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Date: 07/07/2021

### DH-DD(2021)381-add

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Meeting: 1411<sup>th</sup> meeting (September 2021) (DH)

Item reference: Addendum to the Action Plan (05/07/2021)

Communication from Ukraine concerning the case of Petukhov v. Ukraine (no. 2) (Application No. 41216/13)

\* \* \* \* \*

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Réunion : 1411<sup>e</sup> réunion (septembre 2021) (DH)

Référence du point : Addendum au Plan d'action (05/07/2021)

Communication de l'Ukraine concernant l'affaire Petukhov c. Ukraine (n° 2) (requête n° 41216/13) (**anglais uniquement**)

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DGI

05 JUL. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH



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**Ms Clare Ovey**

**Head of Department  
Department for the execution of  
judgments of the European Court of  
Human Rights Directorate General 1 –  
Human Rights and Rule of Law**

Council of Europe  
F-67075 Strasbourg Cedex

*As to the execution of the Court's judgment  
in the Petukhov (No.2) group of cases*

**Dear Madam,**

Herewith please find enclosed the Government of Ukraine Addendum to Updated Action Plan for the execution of the European Court of Human Rights judgments in the *Petukhov (No.2)* group of cases (application no.41216/13).

This information has been sent by e-mail.

Encl: on 13 pages.

**Yours faithfully,**

**Ivan LISHCHYNA  
Deputy Minister – Agent before  
the European Court of Human Rights**



СЕД АСКОД  
Міністерство юстиції України  
№ 29509/5.2.1/30-21 від 05.07.2021  
Підписувач Ліщина Іван Юрійович  
Сертифікат 12A1C72050EC68540400000048170100DC360D00  
Дійсний з 21.08.2019 16:13:27 по 21.08.2021 16:13:27

**Execution of Judgments of the European Court of Human Rights**

DGI

05 JUIL. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH**Addendum to the Updated Action Plan  
on measures to be taken for implementation of the Court's judgment  
in group of cases *Petukhov v. Ukraine (No.2)***

<b>Case Title</b>	<b>Application number</b>	<b>Final Judgment</b>
<i>Petukhov (No.2)</i>	41216/13	09/09/2019
<i>Lopata and 23 Others</i>	84210/17	10/12/2020
<i>Starishko</i>	61839/12	15/10/2020
<i>Dembo and 46 Others</i>	2778/18	11/03/2021
<i>Farziyev and 23 Others</i>	63747/14	01/04/2021
<i>Rusandu</i>	23047/20	01/04/2021
<i>Borisenko and 5 Others</i>	19102/20	15/04/2021
<i>Pyatachenko and 2 Others</i>	22851/20	15/04/2021

The Government of Ukraine would like to submit an additional information to the Updated Action Plan of 2 April 2021<sup>1</sup> regarding the measures taken for execution of the Court's judgments in the cases of *Petukhov v. Ukraine (No. 2)* group.

The additional information below should be read jointly, with the information already presented by the Government of Ukraine to the Committee of Ministers.

**I. INDIVIDUAL MEASURES*****Just satisfaction***

In the Judgments in *Lopata and Others*, *Dembo and Others*, *Farziyev and Others*, *Rusandu*, *Borisenko and Others*, *Pyatachenko and Others* cases the Court held that finding of a violation constitutes in itself sufficient just satisfaction and did not award any of it.

***Restitutio in integrum***

- *As to Dembo and Others case*

The Government would like to note that all the applicants were informed on the possibility to appeal against the contested court decisions under the exceptional circumstances prescribed by the domestic law after the Court's judgment in the present case became final. The information as to the applicants who submitted their requests to the Grand Chamber within the Supreme Court and the results of consideration of their requests are set out in the table below. The other applicants did not avail themselves of such an opportunity.

