

Concluding observations on the seventh periodic report of Ukraine*

1. The Committee considered the seventh periodic report of Ukraine¹ at its 2194th and 2197th meetings,² held on 24 and 25 April 2025, and adopted the present concluding observations at its 2203rd and 2204th meetings, held on 30 April and 1 May 2025.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the constructive dialogue held with the State party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee.

4. The Committee, having due regard for United Nations General Assembly and Human Rights Council resolutions and the State party's territorial integrity and political independence,³ acknowledges the challenges faced by the State party in fully implementing its obligations under the Convention due to the full-scale invasion by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter and the ongoing occupation by the Russian Federation of part of the territory of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol, and certain areas of the Kherson, Zaporizhzhia, Donetsk and Luhansk regions. The Committee understands that the State party has lost effective control over the occupied territory but recalls that the Convention is applicable in its entire territory. The State party should therefore take all possible steps to implement it and ensure accountability for the violations of the Convention committed on its entire territory and guarantee victims' access to truth, justice and reparations.

B. Positive aspects

5. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

- (a) Rome Statute of the International Criminal Court, in 2024;

* Adopted by the Committee at its eighty-second session (7 April – 2 May 2025).

¹ CAT/C/UKR/7.

² See CAT/C/SR.2194 and CAT/C/SR.2197.

³ UNGA resolutions: A/RES/68/262, A/RES/71/205 and A/RES/78/221, [ES-11/1](#), [ES-11/2](#), [ES-11/3](#), [ES-11/4](#), [ES-11/5](#), [ES-11/6](#) and HRC resolutions: [49/1](#), [S-34/1](#), [52/32](#), [55/23](#), [58/24](#).

(b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2022;

(c) Convention for the Protection of All Persons from Enforced Disappearance, in 2015.

6. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, in particular the following:

(a) The adoption of the Law 4067-IX on legal and social protection of persons affected by sexual violence related to the armed aggression of the Russian Federation against Ukraine and providing them with urgent interim reparations, in 2024;

(b) The adoption of Law No. 2505-VIII on the legal status of persons missing under special circumstances, in 2018 and amended in 2022;

(c) The adoption of the Law No. 2229-VIII on preventing and combating domestic violence, in 2017;

(d) The adoption of the Law of Ukraine on Amendments to the Criminal Code and Criminal Procedure Code of Ukraine, that introduced the criminalization of domestic violence and other forms of gender-based violence, in 2017;

(e) The enactment of the Law No. 794 on the State Bureau of Investigation, in 2016;

(f) The amendment introduced to article 14 of the Law on free legal aid to guarantee the right to free legal assistance to persons covered by the Law on Refugees, in 2016;

(g) The adoption of the Law No. 160 on Probation, in 2015.

7. The Committee commends the State party's initiatives to modify its policies and procedures in order to afford greater protection to human rights and to give effect to the Convention, in particular the following:

(a) The adoption of the Strategy for Reforming Psychoneurological and Residential Institutions and Deinstitutionalizing Care for Adults with Disabilities and the Elderly by 2034 (2024-2034);

(b) The adoption of the Strategy for Combating Torture in the Criminal Justice System and approval of the Action Plan for its implementation, in 2021 and updated in 2024, and the Action Plan for the implementation of the Strategy for Combating Torture in the Criminal Justice System which introduced the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles) to improve the effectiveness of law enforcement, criminal investigations, court proceedings and other forms of information gathering, in 2024;

(c) The appointment of a Commissioner for persons missing in special circumstances, in 2024;

(d) The introduction of the automated custody records system implemented in territorial police units, in 2024;

(e) The issuance of Order No. 186 by the Ministry of Health, which introduced the primary accounting documentation form No. 511 "Certificate of bodily injury and instructions for its completion", in 2024;

(f) The adoption of the joint Order no. 2/1/2 of the Ministry of Internal Affairs of Ukraine, the Prosecutor General's Office of Ukraine, the Security Service of Ukraine (registered with the Ministry of Justice of Ukraine on January 15, 2024, no. 79/41424), that invalidated the Order of August 26, 2014. 2014 No. 872/88/537 "On Approval of the Instruction on the Procedure for Preventive Detention in the Area of Anti-Terrorist Operation of Persons Involved in Terrorist Activities and the Special Regime of Pre-trial Investigation in the Conditions of Martial Law, State of Emergency or in the Area of Anti-Terrorist Operation", in 2024;

(g) The approval of the updated National Human Rights Strategy, which identified the implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) as one of its strategic directions, in 2021;

(h) The adoption of Resolution No. 726 on approval of the Procedure for maintaining the Unified Register of Missing Persons in Special Circumstances, in 2019;

(i) The establishment of the Unified Register of Convicted Persons and Persons Taken into Custody, in 2018;

(j) The creation of the Unified State Register of Cases of Domestic Violence and Gender-Based Violence, in 2018.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

8. In its previous concluding observations,⁴ the Committee requested the State party to provide information on the measures taken in follow-up to the recommendations on the following issues: fundamental legal safeguards; excessive use of force and killings; and the use of excessive force and grave violations of the Convention in the context of recent events in the east.⁵ In the light of the information included on these matters in the follow-up report submitted by the State party on 2 December 2015,⁶ as well as in its seventh periodic report, and with reference to the letter dated 29 August 2016 from the Committee's rapporteur for follow-up to concluding observations,⁷ the Committee finds that, although the State party has taken substantive steps to implement those recommendations, several issues remain outstanding. They are addressed in paragraphs 11 to 14 and 19 to 20 of the present document.

