

THE SITUATION OF VULNERABLE GROUPS DURING THE COVID-19 PANDEMIC IN BELARUS

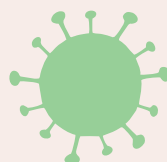
The present analytical note has been prepared on the basis of materials available on the website <https://covidmonitor.by/>

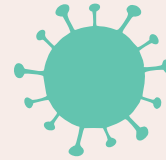
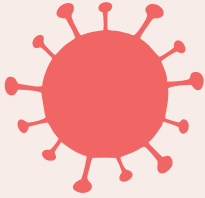
Some social groups occasionally (more often than others) face discriminatory treatment and need special attention to avoid potential infringement of their rights. Such communities are regarded as vulnerable groups.

The coronavirus pandemic has become particularly painful due to the fact that a significant number of citizens have lost the opportunity to fully enjoy a number of human rights, including the right to political life, right to participate in it (in a form of freedom of assembly, etc.), rights to health and education, and these citizens, not being vulnerable earlier, acquired such status during the pandemic.

Communities that were marginalized before the coronavirus, such as prisoners, migrants, people with homelessness experience, have disproportionately suffered from restrictive measures taken/ (not taken) to prevent the negative consequences of the pandemic, and their vulnerable position has consequently become even more acute.

In Belarus, as in many other countries of the world, medical staff and patients found themselves in a more vulnerable position during the pandemic. Notwithstanding, the political regime of the state conditioned a more vulnerable position of the participants of peaceful protest actions. Among the classically vulnerable groups, whose position was affected by COVID-19, are people staying in closed institutions, foreign citizens, people with disabilities and those with experience of homelessness.





PEOPLE IN CLOSED INSTITUTIONS

In May 2020, the Department of Corrections reported that the epidemiological situation in the penitentiary system is under control, despite reports of prisoners getting infected with coronavirus. Prisoners with coronavirus infection in need of inpatient care were hospitalized in healthcare institutions. Other prisoners stayed under observation.

Short-term and long-term visits of prisoners by their relatives were suspended while preserving their permitted number. As an alternative means of communication with relatives during the pandemic, it was reported that the possibility of phone calls was arranged to the maximum practicable extent.



Some correctional facilities even allowed video calls.¹ In particular, it became known that the practice of video calls via Skype was introduced in colonies in Mogilev, Bobruisk and Vitebsk. Calls were allowed twice a month, while ordinary phone calls remained accessible as well (the procedure and the number are prescribed by the internal regulations of the correctional institution), the duration of the conversation could not exceed 15 minutes. The possibility of short-term visits was reinstated on August 1, 2020, and only on June 30, 2021, long-term visits were fully restored for those staying in correctional institutions and compulsory rehabilitation centers. Convicts are also granted the right to leave open-type correctional institutions during the time free from obligatory works, as well as to leave the territories of colonies-settlements, open-type institutions, and rehabilitation centers in compliance with measures for the prevention and spread of acute respiratory diseases.

In addition, the possibility of visits by the representatives of public associations and priests for educational and spiritual-educational events was restored.

The national plan for vaccination against COVID-19 for 2021–2022 indicated that vaccination was to be carried out in stages, as the vaccines were delivered, and the final Russian vaccine “Gam-COVID-Vak” (“Sputnik V”) pharmaceutical form was released.

¹ Arrangement of telephone and video calls for contacting relatives is one of the recommendations of the World Health Organization (WHO) on the prevention of COVID-19 infection in detention facilities. On the one hand, the measure minimizes the risk of infection of prisoners, on the other hand, the number of visits and social contacts of prisoners are preserved.

The following groups are addressed by the plan:

- the first stage — medical personnel and employees of the pharmaceutical industry, social sphere, education;
- the second stage — citizens with a high risk of developing a severe form of the disease, namely persons over the age of 60, those with chronic pathology, as well as those living in institutions with a round-the-clock stay;
- the third stage — persons with a higher risk of getting infected due to their field of occupation. For example, those employed in the sphere of retail, catering, household and transport services;
- the fourth stage — citizens who have expressed a desire to get vaccinated against COVID-19.

The plan does not encompass such groups as prisoners and people with experience of homelessness. It is reported that in the Shklov correctional colony, prisoners are forced to get vaccinated against coronavirus by being blackmailed. The administration reported that the vaccination was voluntary, but the prisoners were threatened to be deprived of the possibility of long visits in case of refusal to get vaccinated. In the meantime, such measures were officially grounded on anti-epidemic efforts.

