without restriction during visits to the PIs, without time restrictions, with maximum assistance from the staff and administration of the PI, to move around the territory of the PI, make audio and video recordings and disseminate the information obtained, familiarise themselves with reports, including statistical reports, conduct audits, carry out inspections, submit oral or written requests, verify compliance with legislation, appeal against unlawful actions (inaction) of officials and civil servants of the PI, demand the immediate cessation of such actions (inaction) and bring the guilty persons to justice (with a comprehensive written report to the relevant person about the measures taken (not taken) within 10 days of receiving the request), check out the personal files of convicts, other documents, etc., and talk to any PI staff and convicts (including anonymously).

The monitoring group also included members of the Public Council under the Ministry of Justice of Ukraine. When asked whether a separate authorisation was required for a representative of the public council to familiarise themselves with each logbook, the administration provided the relevant logbooks for review, while prohibiting photography and allowing only video and audio recording. It should be noted that Article 24 of the CEC of Ukraine does indeed mention the possibility of audio and video recording, but does not specify the possibility of taking photographs, which is a clear gap in the legislation. However, given the current technical means of video recording and their capabilities, such adherence to principles on the part of the administration seemed strange.

Also, no **acts of prosecutorial response**, SCES inspections, work time sheets, or work orders were provided. According to the applications of convicts regarding permission to process personal data, the personal files of convicts were not provided. In response to 15 applications from convicts as part of the study of information on working conditions and the protection of social rights, the administration provided information on four convicts at its discretion — a fixed-term contract and a statement of wages for March.

Thus, most visits took place without significant obstacles to access to the institution, but there were isolated cases of inappropriate behaviour by the institution's administration and deliberate delays (documents were provided very slowly).

1.2. Main trends in the functioning of penal institutions

During the visits, a number of **positive trends** were noted, particularly with regard to the elimination of shortcomings that had been identified in previous years. In particular, it is important to note that despite the significant lack of funding and Ukraine's state of war, some institutions are actively working to improve the living conditions of inmates and the working conditions of staff. In particular, monitors recorded positive changes in the Odesa and Sumy PTDCs and other facilities. However, in most facilities, poor living conditions continue to be observed in various premises.

The practice of access to information and other intangible rights of inmates is also improving. Thus, in Temnivka CF No. 100, there is a trend towards an **increase in the number of tablets** in the personal use of inmates, and the number of registered e-mail accounts is increasing. Restrictions related to the fight against COVID-19 have been lifted, in particular, in the maximum security sector, where inmates serving life sentences are no longer required to wear protective masks in their cells.

However, it should be noted that some of the most shameful practices recorded by the monitors in previous years have not been eliminated, in particular with regard to the conditions of employment and remuneration, useful employment of convicts in the quarantine, diagnosis and distribution (QDD) unit and in the SPS departments, and the practice of orderlies. This issue is particularly acute in the PIs of the Kharkiv region. All this will be described in detail in the following sections.

A significant **understaffing** remains a major problem. According to official documentation, as of 1 October 2024, the total shortage at the Odesa PTDC was 144 positions (38%) of the authorised staffing level. However, according to official documents, there are 18 vacant positions at CF 45, or 8.09% of the total number of staff. The overall staff shortage in Zhytomyr PI No. 8 is 31.2%, with a total staff of 393 positions. The lowest level of understaffing was recorded in Kharkiv CF No. 43. According to the administration of the institution, the staffing level of the institution consists of 252.5 positions. The actual number is 246 positions. Thus, the level of understaffing is approximately 2.5%.

At the same time, in its report on the results of its visit in 2023, the CPT emphasises that ensuring a positive climate in a prison requires a professional team of staff, which must be present in sufficient numbers at all times in places of detention. Insufficient staffing can only increase the risk of violence and intimidation among inmates. The lack of front-line staff also undermines the quality and level of services offered to inmates and jeopardises the prospects for preparation for release and social rehabilitation. In this regard, the CPT calls on the Ukrainian authorities to take decisive measures to significantly increase the number of staff in Ukrainian prisons, where staffing levels are low, in order to strengthen the presence of security and surveillance staff within the institutions. Measures should also be taken to end the practice of 24-hour shifts for staff on duty (CPT/Inf (2024) 20, paragraph 93).

1.3. Unlawful use of physical force

1.3.1 Individual cases of physical violence

Unfortunately, trends that have existed for many years have not stopped, and in institutions such as Oleksiivska CF No. 25, the monitors have recorded cases of physical violence. Convicts claim that all operational staff, especially young ones, use physical force. However, beatings are carried out in such a way that the victim does not suffer any physical injuries. In addition, the monitors recorded the widespread practice in this institution of using convicts as orderlies or assistants to the administration, who performed tasks related to maintaining order and control in the institution, as described in more detail in section 1.5.2.

During the visit to Kharkiv CF No. 43, numerous complaints were received from convicts about physical and psychological violence against them. Thus, during a confidential conversation, most inmates reported beatings by the staff of the operational department, which took place in the office of the administrative building.

During a visit by the monitoring group to Stryzhavka CF No. 81, a convict with bodily injuries was found who refused to disclose the circumstances of their occurrence and did not express any complaints in this regard (photo 1). Members of the monitoring group reported this fact to the medical staff of the outpatient clinic, who replied that the hospital's medical staff only records bodily injuries after convicts who need it have approached them. Such inaction on the part of medical staff contributes to cases of ill-treatment in the institution.



Photo 1. Stryzhavka Multidisciplinary Hospital No. 81

At the same time, in violation of the law, medical workers do not properly fill out medical certificates (see section 1.3.2 for more details). In particular, item 8, which specifies the circumstances of the bodily injuries, is not filled out (photo 2).

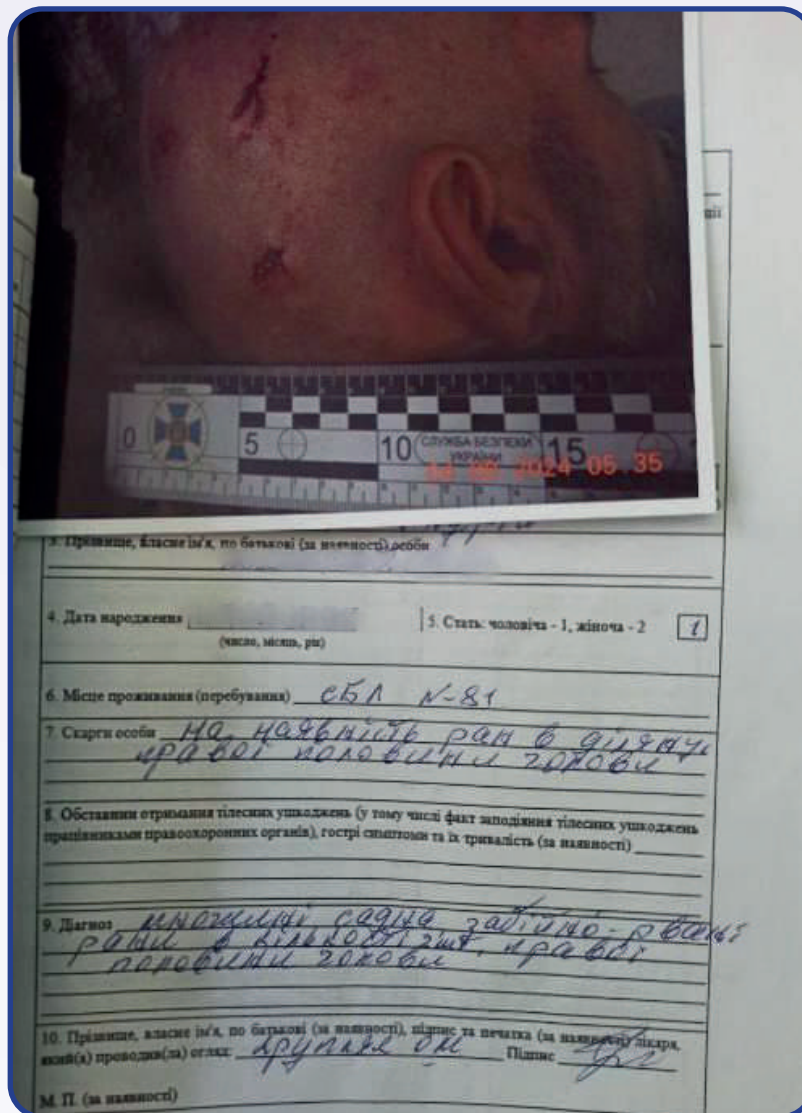


Photo 2. Stryzhavka Multidisciplinary Hospital No. 81

During a visit to the Kropyvnytskyi PTDC, inmates complained of **ill-treatment by the staff during admission to the PTDC**. During a confidential conversation, one inmate reported that during a medical examination and personal search of newly arrived detainees in the assembly room, staff members used physical force against him without justification because he complained that the medical examination and personal search with undressing was carried out in the presence of a person of the opposite sex and in conditions that did not ensure privacy and confidentiality, which contradicts paragraph 3 of chapter 5 of section IV of the IRPTDC.

Convicts who were interviewed anonymously at Pervomaisk CF No. 117 called investigator Veriovkin the most cruel person who uses beatings and psychological humiliation. According to the convicts, "Serhii Horbunov, the first deputy head of the colony, is in charge of receiving inmates and beatings. Horbunov uses "hot coffee" — ten blows to the buttocks with a rubber baton — on individuals who argue or move slowly."

The monitors found that the administration of Zbarazh CF No. 63 **prohibits convicts from sitting** and lying on their beds in the SPS units during the day, including after working hours. The monitors recorded similar restrictions in other colonies.

We will discuss the issue of physical violence in more detail in section 1.5.2. in relation to the activities of the administration's assistants.

1.3.2. Level of documenting bodily injuries

Documenting bodily injuries is the primary and most important step in effectively investigating them. Failure to do so reduces or even eliminates the chance of an effective investigation and proving the fact of torture. Therefore, the state must pay attention to documenting physical injuries and monitor this process.

In accordance with paragraphs 3 and 4 of Chapter 1 of Section II of the Procedure for the Organisation of Medical Care for inmates, approved by Order of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine No. 1348/5/572 dated 15 August 2014, if bodily injuries are found on a convict, the medical worker who discovered such injuries shall draw up a certificate in triplicate, which shall specify in detail:

- ♦information (written statement, oral or written explanation of the convict regarding the circumstances of the bodily injuries (date, time, place of occurrence, methods of inflicting injuries, information about the person (persons) who, in the opinion of the convicted person, caused them), as well as other information regarding the occurrence of bodily injuries);
- ♦an exhaustive description of the medical indicators characterising the health status of the convict, the nature of the injuries, their size and location;
- ♦assumptions of the medical worker taking into account the information provided by the convict and the medical indicators, as well as justification of their correlation.

The medical worker shall attach photographs of the convict's bodily injuries to the certificate. Two copies of the certificate are attached to the materials of the personal file and the outpatient medical record 025/o, the third copy is given to the convict personally.

The medical worker shall immediately, but no later than 24 hours after the discovery of such injuries, inform the prosecutor and the PI administration by phone, e-mail and written notice, and in cases where the convict reports that the injuries were caused by persons holding the rank of private and/or senior staff of the State Criminal Executive Service of Ukraine or staff of other law enforcement agencies, also the State Bureau of Investigation.

Information about the fact of detection of bodily injuries is entered by the head of the medical unit or the medical officer on duty in the journal of recording the facts of detection of bodily injuries in convicts, the form of which is given in annex 3 to this Procedure, which is kept in the relevant healthcare facility of the SCES.

In turn, the lack of documenting bodily injuries does not properly comply with paragraph 60 of the CPT recommendations (CPT/Inf (93)12), which states that medical services in places of detention can contribute to the prevention of violence against persons in custody by systematically recording bodily injuries and, if necessary, informing the relevant authorities.

Although the state has developed recording mechanisms, they have not been fully implemented in practice. Previous specialised studies have shown that the existing procedures and practices for recording torture in places of detention in Ukraine do not meet international standards⁶.

As in previous years, the monitors observed **inadequate documenting bodily injuries** in detention facilities. According to the logbook of bodily injuries in Berdychiv CF No. 70, four cases were documented in 2023. At the same time, in 2024, according to medical records, no cases of bodily injuries were documented. Such a low level of documenting injuries, taking into account the actual number of convicts, raises questions and may indicate either a poor approach to recording injuries by medical staff during medical examinations of convicts or the unwillingness of convicts to seek medical assistance. In addition, of course, the actual absence of injuries in the institution cannot be ruled out, although this is quite atypical.

In 2023, 219 cases of bodily injuries were documented in the Odesa PTDC: 160 of them upon arrival and 59 cases during their stay in the institution. In 2024, there were 186 cases: 143 of them on arrival and 43 during the stay in the institution. That is, there is a tendency to decrease the number of cases of bodily injuries documented during the stay in the institution.

In some correctional facilities there is a tendency to **increase the rate of recording of bodily injuries**. Thus, in Zbarazh CF No. 63 in 2023, two cases of bodily harm were documented upon arrival and five cases during the stay in the institution. And in 2024, 17 cases of bodily injuries during the stay in the institution were recorded. At the same time, during a visit to Zbarazh CF No. 63, the monitoring group found evidence of improper documenting bodily injuries. Thus, during the inspection of the X-ray record book from 26 September 2024 to 17 December 2024, eight cases of documented injuries were identified, including foreign bodies in the form of needles in the fingers, bruises of the chest and other injuries, information about which was not entered into the medical records.

In general, it can be stated that the medical staff of the said institution did not draw up certificates in accordance with the Instruction on filling out primary accounting documentation form No. 511/o “Certificate of bodily injury documenting”, approved by Order of the Ministry of Health of Ukraine No. 186 dated 02 February 2024. In addition, the logbook of documenting the facts of detection of bodily injuries in convicts **did not contain information about the fact of detection of bodily injuries**, and the prosecutor was not properly informed.

⁶ Bielousov Yu., Hatiiatullin O., Zaporozhetsev K., Tarasova M., Temchenko O., Chovhan V., Chuprov V., Shurduk V. The Practice of Documenting Torture in Detention Facilities: Report on the Results of the Study. Edited by V. Sushchenko. Kyiv, ECHR, 2019. See here: <https://zmina.ua/wp-content/uploads/sites/2/2020/02/fixingtorture-web.pdf>

Such actions on the part of the medical staff may indicate the concealment of the facts of infliction of bodily injuries to the convicts or negligent performance of their duties. This not only violates the rights of the convicts to proper medical care and documenting injuries, but also makes it impossible to conduct timely investigations into such cases and bring the perpetrators to justice.

Дата	Пациент	Запись
16.10	...	1988 III Прогресс
16.10	...	1991 III 6/14 Прогресс
16.10	...	1979 III Прогресс
16.10	...	1987 III 5/14 Прогресс
16.10	...	1977 III 5/14 Прогресс
17.10	...	1984 III 5/14 Прогресс
17.10	...	1984 III 5/14 Прогресс
18.10	...	1989 III 1402 Задорож
18.10	...	1989 III 1402 Задорож
22.10	...	1985 III 280 Прогресс
22.10	...	1989 III 1113 Прогресс
22.10	...	1986 III 308 Прогресс

Photo 3. Zbarazh specialised tuberculosis hospital No. 63

In Piatykhvatky CF No. 122, in violation of the requirements of paragraph 3 of section 1, chapter II of the Order “On Approval of the Procedure for Organising the Provision of Medical Care to Those Sentenced to Imprisonment”, medical staff do not draw up certificates describing in detail the nature of the injuries, their size and location. In particular, it was established that outpatient medical record 025/o of convict Sh., **did not contain a certificate of bodily injury**, although information about the discovery of bodily injuries had been entered into the logbook of documenting the facts of detection of bodily injuries in convicts under patient registration No. 11.

In violation of the requirements of paragraph 3 of the Instruction on filling out the form of primary accounting documentation No. 511/o “Certificate of bodily injury documenting”, approved by Order of the Ministry of Health of Ukraine No. 186 dated 02 February 2024, copies of the certificate No. 511/o are not attached to the form of primary accounting documentation No. 025/o “Outpatient medical record”, but are kept separately.

It is important to emphasise that this violation is systemic and is observed in a significant number of institutions.

In addition, it is important to note that the quality of documentation of bodily injuries is even more important given the dynamics of growth of fixed bodily injuries in recent years, which is collected by the NGO “Protection of inmates of Ukraine”, as shown in Table 1 below.

Year	Total number of bodily injuries	Upon arrival at the institution		During the stay in the institution	
2020	3762	1864		1898	
2021	3782	2118		1664	
2022 (excluding TOT)	3000	2103		897	
2023 (excluding TOT)	4321	3221		1100	
2024	7357	5748		1609	

Table 1. Documenting bodily injuries

1.4. Use of disciplinary sanctions

According to international standards, prison administrations should ensure that the disciplinary sanction is proportionate to the offence for which it is imposed and should keep proper records of all disciplinary sanctions imposed⁷.

As in previous years, the monitors sometimes recorded the **disproportionate use of disciplinary sanctions**, including placement in DIU, or even the artificial creation of grounds for disciplinary sanctions.

The interviewed convicts of Temnivka CF No. 100 reported that *when they were walking in formation, they had to stop at every line. One can receive a disciplinary sanction for any trifle. Convict V. reported that a sanction could be received even for picking an apricot.*

During a visit to Oleksiivska CF No. 25 in the CTP, convict L. pointed to *artificially created grounds for disciplinary sanction — during the search a blade was found in his belongings, for which he received five days in DIU. Then there was an artificially created conflict, for which he received ten days in DIU. The convict is ready to receive a new term under Article 391 of the Criminal Code of Ukraine, just to leave the region, so he puts up with the falsification of violations.*

During the visit to Temnivka CF No. 100, convict B. who had experience of staying in DIU, told the monitors that *in order to fabricate disciplinary sanctions, the convicts serving disciplinary sentences in DIU/CTP are taken to the walking yard for cleaning, it is done demonstratively with video recording.*

⁷ The United Nations Standard Minimum Rules for the Treatment of Prisoners (Rule 39) / See at: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

After the convict refuses to clean, the materials about the disciplinary offence are drawn up, namely the failure to comply with the legal requirements of the administration, refusal to clean. At the same time, an orderly D. works on a permanent basis at the DIU/CTP, and during the interview he reported that his functional duties include cleaning the premises, including the exercise yards.

This practice of **fabricating disciplinary sanctions** was reported by several convicts. Thus, *convict M. reported that he received a disciplinary sanction in the form of a DIU for refusing to clean the exercise yard.*

In total, four convicts were held in the DIU/CTP of this facility who were charged under Article 391 of the Criminal Code of Ukraine, they are voluntarily ready to serve a new term and receive an additional 1 year and 6 months with the aim of being transferred to serve their sentences outside of the Kharkiv region.

In addition, in some cases, the administration '**modernises**' the **procedure and types of disciplinary sanctions** clearly prescribed in the norms of the CEC of Ukraine. Thus, during personal communication with convicts and inmates in Naderzhynshchynska CF No. 65, the monitoring group was informed about alleged ill-treatment. In particular, the persons who, in the opinion of the administration of the facility, committed disciplinary offences, can be placed in the exercise yard of the DIU for two hours, regardless of the weather conditions and the time of year. This is confirmed by the entries in the logbook of the registration of the convicts in the DIU in the absence of decisions on disciplinary sanctions and placement in the DIU for 24 hours by the rights of the duty assistant head of the facility.

In addition, the **excessive restrictions** applied to the convicts in the DIU remain a significant problem. During the confidential conversation in Kropyvnytskyi CF No. 6 the convicts complained that the administration and staff of the facility forbid them to use reading materials during their stay in the DIU. At the same time, in its report to the Government of Ukraine following its 2017 visit, the CPT reiterated its recommendation that inmates in disciplinary isolation cells be allowed a reasonable choice of reading material (not only religious literature) (CPT/Inf (2018) 41, paragraph 109).

The monitoring group also recorded the use of practices that degrade the human dignity of persons detained in the DIU. In particular, the administration and staff required them **to stand facing the wall with their hands behind their backs every time the door was opened**. The CPT, in its report to the Government of Ukraine following its visit to Ukraine in 2020, noted that such practices were not necessary for security reasons and did not contribute to positive relations between staff and inmates and called on the Ukrainian authorities to put an immediate end to such practices (CPT/Inf (2020) 40), paragraph 46).

There is also a problem with insufficient **living space** per inmate in disciplinary cells.

In the report of the Government of Ukraine following the Committee's visit to Ukraine in 2012, the Committee notes that any solitary confinement cells should have a living space of at least 6 sq.m. (not including a built-in toilet); the distance between the cell walls should be at least 2 m. (CPT/Inf (2013) 23) paragraph 45).

The CPT recommended in its report to the Government of Ukraine following its visit to Ukraine (CPT/Inf (2020) 40) that any cells smaller than 6 sqm should be expanded or **decommissioned** (excluding sanitary facilities) and that the distance between opposite walls of each cell should be at least two metres.

During the measurement of the area in the cells of the DIU in Kropyvnytskyi CF No. 6, the monitoring group found that the width between the walls of the cells was 1.8 m. At the same time, during the monitoring visit of the NPM to Stari Babany CF No. 92 in the cells of the DIU/CTP No. 7 and No. 8, **the distance between the opposite walls was only 1.5 m.**

From the oral explanations of the staff of the facility it was established that these premises were not used, but this is not true because according to the records in the "Logbook of accounting of convicts placed in the DIU/CTP", in 2024 alone, the convicts were placed in these cell premises at least 7 times.

In its second General Report, the CPT notes that daily outdoor activities should take place in an area of sufficient size. The area for outdoor activities should, as far as possible, be equipped with a shelter in case of bad weather (CPT/Inf (92) 3) paragraph 48).

At the same time, during the monitoring visits it was repeatedly recorded that the **exercise yard in the DIU is not equipped with sufficient shelter** from atmospheric precipitation, so the only hour outside the walls of the DIU cell for the convicts in the open air can be accompanied by rather poor conditions.

Another problem of inadequate conditions of detention in the DIU/ESU is the **fixing of beds**, which can be considered a violation of the right to decent conditions of detention (Article 25 of the Universal Declaration of Human Rights, Article 48 of the Constitution of Ukraine). Since 2015, the normative legal acts regulating the activities of correctional facilities have been amended and the provision that provided for the fixing of beds to the walls in disciplinary premises during the daytime has been removed. Despite this, in the DIUs of many facilities, e.g., Zhytomyr CF No. 4, the means for such fixation have been preserved, which creates conditions for possible abuse by the facility's staff and acts as an additional punitive element during the punishment, as the convicts are deprived of the possibility to sit and lie on the bed during the day. This practice is also systemic.

The cells of the DIU and the punishment cell of Ladyzhyn CF No. 39 also have means of fixing the beds to the walls (photo 4). This creates conditions for possible abuse by the staff of the facility, as the convicts may be deprived of the possibility to sit or lie on the bed during the day.



Photo 4. Ladyzhyn correctional facility No. 39

A similar situation was recorded by the NPM monitors in Stari Babany CF No. 92. They note in the report that despite the exclusion of the norm that provided for the fixation of beds in disciplinary isolation premises to the walls during the day, the means for such fixation remained in the DIU/CTP, which creates conditions for possible abuse by the facility's staff and acts as an additional punitive element during the punishment, as the convicts are deprived of the possibility to sit and lie on the bed during the day.

Solitary confinement is practised in the cells of the DIU/ESU of Zhytomyr CF No. 4, which violates the right of convicts to human dignity and the right to communicate with other convicts.

The problem of the **lack of drinking water tanks** in the premises of the DIU still remains.

The systemic problems also include excessive **barred** windows. Thus, in the cell of the DIU of Bila Tserkva CF No. 35, the monitors recorded excessive barred windows and insufficient natural light, which is why general artificial lighting is constantly on. At the time of the visit, the general lighting level was 26 lux, despite the fact that according to Annex I "Regulatory Indicators of Lighting of Premises of Residential Buildings", DBN B.2.5.-28:2018 "Natural and Artificial Lighting", approved by order of the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine No. 264 dated 03 October 2018, the illumination of the working surfaces of bedrooms and living rooms should be 150 lux. The window in cell No. 6 of the CTP was also excessively barred and had insufficient natural light: 6.5 lux — natural light, 55 lux — general light with the light on. In cell No. 7 of the CTP, the window was excessively barred and there was insufficient natural light: 5.6 lux — natural light, 49 lux — general light with the light on.



Photo 5. Bila Tserkva correctional facility No. 35

In the cells of the DIU section of Shepetivka CF No. 98, it was found that the windows had frosted glass. In its report on its visit to Ukraine in 2020, the CPT had already drawn attention to this and recommended that measures be taken to review the design of cell windows to allow inmates to see what was outside the cell (CPT/Inf (2020) 40), paragraph 48).

During the inspection of the DIU section of Dykanivska CF No. 12 and many other facilities, the monitors found that when a convict is placed in a disciplinary isolator, it is common practice to attach a medical certificate to the file containing information about his health condition and according to the conclusion of which the convict can be held in the DIU, CTP, or punishment cell for health reasons. The revealed facts show that the **staff of the facility** possess **confidential information about the health status** of the convicts held in the DIU.

This violates the requirements of Article 39-1 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Health Care” regarding the right of persons to secrecy about their health status. At the same time, the CPT has repeatedly emphasised that the obligation of penitentiary doctors to certify the fitness of convicts to serve a disciplinary sanction is unlikely to promote positive doctor-patient relations. As a matter of principle, medical staff should never be involved in any part of the decision-making process for the use of any form of solitary confinement, unless it is medically necessary. On the other hand, medical staff should be very attentive to the condition of inmates in solitary confinement. Medical staff should be informed immediately of each such placement and should visit the inmate immediately after placement and then regularly, at least once a day, and provide prompt medical care and treatment as necessary. Medical staff should inform the administration of the facility if the health of the convict is seriously endangered by solitary confinement (CPT/Inf (2024) 20) paragraph 104). In addition, this contradicts paragraph 43.2 and paragraph 43.3 of the EPR.

