

CORONAVIRUS PANDEMIC AS A REASON FOR LIMITATION OF HUMAN RIGHTS AND FREEDOMS

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The subject. The article analyzes the phenomenon of the COVID-19 pandemic and its impact on the human rights and freedoms. It emphasizes that some information about the coronavirus infection was available several decades ago. At the same time, the specialists unfortunately weren't ready for the possible mutation of this virus, which has now exposed a large-scale threat to the population of the whole world.

The purpose of the article is to identify the problems of the implementation of the citizens' rights and offer proposals for improving the Russian and Belarusian legislation and the practice of its implementation in the field of combating the coronavirus infection.

The methodology. The authors take into account the practice of the European Court of Human Rights and the constitutional control bodies of Russia and foreign countries. They make a conclusion on the legitimacy and necessity of the taken restrictive measures. The article is based on the dialectical method, as well as at the logical, historical, systemic methods. Methods of analysis and synthesis were of particular importance. The authors have applied the functional method to research the main areas for ensuring a reasonable balance of private (individual) and public interests.

The main results, scope of application. Modern constitutions, including the Russian and the Belarusian ones, contains the most important principles of the rule of law, enshrine human rights and freedoms as the highest value. Human rights and freedoms continue to be at the epicenter of many disputes and discussions. The modern system of rights and freedoms is constantly developing; the legal status of a person receives new content as the human civilization develops and the paradigm of values changes. For example, we see how information technology and other advances affect the scope of rights and freedoms. Rights, freedoms and obligations are interconnected and interdependent. All groups of rights are currently in the field of view of international organizations. The problem of equality, the elimination of discrimination, the restoration of violated rights, the assessment of the limits of the state's invasion in human rights and freedoms continues to be relevant nowadays. The article focuses on the international and national standards for the possible restriction of rights and freedoms in order to protect the health of the population. The international law rules on human rights oblige states to take measures to protect health and provide medical assistance to those in need.

Conclusions. One of the constant problems is the relationship between the rights of a particular person and the rights of other persons, group or society as a whole and the state. At the same time, the coronavirus pandemic forced the public authorities to determine the balance of the priority of human rights and freedoms or the protection of the life and health of citizens. The coronavirus pandemic is the factor that affects the content of the legal regulation of relations in the field of human rights and freedoms. The measures taken by the state affect the right to health protection, freedom of movement, the right to education, right to have sport activity, right to work, freedom of assembly and others.

The article proposes to inform the population more fully about the measures taken by the state and society in this direction, about the wider use of information technologies, about the possible responsibility for non-compliance with the requirements for the use of personal protective equipment and the self-isolation regime.

1. Introduction

The relevance of the current topic is ensured by the fact that the human rights is regarded as an important category of constitutional law, legal sciences and practice. Since the beginning of a pandemic regime all over the world, the human rights and freedoms are restricted by means of laws, decrees and other bylaws, including the introduction of penalties, etc. An interesting tendency is emerging: the stricter the measures, the lower the level of trust in those authorities who introduce them [1]. A problem arises of a reliable information vacuum, which gives rise to legal nihilism on the part of citizens, the lack of understanding of the authorities and their decisions is intensified due to the insufficiently deep and detailed rules of conduct introduced by the authorities in the field of restricting human rights and freedoms in a pandemic. At the same time, long ago before the events of 2019, the coronavirus was mentioned in the Russian and Belarusian legal acts. There are known seven coronaviruses that infect humans.

Human coronavirus was first isolated in 1965 from ARI patients. In the second half of 2019, a new type of coronavirus, COVID-19, which caused a pneumonia pandemic, was revealed. COVID-19 is a new form of sociality that involves the object micro-level of relations between viruses, the immune system and the human genome, which are transferred with distortions and substitutions to social relations and practices [2]. By the spring of 2020, it had become a worldwide problem. As a result, the borders of many states were closed and emergency security measures were introduced. The World Health Organization (WHO) reported that a new variant of the coronavirus was found in the Great Britain in September 2020. Although it began to spread widely only from mid-November. Later, a mutation of the coronavirus, according to WHO, was also fixed in Denmark, the Netherlands and Australia. The authorities of South Africa, Italy and Brazil also announced the identification of a new strain in the countries.

