



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 2194th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 24 April 2025, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2193rd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States Parties under article 19 of the Convention (continued)

Seventh periodic report of Ukraine (CAT/C/UKR/7; CAT/C/UKR/QPR/7)

1. *At the invitation of the Chair, the delegation of Ukraine joined the meeting.*
2. **A representative of Ukraine** said that, despite the extremely difficult context of the continuing armed aggression by the Russian Federation, Ukraine was working systemically to prevent and combat torture. It had adopted a number of strategic documents in the past five years, including on combating torture in the criminal justice system and on prison system reform. During the same period, several amendments had been made to criminal law. For example, the definition of torture had been brought into line with the Convention, the concept of trafficking in persons had been aligned with the United Nations Convention against Transnational Organized Crime Criminal, the offence of enforced disappearance had been introduced, a requirement had been established for pretrial investigation bodies to appoint a person responsible for ensuring the rights of detainees, the right to be held in appropriate conditions and to file a complaint if conditions were poor had been enshrined in law, and a probation system had been introduced. The Code of Administrative Offences had been amended to distinguish between domestic violence, gender-based violence and sexual harassment, and the National Police had adopted new rules on the treatment of detainees. Efforts were being made to develop a child-friendly juvenile justice system.
3. Ukraine remained transparent about human rights issues in detention facilities, providing access to national and international monitoring mechanisms. The national mechanism for the prevention of torture had conducted over 540 visits to prisons in 2024 alone, and the human rights monitoring mission in Ukraine had carried out over 40 visits.
4. The Ministry of Internal Affairs had appointed a commissioner for persons who went missing in special circumstances, while the State Investigation Bureau had set up a unit for combating torture and ill-treatment, composed of nearly 160 investigators, and the Office of the Prosecutor General had established a unit on human rights violations committed by law enforcement and prison personnel and another on crimes committed in the context of the armed conflict. The Ministry of Justice had a separate Department of Penitentiary Inspections, guided by standards and methodology adopted in 2020, and more than 50 prisons had recruited a person to monitor compliance with the rights of inmates and prevent torture.
5. A unified register of convicted persons and persons in police custody had been created, along with another for persons who went missing in special circumstances, and an information subsystem had been set up to record actions pertaining to individuals from the time of detention until their release. Persons deprived of their liberty were entitled to free primary legal aid in cases of violence or torture, while victims of domestic violence and human trafficking were entitled to free secondary legal aid.
6. Changes to national legislation spurred by the armed aggression included amendments aimed at ensuring that the most serious international crimes would be prosecuted and at bringing the law into line with the Rome Statute of the International Criminal Court, which had entered into force for Ukraine that year. In addition, a procedure for the detention of prisoners of war had been adopted under which interrogations must be conducted without the use of torture or other coercive measures and in a language the prisoner understood.
7. The camps holding Russian prisoners of war met basic standards of international humanitarian law and had been inspected many times by international monitoring mechanisms, including the International Committee of the Red Cross (ICRC). However, despite numerous appeals from international human rights mechanisms, the Russian authorities continued to deny access to Ukrainian prisoners of war and civilians held by Russia in violation of international humanitarian law.
8. The measures taken in support of those affected by the armed aggression included the provision of free secondary legal aid to victims of criminal offences against sexual freedom, torture or cruel treatment. A law regulating the legal status of victims of sexual violence related to the armed aggression and establishing a basis for providing them with urgent

interim reparation had been enacted in 2024. Furthermore, the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine had been set up, with 40 categories of claim, including torture, unlawful deprivation of liberty and sexual violence. Ukraine welcomed the extension of the mandate of the Independent International Commission of Inquiry on Ukraine through Human Rights Council resolution 58/24, in which the Council strongly condemned actions by Russia, including the systematic and widespread use of torture, enforced disappearances and sexual violence.

9. **The Chair** (Country Rapporteur), noting the devastation wrought by the large-scale invasion of the State Party by the Russian Federation, in violation of international law, which had resulted in civilian and military deaths, debilitating injuries, disappearances, destruction of homes and civilian infrastructure including energy production sites and healthcare facilities, serious violations of international humanitarian and human rights law and internal and external displacement, said that the Committee was well aware of the complexity of analysing the human rights situation in Ukraine under such circumstances and in view of the difficulty faced by the authorities in exercising effective control over certain parts of the country's territory.

10. He was interested in hearing more about the strategic objectives for combating torture by State officials that had been incorporated into the current national human rights strategy. He was also interested in hearing whether the most up-to-date version of article 127 of the Criminal Code was in line with the Convention, in particular with regard to who could be charged with the offence of torture, whether discrimination was included among the motives for committing the offence and whether all cases were imprescriptible. He was concerned about the overly vague wording of the section of article 127 on the penalties inflicting for torture committed by officials of the State, including of a foreign State.

