

BELARUS (TIER 3)

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; therefore, Belarus remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including actively engaging in multilateral efforts to combat trafficking, making efforts to protect Belarussian victims exploited abroad, and repealing a decree in June 2016 that prevented state workers in wood processing from leaving their jobs. However, the government maintained policies that actively compelled the forced labor of its citizens, including civil servants, students, part-time workers and the unemployed, citizens suffering from drug or alcohol dependency, and, at times, critics of the government, among others. For the fourth 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 repealing presidential decrees and other laws that result in the unemployed, 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 labor as a penalty for political dissent; significantly increase efforts to investigate and prosecute cases of forced labor and sex trafficking; amend article 181 to include exploiting children under 18 to engage in commercial sex 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 maintained weak 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 exploiting children under 18 to engage in commercial sex a trafficking crime unless there is evidence of coercion. The government reported one sex trafficking investigation in 2016 under article 181, compared with one in 2015, one in 2014, and six in 2013. Authorities did not initiate any investigations under article 181-1, which criminalizes the use of forced labor, a decrease from one investigation in the prior year. The government did not convict any traffickers under article 181 in 2013, 2014, 2015, or 2016. Authorities prosecuted at least four individuals for potential

child sex trafficking offenses under other articles in the criminal code in 2016, compared with six individuals in 2015, and three individuals in 2014. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement and NGO officials.

PROTECTION

The government maintained its victim protection efforts. The government identified one confirmed and 183 potential trafficking victims during law enforcement investigations, compared with 121 confirmed and potential victims in 2015 and 113 in 2014. The government reported law enforcement officials referred 55 victims to international organizations and NGOs for care, compared with 27 in 2015 and 32 in 2014. NGOs reported assisting 279 trafficking victims in 2016, 27 of whom were children. The government reported providing medical care and information to 70 individuals who may have been, but were not identified as, trafficking victims. The government reported screening individuals arrested for prostitution for trafficking indicators and exempting them from any legal liability; as a result, the government reported that of the 1,420 individuals convicted on prostitution charges in 2016, none were trafficking victims. The government reported training designated police officers and diplomats on victim identification and referral procedures.

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 have trafficking-specific facilities available to care for victims, but local authorities operated 124 "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. Of the 124 facilities, 15 were newly opened in 2016. The Ministry of Labor and Social Welfare conducted monitoring of the "crisis rooms" operations and, with assistance from NGOs, drafted a list of measures to improve services for implementation in 2017. The Ministry of Labor and Social Affairs also dropped limits on the amount of time vulnerable individuals could stay in the facilities. The government did not report the use of these facilities by any identified trafficking victims.

In previous years, 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 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, and provided in-kind assistance to anti-trafficking NGOs 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 1,157 calls for consultations in 2016. Although authorities charged 50 companies 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. A national Human rights action plan, adopted in October 2016, includes five points on trafficking, including increased prevention efforts via information and awareness campaigns, prosecution of traffickers, training of police officers and other government employees on victim identification, and the promotion of Belarus's anti-trafficking efforts in international fora. A draft action plan, the 2016-2018 State Program on Countering Crime and Corruption, which included anti-trafficking activities, remained pending approval for a second year and had not been adopted by the close of the reporting period. The government did not report efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, 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 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 UNHRC adopted a resolution in July 2015 expressing deep concern at the government's "violations of labor rights amounting to forced labor," among other human rights issues. The European Parliament condemned an April 2015 Belarusian presidential decree that requires unemployed persons to pay a fee to the state or potentially face compulsory community service. In June 2016, the government repealed a 2012 decree preventing state workers in wood processing from leaving their jobs without employer approval and subjecting them to significant fines; failure to pay those fines placed employees at risk of having to work 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 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." 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 intimidate and fine 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 force 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 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. The ILO Committee of Experts cited reports that the government used or threatened to use arbitrary detention involving compulsory labor for apparently political motives.