

SOLITARY CONFINEMENT IN THE PENITENTIARY SYSTEM OF UKRAINE

LEGAL AND **FACTUAL** CASES



** The statistics were collected by the Department for the Execution of Criminal Sentences in September 2024*

** The analysis was conducted by the Research Center for Penitentiary and Criminal Justice of the Penitentiary Academy of Ukraine in May 2025*



DE FACTO SOLITARY CONFINEMENT ON GROUNDS OF PERSONAL SAFETY

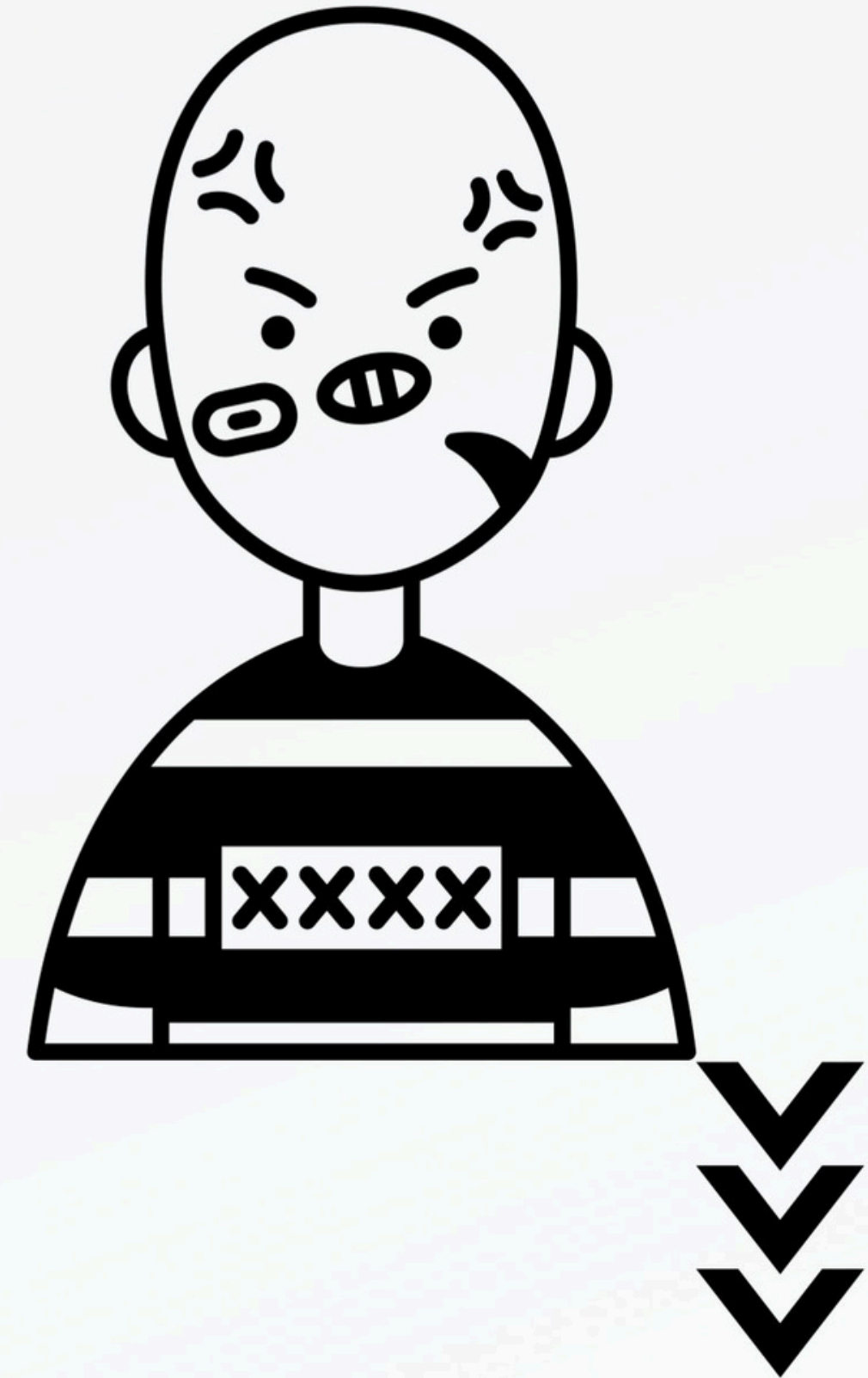


- IN ALL TYPES OF INSTITUTIONS, DE FACTO SOLITARY CONFINEMENT IS APPLIED FOR REASONS OF PERSONAL SAFETY **119**
- IN PRE-TRIAL DETENTION CENTRES, SOLITARY CONFINEMENT OF CERTAIN INDIVIDUALS IS ALSO USED ON THE GROUNDS DEFINED BY THE CRIMINAL PROCEDURE CODE **21**
- IN ALL TYPES OF INSTITUTIONS, SHORT-TERM ISOLATION IN A SEPARATE CELL UNTIL THE FOLLOWING DAY IS USED AS A PREVENTIVE SECURITY MEASURE BY DECISION OF THE DUTY ASSISTANT TO THE HEAD OF THE INSTITUTION