Based on Russian and Belarusian law it becomes clear that epidemiologists have been talking about coronavirus infection for a long time, having reflected the results in legal documents. Since 2011 the coronavirus topic has appeared in the Russian Federation. This virus (excluding the strain of 2019) has already appeared in medical terminology and had been reflecting in the documents. The Federal Service

for Supervision of Consumer Rights Protection and Human Wellbeing, in a letter dated December 7, 2012 No. 01 / 13990-12-32, recorded: according to WHO, in September-November 2012, 9 cases of diseases with the isolation of a new variant of coronavirus were registered among people living or visiting Saudi Arabia, Qatar and Indonesia, 5 of which were fatal. Clinically, the disease manifested itself as severe respiratory syndrome (atypical pneumonia) with renal failure. The mortality rate was 55 percent.

The Republic of Belarus also made the fixation of this term in the national documents. For example, according to the Resolution of the Ministry of Health of Belarus, coronaviruses were listed as infectious agents. At the end of 2019, the whole world faced such a mutation of the coronavirus, which neither humanity nor health professionals were ready to fight effectively.

International legal regulation of the human rights and the practices of foreign countries in a pandemic

The 1948 Universal Declaration of Human Rights establishes that “in the exercise of his rights and freedoms, everyone should be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”. International legal regulation takes the issue of the scope of rights, the limits of their limitations beyond the internal competence of the state. In international practices, which is generally accepted in the constitutions of modern states, a solution has been found how to comply with the principle of the priority of human rights and freedoms and correlate it with the legitimate interests of other subjects.

Under the International Covenant on Civil and Political Rights (ICCPR) States Parties to the Covenant may take measures derogating from their obligations under this Covenant only to the extent required by the exigencies of the situation, provided that such measures are not incompatible with their other obligations under international law and do not discriminate solely on the basis of race, color, sex, language, religion or social origin.

The European Convention for the Protection of Rights and Fundamental Freedoms (ECHR) provides for two terms: limitation (Article 8.18) and derogation from one's obligations (Article 15).

International standards provide that in case of the life and health threat, restrictions on certain rights and freedoms are permissible, if such restrictions are

introduced in accordance with the law and are necessary. This excludes arbitrariness or discrimination; restrictions must be limited in time, meet other requirements in a democratic society. International practice shows that restrictions are justified that meet the requirements of justice, adequacy, proportionality, proportionality and necessity to protect constitutionally significant values. However, it is necessary to pay attention to the fact that the execution of international court decisions on human rights is conditioned by the internal factors of each state [3, p.48].

We recognize the importance of individualism. A person has a certain autonomy, but the rights cannot be considered in isolation. Recognition of the priority of the rights of an individual does not mean ignoring the interests of other people, conniving at abuse of rights. Thus, the scale and severity of the COVID-19 pandemic pose a threat to public health. Therefore, limiting the scope of rights and freedoms is justified. As the former President of the European Court of Human Rights (ECHR) Linos-Alexandra Sicilianos noted, the restrictions on movement in the world introduced in 2020 in connection with the coronavirus pandemic, in general, are proportional to the problem and legitimate. All restrictions should be temporary and should be abolished after the crisis is over. [4]

