

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 16 to 27 October 2023

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Strasbourg, 4 December 2024

RESPONSE OF THE UKRAINIAN SIDE¹
TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
ON ITS MONITORING VISIT TO UKRAINE FROM 16th TO 27th OF OCTOBER 2023:
FULFILMENT OF THE RECOMMENDATIONS,
ANSWERS TO INFORMATION REQUESTS

¹ This response has been prepared by the Ministry of Justice of Ukraine together with all interested state authorities of Ukraine, responsible for the fulfilment of the CPT's recommendations (namely: the Ministry of Internal Affairs, the National Police, the State Bureau of Investigation, the Security Service, the Prosecutor General's Office, the Ministry of Defense, the General Staff of the Armed Forces, the Ministry of Health, the State Judicial Administration, the National School of Judges, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, institutions subordinated to the Ministry of Justice).

List of abbreviations

AFU	Armed Forces of Ukraine
CC	Criminal Code of Ukraine
CEC	Criminal-Executive Code of Ukraine
CoE	Council of Europe
CMoU	Cabinet of Ministers of Ukraine
CPC	Criminal Procedure Code of Ukraine
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CTP	Cell-type premises
ECtHR	European Court of Human Rights
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
FLA	free legal aid
HCoJ	High Council of Justice
HQCoJ	High Qualification Commission of Judges of Ukraine
HRI	Human rights inspectors
IS "Custody Records"	Information Subsystem "Custody Records" (the information subsystem "Custody Records" of the information and communication system "Information Portal of the National Police of Ukraine")
ITT/ITTs	temporary holding facility/facilities of the National Police
MDoU	Ministry of Defense of Ukraine
MoES	Ministry of Education and Science of Ukraine
MoH	Ministry of Health of Ukraine
MoIA	Ministry of Internal Affairs
MoJ	Ministry of Justice of Ukraine
NP	National Police of Ukraine
NPM	National Preventive Mechanism
PE IR	Internal Regulations Penitentiary Establishment
PGO	Prosecutor General's Office
SBI	State Bureau of Investigation
SCES	State Criminal Executive Service of Ukraine
SI	state institution
SIZO	Pre-Trial Detention Institution
SIZO IR	Internal Regulations and Rule of Procedure SIZO
SJA	State Judicial Administration of Ukraine
SSU	Security Service of Ukraine
VRoU	Verkhovna Rada of Ukraine

To paragraph 9 (the activities of the national preventive mechanism)

According to Article 19-1 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner may engage representatives of non-governmental organizations, experts, scientists, and specialists to perform functions of the national preventive mechanism (hereinafter - NPM) on a contractual basis (on paid or non-paid basis).

In view of the above and in order to conduct a thorough examination in places of detention, psychiatrists are engaged on a contractual basis when visiting special mental health care facilities and social protection institutions within the NPM.

In 2024, the development of a draft of the procedure for reimbursement of expenses incurred by representatives of civil society organizations involved in regular visits to the places specified in Article 13(8) of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" was launched.

The employees of the NPM Department are constantly acquiring new practices and knowledge in its implementation, which is impossible without taking into account international experience and application of international legislation in the field of protection of human and civil rights and freedoms.

Under the Council of Europe (hereinafter - CoE) support, within the framework of the CoE project "Supporting the implementation of European Human Rights Standards in Ukraine", a training course on the case law of the European Court of Human Rights (hereinafter – ECtHR) on the application of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter - ECHR) was held for representatives of the NPM Department in March-May 2024 in the cities of Kyiv and Lviv. This training helped to improve the skills of employees in combating ill-treatment and strengthened their ability to respond to such cases in a timely and effective manner.

In December 2023, as part of the contractual relationship trainings were organized by:

a) the State Institution (hereinafter - SI) "Institute of Forensic Psychiatry of the Ministry of Health of Ukraine" on the following topics: (i) "Regulatory and legal provision to activities of mental health care institutions. Quality assessment of psychiatric and medical care. Medical and technological documents"; (ii) "Theory and practice of monitoring observance of human rights in the provision of psychiatric care. National and international standards for ensuring human rights";

b) the Academician V.V. Stashis Scientific Research Institute for the Study of Crime Problems of the National Academy of Law Sciences of Ukraine on the following topic: "Ornamentation of taking into account the realities of martial law and the peculiarities of the period of restoration of Ukraine during the monitoring of places of detention to prevent ill-treatment of people held there".

To paragraphs 13, 34 (legislation on administrative arrest)

In the context of improving legislation in the field of administrative arrest, it should be noted that on December 03, 2020, the Verkhovna Rada of Ukraine (hereinafter – VRoU) adopted the following draft laws of Ukraine in the first reading:

- "On the Rules of Administrative Arrest" (Reg. No. 3047a of August 31, 2020);

- "On Amendments to the Code of Ukraine on Administrative Offenses in connection with the adoption of the Law of Ukraine "On the Rules of Administrative Arrest" (Reg. No. 3048a of August 31, 2020), which, in particular, proposes to expand the list of persons to whom administrative arrest can't be applied.

The draft Code of Ukraine on Administrative Minor Offenses (Reg. No. 11386 of June 28, 2024) is also under consideration by the VRoU. The abovementioned draft is aimed at complex

resolving issues of administrative tort law, creating conditions for ensuring law and order in society and implementing rule of law in administrative relations arising between individuals and legal entities, on the one hand, and public administration (state authorities, local governments, their officials and employees), on the other hand.

To paragraphs 14, 16, 18, 19 (investigative actions in relation to detainees outside penitentiary institutions; prevention of ill-treatment during detention; protection of persons who disclose information about respective violations)

Pursuant to Article 133 (1,2) of the Criminal Procedure Code of Ukraine (hereinafter - CPC), an investigator or prosecutor during a pre-trial investigation has the right to summon a suspect, witness, victim or other participant in criminal proceedings in cases established by the CPC for interrogation or participation in other procedural actions. During pre-trial investigation, the investigator and the prosecutor have the right to summon a person if there are sufficient grounds to believe that he/she may give testimony relevant to the criminal proceedings or his/her participation in the procedural action is mandatory.

On June 10, 2024, the National Police of Ukraine (hereinafter - NP) issued Instruction No. 80480/01-2024 "On Some Issues of the Organization of the Fulfilment of the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in the National Police of Ukraine" (hereinafter - Instruction of the NP on the Fulfilment of the CPT's recommendations). As part of its fulfilment, in particular:

- information contained in the CPT's report was brought to the attention of the employees;
- in-service training sessions are held monthly to study legislation of Ukraine regulating the procedure for detention of persons and the usage of police coercive measures;
- organization of convoys of convicted and taken into custody persons from pre-trial detention establishments of the State Criminal Executive Service of Ukraine (hereinafter – SCES) to temporary holding facilities of the NP (hereinafter - ITTs) was ensured only in cases that make it impossible to conduct investigative (search) actions in pre-trial detention establishments;
- in case of detection of violations of the rights of detained person, facts of torture, cruel or inhuman treatment prosecution authorities are immediately notified in writing and measures are taken to stop such violations.

In addition, it should be noted that according to Article 7 of the Law of Ukraine "On the National Police" No. 580-VIII of July 02, 2015, police officers are prohibited under any circumstances from facilitating, committing, inciting or tolerating any form of torture, cruel, inhuman or degrading treatment or punishment.

In case of detection of such actions, each police officer is obliged to take immediately all possible measures to stop them and must report to his/her direct superiors on the facts of torture and intentions to use them. If the facts of torture or other types of ill-treatment are concealed by police officers, the head of the body is obliged to initiate an internal investigation and bring the perpetrators to justice within a day of receiving information about such facts.

In case of detection of such actions, a police officer is obliged to notify pre-trial investigation body authorized to investigate relevant criminal offenses committed by police officers.

In addition, on August 30, 2024, the Cabinet of Ministers of Ukraine (hereinafter – CMoU) adopted Resolution No. 820, which amended the Action Plan for the Implementation of the Strategy for Combating Torture in the Criminal Justice System (approved by the Resolution of the CMoU No.1344 of October 28, 2021). These amendments, in particular, include the task of developing and approving a roadmap for the introduction of the institution of whistleblowers of torture and other types of ill-treatment and guarantees of their protection.

The curricula of *initial professional training* of police officers, who are first recruited to the police, developed in accordance with the Standard of Professional (Vocational) Education in the working profession "Police Officer", approved by the Order of the Ministry of Education and Science of Ukraine (hereinafter – MoES) No. 669 of June 21, 2018, provides for the study of the following subjects in accordance with the relevant specializations and qualifications of police officers "Fundamentals of Constitutional Law. Ensuring human rights and freedoms. Case law of the ECtHR", "Tolerance and nondiscrimination in police work".

The standard *training curricula for advanced training* of all categories of police officers, approved by the leadership of the NP and the concerned structural units of the central police management authority, approved by the leadership of the Ministry of Internal Affairs (hereinafter – MoIA), also provide for studying such theme as: "Human Rights. Rule of law. Constitutionalism. International standards in the field of human rights. Freedom from torture, cruel, inhuman or degrading treatment or punishment. Case law of the ECtHR. Freedom and personal integrity. The right to privacy.", "Tolerance and non-discrimination in police work. Interaction between police and society on the basis of partnership".

Pursuant to paragraph 15 of Section VIII of the Regulation on the Organization of *Postgraduate Education* of the NP, approved by Order of the MoIA No. 1625 of December 24, 2015, the list of educational institutions where postgraduate education will be provided, the category of police officers, their number, and the duration of training are determined by the relevant schedules approved by orders of the NP.

Professional development of police officers of ITTs and convoy service units is carried out in higher education institutions with specific conditions of study training police officers, according to professional development programs developed in accordance with standard curricula approved under the established procedure.

For 9 months of 2024, 164 police units of ITTs and 229 police units of the convoy service completed the advanced training in the higher education institutions with specific conditions of study training police officers in accordance with the schedule.

In their official activities, the officers of the Security Service of Ukraine (hereinafter – SSU) comply with the requirements of Article 5 of the Law of Ukraine "On the Security Service of Ukraine" regarding respect for human dignity and human treatment to people and Articles 43-46 of the Law of Ukraine "On the National Police" regarding the procedure and grounds for the use of coercive measures, physical force, special means and firearms.

SSU officers involved in the detention of persons are instructed on the necessity to respect human rights and freedoms, as well as the possibility of using force and special measures in capacity needed to perform the task and preserve the life and health of officers and detainees.

The CPT's recommendations on the proper treatment of detainees are taken into account in the operational activities of the SSU bodies and units.

To paragraph 17 (consideration of complaints from a number of persons about the excessive use of force during detention, bodily injuries upon arrival at penitentiary institutions namely from A.V., V.K., O.M. and S.F.)

Investigators of the Territorial Division of the State Bureau of Investigation (hereinafter – SBI) in Mykolaiv are conducting a pre-trial investigation in criminal proceeding No.42024163030000037, initiated on April 17, 2024 by the Odesa Regional Prosecutor's Office under part 2 of Article 365 of the Criminal Code of Ukraine (hereinafter – CC) on the fact of the excess of official powers by the law enforcement officers in inflicting bodily injuries to Israeli citizen Amir Vatad during his detention.

Information about Volodymyr Koleichuk and Serhiy Fikhnisky in the Unified Register of Convicts and Persons Taken into Custody is absent. According to the information provided by

the Vinnytsia Penitentiary Establishment (No. 1), Volodymyr Koleychuk and Serhii Fikhnyskyi didn't serve sentences and were not held in custody.

The SBI didn't receive statements from the abovementioned individuals about criminal offenses committed against them by the law enforcement officers.

In relation to Maksimov Oleksandr Serhiyovych born on January 28, 1973, it is noted that on March 26, 2023 officers of the KORD special unit of the Main Division of the NP in Vinnytsia region exceeding official powers inflicted him bodily harm during his detention in Vinnytsia region.

Investigators of the Fourth Investigation Unit (based in Vinnytsia) of the Territorial Division of the SBI located in Khmelnytskyi initiated a pre-trial investigation in criminal proceedings No. 62024240040000273 of September 03, 2024, on the grounds of a criminal offense under part 2 of Article 365 of the CC.

To paragraph 21 (informing relatives or third parties about the detention of a person)

Article 29 of the Constitution of Ukraine stipulates that relatives of the arrested or detained person must be immediately notified of his/her detention.

On March 21, 2024, the Law of Ukraine No. 3623-IX "On Amendments to the Criminal Procedure Code of Ukraine to Enhance the Efficiency of the Institution of Officials Responsible for the Stay and Ensuring the Rights of Detainees" was adopted.

These amendments, in particular, refer to the Articles 212 and 213 of the CPC.

For example, part one of Article 212 of the CPC provides that the authority, which includes a unit of pre-trial investigation body, must appoint one or more officials responsible for the stay and ensuring observance of the rights of detainees. Part three of this article of the CPC provides that official responsible for the stay and observance of the rights of detainees is obliged, among other things, to notify third parties of the fact of detention.

Pursuant to Article 213 of the CPC, the authorized official who carried out detention is obliged to provide the detained person with the opportunity to immediately inform close relatives, family members or other persons of his/her choice about his/her detention and the location of the detained person. Part five of Article 213 of the CPC provides that the official responsible for the stay and ensuring the observance of the rights of detainees is obliged to verify compliance with requirements of this Article, and in case of failure to notify of the detention, to take actions provided for in this Article independently.

The heads of the regional Main Divisions of the NP, in order to ensure the fulfilment of the norms of the above-mentioned Law in police departments, where the staff includes a pre-trial investigation unit, are obliged to take a number of measures, the main of which is to introduce human rights inspectors (hereinafter - HRI).

The official (functional) duties of HRI include ensuring guaranteed rights of detainees by conducting a mandatory survey (interview) with video-recording and entering information into the Information Subsystem "Custody Records" (hereinafter - IS "Custody Records") about the circumstances of detention; notifying third parties of detention (surname, name, patronymic (if any), method of notification, contact information, date, time of notification); seized items; notification of the right to defense and the right to free legal aid (hereinafter - FLA); health status of the detained person; duration of detention; conducting investigative actions with the participation of persons who have been granted the relevant permits provided for by law, as well as other issues necessary to ensure guaranteed rights and entering relevant information into the subsystem.

As of today, the IS "Custody Records" operates in 111 territorial (separate) police units and has been implemented in 97 ITTs.

To paragraphs 22, 25, 26 (access to an attorney, right to defense, explanation of rights)

According to Article 29 of the Constitution of Ukraine, every arrested or detained person shall be given the opportunity to defend himself/herself and to have legal aid from a defender from the moment of arrest.

Article 59 of the Constitution of Ukraine stipulates that everyone has the right to professional legal aid and is free to choose a defender of his/her rights.

Article 53(4) of the CPC provides that defender has the right to meet with the suspect or accused both before and after the procedural action to prepare for the procedural action or to discuss its results.

Failure to provide a defender in a timely manner, as well as other grave violation of the right of a suspect, accused, or defendant to defense committed by an inquirer, investigator, prosecutor, or a judge, entails criminal liability under Article 374 of the CC.

It should also be noted that, according to Section III of the Internal Regulations in the ITTs of the NP (approved by the Order of the MoIA No. 777 of September 25, 2023), detainees have the right, *inter alia*, to meet with their defender/counsels in private without time limits on working days, weekends, holidays, and non-working days, without limiting the number of meetings and their duration. Also, detainees have the right on the defender's participation in conducting investigative (detective) actions in compliance with the conditions ensuring confidentiality of communication.

Early access to free secondary legal aid for persons who, in accordance with the provisions of the criminal procedural legislation, are considered detained and are subject to administrative detention or administrative arrest, is provided by regional/interregional FLA centers in accordance with the Procedure for Informing FLA Centers about Cases of Detention, Administrative Arrest or Application of a Preventive Measure in the Form of Remaining in Custody (approved by Ruling of the CMoU No. 1363 of December 28, 2011).

Pursuant to the provisions of the abovementioned Procedure, immediately after the actual detention of a person, reporting entities (police and other bodies authorized to carry out detention) shall inform the center by telephone or fax information about detained persons.

Within one hour from the moment of registration of such notification, the center appoints an attorney to provide free secondary legal aid to the detained person by issuing a corresponding power of attorney. The appointed attorney shall, within one hour of receipt of the assignment, come to the person to hold a confidential meeting with him/her.

