

MIEUX **Case Study** **Belarus (2016-2018)**

Funded by the
European Union



Implemented by
ICMPD



How to read this case study?

MIEUX Thematic Areas



Migration and
Development



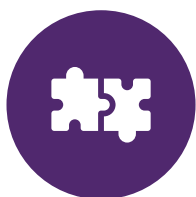
Legal Migration
and Mobility



Irregular Migration
and Trafficking in
Human Beings



International Protection
and Asylum Policy



Horizontal
Interventions

Ten features of good practice in MIEUX Actions

- 1 There should be ownership on the part of the partner country
- 2 Actions should provide an opportunity to be innovative in their context
- 3 Actions should be able to be replicated
- 4 Actions should provide tangible results
- 5 Actions should be endorsed at a high level
- 6 Actions should be integrated into existing priorities
- 7 Actions should be based on the highest levels of experience
- 8 Actions should complement and be in synergy with other initiatives
- 9 Actions should provide EU added value
- 10 Actions should act as a catalyst for the acquisition of knowledge through the exchange of experiences

PAVING THE WAY FOR MIGRANT WORKERS' RIGHTS

Belarus (2016-2018)

In order to align its labour migration legislation and policies to international standards, and especially to its European neighbours, Belarus conducted a feasibility study and an impact assessment detailing the effects of international labour conventions on its regulatory set-up.

Context

Under the broader umbrella of the Joint Declaration on a Mobility Partnership (MP) between the EU and Belarus in October 2016, Belarus requested MIEUX's assistance to study the experience of EU MS in determining the role of international conventions on migrant workers, and analysing the challenges and opportunities for their ratification. The necessity to ratify conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, has also been put forward by UN institutions in their recommendations to Belarus.¹

This was the first time MIEUX had worked directly with Belarus. The Action can be considered as a late follow-up from the 2012 Regional Conference on the Eastern Partners' contribution to the Stockholm Programme, addressing synergies to improve mobility, already related to labour migration.

At the crossroads of Europe, Russia and Asia, Belarus is party to the Commonwealth of Independent States (CIS) conventions for cooperation in the field of labour migration, but not to any European or international conventions protecting the rights of migrant workers and other migration-related conventions.



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- 6 Actions should be integrated into existing priorities
- 9 Actions should provide EU added value

**MIEUX
FEATURES**

1 ILO, "Application of International Labour Standards 2017", International Labour Conference, 16th Session, 2017.

A large number of Belarusians travel to other CIS countries (mainly the Russian Federation) and to further regions such as the EU (in particular Poland) and the USA via regular and irregular channels. In 2016, **Belarusian emigrants** represented 15.7% of the total population, mainly composed of skilled workers and professionals.²

In parallel, there are growing numbers of migrants from China, Lithuania, Turkey, Ukraine and Uzbekistan **in Belarus**. Their number has multiplied by eight in recent years, mainly employed in construction, management, engineering, the service industry and trade sectors.³

The labour market in Belarus is in demand for highly-skilled workers and it is willing to provide easier access as well as stronger protection for immigrant workers. At the same time, there is also a strong will to protect Belarusian workers, both in the country and abroad, and ensure priority for them.

Action Design

This Action aimed at enabling the transfer of experience and expertise between EU MS and Belarusian counterparts. The proposed activities were designed to create a platform for discussion, and to exchange juridical arrangements, tools and best practices on the importance, relevance and interoperability of international conventions on labour migration and migrant workers' human rights.

Throughout the Action's implementation, the MIEUX experts, together with their Belarusian counterparts, developed a feasibility study and an impact assessment detailing the existing legal system, the effects of international conventions on the Belarusian regulatory set-up, and the potential elements to be modified at institutional and legislative levels, also including bylaw level.

Several ILO Conventions on migrant workers were studied in detail by an ad hoc working group, headed by the MIA as the main partner authority, which conducted a comparative analysis with the existing Belarus legislation. They found and agreed on several areas of potential improvements for the Belarusian legislation and for relations with EU MS, such as: extending the coverage and rights to family members of migrants workers; signing bilateral agreements with countries popular with Belarusian citizens (Canada, Germany, Poland and USA); and appointing labour attachés at consulates or embassies.

