

Recommendations of the Council of Europe as a Guide for the Development of Criminal Executive Law of Ukraine

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Abstract: The recommendations of the Council of Europe are based on the rich European experience of execution of punishments in the field of criminal-executive law, as well as the generalisation of the positive achievements of the national legislation of the most developed countries in this respect. In its recommendations, the Committee of Ministers of the Council of Europe calls on States to improve the legislation and practices of their respective agencies with a view to increasing the application of alternative sanctions and measures, which should ultimately reduce the number of people held in prisons. The aim of the article is to determine the degree of consideration of the recommendations of the Council of Europe on changes in certain norms of legislation in the field of criminal executive law. The main approach is the methodology of comparative analysis of the domestic penitentiary system and its legal framework in the world and the European Union, as well as the previous system in Ukraine, which has changed in accordance with the recommendations of the Council of Europe. Based on the results of the analysis, the priority areas for implementation of the recommendations provided by the Council of Europe concerning the observance of rights in the penitentiary system have been identified. In the future, it is of interest to compare the legislative support of the penitentiary system in the light of the further implementation of the recommendations of the Council of Europe in the context of the implementation of relevant norms in the domestic legislation and their realisation in practice.

Keywords: Criminal executive law, penitentiary system, detention of prisoners and convicts, correctional institutions.

INTRODUCTION

The consistent reform of the penitentiary system of Ukraine in recent years has made it possible to take a number of significant steps to humanise the serving of criminal sentences, to strengthen the rule of law, and to stabilise the situation in prisons. Unfortunately, current legislation and jurisprudence still focus on the predominant imposition of sentences of imprisonment. This practice significantly exacerbates the problems of accommodation, employment (Matsievska 2019) and the creation of the necessary conditions for the detention of convicts and those who are in the penitentiary system. However, work to bring the conditions of detention of prisoners and convicts in line with international requirements and recommendations of the Council of Europe, as well as compliance with the basic provisions of European and international conventions in this area (Analysis of the compliance ...) is ongoing and not all recommendations have been implemented or implemented accordingly (Togochinsky 2018). The issue of the system of penitentiary bodies and their status and powers is still controversial (Cherenok 2012, Yagunov 2008). The process of

humanisation of the penitentiary system has not been completed (Vinogradova 2019). This actualises further research and development in this direction in order to develop the most optimal ways to take into account and implement the recommendations of the Council of Europe for the development of the penitentiary system and the legal framework of Ukraine.

Many authors study the implementation of the rules and recommendations of the Council of Europe in domestic countries (Skakov 2017, Khutorskaya 2018, Shnarbaev 2017), international law (Olkhovik 2017) and analysis of foreign experience (Tynybekov 2019). The question of the status and system of bodies and institutions of execution of punishments is investigated in the works of E. Korneychuk, D. Yagunov, M.S. Puzyrev etc. (Korneychuk, Yagunov 2010). Among the Ukrainian authors should be noted those who study theoretical, methodological and legal issues (Dryomin 2012, Ashchenko *et al.* 2014, Gritenko *et al.* 2019), or mainly practical aspects of the functioning of the penitentiary system (Bukalov 2008, Mirny 2017, Chovgan 2017). Almost all of them touch upon the issue of bringing Ukraine's criminal executive law into European and international standards in accordance with the recommendations of the Council of Europe and other international organisations. In addition, this issue is being carefully investigated by the Council of Europe experts.

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The current penitentiary legislation, despite its well-known humanisation and reform, still does not individualise the work of penitentiary inspections with different categories of convicts without isolation from society. To improve it in this direction, it is advisable to pay attention to the experience of foreign countries, where probation services use different programs for certain categories of convicts, which is set out in the works of foreign researchers [19; 20]. Thus, domestic researchers focus on the analysis of international documents on punishments and measures without isolation from society in terms of their application, impact on the reform of the penitentiary system, study of foreign experience in the organisation and activities of the probation service or penitentiary institutions.

It should be noted that many activities of the penitentiary system require significant scientific and practical development through increasing the use of punishment and measures without isolation from society, arising from the commitments made in the ratification of documents of the United Nations and the Council of Europe, taking into account still a high proportion of convicts isolated from society under articles of the Criminal Code, which provide other punishments than just imprisonment. In this regard, the analysis will help to formulate the main directions for improving the organisation of penitentiary institutions that conduct the vast majority of punishments and measures not related to the isolation of the convict from society.

