



Global Monitoring

status of action against commercial sexual exploitation of children

BELARUS



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **AICREE**- Associazione Italiana del Consiglio dei Comuni e delle Regioni d'Europa
- **AIDS**: Acquired Immune Deficiency Syndrome
- **COE**: Council of Europe
- **CRC**: United Nations Convention on the Rights of the Child
- **CSE**: Commercial sexual exploitation
- **CSEC**: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children consists of sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST**: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **ECPAT**: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **EU**: European Union
- **HIV**: Human immunodeficiency virus
- **ILO**: International Labour Organization
- **IOM**: International Organization for Migration
- **ICRC**: International Committee of the Red Cross
- **ISP**: Internet service provider
- **IT**: Information technology
- **MIA**: Ministry of Internal Affairs
- **NGO**: Non governmental organisation
- **NPA**: National plan of action
- **OSCE**: Organisation on Security and Cooperation in Europe
- **SDC**: Swiss Agency for Development and Cooperation
- **UN**: United Nations
- **UNCT**: United Nations Country Team
- **UNDP**: United Nations Development Programme
- **UNFPA**: United Nations Fund for Population Activities
- **UNHCR**: United Nations High Commissioner for Refugees
- **UNICEF**: United Nations Children's Fund
- **UNIFEM**: United Nations Development Fund for Women
- **UNOHCHR**: United Nations Office of the High Commissioner for Human Rights
- **WHO**: World Health Organization

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

BELARUS



INTRODUCTION

Belarus attained its independence from the USSR in 1991. It is now a republic with a population of 10 million people. Belarus has undergone major changes in the past decade from a centrally-managed economy to market socialism, open to globalised trade.¹ Government statistics indicate GDP growth was strong, reaching 10%, in 2008 despite a high rate of inflation.² However, the global crisis pushed the country into recession in 2009, and GDP fell 0.2%.³ Belarus' Human Development Index (HDI) is 0.732, which gives the country a rank of 61 out of 169 countries with comparable data.⁴ The population of Belarus is falling due to increasing death rates and decreasing birth rates.⁵ The number of children has declined by 25% since 1990.⁶ Belarus continues to suffer from the aftermath of the 1986 nuclear meltdown at Chernobyl.⁷

The escalating socio-economical crisis, along with higher aspirations for material comforts, are main factors contributing to the commercial sexual exploitation of children (CSEC) in Belarus.

During the international conference, Safe Belarus for Children, held in Minsk in April 2010, government representatives and

international experts highlighted the problem of child abuse as a “burning issue” in Belarus. The conference participants discussed the prevalence of sexual abuse in Belarus and the increase in sex offenses in 2009 as compared to the previous year. Crimes related to child trafficking for sexual exploitation and child pornography were identified as particular issue needing attention.⁸

The present data on violence against children and neglect does not give a comprehensive picture of types, forms and prevalence of child maltreatment in Belarus.⁹ The issue of CSEC remains largely uncovered. The Government reports that children account for less than six percent of victims of human trafficking, prostitution and pornography.¹⁰ Only a few cases of CSEC have been identified, mostly related to child abuse images in connection with Interpol investigations.¹¹ Some legislative measures against CSEC have been established, but the general legal framework and its implementation require improvement. Strategies and models of implementation require modification and the development of legislative, normative and law enforcement frameworks.¹²

Child prostitution

Authorities officially report that child prostitution is not a significant problem in the country.¹³ Aside from government sources, data is not available on the extent of child prostitution in Belarus.

In four years, between 2007 and 2010, there have been only 138 officially reported cases of child prostitution in Belarus.¹⁴ There are reports that women from low-income families in Belarus' regions are subjected

to forced prostitution in Minsk.¹⁵ As the economy deteriorates, there is a risk that child prostitution may increase. Poverty and parents' alcoholism are some of the factors that may lead children into prostitution.

Child trafficking for sexual purposes

Belarus is a source, destination, and transit country for trafficked women and children, specifically for forced prostitution. The majority of victims are females forced into prostitution abroad in: Russia, Germany, Poland, other European countries, Turkey, Israel, Lebanon, and the UAE.¹⁶ The Government of Belarus is making some visible efforts in creating an effective national framework to combat human trafficking for commercial sexual exploitation. The country has also initiated greater coordination in counteracting the problem at the international level. However, the Government's capacity to respond to its increasing migration challenges is still limited. Mechanisms of rehabilitation and reintegration of child victims especially require improvement.

According to 2009 data from the International Organization for Migration (IOM), the official number of trafficked children for sexual exploitation registered by the Ministry of Internal Affairs was 22 in 2007; 103 in 2008; and 11 in the first six months of 2009.¹⁷ The Ministry of Interior reports that Belarusian single, unemployed females between the ages of 16 and 30 are most at risk of being trafficked.¹⁸ Due to its location and the openness of its eastern border, Belarus is also a transit route for trafficking moving westward. Trafficking to Russia (or through Russia to other countries) presents a particular problem, both because of an open border between the countries and because authorities tend to downplay problems with Russia due to political considerations.¹⁹ According to the US Department of State's *Trafficking in Persons Report 2010*, the Government's response to trafficking is difficult to judge due to the closed nature of the Government, sparse independent reporting, and general fear of government retaliation for criticism.²⁰