<b>Applicant's name</b>	<b>Application no.</b>	<b>The results of examination by the Grand Chamber within the Supreme Court</b>
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<sup>1</sup>[https://hudoc.exec.coe.int/eng#{%22fulltext%22:\[%2241216/13%22\],%22EXECIdentifier%22:\[%22DH-DD\(2021\)381E%22\]}](https://hudoc.exec.coe.int/eng#{%22fulltext%22:[%2241216/13%22],%22EXECIdentifier%22:[%22DH-DD(2021)381E%22]})

<b>Andriy Adolfovyh DEMBO</b>	2778/18	Returned the request due to the fact that the applicant missed the prescribed period for such proceedings and did not submit a request to restore the missed period <sup>2</sup>
<b>Oleksandr Oleksiyovych VASYLYUK</b>	23034/18	Rejected the applicant's request <sup>3</sup>
<b>Stepan Stepanovich LITVIN</b>	28059/18	Rejected the applicant's request <sup>4</sup>
<b>Stanislav Valeryevich SHTANKO</b>	28163/18	Rejected the applicant's request <sup>5</sup>
<b>Oleksandr Petrovych KOVALENKO</b>	32752/18	Rejected the applicant's request <sup>6</sup>
<b>Maksim Aleksandrovich IVANENKO</b>	38043/18	Rejected the applicant's request <sup>7</sup>
<b>Aleksandr Aleksandrovich BOROTBENKO</b>	39775/18	Rejected the applicant's request <sup>8</sup>
<b>Viktor Nikolayevich PONOMARYOV</b>	40845/18	Rejected the applicant's request <sup>9</sup>
<b>Ivan Ivanovych KARPENKO</b>	41730/18	Rejected the applicant's request <sup>10</sup>
<b>Viktor Petrovych SINOACH</b>	45778/18	Rejected the applicant's request <sup>11</sup>
<b>Ruslan Volodymyrovych ARTYUSHENKO</b>	55254/18	Rejected the applicant's request <sup>12</sup>
<b>Vyacheslav Ivanovych POLISHKO</b>	59345/18	Rejected the applicant's request <sup>13</sup>
<b>Sergiy Anatoliyovych SAFRONOV</b>	10731/19	Rejected the applicant's request <sup>14</sup>
<b>Oleksandr Leontiyovych TYMOSHCHUK</b>	17321/19	Rejected the applicant's request <sup>15</sup>
<b>Gennadiy Volodymyrovych KAPELKO</b>	21407/19	Rejected the applicant's request <sup>16</sup>
<b>Mikhail Vitaliyevich BILOTSKIY</b>	40236/19	Rejected the applicant's request <sup>17</sup>
<b>Oleksandr Oleksiyovych STUKAN</b>	45123/19	Rejected the applicant's request <sup>18</sup>
<b>Maksim Viktorovich STEPANENKO</b>	2808/20	Rejected the applicant's request <sup>19</sup>
<b>Oleksandr Valeriyovych IVZHENKO</b>	11213/20	Rejected the applicant's request <sup>20</sup>
<b>Oleksandr Oleksandrovych NIKOLAYENKO</b>	14392/20	Rejected the applicant's request <sup>21</sup>
<b>Sergiy Sergiyovych KONDRASHYN</b>	14677/20	Rejected the applicant's request <sup>22</sup>

