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2019 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; therefore Belarus remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including investigating and prosecuting significantly more trafficking cases under its trafficking statute. However, the government maintained policies that actively compelled the forced labor of its citizens, including civil servants, students, and citizens suffering from drug or alcohol dependency, among others. For the sixth consecutive year, authorities did not convict any traffickers under the trafficking statute.

PRIORITIZED RECOMMENDATIONS

Reform state policies to end all forms of state-sponsored forced labor, including reforming laws and presidential decrees that result in civil servants, students, and citizens suffering from drug or alcohol dependency, among others being subjected to forced labor. • Amend the criminal code to remove the possibility of forced “corrective” labor, or involuntary employment, as a penalty for political dissent. • Continue to increase efforts to investigate and prosecute cases of forced labor and sex trafficking. • 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 vulnerable groups, including migrants and individuals in prostitution, 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, although for the sixth consecutive year, the government did not convict any traffickers under its trafficking statute. 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 fifteen 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 six trafficking investigations in 2018 under Article 181, compared with one each year from 2014 to 2017 and six in 2013. Authorities initiated four investigations under Article 181-1, which criminalized the use of forced labor, compared with one case in 2017 and no cases in 2016. The government initiated six trafficking prosecutions under Article 181, compared to one each year from 2015 to 2017 and none in 2014. The government did not convict any traffickers under Article 181; the last conviction was in 2012. Authorities prosecuted seven individuals for potential child sex trafficking offenses under other articles in the criminal code in 2018, compared with three individuals in 2017 and four in 2016. The government reported investigations and convictions under other articles that contain elements of trafficking, but 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 interior ministry’s law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement; the government collaborated with an international organization on training for officials to improve victim identification and assistance.

PROTECTION

The government maintained victim protection efforts. The government identified 22 confirmed and 140 potential trafficking victims during law enforcement investigations, compared with two confirmed and 129 potential victims in 2017 and 184 confirmed and potential victims in 2016. Of the 22 confirmed victims the government identified in 2018, 11 victims, including two children, were subjected to sex trafficking. Twelve victims were trafficked in Belarus, 10 for forced labor. Nine of the 10 victims trafficked abroad were exploited in prostitution. The government routinely referred trafficking victims to NGOs for assistance through the national referral mechanism; however, some state agencies with identification responsibilities lacked the capacity to fully comply with the mechanism. NGOs reported law enforcement officials referred 68 confirmed and potential victims to international organizations and NGOs for care, compared with 134 in 2017. The government reported 230 potential victims formally applied for victim status and it approved 142 applications. According to a GRETA report, authorities did not identify some victims who had initially consented to perform a certain job or service in which they were later exploited; identification procedures did not specify the initial consent of victims was irrelevant when there was the presence of force, fraud, or coercion. The government reported increased screening of individuals arrested for prostitution for trafficking indicators and exempting them from any legal liability. The government identified 114 individuals forced into prostitution in 2018, compared to 101 in 2017; the victims were not held liable for any offense. The government reported detaining 228 illegal migrants from North African countries in July

2018 who were attempting to transit Belarus en route to the European Union after entering Russia to attend the World Cup. The government did not report screening these migrants for trafficking indicators.

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. The government did not provide financial support for NGOs. NGOs identified and assisted 130 trafficking victims in 2018, compared to 137 in 2017; 56 victims were female and 74 were male, 81 were trafficked for forced labor, and 39 were sex trafficked. The majority of the victims (72) were trafficked in Russia, while 46 were trafficked internally in Belarus. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 132 “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 reported four trafficking victims used these facilities. Observers reported most victims sought assistance at private shelters because the government’s centers were poorly equipped and lacked qualified caregivers. The education ministry maintained 138 centers that could provide vulnerable children with shelter and basic provisions, including 103 orphanages. An NGO assisted 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 TIP issues and coordinated implementation of the 2017-2019 State Program on Countering Crime and Corruption, which included anti-trafficking activities. Interdisciplinary bodies comprised representatives from law enforcement, education, healthcare, labor, and social welfare sectors, judiciary, media, clergy, and civil society and met on an annual basis to discuss implementation of the national referral mechanism. 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. 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 1,422 calls for consultations in 2018. For the second consecutive year, the government did not investigate or file charges related to illegal recruitment in 2018, compared to 50 companies charged in 2016; authorities seldom enforced forced labor regulations and resources and inspections dedicated to preventing forced labor were minimal and inadequate to deter violations. The government reported efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Belarus, and victims from Belarus are exploited 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.

State-sponsored forced labor continues to be an area of concern. In 2018, the UN Special Rapporteur on the Situation of Human Rights in Belarus, in his report to the Human Rights Council (HRC), noted that forced labor remained the most visible violation of economic and social rights in Belarus. In an observation released in 2017, the ILO Committee of Experts reported a 2010 law allows for Belarusians suffering from alcoholism or drug dependencies to be “interned in ‘medical labor centers’ for a period of 12 to 18 months and have an obligation to work; refusing to work results in punishment, such as solitary confinement, for up to ten days.” Authorities have sent more than 8,000 people to “medical labor centers” since 2016. In January 2018, the government rescinded Presidential Decree Number 3 of 2015, the so-called “parasite tax,” which required unemployed persons to pay a fee to the state or potentially face compulsory community service. Presidential Decree Number 1 of 2018, which was adopted with the rescindment of Decree Number 3 and entered into force on January 1, 2019, requires the unemployed to pay for utilities in full without the benefit of government subsidies. The UN Special Rapporteur on Human Rights in Belarus, in his 2018 report to the HRC, expressed concern that under Presidential Decree 1, the unemployed may be labeled “anti-social” and potentially sent to “medical labor centers” under the 2010 law. The government continued the practice of *subbotniks*, which required employees of the government and state enterprises to work on some Saturdays; in lieu of payment to employees for work performed, the government allocated their wages to finance government projects. Although the government does not require private businesses to participate, 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 intimidate and fine some workers who refuse to participate. Authorities require 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. Per a 2006 presidential decree, parents who have had their parental rights removed may be subjected to compulsory labor, and the government retains 70 percent of their salaries. The ILO Committee of Experts noted its continued concern in 2018 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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