

HUMAN RIGHTS PROTECTION DURING THE SPREAD OF COVID-19 (FEBRUARY – OCTOBER 2020)

**SPECIAL REPORT OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS IN THE RUSSIAN FEDERATION (SUMMARY)**



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INTRODUCTION



In late 2019 - early 2020 the world faced a public health emergency – the spread of the COVID-19 coronavirus infection on the planet. Its high pathogenicity and its ability to exceptionally swiftly adapt to the environment allows the virus to instantly spread from an infected person to a healthy person, or concurrently to a group of people. The number of new victims of the coronavirus increased daily during the intensification of the first wave of the epidemic.

Rapidly reaching the dimension of a **pandemic, COVID-19 demanded strong measures from states worldwide in order to halt** the spread of the infection, to decrease the adverse effects of the disease, and consequently to save millions of people's lives. In attempts to protect their population from the threat of the coronavirus, governments of nearly all states of the world faced the challenge of upkeeping the normal functioning of the economy and the society amidst the conditions of social isolation, which constituted the primary protective measure in the fight with the spread of the infection. The implemented measures objectively imposed restrictions on citizens' human rights and freedoms.

On that occasion, the Council of Europe has issued the toolkit “Respecting human rights, democracy and the rule of law during COVID-19”, due to which the necessary derogations from the human rights standards shall remain adequate to the threat of the spread of the virus and include concrete duration limits of such emergency measures¹.

In order to protect the lives and health of people the Russian Federation implemented a comprehensive range of organizational, educational, legal, medical, quarantine and restrictive measures, which affected people's labour, political, civil and social rights. At the same time, restrictive activities were accompanied by the unprecedented state support of the most vulnerable economy sectors and specific categories of citizens.

¹ URL: <https://rm.coe.int/sg-inf-2020-11-toolkit-for-member-states-during-the-covid-19-sanitary-/16809e3992> (accessed 15.05.2020)

In January-February 2020 the Federal districts started to introduce the state of high alert, which was then implemented nationally in March. Under the Government of the Russian Federation the Coordinating Council to control the incidence of the novel coronavirus infection in the Russian Federation was established, which mandate includes national and international coronavirus situation monitoring, preparation of recommendations for federal and regional government bodies, control and coordination of work in regards to disease prevention.

The civil society and all government institutions, within their authority, were involved in the process of combating the new worldwide threat. The “MiVmeste” volunteer movement was a subject of much development. The institute of the Commissioners for Human Rights in the Russian Federation did not just stand aside, either. Ombudspersons throughout the whole country made wide-ranging efforts in respecting and protecting human rights and freedoms in circumstances of the rapid spread of the COVID infection and consequently, the emergence of a global force majeure. The demand for humanitarian work was urgent and clear as many measures implemented by government bodies directly affected the exercise of human and civil rights and freedoms.

The main axis of the ombudspersons institute was set on reviewing communications regarding the exercise of human rights in the context of the complex national epidemiologic situation. Legal aid was reflected in specific actions, when in order to resolve issues an impetus to other government bodies was provided by submitting requests, appeals, communications and demands. Advisory assistance on issues of human rights realization and protection amidst imposition of restrictive measures was of great importance.

In order to achieve positive results in addressing peoples’ problems and concerns, the most urgent complaints were being remotely reviewed within 24 hours, videoconferences were arranged for receiving people and communicating with regional Commissioners, as well as with foreign ombudspersons.

Simultaneously, citizens’ communications to the High Commissioner for Human Rights in the Russian Federation regarding the implementation of measures for preventing the spread of the coronavirus infection were closely monitored. As a result, constant control

over the situation made it possible to reveal systemic problems and submit relevant recommendations to competent authorities in order to improve human rights legislation.

Bilateral consultations and exchange of experience as a part of human rights diplomacy continued, the Eurasian Ombudsman Alliance was actively working.

In all of their endeavors the Commissioners for Human Rights in the Russian Federation were guided by the provisions of the Constitution of the Russian Federation, as well as international documents regarding human rights protection. However, both the Russian and foreign national human rights institutions greatly felt the lack of a single international legal act that would regulate citizens' rights and freedoms in the circumstances of a pandemic, including such of an epidemiologic crisis.

The current report focuses on the Russian situation with human rights protection during the spread of the coronavirus infection. It was prepared based on the analysis of practices of the Federal and regional Commissioners for Human Rights from February to October of 2020. Its contents and structure are attributable to the nature and subjects of communications submitted to the ombudspersons in that period, and reflect the most pressing issues.

The report comprises of an introduction and two chapters consisting of 11 sections.

The main aim of the report is to inform the federal and regional public authorities about the problems of human rights protection while implementing restrictive measures, and to make proposals by analyzing the current legislation and enforcement practices in order to improve the regulation of relevant legal relations and administrative procedures.

The accumulated human rights protection experience could be of use due to the resurgence of the spread of the coronavirus infection in the fall of 2020.

I express my appreciation to all government bodies, public officials and my regional and international colleagues who always immediately responded to my requests to address the issues of citizens seeking my assistance.

**High Commissioner for Human Rights
in the Russian Federation
Tatiana Moskalkova**

CHAPTER 1. HUMAN RIGHTS AND FREEDOMS DURING THE SPREAD OF THE NOVEL CORONAVIRUS INFECTION

1.1. THE NOVEL CORONAVIRUS INFECTION AS A THREAT TO HUMAN RIGHTS AND FREEDOMS IN PUBLIC PERCEPTION

The social climate in a state, as well as the level of stability in the society determines human rights and freedoms situation. Public opinion polls are one of the indicators of human rights realization. In late March 2020 the Public Opinion Foundation (henceforth – POF) has launched an annual monitoring of Russian citizens’ sentiment in the circumstances of the pandemic.

Russian citizens’ fears

According to the research, the topic of COVID-19 has gained more of an economic, rather than an epidemiological implication. Russian citizens have encountered job losses and economic difficulties.¹ 60% of the respondents fear an economic recession as a result of the pandemic, while only 29% have fears of contracting a disease².

On following preventive measures

According to POF, 84% of the respondents made efforts to keep a social distance of at least one meter when outside; 71% said they wash hands more frequently than before the pandemic, and 67% started using disinfectants more often. Two thirds (65%) of the respondents confirmed wearing face masks.³

On self-isolation

Humans are social, and that is deeply felt during the necessitated self-isolation. Every second respondent (51%) mentioned some sort of negative emotions in May 2020.⁴

¹ “First month of the coronavirus pandemic: from optimism to disappointment” // CoronaPOF project website. URL: <https://covid19.fom.ru/post/pervyj-mesyac-v-usloviyah-pandemii-koronavirusa-ot-optimizma-k-razocharovaniyu> (accessed 25.05.2020).

² “Consumer fears, the reality and the estimates” // CoronaPOF project website. URL: <https://covid19.fom.ru/post/k-dajdzhest-potrebitelskie-strahi-realii-i-prognozy> (accessed 25.05.2020).

³ “Compliance with the rules of anti-epidemic safety” // CoronaPOF project website. URL: <https://covid19.fom.ru/post/soblyudenie-pravil-protivoepidemicheskoy-bezopasnosti> (accessed 25.05.2020).

⁴ “Home as an exclusion zone” // CoronaPOF project website. URL: <https://covid19.fom.ru/post/domashnyaya-zona-otchuzhdeniya> (accessed 25.05.2020).

However, Russian citizens met the restrictions with understanding (64% described them as justifiable), therefore many accepted their situation calmly (14%), indifferently (9%) or humbly (11%).

People missed physical activities and outdoor walks the most (19%). Economic difficulties were the second common issue (12%). Many felt unfree and disadvantaged due to the restrictions on movement (10%).

Public opinion on implemented measures

According to polls¹, 64% of respondents believe that only harsh measures are able to halt the spread of the disease. According to the Russian Public Opinion Research Center (VTsIOM)², more than a half of the respondents (57%) believe that the measures for preventing the spread of the coronavirus infection implemented by the authorities are adequate. A quarter of the respondents (27%) said the implemented measures were inadequate, while only one in ten people (11%) believed they were excessive³.

Self-isolation fatigue shifted the opinion on the restrictive measures. 49% of the respondents started to believe they were excessive, and 53% considered the social support measures insufficient. People called for a relaxation or a total abolition of the self-isolation regime so that they can continue working or be able to find a job⁴.

The ranking of common issues indicated that Russian citizens traditionally give the top priority to respecting their social and economic rights, and see the preservation of sustainable economic development and the material well-being of the population as the main objective of the state during the pandemic.

According to a considerable number of citizens, some of the positive innovations of the period of restrictive measures such as online public services, remote forms of work, online education and access to cultural events (theatrical performances, exhibitions and

¹ "Russian consumers predict the expected date of the COVID-19 pandemic ending" // RBC. URL: https://www.rbc.ru/society/06/04/2020/5e8b34ab9a7947815a7e05c9?from=from_main (accessed 25.05.2020).

² "Coronavirus: the fight is ongoing!" // VTsIOM website. URL: <https://wciom.ru/index.php?id=236&uid=10282> (accessed 26.05.2020).

³ "Self-isolation: expectations, motives, evaluation of implemented restrictions" // VTsIOM website. URL: <https://wciom.ru/index.php?id=236&uid=10256> (accessed 26.05.2020).

⁴ Russian Public Opinion Research Center. "Society and the pandemic. Experience gained and lessons learnt from fighting COVID-19 in Russia". P. 195 // VTsIOM official website. URL: <https://wciom.ru/index.php?id=237&uid=10599> (accessed 23.10.2020).

guided tours) from home, as well as development of volunteer movements should be preserved.

1.2. RESTRICTIVE MEASURES IN THE INTEREST OF ENSURING THE SANITARY AND EPIDEMIOLOGICAL WELL-BEING OF THE POPULATION

Due to the threat of the new coronavirus infection (COVID-19) spread, the executive authorities of the constituent entities of the Russian Federation started to introduce the state of high alert in accordance with federal legislation¹.

The Order of the President of the Russian Federation No.239 of 02.04.2020 stipulates that officials of the Russian Federation are to ensure the development and implementation of a set of restrictive and other measures², as follows: identification of territories within the region where restrictive measures aimed at ensuring the sanitary and epidemiological well-being of the population could be extended; suspension or restriction, that is, regulation of the work schedule and the number of employees, of the activities of individual organizations and individual entrepreneurs; introduction of a special procedure for the movement of persons and vehicles on the territory of the region or a part of the region.

In the constituent entities, self-isolation measures were introduced for citizens suspected to contract the coronavirus infection, citizens with acute viral respiratory infections and other acute respiratory infections symptoms, and citizens over 65 years of age. These persons could only leave their homes for strictly defined purposes: to seek urgent medical assistance; to visit the nearest store or pharmacy; to walk one's dog or other pet within the distance of 100 meters of a place of residence; to take out the garbage. Wearing face masks in stores, pharmacies, public transport and medical facilities, as well as keeping social distance of 1,5 meters in public places became mandatory. Electronic passes for trips (to a workplace, a hospital or otherwise) were introduced in most regions.

