

Ukraine's Implementation of the Universal Periodic Review Recommendations (Fourth Cycle) on Combating Torture

(This submission was prepared by the Human Rights Centre ZMINA¹ in cooperation with the international organisation World Organisation Against Torture (OMCT)²

S – 116.68 Include a definition of torture in the Criminal Code in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and investigate all allegations of torture and ill-treatment in an impartial, thorough, transparent, efficient and effective manner so as to bring perpetrators to justice and fight impunity (Republic of Moldova).

In December 2022, Ukraine amended its legislation on criminal liability for torture³. Article 127 of the Criminal Code of Ukraine was amended by the addition of Part 3, which established a separate criminal liability for torture committed by a representative of the State (including a foreign State). Paragraph 1 of the Note to this Article clarifies that representatives of the state include public officials, as well as people acting in an official capacity or at their instigation, or with their knowledge or tacit consent⁴. Parts 1 and 2 of the Article continue to apply to any criminally responsible person aged 16 or over, thereby retaining a general category of perpetrators.

Under Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('the Convention'), ratified by Ukraine, torture is defined as an act committed by, at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity⁵. Therefore, acts committed solely by private individuals without, the involvement, instigation, consent, or acquiescence of public officials, do not constitute torture within the meaning of the Convention, although they may be classified under other provisions establishing liability for violence, bodily harm or similar offences.

In view of the above, **the definition of torture under Article 127 does not currently fully comply with the provisions of the Convention and requires further revision**. Ukraine acknowledged this issue to the UN Committee against Torture ('the UNCAT') in 2026 as part of its seventh periodic review⁶, noting that a draft law had been registered to strengthen criminal liability

¹ Human Rights Centre ZMINA: <https://zmina.ua/en/>

² World Organisation Against Torture (OMCT): <https://www.omct.org/en>

³ Law of Ukraine No. 2812-IX of 1 December 2022 "On Amendments to the Criminal Code of Ukraine Concerning Criminal Liability for Torture": <https://zakon.rada.gov.ua/laws/show/2812-20#Text>

⁴ Criminal Code of Ukraine No. 2341-III of 5 April 2001, Article 127: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1: https://zakon.rada.gov.ua/laws/show/995_085#Text

⁶ State Party report on Follow-up to Concluding Observations: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FUKR%2FFCO%2F7&Lang=en

for torture and other cruel, inhuman or degrading treatment or punishment⁷. Among other amendments, the draft law proposes introducing Article 365-6, establishing criminal liability for officials responsible for places of detention whose failure to perform or improper performance of their official duties results in torture or degrading treatment. However, the draft would retain the current structure of Article 127 which would continue to apply to a general category of perpetrators. As of the time of writing, no progress has been made on the draft law since May 2025.

A positive development following the 2022 amendments to Article 127 is that the prosecution authorities began recording such offences committed by public officials separately. Statistical data are now compiled separately for torture committed by public officials (under Part 3 of Article 127) and for torture committed by other perpetrators (under Parts 1 and 2)⁸. This enables more accurate monitoring of allegations of torture involving public officials and facilitates assessment of the effectiveness of measures to prevent, investigate and prosecute such offences.

Conclusion: Partially implemented. Ukraine has taken important steps to bring its criminal legislation into line with the Convention against Torture. In particular, the 2022 amendments to Article 127 of the Criminal Code introduced separate criminal liability for torture committed by a representative of the State and enabled separate statistical recording of such offences. However, the current structure of Article 127 still does not fully reflect the definition contained in Article 1 of the Convention, as it continues to allow a person falling within the general category of perpetrator to be recognised as the perpetrator of torture, rather than limiting this category exclusively to a representative of the state or a person acting on their behalf or with their consent. Therefore, the process of bringing national legislation into fully into line with the Convention remains incomplete.

S – 116.69 Grant the national preventive mechanism the legal authority and the practical means, including financial, to access all places where the mechanism suspects that persons are deprived or may be deprived of liberty, in accordance with article 4 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Switzerland).

The National Preventive Mechanism (NPM) has access to all places of deprivation of liberty in Ukraine, except those located in the temporarily occupied territories. In 2025, NPM monitors conducted 626 visits⁹, with no instances recorded in which they were denied access to a monitoring site. Monitoring visits covered all regions except the temporarily occupied territories. Visits were conducted to facilities routinely monitored by the NPM, including penal colonies, pre-trial detention centres, psychiatric hospitals, psychoneurological residential institutions, temporary holding facilities for foreigners and stateless persons, and other facilities.

