



REPUBLIC OF BELARUS



MEASURES TO COMBAT HUMAN TRAFFICKING IN THE REPUBLIC OF BELARUS

INTRODUCTION

On request of the Ministry of Interior of the Republic of Belarus, IOM undertook a mission to Belarus from 2 to 6 May to assess the national counter-trafficking context and activities. Because of the short duration of the mission, this report gives a very general overview. Nevertheless, the observations are based on interviews with a comprehensive range of stakeholders – though notably not with victims.

IOM would like to express its gratitude to all those who gave their time to meet with the mission, and would like to give a special appreciation to the Ministry of Interior for having arranged all the meetings. The full list of institutions consulted can be found in an annex to the report.

COUNTRY CONTEXT



The Republic of Belarus (Belarus) is located in the Eastern part of Europe. In the West it borders on Poland, in the North-West — Lithuania, in the North — Latvia, in the North-East and East — Russia, in the South — Ukraine. Belarus is divided into six regions (oblast): Brest oblast, Vitebsk oblast, Gomel oblast, Grodno oblast, Minsk oblast and Mogilev oblast. The capital of Belarus is the city of Minsk, which is the biggest political, economic, scientific and cultural centre of the country. The population of Minsk is **1 780 698** people.

The territory of Belarus is 207.6 thousand square kilometres. The longest distance, 650 km, is from the West to the East, and 560 km from the North to the South. By the size of its territory, Belarus is bigger than, for instance, the territory of Belgium, Portugal, the Netherlands, the Czech Republic, Greece and Austria.

The population of Belarus amounted to **9 750 540** people as of 1 January **2006**, including urban residents — **7 059 049** people, or **72,4%**. Over **25%** of the urban population resides in the Belarusian capital. The sex/age structure of the population is as follows: males account for **46,7%** and females — **53,3%**. Over the last 30 years, the fraction of children reduced from **30,9%** to **19,8%** in the population structure, while the share of population above 60 years of age increased to make up **18,1%** accounting for **28,4%** in rural and **14,2%** in urban areas.

<http://www.state.gov/r/pa/ei/bgn/5371.htm>

COUNTER-TRAFFICKING FRAMEWORK

Counter-trafficking in Belarus has become an increasingly prominent issue over the past several years. Belarus is considered to be a country of origin and in some cases, a country of transit for victims of trafficking. Persons from the Republic of Belarus are mainly trafficked to Russia.

During the period of 2002 – August 2006 IOM Mission in Belarus assisted 1250 victims of trafficking of whom 59% were exposed to sexual and 41% — to labour exploitation. Over the reporting period there has also been a progressive increase in the number of victims trafficked to Russia due to porous borders, however it is hoped that measures currently under way in the Russian Federation with the support of IOM and ILO will help improve this situation.

IOM has become one of the principal international partners in supporting the efforts of the Belarusian Government to combat THB. In September 2002 IOM started a comprehensive programme “Combating Trafficking in Human Beings”. It focuses on three integrated and interrelated aspects: protection and reintegration assistance to victims of trafficking who are returning/have returned to Belarus; prosecution and criminalization through trainings and technical support of law enforcement and judiciary bodies in order to enable them to investigate crimes in the field of THB more effectively; and prevention through dissemination of information to further increase public awareness and change attitudes, consequently contributing to the efforts of the Belarus society to combat trafficking in women and children, from and through Belarus.

The counter-trafficking activities of IOM in Belarus are being supported by the US Department of State (PRM and INL), Swedish International Development Cooperation Agency (Sida), Swiss Agency for Development and Cooperation (SDC), the United States Agency for International Development (USAID) and Danish Ministry of Foreign Affairs .

The number of assisted victims has grown progressively over the time and it has also increased in 2006 as the network of NGOs in Belarus is developing and the National Referral Mechanism is being strengthened. Thus, in 2003 IOM together with its NGO partners assisted only 56 victims of trafficking, compared to 251 in 2004 and 563 in 2005. Only during the first eight months of 2006, 381 victims of trafficking were assisted.

Nevertheless, the full scale of THB in Belarus remains unknown, not only because of the illicit nature of the crime but also because of the fact that most women are too afraid or unable to report to the authorities what has happened to them.

Coordination bodies

The main coordination body in the field of combating trafficking in human beings in the Republic of Belarus is the Ministry of the Interior in accordance with the State Programme of Comprehensive Measures Designed to Counteract Trafficking in Human Beings and the Spread of Prostitution for the Period of 2002 to 2007. All the current tendencies and processes show that the Programme is going to be extended for at least another five-year period.

Ministries/government agencies

The Government of Belarus pays utmost attention to fighting THB. The government has been implementing a long-term State Programme of Comprehensive Measures Designed to Counteract Trafficking in Human Beings and the Spread of Prostitution for the Period of 2002 to 2007. The measures include research on human trafficking in Belarus and beyond its borders, study of international experience on counter-trafficking development of legal base, public-awareness campaign, building institutional capacities, assistance to victims of trafficking, development of international cooperation. The implementation of these measures became an integral part of Belarusian governmental agencies' strategy to fight human trafficking. The functions of governmental bodies in counter-trafficking activities can be briefly presented as follows:

➤ Ministry of Interior (MoI)

The MOI is responsible for providing information on the State Programme to all involved republican governmental bodies and other organisations of the Government of the Republic of Belarus, which are responsible for implementation of the Programme. It also submits annual progress reports on the implementation of the above Programme to the Council of Ministers of the Republic of Belarus.