MATERIALS AND METHODS

The aim of the article is to determine the degree of consideration of the recommendations of the Council of Europe on the change of certain norms of legislation in the field of criminal executive law. To achieve it, general and special research methods were used. This aim determined the research methodology, in particular, by making the main general scientific method – comparative method, and private-scientific – comparative legal. The application of this method allowed to compare the domestic legislation on the regulation of the penitentiary system to the accession to the Council of Europe with the legal framework for the regulation of the research object, which has changed as recommended by the Council of Europe.

To achieve this aim, a system of methods of cognition of social and legal phenomena is also used, as the development of a legal mechanism for the implementation of international and foreign law in the

domestic legal system is a complex problem. At the theoretical level of analysis, the main provisions of the legal framework for the functioning of the penitentiary system at the international, foreign and national levels were studied. Methods of induction and deduction were used to analyse the content and structure of legislative texts. The historical method was used to determine the chronological transformations of domestic legislation to take into account the recommendations of the Council of Europe. Using the normative method, aspects of issues arising in the framework of the implementation of measures of legal regulation of the Ukrainian penitentiary system were analysed. The application of the analytical method allowed to draw conclusions about the level of consideration of the recommendations of the Council of Europe in the national legislative system. One of the tools was the typological method, which made it possible to identify a variety of recommendations and study their possible links with other legal sciences.

The genetic method made it possible to identify stages in the evolution of criminal executive legislation, their sequence in time, and to trace how and under the influence of which factors its norms changed. In addition, the study uses the method of historical analysis, which from the lower period of the outlined chronology of the study analysed the process of formation of criminal law, its changes and reforms. Thus, genetic and typological methods have made it possible to comprehensively analyse the retrospective aspect of the evolution of criminal law enforcement in accordance with the recommendations of the Council of Europe.

Thanks to the structural-functional analysis it was possible to consider the features of the structural organisation of modern institutions of the penitentiary system, their interaction with other departmental institutions, whose activities in one way or another affect the functioning of the system, and to systematise information on their effectiveness in Ukraine and abroad. The set research tasks were solved in the study, analysis and synthesis of scientific literature on the research problem. The analysis of the scientific literature on the problem of research using these methods allowed to give a comprehensive description of the state of implementation of the recommendations of the Council of Europe in the regulatory framework and the activities of the penitentiary system; to identify the factors that determine the compliance of its norms with international and European standards.

The used methods allowed to obtain reliable and substantiated conclusions and results, which are presented in a logical and chronological sequence with the help of a descriptive method.

RESULTS AND DISCUSSION

In its activities, the penitentiary service of Ukraine (Law of Ukraine “On the State Penitentiary Service ... 2005) is guided by the European Prison Rules, which set out priorities, principles and standards widely used around the world. Bodies and institutions of punishment execution are guided in the activity by the following basic regulatory documents (Table 1).

The Criminal Code of Ukraine, which entered into force on September 1, 2001, provides for a number of alternatives to imprisonment (arrest, restriction of liberty, community service). A significantly expanded list of circumstances that preclude the illegality of an act in comparison with the Criminal Code of Ukraine of 1960 was included for the first time as an independent section on exemption from criminal liability.

Rooms for religious and cultic rites have been set up in correctional institutions, and meetings with ministers of religion are periodically organised. In addition, the complex former number system of codification of penitentiary institutions was abolished and new names of colonies based on their location were introduced. Other measures are being taken systematically to improve public utilities, medical care, food, and the employment of prisoners and convicts, in order to implement the recommendations of Council of Europe experts. It can be stated that since the accession of Ukraine to the Council of Europe, the penitentiary policy of the state has undergone serious changes. All issues related to the implementation of the recommendations of the Council of Europe are under

constant control of the leadership of the Department for the Execution of Criminal Punishments (Resolution of the Cabinet of Ministers ... 2020).

Based on the results of the assessment as of 2020 of Ukraine’s implementation of the previous recommendations of the Council of Europe and the assumed responsibilities of the Ukrainian authorities, the following recommendations were proposed (Recommendation 1722 ... 2005).

