

ZMĪNA

ANALYTICAL NOTE

**WHAT SHOULD
A SUPPORT SYSTEM
FOR VICTIMS OF
TORTURE LOOK LIKE?**



What should a support system for victims of torture look like? Analytical note / O. Syniuk.; ed. A.Lunova, Ye. Sokurenko, T. Pechonchyk — Kyiv, 2025. 28 p.

The analytical note aims to identify the needs and problems faced by victims of torture, cruel or inhuman treatment. The analytical note includes an assessment of the current state of the system of support for victims of war crimes, including torture, cruel or inhuman treatment, in Ukraine, with the aim of providing recommendations on the development of such a system. The research is based on the analysis of Ukrainian legislation on support for victims of the armed aggression of the Russian Federation against Ukraine, materials of Ukrainian and international NGOs on the practice of providing support to certain groups of victims in Ukraine, short-term and long-term consequences of trauma, standards for the development of a support system for victims of torture, as well as interviews with 40 victims of torture regarding the harm they suffered as a result of torture and their support needs.

Author of the report:

Onysiia Syniuk, Legal Analyst of the Human Rights Centre ZMINA

Editors:

Alena Lunova, Advocacy Director of the Human Rights Centre ZMINA

Yelyzaveta Sokurenko, Head of War Crimes Documentation Department of the Human Rights Centre ZMINA

Solomon Tejada Brown, English Language Proofreader of the Human Rights Centre ZMINA

Tetiana Pechonchyk, Head of the Board of the Human Rights Centre ZMINA



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The Human Rights Centre ZMINA is a Ukrainian human rights organisation working to protect freedom of speech, combat discrimination, prevent torture and cruel treatment, support human rights defenders and civil activists, as well as document international crimes and defend the rights of victims of war.

Website of the organisation: zmina.ua

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SUMMARY

1. The approach to supporting victims of the armed aggression in Ukraine began to develop as early as 2014. It is mainly based on the identification of groups of victims (e.g. IDPs, missing persons in special circumstances, etc.) and providing them with various forms of support. As of 2025, despite a significant increase in the number of victims and some progress in accounting for the damage caused by the armed aggression against Ukraine, this approach remains unchanged; there is neither an overall concept defining who the victims are nor a comprehensive system to support them.
2. Victims of international crimes, particularly torture and inhuman treatment, remain one of the least protected categories among those harmed as a result of the armed aggression against Ukraine. In Ukraine, 5,000 military personnel and 5,600 civilians have been officially recognised as victims of torture. However, the number of victims is even higher, as many did not contact law enforcement and have not been granted official victim status in criminal proceedings. There are no special support measures for this category of victims. Nevertheless, some of these persons may be eligible for other types of support, in particular as internally displaced persons, victims of CRSV, persons deprived of their liberty, etc. However, the support provided to these groups is not adequate to meet the needs of victims of torture.
3. The development of a support system for victims of torture requires an assessment of their short-term and long-term needs. Different types of torture lead to a range of immediate and delayed consequences. These consequences relate to physical health, such as intracranial hematomas, spinal cord injuries, cerebral edema, seizures, cardiovascular and sensory disorders, neurological consequences, problems with the musculoskeletal system, etc., as well as mental health—numbness/apathy, detachment, anxiety and fear, feelings of helplessness and depression. In the long term, the effects of torture lead to both chronic physical illnesses and chronic emotional states such as irritability, depression, anxiety, and emotional dysregulation. This provokes behavioural and cognitive changes, such as intrusive memories, fixation on the traumatic event, difficulty making decisions, suicidal thoughts, and avoidance of social situations, which may lead to the breakdown of social ties and the progression of dangerous behaviour.
4. To provide adequate and comprehensive support to victims of torture, based on a needs assessment, several types of assistance can be identified that should be provided in a systematic and coordinated manner, namely:
 - (1) **Medical** - both immediately after release for timely examination and assessment of needs, and ongoing support taking into account the long-term effects of torture and the exacerbation of chronic illnesses;
 - (2) **Psychological** - both in the short and long term, for working with trauma and conditions resulting from trauma;
 - (3) **Financial** - taking into account that some of the requests for financial assistance may be covered by adequate medical assistance, while others relate to housing needs and immediate financial support due to loss of property and/or ability to work;

(4) Legal - in particular, in the context of assistance provided to groups of victims already covered by legislation, such as persons who have been deprived of their liberty. In addition, there is a need to adequately inform victims of torture about the types of support available and how to access them.

5. To build an effective support system for victims of torture, it is necessary to develop a general concept for supporting victims and the places of victims of torture within that concept, as well as its legislative and institutional framework. Equally important is funding - the availability of sufficient resources to provide support measures, determined based on the needs and number of victims and based on individualised support; accessibility of the services provided to victims (both in geographical terms and in terms of ensuring a sufficient number of service providers, clear and adequate information about how to access support); the relevance and effectiveness of the services provided to victims, which should be based on needs assessment and a comprehensive approach.

INTRODUCTION

Despite the ongoing armed aggression since 2014, Ukraine has not established a unified system of support for victims of the Russian armed aggression. The state, responding to new challenges related to the war and the need to support the civilian population, is introducing new mechanisms to support victims. Thus, a notable example of this approach is the emergence in 2023 of a new category of victims of the destruction of the Kakhovka hydroelectric power station dam, for whom a separate procedure for providing one-time financial assistance was introduced.

Since 2014, at least eight categories of persons who have suffered harm as a result of the armed aggression against Ukraine have been recognised in Ukrainian legislation and receive various forms of state support.

Unfortunately, the categories defined by the state do not cover all victims, including those who suffered damage to life and health. As a result, some people who have suffered damage as a result of Russian aggression remain without recognition as victims and state support.

One such “invisible” group of victims includes those who have survived torture, cruel or inhuman treatment. Representatives of the Russian Federation use torture, intimidation and coercion in places of unlawful detention on a systematic basis¹, and these actions reach the threshold of a crime against humanity².

As of 1 July 2025, 2,101 criminal proceedings were opened on the facts of torture of civilians by representatives of the Russian Armed Forces or occupation administrations. In addition, 5,600 civilians and 5,000 military personnel have been officially recognised as victims of torture³. The number of victims is likely to be much higher, as not all of them report to law enforcement agencies for various reasons, and some victims remain in the temporarily occupied territory (TOT) of Ukraine or have moved abroad. At the same time, there is no system of support for victims of torture in Ukraine.

Victims of torture may receive assistance as victims of other types of war-related damage. Victims mostly turn to NGOs and international organisations or receive certain types of assistance provided for other categories of victims, mainly as persons whose personal liberty has been recognised as deprived as a result of armed aggression against Ukraine or as victims of conflict-related sexual violence (hereinafter – CRSV). This partially meets the needs of victims of torture, but this approach of the state does not meet the needs of victims of torture, does not contribute to their full rehabilitation and reintegration, and cannot be considered systemic and comprehensive.

