Civis Fortis

STUDY REPORT

CIVILIANS AFTER RUSSIAN CAPTIVITY: UKRAINE'S STATE POLICY, INTERNATIONAL EXPERIENCE, AND POLICY RECOMMENDATIONS

JULY 2026

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Civis Fortis

Study report

“Civilians after russian captivity: Ukraine’s state policy, international experience, and policy recommendations”

July 2026

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This publication presents the results of a comprehensive study of Ukraine’s state policy regarding civilians unlawfully deprived of personal liberty as a result of the Russian Federation’s armed aggression, and the practice of supporting them after release from captivity.

The report combines an analysis of terminology, an assessment of the current legislative framework and its application in practice — based on court rulings and responses to public information requests — together with a comparative review of international law and the experience of other countries in protecting civilians affected by armed conflict.

The study is structured on the “Green Paper and White Paper” principle: first, a “Green Paper,” which identifies gaps, inconsistencies, and ineffective provisions in current state policy and its enforcement, and then, building on it, a “White Paper” containing practical recommendations for public authorities and local self-government bodies on the changes needed. The publication is intended for representatives of public authorities, human rights defenders, civil society organizations, and international partners engaged in shaping policy on the protection and reintegration of civilian captives and their family members.

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Foreword

Dear colleagues, partners, and representatives of public authorities — and, above all, the people who survived captivity and for whose sake this work was carried out.

Today we present a document that is not simply an analytical study. It is an answer to the question we posed to ourselves at the very start of this journey: what exactly prevents the state from effectively protecting people who survived unlawful deprivation of liberty as a result of russian aggression? And — what exactly needs to change?

Why do we use this approach?

This document is a logical and integral continuation of previous work — the sociological study “After Captivity: What Released Civilians Face,” which Civis Fortis conducted jointly with the Ilko Kucheriv Democratic Initiatives Foundation and presented on 9 June 2026. That study gave us the voice of those affected — vivid, specific, and painful. We heard from people who, after returning from captivity, did not know where to go, how to get medical treatment, where to live, or how to prove that they had been held captive. We documented systemic problems that recur again and again in people’s experience.

But hearing is not the same as solving. Generating good solutions — solutions that actually change the situation — requires a deep understanding of where and why the system fails. That is why the next step was a systemic analysis.

We deliberately chose a three-tier approach to developing solutions. First, a qualitative sociological study, which gave us an empirical foundation: the real experience of those affected. Then, a legal and systemic analysis: a Green Paper, meaning the identification of gaps, inconsistencies, and ineffective provisions in current legislation and its enforcement. And finally, a White Paper: proposals for change written “from a blank page” — not patching individual gaps, but building a new, systemic logic of support for those affected.

Why this order? Because without understanding exactly how the problem is structured, a solution becomes an illusion of resolution. Without an evidence base, any recommendation risks being either too general or one that removes the symptom rather than the cause. Without the voice of those directly affected, a solution risks being convenient for the system but not useful for the person.

Who took part in this work?

The research process involved state bodies directly responsible for implementing state policy in the field of protecting civilian captives: the Commission for Establishing the Fact of Deprivation of a Person’s Personal Liberty as a Result of Armed Aggression, the Ministry of Social Policy, Family and Unity, the Ministry of Communities and Territories Development of Ukraine, the Ministry of Education and Science of Ukraine, the Pension Fund of Ukraine, the State Migration Service of Ukraine, the Coordination Headquarters and the National Information Bureau, administrative service centers, and regional public authorities, including regional military administrations. We analyzed their responses to public information requests, judicial practice in cases related to the implementation of guarantees, as well as law-enforcement practice through the lens of the experience of those affected and the human rights defenders who supported them.

At the same time, at the core of this analysis lies the experience of those directly affected. We drew on the results of the sociological study “After

Captivity," which encompassed focus-group discussions and in-depth interviews with released civilian captives and relevant specialists. We also drew on Civis Fortis's direct experience of working with more than 60 beneficiaries — people to whom the organization provided legal, social, and psychological support after their release. Every provision, every gap, and every recommendation in this document stands behind a real person and a real case of assistance.

Why is such analysis essential for a sound solution?

Because sound state policy is built not on intuition, but on evidence. We found that the current system for protecting civilian captives suffers not from a lack of laws, but from a lack of coherence: provisions exist but are not aligned with one another; guarantees are declared but the mechanisms for implementing them are missing or ineffective; institutions exist but are not coordinated with one another. Without such a detailed mapping of the problem, it is impossible to determine exactly what needs to change, and in what order.

That is why this document — the Green Paper and White Paper together — is not an endpoint but a starting point. It is meant to serve as a basis for dialogue with the state and all stakeholders — the actors responsible for implementing change — and to launch the process of developing an evidence-based roadmap for reform in the field of protecting the rights of civilian captives.

For whose sake was this document written?

The target audience of this study is the public authorities responsible for shaping and implementing state policy in the field of accompanying, supporting, and assisting civilians who suffered as a result of being held in russian captivity: the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Social Policy, Family and Unity, the Ministry of Communities and Territories Development of Ukraine, the Ministry of Health, the Ministry of Education and Science of Ukraine, law enforcement agencies, social services, administrative institutions, and everyone who makes decisions every day on which the real situation of those affected depends.

But the primary beneficiaries of our work are those who suffered directly. A person who survived unlawful deprivation of liberty is the center of our attention and the purpose of our work. It is for their sake that we conduct research, analyze laws, and formulate recommendations — so that a person who has returned from captivity does not encounter the indifference and helplessness of the system, but instead receives real, timely, and dignified support from the state.

This person is not a "case," not a "category," not a "beneficiary." This is a citizen of Ukraine who has endured one of the most difficult ordeals and has the right to recovery — legal, medical, social, and human.

It is for them that we take on the responsibility of continuing this work.

Liudmyla Yankina,
Human rights defender, Chairwoman and Co-Founder of the Civis Fortis NGO — Foundation for Civil Society Protection

Introduction

Illegal deprivation of liberty of civilians is one of the systemic tools of the Russian Federation’s armed aggression against Ukraine. This practice began in 2014: the first documented cases of illegal detention of civilians in the temporarily occupied territories of Crimea and Donbas were recorded with the onset of the occupation. After the full-scale invasion on February 24, 2022, the phenomenon scale increased sharply. According to various estimates, Russia holds between 20,000 and 28,000 Ukrainian civilians, but their exact number is unknown. Russia does not recognize the fact of detaining Ukrainian civilians and does not allow international observers to enter their places of detention. As of February 2025, Ukraine has managed to return only 173 civilians, while the total number of people released from captivity (mostly military) exceeded 8,600 individuals. Thus, the mechanisms for the return of civilians remain extremely limited, and this category of victims is barely visible both in public discourse and in state policy.

Released civilians face numerous problems: lack of documents, deteriorated health, psychological traumas, and the need to confirm the very fact of being in captivity to receive state support. The state has formed a certain regulatory framework, but its practical effectiveness remains limited. It was this contradiction between the declared guarantees and the real protection of civilian captives that became the starting point of this study.

The primary objective of the study is to comprehensively assess the state of legal and social protection for civilians illegally deprived of their personal liberty as a result of armed aggression against Ukraine, and to formulate evidence-based recommendations to improve state policy in this area. The central research question is whether current state policy ensures the effective protection of civilian captives and their family members. The answer to this question is structured into five interconnected research subquestions that cover the terminological, regulatory, international legal, principled, and comparative dimensions of the issue.

Study structure and methodology

Study structure

The study consists of three chapters and contains five primary research questions:

Chapter 1, "Terminology," contains Research Question 1: Which term most accurately defines the legal status of civilians illegally deprived of their personal liberty as a result of armed aggression, and what terminology is ethical in public communication?

Chapter 2, "Needs of Released Civilian Captives, Legislative Regulation, and Practical Implementation of Their Support," contains Research Question 2: Is the social and legal protection provided by state policy for civilian captives and their family members effective? It covers the procedure for establishing the fact of illegal deprivation of liberty, the Commission's work, and the primary types and forms of support for the victims.

Chapter 3, "International Law and Comparative Experience," contains three research questions:

- Does Ukraine, as the state of jurisdiction for individuals returned from captivity, have obligations regarding the restoration of the rights of civilian captives after their release, and if so, to what extent? (Question 3);
- What principles must state policy supporting civilian captives align with to ensure its legitimacy, effectiveness, and compliance with international standards? (Question 4);
- What practical models for supporting victims of armed conflicts and authoritarian regimes exist in international experience, and what lessons do they offer for Ukraine? (Question 5).

The study concludes with general findings that answer these questions. Recommendations for authorities and institutions are compiled into a separate document — the White Paper.

A list of sources and literature used is provided at the end of the document.

Methodological approaches in the study

In Chapter 1, "Terminology," the following question is investigated: Which term most accurately defines the legal status of civilians illegally deprived of their personal liberty as a result of armed aggression, and what terminology is ethical in public communication regarding these individuals and the processes associated with their release?

The issue was examined in two interconnected dimensions: the legal dimension (defining legal status) and the communication dimension (the ethical use of terms in public and official communication).

In the legal dimension, the primary method was a comparative legal and terminological analysis of international and national legal documents. The existing legal frameworks for designating the illegal deprivation of liberty of civilians and their alignment with the factual circumstances of captivity in an armed conflict were examined.

The source base consisted of:

- The Geneva Conventions of 1949 (III — relative to the Treatment of Prisoners of War, IV – relative to the Protection of Civilian Persons in Time of War), including a comparative analysis of the English original and the official Ukrainian translation;
- The ICRC Commentary on Geneva Convention IV (2025 edition), specifically Article (prohibition of taking hostages) and Article147 (grave breaches);
- Customary IHL databases (IHL Databases, ICRC), specifically Rule 96 (prohibition of taking hostages) and Rule 99 (prohibition of arbitrary deprivation of liberty);
- The UN International Convention for the Protection of All Persons from Enforced Disappearance (2006);

- Thematic reports by the Office of the UN High Commissioner for Human Rights (OHCHR) on the detention of civilians in the context of the Russian Federation's armed attack on Ukraine (2023, 2025);
- The case law of the European Court of Human Rights (Hassan v. the United Kingdom, Georgia v. Russia (II), Ukraine and the Netherlands v. Russia);
- Law of Ukraine No. 2010-IX and the Criminal Procedure Code of Ukraine (Articles 207–213);
- Analytical materials from human rights organizations (CrimeaSOS, Human Rights Group SICH NGO, Association of Relatives of the Kremlin's Political Prisoners NGO, Ukraine. Five AM Coalition and other publications (e.g., Bukvy, Ukraïner, etc.)).

The analysis includes an assessment of:

- The alignment of existing international and national terms ("arbitrarily detained," "civilians detained in connection with the conflict," "hostages," etc.) with the factual circumstances of the captivity of civilians;
- The distinction between the concepts of "detention" and "holding/custody" in Ukrainian and international law and their applicability to situations of prolonged deprivation of liberty;
- The presence of terminological conflicts, particularly between the English source and the Ukrainian translation of Geneva Convention IV (Article 147: taking of hostages);
- The justification for introducing the term "civilian captive" at both national and international levels.

Using historical analysis, the evolution of the terms "captive" and "prisoner of war" was examined — from the earliest mentions in British court rulings (1357) to their statutory codification in Geneva Convention III of 1949 — in order to justify the applicability of the concept of "captivity" to civilians.

In the communication dimension, the ethical implications of using the terms "prisoner exchange" and "victim" in public and official communication were studied. To this end, documents from international organizations regarding sensitive communication were analyzed, including:

- OHCHR recommendations on covering violence and trauma, and the Human Rights-Based Approach;
- WHO ethical and safety recommendations for interviewing trafficked women (2003);
- The OSCE / Office for Democratic Institutions and Human Rights (ODIHR) Compendium of Practices on Ensuring the Rights of Victims (2023);
- The terminological practice of the OHCHR in reports on the situation in Ukraine (the use of "release" and "return" instead of "exchange").

The analysis was supplemented by testimonies from released civilian captives, which allowed for a comparison of the recommended terminology with the direct experiences and requests of the affected individuals.

The analysis results should be evaluated taking into account the following limitations:

- At the time of the study, the issue of terminology is a matter of active professional discussion in Ukraine. The findings reflect the researcher's position, justified by the analysis of sources, and do not claim to definitively resolve this discussion;
- The analysis focused primarily on the context of the international armed conflict between Ukraine and the Russian Federation; the applicability of the findings to other contexts requires additional research;
- The communication dimension of the analysis was based on a limited number of testimonies from released civilian captives, which does not provide grounds for statistical generalizations but does illustrate a general trend.

In Chapter 2, the needs of civilian captives, the legislative and practical aspects of their social and legal protection, as well as those of their family members, are examined. The main research question of the chapter is: Is the social and legal protection provided by state policy for civilian captives and their family members effective?

As part of the study, legislation regulating the social and legal protection of individuals who survived illegal deprivation of personal liberty as a result of armed aggression against Ukraine was analyzed.

The key object of analysis was the Law of Ukraine On Social and Legal Protection of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members as well as related subordinated regulatory acts, specifically:

- Resolution of the Cabinet of Ministers of Ukraine No. 1281 dated November 15, 2022;
- Resolution of the Cabinet of Ministers of Ukraine No. 296 dated March 15, 2024;
- Resolution of the Cabinet of Ministers of Ukraine No. 587 dated June 1, 2020;
- Other regulatory acts governing the provision of social services and specific aspects of the legal status of the affected individuals.

Since the Law does not contain explicitly formulated objectives, they were reconstructed based on its content, title, and a systemic analysis of the guarantees it provides. Specifically, these objectives include not only ensuring the social and legal protection of civilians who survived illegal deprivation of personal liberty and their family members but also a broader complex of other issues: establishing the fact of deprivation of personal liberty, access to medical and psychological rehabilitation, housing and social support, financial assistance, and the general reintegration of released civilians into public life.

The primary method at this stage was document and regulatory act analysis, which aimed to assess:

- the sufficiency of statutorily codified guarantees for ensuring social and legal protection;
- the presence of gaps, conflicts, and ambiguous formulations in the legislation;
- consistency among various regulatory acts;
- the compliance of legislative provisions with the practical needs of individuals who survived illegal deprivation of personal liberty.

Analytical materials from civil society organizations for the period of 2022–2025 were also examined. This helped contrast the regulatory model with its practical application, identify additional problems in accessing state guarantees and their underlying causes, and critically review proposals for improving state policy in this area.

For the purposes of this study, responses to requests for public information and advocacy requests were utilized.

The analysis of regulatory acts focuses exclusively on the social and legal guarantees that the state of Ukraine provides to civilian captives. It does not cover the effectiveness of the Commission's activities as a separate institution, the process of searching for and releasing civilian captives, or the state guarantees for their family members. Second, the analysis of the regulatory framework is limited to documents adopted up to and including November 2025; acts adopted after that date were not considered in this study.

To identify issues in the Commission's work and the implementation of guarantees, judicial practice was investigated through the analysis of court decisions in the Unified State Register of Court Decisions (USRCD). The search and selection of decisions in the USRCD were carried out according to the following parameters:

- period: from January 1, 2023, to April 20, 2026;
- number of available and analyzed decisions during the period: 39;

- forms of court decisions: decisions and judgments of courts;
- territorial coverage: decisions of administrative and ordinary courts across the entire territory of Ukraine;
- search keywords: Law of Ukraine On Social and Legal Protection of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members;
- subject matter: establishing the fact of deprivation of personal liberty, appealing decisions or inaction of the Commission, and the legal consequences associated with establishing the fact (specifically social security and pensions).

The analysis of decisions from the USRCD was carried out by:

- isolating and summarizing the legal positions of the Commission;
- summarizing the approaches of courts toward evaluating such decisions;
- identifying recurring grounds for overturning the Commission's decisions or declaring its inaction illegal;
- analyzing the effectiveness of legislative norms concerning individuals;
- assessing the effectiveness of the remedies chosen by the courts.

The results of the analysis of court decisions should be evaluated taking into account the following limitations:

- delays or non-publication of decisions by judges in the USRCD, which became particularly acute during martial law[1];
- a search using the listed keywords may not cover all relevant cases (specifically, if courts used other formulations or if the text of the decision lacked a mention of the specific law's name);
- the analysis does not include criminal proceedings; such decisions are absent from the USRCD under the mentioned keywords.

Surveys of civilian captives and experts from government authorities and civil society organizations were analyzed in this chapter. This allowed for supplementing the regulatory analysis with a practical dimension and assessing not only the formal codification of guarantees but also their factual accessibility. Specifically, the results of a study by the Ilko Kucheriv Democratic Initiatives Foundation, conducted at the request of the Civis Fortis. Foundation for Civil Society Protection NGO were utilized[2]. The study contains an analysis of the needs and problems of released civilian captives based on focus group discussions and in-depth interviews with victims and relevant experts. Since as of the beginning of 2025, the official total number of released civilians did not exceed a few hundred, the sample of respondents is significant, although it does not claim statistical representativeness. The specific nature of the target group, the closed nature of a significant portion of the victims, and the lack of a comprehensive registry of released individuals objectively made a full-scale quantitative study impossible.

The Civis Fortis NGO research team also surveyed released civilian captives — beneficiaries to whom the organization provided assistance within support programs for those released from captivity. In total, the organization provided assistance to over 60 victims.

During the study, the team conducted an online questionnaire of the members of the Commission on establishing the fact of deprivation of per-

1 Dejure Foundation. Schrödinger's Court Decisions: How Access to the USRCD Is Ensured under Wartime Conditions? 2023. URL: https://drive.google.com/file/d/1P3ZI8t9-O-ozKmER8tL74pKYVBrKCDN-/view

2 Research Report "After Captivity: What Released Civilians Face." Civis Fortis. 2026. URL: https://civisfortis.org.ua/wp-content/uploads/2026/06/cf_report_a4_ukr_06_web_small.pdf

sonal liberty. It covered issues regarding application review procedures, standards of proof, communication with applicants, and internal challenges in the Commission's work. Out of 18 active members of the Commission, five individuals completed the questionnaire. The number of responses obtained is clearly insufficient for statistically significant conclusions. The results of the questionnaire are used exclusively to highlight trends and are not included in the main findings of the study.

During the study, content analysis of media publications was used. Posts were analyzed for the period of 2024–2026 across the entire territory of Ukraine. The beginning of the analysis in 2024 is due to the prevailing loss of relevance of certain proposals for changes in legislation and practices of public authorities. Publications on social networks by released civilian captives and the human rights defenders who accompanied them in the process of providing assistance were also investigated. The analysis of media and social networks was limited by the availability of materials and does not include hidden or deleted publications. The search was performed manually and does not claim to be exhaustive. Some publications on social networks may reflect atypical or subjective experiences of individual victims, which should be taken into account during their interpretation.

In Chapter 3, an overview of international law is presented and the human rights-based approach is examined. Within Subchapter 3.1, the following question was investigated: Does Ukraine, as the state of jurisdiction for individuals returned from captivity, have obligations regarding the restoration of the rights of civilian captives after their release, and if so, to what extent?

The analysis focused on the positive obligations of Ukraine in the field of human rights — meaning the state's duty to actively ensure the fundamental rights of its citizens, even when the violation of such rights occurred through the fault of another state.

The primary method was the analysis of international legal documents, including:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), specifically the provisions regarding derogation (Article 15) and the prohibition of torture (Article 3);
- The International Covenant on Civil and Political Rights (ICCPR);
- The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- UN General Assembly Resolution 60/147 "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law";
- The Rome Statute of the International Criminal Court (Article 75, reparations);
- The Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture, 2022 edition);
- The Geneva Conventions of 1949 (III and IV).

Additionally, international judicial practice was analyzed: decisions of the European Court of Human Rights (specifically, Ilaşcu and Others v. Moldova and Russia, Hassan v. the United Kingdom, Georgia v. Russia (II), Ukraine and the Netherlands v. Russia), the Advisory Opinion of the International Court of Justice (2004) on the applicability of international human rights law during armed conflicts, and decisions of the ICC in the Ntaganda and Ongwen cases regarding the principles of reparations. The analysis also included general comments of UN treaty bodies, specifically General Comment No. 3 of the Committee against Torture (implementation of Article 14) and General Comment No. 31 of the Human Rights Committee (the nature of the legal obligations).

The analysis focused on:

- the nature and scope of Ukraine's positive obligations to ensure the rights of civilian captives after their release;
- the limits of permissible derogations and the scope of non-derogable obligations (primarily, the prohibition of torture);

- the content and forms of reparations (restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition) and their applicability to the situation of civilian captives;
- the degree of implementation of the Istanbul Protocol standards in Ukraine.

This chapter is not an exhaustive analysis of the entire system of international law regarding the protection of the civilian population. Its objective was to investigate the general framework of the grounds and scope of obligations that arise specifically for the defending state, in order to justify recommendations for improving the system of legal and social support for released civilian captives.

Within Subchapter 3.2, "The Human Rights-Based Approach," the following question was investigated: What principles must state policy supporting civilian captives align with to ensure its legitimacy, effectiveness, and compliance with international standards?

The primary method was a normative analysis of the five principles of the Human Rights-Based Approach (HRBA): universality and inalienability; participation and inclusion; equality and non-discrimination; accountability and the rule of law; and indivisibility and interdependence of rights.

The source base consisted of:

- UN methodological recommendations and tools regarding HRBA (UNDP Human Rights-Based Approach to Programming Toolkit, 2025);
- The European Commission toolkit (HRBA Toolbox);
- UNGA Resolution 60/147, specifically Principle 10 (humane treatment of victims);
- ICC practice regarding the principles of reparations (the Ntaganda and Ongwen cases);
- analytical materials from human rights organizations, specifically JurFem NGO and Total Action NGO.

Each principle was analyzed through the prism of current Ukrainian legislation (Law No. 2010-IX, Resolution of the Cabinet of Ministers of Ukraine No. 296 dated March 15, 2024) to identify specific gaps and inconsistencies. The analysis aimed to assess:

- the compliance of existing support mechanisms with HRBA principles;
- the presence of systemic barriers to accessing support for specific categories of victims;
- the absence of mechanisms for victim participation, accountability, and independent monitoring in current legislation;
- the comprehensiveness and coordination of the provided support measures.

Within Subchapter 3.3, "Analysis of the Experience of Foreign Countries," the following questions were investigated: What practical models for supporting victims of armed conflicts and authoritarian regimes – specifically civilian captives – exist in international experience, and what lessons do they offer for Ukraine?

Eight countries across three regions were selected for analysis: South America (Chile, Argentina, Colombia, Peru), the Balkans (Croatia, Bosnia and Herzegovina, Kosovo), and Syria. The choice was driven by the presence of mass violations of civilian rights (illegal deprivation of liberty, torture, enforced disappearances, sexual violence), the necessity of establishing special mechanisms for recognizing victim status and their access to reparations, and the relative availability of sources.

The primary method was a comparative-legal analysis of the national legislation, institutional mechanisms, and reparation practices of the aforementioned countries. The analysis is structured according to a uniform framework for each region:

- administrative architecture of support (bodies, registries, status recognition procedures);

- reparation systems (compensation calculation models, sources of funding);
- types of guarantees and assistance (medical, psychosocial, housing, educational, legal support);
- identified shortcomings and challenges;
- lessons for Ukraine.

The source base consisted of: the national legislation of the respective countries; reports and briefings of international organizations (OHCHR, ICRC, ICMP, ICTJ, Global Survivors Fund, Amnesty International, OSCE); academic research; materials from the decisions of international judicial bodies (ICTY, ICC, Kosovo Specialist Chambers); and analytical publications by human rights organizations from the respective countries.

The analysis results should be evaluated taking into account the following limitations:

the study did not aim to analyze the entire spectrum of countries that have experienced armed conflicts; the selected examples are illustrative and aimed at identifying trends and practical models;

the conflict contexts in the studied countries differ significantly from the situation in Ukraine (internal dictatorships, civil and inter-ethnic conflicts), which limits the direct transfer of models;

regarding Syria, information on the activities of the established mechanisms remains limited due to the early stage of transitional justice development;

the analysis was carried out primarily on the basis of English- and Ukrainian-language sources, which may not fully capture the internal discourse within the respective countries.

1 TERMINOLOGY

"Calling things by the wrong name adds to the affliction of the world."
Albert Camus.[3]

This chapter examines terminological issues that serve as the foundation for all subsequent study. The first part analyzes which term most accurately defines the legal status of civilians illegally deprived of their liberty as a result of armed aggression — both in the legal dimension and in public communication. The second part defines the content of key concepts used by the specialized Law No. 2010-IX: "social protection," "legal protection," and "family members." These definitions provide the necessary baseline for analyzing the practical implementation of state guarantees in the following chapters.

1. Civilian captives

For the purposes of this study, terminology is used in two interconnected yet distinct dimensions.

The first dimension is legal. It covers the issue of defining the legal status of civilians who have been subjected to illegal deprivation of personal liberty as a result of armed aggression against Ukraine. Legal certainty is essential both for the correct application of legal norms and for the formation of mechanisms for state protection, support, and the restoration of victims' rights. Legal terminology must align with international law and relevant practice, but at the same time, it must fully reflect the factual legal conditions in which a person finds themselves. Currently, in our opinion, there is a significant gap in international and, consequently, national legislation, as none of the generally accepted terms for designating civilians who have survived actual captivity capture the current context and specific characteristics of arbitrary deprivation of liberty. Furthermore, the existing terms in the Ukrainian language are cumbersome and frequently incomprehensible to a broad audience.

The second dimension is communicational. It concerns the terms used in public, official, and inter-institutional communication regarding such individuals, their experience of illegal deprivation of liberty, release from custody, and the processes associated with their return. Although these linguistic designations do not always carry immediate legal consequences, they influence the formation of public and political discourse, the societal perception of victims, and the level of sensitivity toward the rights and dignity of these people. Ultimately, incorrect language usage can lead to secondary re-traumatization and a sense of injustice among victims.

Therefore, in the first part of this chapter, we will look into the problematic issues associated with defining the most optimal and correct legal term to designate the status of civilians illegally deprived of personal liberty as a result of armed aggression, and in the second part — the (un)ethical nature of using the terms "prisoner of war exchange" and "victims" of international crimes.

In the legal aspect, we propose considering the possibility of introducing the term "civilian captive" at the legislative level as the one that most fully reflects the factual circumstances in which civilians find themselves and the wartime context as a prerequisite for the deprivation of personal liberty.

In the dimension of ethical vocabulary, we consider it appropriate to abandon the term "prisoner exchange" in favor of "release" or "return" of captives; instead of "victim," the term "affected person" should be used.

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3 The quote is translated from English "Calling things by the wrong name adds to the affliction of the world." Albert Camus and taken from the Doctors Without Borders website. URL: https://guide-humanitarian-law.org/content/article/3/internment/

1.1. Legal definition of the term "civilian illegally deprived of personal liberty as a result of armed aggression against Ukraine"

The problem of defining the legal status of such persons has been urgent for Ukraine since 2014. Even then, representatives of the Russian Federation were abducting and illegally detaining Ukrainian civilians[4].

For the most part, civilians are held together with military personnel — meaning that both are in factual captivity, often in inhuman conditions and subjected to various forms of ill-treatment. However, military personnel, in accordance with the Third Geneva Convention of 1949[5], automatically acquire the status of prisoners of war. The circle of persons falling under this definition is outlined in Article 4 of the Convention and, generally, covers those who belong to the armed forces of the adverse party or organized armed groups assimilated to them, or are directly connected with their activities, and who have fallen into the power of the enemy. The status of prisoners of war applies only to international armed conflicts.

At the same time, contemporary international humanitarian law does not provide general legal grounds for the deprivation of liberty of civilians. The only known exceptions are internment[6] or imprisonment under exceptional circumstances and according to a strictly regulated procedure, as provided, in particular, by Articles 42, 68, and 78 of the Fourth Geneva Convention[7]. However, the absolute majority of civilians deprived of their personal liberty by the Russian Federation are neither interned nor lawfully imprisoned.

International law utilizes an entire range of legal instruments to describe the illegal deprivation of a person's physical liberty: enforced disappearances[8], illegal deprivation of liberty and security[9], kidnapping[10], prohibition of hostage-taking[11], illegal (arbitrary) initial or continuing (lengthy) detention[12], etc. Yet, none of these terms capture the legally significant context of the war and the nature of the illegal holding of civilians.

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4 For instance, Mykola Shyptur, a Maidan activist, is considered the first Ukrainian citizen to be detained by the representatives of the occupation authorities on March 9, 2014, in the city of Sevastopol and illegally held in Russian custody for almost 9 years. See: "Prisoners of War. International Practice on the Release of Captives, Hostages, and Political Prisoners: Conclusions for Ukraine," MIHR, UHHRU, EP, Kyiv, 2018. URL: https://www.helsinki.org.ua/wp-content/uploads/2018/02/Viazni-Viyny-mizhnarodna-praktyka.pdf, p. 9; "Former Kremlin Prisoner from Sevastopol Mykola Shyptur Returned to Ukraine. He Spoke About His Health Status," ZMINA NGO, 2023. URL: https://zmina.info/news/eksbranecz-kremlya-iz-sevastopolya-mykola-shyptur-povernuvsya-v-ukrayinu-vin-rozpoviv-pro-stan-svogo-zdorovya/. Oleh Sentsov, Oleksandr Kolchenko, Hennadii Afanasiev, Oleksii Chyrnii, and others were also among the first known civilians illegally deprived of their personal liberty.

5 Geneva Convention Relative to the Treatment of Prisoners of War. URL: https://zakon.rada.gov.ua/laws/show/995_153#Text

6 The internment of civilians in an international armed conflict — is an administrative precautionary measure of deprivation of liberty or alteration of the place of residence (relocation) of individual civilians who pose a "real threat" to the occupying administration. Internment is not a punitive (criminally punishable) measure. The decision to intern is subject to mandatory rapid and periodic review, and the person must be released as soon as the grounds for their detention cease to exist. The conditions of internment must comply with humanitarian standards and ensure respect for dignity, adequate housing, sanitary and medical conditions, food, the possibility of contact with family, and access to humanitarian aid. See: The Practical Guide to Humanitarian Law, URL: https://guide-humanitarian-law.org/content/article/3/internment/

7 Geneva Convention relative to the Protection of Civilian Persons in Time of War. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text

8 2006 International Convention for the Protection of All Persons from Enforced Disappearance. URL: https://zakon.rada.gov.ua/laws/show/995_l54#Text

9 Rule 99. Deprivation of Liberty, IHL Databases, URL: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule99

10 Kidnapping, Cornell Law School, Legal Information Institute. URL: https://www.law.cornell.edu/wex/kidnapping

11 Rule 96. Hostage-Taking, IHL Databases, URL: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule96

12 Rule 99. Deprivation of Liberty, IHL Databases, URL: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule99

In Ukrainian public, human rights, and official discourse, a number of terms are used simultaneously to designate civilians abducted and held (or previously held) by the Russian Federation in factual captivity: "civilian captives," "civilian hostages," "political prisoners of the Kremlin," "political prisoners," "captives," "illegally detained," "arbitrarily detained," and "illegally captured." Alongside these concepts, the legislation of Ukraine establishes the legal construct "persons (citizens of Ukraine) illegally deprived of personal liberty as a result of armed aggression against Ukraine" (hereinafter – Law No. 2010-IX)[13].

It is this wording that currently defines the circle of persons eligible for the state protection and support mechanisms provided by law. At the same time, this term is overly cumbersome and complicates broad communication about the affected individuals, and the Law itself does not cover all situations in which civilians have suffered illegal deprivation of liberty by the Russian Federation. Ultimately, this directly impacts their access to legal protection.

1.2. "Conflict-related civilian detainees"

In contemporary professional discourse, "arbitrarily detained civilians"[14] or the more contextual construct "conflict-related civilian detainees" are proposed as some of the most optimal terms for designating civilians illegally deprived of personal liberty as a result of armed aggression[15].

According to the definition by the Office of the UN High Commissioner for Human Rights, the term "illegally (arbitrarily) detained person" or "civilian detainee" covers "Ukrainian civilians arrested, held, or interned by the Russian Federation in the occupied territory of Ukraine, as well as deported to the Russian Federation"[16]. The "internment of civilians"[17] in an international armed conflict is an administrative precautionary measure of deprivation of liberty or alteration of the place of residence (relocation) of individual civilians who pose a "real threat" to the occupying administration. Internment is not a punitive (criminally punishable) measure and must occur according to a regulated legal procedure and be regularly reviewed.

Furthermore, English-language terminology in the context of an international armed conflict refers to initial or continued detention — meaning the initial (detention) and the continuing (lengthy) (holding/custody)[18]. In other

13 Law of Ukraine No. 2010-IX On Social and Legal Protection of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members. URL: https://zakon.rada.gov.ua/go/2010-20

14 For example: "War Chronicles: The Status of Civilians in Russian Custody." Memo on the procedure for correct determination of the legal status of civilians in Russian custody. 24 p. Dnipro, Human Rights Group SICH NGO, 2024. URL: https://krymsos.com/wp-content/uploads/2024/10/hroniky-vijny-status-czyvilnyh-u-rosijskij-nevoli_ukr-versiya.pdf and "'Captives,' 'Hostages,' or 'Arbitrarily Detained': How to Correctly Name Civilians in Russian Custody?", LB.ua, Blog of the Ukraine.5AM Coalition, 2025. URL: https://lb.ua/blog/koalitsiia_ua5am/660256_poloneni_zaruchniki_chi.html

15 For instance, the thematic report of the Office of the United Nations High Commissioner for Human Rights: OHCHR. Detention of Civilians in the Context of the Armed Attack by the Russian Federation against Ukraine. 24 February 2022 — 23 May 2023. 27 June 2023. URL: https://www.ohchr.org/sites/default/files/2023-07/2023-06-27-Ukraine-thematic-report-detention-ENG_0.pdf and in Ukrainian: URL: https://www.ohchr.org/sites/default/files/2023-07/2023-06-27-Ukraine-thematic-report-detention-UKR.pdf, paras. 7, 8.

16 OHCHR. Treatment of Civilians Deprived of Their Liberty in the Context of the Armed Attack by the Russian Federation against Ukraine. 23 September 2025. URL: https://ukraine.un.org/sites/default/files/2025-09/2025-09-22%20Treatment%20of%20civilians_ENG.pdf

17 Internment, The Practical Guide to Humanitarian Law, Médecins Sans Frontières. URL: https://guide-humanitarian-law.org/content/article/3/internment/

18 Rule 99. Deprivation of Liberty, IHL Databases, URL: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule99

words, detention corresponds to both the Ukrainian "затримання" (detention) and "утримання" (holding/custody).

Detention is primarily relatively short-term, whereas holding is more prolonged.

Undoubtedly, "deprivation of liberty" can also vary in duration, and its character and intensity can cause completely disproportionate consequences for a person.

However, the focus of our attention is precisely on those civilians who have factually survived captivity. Conversely, no regulatory act defines a minimum or maximum duration of "captivity." Nevertheless, it is obvious from practice that captivity differs from detention — including by the criterion of duration. For instance, a person stopped by representatives of the aggressor state at a checkpoint for verification or so-called "filtration" has quite likely suffered an illegal restriction of personal liberty and, possibly, violations of their other rights. That is, they may have been factually detained, but it is highly unlikely this situation can be defined as "captivity."

From this perspective, using the term "held persons" appears more appropriate than "detained persons."

As we can see, the English term detention is translated into Ukrainian as "затримання." In the Ukrainian legal system, detention is a criminal procedural institution regulated by Articles 207–213 of the Criminal Procedure Code of Ukraine[19]. Detention is characterized, on the one hand, by relative short duration, and on the other, by a specific procedural order.

However, civilians illegally deprived of personal liberty by the Russian Federation (not only for the duration of the initial arrest) undergo a much longer holding, most often outside of any legitimate procedures. For example, the aforementioned OHCHR thematic report[20] records that civilians were held "for several days, weeks, or months" in unofficial places of custody, often incommunicado (for instance, during "filtration measures," mass arrests and detentions, imprisonment of children, enforced disappearances, etc.). That is, the situation described inherently goes far beyond the limits of short-term procedural detention.

Thus, under conditions of kidnapping, secret custody, and factual captivity, the term "held persons" more accurately reflects the extra-procedural and prolonged nature of the deprivation of liberty.

This approach aligns with the practice of the European Court of Human Rights: Hassan v. the United Kingdom (GC, 2014, §§ 103–106)[21], Georgia v. Russia (II) (GC, 2021, §§ 297–305)[22], and Ukraine and the Netherlands v. Russia (GC)[23].

Furthermore, it is consistent with the International Convention for the Protection of All Persons from Enforced Disappearance (Article 2)[24] and with customary international humanitarian law, specifically Rule 99 (prohibition of arbitrary deprivation of liberty)[25].

Undoubtedly, the specific circumstances in which a civilian finds themselves must be taken into account in each individual case. If, for example, there is an extortion of ransom or the announcement of other conditions in exchange for the release of such a person, or the subsequent use of such people

19 Criminal Procedure Code of Ukraine, Arts. 207–213. URL: https://zakon.rada.gov.ua/laws/show/4651-17#n1990
20 Supra note 13.
21 Case of Hassan v. The United Kingdom (Application no. 29750/09), 2014. URL: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-146501%22]}
22 Case of Georgia v. Russia (II) (Application no. 38263/08), 2021. URL: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-207757%22]}
23 Case of Ukraine and the Netherlands v. Russia (Applications nos. 8019/16, 43800/14 and 28525/20), 2022. URL: https://hudoc.echr.coe.int/eng?i=001-224873
24 2006 International Convention for the Protection of All Persons from Enforced Disappearance. URL: https://zakon.rada.gov.ua/laws/show/995_l54#n25
25 Rule 99. Deprivation of Liberty, IHL Databases, URL: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule99

as "human shields"[26], then we can say that these civilians fall under the term "civilian hostages." However, such cases are actually not very widespread.