Also, the convicts in some facilities reported that the practice of **playing very loud music** in the DIU continues, which can be regarded as mental pressure on the convicts.

According to paragraph 23, item 6, section XXI of the IRPI, the head of the medical unit (doctor on duty) visits the DIU, disciplinary cells, CTP (SC) on a daily basis to provide medical care and, if necessary, receives convicts. At the same time, during the inspection of the logbook of visits to the disciplinary isolation unit in the Zbarazh Specialised Tuberculosis Hospital No. 63, it was found that there was no relevant record of a medical worker visiting the disciplinary isolation unit on 13 October 2024, when convict B. was serving a penalty.

1.5. Cases of psychological violence and intimidation

1.5.1. Psychological climate in the PIs

The report of the Government of Ukraine on the CPT's visit to Ukraine (CPT/Inf (2020) 40) states that during visits to detention facilities, inmates and convicts were very reluctant to talk to the delegation, clearly worried about their safety and expressing their fear of possible reprisals from staff or convicts who assisted staff once the delegation left the facility. In particular, the delegation received almost no allegations of physical ill-treatment by staff of facility No. 25. There appears to have been a significant improvement in the treatment of inmates since the change of prison management in early 2020. Many of the inmates interviewed by the delegation claimed that routine beatings and other severe forms of ill-treatment by facility staff (and "orderlies") had ceased with the arrival of the new administration and noted significant changes in the way staff treated them.

At the same time, the practice of **exerting psychological pressure on inmates** (e.g., to prevent them from filing complaints with external authorities) and the general atmosphere of fear remain widespread in the facility, although it has significantly decreased compared to the situation observed by the CPT in 2016 (CPT/Inf (2020) 40) paragraph 18).

During the visit of the public monitors in 2024 to Oleksiivska CF No. 25, the situation was confirmed. During the visits to the facility, numerous complaints were received from convicts about physical and psychological violence against them. Thus, during a confidential conversation, most of the inmates reported being beaten by the staff of the operational department, which took place in the office on the third floor of the administrative building.

In addition to the use of physical and psychological violence against the convicts, there is a widespread **practice of intimidation, humiliating treatment and moral pressure on the convicts**. Thus, during the confidential conversation, almost all the convicts stated that during their stay in the QDD unit, upon arrival to the facility, the orderlies forced them to perform actions contrary to the will of the convicts — they forced them to take a rag in public, in turn and in a humiliating way, and demonstrate cleaning.

But in fact, the mere fact of demonstrating obedience to the orderlies, mainly in the form of cleaning, is enough. In case of refusal, the convicts were subjected to disciplinary sanctions in the form of placement in the DIU by falsifying the materials of the disciplinary offence, as mentioned above.

The convicts who went through this procedure note that under psychological pressure and threats of violence, including sexual violence, and, as a result, their **transfer to the lowest caste** of convicts in the informal prison hierarchy, they are forced to further deliberately violate the regime of serving their sentence in order to be subject to Article 391 of the Criminal Code of Ukraine, receive additional prison terms, and be transferred to another facility.

It should be noted that in most of such cases, according to the convicts, the penalties are artificially created by the administration, which are used to place the convicted person in the CTP in order to formally comply with the conditions of the accusation under Article 391 of the Criminal Code of Ukraine. Thus, the abuse of the administration of the facility opens up the possibility of **exerting pressure** on individual convicts and arbitrary application of criminal prosecution measures.

In 2016, the CPT recommended reviewing the practice of disciplinary isolation and segregation in Oleksiivska CF No. 25 and (if necessary, in all other penitentiary facilities) and recommended the abolition of this article (CPT/Inf (2017) 15) paragraph 46). This recommendation was subsequently reiterated, calling for the repeal of Article 391 of the Criminal Code of Ukraine “without further delay” (CPT/Inf (2018) 41) para 103).

Such a negative psychological climate related to the activities of “orderlies” and disciplinary practices was also recorded in other facilities in 2024. Thus, during the visit to Zhytomyr CF No. 4 and confidential conversations, **most of the convicts refused to communicate** with the monitoring group or answered with boilerplate phrases that boiled down to: “you will leave, and we will remain here”. This is contrary to the principle that the administration of the facility should ensure positive relations between staff and inmates, and staff should treat inmates humanely and decently, not forgetting about safety, as this will not only reduce the risk of ill-treatment, but also contribute to better control and security.

It should be noted that there is an atmosphere of fear among a large number of convicts in Temnivka CF No. 100. This was noticed during the collection of information. A large number of the convicts answered with general phrases: “you know everything perfectly well” or “you will leave, and we will remain here”, without going into details for fear of persecution and negative consequences from the administration. And this fear was fully justified, because two days after the visit a member of the monitoring group was contacted by a close relative of one of the convicts, who was serving his sentence in this colony, and provided information to the group during the visit. His message contained information that after the end of the monitoring visit, when the monitors left the territory of the facility, **everyone who had contacted the group until late at night was called by staff of the facility** and questioned about the information provided by the convicts with the use of threats.

In its report on the results of its visit to Ukraine in 2020, the CPT drew attention to a similar situation. Thus, during the visit to Temnivka CF No. 100, the delegation received the impression that the inmates who did not always follow the orders of the administration (and who were considered by the staff to be capable of causing disorder in the prison) were at a significant risk of ill-treatment, sometimes even severe ill-treatment. In addition, some inmates claimed that they were afraid to complain about ill-treatment to external authorities, as prison staff threatened them that this would lead to negative consequences for them. Therefore, the CPT recommends that a clear message be regularly communicated to the management and staff of this facility that ill-treatment of inmates in any form, including threats, is unacceptable and will be punished accordingly. It also recommends that staff should be given a clear message that any threats or intimidation to prevent inmates from lodging complaints are unacceptable (CPT/Inf (2020) 40) paragraph 22).

A tense psychological climate was also recorded in Zbarazh CF No. 63, where during confidential conversation, the convicts noted that the administration and staff of the facility abused the obligation of the convicts to stand up and greet the staff when meeting with the staff of the facility. This means that convicts in sleeping quarters **have to stand up and greet** the administration every time, and this can be repeated several times with the same staff member.

During the visit to the Odesa PTDC, the inmates complained about **systematic extortion of money** and physical and psychological violence. Thus, during a confidential conversation, information was received that a group of inmates extorted money, in particular from persons suspected of committing criminal offences in the field of drug trafficking.

In addition, the monitoring group in the PTDC identified the existing practice of **segregation and stigmatisation** of a separate particularly vulnerable category of inmates known as “outcasts”, which is based on the negative influence of informal prison hierarchy and leads to discrimination, unacceptable restrictions in the recognition, exercise and enjoyment of the universally recognised fundamental right to respect for human dignity of these persons.

Thus, during a confidential interview, one of the inmates stated that *upon arrival at the Odesa PTDC, he was placed in a cell where a group of inmates, including persons who had previously served their sentences in penitentiary facilities, used informal caste-based division to determine his place in the category of inmates, the so-called “outcasts”. After that, he was transferred to another cell with another inmate who was also classified as a category of inmates above, where they were forced to stay in isolation from the general population, suffer harassment, be separately fed, wash their personal clothes and do dirty work, including in the cells and corridor of the medical unit.*

In the report to the Ukrainian government following its visit in 2023, the CPT emphasised that prison staff and administrators in general have a duty to protect the physical and psychological integrity of all inmates, including from attacks by other inmates. This positive obligation requires the facility staff to take decisive action to prevent episodes of intimidation and violence between inmates and to intervene immediately when such acts occur (CPT/Inf (2024) 20) paragraph 44).

At the same time, the CPT calls on the Ukrainian authorities to develop and implement a comprehensive strategy to combat violence and intimidation among inmates and to overcome the phenomenon of informal hierarchy among inmates with all its negative consequences. In this context, prison authorities should also rationalise the risk and needs assessment, classification and allocation of individual inmates in order to ensure that inmates are not exposed to other inmates who may cause them harm (CPT/Inf (2024) 20) paragraph 45).

Another example of the practice of segregation and stigmatisation of convicts was recorded in Temnivka CF No. 100. This practice consists in the **separation of certain convicts from the general population for an indefinite period of time by order of the administration** and the orderlies (which means to be placed under the so-called “ban”). The “ban” is applied to the convicts who may have failed to comply with the orders of the administration, the orderlies or those who complained about the illegal actions/inaction of the administration regarding the violation of their rights. The so-called “ban” itself consists in separation/isolation from the general mass of convicts. Any contact of other convicts with a person in this status is strictly prohibited. This “ban” means that the convict has to wear the clothes of the prescribed standard at all times, even in the SPS unit, even in the living quarters (despite the fact that the convicts who are not under the “ban” wear the clothes of the prescribed standard in exceptional cases, and the orderlies do not wear them at all).



Photo 6. Temnivka correctional facility No. 100

The convicts is prohibited from communicating with other convicts. According to paragraph 4 of section II of the IRPI, the convicts are prohibited: “to sell, give or otherwise dispose of items, products and things for personal use in favour of other persons”.

However, the administration of the facility abuses this norm in relation to the convicts who are under the so-called “ban”. Thus, *convict P. received the so-called “ban” for arguing with the orderly. After that, the unit was lined up and the orderly informed everyone that convict P. was “under a ban”. After that, other convicts are afraid to communicate with convict P. in order not to get into such a situation themselves, convict P. has a cigarette, but no one will give him a light, convict P. has a pen, but no one will give him a piece of paper, even during lunch convict P. cannot ask other convicts for salt. All this happens formally in compliance with the above provision of the IRPI.*

This creates **unbearable conditions of stay** in the facility. Thus, the convict who was in this status reported that for some time the administration of the facility delayed for a long time the receipt of the parcel containing the essentials in including hygiene items, and therefore he could not use toilet paper for more than two weeks. The administration refused to provide him with hygiene items, and other convicts were strictly prohibited from even communicating with him. Such attitudes, restrictions and obstacles were applied in almost everything, in matters of everyday life, work, recreation, conditions and serving the sentence in general, which made life in these conditions unbearable. *Convict S. reported that he had been under the ban since 2022, and even asking for a “tarochka” (a piece of paper to wrap tobacco) required permission from the head of the unit.*

The practice of discrimination, segregation and stigmatisation of convicts belonging to a particularly vulnerable category was also recorded by the NPM monitoring groups, in particular in Stari Babany CF No. 92. This practice was also analysed in detail in Sokyriany CF No. 67. The outcast convicts are not provided with the conditions to exercise their equal rights in comparison with the other detainees.

These persons are obliged to perform all the “dirty” work, in particular, such as cleaning the toilets, they are constantly harassed and ridiculed by other convicts, etc. Thus, during a visit by the NPM group, 27 convicts belonging to the above category were found in living quarters No. 4 of the SPS unit (No. 3). These convicts reside in living quarters with a **significant violation of the space standards**. For a particularly vulnerable category of detainees there are specially equipped places and rooms where these convicts have to keep their personal belongings. In addition, in the dining hall of Sokyriany CF No. 67 there are **separate tables** for the above-mentioned persons (photo 7).



Photo 7. Sokyriany correctional facility No. 67

The above can be regarded as **torture**, namely the infliction of mental suffering based on discrimination of any kind with the tacit consent of the officials of the facility in accordance with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition, the above-mentioned violation has already given rise to applications to the European Court of Human Rights.

Thus, in the case of S.P. AND OTHERS v. RUSSIA (applications No. 36463/11 and ten others of 02 August 2023), it is about stigmatisation, segregation of convicts, including their detention in separate living quarters with inadequate conditions of detention in places of detention, their meals at a separate table, harassment by other convicts.

On these grounds, the European Court of Human Rights ruled that there had been a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and ordered the payment of significant amounts of money as moral compensation.

During the visit to Kharkiv CF No. 43, numerous complaints of torture, ill-treatment, intimidation and psychological violence were received from convicts. Thus, during a confidential conversation, the inmates reported that upon arrival to the facility they went through the so-called “meeting” procedure, when the administration forced the newly arrived inmates to publicly identify their place in the informal prison hierarchy. In the QDD unit, the staff of the facility and the day shift workers forced the convicts to perform humiliating tasks in public, in order to force them to perform actions contrary to the will of the convicts, in particular, to demonstrate cleaning, including the toilet/lavatory. If the convicts refused, they **falsified the case files** and applied disciplinary sanctions to them in the form of placement in the DIU.

During the visit of the NPM monitoring group to the Mykolaiv PTDC, violations of separate detention were recorded. According to part 2, Article 7 of the Law of Ukraine “On Pre-trial Detention”, the main requirements of the regime in pre-trial detention facilities are the separate detention of different categories of convicts and persons taken into custody, as provided for in Article 8 of the said Law. During the confidential conversation with the persons held in the PTDC and the study of the cell records of the inmates, it was established that in cells No. 501 and 513, persons suspected of committing crimes against the foundations of national security are held together with persons suspected of committing criminal offences in the field of drug trafficking. In the cells No. 503, 504, 508, 509 the persons **who previously served sentences in detention facilities are held together with persons who have not been in detention facilities**. This state of affairs can lead to conflicts among detainees and the commission of crimes during their detention in PTDC.

1.5.2. Activities of orderlies, administrative assistants and members of the “law and order section”

The CPT’s follow-up report to Ukraine (CPT/Inf (2020) 40), paragraph 27) notes that in previous reports on its visits, the CPT had expressed serious concerns about the practice of using some inmates as “orderlies”, who acted as supervisors of other inmates in the living quarters and workplace and reported any incidents or violations of the regime to the staff.

The CPT therefore noted with concern during the visit that this practice remained in place. Furthermore, despite repeated specific recommendations previously made by the CPT, the **practice of using “orderlies”** is also officially provided for in the IRPI, but the IRPI does not provide for them to have “administration” functions. The CPT considers that any partial abdication of responsibility for order and security in prisons by regime officers is unacceptable. This practice puts weaker inmates at risk of ill-treatment and exploitation by other inmates. The CPT calls on the Ukrainian authorities to take all necessary steps — including legislative measures — to put an end to this practice. No inmate (in any penitentiary facility in the country) should have power over other inmates.

The situation with the involvement of orderlies in penal facilities in the Kharkiv region is particularly acute. In Temnivka CF No. 100 there are at least 20 so-called “**LOS**” people — the **law and order section**, and in unit No. 4 alone there are about eight “LOS” people. The “LOS” stand on the way during the movement of the convicts and perform the functions of supervision. All the orderlies and the so-called “LOS” have a clear hierarchy and subordination. *The highest “positions” are held by convict K., the “commandant of the living quarters”, and convict F., the “commandant of the production area”.*

During the inspection of the QDD unit, it was found that the convict (orderly) **arranged a sleeping place for himself** in the unit and has the opportunity to visit the dining hall and the SPS unit to which he is assigned independently, which violates the requirements of paragraph 2 of section 1 of the Regulation on the Quarantine, Diagnosis and Distribution unit approved by order of the Ministry of Justice of Ukraine No. 2300/5 dated 04 November 2013.

Convict S. said: “Upon arrival of the transfer, all inmates without exception are required to sweep the yard”. In case of refusal, the convicts are subjected to disciplinary sanctions in the form of placement in the DIU, based on falsified case files. The convicts also reported about the practice of placing them in the so-called “glass cup”, which is located in the duty unit on the top floor. The falsification, according to the convicts, often takes place with the consent of both parties, namely, the convict and the administration of the facility.

The convicts who went through this procedure (sweeping the yard) note that under psychological pressure and threats of violence, including sexual violence, and transfer to the lowest caste in the informal prison hierarchy, they are forced to violate the regime of serving their sentence and make a deal with the administration so that Article 391 of the Criminal Code of Ukraine is applied to them with further transfer to another facility.

The CPT cited a similar incident in the context of being forced to clean the QDD unit in its report on its visit to Ukraine in 2020.

During the interview of the convicts in Oleksiivska CF No. 25, the existence of a group of convicts, the so-called “LOS”, to whom the administration of the facility delegated power, was also documented. The influence of this group in the facility is distributed as follows. In each SPS unit there are several representatives of the so-called “LOS”. In the production area, *convict B. introduced himself as a worker of the technical control department, as a foreman who works according to the employment contract*. The interviewed convicts confirmed that B. worked in the “LOS”. This group is headed by two convicts, the so-called L. and S., who, according to the information provided to the monitors, live in the medical unit of the facility on a permanent basis.

During the inspection of the premises of the medical unit the monitors found the ward where the convicts L. and S. lived. The convicts **arranged their beds by themselves**. It should be noted that the ward where these persons lived was significantly different from the other premises where the inmates were kept: it was equipped with household appliances, a large number of personal belongings and a whole range of food products.

After talking to the medical staff, representatives of the administration and examining the medical documentation, it was established that **there were no grounds for the stay** of convicts L. and S. in the inpatient section of the medical unit, which is a violation of the localisation (paragraph 4 of section II of the IRPI, and the Procedure for the organisation of medical care for convicts).

A similar practice of involving the orderlies was implemented in Kropyvnytskyi CF No. 6. In violation of the requirements of the ninth paragraph of part one of article 8 and part 1 of article 118 of the CEC of Ukraine, the monitoring group found that the administration of the facility engaged the convicts to work in the QDD unit without concluding an employment contract.

In particular, the convict R. is involved in the work on a free of charge basis, according to the persons who were in the unit, he performs the functions of an orderly and has the opportunity to **visit the dining hall** and the department of SPS No. 1 to which he is assigned independently. This violates Article 96 of the CPC of Ukraine, paragraph 4 of section II of the IRPI and the requirements of paragraph 2 of section 1 of the Regulation on the Quarantine, Diagnosis and Distribution unit approved by order of the Ministry of Justice of Ukraine No. 2300/5 dated 04 November 2013.

In addition, in Sofiivska CF No. 45, convicts reported the spread of criminal influence by a group of orderlies, **whose power was delegated by the administration** of the facility, based on an informal prison hierarchy to maintain order and control over other convicts in the facility. Thus, during a confidential interview, *convict D. reported that since 31 August 2023 he had been a victim of violent acts, including sexual violence, committed by convicts V. and K. in the SPS unit No. 8. In the course of these actions, convicts V. and K., in order to spread their criminal influence on other convicts, made a decision based on the prison subculture to transfer convict D. to the lowest caste of convicts in the informal prison hierarchy — outcasts. As a result of these actions convict D. was segregated and stigmatised in the facility, which led to discrimination, unacceptable restrictions on the recognition, exercise and enjoyment of the universally recognised fundamental right to respect for human dignity.*

In Pervomaiska CF No. 117 there is also a practice of using convicts among the administrative assistants who have powers that are not typical for convicts and wear special armbands “Member of the council of the facility’s convicts” (photo 8).



Photo 8. Pervomaiska CF No. 117

Another “functionality” of the orderlies in different facilities is **wiretapping and recording the content of the convicts’ phone conversations**. In case a convict complains to his relatives about the conditions of detention, or the lack of medical care, ill-treatment and other human rights violations, the LOS can interrupt the conversation by disconnecting the line.

1.6. Right to communication, privacy and degradation of human dignity

As we noted at the outset, there is a positive trend in many facilities to make living quarters more compliant with the right to privacy. Thus, we can point to the achievements of the administration of Zbarazh CF No. 63, where the quarters were renovated with due regard for the personal space of the convicts (photo 9).



Photo 9. Zbarazh correctional facility No. 63

However, the monitors also recorded a number of cases of gross violations of the right to privacy.

1.6.1. Video surveillance of inmates

Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that everyone has the right to respect for his or her private and family life, home and correspondence.

Article 19 of the Constitution of Ukraine stipulates that state and local authorities and their officials are obliged to act only on the basis, within the limits of their powers and in the manner provided for by the Constitution and laws of Ukraine.

According to Article 32 of the Constitution of Ukraine, no one may be subjected to interference with his or her private and family life, except in cases provided for by the Constitution of Ukraine.

Parts one, two, four of Article 7 of the CEC of Ukraine stipulate that the state shall respect and protect the rights, freedoms and legitimate interests of convicts, provide the necessary conditions for their correction and re-socialisation, social and legal protection and their personal safety.

The state authorities may not interfere with the exercise of this right, except in cases where such interference is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

According to Article 103 of the CEC of Ukraine, the facility administration has the right to use audiovisual, electronic and other technical means to prevent escapes and other criminal offences, violations of the procedure established by law for serving sentences, and to obtain the necessary information about the behaviour of convicts.

Paragraph 1 of section XXIII of the IRPI stipulates that supervision of convicts is a system of measures aimed at ensuring the serving and execution of criminal sentences in the form of restriction and deprivation of liberty, life imprisonment and arrest by means of round-the-clock and constant monitoring of the behaviour of convicts in their places of residence and work, prevention and suppression of illegal actions on their part, ensuring the requirements for isolation of convicts and security of the PI staff. In order to monitor the behaviour of the convicts in the SPS units, local sectors, cells, walking yards, in their places of work, dining halls, clubs, medical units and hospitals, the administration of the PI installs video cameras, and the convict is informed about it against his/her signature.

The analysis of the provisions of the CEC of Ukraine, the IRPI and the Procedure for the use of technical means of supervision and control in correctional and juvenile correctional facilities of the SCES of Ukraine shows that video surveillance is carried out in order to prevent escapes and other criminal offences, violations of the regime established by law, as well as to obtain the necessary information about the behaviour of convicts. These legal norms are aimed at maintaining order in correctional facilities, which contributes to the application of appropriate security measures, both for the staff of the facilities and the convicts themselves.

During the inspection of the sleeping quarters in the SPS and QDD unit of Naderzhynshchynska CF No. 65, video surveillance cameras were noted. The installation of **round-the-clock video surveillance cameras** in other sleeping quarters is also ongoing. According to the order of the head of the facility, the head of the detention centre, colonel of the internal service Mykola Aleksieienko, under No. 136/AF-24 dated 15 March 2024 “On Ensuring the Uninterrupted Functioning of the Video Monitoring Centre, Approving the List of Persons Involved in the Guard Post of the Tele- (Video) System and Persons Entitled to Round-The-Clock Access to the Video Monitoring Centre”, the following **males** are responsible: Serhii Savin and Ivan Prokofiev, as well as persons who are allowed access to the video monitoring centre while on duty as operators of the tele-(video) system — Pavlo Usov, Dmytro Makarenko, Serhii Voronkov and Yuriy Tverdokhlib.

Fifteen women sought legal assistance from human rights defenders to help protect their rights and legitimate interests in protecting their right to privacy.

As a result of the monitoring visit, **statements about the offence** were sent to the competent authorities with a request to register the information in the Unified Register of Pre-trial Investigations within the time limit prescribed by law and to conduct an independent investigation.

We believe that in this situation, between security measures and the protection of human rights, in fact, the right to privacy, preference should be given to the protection of human rights, and security measures should be adequate and understandable. In this situation, the installation of video surveillance cameras in sleeping quarters must be justified by the need to take such measures. In addition, the presence of **male staff members who, according to the order of the head of the facility, have the right and opportunity to monitor female convicts** through CCTV cameras around the clock is a violation of the right to privacy. The administration of the facility should immediately stop using CCTV cameras in the sleeping quarters and not violate the right to privacy of women.

In Oleksiivska CF No. 25, the monitoring group also found evidence of violations of the above legal provisions. Thus, in violation of the law, the video surveillance using the installed video surveillance camera in the said premises was carried out in violation of the convict's right to **privacy when using the toilet/lavatory**.

In its report in 2012, the CPT criticised the excessive interference with privacy through the installation of video cameras in inmates' living quarters: "The CPT agrees that video surveillance in cells can be a useful safeguard in certain cases, e.g. where a person is considered to be at risk of self-harm or suicide, or where there are specific suspicions that a inmate is engaging in certain behaviours in the cell which may compromise security.

However, any decision to use video surveillance in relation to a particular inmate should always be based on an individual risk assessment and should be reviewed frequently on a regular basis. Measures should also be taken to ensure that inmates subject to CCTV surveillance have a guarantee of adequate privacy when using the toilet or visiting the sanitary facilities. CCTV surveillance is a serious interference with the privacy of inmates and makes the regime even more repressive, in particular when used for a long time" (CPT/Inf (2013) 23) paragraph 52).

In the doctor's office for outpatient treatment of patients in the maximum security sector of Temnivka CF No. 100, the monitors recorded an installed CCTV surveillance camera. At the same time, according to the above-mentioned Procedure for the use of technical means of supervision and control in correctional and educational facilities of the SCES, it is prohibited to use video cameras and portable video recorders in the premises (cells) where medical examinations (investigations) of convicts, strip searches are conducted. This fact indicates that the **staff of the facility receive confidential information about the health status of the convicts** during the medical examination, manipulations or procedures. This violates the requirements of Article 39-1 of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" regarding the right of persons to secrecy about their health status and paragraph 9 of section I of the Procedure for organising the provision of medical care to persons sentenced to imprisonment.

1.6.2. Other violations of the right to privacy and human dignity

One of the most widespread violations of the right to privacy is still the **absence or inadequacy of toilet doors, close beds and shower curtains.**

During the visits to Piatykhvatky CF No. 122 and Sofiivska CF No. 45 and a number of other facilities, the monitoring group found facts of violations of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which ensures the right to respect for private life in the cells of the DIU. Thus, through the observation window of the cell door, one can see the **lavatories, which are not separated by sufficient partitions and are not equipped with doors**, which do not allow for privacy, in violation of Rule 19.3 of the EPR.

At the same time, in the report to the Government of Ukraine following its visit in 2023, the CPT called on the Ukrainian authorities to take the necessary measures to improve the material conditions of detention, in particular, to keep all places of accommodation for convicts and detained persons, including sanitary facilities, in proper repair and hygienic condition, and to carry out regular and frequent disinfection; ensure sufficient access to natural light and ventilation in cells, and that internal sanitary facilities are fully equipped with partitions (i.e. from floor to ceiling) (CPT/Inf (2024) 20) paragraph 58).

