



CPT/Inf (2007) 23

**Response of the Ukrainian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Ukraine**

from 9 to 21 October 2005

The Ukrainian Government has requested the publication of this response. The report of the CPT on its October 2005 visit to Ukraine is set out in document CPT/Inf (2007) 22.

Strasbourg, 20 June 2007

REPORT
ON THE ACTION TAKING UPON THE CPT RECOMMENDATIONS AND REMARKS
SET OUT IN THE REPORT TO THE UKRAINIAN GOVERNMENT ON THE VISIT OF
THE CPT TO UKRAINE
FROM 9 TO 21 OCTOBER 2005

The report to the Ukrainian Government drawn up by the European Committee for the prevention of torture after its visit to Ukraine from 9 to 21 October 2005 has been carefully studied by the State Department of Ukraine on Enforcement of Sentences and other State bodies. The recommendations and comments stated in the above-mentioned CPT Report have been analyzed thoroughly; the complex of organizational and practical actions has been elaborated and taken to eliminate the shortcomings revealed.

A. Establishments under the authority of the Ministry of Internal Affairs of Ukraine.

The Ministry of Internal Affairs of Ukraine has considered the corresponding provisions of the CPT delegation's report and recommendations as a result of its visit to Ukraine in October 2005 and would like to inform the following:

Items 5, 6

In order to guarantee unimpeded access of the members of the CPT delegation to the local bodies of internal affairs of the Ministry of Internal Affairs of Ukraine the corresponding document was forwarded to all the internal affairs bodies (Directive No 972 of 01.12.2005). It requires that in the case of arrival of the members of the CPT delegation, who have proper documents with them, to allow them unimpeded access to the premises, where the detainees are kept. Besides, on the corresponding requests the Ministry is ready to inform the CPT about all the places, where the detained persons may be kept.

Item 8

On implementation of the Ministry's Order No 345 of 27.04.2005 all the premises of the local bodies of internal affairs of Ukraine, where the detainees are kept, have been checked (inspected). The volumes of the necessary repair and construction works in accordance with the CPT delegation's requirements have been cleared up.

Due to the redistribution of the financial means of the special fund of the internal affairs bodies 4 million Hrv are used for the purpose of improving the conditions of keeping the detained persons at the corresponding premises. Taking into account the CPT delegation's remarks and recommendations the Department of the Capital Building and Investments together with the State Project Institute of the Ministry of Internal Affairs of Ukraine work out the institutional building norms (standards) and typical projects for the corresponding premises of the local internal affairs bodies of Ukraine. It is planned to adopt them till the end of 2006 through the Ministry's Order.

Item 12

The Ministry of Internal Affairs of Ukraine is planning to initiate the consideration by the Constitutional Court of Ukraine the accordance of the Article 11 of the Law of Ukraine „On militia” to the requirements, which are envisaged by the Article 29 of the Constitution of Ukraine, concerning the detention and keeping vagabonds at the corresponding detention centers.

Item 13

The complex of the organizational and practical measures is carried out for prevention of ill-treatment of suspected persons, including the facts of their detention under pretence of committed administrative offences by them, as well as for prevention of refusal to provide the possibility of receiving the skilled medical care and informing the relatives and lawyers about the fact of their detention.

Items 20, 21 and 22

In accordance with the requirements envisaged by the Decrees of the President of Ukraine, decisions of the Government of Ukraine and leadership of the Ministry of Internal Affairs of Ukraine the activities of the internal affairs bodies are directed on overcoming the negative factors which undermine the militia's authority, on forming the positive image of the law and order defenders who constitute the bulwark of stability in our country.

For such purposes the Program on creation of the positive image of militia of Ukraine is being carried out during the period 2003-2007, as well as the Program of development of the partnership relations between militia and society. The Code of Ethics for the officers of the internal affairs bodies of Ukraine, which is developed on the basis of the principles of the UN Code of Conduct for the public servants, has been approved taking into account the provisions of the "Declaration on Police" of the Parliamentary Assembly of the Council of Europe, as well as the European Code of Police Ethics.

For the purpose of regular informing all the officers of the internal affairs bodies of Ukraine about the decisive countering all the forms of ill-treatment and bad attitude to the detained persons the Ministry of Internal Affairs of Ukraine, as a result of the last recommendations of the CPT delegation, has prepared and forwarded to the internal affairs bodies the corresponding informative letter, which envisages the necessity to carry out the complex of the preventive measures on the rights and legal interests of the detained persons.

In March 2006 the meeting of the leadership (Collegium) of the Ministry of Internal Affairs of Ukraine was devoted to the issues of human rights and freedoms protection, taking into account the annual report of the Ombudsman of the Parliament of Ukraine. Certain measures aimed at improvement of our activities in this sphere were approved.

The corresponding Public Council has been created at the Ministry. In all the regions of Ukraine the corresponding mobile groups are engaged in monitoring the human rights protection issues. They consist of the representatives of the leadership of the regional internal affairs bodies and higher educational establishments of the Ministry of Internal Affairs of Ukraine, as well as of the human rights protection NGOs. The coordination of the above mentioned groups' activities is carried out by the corresponding representatives of the Minister of Internal Affairs in the regions.

Unfortunately, we should acknowledge that some internal affairs officers have irresponsible behavior during the official duty performance. Exceed of power and abuse of authority concerning the detainees take place in militia. During the first 5 months of 2006 more than 2.6 thousands internal affairs officers were brought to the disciplinary responsibility and 195 officers were expelled from the internal affairs bodies. Violations of the constitutional rights of citizens also take place. 76 criminal cases were initiated against such officers. 56 of them are related to the illegal detention of citizens or infliction bodily injuries to them, 16 of them are related to the illegal search and property confiscation, 5 of them are related to the illegal bringing them to the criminal or administrative responsibility, 2 of them are related to the negligence in their work. Altogether, 338 criminal cases were initiated against the internal affairs officers during the first 5 months of the current year that is 12% increase in comparison with the similar period of the last year, when 301 such criminal cases were initiated.

Besides, in summer of 2005 the Ministry of Internal Affairs of Ukraine opened the new office for receiving citizens (the reception hours: from 09.00 till 17.00). Special attention is paid to the citizens' complaints and statements related to the violence, bodily injuries, tortures, illegal detention and others forms of ill-treatment.

The Ministry of Internal Affairs of Ukraine pays special attention to the issues of human rights and legal interests' protection of the detainees who are kept at the detention centers of the internal affairs bodies. The Board of the Ministry of Internal Affairs of Ukraine has already considered those issues three times (in March, July and September) in 2006. The above mentioned organizational measures made it possible to activate the corresponding activity in this sphere.

