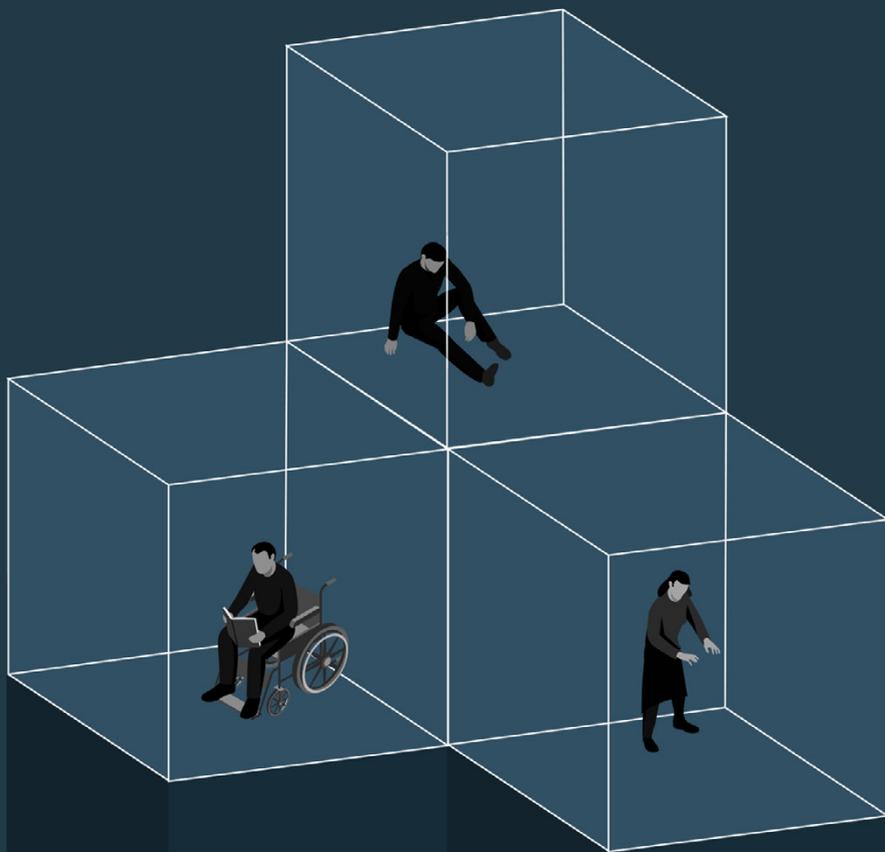


**PRELIMINARY REVIEW:
PLACES OF DEPRIVATION
OF LIBERTY IN UKRAINE
DURING THE WAR**



Preliminary review: places of deprivation of liberty in Ukraine during the war

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5:00 AM

COALITION

Partner organizations:

Ukrainian Helsinki Human Rights Union

Ukraine Without Torture, Non-Governmental Organization

Human Rights Expert Center, Non-Governmental Organization

Social Action Centre, Non-Governmental Organization

Fight For Right, Non-Governmental Organization

SIGRID RAUSING TRUST

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Comments and suggestions for the review can be sent to info@socialaction.org.ua

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ABBREVIATIONS AND ACRONYMS:

VRU – Verkhovna Rada of Ukraine

Orph. – Orphanage

CMU – Cabinet of Ministers of Ukraine

MNPE – Municipal Non-Profit Enterprise

MI – Municipal Institution

MIAU – Ministry of Internal Affairs of Ukraine

LMG – low-mobility groups

IHL – international humanitarian law

Minsoc – Ministry of Social Policy of Ukraine

Minjust – Ministry of Justice of Ukraine

MHU – Ministry of Health of Ukraine

NPM – National Preventive Mechanism

PBI – psychoneurological boarding institution

RF – Russian Federation

PTDC – pre-trial detention center

PI – penitentiary institution

INTRODUCTION

As full-scale Russian aggression¹ against Ukraine and the temporary occupation of its northern, southern, and eastern regions (in addition to the Donetsk and Luhansk regions and Crimea already occupied by Russian aggression in 2014), deepening of the negative impact of the total war on the execution of human rights and freedoms in Ukraine became obvious.

However, despite Russia's undeniable responsibility for aggression, it is also clear that some lessons, not learned since 2014, are again leading to violations of human rights in Ukraine; primarily affecting those who are already in a vulnerable position and cannot use all their rights and freedoms. These are, first of all, people who are in so-called places of deprivation of liberty², serving sentences related to isolation from society; persons with disabilities, in particular those who are incapacitated or whose legal capacity is limited and stay in boarding institutions; patients of psychiatric care institutions; residents of geriatric institutions, etc. All of these people, due to their limited freedom of movement, physical and mental health, are unable to make decisions about their safety and well-being and are completely dependent on the actions, inactions, and decisions of the authorities.

Numerous reports of deliberate mass war crimes that have flooded the national and international media since the first days of the attack have mobilized the human rights community to establish ad hoc mechanisms to gather evidence and information from open sources about the crimes of the Russian occupiers. At the end of February 2022, the Ukraine 5 AM Coalition of Human Rights Organizations was established.³

1

The date of the Russian aggression against Ukraine is February 20, 2014, when Russia began the occupation of the Autonomous Republic of Crimea. At the same time, on February 24, 2022, Russia launched a full-scale military invasion of Ukraine by the regular army. This review focuses on the events that occurred after the full-scale invasion; however, a deep comparative analysis of the situation in places of deprivation of liberty after the start of the aggression and the full-scale invasion is necessary.

2

A place of detention is any place under the jurisdiction or control of a State where persons may be deprived of their liberty by order of a public authority or on its initiative, with its express or uncoerced acquiescence (Article 4 of the Optional Protocol to the UN Convention against Torture). See a list of types of places of deprivation of liberty in Art. 13. Clause 8 of the Law of Ukraine "On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine"

3

See [Coalitions](#) on Facebook

The goal of the Coalition is to collect and verify all reports of war crimes and crimes against humanity in order to ensure national and international justice and to hold the perpetrators liable. The Coalition focuses mainly on documenting crimes committed by the Russian military against Ukrainian citizens.

In addition to Ukrainian human rights organizations, international organizations have also stepped up their efforts. The report of experts within the OSCE⁴ Moscow Mechanism from late February to early April 2022 briefly mentions only a few cases of attacks on places of deprivation of liberty under the social care system. However, it lacks an analysis of the situation in places of deprivation of liberty in general, in particular penitentiaries. This underscores the need for thematic monitoring and documentation to analyze war crimes against various groups of people and civilian infrastructure.

The experience of monitoring human rights violations in connection with the conflict since 2014, and the evidence gained since the start of a full-scale invasion in 2022, has made some Coalition members identify human rights monitoring and documenting war crimes committed against inhabitants and staff of places of deprivation of liberty, as a separate work track. In addition, the organizations have also focused on the actions or inaction of the Ukrainian authorities to ensure the safety and well-being of these people.

Several members of the Coalition – the Ukrainian Helsinki Human Rights Union, Ukraine Without Torture, and Social Action Centre, came together in this work and were joined by Fight for Rights, a designated organization representing the community of persons with disabilities.