ISOLATION OF LEADERS OR ACTIVE MEMBERS OF CRIMINAL ORGANIZATIONS



is used to limit negative influence on other prisoners in all types of penitentiary institutions



COMMENTS ON SECURITY-RELATED SOLITARY CONFINEMENT AND THE ISOLATION OF ORGANIZERS OR ACTIVE MEMBERS OF CRIMINAL ORGANIZATIONS

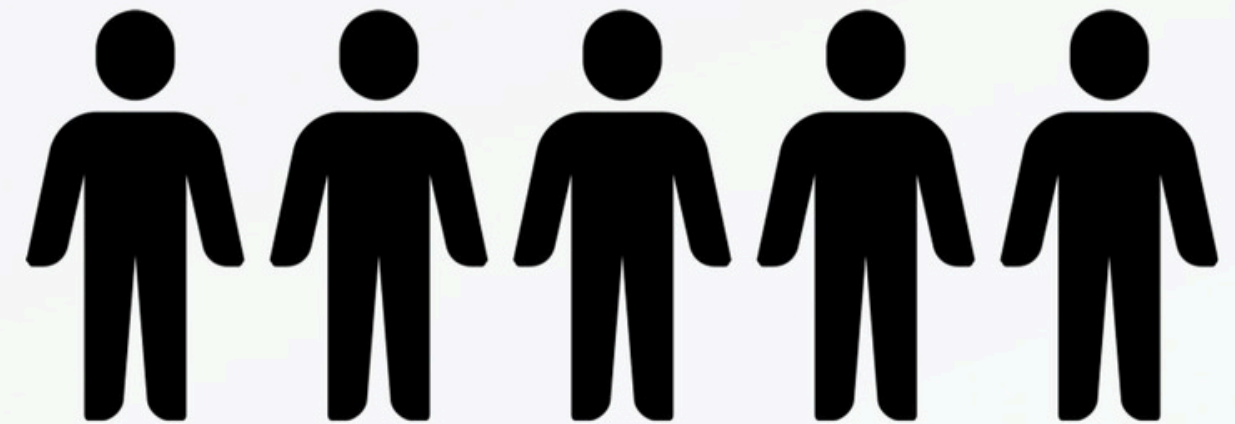
- *Such individuals should be **held under special supervision**: the need for solitary confinement should be reviewed regularly, and additional measures with a psychologist should be planned*
- ***Seek opportunities for increased socialization and physical activity**: contact with family and extended outdoor exercise time*
- *Crisis issue regarding “influential prisoners”:* **prevent the “carousel” effect** (where one period of solitary confinement is immediately and insufficiently justified by another, continuously, without interruption)

DISCIPLINARY SOLITARY CONFINEMENT IN PRE-TRIAL DETENTION CENTRE



THE PUNISHMENT CELL IS IMPOSED FOR
SERIOUS DISCIPLINARY OFFENCES FOR UP
TO **10** DAYS FOR ADULTS OR UP TO **5** DAYS
FOR JUVENILES


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COMMENTS ON DISCIPLINARY SOLITARY CONFINEMENT IN PUNISHMENT CELLS OF PRE- TRIAL DETENTION CENTRES

