

DECREE OF THE PRESIDENT OF THE REPUBLIC OF BELARUS

February 18, 2004 N 98

ON THE ORGANIZATION OF RECUPERATION OF CHILDREN ABROAD CARRIED OUT ON THE BASIS OF FOREIGN GRATUITOUS ASSISTANCE

For the purpose of improvement of children recuperation abroad carried out on the basis of foreign gratuitous assistance, I decree:

1. To establish that:

1.1. Legal persons and individual entrepreneurs who have received in the established order a specific authorization (license), national bodies of state administration in accordance with their competence, and structural units of local executive and administrative bodies if activities related to the recuperation of children abroad is one of the functions of these units (hereinafter referred to as organizations) shall have the right to carry out the activities related to the recuperation of children abroad funded by foreign gratuitous assistance.

1.2. organizations shall send children for recuperation abroad in the presence of agreements with foreign organizations;

1.3. organizations shall in the established order and in a timely manner process all documents required for children departure for recuperation abroad as well as seeing children off, meeting them and handing them over to parents or guardians after their return from abroad;

1.4. children from the age of 7 (in exceptional cases from the age of 6, children raised in children's boarding homes run by the system of the Ministry of Labor and Social Protection from the age of 4) until the age of 18 shall be able to leave Belarus for recuperation abroad;

1.5. sending children for recuperation abroad shall be carried out in the framework of general and special organized groups. Children raised in children's boarding homes run by the system of the Ministry of Labor and Social Protection can be sent for recuperation individually.

General organized groups are groups of children who do not have medical contraindications, confirmed by relevant documents, for being sent for recuperation abroad, sent by organizations along with the adults at invitations of foreign organizations under agreements.

Special organized groups are groups of children who have medical contraindications, confirmed by relevant documents, for being sent for recuperation abroad in the framework of general organized groups, sent by organizations at invitations of foreign organizations under agreements, with mandatory accompaniment by medical personnel.

Forming of general and special organized groups of children shall be carried out by organizations taking into account the possibilities of the receiving side and according to the organization's charter. Children suffering from the Chernobyl disaster's consequences, disabled children, orphans, children from families with multiple siblings, low income families, and incomplete families shall have a priority to be included in groups;

1.6. selection and sending of the persons accompanying general and special organized groups for recuperation abroad shall be made by organization on the basis of typical contract (agreement) on the accompaniment of children's organized group, leaving for recuperation abroad. The contract shall be concluded between the Chairperson of the organization and the chaperone. The content of this contract shall be determined by Presidential Affairs Administration.

Adults having pedagogical or medical education, employees of organizations sending children for recuperation, possessing the reference letter from the place of work (study), having experience of work with children, having received relevant preparation and instructions shall be sent as chaperones. Senior grade students of higher pedagogical or medical education institutions shall be sent as translators or chaperone's assistants.

Teachers working in orphanages, boarding schools and other special education institutions shall be sent as chaperones of children from these institutions.

The number of chaperones shall be determined according to the numerical composition of the group, age of children, their health condition, type of organization of recuperation (host family placement or facility), period of staying abroad (academic period or vacation), method of transportation, possibilities of foreign organizations. The number of children cannot exceed 25 per one chaperone;

1.7. organizations shall control provision of safe conditions of children's stay abroad, shall provide insurance coverage for children and their return to the territory of the country within the time frame, envisaged by the programs of recuperation.

In case when general or special organized groups or individual children and their chaperones do not return to the Republic of Belarus after recuperation abroad, as well as in other extraordinary situations occurred during the trip or at the place of children's recuperation, the organizations (within one day from the envisaged date of return of children or from the occurrence of such situation) inform in writing the Department of Humanitarian Activity of the Presidential Affairs Administration.

1.8. recuperation of children abroad during the academic year shall be carried out on condition that educational process be organized, or if the period of their stay abroad do not exceed 15 study days.

The term of pupils' stay abroad during the academic year shall not exceed two months.

The pupils of final years shall be sent for recuperation abroad during vacation.

