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Reply from Belarus
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

First evaluation round
(Reply submitted on 3 February 2016)

Preliminary Questions

- Question 1: Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the “contact person” appointed by your country to liaise with GRETA or a different person.

Answer 1

In accordance with the Article 2 of the Law of the Republic of Belarus "On the accession of the Republic of Belarus to the Council of Europe Convention on Action against Trafficking in Human Beings" the Ministry of Internal Affairs of the Republic of Belarus is the body responsible for coordination of the activities of the government bodies and other organizations in implementation of obligations incurred by the Republic of Belarus in accordance with the said Convention and so the Ministry of Internal Affairs is the government agency responsible for coordination and collecting responses to the given questionnaire. The Minister of Internal Affairs is Igor Shunevich. The contact person appointed to liaise with GRETA is Dziyana Kankalovich (International Cooperation Department of the Ministry of Internal Affairs).

- Question 2: Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

Answer 2

The government bodies exercising combating trafficking in human beings, as well as other public authorities having powers in the field of combating human trafficking participated in response to this questionnaire.

In accordance with the Article 8 of the Law "On combating trafficking in human beings" public bodies exercising combating trafficking in human beings are:

1. the authorities of internal affairs of the Republic of Belarus;
2. the public security authorities of the Republic of Belarus;
3. the frontier service authorities of the Republic of Belarus;
4. the prosecution authorities of the Republic of Belarus;
5. the Investigative Committee of the Republic of Belarus.

The authorities of internal affairs of the Republic of Belarus, the public security authorities of the Republic of Belarus and the frontier service authorities of the Republic of Belarus within their competence in the field of combating trafficking in human beings prevent, detect and suppress trafficking in human beings and related offenses, assume preventive measures aimed at identifying and eliminating the causes and conditions that are conducive to the commission of trafficking in human beings and related offenses, and also carry out other duties in accordance with the legislation of the Republic of Belarus.

According to the Article 2 of the Law of 17 July 2007 №263-3 "On **the authorities of internal affairs of the Republic of Belarus**" the main objectives of the internal affairs authorities are:

"protection of life, health, honor, dignity, rights, freedoms and legitimate interests of the citizens of the Republic of Belarus, foreign nationals and stateless persons (hereinafter, unless otherwise specified, – citizens) from criminal and other illegal encroachments, ensuring their personal and property safety, protection of the rights and legitimate interests of organizations, from criminal and other illegal encroachments within the competence of the internal affairs authorities;

protection of the interests of society and the state from criminal and other illegal encroachments, protection of public order and public security;

protection of property from criminal and other illegal encroachments;

prevention, detection and suppression of crimes and administrative offenses, carrying out of inquiry in criminal cases, conducting administrative proceedings in accordance with their competence;

search of the accused whose whereabouts are unknown, fugitives from the authorities conducting the criminal proceedings, persons who evade punishment or other measures of criminal liability, missing persons and other persons in cases stipulated by the legislation of the Republic of Belarus, the establishment of perpetrators of crimes, persons subject to administrative liability in accordance with the competence of internal affairs authorities;

organization of execution and serving sentence and other measures of criminal liability, administrative penalties in accordance with the competence of internal affairs authorities;

participation in realization of state policy in the field of citizenship, migration and population register;

within the jurisdiction of the internal affairs authorities under the conditions and in the manner provided by the legislation of the Republic of Belarus provision of assistance to citizens, public authorities, public associations and other organizations in the implementation of their rights and their responsibilities".

According to the Article 1 of the Law of the Republic of Belarus of November 11, 2008 № 454-3 "On **the frontier service authorities of the Republic of Belarus**" frontier service authorities are the state bodies and organizations involved in the conduct of the state frontier policy, ensuring border security of the Republic of Belarus and performing law enforcement functions.

Also, in accordance with the Articles 3 and 7 of the Law of July 9, 1999 № 289-3 "On investigative and search activity", frontier service authorities are identified as one of the subjects of investigative and search activity, implementing the prevention, detection, suppression and disclosure of crimes related to trafficking in human beings, as well as the identification and establishment of persons who are preparing, committing or have committed this crimes.

The prosecution authorities of the Republic of Belarus in case of detection of violations of the Belarusian legislation on combating trafficking in human beings, as well as in case of obtaining information about the existence of such facts from the government agencies engaged in combating trafficking in human beings and other organizations and citizens make an order to eliminate such facts binding for the relevant state bodies and other organizations, officials and other citizens, including individual entrepreneurs, or in accordance with the Law suspend the activities of the organizations and apply to the Supreme Court of the Republic of Belarus for recognizing organizations as involved in trafficking in human beings, prohibiting their activities on the territory of the Republic of Belarus and the elimination of such organizations registered in the Republic of Belarus, or the termination of activity of representative offices of foreign or international organizations located in the territory of the Republic of Belarus, as well as conduct criminal prosecution of perpetrators of trafficking in human beings or related offenses, and other powers in accordance with the legislation of the Republic Belarus.

Investigation Committee of the Republic of Belarus carries out the criminal prosecution of perpetrators of trafficking in human beings or related offenses, in accordance with the legislation of the Republic of Belarus.

In accordance with the Article 9 of the Law "On combating trafficking in human beings" **The Ministry of Labor and Social Protection of the Republic of Belarus, the Ministry of Education, the Ministry of Health of the Republic of Belarus** within their competence, organize the work of the social protection and rehabilitation of victims of trafficking in human beings.

The Ministry of Labour and Social Protection carries out rehabilitation of the victims, who are over 18 years old.

The Ministry of Education carries out rehabilitation of the victims, who are 3 to 18 years old.

The Ministry of Health carries out the rehabilitation of child victims under the age of 3 years.

The Ministry of Foreign Affairs of the Republic of Belarus, diplomatic missions and consular offices of the Republic of Belarus within their competence:

- On the basis of information provided by the Ministry of Internal Affairs of the Republic of Belarus administer a data bank containing information about the citizens of the Republic of Belarus, foreign citizens and stateless persons permanently residing in the Republic of Belarus, going outside the Republic of Belarus for work, as well as the citizens studying in educational

organizations of Belarus going outside the Republic of Belarus to study and (or) to participate in sports, cultural and other public events during the school year.

- Collect data on children-citizens of the Republic of Belarus, adopted by citizens of the Republic of Belarus, foreign citizens and persons without citizenship permanently residing outside the Republic of Belarus, study their living conditions and inform the Ministry of Education of the Republic of Belarus every six months;

- In cooperation with the organizations providing assistance in the rehabilitation of victims of trafficking in human beings, carry out activities to protect the rights and legitimate interests of citizens of the Republic of Belarus, which became such victims, the repatriation to the country of their permanent residence, except when they are minors and information that such return would not be in the best interests of minors is obtained, in the manner prescribed by the legislation of the Republic of Belarus;

- Provide the authorities of the host country with the information on the legislation of the Republic of Belarus on combating trafficking in human beings, distributing information on the activities to combat trafficking in human beings held in the Republic of Belarus, including the rights of victims of trafficking in human beings;

- Provide the victims of trafficking in human beings citizens of the Republic of Belarus, stateless persons permanently residing in the Republic of Belarus, foreign citizens and stateless persons who have been granted refugee status or asylum in the Republic of Belarus, with registration and issuance of documents for entry into the Republic of Belarus without any delay;

- Exercise other powers in accordance in the Law "On combating trafficking in human beings", other legislative acts of the Republic of Belarus, including international agreements.

The Ministry of Justice of the Republic of Belarus is the central governmental authority, entrusted with:

- the implementation of the state policy in the field of justice;

- participation in the legal support of the law-making activity of the President of the Republic of Belarus, the National Assembly of the Republic of Belarus and the Council of Ministers, ensuring coordination of law-making activity in the Government of the Republic of Belarus (in the system of central governmental bodies subordinated to the Government of the Republic of Belarus);

- organization of development of drafts of international agreements on legal assistance and on matters within the competence of the Ministry of Justice, ensuring their execution, analysis and generalization of the experience of the work;

- participation in the drafting of other international agreements;

- making international treaties of the interdepartmental character on matters within the competence of the Ministry of Justice;

- participation in the legal education of the population and others.

- **Question 3:** Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

Answer 3

On the 19 of January 2016 on the initiative of the Ministry of Internal Affairs of the Republic of Belarus a working meeting with representatives of interested government bodies, the Office of the International Organization for Migration to the Republic of Belarus and interested non-governmental organizations was held at the International Training Centre of training, advanced training and retraining of personnel in the field of migration and combating trafficking in human beings at the Academy of the Ministry of Internal Affairs of the Republic of Belarus in order to discuss and prepare the most complete and detailed summary of the official response to the questionnaire of the Group of Experts on Action against Trafficking in Human Beings (GRETA). During the meeting, the representatives of interested non-governmental organizations and government agencies discussed the problematic aspects in the fight against trafficking in human beings, representatives of non-governmental organizations provided information for inclusion in the response to the questionnaire GRETA.

Representatives of the following non-governmental organizations attended the said meeting:

International Public Association (PA) "Gender Perspectives" / Programme "La Strada Belarus" – prevention of trafficking in human beings and domestic violence, assisting victims of trafficking in human beings and domestic violence, administration of a hotline for safe migration and anti-trafficking hotline for victims of domestic violence, a shelter for victims of violence, promotion of gender equality.

PA "Business Women Club" – prevention of trafficking in human beings and domestic violence, assisting victims of trafficking in human beings and domestic violence, administration of a hotline for safe migration and anti-trafficking, prevention of HIV/AIDS, strengthening of the economic potential of the population, promotion of gender equality.

PA "Business Women Club "Southwest " – prevention of trafficking in human beings and domestic violence, assisting victims of gender-based and sexual violence, promotion of gender equality.

PA "Children are not for violence" – implementation of projects for protection of children's rights against all forms of violence and exploitation.

Belarusian Red Cross Society – helping vulnerable people, including victims of trafficking in human beings, conducting preventive and educational work in the social and humanitarian spheres, participation in solving the problems related to migration, health, natural, technological and humanitarian disasters, restoration of family links.

Belarusian Women Social PA "Province" – prevention of trafficking in human beings and domestic violence, assisting victims of trafficking and domestic violence.

PA "Belarusian Association of Young Women Christian " – the prevention of human trafficking and domestic violence, assisting victims of trafficking in human beings and domestic violence, gender education, prevention of breast cancer.

I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

As stipulated in the Convention, trafficking in human beings (hereinafter "THB") "constitutes a violation of human rights and an offence to the dignity and the integrity of the human being" (third paragraph of the Preamble of the Convention). Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence.

- **Question 4:** Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

Answer 4

Trafficking in human beings in Belarus is considered as a violation of human rights, not only as a criminal offense. These provisions are prescribed in the Constitution of the Republic of Belarus, international treaties on combating trafficking in human beings that entered into force for Belarus and are part of national law, the Law of the Republic of Belarus "On combating trafficking in human beings" of 7 January 2012 №350-3, other regulations adopted in their development.

According to the norms of the Constitution as the basic law of the Republic of Belarus having supreme legal force and embodying the fundamental principles and norms of legal regulation of the most important public relations, the state provides the freedom, inviolability and dignity for individuals (Article 25) and prohibits forced labor (Article 41) .

According to the Article 3 of the Law "On combating trafficking in human beings" the main objectives of combating human trafficking is to protect the individual and society from trafficking in human beings and related crimes; prevention, detection and suppression of trafficking in human beings and related crimes; protection and rehabilitation of victims of trafficking in human beings.

The Law of the Republic of Belarus "On combating human trafficking" defines the institutional and legal framework for combating trafficking in human beings, and also establishes a system of measures for the protection and rehabilitation of victims of trafficking in human beings.

In accordance with the Regulations on identification of victims of trafficking in human beings, the order of filling and form of profiles of persons who could be affected by trafficking in human beings and related offenses, the procedure for granting the data contained therein (hereinafter – Regulations), adopted by the Council of Ministers on 11 June 2015 №485, the person against whom trafficking in human beings was committed or may have been committed, is guaranteed to have the right for protection and rehabilitation for 30 days, regardless of participation in criminal trial.

In addition, a number of illegal acts of trafficking in human beings and related offenses are criminalized by the Criminal Code of Belarus. Some of these offenses in the Criminal Code are referred to Chapter 20 "Crimes against sexual inviolability and sexual freedom", the other – to Chapter 22 "Crimes against personal freedom, honor and dignity", the third – to Chapter 30 "Crimes against public order and public morals".

- **Question 5:** Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

Answer 5

Constitutional mechanism of protection in case of violations of human rights is provided by the Articles 2, 21, 59, 60, 61 of the Constitution of the Republic of Belarus and the Law of the Republic of Belarus "On combating trafficking in Human beings" of 7 January 2012 № 350-3.

The Article 2 of the Constitution of the Republic of Belarus: "Man, his rights, freedoms and guarantees for their realization are the supreme value and the goal of society and the State.

The State is responsible to a citizen for creation of conditions for free and dignified development of his personality. A citizen is responsible to the State for the strict fulfillment of the responsibilities entrusted to him by the Constitution".

Article 21 of the Constitution of the Republic of Belarus: "Ensuring the rights and freedoms of citizens of the Republic of Belarus is the supreme goal of the State.

Everyone has the right to an adequate standard of living, including adequate food, clothing, housing and continuous improvement of necessary conditions.

The State guarantees the rights and freedoms of Belarusian citizens provided by the Constitution, the laws and the State's international obligations".

The Article 59 of the Constitution of the Republic of Belarus. "The State is obliged to take all measures at its disposal to create the domestic and international order necessary for the full enjoyment of rights and freedoms of Belarusian citizens under the Constitution.

State bodies, officials and other persons who have been entrusted to exercise state functions within their competence shall take the necessary measures to implement and protect the rights and freedoms of an individual.

These bodies and persons are liable for actions violating the rights and freedoms of an individual".

The Article 60 of the Constitution of the Republic of Belarus. "Everyone is guaranteed the protection of rights and freedoms by a competent, independent and impartial court in certain terms.

In order to protect the rights, freedoms, honor and dignity according to the law it is within citizens' right to recover in court property damage and financial compensation for moral harm".

The Article 61 of the Constitution of the Republic of Belarus. "Everyone is entitled in accordance with the international instruments ratified by the Republic of Belarus to appeal to international organizations to protect their rights and freedoms, if exhausted all available domestic remedies".

In accordance with the Law "On combating trafficking in human beings" the State creates conditions for the successful reintegration of people affected by trafficking in human beings into society (legal aid, establishing families of juvenile victims of human trafficking or placing them to

foster care; assistance in finding permanent work). Priority investigation of crimes related to trafficking in human beings is also applied.

Measures for the protection and rehabilitation of victims of trafficking in human beings according to the Law "On combating trafficking in human beings" include:

1. providing of security;
2. social protection and rehabilitation;
3. suspension of expulsion and deportation;
4. assistance by the diplomatic missions and consular offices of the Republic of Belarus.

Ensuring the safety of victims of trafficking in human beings, including their family members, close relatives and other persons whom they reasonably believe to be relatives and their property is provided in order as prescribed by the Criminal Procedure Code of the Republic of Belarus to ensure the safety of the participants of the criminal process, other persons and their property.

Information about the victims or the circumstances of trafficking in human beings, which disclosure threatens to the life or health of the victims of trafficking in human beings and other above-mentioned persons, as well as information about persons, combating trafficking in human beings, shall not be disclosed.

Social protection and rehabilitation of victims of trafficking in human beings are carried out free of charge and include:

1. provision of temporary residences, including beds and food for victims of trafficking in human beings;
2. legal aid, including free legal aid provided by the bar associations;
3. medical care provided by state health organizations in the form of necessary medical services, including inpatient, regardless of the place of residence of victims of trafficking;
4. psychological assistance in the form of psychological counseling, psychological treatment, psychological prevention, as well as social and educational assistance;
5. identifying the families of juvenile victims of trafficking or placing them on foster care, and in the absence of such a possibility – in the children's home;
6. assistance in finding a permanent job;
7. other assistance provided in accordance with the decisions of local councils of deputies, executive and administrative bodies.

Victims of human trafficking may be granted financial support in accordance with the legislation of the Republic of Belarus.

Belarus has established centers for the protection of and assistance to victims of trafficking in human beings – institutions created by international or foreign organizations within the framework of international technical assistance projects, by public associations for the purpose of providing the victims of trafficking in human beings with temporary shelters, legal, psychological and other assistance, ensuring their safety and protection.

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation

Questions in this section aim to obtain information concerning the comprehensive nature of the legal framework and policies on action against THB established by the parties to the Convention covering measures on prevention, protection and prosecution (Article 1) as well as on partnerships (Articles 29, 32 and 35).

