



Омбудсман України  
Ombudsman of Ukraine

# Women in Prison: Ukraine

Analysis from the National Preventive Mechanism

| August 2024



association pour la prévention de la torture  
asociación para la prevención de la tortura  
association for the prevention of torture



In partnership with

Canada

... SUBVENTIONNÉ  
... PAR LA  
VILLE DE GENÈVE



# Ukraine



UNCAT Ratification	OPCAT Ratification
24 February 1987	19 September 2006
National Preventive Mechanism (NPM)	
Ukrainian Parliament Commissioner for Human Rights	
NPM legal framework	NPM operationalisation
Law on the Ukrainian Parliament Commissioner for Human Rights, Art. 19-1 (2 October 2012)	Since 2012
NPM structure	NPM composition
NPM Department within the Ukrainian Parliament Commissioner for Human Rights together with representatives of civil society organisations	NPM Department: 21 staff (10 women)

## I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Pregnant women	Total number of women's prisons	Total prison staff
44,024	8	30	18,552
Women in prison (total)	Women with children in prison	Women-only prison <sup>1</sup>	Women staff
2,491   5.65%	18	5	6,067
Women sentenced	Women with disabilities	Mixed prisons with special unit for women <sup>2</sup>	
1,660	69	25	
Women in pre-trial detention			
831			
Source: Department for the Execution of Criminal Sentences, January 2024	Source: Department for the Execution of Criminal Sentences, January 2024	Source: Department for the Execution of Criminal Sentences, January 2024	Source: Department for the Execution of Criminal Sentences, 31 December 2023

<sup>1</sup> Zbarazh Correctional Colony No. 63 (Ternopil region); Kam'yanske Correctional Colony No. 34 (Dnipropetrovsk region); Naderzhynshchyna Correctional Colony No. 65 (Poltava region); Kachanivka Correctional Colony No. 54 (Kharkiv region); Kono top Correctional Colony No. 130 (Sumy region).

<sup>2</sup> Pre-trial detention centres.

## II. Recommendations

### Accommodation

- + Ensure compliance with the established norm of space per convicted person (prisoner) in accordance with the requirements of national legislation and the case law of the European Court of Human Rights.

### Life in prison: regime and activities

- + Ensure compliance with the requirements of the labour legislation of Ukraine regarding the protection of labour rights of employees from among women prisoners.

### Access to healthcare

- + Bring the work of the medical unit of the penitentiary institutions where women are held in line with the requirements of the current legislation.

### Contact with the outside world

- + Ensure the exercise of the right of women detainees to make telephone calls without limitation of their number.

## III. Detention Issues

### Body searches

In accordance with section XXIV of the Internal Regulations of Penitentiary Institutions<sup>3</sup> (hereinafter - the PI IR), in order to detect items, products, belongings and foodstuffs not provided for in the list, as well as money, securities and objects, items prohibited for use in penitentiary institutions to detect preparations for escape from custody, search for hiding convicts, etc. searches and inspections are conducted of convicts, staff and citizens on the territory of penal institutions and adjacent territory, as well as contractor sites, their belongings and clothing, vehicles, premises, residential and industrial areas.

A personal search can be carried out with or without undressing. A personal search is conducted by a person of the same sex as the person being searched. The presence of persons of the opposite sex with the searched person during a strip search is not allowed. If it is necessary to examine body cavities, such examination, as well as examination of prostheses and bandages, is carried out by a medical professional.

In accordance with the Internal Regulations of the Detention Centres of the State Criminal Executive Service of Ukraine (hereinafter - SIZO IR)<sup>4</sup>, upon arrival at the SIZO, prisoners and convicts are subject to a strip search and their belongings are subject to inspection. Strip searches are carried out only by persons of the same sex as the person to be searched.

<sup>3</sup> Approved by the order of the Ministry of Justice of Ukraine of 28 August 2018 No. 2823/5.

<sup>4</sup> Internal Regulations of the Detention Centres of the State Criminal Executive Service of Ukraine, para. 5 of Chapter 2, Section II, approved by the Order of the Ministry of Justice of Ukraine No. 1769/5 of 14 June 2019.



## Solitary confinement, isolation

Solitary confinement is not used for women in Ukraine, as women are not held in maximum security penal institutions. However, women, like men, are subject to punishment in the form of detention in a punishment cell (a room designed to hold prisoners and convicts who maliciously violate the requirements of the regime).

