Joint contribution to the Public Consultation on the European Union Strategy on Victims' Rights

The submitting organisations call on the new EU Strategy on Victims' Rights ("the Strategy") to retain a specific focus on access to justice for prisoners who are victims of crime. The advances introduced by the revised Victims' Rights Directive (Directive (EU) 2026/1472 of 17 June 2026, hereinafter "the revised VRD") must be effective in detention, where institutional barriers, dependence on the authorities and risks of reprisals obstruct reporting, protection, support and redress (1). The Strategy should ensure the full and meaningful participation of civil society and relevant professional organisations in the implementation, particularly in developing safeguards adapted to the detention context (2). It should also strengthen the role of NGOs in reporting crimes and supporting victims through effective access to prisoners, independent scrutiny and legal assistance (3), and improve the evidence base on victimisation in prison through enhanced data collection and support for independent research (4). In its enlargement and crisis-response dimensions, it should draw lessons from candidate countries, particularly Ukraine, to strengthen prisoners' protection during armed conflict and ensure that prisoners who become victims of war crimes and crimes against humanity have effective access to recognition, support and reparation (5).

1. Enhancing access to justice for prisoners who are victims of crime

Sustaining the commitment to victims in detention and giving effect to the revised VRD

The forthcoming Strategy should retain a specific focus on access to justice for prisoners who are victims of crime, as an essential means of supporting the effective implementation of the revised VRD. Violence and the threat of violence shape everyday social relations in prison, sustaining fear, mistrust and relations of domination. Yet, as underlined in the 2020-2025 Strategy, violence against prisoners remains substantially underreported: fear of reprisals, informal pressures against reporting and dependence on the institution inhibit disclosure and complaints, leaving much of this violence beyond the reach of judicial scrutiny.

Against this background, the revised VRD marks an important advance for victims of crime in detention: it expressly requires effective reporting of crimes committed in custodial settings (Article 5a(5)(a)), recognises the specific support and protection needs of victims of torture (Articles 9(3)(b) and 22(3)), and strengthens the broader

framework for victims' access to support, protection and justice, including by reinforcing the role of civil society organisations in reporting criminal offences to the competent authorities (Article 5a(3)).

Giving practical effect to these guarantees in prison, however, presents complex and specific challenges: without tailored supporting measures, the innovations introduced by the revised VRD risk remaining a dead letter. The work of the Council of Europe's anti-torture Committee (CPT) shows that the legal recognition of rights must be accompanied by measures to overcome institutional barriers to their exercise. Indeed, the Committee stresses that an appropriate legal framework is not sufficient to ensure an adequate response to allegations of ill-treatment as *esprit de corps*, including within prison services, can lead officials to cover up unlawful acts committed by colleagues. It consequently calls for action to change professional culture, establish clear reporting channels and protect those who report such acts. [1] The CPT has repeatedly identified major shortcomings in this regard: inadequate information about complaints procedures, lack of independence among those examining complaints, insufficient investigations nd inadequate protection against reprisals.[2]

Multiple social and economic barriers further restrict prisoners' ability to obtain assistance and assert their rights. Indeed, as the EU Justice Scoreboard reports have consistently highlighted, "[t]he availability of legal aid and the level of court fees have a major impact on access to justice, in particular for people living in poverty or at risk of poverty".[3] This point is particularly relevant in prison settings, given the socio-demographic characteristics of the prison population, which is disproportionately drawn from disadvantaged backgrounds and whose members have often experienced poverty, precarious living conditions and lower levels of education.[4] Furthermore, foreign nationals account on average for one fourth of the European prison population and may also require language support, while approximately one third of prisoners are estimated to have mental health conditions.[5]

Strengthening synergies with EU policies on procedural rights and judicial cooperation

Placing the reinforcement of prisoners' procedural rights among the goals of the forthcoming Strategy would be consistent with the Commission Recommendation on material detention conditions, which, in the context of implementing the 2020-2025 Strategy, recommended "that Member States ensure effective remedies for violations of detainees' rights as well as protection and support measures".[6]

It would also support the effective operation of EU instruments governing judicial cooperation in criminal matters between Member States. This is particularly evident in the case of the European arrest warrant, the execution of which must not expose the requested person to a risk of a violation of their fundamental rights, including the risk of ill-treatment by prison staff or other prisoners. [7] Enabling prisoners to report crimes more effectively could help expose and address factors contributing to prison violence and support its prevention, thereby reinforcing mutual trust and the effective functioning of the area of freedom, security and justice.