In 2025, an automated NPM system was developed with the support of the Council of Europe to consolidate and structure the body of information, recommendations and methodological materials accumulated over the years of the NPM's operation. This will reduce the time required to prepare reports following visits and provide access to a map of Ukraine showing all places of detention, the facilities visited, the violations identified and the recommendations issued¹⁰. Although the system is

⁷ Draft Law No. 12319 of 16 December 2024 "On Amendments to the Criminal Code of Ukraine to Strengthen Liability for Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment": <https://itd.rada.gov.ua/billinfo/Bills/Card/45407>

⁸ Office of the Prosecutor General: "Registered Criminal Offences and the Results of Their Pre-Trial Investigation": <https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2>

⁹ Special Report of the Ukrainian Parliament Commissioner for Human Rights "The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025", p. 14. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

¹⁰ National Preventive Mechanism. <https://npm.ombudsman.gov.ua/>

already publicly accessible, information on visits to places of detention, recommendations issued and other relevant data is still being updated.

Despite inflation exceeding 40%¹¹, the NPM's budget has continued to decline since the beginning of the full-scale invasion in 2022: UAH 3.282 million in 2022, UAH 2.658 million in 2023, UAH 2.658 million in 2024 and UAH 2.393 million in 2025¹². Council of Europe experts who conducted an external evaluation of the NPM's activities in 2025 emphasised that funding is one of the areas affecting the NPM's work and still requires improvement¹³. The UNCAT¹⁴ and the European Commission¹⁵ have also highlighted the need for sustainable funding for the NPM.

The reimbursement of expenses incurred by NPM monitors who are representatives of civil society also remains unregulated. These monitors conduct monitoring visits together with staff of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights under authorisations issued by the Commissioner. At present, they are not reimbursed for travel expenses, meals during visits or accommodation when cluster visits are conducted in other regions. This creates additional barriers to the participation of civil society monitors in the NPM's activities and may adversely affect the sustainability of the "Ombudsman+" model, which is based on monitoring visits conducted jointly by staff of the Ombudsman's Office and civil society monitors.

It is equally important to note the NPM's response to cases of ill-treatment and bodily injuries associated with mobilisation activities. NPM monitors, together with representatives of the Ombudsman's Office Department for Monitoring Respect for Rights in the Defence Sector and the Rights of Veterans, Service Personnel, Prisoners of War and Their Family Members, participate in visits to territorial centres for recruitment and social support (TCR and SS) under the Ministry of Defence of Ukraine¹⁶. These additional monitoring responsibilities have further increased the workload of the NPM, as it requires the Mechanism to conduct monitoring visits, respond to numerous complaints and document possible human rights violations¹⁷ and reinforced the need for adequate staffing and financial resources.

The operational environment created by the aggression of Russian Federation also increased the practical resources required for the NPM to carry out its mandate effectively. NPM monitors regularly visit places of detention near the front lines and in cities close to the border, such as Sumy, Kharkiv, Chernihiv, and other oblasts. Therefore, it is essential to provide NPM monitors with personal protective equipment for visits to places of detention under martial law.

Martial law, mobilization, and large scale displacement has also reduced the availability of experienced personnel within the NPM, posing an additional risk to the development of torture

¹¹ Funding for Ukraine's Torture Prevention Mechanism Has Decreased by 27% over Three Years: <https://zmina.info/news/finansuvannya-mehanizmu-zapobigannya-katuvannyam-v-ukrayini-skorotylosya-na-27-za-try-roky/>

¹² Special Report of the Ukrainian Parliament Commissioner for Human Rights "The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025", p. 19. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

¹³ Assessment of the Effectiveness of Ukraine's National Preventive Mechanism. <https://rm.coe.int/npm-report-ukr-2025-bloc-2790-0604-6226-1/48802a6d33>

¹⁴ Committee against Torture. Concluding observations on the seventh periodic report of Ukraine (para. 28). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FUKR%2FCO%2F7&Lang=en

¹⁵ Ukraine Report 2025: https://enlargement.ec.europa.eu/ukraine-report-2025_en

¹⁶ Territorial centres for recruitment and social support (TCR and SS) are military command bodies responsible for implementing legislation on military duty and military service, mobilisation preparation and mobilisation. The Regulation on Territorial Centres for Recruitment and Social Support was approved by Resolution No. 154 of the Cabinet of Ministers of Ukraine of 23 February 2022: <https://zakon.rada.gov.ua/laws/show/154-2022-%D0%BF#Text>

¹⁷ Annual Report of the Ukrainian Parliament Commissioner for Human Rights on Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2025: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/2-22042026-0951-shchorichna-dopovid-upovnovazhenogo-2025.pdf>

prevention efforts. The NPM's development strategy for 2026–2028 acknowledges these and plans for its development within the constraints of available resources – both material and human¹⁸.