Attorneys providing free secondary legal aid are obliged to comply with the Quality Standards for the Provision of Free Secondary Legal Aid in Criminal Proceedings (approved by the Order of the Ministry of Justice of Ukraine (hereinafter – MoJ) No. 386/5 of February 25, 2014).

The detainee or person taken into custody is informed of his/her rights and obligations under the legislation of Ukraine in an accessible form in an understandable language.

The Order of the MoIA "On Approval of the Guidelines on Organization of the Duty Service of the National Police of Ukraine" No. 440 of May 23, 2017 (as amended by the Order of the MoIA No. 117 of February 26, 2024), in particular, stipulates that before being placed in the detention rooms, the person concerned must be informed of his/her rights and obligations; he or she must be provided with a Memo for Detainees, the form of which is established and attached to the abovementioned Order.

This Memo contains, in particular, a list of rights guaranteed by Article 5 of the ECHR; a list of police officers' duties during the detention or arrest of a person; a list of procedural rights of detainees.

Pursuant to the NP's instruction to organize the implementation of the CPT's recommendations, a memo on the procedural rights of *juvenile detainees* is being developed.

The relevant provisions are to be added to the abovementioned Memo approved by the Order of the MoIA No. 440.

According to the Order of the MoIA No. 777 of September 25, 2023, the inspector is obliged to explain to a person placed in ITTs his/her rights and obligations.

Prosecutor General's Office (hereinafter – PGO) informed that in all cases of detention of *juvenile* in accordance with Article 208 of the CPC, pre-trial investigation bodies explain their rights in a language accessible to them in the presence of a defender or a legal representative.

From January 01, 2022 to August 19, 2024 the Coordination Center for Legal Aid Provision didn't receive any information on complaints about interrogations/initiation of interrogations without an attorney involved in the provision of free secondary legal aid.

To paragraphs 23, 24 (medical examinations and recording of bodily injuries of detainees in ITTs and other places of detention)

The Instruction of the NP on the Fulfilment of the CPT's recommendations provides for the following:

- to amend the job descriptions of persons responsible for the stay of detainees in order to ensure the observance of the rights of detainees, in terms of keeping copies of documents (reports, memos) of police officers on the facts of detection of bodily injuries on a detained or taken into custody person in the materials according to which detainees are kept in ITTs;
- a personal inspection of a detained or taken into custody person in a ITTs should be conducted only by an authorized official of the same gender as the person being inspected, without the participation of the police officers who delivered the person to the ITT;
- to provide training (seminars, workshops) for police officers of ITTs on how to conduct a personal and property search, as well as inspection according to the legislation of Ukraine.

In addition, it should be noted that in order to ensure proper recording of bodily injuries, the Order of the MoIA No. 311 of May 24, 2022 approved the Guidelines on the Formation and Maintenance of the IS "Custody Records" of the Information and Communication System "Information Portal of the National Police of Ukraine", and ensured the functioning of the system for documenting all actions in relation to persons in law enforcement agencies.

In accordance with Section VI of the Internal Regulations for Temporary Holding Facilities, approved by the Order of the MoIA No. 777 of September 25, 2023, persons delivered to ITTs are subject to mandatory questioning (with video-recording and entering information into the IS "Custody Records") about the circumstances of detention; the use of video-recording; notification of the third parties about the fact of detention; seized items; notification of the right to defense and the right to FLA; the state of health of the detained person, as well as other issues necessary to ensure the rights guaranteed by the Constitution and the laws of Ukraine and to obtain information about their health status.

Delivered persons shall be examined for bodily injuries in order to identify persons in need of emergency medical care. If such signs are detected, the police officer shall immediately, but not later than 24 hours, report (including by parol) to the head of the police body (unit) or the person performing his/her duties. The head of the ITT or the person performing his/her duties shall initiate a report to the territorial division of the SBI and the prosecution authority. Each such fact is registered in the information subsystem "Unified Record" of the information and communication system "Information Portal of the National Police of Ukraine" with automatic assignment of the serial numbers of the abovementioned information subsystem (in accordance with the "Procedure for Maintaining a Unified Record in the Police Bodies (units) of Statements and Reports of Criminal Offenses and other Events" approved by the Order of the MoIA No. 100 of February 08, 2019).

Each case of bodily injuries of a person delivered to the ITT is investigated, and the relevant materials are sent to the prosecution authority and the SBI for further consideration and taking decision in accordance with the current legislation of Ukraine.

The Order of the Ministry of Health of Ukraine (hereinafter – MoH) No. 186 of February 02, 2024 amended paragraph 1 of the Order of the MoH "On Approval of Forms of Primary Accounting Documents and Instructions for their Completion Used in Health Care Institutions Regardless of Ownership and Subordination" No. 110 of February 14, 2012 by adding a new subparagraph as follows: "1.45. Form of primary accounting documentation No. 511/o "Certificate No. __ on fixation of bodily injuries" and the attached Guidelines for its completion."

In particular, according to the second clause of the paragraph 3 of the Guidelines on Filling out the Primary Accounting Documentation Form No. 511/o "Certificate No. __ on recording bodily injuries", it is stated that "in case of a person's stay in place of detention (any place under the jurisdiction and control of the state, where persons deprived of their liberty are or may be held under the order of a state authority or its instructions, or with its knowledge or silent agreement) another copy of form No. 511/o is additionally drawn up and attached to the personal file in places of detention.

It should be noted that according to the PGO, over the past three years, no measures of physical influence have been used against juveniles in pre-trial detention and no violations of their rights have been recorded.

To paragraphs 27, 28 (computerized system of registration of detainees and functioning of video-surveillance systems in police institutions)

The NP continues to work on *scaling up the IS "Custody Records"*. It is designed to protect police officers from possible false accusations of illegal actions and guarantee the safe stay of detainees under police control while ensuring the ability to effectively fight crime without violation of human rights.

The Guidelines on the Formation and Maintenance of the IS "Custody Records" of the information and communication system "Information Portal of the National Police of Ukraine" were approved by the Order of the MoIA No. 311 of May 24, 2022.

During 2022-2024, *IS "Custody Records" was set up in 111 territorial (separate) police units* of the Main Division of the NP within Vinnytsia (25), Khmelnytskyi (13), Volyn (10), Chernivtsi (7), Odesa (7), Rivne (7), Zakarpattia (6), Sumy (5), Ternopil (5), Zhytomyr (4), Lviv (4), Kirovohrad (4), Chernihiv (4), Poltava (2), Ivano-Frankivsk (3), Cherkasy (2), Kyiv (2) and Dnipro (1) regions.

At the same time, 97 ITTs are subordinated to the territorial police authorities, of which 67 are functioning, and 31 are temporarily suspended (15 due to the reconstruction or repair, 5 due to the military actions, 2 destroyed (partially destroyed) during the armed aggression of the Russian Federation, 4 located on the temporarily occupied territories of Ukraine, 3 are being liquidated, 1 has been suspended for more than 1 year and 1 doesn't comply with MoIA Order No. 777 (lack of staff).

In order to guarantee the basic rights of detainees and to prevent misconceived accusation of the NP, the IP "Custody Records" was introduced in all ITTs and provides a record of all actions that take place with detainees from the moment they are brought to the ITTs until a court imposes a preventive measure and the person is sent to a pre-trial detention institution or is released from the custody.

In order to ensure the quality functioning of the IP "Custody Records", 255 positions of HRI were introduced in 77 ITTs to ensure that detainees in ITTs have safe stay, proper conditions

of detention, and food in compliance with fundamental human rights and procedural guarantees provided for by both Ukrainian legislation and international standards.

The development and implementation of this subsystem consists not only in its proper functioning and maintenance, but also in the renovation of the premises of the police unit with appropriate zoning, installation of a modern digital video-surveillance system, the activities of HRI and remote external monitoring by authorized officials of the central police administration.

In order to properly monitor the observance of the rights of detainees, the NP Order No. 441 of May 26, 2021, approved changes in the structure of territorial police units, according to which positions of heads of sectors, senior inspectors (inspectors) of human rights observance were introduced in territorial (separate) police units. To date, 662 such police officers have been appointed in territorial police units.

The main element of the work of this subsystem is the activity of HRI, whose main official (functional) duties include ensuring the guaranteed rights of detainees by conducting mandatory questioning (interviewing) and entering relevant information into the subsystem. For example, about the circumstances that occurred with a person before being placed to ITT (whether the person had a confidential meeting with an attorney or whether information about the actual place and time of detention coincides with what is stated in the protocol, etc.)

HRI of the ITTs constantly monitor the terms of detention established by the CPC, timely provision of three hot meals a day, outdoor walks and investigative actions with the participation of persons who have been granted the relevant permits provided for by law. At the same time, IS "Custody Records" is created in such a way that it signals to the police officers about every fact of human rights violation by comparing the data received from the person with information recorded in supporting materials.

In other ITTs despite the absence of such positions, information on the placement and stay of persons in ITTs is also entered into the IS "Custody Records" by other responsible police officers in ITTs.

Despite significant amount of tasks assigned during martial law in Ukraine, the police units (sectors) of organizational support for the activities of temporary detention places and ITTs of the Main Division of the NP in the regions and the city of Kyiv are taking measures to prevent emergencies in these institutions, in most cases due to the effective work of IS "Custody Records".

In 2024, police officers of the ITTs of the Main Division of the NP prevented five attempts to smuggle drugs by delivered (detained) persons and prevented three suicides. No facts of torture or cruel or degrading treatment or punishment have been detected in the ITTs.

In accordance with the Guidelines on the Organization of the Activities of ITT of the NP approved by the Order of the MoIA No. 777 of September 25, 2023 (p.3 Section IV) police officers of ITTs of the NP serve in uniform with a service ID and a special badge. The senior officer and the officers of the checkpoint and the outer post are armed with service firearms, special means (handcuffs, rubber or plastic batons, means equipped with tear gas and irritant substances), the assistant of a senior officer and the officer of the regime block - with special means (handcuffs, rubber or plastic batons), means equipped with tear gas and irritant substances, *portable video-recorders*.

According to paragraph 1(2) of Section X of the Guidelines, in cases where detainees violate the established regime of detention, refuse to leave cells (other temporary stay premises), block the door or damage property, don't comply with the lawful requirements of police officers or resist, police officers on duty at the temporary holding facility are obliged, among other things, to *provide photo and video-recording* of illegal actions of detainees using portable video-recorders.

The *general procedure for the usage of portable video-recorders by police officers* is provided for by the Guidelines on the Use by Police Bodies and Units of Technical Devices and Technical Means with Photo and Film Shooting, Video-recording Functions, as provided for by the Order of the MoIA No. 1026 of December 18, 2018.

To paragraph 29 (electronic recording of police interrogations)

Pursuant to Article 103 of the CPC procedural actions in criminal proceedings may be recorded in a protocol; on a data storage device on which procedural actions are recorded by technical means; in a court session journal.

Article 104(2) of the CPC provides that if a procedural action during a pre-trial investigation is recorded by technical means, such fact shall be noted in the protocol. If interrogation is recorded with the use of technical means the text of the testimony may not be included in the relevant protocol provided that none of the participants in the procedural action insists on this. In this case, the protocol shall indicate that the testimony was recorded on the information carrier attached to it.

Pursuant to Article 105 of the CPC, the following may be attached to the protocol: a transcript, audio and/or, video-recording of the procedural action; photo tables, diagrams, casts, computer data carriers and other materials explaining the content of the protocol.

Pursuant to Article 107(1) of the CPC, the decision to record a procedural action with technical means during pre-trial investigation shall be taken by a person who conducts the respective procedural action. Upon request of the participants to procedural action, the use of technical means of recording shall be compulsory.

To paragraph 30 (legislative strengthening of the functioning of the institution of officials responsible for the stay and ensuring the observance of the rights of detainees of the NP)

The Law of Ukraine No. 3623-IX of March 21, 2024 amended the CPC to enhance the efficiency of the institution of officials responsible for the stay and ensuring rights of detainees by means of enshrining institution of HRI at the legislative level.

In 2024, in order to bring the normative acts in line with the above-mentioned Law the following orders of the MoIA were amended:

- No. 311 "On Approval of the Guidelines on Formation and Maintenance of the Information Subsystem "Custody Records" of the Information and Communication System "Information Portal of the National Police of Ukraine" of May 24, 2022;
- No. 440 "On Approval of the Guidelines on Organization of the Duty Service of the National Police of Ukraine" of May 23, 2017;
- No. 777 "On the Organization of the Activities of Temporary Holding Facilities of the National Police of Ukraine" of September 25, 2023.

From January 1, 2023 to April 1, 2024, according to information received from the Main Divisions of the NP in regions and the city of Kyiv, 435 appeals were registered on reports received from detainees taken to ITTs. These appeals concerned unlawful actions committed by police officers against mentioned persons.

To paragraphs 31, 32 (the activities of the SBI)

In order to organize an effective pre-trial investigation of criminal offenses related to ill-treatment committed by law enforcement officers the SBI introduced a specialization, which identified 157 investigators in the central office and territorial divisions of the SBI who ensure pre-trial investigation of criminal offenses in this category. Investigators are oriented to

ensure that information about a criminal offense is entered into the Unified Register of Pre-trial Investigations in a timely manner and that a proper pre-trial investigation is conducted.

In accordance with the provisions of the Strategy for Combating Torture in the Criminal Justice System (adopted by the Order of the CMoU No. 1344-p of October 28, 2021), and the Strategic Program of the SBI for the years 2022-2026, proposals have been prepared to establish specialized units to investigate torture and ill-treatment of detainees and persons in custody/serving sentences in the territorial divisions and the central office. Solving of this issue was postponed due to the need to increase the SBI staffing that is foreseen the draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving the Legal Framework for the State Bureau of Investigation" (Reg. No. 5305 of March 26, 2021).

The Joint Order of the MoH and the SBI No. 570/181 of March 28, 2023 approved the Procedure for Informing Territorial Divisions of the Bureau of the Facts of Treatment and/or Delivery of Persons to Health Care Facilities in connection with injuries inflicted by law enforcement officers and keeping records of such appeals.

The Joint Order of the PGO, the SBI and the MoJ No. 333/628/4354/5 of December 21, 2023 approved the Procedure for Interaction between the Prosecutor's Office, the SBI and the Commissioner for the ECtHR in the consideration of cases and enforcement of judgments of the ECtHR on the effective investigation of torture, inhuman or degrading treatment or punishment.

According to the Order of the MoIA "On the Organization of the Activities of Temporary Holding Facilities of the National Police of Ukraine" No. 777 of September 25, 2024, the head of the ITT or a person acting as such is obliged to initiate a notification to the territorial division of the SBI and relevant prosecution authority for each fact of detection of bodily injuries in persons taken to the ITT.

The Joint Order of the MoJ and the MoH of May 04, 2023 No. 1599/5/840 amended the Procedure for Interaction of Health Care Facilities of the SCES with Health Care Facilities on Provision of Medical Care to Persons in Custody (adopted by the Order of 10 February, 2012 No. 239/5/104) in the part concerning informing territorial divisions of the SBI by certain facilities in cases of appeals of persons about the facts of torture by law enforcement officers (SCES, NP, SBU, National Guard, etc.). This act also partially implemented the provisions of the Istanbul Protocol on the examination of persons placed in penitentiary establishments.

According to the NP Order "On Approval of Reporting Forms" No. 589 of June 19, 2019, statistical reporting forms on the performance of police bodies and units are summarized on a monthly basis. Information on the facts of torture and ill-treatment by officers of the NP in the performance of their duties is contained in the reporting form No. 1-ДПЛ.

Statistical reporting on the work of pre-trial investigation bodies in the SBI was introduced and is carried out on the basis of the Joint Order of the heads of law enforcement authorities "On Approval of Reporting Forms on the Work of Pre-trial Investigation Bodies" No. 337/564/206/123/363/85 of July 28, 2020.

In 2020, SBI investigators completed pre-trial investigations in 83 criminal proceedings on criminal offenses committed by law enforcement officers regarding torture and other violations of rights of people by law enforcement officers (without repeated cases) while simultaneously submitting of indictments to court against 133 people including 8 against 21 people under Article 127 of the CC and 68 against 98 people under Article 365 of the CC.

In 2021, SBI investigators completed pre-trial investigations in 108 criminal proceedings of this category while simultaneously submitting of indictments to court against 152 people including 6 under Article 127 of the CC against 10 people and 60 under Article 365 of the CC against 84 people.

In 2022, SBI investigators completed pre-trial investigations in 79 criminal proceedings of this category while simultaneously submitting of indictments to court against 118 people, including 3 under Article 127 of the CC against 6 people, and 43 under Article 365 of the CC against 64 people.