Within the system of law-enforcement bodies is a 3-level structure of the specialized operative divisions on counter-trafficking and crimes associated:

- Republican (Department on Drug Control and Counteraction to Trafficking in people of the Ministry of Internal Affairs of Belarus);
- Regional (similar Departments of the Central Administrative Board of Internal Affairs of the Minsk City Executive Committee; the Departments of Internal Affairs of the Brest, Vitebsk, Gomel, Grodno, Minsk, and Moguilev regional executive committees; the Department of Internal Affairs on Transport);

- Regional (branches/groups in 142 departments/units/subunits of handling transportation issues within cities, regions and districts, which are engaged in disclosing the category of a crime.

There exists a supervisory body, the Interdepartmental Commission on the Struggle Against Criminality, Corruption and Narcotics at the Security Council of Belarus, which, with the participation of all interested state bodies, annually examines the situation developing in the Republic

In June 2004 the MoI was reinforced with a special practical unit on Combating Trafficking in Human Beings for the Purpose of Sexual and Other Types of Exploitation, which was renamed to Department on Combating Intergovernmental Trafficking in Human Beings in 2006. This department deals with international organised crime and human trafficking in particular.

Another MoI Department – the Drugs and Morals Enforcement Department -- has been recently renamed as Narcotics Control and Combating Trafficking in Human Beings. This Department deals with crimes that occur on the territory of Belarus and focuses not only on THB but also pornography and related issues. In addition, it covers all regional Drugs and Morals Enforcement Departments, which are responsible for CT at the oblast level.

According to Presidential Decree № 3 “On Some Measures Aimed at Combating THB” the MoI (Department on Citizenship and Migration) is also responsible for issuing a special permit to employment agencies that offer overseas jobs offered to Belarusian citizens.

➤ **General Prosecutors Office (GPO)**

The GPO is responsible for overseeing the activities conducted by the state administrative bodies both national and regional, law enforcement agencies like state security bodies, departments of internal affairs and police, other state and public bodies, public servants and the public in general to ensure that the laws, including those related to THB, are fully complied with. GPO is also responsible for the supervision of the law enforcement units involved in field-operation activities, and preliminary investigations of the cases related to THB crimes.

Moreover, GPO oversees the operational activities to enforce the UN “Convention against Transnational Organized Crime” and process relevant international inquiries. GPO also issues permissions for operations against suspects involved in THB criminal cases.

Focal points responsible for CT issues were appointed in Minsk and in the regions. Representatives of GPO regularly take part in international workshops on the THB issues. An action plan on prevention of THB for 2005–2006 was developed and now it is being implemented by the GPO to address the issues indicated in the Presidential Decree #3. In the framework of this plan, a number of monitoring activities with other law enforcement agencies are being carried out.

➤ **Supreme Court (SC)**

In order to establish unified national legal practices, the Supreme Court of the Republic of Belarus monitors criminal cases related to THB issues. Based on the analysis of such cases,

proposals as well as legal opinions are issued. The SC also offers comments on the existing legal documents related to THB in force in Belarus as well as bilateral agreements and international laws ratified by the Republic of Belarus. Each Oblast Court as well as the SC is staffed with judges who are responsible for dealing with THB issues.

➤ **Ministry of Foreign Affairs (MFA)**

The MFA, in cooperation with the organizations rendering assistance to victims, diplomatic missions and consular departments, is responsible for protecting the rights and legitimate interests of citizens who have become victims of trafficking and facilitate their return to the home country.

The MFA organized several regional meetings for consular officials, where recent legislation on counter-trafficking best practices and cooperation with the IOs was discussed.

➤ **State Border Troops Committee (SBTC)**

Counter-trafficking activity of the Belarus border troops is primarily aimed at identification and blockage of international channels of thb for the purpose of further sale; prosecution in accordance with the existing legislation, of members of criminal groups specializing in thb; and rendering of assistance to the Belarus law enforcement bodies in the implementation of necessary measures. The fight against human trafficking is allocated a separate line in operative and service activity. Special attention is devoted to the identification of potential victims of human trafficking amongst both citizens going abroad, and those deported from abroad. With the participation of non-governmental organizations, focus is put on gathering information on traffickers and on rendering assistance to victims of trafficking. One of the objectives met through this work is the protection of rights and interests of Belarusian citizens, through such activities as returning Belarusian victims, who are detained in foreign states, back to Belarus.

➤ **Ministry of Labour and Social Welfare (MLSW)**

The Ministry is engaged the social component of the state program on Counter-trafficking . This includes preventive maintenance, educational and information campaigns, reintegration and rehabilitation of victims and employment assistance to victims of trafficking and groups at risk. There are currently 156 social centers within the Republic, the largest of which is the Minsk City Center of Social Service of Family and Children. Competencies of the Territorial Center of Social Service of the Population of Mozyr, one model example of a territorial center, include the control, analysis and estimation of social and demographic situations and of the material well-being of Mozyr inhabitants.