The reviewers decided to make a preliminary assessment of the human rights situation in places of deprivation of liberty in the three selected regions, and to begin analyzing the documented war crimes against inhabitants and/or staff.

4

The Moscow Mechanism is a formal procedure established within the OSCE and is to deploy a short-term international fact-finding mission to address a specific human rights issue in the OSCE region. This mechanism is called «Moscow» only because it was adopted in 1991 in Moscow. See the first report on Ukraine in Ukrainian [here](#)

METHODS

The authors used a combination of methods to prepare this review:

- desk study and comparative analysis of the regulatory framework;
- comparative analysis of previous reports of the National Preventive Mechanism (hereinafter NPM)⁵ and the situation as of February–May 2022 (according to officials, calls to hotlines of non-governmental organizations and monitoring of open sources);
- open source monitoring of possible war crimes committed by the Russian army against convicts and personnel of places of deprivation of liberty.

For the purposes of the preliminary survey, three regions were selected: Kyiv, Chernihiv, and Sumy, as well as the city of Kyiv. These locations were chosen for several reasons:

- the pilot nature of the analysis to hypothesize and identify issues for the design of further large-scale research, combining monitoring of human rights in places of deprivation of liberty and documenting possible war crimes;
- these three regions were partially or fully occupied for an extended duration (late February – early April) and later deoccupied, which makes it possible to compare the experiences of people in places of deprivation of liberty during the occupation and changes in their needs;
- these administrative units are where the places of deprivation of liberty, among other civilian infrastructure facilities, were located on the front line and were destroyed;
- time and human resources to analyze and verify all available information was limited.

5

The National Preventive Mechanism was established in Ukraine in 2012 to implement the Optional Protocol to the UN Convention against Torture. It provides for regular unannounced monitoring visits to places of deprivation of liberty to prevent torture and ill-treatment. The NPM in Ukraine operates in the Ombudsman+ format, i.e. monitoring visits by employees of the Secretariat of the Ukrainian Parliament's Commissioner for Human Rights together with public monitoring volunteers. See the NPM [reports](#)

The authors did not aim to analyze the whole array of reports of war crimes documented by non-governmental organizations (in particular, Ukraine. 5 am). Instead, they used some of them to illustrate the typology and scale of war crimes committed by the Russian military in Ukraine, including to emphasize the need for further investigation in these cases and to bring perpetrators to justice.

■ LIMITATIONS

This review is limited both geographically (the situation is analyzed only in three regions and in some places of imprisonment in these regions), and temporally (considering the period from the end of February to April). It is also significantly limited by access to information: the inability to monitor NPM visits during the analysis period, verify most of the analyzed data based mainly on the testimony of institutions, or analyze information from open sources.

Being aware of these limitations, the authors aimed to lay the groundwork for further in-depth and large-scale monitoring of human rights violations and documentation of war crimes in places of deprivation of liberty that are urgent and necessary.

The review includes data on places of deprivation of liberty of adults, except for the review of selected documented cases of war crimes. This also requires further clarification in the context of a proper approach to monitoring and documentation.

The authors plan to improve the methodology, which would include data verification (through surveys of a wide range of people and participation in NPM visits), as well as expand monitoring and documentation to other territories of Ukraine (both occupied and deoccupied). Every human rights violation, and every war crime, needs careful documentation and further investigation.

PLACES OF DEPRIVATION OF LIBERTY IN FOCUS:

- penitentiary institutions: pre-trial detention centers, correctional colonies, correctional centers;
- social protection institutions for the disabled and the elderly: nursing homes for the elderly and the disabled, psychoneurological boarding institutions and orphanages (for children and persons under the age of 35), geriatric institutions, boarding houses, orphanages for the disabled and the elderly, boarding houses for war and labor veterans, inpatient departments for permanent or temporary residence of social service centers/territorial centers of social services);
- psychiatric care facilities (health care facilities for inpatient psychiatric care).

This review covers several categories of Ukrainian citizens who, while in detention, cannot independently and freely decide on personal security and integrity and evacuate to a safe place if there is a threat of hostilities in a place of their constant stay.

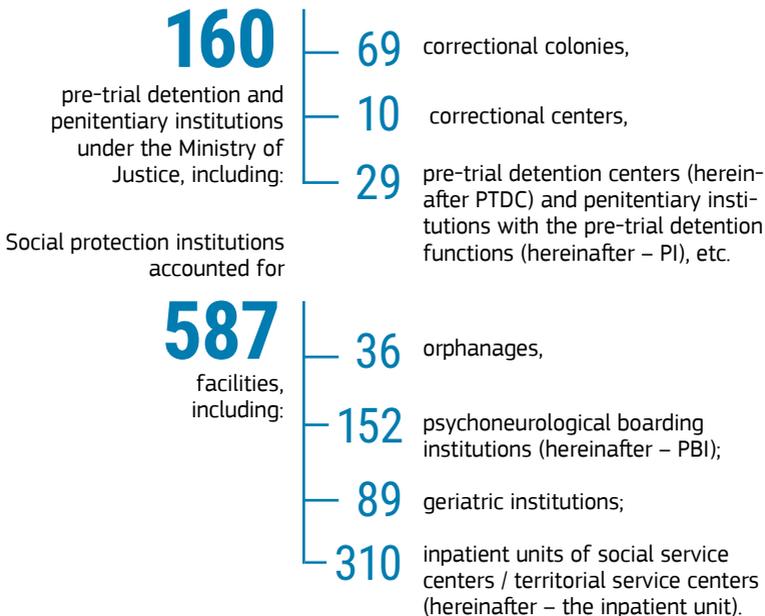
THESE INCLUDE:

- persons serving sentences in prisons (mostly adult women and men);
- adults with disabilities and the elderly who are in places of deprivation of liberty and in need of round-the-clock care. Such persons may be deprived of or recognized as having limited legal capacity and may not be able to make an informed decision on the need to evacuate and freely leave dangerous areas. Some of these individuals are unable to move independently and are palliative patients. Many of them have no relatives or have lost contact with them;

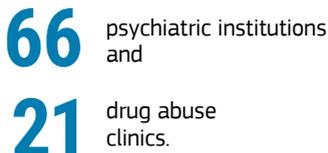
- patients of psychiatric care facility inpatient departments, including those who are homeless and/or have lost family and social contacts.