During the last 5 months the following measures for improving detainees' living conditions have been carried out at 269 detention centers of the internal affairs bodies:

- 670 cells were equipped with washstands,
- 545 cells were equipped with lavatories,
- 1.1 thousand new beds were provided,
- 5 thousand sets of bedclothes were provided.

In general, the detainees' living conditions have been improved in 406 detention centers of the Ministry of Internal Affairs of Ukraine. Heads of the Ministry's regional Main Departments and Departments received about 2 million Hrv for the corresponding purposes, 385 thousand Hrv from the territorial departments, 500 thousand Hrv; 1.1 million Hrv were obtained from other sources of financing, which are not forbidden by the legislation.

It is necessary to mention that this year the new detention centre has been created for the Pokrovkyi District Division of the Department of the Ministry of Internal Affairs of Ukraine in the Dnipropetrovsk region. After finishing the radical reconstruction the detention centers have been opened in the structure of the Velykoburlutskyi and Dergachivskyi District Divisions of the Department of the Ministry of Internal Affairs of Ukraine in the Kharkiv region and Liubeshyvskyi District Division of the Department of the Ministry of Internal Affairs of Ukraine in the Volyn region.

This year the repair works have been finished at the following detention centers: in the city of Kyiv, in the Donetsk region, in the Vinnytsa region, in the Volyn region, in the Zakarpattia region, in the Ivano-Frankivsk region, in the Lugansk region, in the Sumy region and in the Chernivtsi region.

57 detention centers have been temporarily closed for making radical repair or reconstruction there. 9 detention centers have been closed forever (in the Mykolaiv region, in the Kirovograd region, in the Sumy region, in the Kherson region and in the Cherkassy region) because it is not expedient to repair or reconstruct them.

In accordance with the Programme of the detention centers construction, reconstruction and capital repair during 2006 and further years 22 new detention centers are under construction in 16 regions of Ukraine and 7 of them should be opened before the end of the current year.

Such measures would make it possible to guarantee the detainees' proper living conditions in accordance with the corresponding norms and standards. Nevertheless, the construction works depend on timely financing. Only 9.2 million Hrv have been obtained for such purposes from the state budget. That is about 30 per cent of the planned sum (30 million Hrv). We expect that the rest of the sum would be provided till the end of the current year.

The leadership of the Ministry of Internal Affairs of Ukraine controls the state of bringing the detainees' and arrested persons' living conditions into correspondence with the envisaged norms and standards.

Item 27

The Order No 860 of the Ministry of Internal Affairs of Ukraine (10.10.2005) envisages the provision of the first assistance, including the medical one, to those persons, who are victims of offences or are in helpless or dangerous for their life and health state, to those children, who are without guardianship, as well as to the detained persons.

Items 29, 36

The Order No 60ДСК of the Ministry of Internal Affairs of Ukraine (20.01.2005) envisages the strict order and procedures of receiving detainees, who are suspected in committing crimes, as well as the convicted persons at the detention centers. In particular, the delivered persons before entering their cells are questioned by the medical assistant (if the latter is absent the corresponding questions are put by the attendant/officer on duty) about the state of their health. After that the detainees pass the sanitary procedures.

In case of detainees' complaints about their bad state of health, or if there are obvious signs of diseases or bodily injuries, the medical assistant (attendant) are obliged immediately to invite the corresponding doctors from civil medical establishments for their health examination and making the conclusions concerning the possibility of their further stay at the detention centre.

If the medical worker makes the decision that the detainee can not stay at the detention centre the ill person should be forwarded for medical treatment the medical establishments of organs of health protection.

Items 31, 32

For the purpose of implementation of the requirements of the Law of Ukraine "On militia" in part of the observance of the detainees' rights the Ministry of Internal Affairs of Ukraine has made changes and amendments to the institutional normative acts, which envisage:

- informing the detainees about the grounds and reasons of their detention or arrest, explaining them their right to appeal to the court;
- explaining them the provisions of the Article 63 of the Constitution of Ukraine, which envisage their rights to refuse to provide any information or explanations before the arrival of the legal defender; at the same time providing the detainees with the printed explanation of the Articles 28, 29, 55, 56, 59, 62 and 63 of the Constitution of Ukraine, which envisage their rights and interests, in particular the right to defend themselves personally or with the legal defender from the moment of their detention or arrest;
- in case of the oral or written statement of a detainee or arrested person about his/her desire to have a legal defender militia officers do not have right to require from such person any explanations or evidences before the arrival of the defender;
- in case of the statement about his/her desire or refusal to have a legal defender the corresponding record is made in the protocol on detention or arrest; the record should be signed by the detainee or arrested person;
- immediately, but not later than two hours after the detention or arrest of a person (persons) it is necessary to inform his/her (their) relatives about the place of detention or arrest; in case of the corresponding oral or written requirement such information should be forwarded to the defender and administration of the place of his/her (their) employment or studies.

Item 33

In accordance with the Article 44 of the Criminal and Procedural Code of Ukraine a person, who he is a defender in accordance with the law, is authorized to carry out defense of rights and legal interests of a suspected person, defendant, convicted or justified person and to grant to him/her legal assistance in the framework of the criminal case.

The Article 45 of the Criminal and Procedural Code of Ukraine envisages the obligatory participation of a defender during the inquest, pretrial investigation and consideration of the criminal case by court of the first instance if:

- the suspected or accused person is under 18 years old (defender should be invited from the moment of his/her accusation);
- the suspected or accused person has the psychical or physical defects (for example, mute, deaf, blind) and can not realize the right on defense (defender should be invited from the moment of his/her detention, or accusation, or revealing such defects);
- the suspected or accused person does not understand the language which is used for the legal proceeding (defender should be invited from the moment of his/her detention or accusation);
- the person is suspected or accused in committing such crime, which envisages the lifetime imprisonment (defender should be invited from the moment of his/her detention or accusation);
- the application of the forced medical treatment is necessary for such person (defender should be invited from the moment of revealing the mental affection);
- the forced educational measures are necessary for the suspected or accused minor (defender should be invited from the moment of the first interrogation of the minor or from the moment of forwarding the minor to the detention centre).

It is envisaged by the Article 168 of the Criminal and Procedural Code of Ukraine that the inquest of the minor witness who is under 14 years old (at discretion of the investigator – under 16 years old), is conducted in the presence of a teacher and, if necessary, a doctor, parents or other legal representatives of a minor.

