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Belarus (ratification: 1956)

Forced Labour Convention, 1930 (No. 29)

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 legislation on emergencies and the martial law.

The prohibition of forced labour is also covered in article 13 of the Labour Code of the Republic of Belarus.

The Government of Belarus has paid great attention to the comments made by the Committee of Experts. Taking into account the position of the Committee of Experts, it was decided to repeal Presidential Decree No. 9 of 7 December 2012 "On Additional Measures for the Development of the Wood Processing Industry" (hereinafter referred to as Decree No. 9). Presidential Decree No. 182 of 27 May 2016 has been adopted, according to which Decree No. 9 was declared invalid.

In order to study the legislation of Belarus and the practice of its application for compliance with the provisions of Convention No. 29, the technical advisory mission of the International Labor Office visited Belarus from 19 to 23 June 2017. The Government 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.

Taking into account the analysis of the norms of national legislation and the results of consultations with the ILO mission, the Government of Belarus considers that Presidential Decree No. 3 of 2 April 2015 "On the Promotion of Employment of the Population" (as amended on January 25, 2018) and the Law of 4 January 2010 "On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them" (as amended on September 1, 2017), which are mentioned in the CEACR's conclusions of 2019, do not conflict with the provisions of Convention No. 29. These documents are aimed at addressing such socially important tasks as the promotion of employment of the population and the fight against drunkenness and drug addiction. The

approaches used in these regulatory legal acts meet the requirements of justice and are socially justified.

Presidential Decree No. 3 of 2 April 2015 “On the Promotion of Employment of the Population” (as amended on January 25, 2018)

Presidential Decree No. 3 of 2 April 2015 “On the Prevention of Dependency on Social Aid” has undergone conceptual changes.

On 25 January 2018, Presidential Decree No. 1 was adopted, according to 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. Decree No. 3 is aimed at providing citizens who want to find a job with maximum assistance in finding employment, stimulating employment and self-employment of the population, as well as creating conditions to stimulate legal employment.

As part of the implementation of Decree No. 3, the local authorities have significantly intensified their activities in order to assist all the interested citizens in finding a job.

At the level of each region, all available opportunities are involved so that all citizens who, for whatever reason, do not work anywhere but want to work, will be assisted in finding employment.

The local authorities assist citizens in finding vacant and newly created jobs, organize training for popular professions and provide an opportunity to participate in paid public works. Citizens are informed about the benefits of legal employment.

In order to coordinate the work aimed at the promotion of employment, 150 Permanent Commissions (hereinafter referred to as the Commissions) have been established and carry out its activities in the regions. The Commissions include deputies, heads and specialists of local administrations, representatives of trade unions and other non-governmental organizations.

Unemployed citizens including those who lead an antisocial lifestyle are invited to attend the meetings of the Commissions in order to be provided with assistance in finding a job.

In January – March 2019, the Commissions held more than 1 500 meetings. 2 200 citizens were offered jobs, of whom 764 people agreed with the proposed options and were employed.

More than 4,500 people were sent to the labor, employment and social protection agencies to be provided with assistance in employment, of whom 2,300 people were registered as unemployed.

There are 248 special agencies in the republic which are sending job seekers to participate in paid public works. 8,400 citizens took part in such works on the basis of referrals from the labour, employment and social protection agencies.

A large-scale information campaign is carried out to assist citizens in finding employment. Information about the labour market situation, employment and self-employment opportunities, retraining, legal aspects of labour relations, upcoming job fairs and new workplaces is constantly covered in the media (leading state print and electronic publications, television and radio).

Active work is being done to create new jobs and provide employment for citizens. In order to create favourable conditions for that, a number of documents have been adopted providing for measures to improve the business climate, create conditions for the revitalization of business activities, stimulate business activity and attract investment.

As a result of this work, there is a positive trend in the creation of new enterprises (the growth rate is 108.7 percent) and the registration of new individual entrepreneurs (the growth rate is 108.8 percent).

The measures taken have led to positive results: the unemployment rate of citizens of working age, calculated in accordance with the ILO methodology, has decreased (February 2019 – 4.5 percent; 2018 – 4.7 percent; 2017 – 5.6 percent).

An important task, the solution of which is promoted by the implementation of Decree No. 3, is the creation of conditions that encourage citizens (including those involved in the shadow economy) to engage in legal employment with the payment of taxes.

To this end, Decree No. 3 contains a direct financial incentive: citizens who are able to work and classified as not involved in the economy, are to pay for a range of housing and communal services at prices (tariffs) that ensure full reimbursement of economically justified costs for the provision of these services, i.e. that are not subsidized by the state from the budget (further – full tariffs).

From January 1, 2019, this refers to hot water supply, from October 1, 2019 – to gas supply (if individual gas heaters are installed) and heat supply.

Decisions on payment by citizens of services at full tariffs (or exemption from such payment) are taken by the Permanent Commissions.

Before making a decision on the matter, the Commission carefully analyzes the situation of each citizen and works with each person individually to assist him or her in finding a job (the Commission offers vacancies, sends them to the state employment service agencies, organizes training for the profession in demand). When making a decision, the Commission also takes into account a person's difficult life situation.

It should be noted that many groups of people are excluded from the category of citizens not involved in the economy, to whom provisions on payment of services at full tariffs apply. In addition to all citizens who are legally employed and legally engaged in other types of activities, groups of people who do not have a job for objective reasons or due to special life circumstances are totally excluded from the category of citizens not involved in the economy.

Thus, the category of citizens who are not involved in the economy excludes the registered unemployed, the disabled, legally incapable persons, pensioners, spouses of military personnel and diplomatic workers, persons raising children under 7 years old (a disabled child under 18 years old, three or more minor children), students in full-time education, people whose employment has been terminated (6 months from the date of dismissal), graduates of educational institutions (until the end of the calendar year), citizens under medical and dispensary supervision, people who work or receive education abroad and many others.

As of May 2019, 6.4 percent of citizens of the average annual population of working age are classified as not involved in the economy. At the same time only 0.8 percent of able-bodied citizens, who are owners of housing units and pay for housing and communal services (hereinafter referred to as HCS), were included in the lists of citizens who are charged for hot water services at full tariffs.

As for the difference in tariffs for hot water for citizens who are considered to be involved and not involved in the economy, the payment for HCS for a standard apartment (48 sq. meters, 3 persons), in which only one able-bodied citizen who is not involved in the economy lives, taking into account the full tariff for hot water, from January 1, 2019 increased by 6.33 rubles (3 U.S. dollars). When two able-bodied citizens who live in the apartment are not involved in the economy, the payment for HCS increased by 12.66 rubles (6 U.S. dollars).

Thus, the main goal of the implementation of Decree No. 3 is to provide all citizens who are able to work and want to work with maximum assistance in finding suitable legal employment.

Those citizens, who do not work for some objective reasons or due to special life circumstances, as well as those who are in difficult life situations, are supported by the State and pay for HCS at subsidized tariffs.

The introduction of full tariffs for HCS for citizens who are not involved in the economy is an exclusively stimulating measure aimed at those people who are highly likely involved in the shadow economy and, accordingly, hide their incomes.

The Law of 4 January 2010 “On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them” (as amended on September 1, 2017)

The Law of the Republic of Belarus “On the Procedure and Modalities for the Transfer of Citizens to Medical Labour Centres and the Conditions of Staying in Them” (hereinafter referred to as the Law) regulates issues related to the transfer of citizens suffering from chronic alcoholism, drug addiction or substance abuse to medical labour centres.

It should be emphasized that forced social isolation as well as medical and social rehabilitation of citizens in the medical labour centres is a necessary measure, which is taken to prevent unlawful behavior of persons who are suffering from addiction to psychoactive substances, and provide them with the necessary assistance for adaptation in society.

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 the medical labour centres if they are obliged to compensate the child-rearing expenses incurred by the State and have violated work regulations two times 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.

Before being transferred to the centres, all persons undergo a medical examination in outpatient addiction treatment organizations to establish whether they have appropriate indications and do not have any contraindications to be placed in the centre.

Citizens are placed in the centres for their medical and social rehabilitation, which includes providing them with medicines, medical and psychological assistance, raising their cultural level and creating conditions for self-education, restoring and maintaining family ties, and other measures.

For citizens who lead an anti-social way of life, one of the most important means that ensure their social reintegration is labour activity. According to the Law, medico-social re-adaptation activities also include vocational guidance, vocational training, retraining, advanced training and labour.

Citizens placed in the centres are employed at republican unitary production enterprises subordinate to the Department for the Execution of Punishments of the Ministry of Internal Affairs (hereinafter referred to as the Department) and other organizations located at the territory of the centres. Decisions regarding their employment are made based on their age, ability to work, state of health, specific skills and qualifications. Citizens placed in the centres are paid and granted leaves from work and social leaves in accordance with labour laws.