As of January 1, 2021,

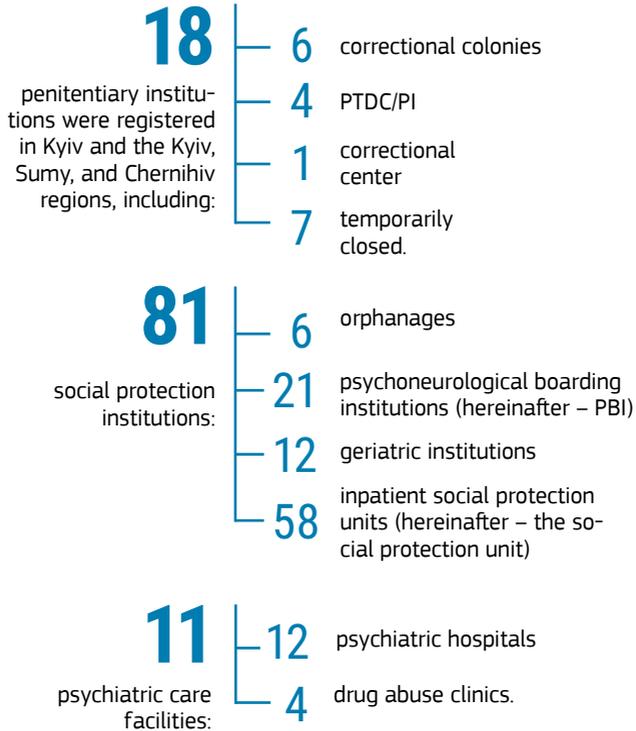
there were



At present, the health care system accounts for



In 2021,



STATE OBLIGATIONS TO PERSONS IN PLACES OF DEPRIVATION OF LIBERTY

Ukraine is a party to all key international human rights treaties that require respect for human dignity, prohibit torture, cruel or degrading treatment or punishment, guarantee people under their jurisdiction the right to health and much more.

In particular, the [European Prison Rules](#) define as follows:

- the treatment of all detained persons should be in respect with their human rights;
- detained persons retain all their rights which they have not been lawfully deprived of by a court decision according to which they have been sentenced to imprisonment or taken into custody;
- the detention of prisoners in conditions that violate their human rights cannot be justified by a lack of resources;
- penitentiary institutions must comply with the country's health and safety laws.

[UN Standard Minimum Rules for the Treatment of Prisoners](#) (Nelson Mandela Rules) also state that:

“*All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.*”

Ukraine has also signed and ratified the [UN Convention on the Rights of Persons with Disabilities](#), which inter alia with Article 11, obliges the state to:

“*To take, in accordance with its obligations under international law, in particular international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies, and natural disasters.*”

All these documents oblige Ukraine under any special anti-terrorist operation or other armed conflict to adhere to human rights standards and ensure the protection of those persons who, due to their position, limited freedom of movement and/or limited capacity, cannot make decisions on their well-being and security.

To ensure human rights, both for convicts and persons with disabilities, the elderly and patients in various places of deprivation of liberty, the state must abide by the following obligations to ensure:

- inviolability and respect for human dignity;
- safety, in particular, the provision of shelters in case of missile or other artillery shelling;
- timely and safe evacuation;
- provision of food and basic needs;
- compensation for damage caused by the actions of third parties;
- investigations and prosecution of perpetrators of human rights violations and war crimes.

RESPONSIBILITIES OF THE OCCUPYING STATE

In accordance with the provisions of international humanitarian law (hereinafter – IHL), the Russian Federation as an occupying state must respect the rights of civilians. According to the [Convention for the Protection of Civilian Persons in Time of War](#), persons in prisons under occupation have the right to humane treatment, protection from violence and intimidation, security measures, basic needs, protection from involvement in hostilities, and protection against forced relocation, etc. At the same time, the occupying state may evacuate all or some people from a certain territory, and must not detain civilians in a territory that is particularly dangerous.

The criminal law of the occupied territory remains in force (with certain exceptions), and the courts of the occupied territory continue to perform their functions in relation to the consideration of offences. Persons accused of committing a crime must stay, and in case of conviction must serve their sentences there. In addition, the Convention requires the parties to the conflict to enter into local agreements on the evacuation of the wounded, sick, disabled, the elderly, children and women in labor from the besieged areas.

Article 51 of the [Protection of Victims of International Armed Conflicts Protocol](#) states that the civilian population enjoys general protection against the dangers arising from military operations. They should not be attacked. Non-military attacks, as well as indiscriminate attacks and attacks that are expected to result in civilian casualties and damage to civilian objects, are prohibited. In addition, it is prohibited to use the civilian population as protection against attack, as well as to jeopardize the infrastructure necessary for the survival of the civilian population.

Article 11 of this Protocol also states that the physical and mental health and integrity of persons under the control of the opposing party, detained or otherwise deprived of their liberty, shall not be harmed by any unjustified action or inaction.

The following sections provide an analysis of the actions, or rather inactions, of public and local authorities that endanger state-protected persons and have already violated their basic human rights.

1 ANALYSIS OF REGULATORY CONTROL OF SAFETY AND EVACUATION OF PLACES OF DEPRIVATION OF LIBERTY

Prior to Russia's large-scale invasion of Ukraine, the safety of places of deprivation of liberty and wards, as well as evacuations, had not been properly regulated. At the time of the invasion, the resolution of the Cabinet of Ministers of Ukraine (hereinafter – CMU) [No.841](#) as of 30.10.2013⁶, which did not specify the algorithm for administrations of institutions and/or local authorities and local self-government in case of hostilities strikes and/or occupation. These issues were partially added to the text of the resolution in 2016 and later amended in 2020.

The second shortcoming is that this document does not cover the evacuation of places of deprivation of liberty and only concerns the actions of central and local authorities against the civilian population in villages or towns.

At the same time, the issue of evacuation of penitentiary institutions was separately regulated by the Resolution of the CMU [No.934](#) as of October 7, 2018⁷. In particular, it states that *“in the event of the introduction of martial law in areas close to the battlefields, there must be an evacuation of convicts and charges.”* The decision to evacuate must be made by the military command and organized by the Ministry of Justice together with the Armed Forces, the National Police, and the Security Service.

The Code of Civil Protection of Ukraine [No.5403-VI](#) as of 02.10.2012 regulates relations related to the protection of the population from emergencies, response thereto, the functioning of a single state system of civil protection, etc. In addition, Article 33 of the Code stipulates that the evacu-

6

“On approval of the Procedure for evacuation in case of potential or actual emergencies”

7

The mandatory evacuation procedure for certain categories of the population in the event of martial law.

ation of the population, material and cultural values during a *special period* is carried out based on the provisions of the Law of Ukraine “[On Martial Law](#)”, which separately establishes the obligation to evacuate charges in temporary detention facilities, suspects, accused persons in pre-trial detention facilities, transfer convicted persons from penitentiary institutions located in areas close to battlefields to relevant institutions in a safe area. However, this Law does not provide for the mandatory evacuation of persons with disabilities, the elderly, and patients of psychoneurological dispensaries.

Order of the Ministry of Defense of Ukraine [No.164](#)⁸ as of 23.03.2017 implemented the provisions of the Convention for the Protection of Civilian Persons in Time of War (1949). It regulates the obligations of the state to protect the civilian population during hostilities. At the same time, it does not provide for the rules on the evacuation (except for children) of persons in places of deprivation of liberty.

Even later, in 2017, the order of the Ministry of Internal Affairs (hereinafter MIA) [No.579](#)⁹ as of 10.07.2017 approved the planning methods for the evacuation of the population and valuables in case of threat or emergency and from areas of armed conflict.

Amendments to the regulations of 2018, introduced by the Order of the Cabinet of Ministers [No.1002](#)¹⁰ as of 12.12.2018, again take into account only the evacuation of residents of penitentiary institutions within the timeframe set by the military command, as well as the evacuation of foreigners and stateless persons who are illegally staying in Ukraine to other places of deprivation of liberty in a safe area. This document again does not consider the need and procedure for evacuation of persons with disabilities, the elderly, or patients of psychoneurological or other institutions.