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[1] CPT, *14th General Report*, CPT/Inf(2004)28, "Combating impunity", 2004, paragraphs 26 and 28.
[2] CPT, *27th General Report*, CPT/Inf(2018)4, "Complaints mechanisms", 2018, paragraphs 69, 87 and 91.
[3] *EU Justice Scoreboard 2026*, COM(2026) 273, 2026, p. 20.
[4] Irish Penal Reform Trust, *From Punishment to Prevention: Poverty, Inequality and Pathways into the Irish Criminal Justice System*, March 2026; Henrique Carvalho and Anastasia Chamberlen, *Questioning Punishment*, Routledge, 2023, Chapter 2 "Who are the targets and the subjects of punishment?".
[5] Marcelo F. Aebi and Edoardo Cocco, *Prisons and Prisoners in Europe 2025: Key Findings of the SPACE I survey*, 2026, p. 11 (figure 4.1.); WHO, "One-third of people in prison in Europe suffer from mental health disorders", 15 February 2023.
[6] Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions, especially Recital (28) and paragraphs 58 to 63.
[7] See respectively the refusal of a German court to execute an EAW issued by Poland on account of the risk that the requested person would be exposed to ill-treatment: https://www.gesetze-rechtsprechung.sh.juris.de/bssh/document/NJRE001642686; and the refusal of a Dutch court to execute an EAW issued by Latvia, on account of the risk that the requested person would be exposed to inhuman treatment resulting from the informal prisoner hierarchy: https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2025:1756.

Supporting transposition and practical implementation in detention

The Strategy should therefore provide dedicated support to Member States for effective implementation of the revised VRD in detention. The Commission should provide practical guidance, facilitate exchanges of experience, mobilise targeted funding and monitor prisoners' actual access to the rights guaranteed.

This support should first address reporting and protection against reprisals. Ensuring that information about crimes reaches the competent authorities and that victims are protected requires arrangements adapted to a setting where individuals remain under the control of public authorities, may be dependent on those implicated in the abuse, and face a particularly high risk of retaliation. The revised VRD's specific provisions concerning crime reporting from detention to competent authorities through secure channels (Article 5a(5)(a)) warrant particular attention. Commission guidance should help prevent inconsistent or minimal transposition that would undermine the achievement of the objectives pursued.

Such guidance should also help translate the recognition of the needs of victims of torture into effective access to the targeted and integrated support provided for in Article 9(3)(b), including information and, where appropriate, referral for medical and forensic examinations and post-traumatic care. Within this broader effort, the development of "protocols or guidelines" under Article 26a offers an important opportunity to adapt the organisation of services and the practices of competent authorities to the specific circumstances of detention.

The guidance should further extend to the measures needed to make effective the rights to information and support in accessing legal advice (Articles 3, 4 and 9(1)(a)), and the right to legal aid (Article 13).[8] Drawing on initiatives undertaken by certain national bar associations, the Commission should encourage and support, in cooperation with bar associations and civil society organisations, regular and confidential first- and second-line legal assistance services in prisons. These should provide initial legal information and advice, assistance with legal aid applications, and access to lawyers for more extensive assistance and representation in proceedings. This requires removing the practical and administrative barriers faced by prisoners and ensuring that the professionals involved have the resources and conditions necessary to carry out their work.

Further guidance is needed to ensure that the requirements of simple and accessible communication under Article 3(2), and of clear public information under Article 25a(2), are implemented in a manner that enables victims to exercise their rights effectively. Read together with Article 4 and Article 26a(1)(a), and in light of Recital (32) of the revised Directive, these requirements call for information that is both understandable and sufficiently detailed to meet victims' needs. This is particularly important given the widespread tendency to provide prisoners with only summary legal information through brochures. As documented in the White Paper on access to justice for pre-trial detainees, such materials primarily help prisoners navigate prison life and comply with institutional rules, but often lack the detail needed to defend their rights and pursue remedies.[9] Guidance to Member States should therefore clarify how to combine accessible explanations with practical information on available remedies, the conditions and steps for using them, and access to legal assistance, relevant legal texts and case law, so that prisoners can effectively assert their rights and access courts.