Vocational training, retraining and advanced training of such citizens are carried out for one or several professions in production workshops of the centres, at republican unitary production enterprises subordinate to the Department, in vocational schools located in the territory of the centres, in other organizations at the location of the centres.

Citizens placed in the centres are systematically informed by the personnel about employment opportunities and professions that are in demand on the labour market. They are encouraged to receive a profession while they are staying in the centre. State labour, employment and social protection agencies are also involved in vocational guidance of the citizens placed in the centres.

The centres are successfully implementing such a form of work as the "School of Re-adaptation". Meetings with representatives of government agencies and public organizations are organized to motivate the citizens placed in the centres to lead a law-abiding way of life, to encourage them to get a profession and to clarify some issues that may arise when they leave the centre.

In the framework of the "School of Re-adaptation", representatives of the labour, employment and social protection agencies on a quarterly basis provide relevant information on employment issues (registration as unemployed and receiving unemployment benefits, availability of vacancies, employment due to reservation, opportunities for training and retraining, support in business organization, participation in paid public works, moving to another locality for the purpose of employment, etc.).

In the republic, work is constantly being carried out to develop the best practices for the rehabilitation and re-adaptation of citizens suffering from alcohol addiction.

The state institution "Republican Scientific and Practical Center for Mental Health" conducted a study in order to develop a comprehensive program of medical rehabilitation for persons placed in the centres. Taking into account the results of the study, the Ministry

of Health and the Ministry of Internal Affairs have launched a pilot project, in which the method of comprehensive medical rehabilitation and occupational therapy is applied.

The comprehensive rehabilitation method allowed achieving a number of positive results: normalization of the affective sphere, stopping thirst for alcohol, correction of long-term effects caused by prolonged alcohol abuse, increased motivation to work.

In the future, it is planned to use this method in all the medical labour centres. This will increase the efficiency of psychosocial rehabilitation of citizens suffering from alcohol addiction, improve the quality of their life and help them to restore their social status.

Discussion by the Committee

Interpretation from Russian: Government member – Thank you for giving us the opportunity to bring to the attention of the Committee information on the observance by Belarus of the Convention.

The basis for this discussion are the comments made by the Committee of Experts. In the comments the Committee of Experts picked up two legal documents from our country. One, a Presidential Decree No. 3, of 2 April 2015, on preventing social dependency. Since January 2018 that has been carrying a new name on promoting employment. The Committee of Experts also commented on a law of 4 January 2010 on people in labour therapy and rehabilitation centres and the conditions of staying in them.

I would like to draw particular attention to the fact that the Committee of Experts in their comments did not raise the question to the effect that the legal texts in their entirety or in any particular part infringed the provisions of the Convention.

The Committee of Experts looked at extracts from the Government's answer and also took information from the Belarussian Congress of Democratic Unions which gave a different picture than we gave. The basic recommendation of the Committee of Experts to the Government was that it continue to provide information on the application of this decree and the law.

We believe that this confirms that the Government of Belarus has carried out a very thorough analysis of the situation and taken the necessary measures to ensure that all the comments of the Committee of Experts made earlier are taken into account. Therefore, taking into account the report of the Committee of Experts, this statement will provide comments on the application of Decree No. 3 and the Law of 2010.

The Presidential Decree about preventing social dependency has had conceptual changes made to it. In January 2018, Decree No. 1 was adopted and that redrafted Decree No. 3 and changed its name. It is now called, "Promoting employment". So, the provisions of the decree on preventing social dependency relating to financial levies have been repealed.

Provisions about people who are able-bodied but are not working paying a levy for the financing of state services and provisions about them being administratively liable if they do not pay the levy have been withdrawn.

The new decree is designed to help those who want to find work, to get a job and get involved in legal employment and self-employment. As part of implementing the decree we have stepped up the work done by local authorities in every region of the country so that they can help any citizens for whatever reason who are not working at the moment but want to work to find a job.

The local authorities have directed and continue to direct people who want to work to vacant and new jobs, help them to train for professions where there is a demand for labour and also help them to do paid community service. They also provide information about the advantages of being legally employed.

In order to coordinate the work done to boost employment in all regions of the country we have 150 standing commissions. The members are MPs, people from local administration, specialists, representatives of unions and other NGOs. In the course of this year, these commissions have helped 4,000 people to find a specific job – 8,000 were directed to employment services in order to get further assistance in seeking work.

We are working actively in order to set up new jobs and get people into them. We have adopted various roles and enacted provisions to make this easier, to improve the business climate and to create conditions conducive to the development of entrepreneurship. As a result, we have seen new businesses established and running and we have seen more people registered as being self-employed. The increase there has been about 109 per cent. As a result of this, and as you would expect, the level of unemployment has come down. This year unemployment stands at only 4.5 per cent; by comparison in 2017 it was 5.6 per cent.

Implementing Decree No. 3 has also helped to create conditions which encourage people to find a legal job and pay their taxes. Decree No. 3 provides direct material incentives for this. People who are able-bodied and capable of working but who are not working have various types of utility and public services at a level which will enable recovery of the cost of providing them without any state subsidy. Since 1 January of this year, that has applied to the water supply and from 1 October this year it will apply to the supply of gas and heating. Decisions about citizens paying the full rate for these utilities are taken by the commissions to which I referred earlier. Before taking a decision, they very carefully analyse the situation of each individual citizen and they work to help them find a job as well. They also take into account any difficult personal circumstances that somebody might be facing. We exclude from this category of people, people who are not working for genuine reasons or because of their living circumstances – that means physically and mentally disabled people, pensioners, the spouses of diplomats and serving soldiers, people who are raising children under the age of 7 and disabled children up to the age of 18, three or more minors, students who are studying by day, people who have only lost their job or been dismissed for under six months, recent graduates, people who are being treated in hospital or as outpatients, and those who are studying abroad or working there. I would also like to say that people who are registered in the employment service as unemployed are also not included in this category of people who are not wanting to work.

In May this year that category included just over 6 per cent of the population of working age. When a decision is taken to include a person on this list and a person who has to pay in full for certain utilities at the full rate, we must take into account the fact that this accounts for under 1 per cent of the total.

For such people, the increase in the amount they pay for their services is just over 6 Belarusian roubles, that is approximately US\$3. So the main goal of Decree No. 3 is to help all those able-bodied people who want to work to find a job in the legal economy and to do it. People who for genuine reasons are not working because of their circumstances or are in difficult circumstances are offered support by the State and pay for the utilities and public services at a level which is subsidized by the State. Therefore, we are taking an appropriate approach to those citizens who need financial support from the State. That is understood, if somebody does not need to work or does not want to because they do not want to pay their taxes then that is fine but they can pay for their utilities or public services at the full rate – use the service, pay what it costs.

Now turning to our law on labour therapy and rehabilitation centres and the conditions of staying in them; this law deals with issues related to those people who are chronic alcoholics, drug addicts or abusers of other substances, and therefore in these centres.

Let me emphasize that the enforced isolation of citizens is a measure that is necessary to prevent criminal behaviour by people who are dependent on psychotropic substances and to ensure that they can get the necessary assistance to help them reintegrate into society. We can send to these centres only those people who have repeatedly three or more times in a year caused public disorder when they were under the influence of alcohol, drugs or other intoxicating substances.

One of the conditions for this is also that after such offences these people were already warned about the possibility of being sent to a rehabilitation centre but have been found administratively liable for further offences in the following 12 months. They can be sent to these centres for only 12 months on the decision of a court and the court can extend that time or reduce it down to six months. Medical treatment is provided. People in these centres are helped to recover and be socially reintegrated. They are provided with medical treatment with psychological assistance and they are given the opportunity to educate themselves. Furthermore, we help them to reconnect with their families. Often they have lost contact with them. Work is also one of the things involved. According to the law, medical and social rehabilitation includes vocational guidance, vocational training, retraining, skills acquisition and improvement and work. People in these centres do work consistent with their age, their ability, their health and any qualifications they may have. Payment for their work and the provision of holidays is provided in accordance with the labour legislation. Vocational training, retraining and skills acquisition in various professions in jobs is provided in production units and workshops in the centre.

Since the law has been in operation since 2010, over 7,000 people have received such retraining in these centres and this has been successful. People in these centres have regular meetings with representatives of NGOs and state officials to see how motivated they are, to check their behaviour and to provide them with work and training. People in the centres are regularly provided with updated information on getting a job by the employment service, for example they are taught how to register as unemployed and receive welfare benefits, about where there are jobs available, where and how they can continue with their vocational training, the State support that is available for the organization of entrepreneurial activity and other issues.