Adopted by the UN Economic and Social Council on Human Rights in 1984, the Siracusa Principles and the UN Human Rights Committee's general comments on freedom of movement and the state of emergency provide generalized guidance on how states should act when deciding on restrictions on rights and freedoms to protect public health. As an example, "any restrictions on rights and freedoms within the framework of measures taken to protect the population must be legal, necessary and proportionate; any restrictions on rights and freedoms must take into account the disproportionate consequences for certain categories of the population and marginalized groups" [5, p. 60]. On March 16, 2020, a UN Human Rights Panel stated "the declaration of a state of emergency due to the COVID-19 epidemic should not be used as a basis to persecute certain groups, minorities or individuals. The state of emergency should not serve as a cover for repressive actions under the pretext of protecting public health...and should not be used to suppress grievances alone." The Siracusa Principles explicitly state that the imposed limitations shall, at a minimum:

be prescribed by law and carried out in

accordance with the law

pursue a legitimate aim that meets a pressing social need

be strictly necessary in a democratic society to achieve such a goal

ensure the achievement of such a goal with minimum infringement and restrictions

be based on scientific evidence and the application of restrictive measures shall not be arbitrary or discriminatory

must be time-limited, respect human dignity and be verifiable.

Thus, these restrictions, which aimed at isolating people with characteristic symptoms, should, at a minimum, be provided for by law.

According to doctrine, the essence of the principle of proportionality is to take into account the causal relationship between the decisions and actions of the authorities and the aims achieved. Proportionality means the possibility of limiting rights and freedoms to the extent necessary to achieve the aim; how important are the public interests and interests of other persons, while the essence of the corresponding right or freedom should not be violated. With respect to the necessity of limitation, it is possible if the corresponding aim cannot be achieved by any other means. In this event, you should choose the least burdensome restriction [6, p.527].

In foreign countries, as well as in Russia and Belarus, measures were taken to combat the spread of coronavirus infection. Some countries introduce strict restrictions on constitutional rights and freedoms; others decide not to apply any serious restrictions.

Under the Hopkins Institute for November 25, 2020, the USA (about 13 million), India (more than 9 million), Brazil (more than 6 million) are among the leaders in terms of the incidence of COVID-19. More than 2.1 million were infected in the Russian Federation. In small countries as the Czech Republic and Romania - 0.5 and 0.4 million, respectively. Belarus registered 127 thousand cases of COVID-19. As for China, where, as some believe, the procession of the coronavirus came from? Although there is some new evidence, that the COVID-19 disease was revealed in some other countries earlier than in China. In China, according to official data, 92 296 cases of disease have been identified. The fact is amazing, but there is an explanation. On the one hand, the emergence of virus took place; on the other hand, the successful fight against COVID-19 was realized in China. The introduction of strict quarantine and a disciplined attitude towards it throughout the territory of Hubei province, where more than 60 million people live,

posed to the entire world community the question of whether constitutional restrictions and an effective fight against the pandemic are compatible. At the same time, authoritarian methods of government made it possible to quickly carry out a whole range of necessary quarantine measures and stop the spread of the epidemic throughout the state.

Some countries with a high mortality rate from COVID-19 have introduced harsh regimes aimed at restricting constitutional human rights (Great Britain, Germany, Italy, USA, etc.). Other countries, like Sweden, have abandoned preventive measures altogether, counting on the acquisition of herd immunity (experts believe that it is acquired after 70 percent of the population falls ill). The countries such as Belarus, Brazil, Mexico, the Netherlands, South Korea abandoned serious restrictions on human rights and chose alternative options for solving the specified task aimed at combating the pandemic. However, not in all countries were satisfied by the variable approach.

Besides, there was a violation of the social order. Particular attention to the limitation of human rights in the context of COVID-19 and prejudice fell on the elderly and people with disabilities, the hierarchical social order of society was revealed. Violations are defined at different levels - discursive, ethical and everyday [7, p.276]. Thus, a social Darwinian approach to saving the population was demonstrated by many European states with developed constitutional legal relations. In the USA, Spain, Sweden, Great Britain, elderly citizens and migrants were actually denied medical assistance [8, p. 70].

As a result, according to the WHO European Office, in the countries of the region, up to half of all deaths from coronavirus occur in centers for the elderly. In Spain 66%, UK 25% of deaths occur in nursing homes. It should be noted that, according to European jurists, "constitutional pluralism can and will remain relevant for EU or UK relations, as well as within the EU as whole, in the future" [9, p. 41].