11. The delegation might comment on the lack of statistical data concerning complaints of excessive use of force by law enforcement officers and on the reasons why so few cases of torture went to trial compared with the number of investigations initiated. It might also comment on the criticism levelled at the Office of the Parliamentary Commissioner for Human Rights (Ombudsperson) concerning its insufficient funding and dependence on international donations, its high staff turnover, the lack of experts on its monitoring teams and of transparency in the selection process, the exclusion of civil society and the inadequate regional representation, and at the national preventive mechanism under the Ombudsperson regarding similar issues, as well as its methods of work, the delays in publishing its reports and the limited response to its recommendations.

12. He would welcome information on the outcomes of the investigations into the violence committed in the context of the protests that had begun in November 2013 at Maidan Square in Kyiv following the former President's refusal to sign the European Union–Ukraine Association Agreement.

13. He would appreciate the delegation's comments on concerns that neither the State Investigation Bureau nor the Security Service of Ukraine complied with international standards and procedures for detecting and documenting signs of torture, notably the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised; that most complaints of torture were examined under the criminal provisions on abuse of authority rather than those on torture; that the judiciary lacked independence; and that the Security Service unlawfully detained individuals in unofficial facilities where its officials engaged in conduct that might amount to torture and ill-treatment, as perhaps evidenced by its refusal to grant the Subcommittee on Prevention of Torture access to certain facilities.

14. The delegation might address the State Party's decision in May 2015, against the backdrop of armed conflict, to derogate temporarily from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

15. In the light of concerns about widespread and systematic human rights violations allegedly committed by armed groups since 2017, particularly in the east of the State Party, the Committee would welcome an update on the status of the appeals filed against the convictions of a number of commanders and officials associated with the Tornado special

police battalion and the Aidar territorial defence battalion in cases of torture, sexual violence and kidnapping, as well as information on allegations of acts of torture committed by members of the Azov regiment in Mariupol in 2017.

16. He would be interested to learn more about the bills that had been submitted to the parliament with the objective of incorporating into national legislation provisions on a number of human rights violations – including acts of torture committed in the context of armed conflict – that were considered war crimes under the Rome Statute of the International Criminal Court, which had entered into force for the State Party on 1 January 2025.

17. It would be helpful to know how many cases had been identified in which persons detained in territories occupied by the Russian Federation had been convicted of politically motivated charges on the basis of forced confessions and illegally transferred to the Russian Federation to serve their sentences.

18. He would welcome the delegation's comments on allegations that, during the period since February 2022, Ukrainian armed services personnel had committed acts of torture and sexual violence against members of the armed forces of the Russian Federation and pro-Russian Ukrainian armed groups being held as prisoners of war. The delegation might also comment on the measures taken by the State Party's authorities to prevent and deal with cases of torture and on reports of individuals being detained on suspicion of collaboration, including in unofficial places of detention in Kharkiv and Kherson Oblasts following so-called filtration processes, as well as reports of prisoners of war being held in makeshift detention facilities and of conscripts and conscientious objectors being arbitrarily detained and sometimes held incommunicado.

19. He wished to know how the authorities planned to address claims that anti-collaboration legislation was vague and overly broad, making it difficult for journalists to freely engage in their professional activities, and that essential workers, including educational and medical personnel, employed in areas occupied by the Russian Federation faced severe and arbitrary sanctions. The delegation might also comment on reports that media outlets and independent journalists, including Yuriy Nikolov, who criticized the Government had been subjected to harassment, and that the national news agency Ukrinform was being placed under increasing pressure to follow the government line.

20. He would welcome information on the more than 2,000 criminal proceedings that had been initiated pursuant to article 436-2 of the Criminal Code, which set out the offence of justifying, recognizing as legitimate or denying the armed aggression by the Russian Federation against the State Party, and in particular about the conviction under that article of Yurii Sheliazhenko, the leader of the Ukrainian Pacifist Movement.

21. It was to be noted that more than 30 human rights groups had called on the legislature to reject proposed legislation restricting access, until one year after the end of the period of martial law, to court decisions rendered in cases related to matters of national security or deemed to be of particular public interest.

22. Of particular concern to the Committee was the claim made by the State Party's authorities that the Ukrainian Orthodox Church, which remained under the authority of the Russian Orthodox Church, was complicit in the war of aggression being waged by the Russian Federation.