¹ Federal Law № 68-FZ as of December 21, 1994 "On protection of the population and of the territories from environmental and technological emergencies." // Legislation Bulletin of the Russian Federation. 1994. № 35. Art. 3648; Federal Law № 52-FZ as of March 30, 1999 "On sanitary and epidemiological well-being of the population" // Legislation Bulletin of the Russian Federation. 1999. № 14. Art. 3648.

² Order of the President of the Russian Federation № 239 as of April 2, 2020 "On measures for people's sanitary-epidemiological welfare in condition of new coronavirus infection (COVID-19) spread" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2082.

Quarantine measures were introduced in separate parts of regions and municipal districts, access to municipal structures and industrial sites was restricted.

A number of other restrictive measures was implemented on federal¹ and regional levels: isolation, or placement, of persons arriving from an epidemically unfavorable territory in specially adapted institutions (observation facilities) for medical supervision; imposing limits on the holding of meetings, rallies and demonstrations, processions and picketing, as well as sports, entertainment and other mass events; temporary suspension of leisure activities in buildings and structures (and premises of the structures) that assume personal presence of citizens, as well as suspension of provision of services in parks, shopping and entertainment centers, amusement parks and other places of mass attendance of citizens; restriction of the activities of public catering organizations, educational organizations, suspension, or restriction, of the activities of social service organizations; restrictions on wholesale and retail trade; restrictions on leaving the country; restrictions of entry of foreign citizens and stateless persons into the Russian Federation, and so on.

Non-observance of the mandatory rules of conduct resulted in administrative responsibility in the form of a warning or the imposition of an administrative fine, the disqualification of a public official for a period of 1 to 3 years, suspension of the activities of a legal entity or an individual entrepreneur².

In the event of violation of the sanitary and anti-epidemic regulations, a fine could be imposed as provided by article 6.3, para. 2 of the Code of Administrative Offences³, the amount of fine was multiplied if such actions caused harm to health or death of a person (article 6.3, para. 3 of the Code of Administrative Offences). Violators of the sanitary and epidemic measures, in the event that such violations resulted in or created a severe threat of a mass disease, or resulted in manslaughter, may be held criminally liable⁴. Offenders could

¹ See Decision of the Government of the Russian Federation № 417 as of April 2, 2020 "On approval of the Rules obligatory for citizens and organizations when introducing a high alert or emergency" // Russian Gazette. 2020. № 75.

² Article 20.6.1, para. 2 and 3 of the Code of Administrative Offences. The Article 20.6.1 was introduced by the Federal Law № 99-FZ as of April 1, 2020 "On amendments to the Code of Administrative Offences of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2029.

³ Introduced by the Federal Law № 99-FZ as of April 1, 2020 "On amendments to the Code of Administrative Offences" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2029.

⁴ Article 236 of the Criminal Code of the Russian Federation in the version of the Federal Law № 100-FZ as of April 1, 2020. "On amendments to the Criminal Code of the Russian Federation and articles 31 and 151 of the Criminal Procedure Code of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2030.

also be held administratively¹ or criminally² liable for knowingly spreading misinformation about the coronavirus infection and measures countering its spread in the media or on the Internet.

The implemented set of restrictive measures was intended to protect the lives and well-being of citizens and was designed to prevent the spread of a deadly disease not aiming at arbitrary interference with the privacy of citizens.

The measures implemented in Russia fully comply with international law, which provides for the possibility of applying **derogation**, that is, limitation or suspension of human rights in circumstances of a life-threatening emergency situation. In international law, the use of restrictive measures in the event of a mass disease is **not only permissible, but also obligatory for states**. The European Social Charter establishes the obligation to take measures aimed at “preventing, as much as possible, epidemics, endemics and other diseases”³. Relevant clarifications in this regard are contained in the Statement of the European Committee of Social Rights issued on April 21st, 2020.

The analysis conducted by the High Commissioner indicates that the measures that restricted human rights were justified, were not of arbitrary or discriminative nature, did not tolerate humiliation of human dignity or torture and were commensurable with the goals of protecting the lives and health of the population, that was being informed about these measures in a timely and consistent manner.

The restrictions on human rights and freedoms were excessive in some regions. In Stavropol and Krasnodar regions there were problems regarding the issuance of electronic passes which blocked all traffic by introducing types of electronic passes⁴. This resulted in a commotion and large gatherings of people in local administrations, in turn creating a greater risk of further infection spread. Details of these events were urgently conveyed to the

¹ Introduced by the Federal Law № 99-FZ as of April 1, 2020 “On amendments to the Administrative Violations Code of the Russian Federation”. Article 13.15. “Abuse of freedom of the media” with amendments to para. 10.1 and 10.2.

² Article 207¹ “Public dissemination of knowingly false information about circumstances posing a threat to the life and safety of citizens” and article 207² “Public dissemination of knowingly false socially significant information which entailed grave consequences” of the Criminal Code of the Russian Federation, introduced by the Federal Law № 100-FZ “On amendments to the Criminal Code of the Russian Federation and articles 31 and 151 of the Criminal Procedure Code of the Russian Federation”.

³ Article 11 of the European Social Charter as of May 3, 1996 // International Treaty Bulletin. 2010. № 4. P. 17-67.

⁴ A red pass allowed its owner to move throughout the whole region, a green pass allowed movement within the municipality (in Krasnodar the pass was yellow), a blue pass allowed to use transit transport.

relevant government bodies by the High Commissioner. Subsequently, these measures got improved.

Likewise, the analysis of regulatory legal acts adopted to combat the spread of the new coronavirus infection conducted by the Ministry of Justice of the Russian Federation indicates that the implemented measures **conform to the constitutional goals of protecting life and health**, are proportionate to the threat of the spread of the epidemic and **have been accompanied by full-scale state support** for the most vulnerable sectors of the economy and economic support for broad categories of citizens¹.

1.3. COMPENSATORY AND RESTORATIVE MEASURES OF SUPPORT FOR THE POPULATION

An outstanding feature of the Russian policy was a set of additional measures for creation of favorable social and economic conditions for the realization of human rights and freedoms, as well for support of the material well-being of the population. That is, ensuring the application of some rights and freedoms, including the right to life and health, the right to work, freedom of entrepreneurial activity, the right to education, freedom of movement in the context of the pandemic. To accomplish that, a set of additional measures was implemented. The adopted Orders of the President of the Russian Federation², Federal

¹ Ministry of Justice of the Russian Federation issued a report based on the analysis of the practice of applying regulatory legal acts adopted in order to combat the spread of a new coronavirus infection in the Russian Federation. // Official website of the Ministry of Justice of the Russian Federation. URL: <http://minjust.gov.ru/ru/novosti/minyust-rossii-zavershil-rabotu-po-analizu-praktiki-primeneniya-normativnyh-pravovyh-aktov> (accessed 07.06.2020).

² Order of the President of the Russian Federation № 199 as of March 20, 2020 “On additional measures of state support of families with children” // Legislation Bulletin of the Russian Federation. 2020. № 12. Art. 1745; Order of the President of the Russian Federation № 206 as of March 25, 2020 “On declaring non-work days in the Russian Federation” // Legislation Bulletin of the Russian Federation. 2020. № 13. Art. 1898; Order of the President of the Russian Federation № 239 as of April 2, 2020 “On ensuring people’s sanitary and epidemiological safety in view of coronavirus infection spread” // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2082; Order of the President of the Russian Federation № 249 as of April 7, 2020 “On additional measures of social support of families with children” // Legislation Bulletin of the Russian Federation. 2020. № 15 (part I). Art. 2243; Order of the President of the Russian Federation № 275 as of April 18, 2020 “On recognition of certain documents of citizens of the Russian Federation” // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2574; Order of the President of the Russian Federation № 274 as of April 18, 2020 “On temporary measures on the regulation of the legal status of foreign citizens and stateless persons in the Russian Federation due to the threat of the further spread of the novel coronavirus infection (COVID-19)” // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2573.

Laws¹, Decisions of the Government² effectively established a **new guarantee system for the application of human rights** in a difficult situation by means of **compensatory and restorative measures of support for the population and the economy**.

In order to eliminate possible negative consequences of suspending the activities of businesses and organizations, their **employees retained their salary during the non-working days** from March 30th to April 30th and from May 6th to May 8th, which taking into account the national holidays in May (May 1-5th and May 9-11th) allowed most of the citizens to maintain self-isolation for 1,5 months.

The right to unemployment benefit of at least a minimum wage amount of 12130 rubles per month was guaranteed on the federal level⁵. Supplementary compensations were also established in the constituent entities of the Russian Federation. For instance, overall amount of monthly unemployment benefit in Moscow was 19500 rubles⁶.

¹ Federal Law № 83-FZ as of April 1, 2020 "On amendments to the Federal Law "On development of small and medium-sized businesses" for advancement of a national guarantee system of support for small- and medium-scale entrepreneurship" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2013; Federal Law № 98-FZ as of April 1, 2020 "On amendments to certain legislative acts of the Russian Federation in regards to prevention and elimination of emergency situations" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2028; Federal Law Federal Law № 102-FZ as of April 1, 2020 "On amendments to parts 1 and 2 of the Tax Code of the Russian Federation, and in certain legislative acts of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2032; Federal Law № 104-FZ as of April 1, 2020 "On features of calculation of temporary disability benefits and implementation of monthly payments in connection with the birth (adoption) of the first or second child" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2034; Federal Law № 105-FZ as of April 3, 2020 "On amendments to article 15.1 of the Federal Law "On Information, Information Technologies and Protection of Information and the Federal Law on Circulation of Medicines" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2035; Federal Law № 106-FZ as of April 3, 2020 "On amendments to the Federal Law "On the Central Bank of the Russian Federation (Bank of Russia)", and in certain legislative acts of the Russian Federation in regards to the features of modifying the terms of a credit agreement or a loan agreement" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2036.

² See Decision of the Government of the Russian Federation № 424 as of April 2, 2020 "On features of providing utilities to owners and users of premises in apartment buildings and residential buildings " // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2281; Decision of the Government of the Russian Federation № 433 as of April 3, 2020 "On approval of the Regulations on providing social support (assistance) to Russian citizens who are on the territory of a foreign state and cannot return to the Russian Federation in connection with the spread of the new coronavirus infection" // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2287 and so on.

³ Order of the President of the Russian Federation № 206 as of March 25, 2020 "On Declaring Non-Work Days in the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 13. Art. 1898; Order of the President of the Russian Federation № 239 as of April 2, 2020 "On measures for people's sanitary-epidemiological welfare in condition of new coronavirus infection (COVID-19) spread" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2082.

⁴ Order of the President of the Russian Federation № 294 as of April 28, 2020 "On extending the period of measures for people's sanitary-epidemiological welfare in condition of new coronavirus infection (COVID-19) spread" // Legislation Bulletin of the Russian Federation. 2020. № 18. Art. 2875.

⁵ Federal Law № 104-FZ as of April 1, 2020 "On features of calculation of temporary disability benefits and implementation of monthly payments in connection with the birth (adoption) of the first or second child" // Russian Gazette. 2020. № 72.

⁶ "Coronavirus. Movement restriction throughout the city and social support" // Official website of the Mayor of Moscow. URL: <https://www.sobyanin.ru/koronavirus-ogranichenie-peredvizheniya-i-sospodderzhka-grazhdan> (accessed 15.04.2020).