8

“On approval of the Instruction on the international humanitarian law procedure in the Armed Forces of Ukraine”

9

“On approval of the Evacuation planning methods”

10

“Introduction and provision of measures of the legal regime of martial law in certain areas of Ukraine”

According to the Resolution of the Cabinet of Ministers of Ukraine No.711¹¹ as of 12.08.2020, the evacuation of persons with disabilities must be in accordance with a separate plan. The document also stipulates that the population is subject to compulsory evacuation in the event of a threat of armed conflict (from potential battlefields to safe areas) but does not specify the evacuation procedure during martial law.

Legislative changes since Russia's armed aggression in 2014 did not guarantee the readiness of the Ukrainian authorities to prepare in a timely manner security and evacuation plans for numerous places of deprivation of liberty that were threatened in the temporarily occupied territories and/or battlefields. The analysis shows that they were not prepared for a possible full-scale invasion of the place of deprivation of liberty, even in those areas already near the line of contact in Donetsk and Luhansk regions, as well as in areas bordering Russia.

As of February 24, 2022, the legal regulations contained gaps, at least in the organization of the evacuation of persons with disabilities and other persons in social places of deprivation of liberty.

There was also no assessment and improvement of living conditions of the existing facilities, most of which remained inaccessible, without prepared shelters that could accommodate all the persons.

In March-April 2022, the Cabinet of Ministers introduced some changes that will partially resolve the problematic issues.

11

"On amendment to the Procedure for evacuation in case of potential or actual emergencies"

| Name | Settled issues | Unsettled issues |
|--|--|--|
| <p>Resolution of the Cabinet of Ministers of Ukraine No.264 as of 12.03.2022</p> | <p>Determines the procedure for mass evacuation of children, including children with disabilities from boarding institutions;</p> | <p>Does not provide for a similar procedure for mass evacuation of adults with disabilities.</p> |
| <p>Resolution of the Cabinet of Ministers of Ukraine No.385 as of 27.03.2022</p> | <p>Establishes a uniform procedure for evacuation of children and adults with disabilities and/or permanent residents of custodial institutions;</p> <p>Provides a list of custodial institutions for adults: nursing homes for the elderly and people with disabilities, specialized homes for war and labor veterans, the elderly and people with disabilities, other institutions that provide temporary accommodation and social services for adults (does not include psychoneurological boarding institutions and psychiatric hospitals);</p> <p>Vests local authorities with records of closed institutions and the number of their residents, assessment of the level of danger and the need for evacuation (does not contain criteria for such an assessment);</p> <p>Establishes an interaction procedure between public and local authorities to organize the order of evacuation within the country.</p> | <p>Does not provide for the procedure for interaction of state and local authorities with foreign partners, only the obligation of consular registration of children and adults abroad;</p> <p>Does not contain requirements for the organization of accessible evacuation and, accordingly, for the organization of accessible accommodation for children and adults with disabilities and/or those in need of accessibility and constant care;</p> <p>Does not provide for the state or local budget formation procedure for such evacuations.</p> |

| | | |
|--|--|---|
| <p>Resolution of the Cabinet of Ministers of Ukraine No.320 as of 19.03.2022</p> | <p>The Temporary procedure for detention of persons sentenced to imprisonment in correctional colonies of the State Penitentiary Service of Ukraine has been approved for the period of martial law.</p> | <p>The Resolution, in fact, prescribes compliance with the provisions of the Resolution of the Cabinet of Ministers No.934 as of 2018, referred to above. No significant changes have been made since the start of invasion.</p> |
| <p>Resolution of the Cabinet of Ministers of Ukraine No.179-p as of 24.02.2022</p> | <p>Implementation of the Civil Defense Plan of Ukraine during a special period, with the set level of readiness «FULL ALERT»</p> | <p>Under Paragraph 3, the Regional State Administrations, which are defined in the order of the Cabinet of Ministers of Ukraine No.1000 as of December 12, 2018, must ensure the evacuation of the population from areas of armed conflict. But the areas of evacuation are to be determined by the decision of the military command.</p> |

ISSUES BEING UNSETTLED EITHER IN 2014-2022 OR AFTER FEBRUARY 2022:

- assessment of the state of provision and construction of safe shelters in case of artillery or missile strikes in places of deprivation of liberty;
- evacuation plans of each place of deprivation of liberty, assessment of their feasibility in 2022;
- standards for accompaniment during the evacuation of adults who are in social places of deprivation of liberty, including persons with disabilities;
- standards for the possible relocation of persons in places of deprivation of liberty abroad, including incapable persons under the care of the institution;
- lack of specialized or at least minimally adapted vehicles for evacuation;
- lack of funding for the organization and conduct of evacuations;
- lack of funding for the hosting of evacuees in safe regions and institutions;
- budgeting of institutions that host people from evacuated places of deprivation of liberty;
- action plans in case of actual seizure or encirclement of institutions;
- possible procedure and grounds for release of persons from penitentiary institutions in case of their occupation;
- the order of actions of officers and sergeants of penitentiary institutions in case of occupation.

Another important factor that led to the catastrophic consequences of (non) timely evacuation of persons from social institutions is the lack of real consequences of reforming the system of boarding institutions, simply put, the lack of deinstitutionalization reform. The number of boarding insti-

tutions for people with disabilities, people with mental disorders and the elderly is so large that their evacuation is impossible due to the lack of host infrastructure in (relatively) safe areas of Ukraine. Instead, reforming deinstitutionalization and building a supported housing system could reduce the number of boarding institutions and eventually lead to a situation where most people with disabilities in need of care could live in the hromada.

The NPM monitors already pointed to this problem in 2014-2015. After all, transporting a large number of people from one institution to another is a significant increase in the burden on the host structure. Other problems highlighted by the full-scale invasion include the lack of a transport system adapted to the mass organized evacuation of people with disabilities or, for example, bedridden patients.

Communication with international partners, who helped build evacuation mechanisms and establish protocols for cooperation with host countries, also showed that the inconsistency of the support system for people with disabilities in Ukraine and the EU makes assistance almost impossible. EU host countries do not have an adequately large dormitory infrastructure to accommodate all evacuees.

Overcrowding of jails, and the repressive nature of relations between the administration and prisoners, which dominates many penitentiaries, has also significantly complicated the timely evacuation or even prevented the unloading of penitentiary institutions.

Due to the unresolved issue of transporting prisoners, which created serious logistical problems in peaceful life, the rapid evacuation of prisoners in the face of armed aggression turned out to be impossible. In particular, the European Court of Human Rights has in a number of cases¹² already recognized the Ukrainian practice of transporting prisoners

12

See decision in *Taran v. Ukraine*, *Matyushonok v. Ukraine* cases. [Decision analysis](#) provided by the Kharkiv Human Rights Group

as violating Article 3 (prohibition of torture) of the European Convention on Human Rights. In 2019, human rights activists¹³ pointed out that the procedure adopted in Ukraine for the transfer of convicts is inhumane and creates great risks of torture. In addition, it is organizationally complex, resource-intensive, and incapable of meeting security challenges. The transfer of prisoners from one institution to another, even in peacetime, can take several months, which is completely unacceptable in wartime. The gradual expansion of the transportation of convicts by road, which was previously emphasized by human rights activists, has not been established.