Organizations when concluding agreements with foreign organizations on recuperation of children during the academic year must provide for the possibility of creating conditions for study.

Education process shall be carried out in accordance with educational plans of general schools with Belarusian (Russian) language of teaching, which operate in places of recuperation of children from radioactively contaminated zones. The plans are annually prepared and approved by the Ministry of Education.

Teachers having relevant level of professional experience shall be sent as chaperones for teaching fundamental subjects for children leaving for recuperation abroad during the academic year.

The number of teachers-chaperones shall be determined by the composition of a group: for a group of middle and high school grades – not less than three teachers of fundamental subjects; for a group of elementary school grades – one teacher.

The teachers shall keep study reports at the place of recuperation abroad. These reports shall be handed over to schools where children study after recuperation is over:

1.9. preparation of identification documents for children before their departure from the Republic of Belarus for recuperation, as well as for chaperones of general or special organized groups sent for recuperation shall be carried out on the basis of petitions of the Ministry of Internal Affairs in priority order for one year of validity without payment of state dues;

1.10. the places of forming and sending general or special organized children's groups sent for recuperation abroad shall be accorded with the Ministry of Internal Affairs;

1.11. the safety of children, chaperones and transportation at the places of forming of general and special organized children's groups sent for recuperation abroad, at stops and places of rest on the territory of the Republic of Belarus as well as traffic safety shall be provided by the Ministry of Internal Affairs;

1.12 border control of general or special organized children's groups and chaperones, going for recuperation abroad or coming back after recuperation shall be organized in priority order on the basis of the permission for departure for recuperation abroad issued by the Department of Humanitarian Activity of the Presidential Affairs Administration;

1.13 custom clearance of personal belongings of children going in general or special organized groups and chaperones going for recuperation abroad or coming back after recuperation shall be organized in priority order.

2. The Department of Humanitarian Activity of the Presidential Affairs Administration shall:

2.1. issue permissions confirming the humanitarian character of travel for general or special organized groups and their chaperones for departure for recuperation abroad;

2.2. carry out cooperation on the issues of children's recuperation abroad with diplomatic missions and consular institutions of the Republic of Belarus and diplomatic missions of foreign states in the Republic of Belarus;

2.3. summarize and analyze the data of the Ministry of Education, Ministry of Health, Ministry of Labor and Social Protection on children's recuperation abroad, inform interested bodies of state administration in accordance with their requests;

2.4. inform Ministry of Foreign Affairs, Ministry of Education, Ministry of Health, Ministry of Labor and Social Protection within 24 hours after receiving the written information from organizations on the facts of non-return of children or chaperones within time frame determined by the program of recuperation, and take steps to return them to the Republic of Belarus;

2.5. jointly with interested national bodies of state administration analyses the activities of organizing the recuperation of children abroad;

2.6. controls the activity of organizations related to recuperation of children abroad, as well as controls children recuperation at places of their temporary stay abroad.

3. The Ministry of Education shall:

3.1. accord children's and chaperones' lists, going for recuperation abroad, except the children whose approval for departure abroad is the competence of the Ministry of Health and the Ministry of Labor and Social Protection;

3.2. form the information databank about the recuperation of children abroad indicating information about children, chaperones, sending organizations and receiving foreign organizations, and use this data in organizing recuperation of children on the territory of the Republic of Belarus and in planning of education process;

3.3. prepare and approve the guidelines for training and instruction of chaperones, indicated in paragraph 3.1.

4. The Ministry of Health shall:

4.1. accord children's and chaperones' lists, going for recuperation abroad as a part of special organized groups;

4.2. determine the order of medical selection and medical report execution on health condition of children going for recuperation abroad, as well as the possibility of including these children in general and special organized groups;

4.3. prepare and approve the guidelines for training and instruction of chaperones, indicated in paragraph 4.1.