At the end of the 1990s, the Ministry, in cooperation with the Young Women Christian Association of Belarus, started activity on Counter-trafficking. Activity was carried out within the framework of the program «La Strada: Belarus 2002-2007» and included organizing of seminars for NGOs, social centres and social workers with the purpose of training the target groups to develop an appropriate approach towards victims.

Public Associations

Combating trafficking in human beings in Belarus is conducted with the valuable support of numerous public associations (PAs). The list of the most relevant associations with a brief outline of their sphere of activities is to be found below.

- **Belarusian Red Cross Society (BRCS)**
With regard to the counter-trafficking component of the Association's activities five centres called "Hands of Support" operate under the aegis of BRCS regional organizations. Each centre has its own coordinating board, consisting of BRCS staff, representatives of local executive committees, health and education authorities and Ministry of Interior. A wide range of activities is pursued in two key areas: prevention of human trafficking and reintegration assistance to victims of trafficking.
- **Young Women Christian Association of Belarus (YWCA of Belarus)**
Its mandate includes protection of the rights of young women, encouragement of women's personal ambitions and leadership, and the moral and spiritual renaissance of the society based on Christian values. The Association has local independent branches in eight Belarusian cities and towns (Baranovichi, Bobruisk, Vitebsk, Gomel, Minsk, Mozyr, Novopolotsk, and Smorgon). In the year 2000, YWCA of Belarus took part in the elaboration of the State Programme of Comprehensive Measures Designed to Counteract Trafficking in Human Beings and the Spread of Prostitution for the Period of 2002 to 2007. Since January 2002 the Association has been running the La Strada Programme. Within the Programme a toll-free hot line dedicated to safe travelling and living abroad is in operation.
- **Radislava**
Activities aimed at prevention of domestic violence; psychological, social and informational support to the victims of violence, reintegration assistance to victims of trafficking.
- **Business Women Club, Brest**
Protection of women's rights and interests; enhancing women's social standing and economic sustainability; incorporating women into business activities and exchanging experiences of businesses run by women.
- **Business Women Club, Pinsk**
Providing legal advice and psychological counselling to girls and women in difficult life situations; creating conditions favouring women's realization of personal and professional goals; supporting governmental programmes in career-guidance, family support, and promotion of physical, mental and social health.
- **Business Women Club, Kobrin**
Uniting professional women for the joint realization of their civil, economical, cultural, and social rights; fostering a positive social image of professional women, assistance to women in adapting to rapidly changing social and economic conditions.
- **Women's Social PA Provintsia, Borisov**
Providing crisis-management advice to women and their family members; strengthening the social and civil participation of women; providing legal, social and psychological assistance to women and their family members.
- **Foundation for the Development of Children and Youth Initiatives, Mogilev**
Support of children and youth initiatives aiming at their spiritual and physical development; creation of a communication network for youth programmes; implementation of projects in ecology, cultural and spiritual heritage preservation.

- **Doctors` Union, Mogilev**
Exchanging experiences among medical practitioners; dissemination of information about the latest achievements in medical science and practices; raising health and environmental awareness; informing the population on healthy life-styles.
- **Children of Chernobyl, branch office in Bobruisk**
Providing social, medical, humanitarian and other assistance to children and their families who have suffered from the Chernobyl catastrophe.
- **Charity Centre “Family”, Grodno**
Focusing on family as the essential unit of society; providing assistance to orphans, children and teenagers in single-parent or dysfunctional families.
- **Territorial Centre of Population Social Service, Mozyr**
Monitoring, analysis and assessment of the socio-demographic situation as well as material well-being of Mozyr citizens.
- **Belarusian Women’s Information and Coordination Centre, Vitebsk**
Consolidation of women associations; providing informational support and co-ordination of their activities with the aim of improving women’s social status and role in society.
- **Belarusian Women’s League, Baran**
Mobilising women for educational work in social, legal, medical, pedagogical and psychological matters; identifying gifted women and youth; exchanging experiences with other female public associations.
- **Focus-Group, Minsk**
Developing the creative potential of youth and children; promoting a better self-study environment and international cultural and educational relations for the young; healthy life-style education.

International Organisations (IOs)

The following international organizations have made a considerable contribution in fighting human trafficking in Belarus. Cooperation between IOs in Belarus is generally positive.

- **International Organization for Migration (IOM)**
The IOM Programme “Combating Trafficking in Human Beings in the Republic of Belarus” started in September 2002. IOM takes an integrated approach which includes prevention, protection, reintegration, criminalisation and prosecution.

One of IOM’s priorities in combating the phenomenon of trafficking is close cooperation with the governmental bodies of the Republic of Belarus. IOM also attaches priority to cooperation with other international organizations active in the area of counter-trafficking. IOM and MoI with the support of the OSCE and UNICEF will hold a Conference on Cooperation between Source and Destination Countries on Trafficking in Persons with Focus on Demand Side in Minsk on the 26–27 October 2006.

In addition, IOM supports and works in close collaboration with public associations. IOM's national network of public associations currently consists of 15 organizations and continues to grow. Such a network covers almost the entire territory of Belarus and facilitates the process of victims' referral, further reintegration assistance and monitoring, as well as strengthens the effectiveness of prevention activities in the regions.