In 2023, SBI investigators completed pre-trial investigations in 73 criminal proceedings of this category while simultaneously submitting of indictments to court against 113 people including 9 under Article 127 of the CC against 23 people and 55 under Article 365 of the CC against 77 people.

In the first eight months of 2024, SBI investigators completed pre-trial investigations in 31 criminal proceedings of this category while simultaneously submitting of indictments to court against 43 people, including 1 against 2 people under Article 127 of the CC and 23 under Article 365 of the CC against 32 people.

According to the State Judicial Administration of Ukraine (hereinafter – SJAoU), in 2020, the number of proceedings including those with a verdict reached 14 under Article 127 (torture) and 10 under Article 365 (abuse of power or authority by a law enforcement officer); in 2021, 17 and 24, respectively; in 2022, 7 and 12; and in 2023, 19 and 36.

To paragraph 33 (the reconstruction of ITT No. 1 in Vinnytsia and Odesa)

In 2023, the NP was provided with financial resources for only 40% of the regulatory need for funds, of which salary and wages accounted for 85%.

As of July 20, 2024, major repairs (reconstructions) are ongoing at 14 ITTs.

Currently, design and estimate documentation has been prepared and the building of the ITT No. 1 (Vinnytsia) is being overhauled.

The building of the ITT No. 1 (Odesa) is municipally owned and leased by the Main Division of the NP in Odesa region.

In 2023, the Odesa City Council decided to allocate UAH 1 million for the production of design and estimate documentation for the building (the funds are managed by the Capital Construction Division of the Odesa City Council). Currently, a design contract has been concluded (term - 2024).

To paragraph 35 (rooms for detainees in Podil District in Kyiv)

The Podil District Police Division of the Main Police Division in Kyiv (Khoryva Street) contains rooms for detainees, which were renovated.

In June 2024, a commission inspection of all the premises of the Podil Police Division of the Main Division of the NP in Kyiv was carried out. At this facility, it is necessary to replace engineering networks (water supply, sewerage), power supply networks, as well as carry out a set of repair and construction works in the premises of the building.

In August 2024, the Main Division of the NP in Kyiv signed a contract for design work at the facility: “Capital repair of the premises of the first floor of the Podil Police Division of the Main Division of the NP in Kyiv, at 20 Khoryva Street, Kyiv”. As of September 25, 2024, the development and approval of design and estimate documentation is underway. After the approval of the mentioned documentation, the central police administration will allocate the necessary funds and conduct an open tender procedure to determine the contractor for repair and construction work at this facility.

The progress, timing and scope of repair and construction works in the building of the Podil Police Division of the Main Division of the NP in Kyiv are under constant control of the Department of Main Inspection and Human Rights Compliance.

To paragraph 36 (restrictions on the use of detention, training of judges on this issue, solving the problem of lack of judges)

Improvement of legislation in this area

The Strategy for Reforming the Penitentiary System for the period up to 2026, approved by the CMoU Resolution No. 1153 of December 16, 2022 (hereinafter - Strategy for Reforming the Penitentiary System), provides for a separate strategic goal aimed at increasing the number of cases of application of punishments and preventive measures not related to isolation from society and further development of probation bodies.

Thus, as part of its implementation, on August 23, 2023, the Law of Ukraine No. 3342-IX "On Amendments to the Criminal Code, the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine on Improving the Types of Criminal Punishments" was adopted, which, in particular, supplemented the CC with Article 59-1, according to which the types of punishments not related to imprisonment were supplemented by probationary supervision.

The draft law "On Amendments to Certain Legislative Acts on the Development of the Probation System, Increasing Alternatives to Imprisonment and Creating Conditions for Reducing Recidivism" (Reg. No. 5359 of April 12, 2021) is also under consideration by the VRoU. This draft is aimed at individualizing the penalty system and expanding the list of alternatives to imprisonment, which will help to reduce the number of people in places of detention.

Regarding the problem of lack of judges

According to the information of the National School of Judges of Ukraine *professional and advanced trainings of judges* are provided with due regard to the application of the ECHR and the case law of the ECtHR in the administration of justice. The program of training and advanced training of judges is being updated annually in accordance with the current case law of the ECtHR including on the above issues covered by Articles 3 and 5 of the ECHR.

In the context of the judicial reform it should be noted that on December 09, 2023, the VRoU adopted Law of Ukraine No. 3511-IX "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine on Improving the Procedures for Judicial Career".

The Law provides, among other things, for shortening the stages of selection and competition procedures, changing the formation procedure, as well as for establishing specifics of completing selection and competition procedures that are not completed by the High Qualification Commission of Judges of Ukraine (hereinafter - HQCoJ).

After the High Council of Justice (hereinafter – HCoJ) appointed the authorized composition of the HQCoJ on June 1, 2023 and resumed its work on November 13, 2023, the HQCoJ resumed the qualification assessment of judges for their suitability for the position.

A total of 1884 judges of local and appellate courts have to undergo the qualification assessment. 109 judges have started this procedure by passing the exam and 1775 judges have been admitted to the second stage of dossier research and interviews. The interviews are currently underway, after which the HQCoJ will determine the results of the qualification assessment for the judge's suitability for the position.

On September 14, 2023, the HQCoJ announced a competition to fill 560 vacant positions of judges in local courts. The HQCoJ interviewed 434 candidates for the positions of judges in local courts and 390 candidates were recommended for appointment. On May 08, 2024 and July 04, 2024, the President of Ukraine issued decrees appointing 329 local court judges.

To paragraph 37 (implementation of the Penitentiary System Reform Strategy)

Paragraph 4 of the CMoU Resolution “On Approval of the Strategy for Reforming the Penitentiary System for the Period up to 2026 and Approval of the Operational Plan for its Implementation in 2022-2024” No. 1153 of December 16, 2022, provides for the preparation of an annual report on the implementation of the Strategy by April 1.

The purpose of the abovementioned Strategy is to create a humanistic system of enforcement of criminal sentences that will guarantee the safety of society and ensure the social adaptation of convicts and persons in custody.

In 2022-2023, 88% of the measures planned for this period were implemented, 5% were partially implemented, and 2% are in progress.

Thus, within the framework of fulfilment of the Strategy, measures were taken to create appropriate conditions for convicts and persons taken into custody, in particular, during 2022-2024, 3685 places were created in the penitentiary establishments of the SCES with conditions that meet international standards and 3573 places for convicts were equipped to guarantee privacy, security, sufficient living space and compliance with sanitary and hygienic standards. In the SIZO of the SCES 549 places were created with conditions that meet international standards and 392 cells for 1516 beds were repaired to meet sanitary and hygienic conditions.

The MoJ provided support to the following draft laws that are under consideration of the VRoU:

- “On the Penitentiary System” (Reg. No. 5293 of March 22, 2021);
- “On the Disciplinary Statute of the Penitentiary System” (Reg. No. 5294 of March 22, 2021);
- “On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine to Ensure the Effective Operation of the Penitentiary System under Martial Law” (Reg. No. 7688 of August 22, 2022), aimed at individualizing the penalty system and expanding the list of alternative sentences to imprisonment, which will help to reduce the number of people in places of detention, ensure the correction of offenders without isolation from society, as well as to save relevant budget funds;
- “On the Creation of a Dual System of Regular Penitentiary Inspections” (Reg. No. 5884 of September 02, 2021), aimed at creating a system of regular internal (administrative) and external penitentiary inspections to ensure control over the observance of human rights and freedoms in places of detention;
- “On Amendments to the Code of Ukraine on Administrative Offenses (regarding creation of a dual system of regular penitentiary inspections)” (Reg. No. 5885 of September 02, 2021);
- “On Amendments to Certain Legislative Acts on Measures Aimed at Restoring the Rights of Convicted Persons and Persons Taken into Custody Due to Improper Conditions of Detention” (Reg. No. 5652 of June 11, 2021);
- “On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Measures Aimed at Restoring the Rights of Convicted Persons and Persons in Custody in Connection with Improper Conditions of Detention” (Reg. No. 5653 of June 11, 2021), aimed at introducing effective preventive and compensatory remedies in connection with improper conditions of detention;
- “On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal Code and the Criminal Procedure Code of Ukraine on Improving the Execution of Punishment in the Form of Fines and Community Service” (Reg. No. 9148 of March 27, 2023);
- “On Amendments to Certain Legislative Acts on Improving the Execution of Sentences in the Form of Fines and Community Service” (Reg. No. 9149 of March 27, 2023);

- "On Amendments to Certain Legislative Acts of Ukraine (Regarding the Peculiarities of Involving Convicts in Labour and Economic Activity in the Penitentiary System)" (Reg. No. 10157 of October 17, 2023).

The VRoU adopted the following Laws of Ukraine:

- "On Amendments to Certain Legislative Acts of Ukraine on Ensuring Observance of the Rights and Freedoms of Convicts Transferred to Ukraine to Serve their Punishments, as well as Persons in Respect of whom the Competent Authority of a Foreign State has Decided to Extradite to Ukraine (Extradition) for Prosecution or Execution of a Sentence" No. 3480-IX of November 21, 2023;

- "On Amendments to Certain Legislative Acts of Ukraine on the Functioning of Penitentiary Establishments and Pre-trial Detention Establishments during Martial Law" No. 3185-IX of June 29, 2023;

- "On Amendments to the Criminal Procedure Code of Ukraine regarding the Application of the Forced Feeding Measures to Convicts and Persons Taken into Custody" No. 2429-IX of July 19, 2022;

- "On Amendments to Certain Legislative Acts of Ukraine on the Execution of Judgments of the European Court of Human Rights" No. 2689-IX of October 18, 2022;

- "On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on the Execution of Judgments of the European Court of Human Rights" No. 2690-IX of October 18, 2022;

- "On Amendments to the Criminal Code of Ukraine on Improving Liability for Torture" No. 2812-IX of December 01, 2022;

- "On Amendments to the Criminal Code, the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine on Improving the Types of Criminal Punishments" No. 3342-IX of August 23, 2023.

Methodological recommendations on the organization of fire safety at the facilities of bodies and institutions of the SCES were approved (Order of the MoJ No. 4260/5 of December 12, 2023).

The Procedure for wearing and storing special personal protective equipment by rank and senior staff of the SCES was approved (Resolution of CMoU No. 406 of April 28, 2023).

Also, as part of the fulfilment of the Strategy, an annual assessment of the performance of correctional colonies, pre-trial detention institutions, penitentiary establishments (with the function of a pre-trial detention institution), health care facilities and state enterprises of the SCES was introduced; an automated risk assessment tool for reoffending (Kasandra) was developed; 50 % of video-surveillance equipment was modernized; 6 correctional programs were developed; 12 sign language interpreters were hired; as a result of cooperation with business, additional jobs were created, which made it possible to engage 50 % of able-bodied convicts in work; working conditions for staff of penitentiary system bodies and institutions were improved (in particular, 95% of penitentiary establishments and SIZOs of the SCES are equipped with recreation rooms).

To paragraphs 38, 58 (living space per prisoner)

Draft law "On Amendments to the Law of Ukraine "On Pre-trial Detention" (regarding the implementation of certain CoE standards)" (Reg. No.0882 of 08.29.2019) is awaiting for the second reading in the VRoU.

With this draft law it is proposed to amend part two of Article 11 of the Law of Ukraine "On Pre-trial Detention" and set out as follows: "The norm of space in a cell for one person taken

into custody may not be less than 4 square meters, and for a pregnant woman or a woman with a child - 4.5 square meters."

By this draft law it is proposed to add this article with a third part in the following wording: "When calculating the area of the cell, the area of the sanitary unit is not taken into account. The distance between opposite walls of the cell cannot be less than 2 meters. Cells, smaller than 6 square meters, should not be used."

In accordance with the second clause of paragraph 3 of section II of the Procedure for the arrangement of cells with improved conditions of detention and the provision of paid services to persons in custody in pre-trial detention institution of the SCES to ensure improved conditions of detention, approved by the Order of the MoJ No. 3292/5 of September 15, 2023 (hereinafter - Procedure for the arrangement of cells with improved conditions of detention), the standard of living space with improved conditions of detention may not be less than 6 square meters for one person in custody.

The number of places created for persons taken into custody at the rate of 4 square meters or more per person is about 8% of the available planned places.

To paragraphs 42-46 (counteracting negative impact of criminal subculture)

To counteract negative impact of criminal subculture and informal prison hierarchy, the SCES implemented a pilot project to organize supervision of convicts and to ensure law and order (based on the experience of various European countries) in the institutions of the Western regions (Zbarazhska correctional colony No. 63, Kolomyia correctional colony No. 41, Polytska correctional colony No. 76), Southeastern interregional institutions (Solonyanska correctional colony No. 21), Central regions (Bila Tserkva correctional colony No. 35), and Southern regions (Odesa correctional colony No. 14 and Kropyvnytskyi correctional colony No. 6).

The aim of the project is to improve work on the criminogenic needs of convicts, in particular, in providing psychological support, assistance in overcoming addictions, engaging in useful employment, improving educational level and professional skills, addressing social and domestic issues in preparation for release, building positive relationships between staff and convicts that promote security and control, improving the flow of information from convicts to staff, and ending the negative practice of delegation of authority by the administration of institutions.

The project was successfully introduced and implemented on the basis of the SIs Bozhkovska correctional colony No. 16 and Litynska correctional colony No. 123.

To combat organized crime the communication with the specialized units of the NP and the SSU is maintained. For 8 months of 2024, 16 cases of criminal offenses under Articles 255, 255-1, 255-2 of the CC were documented in penitentiary establishment and pre-trial detention institutions (32 in 2023).

In order to effectively counteract the establishment and spread of criminal influence the sectors were created to hold persons with the status of a subject of high criminal influence, including the status of "thief in law". Currently, such sectors are equipped in the SIs Zamkova correctional colony No. 58 with 14 places and Vilnyanska penitentiary establishment No. 11 with 10 places, where three of such convicts are serving their sentences.

The SCES launched a pilot project on step-by-step to eradicate criminal subculture in Starobabanivska correctional colony No. 92. The aim of the project is to create equal conditions for all convicts to serve their sentences and to prevent informal hierarchy among convicts.

To paragraph 47 (elimination of the practice of using convicts as "duty prisoners")

In order to prevent the involvement of convicts in the functions of the staff of penitentiary institutions, the Order of the MoJ No. 628/5 of March 07, 2024, in particular, amended the Internal Regulations of Penitentiary Establishments, approved by the Order of the MoJ No.2823/5 of August 28, 2018 (hereinafter - PE IR).

In particular, *provision on the possibility of escorting convicts by senior day duty prisoners through the territory of the correctional colony* were excluded from the PE IR.

This order amended the standard duties of the senior day duty prisoner, day duty prisoner of the department (cell duty officer), defined in appendix 20 to the PE IR, which excluded the provisions on monitoring (control) over the presence of signs on the beds with the names and initials of the convicts, the storage of personal belongings of the convicts in specially equipped rooms and the prevention of their storage under the beds, the presence of tags on bags containing personal belongings of convicts with their names, initials and description of their belongings, the observance of silence by convicts after the signal "Lights out", as well as their giving commands when representatives of the administration of the penitentiary establishment visit the department of social and psychological service.

To paragraphs 49, 54, 55, 58, 68, 69 (material and living conditions in the Odesa SIZO)

As of September 01, 2024, current repairs were carried out for a total of 247.1 thousand UAH (security buildings). Technical condition of the cells with 27 beds was improved.

Convicts and prisoners held in the institution are provided with an individual bed and a necessary set of bed linen, in accordance with the standards of provision provided for by the Ruling of the CMoU "On Approval of the Standards for Providing Remanded Persons with Bedding, Clothing and Footwear" No. 527 of October 8, 2014 and in accordance with the requirements of the Order of the MoJ "On Approval of the Procedure for Providing Remanded Persons with Material Property and Standards for Material Property for Convicts Serving Sentences in Pre-trial Detention Establishment and Pre-trial Detention Institution" No. 280/5 of February 20, 2012.

In order to provide bedding to the persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 2918 pcs of sheets; 1220 pcs of pillowcases; 3043 pcs of towels; 516 pcs of pillows; 162 pcs of mattresses; 32 pcs of mattresses for children; 96 pcs of sets for children.

Disinfection and deratization measures are carried out in accordance with the agreement concluded between the institution and ECO-DEZ LLC of February 22, 2024 No. Г-37 on a set of anti-epidemic measures on the territory and in buildings. The premises are treated on a monthly basis.