In Belarus, work is done constantly on improving best practices in rehabilitating and assisting people who are dependent on alcohol. For example, we have a national centre on psychiatric health which is doing research into the development of a comprehensive programme for the medical rehabilitation of people who are in these centres. On the basis of the research done, the Ministry of Health, together with the Ministry of Internal Affairs, has started to implement a pilot project to ensure that in many of these centres we follow a method for comprehensive medical rehabilitation which includes work. The effect has been positive as far as the psychological and emotional states of people in the centres are concerned. We are working on that too. We have a new method which is proving effective and we intend to introduce it in all the centres.

It is clear that what was stated by the Committee of Experts about the Presidential Decree on promoting employment in Belarus and our law on the labour therapy and rehabilitation centres and the conditions they are in prove that these are not out of step with the provisions of the Convention. Our laws are aimed at dealing with social issues such as unemployment and fighting alcoholism and drug addiction. The approaches we have taken in our law and in practice are in accordance with the principles of justice and we believe they are socially justified.

Employer members – I would like to thank the distinguished Government representative for her submissions before the Committee. This additional information has been a helpful explanation of the two primary issues that continue to exist in this case. This case involves a fundamental Convention, Convention No. 29 on the prohibition of forced labour and has been subject to observations by the Committee of Experts in 2015, 2017 and most recently in 2018. The case has been discussed in the Committee in 2016 and in 2018, and an ILO technical advisory mission visited the country in June 2017.

We recall that the Convention deals with the commitment of a member State to suppress the use of forced labour, and forced labour is defined as work “which is exacted under menace of penalty and for which the said person has not offered himself voluntarily”. Clearly, there have been a number of aspects of this case that have been discussed in prior years, including the former Decree No. 1 that has been repealed, as well as a variety of other decrees. This case now really deals with two issues, and that is, first, the Presidential Decree No. 3 and second, the Law No. 104/3 of 2010. I thank the Government delegate for her explanation today, the elaboration on the changes that Decree No. 3 has undergone, and the explanation of the conceptual changes made to the Decree to shift its focus to the promotion of employment. So, to shift the focus from imposing an administrative levy or if there was an inability to pay to require work if an individual was not working, rather a conceptual shift instead to the promotion of employment for those who are unemployed. The Employers’ group welcomes the Government’s submission that the provisions regarding the administrative liability or levies have been withdrawn from Decree No. 3 and that the focus now of this Decree is designed to help those individuals who want to find work to do just that.

We appreciate the statistics of the people who have been assisted as a result of the Decree involving the promotion of employment, and also find it very positive that there is a focus within this new Decree on the promotion of entrepreneurship, so the promotion of employment and the promotion of entrepreneurship. In our view, this aspect of the case has really moved from a concern about the contravention of Decree No. 3 as non-compliant with the Convention. It has moved away from that kind of an assessment and this now in the Employers’ view seems that Decree No. 3 now is in compliance in that it does not exact forced labour. So, we would suggest that this case has now moved into the monitoring phase in which what we would be doing is ensuring that the Decree does not revert back to a scenario where there is, in fact, forced labour exacted but rather stays within the conceptual framework of the promotion of employment. The Employers’ group would, therefore, suggest that the Government be encouraged to report on the implementation of Decree No. 3 in practice only during the regular reporting cycle, not in a special manner, in order to confirm these changes and upon the receipt and confirmation of this information, this aspect of the case could be closed in our view.

The situation is a little less straightforward with respect to the Law of 2010 where we understand that citizens suffering from chronic alcoholism, drug addiction or substance abuse may be sent to medical labour centres as a result of a decision by the court and that such people who are interned in medical labour centres have an obligation to work. I appreciate the Government Minister’s submission on the effort to focus on both vocational guidance, vocational training and work as a component of medical rehabilitation, and the study and the learning that is being done on the connection between work and rehabilitative efforts. So, I say this is a little less clear because it is possible that a situation that has been described could result in forced labour but there is no evidence at this moment that that is, in fact, the outcome, and so in our view, this aspect of the case has also moved into the monitoring phase. In this regard, we would encourage the Government to provide information so that the Committee of Experts can assess that, in fact, the application in practice of this Law is not resulting in the exaction of forced labour. So, in this regard, we would also suggest that the reporting of this aspect – because it simply has moved into a stage where it could result in a violation, not it is resulting in a violation – that the obligation

of the Government has shifted to, once again, its regular reporting cycle. So, of course it is important that the Government remain committed to ensuring that it is not exacting forced labour in contravention of the Convention's obligations, but we think that the current status of the matter is very positive and we would certainly encourage the Government to continue to focus on the promotion of employment and the promotion of entrepreneurship in the country.

Membres travailleurs – Le cas du Bélarus n'est pas inconnu de notre commission. En 2016, il faisait l'objet d'une double note de bas de page indiquant la gravité et la persistance des problèmes au Bélarus. En 2018, les mêmes problèmes ont encore dû être soulevés puisque aucune amélioration significative n'a pu être constatée dans le pays, malgré la mission de conseil technique de l'Organisation internationale du Travail qui s'est tenue en juin 2017.

Le cas du Bélarus est également connu de l'ensemble des mécanismes de contrôle de l'OIT. Le Bélarus a, par exemple, fait l'objet d'une commission d'enquête en 2003 portant sur les violations de la convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948, et de la convention (n° 98) sur le droit d'organisation et de négociation collective, 1949. Cette année encore, nous nous devons d'aborder la situation au Bélarus au regard de la convention (n° 29) sur le travail forcé, 1930, car tout indique que la situation ne s'est pas améliorée.

L'article premier de la convention prévoit que tout Membre de notre Organisation qui ratifie la convention s'engage à supprimer le travail forcé ou obligatoire sous toutes ses formes dans le plus bref délai possible. Le travail forcé ou obligatoire peut prendre des formes diverses et variées, si bien qu'une actualisation de la convention a été effectuée par l'adoption du protocole de 2014 relatif à la convention sur le travail forcé, 1930, afin d'en appréhender les nouvelles formes.

Le décret présidentiel n° 3, précédemment appelé «décret sur la prévention du parasitisme social» et rebaptisé en «décret sur la promotion de l'emploi», prévoyait un impôt spécial pour le financement des dépenses publiques. Toute personne qui n'avait pas au moins travaillé 180 jours au cours de l'année écoulée devait s'acquitter d'un tel impôt. Nous décrivions cet impôt comme un véritable impôt sur la pauvreté. Si une personne était incapable de s'acquitter de cet impôt, elle s'exposait à une sanction administrative qui pouvait consister en une amende ou une détention administrative assortie de travaux d'intérêt général obligatoires.

Il apparaît entre-temps que le décret présidentiel n° 3 a bel et bien été modifié. Nous espérons l'année dernière que cette modification du décret n° 3 témoignerait d'une réelle volonté de combattre le chômage et non plus de combattre les sans-emploi. Nous craignons que cet espoir ne soit déçu. Et nous ne pensons pas que cet aspect du cas soit désormais en conformité avec la convention, contrairement au groupe des employeurs.

Le décret présidentiel n° 3, amendé par le décret n° 1, prévoit une nouvelle forme de sanction financière. Les citoyens aptes au travail figurant sur la liste des personnes qui ne travaillent pas devront payer les services publics à un prix plus élevé qui ne dépassera pas le coût économiquement justifié de ces services. Les listes des personnes qui ne travaillent pas seront compilées par des commissions permanentes mises en place pour coordonner l'application du décret présidentiel n° 3 amendé.

Nous constatons donc que nous restons dans la même logique qui prévalait avant la modification du décret n° 3. Seules les modalités de la sanction financière ont quelque peu évolué. Le gouvernement biélorusse ne semble pas avoir changé la ligne politique exprimée par son Président en août 2017, et que nous avons déjà épinglée lors de l'examen du cas du

Bélarus l'année dernière devant notre commission. Il est par ailleurs important de noter que cette sanction financière s'applique à des services de première nécessité.

La définition de citoyens aptes au travail est d'ailleurs très large et semble laissée à l'arbitraire des commissions permanentes puisque aucun recours n'est ouvert à l'encontre de leurs décisions. Quelque 250 000 personnes sont concernées par cette nouvelle forme de sanction financière. Les informations fournies préalablement à la Conférence par le gouvernement énumèrent un certain nombre de catégories de personnes exclues de la notion de «personnes sans emploi aptes au travail» et qui échappent dès lors aux sanctions financières. Il n'est pas fait mention de la disposition légale qui énumère ces catégories dans les informations fournies. Le gouvernement transmettra utilement ces informations à la commission d'experts afin qu'elle puisse les examiner. Il nous semble que ces mesures dépassent celles de promotion de l'emploi et infligent des sanctions excessives à des personnes en difficulté.

