



IMPACT OF COVID-19 ON RESPECT FOR HUMAN RIGHTS IN THE REGIONS

(according to the regional coordinators of the Ukrainian
Parliament Commissioner for Human Rights)

During March-August 2020, the regional public relations coordinators of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights (hereinafter referred to as the regional coordinators)¹ analysed the situation with respect for human rights in their regions. They analysed the decisions of local authorities, and carried out monitoring visits, studied complaints and statements addressed to them by residents of the region (see data on the number of appeals and visits in the annex).

Based on the information gathered from the 21 regional coordinators, a general overview of the problems and challenges caused by the COVID-19 epidemic and quarantine restrictions can be provided.

Although most of the identified problems and violations are systemic in nature and do not have a purely regional specifics, it can be noted that each region had its own accents, which were highlighted by regional coordinators when analysing the situation in their region.

¹ [Regional coordinators are civil society and human rights activists who are members of the regional network of the Ukrainian Parliament Commissioner for Human Rights.](#)

- **THE REGIONAL COORDINATORS OF MOST REGIONS, FIRST OF ALL, DREW ATTENTION TO THE IMPACT OF THE SITUATION WITH COVID-19 ON THE VIOLATION OF THE RIGHT TO WORK.**

In particular, one of the main violations was “putting” of employees on leave, including at employees’ own expense (i.e., unpaid leave) as a result of limited activities of the enterprise, institution, organization in quarantine. In such cases, employees were forced to write the relevant application, they did not receive their salary and could not receive social unemployment benefits.

The next problem was the violation of the procedure for dismissal of employees as a result of limited activities of the enterprise, institution, organization in quarantine. Thus, employees were dismissed without 60 days’ notice and mandatory payment of compensation by the employer. The most frequent victims of this violation were employees whose employment relationship was formalized without complying with labour legislation.

Quarantine restrictions also showed shortcomings in labour legislation, in particular the lack of a clear procedure for organizing a remote employee’s workplace in quarantine and remote working, and thus the procedure for paying for such work. This problem is most acute for public sector employees. In these cases, managers of institutions often made unfounded decisions to reduce wages due to the transfer of an employee to a remote job².

In addition, there were frequent cases of systematic non-payment by employers of wages to employees, or non-payment of UST for the employee when paying him wages, without notifying the latter (employees found out about non-payment of UST by the employer when applying for pension).

- **CARRYING OUT REGULAR MONITORING VISITS TO THE COMMUNITIES OF THE REGION, MOST REGIONAL COORDINATORS NOTE VIOLATIONS OF THE RIGHT TO EDUCATION DURING THE INTRODUCTION OF DISTANCE LEARNING IN SCHOOLS.**

In particular, during monitoring visits in Zakarpattia, Volyn and Kharkiv regions, it was found that a significant number of families cannot afford, whether financially or technically, to provide their children with technical means (smartphone, computer, high-quality Internet access) to participate in distance learning. Participating in lessons

² Similar violations of the right to work is specified in the [Study of the Impact of COVID-19 on Women Rights in Ukraine](#) and [analytics of Cedos Centre](#)

through television lessons also requires parents to pay for access to a wide range of TV channels, which is an unbearable burden on low-income families, including Roma families. Accordingly, children from these families were left beyond the educational process³.

- **IN A LOCKDOWN, REGIONAL COORDINATORS INVESTIGATED ACCESS TO JUSTICE AND VIOLATIONS OF THE RIGHT TO A FAIR TRIAL.**

Thus, during the monitoring of courts, as well as the consideration of citizens' appeals, it was found that most courts of Volyn, Kharkiv, Ternopil and other regions considered only urgent cases, consideration of other cases was usually postponed to other dates, sometimes for six months or more.

In addition, the order of the courts' chairmen restricted the access of citizens to the courtrooms, which violated the principle of publicity of justice.

In Lviv, the attention of the regional coordinator was focused on the Lychakivskyi District Court of Lviv City, where due to COVID-19 diagnosed in judges, the activities of the entire court were temporarily paralysed. However, the chairman and chief of staff of the court were told that the court could not suspend its activities, as even during a state of emergency, courts continue to administer justice. Thus, based on the results of this monitoring and the meeting of judges, the court resumed its work after disinfection and implementation of other anti-epidemic measures.