Thus, the phrasing "illegally (arbitrarily) held civilians" appears more correct than "illegally (arbitrarily) detained." However, even this term, as noted above, does not fully reflect the circumstances of the factual captivity of civilians in conditions of armed conflict.

"Conflict-related held civilians" already carries this context, but it applies to a broader circle of persons than exclusively those who have survived the experience of captivity.

1.3. Civilian captives

There is a reasoned opinion that using the term "civilian captives" may lead to legal conflicts and confusion with the status of prisoners of war, partly because the taking of military personnel into captivity, from the perspective of international humanitarian law, is not considered a violation, whereas capturing civilians is a legal situation that is impossible and obviously illegal[27].

At the same time, if we analyze this issue from the perspective of providing legal and social protection to people who survived captivity due to the aggressive actions of a hostile state, the Ukrainian legislator does not take into account the criterion of "lawful" or "illegal" deprivation of personal liberty. Law No. 2010-IX provides such protection to both military personnel and certain categories of civilians who are in captivity or have returned from it. In our opinion, this is entirely logical and fair, as the absolute majority of people in Russian custody — both civilians and military personnel — are subjected to cruel and inhuman treatment.

In the chapter analyzing international and national legislation, we will examine the nature of state obligations in the field of human rights to provide relevant protection in greater detail.

It is also appropriate to turn to the history of the emergence of the terms "captive," "prisoner of war," and the concept of "captivity" itself.

Contemporary international or Ukrainian legislation does not provide a definition for captivity. However, historically during wars and armed confrontations, warring parties captured all people (both military personnel and civilians) in enemy territory. In different periods and in different parts of the world, such captives were treated differently: they were killed (executed), used as slaves, in gladiator fights, returned for ransom, released for no reason, or exchanged for items. It was only over time, through the centuries, that practices and the statutory codification of humane treatment of captives were formed, though they primarily concerned military personnel[28].

It is believed that the term "prisonnier de guerre"[29] was first used by British courts in 1357 when reviewing cases regarding captives in the Hundred Years' War between France and England. But even in this historical retro-perspective, there was no clear distinction between captive civilians, resistance movement participants, and military personnel[30]. Still, over time, the English term prisoner of war was applied in the Third Geneva Conven-

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26 For example, the ICTY indictment: The Prosecutor of The Tribunal Against Radovan Karadzic, Ratko Mladic, counts. 13-16, URL: https://www.icty.org/x/cases/mladic/ind/en/kar-ii950724e.pdf

27 For example: "Why It Is Important to Correctly Name Civilians in Russian Custody?", CrimeaSOS NGO, 2025. URL: https://krymsos.com/chomu-vazhlyvo-pravylno-nazyvaty-czyvilnyh-u-rosijskij-nevoli/; "War Chronicles: The Status of Civilians in Russian Custody." Memo on the procedure for correct determination of the legal status of civilians in Russian custody. 24 p. Dnipro, Human Rights Group SICH NGO, 2024, p. 20-21. URL: https://krymsos.com/wp-content/uploads/2024/10/hroniky-vijny-status-czyvilnyh-u-rosijskij-nevoli_ukr-versiya.pdf

28 Hrushko, M. V. Emergence and Specifics of the International Legal Regime of Prisoners of War: Monograph / M. V. Hrushko; [under scientific ed. of Cand. of Legal Sciences, Assoc. Prof. T. R. Korotkyi]. — Odesa: Feniks, 2016. — 284 p. — (International Law Series), pp. 9–24

29 The term "prisonnier de guerre" is of Anglo-Norman origin (factually taken from historical French) and corresponds to the contemporary English (non-legal) term "prisoner of war."

30 New research traces roots of 'prisoners of war', Dr Rémy Ambühl DEA, MRes, PhD, University of Southampton, 2018. URL: https://www.southampton.ac.uk/news/2018/01/prisoners-war.page

tion relative to the Treatment of Prisoners of War of 1949[31], establishing a framework of protection specifically for combatants — meaning military personnel or those participating in military confrontation with weapons.

As for civilians, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 established a prohibition against taking them hostage (Article 3)[32]. In the English version, this corresponds to the term prohibition of hostage-taking. However, the taking of hostages has historically been accompanied by the criterion of a certain condition in exchange for their release or the provision of proper living or holding conditions[33].

At the same time, a terminological conflict generated by the official Ukrainian translation of the Fourth Geneva Convention is illustrative in this context. Article 147 of the Convention, which contains a list of "grave breaches," uses the term "taking of hostages"[34] in the English original. Meanwhile, in the official Ukrainian translation of this provision, the same term is rendered as "захоплення в полон" [taking into captivity][35]. Thus, the legislator itself in the translation factually equates "hostage-taking" to "taking into captivity," which serves as direct confirmation of the validity of using the word "captivity" regarding civilians illegally held by the Russian Federation. At the same time, this demonstrates an internal contradiction in translation practice: where a violation is concerned (Article 147), the word "captivity" is used, whereas in human rights and media discourse, the same situations are designated as "detention" or "hostage-taking." This inconsistency is one of the manifestations of a broader terminological confusion that needs to be systematized.

In reality, over the more than decade-long Russian-Ukrainian war, it is obvious that the aggressor state captures most civilian persons into captivity without any reciprocal demand. This is, rather, a method of systemic terror and genocidal policy. A gap in international law also becomes obvious, since no international act establishes a clear prohibition on taking civilian people into captivity.

The obsolescence of IHL norms has been discussed for a long time. For instance, in 2004, American legal scholar John Ingram, in the article "The Geneva Convention is Woefully Outdated," argued that the Geneva Conventions of 1949 are fundamentally outdated with respect to contemporary armed conflicts: they were developed in the context of conventional inter-state wars, whereas the realities of modern conflicts — the involvement of the civilian population, new methods of warfare, systemic violation of norms by aggressor states — go far beyond the limits of the envisioned conventional regulation[36]. In the context of the analyzed issues, this acquires particular urgency: the Geneva Conventions explicitly prohibited the taking of civilians hostage, but did not establish a prohibition on capturing them into factual captivity without the put forward conditions — meaning precisely the practice that the Russian Federation systematically applies. Such avoidance of clear naming of reality in regulatory acts is not accidental but reflects the general caution of international law regarding situations that go beyond the established logic of armed confrontation between regular armies. This, in turn, confirms the need both to update international legal regulation and to introduce a legally defined term for this category of victims.

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31 Geneva Convention relative to the Treatment of Prisoners of War, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_l54#Text
32 Geneva Convention relative to the Protection of Civilian Persons in Time of War. 1949. URL: https://zakon.rada.gov.ua/laws/show/995_154#n1311
33 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Commentary of 2025. Article 34 - Prohibition of hostage-taking, IHL Databases. URL: https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-34/commentary/2025
34 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Article 147 — Grave Breaches, IHL Databases, ICRC. URL: https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-147
35 Geneva Convention relative to the Protection of Civilian Persons in Time of War. 1949. URL: https://zakon.rada.gov.ua/laws/show/995_154#n1892
36 John D. Ingram, The Geneva Convention is Woefully Outdated, 23 Penn St. Int'l L. Rev. 79 (2004). URL: https://insight.dickinsonlaw.psu.edu/cgi/viewcontent.cgi?article=1627&context=psilr

With this in mind, we propose to revise the terminological approach regarding the determination of the status of civilian persons who are in / have been released from factual captivity of the hostile side. For example, representatives of the non-governmental organization "Civilians in Captivity" also use the term "civilian captives"[37], although representatives of another organization — the "November 11" charitable foundation — point out that currently such a term is used conditionally, at a colloquial level[38]. At the national level, the introduction of the definition "civilian captive" generally carries no risks that would lead to legal conflicts, since the legislation already establishes a framework of protection for military personnel and civilians in captivity.

Regarding international law, it seems appropriate to introduce the legally defined term "civilian captive" or, alternatively, to detail the concept of "civilian hostage" in such a way as to maximally reflect possible situations of arbitrary holding of civilians in conditions of armed conflict, even when the hostile side does not express direct or indirect conditions in exchange for the release of such people.

Here and hereinafter for the purposes of this report, we will use the term "civilian captives."

1.4. Terminology in the context of sensitive communication

The use of the term "exchange" in the legal and communication context

This study analyzes the widespread use of the phrasing "exchange of captives." It is problematic regardless of whether it concerns military personnel or civilian persons. The term "exchange" itself carries a connotation of mutual transfer of equivalent objects and, in linguistic perception, depersonalizes people, creating the impression that it concerns things or subjects of agreements, rather than persons who possess an inherent right to liberty and dignity.

From the perspective of international humanitarian law and human rights law, neither prisoners of war nor illegally held civilians can be considered as objects of an "exchange." Prisoners of war are under the protection of the Third Geneva Convention and are subject to release and repatriation after the cessation of active hostilities or earlier — by agreements of the parties[39].

However, even in this case, it concerns precisely the release and return of people, and not their "exchange." Regarding civilian persons, their illegal holding has no legal justification, and therefore they are subject to unconditional release.

Precisely such an approach can also be traced in the documents of international institutions. In particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR)[40] in its documents uses the wordings "release" and "return," avoiding the term "exchange." Such an ap-

37 "Out of Thousands of Released Captives, Civilians are About 170": representative of the Civilians in Captivity NGO, Valeriia Tsyba, Bukvy. 10/8/2024. URL: https://bukvy.org/z-tysyach-zvilnenyh-polonenyh-czyvilnyh-blyzko-170-predstavnyczya-go-czyvilni-u-poloni/

38 Civilian Captives: What Do People Face After Release from Captivity? Kateryna Bankova. Ukraïner. 9/2/2025. URL: https://www.ukrainer.net/zvilneni-z-polonu/

39 Geneva Convention Relative to the Treatment of Prisoners of War, 1949, Art. 118. URL: https://zakon.rada.gov.ua/laws/show/995_153#n535

40 OHCHR. Human Rights Situation in Ukraine. Office of the United Nations High Commissioner for Human Rights. URL: https://www.ohchr.org/en/countries/ukraine

proach emphasizes that it concerns the release of persons illegally deprived of liberty as the restoration of a violated right[41].

The use of the word "exchange" in public and official communication risks normalizing the very fact of the illegal holding of people and shifts the focus from the obligation of the violating state to release such persons to the logic of mutual concessions.

From the perspective of sensitive communication, this has a direct meaning for the victims themselves as well. For a person who has survived "kidnapping," captivity, or torture, words stating that they were "exchanged" can sound like a devaluation of what they experienced. Such a phrasing does not recognize the illegality of the holding and does not show that liberty was returned as a human right, and not "received" as a result of agreements.

The use of the term "victim" and recommended alternatives

Analogous considerations are applicable to the use of the term "victims" in communication regarding persons who have survived illegal deprivation of liberty. Although in the legal sense, this concept is established (in particular, in the practice of the European Court of Human Rights[42]), in public and policy-oriented language it is increasingly recommended to use the wordings "affected persons" or "persons who suffered violations." Such an approach corresponds to UN recommendations within the Human Rights-Based Approach[43].

In view of this, we propose to operate with wordings that are sensitive to the experience of the affected persons, do not depersonalize people, and do not substitute illegal deprivation of liberty with the logic of an "exchange" but instead reflect the release and return of persons whose rights have been grossly violated.

The word "victim" in everyday language is often associated with passivity, doom, and the final loss of control. Victims are pitied, sympathized with due to the experienced experience and the helplessness generated by it.

In contrast to this, the term "affected person" describes the fact of the inflicted harm, but does not reduce a person to the role of a "victim" and does not negate their activity, agency, and capacity for recovery.

International organizations working in Ukraine also draw attention to the importance of terminology that does not reproduce stigma and does not deprive a person of agency. For example, the Office of the United Nations High Commissioner for Human Rights[44] and the WHO[45] in their recommendations regarding the coverage of the topic of violence and trauma emphasize the use of language that preserves the dignity of the affected persons and does not attach the label of a "victim" as an identity with which a person is forced to live hereinafter. One of the proposals for neutral terminology, which emphasizes the lived experience but at the same time the agency of the affected persons, is the term "survivors"[46] — meaning, those who survived or endured.

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41 United Nations Human Rights Office of the High Commissioner. Reports on the human rights situation in Ukraine. URL: https://www.ohchr.org/en/countries/ukraine

42 For example: Case of Ilaşcu and Others v. Moldova and Russia (Application no. 48787/99), Grand Chamber, 8 July 2004. URL: https://hudoc.echr.coe.int/eng?i=001-61886; Case of Ukraine v. Russia (re Crimea) (Application nos. 20958/14 and 38334/18), Grand Chamber, 25 June 2024. URL: https://hudoc.echr.coe.int/eng?i=001-235139, and others.

43 OHCHR. Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies. URL: https://www.ohchr.org/en/instruments-mechanisms/tools-and-resources/human-rights-based-approach-development-cooperation

44 OHCHR. Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice. New York and Geneva: United Nations, 2018. HR/PUB/18/4. URL: https://www.ohchr.org/sites/default/files/IntegratingGenderPerspective_EN.pdf

45 Zimmerman C., Watts C. WHO Ethical and Safety Recommendations for Interviewing Trafficked Women. Geneva: World Health Organization, 2003. ISBN: 9241546255. URL: https://iris.who.int/handle/10665/42765

46 OSCE/ODIHR. Code of Practice for Ensuring the Rights of Victims and Survivors of Human Trafficking. OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw, 2023. ISBN: 978-92-9271-099-6. URL: https://cdn.osce.org/sites/default/files/f/documents/d/4/541269.pdf

This corresponds to the request of the people themselves as well:

Testimonies of released civilian captives

"Do not call us victims — we are survivors," — Liudmyla Huseinova, civilian captive47.
"Who, if not the women who survived this, should destroy these damn Soviet-era standards, these stigmas, these habits, attitudes. Personally, I found in this a reason to survive. This struggle has become the meaning of life for me,"– Iryna Dovhan, former civilian captive, human rights defender, head of SEMA Ukraine48.
"I do not want us to be pitied. We can endure, we are strong people. If we were able to stand firm there, then just give us a little support..." — Anna Iliushchenkova, former prisoner of war (Ilovaisk)49.
"I am not a victim... I will not surrender to self-pity," – Tal Shoham, freed from captivity (Israel)50.

In the Ukrainian legal and public spheres, one can find both the terms "affected person" (postrazhdalyi) / "injured party" (poterpilyi) to denote a person harmed by a crime or rights violation, and the word "victim" (zhertva), but the latter is mostly used in specific contexts (for instance, in the translation of titles or texts of international documents and judicial decisions where the term "victim" appears). At the same time, as early as 2009, Ukrainian translations of materials concerning, for example, anti-trafficking efforts, employ precisely the term "affected person" (postrazhdalyi) rather than "victim" (zhertva).

The Criminal Procedure Code of Ukraine operates with the category of the "injured party" (poterpilyi) as a subject of the proceedings with clearly defined rights, rather than a helpless "victim" (zhertva). However, there are many instances in Ukrainian legislation where the word "victim" (zhertva) is used in documents. For example, the Istanbul Convention[51]. But this example, in our view, precisely highlights the existence of terminological inconsistency. On the one hand, the Convention uses the word "victim," while on the other, it emphasizes the right of a person who survived violence to access justice, support, and recovery.

In conclusion, at this stage, we do not propose making radical changes to international or national regulatory terminology. Ultimately, legislation is primarily handled by legal professionals who clearly understand the meaning of a particular term and use it for specific legal procedures. The risks that semantic stigmatizing undertones will affect these procedures are not very high.

In contrast, in public communication, which is widely disseminated among people with diverse worldviews, occupations, personal backgrounds, etc., it is appropriate to use the terms "affected persons," "people who suffered violations," or "survivors." This approach supports the concept of recovery rather than merely recording the fact of suffering, and therefore, in

47 Andriana Velianyk. "Women's Voices. What Ukrainian Women Endure in Russian Custody," Svidomi, July 5, 2023. URL: https://svidomi.in.ua/page/holosy-zhinok-cherez-shcho-prokhodiat-ukrainky-v-rosiiskomu-poloni
48 "I Will Not Keep Silent." On Conflict-Related Sexual Violence and Justice, Inshe TV, December 14, 2024. URL: https://inshe.tv/important/2024-12-14/891475/
49 "Constantly Running Not to Think About What Is Inside." Anna Iliushchenkova on Life After Ilovaisk, Wonderzine Ukraine, February 19, 2024. URL: https://www.wonderzine.me/wonderzine/life/experience/19205-postiyno-bigti-schob-ne-dumati-pro-te-scho-vseredini-anna-ilyuschenkova-pro-zhittya-pislya-ilovaysku
50 Eric Shawn. "Freed Israeli Hostage Speaks for the First Time about His 505 Days of Surviving Hamas Hell", Fox News Digital, March 20, 2025. URL: https://www.foxnews.com/world/freed-israeli-hostage-speaks-first-time-about-his-505-days-surviving-hamas-hell
51 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), 11 May 2011. URL: https://zakon.rada.gov.ua/go/994_001-11

the Ukrainian context, appears more correct from the perspective of sensitive communication and respect for human dignity.

Conclusion

The language used to describe the experience of people who survived Russian captivity is not merely a technical matter of law, but a way to acknowledge their experience and establish accountability for what happened to them. Thousands of civilians did not just "find themselves in custody": a complex of war crimes was committed against each and every one of them by specific individuals and a specific state. The legal sphere must honestly reflect this reality: the fact of captivity, the wartime context, the forced nature of the "deprivation of liberty," its illegality, and the need to hold accountable not only the direct perpetrators but the entire chain of involved individuals.

The presented arguments demonstrate that the issue of terminological accuracy goes beyond the purely academic. Public communication, social dialogue, and the consolidation of certain terms influence the formulation of legislation, policy-making, and law enforcement. By leaving thousands of civilians from the temporarily occupied territories behind long and vague formulas, there is a risk of continuing to leave them "out of the frame" — both in law and in the public consciousness.

Therefore, while the professional discussion continues and the legislator seeks ways to update the norms, we propose using the generalized term "civilian captives" in the public sphere. It does not contradict existing legal definitions but directly points to the main point: these people survived captivity in the context of armed aggression, and a war crime was committed against them. And this very term must incorporate not only a description of their condition but also a demand to bring to justice those who created this condition — from the direct perpetrators to the entire decision-making chain. It is then the task of the law to catch up with the language of society and enshrine this reality in norms that truly protect them.

Recommendations:

1. Enshrine a unified term "civilian captives" in Ukrainian legislation and public communication to define the legal status of civilians who have been subjected to illegal "deprivation of liberty" as a result of the actions of the aggressor state.
2. Prior to the codification of the unified term, within the existing legal framework, apply the term "conflict-related illegally held civilians" as opposed to using the term "detainees."
3. Consider the possibility of submitting proposals to international bodies and institutions (specifically the UN and the ICRC) regarding the introduction of the term "civilian captive" into the system of international law to describe a civilian person who has endured captivity in conditions of an armed conflict, regardless of its nature. Alternatively, the ICRC could conduct an additional study and unify the practice of applying the term "hostage-taking," presenting a possible position that this term generally means "capturing into captivity" and does not necessarily have to involve specific conditions from the opposing side for the release or return of an arbitrarily institutionalized person. At the same time, retain the term "capturing into captivity" in the Ukrainian translation, as it is currently formulated in Article 147 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.
4. Abandon the use of phrases like "exchange of prisoners" in public and official communication, particularly by state authorities, in favor of "release" or "return" of captives.
5. Abandon the use of the term "victim" in public and official communication in favor of the terms "affected person" (postrazhdalyi(a)) or "injured party" (poterpilyi(a)).

2. Social protection

The profile Law[52] does not contain a definition of the term "social protection."

By analogy, the Law of Ukraine On Social and Legal Protection of Servicemen and Members of Their Families in Article 1, as amended in 2006, defines the social protection of servicemen as an activity (function) of the state aimed at establishing a system of legal and social guarantees that ensure the realization of constitutional rights and freedoms, the satisfaction of material and spiritual needs of servicemen in accordance with the special nature of their service activities, their status in society, and the maintenance of social stability in the military environment. This is the right to provide for them in the event of total, partial, or temporary loss of working capacity, loss of the breadwinner, unemployment due to circumstances beyond their control, old age, as well as in other cases provided by law.

The Constitutional Court of Ukraine indicates in its decisions[53] that social protection is a characteristic of Ukraine as a social state. The state guarantees the realization of the social rights of citizens, in particular, the rights to social protection and an adequate standard of living (Articles 46, 48). This right is comprehensive and includes the right to provision in the event of:

1. total, partial, or temporary loss of working capacity;
2. loss of the breadwinner;
3. unemployment due to circumstances beyond their control;
4. old age;
5. in other cases provided by law.

The components of social protection in paragraphs 1–4 cannot be repealed by law. Other components of social protection are determined by the Verkhovna Rada of Ukraine through the adoption of laws. The Parliament may change, repeal, or restore them during the formation of the state's social policy, depending on its socio-economic capabilities, since the principle of social solidarity cannot replace a person's personal responsibility for their own fate and the welfare of their family. The social protection system should encourage and must not deter a person's desire to improve living conditions for themselves and their family.

In summary, social protection is a set of mandatory (provision due to loss of working capacity, loss of a breadwinner, unemployment, and old age) and optional obligations of the state to a citizen in the social sphere to ensure an adequate standard of living for them and their family.

Law No. 2010-IX contains only two forms of protection: social and legal. According to the logic of the legislator, in this study, under social protection, we mean all forms of guarantees that are not covered by legal protection.

3. Legal protection

As in the case of the term "social protection," the regulatory acts of Ukraine do not contain a clear definition of "legal protection."

At the same time, Article 9 of Law No. 2010-IX directly links the legal protection of civilians, in respect of whom the fact of "deprivation of personal liberty" has been established, with state guarantees:

- reimbursement of expenses for professional legal assistance provided to them for the protection of their rights and legitimate interests, in the manner and amounts established by the Cabinet of Ministers of Ukraine;
- free secondary legal aid during the period of "deprivation of personal liberty" and after release in connection with the protection of rights and legitimate interests violated due to the deprivation of personal liberty as a result of armed aggression against Ukraine.

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52 Law of Ukraine On Social and Legal Protection of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members, dated January 26, 2022. URL: https://zakon.rada.gov.ua/laws/show/2010-20#Text

53 Constitutional Court of Ukraine. "The Right to Social Protection." URL: https://ccu.gov.ua/storinka-knygy/446-pravo-na-socialnyy-zahyst

4. Family members

Part 3 of Article 7 of Law No. 2010-IX stipulates that family members and parents of a deceased (perished) civilian, in respect of whom the fact of deprivation of liberty has been established, are determined in accordance with the Family Code of Ukraine, and dependents — in accordance with the Law of Ukraine On Compulsory State Pension Insurance.

Therefore, as a general rule, family members are:

- spouses;
- children (including adopted children);
- persons who cohabit, are bound by a common household, and have mutual rights and duties;
- other persons on the basis of blood relationship, as well as on other grounds not prohibited by law and not contradicting the moral foundations of society.

2 NEEDS OF RELEASED CIVILIAN CAPTIVES, LEGISLATIVE REGULATION, AND PRACTICAL IMPLEMENTATION OF THEIR SUPPORT

The return of civilians from illegal detention occurs under conditions of profound physical, psychological, and social vulnerability. Most of them return without identity documents, without stable housing, with compromised health, and with limited resources for independent recovery. Some are internally displaced persons (IDPs) who have lost their property or social ties, while others face the challenge of reintegrating into communities after prolonged isolation and exposure to violence.

According to surveys of released civilian detainees and experts, the most pressing needs are:

- provision of housing;
- restoration of identity documents;
- access to medical care (including dental services);
- psychological support;
- financial stabilization during the initial post-return period;
- legal assistance.

However, these issues rarely exist in isolation. For the most part, released individuals require comprehensive support – simultaneous access to medical, social, legal, and material resources.

The state has established a specific regulatory framework to protect this category of persons. The Law of Ukraine On Social and Legal Protection of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members provides for a procedure to establish the fact of deprivation of personal liberty, entry into the Unified Register, and the granting of corresponding guarantees – medical, psychological, social, legal, and financial.

However, access to the guarantees prescribed by law is directly contingent upon obtaining the official status of a person in respect of whom the fact of deprivation of personal liberty has been established. This particular condition remains the primary obstacle for many released civilian captives.

Further analysis demonstrates that the nature of these issues varies depending on the category of release and the method by which the individual returns to the government-controlled territory of Ukraine.

2.1. The Commission's role and procedural barriers in establishing the fact of captivity

The key body in the procedure for establishing the fact of deprivation of personal liberty is the Commission on Establishing the Fact of Deprivation of Personal Liberty (hereinafter referred to as the Commission), created by Resolution of the Cabinet of Ministers of Ukraine No. 1281, dated November 15, 2022 (hereinafter the Resolution). Its decision serves as the sole legal basis for the State's official recognition of the fact of illegal deprivation of liberty and the subsequent entry of data into the Unified Register of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members (hereinafter referred to as the Register). It is only from the moment of entry into the Register that an individual gains the ability to exercise the guarantees provided by law.

Timeframes for consideration of applications to establish the fact of "deprivation of liberty"

At the same time, the Resolution on the Commission does not establish any specific timeframes for the consideration of submitted applications, lack procedural guarantees for the timely adoption of decisions, and does not oblige to inform applicants about the status of their cases. The wording in the Resolution stating that "meetings are held as needed, but at least once a quarter" creates a situation where individuals wait for months for their applications to be reviewed, remaining without any official response or access to assistance. This gap has negative consequences for survivors of captivity: without the Commission decision, they cannot obtain the status of a victim, nor can they access payments, rehabilitation, or medical services. Their ab-

sence from the Register means their absence from the State's coordinate system; consequently, no state program can be applied to them.

Judicial practice has already begun to record the problem of excessive delays in the consideration of applications. Thus, the Cherkasy Regional Administrative Court in case No. 580/966/26[54] dated April 9, 2026, noted that the Commission, having received the application and supporting documents, "has a duty to consider them at a meeting and adopt one of the established decisions." Since the meetings of the Commission are held at least once a quarter, the courts consider that the consideration of the application and the adoption of a decision must take place within a reasonable timeframe, meaning they should not exceed three months. Thus, even in the absence of explicit legislative timeframes, courts are beginning to form an approach according to which waiting for many months without a decision can be regarded as illegal inactivity.

This gap creates significant negative consequences for people who survived captivity as civilian captives: without the Commission's decision, they cannot obtain the status of an affected person, receive payments, or access rehabilitation, medical, or social services. Absence from the Register effectively means absence from the system of state support, and therefore — the impossibility of realizing guaranteed rights.

Obtaining the Commission's decisions

A separate issue is obtaining information from the Commission. In particular, regarding its decision not to confirm the civilian detainee status. In court case No. 320/46108/23[55], the applicant was unable to obtain the Commission's decision protocol regarding their case. In its refusal, the Commission stated that such information was restricted to "official use only" (OUO) and that the applicant could only review it by appearing before the Commission in person. The court noted that the individual has the right to receive an extract containing information related solely to them. Legislation does not oblige a person to come personally to receive such information. The Commission's refusal to provide information in electronic form was illegal. The confidentiality of other persons' data is not grounds for a total refusal: the body must provide the document with the personal data of third parties redacted. The Commission is obliged to provide an extract from the decision regarding the non-confirmation of the fact of captivity. In practice, the Commission continues this practice, in fact violating the right to receive information about oneself in a convenient form, such as electronic (Part 2 of Art. 7 of the Law of Ukraine On Information).

Testimonies of released civilian captives

"I am fighting just to find out the reason for the refusal. And it's a closely guarded secret. ... they replied on Viber .... 'Read the law.' They send over the text of the law. I write back, 'I have read the law, and according to it, I should be granted the status.' They respond again, 'Read the law.'"
"I recently reapplied to the Commission. It's still up in the air. ... I don't know why I was rejected the first time."
"They don't explain the reasons. They said right away, 'We do not provide any comments.'"
"When they issue a refusal ... the person reapplies a second time. They submit a heap of documents again, and again, they are rejected. But why were they rejected? What documents are missing?"

Group diversity and most vulnerable categories

At the same time, the majority of surveyed experts emphasize that the existing problems faced by released civilian captives are solvable. Experts believe that with proper organization of processes, coordination between

54 Decision in case No. 580/966/26. URL: https://reyestr.court.gov.ua/Review/135610051
55 Decision in case No. 320/46108/23. URL: https://reyestr.court.gov.ua/Review/119875307

government agencies, and the presence of "political will," the state is capable of ensuring an effective support system.

Additionally, when shaping public policy, it is important to take into account that released civilian captives do not constitute a homogeneous group. The extent and relevance of the problems they face vary significantly depending on the circumstances of their release, health condition, availability of documents, housing situation, social support, and other factors.

Above all, there are fundamental differences between civilian captives released as a result of state-organized exchanges and those who secured their release independently — either by returning after the de-occupation of Ukrainian territories or through third countries. Representatives of the latter category are least protected. They usually do not receive adequate assistance due to the difficulty or practical impossibility of proving before the Commission the fact of illegal detention and the use of violence against them. As a result, such individuals do not obtain the status of a person deprived of personal liberty due to armed aggression and, therefore, remain outside the system of legally protected guarantees.

Experts describe the situation as follows:

"If they were released independently, they receive nothing at all."
"There is no support for these people because they cannot obtain any status. ... they didn't even get into a hospital, as all civilians do immediately after release ... they didn't even receive that medical care or help with documents if they were lost. In principle, they are completely without all this."
"A person is released and chooses to travel through third countries to the controlled part of Ukraine, but then they are actually limited in their ability to prove that they truly survived illegal detention – that during the time they were missing, they were truly in illegal detention and not elsewhere on personal business. Therefore, they are deprived of the opportunity to gain status."
"Those who returned on their own or through de-occupation face much greater problems because, without state recognition – that is, obtaining status – the process can drag on for years, and they have no benefits whatsoever. They have no deferment from mobilization; they have no money. For the most part, they are IDPs who still have to find housing for themselves. For civilians returning outside of exchanges, everything is very difficult."
"People who return independently are currently the most vulnerable, as they often go completely unnoticed by the state."

Obtaining the status requires released civilian captives to provide documentary evidence of their illegal detention, which they often do not possess. As of 2025, approximately one-third of the released individuals surveyed in this study were unable to obtain this status for this reason.

Expert assessments

"The general problem is the inability to prove the status of being in captivity because there are no documents. The person was in places of confinement for a long time and was ill-treated. They claim this, but they have no documents. And no compensation follows. ... This must be confirmed by independent witnesses. A person comes and claims they were in captivity, held, tortured. There is no proof of this, no other material evidence. Surely, no documents."
"The existing system of proof – of having truly been in illegal detention – requires the victim to provide information confirming the fact of detention. If a person is imprisoned officially, a case is opened against them, and the relatives of such a person or the person themselves after release can provide documents. ... If there is no such confirmation, the person can collect testimonies – someone could see them. They can tell their story, undergo a polygraph test. That is, use any means to gather

at least some information, but practice shows that in most cases, such information is insufficient for the Commission. And most of those held incommunicado are rejected by the Commission that establishes the fact of illegal detention."
"To obtain this captive status, they [Ed.: the Commission] need to be provided with a fair amount of evidence that the person was taken captive because they were defending, or accordingly, conducting some pro-national policy and the like. ... And very often, they are rejected because the Commission lack sufficient evidence."
"There is practically nothing that can be done to help. It can be resolved in different ways, but let's put it this way: in most cases, without proper documentary confirmation, a person will remain without compensation and without recognition of this status."
"In general, placing the burden of proof on the victim contradicts the very essence of social assistance, given that a person needs social aid immediately upon return, but is forced to spend months in an exhausted state gathering information and dealing with these matters."
"It must be proven that they were taken captive because, for example, they upheld a Ukrainian position, conducted pro-national activities, and so on. But it must be proven. And usually, if the person is a civilian detainee, this is much harder to do than, for example, for a prisoner of war."
"Hypothetically, a person was held in Donetsk's 'Izoliatsiia' [Ed.: referring to a former art space in Donetsk which, after the 2014 occupation, the authorities of the so-called 'DPR' turned into an improvised torture chamber] and released three months later. They escaped and say they spent three months in isolation (Ed.: referring to the characteristic feature of punishment during deprivation of liberty). It is fine when a well-known person says this and it's known they were in isolation; there is a confirmed story. But when nothing is known about the person or whether they were in 'Izoliatsiia,' the person who came out of there has no documents; they only have their word."

At the same time, civilian captives released in 2025 who did manage to obtain the relevant status did so relatively quickly, within a month.

The vast majority of surveyed experts believe it is necessary to grant released persons a special status combined with specific benefits and guarantees. Furthermore, they consider the current status and existing guarantees to be insufficient in terms of the scope of medical services, care for victims, and the amount of monetary payments.

Surveyed released civilian captives and experts propose the following:

Experts proposal

"We must recognize a priori all civilians who were in captivity, whether they were collaborators or not, if they were subjected to torture (and 99% of those held in captivity were). ... They should obtain this status automatically. If you are a collaborator – the state grants you this status with one hand, and then through a judicial procedure, that same state will imprison you and revoke it, including confiscation. ... Alternatively, provide that if a collaboration case is open, you obtain the status but do not receive payments. ... Meanwhile, those who are honest civilians receive all rights, payments, and everything else automatically. We shouldn't be afraid that we might give something to the wrong person."
"It should be sufficient for them to report to law enforcement that they were illegally detained, tell their story, and give testimony. Based on these stories and testimonies, a criminal proceeding should be opened, and the investigator – upon receiving all necessary information from the victim – should grant them status. This would be enough for the individual to receive a basic package of material assistance, temporary housing if they have nowhere to live, and medical care."

An illustrative case from the Civis Fortis practice involves citizen L., a civilian illegally deprived of liberty by representatives of the so-called "DPR" in the temporarily occupied territory of Donetsk Region. The occupation court ordered L.'s release on June 18, 2024. Since October 2024, she has been in the government-controlled territory of Ukraine. On April 16, 2025, citizen L. applied to the Ministry for Development of Communities and Territories of Ukraine (hereinafter the Mindev) to establish her status as a civilian detainee. On May 22, 2025, she received a letter from the Mindev (No. 12072/7/10-25) requiring her to submit additional documents before the case could be referred to the Commission. L.'s lawyer gathered evidence of her persecution by the so-called "DPR" and her illegal deprivation of liberty.

In particular:

- copies of "court rulings" issued by judicial bodies of the occupation administration of the so-called "DPR";
- the response from the so-called "DPR Prosecutor General's Office" regarding the opening of a "case";
- materials from a Ukrainian criminal proceeding in which the SBU is investigating her kidnapping and illegal detention (under Part 1 of Art. 438 of the Criminal Code of Ukraine (CCU)).

Despite this, as of November 2025, the Commission informed L. that the decision to establish the fact of her deprivation of personal liberty and to enter the corresponding data into the Register did not receive a sufficient number of votes. Consequently, the Commission did not recognize L. as a person in respect of whom the fact of deprivation of personal liberty was established. This, in turn, made it impossible for L. to receive the social assistance, medical rehabilitation, and legal support provided for by law. This case exemplifies a systemic flaw in state policy in this area.

Assessment of the Commission's work by the Commission members themselves

In their responses to the survey questions, the Commission members predominantly pointed out internal challenges in the Commission's work, which can be conditionally divided into groups.

Decision-making

- limited methods for verifying the information in applications, particularly that related to the temporarily occupied territories;
- a conflict between the requirement for prompt decision-making and the full and comprehensive consideration of applications under the conditions of a significant volume of applications and a lack of evidence;
- a lack of predictable and unified approaches to decision-making, in particular, the absence of a standard of proof and a list of basic and alternative evidence for the Commission, taking into account the presence of people in the TOTs;

Internal analytics and monitoring

- an insufficient level of systemic legal and sociological analysis of the decisions adopted (grounds for denials / approval of applications, etc.);
- the absence of an evaluation of the effectiveness of the current policy;

Legislative limitations

- lack of regulation of certain procedural aspects at the level of bylaws. Specifically regarding the verification of the powers of applicants' representatives, determining and changing the recipient of financial assistance, verifying the authenticity of the submitted information, etc.;

- imperfections in the application form and the lack of filters that would allow filtering out applications on formal grounds at the stage of their receipt (do not comply with the Law, are inadmissible, etc.), thereby reducing the workload on the Commission;
- the need to review Resolution of the Cabinet of Ministers of Ukraine No. 1281 dated November 15, 2022, regarding the improvement of the procedure, the powers of the involved bodies, and their interaction.

Public communications

- lack of understanding by applicants of the scope of Law No. 2010-IX and the subject matter of the Commission's consideration (specifically due to a lack of communication from the ministry and the Commission itself). This leads to the submission of applications that do not meet the criteria of the Law or do not fall within the competence of the Commission.