Nous réitérons l'appel que nous avons déjà lancé l'année dernière au gouvernement biélorusse de revoir cette politique et de déployer de réels efforts pour combattre la précarité et la pauvreté plutôt que de pénaliser les personnes pauvres et vulnérables. Nous restons par ailleurs convaincus qu'une telle politique aggrave le problème des inégalités de genre. Il convient d'y accorder une attention particulière.

Un autre phénomène inquiétant se déroule également au Bélarus. Il s'agit des centres de santé et de travail. Ces centres de santé et de travail ont pour objectif d'accueillir les personnes qui ne mèneraient pas un mode de vie conforme à l'idée que se fait le gouvernement d'un mode de vie sain. Il paraît également que les commissions permanentes sont autorisées à se prononcer sur la nécessité d'envoyer dans ces centres des citoyens ayant des modes de vie antisociaux. On voit encore ici le caractère arbitraire que peut revêtir la notion de «mode de vie antisocial».

Selon le gouvernement, il s'agit uniquement de personnes souffrant d'alcoolisme chronique, de toxicomanie ou de consommation abusive de substances et qui ont fait à plusieurs reprises – trois fois au moins en un an – l'objet de procédures administratives à la suite d'infractions commises sous l'influence de ces différentes substances. Elles doivent également avoir fait l'objet d'un premier avertissement quant à la possibilité d'être envoyées dans un tel centre si elles commettaient de nouveaux faits répréhensibles dans l'année suivant cet avertissement. A l'issue de ces procédures administratives, et si toutes les conditions sont remplies, ces personnes peuvent être envoyées dans un centre de santé et de travail sur décision de justice.

Le public cible nous semble être un public de citoyens biélorusses particulièrement vulnérables qui ont besoin d'une véritable assistance médicale et sociale plutôt que d'être forcés à travailler. Les séjours dans ces centres peuvent être très longs, de douze à dix-huit mois. Les personnes qui séjournent dans ces centres sont soumises à une obligation de travailler. Le gouvernement décrit ces centres comme des centres au sein desquels de nombreux services sont offerts aux personnes qui y sont envoyées en vue de favoriser leur réinsertion.

Les informations qui nous parviennent dressent néanmoins un tableau beaucoup plus sombre de la situation: ces centres sont davantage des centres de détention qui échappent au cadre des poursuites pénales et qui n'ont aucun lien avec la commission de délits; les services de réinsertion ne sont pas obligatoires, alors que le travail est quant à lui imposé comme une obligation; les personnes peuvent être placées pendant dix jours dans une pièce disciplinaire en cas de refus de travailler; l'usage de la force physique est également autorisé pour obliger les personnes internées à travailler.

On le voit, ce tableau est beaucoup moins flatteur que celui que veut bien nous dresser le gouvernement. En 2017, un peu moins de 7 000 personnes souffrant d'addiction ont été soumises au travail forcé dans ces centres.

Le gouvernement fournit également des chiffres sur le nombre de personnes ayant suivi des formations professionnelles dans les centres de santé et de travail depuis l'entrée en vigueur de la loi de 2010. Il s'agit de 2 945 personnes. Quand on sait que rien qu'en 2017 un peu moins de 7 000 personnes étaient détenues dans de tels centres, le nombre de 2 945 personnes depuis 2010 ayant suivi des formations professionnelles semble marginal et nous fait davantage douter de la vocation de réinsertion que le gouvernement attribue à ces centres.

Il apparaît des informations fournies par le gouvernement avant le début de la Conférence que ces centres de santé relèvent de la compétence du Département de l'exécution des peines du ministère des Affaires internes. Vu les objectifs prétendument assignés à ces centres de santé, ceux-ci devraient plutôt dépendre du ministère de la Santé. En effet, les personnes visées par ces centres de santé mériteraient de recevoir un véritable soutien social et de véritables soins médicaux plutôt que de se voir forcées à travailler.

Il apparaît également que, lorsque des enfants sont envoyés dans des établissements publics, leurs parents doivent rembourser les sommes engagées par l'Etat pour la prise en charge de leurs enfants. S'ils sont incapables de rembourser de telles sommes et qu'ils souffrent d'une quelconque forme d'addiction, ils peuvent également faire l'objet d'une détention dans un centre de santé et de travail.

Nous soulevons l'année dernière que des parents qui ont déjà un travail courent le risque de se voir imposer du travail par les autorités biélorusses. Cette décision des autorités peut même avoir pour conséquence que ces personnes soient licenciées de leur emploi, les laissant ainsi totalement à la merci de l'arbitraire des autorités biélorusses. On le voit donc bien: une telle condamnation est insensée, contre-productive et disproportionnée.

Les manquements nombreux et persistants au regard de la convention au Bélarus sont particulièrement inquiétants. Nous ne pouvons conclure notre intervention sans faire le lien entre le manque flagrant de liberté d'association au Bélarus et les pratiques de travail forcé. Cette liberté est fondamentale afin de permettre aux travailleurs de s'organiser et d'assurer le respect de leurs droits fondamentaux.

A cet égard, nous souhaitons rappeler que des recommandations ont été émises quant à l'application des conventions n^{os} 87 et 98 à la suite de la commission d'enquête. Nombre d'entre elles n'ont à ce jour toujours pas été pleinement mises en œuvre. Il est dès lors urgent que le gouvernement mette pleinement en œuvre les recommandations émises par cette commission d'enquête.

Employer member, Belarus – We believe that the purpose of the practical steps taken by the Government of Belarus to implement the recommendations, which it received from the ILO in 2018, is to solve the problems which were raised before and help us all to achieve progress and mutual understanding. An advisory mission of the International Labour Office has provided technical assistance which we accepted. Furthermore, the ILO has worked together with state officials, employers' and workers' organizations.

Decree No. 3 on preventing social dependency has been thoroughly overhauled. On 25 January last year, its new drafting was adopted and its name was changed; it is now entitled the Law on Promoting Employment. It contains comprehensive measures to provide maximum assistance to those in Belarus who wish to work but currently do not find a job. The main role in doing that has been given to the local authorities, MPs and unions. It contains no provisions providing for forced and/or compulsory labour. The issue of a special

levy to finance state services is not now in contradiction with the provisions of the Convention.

All workers, whatever their employment status in Belarus, are guaranteed the fundamental rights of workers – wages sufficient to ensure satisfactory living conditions; legally guaranteed working hours; health and safety at work. The Decree also aims at creating circumstances where working in the shadow economy illegally is no longer profitable. Laws have been adopted to make it simpler to get into business in Belarus and that has also helped people to find employment.

As Employers, we recognize our social responsibility in helping to get certain categories of people in Belarus into work and helping them to be reintegrated into society. For that purpose, we have Decree No. 18 on state protection of children from disadvantaged families referred to in the comments by the Committee of Experts. We encourage work, yes, but paid work. We are not in a situation where work is being forced upon people as a punishment; it is to help people return to a dignified healthy lifestyle and to find employment.

As Employers, we have been cooperating with the State even as we understand that sometimes it is very difficult to find this particular group of people paid employment. They need work which is appropriate to their state of health and, in so far as that is possible, on the basis of whatever qualifications they may have obtained in the past. As and when necessary, they are also provided with vocational training, retraining and help to obtain further qualifications. Despite the fact that this does put additional burdens and responsibility on businesses and companies, we do feel that, for the time being and given the state of our society, Decree No. 18 and its provisions remain necessary.

The employers of Belarus would like to stress that, at the moment, we do not believe that the laws, rules and regulations of Belarus contain any elements which would say we are engaging in forced labour. They are there to help us tackle social issues, such as protecting children, fighting alcohol dependency and drug addiction, and promoting employment and that is fully in line with Article 1 of the Employment Policy Convention, 1964 (No. 122).

We remain firmly attached to close cooperation with the International Labour Organization and this Committee in the hope that we can make further progress on the basis of mutual understanding and respect.

Interpretation from Russian: Worker member, Belarus – I represent the delegation of Belarusian workers and we are deeply shocked that Belarus is on the list of cases because the issue of forced labour apparently is not one that applies to Belarus. We have a prohibition in the Constitution and the Labour Code of the Republic of Belarus. Trade unions today have the authorities to ensure that the law is being applied. Technical inspections are possible and on the basis of our work in this area we can state confidently that in our country there is no basis for forced labour, nor is there any factual evidence demonstrating that it is taking place.