According to UNICEF, around 3,000 Belarusian citizens have become victims of human trafficking since 2000; more than 400 of them were children who were exposed to sexual abuse.²¹ Reports by the Ministry of Internal Affairs indicated that traffickers

were usually members of loosely organised criminal networks with connections to larger international organised crime rings, brothels, clubs or bars in destination countries.²² Traffickers often used informal social networks to approach potential victims.²³ Traffickers also lured victims through advertisements and through friends and relatives by offering jobs abroad or soliciting marriage partners.²⁴ Traffickers often withhold victims' documents and use physical and emotional abuse, fraud and coercion to control them.²⁵ UNICEF is concerned that dysfunctional families, where children are deprived of parental care and subjected to violence and humiliation, are the main reason for child trafficking.²⁶

The US Department of State recognises that whilst the Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking, it is making significant efforts to do so.²⁷ In 2009, the ILO Committee of Experts noted various measures taken to combat trafficking in persons.²⁸ The United Nations Country Team (UNCT) noted that the number of victims of trafficking registered in Belarus started to decrease slightly since 2005 due to the fact that several traffickers' organisations were shut down as a result of several years of work.²⁹ In 2009, the Special Rapporteur on

trafficking in persons, especially in women and children, noted some commendable good practices in relation to compensation

for victims and the establishment of an international training centre on human trafficking and migration.³⁰

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.³¹

Belarus was placed in **Tier 2** in 2011.³²

Child pornography

Studies in Belarus have revealed different forms of exploitation involving child abuse images. The predominant form involves organised criminal networks using children in the production of abuse materials for financial profit.³³ There have also been a number of cases of Belarus-based web pages that have processed payments for child pornography.³⁴

Government sources reported 71 minors involved in the production of child pornography in 2008. The number decreased in 2009 to 22 minors and only one case during the first six months of 2010.³⁵ Some boys and girls as young as 10 were reported to have been trafficked for the production of

child abuse images.³⁶

The role of financial institutions in facilitating payments for child abuse materials was highlighted by a government representative as a major concern.³⁷

Online sites that process payment for child pornography operating in Belarus

An investigation of the US Immigration and Customs Enforcement (ICE) targeted the financial structure of a Belarus-based network of child pornography sites called Regpay. The case focused on the company and affiliates that operated and processed credit card payments for 50 child-pornography websites that brought in millions of dollars. The Regpay websites were operated from Minsk and were hosted by internet service companies in the United States and abroad. The investigation resulted in the arrest of more than 1,400 subscribers to Regpay-affiliated child pornography websites in the United States and around the globe. The president and technical administrator of Regpay were both sentenced to 25 years in the US federal prison for their roles in running the operation.³⁸

In May 2010, an American man was arrested on charges of possession of child pornography. Authorities tracked him down through an online site based in Belarus that processed payments.³⁹

In Belarus, due to relatively low connection rates and the absence of monthly fees, the number of internet users has increased considerably. In 2009, the internet penetration rate was 46.2%, leading the way in the region.⁴⁰ Children in Belarus are increasingly using the Internet to communicate, chat or play games and therefore the country is facing a major potential challenge of online 'grooming', as young people are not properly informed of

the risks in cyberspace.⁴¹

Limited initiatives have so far been developed in Belarus to prevent violence against children in cyberspace. Some efforts have been made by the Government as well as the private sector and NGOs, including ECPAT International and its network members. Prevention and support services for child victims of abuse images are still very limited.⁴²

Minsk photo studios discovered producing materials of sexual abuse involving young boys

In March 2008, law enforcement authorities arrested five suspects, three of whom were from Russia, who were producing abuse materials with boys from 16 to 21 years old. The images were produced in apartments in Minsk. Based on information from the Ministry of Internal Affairs, more than 50 people were identified, but several hundred children and youth are believed to have been engaged in the production of these abusive materials. The case was reported to the authorities by a Belarusian citizen living in Germany who discovered abusive images of one of his young, male relatives on the Internet. The boy victims identified in this case mostly appear to be from boarding schools and families in difficult situations, but not exclusively.⁴³

Child sex tourism

It is difficult to tell whether child sex tourism (CST) is not a problem in Belarus or if it is just an unreported practice.

Information is not available on cases of child abuse committed by tourists in Belarus or by Belarus citizens travelling abroad. The Government of Belarus does not have any programmes or policies to combat CST. Similarly, international organisations and

local NGOs working on CSEC in Belarus do not prioritise projects or campaigns against CST. In general, the travel and tourism industry is quite underdeveloped in Belarus and the number of international visitors is low.⁴⁴

Orphans and children without parental care

Belarus has a high number of orphans and children without parental care who may be especially vulnerable to CSEC.

Belarus has an official number of 33,045 orphans in public institutions or living with other families.⁴⁵ Belarus is paying special attention to children in these situations. A 2006 presidential decree, *On Additional Measures for State Protection of Children from Dysfunctional Families*, introduced a definition of “a family in a socially vulnerable situation” and measures have been undertaken to provide assistance to these families. At present 200 entities are in charge of the rehabilitation of minors who are in socially vulnerable situations and in need of state protection.⁴⁶

Belarus did not participate in the First and Second World Congress against the Commercial Sexual Exploitation of Children and has not committed to establish a national plan of action. However, delegates from the Government of Belarus participated in the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008, in Brasil.⁴⁷ The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents.