Judicial practice in foreign countries was also controversial. For example, the Austrian Constitutional Court ruled illegal restrictions on the operation of restaurants and hotels, restricting the freedoms of citizens and coercion to wear masks: This conclusion was made on the basis of the absence of strong arguments for the necessity of these restrictive measures.

Asian countries are more successful in resisting the pandemic. Such a conclusion is made based on the pandemic situation by December 2020. For example,

in China, there are only about 90 thousand infected, although it got rid of strict quarantine measures long ago. The cultural peculiarities of East Asia also played the role. The basis of Chinese society is the ideas of Confucius: diligence, responsibility, law-abidingness.

This triad has remained after the democratic transformation, in particular of Japan, South Korea and Taiwan. The population of these countries fulfills the requirements of the authorities. There are no large-scale protests against quarantine measures, unlike, for example, Germany, France. Although it can be assumed that workers and owners of cafes, restaurants, and the service sector are showing great interest in opposing the decisions of the authorities to establish quarantine measures.

In Asian countries, it has long been a practice to wear masks in public places. The environmental factor began to work here a long time ago, the desire to protect oneself and others from infection with respiratory diseases. This reduced the need for a discussion on the prophylactic value of mask regime, which is still ongoing in Europe.

In addition there are social cohesion and readiness of the health care system characteristic of these countries for an increased burden. In China, Japan and some other Asian countries, special health QR codes have been introduced to control the movements of the owner of the phone.

This allowed their "green", "yellow" or "red" hazard status to be identified. In Japan, QR codes were used so that citizens can use them to check in at places of visit, and they can be alerted to the threat of illness if the coronavirus is found in previous visitors at the same time. A similar system was introduced in Russia. China has begun using drones with thermal imagers that can measure temperatures from a distance. Quarantine violators are held accountable.

2. Realization of the rights of citizens in the context of a pandemic in the Russian Federation and the Republic of Belarus

The Constitutional Court of the Russian Federation stated in its decisions that when restricting rights and freedoms, the state should use only the necessary measures dictated by the aims, they should not be excessive. Achievement of public interests justifies restrictions on rights and freedoms, provided they are adequate to socially justified aims. It is not allowed to encroach on the very essence of this or that right. The norm should be formally defined, precise, precise and clear, not allowing an extensive interpretation of the established restrictions and, therefore, their arbitrary application.

Russia and Belarus have chosen different models

of responding to the threat of the spread of COVID-19 coronavirus diseases. In particular, on March 20, 2020, a high alert regime is introduced in the Russian Federation throughout the country [10, p.45]. Severe restrictions on rights are established: for movement, recreation in public places (restrictions on the activity of cafes, cinemas, holding meetings, etc.), announcement of lockdowns, referral to self-isolation (meeting at airports and removal upon arrival from countries where the epidemic has spread, to closed rest homes, quarantine sanatoriums), announcement of measures for the use of personal protective equipment, etc. Moreover, within the subjects of the Russian Federation, the restrictions were significantly different. As an example, by the Decree of the Mayor of Moscow No. 35-UM, self-isolation was introduced. Citizens were obliged to stay in places of residence (stay), with the exception of some cases. For those who returned from countries with recorded cases of the new coronavirus, more stringent measures were taken to restrict freedom of movement. In the Moscow region, a curfew was introduced (from 10 pm to 8 am). In other subjects of Russia, similar quarantine restrictions are introduced:

- prohibition to leave the place of residence;
- self-isolation for people over 65, people with chronic diseases or those who have arrived from countries with an unfavorable epidemiological situation;
- suspension of the activities of organizations in which a mass gathering of people is possible, including cultural institutions, etc.