At the same time, the strategy of “conservation” of penitentiary institutions was implemented without considering any risk of possible occupation or invasion. That is, instead of closing institutions that had significant risks, both falling into occupation and blatant human rights violations, such as 77 Berdiansk CC, which human rights activists have repeatedly [insisted](#) on closing, the Ministry of Justice has conserved institutions according to undefined criteria. In addition, as the practice has shown, instead of the planned “conservation” there was a de facto destruction of institutions, as so far none of the colonies has been “deconserved” to host convicts from combat areas.

13

See the [UMDPL Association analysis](#) based on the results of monitoring of penitentiary institutions in 2019.

2

PROBLEMS WITH THE PROVISION OF NEEDS, SECURITY, AND TIMELY EVACUATION OF PLACES OF DEPRIVATION OF LIBERTY, WHICH WERE RECORDED BY HUMAN RIGHTS ACTIVISTS IN 2014-2015

Russia's armed aggression against Ukraine did not begin on February 24, 2022, but eight years earlier, in 2014. Even then, the state faced challenges related to the physical security, well-being, and evacuation of persons under the care of the state and unable to make independent decisions. Monitoring of the National Preventive Mechanism in 2014 revealed the following problems in places of deprivation of liberty:

- 1 failure to provide timely evacuations of persons from both places under the social care system and penitentiary institutions:

“Due to the non-evacuation of the territory temporarily uncontrolled by the Ukrainian authorities, there are 21 nursing homes for the elderly and disabled (11 in Donetsk and 10 in Luhansk), which house more than 4,500 people¹⁴. In May 2015, NPM monitoring groups visited several places of deprivation of liberty in Mariupol. Only the director of the city orphanage “Guardianship Center” knew where their institution would be taken and who would provide them with transport. In the rest of the facilities, neither the management nor the staff could answer the question of where to evacuate their people.” At the same time, the Deputy Head of the Donetsk Administration Mykhailo Slyvka assured: “We have written everything down to the minute: who, where, when, what kind of transport, who is responsible, who provides, and who refuels.”

14

Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the national preventive mechanism”

“ There are 27 institutions on the territory temporarily uncontrolled by the Ukrainian authorities, including 14 institutions in the Donetsk region, which host about 8.7 thousand people; in Luhansk region – 13 institutions (3 completely destroyed), which host about 4 thousand people.”¹⁵

2 impossible evacuation in compliance with the procedure established at that time, as local administrations had the powers to organize evacuations only within their region, which did not solve problems in the Autonomous Republic of Crimea and Donetsk and Luhansk regions:

“ For example, chares of the Popasna psychoneurological boarding institution were transported to the Dmytriv psychoneurological boarding institution (Novoaidar district, Luhansk region), located less than 30 km from the town of Shchastia, which is the area of active hostilities.”¹⁶

3 the evacuation of municipal institutions of the regional council was organized within one region to one relatively safe place, which led to significant congestion and overcrowding of places that could not provide proper care:

“ At the time of the visit, the Sloviansk psychoneurological boarding institution, designed for 320 people, housed 575 people with mental disorders. Of these, 365 persons were transferred from the Torez psychoneurological boarding institution, which remained in the territory temporarily uncontrolled by the Government of Ukraine. As a result, the living rooms are extremely overcrowded, the beds are located close to each other, which does not contribute to a proper therapeutic environment. In addition, the workload of the institution's staff has increased significantly.”¹⁷

15
Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the

16
Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the national preventive mechanism”

17
Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the national preventive mechanism”

- 4** impossible evacuation of institutions that are the property of local self-government, because they can relocate their inhabitants only within their territorial unit:

“*The issue of evacuation of institutions subordinated to local self-government bodies has not been even raised. Thus, the students of the Center for Social and Psychological Rehabilitation of Children of the Donetsk Regional Council were taken out of the town of Dzerzhinsk (now Toretsk), which was under fire, only after the Commissioner’s intervention. The evacuation of 70 elderly people and people with disabilities who are in the inpatient departments of the territorial service center is not organized by anyone, as they are subordinated to the Dzerzhinsk City Council, which cannot ensure the relocation of these people outside the city. In addition, since January 27, there has been no heat and water supply in the city for more than a month, which, according to the city authorities, could not be restored due to shelling.*¹⁸

- 5** no evacuation of correctional colonies from areas of hostilities:

“*The consequence of such inaction on the part of officials of the relevant departments is, for example, the tragic events in the Chornukhyn correctional colony (No.23), Luhansk region. According to available information, the convicts, numbering a total of 380 people, were forced to leave the institution as a result of constant shelling by representatives of the so-called Luhansk People’s Republic. As a result, some convicts died, only 83 returned to the facility, another 23 arrived at a Ukrainian checkpoint and are currently being held in the Artemivsk pre-trial detention center. According to the Verkhovna Rada’s Commissioner for Human Rights¹⁹, in 2015, about 16,000 prisoners were occupied in Donetsk and Luhansk regions.*

18

Quote, Annual Report of the Verkhovna Rada Commissioner for Human Rights, available

19

See [interview](#) of the Representative of the Parliamentary Commissioner for Human Rights in 2015 for the BBC

6 violation of the right to a fair trial of prisoners due to their impossible escorting to court proceedings, as well as the continuing consideration of their cases due to loss of documents, and, accordingly, their longer detention;

“ *The monitoring visits helped to establish that due to the lack of escorting convicts to correctional colonies to serve their sentences, they continued to be kept in pre-trial detention centers beyond the statutory period.*”²⁰

7 termination of funding of institutions in uncontrolled territories.

“ *It is worth noting that the situation with penitentiaries in uncontrolled territory is critical. Public authorities have virtually stopped funding their activities.*”²¹

The reasons for such serious and systemic violations, according to the Verkhovna Rada Commissioner for Human Rights and Human Rights Defenders, were:

- lack of proper regulations, including procedures for urgent organized evacuation of all institutions;
- lack of proper and timely response of central authorities to the danger and approval of the evacuation order;
- lack (according to the Ministry of Social Policy) of the physical ability to remove inhabitants without their consent and lack of ability to transport bedridden patients en masse²²;
- lack of funding²³ to increase the maintenance of those institutions that host groups of displaced inhabitants.

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Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the national preventive mechanism”

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Special Report of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine for 2014 “Monitoring of places of imprisonment: implementation of the national preventive mechanism”

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Annual Report of the Verkhovna Rada Commissioner for Human Rights

23

Ibid, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada a draft Law of Ukraine “On amendments to the Law of Ukraine” on the state budget of Ukraine for 2015” only in 2015 upon request of the Commissioner, which considered the proposals of the Commissioner for Human Rights, sent to the Prime Minister of Ukraine by letter as of February 9, 2015, in particular, regarding the redistribution of funds from the budgets of Luhansk and Donetsk regions to local budgets to finance charges and staff of evacuated institutions in the settlements of their actual transfer.