1 Independent International Commission of Inquiry on Ukraine 27 February – 31 March 2023. para 71: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62-UA.pdf

2 Report of the Independent International Commission of Inquiry on Ukraine 24 February – 4 April 2025, p.7: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-67-auv-en.pdf>

3 Today, July 28, Ukraine honors the memory of those who were executed, tortured, or died in captivity / Office of the Prosecutor General of Ukraine – 28 July 2025: <https://gp.gov.ua/ua/posts/syogodni-28-lipnya-v-ukrayinivsanovuyut-pamyat-tix-xto-buv-stracenii-zakatovanii-abo-zaginu-u-poloniofis-generalnogo-prokurora-rozslidujesistemni-vojenni-zlocini-rf-proti-viiskovopolonenix-ta-civilnix>

This analytical note aims to identify the needs and challenges faced by victims of torture, cruel or inhuman treatment⁴, assess the current state of the system of support for victims of war crimes, including torture, cruel or inhuman treatment, and provide recommendations on how to develop such a system.

To this end, the following objectives were identified:

1. To analyse the existing measures provided for by Ukrainian legislation to support victims of Russian aggression (general description and interconnection).
2. To examine the specifics of torture, cruel or inhuman treatment as a crime, its long-term consequences for victims, etc.
3. Based on the interviews and analysis of current support measures, identify the main problems faced by victims of torture, cruel or inhuman treatment immediately after the crime was committed against them and over time, and determine their needs.
4. To provide recommendations for the development of a system to ensure adequate support for victims of torture, cruel or inhuman treatment.

The research is based on the analysis of Ukrainian legislation on support for victims of the armed aggression of the Russian Federation against Ukraine, materials of Ukrainian and international NGOs on the practice of providing support to certain groups of victims in Ukraine, short-term and long-term consequences of trauma, including torture, and standards for developing a support system for victims of torture. In addition, ZMINA interviewed 40 victims of torture to explore and describe the harm they suffered as a result of torture, both short-term and long-term, their support needs, awareness of available support measures and sources of assistance, if any.

The interviews were conducted by phone between 22 May to 3 June 2025.

LIST OF ABBREVIATIONS

IDP – Internally displaced person

TOT – Temporarily occupied territories

RF – Russian Federation

CRSV – Conflict-related sexual violence

⁴ for the purposes of this analytical note, the term “victims of torture, cruel or inhuman treatment” is used as it covers a wider range of persons than “victims”, as it is not limited to those persons who have the status of victims of torture within criminal proceedings; hereinafter, “victims of torture” also means persons who have suffered various forms of violations of personal integrity, in particular, torture, cruel or inhuman treatment

1. WHAT IS THE OVERALL SITUATION REGARDING SUPPORT FOR VICTIMS OF THE ARMED CONFLICT IN UKRAINE?

In Ukraine, as of 2025, there is no comprehensive system of support for victims of the armed aggression against Ukraine. At the same time, the state provides some types of assistance and support to certain categories of people who suffered damage as a result of the armed aggression against Ukraine. This approach, launched back in 2014, involves the identification of groups of people affected by armed aggression, the creation of separate procedures for establishing their membership in these groups, and various support mechanisms. In particular, these include:

1. Persons deprived of their personal liberty as a result of the armed aggression against Ukraine and members of their families⁵;
2. Persons missing in special circumstances and members of their families⁶;
3. Persons who suffered from conflict-related sexual violence committed by the Russian Federation against Ukraine⁷;
4. Internally displaced persons⁸;
5. Persons who acquired a disability due to injuries or other health damage caused by explosive devices, ammunition, and military weapons⁹;
6. Children affected by hostilities and armed conflicts, and separately children who have returned to the government-controlled territory after deportation, forced displacement or from the temporarily occupied territories¹⁰;
7. Persons whose residential houses (apartments) were destroyed as a result of a military emergency caused by the armed aggression of the Russian Federation¹¹;

5 The Law of Ukraine "On the social and legal protection of persons who have been deprived of personal liberty as a result of armed aggression against Ukraine, and their family members" No. 2010-IX, as amended on 04.04.2025: <https://zakon.rada.gov.ua/laws/show/2010-20#Text>

6 The Law of Ukraine "On the Legal Status of Persons Missing in Special Circumstances" No. 2505-VIII, as amended on 10.01.2025: <https://zakon.rada.gov.ua/laws/show/2505-19#Text>

7 The Law of Ukraine "On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine and Providing them with Immediate Interim Reparations" No. 4067-IX of 20.11.2024: <https://zakon.rada.gov.ua/laws/show/4067-20#Text>

8 The Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" No. 1706-VII as amended on 04.04.2025: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>

9 The Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection" of 22.10.1993 No. 3551-XII, as amended on 02.05.2025: <https://zakon.rada.gov.ua/laws/show/3551-12#Text>; Resolution of the Cabinet of Ministers of Ukraine of 25 April 2018 No. 306 "Some issues of establishing the connection between disability and injuries or other health damage": <https://zakon.rada.gov.ua/laws/show/306-2018-п#Text>

10 The Law of Ukraine "On Protection of Childhood" of 26.04.2001 No. 2402-III as amended on 07.06.2025: <https://zakon.rada.gov.ua/laws/show/2402-14#Text>; Resolution of the Cabinet of Ministers of Ukraine of 5 April 2017 No. 268 "On Procedure for Granting the Status of a Child Affected by War and Armed Conflict", as amended on 13.08.2024: <https://zakon.rada.gov.ua/laws/show/268-2017-п#Text>

11 The Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, Sabotage Caused by Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of hostilities, acts of terrorism, sabotage caused by armed aggression of the Russian Federation against Ukraine" No. 2923-IX, as amended on 11.12.2024: <https://zakon.rada.gov.ua/laws/show/2923-20#Text>; Resolution of the Cabinet of Ministers of Ukraine of 18 December 2013 No. 947 "On Approval of the Procedure for Providing and Determining the Amount of Financial Assistance to Victims of Emergency Situations and the Amount of Financial Compensation to Victims Whose Residential Houses (Apartments) were Destroyed as a Result of a Military Emergency Caused by the Armed Aggression of the Russian Federation": <https://zakon.rada.gov.ua/laws/show/947-2013-п#Text>; Resolution of the Cabinet of Ministers of Ukraine dated 21 April 2023 No. 381 "On Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Real Estate Damaged as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation, Using the eRestoration Electronic Public Service": <https://zakon.rada.gov.ua/laws/show/381-2023-п#Text>

8. Persons affected by the destruction of the Kakhovka hydroelectric power station dam¹².

It is also important to note that the approach to victim support is mainly based on the fact of belonging to a certain category of victims without determining the extent of the damage caused and assessing the needs of victims. Recommendations to introduce a more comprehensive approach to the victim support strategy – namely, defining the term and specific criteria for recognising individuals as victims of armed aggression – have been made repeatedly¹³, yet they have still not been fully taken into account.

In the absence of a unified vision for providing support to victims, it is impossible to conduct a full accounting of non-property damage. Adopted on 20 November 2024, the Law of Ukraine “On Accounting Information on Harm Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine”¹⁴, aims to systematise the accounting of non-property damage caused by armed aggression. According to the Law, the damage caused by, inter alia, torture, cruel, inhuman or degrading treatment or punishment; forced detention, unlawful imprisonment, captivity, other types of deprivation of personal liberty; internal displacement, evacuation; forced displacement outside Ukraine, etc., is subject to registration.

The information recorded must cover the harm caused since 19 February 2014, not 24 February 2022, as stipulated by the system of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine¹⁵. At the same time, the recording of damage is only the first stage, which currently does not provide support to individuals whose harm has been recorded. The law provides for the adoption of a separate normative act on support for victims, but it is still under development¹⁶.