NATIONAL PLAN OF ACTION

Belarus does not have a specific national plan of action against commercial sexual exploitation of children (CSEC). There is a *National Action Plan on Enhancing the Status of Children and Protection of Children’s Rights for the years 2004-2010*, but information on its implementation is scarce. Similarly, government sources lack data on the work of the National Commission for Child’s Rights, which should function as a children ombudsman. Some more effective measures have been taken in relation to trafficking, especially through the *National Programme of Comprehensive Measures towards Combating Trafficking in Human Beings and the Spread of Prostitution (2002-2007)*.

The National Action Plan on Enhancing the Status of Children and Protection of Children’s Rights for the years 2004-2010 (National Action Plan) has a specific chapter focusing on the protection of children from violence, trafficking and exploitation.⁴⁸ The chapter includes harmonisation of national laws with the *Convention on the Rights of the Child (CRC) and the Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.⁴⁹ Priorities of the National Action Plan include strengthening mechanisms to collect and analyse data on children and

establishing a database on cases of abuse and violence.⁵⁰ It also includes the development of recording systems for incidents of physical, mental and other forms of violence against children, as well as mechanisms to prosecute perpetrators of such acts.⁵¹ It contains measures to raise public awareness of crimes and offences against minors and the penalties for such actions and how to identify socially dangerous and negative acts against children.⁵² However, there is not information available on the implementation of the plan and on the progress made. The *National Action Plan* needs to be reviewed

and amended to include a comprehensive plan on the sexual exploitation of children and adolescents and to incorporate gender-sensitive strategies, social protection measures and an adequate monitoring and evaluation system as is detailed in the *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (Rio de Janeiro Declaration and Call for Action)*.⁵³

The efforts of the Government of Belarus in matters related to CSEC are primarily focused on trafficking. In this regard, the Government elaborated the *National Programme of Comprehensive Measures towards Combating Trafficking in Human Beings and the Spread of Prostitution (2002-2007)*. The programme contains a set of social, legal, healthcare and organisational measures aimed at bringing together the efforts of national bodies. More than a dozen leading governmental agencies are involved in the implementation of the programme, including the Ministries of

Justice, Health, Education, Information, Foreign Affairs and Internal Affairs, as well as the State Security Committee and the State Committee for Border Security. The Ministry of Internal Affairs is responsible for interagency control and coordination. A positive aspect of the programme is that it takes a cross-sectoral approach, which should bring all stakeholders together. This is in line with the *Rio de Janeiro Declaration and Call for Action*,⁵⁴ in which Belarus participated and thereafter appointed one person from the Ministry of Foreign Affairs to deal with CSEC issues. Despite the efforts of the Government in reducing the incidence of trafficking, however, there is a general lack of information on the implementation of the programme's activities.

A similar *Programme on Combating Human Trafficking, Illegal Immigration and Related Wrongful Acts* has been developed for 2008 to 2010,⁵⁵ and now the Government is working on a programme for 2011-2013.

COORDINATION AND COOPERATION

Local and national levels

Different activities have taken place at the national level to coordinate government agencies in combating human trafficking and sexual exploitation. Some protection and rehabilitation measures have a specific focus on children. However, NGOs are normally more active than the Government in the areas of prevention and rehabilitation. Greater attention should be paid to training professionals working with children who have been abused.

Presidential decree No. 3 of 2005, *On Certain Measures Aimed to Combat Trafficking in Persons*, “reinforces the legal foundations for system-wide cooperation among state institutions in preventing and suppressing trafficking in persons, including for the purposes of sexual exploitation”. It “establishes administrative and criminal responsibility for offenses in connection

with job placement and studies abroad, the modelling and advertising business, international adoption and marriage agencies”.⁵⁶

The *Programme on Combating Human Trafficking, Illegal Migration and Related Wrongful Acts, 2008-2010* involves 15 national ministries and government

agencies coordinated by the Ministry of Internal Affairs' department on Combating Trafficking in Human Persons. The essence of the programme is to introduce a set of coordinated measures for institutional, legal, preventive, social and medical treatment aimed at minimising the impact of human trafficking and providing reintegration assistance to victims.

Presidential decree No. 675 of 2006 expanded the composition, powers and functions of the National Commission on the Rights of the Child, which was created in 1996.⁵⁷ The commission has been set up to monitor the implementation of the CRC and respect for children's rights.⁵⁸ It examines complaints of violations of children's rights and, if necessary, takes measures to restore their rights, in effect functioning as a kind

of ombudsperson for children's rights.⁵⁹ The commission is composed of deputies of the National Assembly and representatives of national and local governments, the judiciary and educational institutions.⁶⁰ However, there is not information on cases handled by the commission.

NGOs reported that there was cooperation between the government hotline and their own hotlines, as well as partnerships with authorities in distributing NGO-funded public awareness materials. Anti-trafficking NGOs report improved communication with government officials during 2009.⁶¹ The Ministry of Education is actively cooperating with the Belarusian NGO, Parents' House, to implement measures to assist children without parental care and children living in state care institutions.⁶²

Coordination and cooperation at regional and International levels

Belarus has cooperated in the fight against human trafficking with UN agencies, the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration (IOM), the governments of the United States and the Netherlands and national NGOs.⁶³ In 2009, the Government also reported partnerships with the following governments on trafficking cases: Poland, Germany, the Czech Republic, Israel and Turkey.⁶⁴ The UN General Assembly, acting on an initiative from Belarus, has adopted three resolutions aimed at improving the coordination and effectiveness of international efforts to curb trafficking.⁶⁵ One resulted in the creation of an inter-agency coordination group on trafficking.⁶⁶ Additionally, Belarus, together with 19 countries across all regions, initiated the emergence of the Group of Friends United against Human Trafficking.⁶⁷