Regional coordinators also received complaints from court participants about non-compliance with quarantine and anti-epidemic measures on court premises. They also recorded such violations during monitoring visits, namely lack of information on quarantine, quarantine measures for visitors/court staff, lack of temperature screening at the entrance to the institution, examination, asking about signs of respiratory diseases, lack of disinfection, lack of disinfectants, judges and court staff do not adhere to the mask regime, etc. Based on the results of such monitoring visits, the representatives of the Commissioner in the region provided specific recommendations to the management of the judicial institution, and most of the shortcomings and violations were eliminated during the visit.

³ The problem of the impact of quarantine on the right to education is analysed in detail in a [study of the Cedos Centre](#)

- **THE REGIONAL COORDINATORS CHECKED THE OBSERVANCE OF THE RIGHT OF CITIZENS TO TRAVEL PRIVILEGE, DURING WHICH NUMEROUS VIOLATIONS WERE ESTABLISHED.**

During the quarantine restrictions related to the suspension of transport, certain categories of citizens, even if they were not prohibited, could not use public transport on a preferential basis, which violated their right, due to the relevant decisions of local governments in 9 cities (Chernivtsi, Dubno, Voznesensk, Zhovti Vody, Lyman, Mariupol, Sumy, Svativ, Okhtyrka city councils). Based on the information collected by the regional network, the relevant acts of the Commissioner's response were sent to the mayors.

- **THE REGIONAL COORDINATOR IN LUHANSK REGION DREW ATTENTION TO A NUMBER OF VIOLATIONS OF CITIZENS' RIGHTS IN CONNECTION WITH THE INTRODUCTION OF RESTRICTIONS ON THE MOVEMENT OF CITIZENS ACROSS THE DEMARCATION LINE (BOTH IN THE DIRECTION OF THE TOT OF DONETSK AND LUHANSK REGIONS AND BACK).**

Due to this situation, more than 600 people complained to the regional coordinator in Luhansk region alone about the violation of their rights and asked for help in crossing the line of demarcation.

The Commander of the Armed Forces introduced a mechanism for obtaining permission to cross the demarcation line if a person has extreme life circumstances to cross the EECP, however, unfortunately, this mechanism was not effective. In addition, due to the fact that these restrictions on movement were long-term (strict restrictions on crossing lasted about three months), the violation of citizens' right to freedom of movement led to violations of other citizens' rights, namely: the right to health care was violated (because those who remained on the TOT were deprived of the opportunity to receive qualified medical care); this category of citizens was deprived of social protection; pension rights (people were not able to receive pension benefits); the right to family unity was violated, and so on.

In connection with the situation due to temporary restrictions on the crossing of the EECP within Donetsk and Luhansk regions, the Ukrainian Parliament Commissioner for Human Rights appealed to the heads of Donetsk and Luhansk regional state

administrations to take all possible measures to protect the rights of people who found themselves at the EECP⁴.

- REPRESENTATIVES OF THE COMMISSIONER'S REGIONAL NETWORK INVESTIGATED THE IMPACT OF QUARANTINE RESTRICTIONS ON THE **RIGHTS OF CONVICTS AND DETAINEES**.

It should be noted that the regional coordinators are the monitors of the National Preventive Mechanism, and even during the full quarantine restrictions, they together with the staff of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights continued to carry out monitoring visits to places of detention. After all, already closed places of detention have become inaccessible to any outside visitors, so in such situations, the activities of the NPM are critical.

Order of the Ministry of Justice of Ukraine “On prevention of the spread of coronavirus COVID-19 on the territory of penitentiaries, pre-trial detention centres, health care facilities of the State Penitentiary Service of Ukraine” dd. 13.03.2020 No. 950/5 (hereinafter - the Order) established quarantine in penitentiary institutions. According to the Order, all types of visits, as well as visits to institutions by representatives of the media, associations of citizens, religious and charitable organizations, except for law enforcement officers and the court, were prohibited. Among the measures to counter COVID-19 are: restriction of visits to institutions, restriction of staff movements, reduction of social and educational events with convicts, and restriction of movement of convicts between institutions, and transfer of convicts online during communication with the outside world, transfer of court hearings with convicts to online conferences, etc.