<sup>2</sup> <https://reyestr.court.gov.ua/Review/97808351>

<sup>3</sup> <https://reyestr.court.gov.ua/Review/97104072>

<sup>4</sup> <https://reyestr.court.gov.ua/Review/96310158>

<sup>5</sup> <https://reyestr.court.gov.ua/Review/96933498>

<sup>6</sup> <https://reyestr.court.gov.ua/Review/96669496>

<sup>7</sup> <https://reyestr.court.gov.ua/Review/97220708>

<sup>8</sup> <https://reyestr.court.gov.ua/Review/96822606>

<sup>9</sup> <https://reyestr.court.gov.ua/Review/96890729>

<sup>10</sup> <https://reyestr.court.gov.ua/Review/97598679>

<sup>11</sup> <https://reyestr.court.gov.ua/Review/96669467>

<sup>12</sup> <https://reyestr.court.gov.ua/Review/96669472>

<sup>13</sup> <https://reyestr.court.gov.ua/Review/97175130>

<sup>14</sup> <https://reyestr.court.gov.ua/Review/96572351>

<sup>15</sup> <https://reyestr.court.gov.ua/Review/96890732>

<sup>16</sup> <https://reyestr.court.gov.ua/Review/97104066>

<sup>17</sup> <https://reyestr.court.gov.ua/Review/97808324>

<sup>18</sup> <https://reyestr.court.gov.ua/Review/96890747>

<sup>19</sup> <https://reyestr.court.gov.ua/Review/97598678>

<sup>20</sup> <https://reyestr.court.gov.ua/Review/96856780>

<sup>21</sup> <https://reyestr.court.gov.ua/Review/96342860>

<sup>22</sup> <https://reyestr.court.gov.ua/Review/96342861>

<b>Vadym Anatoliyovych ZYKOV</b>	18095/20	Rejected the applicant's request <sup>23</sup>
<b>Igor Stepanovich PETRIKIV</b>	21015/20	Rejected the applicant's request <sup>24</sup>

- *As to Farziyev and Others case*

All the applicants were informed on the possibility to appeal against the contested court decisions under the exceptional circumstances. The relevant information is set out in the table below. The other applicants did not avail themselves of such an opportunity.

<b>Applicant's name</b>	<b>Application no.</b>	<b>The results of examination by the Grand Chamber within the Supreme Court</b>
<b>Viktor Pavlovych LAVRENYUK</b>	58897/16	Rejected the applicant's request <sup>25</sup>
<b>Anatoliy Oleksandrovykh LUZHNETSKYY</b>	58985/16	Rejected the applicant's request <sup>26</sup>
<b>Vadim Valeryevich MESTROPYAN</b>	64484/17	Rejected the applicant's request <sup>27</sup>
<b>Viktor Petrovych SKRYNNYK</b>	78638/17	Rejected the applicant's request <sup>28</sup>
<b>Oleksandr Mykolayovych GUBARYEV</b>	38805/18	Rejected the applicant's request <sup>29</sup>

- *As to Rusandu case*

The applicant was informed on the possibility to appeal against the contested court decisions under the exceptional circumstances prescribed by the domestic law after the Court's judgment in the present case became final. However, the applicant did not avail himself of such an opportunity.

- *As to Borisenko and Others case*

All the applicants were informed on the possibility to appeal against the contested court decisions under the exceptional circumstances after the Court's judgment in the present case became final.

On 12 May 2021 the Grand Chamber within the Supreme Court considered Mr Balog (application no. 23703/20) request to review of the impugned court decisions in his case under the exceptional circumstances and following the Court's judgment, and rejected it<sup>30</sup>.

The other applicants did not avail themselves of such an opportunity.

- *As to Pyatachenko and Others case*

All the applicants were informed on the possibility to appeal against the contested court decisions.

<sup>23</sup> <https://reyestr.court.gov.ua/Review/97451634>

<sup>24</sup> <https://reyestr.court.gov.ua/Review/97808354>

<sup>25</sup> <https://reyestr.court.gov.ua/Review/97150170>

<sup>26</sup> <https://reyestr.court.gov.ua/Review/96342865>

<sup>27</sup> <https://reyestr.court.gov.ua/Review/97286371>

<sup>28</sup> <https://reyestr.court.gov.ua/Review/97628608>

<sup>29</sup> <https://reyestr.court.gov.ua/Review/97598684>

<sup>30</sup> <https://reyestr.court.gov.ua/Review/96890723>

On 7 June 2021 the Grand Chamber within the Supreme Court considered Mr Khavrutskyy (application no.23588/20) request to review of the impugned court decisions in his case, and rejected it<sup>31</sup>.

On 2 June 2021 the Grand Chamber within the Supreme Court considered Mr Zhovtenko (application no.31778/20) request to review of the impugned court decisions in his case, and rejected it<sup>32</sup>. The applicant Mr Pyatachenko R.G. did not avail himself of such an opportunity.

It should be noted that the Supreme Court, rejecting the applicants' requests noted that it was not possible to fully restore the applicants' previous legal position, in particular by quashing the previous court decisions and replacing their sentences of life imprisonment to imprisonment for definite terms or conditional release, because the European Court found a violation of the Convention only for life imprisonment without the prospect of release and did not conclude that the applicants' Convention rights were violated within the courts proceedings in respect of the applicants. Violations of the Convention in respect of the applicants can be eliminated only by amendments to the relevant legislation.

