

National Human Rights Index

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2022

Right to Social Security:

Expert Commentary

The score: 4.5

Including scores by component:

- Existence of an effective social security system 3.6
- Support for the unemployed and persons incapable of working 4.0
- Support for families, children, the elderly and persons with disabilities 5.9

For a description of the baseline situation with the right to social security, see the commentary to the 2019 assessment. In assessing the state of the right to social security in 2022, the Index experts gave lower scores than in 2021. The experts' position is explained in detail below.

• **Existence of an effective social security system**

An accessible, sustainable and adequate system has been established and is generally functioning effectively, including one or more programmes aimed at providing benefits in the event of relevant social risks and unforeseen circumstances, as well as the establishment of minimum levels. However, the system is opaque, does not target vulnerable and marginalized groups enough, and is based on formal criteria. Experts, as before, pay special attention to the lack of targeting in the social security system. The system is aimed not at helping a specific person in a difficult situation, but at promoting specific state social priorities outlined in the plans for the development of social policy for the next 5 years. The system is designed for specific vulnerable groups, which are standardized and understood by the state in its own way. It is not flexible and cannot respond quickly to the presence or emergence of new vulnerable groups.

As a result, the measures taken by the state, designed to support the population, often have the opposite effect due to the formal approach to the implementation of social programs, which loses the essence of such measures and the expected qualitative changes. In 2022, this trend not only continued, but also worsened qualitatively and quantitatively.

As an illustrative example, experts note the Law No. 183-Z "On the Rights of Persons with Disabilities and Their Social Integration" adopted in 2022. Experts agree that this law is more of a law on the social protection of persons with disabilities than a law on rights, which reflects the preservation of the paternalistic approach to disability. There are many declarative nominal provisions in the law, which, according to experts, will remain on paper due to the lack of effective legal protection mechanisms, as



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well as the general formal nature of the social security system. The Law contains local positive changes, for example, the institution of a personal assistant has been introduced. At the same time, at the systemic level, the Law retains the medical understanding of disability (contrary to the approach described in the 2008 Convention on the Rights of Persons with Disabilities), does not regulate the issues of deprivation of legal capacity of a person with disabilities and other aspects that require changes. The provisions of the Law need to be brought into line with the Labor Code, which makes its application even more difficult.

On July 2, 2022, the Law "On Social Support of the Population" came into force, which gives the Council of Ministers the right to revise the structure and composition of the subsistence minimum within the time limits established by it (as a general rule, the frequency of revision is at least once every three years), as well as to change the procedure for determining the subsistence minimum¹, budget, for example, the frequency of revision. The government also has the right to pay one-time financial assistance to the most vulnerable category of the population². In practice, according to experts, the Council of Ministers did not use this right, this provision remained on paper, which also confirms the formal functioning of the system.

Experts also note an increase in the number of institutions for the elderly and people with disabilities, which indicates the priority of institutionalization and the reluctance to reform the social support system at the local level.

In 2022, the "manual" mechanism for managing the social security system became more widespread, which was reflected, among other things, in the Law "On Social Support of the Population" mentioned above. Experts draw attention to the fact that this approach will have long-term negative consequences, since "manual" management implies a departure from "hard" rules and norms towards administrative, politically influenced decisions on the principle of "if necessary, we will decide otherwise", which does not contribute to the flexibility of the social security system in its true sense, but increases the risks and opportunities for arbitrary decisions.

Not all persons, especially disadvantaged and marginalized groups, are covered by the social security system without discrimination. In addition, experts note that the number of people who partially "fall out" of the social security system – the so-called "freeloader" – has increased due to the adoption of amendments to Decree No. 3 "On Promoting Employment of the Population" dated April 2, 2015 (hereinafter referred to as Decree No. 3). According to Decree No. 3, persons who are not employed in the economy must pay for gas supply, heating and hot water at prices (tariffs) that provide "full reimbursement of economically justified costs for their provision." Thus, it has been established that, in turn, only those who have entered into an employment agreement (contract) in accordance with the

¹ A social standard on the basis of which the amount of individual social benefits is determined, such as social pensions, supplements to pensions, benefits for families raising children.

