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**The current issues of limitations of human rights during
the COVID-2019 pandemic**

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Abstract: The question of limiting human rights is inherently complex and controversial. Restrictions on human rights are introduced to protect the rights themselves, but they may lead to their violations as well. Restrictions on human rights must be proportionate, balanced, necessary, temporary, and expedient.

The issue of restrictions on human rights during COVID 2019 is of great interest. The government should first seek to minimize the negative consequences that may arise from their implementation before introducing restrictions. Governments should seek to balance restricting and respecting human rights and freedoms.

Restrictions take place in all areas of our lives, as we all know. Restrictive measures must be implemented by observing the principles of transparency, openness, and justification, and the inadmissibility of abuse of power by government agencies.

The article attempts to identify the specifics of restrictive measures during the COVID-2019 pandemic taken in various states and the Republic of Kazakhstan. A review of the scientific works was made to determine the main features and criteria of restrictions on human rights.

The restriction of human rights in Kazakhstan should be made within the current legislative framework, whilst also taking into account the positive practices observed in developed nations. This approach should also be applied in emergencies.

Key words: Human rights, restrictions, the principles of restrictions, the legality of the restriction, human rights and the COVID-2019 pandemic, right to freedom, respect for human rights, human rights protection.

Introduction

Relevance. The recognition, understanding, consolidation, and implementation of absolute natural human rights in a one-sided manner as unlimited human freedom, albeit within the law, as well as the absolute autonomy of man in society, has resulted in the emergence and worsening of environmental problems on a global scale. Furthermore, it is observed that there is a growing consumerist attitude towards nature, the environment, the animal kingdom, and natural resources on an annual basis.

In light of the foregoing, it is clear that consolidating restrictions on human rights in the legislative acts of states is a justifiable approach. Restriction of human rights and freedoms is a part of the functioning of any state and society.

These limitations serve to regulate the potential abuse of absolute human rights, thereby maintaining a balance between the interests of the individual and those of society at large. The imposition of restrictions is intended to prevent the occurrence of mass threats to humanity, society, and the state.

The question of limiting human rights during the COVID-19 pandemic is a complex one, requiring consideration of numerous factors and the balancing of the interests of public health and the rights of each individual. The article underscores the necessity for an ongoing discourse on the optimal means of combating the pandemic while upholding and safeguarding fundamental human rights and freedoms.

Nevertheless, one of the principal challenges associated with restrictions on fundamental rights during the COVID-19 pandemic is the risk of their misuse. In certain jurisdictions, governments might exploit the pandemic as a rationale to reinforce control over the citizenry or to suppress political dissidence. Such actions can lead to violations of the rights to freedom of expression, to move, to assemble, and to political participation. Furthermore, there is a risk of the emergence of a police state, characterised by an increase in the level of control and monitoring over citizens. Such restrictive measures may contravene an individual's right to privacy and personal life, infringe upon the right to education and employment, and impinge upon the freedom of movement, particularly if they are implemented without a sound legal foundation, transparency, and oversight.

Furthermore, any limitations on human rights that are imposed during a state of emergency, such as the ongoing global pandemic of coronavirus, must be considered temporary, proportionate, necessary, and reasonable and must respect the fundamental principle of equality.

In instances where human rights are restricted, particular attention must be paid to vulnerable groups within the population, including people with *disabilities, migrants, refugees, the elderly, and those living in poverty*. It is of the utmost importance that the rights and dignity of each individual are upheld. It is incumbent upon states to guarantee access to information, healthcare, and social support for all segments of the population, with particular attention to the mentioned vulnerable groups. This is essential to prevent the abuse of power. Nevertheless, the abuse of power was a common occurrence.

The restriction of rights is necessary, first of all, for the protection of human rights themselves. The state's restriction of some rights of citizens is a contribution to the protection of other rights of citizens. The pandemic in 2021 clearly demonstrated this situation. Since many human rights

violations occurred during the pandemic, the main goal of the research is to consider the issues of human rights restriction during the pandemic in Kazakhstan and to identify problematic aspects.