Any facts of violation of the current legislation in this sphere by the militia officers are not known by the Ministry of Internal Affairs of Ukraine.

Item 34

The right to have free legal assistance is not fully realized because of the position of lawyers who very often do not wish to execute the functions free of charge. During this year about 7 thousand persons, who could not pay services of their defenders were brought to the criminal responsibility.

Besides, there are no lawyers associations (bars) in the majority of towns. That is why lawyers provide their services using their personal principles. The Article 47, Criminal - Procedural Code of Ukraine does not envisage the possibility to require free legal assistance from such lawyers. Such lawyers refuse very often to provide free assistance to the accused persons and defendants.

In this connection it is expedient to create in Ukraine the system of state lawyers' establishments for providing the legal assistance to such category of offenders.

Item 35

On implementation of the item 110 of the section "Introduction of free legal assistance to the poor people" of the Program "Meeting the needs of people" of Cabinet of Ministers of Ukraine in relation to development of the draft Law of Ukraine "On legal assistance" the Ministry of Internal Affairs of Ukraine has made legal examination of two draft laws of Ukraine «On advocacy» (register. numbers: 8666 and 8667).

Besides, the Decree No 509/2000 of the President of Ukraine (June 9, 2006) "On conception of forming the system of free legal assistance" envisages the following measures in this sphere:

- reforming the institute of advocacy;
- preparing the new release of the Criminal code of Ukraine;

- preparing the new release of the Criminal and Procedural Code of Ukraine;
- preparing the draft Code of Ukraine on Administrative Responsibility.

For realization of the right on free legal assistance for poor people in 2006 the Cabinet of Ministers of Ukraine adopted the Decree No 258 "On the order of using in 2006 the state budget money for providing people with free legal assistance in criminal cases" (March 7, 2006).

Item 37

The Ministry of Internal Affairs of Ukraine has elaborated and forwarded to all the internal bodies the new version (form) of the official protocol on official detention of a person suspected in committing crime. The protocol contains explanation of the rights, which are envisaged by the paragraph 3 of the Article 5 of the Convention Human Rights and Basic Freedoms Protection" (1950); corresponding articles of the Criminal and Procedural Code of Ukraine and the Constitution of Ukraine; the rights and duties of detainees.

Besides, all the internal affairs officers are provided with the list of the basic human rights, which should be informed by the militia officer to a person, who is suspected in committing crime or administrative offence, directly in the place of his/her detention.

Item 38

In accordance with the requirements of the Order No 485 of Ministry of Internal Affairs of Ukraine (18.08.1992) the officer on duty of the local militia unit has to consider the circumstances related to the detention of a person for committing an administrative offence; to register the fact of detention in the corresponding book and to put the corresponding protocol number and the period of time, which has been spent by the detainee in the unit's cell.

In accordance with the requirements of the Order No 60дкк of Ministry of Internal Affairs of Ukraine (20.01.2005) the detained persons should be received by the detention centers 24 hours per day. The officer on duty should check if there are grounds for keeping the person at the detention centre. Then the officer on duty should register the delivered person in the book, which contains the information about all the persons who are kept at the detention centre.

Item 42

The Main Headquarters of the Ministry of Internal Affairs of Ukraine prepares proposals for making changes and amendments to the normative documents, which regulate the order and procedures of keeping the detained persons at the premises of the units on duty of the internal affairs bodies and at the detention centers:

1) We have made demands concerning the conditions at the premises. It would be required that those premises have enough natural and artificial light, as well as ventilation. Extra-humidity should be liquidated. Those premises should be equipped with toilets and washing basins.

2) We plan to take part in the process of elaboration of the construction norms and standards, as well as creation of the model premise for the detainees at the local bodies of internal affairs (town and district level). We shall monitor the correspondence of all such premises of the units on duty of the internal affairs bodies to the elaborated norms and standards in order to know the scale of the corresponding activities, which are necessary for bringing them into the correspondence with the CPT recommendations. We shall clear up the expenses related to such activities and the sources of financing the corresponding works.

3) We plan to resolve the problem of keeping the detained persons at the premises of the units on duty of the internal affairs bodies during the period, which is more than 3 hours.

4) We prepare the proposals for making changes and amendments to the Article 277 of the Code of Ukraine on Administrative Offences in order to reduce the period of administrative offences investigation.

5) We prepare the proposals to the corresponding judicial authorities in order to start the work of the courts on duty (on week-ends and holidays, as well as at night in accordance with the rota) in order to make the decisions concerning the detainees during 3 hours after their detention.

6) We prepare the proposals for making changes and amendments to the legislation of Ukraine in order to carry out free medical examination of those persons who are forwarded by militia to the medical establishments of the Ministry of Health Care of Ukraine.

During the current year in order to fulfill the CPT recommendations and liquidate the consequences of the constitutional and human rights violations, which have been revealed by the General Prosecutor's Office of Ukraine at the corresponding detention centers, our Ministry has drafted the plan of the organizational and practical measures aimed at improving the detention conditions and bringing them in correspondence with the international standards.

In particular, in order to guarantee the constitutional rights and legal interests of the detainees at the premises of the local militia bodies (city and district departments of internal affairs), as well as for the purpose of fulfilling of the corresponding decisions of the Ministry's Board (No 1KM/1 of 11.03.2006 and No 4 KM/1 of 20.07.2006), the Directive No 640 of 20.07.2006 "On the measures for improving the detention conditions and human rights protection at the premises of the local militia bodies". In accordance with that Directive almost all the corresponding premises city and district departments of internal affairs were repaired (face-lift). The corresponding measures were carried out in order to guarantee the permanent drinking water supply to the detainees. If it was possible, the toilets were made inside the cells. The natural light and ventilation became better. Meals are provided in the throw away plates and dishes. But it is necessary to mention that it is not possible to reconstruct some premises for the detainees in accordance with the CPT recommendations because of the architectural and construction peculiarities of the corresponding administrative buildings, in which the internal affairs bodies are located.

The Minister of Internal Affairs signed the letters (reference No 9317/JIИ of 17.07.2006) to the Minister of Justice, Head of the Judicial Administration and Head of the Supreme Court of Ukraine in order to contribute to the adoption of the new working hours regime (*24 hours, 7 days per week*) for the courts, which consider the cases of the above mentioned detainees.

Besides, the corresponding letter (reference No 11191 of 05.09.2006) was forwarded to the Ministry of Justice of Ukraine in order to reduce the maximum period of time for consideration of the cases related to the offences envisaged by p. 2 of the Article 277 of the Administrative Code of Ukraine.