- **United Nations Development Fund (UNDP)**
During 2003-2005 UNDP implemented the "Combating Trafficking in Women in the Republic of Belarus" project. The objectives were to strengthen nation-wide capacities for establishing a modern system of combating trafficking in women, to set up facilities for protection of victims, and to raise public awareness on trafficking in Belarus.
- **Organization for Security and Cooperation in Europe (OSCE):** The OSCE Office for Democratic Institutions and Human Rights supports the project "Assessment of Anti-Trafficking Structures in Belarus", which is being implemented by YWCA of Belarus/La Strada. The main goals of the project are to conduct an assessment of the anti-trafficking structures in Belarus; to identify and refer trafficked persons to support services as well as to provide assistance and protection; and to create the basis for developing a National Referral Mechanism.

LEGISLATIVE FRAMEWORK

The Government of Belarus does not condone trafficking and has demonstrated strong political will to fight against this phenomenon. Recent governmental anti-trafficking efforts have been concentrated on criminalization and prosecution of trafficking crimes and revision of legislation.

Having acknowledged the considerable rise in trafficking cases and the necessity to address the accompanying negative effects, the Government of the Republic of Belarus adopted **Decree No. 1636** the State Programme of Comprehensive Measures Designed to Counteract Trafficking in Human Beings and the Spread of Prostitution for the Period of 2002 to 2007 as of 8 November, 2001. The programme includes a set of measures directed towards gathering national and international knowledge on trafficking in order to conform to the international law, compile experiences and best practices.

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which supplemented the *UN Convention against Transnational Organized Crime*, was adopted by the UN General Assembly on 15 November, 2000. The Government of Belarus ratified the Convention and the Protocol on 03 May 2003 and it came into force in Belarus on 26 December 2003.

Over the past few years, the Government of Belarus has undertaken serious measures in order to counteract this phenomenon, including the development and adoption of legislation aimed at combating THB.

- **Decree No.3** of the President of the Republic of Belarus "*On Certain Measures Aimed to Combat Trafficking in Human Beings*" as of March 9, 2005 sets tougher administrative and criminal responsibility for both private individuals and legal entities violating anti-trafficking laws, and also orders various government structures to introduce additional

legal requirements for marriage and travel agencies, and educational and other institutions involved in organizing travel abroad.

- **Decree No.15** “*On Introducing Amendments to Some Decrees of the President of the Republic of Belarus Aimed at Combating Trafficking in Human Beings*” as of November 22, 2005. The Decree introduces amendments and changes to Presidential Decree No. 3. The Decree sets clear procedures on obtaining relevant documentation from governmental bodies by marriage and travel agencies as well as by individuals, who are planning to study abroad. The Decree simplifies certain procedures for the purpose of reducing the waiting periods of the required documents issuance.

From May 4, 2005, Belarus law, «*On Introducing Amendments to Certain Codes of the Republic of Belarus on questions of amplification of the liability for trafficking in people and other offences connected to it*», has made significant changes to Criminal Codes, Criminal - Procedural Codes and to the Code of Belarus on Administrative Offences. The law also contains the advanced interpretations of the key legal concepts concerning human trafficking, sanctions and the administrative offences connected to thb.

While the Decree No.15, Decree No.3 and the Law of the Republic of Belarus from May 4, 2005 are aimed at the prosecution and criminalization of the phenomenon of trafficking in human beings, the recent Edict No. 352 “*On Prevention of the Consequences of Trafficking in Human Beings*” of August 8, 2005 establishes a legal and institutional framework for providing protection and reintegration assistance and support to victims of trafficking.

- **Resolution No. 1403** of the Council of Ministers “*On Introducing the State Migration Programme for 2006-2010*” as of 8 December 2005. The Programme includes a set of measures directed at the development of temporary labour migration, improving demographic situation in the country, etc. Meanwhile, THB is mentioned as one of most significant problems within the context of external labour migration. The Programme sets forth a number of activities aimed at improving Belarusian legislation in the sphere of migration, which will result in strengthened state security and a more effective management of migration flows. It will also contribute to a more stable socio-economic development of Belarus.

PROGRAMMES

The counter trafficking activities of IOM in Belarus commenced in September 2002 and have continued to date with the support of the Department of State, Bureau of Population, Refugees and Migration (PRM & INL), the Swedish International Development Cooperation Agency (Sida), the Swiss Agency for Development and Cooperation (SDC), the United States Agency for International Development (USAID), and the Danish Ministry of Foreign Affairs.

During the period of 2003–2005 the Counter-trafficking Programme of the UNDP “Combating Trafficking in Women in the Republic of Belarus” was supported by the European Commission TACIS programme.

La Strada Programme which operates on the basis of the Young Women Christian Association has been working in the field of counter trafficking in Belarus since 1998.

FACTS AND FIGURES

The officially known scale of trafficking in Belarus is reflected in the following MoI statistics. In 2003, 141 crimes connected to the international export of 250 victims, including 3 cases of thb, were found in Belarus. In 2004, 203 criminal cases were initiated out of 400 exported victims, from which 19 were cases of thb. In 2005, out of 274 registered crimes connected to the export of people abroad, 75 were instances of thb. Victims totalled 625. In just eight months of this year, 146 crimes connected to export of 330 victims outside of the state were found. The activity of 7 organized criminal groups and 1 criminal organization were stopped.