The findings of the study indicate that the infringement of human rights and freedoms, as enshrined in the Constitution, is not permitted when individual officials seek to exercise power in a manner that contravenes established norms and regulations.

The findings of the research demonstrate that the misuse of authority by representatives of officials and state entities during the restriction of guaranteed rights and freedoms can be categorized as an abuse of power [1].

The objective of the scientific research is to examine the issues of human rights restrictions, evaluate the mechanisms of control over human rights restrictions imposed by the state, and analyze the current aspects of ensuring human rights in conditions of restrictions. It is crucial to elucidate the impact of restrictive measures on the socio-economic situation of citizens in the context of a pandemic. It is essential to examine the experience and formulate recommendations for future emergencies, both for the Republic of Kazakhstan and for the global community.

In conclusion, the issue of human rights restrictions during the COVID-19 pandemic requires a considered approach. It is essential to continually assess the balance between public health and human rights considerations, upholding the principles of proportionality, transparency, and considering the specific attributes of diverse social groups. It is incumbent upon the state to ensure that the citizenry is informed as to the rationale behind the imposition of restrictions and how these relate to public health. The opinions and recommendations of scientific and health organisations, as well as international human rights organizations, on this issue are of great significance.

Moreover, it is imperative to draw lessons from the global response to the pandemic, with a view to enhancing and developing a more robust and sustainable human rights protection system in the future.

Methodology

The article identifies the issues of human rights restrictions during the COVID-19 pandemic in Kazakhstan.

In the course of research, many scientific works on human rights, including records of Kazakh and Russian scholars, were used.

The research method is founded on the analysis, synthesis, comparison, and observation of relevant data, as well as on the application of formal-legal research methodology and sociological-legal research methodology.

Scientific discussion

The concept of the limitation of human rights is defined by researchers in a variety of ways. In this section, we will examine the following primary approaches.

The first approach characterizes restrictions as a set of measures presented as impediments to the realization of citizens' constitutional rights. These measures are designed to ensure a harmonious balance of interests between society, the state, and the individual.

The second approach is distinguished by the reduction in the volume of rights and freedoms [2].

The third approach specifies “restriction” as the withdrawal of rights and freedoms [3].

In this context, I would like to draw attention to a number of scientific schools that approach the question of the limitations of human rights from a variety of angles.

1. *The Legal School*. The view is often held by lawyers that the limitations of human rights are an essential aspect of the existence of society. These scholars posit that individual rights may be constrained in order to safeguard the collective good, security, and order.

2. *The Philosophical and Ethical School*. The philosophers and ethicists examine the limitations of human rights from an ethical and moral standpoint. From an ethical and moral standpoint, these thinkers regard rights as a fundamental value. They believe that human rights should be limited only in exceptional cases, provided that this is the only way to achieve justice or prevent serious harm.

3. *The Political School*. The focus of political scientists is on the influence of political, social, and economic factors on the limitations of human rights. The Political School posits that the limitations of human rights may be justified when they serve the interests of stability, security, and the maintenance of public order.

4. *The sociological school*. The sociologists consider the limitations of human rights in the context of social relations and the structures of society. The sociological school emphasises the necessity of considering the social context and dynamics of society when evaluating the limitations of human rights.

5. *The Economic School*. Economists investigate the constraints that impede the realisation of human rights from an economic standpoint. The economic school examines the role of economic factors, including the market, property, entrepreneurship, and resources, in either limiting or ensuring the realisation of human rights.

6. *The Psychological School*. The psychologists investigate the impact of psychological variables on the limitations imposed on human rights. Their research encompasses the study of free will, socialization, manipulation, and the mechanisms of influence on decision-making.

The concept of limiting human rights is interpreted in a variety of ways by the researchers. According to this interpretation, the Russian scholar Goyman V.I. has classified the restriction of rights as a reduction in the volume of rights within the legal framework and manner [4].

As stated by the esteemed scientist and researcher Podmarev A.A., the limitation of human rights and freedoms can be defined as the extent of an individual's ability to exercise their rights and freedoms, limited by prohibitions, obligations and responsibilities [5].

