Proposals for a thematic report on Enforced Disappearances and Memorialization submitted by Foundation for Civil Society Protection "Civis Fortis" NGO to the UN WG on Disappearances

1. Introduction

The Civis Fortis NGO - Foundation for Civil Society Protection (hereinafter –"Civis Fortis") is committed to defending the rights of active civil society members in Ukraine, including human rights defenders, investigative journalists, anti-corruption activists, local community leaders, environmental advocates, women's rights supporters, and members of the LGBTQI+ community. Civis Fortis specifically focuses on those civil society actors who have endured suffering due to Russian aggression, such as captivity, torture, cruel treatment, and other war crimes.

Over several months, the organization has helped more than 40 civilians who returned from Russian captivity — either through official exchange processes or by their own efforts—in obtaining services such as legal, psychological, medical assistance, and rehabilitation. The ages of those released range from 27 to 74 and include both men and women. Detention periods varied from 1 year and 8 months to over six years. These patterns reveal systemic issues and needs that go beyond age, gender, or length of captivity.

This submission is based on the Analytical Report on the Protection of Civilians Arbitrarily Deprived of Liberty in Temporarily Occupied Territories, prepared by Civis Fortis in January 2026[1].

In the context of Russia's armed aggression against Ukraine, many civilians have been unlawfully detained, abducted, or held in custody. Public discourse uses several terms — "civilian hostages," "political prisoners," "unlawfully detained," "persons deprived of liberty," and "civilian prisoners of war"— which reflect efforts to describe the complex realities of war but also create legal ambiguity.

None of these terms fully describe the specific situation where civilians are effectively held in captivity during an international armed conflict. Ukrainian law uses a nuanced phrase: "civilians unlawfully deprived of personal liberty as a result of armed aggression against Ukraine."
From the perspective of international law, many of these cases show signs of enforced disappearance:

- deprivation of liberty by State agents or entities operating under State control;
- refusal to acknowledge the detention or concealment of information about the person's whereabouts;
- prolonged uncertainty for families regarding the person's fate.

[1] The full English text of the report "Analytical Report on the Protection of Civilians Arbitrarily Deprived of Liberty in Temporarily Occupied Territories" is available at: https://drive.google.com/file/d/1RCzTjf5t2fnFnc_1qm0DhILwcGt_jwUU/view?usp=sharing

In the Ukrainian context, these practices often align with other violations of international humanitarian law, such as unlawful detention of civilians, taking of hostages, torture, and other war crimes. Therefore, terminology not only has legal significance but also directly impacts the recognition of victims and the visibility of their families, which in turn affects access to legal protection and various state-provided services.

Regarding memorialization, international practice usually links it to honoring the dead and uncovering the truth after conflicts end. However, the situation in Ukraine is different. Many individuals who meet the criteria for enforced disappearance may still be alive but are unlawfully detained by the Russian Federation. When deaths occur, access to reliable information about the circumstances of death and burial sites is often limited due to restricted access to detention facilities and occupied territories.

2. Nature and Scale of Enforced Disappearances in Ukraine

The systemic unlawful deprivation of civilians' liberty occurred after Russia's full-scale invasion of Ukraine in 2022.

According to official figures from the Coordination Headquarters on the Treatment of Prisoners (as of October 16, 2025)[2], among civilians deprived of liberty due to the Russian Federation's armed aggression against Ukraine:

- 1,814 civilians remain in the control of the aggressor state;
- 383 civilians have been returned to territory controlled by the Government of Ukraine through official so-called exchanges[3];
- 379 civilians have been returned outside the framework of official so-called exchanges.

These figures represent documented cases confirmed in cooperation with the International Committee of the Red Cross (hereinafter – ICRC) as instances of deprivation of personal liberty resulting from Russian armed aggression. The actual number of enforced disappearances and unlawfully detained civilians in temporarily occupied territories and within the Russian Federation may be significantly higher.

The Office of the Parliamentary Commissioner for Human Rights of the Verkhovna Rada estimates that at least 16,000 to 18,000 people are detained[4]. Human rights groups and family members of unlawfully detained civilians believe the actual number could exceed 22,000.

[2] Ibid.
[3] During preparation of this submission, several prisoner exchanges between Ukraine and the Russian Federation occurred; notably, on February 5, 2026 and March 6, 2026, a total of nine additional civilians who had been forcibly abducted by the Russian Federation were returned to territory under Government of Ukraine control.
[4] Russia holding more than 16,000 Ukrainian civilians captive – commissioner: https://www.ukrinform.net/rubric-ato/3938556-russia-holding-more-than-16000-ukrainian-civilians-captive-commissioner.html

There are at least three reasons why no party other than the occupying authorities knows the exact number of unlawfully deprived persons on temporarily occupied territories.