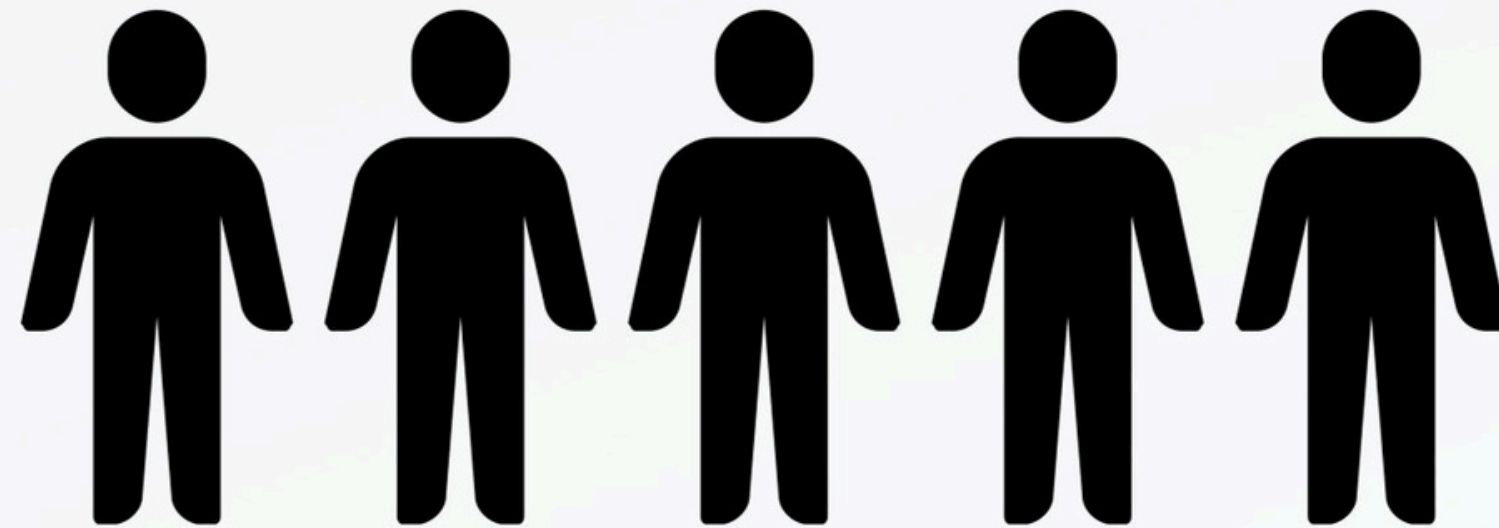


- *Always **emphasize the right to read** and to keep reading materials in the cells*
 - *Explain the head's authority to **grant social contacts to well-behaved inmates** in these cells, treating such contacts as a positive result of disciplinary measures*
 - ***Keep paper and pens available at all times**—encourage writing letters to family and, if needed, complaints about unlawful placement*
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CONTRADICTIONARY PRACTICE

DISCIPLINARY SOLITARY CONFINEMENT MAY ALSO BE APPLIED IN REGULAR PRISONS, DESPITE THE ABSENCE OF A REGULATORY REQUIREMENT FOR SOLITARY CONFINEMENT IN PRE-TRIAL DETENTION CENTRES. SOME HEADS OF PENITENTIARY INSTITUTIONS INDEPENDENTLY APPLY THE PRACTICE OF SOLITARY CONFINEMENT IN PRE-TRIAL DETENTION CELLS FOR OFFENDERS

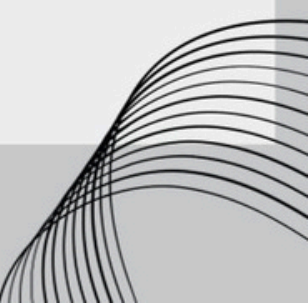
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COMMENTS ON SOLITARY CONFINEMENT IN PRE-TRIAL DETENTION CELLS

- *Cease the practice of holding only one person in a pre-trial detention cell, except for valid reasons (e.g., the separate confinement of both participants in a conflict)*
- *Since their exercise yard is usually separate and does not have a queue, **offer them outdoor time as desired, 3–4 hours per day***
- *An alternative form of punishment without solitary confinement could be restricting participation in sports and social activities on weekends; another alternative may be limiting telephone calls without placement in a punishment cell or pre-trial detention cell*





COMMENTS ON DE FACTO SOLITARY CONFINEMENT FOR MEDICAL REASONS

- *They should not be forgotten when it comes to medical care, both within the institution and externally; it is unacceptable for such individuals to be “overlooked” regarding their de facto medical issues*
- *Additionally, reading materials, sessions with a psychologist, and similar activities should be actively offered*

CONTRADICTIONARY PRACTICE

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- For certain categories of prisoners, separate confinement is applied as provided by legislation on pre-trial detention
- These categories include small groups of detainees, such as juvenile boys and particularly girls, as well as women with children, who are sometimes limited to one person per small pre-trial detention cell.
- They are regularly engaged in daily social activities.

COMMENT:

Consider an individual approach to transferring prisoners to a nearby pre-trial detention centre so that there are two persons per cell (for example, Lutsk–Rivne, Odesa–Mykolaiv).