Voiced proposals for solutions:

- define the standard of proof and a minimum list of basic and alternative evidence (taking into account the conditions of the TOTs) in regulatory acts;
- develop a draft of amendments to the procedure for submitting applications (admissibility filters and compliance with Law No. 2010);
- amend Resolution of the Cabinet of Ministers of Ukraine No. 1281 dated November 15, 2022, to improve the procedure for considering applications, the powers of the involved bodies, and their interaction;
- consider the expediency of creating two Commissions (separately for servicemen and civilians);
- introduce a regular analysis of the Commission's decisions, judicial practice, and their generalization;
- conduct a comprehensive legal and sociological analysis of the effectiveness of the mechanism;
- improve communication regarding the Commission's activities, its competences, principles, and its decision-making mechanism.

Effectiveness of judicial control in protecting the rights of released persons

An analysis of judicial practice on claims to the Commission indicates that existing tools of judicial review do not provide released civilian captives with comprehensive and effective protection.

In 30 analyzed court decisions (concerning appeals against the Commission's decisions or inaction), the Commission used the following typical phrasing to deny the establishment of the fact of deprivation of liberty:

- "insufficient evidence" or "lack of supporting documents" (cases No. 200/3489/25[56], No. 520/23204/25[57], No. 200/6602/25[58], No. 360/1260/24[59], No. 480/8583/25[60], No. 400/12062/25[61],

56 Decision in case No. 200/3489/25. URL: https://reyestr.court.gov.ua/Review/131324452
57 Decision in case No. 520/23204/25. URL: https://reyestr.court.gov.ua/Review/131203002
58 Decision in case No. 200/6602/25. URL: https://reyestr.court.gov.ua/Review/130928125
59 Decision in case No. 360/1260/24. URL: https://reyestr.court.gov.ua/Review/123728321
60 Decision in case No. 480/8583/25. URL: https://reyestr.court.gov.ua/Review/135252236
61 Decision in case No. 400/12062/25. URL: https://reyestr.court.gov.ua/Review/135168873

No. 420/41098/25[62], No. 320/6737/25[63], No. 200/9719/25[64], No. 280/8989/25[65], No. 280/9243/25[66], No. 200/87/26[67]);

- "the fact of deprivation of liberty has not been confirmed" (case No. 520/33227/24[68]);
- "the decision did not receive the required number of votes" (cases No. 420/22235/24[69], No. 380/14047/24[70], No. 280/7829/24[71], No. 280/9034/24[72], No. 520/20434/24[73], No. 320/9050/25[74]).

In analyzing these Commission's refusals, the courts reached the following primary conclusions:

1. Inadequate reasoning in the Commission's decisions

Courts noted that the Commission limits itself to general phrases about "insufficient evidence" without analyzing the documents provided by applicants or explaining why it deems them insufficient or improper. Such an approach fails to meet the requirements for the validity of administrative decisions and deprives applicants of the ability to understand the logic of the refusal and effectively protect their rights (Cases No. 200/6602/25[75], No. 200/3489/25[76]).

At the same time, judicial practice further specifies the requirements for the motivation of the Commission's decisions. Thus, in case No. 420/41098/25, the court noted that the Commission failed to indicate exactly which documents the applicant was missing, did not provide references to the provisions of the legislation that mandate the submission of such documents, and also failed to provide an assessment of the evidence submitted by the individual. In case No. 480/8583/25, the court separately emphasized that the Commission's decision must contain an assessment of the submitted evidence and an explanation of the reasons for refusal. In case No. 320/9050/25, the court underlined that the "lack of a sufficient number of votes" is merely the result of the voting by the Commission's members, but cannot be considered an independent legal ground for refusal to establish the fact of "deprivation of personal liberty."

62 Decision in case No. 420/41098/25. URL: https://reyestr.court.gov.ua/Review/134509116
63 Decision in case No. 320/6737/25. URL: https://reyestr.court.gov.ua/Review/134581228
64 Decision in case No. 200/9719/25. URL: https://reyestr.court.gov.ua/Review/135252236
65 Decision in case No. 280/8989/25. URL: https://reyestr.court.gov.ua/Review/132983593
66 Decision in case No. 280/9243/25. URL: https://reyestr.court.gov.ua/Review/134171260
67 Decision in case No. 200/87/26. URL: https://reyestr.court.gov.ua/Review/135700192
68 Decision in case No. 520/33227/24. URL: https://reyestr.court.gov.ua/Review/127129057
69 Decision in case No. 420/22235/24. URL: https://reyestr.court.gov.ua/Review/120951229
70 Decision in case No. 380/14047/24. URL: https://reyestr.court.gov.ua/Review/123516806
71 Decision in case No. 280/7829/24. URL: https://reyestr.court.gov.ua/Review/123439176
72 Decision in case No. 280/9034/24. URL: https://reyestr.court.gov.ua/Review/123100769
73 Decision in case No. 520/20434. URL: https://reyestr.court.gov.ua/Review/132402647
74 Decision in case No. 320/9050/25. URL: https://reyestr.court.gov.ua/Review/133951017
75 Decision in case No. 200/6602/25. URL: https://reyestr.court.gov.ua/Review/130928125
76 Decision in case No. 200/3489/25. URL: https://reyestr.court.gov.ua/Review/131324452

2. Non-compliance with the Law of Ukraine On Administrative Procedure when making decisions

Courts point to the necessity of applying the norms of the Law On Administrative Procedure (Cases No. 520/1993/25[77], No. 300/9517/24[78]), which imposes an obligation on government bodies to:

- inform the applicant about the insufficiency of evidence;
- assist in the collection of evidence, rather than shifting the entire burden of proof onto the individual who may have been in captivity and objectively lacked the opportunity to obtain certain documents.

3. Inadmissibility of a purely formal approach

In case No. 200/7581/24[79], court emphasized that the Commission cannot limit itself to a formal review of the submitted document package or shift the entire burden of proof onto the applicant. This is especially pertinent in situations where the individual was physically unable to obtain documents (e.g., due to captivity, presence in occupied territories, lack of access to government authorities, etc.).

4. Requirement to act strictly within the law

In case No. 360/1260/24[80], the court pointed out that the Commission has no right to demand documents not explicitly required by legislation, nor to issue denials solely due to the absence of documents that are impossible to obtain under conditions of occupation or deprivation of liberty. Such practices contradict the principles of reasonableness and proportionality in administrative procedures.

5. Limited jurisdiction of the courts

In a series of decisions (specifically case No. 480/2445/24[81]), the courts have stressed that their powers are limited to:

- nullifying illegal decisions made by the Commission;
- recognizing the Commission's inaction as illegal;
- ordering a re-examination of the application.

At the same time, courts do not have the authority to independently establish the status of a civilian detainee or to make decisions instead of the Commission. The final decision remains with the Commission in any case, which significantly limits the effectiveness of judicial protection.

An analysis of more recent judicial practice indicates the emergence of an exceptional approach to determining an effective method of protection. Thus, in case No. 200/87/26 dated April 13, 2026, the Donetsk Regional Administrative Court concluded that the Commission's repeated refusals and its disregard for the court's previous findings evidence a systematic failure to fulfill the duty to act in accordance with the law. The court deemed the repeated referral of the application for the Commission's reconsideration insufficient and chose a different method of protection – it directly obligated the Commission to establish the fact of the individual's "deprivation of personal liberty." This decision is isolated in practice and differs from the dominant approach, under which courts limit

77 Decision in case No. 520/1993/25. URL: https://reyestr.court.gov.ua/Review/131260376
78 Decision in case No. 300/9517/24. URL: https://reyestr.court.gov.ua/Review/126660081
79 Decision in case No. 200/7581/24. URL: https://reyestr.court.gov.ua/Review/124180577
80 Decision in case No. 360/1260/24. URL: https://reyestr.court.gov.ua/Review/123728321
81 Decision in case No. 480/2445/24. URL: https://reyestr.court.gov.ua/Review/121225712

themselves to annulling the decision or obligating a reconsideration of the application.

An analysis of court decisions regarding special proceedings (including the three cases cited above), in which applicants sought to establish the fact of captivity through such procedures, shows that this path also fails to provide effective protection. The courts consistently hold that:

- the court lacks the jurisdiction to establish the status of a civilian detainee, as the law explicitly designates the Commission as the responsible body;
- the fact of being in captivity is not, in itself, a "legal fact" within the meaning of the Civil Procedure Code that can be established through such procedural means; it must be determined exclusively by the Commission.

Conclusion

The procedure for establishing the fact of deprivation of personal liberty remains one of the key systemic barriers faced by released civilian captives. Despite the existence of the specialized law, Register, and the authorized Commission, obtaining official status and the associated guarantees is often hindered by the absence of clear deadlines for application review, lack of procedural transparency, insufficient communication with applicants, and a formalistic approach to evidence assessment.

Civilian captives who secured their release independently or returned outside formal exchange mechanisms remain the most vulnerable group. They often do not have sufficient documentary evidence of their illegal detention, and therefore cannot obtain the status and remain outside the state support system. The current evidentiary model for civilian captives before the Commission places a disproportionate burden on the victim, which is inconsistent with the principles of social protection and fails to take into account the objective circumstances of captivity, isolation, and lack of access to documentation.

An analysis of judicial practice confirms the systemic nature of these problems. The courts repeatedly point out the lack of proper motivation in the Commission's decisions, non-compliance with the requirements of the Law on Administrative Procedure, the inadmissibility of a formalistic approach to the evaluation of evidence, and the necessity of considering applications within a reasonable timeframe. Judicial practice is gradually influencing the standards of the Commission's activity, particularly regarding the duty of proper justification of decisions, informing applicants, and compliance with procedural guarantees.

At the same time, the effectiveness of judicial protection remains limited. In most cases, courts can only annual the Commission's decision or obligate it to reconsider the application, which does not guarantee the final restoration of the violated right. The emergence of isolated decisions in which courts recognize the direct obligation of the Commission to establish the fact of "deprivation of personal liberty" as a proper method of protection indicates the formation of new approaches to protecting the rights of applicants in cases of systemic failure by the Commission to perform its duties.

Therefore, despite the existence of a regulatory framework and certain positive changes in law enforcement and judicial practice, the current mechanism still does not guarantee timely, transparent, and fair access for released civilian captives to the rights provided by law, and requires further regulatory and institutional improvement. Currently, the realization of the right to status and its associated guarantees largely depends on an individual's ability to independently navigate lengthy administrative and judicial procedures after surviving captivity.

Recommendations

1. To adopt amendments to Resolution No. 1281 to establish clear timeframes and procedural guarantees for the Commission's review of applications, taking into account admissibility filters and compliance with Law No. 2010.

The amendments should establish:

- a deadline for reviewing applications (e.g., 30 calendar days, with extensions allowed only in exceptional cases with a written justification to the applicant);
- an obligation for the Commission to inform the applicant of the receipt of the application, the current stage of review, and the approximate date of the hearing;
- consider the expediency of distinguishing the procedures for establishing the fact of "deprivation of personal liberty" for servicemen and civilians, in particular through the creation of separate commissions or specialized panels within the Commission;
- a priority review mechanism for individuals in vulnerable situations (serious health conditions, lack of housing/income, disability, independent release, etc.);
- a minimum monthly frequency for the Commission meetings, or a schedule based on
- application volume (e.g., a mandatory meeting once a specific threshold of pending applications is reached);
- a mandatory timeframe for the reconsideration of an application following a court decision (for example, no more than 30 days).

2. To ensure convenient access to information and documents for applicants:
   - to establish a mandatory obligation for the Commission to provide the applicant with an extract of the decision regarding their case (specifically in instances where the fact of detention was not confirmed) in electronic form, without requiring personal visit;
   - to unify practice in accordance with the court's position in case 320/46108/23: the "official use only" (OUO) status cannot serve as grounds for a total refusal to provide an individual with information about themselves. Furthermore, the Commission must provide extracts and other relevant information about themselves to the applicant with the personal data of third parties redacted;
   - to define a communication standard for the Commission: a single official point of contact for inquiries, clear timeframes for responses, and the ability for applicants to track the status of their inquiries;
   - to ensure public information disclosure regarding the powers of the Commission, the criteria for evaluating evidence, its operating principles, and the decision-making procedure.
3. To legally mandate the requirement for reasoned decisions by the Commission:
   - to provide a reasoned decision detailing which evidence was reviewed and why it was deemed insufficient or improper;
   - in the event of a refusal, to provide the applicant with a clear list of the information missing to establish the fact of detention and to specify which alternative sources or types of evidence are acceptable.
4. To fully implement the Law of Ukraine On Administrative Procedure into the Commission's operations:
   - to incorporate into the Commission's internal procedures the norms identified by the courts in their decisions; specifically, the obligation to notify the applicant of insufficient evidence and to assist in the collection of evidence, rather than shifting the entire burden of proof onto the applicant;
   - to develop a "victim-friendly" procedure standard: minimizing secondary traumatization, ensuring sensitive communication, and providing the option to act through a representative.
5. To determine the standard of proof. To introduce a "presumption in favor of the applicant" within the limits of reasonable sufficiency.
   To define the following at the level of a secondary act (or via the Commission's methodological recommendations):

- in cases of objective impossibility to obtain "formal" documents (due to occupation, incommunicado status, or lack of access to authorities), the Commission must accept alternative evidence;
- to allow for a combination of testimonies, criminal proceeding data, information from state bodies, medical findings, and materials from human rights or international organizations to be considered key evidence;
- to unify the Commission's approach to avoid unreasoned decisions with the phrasing "insufficient evidence."

6. To legally eliminate the discriminatory gap regarding self-released civilian captives (those released outside formal exchange mechanisms):
   - to define a clear procedure for confirming the fact of detention for individuals who secured their release independently, were released with the assistance of third parties, or returned following de-occupation;
   - to implement a temporary "basic assistance package" (minimal payments, temporary housing, primary medical care / psychological assistance) to be provided until the formal fact-establishment procedure is completed.
7. To increase the institutional capacity of the Commission:
   - to expand the representation of non-governmental organizations that possess expertise and practical experience in supporting released persons;
   - to implement regular training for the Commission members and the secretariat on trauma-informed care, ethics, standards of proof, and administrative procedures;
   - to ensure the Commission's secretariat has sufficient administrative resources to communicate with applicants and process applications;
   - to conduct regular evaluations of the effectiveness of the mechanism for establishing the fact of "deprivation of personal liberty," including an analysis of the Commission's law enforcement practice, judicial decisions, and applicants' experiences.
8. To strengthen the enforcement of court decisions:
   - introduce a requirement for the Commission to take into account the court's findings during reconsideration;
   - provide for a mechanism of internal control over the execution of judicial decisions;
   - prohibit the repetition of an identical formal refusal to an applicant without addressing the court's objections to the Commission's decision.

2.2. Social protection

a. Medical care

In the sphere of medical rehabilitation, legislation formally guarantees released civilian captives a wide range of rights: from primary medical examinations and psychological assistance to specialized treatment and sanatorium-resort rehabilitation. However, the actual accessibility of such services remains extremely limited and does not align with the stated scope of guarantees.

The law stipulates that restorative measures are established by Resolution of the Cabinet of Ministers of Ukraine (CMU) No. 296, dated March 15, 2024, On Approval of the Procedure for Conducting Restorative (Post-Isolation, Reintegration) Measures, Adaptation, Support (Accompaniment) of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, Following Their Release (hereinafter referred to as the Procedure)[82]. This Resolution was in-

82 Resolution of the CMU No. 296 of March 15, 2024. URL: https://zakon.rada.gov.ua/laws/show/296-2024-%D0%BF#n11

tended to be the primary document implementing systemic state support for civilians released from captivity. Formally, it seems comprehensive: it defines the procedure for restorative (post-Isolation, reintegration) measures, provides for the involvement of relevant ministries, and outlines a multi-level support system. However, the experience of supporting Civis Fortis beneficiaries proves that most of these norms remain merely declarative.

The "voluntary nature" of restorative measures for civilian captives as a practical barrier to access

The Resolution clearly differentiates the approach toward military and civilian personnel. For military personnel, restorative measures are mandatory; however, for civilian captives, they are provided only upon their consent. On one hand, this looks like adhering to the principle of voluntariness. On the other hand, in practice, this norm effectively deprives a portion of civilian captives of access to aid. In the first weeks following release, individuals are typically in a state of exhaustion, disorientation, or emotional "numbness," which limits their ability to make informed decisions regarding their treatment and rehabilitation. Thus, voluntariness in this context becomes an obstacle: instead of the aid finding the person, the person must find the aid themselves.

Lack of a unified coordination center and synchronized procedures between authorities

De jure, responsibility for implementing restorative measures is distributed among the Ministries of Defense, Internal Affairs, Social Policy, and Health, as well as the Security Service of Ukraine (SBU). However, de facto, there is no unified coordination center between these bodies regarding civilian captives, nor is there an established procedure for information exchange. This lack of coordination is particularly evident during the initial stage following release: there is no unified protocol for examination, state recording, or the transfer of medical information between facilities. This diminishes the quality of assistance and complicates subsequent treatment.

Initially, civilians released through mutual exchange procedures were placed in a medical facility in Chernihiv, where they underwent very limited examinations (a general medical check-up and primary laboratory tests without prescribing treatment). This occurs despite Paragraph 10 of the Procedure, which mandates that medical care, rehabilitative and psychological assistance be provided to released persons immediately upon their delivery by authorized bodies (or persons) to reintegration centers or healthcare facilities.

Testimonies of released civilian captives:

"At first, we just had a week of rest: nobody did anything, we just rested and adapted."
"An examination in the hospital without any treatment."
"They brought us straight to the hospital... we stayed there for 5 days. Basically, nothing was done regarding our health. We were just staying there. Blood tests were then taken 3 days later. They were taken at night, when we were already leaving."
"In the hospital, people treated us wonderfully, they smiled, but there was no actual work done. None at all. ... It was done just for show; they took blood but provided no results. And most importantly, this document, the certificate... in which they write 'no complaints.' Later, when a doctor looks at it, they say, 'How can I prove you had injuries or shrapnel in your hip if the primary examination says you have no complaints?' He said it was the same way last time."

Subsequently, released civilian captives were directed to the Kyiv Regional Hospital, where they were expected to undergo a thorough medical check-up and receive necessary treatment. However, released civilian captives and surveyed experts note that even during their stay at the Kyiv Re-

gional Hospital, assistance is often limited to diagnostics and recommendations for further treatment.

Testimonies of released civilian captives:

"We did not receive health restoration services. We received all the tests. ... They diagnose you there, and that's it."
"First, there was an examination in the hospital. Then, based on those results, they recommend some treatment."
"The medical examination... it was, shall we say, minor, and in my opinion, it didn't quite meet what it should have been. They looked at things, 'yes, yes.' They made some discharge summaries, and that was the end of it."
"If you have something acute, they pay attention to it. If it's superficial or not acute, then..."
"There was an examination, but no one even told me the results. I have heart problems; I have leg problems. They did the examination: it's not critical, no surgery needed. But what then? Well, 'take painkillers, use an ointment.'"
"They were supposed to keep us for 21 days; they did something urgent for some people, but otherwise, they just tell you, 'you need to come back then and then,' 'here is the doctor, get in touch,' 'you've got prescribed treatment.' But without staying in the hospital anymore."

Expert assessments

"It's not even treatment, but rather just an examination in the hospital after being released from captivity."
"Those released through exchange are taken to the hospital, and in fact, the hospital performs a good screening. However, they find the problems, set the diagnoses, and discharge them. That's it: you take those diagnoses and go do whatever you want."
"The state only examined them but provided no treatment at all."

Lack of a specialized approach

As of January 2025, only 22 designated medical facilities[83] in Ukraine are authorized to provide services to released persons. This limited number of authorized facilities restricts access to care; however, even within these facilities, there is a lack of a specialized approach to treating the consequences of captivity and torture. Those released from captivity are treated as ordinary patients. Medical personnel are not trained to work with this specific group, and doctors attend to them without any reduction in their standard workload from other patients.

Testimony of a released civilian detainee

"We were brought to the regional hospital and placed in the urology department. In other words, there is no specific rehabilitation department for people like us. We were placed that way: there was a vacant place in urology – someone was placed in urology, someone in cardiology, someone in traumatology. That is, they just placed us wherever there was a free bed. There was no single center where we could all be brought together and told, 'Lads, you be here, and the doctors will come to you.'"
"This is a hospital where planned work is ongoing. It's actually a surgical department where complex operations are performed. We were put

83 Website of the Ministry of Health — medical services for those released from captivity. URL: https://moz.gov.ua/uk/yak-zvilnenim-z-polonu-otrimati-medichnu-dopomogu

there, and we felt like a burden to those doctors. We felt it. We violated their planned rhythm of work."

Expert assessments

"They are brought into general somatic hospitals and distributed across somatic departments. This means they are handled by doctors who need to operate... who need to attend to their own patients. The doctors are forced to choose: either their primary work suffers, or the detainees – who should receive 24/7 attention – do not get the focus they need."
"They have only just started training personnel on how to behave correctly, which is good, of course, because re-traumatization can occur due to a patient's treatment or many other factors. A program was adopted outlining standard examinations and which specialists should be involved. But not all hospitals have these specialists, and not all of these specialists understand who they are dealing with."
"There is often incorrect, or even blunt and unethical treatment by doctors or junior medical and rehabilitation staff. They fail to account for the specifics of trauma – psychological trauma and the consequences of torture. As a result, the person cannot open up. They cannot communicate what is actually bothering them."
"Our medical system, even after three years, does not understand how to deal with civilians. It is not prepared to work with the consequences of the types of torture civilians endured in captivity... And they are facing a conventional medical system ... What can a family doctor say when you were tortured with electricity? What should be done? They don't even know which specialists to refer you to. And civilians don't go to their family doctors to tell them they were tortured."

Providing released civilian captives with necessary medication

Released civilian captives are provided with medication in negligible quantities; for the most part, they are forced to purchase medical supplies at their own expense, often in conditions where they have little to no funds.

Testimony of a released civilian detainee

"Then there's the issue with pills. I have a stomach ulcer. ... I say, 'Give me some probiotics; I need to take them to treat my stomach.' They say, 'We don't have any, buy them with your own money.' Health is more important, so I went and spent 1,000 UAH to buy them."

Expert assessment

"Some were prescribed drugs they had to buy themselves, but they had no money at all... Treatment was prescribed, and they were told — go buy the drugs and then you can be treated. There is a total lack of pharmaceutical supply. The hospitals are not provided."

Dental care

According to data from the Civis Fortis NGO gathered while working with beneficiaries of the program for supporting civilians released from captivity, most return with severe dental damage. However, access to quality and timely dental prosthetics is limited in practice. In August 2025, the state provided for free dental services[84], including examinations, X-ray diagnostics, treatment of caries and its complications, extractions and restoration of teeth, and the manufacturing and fitting of dental prostheses. Yet even

84 Resolution of the CMU No. 1017 of August 22, 2025. URL: https://www.kmu.gov.ua/npas/pro-vnesennia-zmin-do-poriadku-vykorystannia-koshtiv-peredbachenykh-u-derzhavnomu-s1017220825?fbclid=IwY2xjawOqqJtleHRuA2FlbQIxMABicmlkETFLQ2Z3eUFJeU51TnZDNTRIc3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHpK7dLWgNKwIM9KlwbdeAE3-a9heJhEO1

here, there are significant limitations: the program covers services only once a year, with a price cap of just 34,966 UAH (as of 2026[85]).

Given the extensive and complex damage typical for those held in confinement for long periods, these limitations do not allow for the full restoration of the released persons' health.

Insufficient inpatient stays and the absence of a sustained rehabilitation pathway

In addition to problems with access to primary medical care, study participants also pointed to deficiencies in sustained medical care. Such care is typically required by all released civilian captives who have been subjected to torture and ill-treatment.

Testimony of a released civilian detainee

"It is very frustrating that we are given a fixed period during which we are allowed to stay in hospital. As far as I understand, that period is about one month."
"In our case, there was no provision for a sanatorium rehabilitation stage. Previously, after hospital examinations, people would still go somewhere else... it was individualized, based on certain medical indications... but in our case, once the hospital stay expired, they simply told us, 'We are discharging you.'"

Expert assessments

"What is currently being done is a maximum of two weeks in the hospital; there are some support facilities... but in reality, it is insufficient."
"In this facility, a person receives the medical care they need, or if doctors see no need for hospitalization, they are not even admitted. After that, they are discharged, and that is all."
"Recovery after release depends on how traumatic the captivity was, the types of torture and violence endured; overall recovery can take from several weeks to several years."
"Problems do not just disappear; quite often, certain issues may emerge or manifest after some time. Therefore, prolonged medical care is, of course, necessary here."
"On the one hand, rehabilitation for those released from illegal detention is envisaged by the 2010 Law of Ukraine; on the other hand, no implementing mechanisms have been established at the level of secondary acts or government regulations to make this rehabilitation a reality. In other words, there is no rehabilitation program, no designated authority, no allocated funding – there is nothing."
"We have not resolved the issue of providing sustained medical care. ... People return with very severe injuries that often affect the rest of their lives. In fact, sustained medical care is not being addressed by the state at all at present, even though the need for it is becoming increasingly urgent."

wRnYBR6NcFZKp4X1dUhgqDZSUJa_aem_cwEnsxcTZATWg4V62-Kn1A

85 The program of free dental prosthetics of the NHSU. URL: https://nszu.gov.ua/gromadianam/bezoplatni-poslugi-v-programi-medicnix-garantii-20-1/bezoplatne-zuboprotezuvannia-ta-likuvannia-dlia-zaxis?fbclid=IwY2xjawOsDANleHRuA2FlbQIxMABicmlkETFLQ2Z3eUFJeU51TnZDNTRIc3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHv7bKG1JB4qwqJJ2tRKkkT4xX-kmniEB690c4I5de11Y6UakYqwBRpGsfndP_aem_DqVwnJr5PmsGb1LZB3P-jw

Conclusions

Despite the existence of legislation (specifically, Cabinet of Ministers Resolution No. 296), the system of medical care for released civilian captives functions fragmentarily and fails to fulfill declared guarantees.

The primary obstacles remain:

- lack of a unified coordination center and synchronized procedures between authorities;
- the "voluntary nature" of restorative measures for civilian captives which in practice turns into a barrier to access;
- the predominance of an "examination without treatment" model, shifting responsibility for further steps onto the victim;
- the lack of a specialized approach to treating the consequences of torture and captivity, as well as insufficient staff training;
- shortage of pharmaceutical supply;
- limited inpatient stays without sustained rehabilitation and the sanatorium stage;
- restricted access to dental care, disproportionate to the scale of injuries.

Taken together, these factors create a systemic gap between legally enshrined rights and the actual ability of released civilian captives to obtain treatment and rehabilitation. This directly affects their quality of life, levels of disability, social reintegration, and their capacity to return to independent living.

Recommendations

1. To ensure coordination and accountability for the medical care pathway:
   - to establish a unified coordination mechanism (contact center / case coordinator) for released civilian captives, responsible for managing medical care and rehabilitation pathways;
   - to introduce a protocol for the transfer of medical information about the victim between institutions (from the initial stage to specialized treatment) to prevent data loss and duplication of examinations;
   - to designate a responsible authority/official for interagency coordination on civilian captives (with clearly defined powers and KPIs).
2. To reconsider the "voluntary nature" approach for civilian captives: from formal consent to proactive engagement, namely:
   - to introduce an opt-out model at the initial stage: a basic package of medical/rehabilitation services is provided by default, with refusal possible only after the person has been informed of the consequences;
   - to establish mandatory initial medical and rehabilitation screening for all released civilian captives (without coercion into treatment, but with guaranteed assessment and referral pathways);
   - to ensure that victims are informed, in clear language, about available services, locations, and timelines, required documentation, and responsible officials;
   - to provide for outpatient delivery of medical services as envisaged by Cabinet of Ministers Resolution No. 265.
3. To ensure proper initial check-up and medical documentation of the consequences of captivity:
   - to standardize the protocol for initial check-up (including documentation of injuries, consequences of torture, and psychosomatic manifestations);
   - to prohibit the practice of formal entries such as "no complaints" without full history-taking and proper examination;
   - to introduce quality control mechanisms for medical record-keeping;
   - to implement a standardized outpatient medical record (including examination results, tests, procedures, etc.), to be provided to the individual in paper or electronic form.

4. To shift from diagnosis to treatment and rehabilitation as a continuous process:
   - to establish a minimum guaranteed package of therapeutic interventions following the identification of health problems (not merely treatment recommendations);
   - to introduce a referral mechanism to specialized professionals and rehabilitation programs with case management support, rather than placing the burden of organizing treatment on the victim themselves;
   - to provide for a sustained rehabilitation phase (post-discharge) with defined funding and responsible actors.
5. To shift from diagnosis to treatment and rehabilitation as a continuous process:
   - to establish a minimum guaranteed package of therapeutic interventions following the identification of health problems (not merely treatment recommendations);
   - to introduce a referral mechanism to specialized professionals and rehabilitation programs with case management support, rather than placing the burden of organizing treatment on the victim themselves;
   - to provide for a sustained rehabilitation phase (post-discharge) with defined funding and responsible actors.
6. Access to medicines and financing of treatment:
   - to guarantee a basic list of medicines for released civilian captives both during inpatient care and for the post-discharge period;
   - to introduce a mechanism to cover essential medications for civilian captives through a reimbursement program or a dedicated benefits package.
7. Dental care
   - to increase the cost ceiling for dental services or introduce a differentiated approach depending on the severity of injuries.
8. To establish sustained medical care as a distinct state component:
   - to develop a sustained medical support program (for 6–24 months after release), including regular follow-up medical check-ups;
   - to designate a responsible authority and allocate a dedicated budget for such support, including a sanatorium/rehabilitation stage.

b. Recovery measures and social reintegration

The social dimension of recovery measures is one of the core elements in enabling released civilian captives to return to everyday life. It is not limited to the provision of discrete social services but rather encompasses a sustained process of adaptation, restoration of social ties, orientation in new conditions, access to state guarantees, and a gradual return to independent functioning.

From a regulatory perspective, this component is grounded in the Law of Ukraine On Social Services[86] and subordinate laws, in particular Resolution of the Cabinet of Ministers of Ukraine No. 587 of June 1, 2020 On the Organization of the Provision of Social Services[87], as well as the provisions of Cabinet of Ministers Resolution No. 296, which governs the implementation of recovery (post-isolation, reintegration) measures for persons released from places of illegal deprivation of liberty.

The system is designed to operate through a combination of national and local levels: at the central level, a Unified Register of persons for whom the fact of deprivation of personal liberty has been established is maintained; at the local level, social protection authorities and social service providers are expected to establish contact with the released person, assess their needs,

86 The Law of Ukraine On Social Services. URL: https://zakon.rada.gov.ua/laws/show/2671-19#Text
87 Resolution of the CMU No. 587 of June 1, 2020. URL: https://zakon.rada.gov.ua/laws/show/587-2020-%D0%BF#Text

develop an individualized service plan, and ensure ongoing case management[88].

However, in practice, this model often does not work. While the social component is formally structured as a comprehensive system, its implementation remains uneven, dependent on interagency communication, the staffing capacity of specific regions, and the actual readiness of social services to work with individuals who have experienced captivity.

The problem of initiating social support

One of the key problems is that the initiation of social support depends on the proper transfer of information about the released person from a medical facility or reintegration center to social services. If such notification is absent or does not reach the relevant service provider, the system does not work: social services are simply unaware that the person has been released and requires support.

In fact, this means that the implementation of basic social rights depends not so much on the law, but on well-established communication between institutions. As a result, support may be provided in some regions, while in others it remains unavailable. This model is particularly problematic given the limited number of designated facilities for receiving released civilian captives. These facilities are predominantly located in regional centers, which further reduces accessibility for people from other areas.

The need for sustained case management

Study participants consistently emphasized that released civilian captives require not one-off assistance but sustained social support. This support is most critical in the first months following release, when individuals are often disoriented: they do not know how to restore documents, apply for benefits, access medical services, or interact with state authorities.

Assessments of released civilian captives

"Once you are discharged, that's it: you are no longer needed by anyone. That's where everything ends."
"It would be good if there were someone who could say, 'Look, here is what is now available in the country, here are the new developments. What novelties are you interested in? What changes in the legislation matter to you? Are you interested in the novelties in the family code? For example, you have a wife and a child – would you like to know what has changed in terms of your legal status? Let me explain everything to you.' And that person tells you everything. That would be helpful if such a person existed. But at the moment, there is no one."
"There should be a dedicated structure that works not only while you are in hospital or in a sanatorium undergoing treatment. Some people are treated for one month, some for two, some for three. But as soon as treatment ends, all support just... disappears. And the person has to run around trying to obtain everything, to figure things out. That is not right. These people should be constantly monitored. Someone should be responsible for this until all issues are resolved for everyone."
"In my view, this is the biggest problem right now. While people spent a month in hospital, they received assistance. But once they were discharged, there was no further support. And within that month, many simply do not have time to restore all their documents or address other issues. After leaving the hospital, there is no help at all."

88 Explanation of the Ministry of SocialPolicy. URL: https://drive.google.com/file/d/1vb2PsBOgBbK6jtxy1uXyk6GK7pgHwpx_/view?usp=sharing

Experts also emphasize that a brief period of support is insufficient; at least several months are required, often extending to six months or a year. In this context, there is a clear demand for case management — sustained, individualized support for the victim that combines information sharing, service coordination, assistance in petitioning various authorities, and gradual socialization.

Expert assessments

"In my view, a person should remain within such a process not for some fixed period – say, a conditional one-month term – but for a much longer period."
"Three months is entirely insufficient to provide this kind of case management. At a minimum, it should be six months to a year, so that the person can stabilize."
"What is needed here is support – support from case managers, let's call it that. Support from civil society organizations that provide relevant guidance and assistance. It is about gentle socialization through rehabilitation-type programs. I am not referring to medical rehabilitation here but rather to psychological and social rehabilitation. It is a gradual return of the person, helping them understand what resources they still have, and whether they are able to reintegrate into one community or another. This requires dedicated socio-psychological support delivered by a person, an organization, or an institution that will accompany them throughout this process."
"First and foremost, case managers are needed... so that in every district there is a social worker who reaches out and identifies people's needs. So that people do not feel abandoned."
"This must go hand in hand with social support, giving them a clear understanding of how they can access these services, what they are entitled to, and how to claim access to the services or assistance to which they have a right."
"In every district, there should be social workers – and not just one. They should call everyone, inform them, and follow up at least once every two months to ask, 'Are you okay? There are batteries being distributed here, power banks over there, 'and so on. Because people will not call on their own."
"People have, in a sense, fallen out of social reality and may have lost their ability to navigate it. Even something as basic as access to social services – which are now often digitalized – or other types of services, requires time for them to adapt, to understand how to access these services and make sense of this new reality."
"There should be some case manager who would establish contacts, for example, with all public organizations working in this area, with state bodies that can also help. Accordingly, to support this person and help them seek help from one or another entity that can help."

Lack of preparedness and shortage of social workers

The current system of social support faces a shortage of trained personnel. Experts note that social workers often lack the necessary training to work with individuals who have experienced captivity, torture, and other war crimes. This problem is particularly acute in remote communities, where even basic social workers are in short supply, let alone specialists with relevant expertise.

Expert assessments

"We lack precisely those social support specialists who understand the specific characteristics of people who have experienced various war crimes, in order to accompany them and help them access existing state services and navigate state mechanisms. In fact, we do not have enough trained specialists who understand not only the experience of captivity but also other types of war crimes more broadly."

"In remote settlements, there is a very significant shortage of personnel capable of providing quality social services. Social workers are often individuals without the necessary knowledge, skills, or specialized education. In our view, the state is also not paying sufficient attention to building the human resource capacity of the social sector. There is likely too little state-funded training. The profession and role of a social worker are not sufficiently promoted. Yet it seems to me that this could become a state priority in the coming years, as the demand for quality social services will only continue to grow year by year. At the same time, the social workers currently in the system are not receiving adequate professional development."

Thus, the problem of supporting released civilian captives is also rooted in the limited human resource capacity of the social support system.

Social reintegration through education and employment

An additional component of successful social reintegration is access to education, retraining, and subsequent employment. For some of the surveyed released civilian captives, returning to their previous profession proved either impossible or significantly constrained. At the same time, support for vocational training plays an important role not only in ensuring economic self-sufficiency but also as part of restoring a person's sense of agency.

Experts note that state mechanisms for retraining formally exist and can be effective, but require preservation and further development.

Expert assessment

"Regarding retraining specifically, we have feedback from victims that it works and is stipulated by the 2010 Law on the social and legal protection of persons for whom the fact of captivity has been established. It is provided by any employment center. Through these centers, an individual can receive coverage for their studies. Currently, this is approximately 30,000 UAH. That is, they can choose a profession they wish to learn – the state will cover it – in order to earn a living."

The balance between support and autonomy

In designing approaches to social support, it is important to avoid two extremes: the complete absence of support and excessive paternalism. Some experts emphasize that assistance should be sufficient, accessible, and sustained, but should not foster dependency or reinforce learned helplessness.

Expert assessments

"On the one hand, it is important not to lose sight of them; on the other, not to overprotect them in a way that reinforces learned helplessness. It's very important too. This is a very fine line."
"Our system tends to swing between extremes. We either provide nothing, or we start infantilizing beneficiaries and giving them everything. As a result, people can actually become helpless. Assistance must be high-quality, sufficient, and accessible – but it should not be such that a person does nothing for it. (...) And they won't benefit from it either. Neither society, nor they. What they need is to regain a sense of their own capacity – this is crucial."
"This support should have a defined duration – six months, a year, sometimes extending to two years in the case of medical care. Because any person released from captivity or detention should be encouraged to re-socialize."

Thus, social reintegration should be structured as a combination of support and the gradual restoration of an individual's sense of control over their own life.