These partnerships should comprise:

- national co-ordination and co-operation among all national actors involved in action against THB (Article 29-2). Any national action to combat THB must be comprehensive and multi-sectorial, and take on board the required multidisciplinary expertise. This comprehensive national action must be co-ordinated through a specific governmental body or entity. These are the "co-ordinating bodies" referred to in Article 29 of the Convention which are distinct from "National Rapporteurs". In accordance with the

Convention it is compulsory to ensure co-ordination of the national policies and actions (“shall”), whereas the appointment of National Rapporteurs is optional (“shall consider appointing ...”).

- international co-operation among all actors from different parties (Chapter VI of the Convention). Article 32 sets out the general principles which are to govern international co-operation. Firstly the parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. Article 32 contains the general part of the obligation to co-operate: co-operation must include the prevention of and combat against THB (first indent), the protection of and assistance to victims (second indent) and to investigations or proceedings concerning criminal offences established in accordance with the Convention (third indent), i.e. the offences established in conformity with Articles 18, 20 and 21.
- co-operation and partnership with civil society (Article 35). The strategic partnership referred to in Article 35 between State authorities and public officials and civil society means the setting-up of co-operative frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society. Co-operation with international non-governmental organisations active in the field of prevention and protection of the victims of THB is also needed.

Questions concerning the comprehensive approach to THB (Article 1):

- **Question 6:** Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.

Answer 6

The main national normative legal acts in the field of combating trafficking in human beings are:

1. The Constitution of the Republic of Belarus;
2. The Code of Administrative offenses (the Article 8.7. Exemption of victims of trafficking in human beings from administrative liability);
3. The Criminal Code of the Republic of Belarus, with amendments and additions of 2005, 2008 and 2015 years.
4. The Procedural-Executive Code of Administrative Offences;
5. The Tax Code of the Republic of Belarus (according to the Article 245 the exemption from visa fees for the issuance of certificates for the return to the Republic of Belarus is provided for the citizens of the Republic of Belarus and stateless persons permanently residing in the Republic of Belarus, who are victims of trafficking in human beings);
6. **The Law of 7 January 2012 №350-3 "On combating trafficking in human being"**, which on 16 December 2014 was amended and supplemented pursuant to Council of Europe Convention on Action against Trafficking in Human Beings. The law provides for a 30-day period for reflection during which a victim of trafficking in human beings can receive rehabilitation services and make a well-considered decision on whether to cooperate with the prosecution authorities.
7. the Law of the Republic of Belarus of 19 November 1993 № 2570-XII (edited on the 12 December 2013) "On the Rights of Child";
8. The Law of the Republic of Belarus of January 4, 2010 №105-3 (edited on the 4 January 2014) "On the Legal Status of Foreign Citizens and Stateless Persons", which regulates the temporary stay in the Republic of Belarus for foreign citizens and stateless persons who are victims of trafficking in human beings or witness in a criminal case on trafficking in human beings or crimes related to human trafficking, organizing illegal migration;
9. The Law of the Republic of Belarus of December 30, 2010 №225-3 (edited on the 4 June 2015) "On the external labor migration";

10. The Law of the Republic of Belarus of 22 May 2000 №395-3 (edited on the 13 July 2012) "On social services";
11. The Law of the Republic of Belarus of November 11, 1999 №322-3 (edited on the 4 January 2014) "On state minimum social standards";
12. The Law of the Republic of Belarus of December 30, 2011 № 334-3 (edited on the 29 December 2012) "On the Bar and the advocacy in the Republic of Belarus";
13. The Edict of the President of the Republic of Belarus of December 2, 2010 № 518 (edited on the 30 December 2011) "On the State program on combating trafficking in human beings, illegal migration and related wrongful acts for 2011 – 2013";
14. The Edict of the President of the Republic of Belarus of September 1, 2010 № 450 "On licensing of certain types of activities";
15. The Decree of the Council of Ministers of January 18, 2006 № 52 "On approval of the order of reception, registration, accounting, distribution of marriage announcements and advertisements about dating or communicating by phone in the media";
16. The Decree of the Council of Ministers of August 16, 2011 № 1101 (edited on the 14 April 2014) "On approval of the National Plan of Action on Gender Equality in the Republic of Belarus for 2011 – 2015";
17. The Decree of the Council of Ministers of the Republic of Belarus of June 11, 2015 № 485 "On Approval of the Regulations on identification of victims of trafficking in human beings, the order of filling and form of profiles of persons who could be affected by trafficking in human beings and related offenses, the procedure for granting the data contained therein" (entered into force on 22 June 2015). The given Regulations establish a national mechanism of redirection. It deals with issues of competence of the interested state bodies, international and non-governmental organizations, co-ordination between them, the process of identification of victims of trafficking in human beings and placing them on rehabilitation;
18. The National Plan of Action to Combat Trafficking in Human Beings, in the form of State programs. By 2013 three State programs to combat trafficking in human beings, illegal migration and related wrongful acts have been implemented, which were approved by the Government and the Head of the State. Since 2013 the Program for the fight against crime and corruption for 2013-2015 is in force, a third of measures in which are aimed at combating human trafficking.
19. The Decree of the Council of Ministers of the Republic of Belarus of February 6, 2012 № 122 " On the procedure for reimbursement of salaries of lawyers providing legal assistance to victims of trafficking, victims as a result of an act of terrorism ", according to which the legal aid provided by lawyers is paid for by the national budget;
20. The Decree of the Council of Ministers of March 12, 2012 № 218 (edited on the 30 June 2014) "On approval of the National Action Plan to improve the situation for children and protection of their rights for the 2012 - 2016";
21. The Decree of the Council of Ministers of May 8, 2012 № 427 "On the order of conducting and publishing of a list of organizations involved in trafficking in human beings";
22. The Decree of the Council of Ministers of December 27, 2012 № 1218 (edited on the 2 March 2015) "On some issues of providing of social services";
23. The Decree of the Council of Ministers of May 30, 2003 № 724 "On the measures to implement the system of state social standards in serving the population of the republic";
24. The Decree of the Council of Ministers of the Republic of Belarus of December 27, 2012 № 1219 "On some issues of state social order," which determinates the procedure for the formation of the state social order, approves the Regulations on holding a tender for the implementation of the state social order, funded through the provision of subsidies to non-government non-profit organizations, the Regulations on the procedures and conditions for granting subsidies and forms of contracts for the implementation of the state social order;
25. The Decree of the Ministry of Health of the Republic of Belarus of April 28, 2012 № 41 "On establishment of the list of necessary medical services provided by public health organizations, including inpatient for victims of trafficking in human beings, regardless of their place of permanent residence";
26. The Decree of the Ministry of Justice of the Republic of Belarus on April 2, 2012 № 84 "On establishment of the form of the calculation certificate for lawyers providing legal assistance

to victims of trafficking in human beings, persons affected by the act of terrorism at the expense of the republican budget";

27. The Decree of the Ministry of Education of the Republic of Belarus of March 18, 2004 № 14 "On Approval of the of the Regulations on socio-educational establishments";

28 The Decree of the Ministry of Education of the Republic of Belarus of July 28, 2004 № 47 "On Approval of the Instructions on identifying minors, who are in need of state protection";

29. The Decree of the Ministry of Health of the Republic of Belarus of February 22, 2006 № 6 "On Approval of the Instructions on the order of placement of children in the orphanage, and discharging from it ";

30. The Decree of the Ministry of Education of the Republic of Belarus of July 25, 2011 № 116 "On Approval of the Regulations on social, educational and psychological service of the educational institution (an organization or an individual entrepreneur, which in accordance with the law have the right to carry out educational activities) and recognition as expired of some Decrees of the Ministry of Education of the Republic of Belarus".

- **Question 7:** Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

Answer 7

The system of state bodies involved in combating trafficking in human beings was formed in the process of implementing of the State program of comprehensive measures to combat trafficking in human beings and prostitution for 2002 - 2007 (approved by the Decree of the Council of Ministers of the Republic of Belarus), the State program to combat trafficking in human beings, illegal migration and related them wrongful acts for 2008 - 2010 (approved by the Edict of the President of the Republic of Belarus) and the State program on combating trafficking in human beings, illegal migration and related wrongful acts for 2011 - 2013 (approved by the Edict of the President of the Republic of Belarus), and later was enshrined in the Law of the Republic of Belarus "On combating trafficking in human beings".

In 2013 it was decided to combine several state programs regulating the fight against trafficking in human beings, illegal migration, corruption and organized crime, in a single program. Now Belarus has a Program on fight against crime and corruption for the 2013 - 2015 years, approved by the decision of the National Coordination Meeting on Combating Crime and Corruption under the Prosecutor General's Office on March 15, 2013 №26-07ркс-2013.

Combating trafficking in human beings involves the following state agencies: the Ministry of the Interior, the State Security Committee, the State Frontier Committee, the Prosecutor General's Office, the Investigative Committee, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Health, the Ministry of Labor and Social Protection.

Also in the Republic of Belarus there are the National Plan of Action on Gender Equality in the Republic of Belarus for 2011-2015, approved by the Decree of the Council of Ministers of the Republic of Belarus of 16 August 2011 № 1101 and the National Action Plan to improve the situation for children and protection of their rights for the 2012 - 2016, approved by the Decree of the Council of Ministers of the Republic of Belarus of 12.03.2012 № 218.

Questions concerning specialised authorities, co-ordination of actors and actions against THB and international co-operation (Articles 29, 32 to 35):

- **Question 8:** In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.

Answer 8

A specialized unit dedicated to combating trafficking in human beings (Chief Department on Drug Control and Combating Trafficking in Human Beings of criminal police) is set up within the Ministry of Internal Affairs. The service consists of operational units with three levels: national,

regional (and Minsk city) and district. The main objective of operational units is identification, disclosure and prevention of crimes related to human trafficking, prosecution of traffickers, redirection of victims of trafficking in human beings to structures dealing with their rehabilitation and reintegration.

Rehabilitation of victims of trafficking in human beings is provided by the Ministry of Labour and Social Protection, the Ministry of Education and the Ministry of Health.

The Ministry of Labour and Social Protection carries out rehabilitation of victims at the age of over 18 years (in its structure 151 territorial center of social service operate, 50 of which were equipped with "crisis rooms").

The Ministry of Education carries out rehabilitation of the victims, at the ages from 3 to 18 years (in its structure there are 140 social education centers, 128 of which have shelters).

For children who are under 3 years old rehabilitation is provided in 10 children's houses run by the Ministry of Health (trafficking in children of this age in Belarus is not revealed).

The Ministry of Foreign Affairs ensures the return of victims of trafficking in human beings to Belarus.

With the assistance of the Ministry of Communications and Information a "hot line" with a short three-digit number 113 was established for better informing of citizens and improvement of access to information on action against trafficking in human beings. The calls are served by NGOs. International Public Association "Gender Perspectives" (The Programme "La Strada Belarus") serves phone calls on the territory of Minsk city, Vitebsk, Minsk and Mogilev regions. Public Association "Business Women Club" serves phone calls in Brest, Gomel and Grodno regions.

The training courses both on the prosecution of traffickers and on the rehabilitation of victims of trafficking in human beings are held each year since 2007 for the interested government agencies and non-governmental organizations in the International Training Centre of training, advanced training and retraining of personnel in the field of migration and combating trafficking in human beings at the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

Moreover the Academy of the Ministry of Internal Affairs of the Republic of Belarus since 2005 carries out training of the criminal police specialists in the field of combating trafficking in human beings (specialization "Jurisprudence" special subject "Operative-search activity").

Experts of the labor, employment and social protection authorities and of the territorial social service centers are trained in the field of prevention of trafficking in human beings and rehabilitation of victims of human trafficking at the National Institute of Advanced Training and Retraining of the Ministry of Labor and Social Protection of the Republic of Belarus and the International Training Centre of training, advanced training and retraining of personnel in the field of migration and combating trafficking in human beings at the Academy of the Ministry of Internal Affairs of the Republic of Belarus, as well as participate in educational activities (seminars, round tables, conferences, etc.) conducted by the International Organization for Migration (IOM).

The topic "Migration Legislation of the Republic of Belarus in the sphere of employment of citizens of the Republic of Belarus abroad and combating trafficking in human beings", "Combating trafficking in human beings", lectures "The socio-economic and labor protection of workers' rights through collective bargaining" are included in the educational program of training of managerial staff of educational institutions.

- **Question 9:** Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.

Answer 9

State regulation in the sphere of combating trafficking in human beings is carried out by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, other state bodies within their competence.

Nowadays coordination issues in the field of combating trafficking in human beings are divided into two areas.

According to the Article 12 of the Law on Combating Trafficking in Human Beings (Coordination among government agencies and other organizations in the field of combating trafficking in human beings):

The first area involves the coordination of law enforcement agencies. Coordination Meeting on the fight against crime and corruption, set up at the General Prosecutor's Office coordinates the activities of the Ministry of Interior, the State Security Committee, the State Frontier Committee, the General Prosecutor's Office and the Investigative Committee in matters of law enforcement, prosecution and the fight against crimes related to trafficking in human beings in general on the republican level. A similar structure acts on the regional and district levels.

The second area concerns the coordination in the field of identification of victims of trafficking in human beings and their redirection, as well as the protection and rehabilitation of victims of trafficking in human beings, including abroad. In this case the Ministry of Internal Affairs coordinates the activities of the Ministry of Labor and Social Protection, the Ministry of Education, the Ministry of Health, the Ministry of Foreign Affairs and NGOs.

Moreover the Ministry of Internal Affairs is responsible for coordination the activities of government bodies and public associations in the field of identification of victims of trafficking in human beings, it coordinates the collection of statistics on the victims of trafficking in human beings and the assistance they were provided with and maintains a common database in this area.

The Minister of Internal Affairs is entrusted with the functions of the National Rapporteur that makes it possible to gather and compile information on human trafficking in Belarus, to inform the international organizations of efforts undertaken by Belarus to eradicate modern slavery quickly. Information and analytical overview of the measures undertaken by the country to combat trafficking in human beings, as well as national and international legislation, statistical and other useful information is placed on the website of the Ministry of Internal Affairs of the Republic of Belarus in the Internet (www.mvd.gov.by).

Thus, the issues of cooperation and coordination in the field of combating trafficking in human beings between all the bodies, including governmental, NGOs and international are not in the competence of one coordinating body – they have different platforms. Moreover policy planning in the field of combating human trafficking and its monitoring is not a part of the competence of the coordinating bodies.

Today the platform for discussion of specific issues in the field of combating trafficking in human beings, collecting all the subjects involved in combating trafficking in human beings, including non-governmental organizations, is the Coordinating Council of international technical assistance project "Strengthening the capacity of the Republic of Belarus in the field of combating trafficking in human beings" International Organization for Migration (IOM).

A positive example of the coordination in Belarus is the creation of multi-disciplinary teams (MDTs), which operate in all the regions of Belarus. MDTs were created on the initiative of the Belarusian Red Cross Society in 2011. Members of the MDTs are the representatives of all the government agencies at the regional level, involved in anti-trafficking, IOM representatives and non-governmental organizations working in the field of human trafficking. A memorandum on cooperation is signed between the members of the MDTs. The work of MDTs in the regions has enabled to intensify efforts to assist victims of human trafficking at the regional level, to strengthen cooperation between all stakeholders.

- Question 10: Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.

Answer 10

Performing the coordinating functions in the field of combating trafficking in human beings, the Ministry of Internal Affairs is responsible for gathering information on trafficking in human beings, including questionnaires and surveys of the population (within the Ministry of Internal Affairs these functions are assigned to the Chief Department on Drug Control and Combating Trafficking in Human Beings of the criminal police).

Collection of statistical information on the rehabilitation of victims of trafficking in human beings is conducted in the form of departmental reporting of the Ministry of Labor and Social Protection "Information on the work of territorial centers of social service" (hereinafter – the form of departmental reports).

The form of departmental reports contain the following information:

the number of territorial centers of social service;

the number of citizens registered in the territorial centers of social services, including those affected by crimes (victims of trafficking in human beings, victims of violence, and others.);

the number of "hot line" telephones and the number of people who have received assistance by them;

the number of "crisis rooms" and the number of citizens who have received aid, including victims of trafficking in human beings.

This form of departmental reports is quarterly. This information is sent to the central governmental authorities, the Council of Ministers of the Republic of Belarus within the framework of the preparation of reports on the implementation of governmental programs.

- **Question 11:** Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.

Answer 11

Non-governmental organizations are not represented in the National Coordination Meeting on the fight against crime and corruption, created by the Prosecutor's General Office.