Monitoring threats to safeguards through the Rule of Law cycle

The Strategy should also expressly build on the Rule of Law cycle to monitor challenges to essential safeguards for access to justice, as well as to the independence and effectiveness of investigations and monitoring activities

[8] This article provides for broader access to legal aid both by enabling victims who are not yet parties to criminal proceedings to be granted legal aid, and by providing guidance on the application by Member States of the means and merits tests, which were found to be restrictive in some countries. See Evaluation of Directive 2012/29/EU of 25 October 2012, SWD(2022) 179 final, 28 June 2022, p. 18.

[9] European Prison Litigation Network et al., *Bringing Justice into Prison: For a Common European Approach. White Paper on Access to Justice for Pre-Trial Detainees*, June 2019, Chapter 4, section 2.1, pp. 31-33, especially p. 32.

concerning violence in detention. Such challenges are increasingly observed in the prison context, against a backdrop of political instrumentalisation of prisoners' rights. In the Netherlands, the 2026 Rule of Law Report has documented the surveillance of meetings between lawyers and their clients detained in high-security prisons, which led lawyers to suspend visits in protest.[10] Beyond undermining lawyer-client confidentiality, such practices risk deterring prisoners exposed to retaliation from reporting violence they have suffered. In Poland, the prison administration and the Ministry of Justice rejected in 2023 the allegations of possible ill-treatment in prison reported by the national preventive mechanism (NPM), and attempted to discredit this independent body by accusing its members of bias.[11] In France, the National Preventive Mechanism (CGLPL) faced vehement attacks from a prison staff union after documenting systemic violence and racist abuse at Alençon–Condé-sur-Sarthe prison.[12]

This monitoring under the Rule of Law cycle should complement the Commission's scrutiny of the transposition and implementation of the revised Directive. Targeted consultations and national Rule of Law dialogues should systematically involve prisoners' rights organisations and specialised lawyers, with a view to identifying challenges to these safeguards.

Assessing the need for minimum procedural standards in closed settings

As a longer-term objective, the submitting organisations recommend that the Strategy task the European Commission with assessing remaining protection gaps and the introduction of minimum standards on procedural rights in closed settings, including prisons, and considering the possibility of putting forward legislative proposals in this area. Although this submission focuses on the situation of prisoners, other closed settings present similar patterns of rights violations and barriers to accessing justice. [13]

The submitting organisations recommend that the EU Strategy on Victims' Rights:

- ***Retain a specific focus on access to justice for victims of crime in detention,*** *recognising the institutional, social and economic barriers to reporting offences, obtaining protection and support, and pursuing remedies.*
- ***Task the European Commission with drafting guidance on the transposition and practical implementation of the revised VRD in detention,*** *particularly concerning secure reporting channels, protection against reprisals, and effective access to targeted and integrated support for victims of torture. This guidance should help adapt services to the specific circumstances of detention, including through the protocols or guidelines envisaged under Article 26a.*
- ***Support effective access to legal information, advice and legal aid in prison,*** *through practical guidance on distribution of information on the prisoners' rights and available justice mechanisms in places of detention, exchanges of experience and targeted funding. Drawing on initiatives undertaken by national bar associations, national and international CSOs, this should include support for regular and confidential first- and second-line legal assistance services, in cooperation with bar associations and CSOs. Guidance should ensure that accessible and understandable information is sufficiently detailed and practical to enable prisoners to assert their rights and access courts and other relevant justice mechanisms.*

[10] Rule of Law Report 2026, COM(2026) 900 final, 17 July 2026, p. 16.

[11] Summary of Polish Senate Committee Proceedings, 7 February 2023: https://www.senat.gov.pl/aktualnoscilista/inne/art%2C15319%2Cprace-w-komisjach-senackich-7-lutego-2023-r-.html.