Engaging released civilian captives in peer support

Experts also see potential in involving previously released civilian captives – those who have already undergone initial post-captivity adaptation – in supporting newly released individuals. This approach can be beneficial on both sides: for those released earlier, it creates employment opportunities and a sense of purpose, while for newly released individuals, it enhances trust in support systems through interaction with people who share similar experiences.

Conclusions

Despite a formally comprehensive legislative framework for social support, the system of recovery measures and social reintegration for released civilian captives remains unstable and uneven in practice. Its functioning largely depends on interagency communication, the staffing capacity of specific regions, and the actual readiness of social services to work with individuals who have experienced captivity — rather than on a guaranteed and uniform support mechanism.

One of the key problems is the absence of a timely launch of social support. In practice, the initiation of services depends on the proper and timely transfer of information about the released person from healthcare facility or reintegration centers to social protection authorities. In the absence of such notification, social services do not engage, and the individual risks being left without support during the most vulnerable period following release.

The study also demonstrates that short-term support after release is insufficient. After completing treatment or leaving initial reception facilities, many released individuals are left without coordinated assistance. During this period, they still require support in restoring documents, accessing social benefits, medical services, housing, employment, and adapting to a new social reality. This underscores the need not for one-off responses, but for sustained case management.

The system is further constrained by a shortage of trained social workers, particularly in communities remote from regional centers. Social workers often lack sufficient qualifications to support individuals who have experienced captivity, torture, and other war crimes, while the social sector itself remains understaffed both in human and institutional terms.

At the same time, social reintegration cannot be reduced to crisis response alone. It must encompass sustained support, vocational training, employment assistance, restoration of social ties, and the gradual return of a sense of autonomy and capacity. It is therefore essential to strike a balance between providing necessary support and avoiding excessive paternalism that may foster dependency and learned helplessness.

Taken together, these findings point to the need to move from the formal provision of discrete social services toward a comprehensive system of social reintegration – one that ensures the timely activation of support, sustained case management, interagency coordination, and a clear focus on the gradual return of released individuals to independent life within their communities.

Recommendations

1. To amend Resolution No. 296 to ensure the mandatory and timely initiation of social support:
   - to establish mandatory written notification of the social service provider both at the location of the reintegration center or healthcare facility and at the place of residence (or stay) of the released person no later than three working days from the moment of their arrival;
   - to define the receipt of such notification as grounds for the automatic assignment of a social manager or social work specialist, who must initiate needs assessment, the development of an indi-

vidualized service plan, and the commencement of support without requiring any additional applications from the individual.

2. To revise approaches to social support for victims:
   - to introduce sustained case management for released civilian captives for a minimum of six months to one year after release, with the possibility of extension depending on individual needs, health condition, and level of adaptation;
   - to embed in social support the principle of restoring autonomy, which envisages the gradual return of a person's ability to independently access services, make decisions, and participate in community life.
3. To strengthen the human resource capacity of the social sector:
   - to develop specialized training and professional development programs for social workers on working with individuals who have experienced captivity, torture, and other war crimes;
   - to ensure adequate remuneration and professional support for social workers.
4. To develop interagency and mobile social support formats:
   - to implement centralized service provision at the locations where released persons are staying, involving representatives from various bodies – social protection, the Pension Fund, the Employment Service, Administrative Service Centers (ASCs), and medical and law enforcement structures.
5. To develop vocational retraining and employment support programs for released civilian captives as an integral component of social reintegration.
6. To introduce mechanisms to involve previously released civilian captives in support programs for the newly released.

c. Psychological assistance

In the realm of psychological assistance, legislation formally provides for support to released civilian captives within the restorative (post-isolation, reintegration) measures defined by Cabinet of Ministers Resolution No. 296 dated March 15, 2024. Formally, this constitutes a comprehensive support system intended to facilitate an individual's adaptation following release.

In practice, psychological assistance remains fragmentary and largely dependent on international organization projects, grassroots initiatives, and select specialized facilities. Consequently, released civilian captives often find themselves alone with the aftermath of their experiences – post-traumatic manifestations, anxiety, depressive states, adaptation difficulties, and social isolation.

Psychological assistance is provided, but largely in a fragmented manner

Currently, for the majority of released civilian captives, psychological assistance is provided upon request.

A significant proportion of respondents reported a need for such support, particularly due to anxiety, fear, depressive states, sleep disturbances, and difficulties adapting to everyday life. In practice, psychological assistance is delivered through a combination of state and non-state resources. The surveyed mentioned working with psychologists engaged by the state, including those from the Mental Health and Rehabilitation Center for Veterans "Lisova Polyana," as well as psychologists operating within programs of civil society and international organizations. This indicates the presence of certain positive practices, but not the existence of a coherent and guaranteed system of psychological support.

Testimonies of released civilian captives

"They were meaningful conversations; they help me... there was one particularly professional session that really helped me."
"She calls me once every two weeks. We talk with her. Everything's fine."

Personal barriers and delayed engagement with psychological assistance

Despite the objective need for support, not all released civilian captives seek psychological assistance. Among the reasons cited are lack of prior experience with psychologists, feelings of shame, internal resistance, distrust, or the tendency to postpone seeking help.

This suggests that the mere availability of support does not guarantee its actual use. For individuals who have experienced captivity, psychological assistance often remains unfamiliar or emotionally difficult to accept. Accordingly, an approach in which assistance is provided only on the basis of a one-time consent fails to take into account the psychological specifics of this group.

Testimonies of released civilian captives

"I cannot imagine it (ed.: psychological assistance); I have never worked with a psychologist; I don't know what it is. Well, I mean, I can't explain it at all."
"I'm probably embarrassed, too" (Ed.: to seek psychological assistance).
"A psychologist came to the hospital. After talking to me for an hour, he himself concluded that I did not need help."
"At this moment, I don't need it. If I do, I will reach out."
"At this point, I no longer need psychologists; I've come to my senses, I'm fine."
"I relied more on myself than on a psychologist. I thought that with time I would adapt... I hope everything will recover."
"I understand that it won't really change anything... How can she help me? Just by talking – I doubt it."

Expert assessments

"They are still, in a sense, inside the shell of captivity: they limit their communication. Many of them do. They do not want to recall what happened to them. Many have not even reported their cases to law enforcement, for various reasons. In particular, psychological ones. They are afraid that they will be accused of something – for example, collaboration. And this has a very negative impact on their return to active social life."

Psychological assistance and basic needs

Some respondents among both the released individuals and experts emphasized that psychological support is meaningful only when basic needs – housing, safety, health, income, and everyday stability –are at least partially addressed. Otherwise, psychological assistance is perceived as detached from reality. This does not mean that psychological support is unnecessary at an early stage. On the contrary, in cases of acute stress, psychiatric manifestations, or pronounced maladaptation, it is critically important. However, in a broader sense, its effectiveness depends on whether it is combined with addressing basic social needs.

Testimony of a released civilian detainee

"What is the point of motivating a person or working with them psychologically when, after that session, they go back to that modular settlement where there is no job and no prospects? The psychologist talks to you, lifts your spirits for a few hours, and then you return – and it is the same all over again."

Expert opinion

"First, the basic issues must be resolved: housing, warmth, safety, health, clothing, relationships with loved ones. In other words, a person needs to be provided with basic comfort first. That is, a person must first be provided with comfort. Once they are comfortable and nothing hurts, then psychological assistance becomes highly relevant. The only exception is an acute stress reaction or an acute psychiatric situation. Otherwise, you first need to clothe and warm the person, and only then bring in psychological assistance."

The problem of self-assessing psychological state

Released persons cannot always adequately assess their own psychological state in the first months following their return. Some believe they do not need help – either because their condition seems satisfactory at the time of the interview or because they hope to cope on their own. At the same time, experts point out that in the early months, an individual often cannot objectively gauge the depth of the psychological impact. The euphoria of release, the mobilization of internal resources for survival, and the drive to "hold it together" can mask delayed reactions. Psychological issues (sleep disturbances, PTSD, anxiety, depressive symptoms, and problems in relationships or social interaction) may manifest over time, long after the initial stage of assistance has concluded.

Insufficient volume and sustainability of assistance

The majority of surveyed released civilian captives believe they will continue to need psychological assistance in the future. They described difficulties in processing their freedom, adapting to ordinary life, fears, nervousness, and challenges in communicating with new people.

This indicates that psychological assistance cannot be reduced to a one-time consultation or a brief post-isolation phase. There is a need for sustained support that remains accessible throughout various periods post-release, including stages where symptoms appear months or even years later.

Testimonies of released civilian captives

"The brain cannot fully understand that I am here, free. ... I'm not fully aware of what's going on. What comes next, how to be, what to do, what to occupy myself with."
"It's like my head is filled with concrete, so to say. Everything is difficult. Even ordinary, elementary things. Before prison, it was all simple; you thought it, you did it. Now you are within some kind of boundaries. You want more."
"I feel like I have not yet fully realized that I am free. Something is still there in my head from those last years. As if some part of me remained there."
"I would not say that I walked out into freedom and immediately felt it... No, it's hard now. I am living, but it feels like a lot of time has been lost."
"You behave much more cautiously with others now than before. There is a certain fear when it comes to meeting new people."

Experts generally assess the current scope of psychological assistance as insufficient. Even where some support exists, it is not always consistent, continuous, or sustained. As a result, a significant proportion of released individuals either discontinue psychological support or receive it only sporadically.

In this context, some experts consider it appropriate not to limit support to a one-time offer of psychological consultation but to maintain ongoing contact even with those individuals who currently believe they do not need such assistance. This approach would make it possible to respond in a timely manner to the delayed psychological consequences of captivity.

Expert assessments

"Our first 60 individuals were offered the opportunity to work with a psychologist. As far as I know, everyone refused, no one wanted to. But afterward, two of them ended up in psychoneurological rehabilitation centers."
"For at least six months, a person needs to gradually re-socialize and receive psychological support, because in the aftermath of the euphoria of release, the body is still sustained by the survival resources developed in captivity. But within a month, a person begins to face mental health issues – sleep disturbances, anxiety, PTSD –and often does not yet realize it, because such in-depth psychological or psychiatric assessments are not conducted immediately."
"Each of these individuals needs a permanent psychologist – continuously. It can overwhelm them completely after six months, or after a year following release. ... All of them should be accompanied by psychologists throughout their lives... from the very first moment, as soon as they step off the bus during the handover, and for many years to come."

Shortage of trained specialists as a systemic constraint

A separate challenge is the shortage of psychologists with the appropriate training to work with civilian captives released from captivity – professionals who understand the consequences of torture, prolonged violence, isolation, fear of persecution, and the specific conditions of captivity.

Experts also highlight the exhaustion and burnout of those specialists who are already working with this group. This means that without a systematic state policy on training, supervision, and adequate remuneration, even existing capacities will remain insufficient.

Expert assessments

"There is a significant problem in the country with a shortage of sufficiently qualified trauma therapists. Many tried to provide this assistance in recent years, but we encountered a situation where even qualified psychologists are unable to work with civilian captives."
"Not every psychologist can take on a client who has been released from captivity."
"There are very few specialists who truly understand how to work with this group."
"We have a very limited pool of such specialists, and they are burning out. ... There is a shortage of professionals specifically trained to work with people after captivity, particularly after the types of torture inflicted by orcs; there are very few of them."
"In order to increase the number of specialists, the state must become involved in their training. Perhaps some non-state institutions could also play a role. I mean European donors."
"Most importantly, there must be an adequate system of remuneration for these psychologists. As we can see, for example, the pay system for psychologists working with veterans is several times lower than actual market rates."

Insufficient consideration of the family members' needs

Another gap in the current model is the predominant focus of psychological assistance on the released individual, while their family members are rarely considered as a distinct target group for assistance. At the same time, the return of a person from captivity is also a crisis for their relatives: families face the consequences of prolonged uncertainty, fear, exhaustion, communication difficulties, and the need to readjust to living together again.

Conclusions

Despite the existence of a regulatory framework, psychological assistance for released civilian captives in Ukraine remains fragmented and largely dependent on the activities of international organizations and civil society. The current system does not ensure stable and sustained psychological support for individuals who have experienced illegal deprivation of liberty, even though the nature of trauma and the consequences of captivity require precisely a sustained and comprehensive approach.

The study shows that a significant proportion of released civilian captives require psychological support; however, not all seek help due to personal barriers, distrust, shame, or the tendency to postpone engagement. At the same time, in the first months after release, individuals are often unable to objectively assess their psychological condition, which leads to an underestimation of delayed trauma-related consequences, including post-traumatic disorders, sleep disturbances, anxiety, and difficulties with social adaptation.

Psychological assistance also cannot be considered in isolation from addressing basic life needs. The availability of housing, security, stable income and access to medical care largely determines the effectiveness of psychological support. At the same time, the current model of care does not provide a comprehensive approach to recovery from captivity.

Additional systemic constraints include the insufficient availability of psychological services and the shortage of specialists with specialized training to work with individuals who have experienced captivity, torture, and other forms of violence. The limited number of trained professionals, combined with the risk of professional burnout, further complicates the provision of consistent psychological support.

A separate gap in the current system is the insufficient consideration of the family members' needs. The return of a person from captivity is a complex process of adaptation not only for the released individual, but also for their immediate family. The absence of systemic psychological support programs for family members reduces the effectiveness of reintegration and complicates recovery from the lived experience.

Taken together, this points to the need to develop a coherent state policy in the field of psychological assistance for released civilian captives – one that provides for sustained support, the training of specialists, the integration of psychological care with other forms of assistance, and the inclusion of family members in readaptation programs.

Recommendations

1. To introduce a systematic, sustained psychological support framework for released civilian captives, including:
   - the possibility of regular psychological support for at least the first year after release, with the option of extension depending on the individual's needs. Such support should be continuous and include mechanisms for regular contact with all released civilian captives, including those who initially declined assistance;
   - integration with other forms of support: social, medical, housing, and legal;
   - access to individual in-person consultations, which most released individuals consider the most effective form of support;
   - inclusion of family members of released civilian captives in psychological support programs, including through family counseling, psychoeducational initiatives, support groups, and crisis intervention.
2. To expand training and ensure adequate working conditions for trauma therapy specialists:
   - to develop state programs for training and advanced professional development of psychologists working with individuals who have experienced captivity, torture, and other forms of violence, with the involvement of international experience and expertise;

- to ensure a competitive remuneration system, regular supervision, and burnout prevention programs for specialists working with this group.

3. To institutionalize the role of specialized mental health centers:
   - to expand the use of the capacity of specialized centers (including the Mental Health and Rehabilitation Center for Veterans "Lisova Polyana") for developing standards of care, training specialists, and coordinating psychological support programs for released civilian captives.

d. Financial assistance

Financial assistance is one of the key instruments of state policy in supporting individuals who have experienced illegal deprivation of liberty as a result of armed aggression against Ukraine. It serves not only a practical function – meeting basic needs after release – but also a reparative one, as a form of state recognition of the harm inflicted through gross violations of human rights.

The foundation of the financial support system consists of state payments envisaged by law.

In particular, the law guarantees:

- annual state financial assistance during the period of detention;
- a one-time payment after release;
- reimbursement of expenses for professional legal assistance.

The amount of payments and the procedure for their allocation are defined by the Procedure for Assigning and Paying Assistance to Persons for Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and to Their Family Members, approved by Cabinet of Ministers Resolution No. 1281 of November 15, 2022[89].

In general, this model aligns with international standards, under which compensation and reparations are considered an integral part of victims' right to redress for gross human rights violations.

At the same time, in practice, financial support for released civilian captives is not limited to state payments. Programs run by civil society and charitable organizations, as well as individual initiatives of local self-government bodies and regional authorities, play a significant role in meeting urgent needs.

The study identified several organizations providing financial support to released civilian captives, including the Vilnyi Shliakh NGO, the Right to Protection Charitable Foundation, the Blue Bird NGO, the Andreyev Family Foundation, and the Civis Fortis NGO. Certain payments or support programs have also been provided by local authorities and regional administrations, including the Kyiv City State Administration, the Donetsk Regional Administration, the Chernihiv Regional Administration, and the Kreminna community of Luhansk Region.

Thus, the actual model of financial support for released civilian captives is shaped by a combination of state, local, and civil society resources. However, in practice, despite the existence of a regulatory framework and individual support programs, the system does not always ensure the timeliness, adequacy, and predictability of financial assistance. This causes a number of systemic problems that hinder the realization of the right of released individuals to proper financial support.

Conflicts in determining the recipients of annual assistance

One of the key problems is a legal inconsistency regarding the recipients of annual state financial assistance.

89 Cabinet of Ministers Resolution No. 1281 dated November 15, 2022. URL: https://www.kmu.gov.ua/npas/deyaki-pitannya-vikonannya-zakonu-ukrayini-pro-soci-a1281

The payment procedure provides that such assistance is granted either to the person for whom the fact of deprivation of personal liberty has been established, or to their family members during the period of detention in places of confinement in the Russian Federation or in TOT. In practice, this leads to situations where, after release, the individual is unable to receive the funds to which they are entitled, as these have already been paid to family members or member during their captivity.

For example, in court case No. 160/10151/25[90] concerning the non-payment of annual assistance (in the amount of 100,000 UAH) to a family member of a person for whom the fact of deprivation of personal liberty was established, a number of shortcomings in the legislative framework were identified, leading to conflicts of interest and blocking of payments. In particular:

- the lack of a procedure for determining a priority recipient among family members (e.g., spouse or mother), which creates legal uncertainty and allows for competition among close relatives;
- the submission of multiple applications simultaneously by different family members prevents timely payment;
- the lack of an intra-family coordination mechanism or a procedural algorithm for the Mindev in cases of competing applications.

Therefore, the current legislation does not actually resolve the issue of the competition of rights between an individual who has survived the illegal "deprivation of liberty" and their family members, as well as between multiple family members claiming to receive the assistance. At the same time, the very purpose of the legislative regulation is to support both the individuals who have survived captivity and their family members, who also suffer significant psychological, social, and economic consequences of the illegal detention of their loved one. Under such conditions, an approach where the right to assistance is actually realized on the principle of "either the individual or their family members" does not fully comply with the objectives of the special legislation. The lack of a mechanism for determining the recipient and distributing the payment creates legal uncertainty and can lead to both delays in the payment of assistance and the actual deprivation of certain individuals of the opportunity to realize the right provided by law.

Lack of indexation of financial assistance

A distinct issue is the gradual depreciation of financial assistance due to inflation. The payment amount of 100,000 UAH was established in 2018 based on the economic conditions in Ukraine at that time. However, the current assistance model lacks a mechanism for the automatic review or indexation of this sum.

As a result, the real purchasing power of compensation gradually decreases. While the 100,000 UAH grant was equivalent to approximately 3,800 USD in 2018, by 2025 its value had fallen to roughly 2,300 USD. This significant decrease in real value undermines the effectiveness of financial support as a tool for the recovery of those who have survived captivity.

Opinion of a released civilian detainee

"100,000 back then... in 2020, a bus to the village cost 35 UAH. Currently, it is 100 UAH. And in 2024, I receive that same money for years spent in captivity... They should have given it back then when inflation was different. And why 100,000 anyway? Why not 30 or 150? The sum needs to be calculated somehow. It should be based on something... and it must be indexed."

90 Decision in case No. 160/10151/25. URL: https://reyestr.court.gov.ua/Review/131509767

Expert assessment

"This needs an individual approach. A reparation system should be developed that allows for assessment – perhaps individually, perhaps a flat rate for all – but this system must be built based on the victims' actual needs. You cannot determine the amount just by looking at it; it must be very meticulously calculated."

Lack of urgent financial assistance after release

A significant gap in the current system is the lack of a mechanism for urgent financial support immediately after release from captivity.

People who have just returned from illegal detention are often in a difficult physical and psychological condition, without documents, money, clothing, or means of communication. At the same time, the one-time payment envisaged by law is only granted after a formal decision by the Commission confirming the fact of deprivation of personal liberty. This creates a time gap between the moment of release and the actual receipt of financial assistance, which can last for several months.

In practice, during the first weeks after return, individuals often have no financial resources and are forced to rely on charitable organizations, acquaintances, or ad hoc assistance from third parties. Those without family or social support networks are particularly vulnerable.

As a result, it is often civil society and charitable organizations – not state institutions – that assume responsibility for providing urgent financial assistance.

Testimonies of released civilian captives

"We had no money at all – nothing. We walked everywhere on foot. Thanks to kind people who helped... A family came – two people, a woman with a disability and her husband – and they simply transferred 500 hryvnias to anyone who asked. We used that money to get around, because we had no one and nothing, no funds at all."

"Roughly speaking, for a month we saw nothing. No assistance at all. If you have relatives, that's good, they might give you 1,000 hryvnias. But if you don't – well, you walk past a shop and can't even buy ice cream."

"There was no money... No bank cards either. Then I went to PrivatBank: they issued cards with zero balance. Only after we contacted the first charitable organizations – the Andreyev Family Foundation and then Vilnyi Shliakh – did they transfer at least a symbolic amount, 500 hryvnias each. ... Friends brought me money. I had none, just like everyone else."

"My daughter and her friends provided me with the money. Because I had none."

"For the first two or even three weeks, we had nothing – not a single coin."

"I was exchanged, and I had no relatives here, no one... no financial support from anyone. No documents, nothing – and on top of that, waiting for this payment. How long did we wait? More than two or three months."

"They brought us in and didn't give us a single coin. We really did stand there staring at that ice cream. I have no relatives, no close ones. Some people were helped. At least give people a small amount at the beginning so they can afford basic things – small expenses, at least."

"A minimal amount of money on a card, so a person can at least buy a coffee instead of asking someone to treat them. Even just some small amount."

"In the first days we have no money at all. It would be good to have some small amount – one or two thousand hryvnias – in the very first days."

Expert assessment

"There should be some minimal 'pocket money' that a person receives for the initial period. Because even if the state provides basic necessities

for some time, this does not negate human dignity. A person may want to have a coffee or buy a Coca-Cola – and they have a right to that. They simply have nowhere to get the money."
"In my view, NGOs will likely remain the best-equipped to provide urgent assistance in the future because they are very fast and adaptive – much faster than state bodies. Such urgent assistance programs should be maintained or outsourced to NGOs; that is, they should be funded so they can provide them."

Lack of financial counseling and post-payment follow-up support

Another issue is the lack of mechanisms for financial counseling and follow-up support for released individuals after they receive payments. In practice, many released individuals remain in a vulnerable psychological state after captivity, without stable housing, ongoing treatment, or a clear recovery plan, and may not always be able to manage the funds rationally. As a result, payments may be spent on immediate or secondary needs, while critical issues – such as medical treatment, housing, restoration of documents, or building a minimal financial safety net – remain unresolved. This points to a lack of adequate informational, social, and case management support from the entities responsible for providing assistance during the post-release period.

Restricted access to payments due to status determination procedures

Released civilian captives are eligible for state payments only after the Commission formally grants them the status of a person deprived of personal liberty as a result of armed aggression against Ukraine. In practice, not all individuals are able to obtain this status promptly. In such cases, people are left without access to statutory financial guarantees, despite having actually experienced illegal detention.

Lack of mechanisms for the implementation of legislative guarantees

In 2025, the Cabinet of Ministers of Ukraine approved Resolution No. 1775[91] establishing the Procedure for Providing Support to Civilians After Release from Illegal Detention (in particular, to individuals who independently returned to the territory controlled by Ukraine). The Procedure provides for the provision of primary support measures even before the Commission establishes the fact of "deprivation of personal liberty," including a one-time financial assistance in the amount of UAH 50,000. At the same time, during the study, no evidence of the implementation of the mechanism for providing the aforementioned payment was found. The surveyed individuals reported a lack of information regarding the procedure for obtaining it and the inability to use the corresponding guarantee in practice, which indicates the need for additional monitoring of the implementation of the resolution's provisions.

Conclusion

The current model of financial support for released civilian captives formally aligns with international standards concerning victims' rights to compensation and reparation. The legal framework provides for: annual state financial assistance during detention; a one-time payment upon release; reimbursement of legal aid costs.

However, analysis of how these provisions function in practice reveals a number of systemic shortcomings that undermine the effectiveness of financial support and restrict access to guaranteed entitlements:

91 Cabinet of Ministers Resolution No. 1775. URL: https://zakon.rada.gov.ua/laws/show/1775-2025-%D0%BF#Text

- a legal ambiguity in determining recipients of annual payments, which may lead to disputes among family members and blocked payments;
- lack of indexation of the amount of financial assistance due to inflation;
- lack of a mechanism for urgent financial assistance immediately after release;
- restricted access to state payments due to the requirement to obtain formal status through the Commission;
- lack of financial counseling and post-payment follow-up support for released individuals.

Thus, despite the existence of a legal framework, the financial assistance system requires further reform to ensure timeliness, fairness, and effectiveness of payments.

Recommendations

1. To eliminate legal ambiguities in determining recipients of annual state assistance:
   - provide for the possibility of paying the annual state financial assistance both to the individual in respect of whom the fact of "deprivation of personal liberty" as a result of armed aggression against Ukraine has been established, and to their family members as secondarily affected persons, with the definition of a mechanism for distributing the assistance among them within the payment amount established by law;
   - establish a clear procedure for determining the recipient of the assistance in cases where the right to receive it is held simultaneously by the affected individual themselves and their family members;
   - regulate the procedure for distributing the share of the annual state financial assistance among multiple family members who have the right to receive it, with the definition of the principles of proportionality, priority, or another mechanism of fair distribution;
   - define an algorithm of actions for the authorized body in the event of the submission of multiple applications for assistance by different individuals who have the right to receive it.
2. To introduce an indexation mechanism for financial assistance to ensure automatic adjustment of payments in line with changes in the subsistence minimum or other relevant social indicators.
3. To establish a mechanism for urgent automatic payments upon release and prior to formal status determination to cover basic needs in the first days after release.
4. To strengthen partnerships between the state and civil society organizations in providing urgent financial assistance, in particular by financing urgent support programs for victims delivered by NGOs and charitable organizations with proven capacity for rapid response and direct support.
5. To introduce a mechanism for short-term financial counselling and post-payment follow-up support for released individuals.
6. To ensure the practical implementation of the one-time financial assistance to civilians after release from illegal detention provided by Resolution of the Cabinet of Ministers of Ukraine No. 1775, and conduct an evaluation of the accessibility of the corresponding mechanism for potential recipients.

e. Housing provision

Access to stable and safe housing is a critical factor affecting physical rehabilitation, psychological recovery, and long-term social reintegration. Current legislation formally grants released individuals priority access to temporary housing if they lack accommodation in government-controlled areas or cannot resolve their housing situation independently.

At the same time, the existing housing system is effectively integrated into mechanisms designed for internally displaced persons. In accordance with the Cabinet of Ministers resolutions Some Issues of Functioning of Places of Temporary Residence of Internally Displaced Persons No. 930 dated 9/1/2023, Some Measures for the Formation of Housing Funds Intended for Temporary Residence of Internally Displaced Persons No. 495 dated 4/29/2022 and On Approval of the Procedure for the Formation of Housing Funds for Temporary Residence and the Procedure for the Provision and Use of Residential Premises from the Funds of Housing for Temporary Residence No. 422 dated 3/31/2004 – housing is provided through temporary accommodation funds administered by local authorities.

Despite the formal prioritization of housing for victims, in practice released civilian captives must compete for housing with other vulnerable groups, including internally displaced persons, veterans, and large families. At the same time, the available housing fund remains limited. As a result, the system does not guarantee access to housing and creates risks of housing instability or reliance on humanitarian assistance.

Lack of sustainable housing solutions after release

Study findings indicate that housing provision for released civilian captives remains unstable and largely temporary. Among those released prior to 2025, none reported having permanent housing. Most currently reside in modular settlements, dormitories, hostels, rented apartments, or with acquaintances. Even where housing has been provided, it is predominantly temporary in nature.

For those released in 2025, the situation is even more uncertain. Some remain in healthcare facilities undergoing rehabilitation and have no clear understanding of where they will live afterward. This uncertainty has a negative impact on both recovery and psychological well-being.

Testimonies of released civilian captives

"They told me, 'You can stay for six months.' When I asked what happens after that, they said it would probably be extended. But they were not interested in what would happen after those six months. They only cared about solving the issue for now. So I'm not sure what comes next."
"It's granted for a year, then extended. But how it will really work, no one knows. Someone could come tomorrow and say, 'Pack your things and leave.'"

Expert assessment

"Ideally, every region and every local authority should have some form of social housing and provide it, upon request, to people who arrive in or return to the community and have suffered from captivity or torture. It doesn't have to be permanent housing, but at least temporary."
"We need to launch a programme for temporary housing provision. It doesn't necessarily have to be capital or separate housing – dormitories or other forms are possible – but people must have a place to live."
"This is the one large, broad window... the state must offer something: either dormitories or modular towns. At least some options for temporary residence for a certain period, up to six months. Every person needs to socialize and get some rest."

Temporary housing as a driver of instability

Even when housing is provided, it is typically time-limited (ranging from several months to one year), which prevents individuals from planning their lives and recovery.

Expert assessment

"Those who were given temporary shelter – for example, in the Hansen modular town, T. Village, — received housing for five to six months. That is, during this time, they have the opportunity to find employment, undergo rehabilitation with the help of specialists at social service centers in the regions where they are staying, and ultimately, at the very least, get back on their feet."
"Perhaps shelters should be established in four regional centers for their residence. In regional centers — one in Odesa, one in Kyiv, one in Lviv, and somewhere else – so that a person could arrive and live decently."

This model creates ongoing uncertainty and the risk of repeated housing loss, which runs counter to the goals of reintegration.

Mismatch between housing and the victims' needs

A separate problem is the quality and format of housing offered to released individuals. Experts emphasize that housing often does not take into account:

- the psychological consequences of isolation;
- the need for personal space;
- the state of physical health after captivity.

Expert assessments

"Even the housing that is offered is sometimes unsuitable – not necessarily in terms of quality, but in terms of conditions that fail to meet the psychological and physical needs of these individuals."
"For people returning from long-term captivity, living conditions must be different. The most important condition is to have personal space. There are cases where women who spent six years in captivity were placed in shelters where several women shared one room. This is unacceptable."
"What's really needed at the outset is a kind of rehabilitation shelter that would address housing for the initial period – around six months, maybe up to nine. And these shouldn't be standard dormitories, where conditions can sometimes resemble the cells they were held in, but properly renovated spaces with separate rooms because they need their own space, after being held in these prisons, where they often sat not one by one, but in common cells, with each other. People need their own space – a place where they can rebuild their psychological stability."

Thus, the issue is not only the quantity of housing but also its quality and suitability to the needs of this group.

The role of NGOs and local authorities

NGOs and local authorities play an important role in addressing housing needs.

Those mentioned as having contributed to housing support include:

- NGOs and charitable organizations that provide support to victims;
- local self-government bodies (in particular, the Brovary City Council, the Kyiv City State Administration);
- regional military administrations (Luhansk and Donetsk).

As in other areas, access to housing support largely depends on local initiatives and available resources, which leads to uneven access across regions.

Expectations of state solutions for permanent housing

Among released individuals, expectations have emerged regarding the possible introduction of state housing programs (in particular, through housing certificates).

Testimonies of released civilian captives

"The state has promised to adopt a law that will provide us with housing certificates... but for now, it's still only plans."
"Now we are waiting for a decision on housing, on the certificate. They said that next year they might decide something."
"They promised these financial housing certificates worth 2 million. But how this process will actually be implemented? I think if they said it, it will happen. The only question is when."

A separate promising direction for addressing housing needs is the development of social rental mechanisms, which would allow for more flexible and faster access to housing without the need to create additional housing fund.

Expert assessment

"The Ministry for Communities and Territories Development of Ukraine was working on a draft resolution on social rental housing. We took part in the public consultations and advocated for extending this service and program to people who have been released from captivity."

At the same time, if state housing programs (including housing certificates) are introduced, experts emphasize the need to accompany released individuals in making housing decisions.

Expert assessment

"With case management in place... so that, for example, if they receive certificates or funds, they could actually use them for their intended purpose. It is also important that they are able to make informed housing choices. Because after release, people are often in a vulnerable state and may not fully understand the consequences of their decisions."

Conclusion

The current model of housing provision for persons released from illegal detention has not been developed as a standalone state policy and remains embedded within mechanisms designed for internally displaced persons. This approach fails to take into account the specific needs of released individuals and leads to their "dissolution" among other vulnerable groups.

Available housing solutions often do not meet the basic physical and psychological needs of people after captivity. Ignoring the need for privacy, a safe environment, and adequate living conditions undermines both rehabilitation and psychological recovery, and in some cases may even reproduce aspects of the traumatic experience of isolation.

The housing system is short-term and temporary in nature and does not create conditions for sustainable recovery after release. Limited housing fund and the absence of guaranteed solutions force released individuals to remain in a state of ongoing uncertainty or dependence on humanitarian assistance, which contradicts the very logic of reintegration and recovery.

A significant share of housing solutions is provided not through a stable state policy but through the resources of NGOs, charitable foundations, and individual local communities. This model creates territorial disparities and makes access to housing dependent on local initiatives.

The absence of a clear and transparent state communication policy regarding sustained housing provision leads to the formation of uncertain or inflated expectations among released individuals. This increases social tension, complicates the process of reintegration, and undermines trust in state institutions.

Recommendations

1. To establish a dedicated state housing program for persons released from captivity that takes into account the specific needs of this group and is not solely integrated into mechanisms for internally displaced persons.
2. To introduce a system of guaranteed temporary housing for a transition period (6–12 months), with clearly defined conditions and the possibility of extension.
3. To develop a network of specialized rehabilitation shelters that will provide:
   - individual living spaces;
   - access to psychological and social support;
   - conditions for gradual adaptation.
4. To introduce social rental mechanisms for released individuals, including partial or full compensation of rent costs.
5. In the event of introducing housing certificates, to ensure support (case management) to guarantee:
   - informed housing choices;
   - targeted use of funds;
   - sustained stability.
6. To introduce minimum housing quality standards for released individuals, including:
   - access to private space;
   - proper sanitary and living conditions;
   - taking into account the state of health.

f. Restoration of documents

Restoring lost or destroyed documents is one of the fundamental elements of reintegration for civilians released from illegal deprivation of personal liberty, as access to documents is what enables access to social, medical, financial, and employment rights.

At the regulatory level, the state provides for a simplified and free-of-charge procedure for restoring certain documents, including a Ukrainian passport, and sets relevant timeframes for their issuance. At the same time, the findings of the study indicate a significant gap between these declared guarantees and their actual implementation.

In practice, document restoration remains uneven: alongside positive examples where state authorities independently ensure the issuance of basic documents directly at the place where released individuals are staying, there are persistent systemic obstacles related to institutional fragmentation, complex procedures for restoring certain categories of documents, and the lack of effective mechanisms for implementing the legal guarantees in practice.

As a result, the process of restoring documents remains difficult, lengthy, and requiring significant personal resources for a significant number of released individuals. This runs counter to the principle of proactive state support for persons affected by armed aggression.

Positive dynamics in the restoration of basic documents

As of the time of the study in 2025, there has been positive progress in the restoration of basic documents (passport of a citizen of Ukraine, taxpayer identification number, IDP certificate, etc.). For most released individuals, these procedures are carried out promptly and with the use of proactive mechanisms on the part of the state.

In particular, the practice of mobile outreach teams has been introduced, whereby representatives of state authorities travel directly to the locations where released individuals are staying (including medical facilities) and process documents on site.

Testimony of a released civilian detainee

"All of this, while we were undergoing treatment there, they helped us arrange, or the services would just come directly to the hospital. Two minibuses arrived, fully equipped. There were staff, equipment, cameras, printers with the cards. They basically set up a mobile office right there and completed everything for us."

This practice significantly reduces the administrative burden on released individuals and aligns with the principle of proactive service delivery. At the same time, it is relatively new and was not available to those released in earlier periods, who had to go through all stages of document restoration on their own.

Systemic problems in document restoration

Despite positive developments in restoring basic documents, the system as a whole remains fragmented and uneven. The greatest difficulties arise when restoring documents that require more complex procedures, as well as in cases where there are no clear procedural algorithms.

Institutional inconsistency and administrative barriers

One of the key problems is the lack of a unified approach to implementing procedures at the operational level. In practice, staff at administrative service centers and the State Migration Service interpret legislation differently, leading to delays, requests for additional documents, or unjustified refusals.

An additional barrier is the linkage between the right to free document restoration and the Commission's decision confirming the fact of deprivation of personal liberty. In cases where this fact has not yet been established or the procedure is prolonged, individuals are forced to pay for services themselves, often while in a difficult financial situation.

Pension provision

The situation with confirming employment history and exercising pension rights remains complex, especially for periods prior to digitalization or in cases where documents were lost in occupied territories.

Despite the legal provision that time spent in captivity should be counted toward insurance record and that the state must pay the unified social contribution for this period, the mechanisms for implementing these norms are not yet fully operational.

In 2025, the parliament adopted Law of Ukraine No. 4280-IX[92], which provides that the state (represented by the Pension Fund of Ukraine) is the payer of the unified social contribution for persons for whom the fact of deprivation of personal liberty has been established, for the entire period of captivity and for six months after release. This was intended to ensure automatic inclusion of this period in the insurance record and to safeguard pension rights.

However, as indicated in the official response of the Pension Fund of Ukraine[93], the practical implementation of this mechanism depends on entering data into the register of insured persons based on information received from other authorities, including through interagency data exchange and reporting systems.

At the same time, the Pension Fund directly notes that:

- the procedure for generating the relevant reporting is currently under revision and approval;
- the implementation of the mechanism depends on tax authorities and technical data integration;
- no specific actions are envisaged for released individuals themselves under the law.