Regardless of the conditions for the recognition of citizens as unemployed, the maximum possible amount of compensation, as well as monthly social security of 3000 rubles per each child was awarded from April 1st to June 30th, 2020¹. Subsequently, individual entrepreneurs were included in the list of persons eligible for unemployment benefit, and the minimal amount of compensation was increased from 1500 to 4500 rubles in May-August of 2020².

Monthly social security at the rate of 12130 rubles was also set for employees of social service organizations, volunteers and all citizens who accepted (including for temporary care) disabled, elderly persons, orphans and children left without parental care, for assisted living³. Such additional payments for employees of social service organizations (children's boarding schools, nursing homes) were extended for July and August, and were taken into account when calculating these employees' paid leave⁴.

Submitting a written application was all that was needed for registration with the employment service, which confirmed the authenticity of the information through interdepartmental communications. Job offers were received by citizens online in their personal accounts. If it was not possible to employ a citizen within 10 days, unemployment benefit was awarded on the 11th day⁵.

People with disabilities received special support from the state during the period of isolation. Expiry date of their documents granting them social security was extended for 6

¹ Decision of the Government of the Russian Federation № 485 as of April 12, 2020 "On amendments to the Decision of the Government of the Russian Federation № 346 as of March 27, 2020, and suspension of certain provisions of the Temporary rules for the registration of citizens in order to find a suitable job or as unemployed, as well as the implementation of social payments to citizens recognized as unemployed in the prescribed manner" // Legislation Bulletin of the Russian Federation. 2020. № 17. Art. 2758.

² Decision of the Government of the Russian Federation № 346 as of March 27, 2020 (in the version as of July 4, 2020) "On minimum and maximum amounts of unemployment compensation for the year 2020" // Legislation Bulletin of the Russian Federation. 2020. № 14. Art. 2103.

³ Decision of the Government of the Russian Federation № 797 as of May 30, 2020 "On approval of the Rules for the implementation of special payments to citizens who have accepted for accompanied or temporary residence (temporary care) disabled people, elderly citizens, orphans and children left without parental care" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru>. (accessed 01.06.2020).

⁴ Statement of the President of the Russian Federation to the Russian citizens // Official website of the President of the Russian Federation. URL: <http://kremlin.ru/events/president/news/63548> (accessed 25.06.2020).

⁵ Decision of the Government of the Russian Federation № 460 as of April 8, 2020 "On approval the Temporary rules for the registration of citizens in order to find a suitable job or as unemployed, as well as the implementation of social payments to citizens recognized as unemployed in the prescribed manner" // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2311.

months, no social medical evaluation was required¹. Prolongation of the degree occupational disability and drawing up of rehabilitation programs were also carried out without the provision of an appeal to a social medical evaluation institution². The beforementioned measures of state support benefited **as much as 255 thousand citizens**: since the beginning of April, more than 115 thousand citizens, including 20 thousand children, had their disability status confirmed by medical organizations without their in-person presence. More than 140 thousand, including 22 thousand children, got their degrees of loss of occupational capacity confirmed without visiting social medical institutions³.

Since the beginning of April 2020, a **simplified procedure for sick leave certificates was implemented** for employed citizens aged 65 and older in order to ensure their self-isolation⁴.

Families with children also received full-scale social support of the state during the period of isolation. In April-June of 2020 they received targeted payments of 5000 rubles for each child under the age of 3⁵, as well as monthly payments for children aged from 3 up to 7 in the amount of 50% of set minimum cost of living for children⁶. Monthly payments

¹ Decision of the Government of the Russian Federation № 467 as of April 9, 2020 “On Temporary procedure of recognizing a person as a disabled person” // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2318.

² Decision of the Government of the Russian Federation № 511 as of April 15, 2020 “On Temporary procedure of determining the degree of loss of professional ability to work as a result of accidents at work and occupational diseases and the development of a rehabilitation program for the victim as a result of an industrial accident or an occupational disease” // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2620.

³ “255 thousand Russian citizens have benefitted from the simplified procedure of disability recognition” // Official website of the Ministry of Labor and Social Protection of the Russian Federation. URL: <https://rosmintrud.ru/social/257> (accessed 02.06.2020).

⁴ Decision of the Government of the Russian Federation № 402 as of April 1, 2020 “On approval of Temporary rules of sick leave certificate issue, awarding and payment of temporary incapacity to work compensation, and awarding and payment of temporary incapacity to work compensation in circumstances of quarantine to insured persons aged 65 or older”; Decision of the Government of the Russian Federation № 683 as of May 15, 2020 “On amendments to the Temporary rules of sick leave certificate issue, awarding and payment of temporary incapacity to work compensation, and awarding and payment of temporary incapacity to work compensation in circumstances of quarantine to insured persons aged 65 or older” // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru>. (accessed 18.05.2020).

⁵ Order of the President of the Russian Federation № 249 as of April 7, 2020 “On additional measures of social support to families with children” // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru>. (accessed 09.04.2020); Decision of the Government of the Russian Federation № 474 as of April 10, 2020 “On approval of Rules of monthly payments to families eligible for maternal (family) capital” // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru>. (accessed 13.04.2020).

⁶ Order of the President of the Russian Federation № 199 as of March 20, 2020 “On additional measures of state support of families with children” // Legislation Bulletin of the Russian Federation. 2020. № 12. Art. 1745 (during a meeting with the heads of the Federal districts to combat the spread of coronavirus on April 8, 2020, the President of the Russian Federation instructed to start payments in June (one month ahead of schedule)).

to families on grounds of a birth (or adoption) of the first and/or the second child were introduced for all families regardless of their material well-being¹.

Social support measures were provided for families with unemployed citizens. When calculating the amount of state social support, the income of family members or a single citizen recognized as unemployed on the day of filing an application for the state social assistance is not taken into account².

In May 2020 all families in which the family's first child was born or adopted in the period from April 1st of 2017 until January 1st of 2020 were eligible for monthly payments of 5000 rubles³.

The right to receive a one-time payment of 10 thousand rubles for each child aged 3 to 16 regardless of the income level or employment status of the parents⁴, as well as the right to receive a one-time payment of 10 thousand rubles for each child aged below 16 were added to the list of compensatory measures since June 1st, 2020⁵. These monthly and one-time payments are not considered as income when calculating the amount of state social or other type of support. Since June 1st of 2020 the monetary amount of the parental benefit for children under the age of 1,5 years has been increased⁶.

¹ Federal Law № 104-FZ as of April 1, 2020 "On features of calculation of temporary disability benefits and implementation of monthly payments in connection with the birth (adoption) of the first or second child" // Legislation Bulletin of the Russian Federation. 2020. № 14 (part I). Art. 2034.

² Federal Law № 125-FZ as of April 1, 2020 "On amendments to article 4 of the Federal Law "On the procedure for recording income and calculating the average per capita income of a family and the income of a single citizen for recognizing them as economically deprived and providing them with state social assistance", and in article 4 of the Federal Law "On monthly payments to families with children" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 27.04.2020).

³ Order of the President of the Russian Federation № 317 as of May 11, 2020 "On amendments to the Order of the President of the Russian Federation № 249 as of April 7, 2020 "On additional measures of social support of families with children" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 15.05.2020).

⁴ Order of the President of the Russian Federation № 317 as of May 11, 2020; Decision of the Government of the Russian Federation № 652 as of May 11, 2020 "On amendments to the Decision of the Government of the Russian Federation № 474 as of April 9, 2020" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 15.05.2020); Government of the Russian Federation Order № 1370-p as of May 22, 2020 "On the allocation of budgetary funds in order to provide social support for families with children in 2020" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 25.05.2020).

⁵ Order of the President of the Russian Federation № 412 as of June 23, 2020 "On a one-time payment to families with children" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 25.06.2020).

⁶ Federal Law № 166-FZ as of June 8, 2020 "On amendments to certain legislative acts of the Russian Federation in order to take urgent measures aimed at ensuring sustainable economic development and preventing the consequences of the spread of a new coronavirus infection" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 09.06.2020).

A part of income of medical workers assisting patients with COVID-19¹, as well as part of income of small and medium-sized businesses operating in the sectors of the Russian economy most affected by the pandemic were exempted from taxation.

Incentive payments² and **subsidies for additional burden and difficult working conditions³** were available for medical workers treating COVID-19 patients and persons with high risk of contracting the disease. In the event of contracting the disease during the performance of work duties which led to illness, disability or death, insurance guarantees in the form of monetary compensation for a medical worker were established⁴. It was decided to calculate medical officers' working hours towards the time in employment threefold during the epidemic⁵. Other measures of support for medical workers were implemented at the regional level as well.

Government bodies were also introducing other support measures for citizens, individual categories of citizens and businesses. They include: tax deferment⁶, insurance premium amount reduction and a deferral in their payment⁷, repayment holidays⁸, rental

¹ Federal Law № 121-FZ as of April 22, 2020 "On amendments to Part Two of the Tax Code of the Russian Federation" // Official Internet portal of legal information. URL: <http://publication.pravo.gov.ru/Document/View/0001202004220017> (accessed 08.05.2020).

² Decision of the Government of the Russian Federation № 484 as of April 12, 2020 "On approval of Rules for the provision of other interbudgetary transfers in 2020 from the federal budget to the budgets of the Federal Districts of the Russian Federation, the source of financial support for which is the budgetary allocations of the reserve fund of the Government of the Russian Federation, in order to co-finance in full the expenditure obligations of the Federal Districts of the Russian Federation arising from the implementation of incentive payments for performance of particularly important work of medical and other workers directly involved in providing medical care to citizens who have been diagnosed with the new coronavirus infection (COVID-19)" // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2596.

³ Decision of the Government of the Russian Federation № 415 as of April 2, 2020 "On approval of Rules for the provision of other interbudgetary transfers in 2020 from the federal budget to the budgets of the Federal Districts of the Russian Federation, the source of financial support for which is the budgetary allocations of the reserve fund of the Government of the Russian Federation, in order to co-finance, including in full amount, the expenditure obligations of the Federal Districts of the Russian Federation arising from the implementation of incentive payments for additional burden and difficult working conditions for medical workers treating COVID-19 patients and persons with high risk of contracting the disease" // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2272.

⁴ Order of the President of the Russian Federation № 313 as of May 6, 2020 "On providing additional insurance guarantees to certain categories of medical workers" // Legislation Bulletin of the Russian Federation. 2020. № 19. Art. 2977.

⁵ Information provided by the Ministry of Labor of the Russian Federation as of May 29, 2020 "The retirement experience of medical workers treating coronavirus infected patients in 2020 will be counted with a factor of a day for three".

⁶ Decision of the Government of the Russian Federation № 409 as of April 2, 2020 "On measures of ensuring sustainable economic development" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2267.