Definition of torture

9. The Committee notes the amendment made to article 127 of the Criminal Code in 2022, which improved the definition of torture, but notes with concern several remaining shortcomings. Firstly, the basic definition of torture in article 127 paragraph 1, punishable by imprisonment for only a term of three to six years, does not require the involvement of a public official or other person acting in an official capacity, and therefore, any person can be considered the author of the crime. The commission of a crime by a representative of a state, including a foreign representative, is considered an aggravating circumstance under paragraph 3 of article 127 of the Criminal Code only, and so is the act committed for the purpose of any reason based on discrimination of any kind in paragraph 2 of the same article. Secondly, the principle of superior responsibility for all acts of torture is not expressly defined, although the Committee notes that principle of command responsibility is defined for acts of torture as a crime against humanity or war crime, and articles 85, 86 and 87 of the Criminal Code do not explicitly exclude the application of amnesty and pardon for the crime of torture under article 127, although it notes the State party's assertion that amnesty does not apply to such crime in accordance with the Law on the application of amnesty in Ukraine. Lastly, the Committee observes with concern that the criminalization of torture as a crime against humanity in article 442-1 of the Criminal Code lacks several elements of the crime, and the criminalization of war crimes under article 438 of the Criminal Code does not specifically mention the crime of torture and ill-treatment, as it merely refers to violations of the laws and customs of war stipulated by international treaties in force for the State party. In this regard, the Committee takes note of the pending draft law on the amendments to the Criminal Code and the Criminal Procedure Code (arts. 1 and 4).

⁴ CAT/C/UKR/CO/6, para. 27.

⁵ Ibid., paragraphs 9, 10 (a) and 11 (a).

⁶ CAT/C/UKR/CO/6/Add.1.

⁷ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FUKR%2F25026&Lang=en

10. **The State party should:**

(a) **Continue to align the provisions of article 127 of the Criminal Code into line with article 1 of the Convention ensuring that those responsible can be identified and that any reason based on discrimination of any kind is also included in the basic offence of torture and ensure that such basic offence of torture is punishable by appropriate penalties which take into account its grave nature, in accordance with article 4 (2) of the Convention;**

(b) **Clearly incorporate the principle of superior responsibility for the offence of torture;**

(c) **Adopt the necessary legislative measures to ensure that no acts of torture are subject to an amnesty and pardon;**

(d) **Continue harmonizing the provisions criminalizing torture as crimes against humanity in article 442-1 and specify the crime of torture as war crime in article 438 of the Criminal Code.**

Fundamental legal safeguards

11. The Committee takes note of the measures taken by the State party to strengthen legal safeguards and the provision of free legal aid to those without sufficient means to pay for legal services, as well as the installation of video monitoring in Security Service facilities and the new custody records system in 132 territorial police units. The Committee, however, expresses concern about reports indicating ongoing shortcomings in providing effective and prompt access to a lawyer, as well as delays in notifying the legal aid centre, notably to persons detained on conflict-related charges, although the Committee recognizes the strict time limits in place for the legal aid centre to appoint a lawyer once notified. It is further concerned that, on occasions, interrogations reportedly start in the absence of a lawyer, and that article 224 of the Criminal Procedure Code provides for optional rather than mandatory recording of interrogations. Moreover, the access to an initial confidential medical examination does not appear to be routinely granted, and if it is granted, it is reportedly performed in the presence of a police officer (art. 2).

12. **The State party should ensure that all fundamental legal safeguards are guaranteed in practice for all detained persons from the outset of the deprivation of their liberty, including the rights:**

(a) **To be assisted by a lawyer of their choice, including during interrogations, or to have access to qualified, independent and free legal aid without delay, if necessary, notably to persons detained on conflict-related charges;**

(b) **To amend article 224 of the Criminal Procedure Code to provide for mandatory recordings of all interrogations by law enforcement through the use of audio and video equipment;**

(c) **To request and receive a medical examination by an independent doctor, free of charge, or a doctor of their choice, that is conducted out of hearing and sight of police officers, unless the doctor concerned explicitly requests otherwise.**

Prevention and investigation of acts of torture and ill-treatment, including excessive use of force, by law enforcement officials