Natural lighting of the cells meets the everyday needs of prisoners and convicts, and artificial lighting of the cell is sufficient to allow these persons to write and read without harming their eyesight.

To paragraphs 50, 58, 68 (material and living conditions in the Kyiv SIZO)

As of September 01, 2024, the institution has 25 places that meet international standards of detention.

The institution includes 363 cells, 191 of which are equipped with bathrooms with partitions of at least 2.1 meters and doors, which is 49.58% of the total number of cells. Repair work was completed in 11 more cells, 98 cell-beds were equipped with bathrooms with partitions not lower than 2.1 m. Following the repair and construction works in June of this year, a new supply and exhaust ventilation system was installed in the prefabricated department (post

No. 23) and all rooms were equipped with separate bathrooms. 115.6 square meters of walking yards were repaired. The design and expert review of the working draft for the overhaul of the roof of the security building of the institution was completed. The design of the reconstruction of the security building to create 50 beds was completed. Also, repair and construction work was completed on the baths (up to 900 people), where the right to privacy was ensured by installing partitions and curtains, and where water taps were installed in the washing areas to regulate the water temperature, and supply and exhaust ventilation was installed.

In order to provide bedding to persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 40 pcs of mattresses; 168 pcs of pillowcases; 40 pcs of pillow; 168 pcs of sheets; 1137 pcs of towels (30x50 cm); 1137 pcs of towels (50x100 cm); 102 pcs of blankets; 102 pcs of bedding sets (sheet, duvet cover, pillowcase).

Disinfestation and deratization measures are carried out in accordance with the agreement No.1482/3-Г of January 17, 2024, concluded by the institution with PROFDEZ LLC. The premises are treated monthly.

Air exchange in the cells is carried out through window openings and ventilation openings that are located in a common corridor.

To paragraphs 51, 55, 58, 68 (material and living conditions in Lviv Penitentiary Establishment No. 19)

The special fund is used to carry out repair and construction work in the dormitory's cells. The repairs include replacing utility networks (electricity, water supply, sewage) and installing mechanical ventilation systems in the cells, separating the sanitary facilities from the living areas of the cells by installing partitions made of metal-plastic structures.

In 2024, repairs began in 8 cells with 60 beds. For 8 months of 2024, the institution carried out repair and construction work in the amount of 851.7 thousand UAH at the expense of the special fund.

In the wards of Lviv multidisciplinary hospital No.19, as funds are received, works are being carried out to properly fence off the sanitary facilities (toilet and washbasin) in the cells and wards and to carry out routine repairs in accordance with the PE IR.

In order to provide bedding to persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 284 pcs of mattresses; 880 pcs of blankets; 1438 pcs of pillowcase; 2733 pcs of sheet; 247 pcs of pillows.

In 2023-2024, 180 mattresses, 274 blankets, 377 pillows, 1190 sheets, and 833 pillowcases were written off due to the expiration of the term of their usage.

In an attempt to bring the conditions of detention of persons taken into custody and convicts in line with the requirements of the law, European norms and standards, a project proposal was developed to initiate a public project "Construction of a pre-trial detention facility in Lviv in accordance with European standards" with a total cost of 1,901.3 million UAH, which was also included in the Unified Digital Integrated Information and Analytical System for Managing the Reconstruction of Real Estate, Construction and Infrastructure.

To paragraphs 52, 58, 68 (material and living conditions in the Zhytomyr Penitentiary Institution No. 8)

The special fund was used to carry out routine repairs of the facilities in the amount of 163.7 thousand UAH.

As of September 01, 2024, 12 cellblocks were renovated to meet international standards of detention. Repair work was carried out in the rooms for convicts for economic services and the room for long-term visits for convicts held in the maximum security sector. The internal sewerage network of the corridor of the punishment cells was repaired. In the food unit of the institution, repair work was carried out in the room for storing dry food and the office of the head of the dining room. The walls and ceiling were painted in the bakery of the institution. Paving slabs were laid in the courtyard of the canteen.

In order to provide bedding to persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 93 pcs of mattresses; 52 pcs of pillowcases; 93 pcs of pillows; 52 pcs of sheets; 852 pcs of towels; 74 pcs of blankets; 73 pcs of bedding sets (sheet, duvet cover, pillowcase) .

To paragraphs 52, 55, 58, 68, 69 (material and living conditions in Vinnytsia Penitentiary Establishment No. 1)

As of September 01, 2024, current repairs were carried out for a total of 419.9 thousand UAH, of which 352,4 thousand UAH was spent on repairing cell rooms, and 67.5 thousand UAH was spent on household facilities. The technical condition of 30 cells was improved. A defect report was drawn up and an estimate of 16.4 thousand UAH was developed for the repair of cell No. 218.

In order to increase the living space of the cells, the administration of the institution considered the possibility of reconstructing the cellblock No. 3 of the regime building No. 2. However, taking into account the age of the building (over a hundred years), its technical characteristics, namely the total area of the building foundation, the location of the supporting and self-supporting walls, roof and partitions, the location of the cells, communications (water supply, sewerage), it was established that, given the architectural structure of the building, it is impossible to reconstruct it on its own. Reconstruction of the building to increase the area of the cells requires a complete reconstruction of the building. Such work requires additional funding and time. In addition, these works should be carried out by a design and construction organization.

In order to improve access to natural light in the cells for life prisoners in block No. 3 of the Vinnytsia Penitentiary Establishment (No. 1), *frosted glass was partially replaced with transparent window glass*. If budgetary funds or funds from charitable organizations are available, the window glass in the cells will be replaced in full.

Renovation of the Green Room for educational work with juvenile prisoners held in the institution has been completed, and the gym of the institution is being repaired. Repair work in the institution will be carried out if there are funds allocated. Currently, there are no budget allocations in the institution, but the institution receives financial support from alternative sources, such as funds from charitable organizations, funds received from paid cells.

In order to provide bedding to persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 395 pcs of mattresses; 395 pcs of pillows; 1079 pcs of blankets; 1449 pcs of sheets; 726 pcs of pillowcases; 100 pcs of bedding sets; 1744 pcs of towels.

During 2023-2024, the institution replaced worn-out mattresses with new ones in the amount of 115 pcs. The condition of the material property used by convicts and persons taken into custody is satisfactory.

The bed linen is changed every week and repaired if necessary. As of July 17, 2024, the balance of new property and bed linen in the institution meets the needs of the convicts.

A set of disinfection and deratization measures is carried out. The premises are treated monthly in full.

The cells are ventilated daily during the prisoners' walks out. The cells are ventilated through ventilation ducts built into the walls. The cells are ventilated daily during the walk through the windows and doors.

In view of increasing the living space of the cells of the security building No. 2, the administration of the institution determined the need to inspect this building in accordance with the Procedure for inspecting construction objects put into operation, approved by the Resolution of the CMoU No. 257 of April 12, 2017, which will determine the possibility of its reconstruction.

To paragraphs 56, 58 (material and living conditions in Starobabanivska correctional colony No. 92)

During the first 8 months of 2024, current repairs totalling 312.0 thousand UAH were carried out to improve the conditions of detention of prisoners and convicts. The repair work in the premises of detachment No. 1 was completed. Repairs are ongoing in dormitory No. 8, the dining room, boiler room and camouflage fence.

In order to provide bedding to the persons held in the institution and to update the material fund in 2024, the institution received from the warehouses of the General Directorate of the SCES bedding issued to prisoners and convicts, namely: 158 pcs of mattress; 292 pcs of pillowcases; 158 pcs of pillows; 585 pcs of sheets; 334 pcs of towels; 541 pcs of blankets; 70 pcs of bedding sets (sheet, duvet cover, pillowcase).

The institution replaced mattresses in which the period of use has expired with new ones.

To paragraphs 57, 58 (access to public showers)

According to para. 1.2 of Section I, para. 2.6 of Section II of the Regulation on the Organization of Bath and Laundry Services for Persons Held in Penal Institutions and Pre-trial Detention Centers (approved by the Order of the MoJ No. 849/5 of June 08, 2012 (hereinafter - Regulation 849/5-2012)), bath and laundry services for persons held in penal institutions and SIZO include organization of the regular weekly bathing with mandatory replacement of underwear, bed linen and towels.

The capacity of the bathhouse should ensure weekly washing of convicts (persons taken into custody) and their stay in the bathhouse for 40 minutes during the 12-hour operation of the bathhouse. At the same time, the number of working days of the bathhouse per week should not exceed five, depending on the number of places (on other days there should be a sanitary day for general cleaning of the premises and days off (non-working)).

Paragraph 3.2 of Section III of the Regulation 849/5-2012 stipulates that in order to maintain personal hygiene, *female convicts (detainees) take showers in dormitories (housing units) in specially equipped places, but at least twice a week.*

The cooks and bakers of the facilities take a shower every day.

On January 1, 2025, amendments to the Regulation 849/5-2012 should come into force. These new norms, in particular, *stipulate that bath and laundry services for persons held in penitentiary institutions and pretrial detention centers include organization of regular, but at least twice a week, bathing in a bathhouse with mandatory replacement of underwear.*

The capacity of the bathhouse should ensure that convicts (persons taken into custody) are washed at least twice a week and stay in the bathhouse for 40 minutes (per visit) during the 12-hour operation of the bathhouse. The number of working days of the bathhouse per week should not exceed five, depending on the number of places (on other days there should be a sanitary day for general cleaning of the premises and days off (non-working days)).

To paragraphs 59, 48 (pilot project on a paid service to provide improved living conditions and food to persons in custody, non-discrimination)

According to Article 64 of the Constitution of Ukraine, constitutional rights and freedoms of a person and citizen may not be restricted *except in cases provided for by the Constitution of Ukraine*.

According to Article 24 (1, 2) of the Constitution of Ukraine, citizens have equal constitutional rights and freedoms and shall be equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

The organizational and legal framework for preventing and combating discrimination and ensuring equal opportunities for the realization of human and civil rights and freedoms is defined by the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine".

According to Article 1(1) of this Law, discrimination is a situation in which a person and/or a group of persons on the basis of their race, skin colour, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence language or other characteristics that have been, are or may be real or assumed, is subject to restrictions in the recognition, exercise or enjoyment of rights and freedoms in any form established by this Law, *unless such restriction has a legitimate, objectively justified purpose, the means of achieving which are appropriate and necessary*.

Actions that do not restrict the rights and freedoms of other persons and do not create obstacles to their realization, as well as do not provide unjustified advantages to persons and/or groups of persons based on their certain characteristics in respect of which positive actions are applied, are not considered discrimination (Article 6 of the Law).

In accordance with Article 53(3, 4) of the Constitution of Ukraine, the State shall ensure accessible and free pre-school, complete general secondary, vocational and higher education at the state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of study; the provision of state scholarships and privileges to pupils and students. Citizens shall have the right to obtain free higher education at the state and communal educational establishments on a competitive basis.

At the same time, *the law provides for the possibility of paying for education, training, retraining, advanced training, and additional educational services*. In particular, Article 78(3) of the Law of Ukraine "On Education" provides that state and municipal educational institutions *have the right to provide paid educational and other services*, the list of which is approved by the CMOU. The founders of the respective educational institutions have the right to approve lists of paid educational and other services that are not included in the list approved by the CMOU.

The state is unable to provide sufficient preschool education facilities, so the demand for preschool education is met by expanding the network of private institutions.

At the same time, legislation in the field of preschool education provides for the possibility of using by a preschool education institution, regardless of the form of ownership, the funds of parents, voluntary donations and targeted contributions of individuals and legal entities, *as well as the establishment of fees for the provision of additional educational services in a preschool education institution by parents or persons replacing them, as well as fees for child nutrition in a state and communal preschool education institution (Articles 23, 37 of the Law of Ukraine "On Preschool Education")*.

Similarly, *Article 49 of the Constitution of Ukraine, which guarantees the right of everyone to health care and medical assistance, provides for the provision of medical care free of charge in state and municipal health care facilities.*

At the same time, according to Article 18(8) of the Fundamentals of Legislation of Ukraine on Health Care, *health care institutions may use to increase quality of medical care to the population, funds received from legal entities and individuals, unless otherwise provided by law. Healthcare institutions set fees for healthcare services provided outside of the contracts for healthcare services concluded with the main spending units in accordance with the procedure established by law.* The following list of paid services provided by state and municipal healthcare institutions and higher medical education institutions was approved by Ruling of the CMoU No.1138 of September 17, 1996.

Thus, analyzing these provisions, it can be concluded that *the Constitution of Ukraine guarantees a basic level of services provided by the state free of charge, while special laws of Ukraine provide for the possibility of obtaining services of a higher quality level for a fee.*

The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 2015 also allow for the possibility of additional paid services to be provided to prisoners. For example, according to Rule 114, remand prisoners may be allowed, if they wish, to purchase food at their own expense from the outside, through the administration or through their relatives or friends.

Rule 117 states that a remand prisoner shall be permitted to purchase, at his own expense or that of a third party, such books, newspapers, writing materials and other means of study as are compatible with the interests of the administration of justice and with the security and good order of the institution.

Pursuant to Rule 118, a remand prisoner shall be allowed to visit and be treated by his own doctor or dentist if there are sufficient grounds for doing so and he is able to pay any costs involved.

It should be noted that today, the obsolescence and material depreciation of the resources of the system of penitentiary bodies and institutions, destruction and damage to infrastructure (dormitories, cells, other premises, equipment) as a result of hostilities, forced compression of penitentiary institutions, and insufficient funding do not allow for the full implementation of policy and reform of the sphere of execution of criminal punishments and probation.

In recent years, the penitentiary system has been funded at the level of about 50% of the total need and, as a result, the standards of execution of criminal punishments, conditions of detention, medical, logistical support for convicts and detainees do not fully and not in all institutions comply with European standards, which leads to an increase in the number of ECtHR judgments on violations of the rights of convicts and detainees in Ukraine and, accordingly, financial, reputational and image losses of the state.

The abovementioned state of affairs has become possible due to a constant lack of financial resources for current and major repairs in pre-trial detention institutions, and most of the premises of these institutions, which were built more than 100 years ago, are in poor technical condition.

In order to create proper conditions for detainees, *the CMoU introduced a pilot project to provide a paid service for the provision of improved living conditions and food to detainees in 29 SIZOs of the SCES by its Ruling No. 305 of April 22, 2020.*

The implementation of the abovementioned pilot project at this extremely difficult time for the state has made it possible to improve the conditions of detention of persons in custody without attracting funds from the state budget.

Thus, during the implementation of the pilot project (until September 2023), *the total amount of revenues to the special fund of the state budget of the institutions amounted to 18,971,309.15 UAH. Due to the funds received from the pilot project, the following work was carried out, namely:*

- 72 cells with improved conditions, designed to hold 166 people, were equipped;
- major repairs and arrangement of 127 ordinary cells with a capacity of 887 persons were carried out;
- partial repairs were carried out in 233 ordinary cells (replacement of windows, ventilation, repair of bathrooms, floors, walls, etc.) with the capacity to hold 1269 persons;
- other premises were repaired, in particular: the walking courtyards of the building for holding juveniles, the washing department of the investigative building, the department for holding convicts left for housekeeping, etc. in the SI "the Kyiv Pre-trial Detention Institution"; the collecting department in "the Poltava Penitentiary Establishment (No. 23)"; walking courtyards in "the Kropyvnytskyi Pre-trial Detention Institution"; psycho-emotional discharging rooms and corridors of the wards No.No. 1, 2, 3 in "the Mykolaiv Pre-trial Detention Institution"; a food unit and transformer in "the Odesa Pre-trial Detention Institution"; a ward for holding prisoners left to work on housekeeping and a bath and laundry complex in "the Khmelnytskyi Pre-trial Detention Institution"; walking yards in "the Sumy Pre-trial Detention Institution"; heating systems of regime buildings No.No. 3, 4, 5, water supply system of regime building No. 1 "in the Kharkiv Pre-trial Detention Institution", bomb shelters and part of the roof in "the Zakarpattia Penitentiary Establishment (No. 9)" for a total amount of 2,205,140.00 UAH.

In addition, according to the results of the pilot project, the largest amount of funds for the implementation of a paid service for the provision of improved living conditions and food was received by the SI "Kyiv Pre-trial Detention Institution" (10,896,938.08 UAH), the SI "Lviv Pre-trial Detention Institution (No. 19)" (919,460.00 UAH), the SI "Odesa Pre-trial Detention Institution" (1,065,892.42 UAH), the SI "Poltava Penitentiary Establishment (No. 23)" (646,100.00 UAH), as well as the SI "Zakarpattia Penitentiary Establishment (No. 9)" (631,113.30 UAH).

