



10 April 2024

To:

**Prof. Tomoya Obokata**, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences;

**Ms. Anaïs Marin**, the Special Rapporteur on the situation of human rights in Belarus.

### **Contemporary forms of slavery as affecting currently and formerly incarcerated people in Belarus**

1. This submission was prepared by [Respect – Protect – Fulfill](#) (RPF) and [Legal Initiative](#), Lithuania-based Belarusian independent non-governmental non-profit human rights organisations, in connection with the call for contributions for the upcoming thematic report<sup>1</sup> to be submitted to the 57th Session of the Human Rights Council. The focus of our work is the protection of rights in Belarus.
2. The information presented in this submission was prepared based on the analysis of the relevant Belarusian legislation, news articles, and data obtained from the organisations' clients.

#### *Context*

3. On 9 August 2020, the presidential election results were announced in Belarus. This outcome (and the period of the pre-election campaign) resulted in overwhelmingly peaceful protests all

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<sup>1</sup>

<https://www.ohchr.org/en/calls-for-input/2024/call-input-contemporary-forms-slavery-affecting-currently-and-formerly> (archived at <https://archive.ph/fvyOC>).

across the country. Since 2020, the authorities have persecuted the population displaying opposition to Lukashenka.<sup>2</sup> Persecution takes the form of unnecessary or disproportionate use of force, **reaching the level of crimes against humanity**,<sup>3</sup> arrests, detention, torture or ill-treatment, including rape and sexual and gender-based violence, and the systematic denial of the rights to due process and to a fair trial.<sup>4</sup>

4. Since 2020, tens of thousands of Belarusians have been arbitrarily arrested and detained on political grounds.<sup>5</sup> As of March 2024, Belarus had over 1400 recognised political prisoners in addition to over 1680 individuals who had already been released.<sup>6</sup>
5. In 2020, the EU sanctioned the Head of Penal Correction Department in the Ministry of Internal Affairs, stating he is responsible for the inhumane and degrading treatment, including torture, inflicted on those detained in the detention facilities.<sup>7</sup> In 2023, 3 former and 3 current heads of correctional facilities were added to the list on similar grounds, one of them specifically included forced work inflicted on prisoners.<sup>8</sup> Furthermore, in 2023, the Head colonel of the internal service of Educational Colony No. 2 in Bobruysk was also added to the list on the grounds of, *inter alia*, inhuman and degrading treatment of minors, subjecting children to hunger, torture, and forced work.<sup>9</sup>
6. In its report of 15 March 2024, OHCHR found that prisoners held on politically motivated charges in penal colonies across Belarus were subjected to compulsory and exploitative labour in unsafe working conditions.<sup>10</sup>
7. 15 enterprises, 4 affiliated branches and 9 workshops operate under the penal system of the Ministry of Internal Affairs.<sup>11</sup> According to the website of the Department of Corrections, 8000 prisoners alone are involved in producing wood products.<sup>12</sup> Others are involved in the spheres of

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<sup>2</sup> A/HRC/49/71, § 85.

<sup>3</sup> A/HRC/52/68, § 54; A/HRC/49/71, § 84.

<sup>4</sup> *Ibid*, § 83.

<sup>5</sup> A/HRC/55/61, § 15.

<sup>6</sup> <https://spring96.org/en/news/114930> (archived at <https://archive.ph/F2I6D>).

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02006R0765-20230805> (archived at <https://archive.ph/92q6L>), Annex I (A), No. 25.

<sup>8</sup> *Ibid*, Annex I (A), Nos. 196, 197, 202, 206, 210, 211.

<sup>9</sup> *Ibid*, Annex I (A), No. 204.

<sup>10</sup> A/HRC/55/61, § 33.

<sup>11</sup> <https://mvd-din.by/about/> (archived at <https://archive.ph/p24MR>).

