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Employees

Job Seekers

Students

Travelers

Menu

[← REPORT OVERVIEW](#)

2020 Trafficking in Persons Report: Belarus

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IN THIS SECTION

BELARUS: Tier 3

The Government of Belarus does not fully meet the minimum standards for the elimination of trafficking because of a government policy or government pattern of government-sponsored forced labor in public works projects and the agricultural sector; therefore Belarus remained on Tier 3. However, the government increased efforts to address trafficking, including convicting traffickers under its trafficking statute for the first time in eight years, increasing training for law enforcement, and confirming significantly more victims. The government continued to require the participation of factory workers, civil servants, and students in harvesting on state-owned farms or in street cleaning. University students were threatened with the loss of subsidized housing for non-participation.

PRIORITIZED RECOMMENDATIONS:

Reform government policies to end all forms of state-sponsored forced labor that result in civil servants, students, and citizens being subjected to forced labor. •

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. • Continue to increase efforts to investigate and prosecute cases of forced labor and sex trafficking and forced labor under Articles 181 and 181-1. • 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. • Increase funding for services that provide child sex trafficking victims with services specialized to their needs and continue to refer all identified victims to care facilities. • Continue to expand trainings for all relevant officials on the national identification and referral mechanism. • Continue to proactively screen all vulnerable groups, including migrants and individuals in commercial sex, for indicators of trafficking. • Increase labor inspections to identify internal forced labor. • Allocate sufficient resources for the full implementation of the national referral mechanism.

PROSECUTION

The government increased law enforcement efforts. Article 181 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from five 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 four trafficking investigations in 2019 under Article 181, compared with six in 2018, and one per year from 2014 to 2017. Authorities did not initiate any investigations under Article 181-1, which criminalized the use of forced labor, compared with four cases in 2018 and one case in 2017. The government initiated four trafficking prosecutions under Article 181, compared with six in 2018, and one each year from 2015 to 2017. The government convicted three traffickers under Article 181; the last conviction was in 2012. Courts sentenced each of the three convicted traffickers to 20 years' imprisonment. The government reported details of one additional conviction for sexual exploitation under Articles 171 and 171-1; the trafficker received five years and six months' imprisonment plus a fine. The government reported investigations and convictions

under other articles that contained elements of trafficking, but it did not provide sufficient details to determine if the reported statistics related to sexual exploitation met the definition of trafficking under the TVPA. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The Main Department for Drug Control and Combating Trafficking in Human Beings led law enforcement efforts. The government increased law enforcement training during the reporting period. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement, which utilized the International Training Center for Migration and Combating Trafficking in Human Beings, a joint effort between the Government of Belarus and an international organization.

PROTECTION

The government increased victim protection efforts in some areas. The government identified 128 confirmed trafficking victims and nine potential victims, compared with 142 confirmed victims in 2018 and 131 in 2017. Of the 128 confirmed victims the government identified in 2019, 125 victims, including 30 children, were exploited in sex trafficking and three victims exploited in forced labor. Traffickers exploited 105 of the confirmed victims in sex trafficking or forced labor in Belarus and 23 abroad. The government reported referring 48 victims to NGOs for reintegration services, compared with 54 in 2018 and 60 in 2017.

The Ministry of Interior initiated amendments to the national referral mechanism, which will formally establish a multidisciplinary approach to victim rehabilitation. The government reported law enforcement officials referred 54 confirmed and potential victims to international organizations and NGOs for care, compared with 68 in 2018. The government reported 251 potential victims formally applied for victim status with law enforcement or NGOs, and it approved 128 applications. The government reported increased screening of individuals arrested for commercial sex for trafficking indicators and exempting them from any legal liability; the government identified 101 individuals forced into commercial sex in 2019.

The government provided in-kind assistance to anti-trafficking NGOs in the form of facilities for seminars, conferences, and training; expedited approval of projects and grants; and tax-exempt status. NGOs and an international organization provided the majority of victim assistance; however, the government did not provide financial support for NGOs. The government's assistance mechanism continued to be underutilized and suffered from burdensome bureaucratic requirements, delays in service delivery, and inconsistent quality of service. NGOs identified and assisted 91 trafficking victims in 2019, compared with 130 in 2018; 33 victims were female and 58 were male, 59 were trafficked for forced labor, 21 were sex trafficked, and the remainder unspecified. The majority of the victims (52) were exploited in Russia, while 30 were exploited internally in Belarus. NGOs reported a variance in the degree of cooperation with regional law enforcement. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 136 "crisis rooms" (132 rooms in 2018) that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of trafficking, regardless of nationality; the government reported one trafficking victim used these facilities. 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. The education ministry maintained at least 138 centers that could provide vulnerable children with shelter and basic provisions, including 103 orphanages. An NGO continued to assist with operating child friendly rooms for interviews, the provision of assistance, and reintegration services at 18 of these centers; however, similar to past years, no child trafficking victims received services at these facilities, despite the government identifying child sex trafficking victims.

PREVENTION

The government maintained efforts to prevent trafficking. The minister of interior served as the national rapporteur on trafficking issues and coordinated implementation of the 2017-2019 State Program on Countering Crime and Corruption, which included anti-trafficking activities. Interdisciplinary bodies, composed of representatives from law enforcement, education, healthcare, labor, and social welfare sectors, judiciary, media, clergy, and civil society, met on an annual basis to discuss implementation of the national referral mechanism. Anti-

trafficking cooperation at the regional level was established through memoranda of cooperation with each region; regional interdisciplinary working groups convened and included representation from government agencies, NGOs, an international organization, media, attorneys, and religious groups (as observers). The government adopted a national action plan for the protection of minors from sexual violence and exploitation; implementation began in the first quarter of 2020. The activities in the action plan were also included in the 2020-2022 Program to Combat Crime and Corruption. The government conducted public awareness campaigns through television, radio, and print media and provided in-kind assistance to NGOs' campaigns in the form of advertising hotlines, production assistance, and placement of awareness-raising materials on state-owned television, radio, and billboards. MOI continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices and routed trafficking calls to specialized NGOs. For the third consecutive year, the government did not investigate or file charges related to illegal recruitment in 2019, compared with 50 companies charged in 2016. The authorities did not conduct labor inspections; efforts remained inadequate to enforce and deter violations. The government continued to lead and participate in multilateral anti-trafficking activities to include coordinating the Group of Friends United against Human Trafficking at the UN, which included 23 participating countries and drafting the unanimously adopted general assembly resolution on "Improving the coordination of efforts against trafficking in persons." The government continued to report efforts to reduce the demand for commercial sex acts.

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 labor exploitation, primarily in Russia. Belarusian victims are trafficked primarily in Belarus and Russia, 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.

A government policy or government pattern of state-sponsored forced labor continued during the reporting period. The government continued the practice of *subbotniks*, which the law mandates to be voluntary service days. The government called for a national-level *subbotnik* during the reporting period; regional authorities organized at least one *subbotnik*; in lieu of payment to employees for work performed, the government allocated their wages to finance government projects. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus, in his report to the Human Rights Council, reported authorities disguise as strong encouragement, an obligation for factory workers, civil servants, and school children to participate in harvesting on state-owned farms or in street cleaning. The UN Special Rapporteur did not report on *subbotniks* in his 2019 report. Experts have reported authorities threatened individuals who refused to work with fines or unpaid premium compensation. Authorities have required university and high school students to participate, without compensation, in public works projects; in rural areas, they may also help farmers during the harvest season. University students who fail to participate risk the loss of housing in subsidized dormitories or penalization during exams. The ILO Committee of Experts noted its continued concern in 2019 that, although there have 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.

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