



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Concluding observations on the twentieth to twenty-third  
periodic reports of Belarus**

Addendum

**Information received from Belarus on follow-up to the  
concluding observations\***

[Date received: 31 January 2019]

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\* The present document is being issued without formal editing.



**Information from the Republic of Belarus on follow-up to the concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twentieth to twenty-third periodic reports of Belarus (CERD/C/BLR/CO/20-23)**

**Paragraph 24 (b)**

1. Article 10 of the Employment Act stipulates that the State creates the conditions for full employment and that State policy for the promotion of employment is aimed at guaranteeing equal opportunities for all citizens to exercise the right to work, irrespective of their gender, race, ethnicity, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property or professional status, age, place of residence, physical or mental disabilities that do not impede the performance of employment functions or any other circumstances unrelated to professional qualities and not occasioned by the specific work functions or status of the worker. The right to work means the right to choose one's profession, type of occupation or job in accordance with one's vocation, capabilities, education and training, taking into account the needs of society, and to enjoy healthy and safe working conditions.

2. Presidential Decree No. 3 of 2 April 2015 on the prevention of social dependency has undergone major conceptual changes.

3. In accordance with Presidential Decree No. 1 of 25 January 2018 amending Presidential Decree No. 3, which entered into force on 27 January 2018, substantial amendments were introduced to Decree No. 3, and a new version of the instrument was presented under a new name. Decree No. 3 of 2 April 2015 was renamed the Decree on the promotion of employment.

4. It is especially noteworthy that the provisions concerning the payment of a tax to finance State expenditure by unemployed citizens capable of work, and in particular the provisions concerning the initiation of administrative proceedings for failure to pay the tax, have been fully removed from the latest version of the Decree. This means that the provisions in question no longer have any legal force and are no longer applicable either in law or in practice.

5. The new version of Presidential Decree No. 3 of 2 April 2015 on the promotion of employment is aimed at strengthening the efforts made by the authorities to provide citizens with the utmost assistance with job placement and at stimulating employment and self-employment.

6. The main objective of the updated Decree No. 3 is to create optimal conditions for employment at the local level, including by increasing labour market efficiency, supporting business initiatives, fostering self-employment and providing one-to-one support to citizens who are currently unemployed or involved in the black economy but who wish to earn a lawful living and are capable of doing so.

7. The Decree provides for employment promotion measures to be implemented by the Government and local authorities. In this regard, emphasis is placed on strengthening the role of councils of deputies and local executive and administrative authorities.

8. In accordance with this Decree, local executive and administrative bodies:

- Assist citizens in securing existing and newly created jobs
- Provide one-to-one job placement support to citizens who face disadvantages in the labour market
- Organize training for citizens in the professions or trades currently in demand in the labour market

- Arrange temporary employment for citizens, including by creating opportunities for participation in paid community work
- Offer advice, guidance and legal assistance to unemployed persons, organize training for them on the legal and financial principles of business and offer them financial support in organizing their business and other activities
- Carry out extensive information campaigns to raise awareness of the social and labour guarantees afforded to citizens by the State, guide citizens towards lawful activities and carry out preventive work aimed at the resocialization of persons with asocial behaviour

## Paragraph 20

9. In accordance with article 3 (5) of the Criminal Code, a person is criminally liable only for those of his or her socially harmful acts (or omissions) that have had socially harmful consequences, as set out in the Code, in respect of which his or her guilt has been determined.

10. At present, the criminal acts committed by traffickers often verge on trafficking in persons but do not actually constitute the offence. For that reason, in Belarus, trafficking in persons and other forms of trafficking are covered not only by article 181 of the Criminal Code but also by article 171 (Organization and/or exploitation of prostitution or facilitation of the exploitation of prostitution); article 171-1 (Enticement to engage in prostitution or compulsion to continue to engage therein); article 181-1 (Use of slave labour); article 182 (2) (4) (Abduction), where such acts are committed for the purpose of human exploitation; article 187 (Unlawful acts related to the employment of citizens abroad), where such acts lead to human exploitation abroad; and article 343-1 (2) and (3) (Production and distribution of pornographic materials and items of a pornographic nature depicting minors), where a child is used as a “model” or “actor” in a pornographic film. The offences established in articles 171, 171-1 and 343-1 of the Criminal Code concern sexual exploitation exclusively; those established in article 181-1 concern labour exploitation exclusively; and those established in articles 181, 182 and 187 concern sexual, labour and all other kinds of exploitation. The maximum penalty provided for under these articles is deprivation of liberty for up to 15 years with confiscation of property.

11. Between 2013 and 2016, the internal affairs agencies brought to light eight cases of trafficking in persons. When these cases were being investigated and considered by the courts, the crimes were reclassified as other unlawful acts related to trafficking, in view of the specific features of law enforcement and judicial practice and the actual circumstances in which the offences were committed, as established during the investigation and by the court. In the same period, 363 other trafficking-related offences were brought to light, leading to 131 convictions, including 121 custodial sentences.

12. These figures show that in Belarus there has been no lessening of efforts to combat trafficking in persons.