However, according to the Law of Ukraine “On Pretrial Detention”, detainees are not allowed to use the telephone or the Internet. In the context of the COVID-19 pandemic, the issue of contacts of juvenile prisoners with the outside world, in particular with their parents and close relatives, became particularly acute. As visits to relatives during quarantine are prohibited and prisoners, including juveniles, are not allowed to use the telephone or the Internet, the latter are left without contact with their families for a long time, which has a negative effect on their moral, psychological and physical health and development. Psychological support of a child by his parents and relatives is one of the components of consistent and effective re-socialization and further successful integration into society.

⁴ <http://www.ombudsman.gov.ua/ua/all-news/pr/porushennya-prav-gromadyan-v-umovax-obmezheniya-peretinu-kpvy-v-mezhax-doneczko%D1%97-ta-lugansko%D1%97-oblastej/>

The regional coordinators (in particular, in Lviv, Volyn and Khmelnytskyi regions) also pointed to violations of the rights of convicts to health care and medical support due to restrictive quarantine measures and a ban on transfer. Since during the quarantine restrictions patients were not admitted to hospitals in a planned manner, there was no reception by dental clinics, offices, etc., and according to the Order of the Ministry of Justice No. 57/ОД/8-ОД dd. 12.03.2020 the movement of convicts in custody, except for the need to provide inpatient care and patients with active tuberculosis, was restricted.

Also, people released from prisons faced the problem of how to get home due to the suspension of transport services. The coordinator of the Commissioner in Kherson region helped the released man to get to his home in Crimea, for which she and the administration of the colony raised the issue before the border guards and organized the transportation of the released convict to the crossing point with the ARC⁵.

In addition, in connection with the abolition of transport services in Lviv region, there were complaints from employees of places of detention, including penitentiaries, about the inability to get to institutions that are far from settlements. As a result, the coordinator sent a letter to the Western Interregional Department for the Execution of Criminal Punishments. The problem was partially solved by organizing centralized transportation of workers to the workplace with the assistance of public and religious organizations.

- **THE COORDINATORS COULD NOT IGNORE THE ISSUE OF VIOLATING THE RIGHT TO A SAFE ENVIRONMENT FOR LIFE AND HEALTH.**

During the monitoring it was found that in places of detention (including Volyn, Khmelnytskyi, Lviv regions) there are no rules (algorithms) for handling personal protective equipment (PPE), which poses a threat of environmental contamination and the spread of Covid-19.

During targeted monitoring visits to various types of institutions, it was established that PPE is not properly disposed of, and agreements on removal and disposal are not concluded. In practice, PPE is collected separately, but is disposed of in a common landfill or incinerated.

⁵ For more information [visit](#)

*Number of events held by regional PR coordinators
of the Ukrainian Parliament Commissioner for Human Rights*

(March - August 2020)

Areas of activity	Total number of events
Members of the public received	467
- at the office	285
- in the field	182
Persons received	1618
- women	829
- men	789
Telephone calls recorded	3434
Documents (requests, letters, etc.) sent	699
Answers to sent documents received	480
Appeals received at the Regional Representative Office of the Commissioner	196
Appeals received from the Commissioner's Secretariat to be considered at the RPO	18
Total appeals	1021
- women	535
- men	487
Office memoranda submitted regarding completion of consideration of appeals received from the Commissioner's Secretariat	8
Transferred to the Commissioner's Secretariat for opening proceedings	65
Assignments received (from the Commissioner, Representatives of the Commissioner)	305
Assignments fulfilled	293
Total monitoring visits	302
including NPM-visits	269
Inspection visits made	14
Hearings attended	29
Human rights education activities organized	295
Human rights education activities attended	410
Published materials on the coverage of activities of the Commissioner and the network	2168