In June 2020, cases of refusal to accept parcels for people held in isolation centers were reported. According to the official representative of the Militia Department of the Minsk City Executive Committee, restrictions on accepting parcels are introduced by the internal documents of the Minsk City Executive Committee and are to stay in effect until the epidemiological situation improves. According to some estimates, such measures were introduced in connection with the detention of a large number of people accused of participating in unauthorized mass events rather than to improve the epidemiological situation. On October 5, 2020, the following announcement appeared on the walls of the centers for isolation of offenders: “In order to ensure safety and reduce the risks associated with the spread of COVID-19 on the territory of the Republic of Belarus, the parcels for persons, held in the Central Department of Internal Affairs of the Minsk City Executive Committee, are allowed on Thursdays from 10:00 to 18:00”. In January, transfers of parcels were completely suspended in Okrestina Zhodino isolation centers. The formal ground for the decision is as follows: “ensuring security and reducing the risks associated with the spread of COVID-19 on the territory of Belarus”. The right to receive parcels is provided for in Article 18.7 of the Procedural and Executive Code of the Administrative Offences (hereinafter also — PICoAP). No decisions and

regulations can aggravate the status of administratively arrested persons in comparison with those provided for in the PICoAP (Article 18.3 paragraph 2). Besides, the internal regulations of administrative detention centers provide for an exhaustive list of grounds for refusal to accept parcels and return them to the carrier. The cause invoked by the institutions' authorities is not indicated.

There is no causal relationship between the restrictions on accepting parcels and the spread of infection in the country. Moreover, no other measures were taken in the detention centers to prevent the infection: the cells were overcrowded, personal protective equipment was not provided, people were moved from one cell to another during the term of the sentence. There is no public information that testing is carried out inside institutions in order to determine that the person is infected with COVID-19 and prevent the spread of the disease.

The treatment towards those in closed institutions was particularly inhumane against the background of prolonged freezing weather when people had no access to warm clothes and the necessary vitamins. The inability to change clothes and lack of hygiene products induced unsanitary conditions, which contributed to the spread of disease in general, including COVID-19. Thus, by contrast, the ban on accepting parcels adversely affected morbidity. The ban was lifted only in February 2021 with parcels being allowed on certain weekdays.

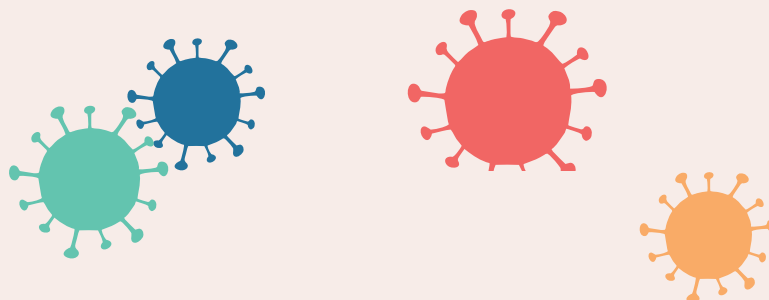
In addition to the ban on accepting parcels those staying in detention centers of the State Security Committee and the Central Executive Committee of the Minsk City Executive Committee were not allowed lawyers' visits. At the same time, the access of both employees of the Investigative Committee and persons engaged in operational activities was not limited. This measure contradicts the legal guarantees stipulated by the legislation of the Republic of Belarus. In particular, the Code of Criminal Procedures of the Republic of Belarus provides that each suspect and accused is ensured during the proceedings the right to defense (art. 17) and the right to legal assistance with regard to the materials related to criminal case for the purpose of protection of one's rights and freedoms, including the right to resort to the legal assistance of lawyers and other representatives, on legal grounds and in accordance with the procedure prescribed by the Code of Criminal Procedures, (Part 4 of Article 20). The inability to resort to legal assistance due to the epidemiological situation in the country can be classified as an obstacle to ensuring equality of the parties in the process.

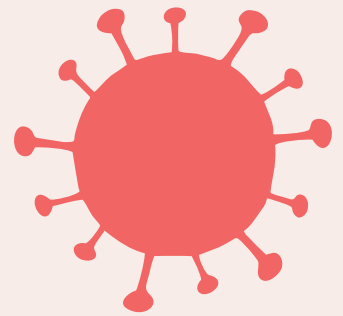
According to the Department of Corrections, those staying in pre-trial detention centers and penal enforcement system detention centers, are not limited in their right to communicate with lawyers.