As reasonably posited by Voevodin L.D., legal restrictions are defined as the specific stipulations enumerated by law that delineate the parameters within which individuals are required to act [6].

A review of the scientific literature reveals a lack of consensus within the scientific community regarding the concept of limitations to human rights. Concurrently, the concept of “limits of human rights” can be employed. In international documents, the following concepts are employed: “restrictions, “deviation of states from their obligations, “suspension of guarantees”, and “deviation from obligations”.

As we can see, the limitation of human rights is defined as the imposition of specific prohibitions, as outlined in legislative acts, which regulate the conduct of individuals, societies, or states in a manner that may cause harm to the individual, society, or state itself.

Moreover, the limitation of human rights is achieved through the enactment of specific legislative measures at the state level.

In the scientific literature, two categories of restrictions on human rights and freedoms are typically distinguished: *those of a general nature* (which pertain to the overarching constitutional and legal status and delineate the permissible limits) and those *imposed in a state of emergency* [7]. The following section will provide a more detailed examination of the restrictions placed on human rights in a state of emergency.

The restriction of human rights must be founded upon the principle that human rights and freedoms are of the utmost value. The curtailing of these rights is intended to ensure societal necessities are met and to achieve a harmonious equilibrium between citizens and the state. The limitation of human rights is to be approached proportionately. In this sense, the limitation of human rights can be conceptualised as a narrowing of the scope of individuals' abilities and freedoms [8].

The following signs of legal restrictions have been identified in scientific literature:

1) Conditions that are unfavourable for the implementation of the subjects' own interests, which are aimed at their restraint and at the same time at satisfying public interests in protection and defence;

2) A negative nature;

3) The limitation of opportunities and freedoms of human rights is a key principle in the field of human rights law.

4) Protecting freedoms for both individuals and collectives [9].

International documents on the protection of human rights are an important component in the context of human rights and freedoms, as they provide a framework for the restriction of these rights in pursuit of specific objectives.

It is evident that the majority of international legal acts concerning the protection of human rights, as articulated in paragraph 2 of Article 29 of the Universal Declaration of Human Rights, stipulate that human rights shall be subject to limitations as delineated by law.

In the Syracuse Principles of 1985, the question of the lawfulness of human rights and freedoms is addressed [10]. In its interpretation of the subject, the European Court of Human Rights identifies the following general points as the basis for any restrictions on human rights:

1) The concept of compliance with legal frameworks necessitates two fundamental requirements. Firstly, the restrictive legislation must be clearly and precisely set out. Secondly, and equally importantly, these rules must be easily comprehensible.

2) It is imperative that any restrictions imposed are subject to the effective oversight of the judicial system. This implies the necessity for a mechanism through which any potential violations of the rights in question can be duly investigated and addressed.

3) It is imperative to circumvent any form of discrimination. This means that the restriction cannot be applied in a way that treats individuals or groups differently, on the basis of arbitrary criteria.

4) The restriction must be consistent with the fundamental principles of the rights in question. This implies that it cannot affect the very core of the rights in question; it can only be imposed insofar as is necessary to comply with the other conditions listed here.

5) It is imperative to note that restrictions are to be implemented exclusively for the purpose of safeguarding the rights in question. The scope of such restrictions must be meticulously

delineated and strictly adhered to. This signifies that the restriction cannot be applied in a manner that exceeds the scope necessary for the protection of the rights in question.

In accordance with the definition set forth by the European Court of Human Rights, the primary elements that comprise the restriction of human rights are as follows.

The restriction of human rights must be carried out in accordance with the law, with clear, precise, and understandable restrictive rules in place.

Furthermore, the restriction must be accompanied by effective judicial control, and it is unacceptable to affect the essence of the restricted right. Additionally, the restriction must be for strictly limited purposes, and the principles of proportionality and necessity must be adhered to [11].

