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## مجلس حقوق الإنسان

الدورة الرابعة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية

والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بالاتجار بالأشخاص، لا سيما النساء والأطفال، السيدة جوي نغوزي إيزيلو\*

إضافة

البعثة إلى بيلاروس\*\*

موجز

يستكشف هذا التقرير جوانب حقوق الإنسان في الاتجار بالأشخاص في بيلاروس في ضوء المعايير الدولية لحقوق الإنسان. واستناداً إلى المعلومات التي جمعتها المقررة الخاصة قبل هذه الزيارة وأثناءها، تلقي المقررة الضوء على عدد من التدابير التشريعية والسياساتية القوية التي اتخذت للتصدي للاتجار بالأشخاص. وتقدم المقررة الخاصة في الختام عدداً من التوصيات مساهمةً في تعزيز الجهود الجارية المبذولة في سبيل منع هذا الاتجار ومكافحته وحماية حقوق ضحاياه.

\* تأخر تقديم هذه الوثيقة.

\*\* يُعمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الذي يرد في مرفق الموجز، فيُعمَّم باللغة التي قدَّم بها وباللغة الروسية فقط.

## Annex

### Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Belarus

(18 to 24 May 2009)

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–6	3
II. Background and situation.....	7–14	4
III. Main findings.....	15–91	5
A. Legislative framework .....	15–41	5
B. Prevention .....	42–49	10
C. Identification, protection and assistance to victims of trafficking .....	50–74	12
D. Prosecution of cases of trafficking .....	75–81	17
E. Cooperation with civil society .....	82–85	18
F. International, regional and bilateral cooperation .....	86–91	19
IV. Conclusions and recommendations.....	92–113	20
A. Conclusions .....	92–94	20
B. Recommendations .....	95–113	20

## I. Introduction

1. The Special Rapporteur on trafficking in persons, especially women and children, undertook a visit to Belarus from 18 to 24 May 2009 at the invitation of the Government of Belarus. The Special Rapporteur conducted meetings and consultations with and visits to various stakeholders in Minsk and Brest.
2. The Special Rapporteur thanks the Government for its hospitality and collaboration in facilitating meetings with officials from its various branches and for its cooperation prior to, during and following the visit.
3. In Minsk, the Special Rapporteur met with high-level Government officials, including the First Deputy Head of the Presidential Administration, ministers and representatives of the Ministry of Foreign Affairs, Ministry of Justice, Office of the Prosecutor-General, Ministry of the Interior, Ministry of Labour and Social Protection and Ministry of Health. The Special Rapporteur also met with members of the House of Representatives of the National Assembly and with judges of the Supreme Court. She held meetings with representatives of the National Centre of Legislation and Legal Studies, the State Border Committee and the Secretariat of the Commonwealth of Independent States (CIS). The Special Rapporteur visited the International Organization for Migration (IOM) Rehabilitation Centre for Victims of Trafficking, the International Training Centre for Migration and Combating Human Trafficking and the Minsk City Centre of Social Services for Family and Children. In Brest, the Special Rapporteur met with the Executive Committee of Brest Province and visited a centre for the temporary stay of migrants as well as the detention facilities afferent to it.
4. The Special Rapporteur warmly thanks the United Nations Resident Coordinator and the staff from the United Nations country team for their strong support prior to, during and following the visit. The Special Rapporteur had the opportunity to meet with members of the United Nations country team and representatives of certain embassies in Minsk and international organizations (European Union delegation to Belarus, Organization for Security and Co-operation in Europe (OSCE), International Federation of Red Cross and Red Crescent Societies and United States Agency for International Development (USAID)).
5. In Minsk and Brest, the Special Rapporteur met with various non-governmental organizations (NGOs).
6. The objective of the visit was to explore the human rights aspects of trafficking in persons in Belarus. More specifically, she sought information on a variety of measures taken to address trafficking in persons, including legislation, statistical information, work on root causes, cooperation between the various actors and prevention efforts. She also explored the steps being taken by the Government and partners to rehabilitate, reintegrate and redress of violations suffered by victims. At the close of the visit, the Special Rapporteur shared her preliminary thoughts with the Government.

## II. Background and situation

7. Belarus is located in the Eastern part of Europe and shares borders with Latvia, Lithuania, Poland, the Russian Federation and Ukraine. Its territory is 207,600 km<sup>2</sup> and the total population is estimated at 9,648,533 (July 2009).<sup>1</sup>

8. According to the 1999 census, the ethnic composition of the population was 81.2 per cent Belarusian, 11.4 per cent Russian, 3.9 per cent Polish, 2.4 per cent Ukrainian and 1.1 per cent other.<sup>2</sup> Belarus is divided into six provinces: Brest, Vitebsk, Gomel, Grodno, Minsk and Mogilev.

9. After seven decades as a constituent republic of the Union of Soviet Socialist Republics (USSR), Belarus attained its independence in 1991. Belarus has formed a single economic area and labour market with the Russian Federation and there is freedom of movement between the two States. Aleksandr Lukashenko was elected as the first President of Belarus in July 1994 and won re-election to a third consecutive term in office in March 2006.

10. The United Nations Development Programme (UNDP) has been present in Belarus since 1992.<sup>3</sup> The United Nations country team is comprised of 12 agencies, funds and programmes (UNDP, United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees, Joint United Nations Programme on HIV/AIDS (UNAIDS), World Health Organization, United Nations Population Fund, World Bank, International Finance Corporation, International Monetary Fund, International Labour Organization (ILO), IOM and the Department of Public Information).

11. The Government informed the Special Rapporteur that, at the beginning of the new millennium, Belarusians were travelling to other CIS States, Western Europe and the Baltic States seeking better job opportunities, and some were becoming victims of trafficking in persons. It was at that time that the Government felt the need to tackle economic and other structural issues and studied various international experiences to assist it in its fight against trafficking. Thus, in 2005, investigations were launched into the activities of 40 modelling agencies, which were allegedly recruiting and delivering Belarusian women across the border for the purposes of sexual exploitation. The Government concluded that the State should issue licences to any agency seeking to provide employment links for Belarusians abroad. The Special Rapporteur learned that there are currently 53 bodies licensed to invite Belarusian citizens to work abroad – 3 of which are modelling agencies – and fewer tourist agencies than before.

12. The Special Rapporteur received information that Belarus is a source and transit country for trafficking in persons to a number of countries in various regions of the world, and has recently started to become a destination country. One NGO that runs a hotline informed the Special Rapporteur that they receive calls from individuals from 77 destination countries. IOM reports that it assisted the following numbers of victims of trafficking assisted in Belarus between 2005 and March 2009:

<sup>1</sup> See United States of America, *The World Factbook 2009* (Washington, D.C., Central Intelligence Agency, 2009). Available from <https://www.cia.gov/library/publications/the-world-factbook/geos/bo.html>.