⁷ *ibid.*

⁸ Decision of the Government of the Russian Federation № 435 as of April 3, 2020 "On determining the maximum amount of credit (loan) for credits (loans) for which the borrower has the right to apply to the creditor with a request to change the terms of the credit agreement (loan agreement), providing for the suspension of the borrower's performance of its obligations" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2289.

holidays and the right to demand a reduction in rent cost during the period of restrictions¹, a moratorium on initiating bankruptcy proceedings², a decrease in the regulatory and supervisory burden³, support for developers⁴, support for tour operators⁵, exemption from fines for late payment of utility bills⁶ and so on.

In the Fall of 2020 and until the end of the year due to the continued spread of the pandemic, tax holidays for cultural, tourism, hotel businesses and other areas of economy sectors most affected by COVID-19 were extended, the list of economic activities subject to new support measures was clarified⁷; the moratorium on scheduled inspections of small businesses was extended to 2021⁸.

Medical and other workers whose activities are related to COVID-19 are to receive special payments until the end of 2021⁹; special social payments are budgeted for social

¹ Decision of the Government of the Russian Federation № 439 as of April 3, 2020 "On Establishing Requirements for the Terms and Conditions of Rent Deferral under Agreements on the Lease of Immovable Property" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2293.

² Decision of the Government of the Russian Federation № 428 as of April 3, 2020 "On introduction of the moratorium on initiation of proceedings about bankruptcy according to the statement of creditors concerning certain debtors" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2282.

³ Decision of the Government of the Russian Federation № 438 as of April 3, 2020 "On the specifics of implementation of state control (supervision) and municipal control in 2020, and concerning amending Paragraph 7 of the rules for the preparation by the state control (supervision) bodies and municipal control bodies of annual plans of scheduled inspections of legal entities and individual entrepreneurs" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2292.

⁴ Decision of the Government of the Russian Federation № 423 as of April 2, 2020 "On establishing the specifics of the application of penalties (a fine or default interest), other financial sanctions and other measures of liability for the non-performance or improper performance of obligations under shared construction agreements set out in legislation on shared construction, and on the specifics of the entry into the register of troubled facilities of apartment buildings and/or other real-estate facilities with regard to which a developer has, for over 6 months, delayed the completion of the construction (creation) of apartment buildings and/or other real-estate facilities, and/or the performance of obligations to transfer the shared-construction facility to a participant of the shared construction under a registered shared construction agreement" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2280.

⁵ Decision of the Government of the Russian Federation № 583 as of April 25, 2020 "On approval of Rules of provision of tour operators with subsidies from the federal budget in order to reimburse the costs incurred in the implementation of measures related to restrictions caused by the spread of the novel coronavirus infection" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2281.

⁶ Decision of the Government of the Russian Federation № 424 as of April 2, 2020 "On features of providing utilities to owners and users of premises in apartment buildings and residential buildings" // Legislation Bulletin of the Russian Federation. 2020. № 15. Art. 2281.

⁷ Decision of the Government of the Russian Federation № 1791 as of November 7, 2020 "On Amendments to the Decision of the Government of the Russian Federation No. 409 as of April 2, 2020" // Legislation Bulletin of the Russian Federation. 2020. № 46. Art. 7291.

⁸ Decision of the Government of the Russian Federation № 1969 as of November 30, 2020 "On the peculiarities of the formation of annual plans of scheduled inspections of legal entities and individual entrepreneurs for 2021, inspections in 2021 and amending paragraph 7 of the Rules of preparation by state control (supervision) and bodies of municipal control of annual plans of scheduled inspections of legal entities and individual entrepreneurs" // Legislation Bulletin of the Russian Federation. 2020. № 49. Art. 7941.

⁹ Decision of the Government of the Russian Federation № 1762 as of October 30, 2020 // Legislation Bulletin of the Russian Federation. 2020. № 45. Art. 7115. More details in paragraph 3.1 of the Report.

service workers¹; amounts and procedure for subsidizing special social payments for military medics, military personnel and security officials involved in combating COVID-19²; increase coefficient for special social payments are introduced for medical and other workers such as social service organizations, military personnel and employees of government bodies providing medical care and participating in the fight against COVID-19³.

The law on the compulsory enforcement of judicial acts and the return of overdue debts during the spread of coronavirus infection has been extended⁴; the simplified procedure for recognizing a person as disabled has been prolonged⁵; the procedure for assigning monthly payments for children to low-income families without a need to file application has been extended⁶; parents, retirees, unemployed and other categories of citizens can receive relevant information about payments, allowances or benefits prescribed to them in their personal accounts on the Common Government Service Portal⁷.

Therefore, there have been established a full-scale state support for the population at large, a new system of legal tools appeared in the conditions of a special regime of people's lives, that allow to compensate for the negative consequences of forced restrictions on human rights and freedoms.

¹ Decision of the Government of the Russian Federation № 1859 as of November 18, 2020 // Legislation Bulletin of the Russian Federation. 2020. № 47. Art. 7557.

² Decision of the Government of the Russian Federation № 1896 as of November 23, 2020 // Legislation Bulletin of the Russian Federation. 2020. № 48. Art. 7751; Order of the Government of the Russian Federation № 3336-p as of December 15, 2020 on the allocation of budgetary appropriations for the implementation of special social payments provided for by Decision of the Government of the Russian Federation № 1896 as of November 23, 2020 // Official Internet portal of legal information. URL: <http://pravo.gov.ru> (accessed 16.12.2020).

³ Decision of the Government of the Russian Federation № 1962 as of November 28, 2020 " On approval of increasing coefficients for special social benefits and on amendments to certain acts of the Government of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 49. Art. 7935; Decision of the Government of the Russian Federation № 2103 as of December 15, 2020 "On amendments to paragraph 5 of the Decision of the Government of the Russian Federation No. 1962 as of November 28, 2020" // Official Internet portal of legal information. URL: <http://pravo.gov.ru> (accessed 16.12.2020).

⁴ Federal Law № 450-FZ as of December 22, 2020 "On amendments to Articles 1 and 2 of the Federal Law "On the specifics of the execution of judicial acts, acts of other bodies and officials, as well as the return of overdue debts during the spread of a new Coronavirus infectioⁿ" // Official Internet portal of legal information. URL: <http://pravo.gov.ru>, 22.12.2020 (accessed 03.02.2021).

⁵ Decision of the Government of the Russian Federation № 1697 as of October 16, 2020 "On the temporary procedure for recognizing a person as a disabled" // Legislation Bulletin of the Russian Federation. 2020. № 43. Art. 6790.

⁶ Federal Law № 345-FZ as of October 27, 2020 "On amendments to Article 2 of the Federal Law "On the specifics of calculation of benefits for temporary disability and making of monthly payments in connection with the birth (adoption) of the first or second child" // Legislation Bulletin of the Russian Federation. 2020. № 44. Art. 6887.

⁷ Federal Law № 461-FZ as of December 27, 2019 " On amendments to the Federal Law "On state social assistance" and Article 3 of the Federal Law "On amendments to the Federal Law "On acts of civil status" // Legislation Bulletin of the Russian Federation. 2019. № 52 (Part I). Art. 7779.

At the same time, the monitoring of citizens' appeals received by the High Commissioner showed that the state support was not available for all enterprises that were affected by the crisis.

Thus, compensation measures did not cover the sector of non-state educational services. Jewelry industry enterprises, dental clinics and offices operating according to OKVED codes differing from those included in the List of the Government of the Russian Federation, which determined the list of industries which were most affected by the crisis and became beneficiaries of special assistance, were left without support.

These and other questions were reflected in the complaints of citizens, following which the High Commissioner addressed the Government of the Russian Federation and federal State authorities. About relevant decisions which have been taken upon the High Commissioner's requests see chapter II of this Report.

1.4. CHARACTERISTIC OF APPEALS TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION

Since the 1st February, 2020 the High Commissioner has received 2 432¹ appeals on the protection of the rights of citizens in the context of the spread of COVID-19 coronavirus infection. Most of the requests were submitted to the "hotline" (e-mail address and phone number), the rest by mail. 145 collective complaints were registered.

The main increase in appeals occurred in April and May – the time of mass spread of coronavirus infection. On average, the "hotline" was receiving about 60 requests daily during the specified period.

The majority of complaints (341) were dedicated to the **freedom of movement on the territory of the Russian Federation**, 7 of which were collective. In general, citizens did not agree with the admission regime, pointed to "delays" in obtaining special passes. Some of the applicants were dissatisfied with arrests and imposition of administrative sanctions for violation of the access control regime, believing that the restriction of rights was carried out without legal grounds.

¹ As of 20.10.2020.

288 complaints (including 10 collective ones) on **health protection and medical care** were considered. The applicants complained about the inaccessibility of personal protective equipment, tests, non-receipt of medical assistance, lack of guarantees of the rights of medical workers and on other issues.

The subject of 279 appeals (including 18 collective ones) became **problems of social security and financial assistance**, including the availability of social security during the quarantine period, receiving benefits, payments established in connection with the pandemic, problems of people with disabilities during the pandemic, etc. The topic of 44 complaints was the protection of the rights of older people, mainly related to the issue of obtaining a pension.

The High Commissioner received more than 50 appeals for the rights of minors, which were connected with difficulties in establishing status of a disabled person for a child, in assigning social benefits and payments, in obtaining medical care (for example, the inability to conduct a course of chemotherapy for a child during quarantine, stopping the supply of necessary medicine),

According to UN Secretary-General António Guterres¹, as economic and social pressure and fear increase, we are witnessing a horrific global outbreak of domestic violence. According to NGOs, since April 10, the number of victims of violence and cases of domestic violence has increased by 2.5 times. If in March there were 6 054 such messages, in April – more than 13 thousand². Individual appeals from victims of domestic violence were also submitted to the High Commissioner's hotline, but they were not widespread.

Many Russian citizens with the onset of the coronavirus pandemic were isolated abroad due to the cancellation of flights because of restrictive measures introduced in the country of temporary stay, as well as introduced on the territory of the Russian Federation to counter the spread of the infection. The High Commissioner received 274 appeals **in**

¹ António Guterres Statement of April 6, 2020. // The official Twitter account of the Secretary-General of the United Nations, António Guterres // URL: <https://twitter.com/antonioguterres/status/1246973397759819776> (accessed: 04.06.2020).

² Tatiana Moskalkova: domestic violence has become more frequent during self-isolation // Ria Novosti. URL: <https://ria.ru/20200505/1570953246.html> (accessed: 04.06.2020).

defense of the rights of citizens of the Russian Federation being abroad, including 36 collective ones.

In the context of a difficult economic situation and a decrease in the income of the Russian citizens, the issues of **exercising labor rights and the right to protection from unemployment** have become more acute. The hotline received 252 such appeals, including 18 collective ones.

263 appeals (including 21 collective ones) addressed issues of protection of the **rights of citizens in places of detention**, including the spread of infectious diseases in institutions of the penitentiary system, the provision of medical care, the organization of public control, and other problems.

The applicants appealed to the High Commissioner for the **protection of the rights of parties to criminal proceedings**. In total, 245 such complaints were received, which were dedicated to the red tape in accepting crime reports and in their further consideration, unjustified election and extension of a preventive measure of restraint, unfair sentences, etc.

220 appeals (including 16 collective ones) concerned the **right to leave, legal stay on the territory of the Russian Federation**. They were received from foreign citizens-labor migrants; foreign citizens who want to return to the country of their citizenship; foreign citizens who are in temporary detention centers of foreign citizens of the Ministry of Internal Affairs of Russia, etc.