<sup>12</sup> *Ibid*.

metal working, clothing and footwear manufacture, agriculture.<sup>13</sup> However, they are also involved in unskilled work (vehicle dismantling for scraping) or hazardous labour (tyre recycling).<sup>14</sup> The largest Belarusian enterprises partner with the Department of Corrections thus utilising the forced labour of the Belarusian prisoners.<sup>15</sup>

### Legislative framework

8. Article 41 of the Constitution prohibits forced labour, except when work/service is performed under a court order or under the law on emergency and martial law.<sup>16</sup>
9. The procedure and conditions for the execution and serving of criminal sentences are determined by the Code on Execution of Criminal Punishments of the Republic of Belarus<sup>17</sup> (hereinafter – CECP) and the internal regulations of the correctional facilities.
10. According to Article 98 (1) of the CECP, every person sentenced to imprisonment must work in those places and those jobs which are determined by the administration of correctional facilities.<sup>18</sup> The same applies to those sentenced to restriction of liberty in the open-type correctional institution<sup>19</sup>, as well as to those sentenced to arrest.<sup>20</sup> **There is no alternative to the labour programme both in law and in practice.**
11. According to Article 98 (6) of the CECP, refusal to work or an unauthorised termination of work is a gross violation of the established procedure for serving a sentence and entails the imposition of penalties.<sup>21</sup> That may eventually entail additional criminal prosecution under Article 411 of the Criminal Code, increasing the initial prison sentence.<sup>22</sup>

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<sup>13</sup> <https://mvd-din.by/about/> (archived at <https://archive.ph/p24MR>).

<sup>14</sup> <https://belsat.eu/ru/news/30-03-2021-kogda-to-gulag-segodnya-ispravitelnaya-koloniya-belorusskie-politicheskie-poddayut-v-trudovye-lagerya> (archived at <https://archive.ph/YbWyu>).

<sup>15</sup> <https://belsat.eu/ru/news/18-09-2021-za-mesyats-raboty-zarabotala-41-rubl-kak-v-belarusi-ispolzuyut-trud-osuzhdenykh> (archived at <https://archive.ph/3pfBX>).

<sup>16</sup> <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> (archived at <https://archive.ph/gwsod>).

<sup>17</sup> In Russian – Уголовно-исполнительный кодекс.

<sup>18</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/98.htm](https://kodeksy-bel.com/ui_kodeks_rb/98.htm) (archived at <https://archive.ph/2xKuq>).

<sup>19</sup> [https://zakony-by.com/ui\\_kodeks\\_rb/47.htm](https://zakony-by.com/ui_kodeks_rb/47.htm) (archived at <https://archive.ph/4C4vO>).

<sup>20</sup> [https://zakony-by.com/ui\\_kodeks\\_rb/60.htm](https://zakony-by.com/ui_kodeks_rb/60.htm) (archived at <https://archive.ph/UWold>).

<sup>21</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/98.htm](https://kodeksy-bel.com/ui_kodeks_rb/98.htm) (archived at <https://archive.ph/2xKuq>).

<sup>22</sup> [https://zakony-by.com/ugolovnyj\\_kodeks\\_rb/411.htm](https://zakony-by.com/ugolovnyj_kodeks_rb/411.htm) (archived at <https://archive.ph/6dE11>).

### Types of work performed

12. The types of work performed are determined by the administration of correctional facilities (see § 10).<sup>23</sup> Article 98 (2) of the CECP states that those sentenced to imprisonment with a disability of 1st or 2nd degree or who have reached the established retirement age may be involved in performing work at their discretion under the Belarusian labour laws.<sup>24</sup> Minors sentenced to imprisonment are involved in performing work under the Belarusian labour laws.<sup>25</sup>
13. As to the practical implementation of these provisions, former political prisoners reported discriminatory treatment towards them in comparison with persons sentenced to imprisonment not on political grounds. For instance, political prisoners were placed on heavy-duty jobs without a chance to negotiate a different work option, which was accessible to other imprisoned persons.<sup>26</sup>
14. Moreover, there was a report by a state-owned media on the unemployed former prisoners' involvement in cleaning the area outside the district police department after a *de-facto* compulsory "preventive" meeting held there.<sup>27</sup> Furthermore, according to the data obtained by RPF from a former political prisoner who was sentenced to restriction of liberty without serving a sentence in a correctional institution, the person was made to paint the sidewalk curbs after the same type of meeting as described above.