<sup>2</sup> Ibid..

<sup>3</sup> The website of UNDP in Belarus is available from <http://un.by/en/undp/about/>.

2005	2006	2007	2008	January–March 2009
563	422	184	218	60

13. Due to the insidious nature of the phenomenon, the actual scale of trafficking in human beings around the world and, in this context, in Belarus (as either a source, transit or destination country) is difficult to measure. While official statistics indicate a downward trend in the number of victims identified in criminal prosecution cases, the Special Rapporteur warns that such statistics do not necessarily reflect the actual scale of trafficking in Belarus. Many victims may be improperly identified, others do not come forward at all owing to social taboos linked to having been trafficked and others have simply fallen through the cracks in the system. Most of the Special Rapporteur's interlocutors agreed that trafficking in human beings was widespread and that exploitation of Belarusian men for forced labour was on the increase.

14. Trafficking may also be a cyclical phenomenon: some women who have been victims of trafficking reportedly recruit other women and become traffickers in an attempt to "free" themselves from their captors who have exploited and victimized them.

### III. Main findings

#### A. Legislative framework

##### 1. Laws

15. Belarus is a party to the International Covenant on Civil and Political Rights and its First Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, the Convention on the Civil Aspects of International Child Abduction and the International Convention on the Elimination of All Forms of Racial Discrimination.

16. Belarus is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the "Palermo Protocol"), the ILO Convention concerning Forced or Compulsory Labour (Convention No. 29) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182). Belarus has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. At the regional level, Belarus is a CIS founding member. It is a party to the Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States and the Agreement on the Cooperation of the CIS member States in Combating Trafficking in Persons, Human Organs and Tissues. The objective of this latter agreement is to develop a coherent strategy and adopt integrated joint legal, socio-economic, informational and other measures to combat human trafficking, eliminate the causes and conditions conducive to its emergence and protect and rehabilitate victims. The parties also agree to cooperate to prevent, detect, deter and solve the crimes related to

trafficking in persons and protect victims of trafficking in persons, especially women and children, and their rehabilitation. Belarus has also ratified the CIS Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases and is in active partnership with CIS in combating trafficking.

18. Representatives of the National Assembly, among others, informed the Special Rapporteur that Belarus has been attempting to accede to the Council of Europe Convention on Action against Trafficking in Human Beings, but that it has not been successful in this regard. The Special Rapporteur recalls that this Convention is open to ratification by non-member States of the Council of Europe and consequently encourages Belarus to ratify it, given the fact that the country is located in Europe and many of its citizens have been trafficked to Western Europe, among others. Such ratification will encourage the necessary synergy for combating trafficking in that region.

19. In terms of the national legal framework in Belarus for combating trafficking, the President issued several laws and presidential decrees in 2005 to address the issue of trafficking in persons.<sup>4</sup> Act No. 15-3 of 4 May 2005 on amending certain codes of the Republic of Belarus to increase liability for human trafficking and other related offences introduced and/or amended provisions of the Criminal Code and the Code of Administrative Offences in respect of the following trafficking-related crimes.

(a) The crime of “Exploitation of prostitution or creating conditions for prostitution” (art. 171 of the Criminal Code) provides that actions involving the removal of a person outside of the country for engagement in prostitution are punishable by imprisonment of 7–10 years with the confiscation of property.

(b) “Incitement into prostitution and forcing into a continuation of prostitution” (art. 171-1 of the Criminal Code) is punishable by imprisonment for a term of between one and three years, or three and five years if committed repetitively or with the use of force or the threat of force. If committed against a minor by a person performing parenting functions or by an organized group, the penalty is prison for a term of 7–10 years.

(c) The article on the offence of “Human trafficking” (art. 181 of the Criminal Code) provides that the buying/selling of a person or other transactions committed against a person, as well as recruitment, transportation, transfer, harbouring or receipt of a person committed for exploitation purposes, are punishable by imprisonment for a term of between five and seven years with the confiscation of property. If “human trafficking” is committed in the following circumstances, *inter alia*, then it is punishable by imprisonment for a term of 10–12 years:

- (i) Against a person who is known to be under age;
- (ii) For the purposes of sexual exploitation;
- (iii) Against two or more persons;
- (iv) To remove organs or tissues of a victim for transplantation;
- (v) By a group of persons by prior conspiracy;
- (vi) For the purpose of transporting a victim outside of the country;
- (vii) Taking advantage of a victim’s vulnerability (coincidence of difficult personal, family or other circumstances); and

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<sup>4</sup> Some of these laws were informed by the European Union and UNDP project “Combating Trafficking in Women in the Republic of Belarus”, financed by the European Commission.

- (viii) By deception, abuse of confidence or combined with the use of force, the threat or other forms of coercion.

Exploitation of a person implies illegally forcing a person into labour or requiring services in case he/she is unable to refuse this work (services) for reasons beyond their control, including slavery or slavery-like practices.

(d) Article 181-1 Criminal Code provides that the use of slave labour or other form of exploitation in the absence of a crime under article 181 of the Criminal Code is punished with imprisonment for a term of between two and five years. If committed against a minor, the offence is punishable by imprisonment for a term of 3–10 years with or without confiscation of property.

(e) Article 182, paragraph 1, of the Criminal Code provides that the capture of a person in secret, in the open, by deception or the abuse of confidence or combined with the use of force or the threat or other forms of coercion, in the absence of signs of an offence of “abduction”, is punishable by imprisonment for a term of between five and seven years with or without confiscation of property.

(f) Article 187 Criminal Code provides that if, as a result of illegal acts directed towards foreign employment of Belarusian citizens, persons who have been secured employment abroad were subjected to sexual or other exploitation against the will of a person in the absence of signs of the offence stipulated by article 181 of this Code are punishable by imprisonment for a term of between three and five years with the revocation of the right to hold certain offices or pursue certain activities. If committed by an organized group, such offences are punishable by imprisonment for a term of between six and eight years with the confiscation of property and with the revocation of the right to hold certain offices or pursue certain activities.

20. Presidential Decree No. 3 of 9 March 2005 on certain measures aimed at combating trafficking in human beings regulates all acts aimed at employing citizens of Belarus abroad. More specifically, any such acts may only be performed when a special permit has been issued by the Ministry of the Interior and under certain enumerated conditions. Furthermore, it provides that citizens who study at educational institutions in Belarus shall be sent to study abroad only upon written permission of the Ministry of Education. The decree regulates the activities of bridal, advertising and model agencies.

21. Decree No. 15 amends Decree No. 3 and contains procedures for documents required for marriage, travel agencies and those individuals planning to study abroad.