Financial distress caused by the spread of coronavirus infection determined the specificity of **176 applications** (14 of which were collective) **related to housing relations**. Citizens who find themselves in a difficult situation, who have obligations to pay for rented housing and are evicted by the owners of apartments to the street or who are participants in shared construction, frozen at a certain stage of restrictive measures, requested the assistance of the High Commissioner.

46 appeals were received **on the protection of the right to education** in the context of the introduction of restrictive measures, 19 of them related to higher and vocational education.

The hotline for the protection of citizens' rights during the preparation and conduct of the all-Russian voting and the single voting day received 10 complaints about violations of

the requirements of epidemiological safety during the voting period (such as complaints about the lack of disposable pens and non-observance of distance).

In order to protect the rights of citizens, 1,605 motivated requests by the High Commissioner were sent to the prosecution authorities, other state bodies and municipal bodies to conduct inspections and take response measures, as well as provide targeted assistance to citizens in the exercise of their rights. More than 769 applicants were provided with legal advice and necessary clarifications.

On the most pressing issues of protecting the rights of citizens in the context of the spread of a new coronavirus infection, the High Commissioner addressed the President of the Russian Federation and the Chairman of the Government of the Russian Federation.

More than 147 complaints received positive approval from among those accepted for consideration, as a result of which more than 5 thousand people were assisted in restoring their rights.

More than 700 Russian citizens were returned from abroad (within 24 appeals). In the field of administrative process, positive decisions were reached on 25 complaints, as a result of which 125 people felt a positive effect.

In the field of protection of labor, cultural and social rights assistance was provided in the restoration of rights on 32 appeals in relation to 4, 289 people. More than 500 employees were paid during non-working days; shift workers from the Chayadinsky oil and gas field were transported to their permanent residence; the assistance of the High Commissioner helped to ensure that students pass exams at the university in a remote form; assistance was provided in health-care delivery and ensuring access to medical supplies, in organizing social services for persons with disabilities at home, in establishing a disability group, in receiving pensions and payments.

Families separated as a result of quarantine measures were able to reunite; conditions of detention in some temporary detention facilities for foreign citizens were changed.

Some of the High Commissioner's proposals addressed to the state authorities were reflected in the acts of the President of the Russian Federation and the Government of the Russian Federation (see chapter 2). The High Commissioner's appeals contributed to the solution of systemic problems such as the extension of migration registration documents

(Decree of the President of the Russian Federation No. 274 as of April 18, 2020); departure of Russians permanently residing legally in a foreign country to a permanent place of residence (Order of the Government of the Russian Federation No. 1170-r as of April 29, 2020); certain restrictions on entry into the Russian Federation and exit from the Russian Federation (Decree of the Government of the Russian Federation No. 1511-r as of June 6, 2020); inclusion of non-profit educational private institutions engaged in general education activities, but not related to small and medium-sized businesses in the list of sectors of the Russian economy most affected by the deterioration of the situation as a result of the spread of a new coronavirus infection (Decree of the Government of the Russian Federation as of May 15, 2020 No. 685 "On Amendments to the Decree of the Government of the Russian Federation No. 409 as of April 2, 2020").

1.5. ORGANIZATION OF THE ACTIVITIES OF THE INSTITUTE OF THE COMMISSIONERS FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION

For the prompt consideration of citizens' appeals, a special chat was organized within the staff of the High Commissioner's Office. Urgent complaints were considered remotely during the day and sent by e-mail to the competent authorities for taking necessary measures. In the House of Human Rights, the federal and regional ombudsmen were connected online, and prompt assistance was provided to citizens who applied to the hotline to any of the commissioners.

Despite the suspension of face-to-face reception in the Office of the High Commissioner, personal receptions of citizens continued using Internet technologies. On-site inspections have been organized in stationary social service institutions and places of detention.

The Federal Ombudsperson has organized monitoring, which includes an analysis of the situation with the spread of the infection in the regions, the state of protection of citizens' rights, and monitoring of federal and regional legislation. All information was compiled and analyzed in the Situation Center of the High Commissioner.

On March 27, 2020, the High Commissioner addressed the President of the Russian Federation Vladimir Putin. As a result, most of the Russian commissioners were included in the coordination headquarters adjunct to the heads of the regions, which contributed to the immediate solution of many problems.

On April 29, 2020, **an online meeting of the Council of Human Rights Commissioners** was held **via videoconference**, where issues of human rights and freedoms protection in the context of the spread of the new coronavirus infection (COVID-19) were discussed.

The Institution of Human Rights Commissioners, providing assistance to people in the shortest possible way, bypassing bureaucratic barriers, **plays an important coordinating role in the context of the introduction of restrictive measures.**

The Commissioner has successfully tested the video-conference communication tool with foreign colleagues. Special attention was paid to the protection of human rights in the context of the COVID-19 pandemic, as well as assistance to people who applied to the ombudsmen.

Thus, on March 31, a meeting with the Human Rights Defender of the Republic of Armenia Arman Tatoyan was held in a video-conference mode. At the request of Arman Tatoyan, assistance was provided in the reunification of the Armenian family (the parents were in Armenia, and their two minor children, aged 16 and 9, were left alone in Russia in the city of Ufa).

On April 10, an online meeting was held with the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan Sabina Aliyeva. 250 citizens of the Republic of Azerbaijan were unable to return to their homeland due to the ban imposed by the Azerbaijani side on entering the country. As a result of the joint actions of two ombudsmen, the Azerbaijani authorities organized work on the planned return of Azerbaijani citizens from Russia to their homeland.

On the same day, another online meeting was held with the Defender of Citizens (Ombudsman) of the Republic of Serbia, Zoran Pasalic, via video conference.

Specialized online platforms have been established **within the framework of the Global Alliance of National Human Rights Institutions (GANHRI)** and its European

Network (ENNHRI). The Commissioner regularly posts information on the work being done on these Internet resources, as well as studies the best practices of national human rights institutions' activities in other countries.

On April 30, the High Commissioner, representatives of the Council of Europe, the Ministry of Labor and Social Protection of the Russian Federation in cooperation with the Ministry of Foreign Affairs of the Russian Federation summed up the results of the project "Cooperation in the implementation of the National Strategy of Action of the Russian Federation for Women for 2017-2022" (the project implementation period was November 2018–May 2020).

It's worth noting that **the work of the Eurasian Ombudsman Alliance** has not stopped. The meeting on April 29 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 a representative of the National Human Rights Commission of Mongolia.

The heads of national human rights institutions agreed on the relevance of an international legal instrument that would regulate human rights and freedoms in a global epidemic. It can be drafted in the form of a protocol to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms¹ or as a stand-alone convention on human rights in terms of the pandemic.

CHAPTER 2. PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN THE CONTEXT OF THE SPREAD OF THE NOVEL CORONAVIRUS INFECTION

2.1. PROTECTION OF THE RIGHT TO HEALTH CARE AND MEDICAL ASSISTANCE

The High Commissioner received **288 appeals (including 10 collective ones)** on the protection of the right to health care and medical assistance,

Most of the appeals (98) were dedicated to the conditions of accommodation in hospitals, the insufficient number of beds for hospitalization, the inability to receive

¹ Legislation Bulletin of the Russian Federation. 2001. № 2. Art. 163.

qualified medical care in geographically remote and hard-to-reach localities, and the lack of necessary equipment.

The critical conditions in which the health system was forced to work (a large number of infected people, the lack of known treatment methods) became the main reason for such appeals.

There were **difficulties with the timely provision of medicines** to the preferential category of citizens for the treatment of chronic diseases (**24 out of 98 applications**). When possible, the problem was solved as a matter of urgency.

The second large group of appeals (78) concerned the order and conditions of stay in the observatories. The issue was discussed at the Board of Commissioners on April 29 and at the meeting of the Coordinating Council of Commissioners for Human Rights on November 24.

Due to the lack of masks, disinfectants and antiseptics in pharmacies **31 complaints** were received. The High Commissioner addressed the Chairman of the Government of the Russian Federation, Deputy Chairman of the Government of the Russian Federation, and the Minister of Health of the Russian Federation. Requests and appeals were understood by the authorities, the shortage of personal protection and disinfectant solutions was eliminated.

28 appeals related to the provision of planned medical care. The reason was not only the conversion of hospitals to COVID-19, but also the restrictions imposed in connection with the pandemic, due to which the applicants could not issue the necessary documents for free medical care.

There were difficulties with testing: lack of walking distance to express analysis for coronavirus, high cost of tests, forced testing at the expense of the applicant.

15 complaints were received regarding the quality and duration of medical care. In an epidemic, any visit to a hospital could lead to COVID-19. In this regard, remote communication with a doctor, for example, in order to obtain a recommendation or consultation, was highly demanded by the population.

Another **9 appeals of medical personnel** concerned the non-payment of additional funds to the salary in connection with participation in the fight against coronavirus. The necessary work was carried out on each complaint, and the applicants' rights were restored.

The issue of **providing medical care to persons without a certain place of residence** remains acute. It is necessary to create additional temporary shelters for homeless people during the pandemic to comply with the self-isolation regime, organize the distribution of personal hygiene products, disinfectants, and create conditions for them to perform hygiene procedures.

It is necessary to take additional measures to ensure the availability of qualified medical care for citizens in case of coronavirus infection in geographically remote and inaccessible settlements where indigenous peoples live, as well as to provide emergency and planned medical care to patients with other diseases in the context of the introduction of restrictive measures.

It is important to expand the availability of testing for infectious diseases, as well as to develop a program of vaccination of the population against the new coronavirus infection COVID-19 free of charge.

It is crucial to determine the organizational and legal status of observatories for isolation and medical supervision of persons arriving from epidemically disadvantaged areas.

It is required to make full payments to medical workers who took part in the treatment of patients with COVID-19. Compulsory life and health insurance of medical workers while performing their official duties should be ensured in federal legislation.

Last but not least, it is also important to provide incentive payments for special working conditions and additional workload for employees of commercial and research laboratories and diagnostic centers that are allowed to work on the diagnosis of a new coronavirus infection and conduct biomaterial tests for the presence of the COVID-19 virus.

2.2. PROTECTION OF THE RIGHT TO SOCIAL SECURITY

The Commissioner received **279** appeals on social security issues in February-October 2020.

101 appeals mostly submitted by disabled people and low-income citizens were devoted to the provision of social services and financial assistance. Staff of the Office of the High Commissioner provided citizens with legal consultations and, if necessary, sent

instructions to correct the situation to the relevant authorities. As a result, the problems of people who applied for help were resolved.

Patients of neuropsychiatric boarding schools, orphanages for children with disabilities, nursing homes, where, due to the large crowding of people with weakened immunity, the infection spreads at a higher rate, were at special risk.

Some of the appeals (32 out of 101) concerned complaints about the denial of social services, and in some cases about the low quality of in-kind assistance. Such appeals resulted from the lack of uniform requirements for the content and quality of minimum food packages for citizens in need of special social protection.

