

Dear colleagues,

Please, find attached some relevant information on **the activities of the High Commissioner for Human Rights in the Russian Federation to counteract the spread of coronavirus and protect human rights during the pandemic.**

http://eng.ombudsmanrf.org/events/news/news_of_the_commissioner/view/activities_of_the_high_commissioner_to_counteract_the_spread_of_coronavirus_and_protect_human_rights_during_the_pandemic.

With kind regards,

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International Relations Section

Office of the High Commissioner for Human Rights in the Russian Federation



High Commissioner
for Human Rights
in the Russian Federation

1. Dynamics of appeals to the High Commissioner for Human Rights in the Russian Federation during the period of restrictive measures imposed in connection with the COVID-19 pandemic

Since March 27, 2020, a 24-hour hotline has been set up by the Office of the High Commissioner for Human Rights in the Russian Federation. As at 15 May, 2020, 1113 complaints were received. The main growth rates occurred in the second half of April.

2. Work with complaints received by the High Commissioner's hotline

For efficiency, a special chat is organized. In the chat, all the staff of the Office can see urgent complaints, which are remotely considered during the day and sent by e-mail to the competent authorities to take the necessary measures.

In a videoconference mode, meetings were held with Commissioners for Human Rights in the constituent entities of the Russian Federation.

Of the 1,113 applicants called the hotline, 306 were given clarifications; 677 letters were sent to the competent authorities.

3. Legal assistance by the High Commissioners for Human Rights in the Russian Federation

What is the legal assistance of the High Commissioner?

Firstly, the High Commissioner takes action to give impetus to the solution of a particular issue by:

- request direction;
- application filing;
- appeals;
- claims to other authorities.

Secondly, this is advisory assistance.

4. Subject of appeals to the High Commissioner for Human Rights in the Russian Federation

- 1) Lack of personal protective equipment (protective masks and antiseptic products) in pharmacies.
- 2) Inability to get tested for COVID-19 within walking distance, or inflated cost for this service.
- 3) Appeals on the refusal of ambulance workers to test citizens with signs of acute respiratory viral infection for COVID-19, delays in doctors' visiting to homes during the pandemic progression.
- 4) Appeals from medical workers on the non-guaranteed salary increases in the form of salary supplements due to the participation in the fight against coronavirus.
- 5) Housing relations (rental payment, the legality of the landlord's demand to vacate housing, etc.).
- 6) Violation of labor rights:
 - loss of earnings due to the suspension of employer's activity;
 - non-payment of wages;
 - forcing to dismissal;
 - requirement to give up non-working days and perform employment duties at workplaces under the threat of dismissal.
- 7) Claims to the employment services, complaints about difficulties in obtaining unemployment status:
 - requesting certificates that cannot be obtained from the employer due to restrictions;
 - lack of technical facilities to register online;
 - inability to obtain the unemployment status for persons with the status of an individual entrepreneur despite the suspension of their activity;
 - small amount of payments received that does not correspond to those announced by the authorities;
 - inability to register due to the lack of a permanent registration.

8) Entrepreneurs' appeals:

- appeals from persons who are forced to stop working as individual entrepreneurs;
- appeals on difficulties of paying rent for premises while the activity is terminated;
- appeals on complexity of doing business due to the implementation of a permit system.

9) Right to child benefit

Citizens received clarification, requests were sent to the competent authorities. None of the citizens were left without benefits and other measures of social support from the state.

10) Return of Russian citizens from abroad

- return of Russian citizens from Thailand, Tanzania, the United Arab Emirates, South Africa, India, and the USA;
- return (detention) of Russian seafarers (11 crew members of fishing trawler "Danko" were quarantined due to coronavirus in the port of Alang, India; 14 Russian sailors were detained in the Hellenic Republic).

11) Departure of foreign and Russian citizens from the territory of Russia

- foreign states do not want to admit their fellow citizens
(thus, Azerbaijani citizens cannot return to their homeland, because Russia was ready to open the border, but the Azerbaijani border was not opened. On April 17, the High Commissioner addressed Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan Sabina Aliyeva with a request to assist in opening the border at the Yarag-Kazmalyar automobile checkpoint to pass the citizens);
- citizens of other states wishing to leave the territory of Russia spend several days and weeks at automobile checkpoints; States of nationality are ready to receive their citizens, but the Russian side does not let them through;
- citizens of the Russian Federation who also have other citizenship or a residence permit or other valid document confirming the right to reside permanently in a foreign state wish for some reason to leave the territory of the Russian Federation, but the Russian side does not let them through;
(in response to the appeal from the Commissioner for Human Rights in the Altai Territory the request was sent to the Federal operational headquarters for the fight against coronavirus to consider the issue of restricting the right of a Russian citizen to leave to the Republic of Kazakhstan, in which he has a residence permit. The issue was resolved positively, in particular, the Government adopted the appropriate decision);
- foreign citizens in temporary detention centers during the period prior to the enforcement of decisions on administrative expulsion, deportation, readmission (even if the Federal Bailiff Service officers have court decisions which have entered into force, they are not able to execute them, therefore migrants are held in temporary detention centers without understanding the terms of the enforcement of court decisions and return to their homeland).