² Such measures were applied in 2011, when it was decided to support non-working pensioners in the face of inflation (source <https://neg.by/novosti/otkrytj/proekt-zakona-o-socialnoj-podderzhke-naselenija-i-ruchnoe-upravlenie-jekonomikoj/>).



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Belarusian labor legislation should be classified as employed in the economy. Accordingly, persons working under an employment agreement (contract) concluded in accordance with foreign legislation are classified as not employed in the economy. Also, persons who are not employed in the economy now include persons receiving full-time education abroad. The exception applies to persons working or studying in the EAEU countries when they apply to the relevant commission and present supporting documents³.

The deterioration of access to medical services, in particular, the expansion of the list of paid medical services, the reduction of benefits for medicines, also led to a decrease in the score for the criterion that takes into account the coverage of the social security system for all persons. Despite the absence of new direct restrictions in this area, these factors nevertheless affect access to the social security system for the worse, especially for the disadvantaged, the poor, etc.

Eligibility conditions are not always reasonable and/or proportionate. Pensions and benefits, as well as the amount and procedure for calculating pensions, are not transparent to the population. Benefits are not adequate in size: due to the rapidly growing rate of inflation, the indexation of the subsistence minimum budget (and other social benefits and payments, as a result), although carried out, was carried out with a delay and did not "keep up" with the real level of inflation. In addition, indexation takes place on the basis of official statistics, which do not reflect real changes in purchasing power.

As a negative trend, experts point out the increase in waiting lists for prosthetics and expensive treatment courses for months and years due to the shortage of qualified personnel and, as a result, the deterioration in the quality of medical services. The repressive policy of the state, among other things, affected the outflow of medical personnel from the country and the shortage of imported medical products. For example, the "case of orthopedists" ⁴, is indicative, when in April 2022 dozens of traumatologists were detained, who were accused of receiving bribes from foreign companies for the installation of imported prostheses. Experts make a reservation that the tangible consequences for the social security system can be assessed in the long term (in 3-5 years), but even now people are experiencing the negative consequences of this trend at the individual level: healthcare institutions have practically stopped issuing preferential prescriptions for imported medicines, imported prostheses have ceased to be supplied in 2022, and Belarusian-made prostheses are produced in insufficient quantity. As a result, the number of people who remain immobilized increased in 2022.

Persons with disabilities are entitled to appropriate benefits after the disability is established as a result of a medical and social examination conducted by medical and rehabilitation expert commissions (hereinafter referred to as the MEDC). Experts attribute the deterioration of access of people with

³ Abs. 2, 3, part 1, p. 21, Regulation on the procedure for classifying able-bodied citizens as not employed in the economy, forming and maintaining a database of able-bodied citizens not employed in the economy, including the interaction of state bodies and organizations for these purposes, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated 31.03.2018 No. 239 (as amended by the Resolution of the Council of Ministers dated 25.03.2022 No. 166)

⁴ <https://www.bbc.com/russian/features-61270722>



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disabilities to social benefits to the artificial underestimation of statistics and the obstacles created by the state to the confirmation of disability.

For example, in 2021, the state reported a decrease in the number of people with disabilities to 6%. As experts noted in a commentary to last year's assessment, this figure is likely to be achieved due to a decrease in appeals to the MEDC to establish disability due to restrictions during COVID-19. In 2022, due to the official end of the COVID-19 pandemic, it was expected that the number of people with disabilities would increase again (which is a natural process), since there are no prerequisites for restrictions and reasons to be afraid of visiting public places. Nevertheless, according to government agencies, there was no quantitative jump in the indicator in 2022. According to experts, the administrative procedure for recognizing disability was complicated, there was a revision of the grounds for recognizing disability in the direction of reducing their number, and MEDC meetings were held much less frequently. Accordingly, fewer people receive disability and, as a result, benefits for people with disabilities due to formally created obstacles. Experts believe that there are grounds to talk about a systemic policy of the state to restrict access to social benefits.