The situation as of May 2022 is not much better than in 2014. This is evidenced by the data collected in this ad hoc review:

- analysis of the regulatory framework, April-May 2022,
- analysis of data provided by the heads of some institutions related to the social sphere in the areas selected for the pilot review,
- data obtained directly from relatives of some charges and from open source monitoring.

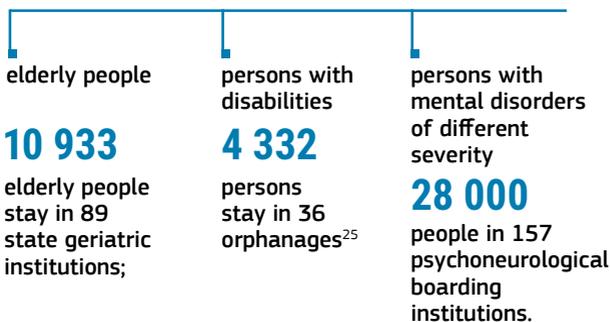
The only difference is that hostilities and, consequently, the threat to the personal safety of charges and employees of administrations of places of deprivation of liberty are now relevant in a much larger area of Ukraine.

3

CHALLENGES RECORDED BY THE ADMINISTRATIONS OF SOCIAL INSTITUTIONS IN MARCH-APRIL 2022

According to the Ministry of Social Policy of Ukraine, in 2022,

43 265 charges were in **282** care facilities²⁴. These include:



The health care system now accounts for 90 inpatient psychiatric institutions.

These people stay in institutional care facilities because of their inability to take care of themselves. They tend to need outside care and treatment, have lost social contacts, and

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Requirements for the maintenance of persons and execution of civil rights and freedoms in institutional facilities are regulated by the Constitution of Ukraine, Laws of Ukraine "On social services", "On psychiatric care", "On ensuring organizational and legal conditions for social protection of orphans and children deprived of parental care", "On basic principles of social protection of labor veterans and other elderly citizens in Ukraine", "On fundamentals of social protection of persons with disabilities in Ukraine", State Standards for provision of social services and palliative care, and other bylaws.

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There is a number of "children's" boarding schools in Ukraine where people with disabilities continue to live until they reach the age of 18.

do not have the necessary skills to live independently in the community. Another reason for staying in institutions is the lack of own housing or contacts with relatives who own a share of their housing, etc.

The organization and financing of this boarding care system in recent years (until February 2022) allowed them to meet the minimum standards of maintenance but not all material and technical needs of such institutions, the appropriate level of care, and most importantly did not include measures to develop training skills to deinstitutionalization and independent supported living.

Despite the [assurances](#) of the Ministry of Social Policy of Ukraine in April 2022, that there have been evacuation plans since 2018, which are updated annually and submitted in secrecy to the SES, as well as the readiness of the social protection system to develop any events, these institutions failed to evacuate in a timely manner. The Ministry promised that in case of aggravation of the situation, in particular, in Donetsk and Luhansk regions, first of all, there will be an organized evacuation of boarding institutions for people with mental disorders and geriatric patients and patients of inpatient units of territorial social service centers. However, after the beginning of a large-scale invasion, only residents of some boarding schools in Luhansk regions were relocated to other regions of the country in time.

The beginning of a full-scale invasion disrupted the usual supply chains, which led to the lack of essential goods and products in many institutions. This has made them dependent on humanitarian aid provided by local administrations and NGOs. These needs and their urgency depended directly on the status of the territory the institution is located in, the deployment of hostilities, transport links, the possibility of resumption of supplies, etc.

For example, according to the operative data of the Department of Health of Kharkiv region, one of its psychiatric hospitals located in the village of Streleche,

since the first days of military aggression, found itself in the territory temporarily out of Ukraine's control. As a result of the supply chain disruption, the institution was on the verge of a humanitarian catastrophe. For a long time, the facility had no electricity supply, so the staff had to cook food for 640 charges on the fire. Locals have helped with food but this cannot solve the problem of their necessary supplies. There is also a lack of medicine, hygiene items, and the staff for the care for the charges. Instead of the required minimum of 300 employees, only about 40 of them were left in the institution. The lack of sufficient food and medicine, conditions for care in accordance with international standards can be equated to torture.

The Psychiatric Care Center of the Institute of Psychiatry, Forensic Psychiatric Examination and Drug Monitoring of the Ministry of Health of Ukraine in cooperation with representatives of the Verkhovna Rada Commissioner for Human Rights, Ministry of Social Policy of Ukraine, Ministry of Health of Ukraine, Ukraine Without Torture since February 28, 2022, has been assessing the needs and problems of social protection institutions and psychiatric care institutions in 24 regions of Ukraine and the city of Kyiv. Managers and medical staff fill out an online form. Two rounds of the survey have been conducted. According to the information provided, it is possible to partially establish the chronology of events and the history of deprivation of liberty in the institutions.

The report focuses on the needs and problems of institutions located in or near the war zone or in the temporarily occupied territory of Kyiv, the Kyiv, Sumy, and Chernihiv regions. These areas have now been liberated and returned under state control.

During the first round of the survey from the end of February – to the beginning of March, information on needs was provided by 196 institutions throughout Ukraine, including:

- 13 – Kyiv region and the city of Kyiv;
- 10 – Sumy region;
- 4 – Chernihiv region.

The location and experience of being under occupation determined dramatic differences in the needs of institutions. During the second round of the survey, 304 institutions provided information.²⁶

CHERNIHIV REGION

The Chernihiv MNPE has been under occupation since the first days of the full-scale invasion. Among the most pressing issues was the need for bomb shelters. 286 charges and staff were forced to hide from the shelling in the basement, which is not designed for the simultaneous stay of all patients and staff.

The absence of a power generator led to the water supply being cut-off. Water was collected in the forest with the permission of the occupiers. The institution needed state assistance in organizing a green corridor for food and medicine. Food was cooked on fires. There are almost no medicines left in the institution. Due to the impossible rotation, and transportation, the staff lived in the hospital and worked without pay. Despite the difficult situation, the institution did not have acute problems with the mental state of patients.

As of early May, neither Ukraine nor occupiers provided humanitarian aid. The charges felt an acute shortage of all groups of food and other items. The premises were unsuitable for patients. The roof of the three-story building of this institution was completely destroyed. The number of patients according to the latest data was 257 people. The institution did not receive humanitarian aid.

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Due to the lack of the Internet, information on the needs was not provided by institutions located in the temporarily occupied territories. The information is entered in the Google form by the persons responsible for collecting data from the results of the telephone survey.

After the deoccupation of Chernihiv region, they received humanitarian aid from the regional authorities, charitable organizations and volunteers (medicines, household and food items).

On March 27, 2022, Logos, the Chernihiv City Charitable Organization of Parents and Children with Disabilities, which provided social care services to 35 people with disabilities, reported the destruction of the building, including broken windows. There was a significant shortage of staff, including social workers and a psychologist. There were almost no anticonvulsants or other medications. There was a problem with the supply of food and drinking water due to a lack of funds for their purchase. The facility had drinking water and food supplies for 7 and 3 days, respectively. At the beginning of May, the situation in the institution deteriorated, as in addition to food, drinking water and medicines, personal hygiene items for 35 people and non-food items ran out. The facility had problems with electricity supply, central heating and drainage. No organization provided humanitarian assistance to the institution.

