Belarus Human Rights Index

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2019

Right to social security

Score: 5.4
Including scores by component:

- Existence of an effective social security system – 5.2
- Support for the unemployed and persons incapable of working – 4.7
- Support for families, children, the elderly and persons with disabilities – 6.4

The state guarantees the right to social security in Article 47 of the Constitution of the Republic of Belarus, which states: "Citizens of the Republic of Belarus are guaranteed the right to social security in old age, in the event of illness, disability, loss of working capacity, loss of a breadwinner and in other cases provided for by law. The State shows special care for war and labour veterans, as well as for persons who have lost their health whilst defending state and public interests"[1].

In accordance with Decree of the President of the Republic of Belarus of 2 April 2015 No. 3 'On the Promotion of Employment' (as amended by Decree of the President of the Republic of Belarus No. 1 of 25 January 2018[2]), on the one hand, the state divides the population into able-bodied citizens employed in the economy, and on the other hand, into able-bodied citizens not employed in the economy ('freeloaders'). Whilst the state 'pays no attention' to the first group of the population, it is 'fully focused' on the other. Until 2018, under Decree No. 3, citizens not engaged in the economy were obliged to pay a levy to the budget. Decree No. 3 stipulates that able-bodied citizens not engaged in the economy from 1 January 2019 must pay for services determined by the Council of Ministers of the Republic of Belarus at prices (tariffs) ensuring full reimbursement of economically justified costs for their provision, following the inclusion of these citizens in the list of able-bodied citizens not engaged in the economy who pay for services on a cost-recovery basis[3]. Furthermore, to implement Decree No. 3, local executive and administrative bodies are empowered to establish commissions which, in turn, have the authority to decide on the full or partial exemption of citizens not engaged in the economy from the obligation to pay for services at special rates due to their difficult life

[1] Constitution of the Republic of Belarus, Article 47, https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/

[2] Decree of the President of the Republic of Belarus No. 3 of 2 April 2015 'On the Promotion of Employment' (as amended by Decree of the President of the Republic of Belarus No. 1 of 25 January 2018), https://pervadmin.gov.by/docs/dekret_3/dekret_3.pdf

[3] Ibid, para. 5.

circumstances, or on the need to refer able-bodied unemployed citizens leading an antisocial lifestyle to medical-labour sanatoriums[4].

- **Existence of a social security system**

An accessible, sustainable and adequate system has been established and generally functions effectively, comprising one or more programmes aimed at providing benefits in the event of relevant social risks and unforeseen circumstances, as well as establishing minimum levels. However, the system is opaque, insufficiently targeted at vulnerable and marginalised groups of citizens, and is based on formal criteria. The system's shortcoming is that it is not designed to assist a specific individual who has found themselves in a difficult situation; rather, it is aimed at advancing specific state social priorities outlined in the social policy development plans for the next five years. The system is designed for specific vulnerable groups, which are standardised and recognised as such by the state. The system is not flexible; it cannot respond promptly to new types of vulnerability. As for the vulnerable groups recognised by the state, on the one hand, people with disabilities have a set procedure for obtaining a disability category and disability benefits; there are also various concessions and assistance with employment. However, on the other hand, the state's formalistic approach prevents certain vulnerable groups from accessing state support in an accessible and effective manner. Moreover, a specific group of people with disabilities (depending on their disability category and other circumstances, for example, disability categories 1 and 2, orphans with disabilities, etc.) remains 'in a grey area'. This is particularly evident in the field of employment, where the door is effectively 'closed' to vulnerable people in almost all professions, from university admission[5] to employment: they are left with jobs such as assembling light bulbs or baking bread[6]. Targeted social assistance does exist, but to receive it, one must meet formal criteria[7]. For self-employed individuals, there are barriers to accessing unemployment benefits. In 2019, staff cuts began at state-owned enterprises, yet retraining or assistance for these people in finding work was not widely implemented.

The social security system does not cover all individuals, particularly disadvantaged and marginalised groups, without any discrimination. In the state, marginalised individuals are understood as

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[4] Ibid, para. 6.

[5] Resolution of the Ministry of Health No. 35 of 25 April 2007. On the approval of the list of indications and contraindications for obtaining professions and specialities, https://belzakon.net/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D0%B4%D0%B0%D1%82%D0%B5%D0%BB%D1%8C%D1%81%D1%82%D0%B2%D0%BE/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5_%D0%9C%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D0%B5%D1%80%D1%81%D1%82%D0%B2%D0%B0_%D0%B7%D0%B4%D1%80%D0%B0%D0%B2%D0%BE%D0%BE%D1%85%D1%80%D0%B0%D0%BD%D0%B5%D0%BD%D0%B8%D1%8F_%D0%A0%D0%91/2007/72279