92 Law of Ukraine On Amendments to Certain Laws of Ukraine. URL: https://zakon.rada.gov.ua/laws/show/4280-20#Text
93 Pension Fund of Ukraine Response. URL: https://drive.google.com/file/d/1yTz3OnlEJ0EYjhi_rcceuBSHYRkwdhRM/view?usp=sharing

In practice, this means that despite the existence of a legal norm, a fully operational implementation mechanism has not yet been completed, and responsibility is distributed among several institutions without a clearly defined interaction algorithm. As a result, released individuals face situations where the right formally exists, but its practical realization is complicated or delayed. This is particularly acute in cases where a person cannot confirm prior employment history or is forced to restore documents through court procedures.

Additionally, this problem is confirmed by judicial practice. Thus, in case No. 160/25478/24[94], the Dniprovskyi District Administrative Court found that the period of deprivation of personal freedom as a result of armed aggression against Ukraine was not included in its insurance record, which the court found to be a violation of the requirements of the legislation on compulsory state pension insurance. The court noted that the period of captivity is subject to mandatory enrollment in the insurance record, regardless of the date of the person's application for a pension. At the same time, a prerequisite for such enrollment is the establishment of the fact of deprivation of personal freedom in the manner prescribed by a special law.

Testimonies of released civilian captives

"I already qualify for a pension. But for it to be granted, I need to confirm 35 years of service. In my case, only 10 years could be verified. That's because electronic records were only maintained from 2004 to 2014, until the occupation began. So now I only have those 10 years officially confirmed. The Pension Fund accepted my application, denied it, and instead assigned me social assistance. ... I'm still in the process of figuring out how this works. And restoring, proving my employment history: it's a procedure similar to restoring a diploma, meaning through the courts, through witnesses. And I have to do all of this myself."

"The only thing left for me now is my pension certificate. I call them, and they promise to call back once it's ready. I've been a retired Ministry of Internal Affairs employee since 2010, but the restoration of my pension certificate has somehow been delayed."

"When I returned from captivity, I was already of retirement age, but my employment record book, of course, remained in the occupied territory. ... I have no proof of my employment history for the Soviet period before 2000, because Ukraine did not digitize this data in time. And I cannot confirm my employment history. When I applied to the Pension Fund, there was already a law stating that if a person, like in my case, spent 3 years in captivity, those 3 years should also count toward pensionable service. But although the law was adopted, no regulation was put in place specifying who should pay the social contributions on my behalf. And to this day, I still do not receive a pension."

Thus, in the field of pension provision, there is a situation of partial regulatory framework with the absence of a fully functional implementation mechanism. Judicial practice confirms the right of released individuals to have the period of captivity credited to their insurance record; however, the practical implementation of this right remains dependent on the establishment of status, inter-agency data exchange, and the technical readiness of the respective bodies. This limits the ability of released individuals to fully exercise the rights guaranteed to them.

Complexity of restoring educational documents

The restoration of educational documents remains one of the most problematic areas, especially in cases where archives have remained in occupied territories or have been destroyed.

94 Decision in case No. 160/25478/24. URL: https://reyestr.court.gov.ua/Review/134734056

The current procedure involves a multi-stage process, including appeals to educational institutions, the Ministry of Education and Science, and, in the absence of data, appeals to the court with the involvement of witnesses. This effectively places full responsibility for document restoration on the individual.

Testimonies of released civilian captives

"As for restoring educational documents and employment history, I ran into a serious problem. I have neither originals nor copies. I received my diploma under the Soviet regime. The archives are all paper. They remained in the occupied territory.... I have applied to many organizations, structures, and funds. Everyone takes note of the issue. Everyone says it's hard. They explained the algorithm to me. I have already submitted a request to my university to restore my diploma. There I must receive a negative response stating they have no record of it. After that, I must appeal to the Ministry of Education and Science. From them, I must also get a response saying they have nothing. With these responses, I must go to court, where I need to provide two witnesses to confirm that I am indeed a doctor and that I obtained my degree in a specific year. Only then will the court issue a decision. With that court decision, I go back to the Ministry so they can issue a duplicate. And I have to do all this myself."
"We also raised the issue of diplomas. For now... today, I got a call from the service. They said, 'We've sent a request to the Department to initiate this process and restore your documents. For now... it's taking a very long time.' Two weeks have passed, and there's still no response."
"I'm currently dealing with my diplomas. I was given a contact number, and I'm corresponding by email. I was told that my educational institutions are located in the occupied territory, so to confirm my qualification, they have identified institutions here that will issue a duplicate diploma."
"All my supporting Ukrainian documents, showing where I studied in different places, are in the occupied territory. Here... I only have photos. I gave them to the girls from an organization that helps restore documents – certificates and diplomas. They are currently working on it."

Expert assessments

"A person has lost their diploma and cannot confirm it. For example, imagine a doctor who cannot prove either their degree or their practical experience. What job can they do then?"
"For many people, restoring educational documents is extremely difficult. They simply don't have them. We had one civilian released from captivity – he has a medical education, he's a surgeon. He says, 'I'm not going to sweep streets. I am a doctor, I worked as a surgeon. I've got extensive work experience.' They are not ready to take just any job. They are still waiting. (...) If the documents were in paper form, they were simply destroyed. Especially for people from occupied territories – mainly Donetsk and Luhansk."
"Very often, people's educational documents remain in the occupied territories. The situation is that, in principle, the Ministry of Education is aware and does get involved. But again, additional support is probably needed."

Other categories of documents

Specific difficulties arise during the restoration of military registration documents, Combatant Status certificates, and documents related to entrepreneurial activities.

Testimony of a released civilian detainee

"My husband... was registered for military service at the local recruitment office... But of course, no one transferred those documents here.

And naturally, as soon as I was arrested, he had to flee very quickly; he left, he managed to get out. But now he cannot renew these documents.... Why should he bear responsibility if this wasn't digitized or somehow put in order, starting from 2014, starting from the moment of the war?"

Lack of support and the need for proactive solutions

In most cases, the process of restoring complex documents falls on the released individuals themselves, which constitutes a critical problem given their physical and psychological state after release. Experts emphasize the necessity of transitioning to a proactive model, where the state does not wait for applications but independently organizes the document restoration process.

Expert assessments

"It would be very convenient if there were one room where there is a representative from every agency. Someone from the Migration Service with their equipment, someone from the police who would be there on a permanent basis... A representative from each organization. Then a person, in between other procedures, might think, 'Oh, I have some free time, I'll visit the agencies.' They just go downstairs. To have everything in one room – that would be a perfect option."
"The state needs to oversee this so that the individual is not left alone; to monitor the process... for instance, by sending specialists from the passport office, restoring those documents, and if these people have pension issues – helping with that question, and this one, and that one."
"If it's centralized, they can be transported, or I don't know, a Pension Fund representative could come. There are, say, 100 detainees in this primary center. They come, finish everything, and leave. The next day the SBU arrives, and they all communicate for a day, two, three. If passports need to be restored – lists are compiled. What's the problem with transporting them? Or they could similarly come, collect data, and do a centralized issuance, rather than us going to different hospitals and different departments."
"It might even be possible to set up a rotation at the centers where they arrive and register. Again, drawing a parallel with internally displaced persons. They once organized it in local libraries in Kyiv – something like 'Thursday is IDP Day.' Representatives from every structure – the Pension Fund, Employment Center, Social Protection Department, ASCs – would sit there. And they explain things or directly register people for some aid, some services, or some documents."

Lack of unified algorithms and instructions

A significant problem is the lack of a unified methodical instruction regarding document restoration. This leads to fragmented solutions, legal uncertainty, and disorientation for both the released individuals and the employees of state agencies.

Expert assessment

"Take, for example, the passport of a citizen of Ukraine. It is clearly regulated that it should be issued free of charge and within a certain period of time. But in practice, we face obstacles. This is due to a lack of understanding by ASC administrators or certain branches of the State Migration Service regarding how it should be facilitated in practice."
"People who have returned have the right to restore their passport free of charge. But what is the nuance? The nuance is that this right belongs to people for whom the fact of deprivation of personal liberty has been established by the special Commission... As for those whom

no one looked after, or those for whom this fact was not established for some reason — again, the question of paying for these services exists, it remains, and it is open."

The lack of clear algorithms forces individuals to navigate a complex system of procedures independently, which can lead to re-traumatization.

Conclusions

In the area of document restoration, there is a combination of positive practices and systemic gaps. Despite some positive developments, a significant gap persists between regulatory guarantees and their actual implementation.

On one hand, as of 2025, proactive mechanisms have emerged for restoring basic documents – such as Ukrainian passports, tax IDs, or IDP certificates — including mobile outreach groups that allow documents to be processed directly at the locations where released individuals are staying. However, this practice is not yet fully unified and does not cover the entire spectrum of documents necessary for full reintegration.

The greatest difficulties arise in cases involving the restoration of educational documents, confirmation of employment history, the realization of pension rights, and the processing of other specialized documents related to employment, military registration, or entrepreneurial activities. In these instances, released persons are forced to undergo complex multi-level procedures, interact with multiple institutions, and often find their own solutions to problems.

A separate issue is institutional inconsistency and the lack of a unified approach to implementing procedures at the operational level. Cases remain common where employees of ASCs, the State Migration Service, the Pension Fund, or other agencies interpret regulations differently, demand additional documents, or lack clear algorithms for action. This is exacerbated by the absence of a unified methodical instruction for accompanying released persons through the document restoration process.

The pension provision sector highlights a particularly striking problem: partial regulatory framework without an effective implementation mechanism. Despite legislative changes intended to ensure that periods of captivity are credited toward an individual's insurance records, the official response from the Pension Fund of Ukraine confirms that the practical mechanism for entering this data still depends on approving reporting changes, interagency information exchange, and technical implementation. Furthermore, the law does not provide for any independent actions to be taken by the individuals themselves to resolve this.

Recommendations

1. To unify document restoration approaches: to develop standardized interagency action algorithms for ASCs, the State Migration Service, the Pension Fund, social protection offices, educational institutions, and other involved entities regarding the accompaniment of released persons.
2. To implement a proactive service model ensuring that representatives of relevant state agencies will travel directly to the locations where released persons are staying to facilitate the processing of basic documents.
3. To establish a unified service or coordination mechanism for document restoration by introducing a "single window" format or an interagency support point for released individuals. Within this framework, the released person will have the opportunity to receive comprehensive assistance regarding the restoration of their passport, pension and educational documents, certificates, proof of employment history, and other records.
4. To develop and implement a unified methodical instruction for both released individuals and state agency employees, featuring a clear

sequence of actions for restoring basic documents, specifying deadlines, responsible authorities, and interaction algorithms.

5. To simplify and centralize procedures for the restoration of educational documents, allowing for the recovery of diplomas, certificates, and other educational records without the need for an individual to navigate multiple institutions or the court system.
6. To complete the regulatory and technical implementation of the mechanism for crediting the period of captivity toward the individual's insurance record.
7. To provide for free legal and social accompaniment in complex cases of document restoration (loss of archives, the necessity of appealing to the court, or the confirmation of facts through witnesses).
8. To eliminate the dependence of access to free document restoration on the completion of the Commission's confirmation of the fact of release.

g. Education

A significant innovation in Ukrainian legislation is the provision of educational guarantees for persons established to have been deprived of their personal liberty due to armed aggression against Ukraine, as well as for their family members. The legislation provides for state targeted support, specifically for the children of released persons and children whose parents died in captivity. These individuals are entitled to free education in state and municipal vocational, pre-higher, and higher education institutions until they complete their studies, up to the age of 23.

The implementation mechanism for these guarantees is defined by the Procedure and Conditions for Providing State Targeted Support to Certain Categories of Citizens for Obtaining Vocational, Pre-higher, and Higher Education, approved by Cabinet of Ministers Resolution No. 975 of November 23, 2016[95].

However, analysis of current practices indicates that despite this developed regulatory framework, the actual utilization of these guarantees remains extremely limited.

Low level of practical use of educational guarantees

Despite the existence of legally mandated support mechanisms, their actual application is minimal. The Ministry of Education and Science of Ukraine notes that between 2022 and 2025, using the benefit under code "124," 24 individuals were enrolled in higher education institutions, and 10 individuals were enrolled in vocational pre-higher education institutions. Under the benefit with code "125," during this same period, 5 individuals were enrolled in higher education institutions, and 1 individual was enrolled in vocational pre-higher education institutions[96]. Thus, the total number of individuals who actually utilized the corresponding educational benefits in 2022–2025 amounted to only 40 persons.

Given that the relevant guarantees extend to both the victims themselves and to some of their family members, this indicator may signify a low level of real accessibility regarding the support mechanisms provided by legislation.

Conclusion

The existing mechanisms for state targeted support formally correspond to the task of ensuring access to education; however, the actual utilization of the respective benefits is extremely low. This may indicate the presence of

95 Cabinet of Ministers Resolution No. 975 of November 23, 2016 On Providing State Targeted Support to Certain Categories of Citizens for Obtaining Vocational, Pre-higher, and Higher Education. URL: https://zakon.rada.gov.ua/laws/show/975-2016-%D0%BF#Text

96 Answer of the Ministry of Education. URL: https://drive.google.com/file/d/1kWLTHAE6JDQLbplqp1Qb7eh-RVG7HHAw/view?usp=sharing

barriers in accessing these guarantees, specifically insufficient awareness, the complexity of confirming status, and probable difficulties in applying the benefits at the level of educational institutions.

Recommendations

1. To improve information dissemination regarding existing educational guarantees among released civilian captives, as well as among their family members, specifically through case managers, educational institutions, social protection agencies, and NGOs.
2. To simplify the confirmation of the right to corresponding benefits, specifically by ensuring automated or interagency data exchange regarding the established status without the need for repeated submission of documents by the applicants themselves.
3. To obligate educational institutions to inform applicants about the possibility of using benefits under codes "124" and "125" and to provide accompaniment during the exercise of this right.
4. To implement systemic monitoring of the application of educational guarantees by the Ministry of Education and Science of Ukraine, including the regular publication of data on the number of individuals who have utilized support mechanisms.

h. Other unregulated social security issues

Despite the gradual improvement of legislation in the field of protecting released civilian captives, a number of important issues remain unregulated or are only partially implemented.

Deferment from mobilization for those released from captivity

An important step was the adoption in 2025 of amendments to the Law of Ukraine On Mobilization Preparation and Mobilization[97], which provide the right to a deferment from conscription during mobilization for individuals regarding whom there is the Commission decision confirming the fact of deprivation of personal liberty as a result of armed aggression against Ukraine. This decision is fundamentally important, as it is the only way the state recognizes the right of such persons to physical and psychological recovery after captivity.

In practice, this guarantee does not cover civilian captives who returned outside of official mutual release procedures and wait for months for the Commission to establish the corresponding fact. Until such a decision is made, and until released civilian captives visit the Territorial Recruitment Centers (TRCs) and Social Support Centers (SSCs) to process the deferment, they continue to be considered subject to military service and liable for mobilization. For example, released political prisoner Andrii Kolomiiets returned from captivity to Ukraine independently. While crossing the state border of Ukraine, he "was invited and delivered to the TRC for the purpose of entering the necessary data into the electronic records system[98]." Evidently, due to wide media coverage, Kolomiiets received time for the subsequent processing of his deferment[99].

Such a situation creates an obvious legal and humanitarian imbalance. A person who has survived illegal detention requires time to complete basic rehabilitation and is not ready to perform military service duties. Their mobilization under such circumstances would have negative consequences for both the individual and their environment.

97 Law of Ukraine on Mobilization Preparation and Mobilization. URL: https://zakon.rada.gov.ua/laws/show/4062-IX#Text
98 Operational Command "South." Facebook. 7/11/2025. URL: https://www.facebook.com/share/p/1CRoXkWVPT/
99 After arriving in Ukraine, Andrii Kolomiiets only updated his data in the electronic system at the TRC – OC "South." Suspilne. 7/12/2025. URL: https://suspilne.media/crimea/1064817-andrij-kolomiec-pisla-pributta-v-ukrainu-u-tck-lise-onoviv-dani-v-elektronnij-sistemi-ok-pivden/

At the same time, Draft Law No. 13347[100] is important for the protection of family members of civilian captives. It proposes to expand the grounds for granting a deferment from conscription during mobilization for women and men whose close relatives (husband, wife, son, daughter, father, mother, biological brother or sister) have a fact of "deprivation of personal liberty" as a result of armed aggression against Ukraine established by the Commission — until the moment of their return to the territory controlled by Ukraine.

Failure to implement special guarantees in the sphere of credit and debt obligations

Another example of a systemic problem is the lack of effective control over the implementation of special legislation in the sphere of financial obligations for persons who were held in captivity. Article 16 of the Law expressly provides such persons with the right to a deferment of the fulfillment of monetary obligations and the possibility of debt restructuring. However, in practice, these guarantees are not always fulfilled even after the official confirmation of the fact of captivity.

The case of a Civis Fortis beneficiary is illustrative. While the individual was in captivity, the bank continued to accrue penalties and withdraw funds from the account, despite a direct legislative prohibition. After release, the person officially appealed to the bank and provided documents confirming the fact of deprivation of personal liberty. However, the bank did not apply the norms of the special law and limited itself to general customer service procedures. Instead of realizing the guaranteed right to a deferment of payments and debt restructuring, the bank offered a "debt forgiveness" procedure as a commercial tool.

This substitutes a legal guarantee with a bank's discretionary decision and effectively shifts the individual from a position of a rights-holder to that of a petitioner; it may also lead to negative consequences for the credit history of the released person in the future.

The reaction of the National Bank of Ukraine (NBU) as the regulator is telling[101]. Instead of ensuring oversight regarding the application of the special Law, the NBU cited general provisions of civil legislation and the principle of freedom of contract, without properly evaluating the special guarantees provided for war victims. This demonstrates that even when a clear legislative norm exists, the mechanism for its enforcement and oversight remains weak.

Conclusions

The provided examples indicate that even after the introduction of special guarantees for individuals who have survived the illegal deprivation of personal liberty as a result of armed aggression against Ukraine, certain aspects of their legal status remain unregulated or insufficiently ensured in practice.

In particular, the current legislation does not guarantee proper protection for released civilians during the period between their return to the territory controlled by Ukraine and the completion of procedures for establishing the fact of deprivation of personal liberty. At the same time, legislative initiatives regarding the granting of a deferment from mobilization to family members of individuals held in illegal detention indicate the state's

100 Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding the Regulation and Realization of Their Rights and Guarantees by Individuals in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Close Relatives No. 13347 dated January 14, 2026. URL: https://itd.rada.gov.ua/billinfo/Bills/Card/59476

101 NBU response. URL: https://drive.google.com/file/d/1SzzTNG9VPxDsO95-XCO0vkRWRz55swXi/view?usp=sharing

gradual recognition of the special needs of this category of citizens and their families.

Furthermore, the practice of applying special guarantees in the field of credit and debt obligations demonstrates the presence of significant problems with the enforcement of legislation and control over its compliance. As a result, the individuals for whose protection the respective guarantees were introduced are forced to seek their implementation independently, which contradicts the very purpose of the special legislation.

Recommendations

1. To support the adoption of Draft Law No. 13347 regarding the granting of a deferment from conscription during mobilization to family members of individuals in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established, as well as supplement its provisions with the granting of an automatic deferment to individuals who have returned from illegal detention for the period from their return to the territory controlled by Ukraine until the Commission establishes the fact of deprivation of personal liberty and primary reintegration measures are completed.
2. To ensure the enforcement of special legislation in the sphere of financial obligations:
   - to clearly define mechanisms for the automatic application of payment deferments and debt restructuring without the need for additional approval from banking institutions;
   - to establish an obligation for the NBU to supervise banks' compliance with special legislation regarding individuals affected by armed aggression and to respond to cases of violation.

2.3 Legal protection

Reimbursement of expenses for professional legal assistance

As already noted in Section 5 of this Green Paper, the legislation provides for a separate mechanism for reimbursing expenses for professional legal assistance to individuals in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established. The reimbursement is carried out on the basis of a decision of the Commission in an amount of up to 20 subsistence minimums for able-bodied persons and is aimed at compensating expenses incurred to protect the rights and legitimate interests of the affected individual in connection with the actions of the aggressor state.

In 2023, Resolution of the Cabinet of Ministers of Ukraine No. 1182[102] detailed the procedure for obtaining such compensation. In particular, to receive it, applicants must submit documents confirming the provision of legal assistance, along with supporting documents.

At the same time, concerns have been raised within the human rights community regarding certain provisions of this mechanism. For instance, one study claimed that the requirement to confirm legal assistance expenses could create additional difficulties for the families of victims and negatively impact the ability to engage lawyers working in the temporarily occupied territories of Ukraine or in the territory of the Russian Federation. The authors of the study recommended reviewing the provisions of paragraph 6 of the Procedure and removing the requirement to submit documents confirming that expenses for professional legal assistance were incurred. The families of the victims reported difficulties with confirming the services provided, as well as problems with paying for the services of lawyers providing defense for individuals illegally detained in the territory of the Russian Federation[103].

102 Resolution of the CMU No. 1182 dated November 10, 2023. URL: https://zakon.rada.gov.ua/laws/show/1182-2023-%D0%BF#n61
103 Analytical Note "How Does Ukraine Help Civilian Hostages and Their Relatives?" ZMINA Human Rights Centre. 2023.

Correlation with the system of free secondary legal assistance

Special attention is required regarding the issue of how the mechanism for reimbursing professional legal assistance expenses correlates with the system of free secondary legal assistance.

According to the Law of Ukraine on Free Legal Assistance[104], individuals in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established have the right to all types of free secondary legal assistance both during their stay in places of detention and after their release in connection with the protection of their rights and legitimate interests. Free secondary legal assistance includes providing defense, representing the interests of individuals in courts, other state bodies, local government bodies, before other persons, as well as drafting procedural documents. Furthermore, the legislation provides for the possibility of ensuring access to mediation and other methods of resolving legal issues in cases specified by law.

Under such conditions, the practical role of the mechanism for compensating professional legal assistance expenses, its correlation with the system of free legal assistance, as well as the scope of legal needs that cannot be met within the current secondary free legal aid (SFLA) system and demand the involvement of private lawyers, require additional study. The lack of open statistics on the use of this mechanism currently makes it impossible to evaluate its effectiveness and demand among victims.

Thus, the state already guarantees this category of individuals not only legal consultations but also full-fledged defense and representation of interests at the expense of the state budget within the system of free secondary legal assistance.

At the same time, the legislation provides for a separate mechanism for reimbursing expenses for professional legal assistance. An analysis of the current legislation indicates the existence of parallel mechanisms for providing legal support to individuals who have survived the illegal deprivation of personal liberty as a result of armed aggression against Ukraine.

Considering that free secondary legal assistance already covers defense, representation of interests, and the drafting of procedural documents, the existence of a separate mechanism for compensating professional legal assistance expenses may indicate the legislator's intention to ensure coverage for specific legal services that cannot be obtained through the SFLA system. However, neither the Law of Ukraine on the Social and Legal Protection of Individuals in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members, nor the explanatory note to the relevant draft law contain a proper substantiation of such a mechanism or allow for an unambiguous determination of the list of services for the coverage of which it was introduced.

In addition, the established requirements for documentary confirmation of expenses for professional legal assistance do not take into account the specifics of situations related to the illegal detention of individuals in the temporarily occupied territories of Ukraine and in the territory of the Russian Federation. This can significantly limit the possibility of realizing the corresponding right precisely for those individuals for whose protection such a mechanism was presumably created.

Legal assistance at the stage of establishing the fact of deprivation of personal liberty

One of the important tasks of the primary reintegration of individuals released from illegal detention should be ensuring timely legal support during the establishment of the fact of deprivation of personal liberty as a result of armed aggression against Ukraine.

URL: https://zmina.ua/wp-content/uploads/sites/2/2023/11/uk_help_print.pdf

104 Law of Ukraine on Free Legal Assistance. URL: https://zakon.rada.gov.ua/laws/show/3460-17#Text

In practice, it is precisely in the first weeks after release that an individual possesses the most complete information about the circumstances of detention, places of custody, potential witnesses, facts of transfer between places of detention, and other data that may be relevant for the subsequent consideration of the application by the Commission. At the same time, most released individuals do not possess sufficient information regarding the requirements for the evidential base, the procedure for preparing the application, and the list of information necessary to confirm the fact of deprivation of personal liberty.

In connection with this, it is advisable to integrate legal assistance into the system of primary reintegration measures. Such assistance may include collecting and systematizing information required to apply to the Commission, assisting in the preparation of the application and additional materials, as well as counseling on the subsequent acquisition of status and the guarantees provided by law.

Early legal support will reduce the risk of losing important information, improve the quality of material preparation for the Commission, and ensure more effective access for released individuals to state support mechanisms

Conclusions

An analysis of the legislation indicates the existence of two interconnected mechanisms for providing legal assistance to individuals in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established: the system of free secondary legal assistance and the mechanism for reimbursing expenses for professional legal assistance.

At the same time, the current regulatory framework does not allow for a clear definition of the scope of application of the reimbursement mechanism and the list of legal services it is meant to cover in addition to the guarantees of free secondary legal assistance. This is relevant given the need of released individuals for legal support while undergoing status and administrative procedures, in particular, preparing materials to establish the fact of deprivation of personal liberty and obtaining the guarantees provided by law.

Furthermore, the requirements for confirming legal assistance expenses do not fully take into account the specifics of providing such assistance to individuals who were illegally detained in the temporarily occupied territories of Ukraine or in the territory of the Russian Federation. This may limit the practical accessibility of the corresponding mechanism for a portion of the victims.

Recommendations

1. To analyze the practice of applying the mechanism for reimbursing professional legal assistance expenses, including an assessment of its demand, the types of compensated services, and its correlation with the system of free secondary legal assistance.
2. At the regulatory level, to clarify the purpose and scope of application of the mechanism for reimbursing professional legal assistance expenses, in particular, determine which legal services it is meant to cover in addition to the guarantees of free secondary legal assistance.
3. To review the requirements for documentary confirmation of professional legal assistance expenses, taking into account the specifics of providing legal assistance to individuals illegally detained in the temporarily occupied territories of Ukraine and in the territory of the Russian Federation.
4. To provide for the delivery of legal assistance to individuals released from illegal detention at the stage of undergoing primary reintegration measures, specifically regarding the collection and systematization of information necessary to establish the fact of deprivation of personal liberty, the preparation of the application to the Commission, and the formation of the evidential base.

2.4. General assessment of state activities

Overall, civilian captives released in 2025 predominantly assessed the primary assistance they received from the state upon their return from captivity positively. Testimonies mentioned the provision of smartphones with SIM cards, medical care, personal hygiene kits, initial sets of seasonal clothing and footwear, assistance in restoring documents (specifically passports and driver's licenses), treatment at the Kyiv Regional Hospital and the "Lisova Polyana" rehabilitation center, and receipt of one-time state financial aid. Among the state and state-affiliated institutions whose support was noted were the Donetsk Regional Military Administration, the Kyiv City State Administration (KCSA), the Coordination Center, and the National Information Bureau.

At the same time, this positive assessment of primary assistance does not negate the presence of systemic problems in the organization of support. The majority of surveyed released civilian captives noted inconsistencies in the actions of various state bodies and organizations, as well as a lack of proper coordination between state institutions and NGOs during the stages of primary assistance and support. After release, individuals often did not receive clear, consistent, and understandable information regarding the subsequent algorithm of actions: where to turn first, what services are available, who is responsible for what, what documents need to be processed, and in what sequence. As a result, the route of a released civilian detainee after return was formed not as part of a unified state support system but as a collection of disjointed contacts, trips, wait times, and situational decisions. This created an additional burden on people who had just survived captivity, especially under conditions of disorientation, lack of knowledge about the location of institutions, methods of moving through the city, and a lack of even minimal funds for daily expenses. Cases were also recorded where the same actions or offers of help were duplicated by different NGOs, which also indicates the lack of a unified route and proper coordination within the private sector.

Testimonies of released civilian captives

"I went to the TRC... I asked, 'Do I need to go to Salyutna or not? I don't have a certificate stating I'm exempt from military registration.' They said, 'Go, you have to go anyway.' I wasted my time, I went there, to the other side. I walked back from there. I arrived, some organization was already there, they already processed it... They all go in circles... You arrive here, you have examinations, some organizations, someone calls me from Kharkiv – write some statements, you need to be removed [from the system] because you are wanted. There they say – go open a bank card. While you're running around, you don't understand what you need to do first."

"Right now, I can't connect who exactly to contact. There were so many people. You don't have time to write it down right away... If it were somehow streamlined... But it's chaotic. It's as if people came just to report, to show – yes, we communicated. But in terms of any effectiveness..."

"We restored the documents ourselves... when they exchanged us... they gave a pile of papers, forms. They said, 'A person will come to help fill all this out.' We waited a week or more, ... no one came. In the end, we decided to go to the National Information Bureau ourselves... they explained something to us there, more or less. We filled out the papers ourselves. In the end, they say, 'Wait.' But how can we wait if it's unclear where they'll put us when we're discharged from the hospital now? ... later no one helped, no one explained anything, where to go, why to go... we ran around and managed on our own somehow."

Expert assessment

"The problem is pervasive — it is the inconsistency of cross-sectoral and interagency interaction among all institutions, starting from the state level down to the local level. Certain state authorities do not have a clear

algorithm for their actions. And the same applies to providers of social and administrative services, which results in the problem. People encounter these problems because state bodies do not clearly understand their role and mission in supporting these people."

However, almost all the experts surveyed assess the provision of services from the state as of poor quality. Specifically, the following problematic issues were noted:

- poor information dissemination to released civilian captives regarding available assistance and the conditions for receiving it;

Expert assessment

"Released civilians said that 'before you arrived, we didn't even know that anyone — you or the state — was supposed to give us anything.' In other words, they have zero communication with the state regarding how they can recover after captivity, how they can socialize, or what services they can access."

- insufficient proactivity by public authorities without an external "push" from NGOs;

Expert assessment

"NGOs, international organizations, or foundations are the ones doing the pushing. Perhaps it's not entirely proper, but basically, they – I can't find a better word – force the state to perform its functions. In some cases, they stimulate, in others they simply explain and advocate, telling social protection employees. 'Look, this is part of your official job description.' They essentially remind the state that this is indeed part of its functions."

- lack of a clear mechanism for supporting released civilian captives, with assistance being implemented in "manual mode."

Expert assessment

"If the release happens through an exchange – a large-scale release that allows for media PR – then these people are provided with more state support. But if it's an isolated case – 2 or 3 people released through an exchange – they receive the bare minimum. If the release happens outside of an exchange, they may not know about the possibility of receiving state support at all."
"There is no clear, understandable resolution mechanism or a unified system. ... All issues are currently being resolved, but they are very often resolved in 'manual mode.'"
"From the experience of recent exchanges (...) there was a lack of a single, key point of contact that would simply coordinate the provision of all services, be aware of who is working where and who is located where, and link the person with those services and the necessary help. That was missing. In some way, the Ombudsman's Office took on this role, but in my opinion, that's not exactly their role. Although, of course, credit must be given to them for constantly raising these issues and coordinating things manually."
"It must be systemic, because right now, even during exchanges, it's regulated manually. In the most recent exchanges, the system only worked because Iryna Vereshchuk was correcting it manually. But the system should not operate on manual control."
"Currently, it's decided like this: there are a certain number of released people – we solve the issue. But this is not how it should work. Because it remains in this manual mode, often incomprehensible to the people, their relatives, those accompanying them, and even the state bodies implementing it."

At the same time, it was acknowledged that the state does a great deal to assist released civilian captives. When assessing the ratio of participation between the state and NGOs, experts generally estimated it as roughly equal (though this ratio depends on specific situations – in some areas, the state provides more, in others, the NGOs).

Regarding individuals released through official mutual exchange procedures, they are primarily cared for by the state. At the same time, NGOs mainly take care of those released on their own. There is also a correlation based on the type of aid – psychological and legal assistance are predominantly provided by NGOs.

The vast majority of surveyed experts noted a degree of progress in the practices of receiving and assisting the released. Specifically, those who can prove their time in captivity receive aid and are provided with basic necessities by both the state and NGOs. Law enforcement agencies have improved their interviews with released civilians, and cooperation between state bodies and NGOs has become more established.

Expectations for state assistance are widespread among the released civilian captives themselves. They seek larger payments, more help with documentation, housing, and employment, as well as a reduction in bureaucratic red tape and continued attention to their needs after completing initial medical treatment. There is also a demand from the released to strengthen support by extending certain benefits to their family members, particularly children (regarding their rest and recuperation).

Most surveyed experts believe that state activities regarding assistance for the released must be improved, specifically by becoming systemic and holistic. The most frequently expressed opinion was the need for the centralization of efforts – legalizing the authority for formulating and implementing state policy in this sphere under a single state body.

Suggestions from experts

"It would be worth identifying a single stakeholder who, at the executive level of government, would systematically implement certain measures to support people released from captivity. ... Hypothetically, the Ministry of Social Policy would implement social protection, and other stakeholders according to their mandates. But a single body must coordinate and control this on a permanent basis."

"We have no ministry, other than the Ministry of Reintegration, that would be responsible for civilian hostages and could, for example, develop a budget program to allocate these specific funds. ... This could be a newly created body entirely, dealing specifically with the consequences of the war. ... And this agency could allocate funds within some budget program. This should be written in the budget every year, specifying the amount of these funds."

"It seems to me there should be some separate service to which primary rehabilitation centers would be directly subordinated, as well as these so-called future psychological centers. Perhaps even some specific hospitals. ... There must be a structure... it must be something state-run. It could be the state conducting this communication and subordinating even some private entities, but it should be communication at the state level, some central structure. ... All of this must be done at the state level, but foundations and international organizations should be integrated there as well."

"This must be some very powerful state body that will communicate with all others and have certain –how to put it – powers to influence."

"A specific institution must be responsible for something, bear accountability, and help in providing specifically for these people. ... A multidisciplinary team. That is, it consists of various institutions. This is medicine, this is social protection, this is the police, these are coordination centers that grant those statuses and provide support."

"There must be some person, some single window (an authorized person or a ministry), that would deal with the formation of state policy regarding the treatment of people who have endured illegal detention, illegal deprivation of personal liberty, and suffered all these consequences in the form of torture. ... There must be a legislative framework, but also an authorized person who, firstly, monitors the state of implementation of this law and the state of compliance with human rights; who is engaged in the constant study, collection, and research of the needs of the victims; who contacts donors and, in fact, facilitates the attraction of funds to Ukraine. ... Someone who periodically submits proposals for the revision of certain articles of the law or legislation and participates in related projects, such as the development of de-occupation strategies and transitional justice."

"There is no single structure. When a military person is released from captivity – there is the Ministry of Veterans Affairs, which has a department dealing with this. There is no such body for civilians. There is only Iryna Vereshchuk running around to all corners, shouting at everyone and forcing them to work. But an organ that would deal with this systematically – that one does not exist."

The proposal regarding the necessity of designating a single structure to handle assistance for released civilian captives was also expressed by the released themselves.

At the same time, experts emphasized that the newly created system must be flexible; it must track the needs of the released and adapt its activities accordingly.

Suggestions from experts

"First and foremost, a system that hears, and a system that does not just hear but changes according to the signals provided by the victims."

"The system must be proactive; it must not only react, not only provide services, it must shape this policy regarding individuals."

On the other hand, some experts believed that building a single centralized system is impossible and that a well-defined algorithm of actions for the various existing institutions is sufficient.

Suggestions from experts

"I disagree regarding coordination because no coordinating body standing too high will work directly with the individual. That is, if we are talking about the integration of services, there is a good example that doesn't work perfectly, but works nonetheless. This is the resolution on interagency interaction for women – primarily women – who have survived violence. If a person enters the system, regardless of where they enter – the healthcare system, social services, or the police – any of these services must redirect to one another. That is, there is a clearly defined algorithm of actions.... Why coordination when this can be described at the local level, at the community level?"

"It should automatically provide the guarantees prescribed in the law, in resolutions, and in the job descriptions for officials at local levels. ... Several different structures are needed because, unfortunately, it will be impossible to combine them into one. For example, a separate department within the Ministry of Health, at the Prosecutor General's Office, ... under the Human Rights Commissioner, and the coordination of these departments. But for all this, they need some kind of job description so they understand what they need to do."

"There must be both a clear algorithm of actions worked out and a division of responsibilities: who picks up the person where, who communicates with them first, makes contact, to whom they are handed over, how the accompaniment continues, under what status the accompaniment occurs, where, and so on."

"The overall strategy for providing services to civilian captives needs to be considered.... it would be great if a cluster or the state simply defined this: how exactly to work, what the timeframes are, what the activity measures are. ... There should be uniform standards of approach in providing assistance. And when this is written down by someone, it is easier to orient oneself than now, where each organization works on its own. ... That is, a person is released from captivity – who provides what to whom, what information, who meets them, who accompanies them further."

Experts also voiced a proposal to transfer the care of released civilian captives to NGOs through state funding (the introduction of outsourcing).

The NGO Relatives of Kremlin Political Prisoners Association[105] proposed the Draft Framework State Program for the Recovery, Rehabilitation, and Reintegration of Released Civilians, Illegally Deprived of Liberty as a Result of Armed Aggression Against Ukraine for 2026–2030 with a comprehensive approach to the reintegration of released individuals. It provides for the delivery of a primary support package after release, the implementation of case management and individual service routing, ensuring access to medical, rehabilitative, and psychosocial assistance, legal support and documentation of human rights violations, support for socio-economic reintegration, as well as the creation of a system for monitoring and evaluating recovery outcomes.