13. While noting the establishment of a specialized unit to investigate complaints of torture and ill-treatment within the State Bureau of Investigation, the establishment of the specialized divisions in regional prosecutor's offices, various capacity-building activities carried out, as well as the adoption of the Comprehensive Strategic Plan for Reform of Law Enforcement for 2023-2027 and its Action Plan, among other measures, the Committee is concerned that the incidents of the use of force in an excessive way, accompanied by ill-treatment on the part of law enforcement, including the police and security service officers, notably during apprehension and police custody, continue to be reported, although such practice has decreased. The Committee further considers that the following issues relating to

the prevention and investigation of torture and ill-treatment by law enforcement officers remain a cause of concern:

(a) Reportedly a low number of cases result in the criminal prosecution and conviction of law enforcement and prison officers for torture and ill-treatment, including cases of the excessive use of force. This is particularly notable given the relatively high number of allegations. Torture complaints are often classified and investigated under article 365 of the Criminal Code (abuse of power) rather than article 127 (torture);

(b) The operational effectiveness of the State Bureau of Investigation in investigating allegations of torture and ill-treatment requires further strengthening, as do its standardized operational protocols. Moreover, in practice, the Bureau reportedly investigates a wide range of crimes beyond its core competence, such as economic and anti-corruption crimes, among others. This contributes to its core investigative activities related to torture and ill-treatment being ineffective, with significant delays and a loss of evidence;

(c) A high number of cases are still pending at the pretrial investigation stage or under judicial consideration for more than a decade after the events and alleged incidents of excessive use of force during the protests that took place at the Maidan in Kyiv from December 2013 to February 2014, and in Odesa and Mariupol in May 2014. Several defendants have reportedly left the State party's territory to avoid prosecution, although the Committee notes that several indictments have been issued and sentences handed down (arts. 2, 10, 12–14 and 16).

14. The State party should take all necessary measures to ensure that:

(a) **The State Bureau of Investigations and prosecutor's office carry out prompt, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, including the excessive use of force and application of means of coercion, made against police law enforcement officers, as a priority, including the events that took place in 2013 and 2014, ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the investigation, while ensuring that the principle of presumption of innocence is observed, and ensure that suspected perpetrators are duly brought before a court and, if found guilty, sentenced to a punishment commensurate with the gravity of their acts and that the victims receive appropriate redress;**

(b) **Strengthen the operational independence of the State Bureau of Investigations in the specialized unit investigating cases of torture and ill-treatment, develop adequate standardized operational protocols for investigating allegations of abuse of power, torture and ill-treatment and ensure their staff are properly trained in its effective implementation;**

(c) **Continue to strengthen mandatory initial and in-service training programmes to ensure that all law enforcement officers and security service officers are acquainted with the provisions of the Convention, in particular the absolute prohibition of torture, and that they are made fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, appropriately punished.**

Inadmissibility of confessions obtained as a result of torture

15. While taking note of the guarantees set forth in Article 87, paragraph 2 (2) of the Criminal Procedure Code, regarding the inadmissibility of evidence obtained under coercion, the Committee is concerned by reports indicating that the practice of torture and ill-treatment are still being used to extract confessions by law enforcement, including police and security service personnel. However, it acknowledges that such practices have decreased during the reporting period. Information received by the Committee suggests that law enforcement officers exerted various forms of pressure or intimidation on detainees prior to the arrival of their lawyer. The Committee is also concerned about consistent reports that the lower courts do not properly examine complaints of this kind (arts. 2, 15 and 16).

16. The State party should:

(a) Continue to adopt effective measures to ensure that confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made;

(b) Ensure that, when it is alleged that a confession or other statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;

(c) Continue to implement effective training for law enforcement officers, including the police and security service officers, and prosecutors on the Méndez Principles in line with the Action Plan for the implementation of the Strategy for Combating Torture in the Criminal Justice System and expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts;

(d) Compile and make public information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in that regard.

Violations of the Convention by the State party in the context of the armed conflict and occupation

17. The Committee notes the State party's commitment and measures taken to abide by international humanitarian law and international human rights law in the context of the ongoing armed conflict and occupation, as well as the information provided by the delegation about the ministerial orders issued on the escort, treatment and protection of the prisoners of war, among other things. However, it is concerned by reports indicating:

(a) Allegations of torture, including sexual violence, ill-treatment, threats, humiliation, as well as illegal deprivation of life and deaths in custody of Russian prisoners of war, allegedly committed by the Ukrainian armed forces and military police mainly in unofficial or transit places in several regions prior to their internment, although it notes the State party's denial of the existence of such unofficial places; the lack of information on the procedural safeguards provided to the captured prisoners of war; and the inadequate recording and reporting of visible injuries of Russian soldiers sustained by torture or ill-treatment. In this regard, the Committee takes into account 20 investigations launched by the general prosecutor's office into war crimes committed by the members of Ukrainian armed forces and expects further information on their outcome;