One of the difficult issues on the agenda was the need to suspend production and economic activity. Now we can observe that even with the doubling of the growth of COVID-19 diseases, there are no longer large-scale proposals to curtail economic activity. More attention is paid to other segments of public relations, where the achievements of information technology can be more successfully applied (education, culture, entertainment industry, etc.). However, this does not mean that the efforts of states, such as the Russian state, were not the seriousness of the threat. We believe that, on the contrary, due to the lack of experience in countering a pandemic, including the health care system, attention to this problem from the leadership of the Russian Federation was optimal. Among the measures, one can note the provision of possible financial assistance to organizations, the prompt construction of medical centers, educational work and control by the sanitary supervision authorities, etc.

In the Republic of Belarus, at first, the attitude to this problem was not as alarming as in the Russian Federation. Due to the economic capabilities of the Belarusian state, we believe that the specialists should have been offered not radical (suspension of production, transport links, etc.), but measures acceptable for our socio-economic situation. At the same time, such important measures as social distancing, other preventive measures (mask regime, treatment with antiseptics, measures for self-isolation of patients, etc.) were not promptly proposed. Indeed, the situation with the coronavirus could not be escalated. But Belarusian medical officials could show themselves more actively, providing calm and reasonable support of the adopted state decisions, in a calm atmosphere explaining to the general public why certain steps have been taken or not taken.

At the beginning of December 2020, more than 90 acts of legislation were adopted in Belarus concerning, to varying degrees, the coronavirus epidemic and measures to prevent diseases from this infection. These are government decrees and departmental acts, primarily the Ministry of Health. Moreover, such important acts as the Law of the Republic of Belarus dated 07.01.2012 No. 345-3 (as amended on 10.07.2017) "On the prevention of the spread of diseases posing a threat to public health, the human immunodeficiency virus", Law of the Republic of Belarus dated 07.01.2012 No. 340-3 (as amended on 07/15/2019) "On the sanitary and epidemiological well-being of the population" were enacted.

The Resolution of the Council of Ministers of the Republic of Belarus of 08.04.2020 No. 208 (as amended on 30.10.2020) "On the introduction of a restrictive measure", Resolution of the Council of Ministers of the Republic of Belarus of 22.05.2020 No. 305 "On measures to prevent the spread of infection caused by coronavirus COVID-19" are also of great importance.

The Resolution of the Ministry of Health of the Republic of Belarus dated December 29, 2012 No. 217 (as amended on October 30, 2020) "On the approval of Sanitary norms and rules" determines the legal regime of behavior of various subjects in a pandemic. According to the amendments made on 10.10.2020, persons who are in self-isolation during the period of registration of cases of COVID-19 infection must comply with the following sanitary and anti-epidemic requirements (paragraph 42): not to leave the place of residence (stay), including not to visit places of work (study), trade and catering facilities, sports, exhibition and concert halls, cinemas, train stations and other places of mass stay of people, except for the following cases of extreme necessity:

- visiting the nearest grocery store or pharmacy to purchase the necessary goods;
- removal of household waste to the nearest waste collection point;
- visiting a healthcare organization for emergency and (or) emergency medical care;
- when leaving the premises in cases of extreme necessity specified above, you shall wear mask,
- do not allow contact with other persons;
- exclude the use of services that involve contact with others, unless such services are required to ensure the safety of life.

Methodological recommendations for the prevention of coronavirus infection (COVID-19 infection) in organizations are of preventive importance. They are accompanied by the letter of the Ministry of Health of the Republic of Belarus dated September 21, 2020 No. 7-19 / 15320 for placement in a single database of normative acts, which, in our opinion, does not meet the requirements of the Law "On Normative Legal Acts" and reduces their legal force, but nevertheless has an organizing principle. It would be great if such meaningful guidelines were published in March-April 2020. It defines the main sanitary and anti-epidemic measures, including organizational measures, for example, the development of a local document defining the organization's work plan in the current epidemiological situation for COVID-19 infection; monitoring the health status of employees; use of personal protective equipment (PPE); a set of measures for social distancing, carrying out outreach work on the prevention of respiratory infections, including COVID-19 infection, etc. Specific and urgent recommendations are given for certain types of activities. But a distinctive feature of this document is that citizens are influenced to comply with the requirements for the use of personal protective equipment through the imposition of responsibility on trade organizations, organizations for the provision of services: they, as well as officials, are held accountable (and not citizens) if they serve citizens without using personal protective equipment, not taking measures to ensure social distance (no markings). While it works. The majority of citizens understand the need to take care of their own health and life.