Similar problems are reported not only in correctional facilities, but also in correctional centres. The lavatories in the cells of the DIU of Berdychiv correctional centre No.108 are **not equipped with doors**, thus violating the right to privacy of the convicts (photo 10). The inadequate design of the lavatories violates the right to dignity and is difficult for persons with disabilities.

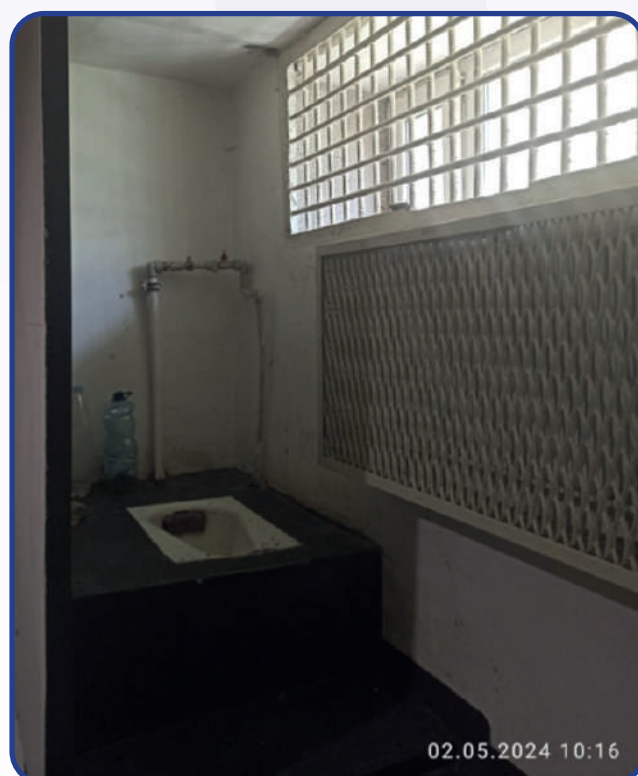


Photo 10. Berdychiv correctional centre No. 108

In Ladyzhyn CF No. 39, in violation of Rule 19.3 of the EPR, the right to privacy is not respected in the bathhouse due to the absence of curtains on the shower partitions.

In the cells of Vinnytsia PI No. 1, violations of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which ensures the right to respect for private life, were found. Thus, in violation of Rule 18.1 of the EPR, beds in some cells are placed close to each other, which does not provide inmates with personal space.

Similar violations of the right to privacy were recorded by the NPM monitors in the Mykolaiv PTDC. In particular, in some cells, the **beds are located close to each other**, which does not provide inmates with personal space. In some cases (cells No. 511, 517) the toilets are not equipped with doors, so the detainees are forced to cover them with things for privacy, which can be considered as degrading treatment.

The convicts of Oleksiivska CF No. 25, which has quite good living conditions, complained about another violation of the right to privacy. During telephone conversations with relatives, representatives of the LOS **wiretap and record the content of the phone conversation**, and if the convict complains about the conditions of detention or cruel, inhuman treatment, the LOS can interrupt the phone conversation.

In the Kropyvnytskyi PTDC, the monitoring group found a practice illegally introduced in the PTDC that degrades the dignity and leads to discrimination and stigmatisation of convicted and detained persons held there. It is expressed in the obligation of inmates **to raise their hands up** when they are visited by the administration and staff of the facility, when the doors of their cells are opened (photo 11).



Photo 11. Kropyvnytskyi PTDC

The CPT, in its report to the Government of Ukraine following its visit to Ukraine in 2020, noted that such practices were not necessary for security reasons and did not contribute to positive relations between staff and inmates and called on the Ukrainian authorities to put an immediate end to such practices (CPT/Inf (2020) 40), paragraph 46).

1.6.3. Communication with the outside world

As we have noted, there has been a **gradual improvement in the conditions** for the exercise of this right by inmates, in particular in terms of access to tablets and e-mail. In addition, in Zbarazh CF No. 63, the monitors recorded that short-term contact visits take place in a special cosy room (photo 12).



Photo 12. Zbarazh correctional facility No. 63

At the same time, in Berdychiv correctional centre No. 108, the **possibility for convicts to exercise the right to short-term visits outside the correctional centre** under the circumstances provided for by law for convicted persons, as well as for other valid reasons, in particular, if they need to go to a medical facility for illness or treatment, if they have a relevant medical certificate, **is limited**. In violation of part 4 of Article 153 of the CEC of Ukraine, the administration of the correctional centre failed to properly organise the issuance of passports of Ukrainian citizens to convicts, which deprived them of the opportunity to receive social services, employment, pensions and medical care in healthcare facilities.

In accordance with Rule 24.10 of the EPR, inmates should be able to receive regular information about public events on radio or television, except in certain cases when a specific ban for a certain period is determined by a judicial authority.

During the visit to Stari Babany CF No. 92, the NPM monitors found that in violation of the requirements of paragraph 3, section XX of the IRPI, some cells of the DIU/CTP, the club, the library and other premises of the facility are **not radio-enabled**, which deprives the convicts of the opportunity to receive information about public events.

In terms of human rights protection, civic activists drew attention to the potential opportunities to report human rights violations and to access information about the tools of public and state control over the activities of PI.

Thus, in Berdychiv correctional centre No. 108, **the information stands in the SPS units do not contain information** about the address of the Free Legal Aid Centre.

The **absence of tablets** for personal use by convicts in Zhytomyr CF No. 4 is of concern. According to Appendix 5 to the IRPI, a convict is allowed to have a tablet computer for his/her own use without the possibility of hardware support for any type of SIM card with software-blocked cameras.

Instead, in Zhytomyr PI No. 8, the convicts have **163 tablets with access to the Internet**. On the day of the visit, there were 732 inmates in the facility.

According to the administration of Naderzhynshchynska CF No. 65, only one convict uses a tablet. In addition, using the chapter of the Procedure for organising the provision of access to the global Internet to the convicts, two convicts created an electronic mailbox. When reviewing the logbook of the convicts' e-mail correspondence, the monitoring group noticed that the **e-mail boxes are subject to review**.

The administration of the facility was unable to answer the monitoring group on what exactly was the need and taking into account what individual risks the administration relied on when deciding to review the content of incoming and outgoing messages. According to the administration, 99% of the convicts are under suspicion, so the messages are subject to review by the administration.

The monitoring group is not aware of any reports of incoming and outgoing emails being reviewed with the signatures of convicted persons of acknowledgement. Communication with the outside world takes place through correspondence and telephone conversations in a special room.

In accordance with the Procedure for organising the provision of access to the global Internet for convicts, approved by order of the Ministry of Justice of Ukraine No. 3233/5 dated 19 October 2017, the convicts should be provided with the possibility to access the Internet, use the means of IP telephony and use the means of video communication via the Internet. During the monitoring visit of the NPM to Mena CF No. 91 it was recorded that despite the presence of tablet computers, the convicts are not able to **use the Internet access** due to the technical failure of the equipment that provides such access.

1.6.4. Sending complaints by convicts and inmates

In some facilities there is a **positive tendency to establish communication channels** between convicts and controlling or human rights organisations. As part of the study on sending correspondence in Zbarazh CF No. 63, in the first half of 2023, 1 appeal was sent to the Ombudsperson and 1 response was received. In the first half of 2024, there were 3 such appeals, and 4 responses were received. In the first half of 2023, 0 appeals were sent to the Prosecutor's Office, 2 responses were received, and in the first half of 2024, 2 appeals were sent, 8 responses were received.

In the first half of 2023, 1 appeal was sent to human rights organisations, and in the first half of 2024, 4 appeals were sent. However, the facility does not yet have the practice of sending electronic appeals.

According to Article 55 of the Constitution of Ukraine, everyone has the right to apply for protection of their rights to the Ukrainian Parliament Commissioner for Human Rights. The NPM monitoring group in Stari Babany CF No. 92 recorded that according to the records in the “Logbook of Sent Appeals”, it was established that in 2024 **no appeals** from convicts were sent to the Ombudsperson. During visits to the premises of SPS No. 3, QDD, as well as other premises where convicts are held, there is no visible information indicating the telephone numbers of hotlines, postal and email addresses of the Ukrainian Parliament Commissioner for Human Rights and other state bodies and international organisations (the Ministry of Justice of Ukraine, the European Court of Human Rights, the State Bureau of Investigations, the Office of the Prosecutor General, regional and district prosecutor’s offices, the Department for the Execution of Criminal Sentences, Interregional Administration, and Regional Centre for Free Legal Aid), which violates the requirements of paragraph 6 of Section II of the IRPI.

In addition, there are no mailboxes in the QDD unit and in front of the DIU/CTP yards of the facility for sending letters by convicts, which violates the requirements of paragraph 1 of section XIII of the IRPI, which states that convicts can send letters without limiting their number and only through the administration of the PI. This violation also contradicts the requirements of Rule 24.1 of the EPR, according to which persons in penitentiary facilities should be allowed to communicate as often as possible by telephone or other means with their families, other persons and representatives of external organisations. Thus, due to the lack of visual information and mailboxes, in some of the premises of the CFs, the convicts do not have information about the possibility to send appeals to the Ukrainian Parliament Commissioner for Human Rights and other state bodies and international organisations about possible violations of human and civil rights and freedoms.

It is noteworthy that according to the administration, in 2023-2024, Kharkiv CF No. 43 **did not record a single complaint** from convicts about inadequate conditions of detention and inadequate medical care, despite the largest number of people serving their sentences. The actual number on the day of the visit was 635 convicts and four inmates. And this is despite the fact that it was in this facility that the convicts massively appealed to the monitors with the question of the possibility of transferring to another facility outside the Kharkiv region and with a request to facilitate the release on parole for service in the Armed Forces of Ukraine.

In Oleksiivska CF No. 25, during 2023-2024, **no complaints were recorded** from the convicts about inadequate conditions of detention and inadequate medical care, while convicts massively appealed to monitors to ask about the possibility of transferring to another facility outside the Kharkiv region

Experts of the Kharkiv Human Rights Group summarised the information on sending correspondence within the PI in 2023-2024 and came to the following conclusions:

1. There are significant disproportions in sending correspondence to the Ombudsperson. In a number of facilities, no appeals to or from the Ombudsperson were recorded, which may indicate that inmates have limited access to this mechanism for protecting their rights. Facilities with the lowest activity in appeals: Bozhkivske CF No. 16, Bilenska CF No. 99, Vinnytsia CF No. 86, Kaharlyk CF No. 115, Bozhkivske CF No. 16, Kaharlyk CF No. 115 and Pokrovsk CF No. 17 — no appeals and no response from the Ombudsman.

At the same time, Kyiv PTDC (370 appeals) and Kropyvnytskyi PTDC (298 appeals) demonstrate the highest activity in appeals to the Ombudsman, which may be due to higher awareness of inmates or better communication conditions.

A significant number of facilities demonstrate a low level of feedback from the Ombudsman. In most facilities, the number of responses is much lower than the number of appeals sent, which indicates potential problems in the consideration of complaints. Thus, in Vinnytsia penal institution-1 51 appeals were sent and 53 responses were received, which indicates an effective mechanism for processing requests. At the same time, in Zamkova CF-58, where 26 appeals were sent, 118 responses were received, which may indicate collective or repeated appeals.

2. In most facilities, appeals to human rights organisations are much less frequent than appeals to the Ombudsman or the prosecutor's office. There were zero appeals to human rights defenders in 14 facilities, which may indicate limited access to information or problems with complaint mechanisms. The highest activity was recorded in Ivano-Frankivsk PI No. 12 (61 appeals) and Chernihiv PTDC (36 appeals). This unevenness in communication with human rights defenders indicates the heterogeneity of the situation in different facilities, which requires further monitoring and analysis of the reasons for the limited access to independent human rights organisations⁸.

1.7. Non-provision or improper provision of medical care

1.7.1. Legal status of medical units

During most of the visits, the monitors recorded that, in violation of paragraph 37 of Resolution of the Cabinet of Ministers of Ukraine No. 285 “On Approval of Licensing Conditions for Conducting Economic Activities in Medical Practice” dated 2 March 2016, the medical unit **did not have a document confirming free access to the buildings** and premises of the medical facility for **people with reduced mobility**, which is mandatory.

⁸ The complaint is to be denied: in five correctional facilities, inmates have not approached the Ombudsman even once over the past two years <https://khp.org/1608814492>

In addition, in accordance with the requirements of paragraph 7 of part 1 of Resolution of the Cabinet of Ministers of Ukraine No. 1394 “Certain Issues of Implementation of the Program of State Guarantees of Medical Care for the Population in 2024” dated 22 December 2023, the NHSU pays for medical services provided on the basis of paper referrals of patients held in PIs or PTDCs until the healthcare facilities of the State Criminal Enforcement Service have the technical capacity to issue electronic referrals.

However, due to the **absence of declarations** with the primary health care doctor, convicted persons are **unable to receive the necessary medical services** at the expense of the NHSU, which leads to a violation of the requirements of paragraphs 4 and 5 of Article 4 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Health Care”. This problem has signs of systemic nature in different PIs.

Sometimes, problems with documents are recorded even in multidisciplinary hospitals. Thus, according to the order on the distribution of convicts and detainees in need of inpatient medical care to healthcare facilities of the HC-SCES, men and women in need of palliative care from the PIs and PTDCs in the Vinnytsia and Zhytomyr regions, Kyiv and the Kyiv region are sent to Stryzhavka multidisciplinary hospital No. 81.

At the same time, the hospital **does not have a palliative care unit** to provide inpatient palliative care, contrary to paragraph 4 of Section IV of the “Procedure for the Provision of Palliative Care”, approved by order of the Ministry of Health of Ukraine No. 1308 dated 04 June 2020.

According to the “Procedure for the Provision of Palliative Care”, the main components of palliative care are medical, social, spiritual and psychological support for the patient. At the same time, the hospital **does not have a licence** to carry out economic activities in medical practice in the required medical specialisations, which does not ensure the appropriate organisational, personnel and technological requirements for the material and technical base of the hospital to provide psychological support to palliative care patients.

1.7.2. Level of medical care

One of the biggest problems with the provision of medical care is the aforementioned absence of declarations with the primary care physician for convicts in most facilities, which prevents convicts from receiving the necessary medical services.

Another systemic problem is the failure to ensure the daily **round-the-clock duty** of medical workers in the medical unit, which violates paragraph 4 of section I of the Procedure. In particular, this violation was detected in Piatykhvatky CF No. 122 and other facilities. At the same time, in accordance with paragraph 34 of the Third General Report, the CPT recommended that detainees should have access to a doctor at any time during their detention, regardless of their regime of detention (CPT/Inf (93) 12).

In above-mentioned Piatykhvatky CF No. 122 the monitoring group received a complaint from a convict with **epileptic seizures**. At the time of the visit, the convict was not provided with proper treatment. Thus, for a long time the convict's treatment regimen was not reviewed and no additional examinations were conducted by a neurologist and a psychiatrist. In addition, it was found that the administration of the facility regularly imposes disciplinary sanctions on the convict for refusing to clean, refusing to perform work on the improvement of the facility, refusing to comply with the command "Get up", "Bed time", etc.

The convict explains his actions, which are qualified by the administration of the facility as a violation of the established procedure for serving his sentence, by the deterioration of his health due to his illness. At the same time, due to the **absence of specialist** doctors in the medical unit, the administration of the facility does not provide medical recommendations that could be the basis for releasing the convict from certain duties provided for in the IRPI due to the deterioration of his health condition.

During the visit, the issue of his hospitalisation and examination in the Dnipro multidisciplinary hospital No. 4 of the branch of the State Institution HC-SCES of Ukraine in the Dnipro and Donetsk regions was resolved.

The level of medical care provided to the convicts directly depends on the availability of the documents necessary for receiving medical services. Thus, a number of convicts from Berdychiv correctional centre No. 108 complained to the monitoring group that due to the **lack of a passport** they could not sign a declaration with a primary care doctor, and were therefore deprived of the opportunity to receive the necessary medical services. At the same time, the administration of the PI does not make the necessary efforts to register the convicts.

During the visit to Vinnytsia PI No. 1, the monitors found that the medical unit **did not have** a separate **gynaecologist's office**. The said doctor receives sick convicts in a manipulation room, which probably does not ensure confidentiality and may lead to violations of the right to privacy during medical examinations. Instead, in the Sumy PTDC, due to the lack of a separate gynaecologist's office, sick convicts and inmates are seen in shared offices, which does not ensure confidentiality and may lead to violations of the right to privacy during medical examinations.

During the communication with the convicts in Sofiivska CF No. 45 it was found that the medical staff continued the systematic practice of conducting medical examinations and medical manipulations, including injections to the convicts, **from behind the bars**. At the same time, the CPT criticises excessive security measures and considers such practices unacceptable as they infringe on the dignity of inmates, impede the development of a proper relationship between medical staff and the patient and possibly interfere with the establishment of an objective medical opinion (CPT/Inf (2011) 29 paragraph 129), in 2012 (CPT/Inf (2013) 23) paragraph 50).

In violation of the requirements of paragraph 7, chapter 2, section III of the Procedure for organising the provision of medical care to inmates, in Stryzhavka multidisciplinary hospital No. 81, sick inmates are placed in wards not on the basis of the diagnosis and the decision of the medical staff to refer them to a specialised department of the hospital, but **on the decision of the staff** of the facility.

During the confidential conversation in Mykolaiv PTDC between the NPM monitors and the inmates, there were numerous reports of non-provision or improper provision of medical care by the medical staff. The insufficient **number of staff** accompanying inmates to the medical unit is the main problem of restricting access of convicts and inmates to the territory of the medical unit and, accordingly, to doctors. According to the CPT report “Medical Services in Prisons” (CPT/Inf (93) 12), during their stay in custody, detainees should be able to access a doctor at any time, regardless of the regime of their detention. Medical care should be organised in such a way that requests for medical advice are fulfilled without undue delay.

The following systemic problem was identified in most facilities. In violation of the Procedure for organising medical care at the primary, secondary (specialised), tertiary (highly specialised) levels with the use of telemedicine, approved by order of the Ministry of Health of Ukraine No. 681 dated 19 October 2015, the staff of the medical unit is deprived of the possibility to make requests for telemedical consultation and receive advice for the provision of medical care to convicted persons for technical reasons. Thus, during the monitoring visit of the NPM to the Chernihiv PTDC, it was documented that the doctors of the medical unit are deprived of the opportunity to **request telemedicine consultations** and receive consultations to provide medical care to inmates due to the lack of access to the telemedicine network. The existing mobile diagnostic complex IDIS 7500 does not allow for storing and retrieving information about the examination of patients due to a technical malfunction, which makes it impossible to provide medical care using telemedicine.

1.7.3. Infectious diseases

In violation of the Measures and Means to Prevent Infection during Patient Care, approved by order of the Ministry of Health of Ukraine No. 1777 dated 03 August 2020, the medical unit of Zhytomyr CF No. 4, Oleksiivska CF No. 25, Odesa PTDC and other facilities have **only one isolation unit** for infectious patients, which makes it impossible to simultaneously place patients with dangerous infectious diseases separately from each other and other convicts. At the same time, the isolation unit in Oleksiivska CF No. 25 is **not properly equipped**. In particular, due to the absence of windows, there is no access to fresh air and natural light, the room is not provided with supply and exhaust ventilation.

In addition, in the same facility, in violation of the requirements of paragraph 1 of Section II of the Infection Control Standard for Healthcare Facilities Providing Care to Patients with Tuberculosis, approved by Order of the Ministry of Health No. 287 dated 01 February 2019, the medical unit did not comply with the requirements for **isolating persons with tuberculosis**, in particular, wards are used for more than one or two people (1 ward-cell for 4 beds).

The situation is similar in Zhytomyr PI No. 8, where the medical unit does not meet the requirements for isolation of persons with tuberculosis, wards are used for more than one or two persons (one ward-cell for three or more beds) (photo 13); the doors to the ward are not equipped with a sealed threshold, seals around the edges; there is no air recirculation through mechanical ventilation.



Photo 13. Zhytomyr PI No. 8

During the visit of the NPM monitors to the Mykolaiv PTDC, it was found that in violation of the requirements of paragraph 1 of Chapter II of the “Infection Control Standard for Healthcare Facilities Providing Care to Patients with Tuberculosis” and paragraph 8 of Chapter 2 of Section X of the IRPTDC, persons with tuberculosis are held in cells that are not designed to isolate persons with infectious diseases and are located on the second floor of the regime building, next to the cells of other inmates. The above violates infection control measures, which can lead to the spread of tuberculosis infection in the facility

Article 31 of the CPT Standards (CPT/Inf (2001) 16) states that the spread of infectious diseases, in particular tuberculosis, hepatitis and HIV/AIDS, has become a major problem in a number of European countries. Such diseases are dangerous for the entire population, but their spread has become particularly alarming in some penitentiary systems. In this regard, the CPT has repeatedly expressed serious concerns about the inadequacy of measures taken to address this problem. In addition, the conditions in which the detainees are often held only contribute to the spread of infectious diseases. At the same time, the NPM group found inmates who had been diagnosed with **acute respiratory viral infections and pneumonia**, but were not isolated in separate rooms and were kept in the same cell with healthy inmates.

During the visits, it was recorded that in violation of the requirements of the Standards of Medical Care for HCV in Adults, approved by Order of the Ministry of Health of Ukraine No. 51 dated 15 January 2021, not all persons suspected of having HCV are **subjected to PCR testing**, and therefore do not receive the necessary treatment, which can lead to a deterioration in their health and the spread of this infectious disease among convicts and inmates.

In Ladyzhyn CF No. 39, 12 persons suspected of having viral hepatitis C need to undergo PCR testing, and therefore **do not receive the necessary treatment**, which can lead to a deterioration in their health and the spread of this infectious disease among convicts and inmates. In addition, on the day of the visit, the pharmacy of the medical unit did not have any medicines for the treatment of viral hepatitis C.

1.7.4. Medical examinations upon arrival at the institution and preventive examinations

During the communication with female convicts and inmates in Vinnytsia PI No. 1 it was established that medical staff systematically conduct medical examinations upon arrival at the institution **in the presence of non-medical staff**, namely, staff of other services of the institution or police or National Guard officers. This violates the requirements of Article 39-1 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Healthcare” regarding the right of persons to secrecy about their health status and paragraph 2.4 of Section II of the Procedure for interaction between healthcare facilities of the SCES of Ukraine and healthcare facilities on the provision of medical care to persons taken into custody.

At the same time, the CPT criticises excessive security measures and considers such practices unacceptable as they infringe on the dignity of inmates, impede the development of a proper relationship between medical staff and the patient and possibly interfere with the establishment of an objective medical opinion (CPT/Inf (2013) 23) paragraph 50).

According to paragraph 7 of chapter III of section II of the “Procedure for Organising Medical Care for Persons Sentenced to Imprisonment”, the convicts working at food facilities (except for work related to the positions of sellers, heads of food and clothing warehouses, storekeepers) and processing industry, in orphanages, general and secondary education facilities, vocational training units, in special educational facilities, medical units (paramedic stations) and SCES hospitals (except for work related to the provision of medical care), laundries, baths, rooms for long visits, dormitories, clubs, water supply and sewerage facilities, animal breeding and rearing facilities, undergo mandatory preliminary and preventive medical examinations in accordance with Resolution of the Cabinet of Ministers of Ukraine No. 559 “On the Approval of the List of Professions, Industries and Organisations Whose Employees are Subject to Mandatory Preventive Medical Examinations, the Procedure for Conducting these Examinations and Issuing Health Permits” dated 23 May 2001,

each convict must have a primary registration form No. 1-OMK “Personal Health Permit”, approved by Order of the Ministry of Health of Ukraine No. 150 dated 21 February 2013, registered with the Ministry of Justice of Ukraine on 23 April 2013 under No. 662/23194.

At the same time, during the visit to Berdychiv CF No. 70, the monitoring group recorded the **absence of personal health permits** of two dining hall employees and the results of examinations in medical documentation conducted by specialist doctors (including laboratory, clinical and other studies), which are required for admission to work at food facilities.

Similarly, according to paragraph 10 of chapter 2 of section IX of the IRPTDC, the convicts left in the PTDC for work in the household sector are subject to mandatory preventive medical examinations, in accordance with the requirements of the Cabinet of Ministers Resolution “On the Approval of the List of Professions, Industries and Organisations Whose Employees are Subject to Mandatory Preventive Medical Examinations, the Procedure for Conducting these Examinations and Issuing Health Permits”, a form of primary documentation No. 1-OMK “Personal Health Permit” should be kept for each person of the above category.

At the same time, the monitoring group in Vinnytsia PI No. 1 documented the **absence of personal health permits** for all convicts left to work on household services, and the results of examinations in medical documentation conducted by specialist doctors (including laboratory, clinical and other tests), which are necessary for admission to work.

Instead, in Odesa PTDC, the monitoring group was provided with **forged personal health permits** according to form No. 1-OMK, issued for convicts in the household service, which contained information on medical examinations issued by the Odesa City Medical Unit No. 21 of the branch of the State Institution HC-SCES in the Mykolaiv and Odesa regions with the appropriate stamp and photograph. It is important that the personal health permit according to form No. 1-OMK, the form and content of which is established by the order of the Ministry of Health of Ukraine No. 50 dated 21 February 2013, registered with the Ministry of Justice of Ukraine on 23 April 2013 under No. 662/23194, is an official document issued by an facility that has the right to issue such a document (which has a medical practice licence and accreditation certificate), namely, the healthcare facility where the medical examination was conducted, and which gives the right to admit to work to staff of certain professions whose activities are related to public service and may lead to the spread of infectious diseases. Odesa City Medical Unit No. 21 is not one of such facilities.

A similar violation was recorded not only in PTDCs, but also in correctional facilities, including Shepetivka CF No. 98 and others.

According to paragraph 2, item 3 of chapter III, section II of the “Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment”, a general practitioner (or a general practitioner — family doctor), a psychiatrist, a dentist must take part in the preventive medical examination. At the same time, in the medical units of most of the visited facilities, some **positions** of these **medical specialists** are **vacant**, which indicates that the initial and preventive medical examination is incomplete, and therefore the convicts and inmates do not receive proper medical care.