According to national regulations<sup>5</sup>, prisoners and convicts who are sentenced to punishment in the form of placement in a punishment cell are held in solitary confinement. By the decision of the head of the SIZO, prisoners and convicts may be held in punishment cells in pairs. Pregnant women and women with children under the age of three are not subject to placement in the punishment cell. A punishment in the form of placement in a punishment cell is imposed on the basis of a reasoned decision to place a prisoner in a punishment cell issued by the head of the SIZO or a person acting as such, based on a decision of the disciplinary commission, with a determination of the period of detention. The accounting of persons serving a punishment in the form of placement in a punishment cell is kept by the duty officer or their deputy in the register of prisoners and convicts.

Prisoners serving a punishment in the form of placement in a punishment cell are prohibited from taking food and personal belongings with them, except for towels, soap, toothpaste (powder), toothbrush, toilet paper, pencils, ballpoint pens, notebooks, postage stamps, envelopes, books, newspapers or magazines (no more than five copies), special hygiene products for women, as well as tobacco products, matches, lighters for one-time use. Tobacco products, matches, and lighters for one-time use are stored in a separate cabinet by the junior inspector on duty and are issued for the duration of the daily walk.

## Use of means of restraint

The procedure and grounds for the use of measures of physical influence, special means, straitjackets, service dogs and firearms against prisoners and convicts are determined in accordance with Article 18 of the Law of Ukraine "On Pre-trial Detention" and Article 106 of the Criminal Executive Code<sup>6</sup> of Ukraine (hereinafter - CEC).

The use of measures of physical influence, special means and firearms should, if circumstances permit, be preceded by a warning of such intention. Without a warning, measures of physical influence, special means and firearms may be used if there is an immediate threat to the life or health of the staff of the pre-trial detention facility or other persons. If it is impossible to avoid the use of measures of physical influence, they should not exceed the measure necessary to fulfil the duties of the administration of the place of pre-trial detention and should be limited to causing the least possible harm to the health of the offenders. If necessary, the administration of the place of pre-trial detention is obliged to provide immediate assistance to victims.

Employees of the pre-trial detention facility have the right to use measures of physical influence and special means, including hand-to-hand combat techniques, handcuffs, rubber batons, straitjackets, tear gas, light and sound distraction devices, water cannons, armoured vehicles and other technical means, as well as the use of service dogs to stop physical resistance, violent acts, riots, and overcome opposition to the lawful requirements of the administration, if other methods do not ensure the performance of its duties.

It is forbidden to use measures of physical influence, special means and firearms against women with obvious signs of pregnancy, elderly persons or persons with severe disabilities and children, except in cases of group attack that threatens the life or health of the staff of the place of pre-trial detention or

---

<sup>5</sup> Paragraph 10 of part 7 of chapter VIII of the SIZO IR

<sup>6</sup> [https://zakon.rada.gov.ua/laws/show/1129-15?find=1&text=%D0%B6%D1%96%D0%BD%D0%BA%D0%B8#w1\\_1](https://zakon.rada.gov.ua/laws/show/1129-15?find=1&text=%D0%B6%D1%96%D0%BD%D0%BA%D0%B8#w1_1)

other persons, or armed resistance.

In order to stop these unlawful actions, with the permission and in the presence of a medical worker, persons taken into custody may be placed in a cell to calm down violent persons, and may be put in a straitjacket. The use of a straitjacket is prohibited for children, women, the elderly and persons with disabilities.

The type of special means, the time of the beginning and the intensity of their use shall be determined taking into account the circumstances, the nature of the offence and the personality of the offender.

In the event of an attack or other intentional act by a person taken into custody that directly threatens the life or health of the staff of a pre-trial detention facility or other persons, as well as in the event of an escape from custody, the use of firearms is permitted as an exceptional measure if other measures cannot stop such actions. In case of escape from custody of children and women, the use of weapons is not allowed.

An employee of a place of pre-trial detention who has used measures of physical influence or special means of coercion shall report this to their immediate superior for immediate notification of the prosecutor.

All persons who have been subjected to physical restraint, special means or firearms are subject to mandatory medical examination. The administration of the pre-trial detention facility must immediately notify the prosecutor in writing of injuries or death, serious or moderate bodily harm caused by the use of measures of physical influence or special means, as well as of all cases of use of firearms. It is prohibited to use measures of physical influence, special means and firearms against women during medical examinations, labour, childbirth and after the birth of a child. The use of measures of physical influence and special means against such persons is allowed only with the permission of a doctor.