The classification of constitutional restrictions on human rights is defined based on the following:

1. Limitations of political, economic, cultural and social rights;
2. Constant and limited limitations (limited by timing);
3. Fundamental and single limitations;
4. State and municipal (taking into account the limits of use);
5. Financial and economic, political (by content);
6. Prohibitions, obligations, measures of responsibility, etc. (In terms of the methods of implementation) [12].

A detailed analysis of the constitutions of states demonstrates that the fundamental restrictions on human rights are embedded within the norms established by these documents.

Constitutional provisions are characterised by several distinct attributes. Primarily, they are known to curtail the extent to which individual liberties are exercised [12].

The Constitution of the Republic of Kazakhstan also imposes certain limitations on the scope of human rights.

In accordance with Article 18 of the Constitution of the Republic of Kazakhstan, the right to the secrecy of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other communications may be restricted in cases and in the manner expressly established by law.

According to clause 2 of article 22 of the Constitution of the Republic of Kazakhstan exercise of the right to freedom of conscience should not impinge upon universal and civil rights and obligations to the state.

Clause 4 of Article 26 of the Constitution of the Republic of Kazakhstan provides for the possibility of limiting monopolistic activity by law.

In accordance with Article 32 of the Constitution of the Republic of Kazakhstan, the right to peacefully and unarmed assemble, hold meetings, rallies and demonstrations, marches and pickets may be restricted.

Clause 1 of Article 39 of the Constitution of the Republic of Kazakhstan stipulates that human rights and freedoms may only be curtailed by legislation to the extent necessary to safeguard the constitutional order, public order, human rights and freedoms, health and morality of the population.

It is evident that, according to the aforementioned data, limitations on human rights can be imposed in accordance with *constitutional norms that permit such action*. The imposition of restrictions on the rights and freedoms of individuals is a matter of established constitutional principle.

The global spread of the Coronavirus pandemic that commenced in 2020 gave rise to the implementation of restrictive measures on a worldwide basis. The aforementioned measures encompass the declaration of quarantine, the restriction of access to crowded places, the restriction of citizens' movement, the mandatory wearing of masks in public places, remote working, vaccination, self-isolation of infected patients, and the introduction of restrictive measures on movement [13].

To illustrate, during the COVID-19 coronavirus pandemic in Russia, the state did not officially declare a state of emergency; instead, a self-isolation regime was implemented. The lack of legal regulation pertaining to the self-isolation regime in Russian legislation has resulted in a certain degree of legal uncertainty within society, as well as challenges in interpreting the relevant legislation [14].

In several European countries, such as Italy and France, governments imposed restrictions on the movement of citizens during the pandemic.

In the context of the global pandemic, the state police power was invoked in the United States. This authorizes states to adopt mandatory regulations aimed at safeguarding public health, a responsibility enshrined in the 10th Amendment to the US Constitution.

In the Republic of Kazakhstan, the declaration of the coronavirus infection as a pandemic led to the introduction of a state of emergency for *one month* [15]. During this state of emergency, measures were taken to reinforce public order, limit the operation of large retail facilities, suspend the activities of public gathering facilities, introduce a state of quarantine, and impose restrictions on the entry and exit of individuals to the Republic of Kazakhstan.

During the period from 2020 to 2021, a total of 91 local regulatory legal acts were enacted in the Republic of Kazakhstan with the intention of regulating the situation that was related to the coronavirus epidemic.

According to the prevailing principles of international legal acts pertaining to human rights and freedoms, there exists a potential for the limitation of individual rights, both in circumstances of emergency and in normal life.

Following the stipulations set out in the 1966 International Covenants on Civil and Political Rights [16], it is acknowledged that the observance of human rights may be subject to limitations imposed by state authorities in circumstances deemed necessary for the maintenance of public order, state security, public health, and the moral integrity of the populace (art. 12, 18, 19, 21, 22).

In the Republic of Kazakhstan, instances of human rights and freedoms being infringed upon have been observed in the context of the implementation of restrictive measures during the pandemic. Such violations include the collection and processing of personal data of individuals without the consent of their owners, invasion of privacy, restriction of freedom of movement, and unauthorised access to *digital human rights*. It should be noted that the aforementioned cases represent only a partial account.