As another significant drawback of the disability confirmation system, experts call the partiality of the MEDC and the lack of independent expertise in this area. In connection with the recent changes, the powers of the MEDC have been strengthened and expanded, while it is not possible to undergo an examination in other institutions or structures to challenge the results of the MEDC. This problem is particularly pronounced, for example, when the degree of disability changes. Thus, with the adoption of the Law "On the Rights of Persons with Disabilities and Their Social Integration" in 2022, the "lifelong" degree of disability (permanent) was actually abolished in Belarus. In 20-30 years after the fact of disability is established, a person is obliged to apply to the MEDC for a certain certificate, as a result of which the MEDC reduces the degree of disability. From a formal point of view, this is a confirmation of the rehabilitation process, but in Belarus it is impossible to challenge such a decision (for example, if there are doubts about the validity of the reduction of the group), since there is no institution of independent expertise. Experts note this situation as another negative manifestation of the existing social security system in the country.

Little or no measures have been taken to adequately educate the population on access to social security schemes, in particular in rural and poor urban areas, as well as among linguistic and other minorities. People are expected to know the information needed and know what to ask, however, this is not the case. Legal literacy is low. The state does not widely inform the various segments of the population, it works reactively to a specific request from the citizen.

Experts note that in 2022, almost all data in the field of social security, from financial indicators to disability statistics, were closed. Social education has been centered around so-called "dialogue platforms," which are more reminiscent of Soviet-era political information gatherings, to which residents or employees of enterprises are forcibly gathered. In this regard, experts speak of the existence of propaganda in the social sphere, not of information or education.

The deterioration of the situation in the field of information on social issues is significantly influenced by the repressions that fell on civil society in 2021, when numerous public associations engaged in



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helping representatives of vulnerable groups were forcibly liquidated. In 2022, repression took on other forms, and in those organizations that have not been liquidated, "cleansing" of the leadership and persecution of activists "on the ground" are being carried out. In addition, in 2022, the authorities continued to shut down media outlets that could help disseminate information about social security, this time regional ones⁵.

Many international technical assistance programs, particularly in the area of disability, have been shut down, and experts note that those programs that remain in place lack qualified personnel capable of implementing the objectives of the programs in a quality manner.

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

The social security system does not cover all able-bodied people. The system sees and pays attention only to those citizens who work under employment agreements (contracts). The system does not take into account part-time workers, day labourers, seasonal workers, as well as self-employed workers and those engaged in precarious work in the informal economy.

In Belarus, there is a lack of disaggregated data on the level of actual unemployment, which makes it difficult to analyse and target groups that are disadvantaged and marginalized in the labour market⁶.

Benefits are paid in the event of job loss or lack of earnings due to the inability to get or keep a job, but for this it is necessary to prove to the system that the person is objectively unable to find or keep a job. There are commissions for the promotion of employment but according to experts they are focused on finding out why a person does not work, and not on finding a suitable job for him, and according to Decree No. 3 "On the Promotion of Employment of the Population", the state and its bodies must assist in the employment of citizens in existing vacancies and created jobs; use an individual approach when assisting in the employment of citizens who are not able to compete on equal terms in the labor market; organize training of citizens in professions (specialties) that are in demand in the labor market. Moreover, people who are not employed in the economy not only do not receive sufficient support from the state, but are also deprived of certain social benefits: they pay for housing and communal services at higher rates.

In 2022, large state-owned enterprises tended to amend collective agreements (based on the previously amended model collective agreement), as a result of which, according to experts, severance payments upon dismissal, as well as upon retirement upon reaching retirement age, were partially reduced.