However, about 15 non-governmental organizations in collaboration with the interested state bodies and international organizations are members of the Advisory Council on the implementation of international technical assistance project "Strengthening the national capacity of the Republic of Belarus in the field of combating human trafficking", financed by the International Organisation for Migration in the Republic of Belarus. The Ministry of Internal Affairs is the senior executive in charge of the project from the state authorities of Belarus. Functions of the National Project Coordinator are assigned to the Deputy Chief of the Chief Department of Drug Control and Prevention of Trafficking in Human Beings of the criminal police. The meetings of the Advisory Council are held twice a year.

Moreover multidisciplinary groups composed of representatives of government agencies, national and regional NGOs and IOM in Belarus are created at the regional level (six regions and Minsk) (institutional framework attached memorandum).

- **Question 12:** Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.

Answer 12

See answers to questions 7 – 11.

- **Question 13:** Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:
 - national legislation;
 - international instruments/agreements (bilateral and/or multilateral).
 Please indicate the title of the legal instruments.

Answer 13

According to the Article 25 of the Law "On combating trafficking in human beings" in the field of combating trafficking in human beings Belarus cooperates with other states and their law enforcement agencies as well as international and foreign organizations operating in combating trafficking in human beings on the basis of the legislation of the Republic of Belarus, including international treaties.

International legal assistance in criminal cases on trafficking in human beings and related offenses is provided in accordance with international treaties, and in their absence – on the basis of the principle of reciprocity in accordance with the Criminal Procedure Code of the Republic of Belarus.

- National legislation:

1. The Law of the Republic of Belarus "On combating trafficking in human beings" (Chapter 5).

2. The program for the fight against crime and corruption for 2013 - 2015 years.

- International instruments/agreements:

1. Bilateral agreements on legal assistance in criminal, civil and family cases.

2. Other bilateral and multilateral agreements on combating trafficking in human beings (eg, Memorandum of Understanding between the Ministry of the Internal Affairs of the Republic of Belarus and the Ministry of Internal Affairs of the Republic of Turkey on cooperation in the fight against trafficking in human beings and illegal migration of 12 August 2004 .; Program of cooperation of the Commonwealth of Independent States member-states in the fight against trafficking in human beings for 2014 - 2018 years).

3. The Council of Europe Convention on Action against Trafficking in Persons (signed in Warsaw 16.05.2005);

4. The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" (concluded in New York 02.12.1949) and the Final Protocol thereto;

5. The United Nations Convention against Transnational Organized Crime of 15 November 2000 and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and Punish Trafficking adopted on 15 November 2000 and the Protocol against the Smuggling of Migrants by Land, Sea and Air adopted on 15 November 2000;

6. The International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), of 17 June 1999;

7. The Decision of the Inter- Parliamentary Assembly of the Commonwealth of the Independent States (CIS) member-states № 30-13 «On the recommendations on the unification and harmonization of legislation the CIS member states in the fight against trafficking in human beings" (adopted in St. Petersburg on 03.04.2008)

8. The Decision of the Inter- Parliamentary Assembly of the CIS member-states № 30-11 «On the model law "On assistance to victims of trafficking in human beings"» (adopted in St. Petersburg on 03.04.2008)

9. The Decision of the Council of Heads of the States of the Commonwealth of Independent States "On the Program of cooperation of the member - states of the Commonwealth of Independent States in Combating Trafficking in Human Beings for 2014 - 2018" (adopted in Minsk on 10.25.2013)

10. The Decision of the Council of Heads of the Governments of the Commonwealth of Independent States "On the granting the educational institution "the Academy of the Ministry of Internal Affairs of the Republic of Belarus" the status of the base organization of the CIS member-states for training, further training and retraining in the field of migration and trafficking in human beings" (adopted in Minsk on 23.05.2008)

11. The Decision of the Council of Heads of the Governments of the Commonwealth of Independent States " The Decision on the concept of cooperation of the Commonwealth of Independent States member-states in Combating Trafficking in Human Beings" (adopted in Minsk on 10.10.2014)

12. The Agreement on cooperation between the Ministries of the Interior (police) of the Commonwealth of Independent States member-states in Combating Trafficking in Human Beings (signed in St. Petersburg on 17.09.2010);

13. The Agreement on cooperation of CIS member-states in the fight against trafficking in human beings, human organs and tissues (Moscow, 25.11.2005);

14. The Agreement on cooperation of CIS member-states in the fight against illegal immigration (signed in Moscow on 06.03.1998);

15. The Agreement on cooperation of CIS member-states in the return of minors to their countries of residence (signed in Chisinau, 07.10.2002);

- *Question 14:* What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international cooperation on action against THB, as provided for in Article 34 of the Convention?

Answer 14

The requirement of the Convention for the promptly informing of the requesting Party of the final results achieved of action taken in the framework of international cooperation on action against trafficking in human beings is always respected by the Ministry of Internal Affairs of Belarus.

- *Question 15:* Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.

Answer 15

The competent authorities of Belarus can provide information to foreign counterparts on their own initiative without prior request. It can be done both through the resources of Interpol and liaison officers, as well as by sending information directly to the interested foreign law enforcement agencies (in the Ministry of Internal Affairs the letter is signed by the Chief of the Chief Department of Drug Control and Combating Trafficking in Human Beings of the criminal police, and in special cases by the First Deputy Minister of Internal Affairs – Chief of the criminal police). Only operative information about traffickers and facts of human trafficking may be transferred to foreign law enforcement agencies without prior request. In future in order foreign counterparts could legalize such information for use in criminal proceedings as evidence competent public authorities of Belarus have to provide such information within the framework of international order based on a foreign request.

In accordance with the provisions of the Criminal Procedure Code of the Republic of Belarus, bilateral and multilateral international treaties the competent authorities carrying out a preliminary investigation on criminal cases can send orders (requests) for legal assistance.

Such documents must contain information on the criminal case, the factual circumstances and the legal qualification of the act, the text of the provisions of the Criminal Code, which provides for the responsibility for this act, as well as information on the amount of harm caused;

Surname, first name and patronymic (full name) of the person, date of birth, nationality, occupation, place of residence, location and other information about an individual or corporate name, its location and other data about the legal entity about whom it is directed;

the provisions on the essence of the request, any other information necessary for its execution or the provision of which is needed for a foreign state to provide the international legal assistance.

The request (order) of the body leading the criminal process, as well as documents and materials supplied to it, are sent for decision to the Prosecutor General's Office of the Republic of Belarus or to the Supreme Court of the Republic of Belarus

The Prosecutor General of the Republic of Belarus, the Chairman of the Supreme Court of the Republic of Belarus and their deputies within their competence examine the request of the body leading the criminal process and make a decision in the form of Decisions about the direction of that request to the authority of a foreign state, or the refusal in its direction. About the decision the authority conducting the criminal proceedings who have submitted a request is notified.

- **Question 16:** Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken and provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.

Answer 16

In 2012 - 2014 years criminal activities of traffickers was documented jointly by operating units of the criminal police of the Ministry of Internal Affairs and the law enforcement agencies of Great Britain, the Netherlands, Germany, Czech Republic, Lithuania, France, Poland, Australia, Turkey, Israel, Ukraine and Russia.

Through the joint efforts of the law enforcement bodies of Belarus and foreign colleagues since 2002 it has become possible to eliminate 21 transnational criminal organizations and 85 organized groups that committed 300 grave and especially grave crimes related to trafficking in human beings.

Within the framework of the Program of cooperation of CIS member-states in the fight against trafficking in human beings for 2014 - 2018 years the law enforcement bodies of Belarus interact with colleagues from the CIS member-states.

Section I.3. Definition of “THB” and of “victim” in the internal law of the parties

In accordance with Article 4a of the Convention, trafficking in human beings consists of a combination of three basic components, each to be found in a list given in the definition:

- the action of: “recruitment, transportation, transfer, harbouring or receipt of persons”;
- by means of: “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;
- for the purpose of exploitation, which includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Article 4b of the Convention follows European Court of Human Rights case-law in that it states that the consent of a victim of THB to a form of exploitation listed in Article 4a is irrelevant if any of the means referred to in Article 4a has been used.

Under Article 4c recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4a. It is also immaterial whether or not the child consents to be exploited. Under Article 4d the word “child” means any person under 18 years of age.

Article 4e defines “victim” as “any natural person who is subject to trafficking in human beings as defined in this article”. A victim is anyone subjected to a combination of components (action – means – purpose) specified in Article 4a of the Convention.

Questions:

- **Question 17:** Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.

Answer 17

The Definitions of the Convention are integrated into domestic law through the enactment of the Law of the Republic of Belarus of 16 December 2014 № 212-3 «On Additions and Amendments to the Law of the Republic of Belarus "On combating trafficking in human beings".

According to the Article 1 of the Law "On combating trafficking in human beings" (edited on 16.12.2014) the concept of "trafficking in human beings" is defined as the recruitment, transportation, transfer, harboring or receipt of a person for purposes of exploitation, by means of deception or abuse of trust, or violence or under threat of violence. At the same time the recruitment, transportation, transfer, harboring or receipt of a minor for the purpose of exploitation shall be considered as trafficking in human beings, even if they are not connected with any of the abovementioned means of influence.

Exploitation refers to illegally forcing the person to work or provide services (including sexual acts, surrogacy, the removal of human organs and (or) tissues) if he for reasons beyond his control can not refuse to perform the work, or services, including slavery or practices similar to slavery.

Under the crimes related to trafficking in human beings the use of prostitution or creating conditions for prostitution; involvement in prostitution or compulsion to continue to engage in prostitution; the use of slave labor; kidnapping; illegal act aimed at the employment of citizens abroad; production and distribution of pornographic materials or items of a pornographic nature depicting a minor are understood.

In order to improve the legal regulation of anti-trafficking the Law of the Republic of Belarus of January 5, 2014 №241-3 amended the Criminal Code.

The title of the article 171 reads as follows: "The organization and (or) use of prostitution or creating conditions for prostitution."

In the paragraph 1 of the part 1 of the Article 171 of the Criminal Code of the first part of the word "use" is replaced by "organization and (or) use."

Article is supplemented with the following note:

"Note. Under using of prostitution the extraction by a person of financial or other benefits from the voluntary provision by another person of services of a sexual nature (sexual intercourse, sodomy, lesbianism and other sexual acts) for payment is understood".

The Article 181 of the Criminal Code of the Republic of Belarus almost literally reproduces the definition of trafficking in human beings contained in international instruments, including three components - activities, methods and purpose: "The recruitment, transportation, transfer, harboring or receipt of a person for purposes of exploitation committed by fraud or abuse of trust, or the use of violence not dangerous to life or health of the victim, or the threat of such violence (trafficking in human beings)". Also, the paragraph 2 of the part 2 of the Article 181 of the Criminal Code distinguishes as a method the use of violence dangerous for life or health of the victim or the threat of such violence.

Such a method as an abuse of power specified in the Convention, in national law is regarded as committing trafficking a human beings by a person using his official powers (the item 5 the part 2 the Article 181 of the Criminal Code of the Republic of Belarus). Kidnapping for the purpose of exploitation is allocated as a separate offense (the item 4 the part 2 the Article 182 of the Criminal Code of the Republic of Belarus).

Almost all the forms of exploitation represented in the Convention are reflected in the national legislation in a particular interpretation. In contrast to the Criminal Code of the Republic of Belarus, the Convention does not provide for such a form of exploitation of person as forced surrogacy when the female body is used for carrying a pregnancy and childbirth.

Both in the Convention and in the domestic law the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered as trafficking in human beings, even if they are not connected with any of the methods of exposure (the item 9 of the part 2 of the Article 181 of the Criminal Code).

The Part 1 of the Article 187 of the Criminal Code reads as follows:

"1. Illegal actions aimed at employment of citizens abroad, if as a result of such actions persons employed abroad, underwent exploitation, with no signs of a crime under the Article 181 of the Code (illegal act aimed at the employment of citizens abroad), –

shall be punished with imprisonment for a term of three to five years with a fine or without a fine and disqualification to hold certain positions or engage in certain activities".

Thus, the national legislation were brought into compliance with international law (United Nations Protocol "On Preventing and Combating Trafficking in Persons, especially Women and Children, and Children, supplementing the United Nations Convention against Transnational Organized Crime", adopted in Palermo on 15.11.2000).

The legal definition of trafficking in human beings in national legislation is in compliance with the Article 4a of the Council of Europe Convention on Action against Trafficking in Human Beings.

- **Question 18:** Please indicate which of the following forms of THB are recognised under your internal law:
 - national;
 - transnational;
 - linked to organised crime;
 - not linked to organised crime.

Answer 18

All these forms of trafficking in human beings are recognized by the national legislation of the Republic of Belarus.

Moreover, trafficking in human beings with the export of persons outside the state, and also connected with organized crime is recognized as trafficking in human beings, committed with aggravating circumstances. A more severe punishment is provided for the commission of such acts.

- **Question 19:** Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a "victim of THB" under your internal law. Please provide (a translation of) the legal text(s) in English or in French.

Answer 19

The definition of "victim of trafficking in human beings" is provided by the Law of the Republic of Belarus "On combating trafficking in human beings" – "victim of trafficking in human beings is a citizen of the Republic of Belarus, foreign citizen or stateless person against whom trafficking in human beings or related crimes was committed".

- **Question 20:** Does your internal law recognise as victims of THB:
 - women;
 - men;
 - children?

Answer 20

In accordance with the Law of the Republic of Belarus "On combating trafficking in human beings" a citizen of the Republic of Belarus, a foreign citizen or a stateless person, regardless of sex and age can be recognized as victims of trafficking in human beings, so women, men and children are recognized as victims of trafficking in human beings.

- **Question 21:** To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

Answer 21

In accordance with the paragraph 8 of the Article 1 of the Law "On combating trafficking in human beings" the consent of the person (woman, man, child) for the intended exploitation is not taken into account in case if any of the means of influence have been used: the recruitment, transportation, transfer, harboring or receipt of a person for purposes of exploitation, by means of deception or abuse of trust, or the use of violence or under threat of violence.

It means that even if the victim agrees to work in the provision of sexual services, but then it turns out in conditions similar to slavery or for reasons beyond her control can not refuse to provide services which it didn't specify, it is recognized as a victim of trafficking in human beings, despite her initial consent.

Moreover the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking in human beings, even if they are not connected with any of the means of influence.

II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

- **Question 22:** Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.

Answer 22

Within the Programme of combating crime and corruption for 2013 – 2015 years the Ministry of Internal Affairs conducts an active outreach to inform the Belarusian and foreign nationals for the purpose of combating trafficking in human beings, as well as providing persons with information in the sphere of external labor migration.

For example, in the media (television, radio, print media) issues of safe employment abroad and the licensing of activities related to employment of citizens outside the Republic of Belarus are commented.

Lists of licensees are published in the newspapers quarterly. On the website of the Ministry of Interior of the Republic of Belarus the information on the licensee and the procedure for licensing activities related to employment outside of the Republic of Belarus, to collecting and dissemination (including the World Wide Web) information about individuals for the purpose of dating, attraction of foreign labor force to the Republic of Belarus, as well as protecting of the rights of migrant workers is constantly updated.

On the territory of the republic, including Minsk, information about the contact phone number for consultation on security issues of employment outside the Republic of Belarus is provided at the stands of the outdoor advertising, billboards, stands in subdivisions on citizenship and migration.

To gain control over the proliferation of advertising designed to lure potential victims into the trafficking of human beings via media it is prohibited to publish announcements regarding employment or studies of persons outside Belarus without preliminary agreement of the Ministry of Internal Affairs, Ministry of Education of the Republic of Belarus.

The Ministry of Internal Affairs in cooperation with the UNDP Office in Belarus regularly provides update of visual agitation and production of printed materials on the problem of trafficking in human beings and safe traveling abroad (booklets, leaflets, brochures, etc.). Also production and placement of billboards in places of concentration of prostitutes, as well as the issue of thematic video about the risks of being trafficked is organized.

The Ministry of Internal Affairs in cooperation with the Ministry of Communications and Informatization have assisted to the voluntary associations "La Strada" and "Business Women Club" in provision of short telephone number 113 for the functioning of a "hot line" on the issues

of combating trafficking in human beings and safe travel abroad. The Ministry of Internal Affairs in cooperation with these non-governmental organizations has developed and posted a social advertising information about the functioning of a single "hot line" 113 on TV and outdoor advertising media. You can apply the "hot line" for receiving the information, as well as to provide information on the facts of illegal employment of citizens outside the Republic of Belarus. Such reports are checked in an appropriate way and steps to respond are taken.

In all the regions of the country newsletters with an overview of the situation and the measures taken in Belarus to combat trafficking in human beings, as well as CDs with materials and national legislation, business cards and leaflets with contact numbers of competent MIA staff were distributed.