Different procedures for establishing the fact of belonging to such a group are provided for certain groups of victims. For example, the categories of persons deprived of their personal liberty as a result of the armed aggression against Ukraine and their family members, as well as victims of conflict-related sexual violence, are subject to consideration by the relevant Commissions. However, persons missing in special circumstances acquire this status on the basis of an application entered in the Unified Register of Persons Missing in Special Circumstances, etc.

The main instruments provided by the state to support these categories of victims are financial assistance, as well as benefits, rehabilitation, psychological, medical and legal assistance. At the same time, even though these types of assistance are provided for by law, a separate problem is ensuring their implementation. The state lacks the financial and human resources, including specialists in certain areas, to provide effective support to the categories for which it is provided¹⁷.

12 Resolution of the Cabinet of Ministers of Ukraine of 19 June 2023 No. 626 “Some Issues of Providing Material Financial Assistance to the Affected Population as a Result of the Undermining of the Kakhovka Hydroelectric Power Station Dam by the Russian Federation”: <https://zakon.rada.gov.ua/laws/show/626-2023-п#Text>

13 Concept for Improving the National System of Remedies and Support for Victims of Armed Aggression against Ukraine / Office of the Ukrainian Parliament Commissioner for Human Rights, 05.07.2024: <https://mycloud.coe.int/s/CBdpnNiHKTtNZDr?dir=/&openfile=true>; Annual report of the Ukrainian Parliament Commissioner for Human Rights on the Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2024 / Office of the Ukrainian Parliament Commissioner for Human Rights, 2024: <https://surl.li/rwguyt>

14 Law of Ukraine “On Accounting Information on Harm Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine” No. 4071-IX of 20.11.2024: <https://zakon.rada.gov.ua/laws/show/4071-20#Text>

15 Mandate and functions / Register of Damages for Ukraine: <https://rd4u.coe.int/uk/mandate-and-functions>

16 Human rights defender: The system of accounting for non-property damage from the Russian war will help to support victims and preserve memory in the future / ZMINA, 16.04.2025: <https://surl.li/lojtpe>

17 Accessibility, challenges and needs: analysis of the system of assistance to CRSV victims in Ukraine / Jurfem, 2025: <https://jurfem.com.ua/wp-content/uploads/2025/03/Дослідження.pdf>

2.

WHAT IS “TORTURE”, AND WHAT ARE THE CONSEQUENCES OF TORTURE FOR THE VICTIM?

Torture, despite some differences in qualifying elements, is always defined as “the intentional infliction of severe pain or suffering, whether physical or mental”¹⁸. The qualification of specific actions as torture within the framework of different violations and international crimes (violation of human rights law, war crime, crime against humanity) differs. A common qualifying feature of torture as a violation of human rights and a crime against humanity is also the presence of a tortured person in the custody or under the control of a person who committed actions that may be recognised as torture. A common feature of a violation of human rights and a war crime is also the infliction of pain or suffering for a specific purpose - to obtain information or a confession from a person, to punish them for actions they have committed or are suspected of having committed, or to intimidate or coerce them into certain actions, or for any reason based on discrimination of any kind¹⁹.

The provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also include the element of actions committed by public officials or other persons acting in an official capacity, or at their instigation, or with their consent or acquiescence. This element is not part of the elements of a war crime or a crime against humanity.

The main distinguishing feature between torture and cruel or inhuman treatment is the existence of a specific purpose, the achievement of which is aimed at inflicting severe pain or suffering, whether physical or mental. In the case of cruel or inhuman treatment, the presence of a specific purpose is not a constitutive element of the offence²⁰. The case law of the European Court of Human Rights also takes into account the severity of the suffering inflicted to distinguish between acts of torture and those amounting to cruel or inhuman treatment²¹.

Different types of torture, from beatings and electric shocks to psychological abuse and forcing people to watch others being tortured, have different consequences. These are both physical and mental consequences of torture that need to be recorded and taken into account to develop an effective support system for victims.

One of the most common forms of physical torture, in particular in the context of Russian aggression against Ukraine, is brutal beatings²². Beatings can result in intracranial hae

18 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987: https://zakon.rada.gov.ua/laws/show/995_085#Text; Rome Statute of the International Criminal Court, 1998: https://zakon.rada.gov.ua/laws/show/995_588#Text

19 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987, Article 1: https://zakon.rada.gov.ua/laws/show/995_085#Text; Elements of Crimes, International Criminal Court: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

20 Elements of Crimes, International Criminal Court, Article 8 (2) (a) (ii)-2: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

21 Guide on Article 3 of the European Convention on Human Rights, Prohibition of torture // European Court of Human Rights, 2025: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng

22 “85% of men will pass through this detention centre”: analysis of the testimonies of those detained in the district police department during the occupation of Kupiansk / O. Syniuk, Ye. Sokurenko, S. Kochmarskyi; Human Rights Centre ZMINA. 2024. https://zmina.ua/wp-content/uploads/sites/2/2025/04/kupiansk_web_ukr.pdf

matomas, spinal cord injuries, cerebral edema, cerebrospinal fluid leakage, and seizures. Bone cracks and fractures can also affect peripheral nerves²³.

An equally common form of torture in unlawful detention by representatives of the Russian Federation is the use of electric shock²⁴. In addition to burns, the use of electric shock can cause radiculopathy (a type of inflammation of the nerve roots of the spinal cord), cardiac arrhythmia, incontinence and clonic-tonic convulsions²⁵.

Often, during the period of detention, victims are restricted in movement - handcuffed, shackled, tied with ropes or wires, and some are also held in very cramped conditions that limit their mobility. Handcuffs, shackles, and ropes can cause damage to peripheral nerves, which can result in temporary sensory impairment or permanent impairment of motor function²⁶.



● A gas mask that Russian servicemen allegedly used as an instrument of torture against individuals unlawfully detained in a basement in the village of Pisky-Radkivski, Kharkiv region.

Photo: Investigative Department of the Main Directorate of the National Police in the Kharkiv Region

Neurological consequences of torture are no less common and include, in particular, headaches, including chronic ones, dizziness, loss of consciousness, paraesthesia, paralysis, and seizures²⁷.

23 Physicians for Human Rights. Physical evidence of torture ± a health professional's guide to medical and psychological evaluations of torture. In: Examining Asylum Seekers ± A Health Professional's Guide to Medical and Psychological Evaluations of Torture. Boston, USA: Physicians for Human Rights, 2001 as cited in Clinical Review, Torture and its neurological sequelae / Spinal Cord (2002), A Moreno, MA Grodin

24 "85% of men will pass through this detention centre": analysis of the testimonies of those detained in the district police department during the occupation of Kupiansk / O. Syniuk, Ye. Sokurenko, S. Kochmarskyi; Human Rights Centre ZMINA. 2024. https://zmina.ua/wp-content/uploads/sites/2/2025/04/kupyansk_web_ukr.pdf

25 Clinical Review, Torture and its neurological sequelae / Spinal Cord (2002), A Moreno, MA Grodin

26 Skylv G. Physical sequelae of torture. In: Basoglu M (ed). Torture and Its Consequences, Current Treatment Approaches. Cambridge, UK: Cambridge University Press, 1992 as cited in Clinical Review, Torture and its neurological sequelae / Spinal Cord (2002), A Moreno, MA Grodin

27 Clinical Review, Torture and its neurological sequelae / Spinal Cord (2002), A Moreno, MA Grodin

In the long term, experiencing trauma leads to sleep and nightmare disturbances, somatisation, appetite and digestive disorders, decreased immunity, persistent fatigue, over-arousal/sensitivity, increased cortisol levels, and long-term health effects, including cardiovascular, neurological, respiratory, dermatological and urological chronic diseases and musculoskeletal problems²⁸.