- to promptly ratify Protocols No. 12 and 14 to the European Convention on Human Rights, the European Social Charter (revised), the Convention on Criminal Liability for Corruption, the European Convention on Transfrontier Television, the European Convention on Nationality;
- to intensify cooperation with the Council of Europe to ensure full compliance of Ukrainian legislation and practice with the principles and standards of the Organisation, especially the standards enshrined in the European Convention on Human Rights, as well as full implementation of European Court of Human Rights judgments on individual and general measures be necessary;
- to send by the Council of Europe's expert bodies, such as the European Commission for Democracy through Law (Venice Commission), all new draft amendments to the Constitution, bills concerning the reform of the prosecutor’s office, the establishment of a public service broadcaster, the revision of the Bar Law, legal aid, etc.

Referring to its resolution No. 1364, the Assembly recommended that the Committee of Ministers and the

Table 1: The Main International Regulations in the Activities of Bodies and Institutions of Punishment Execution

Regulatory document	Ratified / entered into force
European Convention for the Protection of Human Rights and Fundamental Freedoms	Ratified on July 17, 1997 (all Protocols to it have also been ratified)
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Ratified on January 24, 1997
Convention on the Transfer of Sentenced Persons	Ratified on September 22, 1995, entered into force for Ukraine on January 1, 1996
European Convention on Extradition	Ratified on March 11, 1998, entered into force for Ukraine on June 9, 1998
Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, 1964	Ratified on September 22, 1995

Secretary General strengthen the presence of the Council of Europe in Ukraine, in particular by appointing a Special Representative of the Secretary General in Ukraine to monitor current political developments in the country, advise and share the Council of Europe and in general to strengthen and coordinate cooperation with the authorities of Ukraine. Resolution No. 1755 "The Functioning of Democratic Institutions in Ukraine" contains various issues covered by the recent reform initiative, which has already been considered in detail by the Assembly in previous resolutions on Ukraine (Resolution of the Parliamentary Assembly ... 2010, Criminal Procedure Code ... 2012).

According to the General Conference of the International Labour Organisation, forced or compulsory labour may be used during a transitional period only for public purposes and by way of exception under the conditions and under the guarantees established by the relevant articles of the Convention. The term "forced or compulsory labour" means any work or service required of any person under threat of punishment for which that person has not voluntarily offered his services. In April 2014, a significant number of positive amendments to the Criminal Enforcement Code of Ukraine were adopted, which are the largest since its adoption. In general, they significantly humanise the conditions of imprisonment. The range of persons who can visit penitentiaries for public control, check the conditions of detention of convicts, communicate with them has significantly expanded. However, in practice, there have been no significant changes in the public control of prisons since 2014 – both due to the insignificance of the range of authorised and interested parties, and due to the lack of widespread traditions in society to control the conditions of detention. In addition, the prison administration and departmental management in cases of violations seek to take measures to avoid liability and release from it employees who have committed violations (Data of the Prosecutor General's Office ...). This is facilitated by the lack of developed and legally defined control mechanisms.

The Council of Europe also recommends that countries be guided in their legislation, policy and practice by the European Penitentiary (Prison) Rules contained in the Recommendation of the Committee of Ministers to member states of the Council of Europe on minimum standard rules for the treatment of prisoners (Recommendation R (87) 3 ... 1987). They were introduced in 1987 and subsequently amended several times, including the 2003 European Prison Rules

(Recommendation Rec (2003) 23 ... 2003) and the 2006 European Prison Rules (Recommendation Rec (2006) 2 ... 2006). States are also encouraged to make the Rules widespread among the judiciary, prison staff and prisoners.

Thus, the European Prison Rules of 2003 recommend that the governments of the Member States:

- to pursue in its legislation the policy and practice of serving sentences in the form of life imprisonment and other long terms of imprisonment in accordance with the principles contained in the Annex to this Recommendation;
- to ensure that this Recommendation and accompanying documents are disseminated as widely as possible.