### **Other individual measures**

- ***Medical care of Mr Petukhov***

Following to the information already submitted by the Government in their previous communication it is to be noted that on 14 November 2016, the applicant was put in the Novhorod-Siverska Penitentiary Institution No.31, where he is still serving the sentence. The information about his medical care, including treatment plan is set out in the appended table (see *Annex* below).

As of June 2021, the applicant's state of health is defined as satisfactory, he is not receiving any medical treatment and is not requiring urgent care.

In light of information as to medical care of the applicant, the Government consider that the applicant received an adequate medical assistance and treatment.

- ***Visits in prison, Starishko case***

The Government would like to note that as of today Mr Starishko is held in Dniprovskaya Penitentiary Institution No. 4. According to the personal files of the applicant, during the period from February 2021 to the present time he has not applied to the administration of the penitentiary institution for long or short-term visits with his relatives.

In addition, the Government consider it is necessary to underline that the applicant has number of rights prescribed by the law. In particular, the applicant as the other prisoners may correspond with his relatives/persons outside penitentiary institutions, speak on the phone, including on the mobile phone, and use the Internet (Article 107 "Rights and Obligations of Prisoners" of the Code of Execution of Criminal Sentences of Ukraine). Prisoners may speak on the phone (the mobile phone) without limits, under the supervision of the administration of the penitentiary institution, as well as use Internet. Administrations of penitentiary institutions shall install payphones, as well as provide for availability of mobile communication facilities at the determined places in penitentiary institutions. Telephone calls are made at the prisoners' expenses during the leisure time and outside the time for meals and bedtime. If necessary

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<sup>31</sup> <https://reyestr.court.gov.ua/Review/97598693>

<sup>32</sup> <https://reyestr.court.gov.ua/Review/97451642>

and with approval of the administration of the penitentiary institution, a telephone call may be provided at any time.

## II. GENERAL MEASURES

- *As to statistic data about the number of prisoners serving whole life sentences in Ukraine*

As of 1 June 2021, there are 115 life-sentenced prisoners who are held in pre-trial detention centers (whose sentences entered into force) and 1460 life-sentenced prisoners who are held in maximum security level colonies.

- *As regards Bill No. 4049*

As of today, the Criminal Code of Ukraine does not provide for the availability for life prisoners to be released on conditions.

The Law of Ukraine “On Application of Amnesty in Ukraine” establishes that the amnesty cannot be applied to persons condemned to lifelong imprisonment.

An act of clemency may substitute a life sentence imposed by a court by imprisonment for a term not less than twenty-five years (paragraph two of Article 87 of the Criminal Code of Ukraine).

The Bill “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and the Code of Criminal Procedure of Ukraine Concerning Implementation of Judgments of the European Court of Human Rights” No. 4049 envisages amendments to the Criminal Code of Ukraine and Code of Criminal Procedure of Ukraine regarding introduction of a leniency mechanism of penalty in the form of life imprisonment. The initial text of the bill prescribed, among others, the possibility for a prisoner to apply for changing the sentence in form of life imprisonment to more lenient in case of serving at least ten years. In such instance the sentence shall be replaced with a sentence of imprisonment for a term of fifteen to twenty years (amendments to Article 82 of the Criminal Code of Ukraine).

As of today, the Bill No. 4049 is preparing for the second reading in the Parliament. The Government would like to note that the Law of Ukraine “On Rules of Procedure of the Parliament of Ukraine” does not envisage particular time lines for adoption of the laws.

It should be noted that the Law of Ukraine “On Rules of Procedure of the Parliament of Ukraine” establishes that the bill prepared for the second reading is presented in the form of a comparative table. Information about the preparation and the stage of passage of the bill with the relevant dates is published on the official web-site of the Parliament. Thus, as soon as the relevant information is provided by the Parliament, the Government will be able to provide information as to amendments introduced in the course of preparation the above bill for the second reading in the Parliament.

- *As to other legislative developments*

In the Judgment in *Petukhov (no.2)* case the Court criticised the presidential clemency procedure in Ukraine. In order to improve the procedure for clemency the draft decree “On Amendments to the Clemency Procedure Regulation, approved by Presidential Decree No.223 of 21 April 2015” was developed by the Ministry of Justice of Ukraine and on 26 August 2020 approved by the Cabinet of Ministers of Ukraine.