With regard to the Committee of Experts' comments we have closely read the report, but with regard to two questions raised by the Committee of Experts, I would like to say the following: Decree No. 3 – we, the Workers, have full information in this regard and I can say confidently that there are no grounds for a consideration of the case of Belarus in this context, both in terms of law and practice. We note that the Belarusian Government has taken into account the Committee of Experts' recommendations in this area. Decree No. 3 has adopted provisions exclusively for the promotion of employment and the Employer representatives have also participated in consultations allowing also to draw attention to another aspect.

Firstly, today there is no talk of administrative penalties on unemployed citizens and secondly, it is necessary to consider that the standing committees are carrying out activities in order to benefit local individuals and help them in finding employment. In practice, we can see that they are created and working in each town and region of our country. The main role of the standing commissions is to help in the finding of employment and there are many cases that we can demonstrate where standing commissions have provided practical help in finding work. What is important is that these commissions work locally where people live so that they can understand the situation of each individual and each case is considered on its individual merits. Any individual who does not have work is offered a number of possibilities. Individuals can continue free education and training or they can get state support, including for accommodation. I would particularly like to emphasize that individuals can also turn down all of the proposals which are offered and in such cases they are not denied any services, they just pay the full cost of these services without state compensation and this is a very low increase in the price which does not have a significant impact on individuals' budgets. In order to counter the level of activity in the informal economy, this provides an incentive to transition to the formal economy. To give an example: if you have an apartment where no one is working, the increase in bills for that month would only be US\$3, whereas the average income is \$500. But I would particularly like to emphasize that the socially vulnerable category of individuals who cannot work are exempt from such payments and the Decree lists a range of categories who do not have to pay for services economically at justified costs. Such individuals are subjected to the decision of the authorities about whether they can be exempted if they find themselves in a difficult situation. We have many examples of this in practice.

The results of the work of the standing commissions is something that we see in trade unions as being effective. We see a comprehensive individual review of the problems of each individual in the commissions and we see the fact that the measures being taken are having a positive effect. Unemployment fell in 2017 to 5.6 per cent, and in February 2019 the level of unemployment was 4.5 per cent. I would like to ask the question: What is wrong with these approaches? What is being done wrong? Decree No. 3 in law and in practice promotes employment. This helps individuals achieve a job legally and leave the informal economy. Consequently, they have a legal wage, a pension and social security. For us trade unions this is particularly important.

This law in no way forces labour upon individuals. It simply promotes employment for all citizens equally. Secondly, it assists social reintegration for individuals in medical labour centres. Unfortunately, like for any country, there are citizens in Belarus who suffer from substance abuse and they find it difficult to integrate in society. This affects individual families and those who are close to them. Such individuals benefit from assistance and one thing that benefits reintegration into society is useful occupation. In light of this view, helping people reintegrate in normal life is something that these medical labour centres can help in. It only treats or only helps those individuals who have repeatedly committed offences and suffer from some form of substance abuse. The reference to these centres only takes place following a court decision. Quite often we see families themselves refer individuals to the authorities so that they can get such rehabilitation treatment. It is necessary that such individuals are given a health check, they are given medical and health support, and given state financial support. The citizens, during the period in the centres, are paid a minimum wage. This is a generally established approach and the individuals, while they are in the centres, do not lose touch with their families or friends. They can carry out vocational training. They can improve their qualifications which helps them to reintegrate on their return to society. So, in this way, we see a comprehensive approach, a multi-faceted approach that helps individuals overcome their problems.

What I would like to draw attention to is that the overriding objective is the rehabilitation and reintegration of individuals suffering from alcohol abuse or drug addiction. The main objective is to get them back into society. There is nothing here which

relates to forced labour. This is an approach which is bearing fruit. Positive results. People going back to their workplaces and their families. This is work which is useful for individuals, families and society as a whole. So, in conclusion, allow me to say that the Federation of Trade Unions has no complaints about forced labour. Nor do we know of any cases of forced labour. We do not believe there are grounds for considering this case.

We are working actively with the international organizations. We see the Government fully taking into account of the recommendations that have been made by the ILO and is working hard to put them into practice. So what I suggest is that we take a positive, practical, objective approach on the basis of confirmed information, and that we take a balanced and objective decision accordingly.

Government member, Romania – I am speaking on behalf of the European Union and its Member States. The candidate countries the Republic of North Macedonia, Montenegro, Albania as well as the EFTA country Norway, member of the European Economic Area, align themselves with this statement. The European Union and its Member States are committed to the promotion of universal ratification of the eight fundamental ILO Conventions and their implementation as part of our strategic framework on human rights. Compliance with the Convention is essential in this respect.

The European Union is committed to support Belarus to take tangible steps to respect universal freedoms, rule of law and human rights including labour rights. In this respect, notwithstanding the fact that the European Union has withdrawn tariff preferences from Belarus with its Generalized Scheme of Preferences, this scheme for serious and systematic violations of ILO fundamental Conventions, an active dialogue with Belarus has been engaged in the multilateral context of the Eastern Partnership, as well as bilaterally through the European Union–Belarus Coordination Group and the EU–Belarus Human Rights Dialogue. This dialogue is to be strengthened through the EU–Belarus Partnership Priorities which are currently being negotiated.

Cases of forced labour remain a persistent phenomenon in Belarus. That practice has been denounced in different forums such as the Committee on Economic, Social and Cultural Rights and the Human Rights Council, which have made several recommendations to eliminate it. We note with regret that this case is being addressed at the Committee for the third time since 2016. In 2016, the Committee had urged the Government to constructively engage with the ILO at the highest levels to resolve this issue before the next sitting and to avail itself of the ILO's technical assistance.

We welcome the fact that an ILO mission took place in 2017, that the Government has positively engaged with the Office and that some progress has been achieved. We welcomed the Government's decision to discontinue the implementation of Presidential Decree No. 3 of 2 April 2015. This Decree has now been replaced by Presidential Decree No. 1 of 25 January 2018. We took note of the fact that, according to the Committee of Experts' report, the former levy to finance government expenditure on persons who have not worked for 183 days in a year has been replaced by an obligation for unemployed citizens who are able to work to pay higher prices for various utility services. We believe that further investigation and examination needs to take place to report whether this new system could unduly penalize already vulnerable persons. We would like to request more information from the Government on that issue, since approximately 250,000 persons are targeted by these new provisions. We call on the Government to ensure that the implementation of this Decree does not go beyond employment promotion and that no excessive penalties are imposed on persons already living in a difficult situation in order to oblige them to perform work.

We also note in the report that medical labour centres remain an issue in the country in application of Law No. 104-3 of 2010. Indeed, section 16 of this law allows the use of

physical force in order to coerce interned persons to perform labour. According to the Belarusian Congress of Democratic Trade Unions, human rights defenders evaluate these medical labour centres as detention or imprisonment outside the framework of criminal prosecution, where medical measures are provided on a purely voluntary basis, while work is imposed as an obligation. Placement in those centres is applied to persons facing administrative charges for having repeatedly disturbed public order under the influence of alcohol and other intoxicating substances but also to people who have committed disciplinary offences at work under the influence of alcohol or intoxicating substances. It also applies to parents judged “dysfunctional” who have to reimburse state expenditure on the maintenance of their children placed under state care.

Against this background, we would like to request more information from the Government on the implementation of Law No. 104-3, including the number of persons sent to those centres in 2018, the reasons why they were sent and the judicial process leading to those sentences. We also highlight the need for the Government to provide medical and psychological support to all persons in need in these centres, as this is critical for their rehabilitation and reintegration at work and in society.

We welcome Belarus’ engagement and cooperation with the ILO Office and encourage the Government to continue to avail itself of the ILO’s assistance to ensure that the provisions and practices previously mentioned do not amount to forced labour.

The European Union and its Member States remain committed to their policy of critical engagement with Belarus and will continue supporting the country in meeting its obligations towards full respect of the fundamental international labour Conventions, including Convention No. 29.

Miembro gubernamental, Nicaragua — Agradecemos a la representante Gubernamental por el informe presentado a esta Comisión. Acogemos con beneplácito los esfuerzos realizados por el Gobierno para garantizar la aplicación efectiva del Convenio, aprovechar y apoyar la prohibición y la erradicación del trabajo forzoso. Destacamos que la prohibición del uso del trabajo forzoso en Belarús está consagrado en los instrumentos legislativos más importantes del país, lo que demuestra su compromiso decidido por cumplir con todas sus obligaciones bajo el Convenio e instrumentos internacionales relevantes.

Vemos con satisfacción la apertura que ha presentado el país para el diálogo genuino y constructivo, así como el alto nivel de cooperación de Bielorrusia con la OIT en materia de aplicación del Convenio, incluido el recibimiento en julio de 2017 de una misión de asesoramiento técnico de la Oficina Internacional del Trabajo.