At the same time, trauma has not only physical consequences for victims. The first emotional reactions include mostly numbness/indifference, detachment, anxiety and fear, anger, sadness, a sense of helplessness, disorientation, depression and suppression of emotions/feelings. Over time, these emotional reactions turn into irritation, depression, unstable emotional state/mood, anxiety, shame, and vulnerability. Fear of experiencing the trauma again and emotional detachment from anything that requires emotional reactions are also often manifested²⁹.

All of these personal consequences for victims result in cognitive and behavioural changes - the way they perceive, process information and interact with society, family, friends and strangers. These changes also occur both immediately after the trauma and over time. Initially, victims have difficulty concentrating, lose their sense of time and space, and experience memory problems, especially concerning the traumatic event. Over time, individuals may experience intrusive memories, fixation on the traumatic event, difficulties in decision-making, and suicidal thoughts. One of the characteristic features that also complicates rehabilitation is a feeling of alienation due to the trauma experienced, as victims do not feel that those around them can understand them due to the significant difference in their experiences³⁰.

Behaviorally, these consequences can appear as conflict behaviour, starting or increased use of alcohol or drugs, withdrawal and apathy, avoidance of social situations and communication, leading to the destruction of social ties and dangerous behaviour³¹.

28 Center for Substance Abuse Treatment (US). Trauma-Informed Care in Behavioral Health Services. Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2014. (Treatment Improvement Protocol (TIP) Series, No. 57.) Chapter 3, Understanding the Impact of Trauma: <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

29 *ibid.*

30 *ibid.*

31 *ibid.*

3. WHAT ARE THE NEEDS OF VICTIMS OF TORTURE IN THE CONTEXT OF RUSSIAN AGGRESSION AGAINST UKRAINE?

In order to ensure an effective support system for victims, it is necessary to assess their specific needs, both in the short and long term.

Interviews with victims of torture in the context of Russian aggression against Ukraine allow us to identify the main needs. These include both urgent requests that need to be addressed as soon as possible after the person's release and long-term needs that require systematic support to be addressed. Within all types of needs - medical and psychological assistance, financial and informational support - there are both immediate and long-term needs. In addition, victims identify needs that emerge over time.

Medical assistance. One of the main consequences of torture identified by victims is the deterioration of their health: exacerbation of existing problems and the acquisition of new ones as a result of detention and torture. Loss of vision, hearing, dramatic weight loss, headaches, ulcers, cardiovascular and joint problems, and the development of malignant tumours due to constant beatings. At least 33 out of 40 persons identified physical consequences of torture as one of the main problems after release.



● A wall in one of the cells of Temporary Detention Facility No. 1 of the Main Directorate of the National Police in Kherson region. Inscription on the wall: «I love life. Peace.»

Photo: Yelyzaveta Sokurenko

Accordingly, one of the main needs of victims is medical assistance. This includes, in particular, a medical examination to identify the health consequences of torture immediately after release. It also includes surgical intervention to improve the health and functioning of the body. Moreover, medical assistance often becomes a long-term need that victims face over an extended period after detention, and in some cases, it remains a lifelong requirement. For example, the need is manifested in the need to diagnose and continuously monitor health conditions resulting from acquired diseases, surgeries, and health maintenance with the help of medicines or procedures.

Psychological assistance. It is worth noting that not all victims directly articulate this need (in particular, 12 out of 40 respondents mentioned the need for psychological assistance directly). However, many more respondents point to the psychological and cognitive consequences of torture, which complicate and reduce the quality of their lives, worsen their health, and negatively affect their relationships with others. In particular, victims report sleep disturbances, nightmares, feelings of persecution and danger in society, anxiety and panic attacks, isolation, chronic anxiety, loss of trust in the world, feelings of guilt and shame, depression, somatic symptoms, difficulties with emotional regulation, persistent trauma and irritability, detachment and avoidance, aggressive behaviour, and frequent alcohol consumption. The need for psychological assistance also exists in the context of both emergency support and ongoing support for victims. Some victims say that at first, after their release, they were unable to leave the house due to their psychological state, constant fear of the recurrence of trauma and anxiety, and therefore needed urgent psychological assistance. Some of the victims also identified long-term consequences, such as constant sleep disturbances, exacerbation of bad habits, emotional deregulation, and irritability. Some victims noted that support from their families helped them cope with the long-term effects of the trauma.

Financial assistance. At least 14 respondents identified financial assistance as a critical need, especially in the long term. At the same time, there are several areas of such financial assistance that victims identify.

The first purpose of financial assistance is the same as the basic need for medical assistance. As there is no immediate medical assistance, victims need significant funds for examinations immediately after release and preventive check-ups over time, for surgical interventions and treatment of injuries and diseases acquired from torture, as well as chronic diseases that have been exacerbated.

The second purpose of financial assistance is housing. Very often, victims of torture are also internally displaced persons (IDPs) or have lost their homes or had them partially destroyed as a result of Russia's armed aggression against Ukraine.

The third purpose of financial assistance is direct financial support for victims, including pensioners who have no other means of support, or those who have temporarily lost their ability to work due to the torture they endured. In addition, during the unlawful detention of the victims, representatives of the Russian Federation took away their personal belongings, both those that were on the person and in the place of residence. Given that the vast majority of victims permanently reside in communities that have been occupied and are still in close proximity to the combat zone, employment opportunities are also severely limited.

Legal assistance. Mostly, the need for legal assistance arises in order to restore lost documents (as a result of hostilities, or they were not returned after release from unlawful detention by representatives of the Russian Federation). The need for legal assistance is also stated by victims who plan to apply to the Commission to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine. The victims note that the procedure for filing documents and applying to the Commission is complicated and unclear, and they cannot apply on their own or have been denied the right to establish the fact.

Information provision. A particular need that victims do not directly raise, but which is evident in their responses, is to be properly informed about possible services and support offered by the state for victims. Even in cases where individuals can claim to establish the fact of their unlawful deprivation of liberty, and the financial support that such an establishment entails, victims are not aware of this possibility. Moreover, as mentioned above, even if they are aware of the possibility, victims do not understand the algorithm of filing and cannot complete it on their own, so they are forced to seek legal assistance or support from NGOs. Some victims have submitted documents to establish the fact of deprivation of liberty several times, but without success.

Proper provision of information and communication is also lacking in cases where victims have the status of victims in criminal proceedings. Thirty-two respondents have the status of victims, but most of them do not know anything about the progress of the proceedings.

Some of the interviewees stated that they had received state assistance and assistance from NGOs and charitable foundations, mainly in connection with the deprivation of personal liberty and conflict-related sexual violence committed against the applicant. Only 12 of the interviewees received assistance as a result of the Commission's finding of deprivation of personal liberty. It should be noted that the interviewed persons are victims whose testimonies were documented by ZMINA and who additionally received information about this possibility from representatives of the organisation. All other victims stated that they received assistance only from NGOs and international organisations. In most cases, it was financial assistance in the form of funds. In some cases, victims were allocated targeted funds for rehabilitation or the purchase of necessary items.