12) Appeals from relatives of citizens held in places of detention (on protection against the spread of coronavirus infection in the penitentiary system, admission of lawyers and members of public oversight commissions to pre-trial detention centers, medical assistance, etc.).

13) Restrictions on freedom of movement, the establishment of a permit system for road transport and the suspension of enterprises and organizations (on the facts of administrative responsibility for violation of restrictive measures).

5. Examples of restoring and protecting the rights of people during the pandemic

Labour rights

In defense of the labour rights of more than 500 employees of JSC «Plyterra» from the Republic of Mordovia, the High Commissioner applied to the Chairman of the Government of the Russian Federation, as well as to the First Deputy Prosecutor General of the Russian Federation with a request to verify the received information and undertake prosecutorial response measures as necessary.

After prosecutorial investigation the factory suspended the work sending its staff home with full salary.

(Constitution of Russia: the right to labour conditions meeting the safety and hygienic requirements (Art. 37, P.3), the right to rest (Art. 37, P.5))

5 thousand shift workers of the Chayanginskoye Oil and Gas Field were not allowed to go home dealing with unsanitary conditions and the lack of protective equipment. In defense of their rights, the High Commissioner applied to the Yakut Commissioner for Human Rights. She clarified the situation and appealed to the competent authorities of the Republic of Sakha (Yakutia). An appeal was also sent to Plenipotentiary Representative of the President of Russia in the Far Eastern Federal District Yuriy Trutnev.

In May, a large-scale transportation of the shift workers to observation buildings of the Republic of Bashkiria began. More than 2,400 people were transported.

The right to protection against unemployment

(Constitution of Russia Art. 37, P.3)

Based on the analysis of complaints about the work of employment services, an appeal was sent to Minister of Labour and Social Protection of the Russian Federation Anton Kotyakov with a request to consider adopting additional measures to ensure the availability of federal social support for citizens who have lost their jobs and to improve the procedure of work provision by employment services.

Foreign citizens — migrant workers

(Constitution of Russia: the right to free travel, choice of place of stay or residence (Art. 27, P.1))

Due to restrictive measures, a conflict of interests arose — on the one hand, they could not move freely, and on the other hand, they had to come to the competent body to be registered or extend their residence permit.

Appeals were sent to the Ministry of Internal Affairs with a request to grant foreign citizens the right to apply for an extension of their residence permit after the restrictive measures are lifted, to refrain from applying state coercion measures against these foreign citizens for overstays.

Presidential Decree of April 18, 2020 No. 274 resolved the problem. Previous visas, residence permits, work permits, patents and other documents will be extended. Such citizens cannot be expelled from the Russian Federation, deported or transferred to a foreign state, deprived of refugee status or temporary asylum.

Measures taken to help Russian citizens return from abroad

(Constitution of Russia: the right to freely return to the Russian Federation (Art. 27, P.2))

By joint efforts of the High Commissioner for Human Rights in the Russian Federation, the Commissioner for Human Rights in the Moscow Region and the Ministry of Foreign Affairs of the Russian Federation the rights of several thousand of Russian citizens stranded in the United Arab Emirates were protected. As a result of permission that provided five special aircrafts to the Emirates, thousands of compatriots were repatriated.

To protect the compatriots' rights (about two thousand citizens) stranded at the Bangkok airport, the High Commissioner asked Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, Head of the Federal Service for the Oversight of Consumer Protection and Welfare Anna Popova to take all possible measures to help citizens and return them to their homeland as soon as possible. There were many women and children. In order to return, they were offered to purchase expensive tickets, but citizens did not have enough money.

On April 7, 800 Russian tourists were taken out of Bangkok; Russian airlines «Aeroflot» carried out two flights to Moscow and St. Petersburg and another one to Novosibirsk. The situation is under control.