In order to prevent the worsening of epidemiological situation and minimize possible risks for persons held in such institutions, meetings with lawyers are arranged in specifically designated rooms equipped with a dividing partition that does not interfere with negotiations and visual communication.

At the same time, the Belarusian Republican Bar Association addressing the complaints from a number of lawyers publicly stated that the threat of coronavirus infection is still significant. Therefore, certain restrictions in lawyers' visits to their clients introduced by the administration of high-security facilities shall be regarded with due attention. In such a way, the Association publicly acknowledged the existence of the problem. The Association states that it carries out communications with government agencies to develop a procedure for lawyers' visits to their clients, which would comply with the recommendations of the Ministry of Health, in order to minimize the threat to the health of lawyers, persons visited by them and employees of state bodies.

At the same time, practically, detainees are occasionally denied visits by third parties, including representatives of international organizations. In particular, the refusal to grant access to the representatives of the Office of the United Nations High Commissioner for Refugees to the detainee was detected, which violates the detainee's right to receive international protection. Moreover, the administration of the detention facility did not offer alternative means of communication — a telephone call or video communication.





FOREIGN CITIZENS

The extensive spread of COVID-19 coronavirus infection has greatly affected the situation with foreigners in Belarus.

At the end of March 2020, the head of the Citizenship and Migration Department (hereinafter also — OGiM) reported on the adoption of the measure of extending the temporary stay (registration) of foreign citizens in Belarus who could not leave Belarus prior to the introduction of restrictive measures by other countries. Despite the positive nature of the measure, no legal instrument determining the formal procedure for extending the registration of foreigners in Belarus was adopted at the official level, which has led to unsystematic practice of its application. Some OGiMs refused to extend the period of temporary stay in Belarus to foreigners who could not leave the country due to the pandemic. An Azerbaijani citizen, who was refused to be granted an extension of stay in Belarus by Minsk OGiMS, addressed the free legal office of Human Constanta. The situation was resolved only after sending an appeal to the Department of Citizenship and Migration with a request to inform the employees of subordinate bodies of the statement on the extension of the deadline. Another case concerned an Indian citizen infected with COVID-19 and, for this reason, self-isolated until recovery. During this time, his temporary stay in Belarus expired, and he applied to OGiM for an extension of registration. OGiM employees refused to extend registration and demanded his personal presence in the Citizenship and migration department, which was impracticable without violating the rules of self-isolation and creating a risk of infecting other people. In July, a citizen of Serbia applied to the free legal office of Human Constanta. The person was refused to be granted the extension of his stay by the staff of the Citizenship and Migration Department and advised to leave Belarus before the end of his registration period under the threat of an administrative penalty should he not comply.

The only issues additionally addressed by the authorities related to permanent residence permits — on May 19, 2020, the President of Belarus signed a decree according to which a number of documents and certificates issued by Belarusian authorities, which expire in the period from April 30 to July 31, automatically continue to be valid for another three months. This included the registration

of foreigners permanently residing in Belarus or those who work in diplomatic missions or international organizations.

No additional measures were taken (special agreements with other countries, organizing separate flights, etc.) concerning the procedure for the expulsion (deportation/extradition) of foreigners from the territory of Belarus against the background of closed borders of other countries. Such inaction induced the risk of delayed terms of expulsion and prolonged detention of foreigners in unacceptable conditions. The free legal office of Human Constanta received information about a Bangladeshi citizen who was forced to stay in the administrative detention center for almost a year, awaiting the decision on expulsion to the country of citizenship. The delay in the terms of expulsion was formally grounded exactly by the lack of agreements with other countries and the inability to organize the transfer of a citizen of Bangladesh to the country of citizenship.