In the Russian Federation, more than 200 resolutions and orders have been adopted at the level of the Russian government alone. Moreover, the first order has already been issued on January 30, 2020, restricting the passage through the border with China, and the next day, January 31, a resolution was

adopted, which amended the list of diseases that pose a danger to others, indicating coronavirus infection. Federal Law No. 38-FZ of March 30, 1995 (revised on May 23, 2016) "On the prevention of the spread in the Russian Federation of a disease caused by the human immunodeficiency virus (HIV)" (as amended and supplemented, entered into force from 01/01/2017) solves a number of problematic issues that have arisen in connection with the COVID-19 pandemic.

Earlier in Belarus, a national standard in the field of human legal status was formed, which largely takes into account the European system of values. The year 2020, speaking with respect to the pandemic impact only, led to the adjustment of the volume and content of many rights that we took for granted. In constitutional and international law, the concept of the grounds and limits for human rights and freedoms restriction has long been developed. According to Art. 7 of the Constitution in the Republic of Belarus the principle of the rule of law is established. This means the priority of a legal legislative act in the field of normative regulation and the predetermination of the content of legislative acts with a modern understanding of human rights and freedoms. In accordance with Art. 15 of the Constitution of the Russian Federation the Constitution of the Russian Federation has supreme legal force, direct effect and is applied throughout the territory of the Russian Federation. Laws and other legal acts adopted in the Russian Federation must not contradict the Constitution of the Russian Federation. The recognition of the priority of human and civil rights and freedoms is enshrined in both the Russian Constitution and the Belarusian Constitution. It is very valuable that the Russian Constitution stipulates that human and civil rights and freedoms are directly applicable. They determine the meaning, content and application of laws, the activities of the legislative and executive authorities, local self-government and are ensured by justice.

Article 23 of the Constitution of Belarus provides that restriction of the rights and freedoms of an individual is allowed only in cases provided for by law, in the interests of national security, public order, protection of morals, public health, rights and freedoms of others. No one can enjoy advantages and privileges that are contrary to the law. Fundamental provisions concerning the admissibility of restrictions on rights and freedoms are also contained in the Constitution of the Russian Federation.

Restrictions on rights are admissible for purposes strictly defined in the Constitution, and cannot be interpreted broadly. At the same time, we do not fully

agree with the position of some authoritative judicial instances that restrictions should not lead to the diminution of other civil, political and other rights guaranteed to citizens by the Constitution and laws of the Russian Federation. All rights are interconnected, for example, restrictions on coronavirus lead to some narrowing of the scope of the right to education: distance learning to some extent compensates for the inconveniences that have arisen, but is not a 100% replacement for the ordinary and traditional order of education.

For a long time, scholars and practitioners who are interested in strengthening confidence in state institutions have argued about the need to prepare public opinion for decisive solutions. This is an important component of building trust on the part of the population. The insufficient level of ideological support of the adopted acts, as foreign and domestic experience shows, leads to a decrease in public support even for those decisions that generally meet public interests. In this regard, the communication with the population and the transparency of the made decisions were ensured by information and communication technologies.

It is necessary to emphasize that the reasons for choosing a decentralized mechanism for implementing measures remain open. As noted in Russian sources, some suppose that in conditions of high alert, the subjects of the Russian Federation have the right to introduce and cancel restrictive measures (quarantine) within its territory on the basis of proposals, orders of chief state sanitary doctors and their deputies [11, p. 65, 12]. Others associate this choice with the redistribution of the state's responsibilities from the federal to the regional level to compensate material damage from the introduction of this regime due to the suspension of the activities of a number of economic entities [13, p. 143]. It is well known that the introduction of a state of emergency in practice would mean a colossal financial burden on the federal budget. Apparently, therefore, it seems that the Constitutional Court of the Russian Federation made the optimal decision. In particular, the Constitutional Court recognized as constitutional the empowerment of the governors of the subjects of Russia to restrict human rights by introducing a high alert regime.