[6] Employment of people with disabilities: objective and subjective barriers, Office for the Rights of People with Disabilities, https://www.disright.org/sites/default/files/trudoustrojstvo.pdf

[7] Decree of the President of the Republic of Belarus No. 41 of 19 January 2012, http://mintrud.gov.by/system/extensions/spaw/uploads/files/UKAZ-41-na-sajt.pdf

pre-defined groups that have been identified by the state and are understood by it. The list of such groups is not reviewed (the unemployed, people with disabilities, the homeless). Under the decree on targeted social assistance, the homeless are not protected at all; they are simply not included there[8]. They do not work, and consequently, targeted social assistance does not apply to them. They receive no other forms of social support from the state apart from night shelters; only civil initiatives and NGOs pay attention to them. As already noted, people with disabilities, depending on their disability category and other characteristics, constitute a group that is, albeit a fairly well-defined and protected one with social guarantees, but not everyone enjoys this status. Furthermore, people—especially women—who care for people with disabilities, the elderly or children fall into the pensionable service trap[9] , where they receive a care allowance but their insurance service is not counted. People who have recently been released from prison also find themselves in a 'grey area'.

The conditions for entitlement to benefits are transparent, but not always reasonable and/or proportionate.

Pension provision and benefits, as well as the calculation of pension amounts, are not transparent to the public. There are also differences in pensions between Minsk and the regions. In 2019, the issue remains unresolved regarding people of retirement age who do not receive a pension due to a lack of employment history but have not yet reached the age for a social pension.

Benefits are inadequate in terms of both amount and duration, and are not always paid on time; consequently, not everyone is able to exercise their right to family protection and support, to an adequate standard of living, and to access to healthcare services. There is a practice whereby families deliberately have children in the hope of receiving various social payments from the state budget, as well as securing housing for the family through state support. Thus, we are witnessing a situation where the state, in promoting a high birth rate and improving demographic indicators, encourages people to have more children, this call is often heeded by low-income families, whilst on the other hand, the state leaves the rest of the population without adequate social benefits and allowances, for example, children with disabilities, orphans, parents with an orphaned child, and so on, as well as single-parent families. Thus, the system works only for those sections of the population that, on formal grounds, fit the state's conception of vulnerable groups and its population policy.

There are issues regarding the population's legal literacy and access to information on social support measures. Measures to properly educate the population on accessing social welfare programmes, particularly in rural and poor urban areas, as well as among linguistic and other minorities, are insufficient or entirely absent. The system expects people to know the necessary information and to know what to ask, but this is not the case. Legal literacy is at a low level. The system does not widely inform different sections of the population; it operates reactively in response to specific requests from citizens. There is a possibility that the state has an interest in ensuring that people do not apply for

[8] Ibid.

[9] For further details, see the BHC study, Who risks losing their pension by falling into the insurance record trap?, https://www.pensii.belhelcom.org/#spisok

benefits and allowances. Overall, society is divided into those who can use modern technologies and those who cannot. Social protection agencies, the job centre, pension funds and the Department of Motherhood and Childhood have not been digitised; on websites, up-to-date information is often either missing or incomplete. On a positive note, the existing system for obtaining information on request via electronic submissions is worth mentioning; nevertheless, the same problems persist here: people's lack of awareness of this option, formulaic responses, and so on. There are hotlines, but, according to experts, they are ineffective, with only a small number of people using them.

For the state as a whole, the situation is typically one where programmes are approved, discussed in working groups, developed in collaboration with UN agencies and so on, but the information does not reach those sections of the population who need these programmes to be effective; thus, we see a formal system that works only for individuals who have internet access, have access to information from other sources, and are educated; whereas for those living in rural areas, members of the Roma community, people without internet access, without education, or without a permanent place of residence, low-income families, and so on – for them, the system de facto does not work; they are almost 'invisible' given that the system itself is not geared towards education and information provision.

- **Support for the unemployed and persons incapable of working**

The social security system does not cover all those of working age. The system recognises and focuses only on those citizens who work under employment contracts. The system does not take into account part-time workers, day labourers, seasonal workers, as well as the self-employed and those engaged in non-standard work in the informal economy. The state and the system it has established in the form of Decree No. 3 'On the Promotion of Employment' are aimed at formalising and bringing under accountability those of working age who are not engaged in the economy; moreover, such a system is, to some extent, 'punitive'.

Benefits are paid in the event of a loss of earnings or a lack of income resulting from an inability to find or retain employment; however, to qualify, one must demonstrate to the system that they are objectively unable to find or retain a job. The system establishes employment promotion commissions, but, according to experts, these focus on determining why a person is not working rather than on finding them a suitable job; moreover, under Decree No. 3, the state and its bodies are required to assist in the employment of citizens in existing vacancies and newly created jobs; to adopt an individualised approach when providing employment assistance to citizens unable to compete on equal terms in the labour market; to organise training for citizens in professions (specialisms) in demand on the labour market.