22. Decree No. 352 on prevention of the consequences of trafficking in human beings of 8 August 2005 establishes a legal and institutional framework for providing protection to persons who have suffered from criminal activities related to trafficking in human beings. It deals with social protection and rehabilitation (granting of temporary shelters, legal, medical and psychological assistance and other assistance in securing employment). Furthermore, this decree provides that criminal prosecution bodies shall send victims to regional public centres for social services to carry out those assistance measures (for those victims aged 15 and above), under the aegis of the Ministry of Labour and Social Protection. For children aged between 3 and 15 years, those services shall be carried out by social shelters for children, under the aegis of the Ministry of Education. Article 10 also provides that a foreign national or stateless citizen who is a victim of trafficking and is actively assisting the investigation of a crime entailing trafficking in human beings, and whose term for staying on the territory in Belarus has expired, shall be granted by the Ministry of the Interior, a temporary permit to stay in Belarus, for a period of no more than one year, to allow for his/her participation in the legal proceedings, social protection and rehabilitation.

23. Article 5, paragraph 1, of the Palermo Protocol provides that each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of the Protocol, when committed intentionally. The above decrees reflect the provisions of the Palermo Protocol, including with respect to the definition of trafficking, and provisions regarding prevention, assistance and prosecution.

24. The Special Rapporteur observed that there is currently no law on domestic violence in Belarus. She was informed by the National Centre of Legislation and Legal Studies that, while there is no bill pending on the issue, the Government is examining the question carefully. Representatives of the National Centre stated that regulation of this problem and its prevention are provided for in other norms which define violence in the family. Currently, cases of domestic violence are treated as cases of “assault” under relevant legislation. The Special Rapporteur recalls the recommendation of the Committee on the Elimination of Discrimination against Women to Belarus to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed (A/59/38, part I, para. 348).

25. The Special Rapporteur welcomed information received of a Council of Ministers directive (2008) establishing the National Action Plan on Gender Equality 2008–2010.

## 2. Policies

26. The Special Rapporteur noted the wide range of programmes and policies enacted by the Government and regional and international organizations to combat trafficking in persons. The first State Programme to combat trafficking in persons and illegal migration and related criminal activities covered the period 2002–2007. The Special Rapporteur was informed that Belarus is currently implementing the first stage of its second such State programme (2008–2010). The main objectives of the State programme are to: (a) decrease the rate of crime related to trafficking in persons, irregular migration, spread of prostitution and child pornography; (b) protect and rehabilitate victims of trafficking; (c) enhance the efficiency of State authorities’ performance in prevention, exposure and suppression of trafficking, irregular migration and related illicit activities; (d) further improve legislation in these fields, based on real-life experience of its realization and taking into consideration international treaties; and (e) develop cooperation with concerned States, international, intergovernmental and non-governmental organizations in these fields.

27. The Ministry of the Interior is the main coordination body in the field of combating trafficking in human beings, and thus coordinates the work of 15 ministries involved in the implementation of the State programme and reports annually to the Council of Ministers and the President. The State programme provides a framework for addressing trafficking-related crimes. Regarding implementation of the first programme of action (2007–2010), the CIS Secretariat informed the Special Rapporteur that some objectives which were not achieved during the first programme of action have been carried over into the current, second programme.

28. The Special Rapporteur was informed about a CIS conference in collaboration with IOM scheduled for September 2009 in Moscow to review and adopt practical approaches to improving the efforts of CIS member States in tackling human trafficking.

29. In 2004, the Ministry of the Interior was reinforced with a special unit, renamed in 2006 as the Department on Combating Intergovernmental Trafficking in Human Beings.

30. The Special Rapporteur notes the State Migration Programme (2006–2010), which includes a set of measures directed at the development of temporary safe labour migration.



31. The Special Rapporteur visited and met with representatives of the International Training Centre for Migration and Combating Human Trafficking in Minsk.<sup>5</sup> The Centre was established in March 2007 and operational as of 2008 for the purpose of educating, sharing experiences, achievements and best practices in fighting human trafficking. Funding is provided mainly from IOM and the Government (Academy of the Ministry of the Interior). Its tasks include: training Government staff and law enforcement officials (e.g., prosecutors and judges), civil society representatives, law professors and members of international organizations; exchanging best practices; and enhancing cooperation with international organizations on the issues of migration and combating human trafficking. Courses are offered on countering trafficking (both national and international), labour migration, social and psychological assistance, migration trends and legal models to manage migration. The diploma issued by the Centre is recognized by the Ministry of Education. The Centre's staff is composed mainly of members of management or specialists/researchers from the Academy with experience in public-speaking/teaching similar groups. The Special Rapporteur had the opportunity to address participants, who interacted with the Special Rapporteur on global efforts aimed at combating trafficking and, in particular, the role of the United Nations and the Office of the High Commissioner for Human Rights in ensuring a human rights perspective is incorporated into all measures taken to counter human trafficking. The Special Rapporteur stands ready to provide assistance and advice to enhance the Centre's effectiveness.

32. Field training also occurs at the airport and with the border committee. The Special Rapporteur learned that, in 2008, 108 specialists were trained by means of 17 seminars. Representatives of the Prosecutor's Office of the United Arab Emirates were also trained at the Centre and have asked for another course on the issue of countering trafficking in human beings. The Centre's representatives requested greater technical cooperation from the Office of the High Commissioner for Human Rights, which could include sharing of documentation or assistance in organizing a course. The Special Rapporteur commended the Centre's work and suggested that it share experiences with similar centres in other countries.

33. The Special Rapporteur also learned about a joint project of the European Union, UNDP and UNICEF entitled "Preventing, Fighting and Addressing the Social Consequences of Trafficking in Human Beings in the Republic of Belarus", which was launched in July 2009. The project aims to enhance national capacities in fighting trafficking, with a focus on preventive measures and better protection and rehabilitation/recovery of victims of trafficking.

### **3. Practices**

34. Judges at the Supreme Court, the highest level of tribunal in Belarus, consider their domestic laws related to trafficking-related crimes to be sufficient. Sometimes, the courts may apply and/or refer to the Palermo Protocol.

35. The Supreme Court operates as a court of review of civil and criminal matters and has the competence to make recommendations to the Constitutional Court regarding the conformity of laws, decrees and edicts of the President, international agreements and other obligations of the Republic of Belarus with the Constitution.<sup>6</sup> The Court also reported that it is active in a variety of events, meetings and conferences intended to exchange ideas on

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<sup>5</sup> Information on the Centre is available from [www.academy.mia.by/itc](http://www.academy.mia.by/itc).

<sup>6</sup> Art. 116, para. 4, of the Constitution of the Republic of Belarus.

counter-trafficking laws and practices with counterparts in the Baltic States, Moldova, the Russian Federation and Ukraine.