23. Another concern was the apparent trend towards disproportionate restrictions on the human rights of certain groups, including LGBTQ+ and feminist activists, anti-corruption advocates, environmental defenders, human rights lawyers and volunteers who helped combatants and victims of the armed conflict. The main criticisms in that regard were centred around allegations of corruption, ineffective application of the law and chronic impunity.

24. The armed conflict appeared to have led to a huge increase in domestic violence, with 60 per cent of perpetrators having fought in the war. Courts seemed reluctant to prosecute soldiers who had served their country. He would appreciate the delegation's comments in that regard.

25. The Committee had received reports of excessive rates of institutionalization among persons with intellectual or psychosocial disabilities, including children and older persons,

and of a lack of community-based services for such persons. He would welcome information on the cases of torture, abuse, use of restraints and imposition of isolation as a punishment that had been recorded in psychiatric hospitals and other long-term institutional facilities during the reporting period.

26. Lastly, he wished to know how, during the current armed conflict, the authorities verified that statements had not been obtained under torture, given that under martial law, there was no requirement for statements obtained during the investigation phase to be examined in a court of law before a trial began.

27. **Mr. Kessing** (Country Rapporteur), noting that the Committee was fully aware of the tragic situation facing the State Party, said that the focus of the dialogue would be on what Ukraine could do better to fulfil its obligations under the Convention. The acts of torture and war crimes committed in Ukrainian territory occupied by the Russian Federation, about which the Committee was well informed, would be taken up when the Committee considered that country's next periodic report.

28. Although the State Party had demonstrated a commendable commitment to its international human rights obligations, he wished to know what steps it had taken to ensure that military personnel and other officials complied with their obligations under the Convention against Torture and the Geneva Conventions of 12 August 1949 and what training military personnel, police officers, prison staff and other public officials were given to familiarize them with the provisions of the Convention. He wished to know, too, whether any of the international and regional human rights obligations from which the State Party had derogated under martial law related to or had an impact on its obligations under the Convention. It would be useful, in addition, to learn whether the State Party's authorities were of the view that, in times of armed conflict, international humanitarian law took precedence over human rights law or whether they believed that it was necessary to continue attempting to fulfil human rights obligations in such times.

29. He wondered what was being done to document violations of the Convention committed by military personnel of the Russian Federation and to make sure that all Ukrainian soldiers and civilians subjected to torture by their captors had access to effective remedies and rehabilitation when they were released from captivity and returned to the State Party. He wondered, too, how many non-combat deaths or injuries linked to hazing in the armed forces there had been in the previous three years, how many criminal proceedings instituted as a result of those deaths or injuries had resulted in a conviction, what steps were being taken to ensure that conscripts were treated in line with Ukrainian legislation and whether there was any independent monitoring of the conscription methods used by the State Party's conscription officers.

30. Turning to issues not directly related to the ongoing armed conflict, he said that he wished to know whether a superior could be held responsible for acts of torture and ill-treatment committed by his or her subordinates where, despite knowing or being expected to know that the subordinates were likely to commit torture, he or she had failed to take reasonable and necessary preventive measures. If so, he wondered how many proceedings had been brought against superior officers for such acts of omission in the past three years and what the outcome of the proceedings had been.

31. In view of reports that the police used excessive force while making arrests and holding or transferring detainees, he wondered what steps were being taken to prevent ill-treatment in police custody. He wondered, too, what was being done to ensure that all detained persons accused of a crime had access to a lawyer at no charge. In addition, he wished to know what mechanisms were in place to ensure that the footage of any recorded interrogations by the police, including of prisoners of war, was preserved and made available for independent review. In that connection, it would be helpful to learn whether consideration would be given to amending article 224 of the Code of Criminal Procedure with a view to making the recording of interrogations mandatory, not merely optional. It would also be helpful to know whether there were any procedural safeguards for the protection of prisoners of war and of civilians suspected of supporting the Russian Federation while they were being transferred away from the front lines or interrogated by military personnel, whether they were

examined by a doctor and whether audio and video recordings of the interrogations to which they were subjected were made.

32. He wished to know how many children had been held in pretrial detention over the past three years and how long they had been thus detained. He wished to know, too, how often pretrial detention was reviewed by the courts, how long a child could be detained before being charged or before a court decision in his or her case and whether children in pretrial detention and prison were separated from adults.