It is necessary to mention that in accordance with the Decree No 192-p adopted by the Cabinet of Ministers of Ukraine on 05.04.2006 the Ministry of Internal Affairs of Ukraine received under its jurisdiction two centres for foreigners and stateless persons, who illegally stay in Ukraine, from the State Committee of Ukraine on Migration and Nationalities. Both detention centres (in the Volyn region and in the Chernigiv region) are under reconstruction now. That is why they don't function yet.

B. Establishments under the authority of State Border Guard Service of Ukraine

1. On settlement the issue concerning point of temporary detention for foreigners and persons without citizenship "Pavshine" in Mykachivo border unit (further – PTD "Pavshine"). At present this issue on subordination "Pavshine" to Ministry of Interior in under consideration.

- On January 12, 2006 national deputies of Zakarpatska Regional Counsel made a decision № 700 "On assignation" concerning assignation of property complex "Pavshine";

- On March 30, 2006 a session of governmental committee took place, where the issue was reviewed and corresponding decision was taken on acceleration of the process of equipping of points of temporary detention of foreigners and persons without citizenship, in order to provide measures for their repatriation; also the issue concerning assignation of PTD "Pavshine" in subordination to the Ministry of Interior of Ukraine was considered;

- On July 26, 2006, with the aim to execute corresponding mandate from the President of Ukraine, the Cabinet of Ministers of Ukraine issued a commission concerning further end use and management of PTD "Pavshine" (№ 26069/1/1-06 from 26.07.2006);

- In order to fulfill the abovementioned mandate, Administration of the State Border Guard Service of Ukraine once more confirmed it's position in relation to practicability of assignation of PTD "Pavshine" in subordination to the MI of Ukraine and its functioning until opening of State points of temporary detention for foreigners and persons without citizenship in Chernigiv and Volyn Regions (letter addressed to the MI of Ukraine from 01.08.2006 № 0.29-15218/0/0-06). Currently this issue is at the stage of close consideration by MI of Ukraine.

2. With the aim to adjust the system of detention of persons (detained according to the administrative order) to international standards and in order to guaranty human rights observation in PTD "Pavshine", the State Border Guard Service of Ukraine applied the following practical matters, mainly – at the expense of help from non-governmental organizations:

- the repairing works have been conducted in order to locate law violators in PTD "Pavshine",

- a contemporary canteen (calculated on 100 persons), shower cubicles (for 10 persons), room for rest equipped with satellite TV have been built and were started.

Interior toilets have been repaired and a new outside one has been built.

Additional remodeling of rooms is being planned, in order to accommodate up to 80 persons at the expense of PTD administration's premises vacation.

3. Institutions of confinement do not belong to the jurisdiction of the State Border Guard Service of Ukraine.

C. Establishments under the authority of Security Service of Ukraine

In compliance with its authority the Security Service of Ukraine worked out the paragraphs 84 and 85 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report and would like to inform the following:

Item 84

In pursuance of Article 7 of the Law of Ukraine "On Counterintelligence Activity" and Article 4 of the Law of Ukraine "On detention" for the purpose of organizing and functioning of a special placements for the detention of persons suspected in preparing or conducting of undermining intelligence, terrorist activity or perpetrations of other crimes, the Regulations on the placements of detention within the system of the Security Service of Ukraine was ordered by

the Head of the Security Service of Ukraine. According to the Law these placements are pre-trial imprisonment establishments.

Pre-trial imprisonment is a preventive measure for the person being suspected, defendant or accused in perpetration of crime. According to the Article 106 of the Criminal Procedure Code of Ukraine the inquiry decides within 72 hours after the detention whether to release the person from custody if the suspicion in perpetration of crime has not been proved, or release the detainee and choose another preventive measure, not the detention, or put him to trial with providing an arrest warrant as preventive measure. These provisions have to be considered within 72 hours after detention of the person suspected or accused. If there is a need for more detailed investigation on personal data or circumstances of perpetration of crime to determine a preventive measure, judge can continue the detention to 10 - 15 days when petition is submitted by the person suspected or accused. In this case a special judgment is pronounced (Article 165-2 of the Criminal Procedure Code of Ukraine).

Item 85

As a result of checking of information on detainees stayed in an empty room without mattresses, blankets or food at SBU Headquarters in Uzhgorod it was established that this information didn't represent the facts.

In facts on 5.10.2005 nearly 6a.m. the citizens of Ukraine, Congo and Ghana were put at SBU Headquarters in Uzhgorod. Detainees stayed in offices of Headquarters with SBU employers. There they gave the explanation on the circumstances of perpetration of crime. At the noon of 5.10.2005 the SBU employers bought and brought detainees food. The abovementioned citizens were not put in "an empty rooms, without mattresses, blankets".

Due to the absence of passports or other documents of their proved legal status as foreigners on the territory of Ukraine, they were put at centre for the reception and distribution of vagrants of Ministry of Interior Headquarters in Zakarpathye for the term of 30 days.

D. Establishments under the authority of the State Department of Ukraine on Enforcement of Sentences

The Report to the Ukrainian Government drawn up by the European Committee for the prevention of torture after its visit to penal establishments (further "PE") of Ukraine from 9 to 21 October 2005 has been carefully studied by leadership of Department and discussed in enlarged meeting of Regional Departments having had the goal on shortcomings eliminating and actions on CPT recommendations to be taken.

Item 92, 93, 94

Due to Article 115 of Criminal-Executive Code of Ukraine the living space per one prisoner in penal establishment is over 3 m², per juvenile and sentenced woman - 4 m², in hospital wings of penal establishments, in penal establishments specializing in all forms of tuberculosis treatment and prison hospital facilities – 5 m².

According to Law of Ukraine "On Imprisonment before Trial" living space per person held in detention unit is over 2,5 m² and per expectant woman is 4,5 m² (the pregnant term is more then five months).

Aiming at bringing the standards of all prison population treatment in conformity with the legislation and international standards the State Program 2006-2010 on improving the treatment of detainees and persons taken in custody has worked out. It was approved by Decree of Cabinet of Ministers of Ukraine dated Aug 3, 2006 № 1090. On this Program it's planning to increase the capacity of penal establishments and hospitals on 22100 places extra.

The reconstruction of dormitories for block prisoners' treatment will be reequipped within period 2007-2010 if the budget allocation to Department is duly completed. Also it's foreseen to set up the interregional multifield hospital for prisoners.