59 appeals related to the appointment and procedure for the payment of child benefits and lump sum payments. The applicants complained about the difficulties in obtaining the necessary documents, receiving child benefits, and refusals to grant benefits and payments. There were also requests for help in obtaining social support for families with children over 16 years old.

44 appeals were devoted to the protection of the rights of elderly citizens and disabled people with a **request for assistance in obtaining and registering a pension**.

A large group of applications (45) related to deferred payment of loans. Having lost their earnings, citizens became unable to support their family, pay for their rented apartment, and fulfill their loan obligations in a timely manner. They complained about the refusal of banks to provide credit holidays in connection with the coronavirus. They asked for assistance in the issue of refinancing or deferral of loan payments.

Another group of applications concerned requests for the **return of funds for travel (20)**.

The practice of social security in the fight against coronavirus infection has shown the willingness of the state to guarantee the welfare rights in the most difficult conditions. The "MiVmeste"¹ campaign, which brought together volunteers and business partners to support the elderly, disabled citizens, and medical staff during the coronavirus pandemic proved the unity of the Russian society and its ability to consolidate in challenging times.

¹ For information about the participation of the Commissioners in the campaign, see section 1.5.

At the same time, support measures should be extended to families with minors aged 16 to 18; employed parents should be provided with benefits for temporary disability to care for a child under the age of 14 due to quarantine in kindergartens and schools.

Medical kits with masks, gloves and disinfectants should be provided free of charge to the disabled, large families, families with children in difficult life situations, and non-working pensioners. The issue of social support in the form of in-kind assistance is recommended to be settled at the federal level.

Assistance during the coronavirus pandemic was particularly relevant for people with disabilities. Unfortunately, no additional monthly or lump sum payments were provided for them, and therefore the situation requires correction. It is also necessary to resolve the issue of obtaining technical means of rehabilitation without reference to the place of permanent registration.

2.3. PROTECTION OF LABOR RIGHTS

The Commissioner received **252 appeals** for the protection of labor rights in the context of the pandemic, including 18 collective ones.

Most of the applications were received on the issues of **the right to protection from unemployment (101)**. The following difficulties were noted in complaints about obtaining unemployed status: lack of technical ability to register online; the inability to obtain the status of unemployed with the status of individual entrepreneurs despite the suspension of their work; insignificant amount of payments received; inability to register due to the lack of permanent registration.

The High Commissioner requested the Minister of Labor and Social Protection of the Russian Federation, the Head of the Federal Service for Labor and Employment to provide assistance for citizens who lost their jobs in the conditions of the pandemic.

In addition to resolving the problems of specific applicants, such measures taken by the High Commissioner helped to strengthen the legislative guarantees for the protection of human rights. Currently, individual entrepreneurs are included in the number of those who can receive the maximum unemployment benefit, the amount of which has increased threefold.

The second group of appeals (46) covers complaints about forced dismissal, citizens' disagreement with procedural judicial acts and court decisions on claims related to dismissal.

Due to the introduction of restrictive measures, court proceedings were postponed, so the resolution of individual labor disputes was prolonged for a relatively long period.

34 appeals were devoted to the issues of reducing wages, arrears upon dismissal, refusal to pay for non-working days established with the preservation of wages.

23 appeals related to **unwarranted labor involvement** during the official non-working days from March 30 to April 3, 2020. As a result of the assistance of the High Commissioner, the rights of 500 employees of the enterprise in the Republic of Mordovia were restored.

Separate appeals to the High Commissioner concerned the problem of **income deprivation due to the suspension of employers** and assistance in employment (20 appeals).

14 complaints were received on the violation of safe working conditions. Difficult situations occurred at large enterprises that became hotbeds of the spread of coronavirus infection, for example, at the Chayandinskoye oil and gas condensate field in Yakutia. The High Commissioner addressed the Chairman of the Government of the Russian Federation, the Prosecutor General of the Russian Federation, the Plenipotentiary Representative of the President of the Russian Federation in the Far Eastern Federal District. In May, a large-scale transfer of shift workers began, and Temporary rules for work on a rotational basis were established in the context of the spread of a new coronavirus infection.

During the period of introduction of restrictive measures, complaints were received about **being forced to go on vacation at their own expense (9)**. For each of them, the High Commissioner's appeals and requests were sent to the supervisory authorities, which helped to resolve the problem of the applicants.

In general, the comprehensive approach of the state to guarantee the labour rights of citizens in a pandemic is commendable. However, there is a need for new forms and methods in ensuring labour rights.

It is advisable to transfer labor disputes on the reinstatement, claims related to gross violations of the labor rights of citizens during the epidemic into the category of urgent court cases.

In the context of a pandemic, it is necessary to ensure the realization of the rights of citizens working on a rotational basis to health protection and timely departure from the place of work after the completion of fixed-term labor contracts.

It is also necessary to take additional measures to simplify the procedure for obtaining unemployed status by citizens.

The prolongation of the state policy to reduce pressure on business remains relevant, that might mean the extension of the moratorium on inspections by supervisory and law enforcement agencies, the suspension of the assessment of taxes, penalties and sanctions, as well as other similar measures.

2.4. PROTECTION OF THE RIGHT TO HOUSING

During the pandemic **176 complaints**, including 14 collective ones, were devoted to **the exercise and protection of housing rights**.

42 of them concerned **the aid to mortgage borrowers**. Citizens reported on difficulties of negotiating mutually acceptable terms of restructuring with banks, as well as denied mortgage repayment. The state implemented a set of compensational measures on housing matters, which alleviated the issue. However, some problems have not been resolved.

37 complaints constituted a group of appeals regarding tariffs on utility and rent, quality of service provided by the municipal services: increased utility charges, shutdowns of hot water supply during the peak of the coronavirus spread and so on.

31 communications were related to the housing registration, provision of housing based on social renting contracts to welfare beneficiaries. Decision making was complexified by introduction of restrictive measures. Nevertheless, with the assistance of the High Commissioner, in 2020 apartments were provided to the veterans of the Great Patriotic War.

24 citizens who rent their housing applied with requests for providing them with the state support. Applicants reported their inability to pay rent for housing due to the reduction in income or job loss as a result of the spread of the coronavirus infection.

17 complaints from citizens concerning resettlement of emergency housing stock and maintenance of apartment buildings were received.

16 complaints were devoted to the eviction on the grounds of court decisions. Complaints were received from borrowers, who had taken their loan in foreign currency, and citizens evicted from residential premises of specialized housing stock.

Overall, it may be concluded that the state does implement measures aimed at solving the housing issues in Russia during the pandemic. The approval of the program of preferential mortgage of 6,5% per annum became a significant development¹. The terms of validity and submission of certificates for the purchase or construction of housing for young families have been extended². A decision was made to introduce a temporary moratorium on the accrual of penalties for unpaid utility services, meaning that unpaid debts would not result in utility service cut-offs³. Amendments to the tariff calculation (in both wholesale and retail markets) for electricity and power were approved in line with the implemented countermeasures for the spread of the novel coronavirus infection⁴. The introduced measures have a positive effect on citizens' housing rights guarantees.

However, the negative consequences of restrictive measures may not allow the citizens to quickly restore their level of income. In this regard, it seems expedient to extend the moratorium on the collection of a forfeit (fine, penalty) for untimely and (or) incomplete rent for residential premises and payment of utility bills beyond January 1, 2021.

¹ Decision of the Government of the Russian Federation № 566 as of April 23, 2020 "On approval of the Rules for compensations to credit and other organizations of the lost income on housing (mortgage) credits (loans) granted to the citizens of the Russian Federation in 2020 " // URL: <http://gov.garant.ru/SESSION/PILOT/main.htm> (accessed 09.06.2020).

² Decision of the Government of the Russian Federation № 589 as of April 26, 2020 "On the extension of the terms specified in Annex No. 1 to the specifics of the implementation of certain measures of the State Program of the Russian Federation "Providing citizens of the Russian Federation with affordable and comfortable housing and utility services" // URL: <http://gov.garant.ru/SESSION/PILOT/main.htm> (accessed 09.06.2020).

³ Decision of the Government of the Russian Federation № 424 as of April 2, 2020 "On the specifics of providing utility services to owners and users of premises in apartment buildings and residential buildings" // Legislation Bulletin of the Russian Federation. 2020. № 15 (part IV). Art. 2281.

⁴ The procedure for calculating payments for electricity has changed // The Official Website of the State Duma. URL: <http://duma.gov.ru/news/48445/> (accessed 08.06.2020).

It is crucial to introduce a moratorium on foreclosure on loans for the sole housing of a debtor with minor children for the duration of the pandemic and the post-quarantine period.

Moreover, falling income levels of citizens during the spread of the novel coronavirus infection (COVID-19) should be treated as a force majeure, including when considering the issue of restructuring mortgage loans.

2.5. PROTECTION OF THE RIGHT TO EDUCATION

During the period of in-place restrictive measures, the High Commissioner received **41 complaints** concerning the protection of the right to education and **5** communications during the Fall period of the COVID-19 infection spread.

In regards to the education in **institutions of higher and vocational education, 19 complaints** were received concerning the issues of conducting exams, extending scholarship payments, mobilizing of medical students, providing equal conditions for admission to the state-funded places, providing practical classes, the ratio of quality and cost of education in the conditions of remote learning, work of dissertation councils and so on.

The assistance of the High Commissioner allowed 3,000 students to pass exams remotely; 49 students received financial support (scholarship payments); the issue of determining the order and timing of the All-Russian Schoolchildren Olympics, the winners of which have priority for enrollment in higher education institutions, was resolved.

In the complaints devoted to the **education in general educational organizations (17)** citizens reported difficulties with Internet connection and the unavailability of modern devices in families that allow all children to study remotely at the same time.

Certain appeals on the subject of **pre-school education (7)** were related to the refusal to enroll children in kindergartens during the period of restrictive measures.

Generally, it can be noted that despite certain difficulties, the right to education was guaranteed, which allowed graduates of general educational organizations, educational institutions of higher and vocational education to pass the final exams and to obtain the right to further education, to receive a document of higher or vocational education.

At the same time, measures should be taken to adapt the educational system for distance learning for children with disabilities and children with special developmental

needs with teachers-defectologists and teachers-speech therapists. It is important to provide people with disabilities and families with children in difficult life situations with technical means to access electronic education systems in the situation of a pandemic.

Implementation of the Federal Project "Digital Educational Environment" of the National Project "Education" should be intensified.

The issue of the mechanism of recalculation of payment for full-time education which was not actually received due to the transition to a distance learning format should be resolved.

2.6. PROTECTION OF THE VOTING RIGHTS

Restrictive measures affected the exercise of voting rights of the Russian citizens. Voting was postponed in 102 special municipal elections scheduled from March 29 to June 21, 2020. Russia was not the only state, that postponed elections. 21 states have either postponed elections and referendums, or imposed restrictions that prevented voting from taking place at an earlier defined date¹.

Through March-May 2020 in the Russian Federation several laws on elections and referendums improvement² were adopted, which expanded the opportunities for plebiscites outside the designated premises, allowed early voting, gave the regions the right to use remote electronic voting and voting by mail.

