

**ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ ПРИ ВІДДІЛЕННІ ООН ТА ІНШИХ МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У ЖЕНЕВІ**

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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith the information from the relevant authorities in response to the joint questionnaire from several United Nations Special Procedure mandate holders on protection of human rights during and after COVID-19 pandemic.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: as stated, 4 pages

 Geneva, \_\_\_ July 2020

**Office of the United Nations**

**High Commissioner**

**for Human Rights**

**G e n e v a**

**Information on the spread of COVID-19 in the** **temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)**

**with a focus on a situation in detention facilities**

On 17 March 2020, Russia’s occupying administration in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol declared a state of “high readiness” on the peninsula to prevent the spread of COVID-19, thus restricting the rights and freedoms of Crimean residents, namely by prohibiting public events and leaving one’s residence without good reason, temporary closure of the majority of commercial and service venues, introduction of distance learning, etc. The same restrictions have been introduced by the occupying authorities in Sevastopol. In addition, checkpoints at the administrative border from the occupied side have been closed (preventing travel in or out of Crimea) on the orders of the Russian government. Russia’s Criminal and Administrative Codes have been supplemented with new provisions that provide for liability for violating said restrictions.

There are reasonable doubts as to the suggestion that official statistics on the number of COVID-19 cases reflects the true picture. Overall, Crimea’s healthcare today is unable to provide proper conditions for combating the spread of COVID-19 and treating COVID-19 patients. The local population does not have enough personal protection equipment. Furthermore, the new regulations that provide for liability for a breach of “quarantine” restrictions have resulted in abuse of power on the part of the police and Russia’s National Guard.

The above shows that Russia as the occupying power has failed to take the necessary steps to combat the spread of COVID-19 among the population of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, which indicates a violation by Russia of its obligations under Article 56 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War as well as Articles 10 and 14 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts.

The situation related to conditions of persons held in Crimean prisons and pre-trial detention facilities (PTDF) is particularly dire. To combat the spread of COVID-19 in prisons and PTDFs of Simferopol, long and short-term visits of relatives have been suspended. Russia’s Federal Penitentiary Service (FPS) has declared that any convicts or detainees with COVID-19 symptoms are to be taken to a medical facility. For the period of March 19 to April 10 the courts of the occupying administration have restricted access to court buildings, filing of documents and examination of cases.

Particularly worrisome is the situation in «PTDF No. 1» in Simferopol, which is extremely overcrowded as confirmed by Director of Russia’s FPS Aleksandr Kalashnikov. Inmates held at the mentioned institution have not been provided with personal protection equipment (masks and disinfectants), while those with COVID-19 symptoms only get their temperature taken instead of being tested. In addition, a “quarantine” cell designated for inmates displaying symptoms of COVID-19 or viral respiratory infections is supposed to accommodate up to 6 people and lacks proper sanitary conditions.

The courts of the occupying power have not changed their usual practice when determining or extending restraining measures. Thus, between March 17 and April 17, first instance courts, in line with systemic politically motivated prosecution of Crimea’s residents, convicted 1 person and ordered 35 persons to be detained for the duration of the pre-trial investigation. 19 of mentioned decisions were taken by courts of the occupation administration and 15 by Russian courts.

During the same period, at least 26 decisions on detention and 1 conviction were upheld in the courts of appeal, with 19 of these verdicts delivered by the judges of the so-called “Supreme Court of the Republic of Crimea”.

In addition, some Ukrainian citizens are still being transferred from Crimea to Rostov-on-Don (Oleh Prykhodko) or from Rostov-on-Don back to Crimea (Ruslan Suleymanov, Seyran Murtaza, Erfan Osmanov) as part of investigation or for examination of their cases on merits. The transfers are conducted in unsanitary conditions and without provision of food.