Since 2002 the Government of Belarus, acting in conjunction with Interpol and other specialised international organisations,

smashed 18 criminal organisations and 64 criminal gangs; identified approximately 3,600 people as victims of trafficking; and prosecuted 1,362 persons, of whom 501 received custodial sentences.⁶⁸

Generally, the activities of the Government in protecting children's rights have been performed in collaboration with international organisations, including UNICEF, the United Nations Fund for Population Activities (UNFPA), the United Nations Development Fund for Women (UNIFEM), the World Health Organization (WHO) and the International Committee of the Red Cross (ICRC).⁶⁹ Belarus has also received assistance and cooperation from international NGOs, such as Hope Express, the Swiss Agency for Development and Cooperation (SDC) and Christian Children's Fund (CCF).⁷⁰ For example, the Ministry of Health, assisted by Hope Express, implemented, from 2003 to 2007, a project to improve access of adolescents and youth to information and services in

reproductive health.⁷¹ Through the project, 57 volunteers were trained in the model of peer education to promote the reproductive health of young people. As another example, educational institutions, in cooperation with the Belarusian Red Cross Society and the International Federation of Red Cross and Red Crescent, implemented the programme, Youth against HIV/AIDS, aimed at combating AIDS in schools, colleges and higher educational institutions.⁷²

The first international conference, Development of child protection system: National and international experience, in the series of conferences, Safe Belarus for Children, was held in Minsk on April 2010. The conference was held by the NGO, Ponimanie, in collaboration with the US Embassy and the Department of Humanitarian Affairs of the Office of the President of the Republic of Belarus. More than 160 representatives from state administration, educational institutions, health care, law enforcement offices and mass media, as well as international experts, took part in the conference. The participants conducted a situational analysis in the sphere of child abuse. As a result of the conference, participants decided to: undertake measures to create effective systems of early child abuse

prevention; include into schools' curricula a special course of prevention of child abuse; introduce child friendly investigation rooms; create a unified state statistical database on child abuse; create conditions for increasing the number of public associations working in the field of child protection; and create effective mechanisms of enabling NGOs to work on preventing child abuse, identifying cases of child abuse and rehabilitation activities with abused children.⁷³

Since 2008, the Ministry of Internal Affairs has also participated in an international operation against child pornography called Carousel-2, which was initiated by police in Brasil.⁷⁴

An information booklet, *Combating Trafficking in Persons in the Republic of Belarus: Situation Review*, was published in 2010. The booklet has been prepared from data provided by the Department of Drug Control and Counter Human Trafficking of the Criminal Police of the Ministry of Interior with the assistance of the EU. It is part of a project of the EU, UNDP and UNICEF entitled Preventing, Fighting and Addressing the Social Consequences of Trafficking in Human Beings in the Republic of Belarus.⁷⁵

PREVENTION

Public awareness and preventive measures are becoming a more integral part of government agencies' strategies in fighting human trafficking. In 2009, the Government made modest progress in trafficking prevention activities. However, citizens, the media and NGOs in Belarus are often subjected to government intimidation and strict control, which limits open discussion about the trafficking situation in the country.⁷⁶ Other forms of CSEC have received less preventive attention.

The *National Programme of Comprehensive Measures towards Combating Trafficking in Human Beings and the Spread of Prostitution (2002-2007)* provided for the creation of a database of persons involved in trafficking in women and children for sexual exploitation.

There is not information, however, on the actual creation and use of the database.⁷⁷

The Government is paying closer attention to businesses that may be used to lure young girls into prostitution and traffic

them abroad. The Ministry of Internal Affairs (MIA) operates a hotline offering information regarding the licensing status and legitimacy of marriage and modelling agencies, as well as employment agencies involved in work and study abroad. Law enforcement agencies conduct check-ups to ensure these organisations are in compliance with the national legislation.⁷⁸ To deter trafficking, the Government required internet dating services to register and provide information about citizens and foreigners planning to meet in person.⁷⁹ La Strada and the Young Women's Christian Association maintained a women's hotline that provided advice regarding offers of employment or marriage that might be trafficking-related.⁸⁰ The Government is also trying to better regulate the foreign adoption of children.

Some public awareness campaigns have been specifically aimed at preventing sexual exploitation of children. An important role is played by the Ministry of Information and Media.⁸¹ Officials have conducted press conferences and briefings on the anti-trafficking situation in Belarus. IOM-sponsored anti-trafficking public service announcements have been shown on state-owned television channels and on screens in subway stops, which resulted in an increased number of calls to IOM's hotline. The Ministry of Education distributed a manual for teachers on preventing human trafficking called, *Organization of work on prevention of trade in human beings*. It contains materials on the history of the problem, international and national legislation, ways and methods used by human traffickers and practical experiences of NGOs and international organisations.⁸² The Ministry of Interior and the Office of the Prosecutor-General of Belarus have developed books, based on national and foreign experiences, on the ways to prevent and fight human trafficking.⁸³ To raise public awareness on child rights, 2007 was proclaimed the "Year of the Child".⁸⁴

During the year, different activities were carried out in order to strengthen state support for families with children, improve the health of children and create better conditions for children in schools.⁸⁵

