

Belarus (Tier 2 Watch List)

Belarus is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Belarusian women and children are subjected to sex trafficking within Belarus, and in countries such as Russia, Belgium, Cyprus, the Czech Republic, Egypt, France, Germany, Greece, Israel, Italy, Lebanon, Lithuania, Poland, Spain, Sweden, Turkey, and the UAE. Belarusian men, women, and children are found in forced labor in the construction industry and other sectors in Russia. The Government of Belarus restricted Belarusian workers in state-owned wood processing factories and construction workers employed in modernization projects at those factories, from leaving their jobs. Belarusian men seeking work abroad are subjected to forced labor. Workers are recruited through informal advertisements and notice boards and then taken by minibuses from employment centers to foreign countries, such as Russia. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subsequently subjected to sex trafficking. Women from Ukraine may be subjected to sex trafficking in Belarus.

The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Belarus is placed on Tier 2 Watch List for a fourth consecutive year. The Trafficking Victims Protection Act provides that a country may remain on Tier 2 Watch List for only two consecutive years, unless that restriction is waived because the government has a written plan to bring itself into compliance with the minimum standards for the elimination of trafficking. Belarus was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

During the reporting period, the government continued to be a leader in multilateral efforts to combat trafficking. However, these efforts were not matched by the government's work to combat trafficking and assist victims within Belarus. The government retained a decree forbidding thousands of workers in the wood processing industry from leaving their jobs in state-owned factories without their employers' permission. Authorities did not convict any traffickers under the trafficking statute and conducted the fewest number of investigations in at least four years. Despite officials' claim that the prevalence of trafficking has decreased,

observers identified hundreds of trafficked Belarusian citizens in 2013, far more than the 20 victims the government identified in the course of trafficking investigations. While the government operated non-trafficking-specific emergency shelters, they were reportedly poorly equipped and lacked trained caregivers. At the close of the reporting period, the government had not implemented a January 2013 law permitting state funding for NGOs providing services to victims. The government continued its efforts to prevent trafficking through awareness campaigns, penalizing fraudulent labor recruitment, and operating a safe migration hotline. The government continued to offer trafficking-specific training to Belarusian and foreign officials through the police academy's training center.

Recommendations for Belarus:

Revoke the December 2012 presidential decree forbidding wood processing workers' resignation without their employers' permission; significantly increase efforts to vigorously investigate and prosecute cases of forced labor and forced prostitution, thereby demonstrating the government's continuous vigilance against this crime; increase the use of Article 181 of the criminal code to prosecute trafficking cases, even in cases also charged under other statutes; improve victim identification, including of teenagers in prostitution inside Belarus and forced labor victims; increase resources devoted to victim assistance and protection within Belarus, including in state-owned territorial centers for social services; provide funding through the January 2013 law allowing public funding for NGOs offering critical victim protection services in private shelters; cultivate a climate of cooperation with NGO partners; finalize and train officials on a national identification and referral mechanism; ensure all victims, including children and foreign nationals, are provided with appropriate assistance and protection; refer all Belarusian victims exploited abroad to care facilities upon repatriation; and consider revising the definition of human trafficking under Belarusian law to ensure that trafficking cases that do not involve the purchasing and selling of a person are still considered trafficking cases during the course of prosecutions, as prescribed by the 2000 UN TIP Protocol.

Prosecution

The Government of Belarus demonstrated decreased law enforcement efforts, as the government failed to convict any traffickers under its trafficking statute and retained a decree issued in December 2012 forbidding workers in state-owned wood processing factories from resigning without their employers' permission. The decree applied to thousands of employees; employees are permitted to appeal

any worker's proposed resignation to the government-appointed provincial governor, but not to a judge. At least one instance of a worker being barred from quitting occurred during the reporting period. The government has explained that the decree was temporary in nature and workers were free not to sign new contracts required under the decree.