(b) Acts of torture and ill-treatment and arbitrary detentions allegedly inflicted on the so-called "conflict-related detainees" charged with collaboration and other national security-related offences by law enforcement, notably the State Security Service officers, during apprehension or interrogation stage, including to extract confessions or information, which on some occasions took place in unofficial places in several regions, although it also notes the State party's negation of the existence of such unofficial places; the reported lack of investigations into such allegations; and, the vague and overly broad definition of the crime of collaboration under article 111-1 of the Criminal Code. The Committee notes the existing draft law to amend this article, as informed by the delegation;

(c) The alleged lack of adequate and prompt investigations into allegations of torture, ill-treatment, enforced disappearances, arbitrary and incommunicado detention allegedly committed by members of the Ukrainian army and other forces in the conflict zones in the east since 2014, including crimes committed by members of special police battalion "Tornado" territorial defence battalion "Aidar" and members of the Azov brigade, a number of cases still pending on appeal and only a handful of convictions delivered so far;

(d) Alleged abuses committed by enlistment officers towards civilians and conscripts, including towards conscientious objectors (arts. 1-2, 12-14 and 16).

18. **The Committee underscores that the prohibition of torture is non-derogable, that no exceptional circumstances whatsoever, whether a state of war or a threat of war,**

internal political instability or any other public emergency, may be invoked as a justification of torture and that the obligations stemming from this prohibition are not subject to reciprocity. The Committee recalls that the Four Geneva Conventions and Additional Protocol I apply to all cases of armed conflict between two high contracting parties and the State party should strictly fulfil its obligations under international humanitarian law and international human rights law with respect to the treatment of prisoners of war and civilians. In this regard, the Committee recommends that the State party:

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

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

(c) Ensure that prompt, impartial and effective investigations are undertaken by an independent body into all allegations relating to acts of torture and ill-treatment of conflict-related detainees, prosecute and punish appropriately those determined to be responsible, and adopt effective measures to amend vaguely and broadly worded article 111-1 of the Criminal Code on collaboration to ensure that it is in conformity with the Convention and other human rights obligations;

(d) Strengthen efforts to prosecute reported past crimes committed since 2014 by the members of the Ukrainian army and other forces, including the special police battalion “Tornado”, territorial defence battalion “Aidar and Azov brigade, and provide the Committee with detailed information about their outcome;

(e) Conduct independent investigations into alleged abuses committed during the conscription in the State party’s armed forces and ensure that enlistment officers strictly comply with obligations in the Convention.

Violations of the Convention committed in the occupied territory of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol

19. In light of its preliminary considerations raised in paragraph 4 above, the Committee is seriously concerned about the numerous allegations of widespread and systemic torture, including sexual violence, ill-treatment inflicted on the Ukrainian prisoners of war and civilian detainees by the occupying authorities of the Russian Federation during the admission, interrogation and internment stages, inhuman conditions of their detention, absence or denial of medical assistance, and transfer to other prisons in the occupied territory or in the Russian Federation.⁸ While noting the State party’s efforts to establish specialized units to investigate war crimes within the General Prosecutor’s Office and the National Police, in addition to the State Security Service competence to do so, and the creation of a dedicated unit for conflict-related sexual violence, the Committee raises concern about the

⁸ A/79/549; A/HRC/56/69; A/79/258; A/78/340; A/HRC/53/64; A/RES/78/221; A/RES/77/229; A/77/220; A/HRC/50/65; A/76/260; A/HRC/47/58; A/75/334; A/HRC/44/21.

obstacles faced by victims to achieving justice and the prevailing impunity for these violations, mainly due to the lack or limited capacity and practical ability of the national authorities to access the occupied territory, the loss of crucial evidence and the difficulties to verify the existing evidence under the national legislation, and the limitations of the criminal justice system to deal with more than 160,000 documented war crimes, among other issues. The Committee is further concerned about the reported high number (95%) of criminal proceedings on war crimes conducted *in absentia*, the insufficient guarantees of fair trial, the internal displacement of many victims and witnesses and the ineffective infrastructure to assist them adequately. Furthermore, the Committee notes with concern the received information about the challenges faced by the civilians who returned from the detention by the occupying authorities of the Russian Federation to have their victim status recognized and to access effective remedies, although it appreciates the effective mechanisms and remedies in place for the returned Ukrainian prisoners of war. The Committee is seriously concerned about the unlawful deportation and transfer of children from the occupied territory to the Russian Federation and acknowledges the mechanisms and registers put in place by the State party to search, register, return, assist and reintegrate those children. Furthermore, the specific challenges faced by persons in vulnerable circumstances, including children, persons with disabilities and elderly persons in social protection institutions are of serious concern to the Committee due to the damaged facilities and their displacement. It is also concerned about the State party's loss of control over several penitentiary facilities in the occupied territory since 2014, about a transfer of prisoners to the Russian Federation and the difficulties to account for exact figures on such transfers, on cases of torture or ill-treatment during or after such relocation and the impact on their families. Lastly, the Committee takes into account the ongoing process to develop compensation mechanism for damages caused by the full-scale invasion of the Russian Federation on Ukraine and implement the register of damages, which will encompass compensation claims for torture, deprivation of liberty and sexual violence, as reported by the delegation during the dialogue. However, it is unclear whether such mechanism will be accessible to victim of violations committed in the occupied territory since 2014 as well (arts. 12-14 and 16).