According to the IOM statistics, since the beginning of project implementation in 2002 until August 2006, IOM provided reintegration assistance to 1250 victims. The main source of referrals to IOM is local public associations, MoI and State Border troops. Statistically, 22% of victims were referred to IOM by law enforcement directly and 72% through public associations. The remaining 6% were referred to IOM by IOs and Embassies as well as victims' friends and family members. The scope of reintegration services offered by IOM includes assisted return, legal counselling on civil and criminal cases, medical and psychological assistance, financial and educational support, vocational training and other forms of social reintegration assistance established on a case-by-case basis.

The consequences of the trafficking experience affect not only victims of trafficking but, likewise, their families. Therefore, the victims are provided with comprehensive individual and group psychological sessions and medical treatment. Statistically, 675 individuals obtained medical examination and treatment and 391 received psychological counselling (the figure does not include Red Cross Society contributions to individual and family psychological assistance covered from its own funds).

In addition to psychological and medical problems, the trafficked person can face a biased attitude and stigmatisation from relatives and colleagues. Insufficient employment opportunities and poor economic conditions also increase the trafficked individual's vulnerability, and thus impede a successful reintegration process. According to IOM statistics for the period of its activities, 24 victims were provided with travel assistance, 122 received legal counselling on trafficking-related issues and 1211 obtained financial assistance. Vocational/educational support was provided to 227 individuals. To contribute to the economic empowerment of victims as well as members of high-risk groups, a programme of economic empowerment activities is under development to cover all regions of the country. Around 1200 people will be able to participate in this programme.

THB is a global problem, which has a variety of causes. A major contributing factor is a high unemployment rate in the country of origin caused, for example, by industrial and manufacturing restructuring and liquidation of out-of-date and inefficient factories.

According to the Ministry of Labour and Social Welfare, "As a result of redundancies at various enterprises of Belarus, 3700 people were made redundant for the period of January – March 2006. The supply of the working force is twice as much as the market demands." At the beginning of 2006, 175,800 people were registered as unemployed at Employment Centres. The rural areas have been hit the hardest. Today they experience the highest rates of unemployment and out-migration. At the same time, more than one-half of the urban population live in small Belarusian towns that have a limited base for economic growth, and their residents face disproportionate risks of unemployment and poverty.

Unemployment in small cities is mainly the result of an acute shortage of job vacancies (i.e. of surplus labour), while unemployment in major and medium-sized cities is affected by low workforce mobility and mismatched qualifications which, in turn, cause the available job vacancies to be left unfilled.

As a result of these disparities, rural dwellers have been particularly vulnerable to poverty. In the Republic of Belarus 12,7% of the population are living below the official poverty line. 16,7% of the rural population have the available income below the national subsistence level. According to data inspection of domestic facilities, in the rural parts of Gomel and Mogilev 3,0% and 4.8% of the population accordingly have an income, which comprises only a half of the national subsistence wage.¹

OBSERVATIONS

During the course of the visit certain themes emerged recurrently in discussions with a range of interlocutors. Therefore, rather than divide this report into more traditional headings such as prevention, protection and prosecution, it is thought to be more useful to directly address those issues considered of importance by individuals and institutions involved in combating THB in Belarus. The relatively sophisticated counter-trafficking framework currently in place in Belarus makes it possible to focus observations on specific issues. To put it another way, as the government of Belarus has already accomplished a lot in its anti-trafficking work – most noticeably in the area of legislation and law enforcement, but also with regard to prevention and protection, – it would seem to be more useful for this part of the report to focus on those areas that pose the most acute challenges.

International Cooperation

The Republic of Belarus has been a vocal advocate of the need for better international cooperation in the field of anti-trafficking. Over the course of the last year it has drafted two draft resolutions at the United Nations General Assembly calling for more rational and effective coordination mechanisms at the international level. Belarus is also active in ensuring that THB is included in the agenda of Collective Security Treaty Organisation (CSTO) and the Commonwealth of Independent States (CIS). Indeed Belarus was a driving force behind the drafting of the 2007–2010 CIS Programme of Cooperation on Trafficking in Persons.

A measure of the importance Belarus attaches to the need for better international cooperation is the government's request to IOM to provide support in organising a conference on cooperation between source and destination countries in Minsk in October 2006.

In the area of law enforcement Belarus actively participates in the Interpol working group and the Sida/IOM-hosted Western CIS annual law enforcement seminars. It has also signed a number of bilateral agreements on law enforcement cooperation. Regrettably, law enforcement cooperation between source and destination countries remains rather weak despite the participation of the police from a number of destination countries at the Western CIS seminars. Requests by Belarus for mutual legal assistance to EU partners are responded to less than 50% of the time. By contrast, the response rate within the CIS is 100%.

¹ UNDP Belarus National Human Development Report — 2004-2005.

Internal Coordination and Structures

THB is a problem that requires coordinated action in a number of fields if there is to be progress in combating the crime and protecting the victims. The anti-trafficking framework in Belarus is characterised by the involvement of a multitude of actors from both within and outside government. This framework was formalised through the State Programme of Comprehensive Measures Designed to Counteract Trafficking in Human Beings and the Spread of Prostitution for the Period of 2002 to 2007, adopted by the Council of Ministers in November 2001. This multi-stakeholder approach is in line with accepted best practice.