The social security system covers expenses and loss of earnings resulting from injury or illness, as well as the loss of support intended for dependents who have lost their breadwinner. For example, minors who have lost a parent or parents receive a pension. The procedure for obtaining it is lengthy, but feasible in practice. Compensation for workplace accidents is provided for by law and is paid out in practice, though the process of proving entitlement is complex. Employers often try to conceal the fact that an injury was sustained at work, as they 'may face serious problems'.

People whose inability to work is caused by illness receive cash benefits for periods of lost earnings, and those suffering from a long-term illness are entitled to disability benefits. However, in practice, such payments are often delayed or not provided at all. As experts have noted, a new provision was introduced in 2019 stipulating that if no contributions have been made to the Social Insurance Fund (SIF) for an employee over the previous six months, they will not receive any sick pay. Consequently, apart from free healthcare, the individual receives nothing from the state. If, however, contributions were paid into the Social Insurance Fund, sick pay is paid late: it takes a month for a person to receive incapacity benefits. Thus, a person who has lost their source of income and ability to work, albeit temporarily, finds themselves in a situation where they lack the funds to recover at precisely the moment when they need them most. The disability benefit system is operational and strictly regulated, but accessing the benefit takes a long time.

- **Support for families, children, the elderly and persons with disabilities**

Benefits paid as family support are provided without taking into account the resources and living conditions of children and those responsible for the maintenance of children or adult dependants. The amount is intended to cover the costs of food, clothing, housing, water and sanitation, or, where necessary, other needs; however, in practice, these funds are insufficient. Benefits are paid without taking people's needs into account. State assistance is not differentiated. For a single father, for example, the state allocates around 186 roubles per child, which, in the Belarusian context, is insufficient to provide a decent standard of living for a child without additional income.

Paid maternity leave is granted to women who work under an employment contract or agreement; the same applies to maternity benefits[10]. Women working in the informal economy, sole traders and the self-employed are not entitled to maternity leave. The allowance for women who have registered with healthcare organisations before the 12th week of pregnancy applies to all women, regardless of their occupation[11]. The child-care allowance for children under 3 years of age is available to any woman. This allowance may be received by a relative or spouse who has taken child-care leave, provided that they are in employment. This allowance may be reduced by 50 per cent for both women employed under an employment contract and women who are sole traders, self-employed or notaries or solicitors[12]. In the case of the latter, such a reduction exacerbates the situation for the woman and child and their ability to live a decent life, particularly if the woman is a single parent. Childcare allowance is allocated per child, not per woman, based on her salary and the loss of that salary whilst caring for the child, which, according to experts, is an oversight in state policy. The payments cover neither childcare costs nor the woman's living expenses. If a woman has given birth alone, with no partner to rely on for income whilst she is caring for the child, she finds herself in a difficult situation: it is impossible to live on this allowance and provide a decent standard of living for both herself and

[10] https://ssf.gov.by/ru/posobie-ber-rody-ru/

[11] https://ssf.gov.by/ru/posobie-12-ned-ru/

[12] For more detailed information on cases where child care allowance for children under 3 years of age has been reduced by 50%, see here: https://ssf.gov.by/ru/posobie-3let-ru/.

her child. If the benefit were calculated on the basis of the woman's salary from her last place of employment, as is the case in many countries around the world, the situation would be entirely different.

Women and children are provided with appropriate medical benefits, including during the antenatal period, in connection with childbirth and after the birth of the child, and, if necessary, care during hospitalisation. The state provides free healthcare and partner-assisted childbirth. However, women from Minsk or regional centres have greater access to healthcare, maternity hospitals and related benefits than women from small towns and villages, which affects the speed and timeliness of access to medical care.

Legislatively, there is a gap in the retirement age for men and women. There is a list of prohibited occupations for women, which, among other things, prohibits women from working in hazardous industries. The state justifies this by the need to preserve reproductive function and protect motherhood. Some men, due to the nature of their work, are more exposed to hazardous working conditions. However, under Belarusian law, such men retire earlier due to their working conditions. On the one hand, the state encourages pensioners to continue working after retirement, but on the other hand, it deducts 20 per cent from their pension because of such activity. The 2016 pension reform and its consequences for the population continue to affect retirement, pension payments and benefits (or the lack thereof), and, as a result, expectations regarding the social pension[13]. Whilst the pension issue has been resolved for military personnel and police officers, for people who have carried out socially useful activities for years (for example, caring for people with Group I disabilities), the majority of whom are women, the issue remained unresolved in 2019.

[13] For further details, see the BHC study, 'Who risks losing their pension by falling into the insurance record trap?', https://www.pensii.belhelcom.org/#spisok