20. In light of the pledges made by Ukraine during the Human Rights 75 initiative,⁹ the Committee asks the State party to strengthen the capacity of its national authorities to ensure that all allegations of violations of the Convention committed on the State party's occupied territory by the occupying authorities of Russian Federation are thoroughly documented, take steps to establish accountability for all these crimes by ensuring fair and independent investigation and prosecution at national and international level, in accordance with the international human rights standards, and continue reforming and strengthening its criminal justice system to this end. In addition, it should take measures to improve the collection of evidence and develop necessary methodology for its verification and use. The State party should also reinforce its efforts to protect and assist adequately victims and witnesses of grave international crimes, in line with the Convention, committed in the context of the armed conflict and occupation since 2014, document and accommodate their needs, and pay particular attention to the returned civilian detainees, and ensure their prompt access to effective remedies, including redress and as full a rehabilitation as possible.

Conditions of detention

21. While taking note of the information provided by the State party regarding the adoption of the Penitentiary System Reform Strategy (2022–2026) and the establishment of the expert council for the penitentiary system, as well as the decrease in the overall prison population since the consideration of the State party's previous periodic report, the Committee remains concerned about the underfunding of the penitentiary system, as well as the following long-term structural issues in the State party's prisons:

(a) A high number of persons held in pretrial detention which contributes to the persistent overcrowding in pretrial detention facilities, even though the Committee notes the allocated funds to build a new pretrial detention facility in Kyiv, as informed by the

⁹ <https://uhri.ohchr.org/en/pledges?countries=469ba5d7-9d95-41cc-ba4f-b198dffcaf6b>.

delegation; In addition, poor and unsanitary material and living conditions have been reported in many old prison facilities;

(b) The shortages of medical personnel and shortcomings in the provision of adequate healthcare, including mental healthcare. There are also delays in accessing specialized medical care and the provision of reasonable accommodation for detainees with disabilities is limited. Shortcomings have been detected in the confidentiality of medical examinations during the prison intake process and in preventive screenings, including those for mental health conditions, drug-related problems and other potential vulnerabilities, particularly in pretrial detention facilities. There is reportedly also a lack of adequate procedures concerning the force-feeding of detainees on hunger strike;

(c) The lack of progress in transferring responsibility for prison healthcare to the Ministry of Health, despite noting the delegation's statement made during the dialogue about the planned consultations on this issue;

(d) Progress in addressing the lack of meaningful rehabilitation programmes, including educational, recreational and vocational activities, for all persons deprived of liberty has been limited. This is particularly the case for remand and life-sentenced prisoners. The Committee takes note of the information provided by the State party's delegation about the pending adoption of the existing bill on labour in prison;

(e) The limited use of alternatives to imprisonment, although the Committee acknowledges that some progress has been made in introducing probation supervision (arts. 2, 11 and 16).

22. The Committee urges the State party:

(a) **To continue its efforts to improve the material conditions of detention in all penitentiary and pretrial detention facilities, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and reduce overcrowding at such facilities, including through the strengthening of the application of non-custodial measures. In that connection, the Committee refers to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **To ensure that it is resorted to pretrial detention only in exceptional circumstances, where strictly necessary and when no other measures can be applied, for limited periods and in accordance with the law;**

(c) **To intensify its efforts to ensure access to adequate health care, including the specialized medical care, and that detainees have access to a medical examination as soon as possible after their entry to the facility and as often as necessary thereafter so that their health needs, including those related to mental health conditions, drug-related problems and other conditions, can be identified and adequately addressed, and that persons with disabilities are provided with individualized reasonable accommodation and accessible facilities in prisons;**

(d) **To ensure the confidentiality of medical examination during the intake process to a detention facility, improve health screening of inmates upon admission to places of detention, establish clear procedural guarantees and develop medical care standards for the decision to force-feed detainees, based on human-rights approach;**

(e) **To consider the possibility of transferring the responsibility for prison healthcare to the Ministry of Health;**

(f) **To strengthen rehabilitation and reintegration programmes in all places of deprivation of liberty, in particular by promoting educational, recreational, social and employment integration activities, and reinforce efforts to provide systematic and individualized programmes for all prisoners.**