The imposition of restrictions during a state of emergency must comply with established principles, including those of *fairness, adequacy, and necessity*. Such restrictions are not individual or personalised in nature; rather, they apply to the entire population. This is due to the necessity of protecting other, more important human and civil rights and freedoms. A state of emergency is declared when the application of other state measures proves inadequate for the elimination of the existing conflict situation [17]. The introduction of restrictions is permitted in accordance with the norms set forth in the International Covenant on Civil and

Political Rights. It has been proposed by certain researches that there are several rationales for the application of legal restrictions. According to the primary rationale, legal restrictions are implemented in response to a state emergency, while the secondary rationale encompasses situations where emergencies manifest as threats [18].

Another fundamental principle to be observed when enacting restrictions on human rights is the concept of *proportionality*. Any restrictions imposed must be necessary and proportionate to the stated objective of addressing the state of emergency. The impact of such measures on the rights and freedoms of individuals must be minimal and temporary in order to avoid unjustified restrictions. It is also essential to ensure the protection and respect of fundamental human rights, even in the context of restrictions. When imposing restrictions, it is incumbent on governments to ensure that such measures do not lead to an expansion of their powers or a violation of the fundamental rights of citizens.

The existence of a threat to the life of the population, combined with the official declaration of a state of emergency, allowed the state in question to derogate from its obligations to protect human rights [19]. The existence of the aforementioned criteria, as well as an assessment of proportionality and the proportionality of the measures taken, are essential for the state to derogate from its obligations.

However, during the COVID-19 coronavirus pandemic, older people over the age of 65 were subjected to discriminatory practices and faced significant challenges in meeting their basic social and economic needs, as well as their internationally recognised rights. This issue relates to the prohibition of people aged 65 and over from leaving their place of residence, which remained in place even after the restrictive measures were lifted. Some researchers argue that in such cases the state should grant them additional rights. We are also in favour of this idea, as such measures are compensatory in nature [19].

It may be advisable to provide them with additional material support or free medication, as well as volunteer assistance, to ensure their safety and well-being. This would be fully consistent with the limitation of the rights of the elderly as set out in Article 4 of the International Covenant on Civil and Political Rights. It is regrettable that, despite targeted support for families with children, entrepreneurs and some other categories of citizens, the vast majority of older persons have not received sufficient compensation due to the restrictions imposed.

With the implementation of restrictive measures in the Republic of Kazakhstan, there have been instances where human rights have been infringed. As asserted by Yevgeny Zhovtis, who occupied the position of the Director of the Kazakhstan International Bureau for Human Rights and Rule of Law, a considerable number of fundamental human rights were subject to curtailment. These included the right to freedom of movement, the right to a fair trial, the right to freedom of speech, the right to privacy. It is determined that these restrictions didn't meet the criteria for admissibility [20].

As posited by R. Kypshakbaev, a human rights expert at the Geneva Centre for Civil and Political Rights, the state of emergency may be employed as a pretext for the infringement of human rights on a systemic and most severe scale [21].

In view of the information available in open sources, international organisations on human rights are well-positioned to play a pivotal role in the monitoring of observation of human rights, including during the present pandemic.

Such bodies are able to provide recommendations and evaluate the actions of governments with regard to the restriction of rights. Furthermore, human rights experts and civil society

organisations should engage actively in monitoring and discussing the measures taken during the pandemic, with a view to ensuring that human rights are respected.

In light of the ongoing human rights violations occurring amidst the ongoing pandemic, in April 2020, the UN Secretary-General, António Guterres, issued a call for an immediate cessation of any actions taken under the pretext of the pandemic that would result in the infringement of human rights. In particular, the unrestricted flow of information was a significant risk factor.

In 2020, the United Nations published a report which indicated that various violations of human rights had occurred during the pandemic.