With main goal to humanize the criminal-executive legislation Ministry of Justice of Ukraine has drawn up the Draft Law of Ukraine "On amendments to Criminal-Procedural Code, Criminal Code of Ukraine and Criminal-Executive Code of Ukraine" that was forwarded to Cabinet of Ministers of Ukraine. This Draft envisages the following changes:

- the improvement of life-long sentenced persons' treatment;
- the enlargement of living space per person (from 3 m² to 4 m²);
- the unrestricted access to telephone talks;
- the right of prisoner to make request to the authority be conditionally- released;
- the person's release from serving sentence under court decision if the person is the invalid of first/second groups or has the serious disease, or under the report of official body/authority of penitentiary establishment without personal identity characterizing his/her behavior during serving sentence.

The amendments to Criminal-Executive Code of Ukraine stipulate the humanization of criminal legislation when the state practices the groundless savage sentences, the possibility of alternative measures to be widen. The sanction as person's incarceration is usually applies towards petty crimes only because the Parliament can't envisage the other one.

The amendments to Criminal-Executive Code of Ukraine determines the maximum terms of keeping accused persons in custody or persons awaiting the trial as preventive measure considering the gravity of crime committed.

Item 95

Previously the prisoners or their families were encouraged to make "free donations" in favor of the institution's maintenance.

At present having considered the remarks of CPT the Department has taken necessary steps on the given practice to be stopped. In fact any contribution is welcome only from charitable foundations.

The encouragement of prisoners is under intensified supervision of legal bodies, authorities of institutions and society monitoring. The maintenance of prisoners' treatment is fulfilled by State budget allocation and penal establishments' production profits.

Besides, this year the building projects, thorough repairs and reconstruction have been implemented through 6,9 million Hrv (from 39 million Hrv planned) of State budget and 2,5 million Hrv of the equity earnings of penitentiary establishments.

Item 96

The Ukrainian Government has confirmed the State Program "On improvement of detainees/prisoners' treatment in 2006-2010", Decree of Cabinet of Ministers № 1090, August 3, 2006, aiming to cover the urgent needs of the State Department of Ukraine on Enforcement of Sentences in development on social-educational and staff training programs. Under this Program envisages the State Budget is going to allocate on improving of maintenance, logistical support

and reconstruction of penitentiary establishments, main repairs of four staff training/retraining schools in Dnepropetrovsk, Kyiv, Khmel'nitsk and Chernigiv Regions.

Item 98 - 103

In November 2005 the investigation board of Regional Department in Kharkiv Region undertook the official investigation on use of special means in Temnivska PE № 100 in Kharkiv Region in compliance with Ukrainian legislation. It is a medium-security establishment for recidivists convicted of serious offences.

On the official investigation the special detailed conclusion № 6655 of November 11, 2005 was drawn up. The investigation revealed that the application of special means was concluded in compliance either with procedure and legal grounds stipulated in Ukrainian legislation (Article 106, Criminal-executive Code of Ukraine; Paragraph 7 Part 2 Article 18, Law of Ukraine "On State Criminal-Executive Service of Ukraine"; Paragraph 59-61, Instruction of Department's Order № 275-2003) or with standards of European Prison Rules (Paragraph 39, 40 and 63).

Owing to before-the-fact application of special means towards prisoners and effective measures taken by the authority of PE № 100 there were 57 cases of violence, mass disobedience acts to be prevented.

It's inexpediently to give the additional recommendations to authorities of penal establishments on stopping of prisoners' ill-treatment since the general provisions of European Conventions on human rights have been considered in national legislation.

Having passed in law on January 1, 2004, Criminal-Executive Code of Ukraine envisages the international standards and norms of human rights and freedoms observation as well as Criminal Code of Ukraine and other legal provisions.

The Article 1, Criminal-Executive Code of Ukraine determines that the Ukrainian criminal-executive legislations governs the procedure and norms of criminal sentences' enforcement aiming on the respecting of personal integrity and interests of prisoners, security of society by providing of appropriate treatment means and re-socialization of detainees/prisoners and prevention of torture, inhuman and degrading treatment of prisoners.

Article 16, Law of Ukraine "On State Criminal-Executive Service of Ukraine" envisages that torture and inhuman or degrading treatment or punishment is inconsistent with the service in official bodies in State Criminal-Executive Service of Ukraine, penitentiary establishments and pre-trial institutions.

The Article 127, Criminal Code of Ukraine foresees the criminal liability for the physical or moral willful infliction/torture of the victim to press doing smth against his/her will. Besides the Article 365, Criminal Code of Ukraine foresees the criminal liability for moral/physical insulting of the victim.

According to Department direction №3/4-4019/Kn dated October 24, 2005 the cell of this institution for agitated or violent prisoners and for strait-jacket's maintenance has been converted into a storage area for prisoners' belongings. At present this cell has been put out of operation. In other PE there are no cells of such kind.

In Temnivska PE № 100 in disciplinary and isolation sections (DIZO/PKT) there were the reconstruction of heating system (medium temperature in cells is not less 18°C degree), renovation of ventilation and lighting systems (electric bulbs were changed from 40 W to 100 W) to be conducted. Working sell has been transmitted to other premise with application of natural day lighting.

Item 104, 105

If the prisoner (CISO or penitentiary establishment) has injured then any trauma/injury is filed in registration bond book on injuries in medical unit of penitentiary establishment.

Also, any trauma/injury is obligatory filed in the specific register on offences and accidents (KO3II) in duty service unit of PE.

The injured prisoner could consult with a doctor who must obligatory advice the head of health-care unit of PE about accident/incident with the prisoner. Health-care staff held a consultation meeting on prisoner's injury/trauma and diagnoses it with appropriate medical treatment. The head of medical unit reports to head of PE on prisoner's injury/trauma to be revealed who takes the decision on accident/incident.

The bodily injured prisoner is entitled to forward the official complaint in writing form to the head of PE who orders to health-care staff to run the medical investigation. The doctor should conduct it out of the presence of other prison staff and register accident/incident in prisoner's personal medical file.

With a goal to prevent the medical staff's ill-treatment of prisoners in any forms and improvement of health-care service in penitentiary establishments and pre-trial institutions, the competition on the best health-care unit in State Criminal-Executive Service of Ukraine was conducted in November 2005. The result of competition was focusing on improvement of material-technical basis of health-care service and enhancement of detainees/prisoners.

With the goal to prevent the prisoners' ill-treatment, some members of health-care staff were called to disciplinary account for it - two orders on disciplinary penalty were issued in Kirovograd and Lviv Regions (6 persons).