Prison security and deaths in custody

23. While taking note of the formal abolishment of practice of “duty prisoners” (*днювальний*), inmates reportedly assigned by the prison administration to help maintaining order in prisons, the Committee is concerned about the reports indicating that the system is still functioning and that instances of abuse by prison staff prevail but go often unreported. Moreover, it observes with concern that injuries are generally recorded without documentation or assessment of their cause, although the Committee notes the efforts of the State party to include the Istanbul Protocol, as revised, in its strategy and improve the documentation of injuries form. It also notes with concern the reports indicating that investigations of reported cases of deaths in custody are ineffective and deficient, and that the mortality rate of detainees, including suicide rate, is significantly high. The Committee also expresses concern that article 391 of the Criminal Code providing for an offence of “malicious disobedience to the requirements of the administration of a penal institution”, has not been abolished yet, and that it is reportedly abused and applied arbitrarily by the penitentiary personnel to exert pressure on prisoners and contributes to corruption practices, although it notes the State party’s explanation that such system helps to fight the prison subculture and criminality therein. Furthermore, the Committee also takes into account the information received during the dialogue about the establishment of a new service of internal security in prisons in 2025, composed of 250 intelligence officers, tasked to reveal wrongdoings of the personnel. However, the Committee lacks sufficient information about their protocols of engagement, chain of responsibility, including for the reporting on wrongdoings by prison personnel, as well as the specific training provided to them prior to their appointment. Furthermore, the information about the tightening of security measures in the prison system since the end of 2024, the continuous operation and the reported increase in deployment of the special force unit within several prisons, as well as the allegations of the use of illegal and excessive force against inmates by those forces, are issues of concern to the Committee (arts. 2, 11 and 16).

24. The State party should:

(a) **Continue to strengthen measures to record properly all violent incidents, abuses, injuries and deaths in prison and ensure that such cases are immediately brought to the attention of relevant authorities ex officio for further investigation, including independent forensic examination. In cases in which autopsies are called for, they should be performed in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The State party should compile and provide the Committee with detailed information on the number of cases of violent incidents, injuries and deaths recorded in all places of detention, their causes and the outcomes of investigations into them;**

(b) **Intensify its efforts to eliminate the prison subculture and adopt strategies and programmes for the prevention and management of violence in prison, including by monitoring, documenting and impartially investigating incidents of this type, and strengthen the protection of prisoners in vulnerable circumstances and other prisoners at risk, in accordance with the Nelson Mandela Rules and the European Prison Rules adopted by the Council of Europe;**

(c) **Continue to improve security in all places of deprivation of liberty, including by providing training to all prison personnel, including members of the new service of internal security, on dynamic security principles, inform the Committee about the rules of engagement and protocols put in place for the new service of internal security and about the measures taken to ensure that special force unit is not used inside prisons so as to prevent the mistreatment and intimidation of inmates;**

(d) **Continue to strengthen training programmes for all relevant staff, including medical and psychological personnel, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised, and ensure that, if the medical personnel conducting the examination of the detainee or recording the injury in prison have grounds to believe that a person has been tortured or ill-treated, the case is**

immediately reported to the prosecutor's office and all other relevant independent entities.

Complaint mechanism

25. The Committee notes that there are several avenues to lodge a complaint on torture or ill-treatment for persons deprived of liberty, including through the Ukrainian Parliament Commissioner for Human Rights, the State Bureau of Investigations, the Prosecutor General's Office and the Ministry of Justice. It further takes note of the newly created online channel where prisoners can submit anonymous complaints to be submitted to the Department on Execution of Criminal Punishments. Moreover, it appreciates the role of recently appointed human rights inspectors to monitor compliance with safeguards and rights of persons deprived of liberty and receive their complaints. However, the Committee is concerned about confidentiality, given that inspectors can report human rights violations to the prison director and the chief of inter-regional division. Furthermore, the Committee is concerned about reports indicating that persons deprived of their liberty are reluctant to lodge complaints of torture or ill-treatment due to a lack of trust in the confidentiality and efficiency of the system, or due to fear of reprisals or intimidation. This is in view of the lack of adequate mechanisms to protect witnesses and victims, although the Committee takes note of the information about the roadmap for introducing a whistleblower institution. Furthermore, it regrets the lack of comprehensive statistics provided by the State party on complaints of torture and ill-treatment from detained persons that have been investigated, prosecuted or closed during the reporting period (arts. 2, 12, 13 and 16).

26. The State party should continue strengthening the existing complaint mechanisms in all places of detention, including by ensuring confidential and unhindered access to such mechanisms in complete confidentiality and by ensuring that complainants are protected against any intimidation or reprisals as a consequence of their complaints. In this connection, it should ensure victims and witness protection mechanisms in practice by ensuring their security, including by establishing a risk evaluation system for those detainees and by suspending those suspected of torture or ill-treatment from their duties throughout the investigation, while guaranteeing the presumption of innocence. It should further ensure that the director of the facility or their institutional or hierarchical superior should not play any role in receiving, transmitting or addressing complaints on torture and ill-treatment.

