

EXCERPT FROM CRIMINAL EXECUTIVE CODE OF UKRAINE

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVRU), 2004, N 3-4, Article 21)

Article 8. Basic rights of the sentenced persons

1. Sentenced persons are entitled to:

- obtain information about their rights and obligations, procedure and conditions of executing and serving sentence appointed by the court;
- humane attitude for themselves and respect for dignity, which is inherent to human personality;
- apply in accordance with legislation with proposals, petitions and complaints to the administration of bodies and institutions for execution of sentences, their higher authority, and the **Ukrainian Parliament Commissioner for Human Rights**, European Court of Human Rights and other relevant bodies of international organizations, where Ukraine is a member or a party to, to authorized persons of such international organizations, courts, prosecutors, other government bodies, local authorities and associations of citizens; (Paragraph 4 of Article 8 amended by the Law No. 3166-IV (3166-15) of 01.12.2005)
- give explanations and keep correspondence, to submit proposals, petitions and complaints in their native language. Responses to the sentenced persons shall be given in language of appeal. In case of no possibility to give the answer in language of appeal, it shall be given in Ukrainian with translation into language of appeal, which shall be provided by body or institution of execution of sentences;
- health care. Health care is provided by the system of medical and sanitary and rehabilitation and preventive measures, as well as a combination of free and paid forms of medical care. Sentenced persons with mental and behavioral disorders due to consumption of alcohol, narcotics, psychotropic substances or their analogues or other intoxicating substances, can be provided with a course of treatment of these diseases given their written consent;
- social security, including to receive pensions in accordance with the laws of Ukraine.

2. A sentenced person shall be guaranteed the right to legal assistance. To receive legal assistance, a sentenced person may use the services of lawyers or other professionals in the sphere of law, who are entitled according to the law to provide legal assistance personally or on behalf of the legal person.

3. The sentenced foreigners have the right to communicate with the diplomatic missions and consular institutions of their countries, the stateless persons and nationals of the countries that do not have diplomatic missions or consular offices in Ukraine, - with the diplomatic missions of the country, which assumed the protection of their interests, or international bodies or organizations providing them with the protection.

Article 24. Making visits to institutions of execution of sentences

1. Persons who shall be entitled to visit the institution of execution of sentences for the purpose of control without any special permission:

President of Ukraine and his authorized officials;

Prime Minister of Ukraine;

Ukrainian Parliament Commissioner for Human Rights or his/her specially authorized representatives;

Chairman, Vice Chairman and members of the Commission under the President of Ukraine in matters of pardon;

Minister of Justice of Ukraine, as well as an authorized officials of the Ministry of Justice of Ukraine;

members of the European Committee for the Prevention of Torture Inhuman or Degrading Treatment or punishment;

Chairman of the Council of Ministers of the Autonomous Republic of Crimea, heads of local state administrations, where such institutions are located;

National deputies of Ukraine and deputies authorized by the Verkhovna Rada of the Autonomous Republic of Crimea, or local councils;

Prosecutor General of Ukraine and his/her authorized prosecutors and prosecutors, who supervise the execution of sentences on the territory;

Chairman, Deputy Chairman and members of the supervisory committee, which is engaged in the organization of public control over observance of human rights and legitimate interests of prisoners during the execution of criminal penalties;

village, town, city mayor – on the territory of the respective local council.

2. Media representatives and other persons may visit institutions of execution of sentences with special permission from the administration of these institutions or governing bodies of the mentioned institutions.

Article 113. Correspondence of the persons sentenced to imprisonment

1. The sentenced persons are allowed to receive and send letters and telegrams at their own expense without any limits with regard to their number.

2. Correspondence between imprisoned convicts without any family connections shall be allowed only with the permission of the colony administration.

3. Correspondence prisoners receive and send prior to serving the sentences in penitentiary colonies with minimum security and general living conditions, and the average the maximum level of security shall be reviewed..

4. Correspondence convicts address to the **Ukrainian Parliament Commissioner for Human Rights**, European Court of Human Rights and other relevant bodies of

international organizations, where Ukraine is a member or a party to, authorized persons of such international organizations and the prosecutor, shall not be subjected to examination and shall be sent no later than in a 24 hours period to the addressee. Correspondence convicts receive from the above mentioned bodies and persons shall not be examined.

5. Correspondence convicts address to an attorney in the criminal proceedings who carries out his or her functions according to the Criminal Procedure Code of Ukraine shall not be subjected to examination and shall be sent no later than in a 24 hours period to the addressee. Correspondence convicts receive from such an attorney shall not be examined.