We believe that the practice of issuing acts of senior officials of the subjects of the Russian Federation containing restrictions on the rights and freedoms of citizens will still be the subject of an independent constitutional and legal study [14]. At the same time, from the perspective of today, thanks

to the experience gained, it is possible to assess the rationality of the measures taken at the beginning of 2020 and the need to determine new approaches in the emerging reality.

3. Conclusions

The practice of human rights, like most other spheres of human activity, has been radically affected by the new coronavirus pandemic [15, p. 247]. When determining the strategic course of action by the state, the significance and prevalence of violations of economic and social human rights is revealed, especially during a pandemic [16, p. 268]. Some countries have followed the path of defining three dominants in the field of human rights: ensuring that responses reinforce dignity, the right to life, non-discrimination and protect the most vulnerable; using human rights in balancing priorities and making difficult decisions; and optimizing the link between disease and democracy [17, p. 250]. Among the identified common problems, their solution presupposes the need to achieve more effective interaction between international and national (state) movements for human rights [18, p. five].

It is important to underline the positive factors. The pandemic conditions have allowed to organize a more sparse urban space in some countries and, as a result, to reduce the risks of forced mass gatherings of people. The need for a hierarchy of priorities was actualized. For example, the existence of a system of priorities, not only financial, but also of values, for the fair distribution of urban space - starting from pedestrian and bicycle mobility and public transport and ending with parking, it has also made it possible to increase the security of people who do not have a car, creating a fair and safe city, to reduce the cost of delivery due to the development of bicycle transport, electric scooters, etc., to organize a health-oriented urban space with an emphasis on the development of mass sports and physical culture of residents of all ages in city parks, squares and embankments. In London, Boston, Barcelona, Vienna, Melbourne and others, the implementation of the concepts "healthy streets - healthy people", "healthy streets, complete streets" has become more popular. Work began on the formation of an urban space focused on health, a favorable and comfortable self-awareness of a person and a human scale, including by expanding sidewalks, eliminating underground and overhead pedestrian crossings, auditing pedestrian routes, etc. [19].

Moreover, one should agree with the proposals in the legal doctrine, which are aimed at amending the current legislation regarding the specification of the

constitutional and legal status of the regime of restrictive measures. The above recommendations will provide a higher level of guarantees of the rights and freedoms of citizens; contribute to uniform law enforcement and the most effective model of public administration [20,21,22]. It is also necessary to conduct research in order to develop a number of legislative provisions and principles for the implementation of the lawful restriction of the rights and freedoms of citizens.

There is a strong school of IT specialists in the Russian Federation, as well as in the Republic of Belarus. Their knowledge should be used to protect public health. More complete information for the population should be available on the Internet. In this regard, the experience of the Russian Federation is useful for Belarus, where a website has been created that contains blocks "About coronavirus" (contains subsections of symptoms; transmission routes; 7 steps for prevention; myths about coronavirus; world statistics; News), "Government measures" (social, business support measures), Questions and answers (frequently asked questions), "What to do" (everyone, businesses; employers; employees, volunteers; elderly people; parents; students), Useful tips; Questions and answers; Vaccination.

Belarusian legislation and practice are so far set to impose large requirements on organizations in terms of compliance with the current regulatory legal acts: as noted, there is no wide practice of liability for not using masks or other personal protective equipment in public places. We presuppose that at this stage this is commendable. Although Art. 16.8 of the Administrative Code of the Republic of Belarus provides for liability for violation of sanitary and epidemiological, hygienic requirements and procedures established by technical regulations, sanitary norms and rules, hygienic standards in the form of a fine in the amount of up to thirty basic units, for an individual entrepreneur - up to two hundred basic units, and for legal face - up to five hundred base units.