National preventive mechanism

27. While noting the improvements to the functioning of the national preventive mechanism within the Ukrainian Parliament Commission for Human Rights introduced during the reporting period, as well as the information provided by the delegation about the pending draft law to improve its legal framework and the election of its members, the Committee remains concerned about certain identified shortcomings. Notably, the mechanism lacks the necessary human and financial resources to fully carry out its functions as set out in the Optional Protocol, in particular given the numerous places of deprivation of liberty in the State party (more than 3,770). The Committee also observes a frequent staff turnover and insufficient participation of specialised experts in monitoring groups, as well as a lack of adequate continuous training for its members. Lastly, the State authorities do not sufficiently implement the recommendations by the mechanism (art. 2).

28. The State party should ensure that the national preventive mechanism has sufficient financial and human resources, including qualified personnel, such as medical professionals, social workers and other relevant experts, to carry out its work effectively in all types of places of deprivation of liberty, including social and other closed-type institutions, in accordance with the requirements of the Optional Protocol to the Convention. It should strengthen its efforts to ensure adequate follow-up to and implementation of the recommendations made by the mechanism as part of its monitoring activities.

Administration of justice

29. While noting the steps taken by the State party to strengthen the independence of the judiciary, and in view of recent recommendations made by the Human Rights Committee,¹⁰ the Committee remains concerned about reports of undue external influence and interference over the work of the judiciary through criminal charges being brought against them, which may have an impact on the work of judicial institutions, including the adjudication of cases of torture and ill-treatment (arts. 2, 12, 13 and 16).

30. The State party should intensify its efforts to ensure the full independence, impartiality and effectiveness of the judiciary, in line with international standards, such as the Basic Principles on the Independence of the Judiciary, and guarantee that courts are free to operate without undue pressure or interference in order to restore trust in the justice system.

Juvenile justice

31. The Committee notes the State party's new initiative to provide a psychologist for criminal proceedings involving minors, as well as child-friendly interviewing spaces and a restorative justice pilot project. The Committee also notes the information provided by the delegation regarding the draft legislation on juvenile justice, and regrets that the bill has been pending its adoption since 2017. The Committee is also concerned by reports that children in conflict with the law may be detained in pretrial detention for up to one year and placed in solitary confinement for up to five days (arts. 2, 11 and 16).

32. The State party should strengthen its efforts to bring its juvenile justice system fully into line with the relevant international standards. In particular, the State party should take legislative steps to limit the pretrial detention of children in line with international standards¹¹ and actively promote alternatives to detention and ensure that detention is used as a measure of last resort and for the shortest possible period of time and is regularly reviewed with a view to its withdrawal, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). The State party should also amend its legislation to ensure that solitary confinement is not used as a disciplinary measure against children, in accordance with rule 45 (2) of the Nelson Mandela Rules and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Social protection residential institutions and psychiatric hospitals

33. The Committee is concerned about the over-institutionalization of persons with intellectual and psychosocial disabilities on the basis of impairment, including children, and elderly persons in the social protection residential institutions, such as psychiatric hospitals, residential homes for elderly and persons with disabilities and children's residential facilities for prolonged periods, mainly due to the lack of alternative support services and community-based services. In this connection, the Committee takes note of the development of 126 mental health centers to provide multidisciplinary and outpatient psychiatric care, as explained by the delegation. It is further concerned that many people placed in these institutions are deprived of legal capacity and are placed and receive treatment without their consent, in the absence of appropriate safeguards. According to information received by the Committee, deplorable conditions, further worsened by the current situation of the armed conflict, as well as allegations of ill-treatment, abuse, and excessive use of means of restraint and isolation as a punishment have been detected in these long-term care institutions during the reporting period. In this regard the Committee notes the State party's explanation that the 2024 strategy for deinstitutionalization should address and remedy the above-mentioned issues (arts. 2, 11 and 16).

34. The State party should:

¹⁰ CCPR/C/UKR/CO/8, paras. 43-44.

¹¹ CRC/C/GC/24.

(a) **Improve material conditions in all social protection residential institutions and psychiatric institutions and intensify its efforts towards deinstitutionalization in the form of alternative and community-based care services and other forms of outpatient treatment programmes, including through the effective implementation of the Strategy for Reforming Psychoneurological and Residential Institutions and Deinstitutionalizing Care for Adults with Disabilities and the Elderly by 2034 (2024-2034);**

(b) **Review legislation and policy of depriving persons with mental disabilities of their legal capacity, provide legal and procedural safeguards for their rights, ensure that such persons are not placed in and do not receive treatment without their full and informed consent unless this is done on a legal basis, as a matter of last resort, with a careful forensic psychiatric evaluation, access to assisted decision-making and the possibility of judicial review of decisions, as well as effective remedy against violations;**

(c) **Ensure that means of restraint and isolation are used in accordance with the law, under strict supervision and regular monitoring by specialized medical personnel, for the shortest time possible to prevent the risk of harm to the individual concerned or to others and only when strictly necessary and proportionate, when all other reasonable options would fail to satisfactorily contain that risk, ensure that their use is rigorously recorded in special registers and guarantee that any allegation of torture, ill-treatment and abuse is effectively investigated and prosecuted, where necessary;**

(d) **Promptly, impartially and effectively investigate all allegations of ill-treatment, abuse, and excessive use of means of restraint and isolation, prosecute the alleged perpetrators and, if they are found to be responsible, punish them.**

Protection of human rights defenders and journalists

35. While noting the State party's information about an enabling and generally favourable environment for the civil society actors to operate without fear of intimidation or reprisals, the Committee is concerned about some reported instances of alleged harassment and intimidation of several media outlets and journalists critical of the government during the reporting period. It is also concerned about the reports indicating some acts of intimidation and harassment, including judicial harassment, of feminist and lesbian, gay, bisexual and transgender human rights defenders and lawyers denouncing corruption and organized crime, among others (art. 16).