Measures taken to help Russian and foreign citizens leave the territory of the Russian Federation

(Constitution of Russia: the right to free travel, choice of place of stay or residence (Art. 27, P.1))

Family reunification (assistance to foreign citizens / interaction with ombudsmen participating in the Eurasian Ombudsman Alliance). Upon the request from Human Rights Defender of the Republic of Armenia Arman Tatoyan to assist in the reunification of the Armenian family (parents were in Armenia while their two minor children aged 16 and 9 years were left alone in Ufa), joint work has been conducted by the Office of the Human Rights Defender of Armenia, the Embassy and Consulate of Russia in Armenia, the Embassy of Armenia in Russia, the Commissioner for Human Rights in the Republic of Bashkortostan, and the coordination headquarters of the Ministry of Foreign Affairs of the Russian Federation for more than a week. As a result, on April 6, on a Moscow-Yerevan flight, children safely arrived in Yerevan and met with their parents.

Family reunification (assistance to Russian citizens / interaction with regional Commissioners / restoration of the rights of an indefinite range

of persons). Commissioner for Human Rights in the Altai Territory Boris Larin sent an appeal in defense of the rights of a Russian citizen permanently residing in the Republic of Kazakhstan. Upon his request, an appeal was sent to the Crisis Center established to prevent the importation and spread of the new coronavirus infection in the territory of the Russian Federation on considering the restriction of his right to leave.

The issue was resolved positively: on April 29, citizen of the Russian Federation B. returned to his family in the Republic of Kazakhstan. In addition, the High Commissioner's request facilitated the adoption of Governmental Order No. 1170-p of April 29, 2020, granting Russian citizens permanently residing in a foreign state the right to a single trip to their permanent place of residence.

Money refunded

(Constitution of Russia: the right of private property shall be protected by law (Art. 35, P.1))

On April 14, 2020, Yakut Commissioner for Human Rights appealed to the High Commissioner by videoconferencing in defense of the citizens who were refused to reimburse the airfare. Upon the request, appeals were sent to First Deputy Minister of Transport of the Russian Federation Alexander Neradko and Chief State Sanitary Doctor of the Russian Federation Anna Popova. The issue has been resolved positively.

Protection of the rights of citizens in detention facilities

(Constitution of Russia: all people shall be equal before the law and court (Art. 19, P.1))

On April 17, due to the complaints received, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova visited Pretrial Detention Center No. 2 (SIZO-2) of Moscow Department of the Federal Penitentiary Service of Russia (Butyrsky Pretrial Detention Center).

Based on the results of the visit and in connection with the information provided by the Commissioner for Human Rights in the Republic of Ingushetia about the lack of personal protective equipment, antiviral drugs, masks and protective suits in the SIZO-1 of the Federal Penitentiary Service of Russia in the Republic of Ingushetia, an appeal was sent to the director of the Federal Penitentiary Service of Russia with a request to strengthen monitoring the compliance with the measures to counteract the spread of the disease in the system under its jurisdiction.

The High Commissioner also requested Minister of Internal Affairs of the Russian Federation Vladimir Kolokoltsev to consider using alternatives to detention with respect to citizens who have committed minor offenses.

In connection with the appeal of the Commissioner for Human Rights in the Sverdlovsk Region on the issue of increasing the limit of money convicts can spend to purchase various foodstuffs and antiseptic drugs in a correctional facility store during this difficult period, a letter was sent to Director of the Federal Penitentiary Service of Russia Alexander Kalashnikov with a request to consider making the necessary changes to the law.

6. Interaction with the Commissioners for Human Rights in the constituent entities of the Russian Federation during a pandemic

6.1. Appeals by the regional Commissioners on the issue of returning compatriots

Requests for assistance in returning Russian citizens to their homeland were received from the Commissioners for Human Rights in Moscow and Sevastopol, in the Yaroslavl, Vologda, Tula, Chelyabinsk, Samara, Arkhangelsk, Sverdlovsk, Vladimir, Bryansk, Moscow Regions, Krasnodar Territory, the Komi Republic and the Republic of Bashkortostan.

In each case, requests were sent to the operational headquarters, the applicants were notified.

Thus, Commissioner for Human Rights in the Moscow Region Ekaterina Semenova appealed to the defense of Russian citizens in the United Arab Emirates. 4 people filled out forms for emergency evacuation, sent them to the Russian Embassy in the UAE, but for some reason they did not get on the lists of citizens who flew to Russia on March 25. As a result of the measures taken by the Ministry of Foreign Affairs of the Russian Federation, permission was obtained for 5 aircrafts to fly to the Emirates and on the morning of March 27 several thousand Russian citizens returned home.

6.2. Appeals on the protection of the rights of persons in places of detention

The Commissioner for Human Rights in the Sverdlovsk Region appealed on the issue of increasing the limit on spending money by convicts to purchase foodstuff and antiseptic products in a correctional facility store (the High Commissioner for Human Rights in the Russian Federation sent a letter to director of the Federal Penitentiary Service of Russia Alexander Kalashnikov with request to consider the possibility of introducing the necessary amendments to the law).