This vision of state policy in the field of reintegration of released civilians generally aligns with the conclusions and recommendations in our study. At the same time, its results indicate that the key problem today is not the lack of a vision for state policy in this area but the absence of proper regulatory framework for the mechanisms of its implementation. Therefore, the priority task today is to develop a draft of a comprehensive regulatory legal act that, on the one hand, systematizes and harmonizes the existing provisions of regulatory legal acts in the field and the practice of their application, and on the other hand, determines the procedure for undergoing reintegration measures, all responsible entities, mechanisms of inter-agency cooperation, case management tools, standards of assistance provision, relevant operating procedures, etc. It is precisely the adoption of such a regulatory act that is necessary to ensure effective support for released civilians and their family members.

Suggestions from experts

"Perhaps it is worth talking about supporting NGOs that can provide these services with quality and help without burdening state bodies. In reality, the state has plenty to do besides those released from captivity; the state has a lot on its plate. There are veterans, there are internally displaced persons. Maybe some things should be given to specialists."
"The state does not have the resources for this work. Neither with IDPs, nor with civilian locals, nor with civilian captives. Therefore, for me, it's at least about building algorithms, about training, and about highlighting this problem. And then NGOs continue to take the initiative into their own hands, communicate with donors, and work."

A separate problem is the lack of a system for state accounting of appeals by civilian captives for state services guaranteed by the Law[106]. However, this is a general flaw in the sphere of providing state services for all categories of the population in Ukraine. The Government does not have a system for collecting and analyzing such data. Consequently, it is necessary to implement a system for collecting and analyzing the consumption of

105 "After Illegal Deprivation of Liberty: The Path to Recovery", Relatives of Kremlin Political Prisoners Association NGO, Center for Civil Liberties NGO, 2026.
URL: https://www.relativespp.org/analytic/analitichniy-zvit-pislya-nezakonnogo-pozbavlennya-svobodi-vid-vizhivannya-do-vidnovlennya
106 ZMINA. "How Does Ukraine Help Civilian Hostages and Their Relatives? A Year Since the Entry into Force of the Law of Ukraine on the Social and Legal Protection of Individuals in Respect

state services comprehensively for all consumers, and civilian captives are just one of these categories.

Conclusion

The current model for supporting released civilian captives in Ukraine is in its formative stage and is characterized by a combination of certain achievements in providing basic assistance with a simultaneous lack of systemic organization, consistency, and predictability in support. The pervasive problem is the absence of a clearly defined, unified, and understandable route for a civilian after returning from captivity. This route is formed situationally, depending on the specific circumstances of the release, the level of involvement of individual officials or organizations, and the presence of external support from the civil sector. Such a model not only places an additional burden on the victims themselves but also leads to inequality in access to aid, duplication of functions, and inefficient use of resources.

In this regard, it is advisable to implement systemic changes aimed at forming a holistic support model, the core element of which should be a clearly structured route for a released civilian after returning from captivity.

Recommendations

1. To define a step-by-step algorithm of actions after release at the level of by-laws (a separate regulatory document), covering:
   - initial reception and needs assessment;
   - medical, psychological, and social assistance;
   - restoration of identity documents;
   - obtaining status and payments.
   - further social support (housing, employment, reintegration).
2. To implement the principle of a “single window” and “case management” for every released individual by assigning a responsible coordinator (state or authorized partner) and providing support through all stages of the route.
3. To designate a single body for policy formation and coordination, responsible for:
   - development of a policy in the field of support for released civilian captives;
   - coordination between different departments;
   - monitoring the quality of services;
   - interaction with public and international organizations.
4. To standardize interagency interaction among institutions (healthcare, social protection, law enforcement, administrative services), including clear referral protocols to ensure the continuity of support.
5. To ensure that every released person is provided with clear information regarding their route in an accessible format (printed and digital), including contact details, a list of services, step-by-step instructions, etc.
6. To institutionalize state cooperation with the civil sector by:
   - financing them (specifically through state programs or donor instruments);
   - coordinating their activities within a unified route;
   - avoiding duplication of services.
7. To ensure sustained support and help for families through:
   - long-term psychological support;
   - support for family members;
   - access to recovery, education, and employment programs.

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of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, and Their Family Members.” 2023. URL: https://zmina.ua/wp-content/uploads/sites/2/2023/11/uk_help_print.pdf

3 INTERNATIONAL LAW AND EXPERIENCE OF OTHER COUNTRIES REGARDING THE SUPPORT OF CIVILIAN POPULATIONS AFFECTED BY ARMED CONFLICTS

The capture of civilians results in the violation of virtually the entire spectrum of their fundamental rights — from liberty and security of person to the prohibition of torture. Upon their return from captivity, these individuals require not only the acknowledgment of what they have endured but also the real restoration of their violated rights: access to justice, medical and psychological rehabilitation, social support, and reparations. The question arises as to what exact legal framework Ukraine, as the state of jurisdiction, should provide, to what extent, and according to what principles.

This chapter is dedicated to answering these questions and consists of three structural parts.

The first part provides an overview of international law that defines the obligations of states to protect the civilian population in conditions of armed conflict. The analysis focuses on the positive obligations of Ukraine in the field of human rights — that is, the duty to actively ensure the fundamental rights of its citizens, even when the violation of such rights occurred through the fault of another state. Special attention is paid to the mechanisms for protecting victims of torture (in particular, the Istanbul Protocol and the UN Convention against Torture) and the system of reparations in accordance with UN General Assembly Resolution 60/147 and the practice of the International Criminal Court.

The second part outlines the human rights-based approach as an operational standard for shaping state policy toward victims. It examines in detail the five principles of this approach — universality and inalienability of rights, participation and inclusion, equality and non-discrimination, accountability and the rule of law, and indivisibility and interdependence of rights — and analyzes specific gaps in current Ukrainian legislation and available support programs in light of each of them.

The third part contains an analysis of the experience of foreign countries — South America (Chile, Argentina, Colombia, Peru), the Balkans (Croatia, Bosnia and Herzegovina, Kosovo), and Syria — regarding the protection of the rights of civilians affected by armed conflicts or authoritarian regimes. The contexts of the conflicts in these countries differ significantly from the situation in Ukraine; however, what they share is the massive scale of civilian rights violations, the need to develop special mechanisms for recognizing the status of victims, and ensuring their access to reparations. These practices allow for the identification of both effective models and systemic errors that Ukraine can avoid.

Thus, the chapter moves from the general legal framework of state obligations to the principles of their implementation, and then to the specific practical experience of other countries, making it possible to formulate well-founded recommendations for improving the Ukrainian system for protecting civilian captives.

3.1. Overview of international law

This chapter is not a complete and detailed analysis of the entire system of international law that imposes duties on states regarding the protection of the civilian population, and civilian captives in particular, in conditions of armed conflicts. The analysis focuses on exploring the general framework of the grounds and scope of obligations that arise for the defending state – in our case, Ukraine; the application of principles regarding reparations to victims of serious human rights violations; and the human rights-based approach to improving the system of legal and social support for civilians who have returned from Russian captivity.

States' legal obligations to protect the civilian population during armed conflict: general framework

During armed conflicts, the legal protection of the rights of the civilian population is based on two branches of international law — international humanitarian law (IHL) and international human rights law (IHRL)[107].

107 OHCHR. International Human Rights Law in Armed Conflict. Professional Training Series No. 8 (Rev. 1). New York and Geneva: UN, 2011. P. 8. URL: https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf

IHL establishes obligations primarily for the aggressor party (the occupying state)[108]. At the same time, since obligations in the field of human rights continue to apply in conditions of armed conflict, the defending state also continues to bear responsibility for respecting human rights in relation to its citizens and other individuals who are or were under its jurisdiction[109].

Since the subject of this study is Ukraine's fulfillment of the rights of civilians captured by the Russian Federation, this analysis will focus primarily on the positive (i.e., active) obligations of Ukraine in the field of human rights[110].

Such obligations can be considered in at least two categories:

1. Ensuring guarantees of human rights where Ukraine holds primary obligations — that is, guaranteeing the human and civil rights and freedoms that the state routinely possesses in relation to individuals under its jurisdiction in peacetime, but taking into account the restrictions caused by the operation of martial law[111]. This category encompasses a range of obligations in the field of preventing torture or cruel, inhuman, or degrading treatment or punishment.
2. Obligations to facilitate the release of its own civilian citizens who have been illegally deprived of liberty by the enemy party[112].

The capture of civilians results in the violation of virtually the entire spectrum of their fundamental rights — from liberty and security of person, the right to life, to privacy, to education and work, to a fair trial, and others, to freedom from torture and slavery[113]. In addition, upon their return from captivity, individuals most often lack basic documents, means of communication, any personal income or funds, and they may also lose access to their housing, for instance, because it is located in the occupied territory, or for other reasons, or was destroyed as a result of hostilities, etc.

These factual circumstances make it possible to understand which specific rights of civilian captives require restoration and protection. Therefore, questions arise as to from whom exactly and to what extent an individual can receive such protection, namely:

1. Must the defending state (in our case, Ukraine) take measures to restore human rights in relation to its citizens in cases where such a violation occurred through no fault of the state?
2. If so, to what extent must Ukraine fulfill these obligations?

As will be explained below, in our view, Ukraine has legal obligations to ensure the fundamental rights of its citizens (and other persons under its

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108 Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_154; International Law Commission Articles on Responsibility of States for Internationally Wrongful Acts, approved by UNGA Resolution 56/83 of December 12, 2001 URL: https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

109 The Court confirmed that IHRL continues to apply during armed conflicts: "the protection offered by human rights conventions does not cease in case of armed conflict", (§ 106). ICJ. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Advisory Opinion, 9 July 2004. §§ 106–113. URL: https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf

110 Positive obligations of the state mean that "the state cannot limit itself merely to refraining from human rights violations but must also take active measures to protect and ensure them." V. A. Kovtun, M. V. Kovtun. "Positive Obligations Under the European Convention on Human Rights." Bulletin of the National Bar Association of Ukraine. 2024. No. 7–8 (103). URL: https://unba.org.ua/publications/9584-pozitivni-zobovyazannya-za-evropejs-koyu-konvencieyu-z-prav-lyudini.html

111 Art. 3 the Constitution of Ukraine, URL: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text

112 "Prisoners of War. International Practice on the Release of Captives, Hostages, and Political Prisoners: Conclusions for Ukraine," MIHR, UHHRU, Kyiv, 2018. URL: https://www.helsinki.org.ua/wp-content/uploads/2018/02/Viazni-Viyny-mizhnarodna-praktyka.pdf

113 OHCHR. "Treatment of Civilians Deprived of Liberty in the Context of the Armed Attack of the Russian Federation against Ukraine." September 23, 2025 URL: https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2025/2025-09-22-treatment-civilians-ukr.pdf

jurisdiction) even in cases where the harm to these rights was inflicted by another state.

The scope of such obligations is determined by the framework of international human rights law and the Constitution of Ukraine and includes both general guarantees and measures of an individual nature, taking into account the circumstances of each specific case.

Ultimately, given the objectives of this study, the primary focus will be placed precisely on the issue of ensuring the rights of civilians affected by Russian captivity, rather than on Ukraine's efforts toward their release.

Ukraine's obligations in the field of human rights protection in the context of armed conflict

HRL obligates states to respect, protect, and ensure all human rights and fundamental freedoms. Accordingly, depending on the situation, states may bear responsibility for actions, omissions, or inadequate responses to violations[114] – for example, for failure to fulfill their positive obligations to prevent such violations, terminate them, and respond to them appropriately.

The limits and nature of such obligations are defined both in international law (for example, Art. 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (ECHR), Art. 2 of the International Covenant on Civil and Political Rights (ICCPR), etc.) and in national law (in particular, in the Constitution of Ukraine and special laws). This issue is also the subject of a broad academic and professional discussion[115].

Human rights are individual[116]. Thus, Ukraine is obliged to ensure or restore such a "status quo" for each person under its jurisdiction, that enables the realization of minimum human rights guarantees based on respect for human dignity. This obligation is grounded, at the very least, on Art. 3 of the Constitution of Ukraine, where the human being, their life and health, honor and dignity, inviolability, and security are recognized as the highest social value. The Constitution also establishes that human rights and freedoms and their guarantees determine the content and direction of the activity of the state, and the affirmation and provision of these rights is its primary duty.

It is critical that the state bears responsibility for respecting rights and taking measures for their restoration even when the violation of such rights occurred through the fault of third parties or external circumstances. This is confirmed both by international case law[117] and by UN treaty bodies and other international institutions[118].

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114 OHCHR. International Human Rights Law in Armed Conflict. Professional Training Series No. 8 (Rev. 1). New York and Geneva: UN, 2011. P. 17. URL: https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf

115 For example, H. O. Khrystova. "Types and Specifics of State Obligations in the Field of Human Rights." Legal Journal. 2018(4). URL: https://jurnaluljuridic.in.ua/archive/2018/4/part_2/5.pdf; also: M. Ch. Bassiouni. "International Recognition of Victims' Rights." Human Rights Law Review. 2006. Vol. 6. P. 203. URL: https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2010_03413.PDF; see also: S. Hidayah. "State Responsibility in Protecting Human Rights: An International Legal Perspective." International Law Discourse in Southeast Asia. 2023. Vol. 2, No. 2. P. 279–304. DOI: https://doi.org/10.15294/ildisea.v2i2.77145. URL: https://www.researchgate.net/publication/379432699_State_Responsibility_in_Protecting_Human_Rights_An_International_Legal_Perspective

116 Art. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) guarantees rights to "everyone" under the jurisdiction of the state; similarly, Art. 2(3) of the International Covenant on Civil and Political Rights (ICCPR) and Art. 3 of the Constitution of Ukraine.

117 See, for example, ECtHR. Ilaşcu and Others v. Moldova and Russia [GC]. No. 48787/99. Judgment of July 8, 2004. ECHR 2004-VII. URL: https://hudoc.echr.coe.int/eng?i=001-61886

118 See, for example, the UN Human Rights Committee. General Comment No. 31 [80]: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant. CCPR/C/21/Rev.1/Add.13. May 26, 2004, § 8. URL: https://www.ohchr.org/en/resources/educators/human-rights-education-training/c-general-comment-no-31-nature-general-legal-obligation-imposed-states-parties-covenant-2004

During armed conflict, states may derogate from some of their obligations[119].

Ukraine exercised this right: after February 24, 2022, it notified the Council of Europe and the UN Secretary-General of derogations under Art. 15 of the ECHR and Art. 4 of the ICCPR[120]. As of April 4, 2024, the scope of derogations has been significantly narrowed: they have been revoked regarding Art. 9 of the ECHR (freedom of thought and conscience), Art. 13 (right to an effective remedy), Art. 14 (prohibition of discrimination), etc. Currently, the derogation is maintained primarily regarding Art. 5 (right to liberty and security of person) and Art. 8 (right to respect for private and family life) of the ECHR. However, even within the limits of permissible derogations, a state may depart from its obligations solely "to the extent strictly required by the exigencies of the situation" (Art. 15(1) of the ECHR; Art. 4(1) of the ICCPR). It is of fundamental importance that the prohibition of torture is absolutely non-derogable (meaning a state cannot depart from its obligations under any circumstances): Art. 3 of the ECHR is included in the list of non-derogable rights under Art. 15(2) of the ECHR, and Art. 2(2) of the UN Convention Against Torture explicitly establishes that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture"[121].

Article 14 of the Convention Against Torture explicitly obligates States Parties to ensure that victims of torture obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. Furthermore, the Committee Against Torture emphasizes in its General Comments that such redress must encompass full rehabilitation — medical and psychosocial assistance, legal and social support – and be oriented toward restoring the individual's dignity[122].

A key tool for standardizing this process is the Istanbul Protocol — Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[123]. The Protocol is not a binding document, as it is not an international treaty; however, its standards are applied by the Committee Against Torture, the ECtHR, and the ICC as a benchmark when assessing the good faith of states in fulfilling their treaty obligations.

The experience of countries that have integrated the Protocol's standards into their legislation and administrative practice is illustrative. In particular, Sakartvelo became one of five countries involved in the first in-

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119 Art. 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. URL: https://zakon.rada.gov.ua/laws/show/995_004#n358; see also Art. 4 of the International Covenant on Civil and Political Rights of 1966. URL: https://zakon.rada.gov.ua/laws/show/995_043#o25

120 Communication of Ukraine on derogation to the Council of Europe dated February 28, 2022, and the updated communication dated April 4, 2024 (partial withdrawal). URL: https://rm.coe.int/0900001680af4532; Council of Europe Portal. Ukraine: Disregard false information regarding derogations from the ECHR. April 30, 2024. URL: https://www.coe.int/en/web/portal/-/ukraine-disregard-false-information-concerning-derogations-from-the-european-convention-on-human-rights

121 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984. Ratified by Ukraine in 1987. URL: https://zakon.rada.gov.ua/laws/show/995_085

122 UN Committee Against Torture. General Comment No. 3 (2012): Implementation of Article 14 by States Parties. CAT/C/GC/3. 13 December 2012. § 4, 11. URL: https://documents.un.org/doc/undoc/gen/g12/487/18/pdf/g1248718.pdf

123 OHCHR. Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 2022 edition (HR/P/PT/8/Rev. 2). Geneva: UN, 2022. URL: https://www.ohchr.org/en/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective-0. The Istanbul Protocol was approved by OHCHR in 1999 and significantly updated in June 2022: the new version was prepared with the participation of more than 180 specialists from 51 countries and includes two new chapters — on the role of medical professionals in documentation and on the conditions for effective state implementation of the Protocol. It should not be confused with the Istanbul Convention — the Council of Europe Convention on preventing and combating violence against women of 2011.

ternational project for the implementation of the Istanbul Protocol (2003–2005), which was implemented with EU support: Sakartvelo's lawyers and human rights organizations participated in developing the National Action Plan Against Torture, approved by a presidential decree, while amendments to criminal procedure legislation expanded the rights of detainees in accordance with the Protocol's standards[124]. Similarly, in Kyrgyzstan and Tajikistan, the ministries of health officially implemented the Protocol's recommendations into their healthcare and justice systems[125].

In Ukraine, the implementation of the approaches enshrined in the Istanbul Protocol remains partial. Since 2017, the Ministry of Health has been developing a medical standard for documenting torture based on it[126]; the Office of the Prosecutor General conducts training for prosecutors according to the Protocol's standards[127]. In 2024, the Cabinet of Ministers of Ukraine adopted Resolution No. 296 on recovery measures for persons released from captivity[128] which is based on principles consistent with the Istanbul Protocol, although it does not directly refer to it. At the same time, human rights organizations emphasize the importance of a more systemic consolidation of the Istanbul Protocol standards in the national legislation of Ukraine[129].

Protection and redress for victims

The previously mentioned Art. 2 of the ICCPR and Art. 13 of the ECHR guarantee everyone whose rights and freedoms recognized in these documents have been violated the right to an effective remedy.

At the end of 2005, the UN General Assembly adopted Resolution 60/147 "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law"[130]. The Resolution encompasses 27 principles (hereinafter — Principles) and emphasizes that the obligation to respect, ensure respect for, and implement international human rights law and international humanitarian law arises from: (a)

124 REDRESS Trust. The Istanbul Protocol: International Guidelines for the Investigation and Documentation of Torture. National Adaptation: Georgia. Istanbul Protocol Implementation Project (2003–2005). URL: https://redress.org/wp-content/uploads/2018/01/National-adaptation-Georgia-legal-material.pdf

125 Physicians for Human Rights. "The Istanbul Protocol: Setting Anti-Torture Norms." URL: https://phr.org/issues/torture/setting-anti-torture-norms/istanbul-protocol/ (accessed: April 5, 2026)

126 Cabinet of Ministers of Ukraine. "Ministry of Health develops standards for effective medical documentation of torture". June 26, 2017. URL: https://www.kmu.gov.ua/news/250097813

127 Council of Europe Office in Ukraine. "Workshop on effective investigation of torture for the investigators of SBI, specialised prosecutors, and the police officers of NPU internal inspection." URL: https://www.coe.int/uk/web/kyiv/-/workshop-on-effective-investigation-of-torture-for-the-investigators-of-sbi-specialised-prosecutors-and-the-police-officers-of-npu-internal-inspection

128 Resolution of the Cabinet of Ministers of Ukraine No. 296 dated March 14, 2024 "On Approval of the Procedure for Conducting Recovery (Post-Isolation, Reintegration) Measures, Adaptation Measures, Support (Escort) of Persons in Respect of Whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression Against Ukraine Has Been Established, After Their Release." URL: https://zakon.rada.gov.ua/laws/show/296-2024-%D0%BF

129 See, for example, Forpost NGO. "Torture without Punishment: Why Ukraine Needs Istanbul Protocol Standards." 2020. URL: https://forpost-center.org/katuvannya-bez-pokarannya-chomu-ukrayini-potribni-standarty-stambulskogo-protokolu/ or Relatives of Kremlin Political Prisoners Association. "After Illegal Imprisonment: From Survival to Recovery." Analytical report. 2026. P. 12. URL: https://cdn.prod.website-files.com/6384b331759e4d35a96c7fae/69a5bcfa245f48626dafa004_%D0%9F%D1%96%D1%81%D0%BB%D1%8F_%D0%BD%D0%B5%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BD%D0%BE%D0%B3%D0%BE_%D1%83%D0%B2%E2%80%99%D1%8F%D0%B7%D0%BD%D0%B5%D0%BD%D0%BD%D1%8F_%D0%B2%D1%96%D0%B4_%D0%B2%D0%B8%D0%B6%D0%B8%D0%B2%D0%B0%D0%BD%D0%BD%D1%8F_%D0%B4%D0%BE_%D0%B2%D1%96%D0%B4%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%BD%D1%8F%20(3).pdf

130 UN General Assembly Resolution 60/147 "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." December 16, 2005. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation

treaties to which the State is a party; (b) customary international law; (c) the domestic law of each State[131].

Paragraphs (c) and (d) of Principle 3 clarify that the obligation includes, among other things, the duty to: (c) provide those who claim to be victims of a violation of human rights or humanitarian law with equal and effective access to justice, irrespective of who may ultimately be the bearer of responsibility for the violation; (d) provide effective remedies to victims, including reparation. Such guarantees are access to justice (Principles 12–14) and reparation for harm suffered (Principles 15–23).

Reparation should be proportional to the gravity of the violations and the harm suffered (Principle 15). In cases where the responsible party is unable or unwilling to meet their obligations, States should endeavor to establish national programs for reparation and other assistance to victims (Principle 16).

Adequate reparation includes restitution (restoration to the original situation preceding the violations), compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Principles 19–23 unfold the content of these forms of reparation in more detail, but in any case, they must encompass measures aimed at overcoming the consequences of the physical or mental harm caused; lost opportunities, including employment, education, and social benefits; material damage and loss of earnings, including loss of earning potential; moral damage; costs required for legal or expert assistance, medicines and medical services, as well as psychological and social services (Principle 20). Rehabilitation should include medical and psychological care, as well as legal and social services (Principle 21).

The practice of states shows that following such a comprehensive approach to supporting and providing redress to victims of substantial gross or serious violations of human rights and international humanitarian law helps to build a more resilient and humane system for restoring violated rights and their resocialization[132].

Article 75 of the Rome Statute provides for three main forms of reparations: restitution, compensation, and rehabilitation[133]. Where appropriate, the Court may also award other types of reparations, in particular those that have symbolic, preventive, or transformative value.

In the Ntaganda and Ongwen cases, the ICC formulated the principles of reparations: proportionality and timeliness; transformative nature; priority of protecting the most vulnerable victims; and inclusion of not only medical and psychological but also socioeconomic recovery and reintegration measures within rehabilitation. The Court also established that awards disproportionate to the harm suffered constitute a symbolic gesture rather than compensation in the legal sense.

Human rights defenders believe that "it is necessary to develop a mixed model in which Ukraine, as the national state of the victims, assumes primary responsibility for the payment of reparations, with an embedded

131 The Resolution does not create new international obligations, but defines mechanisms and methods for implementing existing legal obligations, which are complementary, even if they differ in their norms.

132 In the Ntaganda and Ongwen cases, the ICC confirmed and expanded the principles of reparations: do no harm; dignity, non-discrimination, absence of stigmatization; consideration of the vulnerability of affected children and victims of CRSV; victim-centered approach; gender sensitivity. Reparations must be proportional, timely, adequate, and transformative. The purpose of reparations is "as far as possible, to wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed." JurFem researchers recommend "a mixed model in which Ukraine, as the national state of the victims, assumes primary responsibility for the payment of reparations, with an embedded mechanism for the possibility of further use of the assets of the respective convicted persons and the Russian Federation." JurFem. "The Mandate of the International Criminal Court to Award Reparations to Victims of International Crimes." URL: https://jurfem.com.ua/mandat-mks-reparatsii/

133 Forms of rehabilitation include: construction of support centers for victims, housing support, economic empowerment, education, psychological support, etc. See ICC Trial Chamber II. The Prosecutor v. Germain Katanga. Order for Reparations pursuant to Article 75 of the Statute. ICC-01/04-01/07. March 24, 2017. URL: https://www.icc-cpi.int/news/katanga-case-icc-trial-chamber-ii-awards-victims-individual-and-collective-reparations

mechanism for the possibility of further use of the assets of the respective convicted persons and the Russian Federation[134]." There is also a proposal to introduce a separate state fund in Ukraine (or a mixed state fund with international participation) to support victims of torture, as has occurred in certain states under conditions of restorative justice. In the view of the authors of the study, such a fund should perform the function of a targeted financing tool for the medical, psychological, and social rehabilitation of individuals subjected to torture, regardless of the stage of criminal proceedings or the completion of status procedures[135].

The mechanism for providing redress to victims requires not only the accumulation of funds but also stable, long-term financing. Funds can be an effective tool, but only under the condition that their replenishment relies on a sustainable and economically justified model with professional and transparent administration. Without this, there is a risk that payments will cover only a portion of the victims, leaving the rest in an even more unjust position.

Conclusions:

In conclusion, although the violations of civilian rights occur as a result of the unlawful actions of the Russian Federation, it is Ukraine, as the state of their citizenship and jurisdiction, that bears the primary obligation to ensure the swift and effective restoration of their rights after release. This includes access to justice and reparation mechanisms, since victims cannot wait for a change in the policy of the aggressor state and require the protection and restoration of their rights without delay. At the same time, it should be emphasized that state obligations in the field of human rights are individual in nature, and therefore proper protection must be provided to every person who has suffered violations of their rights, and torture in particular, without establishing additional criteria or conditions. The fulfillment of this obligation is directly linked to finding and implementing long-term financial mechanisms that will allow proper redress to be provided to the widest possible circle of victims. Furthermore, such mechanisms must be formed in compliance with the principles of proper administration, transparency, and must command trust among interested parties — both beneficiaries and contributors.

3.2. Human rights-based approach

Principle 10 establishes: "Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as that of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation[136]."

This principle consolidates the core elements of the human rights-based approach, which also underpins the Sustainable Development Goals[137].

134 JurFem. "The Mandate of the International Criminal Court to Award Reparations to Victims of International Crimes." URL: https://jurfem.com.ua/mandat-mks-reparatsii/

135 "After Illegal Deprivation of Liberty: The Path to Recovery," Relatives of Kremlin Political Prisoners Association, Center for Civil Liberties, 2026. P. 42. URL: https://www.relativespp.org/analytic/analitichniy-zvit-pislya-nezakonnogo-pozbavlennya-svobodi-vid-vizhivannya-do-vidnovlennya

136 UN General Assembly Resolution 60/147 "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law."No. A/RES/60/147 dated December 16, 2005. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation

137 UNDP. Sustainable Development Goals. URL: https://www.undp.org/sustainable-development-goals; see also: UNDP. Human Rights-Based Approach to Programming Toolkit. 2025. P. 10.

Outside the UN and EU frameworks, the approach is based on five primary principles[138]:

1. Universality and inalienability – human rights belong to all people, everywhere.
2. Participation and inclusion – involving individuals and communities in decision-making.
3. Equality and non-discrimination – overcoming structural inequalities and ensuring equal access.
4. Accountability and the rule of law – states and institutions are obligated to answer for the fulfillment of legal duties.
5. Indivisibility and interdependence of rights — civil, political, economic, social and cultural rights are interconnected.

Each of these is complex and multifaceted. At the same time, it is of fundamental importance that they must be applied collectively and in interconnection. Therefore, when forming a comprehensive policy for supporting and restoring the rights of civilians whom the Russian Federation has illegally deprived of personal liberty, Ukraine must be guided by this approach as a foundational benchmark.

Let us analyze these principles in more detail.

In the context of the first principle of the approach, "Universality and inalienability," it is essential to reject segregationist support — for instance, providing it only to those individuals who demonstrated an active pro-Ukrainian stance or who, under the factual circumstances of their deprivation of liberty, can be classified as civilian hostages. Universality means protecting every single human being who has suffered a gross violation of their rights and an infringement on human dignity.

In practice, this principle challenges any classification of victims as "more" or "less" deserving of protection. Ukrainian legislation (Law No. 2010-IX) establishes certain categories of persons entitled to protection. However, the mere existence of categories does not contradict the principle of universality as long as the criteria are non-discriminatory. A problem arises when individuals who have actually survived captivity remain outside the scope of the law but do not fall under the defined categories (for example, due to the impossibility of establishing or proving the fact of their deprivation of liberty). Therefore, the implementation of the principle of "Universality and inalienability" requires both a broad interpretation of the right to protection and a simplification of evidentiary standards for victims.

Regarding the principle of "Participation and inclusion" — it is critically important precisely in the context of supporting released civilians. These individuals have directly survived captivity and best understand what specific assistance they need. Genuine participation of victims in shaping relevant state policies, procedures, and programs means transforming them from mere recipients of aid into active participants in developing solutions. Currently, Ukraine has no systematic mechanism for such participation explicitly provided for by either Law No. 2010-IX or Cabinet of Ministers Resolution No. 296: consultations with victims are not a mandatory stage in the formation of support programs[139].

A similar approach is applied by the International Criminal Court as well:[140]

URL: https://www.undp.org/sites/g/files/zskgke326/files/2025-02/undp_human_rights_based_approach_programming_toolkit_v2.pdf

138 European Commission. "Human Rights Based Approach — HRBA Toolbox." Capacity4dev. Last updated: May 14, 2025.
URL: https://capacity4dev.europa.eu/library/human-rights-based-approach-hrba-toolbox_en

139 "From Social Protection to Reparations for Ukraine." URL: https://totalaction.org.ua/books/50

140 JurFem. "The Mandate of the International Criminal Court to Award Reparations to Victims of International Crimes." URL: https://jurfem.com.ua/mandat-mks-reparatsii/

The principle of "Equality and non-discrimination" implies equal access to legal protection and reparations, not only by virtue of the universality and individuality of human rights but also through active state measures aimed at dismantling barriers to such access. Consequently, when forming policies and procedures for restoring the rights of victims, it is necessary to account for differing socioeconomic status, age, physical and psycho-emotional condition, level of education and capacity to process information, geographical factors, and other variables.

In the case of released civilians, this means recognizing that the consequences of captivity vary drastically depending on the duration of imprisonment, the forms of violence endured, as well as the person's social standing and resources prior to captivity. Women, the elderly, people with disabilities, and residents of occupied or frontline territories face specific barriers in accessing support. The principle of equality obligates the state not only to formally open access to assistance programs but also to actively eliminate these barriers — through mobile services, simplified procedures, proactive information dissemination, and flexible forms of receiving support.

"Accountability and the rule of law" obligate the state, at the very least, to ensure the clarity and legal certainty of legal norms and procedures, the transparency of decision-making processes and the financing of redress and support measures, a continuous and constructive dialogue with stakeholders — above all, the victims themselves, as well as regular reporting and policy reviews.

In the context of protecting the rights of released civilians, this means, in particular: a legislatively established requirement for independent monitoring of the implementation of rehabilitation and redress programs; the right of victims to appeal decisions denying support; and public annual reporting on the status of state program execution. Currently, Law No. 2010-IX does not contain any of these mechanisms in a systematic form, which constitutes a significant gap from the perspective of accountability.

Finally, the principle of "Indivisibility and interdependence of rights" points to the need for comprehensive planning and consideration of the entire spectrum of human rights requiring protection. A selective approach to support will fail to fully provide assistance and sustainable recovery, to the extent generally possible, for people who have suffered from gross violations of human rights and international humanitarian law.

Conclusions:

The human rights-based approach is an operational standard that determines the quality and legitimacy of state policy toward victims. For Ukraine, this means that an effective system for supporting released civilians must be simultaneously: universal in coverage (every person, without conditions); participatory in process (victims are participants, not objects); equal in access (with proactive removal of barriers); accountable in execution (with independent monitoring and the right to appeal); and comprehensive in content (integrated legal, medical, psychological, and social support).

Practically, this means that no form of support can substitute for another. It is impossible to effectively ensure access to justice without prior medical documentation of the consequences of torture; it is impossible to achieve sustainable reintegration without simultaneous psychological, social, and economic support. For example, Cabinet of Ministers Resolution No. 296 outlines a certain list of measures but does not establish a mechanism for their coordinated delivery and individualized planning for each victim — which is a prerequisite for a genuinely comprehensive approach.

Recommendations

Based on the conducted analysis of international legislation and the principles of the human rights-based approach, the following recommendations are proposed to improve the system of legal and social protection for civilians who have returned or are returning from Russian captivity.

Regarding the scope of obligations and legal guarantees:

1. To expand the list of civilians who were held in captivity and have the right to the restoration and protection of their rights in connection with the violations they suffered during captivity. To this end, introduce relevant amendments to domestic legislation, ensuring an equal approach to all categories of such persons.
2. To ensure the individualized nature of legal protection for each affected person without establishing additional criteria or conditions that narrow the circle of individuals entitled to support. Review the categories of persons defined by Law No. 2010-IX with the aim of encompassing all civilians who have actually survived captivity, particularly those who cannot documentary verify the fact of their deprivation of liberty due to objective circumstances.
3. Bearing in mind the absolute nature of the legal prohibition of torture (Art. 3 of the ECHR, Art. 2(2) of the UN Convention Against Torture, etc.), to systematically institutionalize the standards of the Istanbul Protocol in domestic legislation — specifically regarding the medical documentation of the consequences of torture, their use, and consideration when determining the scope of redress and rehabilitation for victims.

Regarding reparation mechanisms:

4. To develop and adopt a national reparations program for victims of illegal deprivation of liberty, which will provide for a comprehensive set of redress measures in accordance with the Principles of UN General Assembly Resolution 60/147: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. The program must be based on a mixed model in which Ukraine assumes primary responsibility for the payment of reparations, with an embedded mechanism for the subsequent use of the assets of the Russian Federation and entities associated with it, as well as other recourse mechanisms for recovering compensation for the armed aggression against Ukraine.
5. To provide within this program for the individualized planning of support measures for each affected person — taking into account the nature, duration, and severity of the violations endured, as well as the specific needs and priorities of the individual. Despite outlining a list of measures, the current Cabinet of Ministers Resolution No. 296 does not establish a mechanism for their coordinated delivery and individualized planning, which is a prerequisite for a genuinely comprehensive approach.
6. To ensure that redress is proportional to the gravity of the violations and the harm suffered, avoiding symbolic payments that do not correspond to the legal substance of compensation.

Regarding the human rights-based approach:

7. To introduce a mandatory mechanism for the participation of victims in the formation of state policy, programs, and support procedures — not as recipients of aid, but as active participants in the development of decisions. Ensure that consultations with victims are a mandatory stage in forming relevant programs at the level of Law No. 2010-IX and Cabinet of Ministers Resolution No. 296.
8. To proactively eliminate barriers to accessing support for the most vulnerable categories of victims — women, the elderly, persons with disabilities, and residents of occupied or frontline territories – through mobile services, simplified procedures, proactive information dissemination, and flexible forms of support delivery.
9. To establish accountability mechanisms in legislation: independent monitoring of the implementation of rehabilitation and redress programs; the right of victims to appeal decisions denying support; and public annual reporting on the status of state program execution. Currently, Law No. 2010-IX does not contain any of these mechanisms in a systematic form.

Regarding the comprehensiveness of support:

10. To ensure an integrated support system that combines legal, medical, psychological, and social assistance in a coordinated manner. It is

impossible to effectively ensure access to justice without prior medical documentation of the consequences of torture; it is impossible to achieve sustainable reintegration without simultaneous psychological, social, and economic support.

11. To ensure immediate and unconditional access for released civilian captives to primary basic needs (medical and psychological assistance, clothing, means of communication, temporary housing, restoration of identity documents, and minimum financial allowance to restore a sense of autonomy and control to the victims) — without the need to prior undergo administrative procedures for status recognition.
12. To consider the advisability of developing separate legislation, or adapting existing laws, for specific categories of victims — in particular, victims of sexual violence, children born or held in captivity, as well as deported persons and children transferred to the Russian Federation.

The presented recommendations are based on an analysis of Ukraine's current international obligations and the principles of the human rights-based approach. Their practical reinforcement with specific models and instruments will be additionally provided in the next part of this section based on an analysis of foreign state experience.

3.3. Analysis of foreign experience in supporting civilians affected by armed conflicts

General overview

This chapter provides a short version[141] of the analysis of the experience of selected[142] countries in South America (Chile, Argentina, Colombia, Peru), the Balkans (Croatia, Bosnia and Herzegovina, Kosovo), as well as Syria regarding the protection of the rights of civilians affected by illegal deprivation of personal liberty and other gross violations of human rights in connection with armed conflicts or authoritarian regimes.