4. WHAT KIND OF SUPPORT CAN VICTIMS OF TORTURE EXPECT TO RECEIVE?

Within the categories of victims and their support defined by the state, **there is currently no specialised support for victims of torture**. At the same time, it is important to note that the damage caused by torture itself qualifies as damage caused by armed aggression against Ukraine³². Damage from torture or inhuman or degrading treatment or punishment is also defined as one of the categories of damage within the Register of Damage for Ukraine, in particular, category A2.5, and became open for submission in March 2025³³. Compensation covers both mental pain and suffering caused by torture or inhuman or degrading treatment or punishment, and serious bodily injuries suffered as a result of torture or inhuman or degrading treatment or punishment, including the costs of medical treatment and rehabilitation.

In the context of victim support, Ukraine has the Coordination Centre for the Support of Victims and Witnesses³⁴. It was launched on 18 January 2024 and, as of January 2025, had assisted 1,328 victims. In addition, nine regional offices were established in the Kyiv, Donetsk, Luhansk, Zaporizhzhia, Mykolaiv, Kherson, Sumy, Kharkiv and Chernihiv regions³⁵. The Centre works only with victims - persons who are recognised as victims within criminal proceedings. If a victim applies, the Centre provides advice on possible participation in criminal proceedings and, if the victim refuses, redirects the person to NGOs. In the absence of a proper system of protection of victims and witnesses at the state level, the Centre mainly refers requests from victims that do not relate to participation in criminal proceedings to other external organisations that provide direct assistance³⁶.

Adequate protection of victims and witnesses requires further development of state mechanisms that will function within a single system and be based on a victim-centred approach, effective referral mechanisms, active participation of victims in the process, avoidance of re-traumatisation and effective reporting by responsible authorities, in line with Directive 2012/29/EU³⁷.

The crime of torture or inhuman treatment is usually committed in the context of unlawful detention of a person by representatives of the Russian Federation, and accordingly, the cases of such victims may also be considered by Ukraine's Commission for Establishing the Fact of Deprivation of Personal Liberty. In addition, in some cases, victims of torture or inhuman

32 Resolution of the Cabinet of Ministers of Ukraine of 20 March 2022 No. 326 "On Approval of the Procedure for Determining the Damage and Losses Caused to Ukraine as a Result of the Armed Aggression of the Russian Federation": <https://zakon.rada.gov.ua/laws/show/326-2022-п#Text>

33 The Register of Damages for Ukraine announces the start of submitting applications under new categories - forced internal displacement and violation of personal integrity / Register of Damages for Ukraine, 19.03.2025: <https://rd4u.coe.int/uk/-/register-of-damage-for-ukraine-announces-the-opening-of-new-claim-categories-for-involuntary-internal-displacement-and-violations-of-personal-integrity>

34 Coordination Center for the Support of Victims and Witnesses / official Facebook page <https://www.facebook.com/pgc.coordination.center/>

35 Results of the work of the Coordination Center for the Support of Victims and Witnesses in 2024 / Office of the Prosecutor General of Ukraine, 18.01.2025: <https://gp.gov.ua/ua/posts/pidsumki-roboti-koordinaciinogo-centru-pidtrimki-poterpilix-i-svidkiv-za-2024-rik>

36 Assessment of the needs of the legal system of Ukraine: Ensuring Quality Justice for War Victims and Survivors / Ukrainian Legal Advisory Group: <https://ulag.org.ua/wp-content/uploads/2024/09/na-ukr-web-1.pdf>

37 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>

treatment may also have been subjected to conflict-related sexual violence committed by the Russian Federation against Ukraine, and their status as CRSV victims may also be considered by the relevant Commission. It should be noted, however, that even if there are grounds to classify victims of torture as other categories of victims, the establishment of such a fact or recognition of them as victims within the procedure provided for by law is not guaranteed. Moreover, the support offered to other categories of victims may not meet the needs of victims of torture.

In addition, despite the definition of these categories in the legislation and the existence of provisions for specific types of support for such persons, in practice, even if the fact of victimisation is established or recognised, they do not always manage to receive appropriate support. These provisions are often not implemented in practice due to a lack of clarification for local state institutions, the absence of a proper implementation mechanism, as well as insufficient information and the absence of information about these rights among victims³⁸. For example, the funding of assistance for CRSV victims depends on international aid, which is not a guaranteed long-term source of income.

Support for persons deprived of their personal liberty as a result of armed aggression against Ukraine is possible after the fact of deprivation of personal liberty is established. The decision to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine is made by the Commission established under the central executive body that ensures the formation and implementation of state policy on the TOT of Ukraine. As of July 2025, the Commission operates under the Ministry for Development of Communities and Territories³⁹.

If the Commission establishes the fact of deprivation of personal liberty, the person may be provided with the following support:

1. Financial assistance (annual support during the period of deprivation of liberty; one-time payment after the person's release) in the amount of 100,000 UAH;
2. Medical and rehabilitation care, including psychological and health resort treatment;
3. Legal assistance (reimbursement of expenses for professional legal assistance provided to a person to protect their rights and legitimate interests; free secondary legal aid during deprivation of personal liberty and after release in connection with the protection of rights and legitimate interests);
4. Provision of temporary housing;
5. Preservation of employment and pension entitlements, inclusion of the period of detention in the insurance record;
6. Deferrals of loan obligations⁴⁰.

Since the start of the work of the Commission within the Ministry for Development of Communities and Territories of Ukraine in 2025, 6 meetings have been held, as a result of which

38 Accessibility, challenges and needs: analysis of the system of assistance to CRSV victims in Ukraine / Jurfem, 2025: <https://jurfem.com.ua/wp-content/uploads/2025/03/Дослідження.pdf>

39 Resolution of the Cabinet of Ministers of Ukraine of 14 January 2025 No. 35 "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine on the Activities of the Ministry for Development of Communities and Territories": <https://zakon.rada.gov.ua/laws/show/35-2025-п#n12>

40 The Law of Ukraine "On the social and legal protection of persons who have been deprived of personal liberty as a result of armed aggression against Ukraine, and their family members" No. 2010-IX, ed. 04.04.2025, Article 16: <https://zakon.rada.gov.ua/laws/show/2010-20#Text>

the deprivation of personal liberty was established in relation to 2,077 people (including 1,993 military personnel and 84 civilians)⁴¹. At the same time, the work of the Commission still faces challenges that human rights defenders highlighted as early as 2023⁴². In particular, the lack of transparency of the Commission's activities leads to a lack of understanding by victims of the way decisions are made to establish or not to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine. Unlike military personnel, whose captivity is confirmed by relevant documents issued by the state authorities of Ukraine, it is more difficult to prove the deprivation of liberty of a civilian as a result of armed aggression against Ukraine. Often, affected civilians do not have any documents that can confirm the fact of deprivation of liberty and cannot confirm the place of detention. There is no information on how to describe the situation in the form of an application for establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, to provide sufficient detail and justification for the recognition of the deprivation of personal liberty. Furthermore, the issue of denial of applications by civilians remains unresolved in cases where it is not proven that the deprivation of liberty was caused by the person's pro-Ukrainian activity or stance.