A number of countries, including South Korea, Singapore and Israel, have enacted legislation that permits government agencies to ascertain the locations and contact details of individuals who have been diagnosed with the COVID-19. This has resulted in the inadvertent disclosure of details pertaining to the private lives of such individuals, thereby violating their privacy rights.

A further crucial element of human rights limitations during the pandemic is the principle of *transparency and justification* of the restrictive measures implemented. It is imperative that the general public is made aware of the rationale behind the introduction of such restrictions, the manner in which they relate to public health, and the anticipated outcomes. It is of the utmost importance that any measures taken to restrict human rights during the pandemic are based on robust scientific data and recommendations from reputable health organisations. Such transparency will facilitate the implementation of more effective and fair measures, whilst simultaneously reducing public mistrust of the government and its actions.

In this context, it is also important to emphasise the value of open and transparent communication with the public as a means of limiting human rights during the ongoing pandemic. It is incumbent upon governments to disseminate reliable information regarding the virus, recommended precautions, established rules, and instructions to the general public. Such transparency will enable citizens to make well-informed decisions and comply with the rules without fear or mistrust. It is imperative that attention be paid to vulnerable groups of the population, which include people with disabilities, the elderly, and others. A review of the literature reveals that this demographic was particularly susceptible to exploitation during the pandemic [22]. This is also applicable to the Republic of Kazakhstan.

The restrictive measures introduced during the pandemic may have a negative impact on the situation and rights of these individuals. For example, some measures restricting freedom of movement may seriously hinder their access to medical care or other vital services. Governments should develop special support programs and mechanisms for accessing services for vulnerable groups in order to minimize any negative impact of the restrictions introduced.

In addition, special attention should be paid to the principle of equality before the law. Restrictions on rights must be applied without discrimination, fairly and equally for all citizens. Stricter restrictions on the rights of some people in relation to others are not allowed.

In order to ensure respect for human rights during the pandemic, it is necessary to strengthen the mechanism of control and oversight by human rights organizations.

Independent bodies and international mechanisms should be able to monitor the application of restrictions on rights and respond to cases of their violation. This will help prevent abuses and ensure fairness and accountability of authorities.

Finally, it is important not to forget about the right to go to court to protect your rights. Citizens must have access to the judicial system and the opportunity to complain about any violations and

injustices, including violations of their rights during the pandemic. Judicial bodies should conduct independent investigations and take appropriate measures in cases of rights violations.

Overall, the fight against the COVID-19 pandemic is a difficult test for human rights and freedoms in any state. However, the state's adherence to the principles of proportionality, fairness, adequacy, necessity, equality before the law, transparency, reasonableness of restrictive measures, independent control and access to judicial protection will help states maintain a balance between public health and human rights. States must strive to ensure that their actions and measures are effective and legal, while respecting and protecting the rights and freedoms of each individual.

Results

In conclusion, it is important to note that the restriction of human rights during emergency situations, including the ongoing response to the global pandemic, is a complex issue that requires careful consideration and balancing of the interests of public health and the rights of each individual [23]. In instances where human rights are restricted, it is of paramount importance to ensure compliance with the fundamental principles of proportionality, temporality, fairness, equality, transparency, reasonableness, independent control and access to judicial protection before the law [24]. Furthermore, it is essential to guarantee the availability of information and support for vulnerable groups. It is similarly vital to seek a balance that considers public health concerns while ensuring that fundamental rights and freedoms are not infringed upon. Consequently, it is imperative to ensure rigorous monitoring and oversight of human rights in order to prevent any abuse of power in the context of the ongoing pandemic.

Conclusion

1. The necessity for transparency and respect for human rights. It is essential to establish equilibrium between those measures designed to safeguard public health and the fundamental rights and freedoms of all individuals.

2. It is also crucial to acknowledge that the pandemic is a transient phenomenon, and the imposition of restrictions on rights should be lifted once the threat to public health has dissipated. It is incumbent upon governments to provide mechanisms for lifting restrictions and restoring rights and freedoms. Furthermore, they must implement a transparent and accountable decision-making process for lifting restrictions.