[12] Those findings led to a court ordering the Minister of Justice to take urgent measures to end the misconduct identified. The main prison officers' trade union publicly accused the CGLPL of orchestrating a campaign against prison staff and welcomed the Ministry of Justice's appeal against the order: https://fojustice.fr/web/mobilisation-reussie-les-personnels-penitentiaires-ont-fait-entendre-leur-colere/. The Conseil d'État dismissed this appeal (Order no. 518418, 3 September 2026).

[13] FRA, *Underpinning victims' rights: support services, reporting and protection*, 23 February 2023, p. 34: "Victims living in closed institutions include, for example, children in institutions, people with psychosocial disabilities (mental health problems) in psychiatric institutions, and prisoners. Some foreign workers are effectively imprisoned when they fall victim to severe labour exploitation".

- ***Expressly build on the Rule of Law cycle to monitor challenges to essential safeguards for access to justice in detention****, including threats to lawyer-client confidentiality and to the independence and effectiveness of investigations and monitoring bodies addressing violence in detention. This monitoring should complement scrutiny of the transposition and implementation of the revised VRD and systematically involve prisoners' rights CSOs, specialised lawyers, National Human Rights Institutions (NHRIs) and NPMs in targeted consultations and national Rule of Law dialogues.*
- ***Task the European Commission, as a longer-term objective, with assessing remaining gaps in protection and the need for minimum standards on procedural rights in closed settings****, including prisons, and considering legislative proposals in this area.*

2. Ensuring meaningful participation by civil society and relevant professional organisations

With regard to Article 26a, the transposition guidance that the submitting organisations call on the Commission to issue should set out safeguards to ensure that the drafting, implementation and revision of the "protocols or guidelines" comply with the requirements of pluralism and meaningful participation of all relevant stakeholders established by international and EU standards.[14] These safeguards should ensure that organisations with relevant expertise are not excluded as a result of expressing critical views or challenging the practices of public authorities, including through litigation. Their participation should be ensured from the initial identification of issues affecting the exercise of victims' rights, on the basis of sufficient information and adequate timeframes, and should extend to feedback on their proposals and involvement in the monitoring and revision of the protocols.

The previous Strategy already acknowledged the need for safeguards of independence: noting the particular vulnerability of victims in detention, their isolation, stigmatisation and difficulties in accessing information and justice, it called on Member States to establish independent bodies to investigate crimes committed in detention. It is essential that this concern for independence continues to inform the forthcoming Strategy and guide the implementation of the Directive's provisions concerning victims in detention. In prison settings, the independence of complaints mechanisms, the confidentiality of information transmitted, and the protection of victims raise particularly acute concerns: information about a report must not circulate within the establishment and expose the victim to pressure or reprisals. The corresponding safeguards, including the conditions for a possible transfer for protection purposes (which can disrupt legal assistance or support networks), should therefore not be determined by the prison administration alone, but should be developed through broad and open consultation, including with the victims.

CSOs, particularly those at the forefront of the defence of prisoners' rights, have in-depth knowledge of the dynamics underlying prison violence.[15] The fact that their activity may involve confrontation with public authorities – for instance, in cases involving violence perpetrated by prison staff – should not hamper, but rather warrant, their participation in public policy processes. This is all the more necessary given that Article 5a(3) recognises the role of CSOs in reporting criminal offences and provides for measures enabling their cooperation with the competent authorities.

Professional organisations – bar associations and lawyers' associations, judges' organisations, medical organisations – also possess specialised expertise that justifies their full involvement. Healthcare professionals indeed play "a

[14] Commission Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes, C(2023) 8627 final, 12 December 2023, notably points 5 to 7 and 17, as well as Recital (18).

[15] See, for example, Observatoire international des prisons (OIP), *Omerta, opacité, impunité : enquête sur les violences commises par des agents pénitentiaires sur les personnes détenues*, June 2019; Fair Trials and partner organisations, *Rights Behind Bars: Access to Justice for Victims of Violent Crime Suffered in Pre-Trial or Immigration Detention*, November 2019 (comparative research covering six EU Member States); Antigone, *XV Rapporto sulle condizioni di detenzione*, "Violenze fisiche e morali", 2019.

central role in preventing and combatting ill-treatment" by both prison staff and other prisoners.[16] Medical consultations are key in documenting injuries and other evidence relevant to criminal proceedings, and also to identifying specific needs that guide the provision of support and protection measures (Article 9(3)(b)). Medical organisations would therefore play a key role in ensuring the harmonisation of medical examination techniques for victims of ill-treatment across EU Member States in line with the United Nations' (UN) Istanbul Protocol.[17] Judges and lawyers are key actors in the criminal justice system whose work directly affects its capacity to provide protection to victims of crimes. As such, they have irreplaceable expertise on the obstacles encountered by victims in accessing justice.