Taking into account positive results of the pilot project, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Functioning of Penitentiary Institutions and Pre-trial Detention Facilities during Martial Law" No. 3185-IX of June 29, 2023, supplemented the Law of Ukraine "On Pre-trial Detention" with a new Article 11¹, which provides for the possibility of providing paid services to persons taken into custody in pre-trial detention institutions to ensure improved conditions of detention.

In accordance with requirements of part three of this article, the Order of the MoJ of September 15, 2023 No. 3292/5 approved the Procedure for the arrangement of cells with improved conditions of detention and the provision of paid services to persons taken into custody in SIZOs of the SPS to ensure improved conditions of detention.

Currently, there are 83 paid cells in the SIZO of the SCES, created to hold 195 people.

Since the launch of the pilot project, the total amount of revenues to the special fund of the state budget of the institutions has amounted to 39.893 million UAH.

To paragraphs 61, 62 (possibility for persons taken into custody, including juvenile persons, to spend a reasonable part of the day outside their cells)

According to the provisions of Article 9(1, 3) of the Law of Ukraine "On Pre-trial Detention", persons taken into custody have the right, in particular, to a daily walk of one hour. Pregnant women and women with children, *juvenile*, as well as sick persons, with the permission of a doctor and with their consent, may have a daily walk of up to two hours; use TV sets received

from relatives or other persons, board games, newspapers and books from the library of the place of pre-trial detention and purchased through the retail network; to receive pastoral care provided by clergymen (chaplains); to perform religious rites on an individual basis and to use religious literature and religious objects inherent in their faith.

Young persons taken into custody (aged 14 to 35) have the right to receive psychological and pedagogical assistance from specialists from centers of social services for families, children and youth.

Article 12 of the Law of Ukraine "On Pre-trial Detention" provides for the right of persons taken into custody to receive visits.

According to Article 16(1) of the Law of Ukraine "On Pre-trial Detention", persons taken into custody may be engaged in work only within the territory of the pre-trial detention institution with their consent and with the permission of the investigator or court conducting the criminal proceedings.

At the same time, paragraph 3 of Chapter 2, Section III of the Internal Regulations and Rules of Procedure SIZO of the SCES (approved by Order of the MoJ of Ukraine No. 1769/5 of June 14, 2019, (hereinafter - SIZO IR)), stipulates, in particular, that sports equipment for physical exercises (horizontal bars, parallel bars) shall be installed in the courtyards. If possible, a table for playing tennis, exercise bike, cardio equipment, and weight training equipment can be installed. For *juvenile*, it is additionally recommended to equip the courtyards with mini-football, basketball, volleyball, etc.

Each courtyard has a bench that is securely attached to the floor. Sandboxes and swings are provided for children under the age of three.

Walking courtyards should be equipped so that nothing obstructs natural light, as well as a canopy to protect against precipitation.

Section VIII of the SIZO IR defines the procedure for providing social, psychological and pedagogical assistance persons taken into custody. Thus, socio-psychological and pedagogical assistance to prisoners and convicts is provided in the form of group and individual conversations, educational work based on psychological and pedagogical principles and methods.

Prisoners and convicts, who are studying, regardless of age, are provided with opportunities for training and self-education. For this purpose, SIZO are equipped with premises for the educational process thereby ensuring access to complete general secondary education.

Psychological assistance to prisoners and convicts is provided by SIZO psychologists. For this purpose, psychologists' offices and psycho-emotional relief rooms are created and equipped in SIZO in accordance with the current legislation.

Chapter 2 of Section VIII of the SIZO IR establishes the specifics of social, educational, psychological and pedagogical work with juveniles. Thus, during the entire period of detention of juveniles in SIZO, their personality is studied, their behavior is monitored and individual (group) work is conducted, which is recorded at the end of each month in the Card of Changes in the Personality of a juvenile detained in SIZO.

The administration of SIZO creates appropriate conditions for juveniles to engage in physical education and sports by conducting morning physical exercises in the cells and training according to a separate plan in the sports room.

Juveniles receive complete general secondary education in the premises for the educational process in compliance with the isolation requirements established by Article 8 of the Law of Ukraine "On Pre-trial Detention".

Juveniles who receive complete general secondary education are given the opportunity to use textbooks from the library, without restrictions, to buy or receive writing materials in parcels (packages) at their own expense and use them.

During the educational process, juveniles may have limited access to the Internet under the control of the SIZO staff to use public educational, scientific and information resources.

Juveniles are shown videos of educational value at least once a week, and television programs are organized. For these purposes, the cells where juveniles are held are equipped with cable television, the functioning of which is controlled by the SIZO administration.

By the Order of the MoJ No.1723/5 of June 10, 2024 amended the SIZO IR. This order, in particular, provides for the monitoring of a juveniles, as well as filling of the Individual Plan of social, educational, psychological and pedagogical work with a juveniles and the Card of Changes in the Personality of a Juveniles held in a SIZO in paper form or, if technically possible, in electronic form in the Unified Register of Convicts and Detainees.

Using this toolkit, in March-June 2024, 93 juveniles were monitored monthly for changes in their personalities in SIZO (penal institutions with the function of a SIZO). The results of the monitoring allowed the staff to adjust the Individual Plans for the next month and assess the dynamics of changes in the personality of the juveniles.

In addition, in order to improve certain rules governing the procedure and conditions of detention of convicts and persons taken into custody in penitentiary institutions and SIZO of the SCES, the SIZO IR were amended by the Order of the MoJ "On Approval of Amendments to Certain Regulatory Acts of the Ministry of Justice of Ukraine" No. 2594/5 of September 2, 2024.

In particular, Chapter 1 of Section III of the SIZO IR was supplemented with a new paragraph, according to which, in the free time provided for by the daily schedule prisoners and convicts may be taken out of their cells and move freely within a separate isolated post under the constant supervision of SIZO staff in compliance with the requirements of the regime and isolation defined in Articles 7 and 8 of the Law of Ukraine "On Pre-trial Detention" and Article 92 of the Criminal Executive Code of Ukraine (hereinafter - CEC).

A project is being implemented to create sectors in the Kropyvnytskyi SIZO, Kyiv SIZO, Rivne SIZO, Zaporizhzhia SIZO, Sumy SIZO, Lviv PE No. 19, Vinnytsia PE No. 1, where various forms of daily activities for prisoners will be practiced on an experimental basis.

In particular, during the daytime, the cells will be open, rooms for group needs (meals, group activities) will be arranged, and it will be possible to make phone calls in the sector.

The goal of the project is to bring conditions of detention of prisoners to European standards, increase the time that prisoners spend outside the closed cell space, as well as enhance their social activity and support family ties through IP telephony services.

To paragraphs 63, 64 (prevention of juveniles in custody being held in conditions similar to solitary confinement)

According to Article 8(1) of the Law of Ukraine "On Pre-trial Detention" person taken into custody are held in small cells or general cells. As an exception, in order to preserve the secrecy of pre-trial investigation, protect prisoners from possible attacks on their lives, prevent them from committing a new criminal offense, ensure national or public security, or if there are medical reasons for this, they may be held in single sell confinement or small cells by the relevant decision of the investigator conducting pre-trial investigation or the head of the pre-trial detention institution, agreed with the prosecutor, in compliance with the isolation requirements specified in these decisions. *Juveniles are not allowed to be held in solitary confinement, and in case of a threat to their life, they are transferred to another small cell or*

general cell. Persons taken into custody who have reached the age of eighteen are held in cells separately from juveniles and adults until they reach the age of twenty-two.

On June 10, 2024, the MoJ approved Order No. 1723/5, which amended the SIZO IR and stipulated that if one juvenile is held in a SIZO, he/she is held alone in a small or general cell under the supervision of SIZO staff, or, with the consent of the person and the decision of the head of the pre-trial detention institution, the person is held with prisoners who have reached the age of eighteen and are not older than twenty-two years while in pre-trial detention.

To paragraph 65 (involvement of convicts in work in Starobabanivska correctional colony No.92, their professional training)

The Starobabanivska correctional colony (No. 92) increased the number of jobs for convicts, taking into account the available production capacity and resources of the enterprise. As of September 25, 2024, 40.6% of the total number of convicts in the institution was employed, which is 20% more than in 2023. Since the beginning of 2024, 74 convicts have completed on-the-job training.

To paragraph 67 (practice of using service dogs when escorting prisoners sentenced to life imprisonment)

In accordance with chapter 4(1, 2) of the section V of the SIZO IR, service dogs are used during the transfer of men sentenced to life imprisonment who, in accordance with the CEC, are assigned to be held in cell-type premises (hereinafter - CTP) (including those whose sentences have not entered into force), *on the territory of the SIZO outside the regime building.*

Service dogs are used on long or short leashes, with or without a muzzle, taking into account the specific situation, as well as physical disabilities and health status of prisoners and convicts.

In addition, according to chapter 2(3-5) of section XXXII of the PE IR, a dog handler with a service dog is involved in the movement of men sentenced to life imprisonment in the CTP, taking into account the physical disabilities of the convicts and their health condition.

When transferring men sentenced to life imprisonment within the CTP building of a correctional colony (sector) of the maximum security level, a dog handler with a service dog is not involved.

In the case of transferring women sentenced to life imprisonment within the territory of a penal institution, handcuffs are not applied to them. If they are moved outside the penal institution, handcuffs are applied to them. These convicts are transferred one by one, accompanied by three representatives of the administration of the penitentiary institution *without the involvement of a dog handler with a service dog.*

According to the information of the SCES, on February 01, 2024 a letter was sent to the interregional departments for the execution of criminal sentences of the MoJ, penitentiary establishments/pre-trial detention institutions of the central and southern regions on the inadmissibility and termination of the practice of using service dogs *inside the buildings* of the regime buildings of SCES institutions.

To paragraph 72 (out-of-cell measures for those sentenced to life imprisonment)

Order of the MoJ No. 628/5 of March 07, 2024 amended paragraph 1 of section XXXII of the PE IR, according to which convicts sentenced to life imprisonment held in the CTP are provided with a daily walk of one hour. *Taking into account the latest available assessment of the behavior of the convicts, it is allowed to hold a walk in the same exercise yard for the convicts sentenced to life imprisonment who are held in different cells. Amendments of similar content were made to chapter 9 of section IV of the PE IR.*

The procedure and conditions for the execution and serving of a sentence of life imprisonment, as well as the peculiarities of holding life sentenced prisoners, *including the right of life sentenced prisoners to communicate with each other*, are provided for in Chapter 22 of the CEC, as well as Section XXXII of the PI IR.

According to Article 151(2-6) of the CEC, persons serving life imprisonment are subject to the rights and obligations of persons sentenced to imprisonment provided for in Article 107 of the CEC.

Those sentenced to life imprisonment are engaged in labour only on the territory of the colony, taking into account the requirements for keeping them in cell-type facilities. For convicts who do not have a general secondary education, counselling centers are set up in correctional colonies.

Those sentenced to life imprisonment have the right to receive a short visit once a month and a long visit once every two months with close relatives (spouses, parents, children, adoptive parents, adopted children, siblings, grandparents, grandchildren). Long-term visits may also be granted to spouses who lived as a family but were not married, provided that they have juvenile children together.

The convicts are provided with a daily walk lasting one hour.

In case of conscientious behaviour and attitude to work, after serving five years of the sentence, the convicted *person may be allowed to participate in group activities of educational, cultural, physical and recreational nature*.

In accordance with Article 107(1) of the CEC and regulations of the MoJ, convicts serving a sentence of imprisonment have the right *to correspond with persons outside the colonies, have telephone conversations with them, including in mobile (mobile) communication networks, use Internet; participate in the work of amateur organizations and groups of socially useful*.

As of the end of 2023, 54 people sentenced to life imprisonment were receiving full general secondary education, and as of the end of the 2nd quarter of 2024, 35 such people were receiving it.

To paragraph 73 (review of approaches to segregation of life sentenced prisoners)

Article 151¹(2,4) of the CEC stipulate that *men sentenced to life imprisonment may be transferred* from:

- CTP where two persons are held to multi-bed CTP of a maximum security correctional colony *with permission to participate in group educational, cultural, mass and physical training and recreational activities in accordance with the procedure established by law - after actually serving at least five years of their sentence in such premises;*
- multi-bed CTP *to ordinary living quarters of a maximum security correctional facility - after actually serving at least five years of their sentence in such premises.*

Changes to the conditions of detention are not applied to those sentenced to life imprisonment who suffers from venereal diseases, active tuberculosis, and mental disorders.

According to Article 92 (1,6) of the CEC, convicts sentenced to life imprisonment and convicts whose sentence of death has been commuted to life imprisonment are kept in isolation from other convicts, as well as convicts who have been sentenced to life imprisonment.

Requirements for separation of convicts established by this article are not applied to convicts sentenced to life imprisonment who, after serving ten years in CTP, are transferred to ordinary living quarters of a maximum security colony.

In the first 6 months of 2024, 36 convicts sentenced to life imprisonment were transferred from CTP to multi-bed cell-type premises, and 10 convicts were transferred from multi-bed CTP to ordinary residential premises.

As of the end of August 2024, 718 convicts sentenced to life imprisonment (46% of the total number) were held in multi-bed cell-type premises, and 100 convicts (6% of the total number) were held in ordinary living quarters.

To paragraph 75 (transfer of the function of providing medical care to convicts and persons taken into custody from the MoJ to the MoH)

The MoJ, in preparing the draft Law of Ukraine "On the Penitentiary System," included a transitional provision that proposes a phased transfer of medical care for convicts and detainees from the MoJ to the MoH.

This draft law is under consideration by the VRoU (reg. No.5293 of March 22, 2021).

On May 23, 2024 the MoH issued Order No. 868 "On Ensuring the Effective Work of the Interdepartmental Working Group on Improving the Provision of Medical Care to Convicts, Persons Taken into Custody and Released from Places of Detention" (as amended by the Order of the MoH №1492 of August 27, 2024), which amended the composition of the said working group and approved Regulation regarding the said working group.

This Regulation, in particular, provides for study of international best practices in the field of providing medical care to convicts and persons in custody in a single medical space.

The Strategy for Reforming the Penitentiary System, in particular, includes the task of expanding access to medical services for convicts and persons in custody and the gradual integration of penitentiary medicine into a single medical space.

Regions have already been identified for the implementation of a pilot project to provide medical care to convicts and detainees by health care facilities of the MoH.

A draft Resolution of the CMoU "On the Implementation of a Pilot Project to Provide Medical Care to Convicts and Detainees held in the Bila Tserkva Correctional Colony (No. 35)" has been developed. Currently, the draft resolution is undergoing coordination procedures with the relevant authorities.

Medical staff has been trained to work with the HELSI information system. It is planned to enter the medical data of convicts into the Electronic Healthcare System. Work is underway to introduce a substitution maintenance therapy program for drug addicts.

To paragraph 78 (staffing of doctors' positions and solving related problems of medical care for convicts and persons taken into custody)

In light of the military aggression of the Russian Federation against Ukraine, there is a problem of replenishing the staff of medical workers not only in the medical units of the SI "Health Care Center of the State Criminal Executive Service of Ukraine" (hereinafter - Health Care Center of the SCES), but also in the MoH. The Health Care Center of the SCES makes a lot of effort to replenish the staff of medical workers, posting vacancies, and working with medical institutions that are not under the jurisdiction of the MoJ.

Work is constantly underway to fill vacant positions in medical units of the Health Care Center of the SCES branches by submitting vacancies to regional employment centers.

The existing lack of staff is compensated by engaging specialists from the MoH in accordance with joint orders of the MoJ and MoH "On Approval of the Procedure for Organizing the Provision of Medical Care to Persons Sentenced to Imprisonment" of August 15, 2014 No. 1348/5/572 and "On Approval of the Procedure for Interaction between Health Care Institutions of the State Criminal Executive Service of Ukraine and Health Care Institutions on

the Provision of Medical Care to Persons Taken into Custody” of February 10, 2012 No.239/5/104.

These orders define the interaction of health care institutions of the SCES with health care institutions on the provision of medical care to persons taken into custody.

The indicative list of healthcare facilities for providing medical care to persons in custody is determined by the MoH of the AR of Crimea, healthcare departments (main divisions) of regional, Kyiv and Sevastopol city state administrations and interregional departments for the execution of criminal punishments and probation of the MoJ, taking into account the specialization of healthcare facilities and the availability of conditions that allow for the isolation of persons in custody.