Russia as a state party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on Human Rights must ensure the right to life of Ukrainian citizens who are under Russia’s jurisdiction or are being held in penitentiary institutions of Russia and the occupying authorities of the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol, as well as prevent torture or inhuman or degrading treatment as required by the mentioned legally-binding instruments. It is essential that the corresponding measures include the following:

- preventing overcrowding of penitentiary institutions and PTDFs by reducing prison terms and using parole and probation mechanisms;

- giving priority to restraining measures that do not involve detention during the pre-trial investigation stage in criminal cases;

- testing prisoners for COVID-19 and providing intensive care to those that need it;

- providing proper medical assistance to prisoners without discrimination,

- refraining from transferring detained Ukrainian citizens to Russia;

- ensuring access of the human rights officials of the United Nations and the Council of Europe to places of detention, in particular to those where inmates are kept in “quarantine”.

The failure to implement the mentioned requirements should be considered a breach of Russia’s commitments under international human rights and humanitarian law.

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**Отдельные аспекты государственной политики Украины по противодействию COVID-19 в энергетической и социальной сферах**

Пунктами 4-7 раздела III «Заключительные положения» Закона Украины «О внесении изменений в некоторые законодательные акты Украины, направленных на предупреждение возникновения и распространения коронавирусной болезни (COVID-19)» определено, что на период действия карантина или ограничительных мер, связанных с распространением коронавирусной болезни (COVID-19), и в течение 30 дней со дня его отмены запрещается: начисление и взыскание неустойки (штрафов, пени) за несвоевременное осуществление платежей за жилищно-коммунальные услуги; прекращение/приостановление предоставления жилищно-коммунальных услуг гражданам Украины в случае их неуплаты или оплаты не в полном объеме.

 Постановлениями Кабинета Министров Украины от 11.03.2020 № 211
«О предотвращении распространения на территории Украины острой респираторной болезни COVID-19, вызванной коронавирусом SARS-CoV-2» и от 20.05.2020 № 392 «Об установлении карантина с целью предотвращения распространения на территории Украины острой респираторной болезни COVID-19, вызванной коронавирусом SARS-CoV-2, и этапов ослабления противоэпидемических мероприятий» на период действия карантина поставщикам электрической энергии, операторам систем распределения электрической энергии запрещено осуществлять отключения и ограничения ниже технологического минимума потребления электрической энергии предприятий централизованного водоснабжения и водоотведения независимо от формы собственности и угледобывающих предприятий, а поставщикам природного газа – осуществлять прекращения поставок природного газа производителям тепловой и электрической энергии независимо от формы собственности.

 27 мая 2020 Правительство Украины представило Программу стимулирования экономики для преодоления последствий эпидемии COVID-19 (далее - Программа). Программа предусматривает широкий спектр методов поддержки. Целью Программы является внедрение комплексной системы мер по стабилизации и устойчивому развития экономики Украины, росту занятости населения путем сохранения существующих и стимулирования создания рабочих мест. Программой запланированы соответствующие инициативы, в том числе обеспечение финансовой стабильности системы в условиях кризиса, а также пересмотр тарифов на электроэнергию, отпускаемую населению.

Топливно-энергетический комплекс, где работает около 300 000 человек, играет ключевую роль в экономике страны, обеспечивая ее непрерывное функционирование. Для организации работы аппарата профильного Министерства энергетики и защиты окружающей среды Украины (далее – Минэкоэнерго) и методического сопровождения деятельности государственных предприятий, учреждений и организаций, относящихся к сфере управления Минэкоэнерго, приказом от 16.03.2020 № 170 создан Оперативный штаб.

Руководством отрасли и Оперативного штаба, а также подведомственных государственных предприятий, учреждений и организаций были приняты эффективные управленческие решения о посменной (вахтенной) работе, обеспечении работникам удаленного доступа к рабочим местам, предоставлении отпусков, организации изоляции (самоизоляции) лиц с признаками заболевания коронавирусом COVID-19, массовом и индивидуальном информировании и разъяснении ситуации по предотвращению распространения на территории Украины острой респираторной болезни COVID-19, вызванной коронавирусом SARS-CoV-2.

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