

Submission to the UN Committee against Torture on Ukraine's implementation of the concluding observations following the Committee's 82nd session

This submission was prepared by the Human Rights Centre ZMINA¹ in cooperation with the World Organisation Against Torture (OMCT)². It assesses Ukraine's implementation of the recommendations identified for follow-up in paragraphs 12(c), 18(a), 18(b) and 24(c) of the Committee's concluding observations on Ukraine's seventh periodic report. It draws on findings from National Preventive Mechanism monitoring visits, responses to official information requests, relevant legislation and regulations, court decisions, and information collected by the submitting organisations. It also comments on the information provided by Ukraine in its follow-up report (CAT/C/UKR/FCO/7), submitted on 8 May 2026.



Paragraph 12 (c):

Ensuring for all detained persons the right to request and receive a medical examination by an independent doctor, free of charge, or a doctor of their choice, which is conducted out of hearing and sight of police officers, unless the doctor concerned explicitly requests otherwise

The right to a medical examination from the moment of actual apprehension is one of the fundamental safeguards against torture and ill-treatment. Its exercise in Ukraine depends on the proper procedural documentation of detention: where a detention is not formally recorded, the detainee does not in practice acquire that status, and none of the safeguards discussed below – including the right to medical care – operate.

Most detentions in Ukraine are carried out by National Police officers. When a detainee is brought to a temporary detention facility, medical documents are added to their personal file, including a specialist's consultation report on their state of health and any bodily injuries³, as well as a certificate documenting such injuries⁴. If a detainee has sustained an injury, their health has deteriorated or they show signs of illness, police officers must immediately ensure that first aid is provided and call the emergency medical services⁵.

A human rights inspector monitors compliance with detainees' rights in temporary detention facilities, including by arranging access, at the detainee's request, to a medical professional of any qualifying facility or licensed practitioner⁶. Every detainee must also be examined by a doctor before being placed in a temporary detention facility⁷.

Despite these requirements, National Preventive Mechanism (NPM) monitors found that officials responsible for detainees' rights have not been appointed in many territorial police units: visits found no such officials in place or functioning, leaving monitors unable to establish the circumstances of detention, including any bodily injuries or use of force or special equipment⁸.

Of particular concern is the practice of National Police officers taking detainees to territorial centres for recruitment and social support (TCR and SS). Although compulsory transfer is permitted for administrative

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

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

³ Primary medical record Form No. 028/o (specialist consultation report on injuries and need for care or isolation).

⁴ Certificate documenting bodily injuries using primary medical record Form No. 511/o.

⁵ Instruction on the Detention Regime and Security of Persons Held in Temporary Detention Facilities of the National Police of Ukraine, approved by Order No. 777 of the Ministry of Internal Affairs of Ukraine of 25 September 2023, subparagraph 1 of paragraph 7 of Section V: <https://zakon.rada.gov.ua/laws/show/z2034-23#Text>

⁶ Ibid, subparagraphs 7, 8 of paragraph 12 of Section IV.

⁷ Internal Rules for Temporary Detention Facilities of the National Police of Ukraine, approved by Order No. 777 of the Ministry of Internal Affairs of Ukraine of 25 September 2023: <https://zakon.rada.gov.ua/laws/show/z2036-23#Text>

⁸ 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. 68–69: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

mobilisation-rule offences, the NPM has documented transfers without required procedural formalities: a May 2025 visit to a Poltava region police unit found no administrative detention report for any of the 194 individuals taken to TCR and SS, depriving them of liberty without documentation or safeguards, including defence and medical care⁹.

The Ombudsman has publicly reported deaths at TCR and SS premises and numerous complaints of violence and unlawful detention there¹⁰, undocumented and therefore effectively outside procedural safeguards.

The National Anti-Corruption Bureau of Ukraine (NABU) also carries out detentions but, per NPM findings, has no officials responsible for detainees' rights; detention actions are not fully recorded and complaints are neither registered nor examined¹¹.

NPM monitors' first visit to the State Bureau of Investigation (SBI) in 2025 found no specially equipped rooms for detainees, risking prolonged, unregulated deprivation of liberty without adequate food, water or other necessities¹².