Conclusion: Partially implemented. The NPM has the necessary legal authority to access places of detention and, in practice, exercises its mandate without obstruction. At the same time, the recommendation to provide the NPM with adequate financial resources remains unimplemented. Despite the expansion of its mandate and the increasing workload, the NPM's budget has continued to decline since 2022. Strengthening the NPM's financial and operational capacity remains necessary to ensure its effective functioning in accordance with the requirements of the Optional Protocol to the Convention against Torture.

S – 116.70 Increase resources to protect the rights and living conditions of people in detention and prisoners (Republic of Korea);

S – 116.71 Continue efforts to improve the situation of prisoners, in particular in pretrial detention, by, inter alia, increasing the minimum space attributed to each prisoner, allocating necessary financial means, increasing custodial staff and ensuring necessary medical treatment (Germany).

As of 1 January 2026, a total of 34,925 people were held in penal institutions and pre-trial detention centres¹⁹. This figure represented a decrease of 5.9% compared with the previous year. However, monitoring by national and international mechanisms indicates that this did not lead to any significant improvement in conditions of detention. Numerous reports by national civil society organisations²⁰, the NPM²¹ and international monitoring mechanisms²² have documented problems related to prison overcrowding, inadequate living conditions, insufficient medical care, engagement in work exhibiting signs of forced labour, incidents of violence and the prolonged use of solitary confinement.

The armed aggression of the Russian Federation and the martial law, imposed in response to it, have presented additional structural challenges for the penitentiary system. **Since the beginning of Russia's full-scale invasion of Ukraine, 36 institutions have been damaged or destroyed, while a further 41 remain in the temporarily occupied territories. Facilities in regions affected by hostilities are systematically damaged or destroyed, forcing them to cease operations and subsequently evacuate.** As of January 2026, 11 penitentiary institutions had ceased operating and been evacuated because they could no longer function in areas affected by hostilities²³. **Most penitentiary institutions remain outside the civil protection system, meaning**

¹⁸ Strategy for the National Preventive Mechanism for 2026–2028:

<https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-20042026-1631-3415-2026-nakaz.pdf>

¹⁹ Special Report of the Ukrainian Parliament Commissioner for Human Rights “The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025”, p. 30. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

²⁰ Alternative report on the fulfilment by Ukraine of its international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Kyiv, 2025, 80 pp.: https://zmina.ua/wp-content/uploads/sites/2/2025/05/zmina-un_alternatereportua_v06.pdf; Practices for Documenting Torture in Places of Detention: Research Report. Kyiv, 2020. 136 pp.: <https://zmina.ua/wp-content/uploads/sites/2/2020/02/fixingtorture-web.pdf>

²¹ Special Report of the Ukrainian Parliament Commissioner for Human Rights “The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025”, p. 36. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

²² Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023. URL: <https://rm.coe.int/1680af632a>

²³ Special Report of the Ukrainian Parliament Commissioner for Human Rights “The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025”, p. 30. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

that they have no shelters, which poses a constant threat to the lives and health of the people held there.

Bilenkivska Correctional Colony in the Zaporizhzhia region is a stark example of the failure to carry out a timely evacuation. In July 2025, Russia struck the institution, killing 16 prisoners and injuring a further 44. This was not the first time the institution had come under attack. Although the colony is located approximately 20 kilometres from the line of contact, the prisoners were evacuated to other institutions only after this tragedy²⁴.

At the same time, Strategic Objective No. 1 of the Operational Plan for the Implementation of the Penitentiary System Reform Strategy through 2026 in 2025 and 2026 provides for the creation, by the end of 2026, of proper conditions of detention meeting national and international standards for 3,000 prisoners and detainees. Such accommodation must provide at least four square meters of living space per person and five square meters in prison healthcare facilities, as well as an individual bed, cleanliness, sufficient natural light, ventilation and heating, and freedom from damp, among other requirements²⁵. According to information available to the Human Rights Centre ZMINA, between 2025 and June 2026, 2,575 places meeting international standards for conditions of detention were created in penal institutions, while 260 such places were created in pre-trial detention centres²⁶. These figures demonstrate that the State has intensified its efforts to bring conditions of detention into line with international standards.