As of March 21, 2022, there were 249 people in the Lyubetskyi psychoneurological boarding institution. There was a critical shortage of medicine, which caused significant difficulties in providing medical care to the charges. Food supplies remained for 14 days. There were problems with electricity supply and garbage collection. Fuel and lubricants were running out, there were no spare parts for equipment repairs. Problems providing the basic needs of the charges were the result of the broken supply chain. The need for shelters was partially met and there was a need to evacuate the charges. No humanitarian aid had been provided.

At the time of the survey in March, 2022, 172 people were in the Orel psychoneurological boarding institution, which is quite far from the district and regional centers. There were not enough staff in the institution, but it was able to cope with the challenges during the occupation. The charges were

in dire need of a psychologist. According to the head, the available shelter could accommodate only 60 of the 172 persons.

As of the first round of the survey, there was no acute need for food, which was enough for 20 days, except for cereals. On March 24, 2022, the administration announced the provision of humanitarian aid (2,500 kg of wheat flour). At the same time, there was a problem with the supply of depleted food and medicine, as a result the facility needed outside help. The problem of providing first aid to the wards remained unresolved.

KYIV AND THE KYIV REGION

On March 3, 2022, the Kyiv psychoneurological boarding institution was the only one to report minor damage to the window locks. During the second round of the survey in March-April 2022, 5 institutions reported damage and destruction of buildings:

- Pushcha-Vodytsia psychoneurological boarding institution (the nature of the damage is not specified);
- Kyiv geriatric boarding house (damage to window units);
- Skvyra psychoneurological boarding institution (the nature of the damage is not specified);
- Borodianka psychoneurological boarding institution with geriatric ward (broken windows);
- Kyiv boarding house for labor veterans (a completely destroyed assembly hall).

All these institutions, except for Skvyra and Bila Tserkva PBIs, are partially provided with shelter, which means that only part of the patients can be protected from shelling.

The Psychiatric clinical hospital, Regional psychiatric and narcological medical association, and Kyiv psychoneurological boarding institution were incompletely staffed. Junior and middle medical staff positions (nurses, paramedics) remained mostly vacant.

During the second round of the survey, the following social protection institutions reported a lack of staff for social services: Pushcha-Vodytsia psychoneurological boarding institution, Kyiv geriatric boarding house, Gornostaipil boarding house for the elderly and disabled, Kyiv city psychoneurological hospital No.2 of the executive body of the Kyiv City Council. The situation with staffing at the Psychiatric clinical hospital has not improved.

Eleven institutions (of the 20 that provided information) in Kyiv and the Kyiv region reported a lack of medicines, including specific medicine for people with psychiatric disorders. There was a significant shortage of medicines in the Rzhyschiv geriatric and Borodianka psychoneurological boarding institutions. In addition, there was a shortage of food in the Borodianka PBI; in the Novo-Bilytskyi psychoneurological boarding institution for men the water supply remained for 3 days.

Six of the 11 institutions in need of humanitarian aid did not receive it even after the withdrawal of Russian troops.

SUMY REGION

On March 7, 2022, during the first round of the survey, the Regional clinical specialized hospital reported the need to evacuate patients from the unit located in Okhtyrka. The building was damaged. Only in early May the institution received humanitarian assistance from volunteers and the executive committee of the Romny City Council.

Atynske psychoneurological boarding institution reported understaffing for proper care, in particular, doctors and junior medical staff.

Atynske psychoneurological boarding institution and Synivka home for the elderly and persons with disabilities were faced with some difficulties in organizing life due to lack of electricity and Internet. Windows and doors in the Synivka boarding house were destroyed as a result of hostilities, and were later repaired by the institution's employees. At the beginning of the war, these institutions were relatively well supplied with medicines, food, and hygiene items.

During the second round of the survey, the significant needs of institutions for medicines were reported. At the same time, it was found that some institutions did not provide shelter during the two months of the war (3 of 15 responders), and only 5 of 15 institutions partially provided shelter.

Only 3 of 15 institutions had a food supply for more than 2 months. The reason for the problems with the proper provision of institution needs, according to 6 of 20 institutions, was the broken supply chains. Fourteen of 20 institutions received humanitarian aid after their reoccupation.

Review of data from the administrations of institutions for March-May 2022 shows the same number of unresolved systemic issues that have already been described in previous sections:

- lack of shelters capable of accommodating all charges and staff;
- lack of strategic food, hygiene and medical supplies, which may be due, inter alia, to inefficient planning and budgeting;
- lack of staff;
- lack of backup technologies in case of power, internet and water supply cut-off;
- formal and unfeasible plan for security and evacuation of charges.

In addition, the issue of timely and inclusive distribution of humanitarian assistance remains unresolved. The survey data confirm the hypothesis of problems in the collection and processing of data on humanitarian needs, which is the obligation of local and military administrations.

CHALLENGES TO PENITENTIARIES RECORDED IN MARCH-MAY 2022

According to the Ministry of Justice, as of 2021, there were 49,823 prisoners in Ukraine. The country had 160 operating penitentiary institutions (correctional and educational colonies, pre-trial detention centers, correctional centers, specialized medical institutions), of which:

- 6 in the Kyiv region;
- 1 in Kyiv;
- 5 in the Sumy region;
- 6 in the Chernihiv region.

After the announcement of martial law on February 24, 2022, some of the convicts expressed a desire to join the Armed Forces of Ukraine. The Ministry of Justice gave them the opportunity to be released²⁷ from prison by pardoning them. Thus, 363 prisoners were [released](#) from the colonies, which is less than 1% of the total number of charges. No other mechanism for unloading places of deprivation of liberty, for example, through a simplified procedure for changing the measure of restraint or postponement of serving a sentence, has been proposed. At the same time, human rights activists received complaints from convicts that their petitions were not sent to the colony administration.

[According](#) to the Minister of Justice Denys Maliuska, “*as a rule, this applied to those whose sentences were in the final stages*”, i.e. the Ministry did not make significant concessions to prisoners that could reduce their number in at-risk facilities.

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The Ministry of Justice provided the opportunity to release only those convicts who did not commit serious and particularly serious crimes.

Early February 2022, the Ministry of Justice informed human rights defenders about its plans for prison staff in the event of hostilities and the need for evacuation. After the full-scale invasion, some institutions found themselves being occupied or on the battlefields, and have virtually lost communication.

According to media reports, as of mid-March, about 30 penitentiaries [were](#) in the combat zone. Some facilities, such as the pre-trial detention center in Chernihiv, were damaged during the shelling.

[According](#) to the Public Council of the Ministry of Justice, in April, the Mensk correctional facility No.91 in Chernihiv region, where former law enforcement officers are serving their sentences, was casted adrift. Their affiliation with Ukrainian law enforcement agencies has placed prisoners in a particularly vulnerable position.

“Frequent shelling of penitentiary institutions has led to the death and injury of convicts in a number of regions,” the council said in a statement.

At the same time, neither before nor immediately after February 24, human rights activists recorded the evacuation of institutions, despite the alleged evacuation plans. In April, the Department for the Execution of Criminal Punishments announced that 40 facilities were being [evacuated](#) from the combat zone, and 2,500 prisoners had been transported to safer locations. In May, the Minister of Justice Denis Maluska briefly [reported](#) the evacuation of 10 penitentiaries.