36. Since 2005, in cooperation with IOM, judges at all levels are provided with training on trafficking in persons, at the rate of approximately 120 judges per year. Judges also take part in human rights seminars organized by IOM, OSCE and UNDP and through the Judicial Further Training Institute and in partnership with IOM. Prosecutors, borders guards, regional field officers of the Ministry of Interior, and investigators and representatives of the Office of the Prosecutor General also benefit from counter-trafficking training seminars conducted by IOM.

37. According to information provided, even though compensation is granted to victims of trafficking during criminal trials, they can in practice pursue further compensation by way of civil procedure or action.

38. Article 11 of Decree No. 352 provides that “measures on protecting the victims of trafficking in human beings, envisaged by this Decree, shall not be applied, and those being applied shall be revoked, if the victim of trafficking in human beings is impeding the initial investigation or the legal proceedings of the criminal case”. While she did not receive any allegations that this had occurred, the Special Rapporteur insists that the lack of capacity or willingness on the part of the victim of trafficking to participate in legal proceedings should never be interpreted as “impeding an initial investigation or the legal proceedings”.

39. The Special Rapporteur takes this opportunity to recall Principle 8 of the Recommended Principles on Human Rights and Human Trafficking which provides that “States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings” (E/2002/68/Add.1, para. 8).

40. Some concerns were reported about violations of certain human rights in the name of counter-trafficking efforts, such as freedom of movement, right to privacy and right to work and earn a decent livelihood. It is reported that certain measures (such as the requirements to obtain a permit to study or work abroad) are repressive and, in some instances, can restrict the constitutionally protected right to freedom of movement and other internationally recognized human rights. A student is required to obtain an authorization permit from the Ministry of Education before pursuing studies abroad. Allegedly, the Ministry can refuse to issue such an authorization without giving reasons to the applicant. Although, an appeal procedure exists in case of rejection of an application, the Government must ensure that the rights and freedoms of applicants are fully respected.

41. The Special Rapporteur recalls that anti-trafficking measures should not operate to violate people’s human rights. A proper balance must be struck between measures to combat trafficking and the protection of human rights.

## **B. Prevention**

42. Strategies aimed at preventing trafficking in persons must take into account root causes, such as demand and factors which increase vulnerability to trafficking. The Special Rapporteur learned of various initiatives undertaken by the Government to raise awareness of the dangers associated with trafficking in persons. For instance, a course in schools was introduced to increase awareness of violence, where to get assistance and how to react. Furthermore, the Special Rapporteur observed a widespread Government multimedia campaign in Minsk raising the awareness of the general population of the dangers of trafficking. She also noted a number of information, education and communication

materials available on trafficking in persons and domestic violence against women at the Regional Social Service Centre of the Pervomaisky District of Minsk. Some NGOs work directly with high-risk groups (including the military), provide free films describing the problem, organize events for young people and competitions, etc.. One NGO provides advice for those seeking opportunities abroad and assists in enhancing qualifications of students, such as by establishing links with teacher training institutes, training sessions and preventive work in schools.

43. Another NGO focuses on the prevention of domestic violence and promotion of gender equality. It reports that over 50 per cent of trafficking victims who approach it have been victims of domestic violence. Consequently, it organizes information sessions and training in small towns and currently trains trainers on: prevention of trafficking and domestic violence; promotion of gender equality in the workplace; how to find a job; and how individuals can defend their own rights. This NGO also runs a hotline; the majority of callers are those seeking to go abroad. Twenty per cent of calls are from women; 14 per cent are from those seeking information about marriage/divorce abroad; approximately 25 per cent come from those who would like to access certain consulates abroad; and between 5 and 8 per cent come from victims or relatives looking for family members. Another NGO reports that it has received 10,150 calls on its hotline since 2003. Of its callers, 69 per cent are women and 31 per cent from men. The hotline also receives calls from abroad.

44. IOM prevention activities include a toll-free hotline in Brest for consultations on safe work and travel abroad; dissemination of awareness-raising materials; holding a number of trainings and seminars for governmental officials, civil society organizations, journalists, diplomats and “at risk” groups including on jobseeking; establishment and development of prevention and referral networks consisting of 13 civil society organizations.

45. The Special Rapporteur received information that implementation of the current Government campaign against trafficking appears not to focus enough on prevention or addressing the root causes of the phenomenon. However, subsequent information from the authorities maintains that the second State Plan of Action for combating human trafficking, illegal migration and related wrongful acts for 2008–2010 focuses on prevention of trafficking, information campaigns and the eradication of the causes and conditions conducive to the emergence of “modern slavery”. While the Government must ensure that traffickers are prosecuted and charged accordingly, the Special Rapporteur insists that any such measures must also be coupled with effective preventive measures which tackle the root causes of trafficking, particularly since Belarus has traditionally been a source country for trafficking.

46. The root causes of trafficking in human beings are multiple and interlinked, and include such issues as gender inequalities, poverty and/or low economic conditions and employment opportunities and demand for exploitative services. Therefore, a multisectoral approach to tackling such root causes is crucial. Domestic violence is reportedly the second largest problem affecting Belarus. However, there are currently no specialized shelters for women suffering from domestic violence, no national hotline dedicated to the issue and, as already mentioned, no law on domestic violence. One interlocutor expressed a wish to be able to set up a legal aid clinic for victims of domestic violence. A robust law on domestic violence would help in decreasing the number of persons, especially women, who may become vulnerable to trafficking. The Special Rapporteur observed that levels of awareness on trafficking are high, but nevertheless insists that assistance and prevention programmes should be more targeted to particular vulnerable groups.

47. While recognizing certain efforts undertaken by Belarus and civil society organizations to strengthen skills and employment training, the Special Rapporteur is

concerned about reports that, while official statistics indicate that unemployment levels are low, wages are still relatively low and underemployment continues to exist.

48. Furthermore, the Special Rapporteur is concerned about allegations of gender inequalities in employment and access to employment. The Ministry of Labour stated that women represent 52.2 per cent of the total economically active population and men 46.9 per cent. While the Ministry of Labour reported that unemployment for women has decreased, the Special Rapporteur insists that the gender dimension should be taken into account in any efforts to combat gender inequalities in the labour market. The Special Rapporteur also encourages Belarus to examine ways of increasing opportunities for legal, gainful and non-exploitative labour migration.

49. Article 9, paragraph 5, of the Palermo Protocol provides that States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. The demand for trafficked men, women and children exists at three levels: employer demand, consumer demand (such as clients of the sex industry, corporate buyers or household members for domestic work) and third parties involved in the process (such as recruiters, agents, transporters and others who participate knowingly in the movement of persons for the purposes of exploitation).<sup>7</sup> The fact that there is still a demand for labour that is exploitative or services which breach the human rights of the person delivering those services must be addressed urgently by the Government and civil society alike.

