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2022 Trafficking in Persons Report: Belarus

Belarus (Tier 3)

The Government of Belarus does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Belarus was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including conducting trafficking-related investigations and prosecutions and identifying and referring to services more trafficking victims. However, the government did not report if it investigated, prosecuted, or convicted any traffickers under its trafficking statute and did not provide adequate protection services to trafficking victims. Media and NGO reports indicated authorities returned many third-country migrants and asylum seekers who arrived in the country as part of the state-sponsored migration crisis to their countries of origin without comprehensively screening them for trafficking. Moreover, as pa mocracy activism, the government widely limited the activities of civil society organizations, including organizations providing support to trafficking victims, and did not provide funding or in-kind assistance to NGOs. The government did not report conducting awareness raising activities, and its efforts to prevent labor trafficking remained inadequate. For the fifth consecutive year, the government did not report investigating or filing charges related to illegal recruitment of migrant workers.

PRIORITIZED RECOMMENDATIONS:

- Increase resources devoted to trafficking victim assistance and protection within Belarus in such a manner that improves effectiveness, including for state-owned territorial centers for social services and for NGOs.
- Vigorously investigate and prosecute cases of forced labor and sex trafficking under Articles 181 and 181-1.
- Increase labor inspections to identify internal forced labor and investigate illegal recruitment practices.
- Continue to proactively screen all vulnerable groups, including migrants and individuals in commercial sex, for indicators of trafficking.
- Raise awareness about the voluntary nature of subbotniks and increase training to government officials at both the national and regional level to ensure coercive measures are not used to elicit participation.
- Continue to expand trainings for all relevant officials on the national identification and referral mechanism (NRM) and allocate sufficient resources for its full implementation.
- Increase funding for services that provide child sex trafficking victims with services specialized to their needs, continue to refer all identified victims to care facilities, and ensure criminal justice actors use a trauma-informed approach in child trafficking cases.
- Increase victims’ access to free legal aid and ensure defense attorneys receive training on trafficking and a trauma- informed approach.
- Train judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution to ensure victims receive restitution in a timely manner.
- Amend or repeal the penal provisions in sections 193(1), 339, 342, 367, 368, and 369(2) of the criminal code to clarify that no penalties involving compulsory labor may be imposed for the peaceful expression of political views and ensure that children are not subjected to compulsory labor as punishment.

PROSECUTION

The government decreased law enforcement efforts. Article 181 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from three to seven years’ imprisonment and forfeiture of assets for offenses involving adult victims and seven to 15 years’ imprisonment and forfeiture of assets for those involving child victims. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. The government reported it conducted 111 trafficking-related investigations but—contrary to previous years—did not report if any investigations were conducted under article 181 (in 2020, the government reported continuing three trafficking investigations under Article 181). For the third year in a row, the government did not report initiating any investigations under Article 181-1, which criminalized the use of forced labor. The government reported prosecuting 46 suspected traffickers but—contrary to

previous years—did not report if any of these prosecutions were conducted under Articles 181 or 181-1 (the government initiated one trafficking prosecution under Article 181 in 2020 and four in 2019). The government did not report convicting any traffickers under Articles 181 or 181-1 in 2021 or 2020. Media reports indicated law enforcement investigated several sex trafficking cases; however, it is unknown if any were investigated under Articles 181 or 181-1. Observers reported some investigations and court hearings were impacted by investigators, judges, or authorities being forced to isolate for COVID-19-related mitigation; courts limited attendance during hearings and adjourned some trials or suspended proceedings due to participants’ COVID-19 infections. Some court sessions used video conferencing to minimize the risk of infection.

The Main Department for Drug Control and Combating Trafficking in Human Beings led law enforcement efforts. The government did not report if it provided training to law enforcement. Law enforcement, prosecutors, and judges participated in trafficking seminars organized by an international organization. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes.

PROTECTION

The government demonstrated uneven protection efforts; while it identified and referred to services significantly more trafficking victims, the government did not provide adequate protection services and widely limited the activities of civil society organizations, including organizations providing support to trafficking victims. The government identified 244 confirmed trafficking victims, an increase from 109 in 2020. For the second year in a row, the government did not report how many potential victims applied for official status; in 2019, the government reported 251 potential victims applied for official victim status. Of the 244 confirmed victims, 241 were exploited in sex trafficking, and three were victims of forced labor; 118 were children. Traffickers exploited 213 of the confirmed victims in Belarus and 31 abroad. Government authorities identified the majority of confirmed trafficking victims. NGOs indicated they assisted 74 trafficking victims, an increase from 44 in 2020; 39 victims were exploited abroad (including 34 in Russia, three in Poland, and two in the People’s Republic of China (PRC)), and 35 victims were exploited in Belarus. Authorities and civil society followed an NRM to identify and refer victims to services. NGOs reported a variance in the degree of cooperation with regional law enforcement. The government reported referring 113 victims to NGOs and international organizations for reintegration services, compared with 55 in 2020. In prior years, the government reported some victims declined services.