The Alliance of Ukrainian Unity [commented](#) in the media about the evacuation of institutions from Kharkiv, Donetsk, and Zaporizhzhia regions. Taking into account the geography of the location of the evacuated institutions, the list of institutions was compiled after the start of hostilities and the advance of the Russian army in the east and south. Otherwise, it is difficult to explain the presence in the list of institutions of Zaporizhzhia region. At the same time, most

institutions were evacuated within or to neighboring regions. Also, according to the Alliance of Ukrainian Unity, during the transfer to other institutions, prisoners [underwent](#) repression.

At the same time, some administrations in the occupied territories started cooperation with the occupiers (in particular, in Kherson). In May, the Ministry of Justice issued an order declaring downtime in 12 institutions already in the zone of hostilities or occupation, allowing penitentiary administrations not to go to work, which was already the case in the occupied territories. Back in March, employees of many institutions reported that they did not receive salaries but had to continue to work even in combat zones.

According to the Ministry of Justice, the personnel of the institutions in the combat zone are allegedly transferring prisoners to shelters. However, representatives of the Kharkiv Human Rights Group [denied](#) this information.

4 WAR CRIME DOCUMENTATION

In just the first two and a half months, civic activists have recorded numerous war crimes committed by Russian troops in Ukraine. Such crimes are recorded by Ukraine. 5 am, Tribunal for Putin, and many others organizations.²⁸

These crimes²⁹ are against all civilians, including persons with disabilities and other LMGs. Non-selective fires include residential areas and other civilian infrastructure. Numerous attacks on medical infrastructure and seizures of educational, social and other institutions that refer to places of deprivation of liberty have also been reported.

As part of the recording of open-source reports, the Struggle for Rights NGO reports at least 22 verified cases of war crimes and/or other gross human rights violations in the temporarily occupied territories and/or those where active hostilities took place.

The first such case was recorded on February 25, 2022, on the second day of the full-scale invasion, which once again emphasizes the importance and urgency of working security protocols and timely evacuation of charges.

DOCUMENTED WAR CRIMES

Shelling and destruction of facilities

In the morning of February 25, Russian troops [shelled](#) the buildings of the Chernihiv psychoneurological hospital. At that time there was a fight on the road near the village of Khaliavin. Soldiers of the Armed Forces of Ukraine restrained the offensive of the Russian army. At that time there were 306 patients.

28

[Ukraine. 5 am](#) and [Tribunal for Putin](#) provide continuous monitoring of war crimes and crimes against humanity (here is a non-exhaustive list of organizations and initiatives).

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[War crimes](#) are serious violations of international humanitarian law (violations of the laws or customs of war), which entail national and international criminal liability. War crimes are one of the main crimes against international law, along with the crime of aggression, crimes against humanity and genocide. War crimes are serious violations of the prohibitions contained in both treaty and customary international humanitarian law.

During the [shelling](#) of Mykolaiv on March 9 with multiple rocket launchers several shells hit a geriatric boarding house. According to Oleksandr Sienkevych, Mykolaiv was shelled with Grad and Urahan multiple rocket launchers, and cluster shells. In particular, a “very important military facility” – a geriatric boarding house – suffered from the shelling today. Fortunately, there were no casualties, as everyone was in the shelters.

March 11, Russian occupiers [shelled](#) a nursing home in Kreminna, Luhansk region from a tank. Fifty people were reported killed on the spot. The occupiers kidnapped 15 survivors and took them to the occupied territory in Svatove to the regional geriatric boarding house.

March 6, a shell hit a Chernihiv pre-trial detention center, destroying some non-residential buildings and walls. No victims have been reported.

March 20, Russian artillery shelled one of the penitentiaries in the Kharkiv region, [according to](#) the Kharkiv prosecutor's office (probably the Khroliv correctional center).

The building was partially destroyed. One of the prisoners was wounded with a shell fragment into the lower back. He died at the hospital.

Takeover of buildings and hostage of administration and charges

The first seizure of a building was recorded on March 5 in Chernihiv. It is also a well-known case when the Chechen military of the Russian army (also known as the “Kadyrov's” named after the head of the Chechen Republic Ramzan Kadyrov) [seized](#) a psychoneurological boarding institution in Borodianka, Kyiv region. According to available information, the occupiers seized a location where people with persistent intellectual or mental disabilities were staying, placed artillery in the yard, and were firing on the positions of the Ukrainian army from there.

Kidnappings and murders

April 14, in Berdiansk, Kherson region, the director of the Berdiansk geriatric boarding house was [kidnapped](#).

May 13, it became known that the occupiers had [killed](#) a prisoner in the Kherson pre-trial detention center. The information was confirmed by the Commissioner of the Verkhovna Rada of Ukraine Liudmyla Denisova. In addition, the use of prisoners to dig trenches and violence against those who refuse have been reported. There are also reports of prisoners being taken from Kherson region institutions to other places of deprivation of liberty in the occupied territories.

All these and other cases must be carefully documented, verified and added to the overall array of war crimes that will, in future, be investigated and prosecuted, within both the national and international justice mechanisms for Ukraine.

5

ACTIONS THE STATE NEEDS TO TAKE – FIRST RECOMMENDATIONS

To effectively address the security issues, respect human rights and prevent war crimes against charges, the Ukrainian authorities must immediately take the following priority steps:

- 1** Eliminate gaps in regulations and create an effective mechanism for planning and conducting evacuations of persons in places of deprivation of liberty to safe areas.
- 2** Develop an evacuation mechanism for persons in places of deprivation of liberty abroad, and, if necessary, regulate the procedure for crossing the border for incapacitated persons, including those in custody of the institution.
- 3** Develop mechanisms for unloading places of deprivation of liberty to facilitate evacuation.
- 4** Develop and implement a “money for a person” mechanism for people in places of deprivation of liberty, which will ensure the immediate redirection of financial resources after evacuation to other institutions.
- 5** Create a mechanism for immediate provision of administrations and charges with transport for emergency evacuations.
- 6** Develop protocols for collecting and updating data on the number and needs of administrations and charges in all places of deprivation of liberty to be considered for evacuation (?) by all executive and local authorities.

- 7 Establish transparent monitoring and control mechanisms for the flow of humanitarian aid provided, in particular, to places of deprivation of liberty, as well as its target use.
- 8 Control the provision of basic needs and rights of persons who are in places of deprivation of liberty in the combat zone or in the temporary occupation, encirclement (blockade), and have been evacuated to other places of deprivation of liberty.
- 9 The National Preventive Mechanism must monitor the observance of the rights of persons in places of deprivation of liberty in order to collect data on the current needs of these institutions.
- 10 Develop clear instructions for staff of places of deprivation of liberty in the event of hostilities or occupation, seizure or encirclement of the facility, which would meet the level of threat and be feasible.
- 11 Thoroughly document and verify all available information on potential war crimes committed in places of deprivation of liberty.
- 12 Develop systemic solutions for further necessary reforms of the penitentiary system and deinstitutionalization.