At the political level, there is strong commitment by the Office of the President to Combat THB. This type of high level political commitment has proven to be an important factor in a country's success in addressing migration issues in a number of countries (a prime example can be seen in the Philippines with regard to labour migration).

The Commission on Crime, Drugs and Corruption established within the Security Council by Decree No 244 on 30 June 1995 is a permanent interagency body that coordinates the work of ministries, state institutions, state committees and executive bodies, and public associations in combating crime, corruption and drugs. It is composed of 24 members, who are high-level officials, heads or deputy heads of the relevant agencies. It is chaired by the Prosecutor General. A special working group on THB was established within the Commission in April 2005 and has met 54 times since. The Commission holds its sessions quarterly and performs its work on a daily basis. State programmes and legislation are initiated and developed by the Commission. The work of the Commission has strengthened the level of interagency cooperation on THB.

MoI takes the lead on coordination of anti-trafficking activities in accordance with the National Plan of Action for 2002–2007. While MoI takes direct charge of all law enforcement activities directed at THB, such activities as prevention, protection and assistance are delegated to appropriate institutions. MoI also takes the lead on international cooperation in the field of trafficking.

A Coordinating Council was established through the UNDP/TACIS project which incorporated MoI, the Ministries of Justice, Education and Labour and Social Welfare, Border Guards, UNDP, IOM and two public associations: La Strada and the Association of Social Workers. By all accounts, this Council was effective when in existence but has now been terminated with the end of the UNDP/TACIS project. There is some interest in reviving this coordinating body, but if it happens it should be done in a manner that is sustainable and not merely linked to a project as before.

In line with the Belarus government's policy of treating THB as a serious crime, all identified victims are at one stage interviewed by the police (in fact, most victims are initially identified by the police. However, most victims are referred by the MoI to IOM or other institutions running shelters and possessing the required expertise in delivering appropriate social and medical services. These institutions are the Ministry of Labour and Social Welfare (MLSW), public associations (PAs) and the National Red Cross Society (RC).

Decree No 3 of 9 March 2005

The aim of this decree is “taking effective measures to prevent trafficking in human beings, especially women and children, to protect the lives, health, freedom and other constitutional rights of the citizens of the Republic of Belarus.”

In line with the overall government approach to tackling THB, this decree takes a comprehensive view and addresses a variety of government structures requiring them to take action to protect Belarusian nationals going abroad. That includes the requirement to strengthen the regulation of travel agencies, employment agencies and educational and other institutions involved in organising travel abroad.

Such preventive actions are laudable – indeed, regulating employment agencies is a key feature of any effective counter-trafficking plan of action – but it can have some adverse consequences too. One such consequence is the possibility that these regulations designed to protect the individual can also infringe on his or her freedom of movement. This paradoxical situation is faced by a number of countries – source and destination – taking measures against trafficking. It is a requirement of states to take preventive action to protect individuals *before* they are trafficked. Specifically, this can entail stopping a person from leaving or entering a country in order to ensure against their exploitation by traffickers. Inevitably, though, such measures can also affect those migrants who have been offered legitimate employment or are travelling for other personal reasons. With Decree No 3 having been in force for almost two years, it would be useful to assess its impact taking into consideration the above.

Another consequence of strengthening regulation of employment agencies is the possibility that employment seekers will go through other channels. In the case of Belarus, a number of nationals have crossed the open border with the Russian Federation to use the services of employment agencies there, and some of these citizens have been trafficked. The Belarus government is already in dialogue with Russian counterparts and hopes to resolve this problem in the near future.

Edict No 352 of 8 August 2005

This decree on “Prevention of the Consequences of Trafficking in Human Beings” is noteworthy in that it provides for comprehensive short- and long-term assistance to trafficking victims. The intention, as described in the decree, is “to establish a legal and institutional framework for providing proper protection to persons who have suffered from criminal activities related to trafficking in human beings.”

The principal concerns of the decree are to ensure the security of trafficked individuals; to provide for their social protection and rehabilitation; and to provide assistance through Belarus’ diplomatic missions abroad.

The decree explicitly states that all services shall be provided free of charge. These include the full range of medical care (physical, psychological, social), shelter, legal assistance, education and support in finding employment. It encompasses responsibilities to be taken up by national, provincial and local authorities.

While some areas of the decree could be a subject to further improvement (such as those concerning minors and foreign victims as discussed below) it is a remarkably comprehensive document that emphasises the safety, recovery and rehabilitation of trafficked individuals.

Law Enforcement and Prosecution

Belarus’ efforts in the area of law enforcement have been marked by considerable achievements. Legislation on THB is comprehensive and has taken into account good practices from other countries. Enforcing these laws is a priority of the Ministry of Interior.

In May 2005, the Law No 15-3 increased penalties for trafficking and related crimes to a level that is appropriate for a serious crime and especially serious crime.

Police officers have received considerable training on THB by IOM and other organisations. This training ranges from investigative techniques to the humane and sensitive treatment of victims. As with similar training programmes in other countries, police and officials in the capital have received more training than those in other regions. This gap is something that could be addressed in the future.