This violates the CPT recommendations (CPT/Inf(93)12) paragraph 38), which states that medical services in prisons should be able to provide medical care and treatment, as well as appropriate diet, physiotherapy, rehabilitation or any other special care at the same level as that offered to patients in civilian medical facilities. The provision of medical, auxiliary medical and technical staff should be ensured, as well as the provision of appropriate premises, equipment and facilities.

In addition, in Oleksiivska CF No. 25 the monitors recorded that in violation of paragraph 6 of chapter III, section II of the “Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment”, **no information was entered in the diagnosis**, recommendations and the doctor’s name, surname and signature columns, which are registered in the “Logbook of the Results of Preventive Medical Examinations”, the form of which is given in Annex 4 to the Procedure, which indicates that preventive examinations were not carried out properly.

In Kharkiv CF No. 43 during the inspection of the personal health permits of the convicts working in the dining hall, it was found that the staff **had not been examined by an otolaryngologist and dermatovenerologist**, which violates the requirements of paragraph 6 of the “Rules for Mandatory Preventive Medical Examinations of Employees of Certain Professions, Industries and Organisations Whose Activities are Related to Public Services and May Lead to the Spread of Infectious Diseases” approved by order of the Ministry of Health of Ukraine No. 280 dated 23 July 2002.

During a visit to the medical unit of Voznesensk CF No. 72 the NPM monitoring group noted that in violation of the requirements of paragraph 2, item 2, chapter 2, section II of the Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment, newly arrived persons **were not given a full initial medical examination**. According to the head of the medical unit, the absence of such examinations is due to the lack of doctors and other medical staff.

1.7.5. The use of substitution and supportive therapy

In the medical unit of the majority of PIs visited by the monitors, there is **no provision for substitution and maintenance therapy** for persons with mental and behavioural disorders as a result of opioid use, in accordance with the Procedure for substitution and maintenance therapy for persons with mental and behavioural disorders as a result of opioid use, approved by order of the Ministry of Health of Ukraine No. 200 dated 27 March 2012.

Drug addicts are not provided with social and psychological support, cognitive behavioural therapy (CBT), relapse prevention, motivational interviewing, self-help groups, etc.

Thus, these persons are deprived of the opportunity to receive SMT, which violates their right to choose treatment methods in accordance with Article 38 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Health Care”.

At the same time, in its report following a visit to Ukraine in 2023, the CPT notes that admission to a penitentiary institution is an opportunity to solve drug-related problems, and therefore it is important that appropriate assistance is offered to all stakeholders, meaning that appropriate medical care must be available in all facilities.

The assistance offered to such individuals should be diverse; substitution therapy programmes for drug dependent individuals should be combined with genuine psychosocial and educational programmes for opioid dependent individuals who are unable to stop using drugs. In addition, access to SMT programs in the facilities should be easily accessible and managed by penitentiary doctors who should be specially trained in drug use issues (CPT/Inf (2024) 20) paragraph 86).

In the hospital of Stryzhavka CF No. 81, **substitution maintenance therapy** is provided to 104 people.

At the same time, the absence of a psychiatrist on the hospital staff indicates that drug addicts are **not properly provided with rehabilitation after completion of treatment in the SMT program**, cognitive behavioural therapy, etc. This is a violation of the right to health care and medical assistance (Article 49 of the Constitution of Ukraine).

In July 2024, two cases of **suicide** were recorded in the facility. During the confidential conversation with the convicts, the monitoring group was informed that in one of these cases, the convict, shortly before committing suicide, **had completed treatment in the substitution maintenance therapy program**.

In its report following its visit to Ukraine in 2023, the CPT reiterated its recommendation to further strengthen the provision of psychological care in facilities, as well as to develop the training and role of penitentiary psychologists, especially in terms of therapeutic clinical work with inmates.

In this context, efforts should be made to recruit clinically trained psychologists who should be part of the medical team and who should not combine two different roles, i.e. risk assessment and therapeutic clinical work (CPT/Inf (2024) 20) paragraph 85).

In this facility, the monitoring group received complaints from the convicts who had previously **stopped treatment** in the substitution maintenance therapy program for one reason or another, **complaining about the availability** of this treatment in a hospital.

This violates their right to choose treatment methods in accordance with Article 38 of the Law of Ukraine “Fundamentals of the Legislation of Ukraine on Health Care” and contradicts the principles of effective drug dependence treatment, the first of which is accessibility, where every person who needs treatment should be provided with such an opportunity.

1.7.6. Dental care

A common problem for the quality of dental care in the PIs is the violation of the requirements of the list of **equipment provision** for one workplace of a dentist and a dental technician, approved by order of the Ministry of Health of Ukraine of No. 158 dated 11 April 2005. The medical units of the facilities often do not have working dental X-ray machines, which makes it impossible to conduct in-depth dental examinations of the convicts and does not ensure the timely provision of proper dental care.

In addition, other violations were recorded during the visits. Thus, during the inspection of the dental office in Zhytomyr CF No. 4, it was found that there was a **lack of filling material**, which meant that teeth could not be filled, which violated the right of patients to receive proper dental care.

During the visit of the NPM to the Mykolaiv PTDC, in the course of confidential conversation with the inmates and convicts, the latter informed the NPM monitors that the dentist **only uses tooth extraction** and preventive examinations as treatment methods.

In addition, the NPM group found that the dental office **was not provided with the necessary medicines**, fillings and other consumables required to provide the necessary dental care. In addition, the dentist's office contained **expired medicines**. This indicates that the inmates and convicts held in the facility do not receive proper medical care. In addition, as in other facilities, it was established that the **absence of a dental X-ray machine** in the medical unit deprives the dentist of the possibility to conduct an in-depth dental examination.

1.7.7. Medicines and equipment

There is a systemic problem with the **serviceability of medical equipment** in medical units, in particular defibrillators. During the visits to most facilities, the problem with the storage time of the electrodes was documented, or the absence of electrodes in the defibrillators was found. Thus, during a visit to Oleksiivska CF No. 25 on 1 July 2024, it was found that the defibrillator electrodes had expired on 5 November 2021. At the same time, the CPT recommended that medical services in all prisons visited (and all other penitentiary facilities in Ukraine) should be equipped with life-saving equipment (CPT/Inf (2018) 41) paragraph 87). During the inspection of the defibrillator in Berdychiv CF No. 70, it was found that the electrodes were missing (photo 14).



Photo 14. Berdychiv correctional facility No. 70

The medical unit of Ladyzhyn CF No. 39 is not provided with operational **fluoroscopic/radiological equipment**, as a result of which the convicts and inmates are not provided with diagnostic examinations of the chest cavity in order to detect respiratory diseases in a timely manner, which indicates the impossibility of early diagnosis of tuberculosis in a medical facility. The general state of the conditions of detention is extremely poor.

A separate issue is compliance with the conditions of storage of medicines. In violation of the requirements of Order of the Ministry of Health of Ukraine No. 584 “On Approval of the Rules for Storage and Quality Control of Medicines in Health Care Facilities” dated 16 December 2003, medicines are often stored **without taking into account the temperature conditions** specified by the manufacturers. Thus, in the manipulation room of Zhytomyr CF No. 4, ten packages of Vitaxon were found in a cabinet, which should not be stored at a temperature higher than 8°C (Photo 15). In addition, due to the lack of air conditioning in this room, it is impossible to maintain the air temperature in accordance with the requirements of the instructions for the use of medicines in the summer.



Photo 15. Zhytomyr correctional facility No. 4

In Vinnytsia PI No. 1, medicines are also stored without taking into account the temperature conditions specified by the manufacturers. Thus, in a room where medicines are stored, the storage conditions of which cannot exceed a temperature higher than 25°C, the temperature reached 30°C.

The same storage problem was pointed out by the NPM monitors in their report on the visit to the Mykolaiv PTDC. In violation of the Rules for the storage and quality control of medicines in healthcare facilities, the medical unit is not provided with the necessary number of shelves, cabinets, refrigerators, pallets, and storage units with the necessary lighting conditions. Medicines and **medical devices were stored on the floor** in other rooms of the medical unit.

In the medical unit of Voznesensk CF No. 72 there was a violation of the **prohibition of joint storage of medicines** in the same refrigerator with reagents, biological material, etc., which is a violation of the Rules for storage and quality control of medicines in health care facilities. In the office of a laboratory assistant of the medical unit, chocolate, sausages, biological material in a test tube and expired medicines are stored in the refrigerator at the same time. Pursuant to subparagraph 5 of paragraph 3 of Section V of the Rules, the person entrusted with the relevant responsibilities must check the availability of medicinal products in healthcare facilities and withdraw medicinal products whose circulation is prohibited in Ukraine, counterfeit medicinal products, medicinal products not registered in Ukraine (except as provided for by the Law of Ukraine “On Medicinal Products”) and expired. During the inspection of the first aid bag of a paramedic, expired medicines were found.

Expired medicines were found in the manipulation room and the dentist's office of the medical unit. This violates the requirements of Article 23 of the Law of Ukraine "On Medicinal Products".

1.7.8. Keeping medical documentation

In Berdychiv CF No. 70, in violation of the requirements of the Instruction on filling in the form of primary accounting documentation No. 003-6/o "Informed voluntary consent of the patient for diagnosis, treatment, surgery and anaesthesia and for the presence or participation of participants in the educational process" approved by order of the Ministry of Health of Ukraine No. 110 dated 14 February 2012, it was established that patients hospitalised in the isolation unit for persons with mental disorders had not signed **informed voluntary consent** for diagnosis and treatment.

This may indicate the lack of voluntary consent of patients for the application of diagnostic, preventive and treatment methods to them, which is a violation of Article 43 of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" and paragraph 47 of the CPT recommendations (CPT/Inf (93) 12).

1.8. Conditions in medical units and multidisciplinary hospitals

In a large number of facilities visited by the monitors, the medical units are **in poor condition**. Thus, in Zhytomyr CF No. 4 some of the premises of the medical unit do not meet the requirements of Article 22 of the Law of Ukraine "On Ensuring the Sanitary and Epidemiological Well-Being of the Population" and paragraph 53 of the CPT Standards. The ward-cells of the medical unit need to be renovated and sanitary equipment replaced. The wards are cluttered with personal belongings, bedding and some mattresses need to be replaced.

At the same time, the CPT in its Third General Report notes that the medical services in detention facilities (which interact with other authorities as necessary) are responsible for monitoring the organisation of food (quantity, quality, preparation and distribution of food) and hygiene conditions (cleanliness of clothing and bedding, access to taps with running water, sanitary equipment), as well as monitoring the heating, lighting and ventilation of cells.

They should also monitor the conditions of work and outdoor activities. Unhealthy conditions, overcrowding, prolonged isolation and lack of physical activity may require medical attention for an individual (CPT/Inf(93)12) paragraph 53).

The monitors found systematic violations of the State Sanitary and Epidemiological Rules and Regulations on **medical waste management**, approved by Order of the Ministry of Health of Ukraine No. 325 dated 08 June 2015 in the branches of the State Institution HC-SCES. At the time of the monitoring visits, most of the facilities visited did not have a valid agreement with a specialised medical waste management facility, which meant that proper collection, sorting and disposal of such waste was not organised. For the most part, charitable organisations that provide access to infectious disease prevention for the detainees conclude fixed-term contracts with specialised facilities for the disposal of waste from medical units and hospitals of the HC-SCES of Ukraine. However, this activity is temporary and funded by grants.

For many years, violations of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Rule 19.3 of the EPR have been documented in the cells of the medical unit, in terms of violations of the right of convicts to privacy, namely the absence of doors in the lavatories that allow convicts to have privacy.

The violation of the Fire Safety Rules in Ukraine, approved by the Ministry of Internal Affairs of Ukraine on 30 December 2014 under No. 1417 is widespread in different facilities. In particular, the premises of the medical unit are not equipped with **fire extinguishing systems and fire alarms**, and this problem is systemic.

The premises of the doctor's office and X-ray room are not equipped with fire extinguishers, which is a violation of the requirements of paragraph 3.6 of Chapter 3 of Section V of the Rules and a violation of paragraph 10.18 of Chapter 10 of the State Sanitary Rules and Regulations "Hygienic Requirements for the Arrangement and Operation of X-Ray Rooms and X-Ray Procedures". At the same time, e.g., SMT rooms are equipped with a fire extinguishing system, as it is impossible to open such a room without such a system. In other words, only certain rooms are equipped, not the entire medical unit.

At Stryzhavka Multidisciplinary Hospital No. 81, in violation of subparagraph 2.12 of paragraph 2 of Section III of the Rules, the **door of the electrical switchboard** in the lobby of the ophthalmology department, located on the third floor of the hospital, was not locked (Photo 16).



Photo 16. Stryzhavka Multidisciplinary Hospital No. 81

In addition to violations of the equipment conditions, the monitors recorded the facts of distorted practices in the activities of medical facilities. In Temnivka CF No. 100 during a confidential conversation the monitors found out that the convicts were subjected to ill-treatment, such as **illegal placement for an indefinite period of time in special ward-cells** located in the premises of the multidisciplinary hospital located on the territory of the facility. The monitors visited two ward-cells Nos. 111, 211, which were pointed out by the convicts, one of which was occupied by a convict. The convict was unable to explain the reasons for his stay in the ward-cell of the hospital facility, as well as to provide clear explanations. The convict showed a sense of fear with his whole body and later started to cry.

It is also necessary to note the numerous complaints of the convicts about the **radio**, which is installed in most ward-cells of the hospital and works from the time of waking up until the time of bedtime, without the possibility to turn it off and adjust the volume. In addition, they are only allowed to walk outdoors for one hour a day. In the context of inpatient treatment, this can be regarded as ill-treatment. In addition, in one of the mentioned wards the window had frosted glass, and this is not an isolated case in the facility in question. The installation of such windows was documented in the cells of the maximum security sector and the QDD unit.

Certain premises of the medical unit of PI No. 8 do not meet the requirements of Article 22 of the Law of Ukraine “On Ensuring the Sanitary and Epidemiological Well-Being of the Population” and paragraph 53 of the CPT Standards. The ward-cells of the medical unit need to be repaired with the replacement of sanitary equipment (photo 17) and the electrical network. There is an **unpleasant smell, unsanitary conditions**, excessive humidity on the ceiling of some cells, walls covered with mould, significant clutter with personal belongings, the floor and lavatory are dirty, bedding is damp, mattresses need to be replaced (photo 18).



Photos 17, 18 Zhytomyr PI No. 8

There is a widespread violation of the requirements of the norms of bedding, special clothes and special shoes (inventory property) for the convicts who are treated in the medical and preventive treatment facilities, facilities with the rights of medical treatment and in the medical units at the PIs and PTDCs. The convicted persons **do not actually receive the hospital property** (a suit, a bathrobe and hospital shoes).

The convicts in Ladyzhyn CF No. 39 are kept in the hospital in everyday clothes, sometimes with their own bed linen. Some of the premises need to be renovated and the sanitary equipment replaced. There are no toilet bowls. The window glass in the isolation unit needs to be replaced. Pillows and mattresses need to be replaced (photo 19).



Photo 19. Ladyzhyn CF No. 39

The monitors also documented some domestic violations, e.g., there is **no hot water supply** in the doctors' offices in Pokrovsk CF No. 17, the workplaces of the medical staff do not meet the requirements of the current legislation and violate Article 19 of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care" and Article 13 of the Law of Ukraine "On Labour Protection".

1.9. Provision of psychiatric care

According to paragraph 43 of the CPT recommendations (CPT/Inf (93) 12), a mentally ill inmate should be held and cared for in a hospital facility with sufficient equipment and properly trained staff. Such a facility could be a regular (civilian) psychiatric hospital or a specially equipped psychiatric facility within the penitentiary system. According to paragraph 44 of the CPT Standards, the treatment of mentally unstable and violent patients should be carried out under strict supervision, with the provision of nursing care and, if deemed necessary, the use of sedatives.

At the same time, in Bila Tserkva CF No. 35 the monitoring group found a person **with mental disorders** who was undergoing inpatient treatment in a **ward-cell for somatic patients** together with other convicts. In addition, in violation of the requirements of the Instruction on filling out the form of primary accounting documentation No. 003-7/o "Informed consent of a person to a psychiatric examination", approved by order of the Ministry of Health of Ukraine No. 970 dated 15 September 2016, it was found that the medical record of an inpatient No. 003/o did not contain the patient's informed consent to a psychiatric examination.

In violation of the “Rules for the use of physical restraint and (or) isolation in the provision of psychiatric care to persons suffering from mental disorders, and forms of primary and accounting documentation”, approved by order of the Ministry of Health No. 240 dated 24 March 2016, two persons suffering from mental disorders were found in the isolation unit for persons with mental disorders in Kropyvnytskyi CF No. 6, one of whom had been in the isolation unit for a long period of time in a supine position, unable to care for himself, without bedding and in dirty everyday clothes. At the same time, in violation of paragraph 9 of the Rules, the isolation unit for persons with mental disorders is not properly equipped. In particular, there is no access to fresh air due to the absence of windows and supply and exhaust ventilation, no sanitary facilities, and no tank with boiled water. In violation of Article 115 of the CEC of Ukraine, the isolation unit with three beds violates the requirements for the standard of living space per inmate in inpatient treatment (at least 5 sq.m.). These circumstances indicate a violation of the convicts’ right to health care and medical assistance and can be regarded as cruel, improper or degrading treatment.

During the visit to Zhytomyr CF No. 4 it was recorded that in violation of paragraph 9 of the Rules for the use of physical restraint and (or) isolation in the provision of psychiatric care to persons suffering from mental disorders, the isolation unit for persons with mental disorders **was not properly equipped**: there is no access to sanitary facilities that meet the requirements of hygiene and allow privacy, there is no supply and exhaust ventilation; there is no tank with boiled water for drinking.



Photos 20, 21. Zhytomyr correctional facility No. 4

In addition, in violation of Article 115 of the CEC of Ukraine, the isolation unit violates the requirements for the standard of living space per convict in inpatient treatment (at least 5 sq.m.). Thus, the total area of this room with two beds according to the building plan is only 8.7 sq.m. The beds are located close to each other (photo 22). The isolation unit **does not comply with the standard for adequate natural lighting**.



Photo 22. Zhytomyr correctional facility No. 4

In violation of paragraph 8, Part 5, Chapter 2 of the Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment, **there is no isolation unit** for persons with mental disorders in Oleksiivska CF No. 25 for the convicts who pose a danger to others.

At the same time, in Dykanivska CF No. 12 there is an isolation ward for persons with mental disorders, but it is not properly equipped: there are no beds, no sanitary facilities, no access to water and fresh air.

The **staffing of the medical units** is a serious problem. According to paragraph 2, Clause 3, Chapter III, Section II of the “Procedure for Organising the Provision of Medical Care to Persons Sentenced to Imprisonment”, a general practitioner (or a general practitioner — family doctor), a psychiatrist, a dentist must take part in the preventive medical examination. Instead, in the Sumy PTDC, the position of a psychiatrist has been vacant for a long time, which indicates that the initial and preventive medical examination is incomplete, and therefore the convicts and inmates do not receive proper medical care.

At the same time, the CPT in its Third General Report states that a doctor specialising in psychiatry should be invited to work in the medical service in each penal institution, and several members of the auxiliary medical staff should be trained in this area of medicine. The availability of doctors and allied health staff, as well as the internal planning of places of deprivation of liberty, should allow for regular programs of pharmacological, psychotherapeutic and vocational therapy (CPT/Inf(93)12) paragraph 41).

During a visit to the Mykolaiv PTDC, the NPM monitors recorded violations of Article 12 of the Law of Ukraine “On Psychiatric Care”, in particular, the patients’ medical records do not contain informed consent to receive outpatient psychiatric care according to form No. 003-8/o. The CPT notes (CPT/Inf (98) 12) paragraph 41) that it is assumed that the patient, in principle, should be able to give free and informed consent to treatment. There is also no informed voluntary consent of the patient to the processing of personal data (form No. 003- 8/o), which is a violation of the Law of Ukraine “On Protection of Personal Data” and Order of the Ministry of Health of Ukraine No. 110 dated 14 February 2012.

The medical unit **does not conduct clinical blood tests** on a weekly basis during the first 18 weeks of taking the drug Clozapine (Azapine), and subsequently monthly quantitative white blood cell counts, which may cause the development of complications in the form of granulocytopenia in violation of the instructions on haematological control approved by Order of the Ministry of Health of Ukraine No. 147 dated 08 August 1995.

1.10. Confinement conditions

1.10.1. Quarantine, diagnosis and distribution unit

In the QDD unit of Petrivska CF No. 49 the monitoring group found violations of the temperature regime. During the inspection, the air temperature was **14°C**, which does not meet the requirements of paragraph 1, Section XXII of the IRPI, according to which the temperature in the living quarters of the PIs should be maintained at a level not lower than +18°C during the cold season. This visit took place on 15-16 November 2024, i.e. before the onset of a serious cold snap. In turn, an even greater violation of the temperature regime was found in the QDD unit of Shepetivka CF No. 98. Thus, at the time of the inspection, the air temperature in the sleeping quarters of the station was **11°C** (photo 23) as of 8 November 2024.

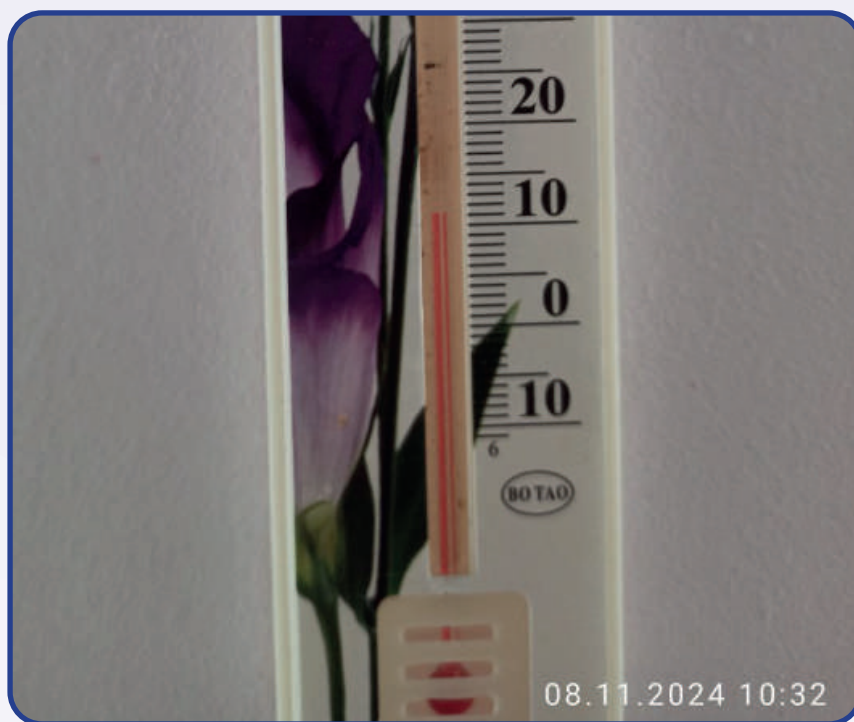


Photo 23. Shepetivka CF No. 98

In addition, the equipment of the QDD unit does not meet the standards of treatment of inmates and the conditions of their confinement in accordance with their needs. Thus, in the sleeping quarters of the unit, a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which ensures the right to respect for private life, was found. In particular, in violation of Rule 18.1 of the Standard Operating Procedures, beds in some sleeping quarters are placed **close to each other**, which does not provide convicts with personal space.

There is a widespread **lack of sufficient partitions, doors in the lavatories** that allow for privacy, and curtains on the shower cabins, as described in more detail in section 1.6.2.

In the premises of the QDD section of Petrivska CF No. 49 the convicts **wash and dry their clothes**, which indicates the inadequate organisation of the provision of bath and laundry services in the facility. A similar situation was documented in Shepetivka CF No. 98 (photo 24). Some bedding, mattresses and pillows need to be replaced (photo 25).



Photos 24, 25. Shepetivka correctional facility No. 98

Favourable living conditions for the new arrivals were created in the QDD unit of Naderzhynshchynska CF No. 65. The unit has been completely renovated, comfortable living conditions have been created, the beds are arranged with personal space in mind. Each sleeping room is equipped with round-the-clock video surveillance cameras.

During the confidential conversation with the convicts, the monitors received information that the newly arrived in the QDD unit are not given bed linen, hygiene products, basic necessities. The monitors decided to check this information. During the conversation with the women who were held in the QDD unit, when asked whether they received bed linen upon arrival to the facility, the convicts answered in the affirmative.

It was noticeable that the convicts were nervous, and convict H. tried to **influence the conversation** (photo 26). When the monitors offered the women to show the linen they were given upon arrival to the facility, the women could not do it and referred to the fact that the linen was handed in to the laundry. Thus, the monitors could not verify that the newly arrived convicts were provided with bed linen and basic necessities.



Photo 26. Naderzhynshchynska CF No. 65

The equipment of the QDD unit of Petrivska CF No. 49 **does not meet the standards** of treatment of inmates and the conditions of their confinement in accordance with their needs. In violation of the requirements of the Standards for the provision of furniture, inventory and household items for correctional facilities of the maximum security level, approved by order of the Ministry of Justice of Ukraine No. 1118/5 dated 27 July 2012, there are no premises in the unit, namely: a room for educational work; a room for storing the exchange stock of bedding, personal belongings and overalls; a room for temporary storage of dirty bedding, personal belongings and overalls; a cloakroom; a household room; a drying room. The sleeping quarters of the unit are not provided with sufficient stools at the rate of one stool per person and bedside tables at the rate of one bedside table per two persons. The absence of these premises or their inadequate arrangement leads to a violation of sanitary and hygienic standards. Thus, the improper storage of personal belongings makes it difficult to maintain cleanliness and order in the premises where the convicts are held, which worsens the overall sanitary situation in the facility. In addition, the convicts wash and dry their clothes in the premises of the unit, which indicates the inadequate organisation of the provision of bath and laundry services in the facility. Some bedding, mattresses and pillows need to be replaced. Beds in the sleeping quarters are located close to each other, which does not provide convicts with personal space and contradicts Rule 18.1 of the EPR.