In the Russian Federation, since the beginning of the pandemic, more than 1.1 million people have been brought to administrative responsibility for violating the rules adopted to combat the spread of the virus, in particular for non-compliance with the rules of conduct in an emergency or the threat of its occurrence. The total amount of fines amounted to more than 1.7 billion rubles. In this regard, modern models of social control are actualized: how laws and policies construct and react to people, behavior or status, defined as "undesirable", "dangerous" or

socially problematic [23, p. 187].

Measures taken by the state, as mentioned, affect the implementation of a number of rights. In particular, in the housing, labor spheres, in the field of social security and social protection of citizens [24]. Besides, existential insecurity is on the rise, coupled with a lack of effective human rights education. [25] It is necessary to preserve and even improve the quality of education in connection with the transition to distance learning. Thus, in online learning, the most significant risks were associated with dehumanization, the severing of social ties, and the possible loss of student status. An analysis of students' responses demonstrates that for them mastering a specialty is not only acquiring knowledge and competencies, but also factors such as live communication, teacher assistance in the classroom, attending the university, the creative aspect, which are more difficult to implement in online classes [26]. The process of digitalization of all spheres of society and the associated change in the formats of education at the university is a progressive, inevitable, but also contradictory phenomenon [27]. Some claims of lower tuition fees in this regard do not take into account that the workload on teachers and educational institutions has also increased. It is important to diagnose death accurately, as this allows those involved in the farewell and burial to take precautions.

The labor legislation of these states provides for the possibility of distant work. But it is necessary to take into account the interests of the parties to the labor contract and the team.

The budget is heavily burdened by the pandemic. It would be possible, through changes in tax legislation, to stimulate private organizations and entrepreneurs to provide charitable assistance. There is an unused potential in the Republic of Belarus in this area.

To create a legal basis for the behavior of participants in these public relations, the introduction of a special legal regime normatively fixes the temporary restriction of the fundamental rights and freedoms of citizens and the imposition of additional duties on them. Legal restriction in this case also acts as an element of the legal mechanism for managing an emergency. Its aim is to normalize the situation as soon as possible, eliminate threats to the security of citizens and provide them with the necessary assistance [28].

In order to respond more quickly to the situation with coronavirus in the future, adjustments should be made to the Law of the Republic of Belarus "On the prevention of the spread of diseases posing a threat to public health, the human immunodeficiency virus" to

ensure the forced hospitalization and the officials liability. Nowadays according to Articles 20 and 21 of this Law, the adoption of a decision on involuntary hospitalization and its execution may take several days, although there may be obvious symptoms of the disease, but a person ignores the demands of doctors.

Infectious diseases pose an increased danger for people in boarding houses, in custody, or any other places of constant contact and limited space, where medical care is less accessible. Consideration could be given to expanding the grounds for parole from places of detention.

In conclusion, we would like to note that the world, our health systems and societies in the future would depend on the experience that we derive from this pandemic. In addition, our collective response will also have impact [29, p. 260]. The state and society are aware of the danger to the health of the nation of the pandemic and intend to take adequate measures, including of legal one, to fight it. In 2020, the world community has gained some experience in struggle against COVID-19. States resorted to lockdowns, requirements for self-isolation, the closure of production facilities, and the imposition of the obligation to take preventive measures. The confidence in the effectiveness of quarantine measures was likely justified retrospectively [30]. At the same time, now the situation in many countries is worse, but they are already more cautious in making radical decisions in the sphere of national economic activity. We suppose that these are not only issues of economics, preservation or maintenance of production and services at an acceptable level, but also confirmation of the fact that it will not be possible to completely isolate people from each other. It seems that the best option for the prevention of COVID-19 diseases has now been found. However, this does not mean that there will be no new challenges and new solutions.

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