

COUNTRY FACTSHEET — UKRAINE

Access to Justice for Pre-Trial Detainees

Ukraine's justice and penitentiary systems are undergoing reform while operating under martial law. The DIGNITY research, carried out by ZMINA, combined desk research (Nov. 2024 – Jan. 2025) with fieldwork (Jan. – March 2025), including 19 semi-structured interviews with lawyers, facility administrations, civil society, and one formerly detained person.

Key Facts & Figures

- ▶ Prison population: 37,119 people (1 January 2025), an incarceration rate of 98 per 100,000 inhabitants — below the European median.
- ▶ The report cites two figures for pre-trial detention on the same date: Council of Europe (SPACE I) statistics record 9,521 people (25.64%), below the European average of 29.4%; the Ukrainian Ministry of Justice's Statistical Bulletin separately records 15,505 people in pre-trial-type facilities. Both figures are reproduced here as reported, reflecting differing institutional definitions.
- ▶ The prison population has fallen by about 83% since 2000 and 49% since 2015, driven by a 2012 procedural reform and, more recently, by the slowdown of police/court activity and the voluntary recruitment of prisoners into the armed forces since the full-scale invasion.
- ▶ Prison density is unusually low at 53.9 inmates per 100 places (European average: 87.3), and foreign nationals make up just 1.9% of the prison population, compared with a European average of 25%.
- ▶ Between 2017 and 2019 alone, special prison forces were deployed 2,765 times, a practice the UN Committee Against Torture had already urged Ukraine to restrict in 2007.

Barriers to Access to Justice

- Although national law formally exempts correspondence with courts, the prosecutor, the Ombudsman, defence counsel, and international bodies from censorship, monitoring reports found this largely theoretical: in twelve institutions, no sealed appeals reached the Ombudsman, the prosecutor's office, or human rights organisations over the entire monitoring period, and in a further nineteen, fewer than five appeals were recorded.
- Detainees who complain risk retaliation. In *Sergey Volosyuk v. Ukraine*, the European Court of Human Rights found that punishing a detainee for sending a complaint to the Prosecutor General outside formal censorship channels was retaliatory and unlawful.
- A Soviet-era criminal offence for "persistent disobedience to the lawful demands of prison authorities" is vague enough that it allows administrations to convert minor disciplinary infractions into criminal charges — repeatedly condemned by the CPT and the UN Working Group on Arbitrary Detention.
- Since the full-scale invasion, human rights organisations have faced a sharp rise in workload (documenting war crimes, supporting deported prisoners) while resources for penitentiary-

related work have fallen. The 2025 U.S. suspension of USAID funding (roughly 82% of active contracts cancelled by 10 March 2025) further threatened support for detainees.

Legal Safeguards & Procedural Rights

- Pre-trial detention is an exceptional preventive measure under the Criminal Procedure Code, applied only when less restrictive measures cannot address specific, defined risks (absconding, destruction of evidence, obstruction of justice, and similar).
- Recently adopted legislation created a Detention Conditions Commission empowered to review complaints about detention conditions from detainees, convicts, relatives, or lawyers, with Commission decisions appealable in court.
- Meetings with defence counsel are unlimited in number and duration and must take place under conditions ensuring confidentiality.
- In *Sukachov v. Ukraine* (2020), the European Court of Human Rights delivered a pilot judgment requiring Ukraine to reduce overcrowding, improve material detention conditions, and introduce effective preventive and compensatory remedies. The Constitutional Court separately struck down, in July 2024, a wartime provision allowing automatic extension of detention without a hearing.

RECOMMENDATION / GOOD PRACTICE FROM THE REPORT

The report highlights the new Detention Conditions Commission as a significant recent reform, and stresses the need to ensure genuinely confidential correspondence with courts and oversight bodies, to prevent retaliation against complainants, and to sustain funding for the civil-society organisations that monitor detention and support detainees despite the pressures of war.