Border guards have also been sensitised on the issue of trafficking and have been able to identify irregular migrants as trafficking victims when transiting through Belarus. Good cooperation is reported between the border guards, the Red Cross, public associations and UNHCR in the areas of asylum and trafficking.

The figures presented earlier in this report attest to the effectiveness of prosecutions of traffickers in Belarus. In 2005, for example, 18 traffickers were convicted and started serving sentences of at least five years in accordance with national legislation. Likewise, law enforcement officials, prosecutors and judges have also received extensive training on THB. For example, the Prosecutor's Office and the police are well aware of the need to try to ensure that the testimony of the victim is not the sole key to convicting the trafficker.

While the police and prosecutors are convinced about the necessity of treating trafficked individuals as victims and not criminals, there is some concern over the issue of the presence of a third party during interviews by the police and prosecutors. The current situation only allows for the presence of a lawyer or a psychologist if there is a question over the psychological condition of the witness. Consideration should be given to allowing trafficking victims to be systematically accompanied by a social worker they are comfortable with. This would be in line with generally accepted best practice.

Two other issues, affecting the victim, that need to be closely monitored are those of confidentiality/privacy and pressure to testify. All data concerning victims must be tightly controlled, and contact between police and victim should always be made in a way that does not alert third parties (friends, family) to the situation of the individual. Some victims report having received pressure to testify. This is against official policy and every effort should be made to make sure this does not happen.

Referral System

A referral system is a mechanism of cooperation that enables governmental bodies to fulfil their obligations in providing protection to trafficking victims through the coordination of their efforts with NGOs, IOs and other counterparts involved in counter-trafficking work. The structure of this mechanism differs from country to country. However, the core of each national referral system is cooperation between government agencies and NGOs.

At present, the referrals in Belarus are not part of an overarching system and functions mainly on the basis of bilateral agreements between parties rather than institutionalized cooperation. The effectiveness of the system often relies on the strength of a personal relationship between, for example, a public association director and a law enforcement official. Although there are numerous examples of good cooperation in this sphere, there is a need to formalise the referral system and make it more systematic. La Strada, with the support of ODIHR, is currently implementing a project with this very objective: to establish a National Referral Mechanism that clearly defines the roles

and relationships between government ministries, law enforcement agencies, other governmental bodies, IOs and NGOs.

Shelter and Social Reintegration of Trafficked Individuals

Within the current referral system, victims are referred to IOM and some other service providers for the provision of reintegration assistance by the Red Cross, NGOs, IOs, Belarusian embassies abroad and representatives of law enforcement. All victims are offered professional and case-specific services to facilitate their reintegration into society. The process brings together complementary capacities of government authorities, social and health care sectors, as well as NGO structures. Rehabilitation centres and shelters play one of the key roles in the victims' reintegration. Currently, the following shelters/rehabilitation centres are providing reintegration services to trafficked individuals:

1. IOM's Medical Rehabilitation Centre was opened on 17 July 2006. It ensures dignified, confidential support and treatment provided under a single roof. In the Centre, beneficiaries have access to short-term specialized medical and psychological assistance as well as to a custom-tailored reintegration package.

Reintegration services offered by IOM and its partners include legal assistance for those testifying in court and other legal assistance as necessary; residence in the Rehabilitation Centre; confidential and voluntary medical examination and treatment; psychological counselling; reintegration grants for the first three months after their return; employment counselling and grants for vocational training; educational support; other required assistance as determined on a case-by-case basis.

2. The shelter for trafficking victims based in the City Social Centre was created within the framework of the UNDP project, in cooperation with the Ministry of Labour and Social Welfare. At the Centre, the residents are provided comprehensive social, psychological and legal assistance. However, due to the lack of funds they can only provide living space without food. Meals need to be covered by the victims themselves. Currently the activities of the Centre are partially funded through the state budget.
3. Crisis Centre "Radislava" provides short-term sheltering, psychological and social assistance to victims of domestic violence and human trafficking and can accommodate up to four persons at a time. The rehabilitation and recovery programmes as well as individual social work promote dignified reintegration of trafficked individuals into society. In 2005 and 2006, 23 women were granted accommodation in the shelter and provided with further reintegration assistance.
4. La Strada's shelter has been functioning since 2004. It offers standard reintegration assistance: short-term accommodation, meals, psychological, medical and legal assistance, social accompaniment and financial grants covering travel expenses within the country. It is staffed with two managers and a social worker; external specialists (psychologists, lawyers, etc.) are hired for particular assignments. The shelter can accommodate two(?) persons simultaneously with an average duration of stay up to two weeks. During 2004–2006, 38 trafficked women were accommodated in the shelter.

The Ministry of Labour and Social Welfare, public associations and IOM are providing valuable assistance to trafficking victims within the constraints of the limited resources available. Consideration should be given to make more resources available to both the Ministry and public association shelters and reintegration programmes. Services are almost completely devoted to providing assistance to women, largely victims of sexual exploitation, but with the increase in identification of men trafficked for labour exploitation there is a need to establish facilities for this caseload too.