36. **The State party should ensure that all journalists, human rights defenders and activists are able to carry out their legitimate work in an enabling environment, free from intimidation or other forms of harassment. The State party should vigorously investigate promptly, thoroughly and impartially all allegations of intimidation or other forms of harassment of journalists, lawyers and feminist and lesbian, gay, bisexual and transgender human rights defenders, prosecute alleged perpetrators, appropriately punish those found guilty and provide victims with redress.**

Gender-based violence, including domestic violence

37. The Committee takes note of the legislative and other measures adopted by the State party to combat gender-based violence, including domestic violence, as well as awareness-raising and capacity-building programmes, and the establishment of 722 mobile teams, among others. However, it observes with concern that crimes related to domestic violence, rape, sexual violence, and coercion to have sexual intercourse continue to be included in the private prosecution cases according to article 477, paragraph 1, of the Criminal Procedure Code, and therefore can be only initiated upon a victim's complaint, which is also in contravention to the State party's obligations under the Istanbul Convention. The Committee further notes with concern the reported delays in criminal proceedings concerning cases of gender-based violence as well as a significant number of closed criminal proceedings. Lastly, it is concerned about insufficient access to specialized services and shelters for victims of

domestic violence in the whole territory, as previously noted by the Committee on the Elimination of Discrimination against Women¹² (arts. 2, 12–14 and 16).

38. **The State party should continue to ensure that all acts of gender-based violence, in particular those involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly and promptly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims and survivors or their families receive redress, including adequate compensation and rehabilitation, and have access to specialized support services and safe shelters. The State party should adopt legislative measures to provide for ex officio prosecution of gender-based violence, including domestic and sexual violence, and amend article 477 paragraph 1 of the Criminal Procedure Code accordingly.**

Trafficking in persons

39. While taking note of the State party's efforts to combat trafficking in persons at national and international level, the Committee remains concerned that the phenomenon is still prevalent in its territory, notably trafficking in women and girls for the purpose of sexual exploitation. The Committee is further concerned about reports indicating that persons internally displaced due to the armed conflict are at a high risk of human trafficking. Furthermore, it notes with concern that the access of trafficking victims to specialized services, such as the temporary accommodation and financial support, is reportedly limited (arts. 2, 12–14 and 16).

40. **The State party should continue implementing measures to combat and prevent all forms of trafficking in persons and pay particular attention to internally displaced persons and individuals in vulnerable situations. The State party should adopt the measures necessary to ensure that all trafficking cases are thoroughly investigated, that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims obtain full redress, including adequate compensation and rehabilitation. It should also strengthen its efforts to provide victims with specialized assistance and safe accommodation.**

Redress

41. The Committee takes note of the information provided by the State party about its steps taken to finalize a draft law on compensation of victims of violent crimes and establish the State Fund for compensation. It also notes that victims of torture have several avenues to claim compensation for the damage sustained as a result of torture or ill-treatment, including through the civil action in the course of criminal proceedings (article 128 of the Criminal Procedure Code). The Committee, nevertheless, regrets that no comprehensive information has been provided about the rehabilitation programmes available to victims of torture and ill-treatment in the State party outside the armed conflict and the occupation and the resources made available to them, about the number of requests for compensation made, the number and amounts awarded by domestic courts since the previous periodic report, and about means of full rehabilitation, including medical or psychosocial rehabilitation afforded to the victims (art. 14).

42. **The State party should ensure that, in law and in practice, all victims of torture and ill-treatment can obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The State party should compile and provide the Committee with information on redress, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment. The State party should also inform the Committee about the progress in adoption and implementation of the draft law to compensate victims of violent crimes and the budget assigned to the State Fund for compensation of victims.**

¹² CEDAW/C/UKR/CO/9, paras. 29–30.

Follow-up procedure

43. The Committee requests the State party to provide, by 2 May 2026, information on follow-up to the Committee's recommendations on the fundamental legal safeguards, violations of the Convention by the State party in the context of the armed conflict and occupation and prison security and deaths in custody (see paras. 12 (c), 18 (a) and (b) and 24 (c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the present concluding observations.

Other issues

44. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

45. The Committee requests the State party to submit its next periodic report, which will be its eight, by 2 May 2029. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its eight periodic report under article 19 of the Convention.