The organisation, Children - Not for Abuse, with government participation, holds every year an information campaign called "April, month for violence-against-children prevention".⁸⁶ It includes the distribution of information materials, round tables, press conferences and radio broadcasts.⁸⁷ As part of a campaign by the Ministry of Health and Hope Express to improve access of adolescents and youth to information and services in reproductive health, 300,000 copies of informational materials were published and distributed.⁸⁸ As part of the UNIFEM regional public awareness campaign, 'Right to a life without violence or humiliation', emphasis has also been on increasing public awareness on the problem of domestic violence.⁸⁹

Presidential decree No. 318 of 2006, *On the Children of Belarus, 2006-2010*, aimed to prevent violence against children. Objectives include: the formation of a public opinion of non-violence towards children; vocational trainings for children and families at social risk; and prevention of domestic violence. Every city has social educational institutions for children in need of assistance that also work with parents with alcohol problems.⁹⁰

In 2009-2010, ECPAT International's project, Child Abuse Training on the Safety of Children on the Internet in Belarus, conducted about 20 training sessions and round table discussions for school teachers, school counsellors and children from several regions in Belarus. These sessions focused on rules and safe conduct on the Internet for children. The training was facilitated by specialists of the NGO, Children – Not for Abuse.⁹¹

PROTECTION

International instruments		
Charter-based bodies	Comments	
Human Rights bodies related to Child rights		
Working Group of the Universal Periodic Review – Human Rights Council	8 th Session 2010 National Report submitted 22 February 2010.	
<i>Special Rapporteur on the sale of children, child prostitution and child pornography</i>	No visit so far.	
<i>Special Rapporteur on trafficking in persons, especially in women and children</i>	Visited May 2009.	
Treaty-based bodies		
Committee on the Rights of the Child	Main recommendations from the concluding observations on second periodic report (2002): Develop and adopt a national plan of action against sexual and commercial exploitation of children; Undertake a study on the issue of trafficking and trafficking-related problems, such as sexual exploitation; Combat and eliminate child trafficking, sexual exploitation by developing social integration programmes.	
Children's rights instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	Ratified in 1990	Combined 3 rd and 4 th report due in 2007, submitted in 2008.
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	Ratified in 2002	Initial report overdue since 2004, submitted in 2009.
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	Ratified in 2002	N/A
UN Convention against Transnational Organized Crime - 2000	Ratified in 2003	N/A
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	Ratified in 2003	N/A

Belarus applied for membership to the Council of Europe in 1992, but it has not been accepted yet.⁹² Belarus has not signed the Council of Europe's *Convention on*

Cybercrime; Convention on Action against Trafficking in Human Beings; or Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

National legislation related to CSEC

Main domestic legislation dealing with CSEC includes the *Criminal Code of the Republic of Belarus (Criminal Code)*, amended in 2005, and the 2005 presidential decree No. 3, *On Certain Measures Aimed to Combat Trafficking in Persons*. Overall, Belarusian legislation fails to meet international standards on child prostitution and child pornography. The law, *On Amendments and Addenda to some Codes of the Republic of Belarus as to Counteracting illegal migration, proliferation of servile labour, children pornography and prostitution*, came into effect on 5 December 2008. The law provided for the inclusion into the Criminal Code of two new constituent components of the crimes “use of servile labour” (article 181.⁹²) and “production and distribution of child pornography” (article 343 1).⁹³ There is no regulation of child sex tourism related offenses.

SEXUAL ABUSE OF CHILDREN

Article 9 of the law, *On Child's Rights*, affirms the rights of children to be protected from exploitation and violence.⁹⁴ The legal age of consent for sexual activity is the same as the legal age of majority, 18 years.⁹⁵ The *Criminal Code* establishes that sexual intercourse (article 117) or seduction (article 118) involving a person “who is known to the culprit to be under sixteen” are punishable with imprisonment for a term of up to

three years.⁹⁶ The phrase “who is known to the culprit” needs to be modified because it is ambiguous. Article 115 defines rape as “sexual intercourse with the use of physical violence, threat or the use of a helpless state of the sufferer”.⁹⁷ Committed against a person under legal age, rape is punishable with imprisonment for a term of five to 15 years.⁹⁸

PROSTITUTION OF CHILDREN

Belarus law criminalises the involvement of children in prostitution, but does not clearly define what constitutes child prostitution.

Article 171-1 of the *Criminal Code* establishes liability for involving persons under 18 in prostitution.⁹⁹ The penalty is imprisonment from three to five years.¹⁰⁰ Imprisonment can increase up to five years if a child is *knowingly* involved or if violence or the threat of violence is used.¹⁰¹ If the crime is committed by someone in a position of authority like a teacher or parent, imprisonment can increase from 7 to 10 years.¹⁰² Children under 18 do not incur criminal liability for their involvement in

prostitution.¹⁰³

The legislation of Belarus lacks a clear definition of child prostitution as established in the *Optional Protocol*. The use of vague terms such as “involvement” is not in line with the article 3 of the *Optional Protocol*. Belarus should harmonise its domestic legislation pertaining to child prostitution to specifically criminalise all acts of offering, obtaining, procuring and providing a child for prostitution.

National legislation is being gradually brought into conformity with the international law. However not all legislation is in line with the *Trafficking Protocol* and it needs to be amended.