### Working environment/conditions

15. According to Article 42 of the Constitution and Article 112 of the Labour Code, a full-time working week cannot exceed 40 hours.<sup>28</sup>

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<sup>23</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/98.htm](https://kodeksy-bel.com/ui_kodeks_rb/98.htm) (archived at <https://archive.ph/2xKuq>); [https://zakony-by.com/ui\\_kodeks\\_rb/60.htm](https://zakony-by.com/ui_kodeks_rb/60.htm) (archived at <https://archive.ph/UWold>); [https://zakony-by.com/ui\\_kodeks\\_rb/47.htm](https://zakony-by.com/ui_kodeks_rb/47.htm) (archived at <https://archive.ph/4C4vO>).

<sup>24</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/98.htm](https://kodeksy-bel.com/ui_kodeks_rb/98.htm) (archived at <https://archive.ph/2xKuq>).

<sup>25</sup> *Ibid.*

<sup>26</sup> <https://news.zerkalo.io/life/64074.html> (archived at <https://archive.ph/wucKb>).

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<https://www.dribin.by/profilaktika-i-bezopasnost/sotrudniki-dribinskogo-rovd-proveli-profilakticheskoe-meropriyati-e-s-liczami-imeyushhimi-sudimost/> (archived at <https://archive.ph/g5r9z>).

<sup>28</sup> <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> (archived at <https://archive.ph/gwsod>); [https://zakony-by.com/trudovoj\\_kodeks\\_rb/112.htm](https://zakony-by.com/trudovoj_kodeks_rb/112.htm) (archived at <https://archive.ph/AEOMX>).

16. According to Article 98 (1) of the CECP, an employment agreement (contract) is not concluded with the persons sentenced to imprisonment.<sup>29</sup>
17. According to Article 100 of the CECP, those sentenced to imprisonment have the right to be paid for the work they have done in accordance with the Belarusian legislation.<sup>30</sup> The salary of those sentenced to imprisonment who have worked a monthly quota of working time and fulfilled the production standard established for them cannot be lower than the amount established by the legislation of the Republic of Belarus for performing the relevant work.<sup>31</sup> The salary of those sentenced to imprisonment working part-time days or weeks is proportional to the hours worked or depends on the work output.<sup>32</sup>
18. According to Article 101 of the CECP, those sentenced to imprisonment may perform work without pay only for collective self-service, including cleaning and improving correctional facilities and the adjacent territories.<sup>33</sup> The above-mentioned work is performed on a rotational basis and at off-work time, and the duration of such work should not exceed 14 hours per week.<sup>34</sup> Those sentenced to imprisonment who have a disability of 1st or 2nd degree, or who have reached the established retirement age, or who are pregnant, may be involved in performing the above-mentioned work at their discretion.<sup>35</sup>
19. According to Article 102 of the CECP, deductions are made from the salaries of those sentenced to imprisonment (except for some categories of prisoners) to reimburse for the cost of food, utilities, personal hygiene products, clothing and shoes.<sup>36</sup> The above-mentioned reimbursements are made after withholding income tax, compulsory insurance contributions, and withholdings under writs of execution.<sup>37</sup> Furthermore, in cases when the following deductions are made from the salary of those sentenced to imprisonment, namely, in alimony for minor children, compensation for material damage resulting from the crime, moral damage or damage caused to

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<sup>29</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/98.htm](https://kodeksy-bel.com/ui_kodeks_rb/98.htm) (archived at <https://archive.ph/2xKuq>).

<sup>30</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/100.htm](https://kodeksy-bel.com/ui_kodeks_rb/100.htm) (archived at <https://archive.ph/tbYrn>).

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/101.htm](https://kodeksy-bel.com/ui_kodeks_rb/101.htm) (archived at <https://archive.ph/5DX3p>).