1.10.2. Living quarters and cells of the PTDCs

The monitors recorded problems during their visit to Kropyvnytskyi CF No. 6 and in the living quarters of SPS departments Nos. 4 and 6. A violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which ensures the right to respect for private life, was found there. In section 1.6.2 we described the violation of the right to privacy in more detail. Similarly, beds in some living quarters are placed close to each other, which does not provide convicts with personal space. The lavatories do not have sufficient **partitions and doors** to allow for privacy, which is in breach of Rule 19.3 of the EPR. Some rooms need to be repaired and sanitary equipment and the electrical network replaced.

During the visits to the dormitories of the SPS departments of different facilities it was established that the living conditions of the convicts in some of them are unsatisfactory and violate their right to decent conditions of confinement. Thus, in violation of the requirements of the Standards of provision, in the departments, as well as in the QDD units, there are sometimes no rooms, namely: a dining room; a room for storing food; a room for storing the exchange stock of bedding, personal belongings and overalls; a room for temporary storage of dirty bedding, personal belongings and overalls; a drying room. It should be noted that there is a systematic violation of the procedure for organising the storage of the personal belongings of the convicts in the facility. Thus, in all the visited departments of the SPS of Kropyvnytskyi CF No. 6, including those where major repairs were recently carried out, the monitoring group recorded the storage of outerwear and shoes of convicts in the sleeping quarters.

In the sleeping quarters of the SPS No. 1 unit of Zhytomyr CF No. 4, where men with disabilities and older men are held, there is not enough air and **not enough natural light**. At the time of the visit, the general lighting level was 45 lux, while according to Annex I “Regulatory Indicators of Lighting of Premises of Residential Buildings”, DBN B.2.5-28:2018 “Natural and Artificial Lighting”, approved by order of the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine No. 264 dated 03 October 2018, the illumination of the working surfaces of bedrooms and living rooms should be 150 lux.

In the department of SPS No. 1 there was a convict P. who was lying dressed on a sleeping bed without linen and, according to the convicts, did not actually speak. The head of the medical unit reported that the convict had experienced a hypertensive crisis. At the same time the convict in this condition was not hospitalised in a special hospital.

In some of the premises, **dangerous electrical wiring** was noticed, which creates fire hazardous conditions.

The problem of conditions of confinement in the PTDCs and Pls is particularly acute. Relevant violations were documented, in particular, in the Odesa PTDC and other PTDCs visited.

In the report to the Ukrainian government following its visit in 2023, the CPT called on the Ukrainian authorities to take the necessary measures to improve the material conditions of confinement. In particular, to reduce the occupancy of cells so that there is at least 4 sq.m. of living space per detainee (not including the area occupied by in-cell toilets).

All places of accommodation for the convicts and inmates, including sanitary facilities, should be kept in proper repair and hygienic condition, and disinfection should be carried out regularly and frequently. Adequate access to natural light and ventilation should be ensured in cells, and internal sanitary facilities should be fully partitioned (i.e. from floor to ceiling) (CPT/Inf (2024) 20) paragraph 58).

Paragraph 13 of the seventh General Report of the CPT states that the problem of overcrowded cells leads to unhygienic conditions, a constant lack of privacy, and an overload of medical services and infrastructure at the facility. The CPT concludes that quite often the negative impact of overcrowding resulted in inhuman or degrading conditions for the inmates (CPT/Inf (97) 10).

Violations of requirements regarding compliance with standards for the size of premises for holding convicts are also observed in correctional facilities. In Zbarazh CF No. 63, in violation of Article 115 (1) of the CEC of Ukraine and paragraph 10 of the Standard Minimum Rules for the Treatment of Inmates, it was established that in some sleeping quarters of the SPS units the **standard of living space** per convict is less than 4 sq.m. Thus, in sleeping quarter No. 2 of SPS unit No. 4, where there were 7 beds and 7 convicts, the area of the room was 21.21 sq.m. Thus the actual area per convict was 3.03 sq.m. Similar violations were found in sleeping quarters Nos. 3; 4; 6; 8; 9.

Even worse conditions were documented by the NPM monitors in Sokyriany CF No. 67. In living quarter No. 3 of the SPS department (No. 3), where 9 people lived, the area of the room was 26.8 sq.m, i.e., the actual area per convict was less than 3 sq.m; in living quarter No. 4 of the SPS department (No. 3), where 27 people lived, the area of the room was 47.9 sq.m, i.e., the actual area per convict was only 1.8 sq.m.

This situation is of particular concern in view of the trend of the last decade towards a steady reduction in the number of convicts, in which the lack of provision of even minimum standards of living space per person appears unjustified and requires immediate response.

At the same time, a number of problems that the monitors have been recording for many years do not require significant resources to solve. Like, the installation of **water tanks** is a common problem. In their absence, the convicts and inmates say they drink water from the tap.

Common to all PTDCs are problems with **ventilation, excessive overcrowding and a lack of natural light, which is why** the general lighting is constantly on. According to Annex I “Regulatory Indicators of Lighting of Premises of Residential Buildings”, DBN B.2.5-28:2018 “Natural and Artificial Lighting”, approved by order of the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine No. 264 dated 03 October 2018, the illumination of the working surfaces of bedrooms and living rooms should be 150 lux.

The lowest level of natural light was recorded in cell No. 803 of the Odesa PTDC — 2.7 lux in natural light. In one of the cells in the Sumy PTDC, the indicator was 4.2 lux with the lights off. In fact, the problem with natural light is inherent in both the living quarters of correctional facilities and the cells of the DIUs and PTDCs.

There are also violations of the conditions of separate accommodation. In the Rivne PTDC, in violation of Article 8 of the Law of Ukraine “On Pre-trial Detention” and paragraph 17.2 of the CPT, the monitors found cases of violations of the requirements for separate detention of inmates. Thus, in cells Nos. 2, 3, 4, 6, 9, 10, 15, 16, 17, 19, 20, persons who had previously served their sentences in detention facilities were held together with a person(s) who was brought to criminal responsibility for the first time. In the Odesa PTDC, in cells Nos. 531, 527, 537, 557, 568, 563, 575, 295, 287, 299, 103 and 110, the persons who had previously served their sentences in detention facilities were held together with the person(s) who were brought to criminal responsibility for the first time. In the Sumy PTDC there were also cases of violations of the requirements for the **separation of inmates**. Thus, previously convicted persons are held with previously unconvicted persons, which can lead to conflicts among detainees, self-harm and crimes committed during their detention.

This indicates a systemic failure by the administration of the facilities to ensure proper control over the accommodation of inmates, does not comply with the principles of dynamic security and leads to a violation of inmates’ rights to personal security, which is contrary to national legislation and international standards.

During the conversation with the detainees and convicts in Vinnytsia PI No. 1, the monitoring group found that the female detainees have the opportunity to take a shower only once a week. This violates the requirements of paragraph 19.4 of the CPT and paragraph 3.2 of the Regulations on the organisation of bath and laundry services for persons held in the PIs and PTDCs, approved by Order of the Ministry of Justice of Ukraine No. 849/5 dated 08 June 2012.

During a visit to the cells of the Mykolaiv PTDC, the NPM monitors found that the administration of the facility did not provide adequate living conditions for convicts and detainees. The temperature regime in some cells was not maintained; in cells Nos. 321 and 301 it was plus 35.0 °C and plus 35.2 °C respectively.

Similar temperature conditions were also recorded by the NPM group in cells Nos. 402, 409 and 403.

Thus, the constant stay of the detainees in the premises with high temperature indicators can contribute to the emergence of the conditions and diseases in the convicts and the persons taken into custody that can endanger their health and life.

In Ladyzhyn CF No.39 the monitoring group found a number of violations in the organisation of bath and laundry services for the convicts and inmates. In violation of paragraph 2.14 of section II of the Regulations on the organisation of bath and laundry services for persons held in the PIs and PTDCs, the facility does not provide **hairstyling services** to the convicts and inmates.

In violation of the requirements of Annex 9 of the Regulations, there is no “Register of Introductory Briefing on Labour Protection”. In violation of the requirements of paragraph 4.1 of Section IV of the Regulations, the head of the bathhouse (laundry) did not receive an introductory **briefing on labour protection**.

According to paragraph 3.19.1 of section III of the Regulations, sanitary treatment includes: washing of the convicts (detainees) in the bath with soap and a sponge with the obligatory **change of bed linen** and underwear, disinfection (destruction of pathogenic microorganisms), disinsection (destruction of insects and ticks that transmit infectious diseases) of personal clothes and bedding (pillows, mattresses, blankets) in the disinfection chamber. At the same time, the disinfection chamber, according to the information provided by the administration of the facility and medical staff, has not been operational since the beginning of 2024.

During the visit to the Kropyvnytskyi PTDC, the monitors noted that the cells had an unpleasant smell, **unsanitary conditions, excessive dampness on the ceiling of some cells, the ceiling and walls were covered with mould** due to water leaks, there was a significant clutter of personal belongings, bedding and mattresses needed to be replaced. The disinfestation measures taken by the PTDC administration are not sufficient, in particular, the monitors recorded the presence of cockroaches in the cells.

In Pervomaiska CF No. 117 the convicts complain about the **poor food**.



Photos 27, 28. Kropyvnytskyi PTDC

1.10.3. Arrangement of shelters

The condition of the shelters differs significantly even in different facilities of the same region. The tendency is that work on the creation or arrangement of shelters in 2024 has stopped compared to 2023.

During the visit to Bila Tserkva CF No. 35, it was found that there were **no first aid kits and drinking water tanks** in the bomb shelter.

In Voznesensk CF No. 72, the NPM monitors documented **positive data** that the civil protection shelter of the correctional facility is equipped with access facilities for persons with disabilities, a forced ventilation system, access to drinking water, personal protective equipment and food for convicts and staff, a medical care room, a generator and seats.

Instead, during the visits to the Mykolaiv, Chernihiv and Zaporizhzhia pre-trial detention centres, the NPM group found that there was no shelter to protect the convicts during the special period, which is a violation of the requirements of part 4, Article 32 of the Civil Protection Code of Ukraine and the Requirements for numbering and accounting of the fund of civil protection structures, approved by order of the Ministry of Internal Affairs of Ukraine No. 579 dated 09 July 2018.

Thus, the convicts and inmates of the facility are exposed to a **daily risk to their lives** and health, remaining unprotected in the dormitories and restricted buildings, respectively, during the air raid caused by the acts of military aggression against Ukraine.

During the confidential conversation with the convicts when the NPM monitors visited Mena CF No. 91, it was established that the civil protection shelter is not used during the “air raid” signal. In addition, during the individual conversations, some of the convicts commented on the situation with the persons who were released from the facility during the occupation. It was found that 30 convicts left the facility during the occupation with the permission of the administration of the facility, for the sake of their right to life, 29 persons who returned later faced harassment from the administration. One person who did not return is currently wanted as a missing person.

In addition, contrary to the requirements of the Civil Protection Code of Ukraine and the Procedure for the creation, maintenance of the fund of civil protection structures, exclusion of such structures from the fund and its accounting, approved by Resolution of the Cabinet of Ministers of Ukraine No. 138 dated 10 March 2017, the shelter of Mena CF No. 91 lacks basic conditions for people to stay, namely: proper ventilation, fire extinguishing equipment, a lavatory, benches or chairs for sitting.

1.11. Serving sentences by persons with disabilities

In Kharkiv CF No. 43, the dispensary control is carried out for 12 persons with disabilities. Of these, there are 4 persons of the II group; 8 persons of the III group. At the same time, in violation of the Law of Ukraine “On Rehabilitation of Persons with Disabilities in Ukraine”, persons with disabilities do not receive proper diagnostic, therapeutic and rehabilitation measures if there is information confirming a persistent impairment of body functions caused by diseases and consequences of injuries that cause restrictions on normal life.

During the study of the medical documentation of the convicts, it was found that four persons with disabilities **did not have individual rehabilitation programs**. In addition, the recommendations of the individual rehabilitation program are not implemented, and therefore they do not receive proper diagnostic, therapeutic and rehabilitation measures in the presence of information confirming a persistent impairment of body functions caused by diseases and consequences of injuries that limit normal life.

In violation of the requirements of State Building Standards of Ukraine B.2.2-17:2006 “Buildings and structures. Accessibility of buildings and structures for low-mobility groups”, the medical unit of Zhytomyr CF No. 4 **does not have the conditions for the confinement of people with disabilities**. The inpatient unit and the dentist’s office are located on the second floor (there are no ramps, handrails, etc.).

1.12. Serving life sentences

At the time of the visit to Vinnytsia PI No. 1, 311 persons sentenced to life imprisonment were being held there. During the conversation, the monitors found out that this category of inmates is forced to stay in their cells **throughout the day**, except for a walk in the fresh air, which lasts only one hour.

At the same time, in the report to the Government of Ukraine following its visit in 2023, the CPT noted with great concern that, despite the specific recommendations it had made in its previous reports on the results of its visits, the regime for life-sentenced inmates remained unsatisfactory. As before, the vast majority of these inmates were locked in their cells for 23 hours a day and were not offered any organised activities or opportunities to communicate with inmates in other cells.

The only regular out-of-cell activities available to life-sentenced inmates were daily one-hour walks in the fresh air, which took place in small courtyards, separately for each cell. In this regard, the CPT once again calls on the Ukrainian authorities to take steps without further delay to develop and implement a regime of out-of-cell activities (including group activities) for life-sentenced inmates.

In this context, it is important that life-sentenced inmates should normally be allowed to communicate with inmates in other cells, including during outdoor exercise (CPT/Inf(2024)20) paragraph 72).

During the visit to the maximum security sector of Temnivka CF No. 100, it was found that on the outer doors of the cells for life-sentenced inmates there were name cards with information on a brief description of the crimes committed by the persons in the cells. In its report on its visit to Ukraine in 2020, the CPT noted that this practice should be stopped, as it serves no reasonable purpose and, in addition to stigmatising, has the effect of damaging relations between inmates and prison staff (CPT/Inf (2020) 40), paragraph 52).

Paragraph 1 of section XXIII of the IRPI stipulates that supervision of convicts is a system of measures aimed at ensuring the serving and execution of criminal sentences in the form of restriction and deprivation of liberty, life imprisonment and arrest by means of round-the-clock and constant monitoring of the behaviour of convicts in their places of residence and work, prevention and suppression of illegal actions on their part, ensuring the requirements for isolation of convicts and security of the PI staff. Thus, during the inspection of cells for life-sentenced inmates, CCTV cameras were observed. At the same time, the CPT, in its report to the Government of Ukraine following its visit to Ukraine in 2020, noted that the Ukrainian authorities should reconsider the need for video surveillance in the cells of Temnivka CF No. 100 and (if appropriate, in other penitentiary facilities), in light of the above observations.

During the visits to the maximum security sector, the monitors recorded the continued use of degrading practices with signs of ill-treatment, namely, convicts are forced to **stand facing the wall** with their hands behind their backs every time the cell door is opened (photo 29).



Photo 29. Temnivka correctional facility No. 100

The practice of prohibiting the life-sentenced convicts to **sit on their sleeping bed during the day** continues, as mentioned above.

Two persons are being held in cell No. 355 of Zhytomyr PI No. 8 for life imprisonment. According to the cell plan, the living **space** is 6.2 sq.m., i.e. 3.1 sq.m. per person, which is a violation of the minimum standards for the detention of convicts.

In cell No. 511, where two persons sentenced to life imprisonment are held, the living space is 6.5 sq.m., which is 3.2 sq.m. per person, which is a violation of the law.

The above violation has already given rise to applications against Ukraine to the European Court of Human Rights. Thus, in the case of Smilyanskaya v. Ukraine (application No. 46196/11 dated 21 November 2019), it was noted that the conditions of detention in the penitentiary facility were inadequate, namely: lack of personal space due to violation of space standards in the cells where the applicant was held. On these grounds, the European Court of Human Rights ruled that the material and living conditions violated Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and ordered the payment of EUR 10,000 in non-pecuniary compensation.

The cells are **dirty, there is an unpleasant smell, the cells are heavily cluttered with bags** and personal belongings, the floors and lavatories are dirty (photo 30). In violation of the requirements of paragraph 8.13.5 of the Standards for the provision of furniture, equipment and household items in the PTDCs, the cells are not provided with drinking water tanks, the convicts are forced to use water from the centralised water supply system.



Photo 30. Zhytomyr PI No. 8

1.13. Right to work

According to Article 118 of the CEC of Ukraine, the convicts sentenced to imprisonment have the right to work. The work is carried out on a voluntary basis under a civil law contract or an employment contract. According to Article 26 of the Law of Ukraine “On Compulsory State Pension Insurance”, individuals are entitled to a pension upon reaching the age of 60, subject to a certain length of insurance service. However, these provisions are not enforced systematically.

1.13.1. Forced labour

In Zbarazh CF No. 63 there were numerous complaints from the convicts about the ill-treatment by the administration and staff of the facility. The monitoring group established the facts of the unauthorised practice of the administration and staff of the facility forcing the convicts to perform night duties in the premises of the quarantine, diagnosis and distribution unit and the SPS units during the time that is allocated for uninterrupted sleep of the convicts according to the daily schedule.

The night duties were carried out in accordance with the schedule of night duties of the convicts, drawn up for each month for each department and approved by the head of Zbarazh CF No. 63 in order to perform the tasks related to maintaining order and controlling the behaviour of other convicts in the QDD and SPS units. While **on duty**, the female convicts were strictly prohibited from lying down, sleeping and leaving the place for duty, which is located in the corridor of the department and equipped with a table, a chair, a landline phone with the possibility to call via internal communication to different parts and services of the facility in case of violations of order by the convicts and other events.

It should be noted that the female convicts are involved in **night duties** after the end of the full working day, as well as on weekends. Women with disabilities, women with illnesses and elderly women were also involved in the duties. Thus, sleep deprivation of the female convicts not only violates their fundamental rights, but can also have serious consequences for their physical and mental health.

The above indicates that the administration and staff of the facility violate the requirements of paragraph 1 of section VI of the IRPI, regarding the right of convicts to 8 hours of uninterrupted sleep and paragraph 97.2 of the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), according to which inmates' work should not cause them suffering.

A similar situation exists in the department of the DIU/CTP/PTDC unit of Bila Tserkva CF No. 35, where three orderlies work without pay (photo 31). The interviewed convicts reported the following: *convict Ya. has been working as an orderly for about a year, he starts working at 07:00 am and works until 08:00 pm without days off and holidays. Convict N. reported that he had been working as an orderly for five months, he started work at 6:10 am and worked until 09:00 pm without days off and holidays.*



Photo 31. Bila Tserkva correctional facility No. 35

Convicts N. and H. work on the subsidiary plot **without remuneration** and without social protection, which is a violation of their rights to work and social protection. According to the certificate provided by the administration of the facility signed by the deputy head of the facility, lieutenant colonel of internal service Vadym Polishchuk, as of 01 May 2024, the livestock on the subsidiary plot of Bila Tserkva CF No. 35 includes a group of animals and birds. The animals are fed by collecting food waste in the dining hall for the convicts. The convicts who ensure the maintenance of the livestock should receive not less than the minimum wage.

In Kropyvnytskyi CF No. 6, it was found that the administration of the facility used the labour of convicts as dining hall workers without paying them for two years. Thus, during the study of the documentation, it was established that **there was no employment contract** with convict B., who is a worker in the dining hall, due to the absence of a passport.

The administration of Zhytomyr CF No. 4 also uses the labour of convicts **in the dining hall without payment**. On the day of the visit, 34 convicts were working in the dining hall, and none of them were officially employed, i.e. they did not receive a salary, therefore their work experience was not accounted and they had no social guarantees. All 34 convicts are employed in the dining hall of the facility without remuneration as those involved in the improvement of the facility in accordance with Article 118, paragraph 5, of the CEC. According to the information received, the working day of such workers does not differ in terms of hours from those workers who should receive a salary for their work, or even more. In a private conversation which excludes eavesdropping or wiretapping with convict P., who works washing dishes, he said that *he started work at 7 a.m. and would work until 9 p.m. He had such a work schedule during the week, including on Saturday and Sunday, i.e. seven days a week.* This practice can be considered slave labour.

Also, for persons who work without pay, the period of their work will not be included in the length of service, which, in accordance with Article 12 of the Law of Ukraine “On Pension Provision”, must be at least 25 years for the purpose of granting old-age pensions and deprives them of the right to the relevant social guarantees. In addition, in accordance with the requirements of article 118(5) of the CEC, the convicts should be involved in the improvement of the CF on a priority basis and this work cannot be done on a permanent basis.

The administration of Piatykhatsky CF No. 122 uses the work of the convicts as **workers of the dining hall department** without paying them for six months. Thus, during the review of the documentation, in particular the Logbook of medical examination of the special contingent of the dining hall, it was established that a daily medical examination was conducted before the start of work for convict O., who worked in the dining hall from April 2024 to 16 September 2024.

A similar violation was documented in Vinnytsia PI No. 1. In violation of Article 119 of the CEC of Ukraine, Article 52 of the Labour Code of Ukraine and the Instruction on working conditions and wages for the convicts sentenced to detention or imprisonment, approved by order of the Ministry of Justice of Ukraine No. 396/5 dated 07 March 2013, the monitoring group found that the working day of convicts in economic services **is more than eight hours** and reaches nine to ten hours a day: i.e., more than 40 hours a week, and the working week is six, and in some cases — seven days.

Convict K. was engaged in work in the bath and laundry complex on a daily basis from May to July 2024 inclusive, without payment and without concluding an employment contract. When reviewing the employment contracts concluded between the convict and an individual entrepreneur or legal entity, it was found that there was no section on the rights and obligations of the parties to the contract, which violates paragraph 3.1 of the Instruction on Working Conditions.

During the review of the logbook of checking the presence of convicts at workplaces in the dining hall of Sofiiivska CF No. 45, it was found that during the month from 6.00 am to 8.00 pm there were 14 to 16 convicts at workplaces in the dining hall. At the same time, according to the information on the salaries of the convicts, only 7 workers of the dining hall have concluded employment contracts and receive salaries, and the rest of the workers work for free.

In confidential conversations the convicts of Temnivka CF No. 100 reported that in addition to the work of the convicts with whom they did not have legal relations, the **practice of night shifts** is used. It was also reported that the convicts work over the normal day, practically without days off, the foreman appoints the day off in turn.

During the debriefing with the administration of the facility, the issues of using night shifts and the use of convicts without concluding employment contracts were raised. This information was not refuted by the administration of Temnivka CF No. 100.

In addition, during the confidential communication with the convicts, the monitoring group was informed that for refusal to go to work the administration with the help of the orderlies created unbearable conditions for the convicts to stay in the facility, in particular in the form of violence and intimidation. The issue of the “work” of the orderlies was described in more detail in section 1.5.2. In these cases, the work without employment contracts is not related to the coercion to work for free, but to the organisation of the transfer of some of the administration’s powers to the convicts. Thus, in Oleksiivska CF No. 25 the orderlies in the administrative premises, convicts I., H., T. work without employment contracts, while performing the functions of control and supervision that are not typical for a convict.

1.13.2. Labour safety and harmful working conditions

The profession of electric welder is the most common job in harmful and dangerous working conditions on the labour market in the country. Certification of workplaces of such employees is mandatory in the presence of harmful and dangerous conditions. Failure to properly conduct the certification leads to a violation of the workers’ rights—in fact, when performing hazardous or difficult work, such persons do not receive compensation and social guarantees provided for by law (shorter working hours, higher wages, additional annual leave, etc.). If the certification is not carried out properly and the workers are not provided with proper guarantees and compensation, any person working in harmful and dangerous conditions may apply to the court (Article 221 of the Labour Code of Ukraine) and claim compensation for material and moral damages.

At the production facilities of Zhytomyr CF No. 4, the convicts working on electric welding do not undergo relevant certification.



Photo 32. Zhytomyr correctional facility No. 4

On the day of the monitoring visit to Dykanivska CF No. 12, the convicts involved in work with harmful and difficult conditions were found: painters (powder painting), bakers, cooks, etc.

In particular, in the workshops where powder painters carry out painting works, there is a feeling of suffocation, the ventilation is not functional. It is **difficult to breathe in the shop and it is impossible to stay** without protective equipment because of the powder being sifted to make the products (photo 33).



Photo 33. Dykanivska correctional facility No. 12

1.13.3. Violations in the registration of labour relations with the convicts

The involvement of convicts in permanent work is often formalised through the conclusion of civil law contracts. Among the convicts interviewed in Berdychiv CF No. 70 who work in production and workshops, produce products and perform **systematically defined labour functions**, a significant number of them are employed under civil law contracts. In fact, the workers systematically perform certain labour functions, while their legal relations are formalised as civil law relations, and not as part of a fixed-term employment contract. As a result, they are deprived of the right to be provided with the material and technical means necessary to perform their work, the right to ensure safety and harmless working conditions, and the right to an equipped workplace in accordance with the requirements of labour protection regulations. They are not subject to accrual and payment of the **unified social security tax**. Therefore, their pensionable service is not accounted and they are not entitled to social security.

In Zhytomyr CF No. 4, according to civil law contracts and certificates of work performed, the average earnings of convicts working in the production of the facility is about UAH 1,112, and in the workshop about UAH 2,639.

On the day of the monitoring visit to Petrivska CF No. 49, it was found that the convicts who were involved in work, worked under fixed-term employment contracts, which were registered in the register of registration of employment contracts. However, the employment contracts with the working convicts are systematically concluded for a **period of incomplete months**, in particular, the monitoring group was presented with fixed-term employment contracts (Nos. 251-265) concluded from 05 November 2024 to 26 December 2024. The convicts with whom the monitoring group spoke confirmed that they actually worked for a full month, and that it was common practice to write applications for work every month for a partial month when concluding fixed-term contracts in this facility.