The submitting organisations recommend that the EU Strategy on Victims' Rights:

- ***Ensure that the transposition guidance which the European Commission is called upon to issue sets out, with regard to Article 26a, safeguards for pluralism and the inclusion of all relevant stakeholders in consultation processes****, in line with international standards, particularly the European Commission Recommendation on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes. These safeguards should secure the participation of CSOs, particularly prisoners' rights organisations, Bar and lawyers' associations, judges' organisations and medical organisations, including those whose work involves criticising public authorities or challenging their practices through litigation. Building on the previous Strategy's concern for independence, reflected in its call for independent bodies to investigate crimes committed in detention, the new Strategy should ensure that safeguards concerning complaints, confidentiality and victim protection are developed through broad and open consultation, rather than determined by the prison administration alone;*
- ***Ensure that this guidance also gives practical effect to the requirements of meaningful participation*** *throughout the development, implementation and revision of the "protocols or guidelines". Member States should involve the relevant actors from the initial identification of problems and needs, provide timely access to draft texts and supporting information, allow sufficient time for contributions, facilitate substantive discussion of proposals and disagreements, explain how contributions have informed the choices made, and ensure continued involvement in monitoring implementation and revising the protocols or guidelines.*

3. Strengthening the role of NGOs in reporting crimes and supporting victims in detention

To support the effective implementation of Article 5a(3) of the revised VRD, the new Strategy should strengthen the role of civil society organisations in protecting victims of crime in detention. A legal and practical framework enabling independent civil society scrutiny, documentation and reporting of abuses, and legal assistance would help give effect to the provisions on third-party reporting, protection following such reporting, and effective reporting by persons deprived of liberty (Article 5a(3) to (5)).

This framework should reflect the recommendations of the UN Committee against Torture on CSOs' access to places of detention and their contribution to independent monitoring.[18] It should ensure meaningful access to prisoners and relevant information, confidential communication, and protection against reprisals, enabling organisations to identify abuses and assist victims in seeking justice. The Commission should identify and assess relevant national

[16] CPT, *Healthcare in prison*, CPT/Inf (2025) 37, November 2025, p. 7.
[17] Office of the United Nations High Commissioner for Human Rights, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2022.
[18] Committee against Torture, *Concluding observations on Madagascar*, CAT/C/MDG/CO/1, 21 December 2011, paragraph 10(h); *Concluding observations on the sixth periodic report of the Russian Federation*, CAT/C/RUS/CO/6, 28 August 2018, paragraph 23(d).

practices and facilitate exchanges involving CSOs, national human rights institutions (NHRI), NPMs and the legal profession. These exchanges should inform practical guidance, supported by EU funding for cooperation and adaptation of effective approaches. Relevant experiences include activities carried out by authorised NGOs in detention settings in Italy and in Bulgaria,[19] as well as in Ukraine.

Beyond their role in third-party reporting, prisoners' rights organisations also engage in complementary activities that contribute to the legal protection of prisoners who are victims of crime. These activities range from advocacy campaigns to analytical work, including research into the factors contributing to prison violence, as well as litigation. This multifaceted role of CSOs should be acknowledged in the Strategy and translated into recommendations for supporting CSOs, including prisoners' rights organisations, in addition to the support generally provided to generalist victims' support organisations. Such support can take the form of long-term funding, provided with full respect for CSOs' independence, to give them sufficient resources to carry out their work in the area of victims' rights. Support can also take the form of regulatory changes to enable CSOs to bring proceedings, including collective actions where appropriate under national law.

