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**Committee on the Application of Standards**

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## **Information supplied by governments on the application of ratified Conventions**

**Belarus**

Convention No. 29

### **Belarus**

#### **Forced Labour Convention, 1930 (No. 29)**

**Belarus** (ratification: 1956). The Government has provided the following written information.

Belarus has staunchly and consistently supported the prohibition and eradication of forced labour. The prohibition of the use of forced labour is enshrined in the country's most important legislative instruments. Article 41 of the Constitution prohibits forced labour, with the exception of work or services required under a court ruling or in accordance with the Law on Emergencies and Military Status. The prohibition of forced labour is also covered in article 13 of the Labour Code, which defines forced labour as work which a worker is required to perform subject to the threat of violence, which includes: means of political leverage or indoctrination or punishment for the exhibition or expression of political views or ideological beliefs contrary to the established political, social or economic system; methods for mobilizing and exploiting the workforce for the needs of economic development; means of promoting workplace discipline; means of punishing people for their participation in strikes. However, the following are not deemed to be instances of forced labour: work performed as a result of a legally valid court ruling under the supervision of the authorities responsible for upholding the Law governing the execution of court rulings; work to be carried out as a consequence of legislation on military service or emergency situations.

The Government has paid great attention to the comments made by the Committee of Experts. It has analysed all of the regulatory instruments referred to by the Committee of Experts, including the aims and purposes of adopting the instruments and the practice of applying them, with the aim of harmonizing the provisions of those instruments with the requirements of Convention No. 29. As a result of this work, taking into account the position of the Committee of Experts with regard to Presidential Decree No. 9 of 7 December 2012 on supplementary measures for the development of the wood processing industry, the decision was taken to start to repeal Decree No. 9. That decision has now been implemented. Presidential Decree No. 182 of 27 May 2016 has been adopted, which makes Decree No. 9 invalid. This information was received positively by the Committee of Experts which expressed satisfaction with the measures taken by the Government with regard to Decree No. 9, as reflected in paragraph 56 of the report of the Committee of Experts.

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As regards the other regulatory instruments mentioned during the discussion at the Committee on the Application of Standards in June 2016, additional study of the situation was required. This task was entrusted to the technical advisory mission of the International Labour Office, which visited the Republic of Belarus from 19 to 23 June 2017. The Government of the Republic of Belarus provided the mission with all the necessary assistance in organizing their work. The mission's report on the results of its work was submitted to the Committee of Experts. In the Government's opinion, the normative documents mentioned in the conclusions of the Committee of Experts are not at variance with the provisions of Convention No. 29.

Presidential Decree No. 3 of 2 April on the prevention of dependency on social aid has undergone conceptual changes. On 25 January 2018, the Decree of the President of the Republic of Belarus No. 1 was adopted, in accordance with which Decree No. 3 was redrafted in a new version and given a new title – “On the Promotion of Employment of the Population”. Now Decree No. 3 does not include any provisions on the payment, by unemployed citizens who are able to work, of a fee for financing public expenditures, as well as the rules on bringing to administrative responsibility for failure to pay the fee. The main task of the updated Decree No. 3 is to create more favourable conditions for citizens' employment in the regions of the republic. In this regard, significant increase in the activity of local authorities in assisting citizens in finding a job is envisaged. At the level of each region, all the available opportunities will be used to ensure that all citizens who for some reason do not work anywhere but want to work will be assisted in finding a job. Measures of active policy in the labour market will be used: training and retraining for professions that are in demand in the labour market; advisory and legal assistance in organizing private business with the provision of financial support from the State; temporary employment of citizens, including through participation in paid public works.

The second important issue, which the new version of Decree No. 3 is designed to solve, is to create conditions that will stimulate citizens involved in the shadow economy to work legally with the payment of taxes. The Decree contains a direct material incentive for citizens to start working legally. Today, many public services in Belarus are provided to citizens at low tariffs, since the State subsidizes them from the budget. Therefore, it was decided that citizens who are able to work and who are classified as not involved in the economy in accordance with the procedure determined by the Government, will be provided with certain services at a higher, not subsidized tariff. At the moment, the procedure according to which citizens will be treated as not involved in the economy is determined by the Government. The Government has also determined the types of services that will be provided at prices ensuring full reimbursement of economically justified costs for the provision of these services, which include utilities such as: hot water, gas supply in the presence of individual gas heating appliances, as well as heat supply. This approach will be implemented starting from 1 January 2019, and as concerns gas and heat supply – starting from 1 October 2019.