At the same time, **inadequate conditions of detention remain particularly acute in pre-trial detention centres**, where numerous monitoring visits continue to document overcrowding, poor sanitary conditions and insufficient access to natural light and fresh air, among other problems. Creating places that meet the relevant standards in pre-trial detention centres should be a priority for the state, as these institutions face the most systemic and persistent problems, resulting in human rights violations and conditions of detention that fail to meet international standards.

Kyiv SIZO is one of the largest pre-trial detention centres in Ukraine, holding approximately 3,000 people, and systemic problems with conditions of detention have been documented there for many years. Despite numerous recommendations from national and international monitoring bodies, the situation at the institution remains critical. During monitoring visits conducted in 2024–2025, the NPM continued to document overcrowded cells, insanitary conditions, mold and fungal growth, inadequate sleeping arrangements, insufficient natural and artificial lighting, inadequate access to drinking water and failure to maintain appropriate temperatures. Problems with ensuring the right to medical care were also documented, including shortages of medical staff and delays in receiving necessary treatment. Particular concern arises from the widespread practice of holding people in overcrowded cells where the actual living space is less than two square meters per person, as well as the use of solitary confinement without adequate justification²⁷. The most serious threat to the lives of those held at the institution is the risk of Russian air attacks and the absence of shelters for prisoners and staff. According to the institution's administration, the specialised civil protection services do not recommend using the existing semi-basement and basement premises or underground passageways as basic shelters. They have also advised against including these premises in the register of protective structures. It has also been reported that the problem lies not only in the condition of the premises but also in the layout of the institution's grounds. The distances between its buildings and blocks make it impossible to install modular shelters or construct new protective structures²⁸. As a result, approximately 3,000 people are forced to remain in their cells

²⁴ Ibid, p. 25.

²⁵ Operational Plan for the Implementation of the Penitentiary System Reform Strategy through 2026 in 2025 and 2026, approved by Order No. 1188-r of the Cabinet of Ministers of Ukraine of 29 October 2025: <https://zakon.rada.gov.ua/laws/show/1188-2025-%D1%80#Text>

²⁶ Response of the Department for the Enforcement of Criminal Sentences to the request of the Human Rights Centre ZMINA, No. 06_0205 of 16 June 2026.

²⁷ Report on the Results of Visits to Kyiv SIZO Using New Tools: https://files.notorture.org.ua/Library/Kyyivske_SIZO.pdf

²⁸ Kyiv SIZO Has No Shelters for Its 3,000 Prisoners: <https://zmina.info/news/u-kyivskomu-sizo-nemaye-ukryttiv-dlya-3000-vyazniv/>

and at their workplaces during large-scale attacks on Kyiv, with no opportunity to move to a safe shelter in the event of an imminent threat.

The above-mentioned Operational Plan for the Implementation of the Penitentiary System Reform Strategy envisaged the commencement, by the end of 2025, of construction of a new pre-trial detention centre with a capacity of 1,072 people, designed to comply with European standards for the treatment of prisoners. The new facility was intended to accommodate prisoners transferred from facilities that do not meet these standards²⁹. According to the Ministry of Justice, a construction permit was issued in late December 2025. However, according to the information available to the Human Rights Centre ZMINA has learned that construction work has yet to begin.

Medical care in penal institutions and pre-trial detention centres is provided by the State Institution “Health Care Centre of the State Criminal Executive Service of Ukraine”, which falls under the authority of the Ministry of Justice. NPM reports indicate persistent failure to comply with the principle of equivalence, according to which persons deprived of their liberty should have access to healthcare of a standard comparable to that available in the community. A key reason for this failure is the chronic understaffing of medical units. In recent years, medical staffing levels have consistently remained 13–20% below the required level³⁰. NPM visits have revealed significant vacancies for among internists or family doctors, psychiatrists and dentists. As a result, comprehensive medical examinations cannot be carried out, delaying the detection and treatment of diseases and contributing to systemic violations of the healthcare rights of persons deprived of their liberty³¹.