The Commissioner for Human Rights in the Republic of Ingushetia appealed on the lack of personal protective equipment, antiviral drugs, masks and protective suits in the pre-trial detention center No. 1 of the Federal Penitentiary Service of Russia for the Republic of Ingushetia (the High Commissioner for Human Rights in the Russian Federation addressed director of the Federal Penitentiary Service of Russia Alexander Kalashnikov with request to strengthen monitoring of compliance with measures to counteract the spread of the disease in the system under his jurisdiction).

6.3. Appeals by the federal Commissioner to regional Commissioners

The High Commissioner for Human Rights in the Russian Federation addressed the Commissioner for Human Rights in the Republic of Bashkortostan on the reunification of a family separated during a pandemic (parents were in Armenia while their two minor children aged 16 and 9 years were left alone in Ufa). Rim Kayumov visited children, checked their condition, and also delivered them needed food. He also participated in developing a roadmap for transporting children along the route Ufa-Moscow-Yerevan. Children flew from Ufa to Moscow accompanied by the Commissioner for Human Rights in the Republic of Bashkortostan.

Monitoring of citizens' appeals to the Commissioners for Human Rights on the implementation of measures to combat coronavirus infection has been organized.

Based on the analysis of the results of the activity of the Institute of Commissioners for Human Rights for March 30-April 10, 2020, the address was prepared to Chairman of the Government of the Russian Federation Mikhail Mishustin on the results of monitoring citizens' appeals to the Commissioners for Human Rights on issues related to the implementation of measures to combat coronavirus infection, including the issue of increasing the production of personal protective equipment and disinfectants.

7. Videoconferencing events during the pandemic

7.1. Involving regional human rights ombudsmen

On April 29, a meeting of the Council of Commissioners for Human Rights under the chairmanship of High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova was held online.

On April 6, High Commissioner for Human Rights in the Russian Federation held a videoconference conversation with Commissioner for Human Rights in the Primorye Territory.

On April 13, High Commissioner for Human Rights in the Russian Federation held videoconferencing meetings with Commissioners for Human Rights in the city of Sevastopol, the Nizhny Novgorod Region and the Tomsk Region.

On April 14, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova held a videoconference conversation with Commissioner for Human Rights in the Republic of Sakha (Yakutia) Sardana Guryeva.

On April 17, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova held a video conference call with candidate for the position of the Commissioner for Human Rights in the Ulyanovsk Region Sergey Lyulkov.

On May 6, a videoconference conversation was held Commissioner for Human Rights in the Republic of Bashkortostan Rim Kayumov, who elaborated the transportation of shift workers to the region. In May, a large-scale transportation of the Chayanginskoye Oil and Gas Field (the Republic of Sakha (Yakutia)) shift workers to observation buildings of the Republic of Bashkiria began.

7.2. Involving foreign ombudsmen

On March 31, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova held a meeting with Human Rights Defender of the Republic of Armenia Arman Tatoyan.

On April 10, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova discussed with Protector of Citizens (Ombudsman) of the Republic of Serbia Zoran Pašalić current human rights issues via videoconference.

On April 10, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova and Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan Sabina Aliyeva held a conversation via videoconference.

On April 29, the meeting of the Eurasian Ombudsman Alliance (EOA) dedicated to the 75th anniversary of victory in the Great Patriotic War was held. The event was attended by the heads of the national human rights institutions of Armenia, Iran, Kyrgyzstan, Serbia, Tajikistan, Russia, Kazakhstan, Uzbekistan, the National Center for Human Rights in the Republic of Uzbekistan and the representative of the National Human Rights Commission of Mongolia.

7.3. Involving international and state organizations, civil society institutions

On April 10, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova participated in the St. Petersburg International Legal Forum 9 ½: The Rule of Corona.

On April 14, in her interview with Russia-24 High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova spoke about the main problematic issues and significant achievements in 2019, plans for the current year and their adjustments due to the coronavirus pandemic.

On April 27, the High Commissioner took part in the online round table discussion «Participation of a notary in overcoming the consequences of the spread of coronavirus and supporting citizens, business and NGOs» organized by the Public Chamber of the Russian Federation.

On April 30, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova held a meeting with parliamentary leader of A Just Russia political party Sergey Mironov in a video conference mode.

On April 30, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova participated in the closing event of the project «Co-operation on the implementation of the Russian Federation National Action Strategy for Women (2017–2022)» that ran from November 2018 to May 2020.