3. In order to enhance the human rights protection system in the future, it is crucial for the Republic of Kazakhstan to consider the insights gained during the fight against the COVID-19 pandemic. The flexibility and effectiveness of Kazakhstan's rights and freedoms system are put to the test in crises and emergencies, such as a pandemic. It is imperative to utilise the insights gained from the ongoing situation to reinforce the long-term resilience of the rights protection system.

The contribution of the authors

Seifullina A.B. – Writing the text of the manuscript; critical revision of the manuscript text (including the stages before or after the publication of the manuscript); editing the text of the manuscript. The design of the manuscript.

Smatlayev B.M. – Substantiation of the research concept (formulation of the idea, research goals and objectives); development of research methodology;

Nazarkulova L.T. – Analysis and synthesis of literature data; collecting of literature data.

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COVID -2019 пандемиясы кезіндегі адам құқықтарын шектеудің өзекті мәселелері

Аңдатпа: Адам құқықтарын шектеу мәселесі күрделі және даулы. Адам құқықтарына шектеулер құқықтардың өзін қорғау үшін енгізіледі, сондай-ақ олардың бұзылуына әкелуіне мүмкін. Адам құқықтарын шектеу пропорционалды, теңгерімді, қажетті, уақытша және мақсатқа сай болуы керек. Әсіресе, COVID-2019 пандемиясы кезінде қолданылған адам құқықтарын

шектеу мәселесі өзекті болып табылады. Кез келген шектеулерді енгізген кезде мемлекеттер, ең алдымен, шектеу шаралары мен адам құқықтары мен бостандықтарын сақтау арасындағы тепе-теңдікті таба отырып, оларды жүзеге асыруына байланысты туындауы мүмкін жағымсыз салдарларды (әлеуметтік және экономикалық теріс салдарларды) барынша азайтуға ұмтылуы керек. Шектеу шаралары транспаренттік, жариялылық, негіздеме қағидаттарын және мемлекеттік органдардың өкілеттігін теріс пайдалануына жол бермеу арқылы жүзеге асырылуы тиіс. Мақалада Қазақстан Республикасы алдыңғы қатарлы елдердің тәжірибесін ескеруі қажет, сондай-ақ адам құқықтарын шектеуді қолдану бойынша әмбебап мониторингті күшейту қажет екендігі атап өтілді.

Түйін сөздер: адам құқықтары, адам құқықтарын шектеу, адам құқықтарын шектеу принциптері, адам құқықтары шектеу заңдылығы, адам құқықтары және COVID-2019 пандемиясы, бостандық құқығы, адам құқықтарын құрметтеу

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Актуальные вопросы ограничения прав человека в период пандемии COVID-2019

Аннотация: В целом вопрос ограничения прав человека является сложным и дискуссионным. Ограничения прав человека вводятся в целях защиты самих прав, но они также могут вызвать и их нарушение.

Объектом исследования статьи являются вопросы ограничения прав человека.

Ограничения прав человека должны быть пропорциональными, взвешенными, необходимыми, временными и целесообразными. Особенно актуальным является вопрос об ограничении прав человека, которые были применены в период пандемии COVID-2019.

Внедряя какие-либо ограничения государства, прежде всего, должны стремиться к минимизации негативных последствий, которые могут возникнуть в связи с их внедрением (социальные и экономические негативные последствия), поиску баланса между ограничительными мерами и соблюдением прав и свобод человека.

В статье использованы общенаучные методы научного исследования (анализ, синтез, обобщение) метод обзора научной литературы, исторический метод, формально-правовой метод.

Ограничительные меры должны быть внедрены путем соблюдения принципов прозрачности, открытости и обоснованности и недопустимости злоупотребления властью государственными органами. Отмечается, что Республике Казахстан необходимо учитывать опыт передовых стран, а также усилить всеобщий мониторинг за применением ограничений прав человека.

Ключевые слова: права человека, ограничение прав человека, принципы ограничения прав человека, правомерность ограничения прав человека, права человека и пандемия COVID-2019, право на свободу, уважение прав человека

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