Another, narrower category **is that of persons who suffered from conflict-related sexual violence committed by the Russian Federation against Ukraine**⁴³. The decision to recognise a person as a victim is made by the Commission for consideration of issues related to the recognition of a person as a victim of conflict-related sexual violence committed by the Russian Federation against Ukraine.

In case of such recognition, the person is provided with support in the form of immediate interim reparations, namely:

1. Information about their rights and the means of exercising them;
2. Free access to rehabilitation regardless of place of residence and according to needs, including a range of medical, psychosocial, and other services aimed at restoring the physical and psychological well-being and social functioning of the affected person;
3. Receipt of an urgent monetary payment;
4. Access to temporary shelter for safe accommodation, if needed.

It is worth noting that the introduction of interim reparations for a separate category of victims of international crimes creates conditions for "victim competition". Undoubtedly, victims of CRSV require urgent support, and initiatives to provide such assistance are a positive step. At the same time, other categories of victims, especially those who have also suffered harm to life and health in other forms, including as a result of torture or inhuman treatment, also require effective and timely support measures. The selective approach to responding to the needs of different categories of victims could be adjusted, for example, by expanding the mandate of the Commission and providing interim reparations to victims of torture, but the approach remains unchanged.

41 Response of the Ministry for Development of Communities and Territories of Ukraine to ZMINA's request No. 16417/7/10-25 of 04.07.2025

42 How does Ukraine help civilian hostages and their families? One year since the Law of Ukraine "On the social and legal protection of persons who have been deprived of personal liberty as a result of armed aggression against Ukraine, and their family members" came into force. Analytical note. / Ed. A. Lunova 2023: https://zmina.ua/wp-content/uploads/sites/2/2023/11/uk_help_print.pdf

43 The Law of Ukraine "On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine and Providing them with Immediate Interim Reparations" No. 4067-IX of 20.11.2024: <https://zakon.rada.gov.ua/laws/show/4067-20#Text>

In the context of property damage that victims of torture may also have suffered, the law provides for compensation for **damage and destruction of certain categories of real estate** as a result of hostilities, terrorist acts, sabotage caused by armed aggression against Ukraine, from the date of the introduction of martial law in Ukraine⁴⁴. In practice, the current mechanisms for compensation for damaged/destroyed real estate do not provide for compensation for damages incurred between 19 February 2014 and 24 February 2022⁴⁵. To consider the issues of compensation for destroyed real estate, a Commission for consideration of issues of compensation for destroyed real estate as a result of hostilities, terrorist acts, sabotage caused by the armed aggression of the Russian Federation against Ukraine is established (by the executive body of a village, settlement, city, district council in a city (if established), military administration of a settlement or military-civilian administration of a settlement).

In this case, compensation is provided in the following forms:

1. Provision of funds by transferring them to the current account of the recipient of compensation, with the intended use of these funds to finance the construction of a manor house, garden or country house.
2. Financing the purchase of residential real estate (including investment/financing of its construction), the land plot on which such property is located, and a share in the ownership of such property using a housing certificate;
3. Transfer of ownership to the compensation recipient of real estate restored as part of local restoration programmes to replace the destroyed real estate.

Compensation for damaged real estate is provided in the form of:

1. performing construction-related works at the damaged real estate object for its restoration (including development of construction project documentation, its examination, and construction works) and/or purchasing construction materials for such works;
2. provision of funds by transferring them to the current account of the recipient of compensation for the intended use to perform construction-related works on the damaged real estate object to restore it and/or purchase construction products for such works;
3. provision of funds by transferring them to the current account of the recipient of compensation for construction materials purchased by them and/or repair work performed by them on the damaged real estate at their own expense.

44 Resolution of the Cabinet of Ministers of Ukraine dated March 26, 2022, No. 380 "On the collection, processing, and accounting of information on damaged and destroyed immovable property as a result of hostilities, terrorist acts, and sabotage caused by the armed aggression of the Russian Federation against Ukraine": <https://zakon.rada.gov.ua/laws/show/380-2022-%D0%BF#Text>; Resolution of the Cabinet of Ministers of Ukraine No. 473 dated April 19, 2022, "On approval of the Procedure for urgent work to eliminate the consequences of armed aggression of the Russian Federation with damage to buildings and structures". URL: <https://zakon.rada.gov.ua/laws/show/473-2022-%D0%BF#Text>; Resolution of the Cabinet of Ministers of Ukraine dated April 21, 2023 No. 381 "On Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Real Estate Damaged as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation, Using the eRestoration Electronic Public Service": <https://zakon.rada.gov.ua/laws/show/381-2023-%D0%BF#Text>; Resolution of the Cabinet of Ministers of Ukraine dated May 30, 2023, No. 600 "On Approval of the Procedure for Providing Compensation for Destroyed Real Estate". URL: <https://zakon.rada.gov.ua/laws/show/600-2023-%D0%BF#Text>; Resolution of the Cabinet of Ministers of Ukraine No. 624 dated June 13, 2023, "Some issues regarding the functioning of the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine". URL: <https://zakon.rada.gov.ua/laws/show/624-2023-%D0%BF#Text>

45 Concept of Improving the National System of Legal Protection and Support for Persons Affected by Armed Aggression against Ukraine / Office of the Ukrainian Parliament Commissioner for Human Rights, July 5, 2024: <https://mycloud.coe.int/s/CBdpnNiHKTtNZDr?dir=/&openfile=true>

Victims of torture or inhuman treatment who have been forced to leave or abandon their place of residence as a result of or to avoid the negative consequences of armed conflict or temporary occupation may also apply for a certificate of registration of an **internally displaced person**, which is valid for an indefinite period of time⁴⁶.

The following types of support are provided for IDPs: accommodation (temporary accommodation facilities for IDPs); rehabilitation services; free meals for IDP children studying in pre-school, general education, vocational and technical educational institutions regardless of their subordination, type and form of ownership; employment assistance; benefits for interest payments under a credit and/or loan agreement, etc.

There is also a separate housing allowance. The allowance is granted for six months to an internally displaced person who first applies for the allowance in the amount of UAH 3,000 for persons with disabilities and children, and UAH 2,000 for other persons⁴⁷.

While victims of torture can apply for support provided for persons who have been deprived of their personal liberty or who have suffered conflict-related sexual violence committed by the Russian Federation against Ukraine, this is not and cannot be a full-fledged substitute for targeted support. In addition to the fact that not all victims of torture meet the criteria set out in the legislation regarding the purpose of deprivation of liberty, or have not been subjected to sexual violence other than torture, they have specific needs. The need for a comprehensive approach and the identification of specific categories based on the harm caused to individuals is not only about fully ensuring the right to truth, but also about providing a support and assistance system for victims that is based on an assessment of their specific needs. Even where services and support mechanisms are available to all categories of victims, the specific nature of the trauma experienced and the harm suffered by victims requires a targeted approach.

Given the significant increase in the number of victims since the start of the full-scale invasion, restrictions on the state budget and international aid, the system requires a comprehensive assessment of available resources, the number of victims and planning for the distribution of resources. Prioritising assistance to specific groups of victims is not a problem in itself, as certain groups have urgent and acute needs that require an immediate response. However, leaving certain groups without adequate support bears signs of a discriminatory approach and will lead to “competition” among victims.