The draft decree defines new, more specific element to be taken into account when assessing the validity of a clemency application. In particular, the members of the Clemency Commission within

consideration of clemency applications shall primarily guide to the principle of “humanity”. Also, the members of the Clemency Commission are entitled to express their dissenting opinion. Victims and applicant have the possibility of participation during the consideration of the clemency application by the Clemency Commission, what is an important component of the fairness of the procedure. Moreover, the convicted is given the opportunity to express his/her position, just like any other person who has submitted an application.

Secondly, with a view to a proper calculation of the twenty-five years’ imprisonment replacing a life sentence (paragraph 176 of the above Judgment), the draft decree introduces the procedure for calculating a new sentence, which replaces the punishment in the form of life imprisonment: if a clemency is granted, a new period shall be calculated from the beginning of serving sentence in the form of life imprisonment and must not be less than twenty- five years.

Thirdly, in order to ensure the transparency of a life sentence review (paragraph 177 of the above Judgment), the draft decree provides that information on the status of consideration of clemency applications, the number of accepted clemency applications should be published monthly on the Office of the President of Ukraine official web-site.

In addition, in order to guarantee the proper review of life imprisonment, the draft decree envisages participation of representatives of non-governmental organisations in the sessions of the Clemency Commission, as well as the term of one-month for consideration of clemency application and issuance a presidential decree on clemency.

On 26 May 2021 the Ministry of Justice of Ukraine by Order No.1848/5 approved “The Procedure for Submission Applications for Clemency of Convicts to the Office of the President of Ukraine and Execution of Presidential Decrees on Clemency”<sup>33</sup>. It establishes the procedure for preparing and filing an application for clemency, and clear procedure for executing a presidential decree on clemency. Its provisions simplify the procedure for applying for clemency to prisoners, as well as make it more understandable for them. Also, it ensures proper and prompt execution of a presidential decree on clemency.

The Procedure envisages two forms of clemency: 1) replacement of life imprisonment to imprisonment for at least 25 years; 2) total or partial exemption from serving both capital and additional sentences.

Also, the Procedure establishes that the clemency application can be submitted by prisoner, as well as by his lawyer, parents, wife/husband, child, other relatives, a legal representative of prisoner. In exceptional circumstances, the clemency application can be submitted by:

- the head or another member of the Presidential Clemency Commission;
- the Commissioner for Human Rights of the Parliament of Ukraine;
- the Presidential Commissioner for Children's Rights;
- the Presidential Commissioner for the Rights of Persons with Disabilities;
- the Commissioner of the President of Ukraine for the Crimean Tatar People.

According to the Procedure, clemency decrees shall be executed immediately. The Ministry of Justice of Ukraine from the date of receipt of a clemency decree shall immediately, but no later than the next working day, send an order on execution of a clemency decree to the Department for Execution of Criminal Sentences (State Institution “Probation Centre”). Upon receipt of such order, the Department for Execution of Criminal Sentences (State Institution “Probation Centre”) shall immediately identify the place where the convicted person is serving the sentence and urgently send it to the administration of the penitentiary

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<sup>33</sup> <https://zakon.rada.gov.ua/laws/show/z0700-21#Text>



institution (authorised body on probation) to organise its implementation. The administration of the penitentiary institution (authorised probation authority) shall ensure immediate execution of an order on execution of a clemency decree.

The Government would like to note that the Draft Law “On Penitentiary System of Ukraine” was registered in the Parliament as per No. 5293<sup>34</sup> on 22 March 2021. In particular, the draft law provides for the possibility of functioning in penitentiary system of state institutions - the Probation Center - to ensure the full operation of the probation system in the penitentiary institutions, which is capable of balancing public safety, crime prevention and offender prevention and rehabilitation. Accordingly, the penitentiary system is entrusted with the implementation of probation measure in co-operation with state and local self-government bodies, as well as enterprises, institutions, organisations and public associations. The probation in penitentiary institutions provides for new approach to the rehabilitation of prisoners, including lifers, with a view to their subsequent adaptation to society.