The submitting organisations recommend that the EU Strategy on Victims' Rights:

- ***Promote a legal and practical framework enabling CSOs to protect victims of crime in detention**, including through independent access to places of detention, documentation and reporting of abuses that may constitute criminal offence, as well as legal assistance, in support of the effective implementation of Article 5a(3) to (5) of the revised Victims' Rights Directive.*
- ***Develop practical guidance, informed by exchanges on national practices, to ensure effective access to places of detention**, including unannounced visits, confidential communication with prisoners and access to relevant information, alongside protection against reprisals for organisations, their members and persons cooperating with them. These exchanges should involve national authorities, CSOs, NHRIs, NPMs and the legal profession.*
- ***Acknowledge the multifaceted role of CSOs in supporting and protecting victims of crime in prison**, beyond third-party reporting, including through advocacy, analytical work and litigation.*
- ***Recommend that the EU and its Member States support CSOs**, with full respect for their independence, including through long-term funding and regulatory changes enabling them to bring proceedings, including collective actions where appropriate under national law.*

4. Strengthening independent research on victimisation in prison

The Strategy should use the revised VRD's data-collection provisions to improve understanding of victimisation in prisons. Article 28 requires Member States to collect data on the characteristics of identified victims and, "where possible and relevant, the relationship between the victim and the offender and the type of offence". This provides an opportunity to improve comparative knowledge in areas where data remain fragmentary, including violence in prisons and other closed institutions.[20]

The transposition guidance document that the submitting organisations recommend that the European Commission be tasked with drafting could include details on the type of data to be collected, including the institutional relationship between the victim and the offender, e.g. when a prisoner is subjected to violence by prison staff. In

[19] The Bulgarian Helsinki Committee conducts independent prison monitoring under an agreement with the Ministry of Justice and the prison administration. Arrangements allow unannounced visits during administrative working hours, access to all premises and private interviews with sentenced prisoners. Interviews with remand prisoners require permission from the competent prosecutor or judge.
[20] Report on the implementation of Commission Recommendation (EU) 2023/681, op. cit. p. 24.

view of its decade-long experience in collecting data on EU Member States' prison systems, FRA could also play an essential role in defining a common methodology, coordinating the collection of data, and organising the analysis of the results.

Institutional data collection is, however, not enough to capture the phenomenon of victimisation in prison. Not only are a fraction of violent incidents in prison reported to competent authorities, but statistics are also insufficient to understand the mechanisms underlying prison violence, and to provide a robust analysis of both recurring patterns and new trends in this area. A relevant example that has prompted action at the CoE level in the recent years is violence and ill-treatment arising from informal prisoner hierarchy. Addressing this phenomenon requires an understanding its origins and the mechanisms at work, including the tolerance or use of such hierarchies by prison administrations themselves.[21]

The submitting organisations argue that EU funding programmes should also support analytical projects on specific areas covered by the victims' rights framework, complementing the tendency to prioritise practice-oriented projects that aim to provide solutions applicable to "all victims of all crimes".[22]

The submitting organisations recommend that the EU Strategy on Victims' Rights:

- ***Task the European Commission with drafting transposition guidance*** *to support the full and consistent application of the revised VRD, including its provisions on the types of data to be collected by Member States, to improve understanding of victimisation in closed settings.*
- ***Assign the EU Agency for Fundamental Rights the task of developing a common methodology*** *for collecting data on victimisation, including victimisation in prisons, and of providing regular analyses of the data collected.*
- ***Recommend that EU funding programmes also support analytical projects****, including projects focusing on specific areas of the victims' rights framework, such as victimisation in prisons.*

5. Learning from EU candidate countries' experience in protecting prisoners' rights

As the forthcoming Strategy aims to provide a framework for action on victims' rights both "in the event of crisis" and "in the context of the EU's enlargement policy" (Call for evidence), the submitting organisations argue that, beyond promoting the EU victims' rights *acquis* through accession negotiations, the EU should draw lessons from candidate countries' experience to strengthen the protection of prisoners. The situation in Ukraine has shown that prisoners are among the civilians at particular risk of harm during armed conflict: their confinement and dependence on the authorities for their safety and evacuation leave them particularly exposed to harm and violations of international law, from the shelling of detention facilities to forcible transfers and deportations by occupying forces. [23]

The Strategy should provide a basis for the EU to support efforts to clarify and strengthen the protection of prisoners under international humanitarian law, drawing on the experience of candidate countries, especially Ukraine,

[21] ECtHR, *Petrov v. Moldova*, no. 38066/18, § 84, 5 March 2026; ECtHR, D v. Latvia, no. 76680/17, 11 January 2024; CPT, *Informal Prison Hierarchy*, CPT/Inf (2025) 12, April 2025, referring inter alia to EU Member States such as Latvia and Lithuania, and to accession States such as Moldova and Ukraine.

