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BELARUS: Tier 3

Belarus is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Belarusian victims are primarily subjected to trafficking in Russia and within Belarus, as well as in Poland, Turkey, and other countries in 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.

State-sponsored forced labor continues to be an area of concern, and the UN Human Rights Council adopted a resolution in July 2015 expressing deep concern at the government's "violations of labour rights amounting to forced labour," among other human rights issues. The European Parliament condemned an April 2015 Belarusian presidential decree which requires unemployed persons to pay a fee to the state or potentially face compulsory community service. The UN Committee on Economic, Social and Cultural Rights took the position that an earlier presidential decree, issued in December 2012, "effectively takes away the right of workers in the wood-processing industry to freely leave their jobs." That decree assigns monthly bonuses to employees in the wood-processing industry that they must pay back if they resign; failure to repay these "bonuses" risks a court order obligating the employee to continue to work in that industry under law enforcement supervision. The ILO Committee of Experts reported that a 2010 law allows for Belarusians suffering from alcoholism or drug dependencies to be "interned in 'medical labour centers' for a period of 12 to 18 months and have an obligation to work, and refusing to work results in punishment, such as solitary confinement, for up to ten days." As of June 2015, an estimated 6,700 people were held at these centers. The government continued the practice of *subbotniks*, which requires employees of the government, state enterprises, and many private businesses to work on occasional Saturdays and donate their earnings to finance government projects. The UN special rapporteur on the situation of human rights in Belarus reported repercussions for non-participation in *subbotniks*, including non-renewal of employment contracts and the revocation of monthly bonuses. State employers and authorities also intimidated and fined some workers who refused to participate. Authorities require university and high school students to help farmers during the harvesting season without paying them for their labors, in addition to other forced community service projects. Authorities reportedly forced military conscripts to perform work unrelated to military service. Per a 2006 presidential decree, parents who have had their parental rights removed are subjected to compulsory labor, and the government retains 70

percent of their wages. The ILO Committee of Experts noted its deep concern in 2016 that the Belarusian criminal code permits penalties involving compulsory labor be imposed for the expression of views opposed to the established political, social, or economic system. The ILO Committee of Experts cited reports that the government used or threatened to use arbitrary detention involving compulsory labor for apparently political motives.

The Government of Belarus does not fully meet the minimum standard for the elimination of trafficking and is not making significant efforts to do so. The government continued to be a leader in multilateral efforts to combat trafficking and made efforts to protect victims exploited abroad and internally by criminal enterprises. Additionally, the government developed a formal victim identification and referral mechanism and issued a contract to an NGO to provide victim services, the first such contract since a January 2013 law created the framework for state financing for NGOs. However, the government is engaged in practices that condone forced labor, and made no efforts to reform its policies. In fact, in 2015, the government introduced a new penalty on unemployed citizens that requires payment of a fee to the state to avoid compulsory community service. Other policies effectively creating state-sponsored forced labor continued, affecting civil servants, workers in the wood processing industry, students, and citizens suffering from drug or alcohol dependency, among others. For the third consecutive year, authorities did not convict any traffickers under the trafficking statute.

RECOMMENDATIONS FOR BELARUS:

Reform state policies to end all forms of state-sponsored forced labor, including by repealing presidential decrees and other laws that result in the unemployed, civil servants, wood processing workers, students, and citizens suffering from drug or alcohol dependency, among others being subjected to forced labor; significantly increase efforts to investigate and prosecute cases of forced labor and sex trafficking; amend article 181 to include causing children younger than 18 to engage in prostitution as a trafficking crime, regardless of evidence of coercion, as prescribed by international law; increase resources devoted to trafficking victim assistance and protection within Belarus, including for state-owned territorial centers for social services and for NGOs; provide child sex trafficking victims with services specialized to their needs and refer all identified victims to care facilities; train all relevant officials on the national identification and referral mechanism; proactively screen all individuals in prostitution for indicators of trafficking; and increase labor inspections to identify internal forced labor.

PROSECUTION

The government did not increase law enforcement efforts. Article 181 of the criminal code prohibits both sex and labor trafficking and prescribes penalties ranging from five to 15 years' imprisonment in addition to the forfeiture of offenders' assets, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Contrary to the definition of trafficking under international law, article 181 does not consider causing children younger than 18 to engage in prostitution a trafficking crime unless there is evidence of coercion. The government reported one trafficking investigation in 2015 under article 181, compared with one in 2014 and six in 2013. Authorities also initiated one investigation under article 181-1, which criminalizes the use of forced labor. The government did not convict any traffickers under article 181 in 2013, 2014, or 2015, which reflected a continuing decrease in law enforcement efforts, following the conviction of one trafficker in 2012, seven in 2011, and 12 in 2010. Authorities prosecuted at least six individuals for potential child sex trafficking offenses under other articles in the criminal code in 2015, compared with three individuals in 2014. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement officials, as well as foreign officials invited by the government.

PROTECTION

The government made some increased efforts in victim protection. The government identified five trafficking victims in cases investigated under articles 181 and 181-1 in 2015, compared with 16 in 2014. Authorities identified additional trafficking victims in cases investigated under other statutes; the government reported 116 actual and potential trafficking victims from cases under other statutes, compared with 97 in 2014. The government reported law enforcement officials referred 27 victims for care by international organizations and NGOs, compared with 32 in 2014. NGOs reported assisting 263 trafficking victims in 2015, 47 of whom were children. With the assistance of international organizations and NGOs, in June 2015 the government approved a formal victim identification and referral mechanism that outlined roles for state agencies and civil society in identifying, referring, and assisting victims. It also created the instructions and forms for authorities to register victims and issue referral orders for the provision of care services. The government reported training designated police officers and diplomats on the new procedures in 2015. Authorities identified 76 potential sex trafficking victims among the 1,625 individuals charged with prostitution in 2015 and exempted them from any criminal or administrative penalties.

An NGO received 212 million rubles (\$11,425) in government funds to provide medical, social, and psychological assistance to victims of trafficking and domestic violence; this was the first instance of financing NGO-provided services specifically for trafficking victims since a January 2013 law authorized the provision of government funding to NGOs running social welfare programs. The government also provided in-kind assistance to other anti-trafficking NGOs in the form of discounted rent on office space, lower taxes, and placement of awareness-raising materials on state-owned television and billboards. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 109 "crisis rooms" that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of natural and manmade disasters, domestic violence, and human trafficking. Observers reported most victims sought assistance at private shelters because the government's centers were poorly equipped and lacked qualified caregivers. The government offered free medical services and psychiatric consultations to victims. The labor and social welfare ministries reported assisting four labor trafficking victims. The education ministry maintained centers that could provide vulnerable children with shelter and basic provisions; however, similar to past years, no child trafficking victims have received services at these facilities, despite the government identifying child sex trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. The government conducted public awareness campaigns through television, radio, and print media. The interior ministry continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices; the hotline received 1,280 calls for consultations in 2015. Although authorities charged 58 individuals with administrative offenses related to illegal recruitment, forced labor regulations were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal and inadequate to deter violations. The government drafted a 2016-2018 State Program on Countering Crime and Corruption, which included anti-trafficking activities; the program was not adopted by the close of the reporting period. The government did not report efforts to reduce the demand for commercial sex.

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