### Access to mental healthcare

According to the national procedures<sup>7</sup>, during the fourteen days of stay in the quarantine, diagnosis and distribution unit, convicts are subject to a full medical examination, including examination by a psychiatrist. According to the Standard Psychologist Job Description, a psychologist of a penitentiary and pre-trial detention center is part of the social and psychological service of the institution, and is responsible for studying convicts and detainees in order to reduce the negative impact on the personality of being isolated from society. A psychologist performs a preventive function aimed at identifying, eliminating and preventing personal and group negative psychological phenomena arising from a person's stay in isolation from society, providing psychological assistance to convicts and persons taken into custody, as well as, if necessary, directly to the staff of the institution.

In order to ensure regular assessment of women's needs for psychiatric care and detection of mental illnesses among convicts, a preventive medical examination should be conducted once a year, in which a psychiatrist must participate.

However, in practice, psychiatrists often do not examine newly arrived women, do not participate in preventive medical examinations, or the position of the said doctor is not included in the staff of the medical unit at all. The absence of a psychiatrist does not ensure proper prevention, diagnosis and treatment of mental health conditions, as well as medical and psychological rehabilitation of persons held in institutions and suffering from mental health conditions.

---

<sup>7</sup> Part 2 of section II of the Procedure for Organizing the Provision of Medical Care to Prisoners Sentenced to Imprisonment, approved by the joint Order of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine of 15.08.2014 No. 1348/5/572.

It is also worth noting that, in practice, women prisoners and convicts who are at risk of suicide and self-harm are also often not examined by a psychiatrist, which can lead to a deterioration in health and a threat to the lives of women prisoners and convicts. In accordance with the requirements Psychologist Job Description<sup>8</sup>, in order to raise awareness among penitentiary staff, as well as women prisoners and convicts, the psychologist provides recommendations to the staff of the institution on working with groups and individuals, preventing negative phenomena and creating a positive social and psychological climate among convicts and detainees. The psychologist also carries out educational activities aimed at disseminating psychological knowledge among the staff of the institution, convicts and detainees, and raising the level of their psychological culture.

Staff training is provided for Psychologist Job Description, which states that the main tasks of the psychologist include improving the psychological skills of the institution's staff: providing qualified methodological assistance, teaching forms and methods of psychological study of the personality and environment of convicts and detainees, as well as methods of psychological and pedagogical correction.

### Access to healthcare

A specific problem faced by women in penitentiary institutions in Ukraine is the lack of access to proper medical care, including gynaecological care. Most medical units of penitentiary institutions do not have a gynaecologist, which does not ensure the completeness of primary and preventive medical examinations and leads to untimely responses to women's complaints about their health condition.

Most often, women are examined selectively, in case of complaints, by referring them for medical consultation with specialists outside the institution. In addition, women do not undergo mandatory screening for breast cancer, nor do they undergo microscopic examination of cells from the vagina and cervical canal for early detection of cervical dysplasia and cancer. Medical units are only partially equipped with medicines to provide gynaecological medical care to women prisoners and convicts, which makes it impossible to provide proper medical care in the treatment of infectious inflammatory gynaecological diseases. This leads to a deterioration in the health status of women in institutions, untimely treatment, diagnosis and prevention of malignant diseases of the reproductive system.

In addition, in penitentiary institutions where persons suspected of having hepatitis C virus are held, PCR testing is not carried out due to the high cost of this test, and, as a result, convicted women do not receive the necessary treatment, which can lead to a deterioration in their health and the spread of this infectious disease among other prisoners.

The Criminal Executive Code (CEC) of Ukraine provides that only medical personnel may be present during the medical examination, unless the doctor believes that there are exceptional circumstances, or the doctor requests the staff of the penitentiary institution to be present for security reasons, or the convicted person requests it<sup>9</sup>. However, the NPM found, that during medical examinations of women prisoners, employees of the institution (not medical staff) are often present, which violates women's rights to keep their health condition confidential.

The lack of premises in medical units leads to an insufficient number of rooms for people with somatic diseases, which can create difficulties in ensuring separate separation of women and men to ensure their comfort and confidentiality.

---

<sup>8</sup> Section III, paragraphs 2 and 6.

<sup>9</sup> CEC, Art. 116, para. 8.