[22] European Commission, *Call for proposals for action grants to support transnational projects in the fields of e-Justice, victims' rights and procedural rights (JUST-2027-JACC-EJUSTICE)*, 25 June 2026, p. 9.

[23] EPLN, Protection for Prisoners of Ukraine and the Kharkiv Human Rights Protection Group, *Communication to the International Criminal Court*, 21 May 2026; DIGNITY, Protection of Prisoners of Ukraine, Ukraine without Torture, European Prison Litigation Network, Kharkiv Human Rights Protection Group, *Deportation to Hell: Forcible Transfer of Ukrainian Prisoners to Russia*, May 2026 and *"Nine Circles of Hell": Places of Detention in Ukraine under the Russian Occupation*, March 2023.

Moldova and Georgia. Building on its diplomatic engagement and participation in multilateral standard-setting, the EU could support the development of guidance translating applicable obligations into concrete safeguards for people detained when armed conflicts break out, including those held for reasons unrelated to the conflict. Such work should address preparedness and timely evacuation, protection against the effects of armed attacks, safeguards during changes of control over detention facilities, and the prevention of unlawful transfers and deportations. Initiatives concerning the protection of healthcare during armed conflict offer useful methodological reference for bringing together legal clarification and operational guidance.[24]

To give practical effect to this commitment, the Strategy should envisage support for a dedicated expert process involving the EU and its Member States, candidate countries, the ICRC, relevant UN and Council of Europe bodies, NHRIs, NPMs and CSOs that have experience of detention in conflict settings. This process could identify gaps and uncertainties in existing protection and develop common principles and operational guidance for civilian and military authorities. EU external assistance and cooperation with Ukraine should also support implementation through contingency planning, training and independent monitoring. These measures would connect the Strategy's objectives on victims in times of crisis with its enlargement dimension, while contributing to the prevention of crimes against a particularly exposed civilian population.

A further concern is that prisoners who become victims of war crimes and crimes against humanity may continue to face the stigma and exclusion associated with their criminal record, hampering recognition of their victim status and access to support and reparation. The European Commission highlighted these difficulties in its 2025 Ukraine Report, calling for prisoners deported from occupied territories to Russia to have, upon release, the same access as other victims to humanitarian support, financial compensation, rehabilitation and recognition of their victim status.[25] Building on this finding and the revised VRD's express recognition of the specific needs of victims of war crimes and torture (Articles 9(3)(b) and 22(3)), the Strategy should promote their effective inclusion in victim support and reparation frameworks, and address barriers arising from their previous conviction.

More broadly, the Strategy should provide for sustained EU support to CSOs working to secure the release and safe return of Ukrainians held in Russia and occupied Ukrainian territories. These persons should be treated as a priority because their captivity exposes them to torture and other forms of ill-treatment, denial of adequate medical care and prolonged isolation from their families. As the People First campaign stresses, their protection cannot await a political settlement: delays in securing their release and return may put their lives at risk. The EU should therefore recognise these efforts as an integral part of protecting victims of crimes committed in connection with the war and make release and return a humanitarian priority in its diplomatic engagement.

Building on the previous Strategy's commitments to fund victim support organisations and promote cooperation with competent authorities, this commitment should translate into flexible, long-term EU funding and capacity-building support for CSOs locating detainees, documenting and reporting crimes, maintaining contact with families, providing legal assistance and facilitating release and safe return. Support should cover Ukrainians detained in Russia or occupied Ukrainian territories, including those imprisoned before the full-scale invasion who were subsequently deported to Russia or remain detained under occupation. It should continue after release and return, enabling organisations to help survivors access rehabilitation, psychosocial support, compensation and other forms of reparation. It should also facilitate cooperation with investigative and prosecutorial authorities, including in candidate countries, drawing on Article 5a(3) of the revised VRD, so that survivors can access justice and participate in accountability proceedings where they wish to do so, while safeguarding CSOs' independence, confidentiality and victims' safety.