Belarusian law prohibits both sex and labor trafficking through Article 181 of its criminal code, which prescribes penalties ranging from five to 15 years' imprisonment in addition to the forfeiture of offenders' assets. These penalties are sufficiently stringent and are commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government was in the process of modifying the law's definition of trafficking, so that cases do not require the buying and selling of a person to be considered trafficking cases. The government reported six trafficking investigations in 2013 under Article 181, compared to eight in 2012, nine in 2011, and 39 in 2010. All of the 2013 cases were related to sexual exploitation, not to labor trafficking. The government did not report whether elements of trafficking were present in investigations under non-trafficking statutes that criminalize pimping, engaging in prostitution, and profiting from servitude; in 2012, the government reported eight trafficking investigations under these non-trafficking statutes. Belarusian authorities did not convict any traffickers under Article 181 in 2013, despite identifying six trafficked victims in the course of investigations. The absence of convictions under Article 181 reflects a continuing decrease in law enforcement efforts, as authorities convicted one trafficker in 2012, seven in 2011, and 12 in 2010. Observers noted that judges often required evidence of money transfers or the buying and selling of a person to prove human trafficking under Article 181, which may be one reason it was infrequently used. Authorities reported two convictions under Article 181.1, which prohibits the use of slave labor; the convicted offenders were sentenced to eight to 10 years' imprisonment. The police academy's international anti-trafficking training center, in partnership with civil society organizations, provided trafficking-specific training to 280 Belarusian law enforcement officials. Law enforcement officials collaborated on transnational investigations with counterparts from France, Poland, Russia, Turkey, and Ukraine. The Government of Belarus did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

Protection

The government did not demonstrate improved protection efforts, as it did not provide adequate resources for public or private shelters. The government did not

identify any labor trafficking victims in 2013, though NGOs reported identifying hundreds of such victims. Belarusian authorities identified six victims of sex trafficking under Article 181, compared with 12 in 2012, 14 in 2011, and 64 in 2010. In addition, authorities identified 14 child victims of sex trafficking under other statutes. Experts observed that the number of trafficking victims identified by the government was far from commensurate with the number of Belarusian victims identified by NGOs and other sources outside of the country, particularly with regard to reports of increased labor trafficking of Belarusians in Russia. NGOs reported identifying and assisting 353 trafficking victims in 2013, more than the 197 assisted in 2012 and 142 assisted in 2011. The government reported that law enforcement officials had referred 36 of the victims cared for by NGOs. The government continued to lack a formal national victim identification and referral mechanism, though it established a taskforce for this purpose during the reporting period and continued to provide law enforcement officers with written procedures to identify trafficking victims. The lack of a formal mechanism may have led to some sex trafficking victims being punished for acts directly resulting from their being trafficked. In 2013, authorities issued 826 fines and made 168 arrests for prostitution offenses.

The government did not have trafficking-specific facilities available to care for victims, but it operated 74 “crisis rooms” for vulnerable male and female adults, including victims of trafficking and their children, which offered temporary shelter, including beds, meals, and personal hygiene products. Authorities reported in 2014 that victims were allowed to stay in these shelters indefinitely, whereas victims were previously limited to 10 days of accommodation. The government did not report how many trafficking victims received assistance at these facilities. Observers reported that the majority of victims sought assistance at private shelters because the government’s centers were poorly equipped and lacked qualified caregivers. The education ministry maintained 127 non-trafficking-specific shelters that could house child victims for up to six months; however, no child victims received services at these facilities, despite the government identifying 14 trafficked or sexually exploited children during 2013. Victims were entitled to receive medical assistance, psychological counseling, and legal counsel from state institutions. The interior ministry estimated that state institutions provided the equivalent of approximately \$112,000 in victim services and prevention campaigns in 2013. Additionally, five *oblasts* (provinces) estimated that public institutions provided the equivalent of approximately \$17,000 for victim services and prevention campaigns, compared to the equivalent of approximately \$27,800 in 2012. Although a January 2013 law authorized the provision of government funding to NGOs running social welfare programs, the funding mechanism was not

operational at the close of the reporting period. Authorities did not issue any temporary residence permits in 2013, as no identified foreign victims were illegally present in Belarus.

Prevention

The Government of Belarus improved its efforts to prevent trafficking. The government conducted public awareness campaigns through television, radio, print media, internet, and press conferences. The interior ministry's hotline for safe travel abroad received 617 inquiries in 2013, but did not report how many of those inquiries were related to trafficking situations. Authorities investigated 157 administrative offenses related to illegal employment abroad, 98 of which resulted in fines or administrative penalties. The government adopted and began implementing the 2013-2015 State Program on Countering Crime and Corruption, which included anti-trafficking activities; all of the activities were developed with collaboration from NGOs. As outlined in this state program, Belarus acceded to the Council of Europe's Convention on Action against Trafficking in Human Beings in November 2013, which enabled the Council's monitoring group to conduct a future country evaluation. In addition, the interior ministry continued to report on the government's anti-trafficking measures and law enforcement statistics through its website. The government did not demonstrate efforts to reduce the demand for commercial sex.