The contexts of the conflicts in these countries differ significantly from the situation in Ukraine. South American countries addressed the consequences of internal dictatorships or prolonged civil conflicts; Balkan states formed protection systems following interethnic wars linked to the dissolution of Yugoslavia; Syria is just beginning its path toward transitional justice after decades of authoritarian rule.

However, common features include mass violations of civilian rights (illegal deprivation of liberty, torture, enforced disappearances, sexual violence), the necessity of establishing special mechanisms for recognizing victim status, and ensuring their access to reparations. These practices can be useful for fine-tuning the Ukrainian architecture for protecting civilians who have returned from captivity in the Russian Federation, as well as helping to avoid mistakes and unintended risks.

The analysis follows a unified structure for each region: identifying the bodies that review reparations issues; principles of assistance delivery;

141 An expanded analysis for each country can be found in a separate document at the link: https://docs.google.com/document/d/1cmZ4h8M2CHU0l4KrZv_4TR_zTFqdcWVZ/edit?usp=sharing&ouid=100174523264885149793&rtpof=true&sd=true

142 In this study, we did not aim to analyze the entire possible spectrum of countries that have survived armed conflicts, but rather to provide illustrative examples and trace certain trends in transitional and restorative justice practices for civilian populations affected by armed conflicts.

types of guarantees and support; identified deficiencies and problems; and lessons that Ukraine can draw from this experience.

A) South America

The four analyzed South American countries — Chile, Argentina, Colombia, and Peru — passed through periods of mass human rights violations that differed in nature but were similar in their consequences. In Chile and Argentina, it involved the impact of military dictatorships (1973–1990 and 1976–1983 respectively); in Peru, an internal armed conflict between state forces and insurgent groups (1980–2000); and in Colombia, a prolonged armed conflict that has formally been unfolding for over 50 years. In all these states, civilians were subjected to illegal deprivation of liberty, torture, enforced disappearances, and other gross violations.

Administrative Support Architecture

In Chile, several specialized mechanisms were successively established between 1990 and 2009: the National Commission on Truth and Reconciliation (Rettig Commission, 1990–1991), which documented enforced disappearances and killings; the National Corporation for Reparation and Reconciliation (1992–1995), which extended the mandate of the Rettig Commission and implemented basic redress measures; the National Commission on Political Imprisonment and Torture (Valech Commission, 2003), which documented illegal detention and torture and expanded the circle of victims; and the Advisory Commission (Valech II, 2009), authorized to review new cases[143]. Recognition of victim status was carried out through an administrative procedure rather than court proceedings — by inclusion in official lists compiled by the respective commissions.

In Argentina, the National Commission on the Disappearance of Persons (CONADEP) was established by presidential decree in 1983. Over nine months, it documented 8,961 confirmed cases of disappearance, uncovered 340 secret detention centers, and produced the report "Never Again" (Nunca Más)[144]. Claims for compensation were reviewed by the Ministry of Interior (under Law No. 24.043)[145], and later by the Undersecretariat for Human Rights and the courts in summary proceedings (under Law No. 24.411)[146]; the Ministry of Justice, Security and Human Rights administered payments for children (under Law No. 25.914)[147].

In Colombia, matters regarding the protection of victims are handled by a specially established Victims Unit under the Department for Social Prosperity (under the President). A special registry (RUV) was created to record victims; as of September 2024, 9,758,000 people had applied to it, of whom more than 7.6 million are eligible to participate in the reparations program[148].

143 International Commission on Missing Persons (ICMP). Chile: Where are the missing?, n.d. URL: https://icmp.int/the-missing/where-are-the-missing/chile/; see also Carla Cubillos-Vega. Reparation Policy in Gendered Political Violence: Gendered Torture During the Dictatorship and the Recent "Social Explosion" in Chile. Journal of Human Rights and Social Work, 2023. URL: https://pmc.ncbi.nlm.nih.gov/articles/PMC10200696/pdf/41134_2023_Article_248.pdf; see also: Amnesty International. Chile: Four years after social unrest, impunity persists, October 2023. URL: https://www.amnesty.org/en/latest/news/2023/10/chile-four-years-social-unrest-impunity

144 Comisión Nacional sobre la Desaparición de Personas (CONADEP). Nunca Más: Informe de la Comisión Nacional sobre la Desaparición de Personas. Buenos Aires: EUDEBA, 1984. URL: https://www.desaparecidos.org/nuncamas/web/investig/articulo/nuncamas/nmas0001.htm

145 Argentina. Ley Nº 24.043, 27 de noviembre de 1991. URL: https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/442/texact.htm

146 Argentina. Ley Nº 24.411, 7 de diciembre de 1994. URL: https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/793/norma.htm

147 Argentina. Ley Nº 25.914, 4 de agosto de 2004. URL: https://servicios.infoleg.gob.ar/infolegInternet/anexos/95000-99999/97981/norma.htm

148 Daniela Suárez Vargas, Luke Moffett. Reparations in Colombia: Redressing civilian harm in the midst of armed conflict, Lieber Institute for Law and Land Warfare, September 2024. URL: https://lieber.westpoint.edu/reparations-colombia-redressing-civilian-harm-midst-armed-conflict

In Peru, the Truth and Reconciliation Commission (CVR, 2001–2003) conducted large-scale documentation and interviewed 17,000 witnesses and victims[149]. To administer the Comprehensive Plan of Reparations (PIR), the Reparations Council was established under the Ministry of Justice and Human Rights, which forms the Single Registry of Victims (RUV); as of 2026, more than 251,000 individual victims have been included in it[150].

Reparation Systems

Chile chose a model of standardized lifelong pension payments of a fixed amount determined by law and independent of an individual assessment of harm. Financial reparations were established by Law No. 19.123 of 1992[151].

Argentina applied a standardized calculation of compensation without an individual assessment of damages. Under Law No. 24.043, the amount of payments depended on the number of days of imprisonment and amounted to one-thirtieth of the monthly salary of the highest-category civil servant for each day of detention. The law did not require proof of the harm suffered — it was sufficient to confirm the fact of illegal deprivation of liberty[152]. Under Law No. 24.411, for the families of the disappeared or killed, the payment amount was a multiple of 100 times the monthly remuneration of public servants[153]. The system of reparations was implemented gradually (basic support laws were introduced in the period from 1991 to 2004) for different categories, at different times, by different government authorities.

Colombia formed a model of a comprehensive reparations system that combines monetary compensation, rehabilitation, restitution, and measures for socio-economic recovery. It covers compensation for gross human rights violations, psychosocial and medical assistance, housing support, access to education, employment, and economic reintegration. Under this condition, a characteristic feature of the Colombian model is a significantly more individualized approach to each affected person. It is carried out through an Individual Comprehensive Plan for Redress based on individual interviews conducted by social workers, psychologists, and lawyers with each affected individual. During these interviews, specific consequences are assessed and matched with available support programs, and the affected individuals are offered guidance on directing funds toward education, housing, entrepreneurship, or land ownership. At the same time, long-term psychosocial support programs constitute an important component of the system, although their implementation is limited by resource challenges[154].

In Peru, individual economic reparations are standardized in nature — a lump-sum payment of 10,000 soles (approximately 2,700 USD) for each affected person included in the RUV[155]. As of December 2024, 87,263 victims had received payment[156].

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149 Comisión de la Verdad y Reconciliación (CVR). Informe Final. Lima: CVR, 2003. URL: https://www.cverdad.org.pe/ingles/ifinal/conclusiones.php
150 Registro Único de Víctimas (ruv). Cifras del Registro Único de Víctimas. Consejo de Reparaciones, Ministerio de Justicia y Derechos Humanos del Perú. URL: http://www.ruv.gob.pe/CifrasRUV.pdf
151 International Center for Transitional Justice (ICTJ). What is Transitional Justice?, March 2011. URL: https://static.pmg.org.za/docs/110331ictj.pdf
152 Argentina. Ley Nº 24.043, 27 de noviembre de 1991. URL: https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/442/texact.htm
153 Argentina. Ley Nº 24.411, 7 de diciembre de 1994. URL: https://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/793/norma.htm
154 From Principles to Practice. Challenges of Implementing Reparations for Massive Violations in Colombia, International Center for Transitional Justice (ICTJ), 2015.
URL: https://www.ictj.org/sites/default/files/ICTJ_Report_ColombiaReparationsChallenges_2015.pdf
155 Peru. Decreto Supremo Nº 051-2011-PCM.
URL: https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-los-lineamientos-para-el-program-decreto-supremo-n-051-2011-pcm-655963-4/
156 Ministerio de Justicia y Derechos Humanos del Perú, December 2024.
URL: https://www.infobae.com/america/agencias/2024/12/02/peru-ordena-reparaciones-para-mas-de-150-afectados-durante-el-periodo-de-violencia-interna/

Types of guarantees and assistance

In 1992, Chile approved the PRAIS program — a comprehensive set of medical support and socio-psychological rehabilitation measures integrated into the national healthcare system. Affected individuals and their family members received free and long-term access to medical, psychiatric, and psychosocial assistance without the need to repeatedly prove a causal link between their health status and the fact of illegal detention. The program has been extended until 2025[157]. The reparation policy also provided for educational measures (scholarships, tuition waivers for affected individuals and their children up to 35 years of age) and access to housing and social programs[158]. A distinctive feature of the Chilean process is the involvement of the affected individuals themselves in shaping reparation policies[159].

Argentina, in addition to financial compensation, established the National Genetic Data Bank (BNDG) under Law No. 23.511 (1987) to identify children appropriated by the regime. By 2025, 140 confirmed identifications of kidnapped children had been conducted[160]. This mechanism is especially relevant for Ukraine in the context of deportation and transfer of children for adoption to Russia.

Colombian Law 1448 (2011, extended to 2031)[161] offers compensation payments, a program of comprehensive psychosocial and medical assistance, housing restitution, debt relief, access to education and employment, and exemption from compulsory military service. Affected individuals are also offered assistance in investing compensation funds in four areas: education, business, housing, and rural property. In 2024, a new version of the Law (Ley 2421) was adopted, which expands the definition of an "affected person" to include those located outside the country, regardless of their migration status[162].

The Comprehensive Reparations Plan in Peru (PIR)[163] provides for seven forms of reparations: individual economic payments, collective reparations for affected communities, free access to health services, educational scholarships (through the REPARED / "Beca 18" program)[164], housing subsidies (through the Techo Propio program)[165], symbolic reparations (memorialization, official recognition, public commemoration) – in 2015, the State Memorial Museum was opened in Lima[166], as well as

157 At the time of the study, it was not possible to find information on whether this program was extended for a future period.
158 Overview of Chile's reparations procedures as of 2011: ICTJ, March 2011. URL: https://static.pmg.org.za/docs/110331ictj.pdf
159 Penn Capital-Star. This is why reparations are always about more than money (opinion), 2021. URL: https://penncapital-star.com/commentary/this-is-why-reparations-are-always-about-more-than-money-opinion/
160 Banco Nacional de Datos Genéticos (BNDG) – established by Law No. 23.511 (1987), reorganized by Law No. 26.548 (2009). URL: https://www.argentina.gob.ar/ciencia/bndg/normativa; also: Abuelas de Plaza de Mayo. URL: https://www.abuelas.org.ar; see also: The Guardian. Man kidnapped by Argentina's military regime as baby is reunited with relatives, 2025. URL: https://www.theguardian.com/world/2025/jul/07/man-kidnapped-by-argentinas-military-regime-as-baby-is-reunited-with-relatives
161 Cámara de Representantes de Colombia. Ley de Víctimas va hasta el 2031, n.d. URL: https://www.camara.gov.co/ley-de-victimas-va-hasta-el-2031
162 Daniela Suárez Vargas, Luke Moffett. Reparations in Colombia: Redressing civilian harm in the midst of armed conflict, Lieber Institute for Law and Land Warfare, September 2024. URL: https://lieber.westpoint.edu/reparations-colombia-redressing-civilian-harm-midst-armed-conflict
163 Peru. Ley Nº 28592 "Ley que crea el Plan Integral de Reparaciones". 29 de julio de 2005. URL: https://www.gob.pe/institucion/congreso-de-la-republica/normas-legales/1496834-28592
164 The state scholarship program Beca 18 was introduced in 2012 by the Humala government. The program is managed by the National Office of Scholarships and Educational Credit (PRONABEC).
165 At the same time, as of 2021, only about 30% of those who needed housing were able to use this program. See: Belli Ferro, Fiorella; Orensanz, Mora. Public housing, Private priorities, MIT, 2021. URL: https://www.academia.edu/122345132/Public_housing_Private_priorities_The_invisible_dynamics_in_low_income_housing_allocation_in_urban_Peru_the_case_of_CSP_Techo_Propio
166 LUM - Lugar de la Memoria, la Tolerancia y la Inclusión Social — State Memorial Museum in Lima, opened in 2015.

civic reparations through simplified procedures for document restoration[167].

Deficiencies and problems

In Chile, despite the comprehensive nature of the approach, the process of identifying the circle of affected individuals lasted for decades, and many persons noted that their voices and demands remained insufficiently taken into account within traditional mechanisms[168].

The Argentine experience demonstrates the risk of regression even 50 years later: in 2026, experts warn against the passivity of criminal investigations, the weakening of reparation mechanisms, complicating access to archival materials, the liquidation of institutions for preserving memory (memorials, museums, archival institutions, etc.), and halting the search for missing persons[169].

In Colombia, the immense number of affected individuals and the open registration process jeopardized the state's capacity to implement the established support and reparation policies. Among the problems are difficulties in proving the fact of a violation, the absence of rapid procedures for status recognition, logistical barriers to access in remote regions, and a lack of resources and expertise among local authorities[170].

Peru demonstrates a systemic lesson: more than 24 years after the conflict, the state has failed to fulfill its reparation obligations. As of 2023, only 7% of affected individuals had received educational reparations, and only 7.6% had received housing assistance[171]. Despite the proven findings of the Truth and Reconciliation Commission (CVR) regarding the perpetrators of the violations and the proposed system of reparations, even 10 years after the report was published, a significant portion of the Peruvian elite continued to refuse to recognize the direct responsibility of the state for the violations committed. Competing narratives and a lack of public recognition are among the key factors complicating the implementation of reforms and reparations[172]. The country's Ombudsman has repeatedly called for the adoption of a separate National Reparations Policy with its own budget line — instead, the programs remain embedded within general social mechanisms to this day[173].

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167 Peru. Ley Nº 28592 "Ley que crea el Plan Integral de Reparaciones", 29 de julio de 2005. URL: https://leyes.congreso.gob.pe/Documentos/Leyes/28592.pdf

168 Marit de Haan. A virtuous model of reparation emerging in Chile, JusticeInfo.Net, 2022. URL: https://www.justiceinfo.net/en/105681-virtuous-model-reparation-emerging-chile.html

169 UNHCR. Argentina: Alarming setbacks in transitional justice on 50th anniversary of coup d'état, warn UN experts, 19 March 2026. URL: https://www.ohchr.org/en/press-releases/2026/03/argentina-alarming-setbacks-transitional-justice-50th-anniversary-coup-detat

170 From Principles to Practice. Challenges of Implementing Reparations for Massive Violations in Colombia, International Center for Transitional Justice (ICTJ), 2015. URL: https://www.ictj.org/sites/default/files/ICTJ_Report_ColombiaReparationsChallenges_2015.pdf

171 Defensoría del Pueblo. Balance del cumplimiento de las recomendaciones del Informe Final de la CVR, 28 de agosto de 2023. URL: https://www.defensoria.gob.pe/defensoria-del-pueblo-presento-balance-del-cumplimiento-de-las-recomendaciones-del-informe-final-de-la-comision-de-la-verdad-y-reconciliacion/

172 ICTJ. Victims of Peru's Internal Conflict Still Await Reparations. URL: https://www.ictj.org/latest-news/victims-peru%E2%80%99s-internal-conflict-still-await-reparations; see also: ICTJ. Reparations in Peru: From Recommendations to Implementation, 2013. URL: https://www.ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf; see also: Julie Guillerot. Reparations in Peru: 15 Years of Delivering Redress, Queen's University Belfast, 2019. URL: https://reparations.qub.ac.uk/assets/uploads/Peru-Report-ENG-LR-2.pdf

173 Defensoría del Pueblo del Perú, Agosto 2023. URL: https://www.defensoria.gob.pe/defensoria-del-pueblo-insta-al-estado-a-aprobar-politicas-nacionales-y-estrategias-con-presupuesto-para-resarcir-a-victimas-del-periodo-de-violencia-1980-2000/; see also: Al Jazeera. Human rights court orders reparations for forced sterilisation case in Peru, 6 March 2026. URL: https://www.aljazeera.com/news/2026/3/6/human-rights-court-orders-reparations-for-forced-sterilisation-case-in-peru

Lessons for Ukraine

The experience of South America offers Ukraine several fundamental lessons. First, the expediency of an administrative (rather than an exclusively judicial) method for recognizing the status of an affected person significantly simplifies and accelerates access to reparations. Second, a standardized calculation of compensation reduces bureaucratic barriers, although it does not account for the specific nature of the harm. Third, separate legislation is required for children born or held in captivity, along with a scientific and technical mechanism for identifying deported children (the Argentine BNDG experience). Fourth, a long-term program of medical and psychological rehabilitation integrated into the national healthcare system (the Chilean PRAIS model) is more effective than one-time measures. Fifth, individual redress plans (the Colombian experience) allow the specific needs of each affected person to be taken into account. Finally, efforts to support affected individuals must be continuous — the public and the international community should remain vigilant and periodically analyze state policies.

B) The Balkans

Following the dissolution of Yugoslavia in the early 1990s, Croatia, Bosnia and Herzegovina, and Kosovo experienced a series of armed conflicts accompanied by mass human rights violations, ethnic cleansing, enforced disappearances, and the arbitrary deprivation of liberty of civilians. The Croatian War of Independence (1991–1995) began following the armed aggression of Yugoslav federal forces; the Bosnian War (1992–1995) claimed approximately 100,000 lives and was accompanied by the Srebrenica genocide and concentration camps for civilians; the armed conflict in Kosovo[174] despite its formal conclusion, continues to this day through interethnic confrontations in the country. NATO military operations in the Balkans and the Dayton Accords for Bosnia and Herzegovina[175] undoubtedly helped halt mass hostilities and violations; however, they failed to ensure a sustainable peace, recovery, and access for affected individuals to a comprehensive set of reparations.

The Balkan experience is directly relevant to Ukraine: the nature of the confrontations was largely interstate, the events occurred relatively recently, and the legal systems of these countries share many common features with the Ukrainian one. Furthermore, the illegal deprivation of civilian liberty was applied as a systematic tool of warfare.

Administrative support architecture

In Croatia, the status of a civilian victim is established based on the results of a commission inspection. The key body is the Ministry of Croatian Veterans[176], while services are provided by Županija (i.e. district) administrative bodies and psychosocial assistance centers. The Ministry of Labor and Social Welfare is responsible for the implementation of rights for civilians[177].

In Bosnia and Herzegovina, due to the complex state structure established by the Dayton Agreement, there is no unified state-wide law on reparations. In the

174 Kosovo declared independence from Serbia in 2008. The International Court of Justice concluded in 2010 that the declaration of independence did not violate international law. URL: https://www.icj-cij.org/case/141. As of 2026, a number of states have not recognized the independence of Kosovo, in particular Serbia, Russia, and Ukraine. In 2016, Kosovo concluded an Association Agreement with the European Union https://web.archive.org/web/20160326020030/http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.078.01.0001.01.ENG&toc=OJ:L:2016:078:TOC. Kosovo is not currently a member of the UN

175 The General Framework Agreement for Peace in Bosnia and Herzegovina, Initialled in Dayton on 21 November 1995, and signed in Paris on 14 December 1995. URL: https://bih.osce.org/sites/default/files/f/documents/e/0/126173.pdf

176 Ministarstvo hrvatskih branitelja. URL: https://branitelji.gov.hr/

177 Zakon o zaštiti vojnih i civilnih invalida rata (1992 as amended). URL: https://www.zakon.hr/z/864/zakon-o-zastiti-vojnih-i-civilnih-invalida-rata

Federation of Bosnia and Herzegovina (FBiH), the decision to recognize status is made based on the conclusion of an expert commission of the Federal Ministry of Labor and Social Policy; the decision itself is issued by the social work center at the person's place of residence[178]. Separate legislation is in force in the Republika Srpska (RS)[179]. In the Brčko District, its own law was adopted in 2022, which, however, provided only symbolic recognition without material benefits[180].

In Kosovo, the status of a civilian war victim and a civilian with a disability is granted by municipal administrative authorities. The Law established the Office for War Categories, which maintains the registry and issues identification cards[181].

Reparation systems

In Croatia, the Law on the Protection of Military and Civilian Invalids of War (1992, as amended) was in force until 2021[182], under which status was recognized on the condition of physical impairment (loss of working capacity) of at least 20% (due to a wound or injury) or at least 60% (due to an illness, if its onset was a "direct consequence of ill-treatment or deprivation of liberty")[183]. In 2021, a separate Law on Civilian Victims of the Homeland War was adopted[184], which expanded the list of benefits while maintaining the 20% physical impairment threshold.

In the FBiH, the original 1999 version of the law required a physical impairment of at least 60%[185]. Amendments in 2006 lowered this threshold, recognizing status for persons with impairments below 60% as well[186]. The new special Law of 2023 set the threshold at 20% bodily harm[187]. In the RS, the 2018 Law on the Protection of Victims of War Torture provides for a monthly cash allowance (from 130 to 300 convertible marks, meaning from[188] 65 to 155 euros), depending on the severity of torture and the harm inflicted[189].

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178 Zakon o zaštiti civilnih žrtava rata u Federaciji Bosne i Hercegovine, 2023, Articles 3, 47. URL: https://fbihvlada.gov.ba/bs/9-zakon-o-zastiti-civilnih-zrtava-rata-u-federaciji-bosne-i-hercegovine

179 Zakon o zaštiti žrtava ratne torture (RS, 2018). URL: https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-za%C5%A1titi-%C5%BErtava-ratne-torture; see also: N1 Info. Ko su po zakonu u RS žrtve torture? May 2021 URL: https://n1info.ba/vijesti/ko-su-po-zakonu-u-rs-zrtve-torture/

180 United Nations in Bosnia and Herzegovina. Commends the Adoption of a New Law on Civilian Victims of War by the Brcko District Assembly, 21 July 2022. URL: https://bosniaherzegovina.un.org/en/191376-united-nations-bosnia-and-herzegovina-commends-adoption-new-law-civilian-victims-war-brcko

181 Zakon 04/L-054, Art. 17. URL: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2793&langid=2

182 Zakon o zaštiti vojnih i civilnih invalida rata (1992 as amended). URL: https://www.zakon.hr/z/864/zakon-o-zastiti-vojnih-i-civilnih-invalida-rata

183 Ibid., Article 8. Under Croatian law, there are 10 disability groups: from Group I (100% loss of working capacity requiring third-party care) to Group X (20% loss of working capacity). See Article 15 of the Law.

184 Zakon o civilnim stradalnicima iz Domovinskog rata (2021). URL: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_07_84_1555.html

185 Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom (FBiH, 1999, as amended). URL: https://advokat-prnjavorac.com/Zakon-o-osnovama-socijalne-zastite-zastite-civilnih-zrtava-rata-i-zastite-porodice-sa-djecom.html

186 Zakon o izmjenama i dopunama (FBiH, 2006). URL: https://www.fbihvlada.gov.ba/bosanski/zakoni/2006/zakoni/28bos.htm; see also: Global Survivors Fund. Country Briefing: Bosnia and Herzegovina, May 2022. URL: https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Country_Briefings/CB_BiH_EN_May2022_WEB.pdf

187 Zakon o zaštiti civilnih žrtava rata u Federaciji BiH, 2023, Art. 6. URL: https://fbihvlada.gov.ba/bs/9-zakon-o-zastiti-civilnih-zrtava-rata-u-federaciji-bosne-i-hercegovine; see also: TRIAL International, 9 August 2023. URL: https://trialinternational.org/latest-post/federation-of-bosnia-and-herzegovina-adopts-the-law-on-the-protection-of-civilian-victims-of-war/

188 Usually, a hostage is an individual who is captured and (or) held in order to induce a state body, enterprise, institution or organization or individuals to take some action or refrain from taking some action as a condition for the release of a person captured and (or) held (see, for example, Art. 1 of the Law of Ukraine On Combating Terrorism, 2003. URL: https://zakon.rada.gov.ua/laws/show/638-15#Text)

189 Zakon o zaštiti žrtava ratne torture (RS, 2018). URL: https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-za%C5%A1titi-%C5%BErtava-ratne-torture; see also: N1 Info.

In Kosovo, the minimum physical impairment threshold for civilians with disabilities resulting from the war is 40%, which is even higher than in Croatia. At the same time, Kosovo introduced a separate category of "civilian hostage of war" — any civilian illegally deprived of liberty by the hostile party for more than 72 hours[190]. As can be seen, this definition does not contain any additional condition — such as a requirement for a third party to fulfill certain conditions for the person's release. In other words, a "civilian hostage of war" is, in essence, a civilian prisoner. However, despite the definition of the term in the law, this status in itself, without the individual acquiring a disability, does not grant entitlement to benefits.

Types of guarantees and assistance

Depending on the categories of affected individuals, the 2021 Croatian Law provides for various types of benefits, for example: For civilians with disabilities, it provides for payments and services related to disability, including personal assistance, third-party care, orthopedic equipment, special allowances, compensation for vehicle adaptation, and vocational rehabilitation. For family members of deceased or missing persons, it provides for family disability allowance and various types of increases to it, as well as financial compensation. A separate block consists of broader reparative and social guarantees, which include monetary compensation, lump-sum assistance, housing and social support, access to education (textbooks, scholarships, dormitories), employment preferences, psychosocial and legal assistance, special internships, certain tax and administrative benefits, as well as coverage of expenses related to the exhumation and burial of missing civilians[191]. Of particular importance is the 2015 Law on the Rights of Victims of Sexual Violence During the Homeland War, which provides for a lump-sum financial compensation, monthly payments, free psychological and medical support, and exemption from proving the perpetrator's guilt in court[192]. In 2019, a comprehensive law on missing persons was adopted with institutional backing, providing for: a specialized unit within the Ministry of Veterans, mandatory DNA identification, and cooperation with the countries of the former Yugoslavia through concluded bilateral agreements with Serbia, Montenegro, and Bosnia and Herzegovina[193].

In the FBiH, the new 2023 Law expanded benefits: disability cash assistance, monthly cash allowance, care allowance, orthopedic and family cash assistance (disability pensions), priority medical care (including rehabilitation), priority in employment and housing provision, and psychological and legal assistance[194]. The Law abolished the time limit for submitting applications from victims of sexual violence and children born of wartime rape, and also lifted travel restrictions (previously, payments were suspended during

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Ko su po zakonu u RS žrtve torture? May 2021 URL: https://n1info.ba/vijesti/ko-su-po-zakonu-u-rs-zrtve-torture/

190 Zakon 04/L-054, Art. 3 (definition 1.8, 1.12). URL: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2793&langid=2; see also: Humanitarian Law Center Kosovo. War reparations for civilian victims: What access for communities?, 2016. URL: https://www.hlc-kosovo.org/storage/app/media/Animacionet/HLC_Report_final%20REPARACIJE%20eng.pdf

191 Zakon o civilnim stradalnicima iz Domovinskog rata (2021), Art. 3. URL: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_07_84_1555.html

192 Zakon o pravima žrtava seksualnog nasilja u Domovinskom ratu (NN 64/2015, 98/2019). URL: https://www.zakon.hr/z/794/zakon-o-pravima-zrtava-seksualnog-nasilja-za-vrijeme-oruzane-agresije-na-republiku-hrvatsku-u-domovinskom-ratu; see also: United Nations OSRSG-SVC, 7 April 2015. URL: https://www.un.org/sexualviolenceinconflict/press-release/croatia-bill-to-compensate-survivors-of-wartime-rape-a-welcome-step-in-addressing-the-legacy-of-sexual-violence-in-conflict/

193 Zakon o osobama nestalim u Domovinskom ratu (NN 70/2019). URL: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_70_1444.html; English translation (ICMP): https://www.icmp.int/wp-content/uploads/2021/11/Croatian-Law-on-Missing-Persons-translation-ENG.pdf; see also: ICMP. Republic of Croatia. URL: https://icmp.int/the-missing/where-are-the-missing/republic-of-croatia/

194 Balkan Insight. Bosnia's Federation to Extend Benefits for Civilian War Victims, 2 June 2022. URL: https://balkaninsight.com/2022/06/02/bosnias-federation-to-extend-benefits-for-civilian-war-victims/; see also: Paragraf.ba, 3 August 2023. URL: https://www.paragraf.ba/dnevne-vijesti/03082023/03082023-vijest2.html

stays abroad exceeding three months)[195]. In May 2024, the first decision was issued to recognize the status of a child born of the crime of wartime rape[196].

In BiH, the Law on Missing Persons was adopted in 2004, on the basis of which the Missing Persons Institute was created in 2005 — a permanent state body (unlike the temporary commissions in other countries)[197]. Thanks to cooperation with the International Commission on Missing Persons (ICMP), out of approximately 31,500 missing persons, about 80% have been identified[198].

n Kosovo, Law No. 04/L-054 (2011) provides for monthly payments, free access to medical care, and educational benefits for various categories of affected individuals[199]. An interesting provision is the prescription of fines for non-compliance with the requirements of the law by institutions and officials. In parallel, international mechanisms are operating: the EU Rule of Law Mission (EULEX)[200] and the Kosovo Specialist Chambers in The Hague — a unique special tribunal directed against the "victorious" side (the Government of Kosovo), through which victims of war crimes committed by the Kosovo Liberation Army can receive reparations[201][202].

Deficiencies and problems

None of the laws in the countries of the former Yugoslavia extend their protection to civilians who were illegally deprived of their personal liberty by the hostile party unless such individuals sustained a verified physical impairment (a disability group). In Kosovo, a situation arises where relatives of civilian hostages of war can claim reparations, yet the civilian hostages of war themselves are not covered by the concept of a "civilian war victim."

The Croatian experience demonstrates the risk of excessive delay: the framework law for civilians was adopted 25 years after the start of the conflict, meaning that thousands of affected individuals passed away without receiving protection.

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195 Sarajevo Times, 1 August 2023. URL: https://sarajevotimes.com/the-law-on-the-protection-of-civilian-war-victims-in-the-federation-adopted-by-the-house-of-peoples/; see also: Paragraf.ba, 3 August 2023. Ibid.

196 Paragraf.ba. Donijeto prvo rješenje kojim se priznaje status civilne žrtve rata djetetu rođenom iz zločina ratnog silovanja, 3 May 2024. URL: https://www.paragraf.ba/dnevne-vijesti/03052024/03052024-vijest5.html

197 Zakon o nestalim osobama (BiH, 2004). URL: https://ihl-in-action.icrc.org/case-study/bosnia-and-herzegovina-identification-missing-persons; see also: Anadolu Agency. Bosnia's missing persons institute offers hope, stands as global model, 12 July 2025. URL: https://www.aa.com.tr/en/europe/bosnia-s-missing-persons-institute-offers-hope-stands-as-global-model/3628724; see also: ICMP. Implement the Law on Missing Persons. URL: https://icmp.int/news/implement-the-law-on-missing-persons/; see also: ICMP. Sustaining the Process of Accounting for Missing Persons in Bosnia and Herzegovina. URL: https://icmp.int/news/sustaining-the-process-of-accounting-for-missing-persons-in-bosnia-and-herzegovina/

198 ICMP. Bosnia and Herzegovina URL: https://icmp.int/the-missing/where-are-the-missing/bosnia-and-herzegovina/; see also: Anadolu Agency. Ibid. As of 2025, about 7,600 people remain missing and approximately 1,300 unidentified remains are stored in morgues across the country.

199 Zakon 04/L-054, Art. 3 (definitions 1.8, 1.10, 1.12, 1.14). URL: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2793&langid=2; see also: Humanitarian Law Center Kosovo. War reparations for civilian victims: What access for communities?, 2016. URL: https://www.hlc-kosovo.org/storage/app/media/Animacionet/HLC_Report_final%20REPARACIJE%20eng.pdf

200 EULEX Kosovo: European Union Rule of Law Mission in Kosovo, 2020. URL: https://www.eeas.europa.eu/eulex-kosovo/eulex-kosovo-european-union-rule-law-mission-kosovo-civilian-mission_und_en?s=333

201 Kosovo Specialist Chambers & Specialist Prosecutor's Office. URL: https://www.scp-ks.org/en/cases; see also: Deutsche Welle (DW). War crimes in Kosovo: 45 years in prison demanded for ex-president Thaci, dated 2026. URL: https://www.dw.com/uk/voenni-zlocini-u-kosovo-dla-eksprezidenta-taci-vimagaut-45-rokiv-uvaznenna/a-75876318

202 American Society of International Law (ASIL). Reparation for Victims of International Crimes at the Kosovo Specialist Chambers. ASIL Insights, Volume 29, Issue 10, 2025. URL: https://asil.org/insights/volume-29-issue-10/

In BiH, the key problem is fragmentation: affected individuals receive varying scopes of rights depending on their place of residence and ethnic affiliation – a situation that Amnesty International, the OSCE, and the Council of Europe have repeatedly criticized[203]. Attempts to adopt a unified state-wide law are blocked by the Republika Srpska[204]. The 2018 RS Law restricts eligibility for status exclusively to individuals residing in the RS, establishes a five-year time limit for submitting applications, and limits the list of admissible evidence[205]. As of 2021, only 272 individuals had received victim status under the RS Law[206]. The courts of the RS applied statutes of limitations to dismiss claims and subsequently charged the affected individuals high court fees — a practice characterized by the UN Special Rapporteur as "unacceptable"[207]. Compensation through the courts was awarded in only 19 out of nearly 700 cases reviewed[208]. The fund for supporting the families of missing persons, provided for by the 2004 Law, was never established[209].

In Kosovo, the government quickly ceased accepting applications, and a significant portion of the population (especially minorities) was completely unaware of the opportunity to apply for benefits[210]. Approximately 1,700 missing persons have still not been identified or located[211].

The problems of memorialization should be noted separately. A 2024 study by the Humanitarian Law Center Kosovo titled Decade of Remembrance revealed that commemorative practices in the region are characterized by systemic one-sidedness. The authors identify four common features: denialism (denying the crimes committed by one's own side), whataboutism (justifying the actions of one's own forces by pointing to the crimes of the opposing side), valorization (glorifying violence committed by one's own group), and excessive victimization (exaggerating the suffering of the in-group while ignoring the affected individuals of the out-group). These narratives effectively reproduce the propaganda of the 1990s and hinder reconciliation. Non-governmental organizations remain the sole positive exception, as their efforts are truly systemic and comprehensive; however,

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203 OSCE Mission to Bosnia and Herzegovina; Council of Europe; EU Delegation; UN in BiH. Nearly 30 years following the end of the war in BiH, war victims remain neglected. Joint Op-Ed, 18 January 2024. URL: https://bih.osce.org/mission-to-bosnia-and-herzegovina/561697

204 Balkan Insight. Abandoned by the State: Bosnia's Wartime Torture Victims, 6 May 2019. URL: https://balkaninsight.com/2019/05/06/abandoned-by-the-state-bosnias-wartime-torture-victims/

205 Ibid; also: Al Jazeera Balkans. Udruženja žrtava: Zakon o zaštiti žrtava ratne torture u RS-u diskriminatorski, 29 June 2018. URL: https://balkans.aljazeera.net/teme/2018/6/29/udruzenja-zrtava-zakon-o-zastiti-zrtava-ratne-torture-u-rs-u-diskriminatorski; Snaga Lokalnog, 2024. URL: https://snagalokalnog.ba/izazovi-i-implementacija-zakona-o-zastiti-zrtava-ratne-torture-republike-srpske/

206 N1 Info. Ko su po zakonu u RS žrtve torture? May 2021. URL: https://n1info.ba/vijesti/ko-su-po-zakonu-u-rs-zrtve-torture/

207 TRIAL International. Double jeopardy for wartime torture victims of Bosnia and Herzegovina, 26 September 2022. URL: https://trialinternational.org/latest-post/double-jeopardy-for-wartime-torture-victims-of-bosnia-and-herzegovina-after-having-their-compensation-claims-rejected-they-are-forced-to-pay-high-court-fees/

208 OSCE Mission to Bosnia and Herzegovina; Council of Europe; EU Delegation; UN in BiH. Nearly 30 years following the end of the war in BiH, war victims remain neglected. Joint Op-Ed, 18 January 2024. URL: https://bih.osce.org/mission-to-bosnia-and-herzegovina/561697

209 ICMP. Implement the Law on Missing Persons. Ibid. See also: ICMP. Western Balkans. URL: https://icmp.int/what-we-do/geographic-programs/western-balkans/; Coalition for RECOM, 29 May 2020. URL: https://www.recom.link/en/coalition-for-recom-takes-charge-of-creating-list-of-war-victims-on-the-territory-of-the-former-yugoslavia/

210 Humanitarian Law Center Kosovo. War reparations for civilian victims, 2016. Ibid.

211 ICMP. Kosovo. URL: https://icmp.int/the-missing/where-are-the-missing/kosovo/; see also: Heinrich-Böll-Stiftung, 3 April 2025. URL: https://www.boell.de/en/2025/04/03/go-clinton-kosovar-historian-reconstructs-massacres-kosovo-war

they are insufficient for building a coherent and sustainable system of remembrance in these countries[212].