The Ministry of Internal Affairs together with the News Agency of Belarusian Tele-Radio Company has developed and released a video "Night Watch. Undeclared War " containing an overview of the situation in the areas of combating trafficking in human beings and drug trafficking.

In collaboration with the IOM Office in the Republic of Belarus and public associations the Ministry of Internal Affairs participates in production and placement on TV of a social advertising announcements on safe travel abroad for employment.

On the website of the Ministry of Internal Affairs of Belarus (www.mvd.gov.by) information and analytical overview of the measures taken by the country to combat trafficking in human beings, as well as national and international legislation, statistical and other useful information, information on how not to fall into slavery is placed (the information is updated quarterly, statistics – monthly).

In all the airports of the Republic a system of continuous passenger informing about a secure employment abroad operates using audio and video.

In the Department of Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus a hotline for safe travel abroad works.

Belarus regularly takes measures aimed at raising public awareness about trafficking in human beings, rules of safe behavior, aimed at prevention of cases of trafficking in human beings.

Most attention to such events is paid within the frameworks of celebration of the World Day of Combating Trafficking in Human Beings, which was proclaimed by the UN General Assembly on the proposal of the Republic of Belarus (Resolution 68/192 of the UN), and is celebrated annually on 30 July since 2014.

On the 30 July, 2014 a "round table" on the occasion of the first celebration of the World Day of Combating Trafficking in Human Beings was held in Minsk in the Ministry of Foreign Affairs of Belarus, which was attended by parliamentarians, representatives of government agencies, foreign diplomatic missions, international and non-governmental organizations, the media. Similar events have been organized by the Belarusian diplomatic missions at the headquarters of international organizations (New York, Geneva, Vienna, Paris) and in the countries of accreditation.

On the 27 July, 2015 a press conference to celebrate the World Day of Combating Trafficking in Human Beings was organized in Minsk with the support of the Ministry of Foreign Affairs of Belarus, with the participation of representatives of state bodies, international organizations, NGOs, the media, the diplomatic corps. Also to celebrate the World Day of Combating Trafficking in Human Beings a free film screening of art films on the issue of human trafficking was made.

Corners of legal information containing information for students and their parents about the legal status of minors, on the issue of personal security, on trafficking in human beings, secure employment abroad, illegal migration, as well as information about the availability of psychological, medical, social and legal assistance, memos, numbers of "hotlines", photos and the necessary information about the juvenile inspectors, details of the Children's legal web site are placed and regularly updated in most educational institutions.

Thematic week, decades, months, activities on legal and moral education are held in educational institutions annually, speeches of law enforcement officers' addressing students on the topic "Work today: truth and fiction", "Work abroad" are organized.

In order to increase the awareness of students about dangerous situations that potential victims of trafficking in human beings may face, risk of exploitation, violence and illegal migration informing hours, discussions, training sessions, round tables, video classes, devoted to prevention of children from entering into any form of exploitation, illegal migration and related wrongful acts are held in educational institutions.

As Belarus is a country of origin, considerable attention is paid to the work on the prevention of human trafficking in the country. Non-governmental organizations build their preventive work basing on 15 years of experience in this field. In 2014 - 2015 years non-governmental organizations have conducted more than 2230 events (lectures, workshops, actions, etc.) with the following risk groups: high school students, students of schools and colleges, students, the unemployed, children without parental care, adolescents held in registered with the Inspectorate of the juvenile, women's staff where wages are low. In total, the events were attended by more than 80 800 people (The information is provided by the International public association "Gender Perspectives", public association "Club of Business Women", public association "Business Women Club "Southwest", women' social public association "Province", public association "Belarusian Association of Young Christian Women", public association "Children are not for violence", "Belarusian Red Cross Society").

In 2014 - 2015 years the NGO "Gender Perspectives"/Programme "La Strada" and the NGO "Business Women Club" has provided 1,077 consultations on hot lines for safe migration and combat trafficking in persons (113 and 8,801,201 5555).

Information campaigns:

NGO "Gender Perspectives"/Programme "La Strada" in 2013-2014 campaigned "Ask while you're here. "The campaign was aimed at adult Internet users. The goal was to popularize the site www.lastrada.by, which provides information to potential migrants about safe traveling abroad, the rules of legal employment abroad, the rules of behavior in crisis situations abroad, as well as social services such as getting advice on safe migration by e- mail. The result of the campaign was the increase of number of visitors to the site and e-mail consultations 2.5 times (the number of users per year – more than 276 000 people and more than 1100 electronic consultation).

NGO "Gender Perspectives"/The "La Strada" in partnership with NGO "Business Women Club" and the Interior Ministry conducted a nationwide campaign to promote the hotline number 113 on safe migration and anti-trafficking. The telephone address was allocated in 2011 in accordance with item 6 of the State program on combating human trafficking, illegal migration and related wrongful acts for 2011-2013. To promote the new telephone address at the end of 2012, the campaign "going abroad - call" was designed, which started in 2013 and continued in 2014 - 2015. As part of the campaign billboards, light boxes, flyers A4 were printed to be placed on stands of departments of Citizenship and Migration, stands of educational institutions, territorial social services centers, 3 videos for television were filmed. As a result, in 2014 - 2015 years the hotline provided 113 4671 consultations. A great contribution of the Ministry of Interior in the implementation of the campaign should be noted, as the outdoor advertising (billboards, light boxes) and commercials on state television were placed with the support of the Ministry of Interior free of charge as social advertisement. The contribution of the state in carrying out the campaign in 2014 was about 128 000 US dollars, in 2015 - about 201,500 US dollars (in-kind contribution).

- **Question 23:** Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

Answer 23

The country has a system of state social standards established by the laws of the Republic of Belarus "On the state minimum social standards". The law guarantees a minimum level of state safeguards in the field of health, education, social assistance and social services, and others.

State minimum social standards in the field of social services for the poor and persons in a difficult life situation, including victims of trafficking in human beings are:

- the list of free and public social services provided by state social service institutions (regulated by the Decree of the Council of Ministers of 27 December 2012 № 1218);

- norms and standards for providing persons with services of the state social service institutions (in accordance with the Decree of the Council of Ministers of 30 May 2003 № 724 "On measures for implementation of the system of state social standards in serving the population of the republic" a network of non-stationary social service institutions was created and developed, it is provided in each administrative district by territorial social service centers (total – 146 centers) and 2 city centers of social service for families and children;

- rules and regulations of the material, personnel and technical support of state social service institutions of various types and species.

Since 2000, the Law of the Republic of Belarus "On social services" is in force, which regulates the provision of social services, including for the victims of trafficking in human beings. Since 1 January 2013 an amended Law is in force, which has allowed to increase the availability of social services, to meet the demand for social services of persons who are in difficult life situations; to develop innovative forms of social services, aimed at socially important issues.

The Law has created opportunities for public financing of public associations working in the field of social services through the introduction of the mechanism of the state social order. Currently, quality standards for social services are developed, which will ensure the creation of a competitive environment in the field of social services. In 2015, within the social order 44 contracts were signed with public associations, the amount of subsidy made up 3.4 billion. Belarusian. rubles (about 193 000 euro¹).

The Law has introduced a number of new services, including the service of social patronage. This service provides comprehensive care for persons in difficult life situations, including victims of trafficking in human beings. A Patronage Council is created in the state social service center with the aim to provide this service, the Council may include professionals of health, education, juvenile commissions, other government agencies and organizations.

The following legal acts were adopted in development of the Law:

- The Decree of the Council of Ministers of December 27, 2012 №1218, which approved the list of free and public social services provided by state social service institutions (hereinafter – Decree №1218);

- The Decree of the Ministry of Labor and Social Protection of the Republic of Belarus of January, 26, 2013 №11 "On some issues of social services provided by public organizations providing social services," which regulates the provision of social services (hereinafter – Decree №11);

- The Decree of the of the Ministry of Labor and Social Protection of the Republic of Belarus of January 10, 2013 №5, which approved the Regulations on the territorial center of social services and the Regulations on the center of social services for families and children (social assistance to families and children);

- The Decree of the Ministry of Labor and Social Protection of the Republic of Belarus of January 10, 2013 №4, which approved the approximate number of employees of the territorial social service center and the center of social services for families and children (social assistance to families and children).

In accordance with the abovementioned normative legal acts of the territorial centers of social services for victims of trafficking in human beings provide free consulting and information, social, educational, social and psychological, social and rehabilitation services, social patronage service, temporary shelter and other social services.

Areas of work of the Ministry of Labour and Social Protection in the field of combating trafficking in human beings and minimizing its negative effects include:

- development of system of state support for families with children;

¹ the average official exchange rate of the euro in 2015 was 17 610,33 Belarusian rubles

² the average official exchange rate of the euro in 2014 was 13 574,47 Belarusian rubles

- promoting employment, improving of the competitiveness on the labor market;
- expansion of the network of institutions providing social assistance to victims of trafficking in human beings and their rehabilitation and social protection;
- information activities aimed at preventing trafficking in human beings.

The Republic of Belarus has developed a stable system of measures of economic support for families with children, including various types of allowances, benefits and guarantees. Today in accordance with the Law families with children are assigned 11 kinds of state benefits. In the annual rating of countries favorable for maternity Belarus ranks 25th among 179 countries of the world. This is the best index among the countries of the Commonwealth of Independent States.

Providing legal safeguards begins with the birth of a child. So, working mother, other relatives, family members of the child shall be granted leave to care for a child until the age of 3 years, with the preservation of job.

During the leave to care for a child under the age of 3 years the social benefits are paid, regardless of the parents' income, that is, almost all families.

Since 2013 the allowance for the care of a child under 3 years is linked to the average wage of workers in the country (average wage), which increased it almost twice.

Reference: allowances for the care of a child under 3 years are as follows: for the first child 35% of the average wage – 2 433 700 Belarusian rubles (about 138 euros) for the second and subsequent 40% of the average wage – 2 781 400 Belarusian rubles (about 158 euros) for a disabled child 45% of the average wage – 3 129 100 Belarusian rubles (about 178 euros)¹.

For people living in the contaminated areas, the size of the benefit is 150% of the set one.

The lump-sum payment in connection with the birth of the first child and the second and subsequent children is also significant (the highest in the Eurasian Economic Union) and makes up, respectively, 10 and 14 minimum living wages on average per capita (since December 1, 2015 – 15 691 300 Belarusian Rubles (about 891 euros) and 21 967 800 Belarusian Rubles (about 1,247 euros))¹.

Total state benefit system on 1 October 2015 has covered 535.6 thousand children (of which – 346.4 thousand are at the age of under 3 years), representing 30.2% of the total number of children (out of the children at the age of under 3 years the amount of covered by the state benefit system is 99.1%). In 2014, more than 13.2 trillion Belarusian rubles (about 972 413 656 euros², or 1.7% of GDP) were spent for the payment of allowances to families with children (taking into account the benefits of maternity leave and temporary disability because of childcare).

At the birth of two or more children a lump-sum payment is made for the purchase of children's basic necessities of 2 minimum living wages (about 178 euros¹) for each child.

For low-income families operates a large-scale program of targeted social assistance, which includes five types of support: monthly social allowance; lump-sum social security benefits; social allowance for reimbursement for the purchase of diapers; social allowance payment of technical means of social rehabilitation; the provision of food for children during the first two years of life (in accordance with the Order of the President of the Republic of Belarus January 19, 2012 № 41 "On state social assistance").

The main recipients of the monthly and lump-sum social benefits are large and incomplete families who are raising minor children (almost 74% of the recipients of the benefits). The main recipients of free food are single-parent families (39.7%).

In 2014 217.8 thousand people received targeted social assistance, the sum of aid paid was 424.8 billion Belarusian rubles (about 31 294 040 euros²) (for 9 months of 2015 – 189.2 thousand people, the sum of aid paid – 404.6 billion Belarusian rubles (about 22 975 152 euros¹).

The above-mentioned measures helped to reduce significantly the proportion of low-income families, including families with children. The proportion of low-income families in 2014 was 1.5% (in 2012 – 2.9%), the proportion of low-income families with children in 2014 was 6.9% (in 2012 – 9.2%).

One of the directions of the state support of families with children is the provision of social services.

Families raising two or more children born at the same time and families raising a disabled child are provided by territorial centers of social services hourly care for children under 3 years of age (babysitting) free of charge.

In 2014 889 families were provided with babysitting service, including 36 single-parent families raising a disabled child, 14 full families raising two or more children with disabilities, 740 families raising two children born at the same time, 99 families raising three or more children born at the same time. Over 9 months of 2015 1183 families were provided with babysitting services, including 49 single-parent families raising a disabled child, 28 full families raising two or more children with disabilities, 1 028 families raising two children born at the same time, 78 families raising three or more children born at the same time.

The system of social patronage of families in difficult situations is being developed. In 2014 about 9.8 thousand people were provided with social patronage service (over 9 months of 2015 – 6.7 thousand people).

The system of state support for families is constantly being improved. Since 1 January 2015 in accordance with the Order of the President of the Republic of Belarus № 572 "On additional measures to support families with children" additional measures to support families with children were introduced:

- a lump-sum non-cash payment of 10 000 US dollars to families after birth, adoption of a third or a subsequent child (family capital);
- a monthly allowance to the families for children aged 3 to 18 years for the period of upbringing of a child under the age of 3 years old.

Implementation of active measures of the employment policy of the Republic of Belarus is also aimed at the prevention of trafficking in human beings. The basic legal instrument for the forming and implementation of employment policy is the Law of the Republic of Belarus "On Employment of the population of the Republic of Belarus".

State policy to promote employment is aimed at ensuring equal opportunities for all persons regardless of gender, race, nationality, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or official status, age, location, or physical or mental health, if they do not hinder the performance of work duties and other circumstances unrelated to the professional qualities and not arising from the specific work function or the status of the worker in the realization of the right to labour, which means the right to choose a profession, occupation and work in accordance with their inclinations, abilities, education, training, and taking into account social needs, as well as safe and healthy working conditions.

Promoting employment is ensured by the implementation of measures contained in the annual State program on promotion of employment of population of the Republic of Belarus, which are:

- assisting in self-employment;
- organization of training in accordance with demand for occupations in the labor market;
- relocation to a new place of work and residence;
- participation in paid public works;
- employment in temporary jobs within the framework of "Youth practice";
- adaptation of persons with disabilities to employment;
- development of a system of informing about employment opportunities, including through the "Nationwide job bank" posted on the website of the Ministry of Labour and Social Security in the Internet and others.

According to the Article 11 of the Law "On the Employment of population" the State provides additional guarantees in the field of employment assistance for persons, particularly

those who are in need of social protection and are not able to compete equally in the labor market (disabled persons, first time job seekers under the age of 21, women who have young children, citizens released from prison and other).

The State program for promotion of employment provides for a series of measures to promote the employment of these categories of citizens. In 2014 220.4 billion Belarusian rubles were spent for the implementation of the State Programme (about 16 236 361 euros²). In 2015 243.5 billion Belarusian Rubles (about 13 827 112 euros¹) were spent on the implementation of the State Programme.

The implementation of active employment policy measures has helped to stabilize the situation in the labor market of the Republic. The registered unemployment rate on the 1 December 2015 was 1%, as the forecast for the end of 2015 was 1.5%.

The coefficient of tension in the labor market of the Republic is 1.5 unemployed per vacancy. For convenience 0.7 vacancy is the share of one unemployed, in Minsk – 1.2 vacancies.

The structure of the official unemployment rate in Belarus is characterized by increasing share of registered men (64.5% as for the 1 December 2015 in comparison with 61.3% as for the 1 December 2014).

An average duration of unemployment was 3.1 months (in 2014 – 2.9 months), including women - 3.3 months, men – 3 months, youth - 2.7 months.

An average period of employment was 1.4 months. The period of employment for women – 1.7 months, men and young people – 1.3 months.

Domestic violence is regarded as one of the roots causing trafficking in human beings. Much work has been done to solve this problem in Belarus in the last three years. In 2014, changes were made to the Law "On the basis of crime prevention". This law has made it possible to apply a protective order against a person who has committed violence against their family members repeatedly within a year. Protective order requires a person to leave the place of residence for up to 30 days, and if the victim decides to leave the joint housing, prohibits the aggressor attempts to find a victim of violence.

For the most comprehensive solution to the problem of domestic violence the Ministry of Internal Affairs of the Republic of Belarus has worked out and submitted for consideration and discuss to a wide range of experts the draft law "On prevention of domestic violence." It should be noted that during the drafting of the law the main provisions of Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention were implemented.