The status of health-care service in penitentiary establishments was examined in Department's collegiums meeting on June 30, this year. The actions on improvement of situation have been assigned thereby.

Item 107

Female-lifers serve their sentence in penitentiary establishment of medium security regime and they have rights and obligations of prisoners who serve the sentence in PE of medium security regime (Section III, Criminal-Executive Code of Ukraine). The Daily Order Prison Rules, Decree of Department № 275, December 25, 2006, govern the treatment of sentenced female-lifers (info on www.zakon1.rada.gov.ua/cgi-bin/laws/main).

There's no separate instruction on female sentenced to life-imprisonment.

Item 108, 110, 112

In Kachanivska PE № 54 in Kherson Region the former pre-trial prison is under the reconstruction at present time. It's planning to open there the sector of medium security regime applicable to detention of 20 (twenty) women sentenced to life imprisonment. This sector occupies three floors in a building separate from the rest of the establishment with capacity of 20 places. The construction management process of this unit is done in accordance with Ukrainian legislation and CPT recommendations within the regulations of medium security treatment.

The female will be placed in 5 rooms with applicable sanitary arrangements. The provision of given facility is done with appropriate lighting (natural and artificial), heating and hygiene maintenance. The unit is provided with an emotional relaxation room, communal and service facilities with an open-door regime, allowing prisoners to move around the unit freely during the day.

On October 5, 2006 the facility of Temnivska PE №100, Kherson Region is 66 (sixty-six) male sentenced to life imprisonment held in the unit of maximum security regime. As to paragraph 24 of Daily Order Rules Booklet the persons sentenced to life imprisonment are held in cells separately from the other prisoners' categories and detainees. Due to paragraph 1 Article 115, Criminal-Executive Code of Ukraine, living space per one sentenced person in penitentiary establishment is not less 3 m². General living space of 27 premises for inmates sentenced to life imprisonment is 316,6 m² - 4,8 m² per person on average (from 3m² to 10m²).

The Draft Law of Ukraine "On amendments to Criminal Code of Ukraine, Criminal-Procedural Code of Ukraine, and Criminal-Executive Code of Ukraine" was approved by Cabinet of Ministers of Ukraine on October 18, 2006. It foresees the living space for prisoners to be enlarged from 3 m² to 4 m².

Item 111

In Kachanivska PE № 54 in Kharkiv Region the education, sport and cultural activities are arranged to provide opportunities for female sentenced to life imprisonment.

Access to representatives of any religion isn't refused to any prisoner. They could satisfy their needs of religious life attending services holding by Ukrainian Orthodoxy Church every Monday and Religious confession "New Generation" -- every Sunday.

The psychologists of PE introduce the psycho-correctional programs with inmates sentenced to life imprisonment and different kinds of consultations as well. Every Monday the head on social-psychological unit holds both single and group meeting with inmates. Special information meetings, chess/checkers contests, poetry events are ensured for prisoners. All leisure arrangements are hold in PE club-unit or in premises for lifers' detention.

The premises for detention of lifers are supplied by information stands with all necessary legal issues concerning the life-imprisonment sentence serving procedure, namely: Criminal-Executive Code of Ukraine, Detention Rules for persons sentenced to life imprisonment and so on. Any prisoner can forward to PE authority/staff the claim/ request and get the next consultation/clarification or assistance.

All persons sentenced to life imprisonment participate in Program on differential education: 13 inmates partake in the "Profession" and "Legal Education" Programs, 4 ones – in "Creative Work" and "Spiritual Revival" Programs.

The lifers are allowed by legislation on monthly short-term visit and one long-term visit within three months with their families and relatives, receive unrestricted parcels and correspondence and watch TV-set.

Item 113, 114

The wire cage (metal bars) in the staff office is installed in accordance with paragraph 8, Daily Order Prison Rules, and Department's Order № 275, December 12, 2003 "On DIZO/PKT cells equipment". The maintenance of this wire cage should provide the personal security of staff or others (lawyer, psychologist and so on) during their meeting with persons sentenced to life imprisonment.

The State Program "On improvement of detainees/prisoners' treatment in 2006-2010", Decree of Cabinet of Ministers № 1090, August 3, 2006, makes the provision for the improvement of premises reconstruction in Temnivska PE № 100: enlargement of area for physical exercise, improvement of lighting system.

According to Article 151, Criminal - Executive Code of Ukraine, persons sentenced to life imprisonment are held in isolation sections. Under Provision "On sector of maximum security regime in penitentiary establishment of medium security" (Department's Order № 124, July 28, 2005) if the lifer having served ten years of prison sentence shows the honest behavior and works well he could partake in group recreational/sport events. All appropriate means are used for life-long inmates to meet with representatives of any religion out of cells and get the legal assistance, psychologist opinions, authorities of establishment and teachers.

At present the external secondary education is capable for 12 (twelve) lifers.

Item 115

Specialized and multifield health-care assistance is re-organized for persons sentenced to life imprisonment. As to CPT's recommendation the amendments to Daily Order Prison Rules have been reformed and confirmed by Ministry of Justice, № 958/12832, August 9, 2006. They say: "Health-care provision to persons sentenced to life imprisonment is provided in hospital wards equipped with necessary facilities in specialized psychiatric hospital. Health care in medical facilities on TB treatment is ensured under Department's legal regulations".

Also the Department's Order № 31, February 16, 2004, "Transferring Rules of sentenced persons who require medical care to prison hospital facilities" has been adjusted as well. The health care provision for lifers is the same as for other categories.

Item 116

The provision of bedding, shoes and clothes for inmates sentenced to life-imprisonment is implemented according to Department's Order №162, dated August 8, 2000 "The introduction of Instruction on provision of detainees/prisoners".

The clothes complete (blue colored cotton male/female items subject to season weather) like others prisoners' categories is available to the given one. Under Daily Order Prison Rules, App 8 Department's Order № 275, December 25, 2003 the uniform card signs only the name/surname of prisoners and his/her unit number. The nature indicating of the sentence on the new prison uniform is forbidden.

Department's authorities monitor during the inspection visits the practice on prevention of forcing prisoners to face the wall whenever staff or visitors are present.

Aiming to sanitation observation in PE the bathing procedure, change linen/underwear, haircuts are duly available for prisoners to meet the hygiene needs of nature at least once per week.

Item 119

In PE № 65, Poltava Region for female sentenced to life imprisonment the water heater has been installed in the cell blocks to enable women to maintain an adequate level of personal hygiene round-a-clock.