## **C. Identification, protection and assistance to victims of trafficking**

### **1. Identification**

50. The proper identification of victims of trafficking is vital in providing the assistance necessary to guarantee full, or at least substantial, recovery from harm suffered and to rehabilitate and reintegrate the victim socially and economically. The process of identifying a victim of trafficking is an increasingly complex endeavour, and is linked to the authorities and organizations involved in providing protection and assistance to the victim, as well as factors related to the victim him/herself.

51. The Special Rapporteur was informed that the violence suffered as a result of being trafficked for sexual exploitation was often an extension of the violence suffered by some women at home. In such circumstances, it is difficult for a victim to identify herself as a victim of trafficking and to understand that she should be entitled to protection as a victim of trafficking. For male victims of labour exploitation, they often believe that their labour rights have been violated, rather than that they are entitled to protection as victims of trafficking.

52. Such circumstances reinforce the importance and need for clear guidelines and procedures for relevant State authorities and officials (police officers, border guards and immigration officials) to permit the rapid and accurate identification of trafficked persons, as indicated in the Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1). Guidelines should also be developed on dealing with child victims of

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<sup>7</sup> *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (United Nations publication, Sales No. E.08.V.14), p. 457.

trafficking. Appropriate training must be provided to relevant authorities and officials as envisaged under article 10 of the Palermo Protocol.

53. The State Border Committee reported on its procedures for dealing with victims or possible or potential victims of trafficking. When border officials encounter such individuals, they inform the Ministry of the Interior, the La Strada programme of the Belarus Young Women's Christian Association (YWCA) and the Belarusian Red Cross. While border officials attempt to identify potential victims, psychologists are already working with them. They try to convince them not to cross borders by explaining the dangers of what lies ahead for them. The individuals then either remain in a shelter or other form of accommodation or are sent to the Ministry of the Interior. Representatives informed the Special Rapporteur that they have joint projects to improve the psychological services available within the border service. The border officials work within the framework of the presidential decrees on combating trafficking in human beings.

54. The Special Rapporteur learned that IOM provides training to law enforcement officials. La Strada/YWCA also reported that it organizes training for the police and border services and those officials who might be involved in identifying victims or potential victims of trafficking. The Special Rapporteur notes that training and information exchange must be carried out by the Government in collaboration with NGOs and other relevant civil society organizations or stakeholders.

55. Additionally, the Special Rapporteur shares the views expressed by some interlocutors for the need to increase the quantity and quality of training provided to relevant Government officials on identification of victims. Proper identification helps in reconciling statistical information on victims of trafficking received from the Government with those statistics received from NGOs and other service providers.

56. The Special Rapporteur learned that the Office for Democratic Institutions and Human Rights of OSCE is engaged in a project with the Belarus YWCA, IOM and the Ministry of the Interior with a view to assessing the anti-trafficking structures in Belarus, to identify and refer trafficked persons to support services, provide assistance and protection and assess the need for a national referral system on trafficking. The plan for such a mechanism is reportedly being discussed. An effective national referral mechanism must ensure an intersectoral approach to identifying and assisting victims of trafficking, sharing adequate and timely information and ensuring that trained professionals are at points of contact with individuals who could be potential victims of trafficking or who are already victims, and can be referred to relevant associations or authorities depending on the type of assistance or protection required.

57. Identifying victims and, more specifically, separating them from the perpetrators of the crime of trafficking is a complex process. One concern expressed to the Special Rapporteur is that in efforts to clamp down on trafficking, there is a risk that the Government treats certain individuals recovered in a trafficking operation as criminals rather than properly identifying them as victims. Article 6 of the Palermo Protocol provides that States Parties shall provide assistance to and protection of victims of trafficking in persons. Furthermore, guideline 4, paragraph 4, of the Recommended Principles and Guidelines on Human Rights and Human Trafficking provides that States should ensure that legislation prevents trafficked persons from being prosecuted, detained or punished for the illegality of their entry or residence or for the activities they are involved in as a direct consequence of their situation as trafficked persons. This guideline is reflected in Decree No. 352 (art. 7), but the Special Rapporteur recalls the importance of a multisectoral approach to the identification and treatment of victims of trafficking, in order to ensure effective implementation of the Decree.

## 2. Protection and assistance

58. The Ministries of Labour, Education and Health are charged with providing assistance to victims of crimes and, in this regard, social assistance centres (or “territorial centres”) have been established by law and are funded by the State. Across the country, 156 such centres are tasked with assisting individuals to find jobs and providing free legal aid and psychological and medical assistance. Article 5 of Decree No. 352 provides that criminal prosecution bodies will send victims of trafficking to these centres with the aim of restoring them to favourable living conditions. The authorities stated that only seven of the victims seeking assistance at these territorial centres in 2008 were victims of trafficking, while an NGO reported that the number was even lower, at 10 people, between 2005 and 2008. Rather, the Special Rapporteur was informed that these centres provide assistance to victims of trafficking or of domestic violence indirectly, as a result of the victims having received financial assistance. The Special Rapporteur also learned that only 17 out of the total 156 territorial centres are in a position to provide assistance to victims of trafficking, as only the staff of those centres had attended relevant trainings.

59. The Ministry of the Interior reported that despite having sufficiently trained medical, psychological and legal specialists to assist with victim rehabilitation, the care provided at these centres needs improvement. Some NGOs, along with IOM, provide training to the staff of the territorial centres, but the latter do not have the opportunity to apply the skills and knowledge acquired. The centres allegedly do not have shelter space to accommodate victims. One NGO admitted that the existence of these centres is of value, that they have relatively good contact with them (e.g., it can send victims there if he/she so chooses) and that at least they operate in even the smallest towns in Belarus. Another civil society organization reported that an anti-crisis centre – consisting of a three room flat functioning as a free shelter for victims – recently closed down due to the financial crisis.

60. The Special Rapporteur had the opportunity to visit the Minsk City Centre of Social Services for the Family and Children. Throughout the visit, she observed and learned that the territorial centres are rarely seen as a point of reference for victims of trafficking for several reasons: limited trained human resources; a possible lack of confidence in the staff; the fact that centres work with a variety of vulnerable groups (e.g., large families) often means it is difficult to recognize and address individual cases; and, lastly, there is no specific desk at these territorial centres that addresses trafficking in persons. Furthermore, NGOs that rent rooms at these territorial centres have to pay fees, so these NGOs have had to seek subsidies elsewhere or close down.