The appendix to Recommendation Rec (2003) 23 aims to prevent the negative effects of life imprisonment and long-term imprisonment. The objectives of the European Penitentiary Rules are as follows:

- to establish uniform minimum requirements for those aspects of the management of penitentiary institutions which are particularly important for ensuring humane conditions of detention and treatment of persons deprived of their liberty which would have a corrective effect on them within a modern and progressive system;
- to encourage the administration of penitentiary institutions to conduct policies, management and practices based on effective and modern principles of achieving the ultimate goal and ensuring justice;
- to encourage among the staff of penitentiary institutions a professional attitude to a case, which corresponds to the socio-moral significance of their work, and to create conditions for them to work with full commitment for the benefit of society as a whole and the prisoners in their management, and feel professional satisfaction;
- to identify basic and realistic criteria that allow prison administrations and inspection services to make correct judgments about the results achieved and opportunities for improvement.

It should be noted that these rules are not exemplary and that in practice the penitentiary systems of many European countries have already reached higher standards. In cases where the application of the rules is difficult or problematic, the Council of Europe, having the necessary experience and resources, may offer its recommendations and share the practical achievements already available to the administrations of the various penitentiaries in this field.

At the same time, they are used to resolve disputes arising over the detention of prisoners in Ukraine, to a greater extent at the international level (Ukraine: decision to violate Article 8 of the Convention ... 2019). In this case, paragraph 22 of the 2003 Rules is used, according to which special efforts must be made to maintain broken family ties, as well as paragraphs 17.1, 17.2, 17.3, 24.1, 24.2, 24.3, 24.4, 24.5 regarding the humane treatment and consideration of individual needs in determining the place of imprisonment and communication of prisoners with the outside world.

The leading place in the system of reforming the criminal-executive legislation is occupied by the system of probation, which is conducted on the recommendation of the Council of Europe and other international institutions. The Council of Europe Rules on Probation (CM/Rec (2010) (Recommendation CM/Rec (2010) 1 ... 2010) 1) were adopted by the Committee of Ministers of the Council of Europe on 20 January 2010. They continue the system of European probation documents concerning the type of punishment (or criminal measures), not related to the isolation of the convict from society, and the department that performs it. These documents include the European Convention on the Supervision of Probation or Parole (ETS No. 51); Recommendation No. R (92) 16 on European rules on public sanctions and measures (Recommendation No. R (92) 16 ... 1992); Recommendation No. R (97) 12 on sanctions and measures staff; Recommendation No. R (99) 22 on prison overcrowding and the increase in the number of prisoners (Recommendation No. R (99) 22 ... 1999), Recommendation No. R (99) 19 on mediation in criminal matters (Recommendation No. R (99) 19 ... 1999); Recommendation Rec. (2000) 22 on improving the application of European rules on public sanctions and measures (Recommendation Rec (2000) 22 ... 2000); Recommendation (2003) 22 on parole (Recommendation Rec (2003) 22 ... 2003), Recommendation Rec (2006) 13 on conditions of detention (Recommendation Rec (2006) 13 ... 2006), and the European Penitentiary Rules

(Recommendation No. R (2006) 2 ... 2006). The draft Rules on Probation also took into account the principles and recommendations contained in the Council of Europe documents concerning imprisonment and detention (Recommendation CM/Rec (2014) 4 ... 2014).

Unlike previously adopted documents, the title of the Rules uses the phrase "Council of Europe" to distinguish them and further recommendations from those adopted by the European Union. The main task of the Probation Rules is to determine the structure, role and place of the probation service of European countries in the criminal justice system. Given the variety of agencies that conduct sentences and measures without isolating the convict from society, which traditionally operate in different legal systems of the region, the name of the service is used conditionally, collectively. In addition, in many countries, alternative punishments and measures for juveniles are carried out by specialised agencies, and recommendations for the organisation of their activities are set out in the European Rules for Minors, so these issues have not been addressed in the Probation Rules. The document is based on the rich European experience of implementing alternative sanctions and measures, as well as the national legislation of the most developed countries in this regard.

In adopting the Rules on Probation, the Committee of Ministers of the Council of Europe called on the member states to improve the legislation and practice of the relevant agencies, in order to "promote fair criminal justice, protect society by preventing crime and reducing crime", which should ultimately lead to a reduction in the number of people held in prisons. Part 1 of the Rules defines the concept of probation – a process of execution in society of punishments and measures provided by law and assigned to the offender. It includes a wide range of educational activities and influences, such as supervision, control and assistance, the purpose of which is to involve the convict in public life, as well as to ensure the security of society. It should be noted that a similar definition in the domestic doctrine was given before the adoption of the Rules. Alternative punishments and measures are taken by convicts in a society with restrictions on liberty related to the establishment of conditions and/or the imposition of duties. The term means any punishment imposed by a court or other authorised body, or a measure imposed before or instead of a sentence application, as well as the execution of a sentence before imprisonment outside a prison.