In order to improve the efficiency of the fight against domestic violence and involve additional financial resources and international experience in cooperation with UNFPA and UNICEF in 2012 – 2015 projects of international technical assistance were implemented: by the Ministry of Labour and Social Protection "Development of national capacities for the Republic of Belarus in counteraction to domestic violence in conditions of achievement of gender equality" and by the Ministry of Internal Affairs "Improving national capacity in counteraction to domestic violence in Belarus".

As part of the project since August 2012 on the basis of NGO "Gender Perspectives" a nationwide free hotline 8-801-100-8-801 for victims of domestic violence has run, which as on December 2015 has received more than 7500 calls. Information on the "hot line" is available on the website of the centers, the committees on labor, employment and social protection of the regional executive committees, Minsk City Executive Committee, the Ministry of Labor and Social Protection of the Republic of Belarus.

In 2012 - 2015 years within the framework of technical assistance projects supported by the United Nations Population Fund a large-scale information campaign "A house without violence", which includes 3 information campaign "Kitchen without violence", "Children without Violence", "bedroom without violence" and aimed at creating a negative attitude towards domestic violence was implemented. During the main stage of the campaign over 5.4 thousand addresses on the prevention of domestic violence were carried out, including 463 – in the media. More than 33.8 thousand preventive materials were placed in places of mass visiting. Interdepartmental Working Groups visited the places of residence of more than 12.2 thousand people who have committed domestic violence. Individual crime prevention measures were applied against 5.2 thousand people, direction to medical labor dispensaries was applied against 610 people, nearly

1 thousand people were put on drug treatment records. In addition, more than 3.3 thousand people were considered on the meetings of the boards of public law enforcement points, and 422 people were considered during visiting hearings. 629 people were assisted in finding employment, preventive supervision was installed (extended) over 101 people in this category.

Non-governmental organizations in 2012 – 2014 held more than 470 activities for the prevention of domestic violence for more than 16 000 people.

In Belarus, on the basis of non-governmental and religious organizations there are 4 shelters for victims of domestic violence (SOS-Children's Village / Mogilev social crisis center for women (Mogilev), NGO "Gender Perspectives" (Minsk), Orthodox sisterhood named after Efrosinia Polotskaya of Belarusian Orthodox Church (Lida), NGO "Radislav" (Minsk)). In 2012-2014 310 women and 297 children were assisted in these shelters (The data is presented by all shelters for victims of domestic violence). Also more than 595 women have benefited from NGOs without accommodation in shelters (The data is provided by not all the organizations of Belarus, providing assistance to victims of domestic violence, only by NGO "Gender Perspectives" NGO "Club of Business Women", NGO "Business Women Club "Southwest" Belarusian women social public association "Province", NGO "Belarusian Association of Young Christian Women").

A national action plan on the insurance of gender equality in the Republic of Belarus for 2011 – 2015 (hereinafter – the National Plan) was implemented in order to eliminate gender inequality and ensure conditions of equal participation of men and women in all spheres of life.

Belarus is among the 16 countries where women's human development index is equal to or superior to that of the men. According to the index of gender inequality our republic occupies the 28th place among 187 countries of the world.

Among civil servants women make up 68.5%. Among the highest legislative, executive and judicial authorities the number of women is even higher – 55.4% of the total number of employees (25 111 out of 45 300 people). Among the employed in the sphere of economy the proportion of working women with higher education is 33.9%, the same indicator for men – 24.4%. Among the teaching staff of high schools 55.7% are women. The level of participation of women in the local executive and administrative bodies is higher than that of men. It constitutes 62.7% of the total number of employees of these bodies (excluding rural executive committees).

- **Question 24:** What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

Answer 24

Belarus has studied the experience of the Scandinavian countries in prosecution those who use the services of prostitutes.

Currently at the expert level the possibility of introducing administrative responsibility for persons using the services of prostitutes, including victims of trafficking in human beings is considered (the state bodies have refused the introduction of criminal liability for such actions two years ago).

In addition, the fight against the demand for sexual services is carried out by reducing the supply of such services (operational testing of places of concentration of prostitutes, as well as veiled advertisements in the media and the Internet on the provision of paid sexual services).

In Belarus prostitution is an administrative offense. If it is established that a person engaged in prostitution is a victim of trafficking in human beings and related crimes it is exempt from liability.

- **Question 25:** Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily forged.

Answer 25

Currently, in the Republic of Belarus a passport of the citizen of the Republic of Belarus is issued in accordance with the standard of 1996 (hereinafter - passport).

The passport is a machine-readable document and obey the ICAO Document 9303 "Machine Readable Travel Documents."

In Belarus there is an effective system of manufacturing, personalization, issuance and control of identity documents, including using of an automated centralized system of registration of issued machine readable documents (Automatic System "Passport").

In 2006 we held a regular modernization of passport blanks, as a result the security against counterfeiting, as well as resilience has increased.

Currently the transition to the use of biometric identifiers in identity documents is considered.

Activities related to counterfeiting, illicit manufacturing of and issuance of travel and identity documents, are criminalized in Belarus in accordance with the Article 380 of the Criminal Code.

- **Question 26:** Please specify the measures taken by your country to detect cases of THB at its borders, *inter alia* by means of border surveillance teams and intelligence measures.

Answer 26

The bodies of the Border Service of the Republic of Belarus on the international communication channels, all roads, railway and air checkpoints across the state border of the Republic of Belarus (hereinafter – the checkpoints), carry out a set of measures aimed at the prevention, detection and suppression of offenses related to trafficking in human beings:

Within this set of measures:

- monitoring of persons crossing the state border of the Republic of Belarus (hereinafter - the state border) with the aim of identifying of possible victims of trafficking in human beings;
- explanatory work is carried out in respect of crossing the state border persons who are at risk as potential victims of trafficking in human beings;
- with the aim to inform the citizens of the Republic of Belarus leaving the country about the possible danger of committing against them illegal actions related to trafficking in human beings, information stands at the checkpoints provide information about the specified unlawful activity, the operating procedures of the victims, contact numbers of public organizations, diplomatic and consular posts of the Republic of Belarus, where they can apply for help;
- in respect of crossing the state border persons out of the deported ones from the territory of foreign states primary monitoring measures are held to establish the circumstances of their departure abroad and the reasons for their deportation, special attention is paid to women aged 16-35 years.

In addition, within the framework of organized interaction information on female persons aged 16-35 years who were deported from foreign countries to the Republic of Belarus is sent quarterly to the Chief Department for Drug Control and Combating Trafficking in Human Beings of the criminal police of the Ministry of Internal Affairs of the Republic of Belarus for operational use and further verification activities.

- **Question 27:** Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

Answer 27

Information on the rules of entry and stay in the Republic of Belarus, including for the purpose of immigration, is posted by overseas institutions on the website, at the information stands in the premises of the consular services and shall be notified orally when advising persons.

- **Question 28:** Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

Answer 28

Citizens of the migratory disadvantaged States when applying for visas are personally interviewed, during the interview they can claim to be victims of trafficking in human beings. Visas to the citizens of the migratory disadvantaged States are issued on the basis of requests of Belarusian legal entities or invitations of living in Belarus individuals; if any questions arise the purpose of the travel is clarified before issuing a visa. If there is a reason to believe that the alien is a victim of trafficking in human beings a visa is refused.

- **Question 29:** Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.

Answer 29

The problem of trafficking in human beings in Belarus is solved comprehensively, so measures to combat trafficking are applied to both inter-state and national level. At national level, particular attention is drawn to the fight against the use of prostitution and use of children as models/actors for the production of child pornography.

- **Question 30:** What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.

Answer 30

The cost of the preventive measures to prevent trafficking in human beings is carried out within the funds envisaged in the state budget for the maintenance of public bodies carrying out appropriate preventative measures. Targeted financing for these purposes is not provided.

- **Question 31:** Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

Answer 31 The Government and the Head of State annually give the assessment of measures Belarus applies to combat trafficking in human beings. Due to the measures taken (preventive, legal, practical and otherwise) the extent of trafficking in human beings in the past 10 years decreased by almost 10 times.

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

- **Question 32:** At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?

Answer 32

Law enforcement agencies, especially the specialized operational service of the Ministry of Interior (Chief Department on Drug Control and Combating Trafficking in Human Beings of criminal police), have are always focused on the identification of victims of trafficking in human beings. In practice, 90% of all trafficking in human beings victims are identified by the Ministry of Interior in the operative way (while implementing operational and investigative activities).

Appeals for help of the victims themselves to the competent authorities are rare. It should be noted that the victims of trafficking in human beings (especially the victims of sexual exploitation) rarely seek help on their own not only to law enforcement agencies, but also to international and nongovernmental organizations. However, if law enforcement agencies are able to find such victims in the operative way, after the application of security measures they easily give testimony proving guilty of traffickers.

According to the Regulations on identification of victims of trafficking in human beings, the order of filling and form of profiles of persons who could be affected by trafficking in human beings and related offenses, the procedure for granting the data contained therein, adopted by the Council of Ministers of the Republic of Belarus of 11 June 2015 № 485:

"3. Identification of victims of trafficking in human beings is carried out by bodies of internal affairs, public security, border service bodies, prosecutors, the Investigative Committee.

5. The basis for the identification of victims of trafficking in human beings is the information contained in the application of a person who could be affected by trafficking in human beings and related offenses.

6. Identification of victims of trafficking in human beings is carried out within 30 days from the date of filling in the form of a person who could be affected by trafficking in human beings and related offenses (hereinafter – the profile).

7. If any person who could be affected by trafficking in human beings and related offenses is revealed, the authorities referred to in paragraph 3 of this Regulation:

7.1. find out whether a person requires the services of an interpreter, and provide such services if necessary;

7.2. find out whether the person requires the participation of the legal representative (hereinafter – the representative), and provide such participation, if necessary;

7.3. carry out interviewing of a person;

7.4. fill in the questionnaire, during the filling:

inform a person of his/her right to use in respect of him/her measures of the protection and rehabilitation of victims of trafficking in human beings referred to in the Article 18 of the Law "On Combating Trafficking in Human Beings" (hereinafter – the measures for the protection and rehabilitation), as well as the right to apply in respect of him/her the measures for the protection and rehabilitation for 30 days from the day of filling in the questionnaire, regardless of his/her participation in the criminal proceedings;

find out what types of assistance are needed for the person, determine the State or other organizations referred to in paragraphs 2 and 3 of the Article 20 of the Law "On Combating Trafficking in Human Beings", which provides appropriate assistance, direct, and if necessary accompany a person in these organizations to apply in respect of him/her measures for the protection and rehabilitation of what make a mark in the questionnaire;

7.5. proceed to the identification of victims of trafficking in human beings.

8. While carrying out the identification of victims of trafficking in human beings state agencies referred to in paragraph 3 of this Regulation:

8.1. check the information entered in the questionnaire by collecting information to establish or refute the fact of trafficking in human beings and related crimes, including by carrying out search operations, investigative and other procedures;

8.2. recognize or not recognize a person as a victim of trafficking in human beings, as do a mark in the questionnaire;

8.3. in case of identifying a person as a victim of trafficking in human beings find out what kind of help he/she needs, determine the state and other organizations referred to in paragraphs 2 and 3 of Article 20 of the Law "On Combating Trafficking in Human Beings", which provide appropriate assistance, direct and, if necessary, accompany victims of trafficking in human beings to these organizations to apply in respect of him/her measures for protection and rehabilitation (usually in a period of more than 30 days from the date of filling in the questionnaire), as is noted in the questionnaire.

9. Identification of victims of trafficking is terminated before the expiration of 30 days from the date of filling in the questionnaire in the case of:

9.1. recognition of a person a victim of trafficking in human beings;

9.2. obtaining information that a person is not committed trafficking in human beings and related crimes.

10. Identification of victims of trafficking in human beings may be initiated by the diplomatic missions and consular offices of the Republic of Belarus, agencies for labor, employment and social welfare, educational institutions, public health organizations, centers for the protection of victims of trafficking in human beings and assistance them.

12. If any person who could be affected by trafficking in human beings and related offenses is revealed, public authorities, public or other organizations referred to in paragraph 10 hereof:

12.1. find out whether a person requires the services of an interpreter, and provide such services if necessary;

12.2. find out whether the person requires the participation of the representative, and provide such participation, if necessary;

12.3. carry out interviewing of a person;

12.4. fill in the questionnaire, during the filling:

inform a person of his/her right to use in respect of him/her measures of the protection and rehabilitation, as well as the right to apply in respect of him/her such measures for a period of 30 days from the day of filling in the questionnaire, regardless of his/her participation in the criminal proceedings;

find out what types of assistance are needed for the person, determine the State or other organizations referred to in paragraphs 2 and 3 of the Article 20 of the Law "On Combating Trafficking in Human Beings", which provides appropriate assistance, direct, and if necessary accompany a person in these organizations to apply in respect of him/her measures for the protection and rehabilitation of what make a mark in the questionnaire, or, if necessary, proceed to the application of protection and rehabilitation measures themselves within its competence, as well as make a mark in the questionnaire;

12.5. initiate the identification of victims of trafficking in human beings.

13. During the initiation of the identification of victims of trafficking in human beings state agencies, government or other organizations referred to in paragraph 10 hereof, send to the public authority referred to in paragraph 3 hereof, in front of which the identification of victims of trafficking in human beings is initiated a request for the identification of victims of trafficking in human beings in compliance with Appendix 2, the form and, if necessary, – other information, where appropriate accompany a person to the state body for the identification of victims of trafficking in human beings.

14. Public associations, international and foreign organizations operating in the field of combating trafficking in human beings, can participate in the identification of victims of trafficking in human beings and have the right:

14.1. to identify victims of trafficking in human beings, including in cooperation with state bodies, public or other organizations referred to in paragraphs 3 and 10 of these Regulations;

14.2. to initiate the identification of victims of trafficking in human beings to the public authorities referred to in paragraph 3 hereof, in the manner determined in paragraphs 12 and 13 of this Regulation.

15. Public associations, international and foreign organizations, referred to in paragraph 14 hereof are working with victims of trafficking in human beings and persons who may have been affected by trafficking in human beings and related offenses in accordance with their charters. "

- **Question 33:** Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

Answer 33

If there are signs pointing to the possibility of committing against a person trafficking in human beings, the person is considered to be a person who could be affected by trafficking in human beings and related offenses. This status allows a person for a period of 30 days free of charge to undergo rehabilitation without participation in a criminal trial.

If there is sufficient evidence pointing to the commission of offenses against the person (trafficking in human beings or related crimes), the person is recognized as a victim of trafficking in human beings. This status allows the person to undergo free of charge rehabilitation for a period of more than 30 days.

- **Question 34:** Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?

Answer 34

The decision to recognize a person as a victim of trafficking in human beings is made by the bodies of internal affairs, public security, border service bodies, the prosecutor's office, the Investigative Committee. This decision may be appealed in court. Public associations,

international and foreign organizations operating in the field of combating trafficking in human beings, can participate in the decision on recognizing a person as a victim of trafficking in human being a (paragraph 14 of the Regulations).

- **Question 35:** Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?

Answer 35

These actions are prohibited.

According to the Law of the Republic of Belarus "On combating trafficking in human beings":

"Article 22. The suspension of expulsion and deportation of victims of trafficking

1. If a foreign citizen or a person without citizenship who are victims of trafficking in human beings, as well as witnesses in criminal cases involving trafficking in human beings or crimes related to trafficking in human beings or assisting bodies conducting operational-search activity, on a reasoned request of authorities or the body conducting the criminal proceedings in respect of them the expulsion or deportation is suspended before a decision (verdict) in criminal proceedings against those responsible for trafficking in human beings or a crime related to trafficking in human beings. At the same time the person who is a victim of trafficking in human beings is registered in the registration authority of the actual place of temporary residence in accordance with the laws of the Republic of Belarus regardless of the circumstances of his/her entry into the Republic of Belarus.

2. A foreign citizen or a person without citizenship who is a victim of trafficking in human beings and is actively contributing to a criminal investigation of trafficking in human beings or crimes related to trafficking in human beings, whose term of stay in the territory of the Republic of Belarus has expired, the internal affairs bodies of the Republic of Belarus on a reasoned request of the authority conducting investigative and search activity, or body conducting criminal proceedings, in accordance with the legislation of the Republic of Belarus issue a temporary residence permit in the Republic of Belarus, as a rule, for a period of not more than one year for their participation in criminal proceedings, social protection and rehabilitation".

Similar provisions are contained in the Law of the Republic of Belarus "On Legal Status of Foreign Citizens and Persons without Citizenship" (in the Law in addition to trafficking there are references to illegal migration).

