



EXECUTIVE SUMMARY

Belarus*



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Introduction

Belarus attained its independence from the USSR in 1991. It is now a republic with a population of 10 million people. The current socio-economic crisis, along with higher aspirations for material comforts, are major factors contributing to the commercial sexual exploitation of children (CSEC) in Belarus.

Authorities officially report that child prostitution is not a significant problem in the country.¹ Aside from government sources, no other data is available on the extent of child prostitution in Belarus. In four years, from 2007 through 2010, there have been 138 officially reported cases of child prostitution in Belarus.²

Belarus is a source, destination, and transit country for trafficked children, specifically for forced prostitution. The majority of victims are females forced into prostitution abroad in Russia, Germany, Poland, Turkey, Israel, Lebanon, and the UAE.³ Due to its location and the openness of its eastern border, Belarus is also a transit route for trafficking moving westward. Belarus was placed in Tier 2 in the 2011 US TIP report,⁴ which acknowledged that the closed nature of the government in Belarus inhibits thorough analysis of the adequacy of government efforts

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.⁵ There have also been a number of cases of Belarus-based web pages that have processed payments for child pornography.⁶ Some boys and girls as young as 10 were reported to have been trafficked for the production of child abuse images.⁷ The role of financial institutions in facilitating payments for child abuse materials has been highlighted by a government representative as a major concern.⁸

In general, the travel and tourism industry is quite underdeveloped in Belarus and the number of international visitors is low.⁹ Therefore, child sex tourism is not yet a major phenomenon; however, there is no reliable data on the matter.

Belarus has a high number of orphans and children without parental care who may be especially vulnerable to CSEC. Government figures report 33,045 orphans in public institutions or living with other families.¹⁰

National Plan of Action (NPA)

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.

Coordination and Cooperation

The Programme on Combating Human Trafficking, Illegal Migration and Related Wrongful Acts, 2008-2010 involves 15 national ministries and government agencies. It is coordinated by the Ministry of Internal Affairs' department on Combating Trafficking in Persons and includes measures for institutional, legal, preventive, social and medical treatment to minimise the impact of human trafficking and provide reintegration assistance to victims. The National Commission on the Rights of the Child has been established to monitor the implementation of the CRC and respect for children's rights.¹¹ The commission is composed of deputies of the National Assembly and representatives of national and local governments, the judiciary and educational institutions.¹²

Belarus has collaborated 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.¹³ Since 2009, cooperation has been extended to Western Europe and Middle-East countries.¹⁴

Generally, the activities of the Government in protecting children's rights have been performed in partnership 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).¹⁵

Prevention

Despite the government's efforts to raise public awareness on trafficking, other CSEC issues are largely neglected. The Ministry of Internal Affairs (MIA) operates a hotline offering information regarding the licensing status and legitimacy of marriage and modeling 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 national legislation.¹⁶ To deter trafficking, the government requires internet dating services to register and provide information about citizens

and foreigners planning to meet in person.¹⁷ La Strada and the Young Women's Christian Association maintain a women's hotline that provided advice regarding offers of employment or marriage that might be trafficking-related.¹⁸ Child rights groups such as "Children - Not for Abuse" also raise public awareness about CSEC by organising a yearly information campaign called "April, month for violence-against-children prevention,"¹⁹ which includes the distribution of information materials, round tables, press conferences and radio broadcasts.²⁰

Protection

Belarus applied for membership to the Council of Europe in 1992, but it has not been accepted yet.²¹ Belarus has not signed the Council of Europe's Convention on Cybercrime;

Convention on Action against Trafficking in Human Beings; nor the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The 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 provides 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).²² There is no regulation of child sex tourism related offences.

Article 9 of the law, On Child’s Rights, affirms the rights of children to be protected from exploitation and violence.²³ The legal age of consent for sexual activity is the same as the legal age of majority, 18 years.²⁴ 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” is punishable with imprisonment for a term of up to three years.²⁵

Article 171-1 of the Criminal Code establishes liability for involving persons under 18 in prostitution²⁶ but does not define what constitutes prostitution. The penalty is imprisonment from three to five years.²⁷ Children under 18 do not incur criminal liability for their involvement in prostitution.²⁸

“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”²⁹ are defined as “trafficking in persons” according to the Criminal Code (2005).

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. Article 343 of the Criminal Code provides some protection

against child pornography and the 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.

In Belarus, there is no specific definition of child sex tourism offenses. In terms of extraterritorial legislation with regard to child sex tourism related offences, article 5 of the Criminal Code establishes that Belarusian citizens who have committed a crime abroad shall be liable if they are brought to trial in the Republic of Belarus.³⁰ 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.³¹ 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”.

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,³² although there are no special units within the police that deal specifically with children’s issues.

The government of Belarus provides social services for victims of trafficking. Juvenile justice procedures are being developed through collaboration with UNICEF and other NGOs. The Ministries of Labour and Social protection provide shelters and rehabilitation services for victims of all forms of violence, including trafficking.³³

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 and has conducted training programs with law enforcement officials since 2007.³⁴

Child and Youth Participation

Child and youth participation is an emerging issue for the Government and other stakeholders in Belarus. The Government has organised some national and international children's forums, such as Children of Belarus: Action on Behalf of the Future. To work with

'difficult' teenagers, various youth clubs have been established, which include activities like video classes and sports.³⁵ NGOs including ECPAT are active in contributing to the participation of youth and children in public campaign activities on CSEC.

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.

Prevention

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.

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.

Protection

Sign and ratify the Council of Europe Convention on Cybercrime and the Convention on Action against Trafficking in Human Beings. Amend national legislation to ensure complete conformity with the Trafficking Protocol.

Review national legislation to define clearly what constitutes child prostitution in line with the OPSC, in particular, and to criminalise the clients/exploiters. Review national legislation to provide a clear definition of child pornography in line with the OPSC 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.

Strengthen existing national child protection services for child victims of trafficking and 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. Focus on strengthening local capacities and in creating structures for child participation in policies and programmes on child protection.

Endnotes

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