During the visit to Dykanivska CF No. 12 a fixed-term contract (No. 2225) was found **without specifying the term of conclusion**, which is a significant violation of the labour rights of convicted workers.

The purpose of concluding employment contracts for partial months is to avoid paying the minimum unified social security tax for such working convicts according to part 5, Article 8 of the Law of Ukraine “On the Collection and Accounting of the Single Security Tax for Mandatory State Social Insurance” (if the worker is not hired on the first working day and dismissed on the last working day of the reporting month). Such an approach to the execution of employment contracts of convicts violates their labour and social rights, as such persons are not charged the minimum insurance payment. Therefore, this period of work is not included in the insurance period in full. The convicts receive wages below the minimum wage, which violates their labour and social rights.

Convict D., who works in the dining hall of the same facility, reported that he works two hours a day. At the same time, he said that he received a salary. After checking the information, the monitoring group found out that the convict was officially **involved in free work** on the improvement of the facility.

At the same time, daily work at a certain facility cannot be used as free work for the improvement of the facility. According to Part 5, Article 118 of the CEC of Ukraine, the convicts are involved in the improvement works on a first-come, first-served basis, outside of working hours and for no more than two hours a day. In addition, the convict works with food, but does not undergo a special medical examination, as evidenced by the absence of his medical record.

In Temnivka CF No. 100, there is a widespread practice of employing persons without passports. Thus, convicts L. and K. work without a passport, therefore they do not have work experience and social guarantees according to the law.

The report following the results of the NPM monitoring visit to Stari Babany CF No. 92 states that civil law contracts (CLC) have been concluded with all working convicts, including those who perform work on the economic maintenance of the facility. Such practice is considered by the NPM group to be unacceptable and requires immediate review and regulatory settlement. According to the explanations of the State Labour Service of Ukraine, a civil law contract is concluded for one-time, not systematic work.

The employer, in this case the head of the facility, does not have to take care of the working conditions of the employees, provide them with a workplace or equipment. However, by entering into CLCs with the convicts, facilities deprive them of labour protection and social guarantees, such as decent and safe working conditions, standardised working hours, regular payment of wages not lower than the minimum wage, protection from unjustified fines, and the opportunity to study and improve their skills.

In addition, the concluded civil law contracts do not contain sections on the rights of the parties, the procedure for amending and supplementing the contract, the dispute resolution procedure, and the terms and conditions for acceptance and transfer of goods, works or services, as provided for in Section III, paragraph 3.1 of the Labour Instruction. Also, the facility's workers did not provide work schedules.

The NPM monitors conclude in the report that this practice is unacceptable and requires immediate review and implementation of regulatory and legal regulation to ensure that convicts are provided with all guarantees of labour legislation.

During the visit to Naderzhynshchynska CF No. 65, it was recorded that pre-trial detainees held in the PTDC were involved in labour at the production facility. These persons work together with the **convicts sentenced to imprisonment**. Fixed-term employment contracts are concluded with the inmates who have the status of accused (convicts) and taxes are deducted (including persons who do not have passports or other documents). It should be noted that the labour of such persons should be paid at the tariff rates (salaries) in force in the national economy. The profits generated by the use of inmates' labour are not subject to taxation and are used to improve the pre-trial detention facility and improve the conditions of detention. In addition, wages are paid once a month, which is a violation of Part 1, Article 115 of the Labour Code of Ukraine and Part 1, Article 24 of the Law of Ukraine "On Remuneration of Labour" No. 108, and the accrual and payment of wages to the convicts is carried out without the accrual and payment of a single security tax to the mandatory state social insurance; female workers are deprived of the right to annual leave, and upon dismissal they do not receive funds for unused annual leave; fixed-term employment contracts do not specify the term of the contract; not all fixed-term employment contracts contain the signatures of the parties and the position to which the worker was hired, in violation of approved order of the State Consumer Standard No. 327 dated 28 July 2010, taking into account the Reference Book of Qualification Characteristics of Professions of Employees, approved by Order of the Ministry of Labour No. 336 dated 29 December 2004.

Another practice of human rights violations in the field of labour is related to the registration of workers **in the format of probation**. During the monitoring visit, Denys Anatoliiovych Yatsenko, the assistant head of Sofiivska CF No. 45 (responsible for involving the convicts in work and labour adaptation), noted that most of the convicts working in the sewing shop did not have employment contracts and did not receive wages because they were on a probation and were undergoing training.

Instead, the convicts stated that this information was not true, since some of the convicts had been working under such conditions for more than a year, and the payment for the work performed was made in the form of transferring drugs to them. To confirm this, they brought plastic bags with the remains of **drugs** and showed them to the monitoring group in the presence of Denys Anatoliiovych Yatsenko and other workers of the facility, who were recording the event on video cameras.

In fact, the administration of Sofiivska CF No. 45 uses the work of convicts in the sewing shop without paying them for more than six months as apprentices with the aim of further employment.

1.13.4. Remuneration of labour

According to Article 119 of the CEC of Ukraine, the labour of persons sentenced to imprisonment is paid according to its quantity and quality. In addition, paragraph 5.1. of the Instruction on working conditions and salaries of persons sentenced to detention or imprisonment, approved by Order of the Ministry of Justice of Ukraine No. 396/5 dated 07 March 2013, states that the salary accrued to convicts, provided they meet the production standards or working hours, cannot be less than the legally established minimum wage. Convicts must receive at least the minimum wage.

It should be noted that most of the violations in the field of remuneration are systemic in the PIs and were documented by the monitoring group in the production workshops, in the dining hall and bath and laundry complex and in different sections of the facilities. Thus, during the monitoring visit to Berdychiv CF No. 70, the convicts who work in the production areas and workshops were interviewed. The monitors also checked the relevant documentation.



Photo 34. Berdychiv correctional facility No. 70

According to the certificate of salary/remuneration accrued to the convicts for March, convict S. who works on the production of metal products was paid 64 UAH, and convict K. who repairs cars — UAH 520 (photo 34).

At the production facilities and workshops of Bila Tserkva CF No. 35, the monitors interviewed the convicts and reviewed the documentation on the calculation of wages for January, February and March 2024. Convict Ts. earned UAH 681, convict B. — UAH 681, convict H. — UAH 639, convict D. — UAH 690, convict Ts. — UAH 690. Such a salary for three months can be equated to **slave labour**, given that the minimum wage for one month in the country, as of the first quarter of 2024, is UAH 7,100.

The information received from the convicts of Dykanivska CF No. 12 about their remuneration often does not correspond to the documented amounts, which may be related to the general psychological climate in the facility, in particular in the sewing unit where mattress covers are made. Convict Sh. makes straps for the covers and according to him, he receives UAH 6,000 per month for his work. According to statement No. 6, in September convict Sh. received UAH 344 to his personal account, in October — UAH 433, in November — UAH 448. In the workshop for the production of various products convict V. said that he had been working for three years and earned UAH 300 per month. At the same time, the convict was afraid to take a business card with the monitors' contacts. Convict I. has been working for one year, according to him he earns UAH 1,000 per month. According to statement No. 17, in November the personal account of convict I. was credited with UAH 262. Convict P. and convict F. reported that they earned UAH 1,000 per month. According to statement No. 17, in November convict P. was credited with UAH 525 to his personal account, and convict F. — UAH 474.

During the conversation on the condition of anonymity, the women in Naderzhynshchynska CF No. 65 testified about the low wages, e.g., they receive from **two to ten kopecks** for sewing one unit of products, and the foremen assign the so-called “own people”, i.e. other convicts who are the assistants of the administration, to the more paid processes.

The report on the results of the monitoring visit of the NPM to Stari Babany CF No. 92 states that during a confidential conversation with the convicts who perform the work on household maintenance, it was established that they work full time (about 8 hours a day), and the working week consists of six working days and one day off. However, when the NPM group studied the salary information for August 2024, it was found that the average remuneration of inmates performing household maintenance work was only about UAH 2,100 (excluding taxes and utilities), which is **less than the national minimum wage**, which was UAH 8,000 in April 2024.

In addition, abuses in the area of remuneration occur not only in the form of underpayment, but also in other forms. At the time of the visit to the same Oleksiivska CF No. 25, according to the administration, 95 convicts were in the production area, while 94 convicts were listed in the file. According to the interviewed convicts, about 60 people were not brought to work on the day of the visit because they did not have employment contracts. Also, the night shift was not brought to production on the days of the visits. The convicts explained that the administration was aware of the visit of the monitors.

According to the employment contracts, all the convicts who work with metal are **registered as auxiliary workers**.

Convict B. works in the LOS, as evidenced by the interviewed convicts. According to employment contract No. 7-305 dated 30 April 2024, convict B. performs the duties of an auxiliary worker. During the visit, B. did not directly perform work like other convicts, he was dressed in clean clothes and it was clear that he was supervising the work of other convicts.

At the same time, according to the information on the accrual of wages for May 2024, convict B. was credited with UAH 8,003, UAH 2,147 were deducted from this amount, and UAH 5,855 were credited to his personal account. Despite the fact that with all the deductions, the convicts who actually performed work received much less money in May. For example, Ch. — UAH 1,023, A. — UAH 1,751, M. — UAH 1,023, Sh. — UAH 551, B. — UAH 551, Sh. — UAH 551.

Another problem is the recovery of excessive amounts from earnings. According to paragraph 2.4. to the Instruction on working conditions and salaries of the convicts sentenced to detention or imprisonment No. 387/22919 dated 11 March 2013, “the convicts, regardless of all deductions, shall be paid not less than seventy-five percent of the total and amount of their earnings, and the convicts who have debts under the enforcement documents — not less than fifty percent of the total and amount of their earnings”. Instead, in Oleksiivska CF No. 25 there was a violation of this rule of law. *Convict B. works without a passport and earned UAH 649 in May, UAH 487 was withheld from his account, according to the writ, and UAH 162 was credited to his account.*

1.14. Early release and transfer of convicts

The establishment of systemic obstacles to the implementation of the provisions on early release or commutation of sentences contradicts the current legislation of Ukraine, which provides for the gradual re-socialisation and humanisation of the execution of sentences. According to Article 81 of the Criminal Code of Ukraine, early release may be applied to a person who has served the prescribed part of the sentence and has proved his or her reform. Article 82 of the Criminal Code of Ukraine allows for the commutation of an unspent part of a sentence to a milder sentence if the person is pursuing a better path. Article 101 of the CEC of Ukraine regulates the possibility of transferring convicts to facilities with a lower level of security. These regulations provide for an individual approach and an assessment of the positive dynamics of the convict's behaviour, rather than an automatic refusal. The mechanisms of early release are an integral part of the state policy on the re-socialisation of persons serving sentences and should be applied in reality, not formally, taking into account the practice of the ECHR and the principle of legitimate expectation of changes in the legal status of a convicted person.

The monitoring group in Ladyzhyn CF No. 39 found that the administration of the facility establishes **artificial obstacles** to the implementation of regulations providing for the possibility of replacing the unspent part of the sentence with a milder one, as well as for the application of conditional release, which contradicts the principle of gradual reintegration of convicts into society.

Thus, according to the information on the state of preparation of materials on the application of the provisions of Article 81 of the Criminal Code of Ukraine, Article 82 of the Criminal Code of Ukraine and Article 101 of the CEC of Ukraine, in Ladyzhyn CF No. 39 during 8 months of 2024, 21 meetings of the commission on the application of the provisions of Article 81, 82 of the Criminal Code of Ukraine and Article 101 of the CEC of Ukraine to the convicts.

Article 81 of the Criminal Code of Ukraine was applied to 20 convicts, the commission reviewed 20 case files, all convicts were denied conditional release as persons who did not pursue a better path.

Article 82 of the Criminal Code of Ukraine was applied to 22 convicts (2 of them were sentenced to life imprisonment), the commission considered 22 case files, all convicts were denied commutation of the unexecuted part of the sentence to a milder one as persons who did not pursue a better path.

Article 101 of the CPC of Ukraine was applied to 30 convicts, the commission reviewed 30 case files, **all the convicts were denied** the transfer from the facility of the maximum security level to the facility of the medium security level as the persons who did not pursue a better path.

The work of the medical advisory commission (MAC) in the multidisciplinary hospital No. 81 regarding the application of Article 84 of the Criminal Code of Ukraine to convicted patients in 2024 also demonstrates a difficult situation:

1. The number of persons released under Article 84 of the Criminal Code of Ukraine is 4;
2. The number of cases considered by the MAC is 14;
3. The number of case files sent to the court is 14; satisfied — 5, dismissed by the court — 0;
4. The number of deceased during the court proceedings is 3.

At the same time since the beginning of the year **13 convicts** assigned to the multidisciplinary hospital **died**. 8 convicts died in the hospital, 2 convicts died in the facilities of the Ministry of Health, 3 convicts died in Stryzhavka CF No. 81.

The total **number of people who died of diseases**, according to official data compiled by the NGO “Protection of Prisoners of Ukraine”⁹, is shown in Table 2:

⁹ Sentence — death by illness. Sad statistics from Ukrainian prisons <https://ngoauu.org/virop-smert-cherez-xvorobu-sumna-statistika-z-misc-pozbavleniya-voli-ukra%D1%97ni/>

Year	Total number of people in the PIs	Number of people who died	Share of deaths in the total number of people
2017	60399	568	0.94%
2018	57100	484	0.85%
2019	55078	517	0.94%
2020	52863	485	0.92%
2021	49832	454	0.91%
2022 (excluding TOT)	42726	432	1.01%
2023 (excluding TOT)	44024	373	0.85%
2024	37124	368	0.99%

Table 2. Number of persons who died from diseases in the PIs

In turn, **the practice of applying the release from serving a sentence due to a serious illness** does not change significantly, the statistics are presented in Table 3.

Year	Total number of people in the PIs	Number of satisfied applications	Share of satisfied applications in the total number of people
2017	60399	165	0.27%
2018	57100	138	0.24%
2019	55078	125	0.23%
2020	52863	108	0.20%
2021	49832	90	0.18%
2022	42726	49	0.11%
2023	44024	79	0.18%
2024	37124	72	0.19%

Table 3. Statistics on the release of convicts from serving their sentences due to serious illness

Another important process for monitoring is the transfer of convicts. Article 10 of the CEC of Ukraine guarantees the right of convicts to personal security. In case of danger to the life and health of the convicts, they have the right to apply to any official of the PI with a request to ensure their personal safety. The administration of the PI takes measures to transfer the convict to a safe place, as well as other measures to eliminate the danger, and decides on the place of further serving of the sentence. If there are documented grounds, convicts may be subjected to measures such as isolated confinement or transfer to another PI. However, according to the facts revealed by the NGO “Protection of Prisoners of Ukraine”¹⁰, in practice, this procedure is often used as a tool of pressure and isolation, especially against those who file complaints or cooperate with human rights defenders. Recent trends show that in 2024, transfers became a widespread phenomenon, especially to facilities in the Kharkiv region, which effectively turned this practice into a mechanism of reprisals against complainants.

The sharp increase in the number of transferred persons after the monitoring visits of human rights organisations suggests that the administration of the facilities uses transfers to punish inconvenient convicts.

As it follows from the responses to the request:

- ♦ 40 people were transferred to Temnivka CF No. 100 in 2024 (8 people in 2021-2023);
- ♦ 35 people were transferred to Kharkiv CF No. 43 in 2024 (13 persons in 2021-2023);
- ♦ 40 people were transferred to Oleksiivska CF No. 100 in 2024 (8 people in 2021-2023);

These facilities have a reputation of places where the administration actively uses article 391 of the Criminal Code of Ukraine (“malicious disobedience to the requirements of the administration”) to persecute the convicts. More details about psychological and physical violence in these facilities are described above.

Human rights activists record the connection between monitoring visits to the PI and the use of transfers to persons who reported human rights violations. A striking example is the situation in Sofiivska CF No. 45. On 31 August 2024, following a monitoring visit, events took place at the facility that led to the opening of criminal proceedings. However, already on 12 September 2024, the Central Commission decided to transfer a group of convicts, including witnesses of torture, to facilities in the Kharkiv region.

The transfer was supposed to be for security purposes, but the facts show that it looks like the elimination of inconvenient witnesses and their isolation in facilities with systematic human rights violations.

¹⁰ Transfers as a way of putting pressure on complainants: Kharkiv facilities become a tool of persecution <https://ngoauu.org/perevedennya-yak-sposib-tisku-na-skarzhnikiv-xarkivski-koloni%d1%97-stayut-instrumentom-peresliduvannya/>

2. RESULTS OF MONITORING HUMAN RIGHTS IN THE SOCIAL INSTITUTIONS

2.1. Unlawful use of physical force and psychological violence

2.1.1 Physical violence

During the visits in 2024, as well as in 2023, the monitors did not receive complaints from the residents of social facilities about torture by staff. There were only isolated cases of complaints from the residents about **violence between the residents**, in particular in children's homes about violence by older children. However, given the sensitivity of this topic, it should be noted that the absence of a significant amount of data does not mean that there is no such violence as was recorded in previous years.

2.1.2 Documenting injuries

A key tool in preventing unlawful physical violence is its timely and completed documentation. The responsibility for this lies with the administration of social facilities, but in practice, it is often not documented. As a result, law enforcement agencies lose the ability to conduct effective investigations into such cases.

The monitors have often recorded the lack of **proper documentation of injuries**, which can impede effective investigation of injuries in the future. Thus, despite the fact that the Vesele Psychoneurological Residential Care Home has periodic cases of bodily injuries to its residents, medical staff do not draw up certificates of bodily injury (primary accounting documentation form No. 511/o) in accordance with the requirements of Order of the Ministry of Health of Ukraine "On Approval of Primary Accounting Documentation Forms and Instructions for Their Completion Used in Health Care Facilities Regardless of Ownership and Subordination" as amended on 02 February 2024 under No. 186. It is possible that the facilities did not have time to adapt their activities to the document adopted in 2024, and the recording will be established during the next period.

During the visit to the Mykolaiv Geriatric Nursing Home, a bruise was found on the face of resident B.L.I. According to the staff, on 12 July 2024, the resident fell on her own while outdoors and was injured, B.L.I. confirms the staff's words. She was provided with the necessary medical care, however, contrary to the order of the Ministry of Health, the medical documentation does not contain information on the approved form for recording bodily injuries.

2.1.3 Physical restraint of the residents

In violation of paragraph 11 of the Rules for the use of physical restraint and (or) isolation in the provision of psychiatric care to persons suffering from mental disorders, and forms of primary accounting documentation approved by order of the Ministry of Health No. 240 dated 24 March 2016 and Article 25 of the Law of Ukraine “On Psychiatric Care”, physical restraint in the Chernivtsi Regional Psychiatric Hospital is applied to persons in wards on their beds with wire-mesh bases **in the presence of other patients** suffering from mental disorders, which contradicts these rules and may humiliate patients (photo 35).



Photo 35 Chernivtsi Regional Psychiatric Hospital

During a confidential conversation, one of the patients reported that two patients had been restrained in the evening before the NPM visit. The log of registration of the use of physical restraint and (or) isolation in the provision of psychiatric care to persons suffering from mental disorders does not contain any information about the use of restraint on the specified date.

This situation is not uncommon. In the Chortoryia PNRCH, **acute conditions of patients are not recorded in medical records** and in the relevant logbook, there are no protocols for the use of physical restraint and/or isolation in the provision of psychiatric care, and there are no premises for isolation and safe stay of the residents in a state of sharp deterioration of mental health under the supervision of medical staff.

In the Regional Medical Centre for Mental Health of the Zhytomyr Regional Council, in violation of the requirements of departmental orders, department No. 15 **does not properly keep logs** of the use of physical restraint and (or) isolation in the provision of psychiatric care.

During the inspection of the premises and following the results of conversation with patients and staff, it was established that there was a patient who is constantly subjected to physical restraint due to his mental health condition. At the same time, there are **no records in the medical documentation**, logs, and no protocols have been drawn up. The head of the facility denies that the patient was subject to restraint, while informing those present that he never communicates with the patients. The information provided by the staff of the facility was enough for him.

In accordance with paragraph 8 of the Rules for the use of physical restraint, the period of one-time use of isolation cannot exceed eight hours, and to extend it, a new appointment by a commission of psychiatrists consisting of at least two psychiatrists is required. Every two hours, the psychiatrist assesses changes in the patient's mental and physical state, which is recorded in form No. 003/o. Isolation cannot be used at night time. The use of isolation is terminated immediately after the person's condition improves to a level that does not pose a threat to him or her and others. However, according to one of the residents of the Vynohradiv PNRCH, the last time she was isolated in a residential room for 14 days. The medical documentation does not contain any information on the use of restrictions and the adoption of legal measures to prevent aggressive behaviour.

The above contravenes paragraphs 47-50 of CPT/Inf(98)12-part and, in the Committee's view, is close to cruel treatment.

2.2. Right to privacy and degradation of human dignity

2.2.1 Video surveillance of the residents

The wards of the Chernivtsi Regional Psychiatric Hospital are equipped with **round-the-clock video surveillance**, which violates the right of the patients to privacy during their stay in the facility (photo 36).



Photo 36. Chernivtsi Regional Psychiatric Hospital

2.2.2 Rights of people with disabilities

As in previous years, the monitors often record violations of the requirements for the arrangement of the facilities. Thus, not all the premises of the Veselivskii PNRCH are fully adapted to the needs of people with disabilities and wards belonging to low-mobility groups, which does not meet the requirements of DBN B.2.2-40:2018 “Inclusiveness of Buildings and Structures”, namely: in the corridors of residential buildings, **there are no horizontal handrails** on both sides to facilitate movement for people with limited mobility; sanitary and hygienic rooms of the facility are not equipped with handrails or other devices; there are no buttons for **calling staff**, which causes inconvenience in case of bedridden patients needing staff assistance; the **upper and lower steps are not marked** and do not contrast with other steps of the staircase and with the horizontal platforms of the staircase; the ramp on the way to the residential building is not equipped with handrails on both sides.

Similar problems have been reported in other facilities, e.g., in the premises of the Teterivka OCH, the monitors recorded the following violations: the facility is not equipped with **lifts or elevators**; corridors are not equipped with handrails; handrails or other devices are not installed in sanitary and hygienic rooms. In addition, the premises of the medical unit, where the isolation ward, quarantine room, and sanitary room are located, have **high thresholds and narrow doors**, which creates significant difficulties for the movement of persons with limited mobility.

The branches of the Zaporizhzhia City Territorial Centre for Social Services are not equipped with safety, orientation and **information retrieval devices** for visually impaired persons. The building is not equipped with warning contrasting stripes, and there are **no tactile accessibility elements**, which violates the requirements of the DBN.

2.2.3 Sanitary and hygiene procedures

In accordance with clause 11.9 of DBN B.2.2-40:2018, separate sanitary and hygienic rooms should be equipped with an alarm system. The alarm button should allow for the possibility of using it by a person sitting in a wheelchair (on the toilet or using the shower, who has fallen and or is lying anywhere on the floor). At the same time, **there is no alarm system** in the sanitary and hygienic premises of the Zaporizhzhia City Territorial Centre for Social Services.

The bathhouse of the Chortoryia PNRCH is not properly equipped. There are **no partitions** between shower heads in the bathhouse and in the shower room in the residential building. The room is used for drying laundry using a makeshift dryer, which can pose a hazard during its use. The windows in the toilet room of the residential building are not tinted (photo 37).



Photo 37. Chortoryia Psychoneurological Residential Care Home

The staff keeps detergents in the sanitary and hygiene room of the Liubyt'skyi PNRCH, which is accessible to the residents without restrictions. The unimpeded access **to active chemicals by the residents**, without appropriate supervision by the staff, can lead to their misuse and pose a threat to the life and health of the residents.

In the Vesele PNRCH the NPM group found non-compliance with sanitary and hygienic requirements in the toilets of the facility, in particular, **there was no soap and towels**. The staff does not help or control the process of hand washing by the residents, which can lead to an outbreak of infectious diseases and is a violation of paragraph 3 of item 1 of section VIII of the requirements of the State Standard of Inpatient Care for Persons who have lost the ability to self-care or have not acquired such ability, approved by order of the Ministry of Social Policy No. 198 dated 29 February 2016.

Similarly, **there is no opaque glass** or opaque film on the window in the shower room of the Vesele PNRCH residential building and no curtains to ensure the privacy of the residents (photo 38). In addition, there are no curtains in the bath room of the PNRCH (photo 39). There are also no doors in the toilet rooms.



Photos 38, 39 Vesele Psychoneurological Residential Care Home

In violation of paragraph 34 of the CPT/Inf(98)12-part standards, the residents of Nizhni Stanivtsi PNRCH **do not have toothbrushes** and do not brush their teeth.

Other facts were documented in Chervonenskyi PNRCH, where all the residents have their hair **cut “down-to-nothing”**, which deprives them of any individuality.

2.2.4 Bedridden patients

The staff of the Voznesensk Geriatric Nursing Home violate the residents' right to privacy, as they perform **hygiene procedures on the residents in the presence of other residents** of the room, without using screens. Moreover, the use of a toilet chair, changing diapers and washing in the presence of other people violates the residents' right to human dignity.

During the visit to the Vesele PHRCH, it was found that not all sick residents were provided with **functional beds**, which violates paragraph 1.1 of Section VI of the Minimum Standards. Due to the lack of special vehicles in this facility, there is a problem with transporting bedridden patients and those with limited mobility to healthcare facilities in case of emergencies.

2.2.5 Other violations

During the monitoring visit to the Cheresh PNRCH, members of the monitoring group met several male residents who were wearing women's clothes, including a women's jacket and hat, which contradicts paragraph 6 of the Model Regulations on PNRCHs, which provides for the provision of clothing to the residents in accordance with the established norms.