All necessary steps are taken to improve the prisoners' treatment in other units of Temnivska PE № 100.

Item 121

The work-hours-rate of prisoners fully complies with Ukrainian legislation and its observance is under constant control of Department's authorities.

Under Article 119, Criminal-Executive Code of Ukraine, the work week regime in PE № 65, Poltava Region for sentenced persons can't override fixed work-rate envisaged in Labor Law of Ukraine. This issue is on constant control by Department.

But the production system in PE differs from other agents of management. In conformity with Order of the Head of State Department of Ukraine on Enforcement of Sentences (SDUES), the Daily Order Prison Rules strictly regulate the prisoners' staying in the working area of PE that differs from their actual working activity.

While being in the working area the prisoners are ought to go through examination/checking procedure, distribution on working areas and implementation of other measures due to security regime.

Item 122

According to Articles 119-121, Criminal-Executive Code of Ukraine, Department's Order № 191, October 4, 2006 (with register number № 1328/9927, October 18, 2006, Ministry of Justice of Ukraine), and Daily Order Prison Rules of PE № 65:

A.

- the actual working (6 days) week is the forty-hour per person with one rest-day a week;
- the prisoners work off on week-days or holidays according to labor legislation;
- if the prisoners work with any exceptions on week-days or holidays they get free days instead or they get the money refunds in accordance with Ukrainian legislation.

B.

- the prisoners labor is paid subject to quantity/quality. The prisoners wage is accounted due to the fixed working rate-output per person (daily, weekly, monthly and so on) fulfilled or to working hour-rate according to legislation. It can't be less than the standard limit wage;

- only seven hours of work a day (and five hours on one day of the week) had been entered in the accounts;

- the deductions covering the costs of food, clothing/bedding, communal utilities are reimbursed from actually accounted salaries. The exception to the rule is specialized working clothes and special diet for prisoners. Also, prisoners must recover damages to civilians or judicial persons under the writ of execution.

Item 123

According to Article 126, Criminal-Executive Code of Ukraine, educational and training activities are available for prisoners at schools and production areas in penitentiary establishments under support of its authorities. The other kinds of education are also available for prisoners that meet requirements of paragraph 26.16, European Prison Rules.

Item 124, 132, 136

Department's authority monitors the appropriate membership of medical and qualified health-care staff in penitentiary establishments/hospitals for the provision of appropriate health care. This year the additional 8 (eight) posts of sanitary inspectors have been entered in eight Regional Administrations and 22 (twenty two) of infection diseases doctors have been introduced in the hospital of State Criminal-Executive Inspection.

At present the presence of staff population in penal establishments is under reconsidering in order to bring it with compliance with Ministry of Health of Ukraine. The prisoners aren't allowed to distribute medicines, have access to medical files and present at medical investigation of other persons. The families of seriously ill persons are allowed to visit them.

The attendance of a dentist and a gynecologist in PE № 65 is now under consideration. Also, the regular consultations of radiologist in establishment are available for prisoners after X-ray [roentgen] examination. The multi-profiled hospital of PE № 100 is fully manned by feldshers and doctor-psychologist.

At present the revision of list of members of staff is fulfilled according to legal regulations of Ministry of Health of Ukraine.

Item 125

After first reception to penitentiary establishment the prisoners are placed in the quarantine-distribution unit. They are under medical investigation with goal to prevent the infection diseases spreading in prison population. Further, both health-care member and inspector of social-psychological unit conduct the dormitorics inspection to reveal the unfit persons and other facilities to monitor the sanitary well-being.

Annually, the medical prophylactic inspection of prisoners is conducted together with civil health-care staff of Ministry of Health of Ukraine.

Whether some seriously ill persons are found they are transferred to the nearest medical facility to obtain necessary health-care assistance.

Item 126

At given time the medical investigation/treatment of prisoners and fulfilled out of presence/hearing of other PE staff aiming to preserve the privacy of therapeutic issue unless the medical staff member asks for concrete reasons.

Item 130

Having the goal to bring the prisoners/detainees treatment in compliance with legal regulations, international standards the certain prevention measures are taken annually on repairs works in living and service facilities in PE.

The sanitation installation, toilets portioned and additional lighting are under the steady monitoring of PE authorities.

In Kherson PE № 61, the repairs works have been conducted in hospital specializing in all forms of tuberculosis treatment in order to maintain the certain living treatment for prisoners. Living space per prisoner is now 5,98 m² (standard is 5,00 m²). Starting 2006 the living space in isolation unit cells has been enlarged with natural light access and ventilation system to be provided.

The adequate belonging/bedding are available for prisoners suffered on active TB according to Department's Order №162, Aug 10, 2000 "Instruction on belonging and bedding providing to sentenced persons and detainees".

The provision of clothes subject to weather seasons (upper wear, uniform, hospital gowns), shoes, bedding (mattress, sheet, pillow and pillow-case, blanket, towel) is fully available for TB-deceased persons.

The patients are provided by hygiene articles to meet their needs of nature as well. The change of bedding/underwear clothing for prisoners is applied weekly as bathing procedure aiming to meet the persons' hygiene appropriately. The extra week bathing is applied by doctor's statement.

Item 131

The chronic TB patients housed in section № 3 are transferred from the top floor to ground one in order to obtain the fresh-air exercises. The exercises areas for prisoners held in cell-regime rooms are rather enlarged.

Item 132

In Kherson PE № 61 the prisoners as orderlies are employed only for premises cleaning. They haven't any access to medicine distribution, medical files. The prisoners are forbidden to present at other persons' medical investigation/manipulation.

Item 133

In surgical facility there have been under reconstruction the surgery units, dressing ward, manipulation room, intensive care wards and patients rooms. The separation process of smear-positive patients from the other categories of prison population has positively considered.

Item 134, 138

In 2006 the hospital of Kherson PE № 61 was supplied sufficiently with treatment for tuberculosis of the first-line and second-line drugs.

The mental-ill prisoners have the appropriate health-care assistance. The mental-diseased persons who required the special medical assistance are transferred to specialized medicine facilities.

Item 136

Whether the person is hardly sick with a life hazard the head of penitentiary establishment/hospital facility give the permission for families to visit him/her. Such a visit isn't considered as an ordinary visitation.

The given procedure is stipulated by joint Order of Department and Ministry of Health of Ukraine, № 3/6, dated January, 1, 2000 (paragraph 19.3 "Provision and Order on medical care of detainees/prisoners in State Department of Ukraine on Enforcement of Sentences").