Belarús ha abordado las preocupaciones de la Comisión de Expertos en su informe y ha tomado medidas prácticas a este respecto. Creemos firmemente que Belarús está en el camino correcto en términos de cumplimiento del Convenio, y hacemos un llamado para que se reconozcan las numerosas acciones emprendidas por el Gobierno de Bielorrusia, a quien le extendemos nuestro firme apoyo.

Interpretation from Russian: **Observer, International Trade Union Confederation (ITUC)** – I represent the Belarusian Congress of Democratic Trade Unions (BKDP). We thank the Committee of Experts for the analysis of Belarus and the application of the Convention. The situation in Belarus in our view is still very complicated. Labour relations are not governed by the Labour Code but the decrees of the President. One of the decrees means that all workers are put on short-term contracts. Instead of a civilized form of recruitment you get some kind of transition to forced labour because workers cannot leave their jobs voluntarily.

Another system is the excessive punishment for workers in the form of a fine which again has the characteristics of forced labour. Thus, for small offences, workers can be deprived of three-quarters of their salary which is already one of the lowest in Europe. And, the so-called social parasitism decree which makes citizens subject to discrimination in terms of payment for local basic services.

There are still forced labour practices in medical labour centres where they send alcoholics. The name of these centres should not lead one to believe that there is any medical therapy there. That is not the case. The system is essentially a continuation of the totalitarian regimes of the last century's 30s which housed drug addicts and alcoholics. We also see families whose children have been taken away subject to forced labour because they have to carry out work. We see the re-education of undesired social elements. So, again, we see this case before the Committee which is important because there are still many elements of forced labour. We see the use of instruments being used to impose excessive fines. At the same time, further challenges are being put to the principles of the ILO. We have one of the worst systems in the world and we would like the ILO to call on the Government to put an end to the practices of many years and respect the rights of trade unions and the citizens by respecting the provisions of the Convention and the ILO.

Miembro gubernamental, República Bolivariana de Venezuela — El Gobierno de la República Bolivariana de Venezuela agradece la presentación de la representante gubernamental. Valoramos que el Gobierno de Belarús esté altamente comprometido en la prohibición y erradicación del trabajo forzoso en el marco de la Constitución, las leyes nacionales y el Convenio. Es indudable la importancia que viene prestándole el Gobierno de Belarús a los comentarios de la Comisión de Expertos e incluso, ya en 2017, el Gobierno aceptó y brindó la colaboración necesaria a una misión de asesoramiento técnico de la OIT que visitó el país para abordar el estudio de la legislación y las prácticas en aras del fiel cumplimiento del Convenio.

Destacamos los ajustes concretados por el Gobierno de Belarús respecto a la legislación y decretos en el marco del Convenio e incluso para fortalecer los niveles de empleo y las condiciones para mejorar el clima empresarial. Hemos tomado nota de las políticas oficiales del Gobierno de Belarús para la rehabilitación y readaptación de los ciudadanos que sufren de alcoholismo y adicción a las drogas. El Gobierno de la República Bolivariana de Venezuela espera que las conclusiones de esta Comisión, producto de este debate, sean objetivas y equilibradas, y así el Gobierno de Belarús podrá proseguir con el cabal cumplimiento del Convenio.

Interpretation from Chinese: **Worker member, China** – We have noted that Belarus has made great progress in this area. It has continued to improve its labour legislation, bringing it into accordance with the relevant provisions of the Convention. In January 2018, Belarus adopted Presidential Decree No. 1 aiming to promote employment and self-employment to respect the rights of workers and safeguard people's economic and labour rights. Belarus has established a social dialogue platform at the national level allowing trade unions to express the views of workers through mechanisms such as the National Council on Social and Labour Issues and the Council for the Improvement of Legislation in the Social and Labour Sphere. Belarus has also worked with the ILO in a constructive manner. In February 2019, ILO representatives participated in the conference "Tripartism and Social Dialogue in the World of Work" and the meeting of the Council for the Improvement of Legislation in the Social and Labour Sphere on the conclusion and application of tariff agreements in the Republic of Belarus.

Miembro gubernamental, Cuba — Mi delegación desea destacar los elementos aportados por el Gobierno de Belarús, que ha informado acerca de las medidas legislativas aplicadas para dar cumplimiento a las recomendaciones formuladas en su momento por la Comisión de Expertos. Acogemos con beneplácito las medidas aplicadas que son una

muestra de la buena voluntad del Gobierno de Belarús en cumplir con sus compromisos y obligaciones con respecto al Convenio concernido. Reconocemos las medidas aplicadas y el espíritu de cooperación mostrado con la OIT, así como, que las medidas aplicadas van dirigidas a favorecer a su población.

*Interpretation from Russian: **Worker member, Russian Federation*** – I am taking the floor on behalf of the workers of the Russian Federation, and we fully share the concerns which have been expressed in the report of the Committee of Experts with regard to the situation of the Convention in the Republic of Belarus. We pay particular attention in Russia to the state of the law in Belarus, because it is a closely related State to the Russian Federation. We see that the situation of workers is worsening and that could be easily transferred to our own legal system.

At the last International Labour Conference, we expressed our concerns with regard to the labour relation systems in the Republic of Belarus, and the activities of the Government establishing the system for unemployed citizens who can be subject to fines and even administrative arrest. Following protests, these provisions were partially corrected.

In the new decree, since January 2019, citizens on a special list have to pay a higher price for communal services, which violates the principles of the Convention, and can be subject to further measures in the decree such as financial penalties. Also, there is a further category of workers who can be put in medical labour centres, where they are subject to mandatory labour.

The Republic of Belarus imposes short-term contracts on workers, not allowing unlimited contracts to be assigned nor any formalization of the labour relationship. At the same time, instead of allowing the state inspectorate to identify such cases as being in violation of the Law, Degree No. 1 of 2019 actually claims measures that allow this situation to continue.

We believe that it is necessary to recognize the burden that is being placed on the workers, and the delegates of the Russian Federation's workers believe that those individuals who have been persecuted for demonstration are being treated unfairly, and this creates a precondition for the violation of freedom of association in Belarus, which we have noted time and again in this hall.

The delegation of Workers of the Russian Federation calls on the Government of Belarus to take into account the comments of the Committee and to bring its law and practice into line with the Convention, in accordance with the conclusions of the Committee of Experts.

*Interpretation from Russian: **Government member, Uzbekistan*** – We welcome the open-minded attitude and active cooperation of the Republic of Belarus with the ILO on its compliance with the Convention. This is illustrated by the fact that in 2017 the Belarusians welcomed a technical advisory mission from the ILO to Minsk and cooperated fully with it in its work.

In response to comments made by the Committee of Experts, the Belarusian authorities have taken specific measures removing provisions from the law about able-bodied citizens who do not work having to pay more for their utilities and being brought to administrative responsibility if they do not. In our opinion, Belarus has achieved a lot in bringing down unemployment and in helping people who have no job to return to legal, working activity.

Government member, Viet Nam – Viet Nam welcomes the commitment and efforts of Belarus in the promotion of employment and the eradication of forced labour. We note that the prohibition of the use of forced labour is enshrined in the Constitution, the Labour Code and other legal acts of Belarus. We welcome the positive development in Belarus

reflected through the increase of new enterprises and individual entrepreneurs and the decrease of the number of unemployed citizens of working age.

We appreciate the consideration of and practical steps taken by the Belarus Government given to the comments made by the Committee of Experts. Viet Nam encourages Belarus to further its cooperation with the ILO, dialogue with related stakeholders, and continue its commitment to the implementation of its relevant international obligations.

Interpretation from Russian: Employer member, Uzbekistan – Please allow me on behalf of the Confederation of Employers to welcome the efforts of Belarus at the government level and in the area of social dialogue, and support the measures that have been taken to review the issue. The Minister of Labour in Belarus has provided a detailed report on practical measures taken in accordance with the law of the country and fully in line with the provisions of the Convention and already reflected in the new draft of the decree from January 2019.

Furthermore, I would like to thank and support the Employer members for their constructive position on this issue. We highly value the openness, transparency, technical objectivity and the expert approach of the team of the International Labour Organization which we can fully support, and in their cooperation with the Government of Belarus in demonstrating the importance of tripartite consultation with the involvement of state bodies and the active involvement of levels of government. We believe that it is appropriate to record our positive attitude to the cooperation that is taking place and I would like to do so on behalf of my Confederation.