As of September 2024:

- in Kyiv city medical unit of the Health Care Center of the SCES branch in Kyiv and Kyiv region, according to the staffing table, there are 48.50 positions in total, while only 42.50 positions are actually occupied. The number of doctors on the staff list is 20.50, the number of positions actually occupied is 17.50. The number of nurses according to the staff list is 24.00, the actual number of positions is 21.00;

- in Odesa city medical unit No. 21 of the branch of the Centralized Health Center of the SCES in Mykolaiv and Odesa regions: according to the staffing table, there are 32.00 positions, but only 30.25 positions are actually occupied. The number of doctors on the staff list is 13.25, the number of positions actually occupied is 11.50. The number of nurses on the staff list is 15.50, the number of positions actually occupied is 15.50;

- in Vinnytsia city medical unit No.1 of the the Health Care Center of the SCES branch in Vinnytsia region: according to the staffing table, there are 20.75 positions in total, but only 18.50 positions are actually occupied. The number of doctors on the staff list is 8.00, while the actual number of positions is 6.25. The number of nurses on the staff list is 10.75, the number of positions actually occupied is 10.25;

- in Zhytomyr city medical unit No. 8 of the Health Care Center of the SCES branch in Zhytomyr region: according to the staffing table, there are 19.00 positions, but only 17.00 positions are actually occupied. The number of doctors on the staff list is 7.25, while the number of positions actually occupied is 5.75. The number of nurses on the staff list is 9.75, while the number of positions actually occupied is 9.25;

- in Lviv multidisciplinary hospital No. 19 of the Health Care Center of the SCES branch in Lviv region: according to the staffing table, there are 78.00 positions, but only 60.00 positions are actually occupied. The number of doctors on the staff list is 30.00, while the actual number of positions occupied is 23.50. The number of nurses according to the staffing table is 36.50, the number of positions actually occupied is 30.00;

- medical unit no. 92 of the branch of the Centralized Health Center of the SCES in Cherkasy and Kirovohrad regions has 15.50 positions according to the staffing table, 12.25 positions are actually occupied. There are 6.50 doctors according to the staff list, 3.75 positions are actually occupied. The number of nurses on the staff list is 7.00, the number of positions actually occupied is 7.00.

To paragraph 79 (some problematic issues of medical care in Lviv Penitentiary Institution No. 19 and Starobabanivska Correctional Colony No. 92)

Consultation rooms located on the territory of the Lviv Penitentiary Establishment (No.19) are repaired as funds are received.

Medical unit No. 92 of the branch of the Centralized Health Center of the SCES in Cherkasy and Kirovohrad regions is a health care facility that provides primary health care. In accordance with the Exemplary list of material and technical equipment of health care facilities and

individual entrepreneurs providing primary health care, approved by the order of the MoH of January 26, 2018 No. 148 (as amended), ultrasound diagnostic devices are not provided for these institutions, therefore, the staffing table does not include the position of an ultrasound diagnostician.

In case of need for ultrasound diagnostics, convicts are taken to the Uman Central District Hospital in accordance with the Order of the MoH "On Approval of the Indicative List of Health Care Institutions of Cherkasy region for the Provision of Medical Care to Convicts and Persons Taken into Custody" No. 16-0Д/1237 of July 25, 2023.

To paragraph 80 (medical examination of newcomers)

Medical examinations of newcomers, including juveniles and women, are carried out in accordance with the Joint orders of the MoJ and the MoH "On Approval of the Procedure for Organizing the Provision of Medical Care to Persons Sentenced to Deprivation of Liberty" No. 1348/5/572 of August 15, 2014, and "On Approval of the Procedure for Interaction of Health Care Institutions of the SCES with Health Care Institutions on Provision of Medical Care to Persons in Custody" No. 239/5/104 of February 2, 2012.

Medical examinations of convicts are conducted out of earshot, and (unless the medical worker wishes otherwise in each case) out of sight of persons other than medical workers.

Only medical staff may be present during the medical examination, unless the doctor requests the staff of the institution to be present for security reasons or the convict requests it.

Medical examinations are conducted in the presence of staff of the same gender as the convicts.

Convicted women are guaranteed the right not to provide information and not to be examined in connection with their reproductive health history.

At the request of a woman, if possible, she should be provided with a medical examination by a female doctor, except in situations requiring medical care in an emergency.

Juveniles also receive consultations with pediatricians. If necessary, they are prescribed examinations or registered with a dispensary. Women receive consultations with gynecologists; in case of need, they are also prescribed examinations or registered with a dispensary.

To paragraph 81 (recording of bodily injuries of convicts and prisoners by medical staff)

In order to improve the procedure for medical professionals to record bodily injuries of persons taken into custody during their stay in SIZO of the SCES or penitentiary establishments, as well as to notify the relevant entities of such cases within the established time limits, the MoJ and the MoH issued Order "On Approval of amendments to certain regulatory legal acts of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine" No. 2368/5/1164 of June 27, 2023.

This Order amended the Procedure for interaction between health care institutions of the SCES and health care institutions on the provision of medical care to persons taken into custody (approved by the Order of the MoJ and MoH No. 239/5/104 of February 10, 2012) and the Procedure for organizing the provision of medical care to persons sentenced to imprisonment (approved by order of the MoJ and MoH No. 1348/5/572 of August 15, 2014).

These amendments stipulate that a medical worker must immediately, but not later than 24 hours after detecting bodily injuries on a convict, inform the prosecutor and the administration of the penitentiary institution by phone, e-mail and written notice of this fact, and in cases where the convict reports that the bodily injuries were caused by persons holding the rank of private and/or senior staff of the SPS or employees of other law enforcement agencies, also – the SBI. Information about the fact of detection of bodily injuries

is entered by the head of the medical unit or the medical officer on duty in the journal of recording the facts of detection of bodily injuries in convicts, the form of which is given in Annex 3 to this Procedure, which is kept in the relevant health care facility of the SCES.

The Order of the MoH No. 186 of 02 February 2024 amended paragraph 1 of the Order of the MoH of 14 February 2012 No. 110 "On Approval of Primary Accounting Documentation Forms and Instructions for Their Completion Used in Healthcare Institutions Regardless of Ownership and Subordination", adding a new subparagraph to it as follows: "1.45. Form of primary accounting documentation No. 511/o "Certificate No. ___ on fixing bodily injuries" and the attached Instructions for its completion."

In particular, according to clause 2, paragraph 3 of the Instruction for filling out the form of primary accounting documentation No. 511/o "Certificate No. ___ on recording bodily injuries", it is stated that "in case of a person's stay in places of detention (any place under the jurisdiction and control of the state, where persons imprisoned are or may be held by order of a state body or its instructions, or with its knowledge or tacit consent), another copy of form No. 511/o is additionally drawn up and attached to the personal file in places of detention.

To paragraph 82 (documentation drawn up by medical staff during the examination of a convict, medical examination; examination of women with due regard to gender needs)

In accordance with the provisions of paragraphs 7, 18-20 of Section I of the Procedure for providing medical care to convicts, during the initial medical examination, full medical examination in the quarantine unit, diagnosis and distribution, preventive medical examination, referral to a hospital of the SCES or other healthcare facility, convicts are interviewed on the prevention of infectious diseases, including HIV/AIDS, and offered testing for HIV infection with the consent of the convict, which is recorded in the primary accounting documentation form No. 025/o "Medical card of an outpatient patient No. ___" (further - form No. 025/o) or the primary accounting documentation form No. 003/o "Medical card of an inpatient patient No. ___" (hereinafter - form No. 003/o), approved by the Order of the MoH No. 110 of February 14, 2012, (amended by the Order of the MoH No. 29 of January 21, 2016).

In case of referral of a patient to another healthcare facility, the primary accounting documentation form No. 027/o "Extract from the medical record of an outpatient (inpatient) patient" (hereinafter - Form No. 027/o), approved by the Order of the MoH No. 110 of February 14, 2012, must be submitted.

All conclusions of medical examinations, consultations, and data on treatment must be entered into the outpatient medical record No. 025/o or the inpatient medical record No. 003/o.

In accordance with Article 116(8) of the CEC, *women sentenced to imprisonment* are guaranteed the right not to provide information and not to undergo an examination in connection with their reproductive health history. At the request of a woman, she must be provided with a medical examination by a female doctor. Only medical staff may be present during the medical examination, unless the doctor believes that there are exceptional circumstances, or the doctor requests the penitentiary establishment staff to be present for security reasons, or the convict requests it.

Medical examinations are conducted in the presence of staff of the same gender as the convicts.

With regard to psychological support for convicts, including women, it should be noted that Section V of the Standard Job Duties of a Psychologist of a Penitentiary Establishment and Pre-trial Detention Institution (approved by the Order of the MoJ No. 2300/5 of November 4, 2013), regulates the duties of a psychologist, which include the following: to know the requirements of the legislation governing the SCES's activity, as well as general, age, pedagogical, social, penitentiary psychology, pedagogy, pathopsychology, basics of

psychotherapy, sexology, psychohygiene, occupational psychology, psychodiagnostics, psychological counselling and psychoprophylaxis, methods of active learning, social and psychological communication training, modern methods of psychological correction and personality development.

The psychologist should also *study convicts* and persons taken into custody who arrive at penitentiary establishment or pre-trial detention institutions, draw up their psychological profile, and provide recommendations to penitentiary establishment staff on how to work with them.

A psychological profile contains objective information about individual psychological characteristics of a person, a behavioural forecast (a description of the person's likely behaviour under certain conditions), recommendations for the implementation of individual influence by the penitentiary establishment staff and further support during the sentence.

With the consent of convicts and persons taken into custody, a psychologist should conduct test psychodiagnostics, individual and group sessions on psychological correction of their psychotraumatic conditions.

Paragraph 1 of Section VI of the Standard Job Duties of a Psychologist of a Penitentiary Establishment and Pre-trial Detention Institution provides that a psychologist of a penitentiary establishment and pre-trial detention institution shall ensure the maintenance of the Psychologist's work plan for the quarter, the Logbook of individual work with convicts (persons taken into custody) and recommendations given to the penitentiary establishment staff, Logbook of records of work with convicts (persons taken into custody) who require increased control by the staff of the penitentiary establishment staff and results of individual work with them), Logbook of records of psychological study of convicts (persons taken into custody) who arrived at the penitentiary establishment and Logbook of records of individual and group psychocorrection classes with convicts (persons taken into custody).

The provision of medical care to prisoners during their detention in penitentiary institutions is carried out in accordance with requirements of the Order of the MoJ and the MoH "On approval of the Procedure for organizing the provision of medical care to persons sentenced to imprisonment" No. 1348/5/572 of August 15, 2014; the Order of the MoJ and the MoH "On Approval of the Procedure for Interaction of Healthcare Facilities of the State Criminal Executive Service of Ukraine with Healthcare Facilities on Provision of Medical Care to Persons Taken into Custody" No. 239/5/104 of February 10, 2012; Order of the MoH "On Approval of Primary Accounting Documentation Forms and Instructions for Their Completion Used in Healthcare Facilities Regardless of Ownership and Subordination" No. 110 of February 14, 2012 No. 110, namely, the primary accounting documentation form No. 511/o "Certificate No. __ on Fixing Bodily Injuries", as well as the Instructions for its completion and in accordance with the clinical protocols of the MoH.

If necessary, medical care can be provided in the territorial institutions of the MoH.

To paragraph 83 (ensuring medical secrecy)

The provision of medical care to prisoners during their detention in penitentiary institutions is carried out in accordance with the requirements of the joint orders of the MoJ and the MoH "On approval of the Procedure for Organizing the Provision of Medical Care to Persons Sentenced to Imprisonment" No.1348/5/572 of August 15, 2014, and "On Approval of the Procedure for Interaction of Healthcare Facilities of the State Criminal Executive Service of Ukraine with Healthcare Facilities on Provision of Medical Care to Persons Taken into Custody" No. 239/5/104 of February 10, 2012, which stipulate, inter alia, that medical examinations of prisoners are conducted out of earshot and (unless the medical professional wishes otherwise in each case) out of sight of non-medical staff. Documents containing

information about health status of a convict and provision of medical care to him/her shall be kept in compliance with conditions guaranteeing the confidentiality of this information.

According to chapter 1(10) of section III of the joint order of the MoJ and the MoH "On Approval of the Procedure for Organizing Medical Care for Persons Sentenced to Imprisonment" No. 1348/5/572 of August 15, 2014, only medical workers are entitled to have access to medical records.

The Center of Healthcare of the SCES conducts *online trainings to study legislation on ensuring full compliance with medical secrecy* during consultations/examinations of convicts.

Ensuring compliance with medical secrecy is regulated by the following norms of legislation:

- Article 39¹(1) of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Healthcare" that guarantees patients the right to secrecy about their health status, the fact of seeking medical care, diagnosis, as well as information obtained during their medical examination;
- Article 40(1) of the Fundamentals of Legislation of Ukraine on Healthcare, which prescribes that healthcare professionals and other persons who, in connection with the performance of their professional or official duties, have become aware of an illness, medical examination, inspection and their results, intimate and family life of a citizen, have no right to disclose this information, except in cases provided for by law;
- Article 21(1) of the Law of Ukraine "On Information", which prescribes that restricted information is confidential, secret and proprietary information; as well as Article 11(2) of the Law that prohibits the collection, storage, use and dissemination of confidential information about a person without his or her consent, except in cases specified by law and only in the interests of national security, economic well-being and protection of human rights. Confidential information about an individual includes, in particular, data on his or her nationality, education, marital status, religious beliefs, health status, as well as address, date and place of birth.

To paragraph 84 (provision of psychiatric care for convicts)

According to Article 8(1), Article 116(1,7) of the CEC, convicts have the right to healthcare to the extent established by the Fundamentals of the Legislation of Ukraine on Healthcare, except for restrictions provided for by law. Healthcare is provided by the system of medical and sanitary and health improvement and preventive measures, as well as a combination of free and paid forms of medical care. Convict is guaranteed the right to free choice and access to a doctor in order to receive medical care, including at his/her own expense. Convicts who have mental and behavioural disorders due to the use of alcohol, narcotic drugs, psychotropic substances or their analogues or other psychoactive substances may, with their written consent, undergo treatment for these diseases.

According to the Procedure for Organizing the Provision of Medical Care to Persons Sentenced to Imprisonment (approved by the Order of the MoJ No. 1348/5/572 of August 15, 2014), medical care (*including psychiatric care*) is provided to convicts in healthcare facilities of the Center of Healthcare of the SCES, and if it is impossible to provide such care in full, such persons shall be referred to other healthcare institutions of the relevant profile that do not belong to the sphere of management of the MoJ, with the involvement of their medical staff.

According to the first clause of Chapter 1, Section 1, Section III of the Procedure for Providing Medical Care to Convicts, psychiatric care for convicts suffering from mental disorders is provided in accordance with the Law of Ukraine "On Psychiatric Care".

The use of physical restraint and/or isolation in the provision of psychiatric care to convicts suffering from mental disorders is carried out in accordance with the Rules for the Use of

Physical Restraint and/or Isolation in the Provision of Psychiatric Care to Persons Suffering from Mental Disorders (approved by the Order of the MoH No. 240 of March 24, 2016).

In accordance with the License Register for the Right to Carry Out Economic Activities related to the Circulation of Narcotic Drugs, Psychotropic Substances and Precursors, the SI "Center of Healthcare of the SCES" *has a license* to carry out economic activities for the acquisition, storage, transportation, use, destruction of narcotic drugs (list 1, table II, list 1, table III), psychotropic substances (list 2, table II, *list 2, table III*), precursors (list 1, table IV, list 2, table IV) of the List of Narcotic Drugs, Psychotropic Substances and Precursors (approved by the Ruling of the CMoU No. 770 of May 06, 2000) at the place of economic activity.

Medical care for people with mental and behavioural disorders is provided in a planned manner in the psychiatric department of Lviv Multidisciplinary Hospital No. 19, which was opened in January 2023. In the therapeutic department of Stryzhavska Multidisciplinary Hospital No. 81, 5 beds were created to provide planned psychiatric care. There was ensured functioning of 4 beds in Zhytomyr City Medical Unit No. 8 for the treatment of patients with mental and behavioural disorders.

Persons in all acute cases of mental and behavioural disorders are hospitalized in the relevant specialized healthcare facilities of the MoH.

In June 2024, a psychiatrist was hired at Vinnytsia Penitentiary Institution No. 1 for a 0.25 of the position.