As a positive aspect, it should be noted that Ukraine reacted fairly quickly to these standards, developed and adopted legislation (Law of Ukraine "On Probation" 2015) on this issue five years later and added appropriate amendments to the codified acts (Law of Ukraine "On Amendments ... 2016). However, this process has been going on in the country since 2002. The adopted law largely meets European standards. Further reforms continued, in particular regarding the status and activities of probation bodies (Order of the Cabinet of Ministers ... 2017), the system of which currently has 24 branches, 560 divisions, 13 sectors of juvenile probation with more than three thousand employees. In addition, as the comparative analysis shows, the law of Ukraine on probation takes into account directly or with partial changes the basic rules of probation, formulated in paragraphs 1-17 of the Rules:

- the purpose of the probation service is to reduce recidivism, establish positive relationships with offenders, guide and assist them, involve them in society, ensure public safety and the fair administration of justice);
- respect for the rights of convicts and victims;
- taking into account characteristics of offenders;
- non-discrimination;
- compliance of the legal restrictions imposed by the probation service with the sentence and a gravity of a crime, as well as a risk of re-offending;
- obtaining the consent of convicts to cooperate to exercise educational influence on them;
- compliance with the principle of the presumption of innocence before the guilt of an offender is proven;
- legislative consolidation of a purpose and tasks of the probation service, as well as its relations with other state bodies;
- subordination of the probation service to state bodies, even if its functions are performed by other agencies or voluntary assistants;
- recognition of the probation service in the society and provision of all necessary resources;
- adoption by a court or other competent authority of professional recommendations and further data from the probation service to reduce recidivism and the widespread use of alternatives to imprisonment;
- interaction of the probation service with other state or private organisations and local self-government bodies, application of achievements of various branches of science for the decision of problems of convicts and maintenance of safety of society;
- compliance of the probation service with the highest national and international ethical and professional standards;
- creation of an accessible, objective and effective appeal procedure;
- regular government inspection and (or) public monitoring of the probation service;
- conducting research, the results of which should be used to improve policy and practice;
- informing the media and the public about the activities of the probation service to better understand its role and significance for society.

In particular, the formulation of the purpose of the probation service – reduction of recidivism, establishing positive relationships with offenders, providing them with assistance, involving them in society, ensuring public safety and fair administration of justice – is fully consistent with the national strategy of reform and human rights in part of punishment execution without isolation from society (Decree of the President of Ukraine "On the Strategy for the Reform ... 2015, Decree of the President of Ukraine "On the National Strategy ... 2015). This purpose partly contains the content of certain functions of penitentiary centres – guidance and assistance to convicts, their involvement in society. The principle of compliance of the probation service with the highest national and international ethical and professional standards, in fact, is formulated in Ukrainian legislation, but in practice the requirements for employees of the department do not have proper control and must find their place in the implementation of their legal status. Longer experience of probation in foreign countries, in particular in America, has created a more positive opinion of it in society. Thus, surveys in California found a positive opinion of the population, even among victims of various types of crime, who prefer to send an offender on probation with intensive care and rehabilitation programs than in prison.

Studies by American researchers show that probation also helps rehabilitate criminals and reduce the recurrence of crimes – the proportion of people whose probation was replaced by imprisonment for a new crime in 2013-2014 was about 5-5.4% of the number of people who are on probation (Robinson 2002). The application of the achievements of various branches of science to solve the problems of convicts and ensure the security of society has also not found both proper legislative consolidation and implementation in practice. It should be noted that the directions of the recommendations of the Council of Europe on the development of criminal executive law and the content of the identified shortcomings are almost identical to those provided by other international organisations, such as the UN Council. Thus, in October 2012, at the 14th session of the Working Group of the UN Human Rights Council, the national report of Ukraine was considered within the framework of the Universal Periodic Review (UPR-2012). At the same time, an alternative report was provided by the Coalition of 39 Non-Governmental Organisations, coordinated by the Ukrainian Helsinki Human Rights Union. As a result of the review, 145 recommendations were offered to Ukraine from representatives of 47 countries on problematic issues that required a solution (Figure 1).