Government member, Lao People’s Democratic Republic – On behalf of the Government delegation from Lao People’s Democratic Republic, I welcome the progress made in the efforts of the Government of the Republic of Belarus to fulfil its obligation under the Convention and support the prohibition and elimination of forced labour. Lao People’s Democratic Republic also welcomes the high-level with long-standing cooperation of Belarus with the ILO on the application of ILO Conventions, especially Convention No. 29.

We appreciate that the Government of Belarus has tried its most efforts in eliminating forced labour through implementing its most important legislation framework including the Labour Code and many other legal acts, and many practical steps are taken in this regard. The numerous actions taken by the Government of Belarus should be recognized.

We have a strong belief that the Government of Belarus – who already has a firm commitment to and long-standing cooperation with the ILO – the Belarus Government will very soon comply with the Convention. We extend our support to the Government of Belarus, and call for the case of Belarus on the application of the Convention to be removed in the near future.

Membre gouvernementale, Suisse – La Suisse soutient la déclaration faite par l’Union européenne et souhaite ajouter quelques points. La Suisse salue la collaboration du gouvernement avec l’Organisation internationale du Travail, ainsi que les progrès réalisés en ce qui concerne l’application de la convention.

La Suisse souhaite à nouveau exprimer son inquiétude quant aux dispositions de la législation nationale du Bélarus imposant du travail obligatoire à certaines catégories de travailleurs. Nous relevons en particulier le fait que l’article 16 de la loi n° 104-3 du 4 janvier 2010 sur les procédures et modalités de transfert de citoyens dans les centres de santé et travail qui autorise l’usage de la force physique pour obliger les personnes internées à travailler est très problématique. Le travail forcé constitue une violation des droits de l’homme.

Par conséquent, la Suisse appelle le gouvernement à poursuivre ses efforts visant l'élimination de cette pratique et à fournir toutes les informations requises par la commission dans son rapport. En outre, le Bélarus devrait également poursuivre sa collaboration avec l'OIT afin de mettre en conformité sa législation et sa pratique avec les normes internationales du travail.

Government member, India – We welcome the delegation of Belarus and thank it for providing the latest comprehensive update on the issue under consideration. India welcomes the continued willingness and commitment of the Government of Belarus to fulfil its international labour obligations and to eradicate forced labour. We appreciate the positive and significant steps taken by the Government of Belarus, including by taking into account the observations of the Committee of Experts to amend its internal laws. These include the presidential decrees related to the Convention, issued after consultations with relevant stakeholders, especially the social partners, to realize the goals enshrined in its Constitution. We understand that the efforts of Belarus need to be in accordance with its national context and social economic priorities. In fulfilling its labour-related obligations, we request the ILO and its member States to fully support the Government of Belarus and provide any technical assistance that it may seek in this regard. The Committee should be a forum for constructive tripartite discussions aimed at improving compliance with international labour standards through a transparent, credible and objective process. We take this opportunity to wish the Government of Belarus all success in its endeavours.

Interpretation from Russian: **Government member, Kazakhstan** – Kazakhstan notes the willingness of the Government of Belarus to follow international recommendations to apply the principles of the ILO and put into practice the recommendations of the Committee of Experts on the Convention. In light of the measures taken by the Government to ensure and promote employment and promote entrepreneurship and reduce the financial burden on the population, we support the conclusions of the Employer members and many other delegations, recognizing that the measures taken by Belarus take into account the recommendations of the Committee of Experts in law and in practice and meet the requirements of the provisions of the Convention.

Government member, Islamic Republic of Iran – My delegation thanks the distinguished Government representative of Belarus for providing information on the latest situation of the application of Convention No. 29. We appreciate the efforts of the Government in fulfilling its obligations concerning this fundamental Convention. We are pleased to learn that prohibition of the use of forced labour in Belarus is enshrined both in the Constitution and in the Labour Code of the country.

My delegation is of the opinion that the Government has demonstrated its strong will and determination to make progress vis-à-vis the concerned issues. We invite the Committee to give due consideration to the efforts made by the Government. While supporting the measures taken by the Government of Belarus concerning the application of the Convention, we encourage the Government to continue to do so and the Office to render further necessary assistance to the Government in this respect.

Government member, Russian Federation – We are grateful to the Government representative for her exhaustive report on measures taken by her country to comply with its obligations under the Convention. We already looked at this question in this Committee last year. At the time, the Russian delegation suggested that we note the information provided by the Government with satisfaction, assess it positively and close the case. However, unfortunately, the same question has popped up on the agenda this year. I would like to emphasize that the Government of Belarus has done a great deal of work and continues to do so, taking into account the comments and recommendations made by the Committee thereby showing a high level of openness and constructive cooperation with the International Labour Organization.

In 2017, Belarus hosted a technical advisory mission from the International Labour Office and the Organization's representatives were given all necessary support and assistance to do their work. Specific steps have been taken to comply with the recommendations too. For example, Presidential No. 9 of 7 December 2012 which led to a rebuke from the Committee of Experts has been repealed. Major changes have been made to Presidential Decree No. 3 of 2 April 2015 too. It has now been renamed by the way, it is called "promoting employment". It no longer contains provisions compelling able-bodied citizens who do not work to pay a levy to the State and to risk being made administratively liable if they do not. These steps have been based on a comprehensive analysis of Belarusian legislation in the course of the discussion which took place in the Committee. We note the wide-ranging work done by Belarus to help people look for work and get a job and also to make it easier for people to bring their business out of the shadow economy and work legally. The State assists those citizens who cannot work for genuinely objective reasons because of their living circumstances or because they have family difficulties. Belarus has demonstrated in acts its readiness to comply with its international commitments under ILO Conventions. It has shown a high level of cooperation with the ILO and it is particularly important that it has been working in close cooperation with its social partners. We are certain that will continue. We do not see any further grounds for later consideration of this issue involving Belarus in the Committee.

Government member, Myanmar – Myanmar welcomes the positive steps taken by the Belarusian Government in promoting employment, as well as eliminating forced labour or compulsory labour in the country. We take note of the Government's efforts to promote employment in the country by taking systematic measures extensively. We recognize the Belarus cooperation with the ILO in implementing many Conventions, including Convention No. 29. Myanmar acknowledges the Government's efforts to ensure social reintegration of citizens who lead an antisocial way of life, through labour activity, by providing the medical, social re-adaptation activities, including vocational guidance and vocational training.

We are also appreciative of the Government's efforts to create new jobs for its people by adopting a number of laws to provide measures to improve the business climate, stimulate business activities and attract investment. Moreover, Myanmar welcomes the Government's efforts to assist citizens in finding employment and to raise awareness regarding decent work by carrying out an information campaign through the media. We are encouraged to see that these effective measures have led to positive results. The unemployment rate of citizens of working age has decreased from 5.6 per cent in 2017 to 4.5 per cent in February 2019.

We take note of the Government's legislative reforms, including the amendment of relevant laws which contribute to the elimination of forced labour or compulsory labour.

In conclusion, Myanmar expects that Belarus will be able to eliminate forced labour by continuing its current measures, further cooperation with the ILO and consultation with its social partners.

Interpretation from Russian: **Government representative** – Once again, allow me to thank you for giving us the opportunity once again to speak here and explain the position of the Government of Belarus on the matters being considered. And thank you also to all the participants in the discussion. We have analysed or we will analyse closely everything that is being said in this room. All of the constructive proposals will be taken into account in our future work.

I am not going to comment in detail about what has been said here today, especially those points which go beyond the scope of the Convention. A number of speakers addressed the issue of short-term contracts. This is something that we have already discussed in detail. As we have already seen, the Committee of Experts has looked at this. They have identified

there is no violation of the provisions of the Convention. Once again, allow me to address those points which I believe are the most important.

First of all, I would like to draw attention to the members of the Committee on the relation of the Government of Belarus to the comments of the Committee of Experts. The legal act which the Committee of Experts referred to has now been changed. This is Decree No. 9 on additional measures for employment. The Report of 2017 noted with satisfaction the changes, and we can also say, perhaps more importantly, that there are no questions from the Committee of Experts about the Convention being violated by the Decree. The Committee of Experts asked the Government to continue reporting on the application of the Decree.

I would particularly like to emphasise that as a review of the issues pointed out last year, there have been further requests to the Government to provide further information which we have always done. We provided detailed information in our report which was addressed to the Committee of Experts in autumn last year. I would also like to recall that in 2017, in Belarus, there was a mission from the ILO which looked at the application of the Convention. It was provided with all necessary information. So we are convinced that the rules of the Decree, or the provisions of Decree No. 3 and the other related measures, including the specific revisions identified by the Committee of Experts, do not contravene the provisions of the Convention. There are a number of social missions which are served by these instruments such as the campaign against substance abuse, and the promotion of employment.