It should also be emphasized that, contrary to the recommendations of the UNCAT, **the penitentiary healthcare system has still not been integrated into the country’s unified medical space**. An experimental project launched in 2024–2025 to provide healthcare within the unified medical space to prisoners and persons remanded in custody at Lutsk SIZO (pre-trial detention centre) and Bila Tserkva Correctional Colony No. 35 is not currently being implemented. According to information available to the Human Rights Centre ZMINA, a decision was taken in January 2026 to transfer the State Institution “Health Care Centre of the State Criminal Executive Service of Ukraine” entirely to the authority of the Ministry of Health of Ukraine from 1 January 2028, without implementing any additional pilot projects. However, the decision not to implement pilot projects makes it impossible to assess the practical mechanisms for integrating penitentiary healthcare into the unified medical space, while the integration itself has effectively been postponed until 2028.

Conclusion: Partially implemented. Ukraine is taking certain measures to improve conditions of detention for prisoners and detainees, including by creating new places that meet international standards within existing institutions and continuing to implement the Penitentiary System Reform Strategy. At the same time, persistent systemic problems with inadequate conditions of detention, particularly in pre-trial detention centres, inadequate healthcare, shortages of medical staff and the failure to integrate penitentiary healthcare into the unified medical space demonstrate that these recommendations have been only partially implemented.

S – 116.101 Finalize the establishment of the State bureau of investigations and accord it the resources and independence needed to investigate crimes committed by public officials, judges and law enforcement officers, thereby addressing impunity (Namibia).

²⁹ Operational Plan for the Implementation of the Penitentiary System Reform Strategy through 2026 in 2025 and 2026, approved by Order No. 1188-r of the Cabinet of Ministers of Ukraine of 29 October 2025: <https://zakon.rada.gov.ua/laws/show/1188-2025-%D1%80#Text>

³⁰ In 2026, the difference between the number of posts provided for in the staffing schedule and the number actually filled was 13%; in 2025, it was 14%; and in 2024, 19.7%. Source: Response of the State Institution “Health Care Centre of the State Criminal Executive Service of Ukraine” to the request of the Human Rights Centre ZMINA, No. 06_0207 of 16 June 2026.

³¹ Special Report of the Ukrainian Parliament Commissioner for Human Rights “The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025”, p. 44. <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

On 27 November 2018, the State Bureau of Investigation (SBI) began its law enforcement activities aimed at preventing, identifying, stopping, solving and investigating crimes falling within its jurisdiction, including torture committed by representatives of the state.³²

Throughout its operation, the SBI has continued to investigate criminal proceedings concerning torture and other forms of ill-treatment committed by representatives of the state. On average, the SBI handles approximately 2,000 criminal proceedings each year, while indictments against dozens of public officials are referred to court. At the same time, **the number of convictions in torture cases remains comparatively low** – 10 convictions in 2024³³ and 21 in 2025³⁴. Moreover, until 2024, the SBI's public reporting lacked information on the final outcomes of cases before the courts. The European Committee for the Prevention of Torture (CPT) also drew attention to this issue, emphasizing the need to publish data not only on the progress of investigations but also on how many resulted in indictments and criminal penalties³⁵.

In 2025, the SBI **introduced a specialization for investigators handling cases of torture** and other forms of ill-treatment, with 157 investigators assigned to this area³⁶. This should help consolidate expertise and improve the quality of investigations. However, these investigators handle this category of cases alongside other criminal proceedings, meaning that torture cases are not prioritised. The SBI also conducts pre-trial investigations into a broad range of criminal offences, including those involving the abuse of power or official authority in the military sphere, particularly by service personnel from territorial centres for recruitment and social support. This additional workload objectively requires the Bureau to be provided with adequate staffing and resources. Under these circumstances, **ensuring effective investigations into torture requires an increase in the number of investigators and a clear delineation of their specializations**. This could be achieved, among other measures, by adopting the draft law currently under consideration by Parliament that would increase the SBI's maximum staffing level from the current 1,900 employees to 2,500³⁷.

Conclusion: Partially implemented. Ukraine has completed the institutional establishment of the State Bureau of Investigation, which investigates crimes committed by representatives of the state, including torture and other forms of ill-treatment. In 2025, a specialization for investigators handling torture cases was introduced, representing a positive step towards strengthening the Bureau's institutional capacity. At the same time, the SBI continues to operate under a significant workload due, among other factors, to its jurisdiction extending to criminal offences committed by service personnel from territorial centres for recruitment and social support (TCR and SS). Under these circumstances, the need to provide the SBI with sufficient human resources, including by increasing the number of investigators, to investigate torture effectively and combat impunity remains pressing.