- **Question 36:** Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

Answer 36

Such issues are not stipulated by national law in Belarus. However, according to the Article 2 of the Law "On combating trafficking in human beings" if an international treaty establishes rules other than those contained in the Law, the rules of the international treaty are applied.

- **Question 37:** Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

Answer 37

All forms of assistance referred to in the Article 12 of the Convention, are provided for the victims of trafficking in human beings in the Republic of Belarus.

According to the Article 20 of the Law "On combating trafficking in human beings":

"1. Social protection and rehabilitation of victims of trafficking in human beings are carried out free of charge and include:

1.1 provision of temporary residences, including beds and food to victims of trafficking in human beings:

aged up to three years old – in public health organizations;

aged three to eighteen years old – in the socio-educational centers for up to six months, or in the centers for the protection of and assistance to victims of trafficking in human beings.

aged more than eighteen years old – in centers for the protection of victims of and assistance to trafficking in human beings, territorial centers of social services jointly with local executive and administrative bodies in "crisis" rooms or on the premises of other organizations;

1.2. legal aid (including an explanation of their rights and obligations under the legislation of the Republic of Belarus), including free legal aid provided by the Bar Association. Legal assistance to victims of trafficking in human beings who are under the age of fourteen, is provided to their legal representatives;

1.3. medical care provided by state health organizations in the form of necessary medical services in accordance with a list determined by the Ministry of Health of the Republic of Belarus, including in stationary conditions, regardless of the place of residence of victims of trafficking in human beings;

1.4. psychological assistance in the form of psychological counseling, psychological treatment, psychological prevention, as well as social and educational assistance;

15. identification of families of minor victims of trafficking in human beings or arrangement of their upbringing in other families, and in the absence of such a possibility – in the children's home;

1.6. assistance in finding a permanent job;

1.7. other assistance provided in accordance with the decisions of local councils of deputies, executive and administrative bodies.

2. In order to return to the favorable conditions of life of victims of trafficking in human beings are sent by the prosecution authorities:

2.1. aged up to three years old – to public health organizations subordinate to the local executive and administrative bodies for the application of social protection measures and rehabilitation provided by paragraph 2 of sub-item 1.1 and sub-items 1.3, 1.4 and 1.7 of item 1 of this Article;

2.2. aged three to eighteen years old – to socio-educational centers for social protection and rehabilitation provided by the paragraph 3 of sub-item 1.1 and sub-items 1.2 - 1.5 and 1.7 of item 1 of this Article;

2.3. aged more than eighteen years old – to the territorial centers of social services for the application of social protection measures and rehabilitation provided by the paragraph 4 of sub-item 1.1 and sub-items 1.2, 1.4, 1.6 and 1.7 of item 1 of this article;

2.4. to centers for the protection of and assistance to victims of trafficking in human beings.

3. Organization of social protection and rehabilitation of victims of trafficking in human beings is provided by:

3.1. local executive and administrative bodies, which public health organizations are subordinated to – in relation to the provision of assistance under sub-item 1.3 of item 1 of this Article, and assistance to victims of trafficking in human beings under the age of three years, provided by paragraph 2 of sub-item 1.1 and sub-item 1.4 of item 1 of this Article;

3.2. local executive and administrative bodies, which the educational institution are subordinated to – for assistance to victims of trafficking in human beings at the age of three to eighteen years, provided by paragraph 3 of sub-item 1.1 and sub-items 1.2, 1.4 and 1.5 of item 1 of this Article;

3.3. agencies for labor, employment and social protection of the local executive and administrative bodies – for assistance to victims of trafficking in human beings who have reached eighteen years of age, provided by paragraph 4 of sub-item 1.1 and sub-items 1.2, 1.4 and 1.6 of paragraph 1 of this Article;

3.4. public associations, international or foreign organizations.

4. Victims of trafficking in human beings may be granted financial support in accordance with the legislation of the Republic of Belarus. "

During 2014 - 2015 the country has made efforts to improve the identification and redirection of victims of trafficking in human beings. In 2015 the Decree of the Council of Ministers № 485 of June 11, 2015 which approved the "the Regulations on identification of victims of trafficking in human beings, the order of filling and form of profiles of persons who could be

affected by trafficking in human beings and related offenses, the procedure for granting the data contained therein".

In accordance with the decree of the Ministry of Health on February 22, 2006 № 6 "On approval of the Instruction on the order of placement of children in the children's house and discharging from it" children under three years old who are victims of trafficking in human beings are placed to children's house for social security in the manner prescribed by law.

Belarusian law stipulates that social assistance to child victims of trafficking in human beings in the Republic of Belarus is carried out by social-educational institutions. The country has 138 social education centers (further – SEC), 111 out of which are with children's social shelters.

SECs carry out social-pedagogical rehabilitation of children at the age of three to eighteen years old, caught in a difficult life situation. Admission of minors to social shelters for children is carried out round-the-clock. Pupils of social shelters for children entitled to free meals, clothing, footwear and other essentials from the date of arrival in accordance with the standards established by the legislation of the Republic of Belarus. In 2014 and the first 9 months of 2015 no minors victims of trafficking in human beings have arrived in children's social shelters.

Medical assistance to victims of trafficking in human beings is provided in accordance with the decree of the Ministry of Health of the Republic of Belarus of April 28, 2012 № 41 "On establishment of the list of necessary medical services provided by public health organizations, including hospital in-patient to victims of trafficking in human beings, regardless from their place of permanent residence" This list includes the provision of diagnostic services, treatment in out-patient and in-patient in case of acute illness and exacerbation of chronic diseases, preventive vaccination on epidemic indications, psychiatric assessment, psychiatric care and assistance, emergency medical care.

This Decree guarantees, that victims of trafficking in human beings can get medical assistance regardless of their place of residence.

Provision of **psychological assistance** in the form of psychological counseling, psychological treatment, psychological prevention, as well as socio-educational assistance is by the law "On combating human trafficking" (article 20) and the Law "On the provision of psychological assistance," dated July 1, 2010 № 153-3. In accordance with the Article 17 of the Law "On the provision of psychological assistance" psychological support is also carried out free of charge.

It should be noted that this type of assistance is most actively practiced by psychologist of territorial social service centers in collaboration with local NGOs while redirection.

Due to the fact that Belarus is beginning to solve the issue of fight against child pornography, pedophilia, more child victims of sexual exploitation are revealed.

Assistance in finding a permanent job.

Item 4 of Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings provides that each Party shall adopt the rules under which victims lawfully resident within its territory shall be authorised to have access to the labour market, to vocational training and education.

Article 14 of the Labour Code of the Republic of Belarus prohibits discrimination in labor relations.

In particular, discrimination, that is, the restriction of employment rights or the acquisition of any privileges on the basis of gender, race, national or social origin, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or official position, age, location, or physical or mental disabilities that do not hinder the performance of the work duties and other circumstances unrelated to the professional qualities and not arising from the specific employee's work performance, is prohibited.

Discriminatory conditions of collective agreements are void.

Are not considered as discrimination any distinction, exclusion, preferences and restrictions:

- 1) based on the inherent requirements of the job;
- 2) due to the need for special care of the State to persons requiring enhanced social and legal protection (women, minors, persons with disabilities, persons affected by the Chernobyl disaster, and others.).

Persons who believe they have been discriminated in the field of labor relations, have the right to go to court with the appropriate application to eliminate discrimination.

Victims of trafficking may register with the employment service, to receive unemployment benefits, training on professional courses, consulting a specialist to discuss jobs and the potential employment.

The possibility of financial assistance is provided by the frame rule of item 4 article 20 of the Law on Combating Trafficking in Human Beings. In some areas of Belarus there were isolated cases when victims of trafficking in human beings with the active support of social workers, non-governmental organizations have applied for obtaining social aid on a general basis in accordance with the Decree of the President of the Republic of Belarus of 19 January 2012 №41 «About the state address social help».

In 2012 in Belarus NGOs received an opportunity of funding from the budget of local authorities (as social order). However, in practice only one case was tested in the country, when the rate of 0.25 for psychologist working with victims of human trafficking and preventive work was supported by the local executive authorities.

In Belarus there are 146 territorial social service centers that provide a full range of social services. There are also 2 city centers of social services for families and children in Minsk and Gomel.

As for October 1, 2015, almost 1 810 thousand persons and 272.8 thousand families were registered in the territorial centers of social services for the population. The main source of funding for the centers are the local budgets. Actual funding for the maintenance of territorial social service centers in 2014 amounted to 933.1 billion Belarusian rubles (about 68,739,332 euros¹) for the first 9 months of 2015 – 734.7 billion Belarusian rubles (about 41,719,831 euros²).

Territorial centers of social services provide victims of Trafficking in human beings with consulting and information, socio-educational, socio-psychological, socio-rehabilitation services, social patronage service, temporary shelter and other services.

To provide temporary shelter "crisis" rooms are created in the territorial centers of social services.

The service of temporary shelter is free of charge and includes: the provision of bed with bed linen, ensuring personal hygiene and food.

The contract for provision of social services, temporary shelter may be concluded without presenting necessary documents to the authorities of labor, employment and social welfare, interior, health care institutions, other government agencies and organizations. In addition, the current legislation doesn't limit the period of accommodation in "crisis" room (earlier the services were provided for up to 10 days but could be extended with the decision of the director of the center).

Developing a network of "crisis" rooms is provided by the National Plan on Gender Equality in the Republic of Belarus for 2011-2015. Since the beginning of 2011, the number of rooms has increased in 3.5 times as on the October 1, 2015 in the republic there are 108 "crisis" rooms (as on the January 1, 2011 – 31).

Reference: As on the January 1, 2014 in the Republic operated 74 "crisis" of the room, on the 1 January 2013 – 50.

Also, Belarus has one specialized shelter for victims of human trafficking, its activities are administered by International Organization for Migration (IOM).

NGOs provide the same package of assistance to victims of trafficking as the IOM. NGOs that provide assistance to victims do it with the support of IOM, so that all the victims that NGOs were assisted are fixed by IOM.

The total number of victims of trafficking, rehabilitated at the rehabilitation center, IOM

Victims of THB and their children	2010	2011	2012	2013	2014	2015
Adults	35:	47:	36:	32:	30:	38:
	1 m, 34 f	2 m, 45 f	6 m, 30 f	6 m, 26 f	3 m, 27 f	11 m, 27 f

¹ the average official exchange rate of the euro in 2014 was 13 574.47 Belarusian rubles

² the average official exchange rate of the euro in 2015 was 17 610,33 Belarusian rubles

	19:	23:	43:	34:	25:	35:
Children	2 male	1 male	including 23 minor victims	victims	victims	victims
			14 m, 9 f	3 f	7 f	11 f
				1 m	3 m	7 m
Total	55	70	79	66	55	73
Total 2006 – 2015	625					

Thus, the infrastructure to assist those who are in difficult situations, including victims of trafficking in human beings is designed and operates within the social protection system.

Legal aid (including an explanation of their rights and obligations under the legislation of the Republic of Belarus), including free legal aid is provided by the Bar Association. Legal assistance to victims of trafficking in human beings, who are under the age of fourteen, is provided to their legal representatives.

Recognizing the high importance of the Decree of the Council of Ministers of February 6, 2012 №122 "On the procedure for reimbursement of salaries of lawyers providing legal assistance to victims of trafficking, victims as a result of an act of terrorism", it should be noted that there are some practical nuances in the application of this regulation. According to the practice in the regions, legal advice assistance is free of charge everywhere. However, when it comes to the participation of a lawyer in court as a representative of the victim, the situation is different. According to the Decree №122 the cost of lawyers' labor in legal aid are reimbursed at a rate of:

- 70% of work as a representative of a victim of trafficking to the Supreme Court, regional, Minsk city;

- 50% of work as a representative of the victims of trafficking in the district (city) courts, during the preliminary investigation, when giving advice and explanations on the issues of social protection and rehabilitation of victims of trafficking, persons who have suffered as a result of an act of terrorism, drafting of statements, complaints and other legal documents.

The provision of services by the same helping person (social workers, lawyers, doctors, etc.) is considered to be one of the quality standards of social and legal work with victims of human trafficking in connection with the traumatic events the victim went through. However, the Decree does not provide travel costs and travel expenses to lawyer, which leads to the fact that the same lawyer can not protect victims of trafficking (for example, in Minsk during the preliminary investigation has to work one lawyer, and at the trial stage, which occurs in a region another).

Non-governmental organization, at the request of the victim or at the request of the court, may provide the court with information on the status of the victim, about the kinds of services that the victim was provided by NGOs

Belarus has 15 questioning rooms friendly to children, which is important when interviewing children - victims of sexual abuse, but these rooms are not always used.

- **Question 38:** Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

Answer 38

Types of assistance are almost similar, except that the deportation of foreigners and stateless persons is prohibited (citizens of Belarus can not be deported from Belarus).

As part of the preliminary investigation the measures of assistance and protection provided to victims of transnational trafficking in human beings and victims of trafficking in human beings at the national level, the parties to the criminal proceedings (victims, witnesses) are identical and don't differ.

- **Question 39:** Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

Answer 39

The funds spent on the implementation of measures for the protection and rehabilitation of victims of trafficking in human beings, are recovered by the perpetrators of trafficking in human beings or crimes related to trafficking on the basis of court decision.

In case the Supreme Court of the Republic of Belarus makes the decision on recognition of the organization registered in the Republic of Belarus or foreign or international organization registered outside Belarus, involved in trafficking in human beings, the prohibition of its activities on the territory of the Republic of Belarus and its liquidation or cessation of activities of a foreign or an international organization located in the territory of the Republic of Belarus, its property remaining after satisfaction of creditors' claims (provided that they are not involved in trafficking in human beings) is confiscated.

Funds received from the sale of the corresponding assets shall be used on:

- Compensation (damages) in accordance with the legislation of the Republic of Belarus to the victims of trafficking in human beings;
- Ensuring the implementation of state programs in the field of combating trafficking in human beings, as well as support of organizations assisting in the rehabilitation of victims of trafficking.

In addition, the centers for the protection of victims of human trafficking and assistance, created by international or foreign organizations within the framework of international technical assistance projects and public associations are funded according to the statutes of the public association, an international or foreign organization.

- **Question 40:** Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

Answer 40

In accordance with paragraph 31 of the Regulations on identification of victims of trafficking in human beings, the order of filling and form of profiles of persons who could be affected by trafficking in human beings and related offenses, the procedure for granting the data contained therein, adopted by the Council of Ministers of the Republic of Belarus of 11 June 2015 № 485, the period of rehabilitation and the decision in Belarus is 30 days. The person has a guaranteed right for free of charge rehabilitation for 30 days, regardless of participation in the criminal process (this is the minimum rehabilitation period). The maximum rehabilitation period is 1 year, but it is only available for the identified victims of trafficking and is generally used for the benefit of foreigners.

- **Question 41:** What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Answer 41

In accordance with the part 3 of Article 40 of the Law of the Republic of Belarus № 105-3 of 4 January 2010 "On legal status of foreign citizens and persons without citizenship in the Republic of Belarus", "if the foreigner is a victim of trafficking in human beings, as well as a witness in a criminal case on trafficking in human beings or the crime related to trafficking in human being, organizing illegal migration, or assists the authorities conducting operational-search

activity, on a reasoned request of such bodies or body conducting the criminal proceedings, a temporary stay of a foreigner in the Republic of Belarus shall be extended until a decision (sentencing) the criminal proceedings against the perpetrators of trafficking in human beings or a crime of related to trafficking in human beings, organizing illegal migration". And according to the part 3 of the Article 48 of the mentioned Law: "Upon a motivated request of the authority conducting the operational-search activities, or body conducting the criminal proceedings, a temporary residence permit is issued to an alien who is a victim of trafficking in human beings and actively contributes to the criminal investigation of trafficking or crime, associated with trafficking in human beings, organizing illegal migration, whose term of stay has expired in Belarus – for the period of his participation in criminal proceedings, social protection and rehabilitation, but not more than one year".

If necessary, a temporary residence permit may be issued again, if grounds for its production have not ceased to exist.

- **Question 42:** Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.

Answer 42

According to the Article 20 of the Law "On combating trafficking in human beings" victims of human trafficking may be granted financial support in accordance with the legislation of the Republic of Belarus.

In the framework of criminal proceedings on the basis of court decision the victim receives compensation from traffickers for the damage caused by the offense (civil action procedure).

- **Question 43:** Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

Answer 43

The Republic of Belarus is 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 of 2000. The Article 8 of the Protocol is dedicated to the repatriation of victims of trafficking in human beings, and is primarily focused on the operational coordination and cooperation of States to ensure the safety of victims during the repatriation.

In particular "1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons".

If an alien who is a victim of trafficking in human beings has no documents for traveling abroad, the internal affairs authorities take measures to identify their personality and make travel documents to return them to their homeland.