Lessons for Ukraine

The Balkan experience is particularly valuable for Ukraine given the similarity of the context (interstate armed conflict, illegal deprivation of civilian liberty as a systematic tool of terror). The core lessons are: first, the necessity of timely adoption of legislation — delays lead to a portion of the affected individuals dying without receiving recognition. Second, the model of administrative status recognition without a court verdict against the perpetrator is critically important for victims of filtration camps and illegal imprisonment. Third, the experience of a separate law on victims of sexual violence (the 2015 Croatian Law) and the recognition of a separate category of children born of wartime rape (the 2023 FBiH Law) serve as progressive models. Fourth, the institutional model for searching for missing persons with mandatory DNA identification and bilateral agreements provides an example to follow. Fifth, the statutory definition of the concept of a "civilian hostage (prisoner) of war" (the Kosovo experience) and a system of fines for non-compliance with legal requirements by institutions serve as practical tools. Finally, the experience of BiH stands as a warning against a fragmented approach that creates unequal access to protection.

C) Syria

During the rule of the Assads (1971–2024), Syrians suffered numerous violations of human rights and IHL: the killings of 202,021 civilians have been documented, 160,123 individuals remain missing, and 45,032 persons died under torture[213].

Administrative support architecture

In May 2025, two separate commissions were established in Syria — the Transitional Justice Commission and the Missing Persons Commission[214]. Both commissions hold dialogue meetings with survivors in different parts of the country, collect and document testimonies, and shape evidence-gathering practices. The Missing Persons Commission cooperates with the UN Commission and participates in the exhumation and identification processes[215]. Currently, information regarding their activities remains limited.

Reparation systems

Since less than two years have passed since the end of the Assad regime, full-fledged legal and social protection mechanisms have not yet been developed. However, research[216] and current practices in building transitional justice in Syria demonstrate three important approaches.

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212 Humanitarian Law Center Kosovo. Decade of Remembrance: Memory Politics and Commemorative Practices in Post-Yugoslav Countries, 2024. URL: https://www.hlc-kosovo.org/storage/app/media/Decade-of-Remembrance.pdf

213 Syrian Network for Human Rights (SNHR). On the first anniversary of the fall of the Assad regime, 8 December 2025. URL: https://snhr.org/blog/2025/12/08/on-the-first-anniversary-of-the-fall-of-the-assad-regime-update-on-the-assad-regimes-violations-and-a-renewed-call-for-accountability-through-a-comprehensive-transitional-justice-process/

214 Reuters. Syria forms transitional justice and missing persons commissions, 18 May 2025. URL: https://www.reuters.com/world/middle-east/syria-forms-transitional-justice-missing-persons-commissions-2025-05-18

215 Syrian Transitional Justice (Facebook page). URL: https://www.facebook.com/SyTransitionalJustice; see also: Syrian Missing Persons (Facebook page). URL: https://www.facebook.com/SyrMissing

216 Syrians for Truth and Justice / SCM. The victims' perspective on reparation for enforced disappearance: Syria as a case study, December 2024. URL: https://scm.bz/wp-content/uploads/2024/12/The-perception-of-Syrians-on-reparation-for-enforced-disappearance-and-its-mechanisms-EN-1.pdf; see also: Global Survivors Fund;

First, the involvement of the affected individuals themselves in all stages of transitional justice – from truth-seeking and shaping the concept of memorialization to reparation procedures and compensation.

Second, the comprehensive and individualized nature of reparation procedures. Enforced disappearances and deprivation of liberty are frequently intertwined with numerous crimes (violations of the right to liberty, torture, sexual violence, etc.) that have varying intensities and consequences depending on gender, age, religion, nationality, and other components of human identity. As researchers note, "reparation must be adequate, prompt, and proportional... aimed at fully covering material, physical, and moral harm in proportion to the severity suffered by all involved parties[217]." After addressing immediate basic needs (clothing, food, medical and psychological assistance, housing), it is important to assess individual needs: "some may require financial compensation, while others may need employment opportunities, housing, or something else in their view[218]."

Third, timeliness — individuals returning from captivity require immediate, primary support measures[219].

Deficiencies and problems

Alongside attempts to build recovery mechanisms, the post-Assad authorities utilize many extrajudicial methods to persecute supporters of the previous regime[220]. This causes new waves of instability and likely slows down the establishment of sustainable redress processes.

Lessons for Ukraine

The Syrian experience, despite its early stage, underscores three key aspects for Ukraine. First, the importance of involving the affected individuals themselves in shaping the support architecture. Second, the necessity of an individualized approach to reparations that accounts for the varying nature and severity of violations as well as the diverse needs and priorities of the affected individuals. Third, timeliness — providing immediate support directly upon release from captivity, as delays can render assistance "belated and inappropriate[221]."

Conclusions

The study allows for the following conclusions regarding the research questions posed:

1. **Which term most accurately defines the legal status of civilians illegally deprived of their personal liberty as a result of armed aggression, and what terminology is ethical in public communication regarding these individuals and the processes associated with their release?**
   In the legal dimension, the most accurate term is civilian captives: it reflects the wartime context and the prolonged, extraprocedural nature of the deprivation of liberty, which are captured neither by detainees (with its criminal procedure connotations) nor by hostag-

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Association of Detainees and the Missing in Sednaya Prison; Women Now for Development. The perception of Syrians on reparation for enforced disappearance and its mechanisms, August 2023. URL: https://www.globalsurvivorsfund.org/wp-content/uploads/2025/09/GSF_Report_SYRIA_EN_Sept2023_WEB.pdf

217 Syrians for Truth and Justice / SCM. Ibid., p. 11.

218 Ibid., p. 15.

219 Ibid, pp. 13–14.

220Reuters. Syrians emptied Assad's prisons – they're filling up again, abuse is rife, 22 December 2025. URL: https://www.reuters.com/investigations/syrians-emptied-assads-prisons-theyre-filling-up-again-abuse-is-rife-2025-12-22

221 Ibid, pp. 13–14.

es (which implies conditions in exchange for release). The current Ukrainian legislative construct – civilians in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established — is legally correct but excessively cumbersome and fails to cover all factual situations. At the level of national legislation, the introduction of the term civilian captives does not generate legal conflicts; at the international level, its establishment requires a separate initiative.

In the communication dimension, the word exchange should be abandoned in favor of release or return — as the former term implies a logic of equivalent transfer incompatible with the legal nature of releasing illegally detained persons. The term victim should be replaced with affected individual (or survivor where appropriate): unlike the former, the latter establishes the fact of harm sustained without reducing the person to a passive role. This approach aligns with the recommendations of the OHCHR, the WHO, and the OSCE, and is consistent with the demand of the affected individuals themselves as documented in the course of this study.

2. **Is the social and legal protection provided by state policy for civilian captives and their family members effective?**

The system of social and legal protection for civilian captives in Ukraine is partially formed but insufficiently effective. Law No. 2010-IX defined the regulatory framework and the list of guarantees; however, their implementation is substantially limited by structural procedural flaws.

The central problem is access to status: a significant portion of those released (including approximately one-third of the respondents surveyed within this study) were unable to obtain it due to the impossibility of documentarily confirming the fact of captivity. At the same time, the most difficult situation is faced by individuals who were held incommunicado and lack any official documents from the aggressor state. The Commission has no legislatively established timeframes for review, does not provide reasoned justifications for denials, and does not ensure access to its decisions in a format convenient for applicants. The least protected are individuals who returned independently or as a result of de-occupation: they are virtually untouched by any support mechanisms. Even among those who have obtained status, the scope of guarantees — primarily in the areas of medical care, psychological support, and monetary payments — is assessed as insufficient. Concurrently, the study documents a certain positive dynamic: the legislation is being improved, and a portion of those released in 2025 obtained their status within a month.

3. **Does Ukraine, as the state of jurisdiction for individuals returned from captivity, have obligations regarding the restoration of the rights of civilian captives after their release, and if so, to what extent?**

Ukraine has undeniable legal obligations to restore the rights of civilian captives after their release — regardless of the fact that the direct violator is another state. Pursuant to Article 3 of the Constitution of Ukraine, Article 1 of the ECHR, Article 2 of the ICCPR, and Article 14 of the UN Convention against Torture, the state bears positive obligations to ensure and restore the rights of every person under its jurisdiction — individually, without establishing additional criteria.

The scope of these obligations encompasses: access to justice and an effective remedy; full rehabilitation — medical, psychological, social, and legal; compensation for harm sustained; restitution and guarantees of non-repetition — in accordance with the Principles of UN General Assembly Resolution 60/147. The prohibition of torture is completely non-derogable: pursuant to Article 3 of the ECHR and Article 2(2) of the UN Convention against Torture, no exceptional circumstances whatsoever, including a state of war, may serve as a basis for narrowing the respective obligations. Given the inability of the aggressor state to fulfill its repara-

tion obligations, the study substantiates the expediency of a mixed financial model: Ukraine assumes primary responsibility for the payment of reparations with an embedded mechanism for the subsequent recovery of funds from the assets of the Russian Federation.

4. **What principles must state policy supporting civilian captives align with to ensure its legitimacy, effectiveness, and compliance with international standards?**

   The state policy supporting civilian captives must align with five interconnected principles of the Human Rights-Based Approach (HRBA). The current Ukrainian system satisfies them only partially.

   The principle of universality requires extending protection to all who have actually survived captivity, without additional conditions regarding the method of release, the presence of documents, or the nature of behavior during detention. The principle of participation provides for the involvement of affected individuals as active participants in the development of relevant policies and programs — currently, neither Law No. 2010-IX nor Resolution of the Cabinet of Ministers of Ukraine No. 296 provides for such a mechanism. The principle of equality obligates the state to proactively eliminate structural barriers to access for the most vulnerable categories of affected individuals. The principle of accountability involves independent monitoring, public reporting, and the right to appeal denials — current legislation contains none of these mechanisms in a systematic form. The principle of comprehensiveness requires the coordinated provision of legal, medical, psychological, and social support, since none of these forms can effectively replace another.

5. **What practical models for supporting victims of armed conflicts and authoritarian regimes exist in international experience, and what lessons do they offer for Ukraine?**

   A comparative analysis of the experience of the countries of South America, the Balkans, and Syria allows for the identification of key lessons relevant to shaping the Ukrainian system of support for civilian captives.

   An administrative — rather than judicial — procedure for recognizing the status of an affected individual is a condition for the real accessibility of the protection system and significantly lowers evidentiary barriers for persons subjected to extrajudicial detention. The timeliness of adopting legislation is a critical factor: a delay of decades makes it impossible for a significant portion of affected individuals to receive protection during their lifetime (the Croatian experience). Long-term rehabilitation integrated into the national healthcare system is more effective than one-off measures given the chronic nature of the consequences of captivity (the Chilean PRAIS model). Individualized support planning increases its effectiveness and responds to the specific needs of each affected person (the Colombian model). Special legislation for separate categories of affected individuals — particularly survivors of sexual violence and children — is a necessary element of the system; the Argentine experience of genetic identification via the National Bank of Genetic Data (BNDG) is particularly relevant for Ukraine in the context of deported children. Finally, the experience of Argentina and Bosnia and Herzegovina demonstrates that established systems are vulnerable to regression in the absence of continuous monitoring, while a fragmented approach — depending on the place of residence, method of release, or other criteria — generates structural inequality and undermines the legitimacy of the entire system.

Explore the additional, detailed overview of the experience of Chile, Argentina, Colombia, Peru, Croatia, Bosnia and Herzegovina, Kosovo, and Syria regarding support for civilians affected by armed conflicts and mass human rights violations. Please, scan the QR code to access the full text of this annex on the Civis Fortis website.

4 WHITE PAPER: RECOMMENDATIONS TO PUBLIC AUTHORITIES AND CSOS ON IMPROVING THE PROTECTION OF THE RIGHTS OF CIVILIAN CAPTIVES AND THEIR FAMILY MEMBERS

The Verkhovna Rada of Ukraine

1. To support the adoption of Draft Law No. 13347 regarding the provision of a deferment from mobilization for family members of individuals in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established, as well as to supplement its provisions to grant an automatic deferment to persons who have returned from illegal detention for the period from their return to Ukraine-controlled territory until the Commission establishes the fact of deprivation of personal liberty and initial reintegration measures are completed.
2. To develop and adopt special legislative regulation (or integrate it into existing legislation) for separate categories of civilian captives: individuals who were subjected to sexual violence during captivity; children born or held in captivity; individuals caught in illegal deportation to the Russian Federation (following the example of the 2015 Croatian Law and the 2023 Bosnian amendments).
3. To statutorily establish a mechanism for mandatory consultations with released civilian captives when forming and revising their support programs.
4. To statutorily establish the term "civilian captives" to define the legal status of civilians who have been subjected to illegal deprivation of personal liberty as a result of armed aggression against Ukraine.
5. To consider the possibility of promoting the corresponding English term civilian captives at the level of international institutions — including the UN and the ICRC.

The Cabinet of Ministers of Ukraine

1. To determine at the level of by-laws (a separate regulatory document) a step-by-step algorithm of actions after release, which will include:
   - initial reception and needs assessment;
   - medical, psychological, and social assistance;
   - restoration of documents;
   - obtaining status and payments;
   - subsequent social support (housing, employment, reintegration).
2. To introduce the principle of a "single window" and "case management" for each released individual by assigning a responsible coordinator (state or authorized partner) to accompany them through all stages of the route.
3. To assign the formulation and coordination of policy regarding civilian captives to the Ministry of Social Policy, Family, and Unity.
4. To standardize interagency cooperation among institutions (healthcare, social protection, law enforcement agencies, administrative services), including clear referral protocols to ensure continuity of support.
5. To ensure that each released individual is provided with clear information about their route in an accessible format (printed and digital), including contacts, a list of services, step-by-step instructions, etc.
6. To institutionalize state cooperation with the civil society sector by:
   - funding them (specifically through state programs or donor instruments);
   - coordinating their activities within a unified route;
   - avoiding duplication of services.
7. To ensure long-term support and assistance for family members of civilian captives:
   - to implement an individual rehabilitation and reintegration plan for each released civilian captive as a separate mandatory tool developed based on the results of an initial comprehensive needs assessment covering medical, psychological, social, legal, educational, and economic dimensions — with accompaniment by a case manager at all stages of its execution;

- to include an economic reintegration component within the individual rehabilitation plan, allowing for the targeted allocation of monetary payments toward education, entrepreneurial development, or housing acquisition, along with guidance in making such decisions;
- to develop and approve a separate long-term state program for the medical and psychosocial rehabilitation of released civilian captives with a horizon of at least two years. The program must have dedicated funding and a mechanism for regular health check-ups without requiring repeated confirmation of the link between the health status and the fact of detention;
- to establish a regulatory requirement for the regular (at least once every three months during the first year) review of the individual rehabilitation plan of a released civilian captive, adjusting the list of services according to their current needs;
- to secure a dedicated budget line for funding the support system for civilian captives, rather than embedding it exclusively into general social mechanisms;
- to introduce a mechanism for proactively informing released civilian captives of all available forms of support — through case managers, mobile teams, and civil society organizations, rather than solely by publishing information in the public domain;
- to provide mechanisms for the participation of organizations representing the interests of civilian captives in advisory bodies under the respective ministries to ensure feedback on the quality and accessibility of support programs;
- to analyze the practice of applying the mechanism for reimbursing the costs of professional legal assistance, including an assessment of its demand, the types of compensated services, and its correlation with the system of free secondary legal aid;
- to clarify at the regulatory level the purpose and scope of the mechanism for reimbursing the costs of professional legal assistance, specifically defining which legal services it is intended to cover in addition to the guarantees of free secondary legal aid;
- to revise the requirements for documentary confirmation of the costs of professional legal assistance, taking into account the specifics of providing legal aid to individuals illegally detained in the temporarily occupied territories of Ukraine and in the territory of the Russian Federation;
- to provide legal assistance to released civilian captives during the phase of initial reintegration measures, particularly in the process of collecting and systematizing information to establish the fact of deprivation of personal liberty, preparing applications to the Commission, and building the evidentiary base.

8. To ensure the practical implementation of one-time monetary assistance to civilians after release in accordance with Resolution of the Cabinet of Ministers of Ukraine No. 1775 and conduct an assessment of the accessibility of the respective mechanism for potential recipients.
9. To develop and implement a state mechanism for the genetic identification of illegally deported and displaced children — by analogy with the Argentine National Bank of Genetic Data (BNDG), which by 2025 had secured 140 confirmed identifications of children taken from families during the dictatorship.

The Ministry for Communities and Territories Development of Ukraine

1. To initiate amendments to Resolution of the Cabinet of Ministers of Ukraine No. 1281 dated November 15, 2022, and define clear timeframes and procedural guarantees for the review of applications by the Commission, taking into account admissibility filters and compliance with Law No. 2010-IX.

The amendments should establish:

- a maximum timeframe for reviewing applications (e.g., 30 calendar days, with extensions permitted only in exceptional cases accompanied by a written justification provided to the applicant);
- an obligation for the Commission to inform the applicant about the receipt of the application, stages of review, and the tentative date of the meeting;
- a prioritized review mechanism for individuals in vulnerable situations (severe health condition, lack of housing/income, disability, independent release, etc.);
- at least a monthly frequency of Commission meetings or depending on the accumulation of applications (defining a threshold number of applications → mandatory holding of a meeting);
- a mandatory timeframe for the re-examination of an application following a court ruling (e.g., no more than 30 days).

To consider the expediency of separating the procedures for establishing the fact of deprivation of personal liberty for military personnel and civilians, particularly by creating separate commissions or specialized panels within the Commission.

2. To ensure convenient access for applicants to information and documents:
   - to establish an obligation for the Commission to provide the applicant with an excerpt of the decision concerning them (specifically in cases where the fact is not confirmed) in electronic form, without requiring personal attendance;
   - to standardize practice taking into account the position of the court in case No. 320/46108/23: For Official Use Only (FOUO) information cannot serve as a basis for completely denying a person access to information about themselves. Furthermore, the Commission must provide the excerpt and other information about themselves to the applicant with the personal data of third parties redacted;
   - to define a communication standard for the Commission: a single official contact point for inquiries, clear timeframes for responding to them, and the ability for applicants to track the status of their inquiry;
   - to ensure public dissemination of information regarding the powers of the Commission, evidence evaluation criteria, operating principles, and decision-making procedure.
3. To statutorily secure the mandatory justification of decisions by the Commission:
   - to provide a reasoned decision detailing which evidence was reviewed and why it was deemed insufficient or inadmissible;
   - in the event of a denial — to provide the applicant with a clear list of missing information required to establish the fact, as well as indicate which alternative sources or pieces of evidence are acceptable;
   - to fully implement the Law of Ukraine on Administrative Procedure in the work of the Commission;
   - to embed into the internal procedures of the Commission the norms indicated by the courts in their rulings — the obligation to notify the applicant of insufficient evidence and assist in evidence collection, rather than shifting the entire burden of proof onto the applicant;
   - to develop a standard for a "victim-friendly" procedure: minimizing secondary traumatization, sensitive communication, and the option to act through a representative.
4. To define the standard of proof as a "presumption in favor of the applicant" within the bounds of reasonable sufficiency.
   - To define at the level of a by-law (or methodological recommendations of the Commission):

- in cases of objective impossibility to obtain formal documents (due to occupation, incommunicado detention, or lack of access to authorities), the Commission must accept alternative evidence;
- the possibility for a combination of testimonies, criminal proceeding data, information from state bodies, medical findings, and materials from human rights or international structures to serve as core evidence;
- to standardize the Commission's approach to avoid unreasoned decisions using the phrasing "insufficient evidence."

5. To statutorily eliminate the discriminatory gap regarding independently released civilian captives (outside of official release procedures):
   - to define a clear procedure for confirming the fact for individuals who released themselves independently, with the assistance of third parties, or returned after de-occupation;
   - to implement a temporary basic assistance package (minimal payments, temporary housing, primary medical and psychological aid) until the procedure for establishing the fact is completed.
6. To increase the institutional capacity of the Commission:
   - to increase the representation of civil society organizations that possess expertise and practical experience in accompanying released individuals;
   - to implement regular training for members of the Commission and the secretariat regarding trauma-informed work, ethics, standards of proof, and administrative procedure;
   - to ensure sufficient administrative resources for the secretariat of the Commission to communicate with applicants and process applications.
7. To enhance the effectiveness of executing court rulings:
   - to implement a requirement for the Commission to take into account court findings during re-examination;
   - to provide an internal control mechanism over the execution of court rulings;
   - to prohibit the repetition of an identical formal denial to an applicant without addressing the court's objections to the Commission's decision;
   - to conduct regular assessments of the effectiveness of the mechanism for establishing the fact of deprivation of personal liberty, including an analysis of law enforcement practice, court rulings, and applicant experiences.
8. To revise the "voluntariness" approach for civilian captives: from formal consent to proactive engagement, namely:
   - to introduce an opt-out model at the initial stage: the basic package of medical and rehabilitation services is provided by default, and the affected individual's refusal is possible only after they have been informed of the consequences;
   - to establish mandatory primary medical and rehabilitation screening for all released civilian captives (without forcing treatment, but with a guaranteed checkup and route);
   - to ensure that affected individuals are informed in clear language about available services, locations, timeframes for their provision, required documents, and responsible individuals;
   - to provide for the outpatient delivery of medical services.
9. To eliminate legal conflicts regarding the definition of recipients of the annual state monetary assistance:
   - to provide for the possibility of paying the annual state monetary assistance both to the individual in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established and to their family members as secondarily affected individuals, with a defined mechanism for distributing the assistance among them within the statutory payment amount;

- to establish a clear procedure for designating the recipient of assistance in cases where the right to receive it is simultaneously held by the affected individual themselves and their family members;
- to regulate the procedure for distributing a share of the annual state monetary assistance among multiple family members entitled to receive it, defining principles of proportionality, priority, or another mechanism for equitable distribution;
- to define an algorithm of actions for the authorized body in the event that multiple applications for assistance are submitted by different individuals entitled to receive it.

10. To implement an indexation mechanism for monetary assistance to automatically recalculate the amount of state monetary assistance relative to changes in the subsistence minimum or another social indicator.
11. To introduce a mechanism for automatic immediate payment upon release and prior to the establishment of status to cover a person's basic needs in the first days.
12. To develop partnerships between the state and civil society organizations in providing emergency financial assistance, particularly through funding immediate support programs for affected individuals executed via civil society and charitable organizations that have experience in rapid response and direct accompaniment of released individuals.
13. To introduce a mechanism for short-term financial counseling and guidance for released individuals after they receive their payments.
14. To create a separate state housing program for individuals released from captivity that accounts for the specifics of this category and is not integrated exclusively into mechanisms for IDPs.
15. To implement a system of guaranteed temporary housing for a transitional period (6–12 months) with clearly defined conditions and the possibility of extension.
16. To develop a network of specialized rehabilitation shelters that will provide:
    - individual living spaces;
    - access to psychological and social support;
    - conditions for gradual adaptation.
17. To implement social rental mechanisms for released individuals, including partial or full compensation of rental costs.
18. In the event that housing certificates are introduced, to provide accompaniment (case management) to ensure:
    - informed choice of housing;
    - targeted use of funds;
    - long-term stability.
19. To introduce minimum housing quality standards for released individuals, including:
    - access to private space;
    - proper sanitary and living conditions;
    - consideration of health status.
20. To provide for a deferment during the timeframe required for the Commission to adopt a decision establishing the fact of deprivation of personal liberty regarding an individual and to enter the relevant data into the Registry.

The Ministry of Social Policy, Family, and Unity

1. To initiate amendments to Resolution of the Cabinet of Ministers of Ukraine No. 296 dated March 15, 2024, providing for the mandatory and timely launch of social support:
    - to establish mandatory written notification of the social service provider at the location of the reintegration center or healthcare facility, as well as at the place of residence (stay) of the released individual, no later than three working days from the moment of their arrival;

- to define the receipt of such notification as a basis for the automatic assignment of a social manager or a social work specialist, who must begin the needs assessment, the formulation of an individual service plan, and the initiation of support without requiring additional applications from the individual themselves.

2. To change approaches to the social support of affected individuals:
   - to introduce long-term case management for released civilian captives lasting at least six months to one year after release, with the possibility of extension depending on individual needs, health status, and the level of adaptation;
   - to embed the principle of restoring autonomy into social support, which will also provide for the gradual return of the person's ability to independently utilize services, make decisions, and participate in community life.
3. To strengthen the human resource capacity of the social sector:
   - to develop specialized training and professional development programs for social workers on interacting with individuals who have survived captivity, torture, and other war crimes;
   - to provide for proper remuneration conditions and professional support for social workers.
4. To develop interagency and mobile formats of social support:
   - to introduce the centralized provision of services at the locations of released individuals with the participation of representatives from various bodies — social protection, the Pension Fund, the employment service, Administrative Service Centers (CNAPs), medical facilities, and law enforcement agencies.
5. To develop retraining and employment support programs for released civilian captives as an integral component of social reintegration.
6. To introduce mechanisms for involving previously released civilian captives in support programs for the newly released.
7. To unify approaches to the restoration of documents across all executing entities — to develop unified interagency algorithms of actions for Administrative Service Centers (CNAPs), bodies of the State Migration Service, the Pension Fund of Ukraine, social protection, educational institutions, and other involved entities regarding the accompaniment of released individuals in the process of document restoration.
8. To introduce a proactive model for the provision of administrative services, under which representatives of the relevant state bodies travel directly to the locations of released individuals and ensure the issuance of basic documents.
9. To create a unified service or coordination mechanism for accompaniment in document restoration by introducing a "single window" format or an interagency support point for the released, where a released individual will have the opportunity to receive comprehensive assistance regarding the restoration of a passport, pension and educational documents, certificates, records of employment history, etc.
10. To develop and implement a unified methodological instruction for released individuals and employees of state bodies with a clear sequence of actions regarding the restoration of core documents, timelines, responsible bodies, and interaction algorithms.
11. To simplify and centralize procedures for the restoration of educational documents, allowing for the recovery of diplomas, certificates, and other educational documents without the need for an individual to navigate multiple institutions and courts.
12. To finalize the regulatory and technical implementation of the mechanism for counting the period of captivity toward the insurance (pension) tracking record.
13. To introduce a system of regular monitoring and public reporting on the execution of support programs for civilian captives, specifically regarding the number of individuals covered, the list of services provided, and the assessment of their effectiveness.

The Ministry of Healthcare of Ukraine

1. To ensure coordination and accountability for the medical care route:
   - to create a unified coordination mechanism (contact center / case coordinator) for released civilian captives, responsible for the medical care and rehabilitation route;
   - to implement a protocol for transferring a survivor’s medical information between facilities (from the primary stage to specialized treatment) to avoid data loss and duplication of examinations;
   - to designate a responsible body / official for interagency cooperation regarding civilian captives (with clear powers and KPIs).
2. To ensure proper primary examination and medical documentation of the consequences of captivity:
   - to Access and unify the primary examination protocol (including the documentation of injuries, consequences of torture, and psychosomatic manifestations);
   - to prohibit the practice of making formal entries such as “no complaints” without a full history collection and proper examination;
   - to provide for quality control over the maintenance of medical documentation;
   - to implement a standardized outpatient medical chart for the patient (containing the results of examinations, laboratory tests, performed procedures, etc.), which the individual receives in hard copy or electronic form.
3. To introduce a transition from diagnosis to treatment and rehabilitation as a continuous process:
   - to establish a minimum guaranteed list of medical interventions upon the identification of health issues (rather than merely providing treatment recommendations);
   - to introduce a mechanism for referral to narrow specialists and rehabilitation programs with accompaniment, without shifting the organization of treatment onto the survivor themselves;
   - to provide for a stage of long-term rehabilitation (after discharge) with designated funding and responsible individuals.
4. To introduce a specialized approach and staff training:
   - to create specialized multidisciplinary teams in designated facilities (comprising a physician, rehabilitation specialist, psychiatrist/psychologist, and a social worker / case manager);
   - to mandate staff training in trauma-informed communication, prevention of retraumitization, the consequences of torture, referral algorithms, etc.;
   - to reduce the workload / allocate dedicated time for physicians working with civilian captives.
5. To ensure access to medicines and treatment financing:
   - to guarantee a basic list of medications for released civilian captives in inpatient care and for the period following discharge;
   - to introduce a mechanism for covering critical pharmaceuticals for civilian captives through a reimbursement program or a dedicated package.
6. To improve dental care:
   - to raise the maximum cost ceiling for dental services or introduce a differentiated approach depending on the severity of the injuries.
7. To establish long-term medical care as a separate state component:
   - to develop a long-term medical support program (for 6–24 months after release) featuring regular follow-up medical checkups;
   - to designate a responsible structure and allocate a budget for such support, including the sanatorium/rehabilitation stage.
8. To introduce systemic, long-term psychological accompaniment for released civilian captives, which encompasses:

- to provide the opportunity for regular psychological accompaniment at least during the first year after release, with the possibility of further extension depending on the individual's needs. Such accompaniment must be continuous and include a mechanism for regular contact with all released civilian captives, including those who initially refused assistance;
- to integrate psychological care with other types of support: social, medical, housing, and legal;
- to provide the opportunity to receive individual in-person consultations, which the majority of released individuals consider to be a more effective form of support;
- to include family members of released civilian captives in psychological assistance programs, specifically through family counseling, psychoeducational programs, support groups, and crisis accompaniment.

9. To expand training and ensure proper working conditions for specialists in the field of trauma therapy:
   - to develop state programs for the training and professional development of psychologists to work with individuals who have survived captivity, torture, and other forms of violence, drawing on international experience and expertise;
   - to provide for a competitive remuneration system, regular supervision, and professional burnout prevention programs for specialists working with this category of survivors.
10. To institutionalize the role of specialized mental health centers:
    - to expand the utilization of the potential of specialized centers (specifically the "Lisova Polyana" Mental Health and Rehabilitation Center for Veterans) for developing care standards, training specialists, and coordinating psychological support programs for released civilian captives.
11. To implement the standards of the Istanbul Protocol into the protocols of primary medical examination for released civilian captives and into the training programs for the medical personnel working with them.

Ministry of Justice

1. To provide for free legal and social accompaniment in complex cases of document restoration (such as the loss of archives, the necessity of appealing to court, or the confirmation of facts through witnesses).
2. To decouple access to free document restoration from the completion of the Commission's verification process establishing the fact of release.

The Ministry of Education and Science of Ukraine

1. To improve awareness regarding available educational guarantees among released civilian captives, as well as among their family members — specifically through case managers, educational institutions, social protection bodies, and civil society organizations.
2. To simplify the verification of eligibility for corresponding benefits, particularly by ensuring automated or interagency data exchange regarding established status without the need for multiple document submissions by the applicants themselves.
3. To mandate that educational institutions inform applicants about the possibility of utilizing benefits under codes 124 and 125, and provide accompaniment during the exercise of this right.
4. To introduce systemic monitoring of the application of educational guarantees by the Ministry of Education and Science of Ukraine, including the regular public release of data regarding the number of individuals who have utilized these support mechanisms.

The Ministry of Finance of Ukraine

1. To ensure the enforcement of special legislation in the field of financial obligations:

- to clearly define mechanisms for the automatic application of payment deferrals and debt restructuring without the need for additional approval from banking institutions;
- to provide for the obligation of the National Bank of Ukraine (NBU) to supervise banks’ compliance with special legislation regarding persons affected by armed aggression, and to respond to instances of its violation.

Public authorities, civil society organizations, and media

To abandon the term “exchange of prisoners” in public and official communication in favor of “release” or “return” of civilian captives, as well as to abandon the term “victim” in favor of “survivor” or “affected person” — in accordance with the recommendations of the OHCHR, WHO, and OSCE, and taking into account the preferences of the affected persons themselves.

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Conclusions

The conclusions provide answers to the following research questions:

1. **Which term most accurately defines the legal status of civilians unlawfully deprived of personal liberty as a result of armed aggression, and what terminology is ethical in public communication regarding these individuals and the processes associated with their release?**
   In the legal dimension, the term "civilian captives" appears to be the most appropriate: it reflects the wartime context and the prolonged, extrajudicial nature of the deprivation of liberty, elements that are captured neither by "detainees" (with its criminal procedure connotations) nor by "hostages" (which implies conditions in exchange for release). The current Ukrainian legislative formulation — "civilians unlawfully deprived of personal liberty as a result of armed aggression against Ukraine" — is legally accurate but overly cumbersome and fails to encompass all factual scenarios. At the level of national legislation, the introduction of the term "civilian captives" does not generate legal conflicts. However, its consolidation at the international level requires a dedicated initiative.
   In the communication dimension, the word "exchange" should be abandoned in favor of "release" or "return," as the former term is incompatible with the legal nature of freeing unlawfully detained individuals and with respect for their human dignity. It is advisable to replace the term "victim" with "survivor" or "affected person": unlike the former, the latter terms establish the fact of the harm inflicted without reducing the individual to a passive role. This approach aligns with the recommendations of the OHCHR, WHO, and OSCE, and complies with the preferences of the survivors themselves, as documented during the research process.
2. **Is the social and legal protection within the state policy regarding civilian captives and their family members effective?**
   The system of social and legal protection for civilian captives in Ukraine is partially established but remains insufficiently effective. Law No. 2010-IX defined the regulatory framework and the list of guarantees; however, their implementation is significantly constrained by procedural deficiencies.
   The central problem is access to status: a significant proportion of the individuals released within the scope of this study were unable to obtain it due to the impossibility of documentarily proving the fact of their captivity. Concurrently, the most severe situation is faced by individuals who were held incommunicado and possess no official documentation from the aggressor state. Those who returned independently or as a result of de-occupation remain the least protected. Even among those who succeeded in securing the status, the scope of guarantees — primarily in the fields of medical care, psychological support, and monetary payments — is assessed as inadequate.
3. **Does Ukraine, as the state of jurisdiction for individuals returned from captivity, have obligations regarding the restoration of the rights of civilian captives after their release, and if so, to what extent?**
   Ukraine has binding legal obligations regarding the restoration of the rights of civilian captives after their release, and these obligations are absolute — irrespective of the fact that another state is the direct perpetrator of the violation. Pursuant to Article 3 of the Constitution of Ukraine, Article 1 of the ECHR, Article 2 of the ICCPR, and Article 14 of the UN Convention against Torture, the state bears positive obligations to ensure and restore the rights of every individual under its jurisdiction — individually, without establishing additional criteria.
   The scope of these obligations encompasses: access to justice and an effective remedy; full rehabilitation (medical, psychological, social, and legal); reparation for harm inflicted; restitution; and guarantees

of non-repetition — in accordance with the Principles of UN General Assembly Resolution 60/147. The prohibition of torture is completely non-derogable: pursuant to Article 3 of the ECHR and Article 2(2) of the UN Convention against Torture, no exceptional circumstances whatsoever, including a state of war, may serve as a justification for narrowing the respective obligations. Given the inability of the aggressor state to fulfill reparation obligations, the study substantiates the expediency of a mixed financial model: Ukraine assumes primary responsibility for the payment of reparations, with an embedded mechanism for the subsequent recovery of funds from the assets of the Russian Federation.

4. **What principles must state policy supporting civilian captives align with to ensure its legitimacy, effectiveness, and compliance with international standards?**

   The state policy supporting civilian captives must align with the five interrelated principles of the human rights-based approach (HRBA). The current Ukrainian system corresponds to them only partially.

   The Principle of Universality requires protection to cover everyone who has factually survived captivity, without additional conditions regarding the method of release, possession of documents, or the nature of behavior during detention. The Principle of Participation provides for the involvement of survivors as active participants in the development of relevant policies and programs – currently, neither Law No. 2010-IX nor Cabinet of Ministers Resolution No. 296 provides for such a mechanism. The Principle of Equality obligates the state to proactively dismantle structural barriers to access for the most vulnerable categories of survivors. The Principle of Accountability assumes independent monitoring, public reporting, and the right to appeal denials – the current legislation contains none of these mechanisms in a systematic form. The Principle of Comprehensiveness requires the coordinated provision of legal, medical, psychological, and social support, given that no single form can effectively substitute for another.

5. **What practical models for supporting victims of armed conflicts and authoritarian regimes exist in international experience, and what lessons do they offer for Ukraine?**

   A comparative analysis of the experience of South American countries, the Balkans, and Syria allows for the extraction of key lessons relevant to the formation of the Ukrainian support system for civilian captives.

   An administrative — rather than judicial — procedure for recognizing survivor status is a prerequisite for the actual accessibility of the protection system and significantly lowers evidentiary barriers for individuals subjected to extrajudicial detention. The timeliness of legislation adoption is a critical factor: a delay of a decade or more makes it impossible for a significant portion of survivors to receive protection during their lifetime (the experience of Croatia). Long-term rehabilitation, integrated into the national healthcare system, is more effective than one-off measures given the chronic nature of the consequences of captivity (the Chilean PRAIS model). Individualized support planning increases its effectiveness and meets the specific needs of each affected person (the Colombian model). Specialized legislation for specific categories of survivors — particularly victims of sexual violence and children — is a necessary element of the system; the Argentine experience of genetic identification (BNDG) is highly relevant for Ukraine in the context of deported children. Finally, the experience of Argentina and Bosnia and Herzegovina demonstrates that established systems are vulnerable to regression in the absence of sustained monitoring, while a fragmented approach — depending on the place of residence, method of release, or other criteria — generates structural inequality and undermines the legitimacy of the entire system.

Notes

Civis
Fortis