On December 07, 2023 the Order of the MoH No. 2086 "On Approval of the Procedure for Providing Psychiatric Care in Inpatient Settings" was issued. This Procedure defines the mechanism for providing psychiatric care in inpatient settings, taking into account the priority of human rights and dignity as set forth in the ECHR, the Laws of Ukraine "On Psychiatric Care" and "On Rehabilitation in the Field of Healthcare", "Fundamentals of the Legislation of Ukraine on Healthcare".

To paragraph 85 (combination of the role of a psychologist in assessing the risks to the safety of convicts and therapeutic clinical work in a penitentiary establishment)

In accordance with the Standard Job Description for a psychologist of a penitentiary establishment and pre-trial detention institution, the psychologist conducts an initial psychological examination, psychodiagnostic and psychocorrectional measures with convicts in order to identify suicidal risk, mental illness, post-traumatic stress disorder, and then provides recommendations to the staff of the institution. The psychologist also participates in the assessment of the risk of committing a repeated criminal offense, which takes into account the possibility of committing auto-aggressive actions and the general psycho-emotional state of the convict.

The psychologist contributes to the work of the medical unit (health care unit) of the institution in identifying persons with mental developmental disorders who require special attention, support and psychological support. A consultation with a psychiatrist is mandatory; he conducts an examination and, if necessary, treatment, both outpatient and inpatient, with the possibility of transferring to a specialized medical institution.

To paragraph 86 (assistance to convicts with drug-related problems)

The Center of Healthcare of the SCES continues to implement a program of comprehensive treatment using substitution maintenance therapy (methadone) for persons with mental and behavioural disorders, including convicts and persons taken into custody held in penitentiary establishments and SIZO.

Medical care is provided now at 16 sites of healthcare facilities of the Center of Healthcare of the SCES; by the end of the year, two more sites are planned to be launched. By the end of the year, all security levels of penitentiary establishments and SIZO will be covered by the

program of comprehensive treatment with the use of substitution maintenance therapy for people with mental and behavioural disorders.

The Center of Healthcare of the SCES participates in the fulfilment of the State Strategy for Combating HIV/AIDS, Tuberculosis and Viral Hepatitis for the period up to 2030. This strategy includes an operational goal to ensure access to and facilitate the receipt of comprehensive prevention services by key populations, including those provided at the level of citizens and by community groups, at the expense of state and local budgets; to ensure the availability of substitution maintenance therapy, including in places of detention.

Organizational principles of substitution maintenance therapy for people with mental and behavioral disorders due to opioid use are regulated by the Procedure for Substitution Maintenance Therapy for People with Mental and Behavioural Disorders Due to Opioid Use (approved by the Order of the MoH No. 200 of March 27, 2012; amended by the Order of the MoH No. 2630 of November 16, 2020).

The MoH drafted the CMoU resolution on the approval of the Drug Policy Strategy for the period until 2030 and the adoption of the operational plan for the implementation of the Drug Policy Strategy for the period until 2030 for 2024-2026 (the draft is being reviewed by stakeholders).

One of the strategic priorities of the Strategy is, in particular, to ensure observance of the right to preventive care and treatment of persons with mental and behavioural disorders due to the use of narcotic drugs, psychotropic substances or their analogues who are in penitentiary establishments and SIZO of the SCES, as well as registered with probation authorities.

In accordance with the requirements established by the Procedure for Interaction of Health Care Institutions, Internal Affairs Authorities, Pre-trial Detention Institutions and Correctional Centers on Ensuring Continuity of Treatment with Substitution Maintenance Therapy (approved by the Order of the MoH, the MoIA, the MoJ, and the State Service of Ukraine on Drugs Control No. 821/937/1549/5/156 of October 22, 2012) continuous treatment with substitution maintenance therapy is provided, in particular, among persons serving punishments in correctional centers.

The Order of the MoH No. 140 of January 26, 2024 approved the Procedure for Providing Care and Support Services to People Living with HIV. This Procedure defines the unified scientifically based industry standard for the provision of individual services in the field of public health, specifies the content and tasks, establishes requirements for the organization and provision of care and support services for people living with HIV, *including in penitentiary establishments and pre-trial detention institutions of the SCES.*

Services are provided, including people living with HIV who use drugs by injection, with the aim of forming and maintaining their adherence to medical supervision for HIV infection, forming stable adherence to antiretroviral therapy, reducing the risks of HIV transmission associated with behavioural practices.

To paragraph 89 (out-of-hospital measures for patients in penitentiary hospitals)

In accordance with Article 9(1) of the Law of Ukraine "On Pre-trial Detention", persons taken into custody have the right to a daily walk of one hour. Pregnant women and women with children, juveniles, as well as *sick persons, with a doctor's permission and their consent, are allowed to have a daily walk of up to two hours.*

At the same time, the criminal executive legislation of Ukraine *does not establish restrictions on outdoor activities for convicts who are undergoing inpatient treatment in healthcare facilities of the SCES.*

To paragraph 90 (the staffing of Lviv Multidisciplinary Hospital No. 19)

The hospital management and HR specialists of the administration of the branch of the Center of Healthcare of the SCES in Lviv region are constantly searching for specialists to fill vacant positions at Lviv Multidisciplinary Hospital No. 19.

In 2024, a neurologist, an anaesthesiologist and a psychiatrist were hired.

To paragraph 91 (wheelchair patient M.S. in Lviv Multidisciplinary Hospital No.19)

On November 03, 2023, patient M.S. was reviewed by the medical advisory commission of Lviv Multidisciplinary Hospital No. 19 and as a result a decision was made to send materials to the court under Article 84 of the CPC, regarding release from further serving a sentence due to illness.

On November 07, 2023, the Halytskyi District Court of Lviv ruled to release him from further serving his sentence due to illness.

On November 16, 2023, the patient was released from the Lviv Penitentiary Establishment (No.19).

To paragraphs 92, 93 (staffing the positions of security and supervision services and security within establishments)

As of August 1, 2024, the actual number of personnel of the departments of supervision and security, security, regime and protection in penitentiary establishments, SIZO and prisoner of war camps of the SCES (custodial staff) was 10888, which *is higher* than its number as of August 1, 2023 - 10543.

The staff of interregional departments, subordinate institutions and camps, and state-owned enterprises of penitentiary establishments ensure the fulfilment of their tasks under martial law and significant understaffing due to staff turnover, difficulties in recruiting staff, low levels of financial and social and general mobilization of citizens of military age and low levels of social security.

From October 2023 to the beginning of July 2024, the staff shortage in Zhytomyr Penitentiary Establishment No. 8 decreased from 34.1% to 33.7%, and in Starobabanivska correctional colony No. 92 it increased from 12.4% to 13.5%.

The heads of these penitentiary establishments are taking a number of measures aimed at reducing staff shortages, especially in the category of junior management staff.

The issue of transferring the staff of defense departments, supervision and security departments of penitentiary establishments, as well as regime and defense departments from 24-hour to 12-hour work schedules will be further considered by the MoJ in the course of preparing relevant amendments to the regulatory legal acts.

To paragraph 94 (professional training of penitentiary staff)

In accordance with the curriculum for the in-service training of rank-and-file and senior staff of the SCES, which is approved by an order of the MoJ for the initial year, in-service training classes (within the approved thematic plans for in-service training and the schedule of classes), the bodies and establishments of the SCES consider issues related to raising awareness of the staff of the bodies and establishments of the SCES on how to deal with vulnerable categories of convicts and prisoners, as well as how to identify signs of torture, with particular attention paid to the following topics:

- fundamental human rights. International standards for the treatment of convicts. ECHR. The Law of Ukraine "On the Execution of Judgments and Application of the Practice of the ECtHR";

- basics of social and educational work with convicts. Recognizing and counteracting manipulation by convicts;
- main provisions of international acts on the protection of the rights of socially vulnerable categories of convicts (including convicted women and juveniles);
- the main aspects of the activities of the CoE and its legal acts on the observance of human rights and treatment of convicts (prisoners).

The educational curricula for initial professional training and advanced training for rank-and-file and senior staff of the SCES in the relevant areas of service include the following topics:

- international legal acts on human rights observance and treatment of prisoners;
- concept and classification of international standards in the field of protection of the rights of convicts and prisoners;
- balance of security and human dignity in places of detention;
- European mechanisms for the prevention of ill-treatment and standards of ethical behavior of penitentiary system staff.

To paragraph 95 (practice of carrying batons by penitentiary staff inside the establishments)

Chapter 1(8), Section V of the *SIZO IR* establishes that *wearing of special means by SIZO staff within the guarded territory of the SIZO shall be hidden as far as possible.*

Also, on September 02, 2024 the MoJ adopted the Order No. 2594/5 “On Approval of Amendments to Certain Legal Acts of the Ministry of Justice of Ukraine”, which, in particular, supplemented paragraph 1 of Section XXVI of the *PE IR* with a new clause prescribing that wearing of special means by the staff of penitentiary establishments within the territory of a guarded penitentiary establishment *shall be hidden as far as possible.*

In the context of this issue, it should be also noted that the availability of special equipment for employees creates additional security guarantees for the life and health of the staff.

Thus, there were individual cases of attacks on staff by convicts and murders of the SCES staff, including by juveniles. For example:

- on January 01, 2017, in the state establishment “Kyiv Pre-trial Detention Institution” during a walk, a juvenile prisoner struck a junior inspector in the face with a metal rod;
- on August 17, 2017, in the state establishment “Odesa Pre-trial Detention Institution” the prisoner committed the murder of junior inspector, whose dismembered corpse was found in a garbage container;
- on March 27, 2024, in the state establishment “Kyiv Pretrial Detention Institution”, during the seizure of a prohibited item, the convict physically resisted an employee of the establishment, clutching her hair.

To paragraph 96 (video-surveillance in penitentiary institutions, the usage of portable video-cameras by staff)

As of today, the interaction between staff and convicts and persons taken into custody is recorded using 1568 body-worn video-recorders and 11333 video-cameras.

Based on the results of processing information on the use of portable video-recorders, it was found that in the period from January 01, 2024 to June 30, 2024, prisoners and convicts committed 23812 offenses, of which 15057 (63%) were recorded using video-recorders.

At the same time, coercive measures were used against prisoners in 92 cases, including physical force and special equipment, of which 85 cases (92%) were recorded on a portable video-recorder.

To paragraphs 97, 98 (right to receive visits and telephone calls from convicts and persons taken into custody)

According to Article 12(1) of the Law of Ukraine "On Pre-trial Detention", detainees may be granted visits with relatives or other persons by the administration of the pre-trial detention establishments only with the written permission of the investigator or court conducting the criminal proceedings, *at least three times a month*. Duration of the visit can be set at one to four hours.

Article 59 (2) of the CEC stipulates that persons sentenced to restriction of liberty have the right to send letters, receive parcels and packages, *receive short-term visits without restrictions, and long-term visits-up to three days once a month*.

In accordance with Article 110 (1,4,8) of the CEC, convicts have the right to receive the following types of visits: short-term visits lasting up to four hours and long-term visits lasting up to three days.

The number and types of meetings are set as follows:

- convicts held in the enhanced control unit are granted one short-term visit per month and one long-term visit per three months;
- convicts in the resocialization unit are allowed one short-term visit per month and one long-term visit per two months;
- convicts in the social adaptation and social rehabilitation unit are allowed short-term visits without restrictions and a long visit every month.

According to paragraph 1(13,14) of Section XIV of the PE IR, the first visits, except for visits with persons providing legal aid, are granted to the convicted person after he/she is transferred from the quarantine, diagnostic and distribution unit to the resocialization unit or the enhanced control unit.

The next visit is granted after a period equal to the part of the term divided by the length of the year by the number of relevant visits to which the convict is entitled during the year. The deviation from the specified period may not exceed 5 days. *Appointments that were not used in the current period cannot be carried over to the next period, with the exception of cases of temporary cancellation of appointments in connection with quarantine, natural disaster or transfer of penal institutions to the regime of special conditions.*

Combining appointments or splitting one appointment into several periods are not allowed.

According to paragraph 1(26) of Section XIV of the PE IR, the number of persons who can simultaneously attend a meeting with a convicted person, as well as duration of the meetings, is determined depending on the capacity of the premises for meetings in accordance with established norms, as well as the possibility of ensuring their safety.

With regard to ensuring the right of persons taken into custody to telephone conversations, it should be noted that in accordance with Article 11¹(1,3) of the Law of Ukraine "On Pre-trial Detention", SIZO of the SCES may be equipped with cells with improved conditions of detention if technically possible.

According to Section III (para.8,11) of the Procedure for the Arrangement of Cells with Improved Conditions of Detention and the Provision of Paid Services to Persons Taken into Custody in SIZO of the SCES to Ensure Improved Conditions of Detention (the Order of the MoJ No. 3292/5 of September 15, 2023) the possibility to use a paid service for access to telephone communication in cells with improved conditions of detention is provided to them

by IP-telephony equipment with the appropriate software, which is on the balance sheet of the SIZO.

Telephone calls to persons taken into custody are provided in accordance with the daily schedule, in their free time from investigative actions or participation in court hearings, as well as outside the time provided for persons taken into custody to eat and sleep uninterruptedly.

This opportunity to maintain family ties is actively used by prisoners. For example, in the Kropyvnytskyi SIZO, in 2023, IP telephony facilities were used by detainees 1377 times, and 779 times in the 8 months of 2024.

To paragraph 99 (possibility of short-term visits in open conditions)

According to Article 12(1) of the Law of Ukraine "On Pre-trial Detention", persons taken into custody may be granted visits with relatives or other persons by the administration of the place of pre-trial detention only with the written permission of the investigator or court conducting the criminal proceedings, *at least three times a month*. Duration of the visit can be set at one to four hours.

Chapter 1 (para. 2, 3) of the Section VII of the SIZO IR stipulates that short-term visits with relatives or other persons are granted by the head of the SIZO or his deputy (persons performing their duties) for:

- convicts left in the SIZO for housekeeping work;
- persons sentenced to restriction of liberty who are subject to transfer to a place of serving sentence under Article 57 of the CEC;
- persons sentenced to imprisonment, life imprisonment, whose sentences have entered into force and who are subject to transfer to penitentiary establishments pursuant to Article 87 of the CEC;
- convicts whose sentences have entered into force and who are temporarily left in a SIZO or transferred to a SIZO from a correctional center, disciplinary battalion or correctional colony pursuant to Article 90 of the CEC;
- prisoners - with the written permission of the investigator or court conducting the criminal proceedings;
- convicts whose sentences have entered into force and who, pursuant to Article 90 of the CEC, are temporarily left in a SIZO or transferred to a SIZO from a correctional center, disciplinary battalion or correctional colony, if a preventive measure in the form of taking into custody in connection with another criminal proceeding is imposed on them with the written permission of the investigator or court conducting the criminal proceedings;
- foreigners held in custody with representatives of embassies and consulates of the respective states - in agreement with the Ministry of Foreign Affairs of Ukraine and with the written permission of the investigator or court conducting criminal proceedings;
- persons subject to temporary or extradition arrest - on the basis of a written permission of the authority conducting the extradition check.

On the basis of a written permission of the investigator or court conducting criminal proceedings, or the body conducting extradition checks, the *administration of the SIZO* shall grant *short-term visits* to the persons referred to in items 3-6 of paragraph 2 of this chapter, *which, upon its decision, shall be conducted in open (without a solid separating glass and intercom) or closed (through a solid separating glass and intercom) conditions.*

Short-term visits for persons sentenced to restriction of liberty who are subject to referral to the place of serving a sentence under Article 57 of the CEC; persons sentenced to

imprisonment, life imprisonment, whose sentences have entered into force and who are subject to referral to penitentiary establishments under Article 87 of the CEC; convicted persons whose sentences have entered into force and who, pursuant to Article 90 of the CEC, are temporarily kept in a SIZO or transferred to a SIZO from a correctional center, disciplinary battalion or correctional colony, may be provided with both open and closed conditions.

When determining the open or closed conditions for visits, the SIZO administration takes into account the behavior of the prisoner or convict during his/her stay in the SIZO, violations of the rules of conduct during previous visits, and recommendations of the psychologist.

Short-term visits to juveniles and convicts left in the SIZO for work in the household are provided in open conditions.

Also, in accordance with Article 110(1,8) of the CEC, the convicts have the right to receive the following visits: short-term visits lasting up to four hours and long-term visits lasting up to three days. Short-term visits are granted with relatives or other persons in the presence of a representative of the colony.