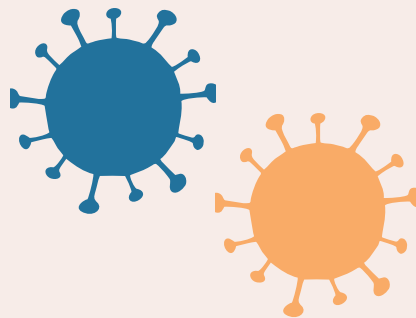
The issue of obtaining documents by foreigners from abroad in cases where such documents cannot be obtained via the diplomatic missions of the countries of citizenship was not settled either. Consequently, some foreigners could not carry out administrative procedures (for example, marriage registration, registration of a permanent residence permit) in Belarus and were forced to remain in uncertainty until the epidemiological situation improves. For instance, citizens of Moldova, Canada, Russia, Norway, willing to register a marriage on the territory of Belarus, applied to the free legal office of Human Constanta, but not all of them were able to obtain documents from the country of citizenship, since consular departments did not carry out such procedures. The procedure for obtaining a Belarusian permanent residence permit is also complicated, since a certificate of no criminal record, obtained in a country of citizenship, is legally required from a foreigner. According to the established procedure, the Citizenship and Migration Department requests the information about the absence of a criminal record if the foreigner cannot provide them independently. However, a case was revealed when the staff of the Citizenship and Migration Department rejected such a request, despite the fact that a citizen of Ukraine could not independently travel to the country of citizenship and receive the specified certificate.

In terms of providing medical assistance to foreigners “stuck” in Belarus on the ground of getting infected, no additional measures were taken by state bodies. Foreign citizens residing and staying in Belarus with a visa or on visa-free ground, could receive medical care in the same manner as before.² Since

² <https://humanconstanta.org/medicinskaya-pomoshh-inostrannym-grazhdanam-v-belarusi-pri-koronaviruse/>

the coronavirus infection was included in the list of diseases that pose a danger to public health, foreigners rejecting the medical treatment can be deported from the territory of Belarus.

Due to the COVID-19 pandemic and closed borders, not only foreigners in Belarus, but also foreigners not being able to return to Belarus, were affected. According to Belarusian legislation, a permanent residence permit can be revoked if a foreigner granted such a permit spends more than 183 days in a calendar year outside Belarus. This way, an Ethiopian citizen with a Belarusian residence permit could not return to Belarus due to closed borders before the expiration of the specified 183 days. On this ground, his Belarusian residence permit was annulled by OGiM. A citizen of Russia and a citizen of Kazakhstan addressed us with a similar problem as well.

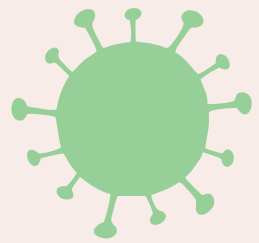


PEOPLE WITH DISABILITIES

People with disabilities turned out to be vulnerable in the situation of the spread of the virus. Right now public attention is focused only on the problems of those people who are in residential institutions.

In May 2020, reports of sick guests in residential homes continued to appear. In these institutions additional measures are being introduced to minimizing the spread of coronavirus infection. It is almost restricted to visit residential houses. For example, in the Gomel region employees of social institutions have been transferred to a rotational basis. They take care of the guests, assist them and live in the institution without leaving its territory for 14 days. But the state cannot provide for institutions personal protective equipment in the required amount: masks, respirators, gloves and protective suits. In a number of institutions, most of the residents got a coronavirus.





PEOPLE WITH HOMELESSNESS EXPERIENCE

On June 25, 2020, the magazine “Names” published information that two people with COVID-19 were hospitalized. They were identified in the state House of Night Stay for People with Experience of Homelessness in Minsk in Vaupshasova Streee.³ All the other 30 people became first-level contacts, so they were isolated in this space without the ability to go outside. This state house provides only accommodation and they don’t supply food, so it put people in a difficult situation. As a result, the meal was organized daily by volunteers (except on weekends), and the “Names” magazine collected help for people.

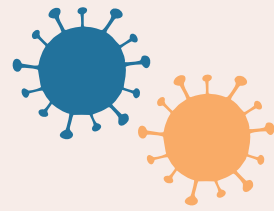
State bodies also assisted. The city action “Social Patrol” traditionally starts with the cold season: assistance for people without a place of residence was provided in the usual format in 2020, despite COVID-19. As the Committee on Labor, Employment and Social Protection of the Minsk City Executive Committee stated, “assistance will be provided in the standard format. The second wave of COVID-19 will not affect the realization of a charity event. Citizens will be given warm clothes, hot meals and accommodation in a specialized house on Vaupshasova 42 street”.

According to surveys of people who experience homelessness, it became known that 9 city centres continue to operate for the temporary stay of homeless people. Antiseptics have appeared in them, employees use masks. Right now there is a more careful medical examination that is carried out upon arrival of people (they measure the temperature, and check for signs of SARS). Minsk centre allows people to stay 24 hours a day and has allocated a separate room for people with primary disease symptoms.

At the same time, the homeless are not provided with medical assistance for other diseases. Not all of these centers can provide food, so people are forced to stay in the street. Non-profit organizations and initiatives that help homeless also take additional measures, but do not receive assistance from the state.