<sup>34</sup> *Ibid.*

<sup>35</sup> [https://kodeksy-bel.com/ui\\_kodeks\\_rb/101.htm](https://kodeksy-bel.com/ui_kodeks_rb/101.htm) (archived at <https://archive.ph/5DX3p>).

<sup>36</sup> [https://zakony-by.com/ui\\_kodeks\\_rb/102.htm](https://zakony-by.com/ui_kodeks_rb/102.htm) (archived at <https://archive.ph/7Jh4N>).

<sup>37</sup> *Ibid.*

the life and health related to the crime committed, the sum transferred to the account of the said person can be down to 10% of the accrued salary.<sup>38</sup>

20. As to the practical implementation of these provisions, in its report of 15 March 2024, OHCHR stated that some interviewees reported accidents, injuries and negative health effects due to lack of training, work clothing or protective equipment. Moreover, compensation for the workweek of 5 or 6 days was usually a few Belarusian rubles (1 CHF ≈ 3.6 BYN) or nothing at all.<sup>39</sup>
21. A former prisoner reported on the exploitation of incarcerated people for the benefit of those working at the correctional facilities – for instance, the representatives of the correctional facility repeatedly brought their cars into the paint shop for free car painting.<sup>40</sup>
22. As of 2020-2021, the **yearly** salary paid after all the deductions was 14.18 BYN (≈ 6 CHF at that time); therefore the approximate monthly salary was 1.1 Belarusian ruble (≈ 0.5 CHF).<sup>41</sup>
23. Other former political prisoners reported the imposition of a penalty in the form of placement in the punishment cell (SHIZO) if the work output is not met<sup>42</sup> – and it is often practically impossible to fulfil the established quota.<sup>43</sup> OHCHR stated that the conditions in that punishment cell may amount to torture.<sup>44</sup> Former political prisoner Natallia Hersche was repeatedly placed into the punishment cell for refusing to sew uniforms for law enforcement officers.<sup>45</sup>
24. There were reports of a 7-day working week with one day–off every 2 weeks, which does not correspond with the legal requirement of the working week not exceeding 40 hours (see § 15).
25. Former political prisoner who served a criminal punishment in the form of restriction of liberty in the open-type correctional institution stated that his working shift could start at 04.30 am and

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<sup>38</sup> [https://zakony-by.com/ui\\_kodeks\\_rb/102.htm](https://zakony-by.com/ui_kodeks_rb/102.htm) (archived at <https://archive.ph/7Jh4N>).

<sup>39</sup> A/HRC/55/61, § 33.

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<https://kyky.org/money/moya-zarplata-1-rubl-i-8-kopeek-etot-zaklyuchyonnyy-vyshel-na-svobodu-i-rasskazal-kak-u-stroen-prinuditelnyy-trud-v-koloniayah-belarusi> (archived at <https://archive.ph/vfwZE>).

<sup>41</sup> *Ibid.*

<sup>42</sup> <https://news.zerkalo.io/life/64074.html> (archived at <https://archive.ph/wucKb>).

<sup>43</sup> *Ibid*; <https://nash-dom.info/77034> (archived at <https://archive.ph/Lbuka>).

<sup>44</sup> A/HRC/55/61, § 32.

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<https://belsat.eu/ru/news/21-02-2022-zdes-net-natali-hershe-tolko-zhivotnoe-razgovor-s-byvshej-politzaklyuchennoj-o-tyurme-i-neozhidannom-osvobozhdenii> (archived at <https://archive.ph/f2OHf>).

finish at 22.30 pm.<sup>46</sup> According to data obtained by Legal Initiative from a former political prisoner who served a sentence in an open-type correctional institution, transfer to the workplace was not provided, so the prisoner was forced to walk for 15 km at night to get to the workplace on time – due to that long commute to the workplace, the person had less than 5 hours of sleep each working day. Furthermore, doctors’ reports were not taken into account by the facility’s administration when choosing a place of work for a prisoner – and any complaints about the working conditions were regarded as a violation of the sentence-serving conditions.