Belarusian law prohibits trafficking in persons for the purposes of sexual exploitation through article 181, “Human trafficking”, of its *Criminal Code*, amended in 2005.¹⁰⁴ It defines trafficking as: “The buying/selling of a person or other transactions committed against a person as well as recruitment, transportation, transfer, harbouring or receipt of a person (human trafficking) committed for exploitation purposes”.¹⁰⁵ The punishment for the general offense is imprisonment for a term of five to seven years with the confiscation of property.¹⁰⁶ If the offense is committed “against a person known to be under age” or “for the purposes of sexual exploitation”, the penalty increases to imprisonment for a term of 10 to 12 years, with property confiscation.¹⁰⁷ If the trafficking results in the death of the victim, the crime is punishable with imprisonment for a term of 12 to 15 years.¹⁰⁸

The 2005 amendment harmonised the definition of trafficking in Belarus legislation with the definition provide in article 3(a) of the *Trafficking Protocol*.¹⁰⁹ However, some additional changes are required to the

Criminal Code in order to be perfectly in line with the *Trafficking Protocol*. For example, the *Criminal Code* does not mention the irrelevancy of the consent of the victim, as in article 3(b) of the *Trafficking Protocol*,¹¹⁰ and should be amended accordingly.

Presidential decrees have expanded the legal foundation to combat trafficking and introduced stricter criminal and administrative measures aimed at prevention of trafficking, prosecution of criminals and assistance to victims. They have defined the status of victims and eliminated their criminal responsibility, as well as provided measures for the protection of personal data of victims, assistance in their mental and physical rehabilitation and reintegration in the society.¹¹¹

The Government has adopted a series of regulations to increase transparency and responsibility for various activities vulnerable to human trafficking. These include agencies that provide marriage, modelling or employment abroad and adoption of Belarusian children by foreigners.¹¹²

On April 27, 2011 the House of Representatives of the National Assembly of Belarus approved the first reading of the draft Law of Belarus “On Counteraction to Human Trafficking,” submitted by the Council of Ministers. The bill aims to establish an organisational and legal framework against trafficking in persons, as well as a system of protective measures and victim support services.¹¹³

The Government demonstrated some progress in prosecuting trafficking offenders, but there was a significant decrease in the number of victims identified. The Government reported 219 human trafficking investigations in 2009.¹¹⁴ Authorities prosecuted 61 cases under article 181 and convicted 15 trafficking offenders in 2009.¹¹⁵ Authorities identified 369 victims

of sex trafficking, including 35 children, a significant decrease from a total of 591 victims identified in 2008.¹¹⁶ There are no reports of victims being penalised for unlawful acts committed as a result of being trafficked.¹¹⁷ Officials reported that the majority of convicted trafficking offenders were given sentences of over eight years’ imprisonment.¹¹⁸

Belarusian law includes some provisions against the production and dissemination of child pornographic materials. A clear definition of child pornography is, however, lacking. In addition, the legislation does not criminalise ‘virtual child pornography’, nor does it criminalise mere possession, accessing or viewing of child pornography. There are not provisions on mandatory reporting for persons in positions of responsibility, professionals and internet providers who may be exposed to child pornography because of the nature of their work. Also lacking is a provision to address the practice of ‘grooming’.

Article 343 of the *Criminal Code* provides some protection against child pornography, but it needs to be strengthened. New changes to article 343 (November 2008) prohibit inducing children under the age of 18 to take part in activities connected to the production of pornographic materials. The penalty will be correctional labour for up to two years, imprisonment for up to six months, restraint of liberty for up to four years, or imprisonment for the same period. The same offence committed by an organized group or involving the involvement of a minor younger than 14 years old to manufacture pornographic materials, books or other items of pornographic nature with the child’s image is punishable by imprisonment for a

term of five to thirteen years, and, in some cases, confiscation of property.

Although not specifically targeting child pornography, the 2005 presidential decree No. 3, *On Certain Measures Aimed to Combat Trafficking in Persons*, established criminal responsibility for the dissemination of pornographic materials and for showing pornographic materials to minors.¹¹⁹ Similarly, new changes to article 343 of the *Criminal Code* establish responsibility for showing films or videos with pornographic content to minors.¹²⁰ These offenses are punishable with two to four years imprisonment.¹²¹

Strengthened criminal responsibility for production or distribution of child pornography

On November 10, 2008, the government passed № 451-W “Some Amendments to Some Laws of the Republic of Belarus on Counteracting Illegal Migration, Slave Labor, Child Pornography and Prostitution.” Under the new amendments, “Production and distribution of pornographic materials or items of pornographic nature depicting underage persons” is considered a separate element of the crime, and the offender is subject to imprisonment for up to 13 years with forfeiture of property.

The *Criminal Code*, however, is not in line with the *Optional Protocol*. According to article 2 of the *Optional Protocol*, child pornography means “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.¹²² And article 3(c) establishes that domestic legislation should prohibit “producing, distributing, disseminating, importing, exporting, offering, selling or possessing” child pornography.¹²³ The Belarus *Criminal Code* needs to be

amended to address all of the above actions constituting child pornography. In addition, provisions should be included to address the actions of accessing and viewing child pornography and to cover the ‘grooming’ of children online. Finally, the legislation should establish mandatory reporting of suspected sexual exploitation for persons in positions of responsibility; professionals who may be exposed to child pornography because of the nature of their work; internet providers; and financial companies.