- *As to constitutional complaints lodged by Mr Krupko and Mr Gogin*

The constitutional proceedings as regards the applications which raised an issue on the compliance of para 1 of Article 81 and para 1 of Article 82 of the Criminal Code of Ukraine with the Constitution of Ukraine submitted by Mr Krupko and Mr Gogin are still pending.

It should be noted that notwithstanding the results of consideration of above complaints by the Constitutional Court of Ukraine and its rulings on the issue, the legislative amendments are necessary. Even if the Constitutional Court of Ukraine holds that para 1 of Article 81 and para 1 of Article 82 of the Criminal Code of Ukraine do not comply with the Constitution of Ukraine, this will not provide for a realistic prospect of conditional release for life-prisoners and a realistic possibility of replacement the sentence of life imprisonment to more lenient sentence in future.

Both the Parliament (by passing the relevant laws) and the President of Ukraine (by regulating the procedure for clemency) may, within the limits of their powers, ensure the implementation of the provisions which establish the mechanism for reviewing life imprisonment.

- *As to rehabilitation activities for life prisoners*

It should be noted that the life-sentenced prisoners have the same rights and obligations as the prisoners sentenced to a fixed term, which are envisaged by the Article 107 of the Code of Execution of Criminal Sentences of Ukraine.

The main directions of social-educational work with life-sentenced prisoners are moral, legal, labor, aesthetic, physical and sanitary-hygienic education, contributing to the formation of their life position that meets the legal standards and the requirements of socially useful activity. This work with lifer is organised in individual and group forms, on the basis of psychological and pedagogical principles and methods.

Encouragement of law-abiding behavior of life-sentenced prisoners is carried out by means of programs of differentiated educational influence taking into account their behavior, mental state and the degree of social neglect.

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<sup>34</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=71498](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71498)

The programs of differentiated educational influence on lifers include the possibilities of educational function of the prison regime, general educational training, measures of encouragement and punishment, the educational impact of public, charitable and religious organisations, as well as their involvement in self-education.

Also, life-sentenced prisoners who do not have general secondary education have an opportunity to receive it in penitentiary institutions. For this purpose, counseling centers are functioning on the territory of the life imprisonment sectors. Also, they have the opportunity to get occupational professions in the training centers functioning within penitentiary institutions.

Moreover, life-sentenced prisoners have access to online libraries through the Internet. Lifers are provided with an opportunity to use the Internet directly on the territory of the sectors in penitentiary institutions. Within the Internet, lifers have the opportunity to communicate with their families and relatives.

Besides, life-sentenced prisoners may use televisions purchased at their own expense or their relatives' expense during the fixed time.

In addition, representatives of non-governmental organisations take part in the resocialisation process of lifers. The NGO "Union" Golden Age of Ukraine", a voluntary association of specialists in various fields (psychology, sociology, law, medicine), works to strengthen the social and psychological health of prisoners, improving their psychological, social and labour adaptation.

For example, with the participation of the NGO "Golden Age Union", which presented three game consoles for cyber training to the lifers, in the Kachanovskaya Colony No. 54 a pilot project on resocialisation of prisoners by methods of cybersports and electronic competitions is implemented.

On 18 June 2021, representatives of the NGO "Union "Golden Age of Ukraine" conducted an online meeting with life-sentenced prisoners of the penitentiary institution No.76. The online meetings are aimed at cultural, educational, spiritual, artistic and sports work with lifers, provision them with legal assistance, psychological support and preparation for adoption of Bills Nos.4048 and 4049. The NGO noted some positive steps, in particular, the telephone and Internet connection was set up, there was a tennis table in the exercise yard and additional time was allocated for training, the possibility of a short (5-10 minutes) conversation with the pastor.

On 25 June 2021, the representatives of the NGO "Union "Golden Age of Ukraine" conducted one more online meeting with the inmates of the penitentiary institution no.76. The options of social activities for prisoners were proposed to the lifer within the framework of preparation of the Bills nos.4048 and 4049, which provide for personal re-socialisation plans for lifers.