Of interest are the results of the polling conducted by the Russian Public Opinion Research Center and the Political Conjuncture Center on May 19, 2020. 51% of respondents said they would vote via the Internet, while 46% would not vote that way. When provided with a choice of the various methods of voting, 69% of Russians preferred the traditional method of voting; 23% would choose electronic voting, and only 2% would vote by mail.

¹ These countries include Armenia, Australia, Bolivia, Canada, Chile, Cyprus, France, Georgia, Iran, Italy, Kyrgyzstan, Poland, North Macedonia, Serbia, Syria, South Africa, Sri Lanka, Switzerland, the UK, the USA.

² Federal Law № 151-FZ as of May 23, 2020 "On extension for 2020 of the experiment on voting at digital polling stations in the additional elections of the Deputies of the State Duma of the Federal Assembly of the Russian Federation of the seventh convocation and the elections of the state authorities of the constituent entities of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 21. Art. 3230; Federal Law № 153-FZ as of May 23, 2020 "On amendments to certain legislative acts of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 21. Art. 3232; Federal Law № 154-FZ as of May 23, 2020 "On amendments to certain legislative acts of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 21. Art. 3233; Federal Law № 152-FZ as of May 23, 2020 "On conducting an experiment on the organization and implementation of remote electronic voting in the city of federal significance of Moscow" // Legislation Bulletin of the Russian Federation. 2020. № 21. Art. 323.

The criteria for the readiness of services for electronic expression of will was the All-Russian vote on July 1, 2020 regarding the approval of the amendments to the Constitution of the Russian Federation.

Amendments to the Constitution raise to a higher level the issues of social guarantees, the moral and ethical core values, the form of the state, promote progressive development.

The Central Election Commission of Russia together with the Federal Service for Supervision of Consumers Protection have developed recommendations and methodological materials for conducting a voting while taking into account the epidemiological situation. Maximum dispersion of voters was ensured so that there would not be more than 8-12 persons at one polling station in a given hour, the principle of non-contact was observed both in the information and preparatory work and in the voting procedure.

Voting continued during the week, opportunities for plebiscite at home and field voting were expanded, including mobile voting in territories adjacent to houses; specifics of voting during quarantine were taken into account, and measures were taken to observe epidemiological safety at the voting stations (hourly surface treatment, temperature monitoring of voters, separate room for citizens with signs of acute viral respiratory infections and so on).

In general, there were no serious violations. A high level of legitimacy of election campaign while providing necessary security measures should be noted. Unique experiences have been gained. Electronic voting was available to residents of Moscow and Nizhny Novgorod region. The new formats of electronic and remote voting proved to be in demand and proved to be successful.

On the general election day on September 13, over 9100 election campaigns were held in 83 constituent entities of the Russian Federation¹. On September 11 and 12 early voting took place in 41 regions. On the territory of Kursk and Yaroslavl regions the remote electronic voting was held.

The introduced measures allowed to prevent new outbreaks of the coronavirus. During voting on amendments to the Constitution of the Russian Federation the High Commissioner

¹ The exceptions were the Kabardino-Balkarian Republic and the city of St. Petersburg.

received 7 complaints, and during the Fall election campaign of 2020 – 3 complaints, which were devoted to the non-compliance with sanitary and epidemiological requirements at the voting stations (no disposable pens, no social distancing measures).

At the same time, the candidates were unable to hold mass public events, meetings and appointments with the voters due to the restrictive measures. This problem became a subject of **17 complaints received by the High Commissioner**.

The possibility to vote early in municipal elections was provided to citizens ten days in advance before the general election day, and three days in advance before the regional elections. As a result, citizens either had to visit the voting station twice, or come to the voting station three days in advance, otherwise they would not be able to exercise their voting rights in full capacity. The High Commissioner believes, that the issues of early voting require further elaboration.

The issue of allowing online meetings with voters and other events should be resolved at the legislative level.

2.7. PROTECTION OF THE RIGHT TO FREELY RETURN TO THE RUSSIAN FEDERATION

The High Commissioner's hotline received **274 appeals concerning the return of the Russian citizens from abroad or provision of financial support**, including 36 collective ones, from citizens of the Russian Federation residing in 39 foreign countries¹.

The positive cooperation with the Coordinating Council to Control the Incidence of Novel Coronavirus Infection in the Russian Federation, the Ministry of Foreign Affairs of the Russian Federation and the Federal Service for Supervision of Consumers Protection made possible to assist thousands of people stranded in Thailand, the United Arab Emirates, the Republic of Korea, South Africa, the USA, Tanzania and other countries, in returning to the citizens' homeland.

¹ Greek Republic, the USA, Arab Emirates, Thailand, Sri Lanka, India, Republic of Armenia, the FRG, Guatemala, South Korea, Mauritania, Argentina, Spain, Bali, the UK, South Africa, Zanzibar, Israel, Maldives, Canada, Montenegro, Tanzania, Netherlands, China, Slovenia, Italy, Indonesia, Ukraine, Egypt, Tajikistan, Morocco, Republic of Cyprus, Equatorial Guinea, Turkmenistan, Malaysia, Jordan, France, Moldavian Republic of Transnistria, Seychelles.

Initially, there was no defined mechanism of assistance to compatriots. The High Commissioner was communicating relevant information to the President of the Russian Federation and the Head of the Government of the Russian Federation. Subsequently, full-scale government assistance was organized. Over the entire period of the special program's operation, more than 580 departure flights were organized, which overall carried more than 92,000 passengers¹.

The effective human rights diplomacy of ombudspersons within the framework of the Eurasian Ombudsman Alliance, established in 2017, as well as in accordance with bilateral agreements between ombudspersons of world states, played a significant role in providing assistance to Russian and foreign citizens. By working together, ombudspersons were able to help many citizens to return home.

The High Commissioner received 48 complaints with regard to 123 citizens of the Russian Federation, which related to the **provision of financial support** due to the forced stay on the territory of another state. Such assistance was stipulated by the Decision of the Government of the Russian Federation № 433 as of April 3, 2020. With the engagement of the High Commissioner, it was possible to provide assistance in 17 cases.

The experience received during the pandemic was taken into account in the preparation of new rules for the provision of emergency assistance to the Russian tourists². In addition to the direct transfer of the Russian citizens from the country of temporary stay, such assistance includes payment for the hotel before transportation; transfer and storage of luggage; emergency medical care; emergency legal support, and other types of assistance.

2.8. PROTECTION OF THE RIGHT TO FREEDOM OF MOVEMENT, THE RIGHT TO CHOOSE A PLACE OF RESIDENCE AND DOMICILE

The High Commissioner received **341 complaints** concerning the right to freedom of movement and the right to choose a place of residence and domicile.

¹ Since September 21, due to the restoration of transport communication, the program of departure flights is discontinued. The Official website of the Government of the Russian Federation // URL: <http://government.ru/news/40441/> (accessed 25.09.2020).

² Decision of the Government of the Russian Federation № 1209 as of August 11, 2020 "On approval of the Rules of providing emergency assistance to tourists and the Rules of financing the costs of providing emergency assistance to tourists from the reserve fund of the association of tour operators in the field of outbound tourism" // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 13.08.2020).

148 appeals resulted from the low **awareness of citizens about the introduction of restrictive measures**. Applicants expressed their general dissatisfaction with the restrictions and considered the restriction of movement between regions unreasonable since there was no proper provision of information about where the permit regime was introduced and what the procedure for obtaining permits was.

In 85 complaints citizens disagreed with **the administrative fines** for violating the quarantine measures.

Since the state bodies began to work remotely, citizens were unable to renew their documents for some time, while some of them were brought to administrative proceedings. After the President of the Russian Federation made a decision to extend the validity of some documents¹, this problem was resolved nationwide.

27 appeals on imposition of administrative liability concerned the obligation to use personal protective equipment in cases of leaving the place of residence (face masks and protective gloves).

In 36 complaints related to the issuance of electronic passes, citizens reported a lack of Internet access and other difficulties in obtaining a pass. In order to solve such problems, the High Commissioner sent requests to the Operational Headquarters of the regional authorities.

Difficulties in transport communication between communities were pointed out in 33 appeals to the High Commissioner. Citizens complained about the reduction in transportation within communities and the cancellation of flights between communities.

21 complaints referred to the **operation of the "Social Monitoring" system**, which was designed to control people's compliance with quarantine measures. These included difficulties in installing the "Social Monitoring" application, failures in its operation which did not allow to terminate the quarantine regime.

Self-isolation aggravated the problems of **maintenance of the silence regime of citizens (15 appeals)**. People reported noise from neighboring apartments, hooliganism and

¹ Order of the President of the Russian Federation № 275 as of April 18, 2020 "On the recognition of the validity of certain documents of the citizens of the Russian Federation" // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2574.

instances of violation of public order, inactivity of the police and other public authorities on complaints regarding these issues.

In the opinion of the High Commissioner, the temporary restrictions on freedom of movement were justified and allowed to avoid any arbitrary interference in the private life of citizens. At the same time, citizens were insufficiently informed about the restrictive measures and the liability for their violation, established by the regional authorities on a particular territory. Information on regional restrictions should be posted on the official website of the Government of the Russian Federation.

It is important to make amendments to the Code of Administrative Offences of the Russian Federation which would regulate the use of electronic location monitoring technology and other technical means in bringing offenders to administrative liability.

It is necessary to enshrine in law the right to send complaints to courts against decisions on cases of administrative offences in the form of an electronic document.

It is needed to strengthen departmental control and prosecutorial oversight over the imposition of administrative responsibility in connection with violations of the regime of restrictive measures.

2.9. PROTECTION OF CITIZENS' RIGHT TO LEAVE THE RUSSIAN FEDERATION AND THE RIGHT OF FOREIGN NATIONALS TO LAWFUL PRESENCE ON THE TERRITORY OF THE RUSSIAN FEDERATION

After the Russian border was closed, many foreign nationals on the territory of Russia found themselves in a difficult situation: some of them did not have enough time to return to their homeland, some had difficulties in carrying out their work activities, and some, without any understanding of the time frame for the execution of court decisions, were in temporary detention centers for foreign nationals.

In turn, Russian citizens who needed to leave the Russian Federation were also unable to exercise their constitutional right to free departure.

The High Commissioner received **180 complaints, including 12 collective ones, regarding departure** from the territory of the Russian Federation.

In addition, 40 appeals from foreign nationals concerned requests for assistance in **prolonging migration registration documents, acquiring Russian citizenship, and obtaining residency permits** (four of them collective).

67 complaints were received **from Russian citizens on issues of leaving the Russian Federation**. A systematic solution was found by giving Russian citizens who also had a foreign citizenship or residence permit or a document confirming the right to permanent residence in a foreign country **the right to a one-time exit of the Russian Federation**¹.

However, Russian citizens who did not have the right of permanent residence in a foreign state, but were living on the territory of foreign states with relatives or due to their work contract, were not granted such a right. Such citizens who had temporarily returned to the Russian Federation prior to the closure of the borders could not go abroad to perform work functions or take care of relatives.

The restrictions for Russian citizens living with relatives outside the Russian Federation, traveling abroad for educational or working purposes and for medical treatment were removed during the phased lifting of the anti-epidemic restrictions regime².