Item 137

There're no cases of ill-treatment or inhuman torture of hardly sick prisoners in penal establishments in State Criminal-Executive Service of Ukraine.

The prisoners with hard diseases are examined in specialized doctor's meeting. Therefore, the concrete hard disease is the argument of person's release from serving the sentences and follow-up submitting of person's file to court on its decision. Court, in its turn, governed by Article 84, Criminal-Executive Code of Ukraine, and Article 408, Criminal-Procedural Code of Ukraine, pronounced the judgment on further person's serving the sentence or released him/her from imprisonment.

Item 139

The prisoner at first reception to PE at reception, quarantine and distribution unit is cleared up of his/her rights and obligations, the conditions of sentence serving and Daily Order Prison Rules in penal establishment.

Within the Ukrainian penitentiary system there's enough provision of judicial directories in libraries on free use. The assistance on right/judicial issues is available in each unit of social-psychological service of PE. The prisoners can obtain the lawyer assistance or other specialist legal consultations that are subject to give it. The authorities meetings are available for prisoners subject to their personal needs.

According to Article 134, Criminal -Executive Code of Ukraine, the prisoners are allowed to make complaints on disciplinary requirements. The prisoners are allowed to inform about the imposed disciplinary sanction to families, judicial bodies, lawyer or other proper authorities through approved channels that are subject to competence.

The prisoners have the opportunity to make requests/complaints to the heads of institutions, Ombudsman, Verhovna Rada of Ukraine (Supreme Council), European Court on Human Rights, or other international authorities, courts, local self-governments bodies, NGOs.

Besides, the Booklet for prisoners sentenced to life-term sentence has been worked out and given to each prisoner at his first reception to penal establishment. The given Booklet facilitates the opportunity of the prisoner to forward claims/appeals to higher authority. It contains the order of appeal, the list of official bodies on human rights observation with addresses attached.

Item 140

In PE № 65 in Poltava Region the iron bars have been dismantled and venlights are set up in the DIZO/PKT premises in order to provide for prisoners the adequate access of natural light, ventilation. The heating systems were renewed in PE № 65 in Poltava Region and in PE № 100 in Kharkiv Region. In PE № 61 in Kherson Region the observance of thermal behavior is ensured by installation of the heating-meter.

In PE № 65 in Poltava Region the emotion relaxation room for prisoners is set up where they could obtain testing procedure, lectures and discussions. The workers of employment offices, NGOs and religious confessions are also involved in this activity.

Item 141

Within the Ukrainian penitentiary system there's enough provision of literature in libraries on free prisoners use. Under paragraph 88, Daily Order Prison Rules, prisoners held in PKT (isolation units) premises are allowed to read literature, journals and newspapers.

Item 142

With main goal to bring the prisoners/detainees treatment in compliance with international standards the State Program "On improvement of detainees/prisoners' treatment in 2006-2010", Decree of Cabinet of Ministers № 1090, August 3, 2006, makes the provision for the improvement of premises reconstruction, enlargement of area for physical exercise, communal facilities and so on.

Item 143

The prisoners aren't allowed to get the parcels being under disciplinary sanction (but they have right on receiving the parcels), they are also placed in DIZO/PKT isolation cells or solitary (confinement) cell (Article 134, Criminal-Executive Code of Ukraine). According to paragraph 38, Daily Order Prison Rules, approved №275, December 25, 2003, the prisoners receive the parcels after serving the disciplinary sanctions.

The change of given procedure on parcels delivering could be implemented only by Parliament of Ukraine.

Item 144

The prisoner's placement in DIZO/PKT cells is regulated on authority of the institution order. The health-care staff of PE runs the medical investigation on the prisoners' state of health before and considers his/her advisability on placement in DIZO/PKT.

Item 146

The prisoners have the duly access to telephone nearly in all PE of different regions – this issue is under monitoring over the logistical support. In Kherson PE № 61 the phone set will be installed towards the end of 2006.

Item 147

Service payment on short/long-term visit is done at prisoners and their families/other persons' expenses. The tariff of the visit room is equivalent to expenses that are forwarded to maintenance of the visit room. The budget allocation isn't foreseen on visit room activity.

Item 148

The duty prisoners (*dnevalny*) aren't allowed to inflict disciplinary sanctions. The only head of institution or person authorized to represent him, deputies of head and head of social-psychological unit are appointed to impose disciplinary sanctions.

Item 149

The searches of prisoners are carried at the entrance/leaving the work area on control terminal or other appropriate places. At the beginning of the search procedure the prisoner is proposed to leave all forbidden articles.

The technical supplies are used to reveal any metal items.

Item 150

The order of roll calls is carried out due to paragraph 33, Daily Order Prison Rules (Department's Order № 275, December 25, 2006). The prisoners (unfit persons, who have rest after work shift or work) are released from the roll calls.

The head of institution confirms the personal list of released persons and roll calls is carried on whereabouts.

If the weather is bad/cold the roll calls is carried in units' premises.

On October 5, 2006 the appropriate clothing, shoes and bedding are available for all prison population in full measure according legislation.

Item 151

Under Article 113, Criminal-Executive Code of Ukraine, any prisoners' complaints and allegations without censorship are easily forwarded within the daily period to Ombudsman, Verhovna Rada of Ukraine (Parliament of Ukraine), European Court on Human Rights or other international authorities that Ukraine is a part of cooperation/participation, courts.

E. Establishments under the authority of Ministry of Health

According to paragraphs 88-90 Ministry of Health of Ukraine calls upon Ukrainian Internal Affairs Ministry to discontinue the practice of systematically chaining detainees to hospital beds by a metal chain cuffed to one wrist for security reasons at Kyiv Emergency Hospital when examinations and treatments were carried include (a letter concerned this issue was sent to the Ukrainian Internal Affairs Ministry).

In the letter mentioned above is also noted that medical examinations must be conducted out of the hearing and – unless the health-care staff concerned expressly request otherwise in a particular case – out of the sight of Internal Affairs staff.

Internal Affairs officers should not carry truncheons, firearms and gas canisters in full view of patients. Openly carrying firearms and such devices are potentially danger both detainees and staff. This fact is clearly not conducive to the development of positive staff-detainee relations. Preferably, staff should not carry them at all. If deemed necessary, truncheons and gas canisters should be hidden from view. Further, firearms should be deposited in a safe place when staff is entering the hospital.

The issues touched upon are being considered between the Ministry of Health Protection and the Ukrainian Internal Affairs Ministry