The procedure for organizing meetings, telephone conversations, and using the Internet is established by the MoJ.

According to items two – four of paragraph 1 of Section XIV of the PE IR, short-term visits are granted with relatives and other persons in the presence of a representative of the administration of the penitentiary establishment.

Taking into account the behaviour of the convicted person while serving his/her sentence, violations of the rules of conduct during previous visits, as well as recommendations of the psychologist, short-term visits can be granted both in open (without a solid separating glass and an intercom) and closed conditions (through a solid separating glass and an intercom).

Short-term visits in closed conditions take place in cases of a high risk of violation by the convict of the established procedure for conducting visits, as well as in the case provided for in paragraph 1 of Section XV of these Regulations.

To paragraph 100 (repair of the shower room in the long visitation area of Starobabanivska correctional colony 92)

The shower room of the long-term visitation facility was renovated in the first quarter of the year 2024.

To paragraph 101 (application of a penalty in the form of placement in a disciplinary isolation facility to juvenile convicts)

The issue of abolishing the penalty of placing juvenile prisoners and convicts who violate the established procedure and conditions of serving a sentence in a punishment cell will be further elaborated by the MoJ in the course of preparing relevant amendments to the CEC and the Law of Ukraine "On Pre-trial Detention".

At the same time, there should be noted that according to the information provided by the SCES, in the period from June 2017 to the present, the penalty of placement in a disciplinary isolation facility was not applied to convicts held in educational colonies.

To paragraph 102 (restriction of visits in case of disciplinary isolation of a convicted or detained person)

In accordance with Article 134 (11,15) of the CEC, while being held in a disciplinary isolation facility, punishment cell or cell-type premises (solitary confinement), convicts are prohibited from having visits, except for visits that are immediately organized by the administration of the penitentiary establishment on working days, weekends, holidays, and non-working days at any time from 8 a.m. to 8 p.m. without any time or quantity restrictions with persons specified in the

first clause of part two of Article 8 of this Code, on their initiative and/or on the initiative of the convicted person to receive legal aid and confidential legal consultation.

Convicts who have been subject to a disciplinary penalty in the form of placement in a disciplinary isolator facility, punishment cell or transfer to a cell-type premises (solitary confinement) *may be granted a telephone conversation only with the permission of the head of the colony as an exception, for the purpose of educational influence or in connection with exceptional personal circumstances (death or serious illness of a close relative that threatens the patient's life, a natural disaster that caused significant material damage to the convicted person or his/her family).*

When a penalty is imposed on a convict, the colony administration gives him/her the *opportunity to notify close relatives, an attorney or other legal professionals who are legally entitled to provide legal aid in person or on behalf of a legal entity, in accordance with the established procedure.*

Also it should be mentioned that on September 02, 2024, the MoJ adopted the Order No. 2594/5 "On Approval of Amendments to Certain Legal Acts of the Ministry of Justice of Ukraine", according to which the first clause of Section 6 of chapter XXI of the PE IR was reworded. The new wording prescribes that convicts serving a sentence in a disciplinary isolator facility, punishment cell or cell-type premises (solitary confinement) are prohibited from receiving visits *(except for visits with persons specified in the first clause of part two of Article 8 of the CEC, clergymen (chaplains), authorized religious organizations whose charters (regulations) are registered in accordance with the procedure established by law).*

Also, the first and second clauses of Chapter 1, Section VII, paragraph 10 of the SIZO IR stipulate that convicts serving a punishment in the form of placement in a punishment cell or disciplinary isolator facility, transfer to a cell-type premises (solitary confinement), are not allowed to have visits with relatives or other persons, *except for visits with persons specified in the first clause of part two of Article 8 of the CEC of Ukraine, clergymen (chaplains), authorized religious organizations whose charters (regulations) are registered in accordance with the procedure established by law.*

While serving a penalty in the form of placement in a punishment cell, prisoners, as well as convicts whose sentences have entered into force, who, on the basis of Article 90 of the CEC, are temporarily left in a SIZO or transferred to a SIZO from a correctional center, disciplinary battalion or correctional colony, if a preventive measure in the form of taking into custody in connection with other criminal proceedings is imposed on them, *visits with relatives or other persons are granted by the head of the SIZO or his deputy upon written permission of the investigator or court conducting the criminal proceedings, or the extradition authority.*

To paragraph 103 (access to a lawyer during disciplinary proceedings; ensuring receipt of copies of decisions on disciplinary proceedings)

The procedures for applying penalties to persons deprived of their liberty, as well as for disciplinary proceedings, are set forth in Articles 134 and 135 of the CEC.

Article 134(15) of the CEC stipulates that *when imposing a penalty on a convict, the colony administration shall provide him/her with the opportunity to notify close relatives, an attorney or other legal professionals who are legally entitled to provide legal aid in person or on behalf of a legal entity in accordance with the established procedure.*

According to Article 135(5,7) of the CEC of Ukraine, the question of the expediency of imposing a penalty on persons serving a sentence of imprisonment is decided at a meeting of the disciplinary commission of the penitentiary establishment. The disciplinary commission of a penitentiary establishment operates on a permanent basis. A meeting of the disciplinary commission shall be deemed to be quorate if more than half of its members are present.

A person serving a sentence of imprisonment shall have the right to use the services of an attorney or legal professional of his/her choice in preparing for a meeting of the disciplinary commission, who will represent his/her interests during the meeting of the commission. If a person serving a sentence of imprisonment does not have access to an attorney or a legal professional, the administration of the penitentiary establishment shall provide him/her with an opportunity to apply for legal aid to the entities providing such aid.

The decision to bring a person serving a sentence to disciplinary responsibility must be motivated in detail and may be appealed by the person serving a sentence of imprisonment or his/her representative to a higher-level penitentiary body, prosecutor or court.

Within three working days, the convicted person is given a copy of the decision to impose a penalty on him/her, indicating the possibility and procedure for appealing against it.

In addition, taking into account the recommendation to inform convicts about their right to access to an attorney in the context of disciplinary proceedings and in order to raise legal awareness of convicts about their right to FLA, the Coordination Center for Legal Aid Provision prepared a relevant information memo on the rights of convicts, including during disciplinary proceedings. The memo, in particular, contains information *on how to obtain free primary and secondary legal aid.*

This memo was sent to the SCES *of the MoJ* for distribution among convicts, including those who are brought to disciplinary responsibility.

To paragraph 104 (medical care for a convicted person when transferring him/her to a cell-type premises (solitary confinement))

According to Article 134(8,9), Article 135(6) of the CEC, placing a convict in a disciplinary isolation facility or in a punishment cell, or transferring a convict to a cell-type premises (solitary confinement), is carried out by a reasoned decision of the head of the colony or a person acting as such, with the determination of the period of detention.

A penalty in the form of transferring a convicted person to cell-type premises (solitary confinement) is imposed if other measures of influence are unsuccessful.

The placement of a convicted person in cell-type premises (solitary confinement) is carried out by a court decision. If a decision is made at a meeting of the disciplinary commission to place a convicted person in cell-type premises (solitary confinement), the administration of the penitentiary establishment shall, within twenty-four hours, send a corresponding petition (submission) to the court together with the commission's decision.

According to Section 6(12) of Chapter XXI of the PE IR, before placing a convicted person in a disciplinary isolation facility, punishment cell, or cell-type premises (solitary confinement), the duty assistant of the head of the PE notifies a medical worker.

At the same time, in accordance with Chapter 4(para.11) of Section II of the Procedure for Providing Medical Care to Convicts in Disciplinary Isolation Facilities, Cell-type Premises, Punishment Cells, Solitary Confinement Cells, High-security Areas, and Cell-type Premises of a Maximum Security Correctional Colony (sector), a medical officer, together with the staff of the PE's duty shift, *checks the general health of* convicts on a *daily basis* during cell rounds.

If a convict complains about his/her health condition, a medical worker makes appropriate prescriptions or schedules convicts for an outpatient appointment.

An outpatient appointment is carried out by a doctor in specially equipped rooms in the above-mentioned premises by preliminary appointment made by a medical professional, in the absence of a medical professional - by the staff of the penitentiary establishment duty shift.

The staff on duty immediately informs the medical unit (paramedic station) and the duty assistant head of the PE about the convicts who need emergency medical care.

At the same time, paragraph 6 of Section XXI of the PE IR stipulate that a written opinion of a medical professional on the impossibility of keeping a convicted person in a disciplinary isolator facility or punishment cell is subject to immediate execution by the PE staff.

The administration of the PE immediately informs the court about the need to release convicted person from the cell type premises (solitary confinement) due to the impossibility of his/her further stay there on the basis of the conclusion of a medical professional to make a decision.

In addition, according to Chapter 4(para. 11-13) of Section II of the Procedure for Providing Medical Care to Convicts, in case of deterioration of the health of a convicted person held in a disciplinary isolator facility, cell-type premises, punishment cell, solitary confinement cell, a high-security area, a cell-type premises of a correctional colony (sector), and it is impossible to provide emergency medical care in full on an outpatient basis, an emergency medical team shall be called. The head of the PE ensures the immediate call of the emergency medical team if the medical worker makes such a decision.

If an emergency medical team decides that convicted person held in a disciplinary isolation facility, cell-type premises, punishment cell, solitary confinement cell, a high-security area, or cell-type premises of a maximum security correctional colony (sector) needs to be hospitalized, the convicted person is immediately transported by the team to the healthcare facility which is the nearest to the penitentiary establishment in accordance with the Law of Ukraine "On Emergency Medical Care". The head of the penitentiary establishment organizes round-the-clock security for the convicted person.

To paragraphs 105, 106 (mechanisms of administrative segregation of especially destructive convicts)

According to Article 94(4), Article 97 of the CEC, *convicts who systematically (two or more times) commit malicious violations of the established order of serving a sentence that threaten the safety of staff, convicts or other persons, are held in an enhanced control unit.* In correctional colonies, an enhanced control unit is not created for holding female convicts.

In the enhanced control unit of correctional colonies with a minimum security level and general conditions of detention and correctional colonies with a medium security level, convicts are subject to the regime provided for convicts in a correctional colony with a maximum security level.

In the enhanced control unit of correctional colonies with a minimum security level and general conditions of detention and correctional colonies with a medium security level, convicts are held in isolated living quarters, and in the enhanced control unit of correctional colonies with a maximum security level - in cell-type premises. *A special individual program is developed for each convicted person, which includes measures of individual educational, psychotherapeutic and psychocorrective nature.*

After completing this program, at the request of the head of the social and psychological service department, the convicted person is transferred to the resocialization unit by the decision of the head of the colony.

At the same time, one should notice that the CEC does not provide for mandatory solitary confinement of a convict in an enhanced control unit.

The provisions of paragraph 12 of Section III of the Regulation on the Department of Social and Psychological Service (approved by the Order of the MoJ No. 2300/5 of November 4, 2013) stipulate that *the head of the department of social and psychological service in case of transfer of a convict to an enhanced security unit is obliged to draw up a special individual*

program that provides for individual educational, psychotherapeutic, and psychocorrective measures.

Paragraph 8 of Section XIV of the Diary of Individual Work with a Convicted Person (annex to the Regulation on the Department of Social and Psychological Service) states that a special individual program of work with a convict held in an enhanced control unit is drawn up *taking into account the assessment of the risk of committing a repeat criminal offense* for a period specified in the decision of the head of the colony within 10 days from the date of transfer of the convicted person to the enhanced control unit.

10 days before the expiration of the special individual program of work with a convicted person held in an enhanced control unit, the "Results of the implementation of the special individual program", "Recommendations for further work", "Psychological characteristics of the convicted person and proposals for the expediency of transfer to a resocialization unit" are filled out and submitted by the head of the Department of Social and Psychological Service to the head of the colony for consideration together with a request for transfer to a resocialization unit or a proposal for further stay in the enhanced control unit.

If a decision is made to keep a convict in an enhanced control unit, a new special individual program of work with the convict held in the enhanced control unit is drawn up for a period of time determined by the head of the correctional colony.

Also, it should be noted that, in accordance with paragraph 4 of Section V of the Standard Job Duties of a Psychologist of a Penitentiary Establishment and SIZO (approved by the Order of the MoJ No. 2300/5 of November 4, 2013) the *psychologist is obliged to provide recommendations to the heads of the social and psychological service departments on the development of special individual programs for convicts held in the enhanced security unit, to participate in the implementation of individual educational, psychotherapeutic and psychocorrectional measures provided for in these programs.*

According to the SCES, separation of such convicts helps to reduce the level of conflict among convicts, improves the psychological climate, increases the motivation of convicts to reform, contributes to the creation of effective security systems and a safe environment, and increases the authority of staff as a tool to protect the right of convicts to personal safety.

Work with a convicted person in an enhanced control unit is generally aimed at helping the person to understand his/her own dysfunctional (pro-criminal) ways of thinking and their impact on behaviour, the importance of choosing goals and benchmarks and prosocial ways to achieve them, identifying important goals and values in their lives, developing self-control and emotion management skills.

The usage of the above measures helps to improve the mental health of the convicted person, develop his/her social skills and correct negative behaviour, which are important for the successful correction of the convict and increases his/her readiness for transfer to the resocialization unit of the establishment.

Keeping detailed documentation, regular monitoring and correction of individual work programs with a convicted person held in an enhanced control unit is an important aspect of the administrative approach and allows tracking all stages of changes in the convicted person's personality.

In case of early fulfilment by the convicted person of the measures provided for in the special individual program, the convicted person may be transferred to the resocialization before the end of the period for which the special individual program was drawn up.

To paragraph 107 (repair of the enhanced control unit of Starobabanivska correctional colony 92)

Repair work in cellblock No. 6 of the enhanced control unit is scheduled for the fourth quarter of 2024.

To paragraph 108 (improving the mechanism for making decisions on the application of a certain level of security to convicts)

The draft Law of Ukraine "On Amendments to Certain Legislative Acts on the Development of the Probation System, Increasing Alternatives to Imprisonment and Creating Conditions for Reducing Recidivism" (Reg. No. 5359 of April 12, 2021) is under consideration of the VRoU.

The Draft Law, in particular, proposes the following to:

- introduce in Article 6 of the CEC the terms "criminogenic risk", "assessment of criminogenic risk" and "criminogenic risk factors";
- rewrite Article 18 (2) of the CEC to provide that those sentenced to imprisonment shall serve their sentences in minimum security colonies with less restricted conditions of detention, minimum security colonies with general conditions of detention, medium security and maximum security colonies depending on their level of criminogenic risk. For the purposes of allocation to penitentiary establishments of the respective security levels, the criminogenic risk of a convicted person is assessed in accordance with the procedure approved by the MoJ.

To paragraphs 112-115 ("hauptvakhts")

In order to implement the CPT's recommendations, the Armed Forces of Ukraine (hereinafter – the AFU) have taken a number of measures, in particular, the following:

- additional logbooks were organized to record the use of special means by the personnel of the Military Law Enforcement Service of the AFU.

Also, it should be mentioned that according to para. 21 of the Rules for the Use of Special Means by Military Personnel of the Law Enforcement Service in the Performance of Duty (approved by the Ruling of the CMoU No. 83 of January 18, 2003) in case of use of special means (physical force) against persons held in the hauptvakhts, a written notification is made to the direct commanding officer within 24 hours;

- appropriate measures are taken to improve living conditions for convicts, taken into custody, arrested and detained military servicemen, as well as measures to comply with the established standards of space per convict, taken into custody, arrested and detained military servicemen;
- during medical examinations of convicts, taken into custody, arrested and detained military servicemen, measures are taken to ensure that medical secrecy is maintained;
- detention of military servicemen taken into custody at the hauptvakhts of the Military Law Enforcement Service of the AFU and granting them visits is carried out in accordance with the Law of Ukraine "On Pre-trial Detention" and the Procedure for the Detention of Convicts, Taken into Custody, Arrested and Detained Military Servicemen, approved by the Order of the Ministry of Defense of Ukraine (hereinafter – MDoU) No. 394 of November 03, 2020 (as amended by the Order of the MDoU No. 256 of April 24, 2024);
- telephone conversations by taken into custody military servicemen are conducted in accordance with the abovementioned Procedure.

The issue of preventing torture, cruel, inhuman and degrading treatment of convicts, taken into custody, arrested and detained military servicemen is constantly monitored by the leadership of the AFU.

As part of the supervision of the observance of the rights of convicted military servicemen, specialized defense prosecution authorities conduct periodic inspections of penitentiary establishments under the control of the MDoU.