The social security system covers expenses and loss of earnings due to injury or illness, as well as loss

⁵ <https://euroradio.fm/ru/situaciya-ukhudshaetsya-gosdepartament-ssha-o-situacii-so-smi-v-belarusi>
<https://baj.by/ru/analytics/smi-v-belarusi-v-2022-godu-0>

⁶ §15, Concluding observations on the seventh periodic report of Belarus, Committee on Economic, Social and Cultural Rights ("CESCR"). Available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FBLR%2FCO%2F7&Lang=en



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of assistance for dependents who have lost it as a result of the death of the breadwinner.

Benefits in the event of accidents at work are provided for by law and are paid in practice, but there is a complex proving procedure. The employer tries to hide the fact that the injury was sustained at work, as he "may face serious problems." At the same time, experts note that in practice it has become more difficult to go through the procedure and confirm the fact of an injury (disease) at work. Repressions against lawyers and civil society reduce the possibilities of legal assistance and protection for citizens who are faced with the problem of proving an industrial injury or illness.

In general, people whose disability is caused by illness receive cash benefits for periods of loss of earnings, and persons who suffer from an illness for long periods are entitled to disability benefits. However, such payments are often delayed or not provided in practice. In addition, experts note that there is a growing trend when the MEDC underestimates the disability group, as a result of which people with disabilities do not receive the benefits and allowances that they would otherwise claim, while at the initial confirmation of disability, people especially need benefits of an adequate level.

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

In 2022, the state maintains an undifferentiated approach to assistance. Family allowances are granted without regard to the resources and living conditions of children and persons responsible for the maintenance of children or adult dependents. Their amount should cover the cost of food, clothing, shelter, water and sanitation or, if necessary, other needs, but does not cover. Benefits are paid without taking into account the needs of the people. The indexation of benefits does not correspond to real changes in the economic sphere.

Paid maternity leave is granted to women who work under an employment contract or contract, the same applies to maternity benefits. Women who are involved in the informal economy, sole proprietors, self-employed, are not entitled to maternity and childcare leave (maternity leave).

Maternity benefit is granted to women who work under an employment agreement or contract, regardless of the fact of transferring mandatory social insurance contributions before the occurrence of temporary disability (pregnancy and childbirth),⁷ as well as to those who independently pay contributions to the Social Security Fund (for example, individual entrepreneurs, notaries, artisans, self-employed).

Maternity leave benefits do not cover the costs of childcare or the costs of a woman. If a woman takes care of a child alone, she does not have a partner who could be relied on to earn money for this time, then she finds herself in a difficult situation: it is impossible to live on this allowance and provide a decent standard of living for the child and herself. If the calculation of the benefit had been linked to the salary of the woman's last place of work, as in many countries of the world, the situation would have been completely different.

The average monthly social allowance (provided to families and citizens, provided that their average

⁷ <https://pravo.by/document/?guid=12551&p0=C22100694&p1=1&p5=0>



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per capita income is below the subsistence minimum budget on average per capita) in 2022 amounted to 109 BYN⁸ (about 40 USD as of 31.12.2022). As of December 2022, the allowance for caring for the first child under the age of 3 was paid in the amount of 556.05 BYN (about 200 USD as of 31.12.2022). Allowance for a disabled child over 3 years of age from certain categories of families – 237.88 BYN (about 87 USD as of 31.12.2022)⁹.

Experts also note the deterioration of the situation of families with children. For example, for families with children, the main type of benefits they receive is the allowance for caring for children under the age of 3. At the same time, the birth rate in the country is falling at a fairly large rate every year, and the number of children under 3 years of age is decreasing, as a result, the corresponding benefits are no longer paid. The coverage of children with allowances has become noticeably less. As a result, poverty among adolescents is increasing, families with children are becoming more and more vulnerable, since the lack of this benefit significantly affects the overall family budget.