⁴⁶ Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” No. 1706-VII, as amended on 04.04.2025: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>

⁴⁷ Resolution of the Cabinet of Ministers of Ukraine No. 332 of March 20, 2022, “Certain Issues of Living Allowance Payments to Internally Displaced Persons”: <https://zakon.rada.gov.ua/laws/show/332-2022-n#n54>

5. WHAT SHOULD BE TAKEN INTO ACCOUNT WHEN DEVELOPING A SUPPORT SYSTEM FOR VICTIMS OF TORTURE?

Ukraine is only developing a support system for victims of armed aggression and does not currently provide targeted support to all groups of victims who have suffered harm to their lives and health. Accordingly, the most important task at present is to identify the basic needs of victims and the principles on which their support system should be built.

It is therefore important to analyse which indicators should be included in the support system for victims of torture. Below is a list of Global Key Indicators for measuring how effectively states ensure the right of victims of torture to rehabilitation⁴⁸. These indicators require adaptation to the Ukrainian context, but the general logic of building a support system is still relevant for Ukraine.

A primary indicator is **the presence of structural/institutional and legislative frameworks**: whether the state has the necessary legal and institutional framework to provide support, and whether legislation guaranteeing the right to reparations and rehabilitation for victims of torture has been adopted.

Fully agreeing with this indicator, in the broader context of armed conflict, ensuring effective support for victims of torture must be part of the overall state policy for supporting victims.

Thus, as noted earlier, the first challenge for Ukraine is **the absence of a state strategy for supporting all victims**. Fragmented support measures for individual groups cannot be considered a sustainable approach - it may exhibit signs of selectivity and even discrimination. Furthermore, providing support measures to separate groups without a proper assessment of the total number of victims eligible for state support, as well as an evaluation of the state resources required to ensure such support, will lead to inefficient budget use and funding shortages.

The strategy of state support for victims should be based on the definition of approaches, principles and vision for victim support, and take into account previous experience of support for certain categories of victims provided for by law. When developing a comprehensive system, the approach to supporting existing categories should also be reviewed in the context of its relevance to the needs of victims. The list proposed by the Law of Ukraine "On Accounting Information on Harm Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine" can serve as a basis for distinguishing such categories. In particular, the system should include categories of victims who have suffered the greatest damage - damage to life and health. Besides defining the categories, the legal framework should also propose an algorithm for recognising a person as a victim, outlining the mechanism, necessary steps, and required documents. In this context, it is essential to take into account the existing experience of recognising individuals as victims within other categories - what works well and what constitutes an excessive burden for the victims.

48 Global Key Performance Indicators on the Right to Rehabilitation for Torture Survivors, 2022 / The International Rehabilitation Council for Torture Victims (IRCT), the International Centre for Health and Human Rights (ICHHR) based on the recommendations of the The Committee against Torture: <https://irct.org/wp-content/uploads/2023/07/Global-KPIs-rehabilitation.pdf>

In the context of victims of torture, a complicated element in the current circumstances is also the proper documentation of damage (given that it was most often inflicted in the occupied territory, with limited or no possibility of proper, timely documentation of such damage). Despite the adoption of normative changes, in particular, the form “Certificate of bodily injury”⁴⁹, the procedure still needs to be improved. According to the recommendations of Physicians for Human Rights⁵⁰, based on international standards, a separate section should be added to the certificate itself, for example, describing the circumstances of the attack or incident, the circumstances of the injuries and a description of the perpetrators and the context for a comprehensive approach to documentation - this will help to understand the fact of torture as related to the armed conflict. While such an extension may be excessive in the case of Ukraine, a more comprehensive approach to documenting all injuries, not just those relevant to a diagnosis based on a standardised procedure, is advisable.



● One of the torture chambers in Iziium, Kharkiv region.
Photo: Denys Hlushko, Gwara Media

In addition, the Certificate, due to its narrow purpose, does not include psychological assessment and behavioural observations. Documentation of the psychological impact of an attack or incident will help to recreate a complete picture of the impact of the experience on the victim, inform the approach to rehabilitation of the person, and serve as an additional

49 Order of the Ministry of Health of Ukraine No. 186 dated February 2, 2024, “On Amendments to Paragraph 1 of the Order of the Ministry of Health of Ukraine No. 110 dated February 14, 2012”: <https://zakon.rada.gov.ua/laws/show/z0243-24#n4>

50 a non-governmental organisation that uses medical and scientific expertise to document and advocate for appropriate responses to serious crime

basis for confirming the fact of trauma⁵¹. For this purpose, it is worth considering the adoption of a standard form for assessing the psychological condition and needs of victims.

The aforementioned Certificate for documenting bodily injuries allows physicians who are not forensic experts to carry out and refer standardised documentation of all forms of torture and sexual violence, including those related to the conflict. However, the involvement of civil society experts or foreign experts in conducting forensic examinations is significantly limited by current legislation⁵². As of March 2024, there were only 1,610 experts in Ukraine with a specialisation in forensic medicine, 203 experts with a specialisation in forensic psychiatry and 143 experts with a specialisation in forensic psychology or psychological examination. However, once the legislative obstacles are removed, it is necessary to provide these doctors with training on standards of work with victims of torture, avoidance of re-traumatisation and proper documentation of injuries⁵³.

The above also corresponds with the following indicator, namely, **the availability of budgetary provision**. Are there sufficient funds to cover services and support for victims of torture? Is the amount of allocated funds based on the identified number of victims and their specific rehabilitation needs?

The developed legal framework for recording non-property damage is a positive step towards compliance with this indicator and will help to establish the target group (number of victims of torture). However, it is necessary to ensure that the process is implemented in practice, despite the existence of relevant legislation, no accounting is currently taking place. At the same time, a realistic assessment of the necessary funds is impossible without proper work on studying the needs of victims. Special attention should also be paid to the availability of resources in the state to ensure proper rehabilitation based on the needs assessment. Understanding the limitations of the state budget, the primary burden cannot at the same time rely on external funding sources, such as donor funds, whose receipt depends on the political will of individual states.

The next indicator concerns **the accessibility of the provided services**. Specifically, are services and support available in the various regions where victims reside? Do service providers have sufficient resources to meet the needs of victims?

When developing a future support system for victims of torture, it should be taken into account that some of these individuals are located in communities that are under occupation and/or have suffered significant destruction due to their proximity to the combat zone, or are IDPs living in other regions of Ukraine. These challenges should be taken into account in the process of providing support and rehabilitation for such persons, including the possibility, for example, of receiving psychological assistance remotely, or the need for relocation if staying in the city where the person experienced the trauma negatively affects the rehabilitation process.

51 Supporting Survivors of Torture and Conflict-Related Sexual Violence in Ukraine. How to Improve Medico-Legal Documentation and Access to Justice. Analytical note / Physicians for Human Rights, August 2024: <https://phr.org/wp-content/uploads/2024/08/PHR-Brief-Ukraine-Supporting-Survivors-of-Torture-and-Conflict-Related-Sexual-Violence-2024-UKR.pdf>

52 Strengthening Forensic Documentation of Torture and Conflict-Related Sexual Violence in Ukraine. Technical Assessment and Recommendations / Physicians for Human Rights: <https://phr.org/wp-content/uploads/2024/07/PHR-Strengthening-Forensic-Documentation-of-Torture-ENG.pdf>

53 Supporting Survivors of Torture and Conflict-Related Sexual Violence in Ukraine. How to Improve Medico-Legal Documentation and Access to Justice. Analytical note / Physicians for Human Rights, August 2024: <https://phr.org/wp-content/uploads/2024/08/PHR-Brief-Ukraine-Supporting-Survivors-of-Torture-and-Conflict-Related-Sexual-Violence-2024-UKR.pdf>

A separate issue of developing a comprehensive support system is **the availability of a sufficient number of specialists in various fields with the appropriate skills to work with victims of torture**. This includes psychologists, medical professionals, and persons providing social services, etc.