As can be seen from the research topics, direct problematic issues are occupied by 16 recommendations or 10 percent (3rd place). However, some of them are also contained in other groups – for example, in such as anti-discrimination and tolerance, the rule of law, gender issues and others. As a result of

the coordination of 145 recommendations, 115 recommendations were fully adopted by Ukraine, 3 recommendations were partially adopted, 27 recommendations were not adopted, on which the Government provided written explanations on March 14, 2013 at the 22nd session of the Human Rights Council. The assessment of the implementation of Ukraine's recommendations was conducted as of 2016 (Table 2). As the evaluation data show, none of the recommendations has been implemented during this time, unsatisfactory implementation prevails.

Thus, in recent years there have been some changes in the activities of the State Penitentiary Service of Ukraine, but no significant progress has been made in improving respect for human rights. There has been some progress in implementing the recommendations in establishing the national preventive mechanism. There are absolutely no positive changes in the implementation of the mechanism of effective investigation of cases of ill-treatment and prosecution of law enforcement officers guilty of torture and ill-treatment. The problem of overcrowding of prisons, communal living conditions of prisoners and the level of medical services has not been solved; an effective complaint mechanism did not work. Requirements for a staff of institutions in the treatment of prisoners remained far from international standards.

CONCLUSIONS

Thus, the most noteworthy of the recommendations provided by the Council of Europe are those

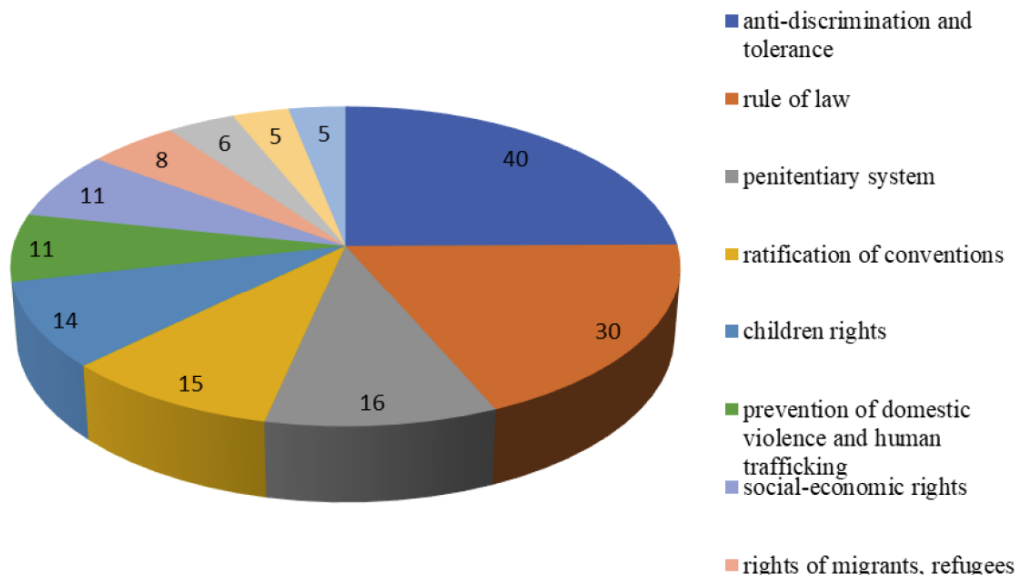


Figure 1: Distribution of Recommendations Provided to Ukraine by Areas.