[24] ICRC, *The Health Care in Danger initiative*, 21 March 2024.
[25] European Commission, *Ukraine Report 2025*, 4 November 2025, p. 48

The Strategy should also extend this support to victims of unlawful detention, torture and other ill-treatment in Moldova's Transnistrian region and the occupied Georgian territories of Abkhazia and South Ossetia, with measures tailored to each context.[26] EU assistance could strengthen the capacity of CSOs to document abuses, maintain confidential contact with victims and their families, facilitate access to justice and support survivors following release. In Moldova, this should include support for the dedicated mechanism to provide legal, psychological and social assistance to persons released from unlawful detention in Transnistria.[27] More broadly, EU funding and technical assistance should help establish accessible referral pathways to medical care, rehabilitation and other victim support services, without making assistance dependent on a prior conviction of those responsible. These measures should be accompanied by sustained EU diplomatic engagement seeking the release of persons arbitrarily detained and independent international access to places of detention.

The submitting organisations recommend that the EU Strategy on Victims' Rights:

- ***Contribute to the development of standards for the protection of prisoners in wartime*** *under international humanitarian law and of instruments designed to clarify the application of international humanitarian law in this area, through support to a dedicated expert process involving the EU and its Member States, candidate countries, the ICRC, relevant UN and Council of Europe bodies, NHRIs, NPMs and CSOs with experience of detention in conflict settings;*
- ***Make the release and safe return of Ukrainians held in Russia or occupied Ukrainian territories a humanitarian priority in EU diplomatic engagement****, including the return of pre-conflict prisoners deported to Russia or detained under occupation, without deferring action until a comprehensive political settlement.*
- ***Ensure that Ukrainians subjected to war-related crimes during detention in Russia or under occupation, including those who have returned from detention in Russia, have effective access to recognition as victims, support and reparation.*** *This must include pre-conflict prisoners deported to Russia or detained under occupation, whose previous detention or conviction should not prevent recognition of the crimes committed against them or access to assistance.*
- ***Promote EU funding for CSOs assisting Ukrainians detained in Russia or occupied Ukrainian territories and supporting them after release and return.*** *This should include pre-conflict prisoners deported to Russia or detained under occupation, and cover locating detainees, maintaining family contact, facilitating safe return, documenting and reporting war-related crimes, providing legal assistance and enabling access to rehabilitation and reparation****. Relevant support should also extend to CSOs assisting victims of unlawful detention, torture and other ill-treatment in Transnistria and the occupied Georgian territories of Abkhazia and South Ossetia. Across these contexts, EU assistance should be accompanied by diplomatic efforts to secure the release of persons arbitrarily detained and independent international access to detention facilities.***
- ***Promote cooperation between CSOs and investigative and prosecutorial authorities in candidate countries*** *to facilitate the reporting of war-related crimes against prisoners and their access to justice, drawing on Article 5a(3) of the revised VRD.*

[26] Regarding the occupied Georgian territories: T. Hammarberg and M. Grono, *Human Rights in Abkhazia Today*, July 2017, pp. 23–24; UNHCHR, *Cooperation with Georgia*, A/HRC/51/64, 12 July 2022, paras. 48–49; CPT, CPT/Inf (2009) 38, 23 December 2009; Democracy Research Institute, *Detention conditions of untried and convicted prisoners in Abkhazia's prisons*, 1 July 2024, and *Human Rights in the Occupied Territories and along the Dividing Line*, 2024; Human Rights Center, *Human Rights Situation in Occupied Regions of Georgia — Abkhazia and South Ossetia/Tskhinvali Region and Dividing Lines*, 2020, particularly pp. 18–21. Regarding Transnistria: Promo-LEX, *Human Rights in the Transnistrian Region of the Republic of Moldova: Retrospective of 2024*.

[27] Promo-LEX, op. cit., pp. 78–79.