33. As the State Party's prisons were reportedly becoming hotbeds of torture and corruption, he would welcome further information on the role of the prison human rights inspectors, staff positions for whom had been established, in a commendable initiative, in November 2024. In particular, he wondered whether there were inspectors in all the State Party's prisons. An indication of the reasons for the ongoing use of special forces in prisons and the steps that were being taken or planned to reduce prison overcrowding and improve conditions of detention would also be welcome. In addition, it would be useful to learn what was being done to abolish what amounted to a caste system, in which the lowest-ranking prisoners were subjected to constant harassment, forced to eat separately and denied healthcare, along with the practice of designating so-called duty prisoners to supervise other inmates. Furthermore, he would like to know whether the State Party planned to repeal article 391 of the Criminal Code, on persistent disobedience towards the authorities of a correctional institution, which, allegedly, was abused by prison officers and contributed to corrupt practices in prisons.

34. He wondered how many deaths in custody there had been over the previous three years, what measures had been taken to improve prison healthcare, whether plans had been made to transfer responsibility for the prison healthcare system to the Ministry of Health and, if so, when the transfer was expected to take place. He wondered, too, how many times prisoners had been force-fed over the previous three years, whether there were any guidelines on force-feeding and, if not, whether any plans to elaborate such guidelines had been made.

35. It would be helpful to learn whether the national preventive mechanism had access, including without prior notification, to all places of detention in the State Party. An indication of whether civil society organizations had access to such places would likewise be helpful. Lastly, he wished to know whether legislation had been amended to strengthen control over social care institutions and thus help prevent ill-treatment.

36. **Mr. Rouwane** said that he wished to know what measures the authorities, including the police, had taken or planned to take to ensure that they were in a position to protect women when a report of domestic violence was made. He wished to know, too, what was being done, including in the areas of awareness-raising and education, to prevent domestic violence.

37. **Ms. Maeda** said that she wondered whether the law under which domestic violence was made a criminal offence had entered into force as planned, whether plans had been made to amend article 477 of the Code of Criminal Procedure with a view to enabling the institution of criminal proceedings against suspected perpetrators of domestic violence, rape and other related offences even in the absence of a complaint from the victim and what steps had been taken to ensure that the penalties for domestic violence and sexual abuse were commensurate with the gravity of those offences. Lastly, she wished to know how many reports of domestic violence had been made over the reporting period, how many had been investigated and how many had resulted in the prosecution and conviction of a perpetrator.

38. **Mr. Liu**, noting that internally displaced persons, those crossing borders and others housed in shelters, particularly women, girls and boys, were vulnerable to trafficking, violence, abuse and exploitation, said that he wished to call on the Government to set up unified databases in order to help identify and register members of vulnerable groups as a means of preventing trafficking in persons, torture and ill-treatment.

39. **Mr. Buchwald** said that, in the context of prisoner exchanges or returns, he would be interested to know how the State Party dealt with a situation in which a prisoner due to be returned was alleged to have committed torture and, conversely, a situation in which a person claimed to fear persecution, torture or ill-treatment upon return. He would also like to know

if prisoners of war from third countries were treated differently from Russian prisoners of war.

40. **Mr. Iscan** said that, as freedom of religion and belief were non-derogable rights, to be upheld even in times of public emergency, he would like to know whether the clergy and personnel of the banned Ukrainian Orthodox Church had been provided with fundamental legal safeguards, in accordance with the Convention.

The meeting was suspended at 12.15 p.m. and resumed at 12.25 p.m.

41. **A representative of Ukraine** said that prison staff received proper training on a regular basis. In basic training at the prison training academy, a special course was given on international instruments, while further in-service training was provided in partnership with international or regional institutions such as the United Nations Office on Drugs and Crime (UNODC) and the Council of Europe.

42. There had been 109 minors in pretrial detention in 2022, 96 in 2023, 148 in 2024 and, in the year to date, 119. In all, there were currently 177 minors in detention facilities in Ukraine, all but one being boys. As with adult detention, juvenile detention was regularly monitored, with a court review every two months. Adults and children were held separately, with juveniles in a special facility.

43. New measures had been introduced in 2025 to combat all forms of wrongdoing in prisons. It was difficult for external agencies to observe such closed systems and a new internal security unit had accordingly been created, with a mandate to detect, report and investigate incidents of abuse, whether by staff or by inmates. One objective was to protect staff from threats or intimidation from prisoners. The unit would ultimately comprise 250 intelligence officers and recruitment was under way. As for the use of special forces in prisons, they were still needed in certain regions, if not throughout the whole system, notably to prevent riots; they too would be monitored by the new internal security unit.

44. The position of prison human rights inspector had been established under new legislation in 2024. Out of a projected total of 56, 54 had now been appointed. Their mandate and scope of action were set forth in a government resolution; one of their main tasks was to minimize the risk of torture for new arrivals. Human rights inspectors were not accountable to the individual prison authority but to one of the six interregional divisional coordinating authorities, to which they could report directly on any potential risks they observed.