Once again, the provisions relating to penalties have been removed. The clear objective of these texts is to promote employment. There are no financial penalties. There are exclusively measures to provide help, and those who failed in – and there are certain higher prices paid for local services. With regard to the labour therapy centres, we are talking about people in need of medical help, and these centres provide social, medical and psychological services as well as rehabilitation. Occupational rehabilitation is also one of the elements of this treatment, and we need to recognize the positive effects of this. The level of alcohol consumption in the country is falling. We are willing to continue, and we will continue to inform the ILO of the application of these legal texts.

Membres travailleurs – Je remercie l'ensemble des intervenants, et particulièrement la représentante du gouvernement, pour les éléments d'information qu'elle a pu transmettre à notre commission.

Nous demandons au gouvernement de prendre toutes les mesures nécessaires en vue de mettre fin au travail forcé et de s'abstenir d'adopter des législations qui pourraient donner lieu à du travail forcé. Par l'imposition de sanctions financières à l'égard des personnes sans emploi, le gouvernement biélorusse risque encore davantage de marginaliser un groupe déjà vulnérable. Nous invitons le gouvernement à mettre en place une véritable politique de lutte contre le chômage et la précarité et de cesser sa politique de lutte contre les sans-emploi et les précaires.

Il convient, dès lors, de mettre fin aux sanctions financières, sous quelque forme que ce soit, infligées aux personnes figurant sur les listes de personnes sans emploi aptes au travail. Si le groupe des employeurs ne devait toujours pas être convaincu que cette mesure reste en contravention avec la convention – ce qui est évident pour le groupe des travailleurs –, il faudra à tout le moins accueillir favorablement la suggestion émise par le représentant de l'Union européenne de réaliser une enquête approfondie afin d'évaluer ce nouveau système.

Nous prions également le gouvernement d'informer la commission d'experts sur le nombre de personnes qui figurent sur les listes de personnes sans emploi aptes au travail

établies par les commissions permanentes et de l'informer sur les critères qui permettent de déterminer quand une personne est «apte au travail». Les informations soumises préalablement à la Conférence sont à cet égard insuffisantes. Nous invitons, dès lors, le gouvernement à transmettre ces informations pour la prochaine session de la commission d'experts en précisant les dispositions légales qui définissent ces catégories.

S'il n'est pas mis fin aux sanctions financières à l'égard des sans-emploi et à la tenue de listes de personnes sans emploi aptes au travail, il convient à tout le moins d'introduire une procédure de recours judiciaire à l'égard des décisions des commissions permanentes.

Comme le demande la commission d'experts, nous demandons au gouvernement de fournir des informations sur l'application de la loi n° 104-3 dans la pratique, y compris sur le nombre de personnes placées dans des centres de santé et de travail et sur le travail obligatoire inclus dans le cadre de leur réadaptation.

Nous demandons également au gouvernement de fournir des informations relatives aux juridictions compétentes pour prononcer une condamnation à des travaux d'intérêt général.

Afin d'avoir une meilleure vue sur les manquements constatés au sein des centres de santé et de travail, nous demandons au gouvernement de fournir des informations sur les contrôles réalisés par les services d'inspection au sein de ces centres et les résultats que ces contrôles ont permis d'enregistrer.

Nous demandons également au gouvernement de fournir des informations à la commission d'experts sur ce que la représentante du gouvernement a appelé la «thérapie par le travail» afin d'évaluer si, entre autres, les conditions du consentement prescrites par la convention sont remplies dans ce cadre.

Par ailleurs, nous demandons au gouvernement de fournir des informations écrites indiquant le ministère compétent pour les centres de santé et de travail et les missions exactes qu'il est amené à remplir.

En vue de mettre fin à toute forme de travail forcé, nous demandons au gouvernement biélorusse de poursuivre toute personne qui a imposé du travail forcé et, si déclarée coupable, de prévoir des peines civiles et pénales dissuasives.

Pour accélérer la mise en œuvre de ces recommandations, nous demandons au gouvernement de recevoir une mission de contacts directs menée par l'OIT.

Employer members – I would like to begin by thanking the Government representative and those other members of our Committee that took the floor. I think that this was a very useful discussion of the case before us. I would like though to remind the members of the Committee that we are discussing Convention No. 29 in relation to forced labour and therefore references to Convention No. 87 or other international labour standards are out of place in this discussion as they do not form the basis for our consideration of this case.

I would recall that article 41 of Belarus's Constitution, and article 13 of the Labour Code as a starting legal framework, prohibit forced labour. So this is an important starting point as we discussed in our opening comments. This case has evolved and I would suggest that the understanding of the Belarus Government in respect of its obligations under the Convention have also evolved.

The Employers understand that at the current time, Decree No. 3 has been revised to focus on the promotion of employment and we understand that the provisions regarding administrative liability or levies or the requirement of compulsory work have been

withdrawn from Decree No. 3, therefore allowing this focus to be truly on the promotion of employment. Therefore, in our understanding, the potential that this Decree can result in compulsory or forced labour, that issue has been removed. So, we, at the outset of our closing remarks, note in a very positive way the refocus and the conceptual change to focus on employment promotion – an effort that we believe to be valuable and important.

I heard some of the interventions focus on this question of whether there is fairness in respect of either the imposition of financial sanctions if one does not work or the fairness of having to pay a full rate of public utilities without state subsidy if one does not work. We would submit though that neither of those situations constitutes forced labour. And so, at the end of the day, that is not an issue we think that merits further discussion and as a result we do not agree with the concept of an in-depth, detailed survey to assess this new system. We do not believe that is necessary at this time. Rather, we believe that the Government's obligations would be to report on the implementation in practice of Decree No. 3 in compliance with the regular reporting cycle only.

Turning to the issue of the Law of 2010 and individuals referred to medical centres in which the Employers' group understands that the focus of these centres is on the medical rehabilitation of those citizens suffering from addiction and that this happens as a result of a court decision or a court order. We understand that taking into account the social issues that this process is trying to address, part of these rehabilitative efforts include compulsory vocational skills training and compulsory work.

The Employers' group in this respect encourages the Government to submit information on the implementation of Law 104-3 of 2010 in practice, so that the Committee of Experts can have a better understanding of how compulsory work is deployed within the context of the medical centres. And here again we view that the Government's obligation would be to provide this information in connection with its regular reporting cycle.

So our view of this case is different than the Workers' perspective in this matter and we view this rather as an example of a government that has made efforts taking into account the feedback that has been provided in the technical missions as well as the discussion in our Committee and the observations of the Committee of Experts, that this is in fact evidence of a government attempting to come into compliance with its full obligations under the Convention and we believe it should be encouraged in this respect. Therefore, for these reasons, we also do not support a direct contacts mission as a result of this case at this time.

Conclusions of the Committee

The Committee noted the information provided by the Government and the discussion that followed.

The Committee noted the Government's amendment in 2018 of Decree No. 3 and noted that the articles regarding administrative penalties, levies or compulsory work have been deleted and, instead, focuses on employment promotion. However, the Committee noted with concern the possible exaction of forced labour as a result of the operation of the other Presidential Decrees, which have not been amended.

The Committee recalled that the Government must take all necessary measures to suppress the exaction of forced labour.

The Committee noted that the Law of 2010 authorizes courts to require a citizen to participate in a rehabilitation programme in a medical centre. This may require citizens to participate in vocational skills training and compulsory work.

In relation to the application of the Law of 2010, the Committee calls on the Government to ensure that no excessive penalties are imposed on citizens in order to oblige them to perform work.

The Committee requests that the Government provide information regarding the implementation of the Law of 2010 in relation to circumstances of compulsory work that may be required by citizens.

The Committee calls on the Government to continue to accept technical assistance to guarantee the full compliance of national law and practice with the Convention.

The Committee requests that the Government provide information on the legislative framework to the Committee of Experts in the course of the regular reporting cycle.

Interpretation from Russian: **Government representative** – I would like to take this opportunity to thank all the participants in the discussion relating to Belarus on Convention No. 29 including the social partners, representatives of the Government, governmental and non-governmental organizations and others who are interested in the course of the discussions.

In our view the discussion was a constructive exchange of views between experts at different levels and we are satisfied with the conclusions of the Committee so it is with satisfaction that we note that in the report of the Committee of Experts and in the conclusions of the CAS there is no direct mention that the legal documents of the country of Belarus are in violation of the Convention. However, we will closely analyse the comments of all participants in the discussion and the conclusions of the Committee. All constructive proposals and comments will be given due consideration in our future work. We will continue to inform the ILO of the developments in legislation and practice relating to the comments made by the Committee of Experts. Belarus is going to continue to be an advocate of observing its commitments arising from membership of the International Labour Organization.