From 2022, changes have been made to the provision of family capital. In particular, the possibilities of its use have been expanded within the framework of existing areas, including ahead of schedule, such as construction, housing, healthcare, education, and a new direction has appeared - the purchase of goods for social rehabilitation and integration into society of family members with disabilities due to visual impairment or the musculoskeletal system. In particular, it is now possible to purchase such high-value goods as specialized computer displays, braille printers, assistive devices for lifting people and functional beds.¹⁰

In 2022, women and children continue to receive appropriate health benefits, including prenatal, childbirth and postnatal care, as well as care during hospitalization, if necessary. The state provides free medicine and partner births. However, women from Minsk or regional centers have higher access to medicine, maternity hospital and related benefits than women from small towns and villages, which affects the speed and timeliness of access to medical care. Field obstetric stations, which used to work locally in small settlements, continue to close down. At the same time, against the background of political repressions in healthcare, the number of qualified medical personnel has decreased, and the quality of medical care has declined. Experts point to the aggravation of this trend in 2022..

The gap in the retirement age for men and women has been enshrined in law. There is a list of prohibited professions for women, which, among other things, prohibits women from working in hazardous industries. The State argues that it is necessary to preserve the reproductive function of women and to protect motherhood. In accordance with the amendments of June 6, 2022, 93 positions of types of work have been excluded from the list, including:

⁸ https://www.belstat.gov.by/upload-belstat/upload-belstat-excel/Oficial_statistika/2022/soc-annual-recipients-2022.xls

⁹ <https://www.ssf.gov.by/ru/razmery-posobij-2022-ru/>

¹⁰ Resolution of the Council of Ministers dated 14.12.2021 No. 720. Available at: <https://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2022/april/69655/>,



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- work as a car driver on intercity passenger transportation on buses with more than 14 seats and trucks with a carrying capacity of more than 5 tons (dump trucks of 2.5 tons);
- at the foundry works (hammer-assembler, caster of vacuum, centrifugal-vacuum and centrifugal casting, modeler of epoxy resin models, packing of blocks);
- in a number of professions in the production of pulp, paper, cardboard and products from them¹¹.

As a result of these changes, many women have lost the right to early retirement. There was no revision of the list to include new grounds.

Experts note that the gap between the retirement age on general grounds (for example, teachers or doctors) and representatives of the security forces who are entitled to early retirement is degrading to the dignity and value of the work of teachers and doctors. The militarization of the state is becoming more and more felt, law enforcement officers and law enforcement agencies are receiving more and more benefits, for example, in the field of housing and communal services.

The state does not pay due attention to the impact of COVID-19 on public health in terms of the working capacity of people of pre-retirement age, the consequences of the pandemic in relation to the demographic situation in the country. In 2022, one would expect disaggregated demographic data and related analytics to inform potential changes to the pension system, if any. However, experts regret the lack of such data.

Income support for people with disabilities is also inadequate. The situation with regard to the indexation of benefits is equally applicable to disability benefits. In addition, according to experts, the following situation indicates the inefficiency of the current system: despite the introduction of such an institution as a personal assistant, the number of care homes for people with disabilities is growing, although theoretically the spread of personal assistants should entail the opposite consequences.

A carer's allowance is granted when a person is diagnosed with a severe disability, and the person can pay this money as a reward to the person who will take care of the person who will take care of him/her. Experts note a decrease in the number of assignments of such benefits. In addition, the state (represented by the relevant commissions) refuses to appoint the person chosen by the person with disabilities on far-fetched grounds, and local authorities unreasonably impose other persons.

In general, experts speak of a deliberately cold (sometimes even cruel) attitude on the part of the state towards representatives of vulnerable groups. Experts call the current situation in the country an anti-social strategy against the population, in which the real attitude towards people, as well as the deteriorating situation in the field of social security, are covered by formalism that looks beautiful on paper, but at the same time does not imply qualitative changes. Moreover, there are no plans to revise or reform the social security system.

¹¹ <https://pravo.by/document/?guid=12551&p0=W22238286&p1=1&p5=0>



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