Table 2: Status of Implementation of the Recommendations Adopted by Ukraine

Recommendation	Implementation level	Implementation status
To establish an independent national preventive mechanism in line with commitments. To create an effective national preventive mechanism	Partially satisfactorily	A national preventive mechanism in the Ombudsman + format has been created. However, the resources of the Commissioner for Human Rights are insufficient to cover a large number of places of detention in Ukraine. The impact of the national preventive mechanism in Ukraine on the prevention of torture is quite limited
To intensify efforts to ensure compliance with the national torture prevention mechanism		
To take the necessary measures to fully implement the provisions of the Optional Protocol to the Convention against Torture, and in particular to establish an independent national preventive mechanism		
To establish a mechanism to prevent torture that meets the requirements of the Optional Protocol to the Convention against Torture, and place particular emphasis on the independence of this body		
Under the new Criminal Procedure Code, to establish an independent mechanism to investigate allegations of torture by law enforcement officials, independent of the Ministry of the Interior and the Prosecutor General's Office	Not implemented	A mechanism independent of the Ministry of Internal Affairs and the Prosecutor's Office to investigate cases of torture by law enforcement officers has not been established and its creation has not even been discussed.
To pay due attention to the recommendations made by the Special Rapporteur on torture	Unsatisfactorily	Due attention is not paid to the Special Rapporteur's recommendations on torture
To take additional measures to ensure systematic protection against torture or ill-treatment, in particular in prisons and remand centres, and follow the recommendations of the European Committee for the Prevention of Torture	Not implemented	Measures to ensure systematic safeguards against torture or ill-treatment, in particular in prisons and places of detention, as well as to implement the recommendations of the European Committee for the Prevention of Torture, are not be applied.
To establish an independent body to investigate allegations of torture and provide guarantees of compensation to victims. In addition, bring the conditions of detention in line with international standards and ensure compliance with judicial guarantees for prisoners	Unsatisfactorily	An independent body has not been set up to investigate cases of torture and provide compensation to victims. Conditions of detention in accordance with international standards are given very slowly and inadequately to the needs
To improve legislation and its application to combat impunity in law enforcement agencies and increase the number of criminal prosecutions of persons suspected of violence in the line of duty, as well as provide training for law enforcement officers on the rights of detainees and prisoners.	Not implemented	The number of criminal investigations into violators is not increasing and these are isolated cases. Law enforcement officers are not trained to respect the rights of detainees.
To make real efforts to bring to justice law enforcement officers guilty of torture and ill-treatment of detainees and prisoners.		Measures to prosecute law enforcement officers responsible for torture and ill-treatment of detainees are not carried out as a systematic practice, except in isolated cases.
To take immediate action to prevent ill-treatment and torture by law enforcement officials and to bring them to justice for any criminal offenses		Immediate measures to prevent cases of ill-treatment and torture by employees and to ensure their responsibility for criminal acts are not carried out
To ensure respect for the rights of victims of torture or other cruel, inhuman or degrading treatment	Not implemented	The rights of victims of torture or other cruel, inhuman or degrading treatment to obtain compensation are not respected.
To increase the effectiveness and independence of mechanisms for monitoring the rights of human beings, prisoners and detainees in order to prevent ill-treatment	Unsatisfactorily	There are no effective and independent human rights monitoring mechanisms for prisoners and detainees to prevent ill-treatment.
To take the necessary measures to ensure an impartial investigation into all allegations of misconduct	Not implemented	Measures to ensure that all applicants for ill-treatment are impartial are not taken
To ensure that the new Criminal Procedure Code provides for respect for the human rights of detainees, and that statements informing migrants of the grounds for deportation are in a language understood by the deportee.	Unsatisfactorily	Respect for the rights of detainees in the new Criminal Procedure Code is only a declaration that is not actually enforced and violations of which go unpunished.

Note: satisfactory – in general, the recommendation is implemented; partially satisfactory – measures are taken, but they are insufficient, the implementation of the recommendation has just begun and the necessary time for further implementation; unsatisfactory – measures are taken, but they do not contribute to the implementation of the recommendation, the measures taken do not affect the recommendation; not implemented – not implemented at all.

concerning the observance of rights in the penitentiary system, first of all:

- a significant expansion of the range of subjects of the National Preventive Mechanism by expanding the powers of non-governmental organisations;
- creation of an effective mechanism for filing and reviewing complaints, prompt and effective response to reports of ill-treatment;
- strengthening the responsibility of law enforcement officers for the use of torture and ill-treatment of prisoners;
- improving the living conditions and quality of medical services provided to prisoners to European standards;
- abolition of free labour of convicts and use of labour as an educational measure and earnings of convicts;
- raising the level of knowledge of the staff of the penitentiary system of human rights and their observance.

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