- Relatives of detained individuals might be located in temporarily occupied territories and have no contact with areas controlled by the Ukrainian government, which prevents them from reporting abductions to Ukrainian law enforcement in a timely manner.
- Relatives may also be intimidated or blackmailed with threats of physical harm to the detained person, discouraging them from reporting abductions quickly. In February 2026, the Coordination Headquarters on the Treatment of Prisoners at the Ministry of Defense publicly warned that the Russian Federation is using families of Ukrainian detainees as leverage and manipulation. Reported incidents include threats and demands made to relatives to officially register Starlink terminals in their names, with the clear purpose that such equipment be later used against Ukraine and its civilians. This forced cooperation with the adversary is extremely dangerous; official registration could expose family members to identification and provide grounds for criminal liability if the terminals are used to coordinate attacks[5].
- Detained persons might be held in unofficial detention sites—improvised locations of torture—where the ICRC may lack timely access to verify the detention. Nevertheless, the Government of Ukraine must take all possible measures to ensure support for civilians who return from Russian captivity, whether independently or through official exchanges. This is the State's duty to its citizens.

3. Key Issues

The lack of a unified government policy to support released individuals causes significant issues. Many who return from Russian captivity face hurdles in accessing medical care and psychosocial support, experience difficulties in obtaining identity documents, struggle to find employment, and encounter barriers to social assistance. Uncertainty about legal status adds another obstacle.
Because there is no clear legal definition of the category "civilian released from captivity," the State has not created a specific package of services for these individuals comparable to what is available to prisoners of war. This complicates interagency cooperation, leads to inconsistent interpretations of legal status across levels, and delays access to rehabilitation, compensation, and social guarantees. As a result, many basic rights are compromised — including the right to healthcare, legal aid, social protection, adequate housing, freedom of movement, and social reintegration. The absence of a unified State approach and a centralized registry denies civilians systemic support and erodes public trust in State institutions.

Most civilians lacked basic identity documents such as a passport, tax identification number, or internally displaced person registration. The Commission for Establishing the Fact of Deprivation of Personal Liberty moves slowly; electronic services are often unavailable; and

[5] Coordination Headquarters for the Treatment of Prisoners of War, "Attention: the enemy is using families of prisoners of war to register Starlink!", official website of the Coordination Headquarters, available at Ukrainian: https://koordshtab.gov.ua/posts/uvaha-voroh-vykorystovuye-rodyny-polonenykh-dlya-reyestratsiyi-starlink-2938

many lack the funds to travel to another city to file claims. What should be automatic must instead be achieved through lengthy effort. Civis Fortis lawyers have become, for many, the only access point into the system—without legal help, people are left "stuck" between legislation and reality, unable to even secure status recognition, disability determinations, or pension benefits.

4. Conclusions

Ukraine's legal framework for supporting persons released from captivity is developed and, in some aspects, comprehensive. It includes provisions that generally align with international standards—covering social guarantees, medical care, and reintegration mechanisms. The main challenge is achieving the basic requirement: confirming the fact of captivity. The process for including individuals in the Unified Registry of Persons for whom the Fact of Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine has been established, along with their family members, has become a barrier: while cases are being reviewed, individuals are left without payments, medical care, social services, and even deferment from mobilization. Financial assistance is not always an effective solution. In cases where families have already received payments, the released individuals might effectively lose the chance to get compensation. Additionally, for those who returned independently or outside official exchange procedures, mechanisms to verify the fact of captivity often remain poorly regulated, hindering access to any form of support.

Medical and psychological services, although officially available, remain mostly out of reach. For many people in remote areas, the idea of complete rehabilitation exists only on paper. Legal help is also inadequate: renewing documents and resolving housing or property issues often take months.

Housing remains a distinct and urgent challenge. Although legislation prioritizes individuals released from captivity, existing temporary housing programs are mainly designed for internally displaced persons and do not address the specific needs of those who have returned from unlawful detention, often in severely weakened physical and psychological states.

The ongoing international armed conflict further complicates the process of memorializing enforced disappearances. In Ukraine, many individuals listed as missing might actually be unlawfully detained in Russia or in occupied territories. Often, the fate of these individuals remains unknown for long periods, making it difficult to apply traditional memorialization methods used for honoring the dead. When deaths happen during unlawful detention, access to reliable information is often limited or unavailable. For these reasons, Ukrainian law provides little regulation for memorializing enforced disappearances and needs legislative and policy measures that recognize the reality that some missing persons might still be alive but unlawfully detained.

In sum, while Ukrainian law officially offers a wide range of rights and guarantees for civilians who were unlawfully detained and later released, the implementation mechanisms are still lacking. Without clear procedures, a defined legal status for civilians released from captivity, improved interagency coordination, and policies that account for the unique conditions of an

ongoing armed conflict, the State risks leaving many affected citizens without sufficient support and effective protection of their rights.

Contact persons:

Liudmyla Yankina, Chairperson of the Board at Foundation for Civil Society Protection "Civis Fortis" NGO; contact details: cell:+380688434384 (WhatsApp), email: ly@civisfortis.org.ua

Anastasiia Odintsova, Analyst at Foundation for Civil Society Protection "Civis Fortis" NGO; contact details: cell:+380993873389 (WhatsApp), email:odin@civisfortis.org.ua