³ <https://www.instagram.com/p/CB3jjfaHE9s/>



MEDICAL WORKERS

Back in March, the Ministry of Health decided that medical workers who became first-level contacts would not be hospitalized, but they would be tested for coronavirus. Doctors are constantly in contact with those infected by COVID-19, so they take tests approximately every two weeks.

In May 2020, there was information from different healthcare institutions that testing of doctors does not always follow the same rules: in some medical institutions, tests are taken as before — one time in 2 weeks. And in other centers they can provide a test only if medical workers have typical symptoms of COVID-19. The order of the Ministry of Health from April 24, 2020 approves the rules for the laboratory tests for medical workers. Doctors who work with infected patients must take a one-time test for antibodies to coronavirus infection. If there are no antibodies, then the next test is carried out after 14 days — until they appear.⁴ Arbitrariness in this question increases the risk for doctors and their environment.

In April, the president signed a decree “On material incentives for healthcare workers”. The decree turned out to be difficult to execute and understand. The Ministry of Health, in the format of answering questions, gave an explanation.⁵ On the websites of Grodno and Gomel regional committees, attention was paid to the explanation of this decree, but questions still remain. For example, in one of the district hospitals, medical workers fill out timesheets indicating their work with patients with COVID-19 up to minutes. At the end of the month, these minutes are summed up to determine the final amount of the allowance. Although the presidential decree says that work with those infected with coronavirus should be paid in shifts.

The allowance is due to all healthcare workers working with patients diagnosed with COVID-19. Its size should be determined by a special commission for determining working conditions and establishing incentive and compensatory payments. Allowances must be set every month and paid for the hours actually

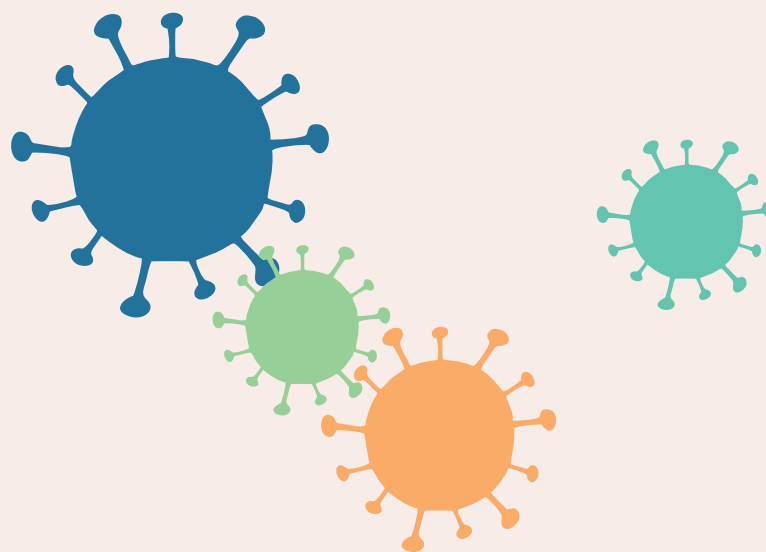
⁴ http://www.infectology.bsmu.by/Files/2019CoV/Normat_Docs/prikaz_mz_rb_488_ot_24.04.2020.pdf

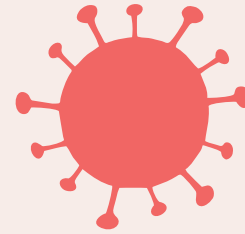
⁵ Decree of the President of April 16, 2020 No. 131 “On financial incentives for health workers” and clarifications from the Ministry of Health <http://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2020/may/50084/>

worked. In the report cards, medical workers must enter the patient's data and medical card number, the date of confirmation of the diagnosis of COVID-19, indicate the form of medical care, its date and time. They also have columns where you need to enter the hours worked with an infected patients and the hours actually worked for the month as a whole.

Only those who have confirmed the coronavirus according to the smear should be included in the report card. Even if the symptoms suggest a diagnosis or the patient has bilateral pneumonia, they should wait for the result (symptoms are not considered as a COVID). In this case, a smear can be prepared for up to seven days. During all this time, while the workers examine the patient and provide assistance, is not considered a contact, therefore, is not paid. It is also necessary to find out whether the coronavirus has been confirmed in a particular patient or not.