In its follow-up report, the State party cites Law No. 3623-IX of 21 March 2024, which strengthened the powers under Article 212 of the Criminal Procedure Code of officials responsible for detainees' rights, and Order No. 699 of the Ministry of Internal Affairs of 16 October 2024, which requires immediate medical care, recording of injuries, and access to a doctor of the detainee's choice at their request. These measures reinforce the legal framework, but the State party's report does not address the implementation gaps documented above: unappointed responsible officials in many police units, and undocumented transfers to TCR and SS, NABU, SBI and SSU facilities.

Assessment: *Partially implemented.* Despite strengthened legal safeguards, medical examinations from the moment of apprehension are not adequately ensured in practice, given undocumented deprivation of liberty and other shortcomings identified above.

RECOMMENDATIONS:

- ensure the system of officials responsible for detainees' rights operates properly in all bodies authorised to carry out detentions, and appoint such officials within TCR and SS units;
- document every instance of de facto deprivation of liberty, including TCR and SS transfers; guarantee timely medical access; and ensure examinations occur out of law enforcement officers' sight and hearing.

⁹ Ibid, p. 70.

¹⁰ "Death following mobilisation measures: actions of the police and TCR and SS under investigation in Kyiv": https://www.facebook.com/dmytro.lubinetz/posts/pfbid0i5YnJvP5CPDn9a8J3UKBNx8hvRh9oQkpPWJWsM7gB8KcHcKnrVk8t7RsLoPuSMYI?locale=uk_UA

¹¹ 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. 84: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>

¹² Ibid, pp. 86–87.



Paragraph 18 (a):

Continue to make clear at the highest levels that any violations of international humanitarian law and international human rights law related to the conflict in the region are completely unacceptable, conduct prompt, independent, impartial, transparent and effective investigations into all allegations of violations of international humanitarian law and international human rights law committed by Ukrainian armed forces and military police in the context of hostilities in the region and the capture of combatants, and provide the Committee with details about the outcome of those investigations. In addition, it should ensure that captured combatants are brought to, and interviewed only in, official places of detention from the moment of their capture until their internment in the camps, and that they are afforded procedural safeguards, including information about their rights, access to medical screening upon every transfer and entry into a new facility, and other rights guaranteed under international humanitarian law and international human rights law, including the Convention

Regulations govern the operation of prisoner-of-war camps at national level^{13,14}, but no specialised departmental regulations comprehensively govern the detention regime, disciplinary liability, security, or material and living conditions of prisoners of war, and the term “internment” itself remains absent from national legislation, which instead uses “escort”¹⁵. Camps instead rely on penitentiary regulations that disregard prisoners of war’s specific legal status, pending specialised instructions still under preparation with no announced timeframe.

Implementation also requires procedural safeguards throughout State control, not only a regulatory framework – including protection against compelled testimony and the right to a defence under international humanitarian law.

Of particular relevance is the Supreme Court’s judgment of 2 July 2026¹⁶, one of the first domestic decisions directly applying international humanitarian law to the treatment of prisoners of war. Finding that a recorded interview conducted while the prisoner was under complete State control was, in substance, an interrogation without procedural safeguards – no caution against self-incrimination, no defence counsel – the Court held the resulting information inadmissible, and further found that the State’s authorisation of the recording and its publication breached the Article 13 prohibition on exposing prisoners of war to “public curiosity” under the Third Geneva Convention. The case shows that, despite the regulatory framework described above, a person with prisoner-of-war status was in practice interviewed without safeguards and the resulting material used in criminal proceedings, confirming that substantial improvements remain needed throughout the period of State control.

As of 1 May 2026, prisoners of war are held in five camps under the State Criminal-Executive Service, subordinate to the Ministry of Justice.

NPM monitors who visited the camps confirm the State party’s account of conditions: adequate living conditions, heating and backup power, timely medical care, hygiene, regular meals, and lawful involvement in camp maintenance work. Information sheets on prisoners’ rights are available in Russian and other major UN languages.

NPM monitors also found that positions related to camp maintenance are not included in the staffing tables, so wages depend on an unstable special fund; confidential surveys also revealed excessively long, unrecorded workdays, which make it impossible to monitor compliance with working-hour limits¹⁷.