*The nature and extent of the involvement of private businesses/employers, including working conditions and arrangements for supervision by public authorities.*

26. On 17 November 2022, the French non-profit investigative journalism network Disclose and German newspaper Taz published a report stating that Ikea reportedly took advantage – at least indirectly – of the Belarusian prisoners’ forced labour, including of political prisoners. The investigation showed that at least 10 of Ikea’s Belarusian suppliers – or nearly half of its main partners – had ties with penal colonies over the past 10 years.<sup>47</sup>
27. On 25 November 2022, UK-based NGO Earthsight published a report uncovering that the international non-profit organisation FSC was certifying Belarusian penal colonies and wood products and furniture made by political prisoners with its green label. Until early 2022, this Belarusian furniture was sold by Ikea and XXXLutz, and many well-known stores continue to sell furniture made in Belarusian prisons. Moreover, interviewed past and current political prisoners testified to torture and maltreatment, the compulsory nature of the work in the woodshops, and the terrible working conditions.<sup>48</sup>
28. As stated in the above-mentioned reports, some EU-based companies are currently buying (or used to buy) goods or materials from formally private Belarusian entities (for instance, Mogotex). The said private Belarusian entities, in turn, have ties with the Belarusian penal colonies, which utilise forced labour of Belarusian prisoners. Furthermore, not only formally private but also state-owned Belarusian companies are participating in the scheme of selling the

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<sup>46</sup> <https://news.zerkalo.io/life/27596.html> (archived at <https://archive.ph/h78ID>).

<sup>47</sup> <https://taz.de/Material-aus-Strafgefangenen-Lagern/!5892344/> (archived at <https://archive.ph/Ts1AN>); <https://disclose.ngo/en/article/ikea-subcontractors-resort-forced-labour-in-belarus-prisons> (archived at <https://archive.ph/PWvWO>).

<sup>48</sup> <https://www.earthsight.org.uk/rubberstampingrepression> (archived at <https://archive.ph/JnOOi>).

goods or materials produced by Belarusian prisoners' forced labour to foreign companies.<sup>49</sup> As to the involvement of the international private companies in the Belarusian prisoners' forced labour, in July 2022 alone, EU firms purchased wood products from Belarus likely produced with forced labour worth €13.9 million, according to the data analysed by Earthsight.<sup>50</sup>

*Evidence of labour practices which may amount to exploitation.*

29. As mentioned above, the evidence of labour practices amounting to exploitation is extensively documented by journalists, researchers and former prisoners (see §§ 13, 20-25), namely, working weeks exceeding 40 hours, extremely low salary, lack of training, work clothing and protective equipment, discriminatory treatment towards political prisoners.

*Conclusion*

30. As follows from the above, all those deprived of liberty (except for those sentenced to imprisonment who have a disability of 1st or 2nd degree or who have reached the established retirement age), irrespective of the type of correctional facility they serve their criminal punishment at, must work.
31. Refusal to work constitutes a gross violation of the established sentence-serving procedure. It may eventually entail additional criminal prosecution under Article 411 of the Criminal Code, increasing the initial prison sentence.<sup>51</sup>
32. High daily production quota, **yearly** salary of approximately 6 CHF, working weeks exceeding 40 hours not in correspondence with the legal requirement, discriminatory treatment towards political prisoners – all of that proves the compulsory and exploitative character of labour in Belarusian correctional facilities.

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<sup>49</sup> <https://www.earthsight.org.uk/rubberstampingrepression> (archived at <https://archive.ph/JnOOi>); <https://news.zerkalo.io/life/64074.html> (archived at <https://archive.ph/wucKb>).

<sup>50</sup> <https://www.earthsight.org.uk/rubberstampingrepression> (archived at <https://archive.ph/JnOOi>).

<sup>51</sup> [https://zakony-by.com/ugolovnyj\\_kodeks\\_rb/411.htm](https://zakony-by.com/ugolovnyj_kodeks_rb/411.htm) (archived at <https://archive.ph/6dE11>).