58 communications with requests for assistance in returning to their country of citizenship were received from foreign nationals who were migrant workers. At the request of the High Commissioner to the border control authorities, the problems of the particular individuals were resolved.

Return to the homeland did not always depend on the consent of Russia for crossing its border. For example, on May 19, 2020, the flights to transport 371 Uzbek citizens staying in temporary detention centers did not take place due to the refusal of the Uzbekistan side to accept them.

The mechanisms of human rights diplomacy were used to address such issues. For example, for the departure from Russia of more than 1,000 migrant workers, nationals of the Republic of Uzbekistan, the High Commissioner requested the state bodies of the

¹ Order of the Government of the Russian Federation № 1170-p as of April 29, 2020 “On amendments to the Orders of the Government of the Russian Federation №635-p as of March 16, 2020 and № 763-p as of March 27, 2020” // Legislation Bulletin of the Russian Federation. 2020. № 19. Art. 3025.

² Decree of the Government of the Russian Federation № 1511-p as of June 6, 2020 “On amendments in the Decrees of the Government of the Russian Federation №635-p as of March 16, 2020 and № 763-p as of March 27, 2020” // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (accessed 23.06.2020).

Russian Federation, the Ombudsman of Kazakhstan, the Ombudsman of the Oliy Majlis and the Director of the National Center for Human Rights of Uzbekistan, as well as the Ambassadors of the Republic of Kazakhstan and the Republic of Uzbekistan to the Russian Federation. As a result, the issue was resolved favorably.

Assistance was provided to foreign migrant workers whose migration documents had expired during the pandemic. The Russian Federation provided an opportunity to extend their period of stay by 90 days on the condition of their personal visit to the internal affairs body. Since the realization of such conditions was problematic due to the restrictive measures, it became a subject of **19 complaints** sent to the High Commissioner.

The High Commissioner addressed the Minister of Internal Affairs of the Russian Federation with a request to provide foreign nationals with the right to apply for an extension of the period of stay on the Russian territory after the lifting of restrictive measures, and not to apply any sanctions to them for violating the regime of stay on the territory of our country.

The High Commissioner's proposal was reflected in the Order of the President of the Russian Federation¹, according to which the validity of previously issued visas, residence permits, work permits, patents, and other documents was extended. Such citizens could not be expelled from the Russian Federation, deported or turned over to a foreign state, deprived of refugee status or denied temporary asylum.

51 complaints were received **regarding the protection of the rights of migrant workers who are subject to deportation**. Most of the complaints concerned the conditions of confinement in the temporary detention centers, the length of confinement, requests to be released from the detention center to be returned to family members in the Russian Federation, or to expedite the deportation, expulsion, or readmission procedures.

21 requests for residence permits, citizenship, and permits to enter the Russian Federation were received.

In the opinion of the High Commissioner, during the pandemic the state promptly took measures to ensure the rights of foreign nationals and citizens of the Russian Federation willing to leave its territory.

¹ Order of the President of the Russian Federation № 274 as of April 18, 2020 “On temporary measures for regulation of the legal status of foreign nationals and stateless persons in the Russian Federation in connection with the threat of further spread of the novel coronavirus infection (COVID-19)” // Legislation Bulletin of the Russian Federation. 2020. № 16. Art. 2573.

It is important to continue developing the system of guaranteeing the rights of foreign nationals.

2.10. PROTECTION OF THE RIGHTS OF CITIZENS IN PLACES OF DETENTION

In order to prevent the outbreak and spread of COVID-19 infection among individuals detained or working in the penitentiary system facilities, a set of sanitary and anti-epidemic preventive measures has been implemented.

At the same time, convicts, their relatives and friends, lawyers of detainees, human rights activists, mass media representatives and other people were concerned about the compliance with the human rights of citizens in the penitentiary system in the context of the pandemic. A total of 263 complaints on this issue were received.

The majority of them (71 complaints) were devoted to the **observance of sanitary and epidemiological requirements in penitentiary institutions**. Relatives of suspects, defendants, convicts, and human rights defenders enquired about measures to prevent the spread of the coronavirus in colonies and detention facilities where their relatives were held, and about the procedure for accepting packages and parcels. Prisoners complained that cramped detention conditions increased the risk of contracting COVID-19. Following consideration of the received appeals, the High Commissioner sent requests to the competent authorities and conducted on-site inspections.

There were **44 complaints** about the failure to provide or delayed provision of **medical care** to prisoners, including those suffering from chronic diseases. In addition, the inmates complained about deterioration of their health due to inadequate nutrition.

43 appeals concerned the exemption from serving the sentence. The complainants asked the High Commissioner to support their applications for parole (15), to be released from serving their sentence on other grounds (4) and to initiate an amnesty procedure (24).

As part of measures to prevent the outbreak and spread of COVID-19 in the penitentiary system, prisoners were not allowed to meet with their relatives and to receive food parcels. In connection with these restrictive measures, the High Commissioner received **30 complaints**.

In 25 appeals citizens asked for **assistance in transferring convicted persons** to serve their sentences in a place closer to their homes. In response to these complaints the High Commissioner sent inquiries to penitentiary institutions and procuratorial authorities. The relatives of the convicts were given clarifications and information about the actual situation in the detention facilities, thus easing social tensions.

There were 14 complaints on the issues of **non-admission of lawyers and members of public monitoring commissions** to penitentiary institutions. During the pandemic the access of members of public monitoring commissions (PMC) to the correctional facilities was restricted. There was no ban on communications with lawyers, but there were cases of refusal of admission to lawyers in a number of regions. In order to restore the rights of the complainants, requests were sent to the Russian Federal Penitentiary Service to rectify the violations.

It is worth noting that the Russian Federal Penitentiary Service took unprecedented security measures which ensured the right of prisoners to life and to safe conditions of detention.

At the same time, it is necessary to enhance the use of online participation of the accused and convicted persons in court proceedings and online communication of prisoners with their lawyers and relatives, members of PMCs; to increase the number of telephone calls made by convicts.

It is necessary to expand the range of foodstuffs, basic necessity items and other goods allowed for sale in the stores of correctional facilities during the quarantine period, to increase the amounts of money allowed to be spent by the convicted persons. Furthermore, additional funds should be allocated to the Federal Penitentiary Service for sanitary treatment and disinfection of territories, buildings, premises and common areas, provision of individual face masks and disinfectants.

Expanding the practice of pardoning convicts for minor crimes, parole or replacement of the part of the sentence not served in imprisonment with a milder sentence, exemption from serving the sentence for individuals with severe diseases could help to reduce the number of individuals held in detention facilities in order to accommodate them more freely.

2.11. PROTECTION OF HUMAN RIGHTS IN CRIMINAL PROCEEDINGS

The High Commissioner received **245 complaints** concerning the protection of the rights of parties to criminal proceedings.

75 communications concerned the **objectivity, completeness and timeframe of the preliminary investigation**. Citizens complained both about the conduct of investigative procedures during the pandemic of coronavirus and, as a result, the forced violation of self-isolation, and about the failure to conduct the necessary legal proceedings in connection with anti-epidemic measures.

The hotline received **46 appeals on issues of legality, validity and fairness of criminal verdicts**. The complainants did not agree with the qualification of the criminal acts imputed to them and the excessive severity of the punishment imposed on them, complained about accusatory bias, falsification of case materials, claimed innocence in the incriminated act.

Appeals against the verdicts were problematic when the 10-day deadline for appealing the verdict expired without the text of the verdict being given to the parties to the trial. In such cases, the parties were forced to file a preliminary appeal, and if they missed the deadline for filing an appeal, they had to request the reinstatement of the missed deadline in the circumstances of the restricted work of the courts. This created additional obstacles to the realization of the procedural rights of participants in criminal proceedings.

There were **45 complaints** regarding the **legality and validity of the refusal to institute criminal proceedings**. In addition, delays in pretrial investigations resulted in refusals to initiate criminal proceedings. Each complaint was reviewed within the competence of the High Commissioner.

The legality and validity of criminal prosecutions were appealed in **20 communications**. The citizens complained that the circumstances of the case were not investigated comprehensively, not all the circumstances relevant to the case were established, the evidence was assessed incorrectly, which consequently led to groundless criminal prosecution.

The High Commissioner's hotline received **37 complaints about the imposition or extension of custodial measures**. The complainants asked for assistance in changing the

form of detention to a non-custodial or house arrest measure. Citizens also complained about the **holding of court hearings during the coronavirus pandemic**, believing that they could have been postponed.

It should be noted that during the pandemic, recommendations of the Presidium of the Supreme Court of the Russian Federation and the Council of Judges of the Russian Federation on the preferential use of video-conferencing and (or) web-conferencing systems when hearing cases were developed, which allowed to continue the administration of justice and basically introduced a new form of legal process¹.

The national norms in the field of justice correspond to the practice of the ECtHR on interim measures when using videoconferencing systems in court hearings².

At the same time, practical experience in the context of the spread of COVID-19 has shown that the activities of judicial and law enforcement bodies during the period of restrictive measures require special regulation, and has identified the relevant areas of improvement of procedural legislation.

Thus, in case of epidemics and other emergencies it is necessary to amend the Criminal Procedural Code of the Russian Federation with the provisions, stipulating:

- the possibility of suspending criminal proceedings on special grounds related to a special regime (state of emergency or high alert), which would also provide for the possibility of resuming proceedings after the end of such regime or before the end of such regime on a reasoned petition of participants in criminal proceedings;
- procedures to ensure uninterrupted criminal proceedings with persons subject to remand in custody (with the use of video communication, electronic workflows, and so on).

¹ Decision of the Presidium of the Supreme Court of the Russian Federation, the Council of Judges of the Russian Federation № 821 as of April 8, 2020 “On the temporary suspension of personal admission of citizens before the courts” // Accessed via the Consultant Plus Legal Reference System; The procedure for court sessions by means of videoconferencing and web-conferencing was clarified by the Decision of the Presidium of the Supreme Court of the Russian Federation, the Council of Judges of the Russian Federation № 822 as of April 29, 2020 // The Official Website of the Supreme Court of the Russian Federation. URL: https://www.vsrfr.ru/press_center/news/28877/ (accessed 19.05.2020).

² ECtHR Judgment as of February 16, 2016. The case “Evdokimov and others. v. Russian Federation” (applications №№ 27236/05, 44223/05, 53304/07, 40232/11, 60052/11, 76438/11, 14919/12, 19929/12, 42389/12, 57043/12 and 67481/12) // Accessed via the Consultant Plus Legal Reference System. The corresponding legal position of this Judgment of the ECtHR is given in the review of certain issues of judicial practice related to the application of legislation and measures to combat the spread of the novel coronavirus infection (COVID-19) in the Russian Federation No. 2 (approved by the Presidium of the Supreme Court of the Russian Federation on April 30, 2020) // Accessed via the Consultant Plus Legal Reference System (accessed 19.05.2020).

Coronavirus circumstances have confirmed the relevance of the humanization of criminal law. In this regard, it seems advisable to continue the efforts to introduce the institute of criminal misconduct into the criminal legislation.

In addition, in the context of a difficult epidemiological situation it is important to apply non-custodial measures of restraint more widely.

Measures should be taken to reduce the use of preventive measures in the form of detention for economic crimes.