If such an alien has violated the immigration legislation and has no funds for the departure from the Republic of Belarus, the internal affairs authorities within the administrative process may purchase the tickets, as well as deliver the alien to the airport, provide express check and board the flight. If necessary, the transit issues are discussed and agreed.

- **Question 44:** Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?

Answer 44

Such issues are not stipulated by national law in Belarus. However, according to Article 2 of the Law "On combating trafficking in human beings" if an international treaty establishes rules other than those contained in the Law, the rules of the international treaty are applied. Considering the above mentioned, when a similar situation the provisions of Article 16 of the Convention will be applied.

In addition, if repatriated person appeal to the competent authorities of Belarus with the statement that it has suffered from trafficking in human beings (no matter abroad or in Belarus), it will start the procedure for identifying victims of trafficking in human beings, information on which is listed in the answer to question 32.

- **Question 45:** What are the grounds for the victim status to come to an end:
 - victim status claimed improperly;
 - victim's refusal to co-operate with the authorities;
 - return to the country of origin;
 - request of the victim;
 - other, please specify.

Answer 45

According to the Law "On combating trafficking in human beings" the only foundation is to obtain information that a person is not committed trafficking in human beings and related crimes.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

- **Question 46:** Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

Answer 46

There are six offenses in Belarus that criminalize trafficking in human beings and related acts that cover all types and forms of "modern slavery". The maximum punishment provided is imprisonment up to 15 years with confiscation of property.

"Article 171. The organization and (or) use of prostitution or facilitation of prostitution

1. Organization and (or) use of the prostitution by another person, or the provision for a mercenary purpose of premises (places) by the person who obviously knew that this premises (place) will be used for prostitution, or the organization and (or) keeping a brothel for prostitution at the absence of a more serious crime –

shall be punished with imprisonment for the term of three to five years with a fine.

2. The same actions involving bringing of a person out of the state for prostitution, or committed by an official using his official authority or by a person who has previously committed offenses under this Article and Articles 171-1, 181 and 181-1 of the present Code, or using for prostitution of an obvious minor or committed by an organized group, –

shall be punished with imprisonment for the term of five to ten years with confiscation of property.

Note. By using of prostitution is meant the receiving by a person of financial or other benefits from the voluntary provision by another person for remuneration of services of a sexual nature (sexual intercourse, sodomy, lesbianism and other sexual acts).

Article 171-1. Engaging in prostitution or forcing to continue prostitution

1. Engaging in prostitution or forcing to continue in prostitution -

shall be punished with imprisonment for the term of one year to three years with a fine.

2. The same actions committed repeatedly, or using violence or the threat of force, or by a person who has previously committed offenses under articles 171, 181 and 181-1 of the Code, or by any person who reached the age of eighteen years against an obvious minor, –

shall be punished with imprisonment for the term of three to five years with a fine.

3. Actions provided in parts 1 or 2 of this article, committed by a parent, pedagogical staff or other person, responsible for the upbringing of a minor, against an obvious minor or by an organized group, -

shall be punished with imprisonment for the term of seven to ten years and a fine.

Article 181. Trafficking in human beings

1. The recruitment, transportation, transfer, harbouring or receipt of a person for purposes of exploitation, by means of deception or abuse of trust, or the application of violence not dangerous for life or health of the victim, or the threat of such violence (trafficking in persons), –

shall be punished with imprisonment for the term of three to seven years with confiscation of property.

2. The same actions committed:

1) against two or more persons;

2) with violence dangerous for life or health of the victim, or the threat of such violence;

3) for mercenary motives;

4) by a group of persons by prior conspiracy;

5) by a person using his official authority;

6) by a person who has previously committed offenses under this Article, Articles 171, 171-1, 181-1, 187, parts 2 and 3 of Article 343-1 of this Code;

7) against an obviously for the perpetrator pregnant woman;

8) with the bringing of persons out of the State;

9) against an obvious minor, irrespective of whether any of the means of influence set forth in paragraph 1 of this article –

shall be punished with imprisonment for the term of seven to twelve years with confiscation of property.

3. Actions envisaged in parts 1 or 2 of this article, committed by an organized group or obviously against a minor (*under 14 years old*), or which caused by negligence the death of the victim or the infliction of serious bodily injury or infection with AIDS virus or other grave consequences, –

shall be punished with imprisonment for the term of twelve to fifteen years with confiscation of property.

Note. Exploitation in this article Articles, Articles 181-1, 182 and 187 of the Code refers to the unlawful coercion of a person to work or provide services (including sexual acts, surrogacy, the removal of a human organ and (or) tissues) if he for the reasons beyond his control can't refuse to perform work (services), including slavery or practices similar to slavery.

Article 181-1. The use of slave labor

1. The use of slave labor or other form of exploitation of a person with no signs of a crime under Article 181 of this Code –

shall be punished with imprisonment for the term of two to five years with a fine.

2. The same actions committed:

1) against an obvious minor;

2) against two or more persons;

3) by a group of persons by prior conspiracy;

4) by an official using his official authority;

5) against an obviously for the perpetrator pregnant woman;

6) by a person who has previously committed offenses under this Article, Articles 171, 171-1, 181, or 187 of this Code –

shall be punished with imprisonment for the term of three to ten years with confiscation of property or without confiscation.

3. Actions provided in parts 1 or 2 of this article, which caused by negligence the death of the victim or the infliction of serious bodily injury or other grave consequences, or committed by an organized group –

shall be punished with imprisonment for the term of eight to twelve years with confiscation of property.

Article 182. Kidnapping

1. A secret, an open, by deception or abuse of trust, or with violence or the threat of violence, or using other forms of coercion unlawful seizure of a person with no signs of a crime under Article 291 (*hostage-taking*) of the Code (kidnapping), –

shall be punished with imprisonment for the term of five to seven years with confiscation of property or without confiscation.

2. The same action committed:

1) against an obvious minor;

2) against two or more persons;

3) for mercenary motives;

4) for the purpose of exploitation;

5) for the purpose of removal of organs or tissues for transplantation;

6) by a group of persons by prior conspiracy;

7) with violence dangerous for life or health, or accompanied by torment or torture –

shall be punished with imprisonment for the term of five to fifteen years with confiscation of property.

3. Actions provided in parts 1 or 2 of this article, which caused by negligence the death of the victim or the infliction of serious bodily injury or other grave consequences, or committed by an organized group –

which caused by negligence the death of the victim or the infliction of serious bodily injury or other grave consequences, or committed by an organized group

shall be punished by imprisonment for a term of ten to fifteen years with confiscation of property.

Article 187. Illegal actions aimed at the employment of nationals abroad

1. Illegal actions aimed at employment of nationals abroad, if as a result of such actions persons employed abroad, were subject to exploitation, with no signs of a crime under Article 181 of the Code (illegal actions aimed at employment of nationals abroad), –

shall be punished by imprisonment for a term of three to five years with a fine or without a fine and deprivation of right to hold certain positions or engage in certain activities.

2. Illegal actions aimed at employment of nationals abroad, committed repeatedly or by a person who has previously committed offenses under articles 171, 171-1, 181 and 181-1 of the Code –

shall be punished by imprisonment for a term of four to six years with a fine and deprivation of right to hold certain positions or engage in certain activities.

3. Illegal actions aimed at employment of nationals abroad, committed by an organized group –

shall be punished by imprisonment for a term of six to eight years with confiscation of property and deprivation of right to hold certain positions or engage in certain activities. "

The offenses provided by articles of the Criminal Code:

171, 171-1 – involve only sexual exploitation;

181-1 – involve only labor exploitation;

181, 182, 187 – involve sexual, labor and other forms of exploitation.

The facts of child pornography when a child is used for shooting pornography as a "model"/"actor" are also regarded as crimes related to trafficking in human beings. Such actions fall under paragraphs 2 and 3 of Article 343-1 of the Criminal Code:

"Article 343-1. Production and distribution of pornographic materials or items of a pornographic nature depicting a minor

1. Production, or possession for the purpose of distribution or advertising, or distribution, advertising, broadcast or public display of pornographic materials, publications, films, videos or pornographic scenes and other items of a pornographic nature depicting an obvious minor –

shall be punished with correctional labor for a term up to two years, or arrest, or restriction of liberty for up to four years, or imprisonment for the same term.

2. The same actions committed by a person who has previously committed offenses under this article or paragraph 2 of Article 343 (*Production and distribution of pornographic materials or items of a pornographic nature*) of this Code, or by a group of persons by prior conspiracy, or using a global computer network, a public telecommunications network or a dedicated telecommunications network, as well as the use of an obvious minor for the production of pornographic materials, publications, films, videos or pornographic scenes and other items of a pornographic nature with its image –

shall be punished with imprisonment for a term of three to eight years with confiscation of property or without confiscation.

3. Actions provided in parts 1 or 2 of this article, committed by an organized group, as well as using an obvious minor (*under 14 years old*) for the production of pornographic materials, publications, films, videos or pornographic scenes and other items of a pornographic nature with its image –

shall be punished with imprisonment for a term of five to thirteen years with confiscation of property or without confiscation. .

- Question 47: Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?¹

Answer 47

¹ Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

In Belarus today using the services of a person who is a victim of trafficking in human beings is not a criminal offense.

The expert community of Belarus has studied the experience of the Scandinavian countries in the field of the introduction of criminal liability for persons who use the services of prostitutes and victims of trafficking in human beings.

Currently at the expert level the possibility of adopting legislative measures establishing liability for those who use the services of victims of trafficking in human beings is considered. The General Prosecutor's Office, Ministry of Interior, the Investigation Committee, and a number of permanent commissions of the Parliament are involved in this process.

At the same time, if the use of such services is carried out in conditions of exploitation, it is possible to bring the perpetrators face criminal prosecution for complicity in trafficking in human beings.

- **Question 48:** Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?

Answer 48

These actions involve in Belarus criminal liability under paragraph 1 of Article 377 of the Criminal Code, according to which:

Theft, destruction, damage or concealment of official documents, committed for mercenary or other personal motives is punished with public works or a fine, or correctional labor for a term of up to two years, or arrest, or restriction of liberty for a term of up to two years, or imprisonment for the same period.

Also, Article 378 of the Criminal Code establishes liability for the theft of a citizen's passport or other important personal documents. The title deed is punished with public works or a fine, or arrest, or restriction of liberty for a term of up to two years, or imprisonment for the same term.

The draft of the Law "On amendments and additions to certain codes of the Republic of Belarus", adopted on first reading by the House of Representatives of the National Assembly of the Republic of Belarus on the 11 of June 2015, proposed to establish liability for the theft of a citizen passport or other important personal documents or deliberate destruction of the passport or other important personal documents.

These actions committed with the aim of creating the conditions for trafficking in human beings would entail the responsibility according to the Article 378 of the Criminal Code.

In case of establishing of such facts when investigating criminal cases on trafficking in human beings and related crimes in the presence of evidence of the intentional wrongful nature of such actions the perpetrators may be prosecuted for multiple offenses.

- **Question 49:** Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?

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Answer 49

One of the principles of criminal responsibility in the Republic of Belarus is the principle of personal fault liability (part 1 Article 3 of Criminal Code). Only individuals who committed a crime or participated in the commitment as co-authors, organizers, instigators or accomplices shall be subject to criminal liability. In this regard, legal entities in the Republic of Belarus are not subject to criminal liability. Only a specific person can bear criminal liability (e.g. the head of the legal entity or an employee authorized for certain activities). However, in Belarus administrative liability for legal persons is provided.

In accordance with part 3 of Article 8 of the Law of the Republic of Belarus of 7 January 2012 "On combating trafficking in human beings" the Prosecutor's Office of the Republic of Belarus having detected violation of Belarusian legislation on combating trafficking in human beings, as well as having received from government agencies engaged in combating trafficking in

human beings, other organizations and citizens information about the existence of such facts make binding for the relevant government agencies and other organizations, officials, and other citizens, including individual entrepreneurs, determination to eliminate such facts or in accordance with this Law shall suspend the activities of organizations and file to the Supreme Court of the Republic of Belarus an application on recognizing the organizations as involved in trafficking in human beings, prohibition their activities on the territory of the Republic of Belarus and the liquidation of such organizations registered in the Republic of Belarus, or the termination of operation of representative offices of foreign or international organizations located in the territory of the Republic of Belarus. Also the Prosecutor's Office of the Republic of Belarus carry out criminal prosecution of perpetrators of trafficking in human beings or related offenses, and has other powers in accordance with the laws of the Republic of Belarus.

The procedure for the suspension of the organization, the recognition of organizations as involved in trafficking in human beings, prohibiting their activities and the elimination are regulated in Articles 28 and 29 of the Law "On combating trafficking in human beings".

- **Question 50:** Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

Answer 50

The penalty for THB and related crime is imprisonment for the term of up to 15 years with confiscation of property. More detailed information can be found in the answer to question 46.

- **Question 51:** Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

Answer 51

According to the Article 6 of the Criminal Code:

"1. A citizen of the Republic of Belarus or a person without citizenship permanently living in the republic who have committed offenses outside Belarus are liable under this Code if the deed they have committed is offense in the State on whose territory it have been committed, and if they did not bear criminal responsibility in this State. When convicting such persons punishment shall be imposed within the sanction of an article of this Code, but shall not exceed the upper limit of the sanction provided by the law of the State in whose territory the crime was committed.

2. A foreign citizen or a person without citizenship not living in the Republic of Belarus permanently who have committed offenses outside Belarus are liable under this Code in case of commitment of particularly serious offenses directed against the interests of the Republic of Belarus.

3. This Code shall apply, regardless of the criminal law of the place of the act has been committed in the case of following crimes:

...

8-1) trafficking in human beings (article 181);

9) other offenses committed outside Belarus, which are subject to persecution on the basis of a binding international treaty of the Republic of Belarus.

4. In the cases provided in the paragraphs 2 and 3 of this article, a person shall be liable under this Code if he/she have not been convicted in a foreign country and are subject to criminal prosecution on the territory of the Republic of Belarus. "

Article 8 of the Criminal Code allows for the possibility of taking into account of legally significant circumstances arising from the fact that a person has committed a crime in a foreign country, only if there is the relevant international treaty.

- **Question 52:** Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.

Answer 52

According to the Belarusian law, a victim of trafficking in human beings is exempt only from administrative liability:

"Article 8.7 of the Code on administrative infractions – Exemption from administrative liability of victims of trafficking in human beings

An individual who has committed an administrative offense due to circumstances caused by the commission in respect of him/her acts entailing responsibility under Article 181 of the Criminal Code or acts aimed at his/her use for the purpose of sexual or other exploitation, the responsibility for which is provided by articles 171, 171- 1, 181-1, 182, 187 of the Criminal Code is exempt from administrative liability."

In case when a victim commits a crime – criminal-law rules governing the extreme necessity and necessary defense are in force (Article 34 and 36 of the Criminal Code). If the actions of the victims of trafficking do not go beyond the extreme necessity and necessary defense, it is exempt from criminal liability.

Article 34. Necessary defense

1. Every person has the right to protection against socially dangerous encroachment. This right belongs to the person regardless of ability to avoid infringement or seek the assistance of other persons or authorities.

2. No action committed in a state of necessary defense is a crime, that is when protecting of life, health, the rights of the defendant or another person, the interests of society or the state against the socially dangerous encroachments by injuring the attacker, if the limits of necessary defense were not exceeded.

3. The excess of the limits of necessary defense is recognized as the obvious for the defending person mismatch of the protection to the nature and the danger of abuse when death or bodily harm are inflicted to the attacker without necessity and willfully.

Article 36. Extreme necessity

1. No action committed in a state of extreme necessity is a crime, that is to prevent or eliminate a direct danger to the personality, rights and legitimate interests of the person or others, the interests of society or the state, if the danger in these circumstances could not be eliminated by other means and if the harm caused is less than the prevented.

2. The state of extreme necessity is also recognized in case if the actions taken to prevent danger, did not reach its target and harm occurred despite the efforts of a person, who in good faith meant to prevent it.

Also, in accordance with Article 20 of the Criminal Code the members of the criminal organization or a gang (with the exception of the organizer or leader), voluntarily declared the existence of a criminal organization or gang, and promoted their exposure are exempted from criminal liability for participation in a criminal organization or a gang and crimes they have committed as a part of criminal organization or gang, with the exception of the gravest or grave crimes that infringe on human life or health.

Article 69-1 of the Criminal Code contains the principle of sentencing in case of the conclusion of pre-trial agreement on cooperation.