61. Several anti-trafficking NGOs and civil society organizations provide protection and assistance services to victims of trafficking. The Belarusian Red Cross stated that it runs assistance centres in five regions of Belarus, with the support of IOM, known under the name “Helping Hand”. They have trained staff who monitor cases and provide rehabilitation and psychological services for victims of trafficking. They engage in awareness-raising, particularly with those individuals who are at highest risk of becoming victims. However, the representative was concerned that these centres are underfunded and that financial support has been decreasing. In the five regions, the only support remaining is psychological assistance, as reportedly even IOM is having financial difficulties. The Belarusian Red Cross is seeking more funds in order to support their work. The representative insisted that individuals trust these centres, noting the benefits of maintaining them at the local level, rather than consolidating them into a national rehabilitation centre.

62. Another NGO provides assistance services, such as meeting individuals at the airport and providing psychiatric, psychological, medical and legal assistance. Legal assistance includes help with participating in criminal trials and addressing issues of a civil nature, such as dealing with property, etc.. The staff at this NGO provide emotional support and social workers develop a reintegration plan, along with some financial support.

63. One NGO reported that they provide the same assistance to men as they do to women, including psychological and legal assistance. Nevertheless, men tend to prefer vocational training and are often resistant to psychological help or accommodation in shelters. They will accept medical help, but would rather be outpatients.

64. IOM protection and reintegration activities include providing assistance and support to victims of trafficking returning to, or leaving from, Belarus. Since 2002, IOM Minsk (alone and/or through its civil society organization partners) reportedly assisted 1,756 victims of trafficking. The scope of such activities includes: assisted return to Belarus or to the country of origin; assistance in document restoration; running shelters; legal, medical and psychological assistance; employment counselling and grants for vocational training, scholarship and professional tools; and reintegration grants for the first three months after their return.

**1. The following table illustrates certain elements of the profile of victims of trafficking assisted by IOM Minsk between 2006 and March 2009:**

	2006	2007	2008	2009
Gender:				
Female	263	153	162	33
Male	159	31	56	27
Type of exploitation:				
Sexual	187	134	153	31
Labour	229	47	63	28

65. Male victims accounted for 28.3 per cent of the IOM caseload between 2004 and 2006.<sup>8</sup> The vast majority of these cases are of Belarusian men trafficked to the Russian Federation for exploitation in forced labour, mostly in the construction, agriculture and factory work sectors. These men often hand over their passports to their employer while awaiting their work permit, and are informed that they will be paid their salary once the work is finished. However, they reportedly rarely see any salary.

66. The Special Rapporteur visited and met with representatives of the IOM Rehabilitation Shelter for Victims of Human Trafficking in Minsk, which provides accommodation, food, psychological, social care and assistance at a nearby medical centre where victims are directed. The shelter currently contains two bedrooms and can accommodate six persons at the same time. The shelter was occupied by 15 residents between January and May 2009, and there are approximately 70 residents per year, the average stay lasting two weeks. For the first time, male victims of labour exploitation were staying in the shelter. Children can also stay with their mothers at the shelter if necessary. Residents are free to come and go as they please. Men and women are not hosted at the shelter at the same time. The Special Rapporteur is concerned that, in the absence of adequate arrangements to host women and men at the same time, some victims might have to be turned away.

67. According to information received, female victims of trafficking received at the shelter often come from homes affected by domestic violence and, frequently, the victims were sexually exploited. The average age is between 24 and 26 years. The Special

<sup>8</sup> Rebecca Surtees, *Trafficking of Men – a trend less considered: The case of Belarus and Ukraine*, IOM Migration Research Series, No. 36 (Geneva, IOM, 2008), p. 9.

Rapporteur was also informed that a number of the residents have sexually transmitted illnesses and receive treatment from the medical centre linked to the shelter. The representatives of the shelter insisted on the need to offer an environment for these victims where they could open up, feel like they are not being accused and have a space where they can bolster their self-esteem and remove their sense of guilt. The centre tries to encourage its residents to move from a sense of being a victim to one of being a survivor. The greatest challenge in running the shelter is gaining the trust of the victims when they arrive. Many victims feared the shelter would be a form of prison. Centre representatives inform victims of their rights, and encourage them to bring their case to court without exerting any undue pressure.

68. Most psychological work is done on a one on one basis with a psychologist, but group sessions are also offered. The Special Rapporteur was also informed that centre representatives keep in contact with the individuals after they leave the shelter, in the event that further care or follow-up is needed. Victims are referred from IOM Russia, IOM Belarus and NGOs in the Russian Federation or law enforcement agencies in the Russian Federation or Belarus. The team of experts at the shelter exchange experiences and share practices with similar structures from other countries (e.g., Moldova, the Russian Federation and Ukraine).

69. IOM had suggested to the Government that it should establish a State-run centre, with funds allocated for reintegrating victims, but there is still no clear answer on this from the Government. The Ministry of the Interior informed the Special Rapporteur that a presidential directive (2009) was being developed to provide for a more effective system for State rehabilitation of victims of trafficking.

70. Lastly, the Special Rapporteur echoes concerns expressed by some stakeholders to the effect that the Government should increase efforts to break down the stigma of being a victim of trafficking. To achieve such an objective, support to local NGOs, social services centres and other community organizations should increase through the provision of training on trafficking, its causes and consequences, which can be channelled into effective awareness-raising programmes at the grass-roots level. The work of territorial centres needs to expand and be more effective at the local level.

71. In view of the above, the Special Rapporteur acknowledges the efforts undertaken to provide protection and assistance to victims of trafficking. Nevertheless, she shares concerns that the burden on international and civil society organizations is extremely heavy in ensuring these services, especially given the limited financial resources at their disposal.

### **3. Access to justice**

72. The Special Rapporteur was pleased to learn that there are special rooms in some courts for confidential interrogation of victims of trafficking during the course of a trial. She encourages the Government to take measures to ensure that such rooms are available in all courts across the country.

73. The Ministry of Justice informed the Special Rapporteur that legal assistance is regulated by the Code of Civil Procedure and other laws, and provides for free legal assistance to victims of trafficking. A 2006 Government directive further indicates the areas and kinds of assistance which can be provided. This legal assistance is currently provided by the Bar Association.

74. Furthermore, the Special Rapporteur learned that the question of setting up a legal aid fund is being examined by the Ministry of the Interior and the Ministry of Justice.



## D. Prosecution of cases of trafficking

### 1. Prosecution and punishment of traffickers

75. The Office of the Prosecutor-General informed the Special Rapporteur that it is an autonomous body not subordinate to the Ministry of Justice and supervises enforcement of laws against trafficking in persons. The Ministry of the Interior investigates criminal cases (illegal migration, trafficking and prostitution), while the prosecutor's office undertakes procedural monitoring of the legality of such investigations. It is the central body in charge of requests for legal assistance and explains victims' rights to them, including to compensation. Focal points responsible for counter-trafficking issues are appointed in Minsk and in the regions.