2.3. Non-provision or improper provision of medical care

2.3.1 Psychiatric care

According to the staff of the Vesele PNRCH, cooperation between healthcare facilities and the residential facility is not established, namely, there are **difficulties in hospitalising** residents in a state of exacerbation of mental disorder to a psychiatric care facility to provide proper medical care. This can lead to cases of threats to the life and health of both the wards and the staff of the PNRCH.

2.3.2 Quality of medical care

In violation of paragraph 9 of the Model Regulations on Psychoneurological Residential Care Homes, approved by the Cabinet of Ministers of Ukraine on 14 December 2016 under No. 957, the administration of the Liubyskyi PNRCH in 2023 and 2024 did not ensure that the residents underwent an **in-depth medical examination** by the medical advisory commission, but only a **fluoroscopic examination** of the chest cavity.

There are somatically ill people in the residential care home who do not receive proper medical care. The NPM group examined patient R., who has severe **joint pathology**. The disease is progressing and has already led to the **amputation** of toes of both feet (photo 40), deformity of fingers of both hands (photo 41) with severe dysfunction. Also, the patient suffers from post-traumatic anophthalmia of both eyes. In fact, the patient is only prescribed dressings, there is no etiopathogenetic treatment of the underlying disease, and no consultations with specialists have been conducted to alleviate the suffering caused by the disease.



Photos 40, 41 Liubyskyi Psychoneurological Residential Care Home

We also examined patient S. in the same PNRCH, who suffers from complications of the underlying disease in the form of lymphodema of both lower extremities with trophic ulcers and lymphorrhea. The patient's outpatient record indicates cardiovascular disease, but **no appropriate treatment has been prescribed** to improve the patient's condition and prevent existing complications.

Since 2020, Voznesensk Geriatric Nursing Home has not conducted **periodic medical examinations** of its residents by the specialists. Due to the absence of periodic medical examinations, it is impossible to identify deterioration in the health of the residents in the early stages of the disease and prescribe appropriate treatment. Thus, the residents of the facility are not provided with adequate health care.

In addition, this geriatric nursing home has only 1 member of the nursing staff (a nurse) on the **night shift**, which makes it impossible to provide proper care for all the residents.

The Berezivka PNRCH **has not had a psychiatrist** for 3 years. The interaction with the healthcare facilities regarding the provision of medical assistance (including psychiatric) to the residents of the facility is not properly organised. The NPM group provided detailed explanations on the possible organisation of appropriate medical care for the residents with the involvement of a general practitioner or family doctor with appropriate referrals to specialist doctors if necessary.

A common violation is the storage of **expired medicines**. Thus, during the visit of the NPM group to the Chernivtsi Regional Psychiatric Hospital, expired medicines Risperdal, Clopixol, Vitamin C 500 and others were found, which violates the requirements of paragraph 5 of section I of the Rules for the storage and quality control of medicines in medical facilities, approved by order of the Ministry of Health No. 584 dated 16 December 2003, and if used can lead to a significant decrease in the quality of treatment and harm to the health of the patients.

A significant number of the residents of the Vesele PNRCH, according to the lists of medical prescriptions, have been taking Azapine, which contains Clozapine as an active ingredient, for a long time (12 people). Contrary to Order of the Ministry of Health of Ukraine No. 147 dated 08 August 1995 “On haematological monitoring during treatment with Leponex (Clozapine)”, repeated and further **dynamic blood tests were not performed**, and no monitoring of changes in blood parameters was determined. It should be noted that in accordance with clauses 3 and 4 of the above order, patients undergoing therapy with medicinal products containing Clozapine should be guaranteed regular haematological examinations and should be instructed to immediately contact their physician in case of development of any infection or fever.

According to the results of the annual review, the medical records of the patients of the Nizhni Stanivtsi PNRCH contained diagnoses, but **no appropriate treatment** or no need for treatment. The examination of medical records revealed that the residents were prescribed Clopixol, which is prescribed for inpatient treatment. The medical unit does not have prolonged-release medicines, and the clients’ relatives buy the missing medicines at full price, if reimbursement is available.

The same facility has encountered problems with **paying the residual cost of medicines** when using the “Affordable Medicines” program due to the lack of procedures for its application in inpatient social protection institutions. The application of the program can ensure targeted medical care and reduce the burden on the budget. When procuring medicines through tenders, it is impossible to predict the required number of medicines, which then have to be written off or, on the contrary, to look for opportunities to purchase them.

In the Chervonenske PNRCH, many of the residents have problems with **dental prosthetics**. The problem is systemic and requires assistance from the Department of Health.

Medicines for the residents of the Liubetskyi PNRCH are stored **in bulk without original packaging** in common open containers for each department without indicating the name of the resident to whom the drug is prescribed and the name of the specific pill (photo 42).



Photo 42 Liubetskyi Psychoneurological Residential Care Home

The head nurse distributes medicines, relying only on her own memory. This method of storage contradicts paragraph 2 of section IV of the Rules for the storage and quality control of medicines in healthcare facilities, approved by order of the Ministry of Health No. 584 dated 16 December 2003, according to which the storage of medicines in the departments of healthcare facilities (manipulation room, nurse station, etc.) is carried out taking into account the method of administration and in compliance with the requirements of the instructions for the medical use of the medicinal product. Regulatory documents of the Ministry of Health specify the conditions and shelf life of medicines. In particular, the instructions for antipsychotic drugs such as Azapine and Azaleptol state the requirement to “store in a dry place protected from light...”, while the practice of storing medicines in the residential care home does not ensure protection from light.

The practice of storing tablets without their original (blister) packs and distributing them can lead to serious negative consequences.

2.3.3 Keeping medical documentation

In accordance with paragraph 6 of Section II of the Procedure for the provision of palliative care, approved by Order of the Ministry of Health of Ukraine No. 1308 dated 04 June 2020, a plan for monitoring a patient in need of palliative care is drawn up by the healthcare facility providing palliative care to determine the plan and scope of palliative care. At the same time, the palliative care unit of the Chernivtsi Regional Psychiatric Hospital **does not prepare such plans** when a patient is hospitalised. According to healthcare professionals, due to staff shortages, doctors are forced to fill out such plans only when closing a patient’s medical record, which does not ensure prior quality monitoring of the patient during his or her stay in the palliative care unit.

Medical records in the Chortoryia PNRCH and in many other facilities, contrary to the requirements of Order of the Ministry of Health of Ukraine No. 110 dated 14 February 2012 “On Approval of Forms of Primary Record Documentation and Instructions for Their Completion, Used in Health Care Facilities Regardless of Ownership and Subordination”, are kept according to forms that are not to be used, in particular, **medical case histories are still kept, but not outpatient records**. In addition, in violation of the provisions of Article 11 of the Law of Ukraine “On Psychiatric Care” and the requirements of the aforementioned order of the Ministry of Health, all the “medical” documentation randomly reviewed contained no consent to psychiatric examination or consent to outpatient psychiatric care (5103, 5323).

The medical units of Chortoryia, Vesele and a number of other PNRCHs **lack up-to-date pre-hospital care protocols** approved by order of the Ministry of Health of Ukraine No. 1269 dated 05 June 2019 “On approval and implementation of medical and technological documents on standardisation of emergency medical care”, which dramatically reduces the timely diagnosis and subsequent quality of care provided to the wards in case of emergencies.

2.3.4 Infectious diseases

In accordance with the Guidelines “Organisation and conduct of initial measures in case of detection of a patient (corpse) or suspected infection with quarantine infections, contagious viral haemorrhagic fevers and other dangerous infectious diseases of unclear etiology”, approved by Order of the Ministry of Health No. 16 dated 12 May 2003, isolation is the separation of infectious patients (carriers of the infectious agent) from other persons in a separate room in order to prevent further spread of the infection. Paragraph 4.1.2. of the said order stipulates that the temporary isolation of the patient should be carried out in order to separate him/her from others at the place of detection of the patient until the time of his/her hospitalisation. **There is no separate medical isolation room** in the Chortoryia PNRCH. The said isolation is carried out in the premises of the medical unit. The lack of possibility to isolate the sick persons can lead to the spread of infectious diseases among the residents. There are also no wards for somatic patients, no quarantine unit.

In violation of the requirements of paragraph 2.2.2. of DBN B.2.2-18:2007 “Facilities of social protection of the population”, the Zaporizhzhia City Territorial Social Service Centre **does not have an admission and quarantine unit**, where the residents should be placed upon admission for a period of 14 days for further observation and infection control in the unit.

The unit also does not have an isolation room to prevent the spread of infectious diseases, which violates the requirements of Article 21 of the Law of Ukraine “On Protection of the Population from Infectious Diseases”.

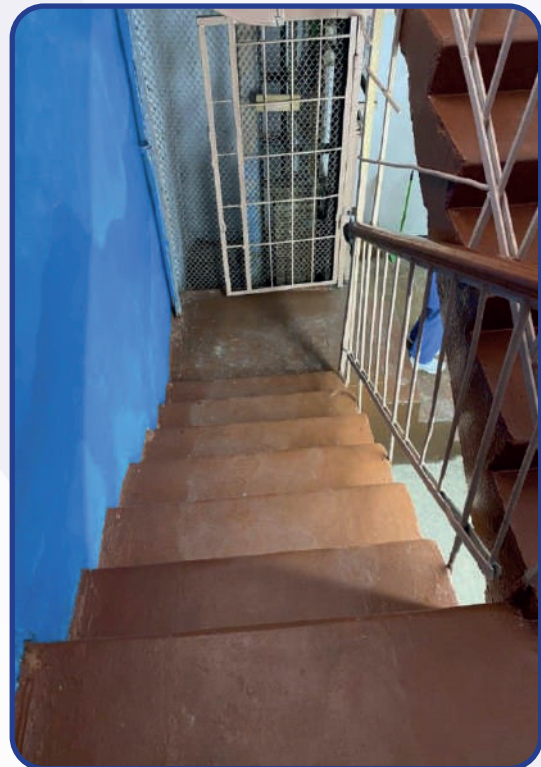
2.4. Residential conditions

2.4.1 Civilian protection of residents of social facilities

The geriatric hospital of the Zaporizhzhia City Territorial Centre for Social Services **lacks protective structures** (shelters) and any equipped basements that should ensure the safe stay of the residents in the event of air raid or shelling, which does not meet the requirements of paragraph 7 of Section XVII of the State Standard of Inpatient Care for Persons who have lost the ability to self-care or have not acquired such ability, approved by Order of the Ministry of Social Policy of Ukraine No. 198 dated 29 February 2016, paragraph two of sub-clause 2 of clause 5 of the Criteria for the Activities of Social Service Providers, approved by Resolution of the Cabinet of Ministers of Ukraine No. 185 dated 03 March 2020, and the requirements of Order of the Ministry of Internal Affairs of Ukraine No. 579 dated 09 July 2018 “On Approval of Requirements for the Use and Accounting of the Civil Protection Shelter Fund”. In the event of an air raid alert in the region, the residents continue to stay in their living rooms.

During the visit to the Voznesensk Geriatric Nursing Home, it was also found that the basement is used as a warehouse, and the conditions for including such premises in the fund of civil protection facilities are not met (photo 43).

In addition, the basement has steep stairs, which **makes it impossible** for the residents with limited mobility to quickly evacuate to a shelter (Photo 44).



Photos 43, 44 Voznesensk Geriatric Nursing Home

In the event of an air raid alert in the region, the residents adhere to the “two walls” rule, the bedridden residents are covered with blankets.

In addition, in violation of the requirements of DBN V.2.5-56:2014 “Fire Protection Systems”, Voznesensk Geriatric Nursing Home is **not fully equipped with an automatic fire alarm**, alert and evacuation system, which can pose a threat to the life and health of residents and staff in the event of an emergency.

There are no shelters in the Teterivka OCH, and the basement of the facility cannot be used as a protective structure because it does not meet the requirements. It should be noted that the OCH takes measures to ensure the right to life and safety of its residents, namely, by letter of 06 September 2023, it informed the Department of Social Protection of the Zhytomyr Regional Military Administration of the lack of shelter on the territory of the facility. In addition, the basement of the residential building has been subject to flooding for many years, which has led to the destruction of the reinforced concrete ceiling and foundation, as well as the formation of mould and mildew on the walls of the residential rooms. The facility repeatedly informed the Department of the above in its letters.

2.4.2 Material and living conditions

In violation of the requirements of paragraph 35 of the Model Regulations on a residential care home for the elderly and persons with disabilities, approved by the Cabinet of Ministers of Ukraine on 02 September 2020 under No. 772, all living rooms of the Zaporizhzhia City Territorial Centre for Social Services do not have staff call buttons. In addition, in the inpatient department of this facility, it was found that in some of the living rooms the **standard of space per resident was not met**. In accordance with paragraph 6.1.1.1 of DBN V.2.2-18:2007 — for persons able to move independently and for persons with disabilities who are wheelchair users at the rate of at least 8 sq.m. and 10 sq.m. per person, respectively, but not less than 10 sq.m. and 12 sq.m. — in single rooms; for bedridden patients — not less than 8 sq.m. per person, but not less than 9 sq.m. — in single rooms.

The living rooms of the Teterivka OCH also **lack staff call buttons**, which violates the requirements of DBN B.2.2-18:2007. In the event of a need for emergency medical assistance, the residents face a problem in getting help from medical professionals quickly and in a timely manner.

Failure to comply with the minimum space standards is typical for different places of detention. During the visit to the Vesele PNRCH, the NPM group found overcrowding in the rooms of the residential care home. Thus, the area of one of the rooms is 22.6 sq.m., and the room itself is designed to accommodate 7 bedridden people (there are 7 beds in the room). Therefore, there is 3.2 sq.m. per person.

The actual occupancy rate of the Chernivtsi Regional Psychiatric Hospital is significantly higher than its planned one (490 patients for 360 beds), which indicates **overcrowding in the facility** and systemic problems in the organisation of medical services.

This leads to a deterioration in the quality of treatment due to a lack of beds and a violation of patients' right to healthcare and medical care. In particular, the vast majority of wards have more than 10 patients, which is contrary to the requirements of paragraphs 8.3.2.6 and 8.3.2.7 of the State Building Code of Ukraine for Healthcare Facilities B.2.2- 10:2022. As a result of violations of the norms of space per person (an average of about 3.7 sq.m. with a minimum of 7 sq.m.) and overcrowding, some patients' beds are placed close together, and some patients' beds are in the dining hall. The wards themselves are pass-through rooms. In violation of the requirements of the DBN, there are insufficient bedside tables and cabinets for storing patients' personal belongings in the wards. The above does not comply with paragraphs 32-36 of the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CPT/Inf(98)12-part, which stipulate that healthcare facilities should create a positive therapeutic environment, provide patients with sufficient space to live, sufficient lighting, heating, and equipment for patient rooms and recreational areas to provide patients with visual stimulation.

The windows of the vast majority of wards in the Chernivtsi Regional Psychiatric Hospital have **fixed bars**. However, paragraph 9 of the Procedure for the provision of psychiatric care in inpatient settings, approved by Order of the Ministry of Health No. 2085 dated 07 December 2023, prohibits the installation of bars on the windows of wards used for the provision of psychiatric care in inpatient settings (photo 45). If it is necessary to install bars on the windows of the premises of facilities where people are present, the latter must be capable of being opened, slid open or removed in accordance with clause 2.16 of the Fire Safety Rules in Ukraine, approved by the Order of the Ministry of Internal Affairs of Ukraine No. 1417 dated 30 December 2014.

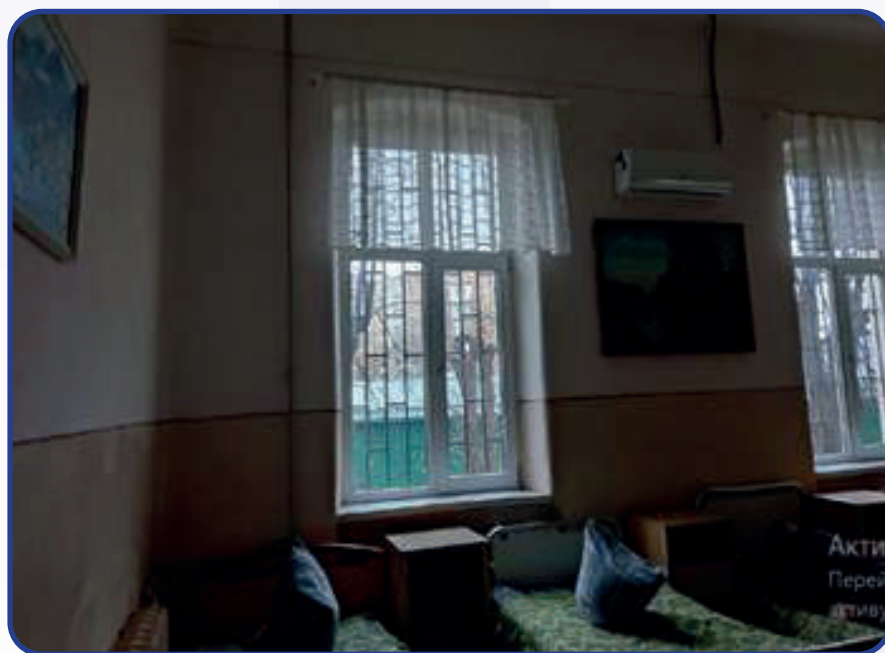


Photo 45. Chernivtsi Regional Psychiatric Hospital

Another problem is compliance with the **temperature regime** in the premises, in the rooms of the residents of the Cheres PNRCH the temperature was 16 degrees Celsius, and the visit took place on 12 March 2024.

The NPM monitors also recorded **insufficient lighting**. There is insufficient artificial lighting in bedrooms and classrooms. During a visit to the children's shelter of the Volyn Regional State Administration's Children's Service, the NPM group found that only 1-2 lamps out of 4 were working.

2.4.3 Nutrition of the residents

In the Zaporizhzhia City Territorial Centre for Social Services, kitchen workers, in violation of sanitary and epidemiological standards, do not take and **do not store daily samples of dishes** and culinary products, which are taken to control the quality and safety of cooked food in separate hermetically sealed, labelled sterile containers for a period of at least 48 hours (from the moment of storage) in a refrigerator at a temperature of +2...+6 °C.

The NPM group found violations of **product proximity** in the refrigerators in the food preparation area of the establishment, as well as the presence of unlabelled food products, which contradicts paragraph 1 of Article 32 of the Law of Ukraine "On the Basic Principles and Requirements for the Safety and Quality of Food Products". There were expired canned food in the storage room (photo 46).

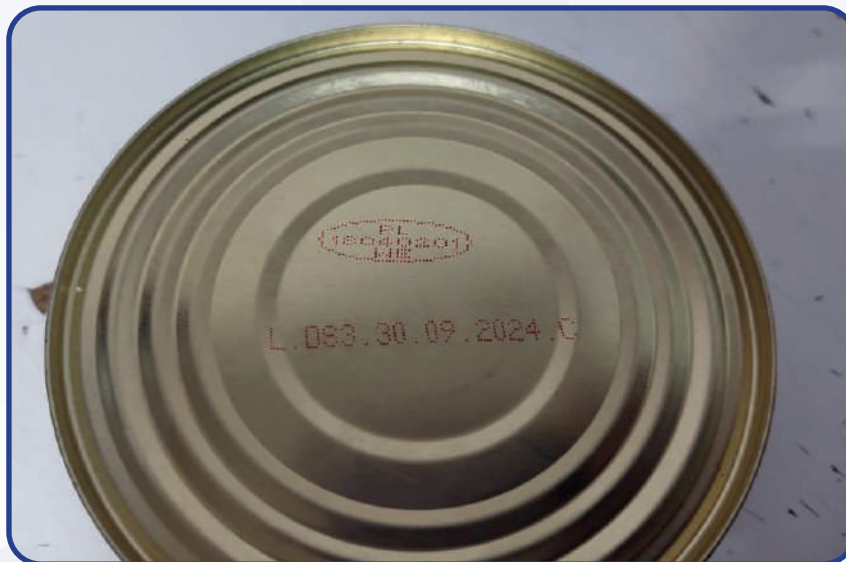


Photo 46. Zaporizhzhia City Territorial Centre for Social Services

In the same facility, in violation of the Model Regulations, the last meal is organised from 18:00 to 19:00, but should be organised no later than two hours before bedtime (photo 47).

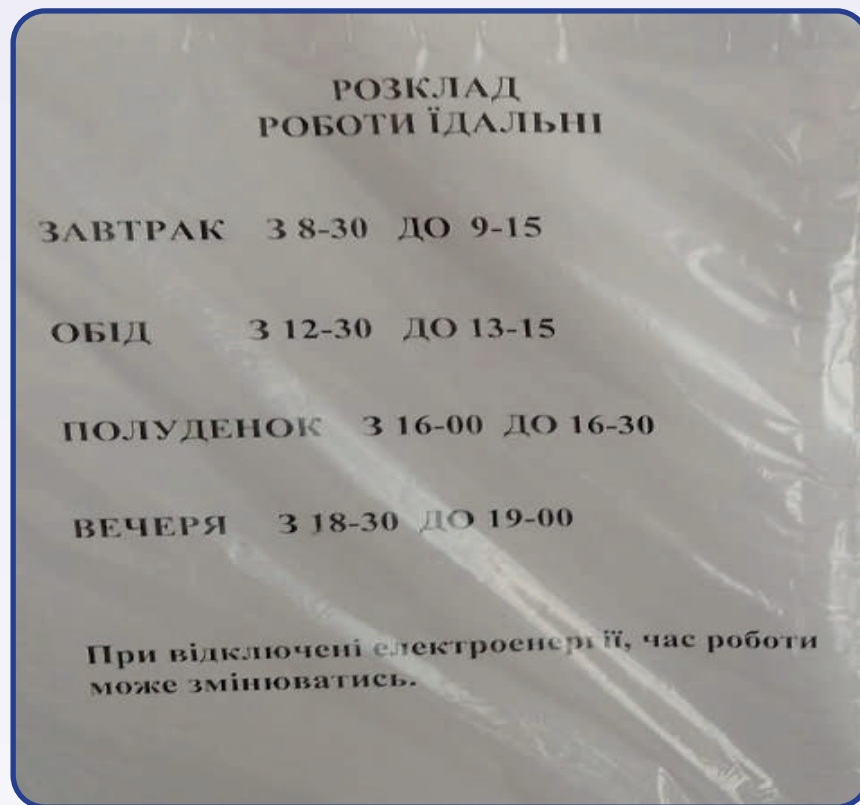


Photo 47. Zaporizhzhia City Territorial Centre for Social Services

In the warehouse of the Chernivtsi Regional Psychiatric Hospital, **expired food** and food with an unspecified expiration date were also found (unlabelled sour cream, sausages and chicken eggs with an expired shelf life were stored in the freezer, and the principles of product proximity were not observed). This is a violation of the Law of Ukraine “On Basic Principles and Requirements for Food Safety and Quality” and violates the patients’ right to safe food, which may pose a threat to their lives and health.

Voznesensk Geriatric Nursing Home lacks **drinking water tanks** in places accessible to the residents, namely in the corridors of the residential building and in the residents’ rooms. In turn, the premises of the dinign hall and the residential building require disinfestation measures due to the proliferation of cockroaches. In accordance with the requirements of Article 18 of the Law of Ukraine “On Protection of the Population from Infectious Diseases”, legal entities, regardless of ownership, and citizens are obliged to ensure preventive disinfection measures in residential, industrial and other premises (buildings) and on land plots owned or leased by them, and take other measures to prevent the breeding of rodents and insects (photo 48).



Photo 48. Voznesensk Geriatric Nursing Home

The interviewed residents of the Cheresh PNRCH did not approve of the quality of the dishes prepared and their unsightly appearance, which did not make them want to eat.

The residents also spoke about the **inappropriate behaviour of the dining hall staff**, when they took what they believed to be portions prepared for patients for their own use and poured food for the second shift of patients into dirty dishes. According to the residents, the first courses, which contain only beetroot and potatoes, are not tasty. At the same time, the staff justify that it is difficult to cook delicious food for so many people.

At the Regional Medical Centre for Mental Health of the Zhytomyr Regional Council, according to the patients and staff, individual bedding is changed once every two weeks, which is a **violation of sanitary requirements**, in particular paragraph 2 of section IV of the Instruction on the collection, sorting, transportation, storage, disinfection and laundry in healthcare facilities, approved by order of the Ministry of Health of Ukraine No. 293 dated 30 April 2014. Patients' linen should be changed regularly as it becomes soiled, but at least once a week.

2.5. Other violations

2.5.1 Right to freedom of movement and communication with the outside world

According to paragraph 33 of the Rules for the Application of Compulsory Medical Measures in a Special Psychiatric Care Facility, approved by Order of the Ministry of Health of Ukraine No. 992 dated 31 August 2017, patients who have been subjected to compulsory medical measures in the form of hospitalisation

to a psychiatric care facility with enhanced and regular supervision may leave the territory of the Special Psychiatric Care Facility. The fact that a patient of the Regional Medical Centre for Mental Health of the Zhytomyr Regional Council leaves the territory of the facility should be recorded in the register of patients who have been granted permission to leave the territory. In fact, they are deprived of the opportunity to go even to the territory of the facility to purchase items in the store permitted by the Procedure.

In violation of paragraph 9 of the Procedure for the provision of psychiatric care in inpatient settings, approved by Order of the Ministry of Health No. 2085 dated 07 December 2023, the entrance doors to all visited departments of the Chernivtsi Regional Psychiatric Hospital **were locked**. In accordance with the current legislation, entry/exit from the units must be free, taking into account public safety requirements at night. In addition, this hospital does not provide patients with the opportunity to take walks. During confidential conversations with the patients, they reported that they **had not been outside the hospital premises** during the entire time they were in the facility. According to the medical staff, such walks are provided individually only when the patient has visitors.

In the day care facility of the Chortoryia PNRCH, most people stay **all day without the right to leave the territory** and enter the living rooms. According to the residents, there are those who are prone to escape. The practice of such care, which has nothing to do with the application of a set of rehabilitation measures that respect human rights and dignity, needs to be reviewed immediately. In violation of paragraph 37 of the Model Regulations on Psychoneurological Residential Care Homes, the supervision regime does not provide the most favourable conditions for conscious treatment and rehabilitation of the wards, respect for their dignity, encouragement of independence and socially useful initiative.