Enforcing child pornography laws

In July 2007 Ministry of Internal Affairs (MIA) under aegis of General Secretariat of Interpol initiated the special operation against child pornography in Internet "Tornado". As a result of investigation during "Tornado" in 2009 in Belarus 11 members of a criminal group (all citizens of Belarus) have been punished to prison from 4 till 12 years.¹²⁴

The Ministry of Interior reported 11 cases of child pornography in 2007 (all of them without direct sexual activity) and 71 cases in 2008. There is also some data about investigated cases of manufacturing and distribution of child pornography, including six cases in both 2007 and 2008. During 10 months of 2009 there were 12 cases involving 17 minors in production; 34 cases of crime via the Internet; nine cases of sites offering child pornography; and two studios producing child pornography that were closed.¹²⁵

As a result of close cooperation between Belarus police and law enforcement from other countries, 270 child pornography sites have been closed. In March 2009 a Belarusian citizen was arrested for distribution of child pornography through the Internet.¹²⁶ There is no further information on the penalties for offenders.

EXTRATERRITORIAL LEGISLATION RELATED TO CHILD SEX TOURISM RELATED OFFENCES

In Belarus, there is no specific definition of child sex tourism offenses. The extraterritorial legislation needs to be reviewed to fully address child sex tourism related offenses.

In terms of extraterritorial legislation with regard to child sex tourism related offenses, article 5 of the *Criminal Code* establishes that Belarusian citizens who have committed a crime abroad shall be liable if they have been brought to criminal responsibility or brought to trial in the Republic of Belarus.¹²⁷ However, if such persons have already been penalised abroad for the crimes committed, the court may commute or eliminate the punishment.¹²⁸ Article 5 also establishes

that foreign citizens who have committed crimes outside of Belarus shall be liable to responsibility under the criminal legislation of Belarus in cases envisaged by international treaties.¹²⁹ This legislation needs to be reviewed in order to establish Belarus's jurisdiction over child sex tourism crimes based on the *Active and Passive Personality Principles*, applying to both nationals and residents.

EXTRADITION LAW

The extradition law must be modified to bring it into line with the Optional Protocol.

Regarding extradition, article 16 of the law, *On the Citizenship of the Republic of Belarus*, establishes that "A citizen of the Republic of Belarus cannot be extradited by another country, if this is not stipulated in international agreements of the Republic of Belarus".¹³⁰

According to article 5(1) of the *Optional Protocol*, the offenses referred to in the Protocol "shall be deemed to be included as extraditable offenses in any extradition treaty existing between States Parties and shall be included as extraditable offenses in every extradition treaty subsequently

concluded between them, in accordance with the conditions set forth in those treaties.”¹³¹ Article 5(2) establishes that “If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it

may consider this Protocol as a legal basis for extradition in respect of such offenses. Extradition shall be subject to the conditions provided by the law of the requested State.”¹³² Accordingly, Belarus extradition law needs to be reviewed in order to be in line with the *Optional Protocol*.

Child protection units

Understanding of CSEC and the capacity to assist victims within the units that deal with crimes against minors in Belarus remain limited.

Under the Ministry of Interior Affairs, special units called Commissions on Minors Affairs, work on protecting children and preventing crimes against minors, with departments based in all regions of Belarus.¹³³ Nevertheless, those employed in such units require more specialised training in relation to CSEC.¹³⁴

There are no special units within the police that deal specifically with children’s issues. A 2006 presidential decree, *On Additional*

Measures for State Protection of Children from Dysfunctional Families, is focused on the issues of protection of children and parental responsibility. The Decree holds that “Children are subject to state protection and placement in state care if it is established that the parents (or single parent) lead an immoral lifestyle that is harmful to children or if they are chronic alcoholics or drug addicts or otherwise improperly perform their duties in education and care of children, and therefore children are at risk.”¹³⁵

Support services for children

The Government appears to have made some positive steps toward improving treatment of victims, particularly trafficking victims, and supporting the anti-trafficking NGO community. Important measures in terms of protection and rehabilitation of child victims of trafficking have been introduced by a 2005 presidential decree. Teachers, psychologists and lawyers who assist child victims in courts and during investigations now need proper training on child protection and child-friendly procedures. NGO specialists, supported by international organisations, are carrying out some special training in this regard.

Presidential decree No. 352 of 2005, *On Prevention of the Consequences of Trafficking in Human Beings*, provides for important new measures for social protection and rehabilitation of child victims of trafficking.¹³⁶ These are carried out free of charge and include: lodging for up to 30

days in temporary shelters for children over 15 years of age or up to six months for children under 15; efforts to locate the families; and educational, psychological and legal assistance, including while in the courts and during investigations.¹³⁷ Responsibility for carrying out these measures is on the

regional public centres for social services, social shelters for children or state health institutions of different local executive and administrative bodies.¹³⁸ Shelters are located in all the main regional cities.¹³⁹ Juvenile justice procedures are currently being developed in a joint initiative by UNICEF, the Ministry of Education, the Ministry of Justice and a number of NGOs. It is expected that the need to provide child protection training to the professionals assisting children during criminal procedures will then be addressed.¹⁴⁰

The *National Programme of Comprehensive Measures towards Combating Trafficking in Human Beings and the Spread of Prostitution (2002-2007)* also provided for rehabilitation and recovery of victims of violence and trade in human beings. The programme includes crisis centres, financial support, social services for families and children, installation of permanent hotlines and helplines and conducting consultative and psycho-correctional work with victims.¹⁴¹