76. The Special Rapporteur also learned that the prosecutor's office monitors effective implementation of child protection laws in cases where minors are victims of trafficking. The prosecutor's office stated that Belarus has comprehensive child protection systems, including legislative measures, with an emphasis on prevention in order to identify problems early. It cited a 2003 presidential decree which enshrines the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

77. The Office of the Prosecutor-General informed the Special Rapporteur that, between 2000 and 2008, there were a total of 580 prosecutions of trafficking in persons under article 181 of the Criminal Code. This number increases to 1,308 if statistics on "export of individuals abroad" are included. In 2006, the number of victims increased to almost double that of previous years (because of the investigation into a case involving many victims). Half of the overall victims were identified in one single case and all those accused were convicted. Between 2005 and 2008, 503 individuals were convicted and in only one case was the defendant found not guilty. The Special Rapporteur was informed that the vast majority of offenders of trafficking are Belarusian citizens, who have attempted to procure or aid and abet trafficking in persons; however, some have international connections and, in some cases, extradition requests were successfully made.

78. According to the Ministry of the Interior, the following statistics reflect the number of victims of trafficking identified in the framework of criminal investigations between 2006 and 2009:

	2006	2007	2008	2009
<b>Total number</b>	<b>1107</b>	<b>418</b>	<b>591</b>	<b>138</b>
Incl. minors	222	23	103	11
Sexual exploitation	1011	378	458	103
Incl. minors	218	22	103	11
Labour exploitation	96	40	133	35
Incl. minors	4	1	-	-
Destination:				
Abroad	998	338	345	101
Belarus	109	80	246	37

79. While there are currently no specialized sections within the courts to deal with cases of trafficking, the Special Rapporteur learned from representatives of the Supreme Court that work is under way to set up juvenile courts.

80. The Special Rapporteur acknowledges the great efforts undertaken by the Government to ensure prosecution and punishment of those individuals and groups involved in trafficking in human beings. Nevertheless, she reiterates the need for a strong intersectoral and integrated national referral mechanism in order to ensure that criminal cases are not improperly brought forward and that individuals are properly identified as either having violated trafficking-related crimes or as being victims.

## **2. Compensation or remedies for victims**

81. Article 6, paragraph 6, of the Palermo Protocol provides that each State party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered. The Special Rapporteur was informed that, since the Criminal Code provides that any victim of a crime is entitled to claim compensation for damage, there was no need to include it specifically in separate anti-trafficking legislation. The Ministry of Justice stated that compensation has been awarded in the past to victims of trafficking pursuant to the Criminal Code and that, while the sums do not seem considerable from an international perspective, they do correspond to the harm suffered. It is the duty of the prosecutor to raise such a claim at the investigative and trial stage. From January 2008 until May 2009, the Government reported that there had been 24 criminal cases initiated with the participation of 44 victims of trafficking. The court satisfied 23 claims and rejected 14 claims. The sums awarded vary from 500,000 to 2,000,000 roubles (from approximately US\$ 176 to 724). Currently, funds for compensation are provided by those convicted and if nothing is recovered from them or no property is confiscated then compensation is delayed and may take several years to be recovered from the prisoner/trafficker. The Special Rapporteur was informed that, while there is currently no compensation fund, the issue of establishing one is being examined by the Government.

## **E. Cooperation with civil society**

82. The Special Rapporteur observed that the level of cooperation between the Government and civil society is still relatively weak and that intersectoral work is still in its infancy in Belarus. Most interlocutors from civil society organizations were of the view that they have particular, specialized expertise and that the Government should be more receptive to real cooperation with them and view them as real partners in efforts to combat trafficking.

83. It is reportedly difficult for NGOs to get information from the police, particularly with respect to victims of labour exploitation. Allegedly, if an individual does not want to lodge a complaint, then law enforcement authorities may not consider him/her to be a victim and thus will not share information about this individual to NGOs which may be in a position to assist him or her. One NGO thanked international organizations present in Belarus for having promoted its work and provided training and equipment, especially away from the capital. Unfortunately, it is alleged that the Government rarely draws on the experience and expertise of some NGOs. The Special Rapporteur is concerned about risks to the sustainability of civil society organizations owing to limited funding from the State. The Government's authorization process for grants received by NGOs from donors to operate in the field of countering trafficking is reportedly very slow, making it difficult for NGOs to access and use grants provided to them and to accomplish tasks within the proposed timeline. These concerns once again raise the importance of an integrated, intersectoral national referral mechanism. Also important is that the Government reach out to NGOs and view them as real partners rather than competitors.

84. The Ministry of the Interior informed the Special Rapporteur that it is currently examining the possibility of granting tax exemptions or tax breaks to NGOs. The directive in this regard has already been sent to the Council of Ministers. The Special Rapporteur was also informed about a draft law enabling the State to provide funding to civil society organizations on the basis of a call for tender.

85. OSCE focuses on increasing cooperation between law enforcement agencies and NGOs and has observed a positive change in the past two years, as the work of NGOs is increasingly recognized.

## **F. International, regional and bilateral cooperation**

86. International, regional and bilateral cooperation is essential for effective efforts to combat trafficking in persons. All interlocutors agreed that proper and effective data collection was necessary in order to establish the true extent of the problem of trafficking in persons and address it accordingly. In the course of her visit, the Special Rapporteur learned of a number of positive experiences of bilateral and multilateral cooperation in the field of combating human trafficking.

87. Belarus has bilateral cooperation agreements with Austria, Estonia, France, Finland, Germany and Hungary for exchanging information and organizing joint seminars. There are 1,250 km of land borders with countries in the European Union and the Ministry of the Interior reported on positive cooperation with its European Union neighbours such as Latvia, Lithuania and Poland. For instance, there is an agreement between the Ministry of the Interior and the Police Academy in Poland, whereby staff from the Ministry visit to the academy to share experiences and discuss challenges and good practices when it comes to tackling crime, including trafficking in persons. Cooperation with the Russian Federation and with the International Criminal Police Organization (INTERPOL) was also cited as positive. The Ukraine Consul added that individuals leaving the Russian Federation and heading for Ukraine often end up in Belarus.

88. IOM reported on cooperation with the European Police Office (EUROPOL), which took the form of arranging for counter-trafficking experts from EUROPOL to conduct lectures on combating trafficking in human beings in the European Union and best practices in the European Union. Belarus also signed a cooperation agreement with European Agency for the Management of Operational Cooperation at the External Borders, Frontex. The State Border Committee also reported that a memorandum of understanding had been concluded with IOM, providing for the organization of seminars for all personnel of the State Border Committee, to increase knowledge of profiles of trafficking victims, migration and asylum-seekers.