Public Awareness

Belarus has been extremely active in the area of raising public awareness of THB. Major partners in this field have included the Red Cross, La Strada, IOM and the two NGO networks of the last two organizations. Numerous campaigns have been implemented through all media: print, radio, television, etc. According to an IOM survey, 95% of the Belarus population has a relatively good understanding of the issue. Now, the focus of public outreach should be put on changing attitudes and behaviour: those of both the potential victims and the people who come into contact with them.

Hotlines

Both La Strada and the Business Women Club of Brest (with IOM's support) run trafficking hotlines and there is a question as to whether it makes sense to have two separate hotline infrastructures. Consideration should be given to merging them.

Medical Services

HIV/AIDS testing for persons going abroad is carried out in accordance with the legislation of the country or with requirements of the employer. Issues related to HIV testing and consultations are addressed and carried out in the Republic at the treatment and prophylactic organizations.

On returning to Belarus, the human trafficking victims affected by HIV are guaranteed continuation of specialized treatment.

This category of persons is provided the same medical services that are received by all citizens of the Republic. Treatment of HIV/AIDS is carried out in accordance with international standards, including World Health Organization recommendations for the CIS states. Political and social factors do not have an influence on the decision to carry out antiretroviral therapies. Only medical indicators and a patient's desire to be treated are taken into account.

Foreign Trafficking Victims

The referral system described above largely concerns trafficking victims from Belarus. While there are no documented instances of individuals trafficked to Belarus as a destination country, Belarus, along with Ukraine, is an important country of transit from the CIS, Asia and Africa to Western Europe. Most irregular migrants intercepted by border guards are cases of smuggling, but there have also been trafficking cases.

Belarus' anti-trafficking legislative framework makes provision for the assistance and protection granted to foreign trafficking victims. Article 10 of Edict No. 352 of 2005 entitles victims to temporary residence permits for up to one year to "allow for his/her participation in legal proceedings, social protection and rehabilitation." Trafficked foreign citizens can be referred to

shelters by border guards, and, at the Minsk Airport there is a special area to interview suspected victims. In the case of women, the first interview is carried out by a specially trained female border guard.

Belarus' policy on treatment of foreign victims goes beyond that of most states, and indeed is more comprehensive, for example, than the one required by the recently adopted Council of Europe Convention on action against trafficking in human beings. There is a need, however, to ensure that this policy is fully implemented by all responsible parties. There have been, for instance, cases of possibly trafficked Moldovan and Russian women, who were returned to their home countries before their protection needs could be ascertained.

Minors

Belarus provides additional protection to trafficked minors. Trafficking in minors is rightly considered an aggravating factor in Belarus' criminal code. Punishment of a convicted offender is automatically increased where the victim is a minor. Article 181 on human trafficking increases the sentence from five to seven years to ten to twelve years if the crime is committed against a minor. Related articles on exploitation of prostitution and abduction carry similar increases in sentencing.

It is mandatory for a psychologist and social pedagogue to be present when a minor is questioned by the police or prosecutors.

The socio-pedagogical and psychological assistance to minors who are victims of trafficking is carried out by socio-pedagogical and psychological services. These services are available in all educational establishments, and socio-pedagogical establishments, which exist in practically every region of the country. If there is a need to grant a trafficked minor such services as temporary residence and care, s/he can be placed in a children's social shelter. Minors aged 3 - 18 can be placed in a children's social shelter upon the decision of the local executive and administrative authority. Children under 3 years are placed in establishments offering public health services. The existing normative structure also stipulates for the creation of specialized children's social shelters for children aged 15-18.

Whereas Belarus law defines a minor as a being under the age of eighteen, there is a gap as regards protection and assistance: Edict No. 352 (article 4.1.1) provides for the care for trafficked minors up to the age of 15 in the regular social shelters for children. Minors over that age are cared for in the same centres as adults. According to the international law and best practice, all minors up to the age of 18 should be cared for separately from adults in order to protect their best interests. It would also be advisable, resources permitting, to have a separate centre for trafficked minors beyond the regular social shelters for children.

Gender

In Belarus, many women can be seen working in professions usually associated with men such as construction, electrics or painting and decorating. Women are also well represented in the police, yet it appears that women who have been trafficked are generally assisted by male police officers. However well-trained or sensitive a male police officer may be, it would generally be preferable to make available female police officers to work with female victims of trafficking.

Belarus, like other countries, is beginning to witness an increase in the number of identified male victims of trafficking. It is important, therefore, to ensure that male victims receive the same

protection and support under law as females. The government and its partners should closely monitor this situation.

It is not the objective of this report to look beyond immediate human trafficking issues. Nevertheless, there is a need to mention the issue of domestic violence as, by the account of many persons interviewed, this phenomenon appears to play a significant role in increasing the vulnerability of women to being trafficked.

The link between domestic and sexual violence and trafficking has received considerable attention. But while there is significant international donor support and advocacy on trafficking issues, the same cannot be said about domestic and sexual violence. UNIFEM implemented a three-year programme between 2001 and 2003 entitled “Life Free of Violence”, which did not encompass any of the CIS countries. Belarus has drafted a law based on recommendations from this programme. There are some expectations that the law will be adopted this year. Once it is, this law could serve as an additional tool to help to prevent and protect women from being trafficked.