The Ministry of Labour and Social Protection maintains 140 social rehabilitation units and 17 crisis centres devoted to the reintegration of persons who have suffered from various forms of violence, including trafficking.¹⁴² However, only 20 had

specialised trafficking-related services and crisis facilities.¹⁴³ To supplement government shelters, the UNDP, IOM and La Strada also opened rehabilitation shelters for victims and their families.¹⁴⁴ In 2009, the Government reported referring only 131 victims to service providers for assistance, raising concerns that the formal, national trafficking victim referral mechanism was not successfully implemented.¹⁴⁵ Law enforcement officials generally referred trafficking victims to IOM or NGO shelters to provide protection and rehabilitation.¹⁴⁶ More than 30 NGOs nationwide provided services to trafficking victims.¹⁴⁷ La Strada provided training to many regional victim support centres but expressed dissatisfaction with the follow-up, citing several cases where regional officers displayed scepticism or insensitivity towards victims.¹⁴⁸

The Government has not yet provided funding for specialised victim assistance programmes codified in the 2005 presidential decree, but it has provided some in kind donations to NGOs. Victims can seek state medical assistance and vocational training free of charge, but most victims declined assistance from government facilities. Government sources acknowledged that victims were more likely to trust NGOs than government sources of assistance.¹⁴⁹

Training law enforcement personnel

Law enforcement agencies suffer from a lack of resources, both technical and human. Despite training for the police on the prevention of trafficking, Belarus still lacks a comprehensive system for the administration of CSEC offenses.

The Government is undertaking specialised training in victim identification and protection for members of law enforcement, courts and the prosecutor general's office through the anti-trafficking training centre of the Ministry of Internal Affairs. Since 2007, the centre has trained 47 Belarusian

law enforcement officers and officials from other governments to be trafficking specialists.¹⁵⁰ Courses at the centre focused on anti-trafficking law enforcement techniques and victim assistance and were developed in partnership with IOM, other international organisations and NGOs.¹⁵¹

CHILD AND YOUTH PARTICIPATION

Child and youth participation is an emerging issue for the Government and other stakeholders in Belarus.

In 2007, a study was conducted in Belarus in order to develop a strategy and action plan to strengthen the participation of children and young people in public life and decision-making. Based on the findings, youth councils at the executive committees and social and information services for young people in educational institutions were set up. The Government organised some national and international children forums such as Children of Belarus: Action on behalf of the future and the international forum, Friendship without Borders. As the number of child internet users in Belarus increase there are publicly available online classes in libraries. To work with 'difficult' teenagers, various youth clubs have been established, which include activities like video classes and sport.¹⁵²

The local NGO, Children-Not for Abuse, has worked with child and youth clubs (such as Flamingo and Tornado) mostly with at-risk young people.¹⁵³ Their project, "Don't fall into a net of slavery", raises awareness among young girls about trafficking and CSEC.¹⁵⁴ With the micro project grant

from ECPAT, they visited the NGO, Equal Opportunity, in Kiev, Ukraine, to learn about their interactive theatre programme with young people to raise awareness of CSEC and trafficking.¹⁵⁵ Since then, this NGO has participated in various capacity-building regional trainings on CSEC and child and youth participation. These have included the 2007 meeting on the Protection and Care of Trafficking and Sexually Exploited Children and Youth, organised by ECPAT International and ENYA, and hosted by Beo Support in Belgrade, Serbia, and one on CSEC and Children's Participation in Georgia, in June 2010. Through their child clubs, many awareness-raising activities have been organised, such as trainings on 'safe behaviour', debates and talk shows on issues like life skills and CSEC and theatre performances.¹⁵⁶ They have also partnered with some local schools and children's homes to help at-risk children and youth protect themselves from sexual exploitation and trafficking. Additionally, they conducted trainings on "Safe Internet" in six public schools within Minsk reaching out to about 150 students in 2009.



PRIORITY ACTIONS REQUIRED

National plan for action

- Develop and implement a National Plan of Action on the sexual exploitation of children and adolescents as specified in the *Rio de Janeiro Declaration and Call for Action*.

Child protection structures

- Address root causes and social consequences of trafficking of children for sexual purposes and improve access to the criminal justice system for trafficked persons.
- Build the capacity and knowledge of child protection procedures for teachers, lawyers and psychologists who assist CSEC victims

Prevention

- Further develop awareness-raising efforts on violence against children in cyberspace.
- Strengthen the role of educational institutions to detect, denounce and help address sexual abuse and exploitation of children as highlighted in the *Rio de Janeiro Declaration and Call for Action*.

Protection

- Sign and ratify the Council of Europe *Convention on Cybercrime and the Convention on Action against Trafficking in Human Beings*.
- Review national legislation to define clearly what constitutes child prostitution in line with the *Optional Protocol*, in particular, and to criminalise the clients/exploiters.
- Amend national legislation to ensure complete conformity with the *Trafficking Protocol*.
- Review national legislation to provide a clear definition of child pornography in line with the *Optional Protocol*, in particular, and to criminalise its mere possession, viewing, accessing and 'grooming' and to include mandatory reporting for persons who may be exposed to child pornography because of their work.
- Enact a law to criminalise child sex tourism offenses and establish effective extraterritorial jurisdiction for Belarus citizens travelling abroad.

Recovering and reintegration

- Set up support activities and rehabilitation centres for the specific care of CSEC victims.
- Strengthen existing national child protection services for child victims of trafficking and ensure that these services are accessible and appropriately resourced as established in the *Rio de Janeiro Declaration and Call for Action*.
- Develop special rehabilitation and reintegration programs (including social support after rehabilitation) for child-victims of CSEC.

Child and youth participation

- Develop child and youth participation as a key strategy against CSEC as there are currently limited initiatives compared to the problem in the country.
- Focus on strengthening local capacities and in creating structures for child participation in policies and programmes on child protection.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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