The government’s victim assistance services, while free, continued to be underutilized and suffered from burdensome bureaucratic requirements, delays in service delivery, and inconsistent quality of service, sometimes leading victims to choose to pay for necessary services elsewhere or find support through NGOs. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated approximately 138 “crisis rooms” that offered temporary shelter, including beds, meals, and personal hygiene products, to vulnerable adults, including victims of trafficking, regardless of nationality; the government did not report if trafficking victims used these facilities in 2021. According to the law, victims’ access to services was not dependent on their willingness to participate in the criminal process. Foreign victims were legally entitled to the same benefits as Belarusian victims. However, observers reported in some investigations conducted under Articles 171 and 171.1, victims were required to participate in investigations to access protection services. Observers continued to report most victims sought assistance at private shelters because the government’s centers were poorly equipped and lacked qualified caregivers trained in trafficking. Moreover, observers noted that children and persons with disabilities often lacked access to government services and that some services, including medical assistance and legal aid, were not provided in remote areas. NGOs and an international organization provided the majority of victim assistance; however, the government did not provide direct financial support to NGOs. The government took politically motivated steps to limit or ban the activities and foreign funding of civil society groups, including some dedicated to anti-trafficking activities. In September 2021, the government liquidated one of the country’s leading NGOs providing assistance to trafficking victims.

Vulnerable children between the ages of three and 18 could receive shelter and basic provisions at centers run by the education ministry; children could stay at these centers for a maximum of six months, after which they were returned to their family, assigned to a foster family, or transferred to an orphanage or boarding institution. The government provided child friendly rooms for interviews, the provision of assistance, and reintegration services at a select number of these centers. The government did not report if any child trafficking victims received services at these facilities. The government did not report if it implemented recommended changes issued by an NGO in 2020 to improve the use of the rooms and interviewing techniques. Although the government amended the criminal code in January 2021 to require the recording of testimony of victims and witnesses younger than the age of 14 during pre-trial investigation for later use in court, observers expressed concern that child sex trafficking victims continued to be subjected to multiple questionings, including in court hearings, and in a non-friendly environment. Observers noted authorities penalized some sex trafficking victims for unlawful acts traffickers compelled them to commit. Media and NGO reports indicated authorities returned many third-country migrants and asylum seekers who arrived in the country as part of the state-sponsored migration crisis to their countries of origin without comprehensively screening them for trafficking. Observers also reported authorities did not consistently screen individuals in commercial sex for trafficking indicators and authorities dismissed claims by Belarusians who stated they had been subjected to forced labor in Russia. Victims were entitled to free legal assistance, and victims could request protection measures to include the non-disclosure of information, exemption from attending hearings, delivering testimony remotely, and closed court sessions. However, observers noted the legal aid provided to victims was

inadequate; defense attorneys able to represent victims were in short supply and many attorneys providing free legal aid were not familiar with trafficking and a victim-centered approach. Courts could grant restitution from traffickers in criminal cases, but the government did not report if victims were granted restitution in 2021.

PREVENTION

The government decreased efforts to prevent trafficking. The minister of interior served as the national coordinator on trafficking issues and led implementation of the 2020-2022 State Program on Combating Crime and Corruption, which included anti-trafficking activities. Interdisciplinary bodies, composed of representatives from law enforcement, education, healthcare, labor, and social welfare sectors, as well as judiciary, media, clergy, and civil society, met on an annual basis to discuss implementation of the NRM. Anti-trafficking cooperation at the regional level was established through memoranda of cooperation with each region. The government did not report if regional interdisciplinary working groups convened in 2021.