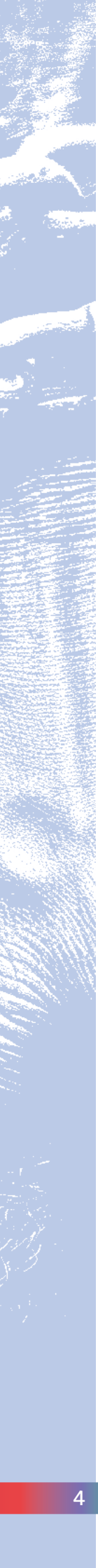
¹³ Resolution No. 413 of the Cabinet of Ministers of Ukraine of 5 April 2022, “On Approval of the Procedure for the Detention of Prisoners of War”: <https://zakon.rada.gov.ua/laws/show/413-2022-%D0%BF#Text>

¹⁴ Order No. 15/12 of the Ministry of Defence of Ukraine and the Ministry for Communities, Territories and Infrastructure Development of Ukraine of 8 January 2024, “On Approval of the Procedure for Organising and Carrying Out the Escort and Guarding of Prisoners of War from the Places or Areas Where They Are Held Following Capture to Prisoner-of-War Camps or Sections”: <https://zakon.rada.gov.ua/laws/show/z0116-24#Text>

¹⁵ Ibid.

¹⁶ Supreme Court judgment of 2 July 2026 in case No. 591/3720/24: <https://reyestr.court.gov.ua/Review/138038195>

¹⁷ 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. 41–43: <https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/1-01052026-0931-spetsialna-dopovid-npm-2025-na-druk.pdf>



The State party's follow-up report states that its Division of Penitentiary Inspections inspected two prisoner-of-war camps and eight facilities with prisoner-of-war sections in 2025, but does not assess human rights compliance in the camps, and ignores the specialised-regulation gap, the procedural safeguards gap above.

Assessment: *partially implemented*. Despite adequate detention conditions, specialised regulations on the detention regime, disciplinary liability, security and organisation of work are still lacking, and procedural safeguards for prisoners of war in criminal proceedings are not always ensured in practice.

RECOMMENDATIONS:

- strengthen oversight of procedural safeguards for prisoners of war in criminal proceedings, including informing them of their rights, their right to legal assistance, interrogations only with procedural safeguards, and excluding information obtained in violation of those safeguards;
- finalise specialised departmental regulations on the detention regime, disciplinary liability, security, living conditions and organisation of work for prisoners of war, consistent with the Geneva Convention relative to the Treatment of Prisoners of War;
- ensure that proper records are kept of the working hours of prisoners of war engaged in work and that compliance with the limits on working hours is effectively monitored.



Paragraph 18 (b):

Ensure that investigations and prosecutions of alleged torture and ill treatment include the acts of any person in a position of command or superior responsibility who knew or should have known that his or her subordinates had committed, or were likely to commit, such crimes and failed to take reasonable and necessary preventive measures, or to refer the case to the competent authorities for investigation and prosecution

In December 2022, the Verkhovna Rada adopted a law¹⁸ that added Part 3 to Article 127 of the Criminal Code of Ukraine and introduced a special category of perpetrator – a representative of the state, including a foreign state. Paragraph 1 of the note to this article clarifies that the term covers “public officials, as well as persons acting in an official capacity, or acting at their instigation, or with their knowledge or tacit consent”¹⁹.

The same law also removed limitation periods for offences under Part 3 of Article 127, but only prospectively: cases initiated before the amendment remain subject to the old, expired limitation periods, leaving perpetrators in those cases at risk of evading liability.

An illustrative example is the case concerning the beating and death of a prisoner at Zamkova Correctional Colony No. 58 in 2015. According to the investigation, the prisoner died as a result of multiple blows inflicted by the facility’s staff. The case is currently pending before the court of cassation and was referred to the Joint Chamber of the Supreme Court in June 2026²⁰. However, the applicable limitation periods expired at the end of 2025, making it effectively impossible to hold those responsible to account.

This case also illustrates the absence of statutory time limits for court proceedings, unlike pre-trial investigations: the law only requires proceedings to be “reasonable”²¹ – an evaluative concept with no fixed criteria, which risks undermining the inevitability of punishment in protracted torture cases.