89. The Ministry of the Interior informed the Special Rapporteur that it works closely with customs and border control to obtain information on who is being monitored by the police in bordering countries. In this regard, the Ministry is currently seeking an agreement that would allow its customs services to have access to relevant computer software and information.

90. On the issue of international legal assistance (such as extradition), the prosecutor's office reported that, between 2005 and 2008, Belarus received 14 requests and sent 21 requests for trafficking-related crimes. Of those sent, 11 were for extradition, 7 of which were granted and 2 have been refused.

91. At the regional level, CIS has a number of regional cooperation agreements, notably the Programme of Cooperation of the Commonwealth of Independent States in Combating Trafficking in Human Beings for 2007–2010. The objectives are, inter alia, to expand and

strengthen the international legal framework of cooperation and improve and harmonize national legislation. Each member State under this programme of cooperation is to adopt a national programme of action to combat trafficking in persons and provide psychological, legal, medical, information and other assistance to victims of trafficking. Finally, the CIS Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases regulates the matters of extradition, criminal prosecution and special rules of legal assistance in criminal cases.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

92. **The Special Rapporteur recalls that the insidious nature of the practice makes it difficult to measure the true scope of trafficking in persons, which affects both women and men in Belarus. She welcomes the political commitment of Belarus at the highest level to addressing trafficking in persons, the adoption of legislative and policy measures and efforts to bring perpetrators to justice. Furthermore, she notes the efforts of Belarus at the international level, especially within the United Nations, in promoting a global plan of action for combating human trafficking.**

93. **Nevertheless, the root causes of trafficking need to be tackled more vigorously. Stronger efforts must also be placed on ensuring a holistic, reintegrative and rehabilitative system of assistance to victims of trafficking, with full recognition of their human rights. Such a system must integrate civil society organizations as true partners, with a view to ensuring more complete protection of victims.**

94. **Lastly, the Special Rapporteur recalls that any efforts to combat trafficking must be anchored in human rights, and a children's rights and gender perspective must be underscored.**

### **B. Recommendations**

95. **In the light of the above, the Special Rapporteur recommends the following to the Government of Belarus.**

96. **Regarding legislation, the Government should ensure :**

(a) **The adoption and implementation, as a matter of urgency, of a law on domestic violence, ensuring that the law is gender-specific and addresses the root causes of domestic violence, prevention, assistance to victims and prosecution of the offence.**

(b) **The setting up of a legal aid fund, in accordance with discussions already initiated in this regard.**

(c) **The adoption and implementation of the draft law enabling the State to provide funding to civil society organizations on the basis of a call for tender.**

(d) **The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

(e) **Continuation of its effort to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.**

97. The Government should establish a national special rapporteur on trafficking in persons, under the aegis of the Presidential Administration, with a view to enhancing coordination of all counter-trafficking activities between the various stakeholders and facilitating research and data collection into all forms of trafficking.
98. While recognizing certain efforts undertaken by Belarus and civil society organizations to increase employment and skills training, the Government should strengthen employment opportunities at home. The gender dimension must be taken into account in any such efforts.
99. The Government should increase its efforts to address the root causes of trafficking in human beings, including gender inequality and the demand for labour that is exploitative or services which breach the human rights of the person delivering those services.
100. The Government should ensure that anti-trafficking measures do not operate to violate human rights. A proper balance must be struck between measures to combat trafficking and to protect other human rights, such as every individual's right to movement, association, exchange of information, education, privacy and right to work and earn a decent livelihood.
101. The Government should adopt clear guidelines and procedures for relevant State authorities and officials (police officers, border guards and immigration officials) to permit the rapid and accurate identification of trafficked persons, as indicated in both the Palermo Protocol and the Recommended Principles and Guidelines on Human Rights and Human Trafficking. Specific guidelines should also be adopted for identification and protection of child victims of trafficking in accordance with the Convention on the Rights of the Child.
102. Training provided to relevant Government officials on identification, assistance to and protection of victims of trafficking should be enhanced in quality and quantity in collaboration with other stakeholders including NGOs and civil society organizations.
103. The Government should promote and institute a multisectoral approach to the identification and treatment of victims of trafficking; *inter alia*, through the strengthening of a national referral mechanism. This mechanism should include all relevant stakeholders, including civil society organizations and international organizations, and should ensure adequate and timely information-sharing. Trained professionals should be the contact points for victims or potential victims of trafficking and should refer victims to relevant associations or authorities according to the type of assistance or protection required.
104. Although levels of awareness of trafficking are high, assistance and prevention programmes should be strengthened, in particular by targeting specific vulnerable groups. Broad-based awareness-raising initiatives should also be strengthened and properly evaluated to avoid stigmatization or re-victimization of victims of trafficking.
105. Efforts to break down the stigma of being a victim of trafficking should be strengthened. To achieve such an objective, support to NGOs, social services centres and other community organizations should increase, using trainings on trafficking in persons, its causes and consequences, which can then be channelled into effective awareness-raising programmes at the grass-roots level. The work of territorial centres needs to expand and be more effective and relevant to victims of trafficking.
106. The Government should strengthen State structures with respect to protection and assistance to victims of trafficking. This would include creating new State-run shelters and/or increasing subsidies to civil society organizations to enable them to

carry out their functions effectively and over the long term. The Special Rapporteur calls on the Government to keep her informed of all developments regarding the presidential directive providing for a more effective system of State rehabilitation for all victims of trafficking, whether woman, child or man.

107. The territorial centres should appoint a focal point in charge of cases of trafficking in persons. The Government should ensure that these centres have sufficient human and financial resources to carry out their work effectively with respect to addressing trafficking in human beings.

108. The Government should take measures to ensure that special rooms for confidential interrogation of victims of trafficking during the course of a trial are available in all courts across the country.

109. The Special Rapporteur acknowledges the efforts undertaken by the Government to ensure prosecution and punishment of those individuals and groups involved in trafficking in human beings. She insists that victims should be properly identified as such and never assimilated with traffickers or prosecuted for trafficking-related crimes.

110. The Government should continue strengthening its cooperation with international and civil society organizations, ensuring that such cooperation is intersectoral, integrated and coordinated and that the responsibilities of each partner are clear.

111. The Government should adopt and implement the Government directive providing for the possibility of granting tax exemptions or tax breaks to NGOs and a speedy authorization process for the use of grants received by NGOs to implement actions to combat trafficking.

112. The Government should keep the Special Rapporteur informed of all developments regarding the establishment of a legal aid fund.

113. The Government should establish a compensation fund for victims of trafficking, which can, inter alia, be composed of State funds and proceeds from the crimes of trafficking in persons.

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