The Government would like to note that at the end of 2020:

- all penitentiary institutions provide inmates with access to the Internet;
- inmates have the right to use the Internet on a tablet computer;
- the content of the workbook for the psychologist of penitentiary institutions and pre-trial detention centers is established;
- 15 trainings with psychologists from penitentiary institutions and pre-trial detention centers were started and conducted (in 1 month);
- the number of books in libraries increased by 98,000;
- Methodological Guidelines for Assessing the Risks of Reoffending were approved;
- Recommendations on Prevention of Suicide and Self-Harm in the Penitentiary Institutions were prepared;

- the pilot project to update the mechanism of cooperation between authorised bodies on probation and penitentiary institutions was implemented;
- socially significant projects were implemented, in particular, conditions for the continuous provision of social services in penitentiary institutions were established and 42 inmates have been employed as social workers, a mobile app for inmates and released persons has been developed, 3 (including 1 online) exhibition of works by inmates were held.

- As to accommodation and regime of life prisoner

In paragraph 107 of the Judgment the Court noted the Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 8 to 21 December 2017 (CPT/Inf (2018) 41). In particular, the Court drew attention to the issue concerning the accommodation and the regime of the life-sentenced prisoners. The Government would like to provide information at the issue.

The Code of Execution of Criminal Sentences of Ukraine establishes that the life-sentenced prisoners serve their sentences:

- men - in maximum security level sectors of medium security level correctional colonies and maximum-security level correctional colonies;
- women - in medium security level sector of minimum-security level correctional colonies with general conditions and medium security level correctional colonies.

Life-sentenced prisoners are held separately from other prisoners, except those who, after serving ten years of their sentence in cell-type premises, are transferred to regular facilities in maximum security level colonies.

Also, the Code of Execution of Criminal Sentences of Ukraine envisages that life-sentenced prisoners are accommodated in cell-type premises, as a rule, two persons in the cell and wear a special type of clothing. At the prisoner's request and in other necessary cases, in order to protect prisoner from possible attacks on him/her by other prisoners or to prevent prisoner from committing a crime, or in the results of a medical report such prisoner may be kept in a single cell.

Life-sentenced prisoners (men) can be transferred:

- from the cell-type premises, in which two persons are held, to the multi-bed cell-type premises of maximum-security level colony with the permission to participate in group activities of educational, cultural and physical nature after serving them in such premises not less than five years of the sentence;
- from multi-bed cell-type premises to regular facilities of maximum-security level colony after serving them in such premises not less than five years of the sentence.

### **III. PUBLICATION AND DISSAMINATION**

The summary of the judgment in *Dembo and Others* case was published in the Government's Courier [*Uriadovyi Kurier*], No.99 of 25 May 2021 and put on the Ministry of Justice official web-site. The judgment was also translated into Ukrainian and put on the Ministry of Justice of Ukraine official web-site. Also, translation of the judgment was published on the legal portal *Liga Zakon*.

The summary of the judgment in *Farziyev and Others* case was put on the Ministry of Justice official web-site. The judgment was also translated into Ukrainian and published on the legal portal *Liga Zakon*.

The judgment in *Rusandu* case was translated into Ukrainian and published on the legal portal *Liga Zakon*.

The judgment in *Pyatachenko and Others* case was translated into Ukrainian and published on the legal portal *Liga Zakon*.

It should be noted that the Government sent notes with the proposition to publish the summaries of judgments in *Farziyev and Others*, *Rusandu*, *Pyatachenko and Others*, *Borisenko and Others* cases to the editor in chief of the Government's Courier [*Uriadovyi Kurier*].

Also, the Government sent explanatory notes to the Department of Registration and Systematisation of Legal Acts regarding the publication of translations of the above judgments in the official Government's print outlet – Official Herald of Ukraine [*Ofitsiynyi Visnyk Ukrainy*].

In addition, the Government note that the explanatory notes as to the conclusions of the Court in the judgments in present cases together with their summaries were sent to the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the relevant court of appeals, the National School of Judges of Ukraine, the Parliament of Ukraine - the Committees on Legal Policy and on Law Enforcement, the Office of the President of Ukraine.