Despite the legislative amendments, the practice of holding facility management accountable is only beginning to emerge. The Human Rights Centre ZMINA is aware of the following proceedings against senior staff of penal institutions and pre-trial detention centers:

- against the governor and first deputy governor of Berdiansk Correctional Colony No. 77 (creation and leadership of a criminal organisation, torture and extortion, 2016–2021)²². According to the Office of the Prosecutor General, **this is the first time since Ukraine gained independence that the management of a correctional facility has stood trial for large-scale torture**;
- against five Bozhkovska Correctional Colony No. 16 officials (violence against 37+ prisoners; grievous bodily harm causing a prisoner’s death)²³;
- against five Oleksiivska Correctional Colony No. 25 officials, including its governor and deputy governor (forcing unpaid, including overtime, work through humiliation, intimidation and threats)²⁴;
- against the head of the regime and security department of a pre-trial detention centre in the Poltava region and four of his colleagues in connection with the creation of a “torture chamber” and the torture of prisoners held there²⁵;

¹⁸ Law of Ukraine No. 2812-IX of 1 December 2022, “On Amendments to the Criminal Code of Ukraine to Improve Liability for Torture”: <https://zakon.rada.gov.ua/laws/show/2812-20#Text>

¹⁹ Criminal Code of Ukraine No. 2341-III of 5 April 2001, Article 127: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

²⁰ Supreme Court judgment of 3 June 2026 in case No. 686/13590/16-k: <https://reyestr.court.gov.ua/Review/137111144>

²¹ Criminal Procedure Code of Ukraine No. 4651-VI of 13 April 2012, Article 28: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>

²² “SBI arrests former heads of Correctional Colony No. 77 accused of torturing prisoners to extort money”, 8 June 2023: https://www.youtube.com/watch?v=u4A3_0V_xxE

²³ “SBI submits case concerning torture and killings at Bozhkovska Correctional Colony No. 16 to court”, 24 February 2025: <https://dbr.gov.ua/news/dbr-napravilo-do-sudu-spravu-shhodo-katuvan-ta-vbivstv-u-bozhkovskij-kolonii-n16>

²⁴ “SBI arrests colony management in the Kharkiv region over the abuse of convicted prisoners”, 26 August 2025: <https://dbr.gov.ua/news/na-harkivshhini-dbr-zatrimalo-kerivnictvo-kolonii-za-znushhannya-nad-zasudzhenimi>

²⁵ “SBI uncovers severe torture at the Poltava pre-trial detention centre”, 21 April 2025: <https://dbr.gov.ua/news/dbr-vikrilo-fakti-zhorstokih-katuvan-u-poltavskomu-sizo>

- in September 2025, indictments against seven staff members of the Kharkiv pre-trial detention centre, including its acting governor, were filed with the court in connection with their failure to provide safe conditions and medical care to a prisoner who sustained grievous bodily injuries inflicted by a cellmate and subsequently died²⁶. The acting governor is charged with failing to exercise proper supervision over his subordinates, thereby contributing to the serious consequences²⁷.

These remain isolated cases, not systematic practice: given their oversight duties, senior management in most facilities knows or should know of subordinates' conduct. A further risk is "hidden" torture – intimidation and threats without direct physical violence – harder to detect, document and prove.

The State party's follow-up report cites the 2017 conviction of twelve "Tornado" special police battalion members, including its commander, as an example of command responsibility²⁸ – though this predates the 2022 amendments and does not reflect current practice.

The State party also refers to a pending draft law (Reg. No. 12319, 16 December 2024) that would add Articles 365-4–365-6 to the Criminal Code, criminalising a facility head's failure to prevent torture or degrading treatment – responding directly to this recommendation's accountability gap, though with no adoption timeframe.

Also relevant is Article 31-1 of the Criminal Code, introduced in 2024, which established command responsibility of military commanders and superiors for subordinates' international crimes, including torture, where they knew or should have known and failed to act – though proceedings against Russia's senior leadership are so far only in absentia.

Assessment: *Partially implemented.* The legal framework on accountability for torture and command responsibility has been strengthened, and there are individual criminal proceedings against facility management. However, such practice is not yet systematic, the draft law on the liability of facility heads remains pending, and the application of Article 31-1 of the Criminal Code of Ukraine requires further analysis and review.