5. The Ministry of Labor and social Protection shall:

5.1. accord lists of children going for recuperation abroad, who are raised in children boarding schools run by the system of Ministry of Labor and Social Protection, and accord lists of chaperones;

5.2. jointly with interested national bodies of state administration determine the order of sending children for recuperation abroad, who are raised in children boarding schools run by the system of Ministry of Labor and Social Protection;

5.3. prepare and approve the guidelines for training and instruction of chaperones, indicated in paragraph 5.1.

6. The State Committee on Aviation shall:

6.1. organize and provide flight safety of children going for recuperation abroad;

6.2. control conditions of rest for the children if flights are delayed or postponed on the territory of the Republic of Belarus.

7. The Ministry of Foreign Affairs shall:

7.1. provide accelerated visa issuance free of charge for foreign citizens and stateless persons who are leaders or representatives of foreign organizations and visiting the Republic of Belarus to arrange recuperation of children abroad, on the basis of the requests of the Department of Humanitarian Activity of the Presidential Affairs Administration, Ministry of Education, Ministry of Health and Ministry of Labor and Social Protection;

7.2. provide the information on regulations for acceptance and conditions of stay of children for recuperation abroad, upon the requests of the Department of Humanitarian Activity of the Presidential Affairs Administration;

7.3. assist, through diplomatic missions and consular institutions of the Republic of Belarus, sending organizations in providing control over the stay of children for recuperation abroad and their return to the Republic of Belarus.

8. The Belarusian Railway shall secure safety of transportation of general or special organized groups of children, going for recuperation abroad, proper sanitary-hygienic conditions of rail transport, as well as control over rest conditions for the children if trains schedule is changed on the territory of the Republic of Belarus.

9. Leaders and representatives of foreign organizations, visiting the Republic of Belarus to arrange recuperation of children abroad, have a priority of hotel placement on the basis of requests of Department of Humanitarian Activity of the Presidential Affairs Administration, Ministry of Education, Ministry of Health, Ministry of Labor and Social Protection, Regional Executive Committees, and Minsk City Executive Committee.

Hotel fees of the above-mentioned persons shall be charged according to the rates set for the citizens of the Republic of Belarus.

10. Ministry of Education, Ministry of Health and Ministry of Labor and Social Protection shall:

10.1. quarterly provide to Department of Humanitarian Activity of the Presidential Affairs Administration data about children recuperation abroad, indicating the number of children, countries of recuperation, places of residence in the Republic of Belarus and other data, determined by the Department;

10.2. control children recuperation in places of their temporary stay in foreign countries with organization's assistance.

11. Violation of the present Decree shall be persecuted by law.

12. Paragraph 5 of the Regulation on the Department of Humanitarian Activity of the Presidential Affairs Administration, approved by Decree of the President of the Republic of Belarus on November 13, 2001 number 660 "On the Work of the Department of Humanitarian Activity of the Presidential Affairs Administration" (National Register of Legal Acts of the Republic of Belarus, 2001, No 108, 1/3210) shall be expanded with the following subparagraphs 5.17-5.19:

"5.17. issue permissions confirming the humanitarian character of travel for general or special organized groups and their chaperones for departure for recuperation abroad;

5.18. carry out cooperation on the issues of children's recuperation abroad with diplomatic missions and consular institutions of the Republic of Belarus and diplomatic missions of foreign states in the Republic of Belarus;

5.19. control the activity of organizations and private entrepreneurs related to recuperation of children abroad, as well as controls children recuperation at places of their temporary stay abroad."

13. The Council of Ministers of the Republic of Belarus shall, within two months, insure that legislative acts be put into conformity with the present Decree, and shall take other measures necessary for its implementation.

14. Presidential Affairs Administration shall prepare and approve the regulations of issuing permissions confirming the humanitarian character of travel for general or special organized groups and their chaperones for departure for recuperation abroad and shall take other measures necessary for the implementation of the present Decree.

15. The present Decree shall enter into force three months from the day of its official publication, excluding paragraphs 13 and 14, which shall enter into force at the day of the official publication of the present Decree.

President of the Republic of Belarus

Alexander Lukashenko