#### **IV. STATE OF EXECUTION OF JUDGMENT**

The Government would like to emphasize that they understand the importance of resolving the issue of irreducibility of life sentences in Ukraine. In this regard the Government will continue their efforts to ensure the mechanism of reduction of punishment in the form of life imprisonment and will inform to inform the Committee about further developments and measures taken.

## ANNEX

Date	Complaints and Examinations	Results
14 November 2016	examined by a doctor of the Institution	scheduled to conduct chest X-rays and general blood analysis
16 November 2016	chest radiography	
10 January 2018	complained about the existence of a tumor painful during palpation in the beak area between the shoulder blades; examined by a doctor of the Institution	diagnosed with an infected atheroma of the back.
11 November 2017	examined by a surgeon	obtained surgical treatment
15 November 2017	chest radiography	intense foci on the right side against a background of pneumosclerosis, the right lung is reduced in volume, the right root is undefined, the left root is fibrotic, pleural effusions are noted basally on the right, mediastinum is displaced on the right, the heart is pulmonary
16 February 2017	complained of exudates from the atheroma	performed the necessary medical care
2 March 2017	examined by a surgeon	recommended to scheduled surgical intervention in a specialised medical institution.
10 March 2017	the request for the applicant's hospitalization was submitted	wrote a refusal;

	to the hospital; the blood test; the HIV test	satisfactory negative
24 March 2017	examined by a dentist	
20 April 2017	examined by a doctor of Institution	diagnosed a hemorrhoidal bleeding and prescribed the relevant treatment
10 October 2017	preventive examination; the blood test; the urine test	no complaints revealed; satisfactory
10 April 2018	preventive examination	no complaints revealed
2 Mat 2018	the blood test	satisfactory
24 October 2018	the blood test	satisfactory
14 November 2018	chest radiography	no dynamics since 2017
24 December 2018	preventive examination	no complaints revealed
1 January 2019	examined by a doctor of Institution	diagnosed with a viral respiratory infection; received the prescribed treatment in full
19 January 2019	examined by a doctor of Institution	diagnosed acute bronchitis; received the prescribed treatment in full
1 February 2019	the urine test	satisfactory
21 February 2019	hepatitis B, C test	negative
6 March 2019	examined by a doctor of Institution	diagnosed with chronic gastritis; received the prescribed treatment in full
27 June 2019	the urine test; examined on mobile diagnostic complex	satisfactory; diagnosed coronary insufficiency and chronic gastritis (remission stage)
13 August 2019	the urine test	satisfactory
23 August 2019	the blood test	satisfactory
29 August 2019	HIV test	negative
28 September 2019	examined by a paramedic	diagnosed with chronic gastritis; received the prescribed treatment in full
12 November 2019	chest radiography	no dynamics since 2017
14 November 2019	examined by a psychiatrist	no mental disorder

28 November 2019	examined by a paramedic	diagnosed with chronic gastritis; received the prescribed treatment in full
14 December 2019	examined on mobile diagnostic complex	
24 February 2020	HIV test	negative
25 February 2020	the blood test; hepatitis B, C test; examined on mobile diagnostic complex	satisfactory; negative
26 February 2020	blood chemistry	satisfactory
4 March 2020	examined by a dentist	received the prescribed treatment in full
7 April 2020	examined by a paramedic	diagnosed with chronic gastritis; received the prescribed treatment in full
14 April 2020	examined by a doctor of Institution	diagnosed a hemorrhoidal bleeding; received the prescribed treatment in full
22 July 2020	treatment by a dentist	
12 November 2020	chest radiography	no dynamics since 2017
23 November 2020	treatment by a dentist	
1 December 2020	examined on mobile diagnostic complex	
4 December 2020	treatment by a dentist	
17 December 2020	the urine test	satisfactory
23 December 2020	examined by a doctor of Institution	diagnosed with remission stage of a chronic gastritis
26 February 2021	HIV test	negative
2 March 2021	the urine test	satisfactory
25 March 2021	the blood test	satisfactory
26 March 2021	examined by a doctor of Institution	diagnosed with dyscirculatory encephalopathy; received the prescribed treatment in full
18 June 2021	examined by a doctor of Institution	diagnosed with residual changes after cured pulmonary tuberculosis