According to paragraph 13 of the above-mentioned Procedure for the provision of psychiatric care, the patients have the right to make telephone calls and use the global Internet (at their own expense), taking into account the daily routine of the psychiatric care facility. During a monitoring visit to the Chernivtsi Regional Psychiatric Hospital, unlawful restrictions were imposed by staff on patients' use of their own mobile phones (photo 49).



Photo 49. Chernivtsi Regional Psychiatric Hospital

2.5.2 Leisure

During a visit to the Vesele PNRCH, it was found that in the halls where recreation areas are equipped, the residents are forced to sit **on the floor** due to the lack of sufficient seating. This makes it impossible to provide a positive therapeutic environment and can also lead to a deterioration in the health of the patients.

The residents of the Radomyshl PNRCH were on the territory of the facility during the visit. Those who, due to health reasons, cannot or do not want to leave the living room, spend their time sitting on chairs. It is forbidden to lie down in bed during the day, which is closely monitored by other residents.

The facility's administration denies the ban on staying in rooms during the day and lying on beds, but the members of the monitoring group were convinced during an inspection of the premises that this rule is strictly followed by all residents, except for those who can no longer move independently at all. The director did not pay attention to the monitors' comments, as she does not see any human rights violations in this state of affairs.

2.5.3 Occupational therapy

The Chortoryia PNRCH has recorded violations of the rights of persons with disabilities to organise rehabilitation work and daytime activities in accordance with their needs. Several residents work on the subsidiary plot. According to them, they enjoy this work, caring for animals throughout the working day, but they are not paid for their labour, which is a violation of their rights to receive payment for work performed on an equal basis with others.

During conversations with other residents, it was established that a large number of the residents are **involved in various types of work** at the residential care home, in particular, they wash the floors in toilets and living rooms and take out the rubbish. The payment for their work is cigarettes, which the staff gives them. In total, according to the information received, 24 residents of the residential care home are involved in such work. A labour adaptation plan is available, but it was drawn up back in 2022.

The NPM group found a similar situation during a visit to the Vesele PNRCH. Three residents were in the PNRCH storage room during the day. According to the residents, they voluntarily perform various types of work on a daily basis, free of charge.

Instead, the residents at the Radomyshl PNRCH are involved in **work related to caring for other residents**, including looking after bedridden residents, performing sanitary and hygiene procedures, and changing diapers. All of these types of care are part of the functional responsibilities of the staff and are not part of self-service work. The monitors learned about this while talking to the residents, when they asked how they spent their day.

2.5.4 Incapacity and use of patient funds

The problem of compliance with the procedure for **depriving PNRCH residents of their civil capacity** is recorded in various facilities. The monitors have recorded that at the Chervonenskyi PNRCH, a mechanism is in place whereby a lawyer from the facility submits an application on behalf of the facility to the guardianship and custody authority with documents regarding the “establishment of legal capacity” of the person, and a psychiatrist, citing the presence of a mental illness, provides an opinion on the need to deprive the person of legal capacity. Such a procedure is illegal, since the current legislation of Ukraine does not provide for the establishment or confirmation of a person’s legal capacity in court. The Civil Code of Ukraine only provides for procedures for recognising a person as incapacitated or with limited legal capacity, as well as for restoring civil legal capacity by court decision if the grounds for its limitation no longer apply. Furthermore, a medical diagnosis alone is not grounds for deprivation of legal capacity, and guardianship and custody authorities do not have the power to decide on its establishment or renewal — such issues are decided exclusively by the court.

In addition, the director was appointed by court decision as the guardian of 89 residents. As a natural person, he cannot effectively perform the duties of a guardian for such a large number of residents, so, in particular, the accounting for the use of the personal funds of such incapacitated residents is “carried out” by the organiser of cultural and leisure activities.

Documentation of the expenditure of these funds is maintained in accordance with the Procedure for the use of pensions (monthly lifelong financial support) and/or state social benefits accrued in accordance with the legislation to orphans, children deprived of parental care, incapacitated persons and persons with limited civil capacity, who are residents/wards of mental health institutions, psychoneurological residential care homes, approved by order of the Ministry of Social Policy of Ukraine dated 17 August 2018 under No. 1173 (hereinafter referred to as the Procedure for Using Pensions).

At the same time, since the **residents only have the opportunity to make purchases twice a month**, some residents accumulate large sums of money that are not used for the needs of their owners. In particular, resident T.H. has UAH 149,420 in his account, and M. M. – UAH 102,524, Ts. P. – UAH 116,524, etc.

During communication with the residents, the members of the monitoring group received information that there are relative guardians who have not appeared at the residential care home for two years and have not properly fulfilled their duties, about which the administration of the institution should inform the guardianship and trusteeship authorities and facilitate the replacement of the guardian and the interests of the residents, but this is not happening.

In the Vesele PNRCH, the NPM group found that the **funds** of incapacitated residents, whose guardian is the facility, **are not used for a long time** due to the responsible person being on leave. This violates the above-mentioned Procedure for the Use of Pensions.

In violation of the aforementioned Procedure for the Use of Pensions, **no commission on the use of residents' funds has been established** at the Vynohradivskyi PNRCH. Documentation on accounting for the funds of an incapacitated person is kept in an arbitrary form and does not comply with Annexes 2 and 3 of the Procedure for the Use of Pensions. Information on the use of residents' funds must be reflected in the report on the facility's activities to protect the rights and interests of the residents, including the preservation of their property and housing, which is submitted by the director of the facility annually no later than 1 February to the guardianship and trusteeship body at the place of residence of the registered residents. Contrary to paragraph 13 of the Procedure for the Use of Pensions, the specified report is not submitted by the director to the guardianship and trusteeship body.

During confidential conversations with the members of the monitoring group, the residents of the Vynohradivskyi PNRCH complained that the **staff forced them to buy household chemicals** with their pension funds. In case of refusal to purchase the specified goods by the staff, various restrictions are applied to the residents. This contradicts paragraph 6 of the Model Regulations on a Psychoneurological Residential Care Homes, approved by Resolution of the Cabinet of Ministers of Ukraine No. 957 dated 14 February 2016, according to which residents of the PNRCH, in accordance with established norms, are provided with all communal and household services, items, materials and equipment.

Violations of the right to own, use and dispose of one's property were also recorded at the Cheresh PNRCH. According to court decisions, a social worker at the facility exercises guardianship over 108 incapacitated residents of the PNRCH. During the study of the documentation, it was established that funds are accumulated in the personal accounts of residents, with a **total of over UAH 3.4 million accumulated**. According to the guardian, funds are accumulated in the absence of needs for the incapacitated residents. The list of goods purchased in accordance with personal written requests is extremely limited and typical for the vast majority of residents. The guardian's office contained goods (cigarettes), which were issued according to the issuance document. In violation of clause 13 of the Procedure for the Use of Pensions, the guardian does not submit a report on the use of the residents' funds to the guardianship and trusteeship body at the place of residence of the registered residents.

It was established that social workers are not properly performing their duties to **purchase household goods** and food for residents. Since the stores where the residents purchase the things they need are located far from the facility, the residents are forced to use the services of the social workers. The goods are purchased not monthly, but once every 2-3 months. To order goods, there are not enough legal grounds for monthly purchases, namely, sometimes the residents have to ask a lot and be extremely polite to get the order fulfilled.

2.5.5 Right to legal aid and access to information

In accordance with Article 14 of the Law of Ukraine “On Free Legal Aid”, the vast majority of the residents in detention facilities, for one reason or another, are included in the list of persons entitled to free secondary legal aid guaranteed by the state, which consists of providing legal services aimed at ensuring the realisation of human and civil rights and freedoms, protecting these rights and freedoms, and restoring them in the event of a violation, consisting of providing legal information, consultations and explanations on legal issues; drafting statements, complaints, procedural and other legal documents; representing the interests of individuals in courts, other state bodies, local self-government bodies, and before other persons; ensuring the protection of individuals from prosecution; providing individuals with assistance in ensuring access to secondary legal aid and mediation.

During confidential conversations with the residents of the Vesele PNRCH, some of them **complained about the lack of legal assistance** regarding the following issues: transfer to other facilities, property management, receiving state social assistance.

This is all a result of the **lack of established cooperation** between the residential care home and the local centre for the provision of free secondary legal aid, which in turn leads to a violation of the residents’ rights to access professional legal aid.

The lack of legal support makes it difficult for the residents to obtain the necessary information and consultations, which, in turn, negatively affects the resolution of their legal issues and limits the opportunities to protect their rights and freedoms.

Similarly, the Liubyskyi PNRCH has not established cooperation with the local centre for the provision of free secondary legal aid, which leads to a violation of the residents’ right to professional legal assistance.

In addition, during the visit, it became known about the violation of the rights of the incapacitated resident Puzakov Volodymyr Pavlovych, born on 30 July 1949, whose guardian died on 24 October 2021. The incapacitated resident Puzakov V.P. has not had a guardian since 24 October 2021, which has led to a number of violations of his rights over a long period of time, namely: deprived of the opportunity to represent his interests in court; interact with state authorities; conclude contracts for the provision of medical services, etc. The NMP group was not provided with any supporting documents regarding the residential care home administration’s taking measures to appoint a guardian for Puzakov V.P. and assist in providing him with legal assistance.

Another problem is that court hearings are mostly held **without the participation of the patients**, as the monitors learned during individual conversation with patients and staff. The patients of the Regional Medical Centre for Mental Health of the Zhytomyr Regional Council sign documents certifying their consent to holding meetings without their personal participation. According to the patients, no one is offering them to participate in person or via video conference, which violates the patients’ right to participate in the trial.

According to Article 6 of the European Convention on Human Rights, everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. This right includes the ability to participate in the process in person or through technology such as video conferencing. Article 25 of the Law of Ukraine “On Psychiatric Care” guarantees patients the right to personally participate in court hearings, to express their opinion on the conclusions of psychiatrists in court hearings when resolving issues related to the provision of psychiatric care to them and the restriction of their rights in this regard.

During the visit to the Voznesensk Geriatric Nursing Home, the information stands at the facility **did not contain information** about the rights and obligations of the residents, the addresses and contact details of officials whom residents and staff can contact in case of violation of their rights, information about the Ukrainian Parliament Commissioner for Human Rights, etc.

The Nizhni Stanivtsi PNRCH has an information stand about the activities of the facility, the rights of the residents, as well as the telephone numbers and addresses of officials to whom they can turn in case of violations. However, the facility **has not concluded a cooperation agreement with the free legal aid centre**. According to the facility’s administration, this situation arose due to the reform of the territorially adjacent free legal aid centre.

RECOMMENDATIONS

The reports analysed in the preparation of this document contained their own recommendations, which were formulated by the monitoring groups based on the results of visits to the facilities. In the process of preparing this analytical report, a thematic grouping and comparative analysis of previously provided recommendations was conducted. Therefore, the following are generalised and structured recommendations.

REGARDING VISITS TO PENITENTIARY INSTITUTIONS

Cabinet of Ministers of Ukraine

1. Policy coordination. Develop and establish financial incentives for government customers to interact with the PI production units (social entrepreneurship, transparent orders).
2. Regulatory and legal regulation. Initiate amendments to the Criminal Enforcement Code (CEC) of Ukraine regarding:
 - independent review of complaints with practical results of their review and changes in practice;
 - prohibition of humiliation in disciplinary methods;
 - regulate labour and healthcare rights.
3. Financing. Provide in the state budget for:
 - funds for modernisation of the PI infrastructure (repairs, fire safety, shelter);
 - special programs to support medical services in the PI (telemedicine, staff, equipment).

Ministry of Justice of Ukraine

1. Administrative unification.
 - Approve unified mandatory forms of logs, documentation, and accounting in accordance with the Procedures of the Ministry of Health/Ministry of Justice, and eliminate duplication.
 - Effectively regulate the continuous documenting bodily injuries, obtaining medical consent, concluding declarations with family doctors, working conditions of convicts, occupational safety, and working and rest hours.
2. Staff training. Provide regular training:
 - combating torture;
 - civil protection (in case of emergencies);
 - legal protection of convicts (signs of violation).

SCES

- Conduct awareness-raising activities among staff: preventing torture, humiliation, and violations of rights.
- Take into account the staffing crisis of the HC-SCES: increase salaries, provide benefits and guarantees, and introduce state support measures.
- Prohibit demanding from monitors unjustified permits or documents not provided for by the CEC (Article 24) or by law.
- In the event of a spike in complaints or violations in a certain institution or region: initiate internal and law enforcement investigations.
- Ensure a high-quality process of recording bodily injuries by medical professionals (with photo documentation, date, signature).
- Increase the inclusiveness of the PIs: to equip ramps and assistance equipment for people with disabilities in all PIs where they are located.
- Arrange shelter in accordance with the standards: after conducting an inventory, ensure their suitability for the residence of the convicts during emergencies.
- Conduct an audit of compliance with fire safety standards, ensure repairs and train personnel on evacuation.
- Check the equipment of labour protection equipment: helmets, gloves, protective clothing, etc., and implement their daily accounting.
- Legally formalise employment relations with the convicts: official contracts, full payment, timekeeping, labour protection.
- Establish cooperation with the Pension Fund of Ukraine to ensure the resolution of systemic problems of social rights of the convicts.
- Introduce incentive state mechanisms for customers to stimulate production by the facilities (transparent public procurement, competitions).
- Provide the convicts subject to disciplinary sanctions with free access to quality legal aid.
- Eliminate video surveillance not provided for by law.
- Medical examinations should be confidential.
- Provide drinking water tanks in the living quarters of the SPS.
- Kitchens should have alternative energy sources for cooking (e.g. in case of power outages).
- Internet resources: coordinate the convicts' access to the Internet, tablets, electronic offices, electronic mailboxes, legal consultations, etc.

Health Centre of the State Criminal Enforcement Service (HC-SCES)

- Check the conditions of patients' stay in health care facilities: ensure compliance with sanitary, hygienic, and infrastructure requirements.
- Stop restricting the monitors' access to medical records and medical buildings that are not provided for by law.
- Increase the inclusiveness: to equip ramps, sanitary rooms and bedrooms for people with disabilities.
- Establish coordination with the Ministry of Health to transport persons for medical purposes without interruptions in therapy.
- Create a clear and working algorithm for involving Ministry of Health doctors in case of vacancies in the health centre.
- Establish an effective system for responding to the inmates' complaints about inadequate medical care.

- Eliminate shortages of medicines and equipment: tests, diagnostics, antivirus drugs, equipment.
- Strengthen control over medications: checking expiry dates, seizing expired medicines.
- Monitor medical documentation at all levels — introduce additional audits.
- Provide 24-hour medical supervision for inpatients.
- Provide access to radiotherapy.
- Conduct full testing for CD4, viral load, and B/C hepatitis for appropriate categories of the inmates.
- Provide medical units with at least two isolation wards for infectious patients.
- Organise the involvement of doctors of the Ministry of Health for preventive examinations in case of staff shortage.
- Expand individual rehabilitation programs for people with disabilities.
- Optimise palliative care in health care facilities or refer patients to civilian hospitals.
- Equip medical units with dental X-ray machines.
- Check the availability of defibrillators and electrodes in each medical unit.
- Check the condition and functionality of IDIS telemedicine complexes in all facilities of the HC-SCES.

REGARDING SOCIAL INSTITUTIONS

1. Ministry of Social Policy of Ukraine / National Social Service of Ukraine

- Update state standards for inpatient care, taking into account inclusiveness, privacy, respect for human dignity, and observance of human rights.
- Provide mandatory training for staff of social institutions in the basics of human rights, safety, and care in accordance with state standards.
- Strengthen control over the appointment of guardianship — optimise the practice when one person is the guardian of a significant number of incapacitated residents.
- Conduct a comprehensive audit of compliance with legal requirements in social institutions where mass human rights violations were recorded, with an assessment of the actions/inaction of RMA officials.
- Ensure the updating of the regulatory framework regarding the use of pension funds and state social assistance for residents in order to prevent abuse.
- Provide clarification on nutritional standards, standards for providing personal belongings, sanitation conditions, and access to cultural and rehabilitation activities.

2. Ministry of Health of Ukraine

- Introduce mandatory hematological examinations for residents taking antipsychotic drugs (including Clozapine).
- Take measures to introduce unified clinical protocols for psychiatric care in social security institutions.
- Provide clarification on the use of the “Affordable Medicines” program in social residential care homes and psychoneurological facilities.
- Ensure storage of medicines in accordance with the orders of the Ministry of Health, as well as proper disposal of expired drugs.

3. Ministry of Internal Affairs of Ukraine / State Emergency Service

- Strengthen control over fire safety in social institutions, including: replacement of fixed bars for openings; installation of fire alarm, alert and evacuation systems; monitoring the safety of household chemicals.
- Ensure compliance with the requirements for the arrangement of shelters in accordance with current regulations in each social institution.

4. Regional administrations and regional councils

- Ensure systematic control over the observance of human rights in social institutions, in particular under martial law, in terms of: access to medical care; privacy of residence and sanitary and hygienic procedures; safety and dignified treatment; nutrition and sanitation.
- Take urgent measures to: eliminate violations recorded in monitoring visit reports; eliminate their causes and conditions; prevent recurrence of such violations.
- Provide adequate infrastructure and living conditions, including: arranging shelters; carrying out repairs to residential buildings; bringing conditions into line with the requirements of the State Building Standards regarding inclusion and barrier-free access; ensuring living spaces in accordance with the norms.
- Strengthen medical-social interaction, including: concluding cooperation agreements between residential care homes and healthcare institutions; ensuring regular preventive examinations and specialized medical care; bringing medical documentation into line with the standards of the Ministry of Health.
- Consider personnel issues: take measures to involve psychiatrists in work in psychiatric hospitals; ensure the availability of a sufficient number of qualified personnel for care.
- Promote access to legal aid: concluding agreements with free legal aid centres; posting information about the rights of residents and contacts of rights protection bodies.
- Ensure the participation of residents in rehabilitation and socialization activities, taking into account their health status and individual needs.

No.	Detention facility	Date of visit References	References
1	Dykanivska CF No. 12	21.12.2023	https://khpg.org/1608813239
2	Pervomaiska CF No. 117	22.12.2023	https://khpg.org/1608813240
3	Naderzhynshchynska CF No. 65	05.04.2024	https://ngoauu.org/shist-cholovikiv-cilodobovo-vedut-videosposterezhennya-za-zhinkami-v-spalnix-kimnatax/
4	Zhytomyr PI No. 8	29.04.2024	https://khpg.org/1608813663
5	Zhytomyr CF No. 4	30.04.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-zhitomirsko%D1%97-vipravno%D1%97-koloni%D1%97-4
6	Berdychiv CF No. 70	01.05.2024	https://khpg.org/1608813665
7	Berdychiv CC No. 108	02.05.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-berdichivskogo-vipravnogo-centru-108/
8	Bila Tserkva CF No. 35	03.05.2024	https://khpg.org/1608813667
9	OLeksiivska CF No. 25	01-03.07.2024	https://khpg.org/1608813834
10	Temnivka CF No. 100	02-04.07.2024	https://ngoauu.org/xochesh-tarochku-prosi-dozvil-zvit-za-rezultatami-monitoringovogo-vizitu-do-temnivsko%D1%97-vipravno%D1%97-koloni%D1%97-100/

11	Kharkiv CF No. 43	05.07.2024	https://ngoauu.org/zustrich-z-mishkom-na-golovi-chaj-i-tyutyun-zamist-zarplatni-zvit-za-rezultatami-monitoringovogo-vizitu-do-xvk-43/
12	Sumy PTDC	10.10.2024	https://khpg.org/1608813839
13	Stryzhavka Multidisciplinary Hospital No. 81	27.08.2024	https://khpg.org/1608813957
14	Vinnytsia PI No. 1	28.08.2024	https://khpg.org/1608813958
15	Ladyzhyn CF No. 39	29.08.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-ladizhinsko%D1%97-vipravno%D1%97-koloni%D1%97-39/
16	Sofiivska CF No. 45	13-14.09.2024	https://khpg.org/1608814053
17	Piatykhodka CF No. 122	16.09.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-pyatixatsko%D1%97-vipravno%D1%97-koloni%D1%97-122/
18	Odessa PTDC	17.09.2024	https://khpg.org/1608814099
19	Shepetivka CF No. 98	08.11.2024	https://khpg.org/1608814202
20	Petrivska CF No. 49	15-16.11.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-petrivsko%D1%97-vipravno%D1%97-koloni%D1%97-49/
21	Kropyvnytskyi PTDC	11.11.2024	https://khpg.org/1608814209
22	Kropyvnytskyi CF No. 6	12.11.2024	https://khpg.org/1608814232
23	Zbarazh CF No. 63	16-17.12.2024	https://ngoauu.org/zvit-za-rezultatami-monitoringovogo-vizitu-do-zbarazko%D1%97-vipravno%D1%97-koloni%D1%97-63/

Penal institutions visited within the NPM mandate

No.	Detention facility	Date of visit	References
1	Sokyriany CF No. 67	12.03.2024	https://files.notorture.org.ua/ZvityNPM/2024/zvit-sokiryanska-vipravna-koloniya-67.pdf
2	Mena CF No. 91	24.04.2024	https://files.notorture.org.ua/ZvityNPM/2024/zvit-menska-vk-91.pdf
3	Chernihiv PTDC	25-26.04.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20Chernihivs%CA%B9kyy%20SIZO.pdf
4	Voznesensk CF No. 72	16.07.2024	https://files.notorture.org.ua/ZvityNPM/2024/zvit-vozneseenska-vk-72.pdf
5	Mykolaiv PTDC	17-18.07.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20po%20Mykolayivs%CA%B9komu%20SIZO.pdf
6	Stari Babany CF No. 92	11.09.2024	https://files.notorture.org.ua/ZvityNPM/2024/zvit-starobabanivska-vk-92.pdf
7	Vilniansk PI No. 11	07.10.2024	https://files.notorture.org.ua/ZvityNPM/2024/zvit-vilnyanska-uvp-11.pdf
8	Zaporizhzhia PTDC	08.10.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20Zaporiz%CA%B9kyy%20SIZO.pdf

Social institutions visited within the NPM mandate

No.	Detention facility	Date of visit	References
1	Shelter for children of the Children's Service of the Volyn Regional State Administration	29.11.2023	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvitpritulokvolin2023-red.pdf
2	Chortoryia Psychoneurological Residential Care Home	11.03.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%97%D0%92%D0%86%D0%A2%20%D0%A7%D0%BE%D1%80%D1%82%D0%BE%D1%80%D0%B8%D0%B9%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%9F%D0%9D%D0%86.pdf
3	Chernivtsi Regional Psychiatric Hospital	11.03.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-pnl-chernivtsi-1.pdf
4	Cheresh Psychoneurological Residential Care Home	12.03.2024	https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/22.05.2025%20%D0%A7%D0%B5%D1%80%D0%B5%D1%88%D1%81%D1%8C%D0%BA%D0%B8%D0%B9.pdf
5	Nyzhns Stanivtsi Psychoneurological Residential Care Home	13.03.2024	https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/22.05.2025%20%D0%BD%D0%B8%D0%B6%D0%BD%D1%8C%D0%BE%20%D1%81%D1%82%D0%B0%D0%BD%D1%96%D0%B2%D0%B5%D1%86%D1%8C%D0%BA%D0%B8%D0%B9.pdf
6	Chervonenskyi Psychoneurological Residential Care Home	24.04.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20Chervonens%CA%B9koho%20PNI.pdf
7	Liubetskyi Psychoneurological Residential Care Home	25.04.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-14.pdf
8	Chernihiv Regional Psychiatric Hospital	26.04.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-19.pdf

9	Berezivka Psychoneurological Residential Care Home	29.05.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-35.pdf
10	Regional Medical Centre for Mental Health of the Zhytomyr Regional Council	29.05.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20KZ%20OMCPZ.pdf
11	Radomyshl Psychoneurological Residential Care Home	30.05.2024	https://files.notorture.org.ua/ZvityNPM/2024/Zvit%20KZ%20Radomyshl%CA%B9s%CA%B9kyy%20PNI.pdf
12	Teterivka Orphan Care Home	31.05.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%97%D0%B2%D1%96%D1%82_%D0%A2%D0%B5%D1%82%D0%B5%D1%80%D1%96%D0%B2%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%94%D0%91%D0%86.pdf
13	Voznesensk Geriatric Nursing Home	16.07.2024	https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/22.05.2025%20%D0%92%D0%BE%D0%B7%D0%BD%D0%B5%D1%81%D0%B5%D0%BD%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%9F%D0%9D%D0%86.pdf
14	Vynohradivskyi Psychoneurological Residential Care Home	17.07.2024	https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/22.05.2025%20%D0%92%D0%B8%D0%BD%D0%BE%D0%B3%D1%80%D0%B0%D0%B4%D1%96%D0%B2%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%9F%D0%9D%D0%86.pdf
15	Mykolaiv Geriatric Nursing Home	18.07.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%97%D0%92%D0%86%D0%A2%20%D0%9C%D0%B8%D0%BA%D0%BE%D0%BB%D0%B0%D1%97%D0%B2%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%93%D0%9F.pdf
16	Vesele Psychoneurological Residential Care Home	07.10.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/%D0%97%D0%B2%D1%96%D1%82%20%D0%92%D0%B5%D1%81%D0%B5%D0%BB%D1%96%D0%B2%D1%81%D1%8C%D0%BA%D0%B8%D0%B9%20%D0%9F%D0%9D%D0%86.pdf

17	Liubyt'skyi Psychoneurological Residential Care Home	08.10.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-2-1.pdf
18	Geriatric hospital of Zaporizhia City Territorial Centre of Social Services	09.10.2024	https://ombudsman.gov.ua/storage/app/media/uploaded-files/zvit-gp-1.pdf