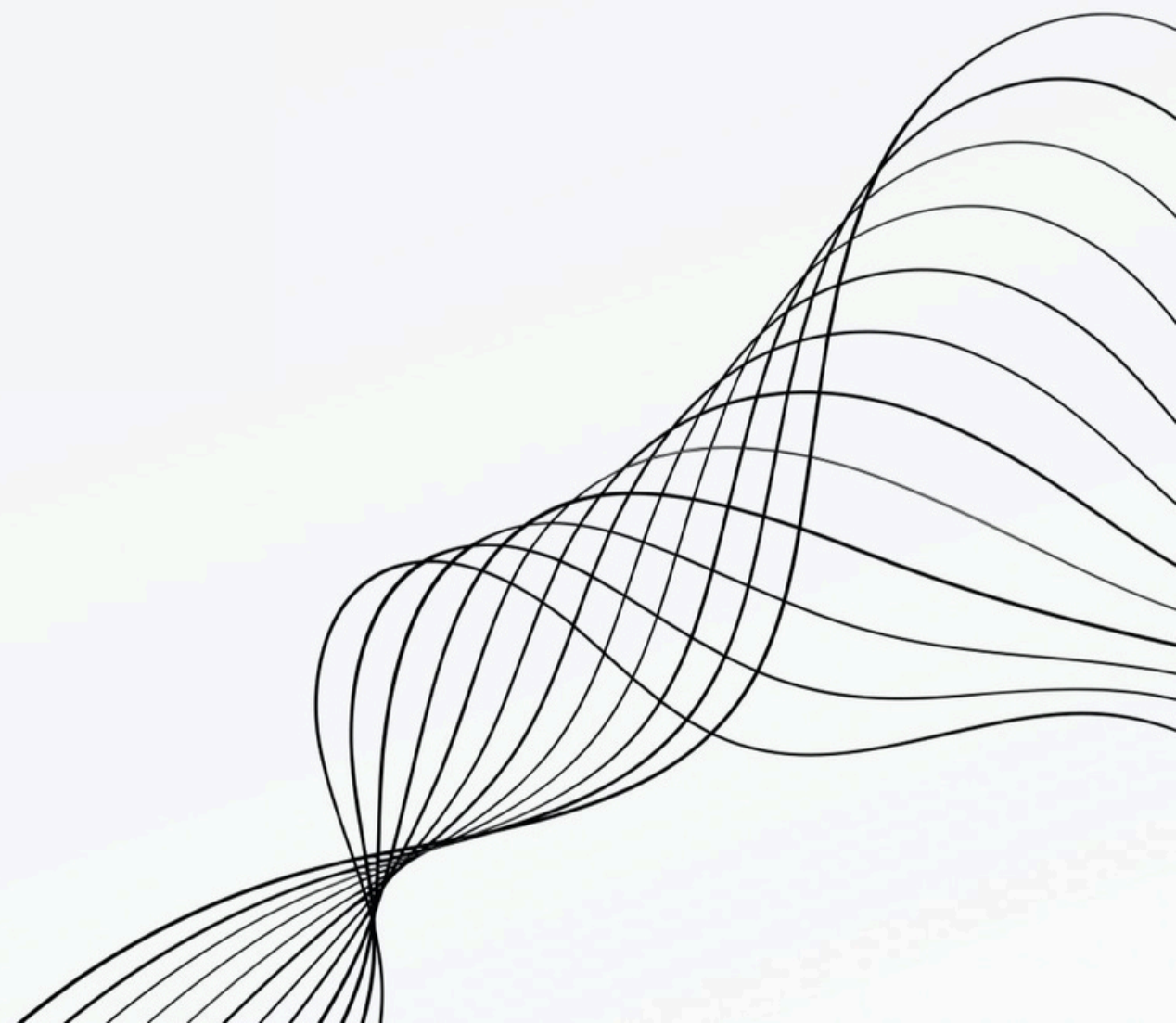
CONTRADICTIONARY PRACTICE

Certain vulnerable categories are held individually in order to prevent cruel or abusive treatment.

- 2**
- Transgender persons?
 - Other categories?

COMMENT:

Each such case should be decided on an individual basis, as depending on the specific circumstances there may be risks and threats to personal safety, resocialization, and order within the institution



GENERAL RECOMMENDATIONS BASED ON THE ANALYSIS AND REVIEW OF THE PRACTICE OF SOLITARY CONFINEMENT

- ***The term «solitary cell» should be excluded and replaced with the term «cell-type premises». In the wording of provisions concerning separation for security reasons, the term «separate cell» should be used instead of «solitary cell».***
- ***It is essential to ensure effective oversight to prevent the use of the so-called «carousel» practice, which is well known to the CPT and has been explicitly highlighted by it. This practice occurs when a person is held in a solitary cell for a defined period, is then released for a short time, and subsequently subjected to a new (often minor) disciplinary sanction resulting in renewed placement in solitary confinement***

GENERAL RECOMMENDATIONS BASED ON THE ANALYSIS AND REVIEW OF THE PRACTICE OF SOLITARY CONFINEMENT

- ***It is important to introduce and consistently apply the concept of «meaningful social contacts», which is used to ensure continuity even during solitary confinement imposed for disciplinary or medical reasons. Such contacts should be provided in order to preserve social ties and mental health, including when a person is held in a punishment cell (disciplinary isolation unit) by decision of the prison governor.***
- ***One of the alternatives to disciplinary solitary confinement and a means of limiting the use of severe sanctions (punishment cells / disciplinary isolation units) is the mandatory participation in a specialised correctional programme targeting a specific type of unlawful behaviour. When such programmes are implemented by psychologists, prisoners are less likely to commit further violations, thereby reducing the need to impose strict disciplinary sanctions.***