Presidential Decree No. 18 on supplementary measures for state protection of children from dysfunctional families was adopted on 24 November 2006. One of the most sensitive issues in any society is the situation of children from dysfunctional families and families in which parents lead an anti-social way of life, are alcoholics or drug addicts. Unfortunately, the critical issue regarding children whose parents are alcohol abusers, drug addicts or substance abusers is their very survival and the maintenance of their life and health. According to Decree No. 18, children are in a socially vulnerable situation if parents or one parent lead an immoral way of life that is harmful to the children, or if they are chronic alcoholics or drug addicts, or in some other way are unable to perform properly their obligations to raise and maintain children. These children are subject to state protection and are placed in state childcare facilities. The Decree defines a system by which state bodies may identify dysfunctional families and take decisions to place children in childcare facilities. Decree No. 18 focuses on working with parents. It is important to enable parents

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from dysfunctional families to turn away from their anti-social and, often immoral, way of life. This is the only way in which the children can return to their biological families. However, many of these parents do not have work. Many of them lost their occupational skills long ago. It is extremely complicated for them to find work independently, because employers are not interested in workers of this kind. Decree No. 18 therefore provides for a work placement mechanism for parents from dysfunctional families whose children have been placed in state childcare facilities following a court order. Job placements are arranged at workplaces defined in coordination with the local authorities. Since, in accordance with Decree No. 18, a portion of the citizen's wage is deducted to compensate for the expenses associated with maintaining their children, one of the conditions in the selection of a workplace is that the wage level is sufficiently high. At the same time, if parents whose children have been placed in state childcare facilities have a job or find themselves work independently and can cover the costs of maintaining the child, no court decision is required. The main purpose of Decree No. 18 is to improve family situations so that children can safely return to their parents. During the time that Decree No. 18 has been in force (between 2007 and 2017), a total of 40,068 children have been recognized as needing state support, of which 23,255 children (more than 58 per cent) have been returned to their families and their parents.

The Law of 4 January 2010 "On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Their Stay" regulates issues related to the transfer of citizens suffering from chronic alcoholism, drug addiction or substance abuse to medical labour centres. Not all individuals experiencing these problems may be transferred to medical labour centres, but only those who have repeatedly, three times or more in the course of a year, disturbed public order and been found in a state of intoxication from alcohol or caused by the use of drugs or other intoxicating substances. One further condition is that the individuals have already been warned about the possibility of returning to the centre if they commit further violations, but have nevertheless committed administrative offences for similar violations within a year of that warning. In addition, citizens may be sent to medical labour centres if they are obliged to compensate the child-rearing expenses incurred by the State and have twice violated work regulations during the year through alcohol or other substance abuse, and have furthermore been warned of the possibility of being sent to the centre, and yet have reoffended within a year of that warning. Citizens are sent to medical labour centres for a period of 12 months following a court ruling. The court may decide to extend the period of time spent in the centres or to curtail it by up to six months. Citizens placed in medical labour centres are required to undergo a medical examination to establish whether they suffer from chronic alcoholism, drug addiction, and substance abuse. Social and medical rehabilitation measures may be used in relation to them, including the provision of medicines and of medical and psychological assistance. For citizens who lead an anti-social way of life, one of the most important means that ensure their social reintegration is through work. According to the Law, medico-social readaptation activities also include vocational guidance, vocational training, retraining, advanced training and labour. Over the years of the implementation of the Law, since 2010, 2,945 citizens have undergone vocational training in medical labour centres, and 876 citizens have taken part in continuing professional training programmes on-the-job. Employment of citizens who are placed in medical labour centres is carried out taking into account their age, working capacity, state of health, specialization and qualifications. They are paid and granted leave from work and welfare-related forms of leave in accordance with labour laws.

The Government considers that Decrees No. 3 and No. 18 do not conflict with the Convention No. 29. These regulatory instruments are aimed at addressing such socially important tasks as promoting employment of the population, protecting children and combatting drunkenness and drug addiction. The approaches laid down in these instruments meet the requirements of justice and are socially justified.