S – 116.169 Step up efforts to prevent ill-treatment of minors deprived of liberty and guarantee their effective rehabilitation (Ecuador).

³² State Bureau of Investigation: History: <https://dbr.gov.ua/istoriya>

³³ Report on Activities of the State Bureau of Investigation for 2024: <https://dbr.gov.ua/reports/kopiya-zvit-pro-diyalnist-derzhavnogo-byuro-rozsliduvan-za-2024-rik>

³⁴ Report on Activities of the State Bureau of Investigation for 2025, p. 42: https://dbr.gov.ua/assets/files/diyalnist/zvit/2025/zvit-ukr_2025.pdf

³⁵ Report to the Ukrainian Government on the Visit to Ukraine Carried Out by the European Committee for the Prevention of Torture (CPT) from 16 to 27 October 2023, para. 31: <https://rm.coe.int/1680b0e1f9>

³⁶ SBI Steps Up Its Investigation of Torture and Human Rights Violations: <https://dbr.gov.ua/news/dbr-posilyue-robotu-z-rozsliduvannya-katuvan-ta-porushen-prav-lyudini>

³⁷ Draft Law No. 5305 of 26 March 2021 "On Amending the Specific Laws of Ukraine as to Improvement of the Legal Framework for Operations of the State Bureau of Investigation": <https://itd.rada.gov.ua/billinfo/Bills/Card/26100>

During its monitoring visits in 2025, the NPM documented several violations of the rights of juveniles held in places of detention.

First, requirements concerning separate accommodation were violated, with juveniles being held together with adults because of a shortage of cells in which they could be accommodated separately³⁸.

Second, some penal institutions use the practice of prolonged solitary confinement of juvenile prisoners, which is expressly prohibited under international³⁹ and national standards⁴⁰. This form of isolation may have extremely harmful effects on their psychological, physical and social well-being and, under certain circumstances, may amount to cruel, inhuman or degrading treatment or punishment. For example, during a visit to the Ivano-Frankivsk Penal Institution in 2025, an NPM monitoring group found that three juvenile prisoners were being held alone in separate cells. Confidential interviews with the juveniles revealed that they had been held in solitary confinement for approximately five months. They told the monitors that they wished to be accommodated with other prisoners, as the prolonged isolation was adversely affecting their mental well-being. However, given the specific nature of the Ombudsman's mandate in Ukraine, the Ombudsman is not authorised to issue binding decisions. Following the violations identified, the Ombudsman therefore submitted a formal request to the Ministry of Justice demanding an end to the prolonged solitary confinement of juvenile prisoners and that their conditions of detention be brought into compliance with national legislation and international standards⁴¹.

Despite the existing legal framework for the rehabilitation of torture victims, Ukraine lacks state-run rehabilitation programs for them. Currently, there is no state-funded targeted rehabilitation program for torture victims beyond access to general medical services. Such assistance is currently provided only by civil society organizations and volunteers. In fact, nongovernmental organizations have taken it upon themselves to improve the condition of torture victims, alleviate symptoms of post-traumatic stress disorder, and work with the victims' families; however, their efforts, expertise, and resources are woefully inadequate. This means they can provide support only to a limited number of torture victims who need assistance. As a result, most victims are deprived of their right to rehabilitation and, consequently, of the support necessary to rebuild their lives and return to active participation in community life.

Conclusion: Partially implemented. Ukraine has enshrined in law safeguards protecting the rights of juveniles deprived of their liberty, including requirements to accommodate them separately from adults and the prohibition of solitary confinement. However, monitoring visits have identified instances in which these safeguards were violated. In particular, cases in which juveniles are held together with adults and subjected to prolonged solitary confinement continue to be documented. Such practices are contrary to international standards and may amount to cruel, inhuman or degrading treatment. This demonstrates the need to ensure the proper implementation of the safeguards established by law and to prevent the prolonged solitary confinement of juveniles in places of detention.

³⁸ Special Report of the Ukrainian Parliament Commissioner for Human Rights "The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025", p. 58: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

³⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 43: https://www.unodc.org/res/justice-and-prison-reform/cpcj-prison-reform_html/UKR_final_Nelson_Mandela_RulesE-ebook.pdf

⁴⁰ Law of Ukraine "On Pre-Trial Detention", Article 8: <https://zakon.rada.gov.ua/laws/show/3352-12#Text>

⁴¹ Special Report of the Ukrainian Parliament Commissioner for Human Rights "The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025", pp. 32–33: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

S – 116.170 Take necessary measures to prevent degrading and cruel treatment of persons with disabilities, especially minors (Iraq).