"1. When the person who committed a crime fulfils obligations under pre-trial agreement on cooperation, term or scope of the penalty may not exceed half the maximum term or scope of the most severe primary punishment provided by appropriate article of the Special Part of this Code, and if a person has committed a grave or the gravest crime involving encroachment on human life or health, – two-thirds of the maximum term or scope of the most severe primary punishment provided by appropriate article of the Special Part of this Code. "

The order of the criminal proceedings against the suspect (the accused), which entered into a pre-trial agreement on cooperation, is established by Chapter 49-1 of the Criminal Procedure Code.

- **Question 53:** Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?

Answer 53

Under the Criminal Procedure Code of the Republic of Belarus:

"Article 166. The grounds for instituting criminal proceedings

An occasion for instituting criminal proceedings are:

- 1) applications of citizens;
- 2) voluntary surrender;
- 3) report of officials of state authorities and other organizations;
- 4) report about the crime in the media;
- 5) direct detection of the prosecuting authority data indicating signs of a crime.

Article 167. The grounds for instituting criminal proceedings

The grounds for instituting criminal proceedings are:

- 1) the availability of sufficient data indicating signs of a crime in the absence of circumstances excluding criminal proceedings;
- 2) the disappearance of a person, if within ten days from the date of filing of application it's impossible to locate the person by force of operational-search activities undertaken during this period.

Article 172. Obligation to accept and consider applications and reports about crimes

1. The criminal prosecution authority is obliged to accept, register and consider an application or report about any offense committed or planned. The applicant shall be issued a registration document confirming acceptance of application or report about crime with an indication of the official who accepted the application or report, and the time of their registration.

2. Unjustified refusal to accept an application or report about crime may be appealed to the prosecutor in the way prescribed by Articles 139, 141 and 143 of this Code.

3. An application or report about crime, received by court, with the exception of submitted in accordance with part 1 of Article 426 of this Code shall be sent to the prosecutor, what the applicant must be notified about.

Article 173. Terms of consideration of applications and reports about crime

1. The decision on the application or report must be taken not later than three days, and in case of necessity to check the adequacy of whether there are grounds for instituting criminal proceedings – not later than ten days.

2. Before the initiation of criminal proceedings an explanation, samples for comparative research may be received, additional documents may be requested, verification of the financial and economic activity may be assigned, inspection of the scene, the corpse, the terrain, objects, documents, inspection, examination, detention and body searches at detention may be made and also removing the corpse from the place of burial (exhumation) may be carried out.

3. Failing a decision within the time limits specified in paragraph 1 of this Article, this period may be extended by the head of the investigative unit, and for materials in the body of inquiry or in the prosecutor's office – by the prosecutor up to a month.

4. Where necessary, a superior head of the investigative unit, a senior prosecutor may extend the period of examination of the application or report about crime may be extended up to three months.

5. When the prosecutor sends materials for additional verification in accordance with paragraphs 2 and 4-1 of Article 179 of the Code he sets the term of up to ten days.

According to part 7 of the Article 26 of the Criminal Procedure Code cases of crimes related to human trafficking are matters of public prosecution, are excited by the prosecuting authority, regardless of whether there is the application of the victim. Applications of persons, along with other grounds listed in Article 166 of the Criminal Procedure Code, are a cause for instituting criminal proceedings.

- **Question 54:** Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.

Answer 54

Employees of public associations and international organizations may participate in a criminal trial on the common grounds – for example, as a specialist in conducting the investigation.

Also, non-governmental organizations, associations/groups that provide assistance to victims of trafficking in human beings may participate in criminal proceedings as a representative of the aggrieved party (victim), who is a victim of trafficking.

In accordance with item 21 part 1 article 50 of the Criminal Procedure Code the victim has the right to have a representative. Representatives of the victim is the person who is authorized by the victim to represent him in criminal proceedings. Admission of representative to participation in a criminal case is realized on the basis of regulation (decision) of the body conducting the criminal proceedings (Article 58 of the Criminal Procedure Code). According to part 3 article 58 of the Criminal Procedure Code the victim may have several representatives. Rights and responsibilities of the representative are regulated by Article 59 of the Criminal Procedure Code. For the protection of the person concerned, it is within his right:

- 1) to know the essence of the charges;
- 2) to participate in the investigation or of other proceedings produced by the prosecution body at his request or the request of the represented party to criminal proceedings or with his participation;
- 3) to give explanations;
- 4) to submit evidence;
- 5) to submit objections and petitions, including the adoption of measures to ensure his security, family members, close relatives and other persons whom he reasonably considers as relatives and property;
- 6) to use their native language or the services of an interpreter;
- 7) to object against the actions of the prosecuting authority and require the inclusion of his objections to the protocol of investigatory or other procedural actions conducted with his participation;
- 8) to participate in the court's consideration of complaints about the detention, imprisonment, house arrest of the suspect or accused and to appeal the decision;
- 9) to examine the records of the investigative and other proceedings in which he or the represented party to criminal proceedings participated and make comments on the correctness and completeness of the records; when participating in investigative or other proceedings and the court hearing require the inclusion in the record of this action or the court session record of the circumstances which, in his opinion, should be disclosed; get acquainted with the protocol of the court session and to bring remarks on it;
- 10) from the date of receipt of notification of completion of the preliminary investigation to get acquainted with the criminal case and write out the information in any volume, as well as with the investigator's permission to copy the materials of the criminal case;
- 11) to participate in the hearing of the trial court, including the examination of evidence, as well as in the meetings of the appeal courts, supervisory authorities and the criminal proceedings due to newly discovered circumstances;
- 12) to act instead of the represented aggrieved party to criminal proceedings in the judicial debate with a speech and a replica;
- 13) to lodge complaints against the actions and decisions of the body conducting criminal proceedings, including the appeal against the verdict or other final decision of the court;
- 14) to withdraw the complaint they filed with the consent of the person concerned;
- 15) to raise in what deals with the interests of the represented party to the criminal proceedings objections to the protests of the public prosecutor, the prosecutor and to the complaints of other parties to the proceedings;
- 16) to express during the judicial session opinion about the petitions and proposals of other parties to the proceedings, as well as on the issues settled by the court;
- 17) to object against the actions of the other party or the presiding officer;
- 18) with the consent of the represented person to invite for him another representative and subcontract representation;
- 19) to receive compensation for damage caused by unlawful actions of the body conducting the criminal proceedings, as well as reimbursement of expenses incurred in the criminal proceedings.

- **Question 55:** Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

Answer 55

According to Article 19 of the Law "On combating trafficking in human beings" ensurance of the security of victims of trafficking in human beings, including family members, close relatives and other persons whom they reasonably consider as relatives and their property shall be implemented as prescribed by the Criminal Procedure Code of the Republic of Belarus to ensure the security of participants of criminal proceedings, other persons and their property.

Information about the victims of trafficking in human beings or about circumstances of the trafficking, the disclosure of which poses a threat to the life or health of the victim or other persons mentioned in paragraph 1 of this Article, as well as individuals, combating trafficking in human beings, shall not be disclosed.

To protect victims of trafficking before, during and after investigation and prosecution security measures provided in Articles 65 - 75 of the Criminal Procedure Code of the Republic of Belarus are applied:

According to the Article 65 of the Criminal Procedure Code the authority conducting the criminal proceedings, if there are sufficient data indicating that there is a real threat of murder, violence, destruction of or damage to property, the implementation of other illegal actions against parties to the proceedings protecting their own and represented rights and interests of as well as any other party to criminal proceedings, his family members and relatives in connection with his participation in the criminal proceedings shall be obliged to take legal action to ensure the security of these persons and their property.

Security measures can be taken after the filing of the corresponding application entity.

According to Article 66 of the Criminal Procedure Code procedural safeguards (non-disclosure of information about individual, exemption to appear in the court session, a closed hearing) or other safety measures (use of technology of monitoring, listening to conversations conducted with the use of technical means of communication, and other conversations, personal protection, protection of home and property, change the passport data and substitution of documents, ban on issuance information) can be applied to the participants of the criminal process, including in the criminal proceedings in court.

Other security measures that do not contravene the Criminal Procedure Code and other laws of the Republic of Belarus may be implemented taking into account the nature and degree of danger to life, health, property and other rights of protected persons.

Article 73. The procedure of application of security measures

1. Where there are grounds for application of security measures the authority conducting the criminal proceedings must make a decision on their application or refusal of the application within 24 hours. A reasoned regulation (decision) is passed about the decision made. Regulation (decision) on the application of security measures is immediately sent for execution to the authority of internal affairs or state security of place of residence, work or study of the protected person. Where necessary, the protected person is notified about the decision.

2. The public authority responsible for the implementation of security measures, immediately establishes a list of necessary for the protection of persons or property measures and carries out their implementation. About the security measures taken during 24 hours the body conducting criminal proceedings and the body which have taken a decision on their application are notified.

Article 74. Cancellation of security measures

1. Security measures are canceled when the base of the application referred to in Article 65 of this Code fell off, as well as in case of violation of the protected person of the conditions these measures which significantly make it difficult or impossible to apply them.

2. After the sentence (regulation, decision) came into force security measures are cancelled by decision of the chief of the internal affairs or national security authority of the location of the protected person with mandatory notification of the body conducting criminal proceedings, the body which have taken a decision on their application and the protected person.

Security measures may be applied by the body conducting the criminal proceedings, both on the statement of the victim, and on his own initiative.

The draft Law of the Republic of Belarus "On the introduction of Amendments and Additions to Certain Codes of the Republic of Belarus", adopted on first reading by the House of Representatives of the National Assembly of the Republic of Belarus on the 11 June 2015, proposed to supplement the Criminal Procedure Code of the Republic of Belarus with Articles 224-1, 343-1.

These rules govern the procedure for questioning the victim, witness, confrontation or presentation for identification of persons and (or) objects with the participation of a victim or witness during the preliminary investigation and the questioning of participants of the process, identification at trial using videoconferencing. One of the reasons for this is the need to ensure the security of participants in the criminal process and others.

In 2014, the Law of the Republic of Belarus "On Legal Status of Foreign Citizens and Stateless Persons" has been supplemented with new bases of extending to foreign citizens and persons without citizenship (further – foreigners) of a temporary stay in the Republic of Belarus, as well as the issuance of a temporary residence permit in case if the alien is a victim of trafficking in human beings, as well as a witness in the criminal case of trafficking in human beings or crimes related to trafficking in human beings, illegal immigration, or assists the authorities conducting operational-investigative activity.

Thus, part 3 of Article 40 of the mentioned Law provides that if the foreigner is a victim of trafficking in human beings, as well as a witness in the criminal case of trafficking in human beings or crimes related to trafficking in human beings, illegal immigration or assists the bodies conducting investigative and search activity, on a reasoned request of such bodies or body conducting the criminal proceedings, a temporary stay of a foreigner in the Republic of Belarus shall be extended until a decision (verdict) in criminal proceedings against those responsible for trafficking or crime related to the trafficking organizing of illegal migration.

Part 3 of the Article 48 of the mentioned Law provides that upon a motivated request of the authority conducting the operational-search activities, or body conducting the criminal proceedings, a temporary residence permit is issued to an alien who is a victim of trafficking in human beings and actively contributes to the criminal investigation of trafficking or crime, associated with trafficking in human beings, organizing illegal migration, whose term of stay has expired in Belarus – for the period of his participation in criminal proceedings, social protection and rehabilitation, but not more than one year.

In addition, the country has adopted a number of regulations aimed at improving the activities related to the provision of rehabilitation assistance to victims of trafficking. So, on the 6 February 2012 Resolution of the Council of Ministers of the Republic of Belarus № 122 "On the procedure for reimbursement of salaries of lawyers to provide legal assistance to victims of trafficking, victims as a result of an act of terrorism" is adopted, according to which the lawyers are paid for the legal aid by funds of Republican budget. The resolution of the Council of Ministers of the Republic of Belarus of 21 April 2012 № 381 has amended the two government resolutions relating to the improvement of the activities of providing temporary shelters, including berths, for victims of trafficking, and to provide them with food. A resolution of the Ministry of Health of the Republic of Belarus of 28 April 2012 № 41 "On establishment of the list of necessary medical services provided by public health organizations, including inpatient, victims of trafficking, regardless of their place of residence" entered into force on 25 July 2012.

III. Statistics on THB

Question	Table 1: Victims of THB	2012				2013				2014			
		women	men	children ¹	total	women	men	children ¹	total	women	men	children ¹	total
	Article 10 – Identification of the victims												
T1	Number of victims identified ² during the year	163	1	45	209	134	1	14	149	69	16	12	97
T2	Types of exploitation identified victims of THB were subject to:												
	- sexual exploitation	163	0	45	208	134	1	14	149	69	0	12	81
	- forced labour or services	0	1	0	1	0	0	0	0	0	16	0	16
	- slavery or practices similar to slavery	0	0	0	0	0	0	0	0	0	0	0	0
	- servitude	0	0	0	0	0	0	0	0	0	0	0	0
	- removal of organs	0	0	0	0	0	0	0	0	0	0	0	0
	- other, please specify	0	0	0	0	0	0	0	0	0	0	0	0
T3	Number of persons whom the competent authorities had reasonable grounds to believe were victims of:												
	- national trafficking	0	0	0	0	0	0	0	0	0	0	0	0
	- transnational trafficking	0	0	0	0	0	0	0	0	0	0	0	0
	Article 12 – Assistance to victims												
T4	Number of victims of THB who received assistance of any type				54				36				32
T5	Number of victims of THB who refused assistance which was offered to them				155				113				65
T6	Number of shelters for victims of THB in your country				50				74				105
	In Belarus shelters («crisis centers») intended for people in difficult life situation, including victims of THB												

¹ “Child” shall mean any person under eighteen years of age (Article 4-d of the Convention).

² “Identified” within the meaning of the Convention.

Question	Table 1: Victims of THB (continued)	2012				2013				2014			
		women	men	children ¹	total	women	men	children ¹	total	women	men	children ¹	total
	Article 13 – Recovery and reflection period												
T9	Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period	Normative legal act, granting a 30-day recovery and reflection period was enacted in December 2014.											
	Article 14 – Residence permit												
T10	Number of victims of THB who were issued a residence permit												
	- owing to their personal situation	0	0	0	0	0	0	0	0	0	0	0	0
	- for the purpose of their co-operation with the competent authorities	0	0	0	0	0	0	0	0	0	0	0	0
	Article 15 – Compensation and legal redress												
T11	Number of victims of THB who obtained compensation												
T12	Compensation awarded to victims of THB:												
	- minimum amount awarded to a victim (in euros)												
	- maximum amount awarded to a victim (in euros)												
	Article 16 – Repatriation and return of victims												
T13	Number victims of THB who were repatriated to your country									4			4
T14	Number of victims of THB who were repatriated from your country to another country												16

¹ "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

Question	Table 2: Criminal Proceedings and Sanctions	2012	2013	2014
	<u>Article 18 – Criminalisation of trafficking in human beings</u>			
T15	Number of criminal proceedings initiated on grounds of THB	120	71	50
T16	Number of convictions for THB	37	27	17
	<u>Article 19 – Criminalisation of the use of services of a victim</u>			
T17	Number of convictions for the use of services of a victim of THB	0	0	0
	<u>Article 23 – Sanctions and measures</u>			
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty	27	21	17
T19	Duration of penalties on grounds of THB involving deprivation of liberty			
	- minimum duration	5 years	5 years	5 years
	- maximum duration	15 years	15 years	15 years
T20	Number of judgements resulting in the confiscation of assets	14	24	10
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB	0	0	0
	<u>Article 26 – Non-punishment provision</u>			
T22	Number of victims of THB who benefitted from the non-punishment provision	There is no such statistics		

Question	Table 3: Country of origin of victims of THB			2012	2013	2014
T23	Number of victims of THB originating from:					
	- Council of Europe Member States:	Albania				
		Andorra				
		Armenia				
		Austria				
		Azerbaijan				
		Belgium				
		Bosnia and Herzegovina				
		Bulgaria				
		Croatia				
		Cyprus				
		Czech Republic				
		Denmark				
		Estonia				
		Finland				
		France				
		Georgia				
		Germany				
		Greece				
		Hungary				
		Iceland				
		Ireland				
		Italy				
		Latvia				
		Liechtenstein				
		Lithuania				
		Luxembourg				
		Malta				
		Republic of Moldova				
		Monaco				
		Montenegro				
		Netherlands				
		Norway				
		Poland				
		Portugal				
		Romania				
		Russian Federation				
		San Marino				
		Serbia				
		Slovak Republic				
		Slovenia				
		Spain				
Sweden						
Switzerland						
"the former Yugoslav Republic of Macedonia"						
Turkey						
Ukraine		1				
United Kingdom						
- other, please specify	Belarus	209	148	81		
	Vietnam			16		