The issue of adequate qualifications is partly covered by the following indicator: **whether the services provided meet the needs of victims**. Do the professionals providing these services have the skills and knowledge to assess and address the needs of victims of torture? Are the services provided comprehensive and supportive? Are these services targeted and address the individualised needs of victims, both in the short and long term, and take into account their specific characteristics (cultural, age or gender)?

The priority approach of the state is currently to provide one-off financial payments, which are often not sufficient to cover the most urgent needs of the victims. Medical assistance was at the top of the list of needs mentioned by respondents. Even in the context of financial assistance, victims noted that the need for such assistance arose from the need to undergo medical examinations, medical procedures and treatment. Therefore, one of the first steps should be to ensure that the physical and mental harm suffered by victims is properly documented. The provision of medical assistance must be based on documented data and aligned with the identified needs. The nature of the harm should also be taken into account in the provision of medical assistance, as some victims require ongoing supervision and treatment. In addition, given the documented psychological damage, qualified psychological assistance is an option that should be available to all victims. At the same time, referrals should be made to specialists who have the skills to work with trauma. The previous experience of trauma and the gender characteristics of the person should also be taken into account.

Another indicator is **the effectiveness of the support offered to victims**.

Provided that all previous conditions are met - the existence of an appropriate legal and institutional framework, the geographical accessibility of services, the availability of sufficient qualified professionals, and the comprehensiveness of the support offered - it is also essential to monitor the actual impact of these services on the rehabilitation of victims.

In this context, another indicator should be added, one which was specifically highlighted by interviewed victims: **adequate provision of information about the availability and accessibility of certain services**. Even if the state provides a full range of services, their effectiveness will be minimal in the absence of mechanisms for referral and informing victims. One of the key factors is to ensure cooperation and coordination between the actors that will provide certain services to victims.

CONCLUSIONS

- Measures to support victims of Russia's armed aggression against Ukraine are scattered and inconsistent. This approach does not meet the needs of the victims and does not allow for adequate assistance to be provided to both already identified groups and those currently outside the focus of state assistance. Assisting only certain groups also has signs of a discriminatory approach and creates a risk of "competition" among victims. At the same time, even with the measures provided for by law, in practice, the lack of funding, specialists with the necessary skills and insufficient explanations to service providers on the ground make it impossible to use these services effectively.
- To build an effective support system for victims of torture, it is essential to take into account the specific nature of the trauma they experienced and its consequences. The effects of torture may manifest both immediately after the traumatic experience and over the long term, often becoming chronic in nature. Physical consequences include loss of mobility, sleep, appetite and digestive disorders, reduced immunity, as well as long-term health effects, including cardiovascular, neurological, respiratory, dermatological and urological chronic diseases and musculoskeletal problems. Mental consequences include irritability, depression, unstable emotional state/mood, and anxiety. They also lead to cognitive and behavioural changes - victims focus on the moment of trauma, or, on the contrary, experience memory problems, develop bad habits, feel detached and apathetic, avoid communication, which also leads to the destruction of social ties and dangerous behaviour.
- Victims of torture need a comprehensive support system, both immediately after release and in the long term. The main need is medical assistance, both in the context of surgical treatment and ongoing health care for chronic illnesses acquired or exacerbated as a result of torture. Psychological assistance is an equally acute need. The need for financial assistance has several aspects: financial assistance for medical procedures, which can be covered by the provision of effective medical assistance; financial assistance for housing, which can also be covered by the direct provision of housing; and financial assistance for everyday life, given the difficult life circumstances of some of the victims.
- A separate problem in the context of victim support is insufficient information and excessive complexity of certain procedures for obtaining assistance. Even if there is an opportunity, some victims choose not to seek assistance, or are forced to articulate the need for legal assistance to apply for certain types of support, in particular, for persons who were unlawfully held in Russia or the TOT. Meanwhile, the primary providers of support services to victims remain civil society and international organisations.
- Currently, victims of torture or inhuman treatment do not receive state support. Only in the case of multiple harms, in particular, deprivation of personal liberty, CRSV, forced displacement or other, such persons, in case of confirmation of the relevant fact or acquisition of the status of victims of this category, can count on support measures provided for such persons. At the same time, not all victims of torture or inhuman treatment have suffered other types of harm or can confirm such harm. Moreover, the support measures envisaged for other categories may not adequately address the specific needs of victims of torture or inhuman treatment.

- The existence of support measures, in particular interim reparations, for one particular category of victims of international crimes creates conditions for “victim competition”. Responding promptly to the needs of victims and providing them with immediate support is a positive step, but other categories of victims need the same support, especially those who have also suffered other forms of harm to their lives and health, such as torture or inhuman treatment. The current selective approach to supporting different categories of victims could be adjusted, for example, by expanding the mandate of the Commission and providing interim reparations to victims of torture.
- The system of support for victims of torture should be part of the overall strategy of support for victims of the armed aggression of the Russian Federation against Ukraine. It should be based on a normative framework that defines the categories of victims, as well as clear and understandable procedures and criteria for recognising individuals as belonging to these categories. Building such a system requires effective registration of damage, a study of the needs of victims and budgeting for support. It is necessary to consider not only the availability of services but also their accessibility for victims, the presence of a sufficient number of qualified specialists to provide them, as well as informing victims about the possibility of obtaining support.

RECOMMENDATIONS

- Develop and approve by the Decree of the President of Ukraine a comprehensive concept of the state approach to supporting victims of the armed aggression against Ukraine.
- The Ministry of Social Policy should develop and submit to the Cabinet of Ministers of Ukraine a draft law on support for persons whose personal non-property rights have been damaged as a result of the armed aggression of the Russian Federation against Ukraine under the transitional provisions of the Law of Ukraine “On Accounting Information on Harm Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine” of 20.11.2024 No. 4071-IX.
- Develop a mechanism for systematic collection and assessment of the needs of victims of torture, as well as taking this data into account when developing support measures for such persons based on the Coordination Centre for the Support of Victims and Witnesses.
- The Ministry of Social Policy should develop and implement a state system of support for victims of torture, regardless of their status as victims in criminal proceedings, taking into account their basic and urgent needs. The system should include both urgent and long-term measures of medical and psychological support, as well as financial support, taking into account the personal circumstances of the victims.
- Ensure training for service providers within the support system on trauma-informed approaches and standards for working with victims of international crimes, particularly torture.
- Develop and adopt standardised algorithms/procedures to support doctors and forensic medical experts in filling out the Certificate of bodily injury documentation, ensuring a comprehensive and holistic approach to medical documentation. Additionally, develop a Certificate for documenting psychological assessment, needs, and behavioural observations.
- Amend the Law of Ukraine “On Forensic Examination” to allow forensic examinations to be conducted by trained doctors, not only by state forensic medical experts.