Under international⁴² and national law⁴³, places in which persons with disabilities reside or are accommodated on a permanent basis must meet accessibility requirements and be adapted to their needs.

However, during visits to various places of detention, NPM monitoring groups have documented violations of these standards and failures to implement the relevant recommendations. During visits to penal institutions, including correctional colonies, monitors found that living quarters, dining facilities and other infrastructure were not equipped with accessibility features for persons with disabilities and persons with reduced mobility. The institutions lacked ramps, handrails, accessible entrances, adapted sanitary facilities and other necessary technical solutions, making it impossible for these individuals to move around independently. This practice violates the right of persons with disabilities and persons with reduced mobility to decent conditions of detention, makes them dependent on assistance from others and is inconsistent with the principles of equality and non-discrimination. Furthermore, this situation increases the risk of such people being excluded from full participation in the life of the penal institution⁴⁴. During visits to Kyiv SIZO, NPM monitoring groups found that prisoners and convicted persons with reduced mobility were unable to access the exercise yards independently. In addition, the short-term visiting room had not been made accessible to persons with disabilities⁴⁵.

The NPM also documents violations of these requirements in social care institutions. In particular, these institutions systematically violate the right to accessibility of persons with disabilities and residents with reduced mobility. Their premises are generally not adapted to the needs of these groups. In particular, monitoring has found that most residential buildings are not equipped with lifts or lifting platforms. This effectively prevents residents with reduced mobility who live above the ground floor from moving around or going outdoors and results in their prolonged isolation within their living quarters. Furthermore, in most institutions, the corridors in residential areas are not equipped with horizontal handrails, creating additional risks of falls and injuries. Persons with disabilities also encounter barriers when using sanitary and hygiene facilities that have not been adapted to their needs. In particular, these facilities lack fixed and folding handrails, sufficient space for wheelchair manoeuvring, and hooks for crutches and other assistive equipment, limiting residents' ability to use them independently and safely. In addition to architectural inaccessibility, NPM monitoring groups systematically document failures to provide persons with disabilities with the necessary individual rehabilitation aids. Residents frequently lack orthopaedic footwear, individual commode chairs, bedside tables, adjustable beds, pressure-relieving mattresses and other specialised equipment.

Given the systematic nature of these accessibility barriers, the NPM is compelled to focus its attention on this issue. Accessibility is a prerequisite for the effective enjoyment of right to privacy, education, work, and other rights. The absence of accessible infrastructure increases the dependence of person with disabilities on others for basic daily activities, undermines their dignity and autonomy and may expose them to degrading treatment. During a visit to a ward at a psychoneurological residential institution, an NPM monitoring group documented a case in which a resident was secured to the back of a wheelchair with a piece of cloth while in the courtyard to keep

⁴² Convention on the Rights of Persons with Disabilities: https://zakon.rada.gov.ua/laws/show/995_g71#Text.

⁴³ Law of Ukraine "On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine", Article 26: <https://zakon.rada.gov.ua/laws/show/875-12>

⁴⁴ Special Report of the Ukrainian Parliament Commissioner for Human Rights "The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025", p. 40: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

⁴⁵ Report on the Results of Visits to Kyiv SIZO Using New Tools: https://files.notorture.org.ua/Library/Kyyivske_SIZO.pdf

them in a seated position because the wheelchair did not meet their individual needs⁴⁶. This illustrates how the absence of appropriate devices may result in practices that undermine the dignity of persons with disabilities and may amount to degrading treatment.

Conclusion: **partially implemented.** Monitoring visits continue to document significant shortcomings in ensuring accessible conditions for persons with disabilities in places of detention and residential institutions. Architectural barriers, inaccessible sanitary facilities, the absence of appropriate assistive devices and other deficiencies restrict the autonomy of persons with disabilities, expose them to degrading treatment and undermine their dignity. The state must continue to take comprehensive measures to make all places of detention accessible to persons with disabilities and persons with reduced mobility, ensuring their freedom of movement, proper conditions of detention, access to the necessary rehabilitation aids and respect for their human dignity.

⁴⁶ Special Report of the Ukrainian Parliament Commissioner for Human Rights “The State of Efforts to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2025”, pp. 117–118: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>