Compiled in an **"Analytical Report on Legislation on External Labour Migration"**, MIEUX presented these recommendations for improvements in labour migration management in June 2018 to high-level representatives from various Ministries and the Head of the EU Delegation (EUD) to Belarus.

2 Global Migration Data Portal, *"Belarus: Key migration statistics"*, March 2020.

3 Ibid.

Practices

- **Selection of expertise and cases:** The **experts deployed were highly relevant**, with the mobilisation of an ILO consultant (previously working at the Moldovan Ministry of Social Protection and Labour) and a public official working as Head of Unit at the Bulgarian Ministry of Labour and Social Policy. They both brought extensive work experience in the area of labour and social protection of migrant workers, as well as additional in-depth knowledge of ILO conventions, their accession procedures, rules on their application, and implementation into national legislation. The MIEUX experts were able to familiarise their Belarusian colleagues on techniques and steps for adapting the national legal framework to the dispositions of international conventions on labour migration and human rights, including migrant rights. They also gave advice and recommendations to find an adequate balance between their national interests and their obligations in following ILO and EU standards. The Action was also complementary with ILO's Decent Work Country Programmes in Eastern Europe, including Belarus, and Central Asia.

Impact

This MIEUX Action built bridges between the EU and most stakeholders involved in labour migration management, including key ministries, employment agencies and actors of civil society working directly with migrants on a daily basis. This working relationship will last, and exchanges of good practices will be maintained in order to continue adapting the legislation, policies and strategies to the changing needs and evolving political context on both sides.

The support provided was also crucial in connecting these national and local entities together by establishing a multi-stakeholder working group that worked very closely to develop the Analytical Report. As a direct result of the implementation of this Action, the competent authorities of the Republic of Belarus were convinced of the necessity to develop a comprehensive National Migration Strategy. One of the successes of this Action is that several members of this informal working group went on to be part of the official High-Level Working Group in charge of developing the comprehensive National Migration Strategy, which will include labour migration.

Lessons Learnt

Following conclusion of the Action, the MIA decided that the Analytical Report, its recommendations and the good practices learnt from the Bulgarian and Moldovan experts would provide a basis for the analysis needed to draft the future, comprehensive National Migration Strategy for Belarus. The suggestions will be applied in general to improve existing legislation in the area of external labour migration, as well as to conclude bilateral agreements and the signing of international treaties on labour migration.

If the recommendations and guidelines included in the Analytical Report by the working group are followed and implemented, it will mean that Belarus will be able to provide international standards regulations to migrant workers from the EU, and that Belarusians moving to work in the EU or elsewhere will be granted stronger rights and more sustainable assistance. This will help guarantee that human rights' international standards are written into law and respected both for foreigners in Belarus and Belarusians abroad.

Finally, the results of this Action will feed into the overall implementation of the MP between the EU and Belarus, both in terms of possible interventions and political objectives (as per the Joint Declaration). Given the main priority of the Government of Belarus is to establish a National Migration Strategy, the MIEUX Action has paved the way by sharing with the participants the methodology to develop such a document. The EU-funded Mobility Partnership Facility (MPF), implemented by ICMPD, might be mobilised to support Belarus in achieving this goal by fully capitalising on MIEUX's results.



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Migration EU Expertise



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Since launching operations in 2009, the Migration EU expertise (MIEUX) Initiative has provided space to request capacity development activities and EU expertise, allowing the sharing of knowledge and practices between peers working in institutions in and outside of Europe.

The adoption of the Global Compact on Migration and the creation of the UN Network on Migration coincided with MIEUX's ten-year anniversary. To mark the occasion, MIEUX undertook a comprehensive analysis of its achievements, methodologies and practices.

By delving into MIEUX's portfolio of over 100 interventions, this series of case studies intend to offer a glimpse of the broad range of tools, methodologies and approaches that can inspire or be used by governments and migration and development practitioners to advance a cooperative and sustainable international architecture of migration.