## IV. Alternatives to detention

Women, unlike men, in accordance with the Criminal Executive Code (CEC), do not serve their sentences in maximum security correctional facilities<sup>10</sup>. In addition, if a woman sentenced to community service or correctional labour is found to be pregnant, the authorized probation body shall submit a motion to the court for her early release from serving her sentence<sup>11</sup>.

Women sentenced to restriction of liberty or imprisonment who became pregnant or gave birth to children while serving their sentence - except for those sentenced to imprisonment for a term exceeding five years for intentional grave and especially grave crimes – who have family or relatives who have agreed to live with them, or who are able to independently provide appropriate conditions for raising a child, upon submission of the administration of the penitentiary institution and the supervisory commission, are released by the court from serving the sentence within the term<sup>12</sup>.

Depending on the behaviour of the woman after the child reaches the age of three or in case of the child's death, the authorized probation body submits a motion to the court to release the convicted person from serving the sentence or replace it with a milder punishment or to send the convicted person to serve the sentence imposed by the verdict.

In addition, the Criminal Executive Code (Art. 142) provides for women sentenced to imprisonment to live outside the penal colony. Convicted women who have a conscientious attitude to work and comply with the requirements of the regime are allowed to live outside the penal colony by a resolution of the head of the penal colony with the approval of the supervisory commission, for the period of release from work due to pregnancy and childbirth, as well as until the child reaches the age of three.

Convicted women who are allowed to live outside the penal colony are bound by the following rules: settle near the penal colony and are under the supervision of the colony administration; can wear clothes acceptable for civilian use, have money, mobile phones, accessories and valuables with them; can correspond without restriction, receive money transfers, parcels (packages) and parcels, spend money, have visits with relatives and other persons, use mobile communication at their own expense; have the right of free movement within the territory, the boundaries of which are determined by the head of the correctional colony; in case of childbirth, illness of convicts or their children, they can be placed in local health care facilities; after the period of release from work in connection with pregnancy and childbirth is over, they perform work as directed by the administration of the correctional colony, and are paid on the same basis as other convicts serving their sentences in a correctional colony of this type.

In case of systematic or malicious violation of the established rules of behaviour, the right to live outside the colony is cancelled by the decision of the head of the penal colony, agreed with the supervisory commission, and convicted women return to the colony to continue serving their sentences.

In accordance the CEC (Art. 141), baby homes are organized in penal colonies where women sentenced to imprisonment are serving their sentences, if necessary. Women convicts have the right to place their children under the age of three in baby homes. A baby home in a correctional facility is a children's institution. In baby homes, children are under the care of the administration of the children's institution with full state support, they are provided with the conditions necessary for normal life and development.

<sup>10</sup> CEC, Art. 18, para. 8.

<sup>11</sup> CEC, Art. 153, para. 9.

<sup>12</sup> CEC, Art. 164, para. 10. According to the law, a woman can be dismissed from work in connection with pregnancy, childbirth and until the child reaches the age of three.

If a convicted woman does not express a desire to live in a baby home together with her child, she should be given the opportunity to communicate freely with her child without restrictions. It is not considered a restriction on a woman's communication with her child if the convicted woman is required to visit the child at a time when she is not performing her duties. Breastfeeding mothers and pregnant women can receive food parcels (transfers) in the assortment determined by a medical report. Convicted women can live with their children under the age of three in a baby home. For this purpose, the administration of the correctional colony creates the necessary conditions for living and controlling the behaviour of women in the baby home.

Convicted women who are pregnant for more than four months or who have children under the age of three with them are sent by the administration of the correctional colony to continue serving their sentence in a correctional colony with a baby home. Visits by close relatives of a child in the baby home and the conditions of their communication are determined by the central executive body responsible for the formation and implementation of the state policy in the field of execution of criminal sentences.

Children in the baby home may be transferred to their relatives with the consent of their parents and, with the consent of their parents and the decision of the guardianship and custody authority, to other persons or, upon reaching the age of three, sent to appropriate children's institutions. If the mother of a child who has reached the age of three has not served a part of her sentence that does not exceed one year and she fulfills her maternal duties in good faith, the child's stay in the baby home may be extended by the administration of the penal colony until the mother is released.

## V. Other relevant NPM information on women in prison

+ [NPM report on the results of a visit to a penal colony for women](#) (November 2023)

This report is part of the Global NPM report on Women in Prison.  
Access the full report here: [www.apt.ch/global-report](http://www.apt.ch/global-report)