RECOMMENDATIONS:

- continue holding accountable managers of places of deprivation of liberty who knew or should have known of subordinates' torture or ill-treatment and failed to prevent, suppress or report it;
- with the Supreme Court, the Office of the Prosecutor General and other competent authorities, conduct a national-level review of how Article 31-1 is applied to commanders and superiors who knew or should have known of subordinates' international crimes and failed to prevent, suppress or report them.

²⁶ "SBI serves notices of suspicion on seven staff members of the Kharkiv pre-trial detention centre", 25 May 2025: https://youtu.be/DHEIaM9w_jk?si=atS06I5pvNMOsEFS

²⁷ Criminal Code, Part 3 Art. 365 (Excess of Authority Resulting in Serious Consequences): <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

²⁸ State party's follow-up report to the Committee against Torture, CAT/C/UKR/FCO/7 (8 May 2026).



Paragraph 24 (c):

Continue to improve security in all places of deprivation of liberty, including by providing training to all prison personnel, including members of the new internal-security service, on dynamic security principles, and inform the Committee about the rules of engagement and protocols put in place for the new internal-security service and about the measures taken to ensure that special forces units are not used inside prisons and thereby prevent mistreatment and intimidation of inmates

State Criminal-Executive Service staff regularly undergo initial vocational and in-service training^{29, 30} and professional-development activities, in which Internal Security Directorate representatives also participate.

Of the 76 staff serving in the Internal Security Directorate as of May 2026, ZMINA was told none had personally used physical coercion, special equipment or weapons against prisoners – yet such measures were used against persons in custody on 78 occasions in 2025³¹.

Of concern is the lack of mandatory documentation for Internal Security Directorate staff's actions: per an official response, video recording depends on the nature of the operation, hindering oversight and investigation of potential ill-treatment or abuse of authority.

In Q1 2026, penitentiary and pre-trial detention staff used body-worn cameras in only 73% of incidents involving coercive measures, per ZMINA's information.

A July 2025 requirement that penal and pre-trial detention staff display identification numbers on helmets and body armour is a welcome step, enabling prisoners to identify officials who use coercive measures against them.

In its follow-up report, the State party cites Order No. 1400/7 of 18 July 2025³², which formally added “Dynamic security”, “Procedural security” and “Physical security” as curriculum modules for 2025–2026 – addressing, on paper, the earlier absence of dynamic security as a distinct component. As with the rest of its report, the State party gives no data on training coverage or effect.

The State party also states that firearms, special equipment and physical force were not used by special forces units against prisoners in 2025. This does not address the 78 recorded uses of force by the Internal Security Directorate in 2025, or the continued absence of mandatory video recording for its operations.

Assessment: *Partially implemented.* Training now covers dynamic security and staff must display identification numbers, but there is no data on training coverage or outcomes, and video recording of coercive measures by Internal Security Directorate staff remains incomplete.

RECOMMENDATIONS:

- continue regular dynamic-security training for all staff, including internal security personnel;
- introduce mandatory video recording of the actions of Internal Security Directorate staff while they are performing their official duties and ensure that every instance involving the use of physical force, special equipment or coercive measures is properly documented.

²⁹ Order No. 4091/5 of the Ministry of Justice of Ukraine of 26 December 2018, “On Approval of the Regulations on Initial Vocational and Advanced Training for Rank-and-File and Commanding Staff of the State Criminal-Executive Service of Ukraine”: <https://zakon.rada.gov.ua/laws/show/z1496-18#Text>

³⁰ Order No. 1000/5 of the Ministry of Justice of Ukraine of 17 March 2023, “On Approval of the Regulations on the Organisation of In-Service Training for Rank-and-File and Commanding Staff of the State Criminal-Executive Service of Ukraine”: <https://zakon.rada.gov.ua/laws/show/z0466-23#Text>

³¹ Response No. 05_0160 of the Department for the Execution of Criminal Punishments of 21 May 2026 to a request from the Human Rights Centre ZMINA.

³² State party's follow-up report to the Committee against Torture, CAT/C/UKR/FCO/7 (8 May 2026).