The state still cannot fully provide medical institutions with personal protective equipment and other equipment, necessary for the diagnosis and treatment of COVID-19. At the same time, all regional executive committees now regularly post information on their websites about the assistance provided to doctors (cash, personal protective equipment (PPE), antiseptics, etc.). And only the Minsk Regional Executive Committee reported in May 2020 that assistance to doctors was provided by various representatives of business and civil society.

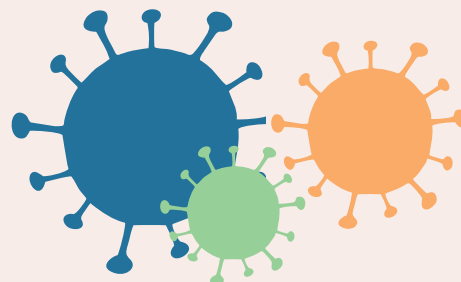




PATIENTS

On June 17, 2020, the Government included COVID-19 in the list of diseases that give the right to free provision of medicines, as well as medical nutrition.⁶ The Ministry of Health explained that at present, some patients with COVID-19 infection are receiving treatment at home. These include patients with mild to moderate forms of the disease, including non-severe pneumonia.

Some of the repurposed medical facilities that were used to provide medical care to patients with coronavirus infection began to return to normal operation in June 2020 and provide assistance as multidisciplinary hospitals.⁷ This was positive news for many people who were waiting for scheduled treatment and could not get it. But there was concern about how hospitals were brought back to normal. The following message was posted on one of the Facebook pages: “Like this I and other patients are urgently discharged with pneumonia on the 7th day of my stay, since the hospital should be out of quarantine by July 6th. 2 hours we are sitting and waiting for the epicrisis. Bravo, Ministry of Health! Bravo for taking such good care of people! This is truly a country for life.”⁸



⁶ <https://pravo.by/document/?guid=12551&p0=C22000344&p1=1&p5=0>

⁷ <https://www.belta.by/society/view/minzdrav-ob-epidsituatsii-s-covid-19-vidim-polozhitelnuju-dinamiku-v-tselom-po-strane-394431-2020/>

⁸ <http://www.facebook.com/kirmakir/posts/3289403901120326>



PARTICIPANTS OF PEACE ASSEMBLIES

Against the background of the general situation with COVID-19, the sending of people detained for participating in peaceful assemblies in the summer of 2020 to serve administrative arrests became a special unjustified placement in a risk situation. It should also be taken into account that the detention of the protesters itself took place without any precautions: they were loaded into vehicles with many other strangers, kept in cars and internal affairs departments for several hours without providing personal protective equipment and physical distancing measures. In these cases, the risk is related to the fact that it is not known whether there were people with the virus among the detainees and militia officers.

In turn, in July 2020, the Supreme Court of Belarus refused to take into account the difficult epidemiological situation in the country and the high risk of contracting coronavirus infection in closed institutions with decision-making by the courts on the choice of administrative arrest as penalties. Thus, in terms of bringing people to administrative responsibility and choosing the type of penalty, the courts did not take into account the threat of contracting a coronavirus infection.

People detained and sentenced to administrative arrest were not provided with medical assistance. People with symptoms of COVID-19 demanded an examination by health workers, but apart from paracetamol pills they were not given anything. PCR test for COVID-19, fluorography or X-ray wasn't done to anyone. Many of them fell ill with whole cells: after their release everyone tested positive for COVID-19, some were diagnosed with pneumonia. Thus, the life and health of people were purposefully endangered.⁹

In the public space there were statements from representatives of authorities that people participating in peaceful assemblies are themselves to blame for diseases. This is not the first time this rhetoric has appeared on the agenda; earlier acting Health Minister Pinevich has already mentioned the protests in the context of an analysis of the reasons for the increase in the incidence of coronavirus infection.¹⁰

⁹ <https://drive.google.com/file/d/1SNKbex93cWSocrXInQS9JUXf2tGMKDmX/view>

¹⁰ <https://people.onliner.by/2020/09/26/minzdrav-schitaet-hto-v-roste-zarazhenij-covid-19-vinovaty-protesty>

With the support of **Human Constanta**, covidmonitor.by was launched in March 2020 — a website that collects information about how the authorities in the Republic

Belarus is responding to the situation with COVID-19. On the site you can see chronology of statements, actions, reactions of state bodies. It also collects regulations adopted by the state.

Every restriction imposed by the state must be lawful, proportionate and non-discriminatory. Information is collected for history, for further analysis of everything that was and was not done.