The government did not report conducting any public awareness campaigns. The government did not report if it funded or provided in-kind assistance to NGOs. The Ministry of Interior continued to operate a hotline for safe travel abroad to inform potential Belarusian labor migrants, identify illegal recruitment practices, and route calls reporting potential incidents of trafficking to specialized NGOs. For the fifth consecutive year, the government did not report if it investigated or filed charges against companies related to illegal recruitment in 2021; comparatively, it charged 50 companies in 2016, the last year for which data was available. The government did not report if labor inspectors conducted inspections in 2021; efforts remained inadequate to enforce and deter violations. The government continued to participate in multilateral anti-trafficking activities to include coordinating the Group of Friends United against Human Trafficking at the UN and leading efforts to strengthen the implementation of the UN's Global Plan of Action to Combat Trafficking in Persons. Contrary to such multilateral efforts, in a politically motivated act of retaliation for European Union policy, the government orchestrated a migration crisis along its borders with Latvia, Lithuania, and Poland starting in May 2021; this significantly increased these migrants' vulnerabilities to trafficking as law enforcement did not consistently screen migrants for trafficking indicators, and in some instances, authorities forced migrants to attempt irregular border crossings. The government did not make efforts to reduce the demand for commercial sex acts. The government did not report providing anti-trafficking training to its troops prior to their deployment as peacekeepers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belarus, and traffickers exploit victims from Belarus abroad. Data collected by NGOs suggests the majority of trafficking victims are men subjected to forced labor, primarily in Russia. Belarusian victims are exploited primarily in Belarus and Russia, as well as in Poland, Turkey, and other countries in Europe, Eurasia, and the Middle East. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subjected to sex trafficking. The government has identified Belarusian, Moldovan, Russian, Ukrainian, and Vietnamese victims exploited in Belarus. The majority of traffickers are Belarusian citizens. Traffickers increasingly use online methods to coerce victims into forced labor and sex trafficking.

In May 2021, the government orchestrated a migration crisis along its borders with Latvia, Lithuania, and Poland. Belarusian authorities facilitated the entry into Belarus of thousands of migrants and asylum seekers, mostly from Iraq but also from other Middle Eastern countries and countries in sub-Saharan Africa and Central Asia. Belarusian authorities facilitated their onward travel to the borders of Latvia, Lithuania, and Poland; authorities encouraged and, in some instances, forced migrants to attempt irregular border crossings. Authorities reportedly did not allow international organizations comprehensive access to the migrants, and authorities did not consistently screen them for trafficking indicators. These migrants remain vulnerable to trafficking.

The government continues the practice of *subbotniks*, or voluntary service days (held on Saturdays). One national-level *subbotnik*, announced by government decree, was held during the reporting period, as were several regional, district, and local-level *subbotniks* organized by regional, district, and local authorities. As an alternative form of participation, participants can allocate a portion of a single day's salary toward government projects announced by the authorities prior to the *subbotnik*. Historically, individuals have been subjected to government reprisals for failure to participate in *subbotniks*. In past years, observers reported authorities threatened individuals who refused to work with fines or unpaid premium compensation. However, contrary to previous years, approximately 500,000 citizens abstained from participating in the national *subbotnik* in 2020. Observers did not report any retaliation for nonparticipation in 2021 or 2020. Government decrees announcing *subbotniks* are required to state their voluntary nature. The authorities have previously corrected *subbotnik* announcements that fell afoul of the law and rebuked implicated officials. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus reported authorities obligate—disguised as strong encouragement—some factory workers, civil servants, and school children to participate in harvesting on state-owned farms or in street cleaning. However, the UN Special Rapporteur did not report on *subbotniks* in the 2019, 2020, or 2021 reports to the Human Rights Council. Historically, sources alleged authorities sometimes required university and high school students to participate in public works projects without compensation, but no known cases were identified in the reporting period. In 2019, media reported some university students in a rural area in the Vitsebsk region claimed they were forced to participate in apple picking during the harvest season, but no similar cases were identified in the reporting period. In previous years, reports indicated some state university students who failed to participate in harvesting risked the loss of housing in subsidized dormitories or penalization during exams, but no known cases were identified. The UN Special Rapporteur noted in 2020 its

continued concern over the practice of forced labor in places of detention, especially with regards to children and youth; the report generally does not provide time frames during which specific incidents of concern occurred. The ILO Committee of Experts noted its continued concern in 2018 that, although there had been no recently reported cases, some provisions of the Belarusian criminal code, which included forced labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government. Some human rights activists also raised concerns that political prisoners (imprisoned and sentenced based on the peaceful expression of political views) performed compulsory labor at penal colonies as a part of their sentences during the reporting period.

ecoi.net summary:

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