45. The population of Ukrainian prisons and detention centres had shrunk since 2017, from 51,000 to 37,000, in part because 8,000 prisoners had volunteered to serve in the armed forces at the start of the war with the Russian Federation. The most severe overcrowding was in the Kyiv detention centre and the Government had allocated 270 million hryvnias for the construction of a new wing, built to international standards, to take more than 1,000 of the prisoners, or around half the population. New standards of prison construction were an important component of the Government's prison reform strategy for the period up to 2026. Despite the challenges that the country was facing and budget cuts, 7,500 places had been created in prisons and more than 600 in detention centres, and a further 250 for use in extradition procedures.

46. The hierarchy often found in prisons was an informal subculture inherited from the former Soviet Union. It was important not to overestimate its reach, however. The relevant provisions of the Criminal Code could be applied in order to help combat the spread of criminal influences, and the new internal security unit was empowered to prosecute and document the phenomenon. In parallel, the Department of Penitentiary Services itself, which was effectively a law-enforcement agency, could be more proactive on the issue, in collaboration with the National Police, the Security Service of Ukraine and the State Investigation Bureau. Legislative and regulatory measures were also being taken. The prison regulations had been amended to outlaw the caste system and the system of duty prisoners. In addition, given that those involved in the subculture tended not to work, new legislation on prison labour, due to be adopted very shortly, aimed to improve working conditions and provide greater incentives to work. Currently one third of prisoners worked, some for private businesses, other for State enterprises, and the hope was to double that figure, in part by

ensuring that prisoners received between 50 and 75 per cent of the salary paid rather than 25 per cent as was currently the case.

47. There had been 432 deaths in prison in 2022, 376 in 2023 and 368 in 2024. Despite the chronic lack of funds for prison health care, in part because of the need to care for war wounded, provision had nevertheless been made to meet the needs of 98 per cent of prisoners with HIV/AIDS and 93 per cent of prisoners with disabilities, while the success rate in combating tuberculosis stood at 76 per cent. The Ministry of Justice was in favour of a transfer of the prison health administration to the Ministry of Health, but there was no consensus as yet. The problem was one experienced in other European States and, as elsewhere, discussions could be lengthy. Ukraine hoped that international assistance would be available to help to implement best practices.

48. There had been only one incident of force-feeding in the past three years. New rules in that regard had been introduced under a joint Ministry of Justice and Ministry of Health decree.

49. As a member of the national preventive mechanism, he was not aware of any complaints to the effect that representatives of the mechanism had been denied access to places of deprivation of liberty. Non-governmental organizations (NGOs) had access, under authorizations he himself signed.

50. A new advisory body, the Expert Council for the Penitentiary System, had been established to assist in drafting new legislation. Its 40 members, drawn from civil society, international organizations and academia, all had extensive knowledge of prison systems.

51. A new online system had been introduced that would allow prisoners to make anonymous complaints. A commission was to be set up to handle such complaints and look into improper prison conditions.

52. Abolition of article 391 of the Criminal Code was currently under discussion in the parliament. The article had its uses, especially as a tool in preventing the spread of the criminal subculture and in efforts to combat criminal activity.

53. He was not aware of any difference in the treatment of non-Russian prisoners of war. However, Russian prisoners of war were differentiated, with those who had previously been in prison being held separately from those who had never been in prison, to prevent them exerting an adverse influence.

54. Ukraine fully complied with its obligations under the Geneva Conventions. United Nations and ICRC monitors were admitted to the country and had made more than 400 visits. Ukraine spent more per month on one prisoner of war than a prison official received in pay. Prisoners received food and medical treatment and were able to work; it was not uncommon for foreign prisoners of war to refuse to be returned. In prisoner exchanges, there were clear differences between the condition of Ukrainians returning from Russia and that of the Russians leaving Ukraine.

55. The members of the Tornado special police battalion had served their sentences and had since been released.

56. The numbers of penal facilities in territories under Russian occupation fluctuated. In 2014 Ukraine had lost more than 30 prisons, and then, following the full-scale invasion, another 11, of which it had subsequently taken back 4. Since 2022 it had lost seven: over 3,000 prisoners had been transferred to Russia and imprisoned there under Russian court rulings that had effectively simply been translations of the respective Ukrainian sentences. According to Ukrainian records, over 1,600 of those prisoners had already completed their sentences. On release, they were given no documentation or money to return home and NGOs helped them to do so, with assistance from Ukrainian consular services where possible. Unconfirmed figures suggested that more than 500 such Ukrainian prisoners had returned.

The meeting rose at 1 p.m.