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**Report submitted by the authorities of Belarus
on measures taken to comply with
Committee of the Parties Recommendation
CP(2017)26 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

First evaluation round

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Executive Secretary of the Council
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against Trafficking in Human Beings
Ms. Petya Nestorova

On the measures taken by Belarus to
comply with the recommendations on
the implementation of the Council of
Europe Convention on Action against
Trafficking in Human Beings

Dear Ms. Nestorova,

The Ministry of Internal Affairs of the Republic of Belarus presents its compliments to the Council of Europe and in accordance with the Recommendation CP(2017)26 of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings sends you herewith enclosed the information about the measures taken by the Republic of Belarus in order to comply with the recommendations on the implementation of the Convention listed in GRETA Report.

Yours sincerely,

Deputy Minister

Alexander Barsukov

Core concepts and definitions

1. In order to be fully consistent with the definition of THB in the Convention, GRETA considers that the Belarusian authorities should include “abuse of a position of vulnerability” as one of the means for committing trafficking in human beings.

The Republic of Belarus is actively studying the experience of other states in bringing national legislation into line with the provisions of the Convention, including the issue of inclusion of the concept of “abuse of a position of vulnerability”.

At the same time the Belarusian criminal law system uses its own established legal language, the distortion of which may violate the structure of legal norms and the legal act as a whole, as well as its compliance with other legislation. In this regard, the literal duplication of the terms used in the Convention on Action against Trafficking in Human Beings in the criminal law system of the Republic of Belarus is not possible. At the same time the general meaning of the norms and terms used in the Belarusian criminal law system for combating trafficking in human beings and related crimes has been brought into maximum conformity with the Convention.

The concept of “abuse of a position of vulnerability” proposed by GRETA to be included in the definition of trafficking in human beings as one of the means of influence for committing trafficking in human beings in fact is a new qualifying feature that does not have a unified legal interpretation and is abstract in nature. Its inclusion in legislative acts may lead to legal uncertainty of the proposed norm, which prejudices the validity of its legal implementation.

At the same time in the criminal legislation of the Republic of Belarus abuse of a position of vulnerability as a qualifying feature of trafficking in human beings has clearly defined, specific forms, which excludes ambiguous interpretation of the provision of the Convention. Such qualifying features include unlawful acts committed by a person using his official authority (clause 5, paragraph 2, article 181 of the Criminal Code of the Republic of Belarus (hereinafter - Criminal Code), against a pregnant woman, with prior knowledge that she is pregnant (clause 7 of article 181, paragraph 2 of the Criminal Code), with taking persons out of the country (clause 8 of part 2 of article 181 of the Criminal Code), against a child aged between 14 and 18 with prior knowledge that he/she is a child, and irrespective of whether any of the means of influence have been used (clause 9 of part 2 of article 181 of the Criminal Code), or against a minor (under 14) (part 3 of article 181 of the Criminal Code).

These forms of “vulnerability” were also partially reflected in the norms of the Criminal Code criminalizing crimes related to trafficking in human beings – Use of slave labour (article 1811), Abduction (article 182 of the Criminal Code).

In accordance with the note to Art. 181 of the Criminal Code, exploitation in this article, as well as in Articles 181-1, 182 and 187 of the Criminal Code, refers to the unlawful coercion of a person to work or provide services (including sexual acts, surrogacy, the removal of a human organ and/or tissues) if he/she for reasons beyond his/her control cannot refuse to perform the work (services), including slavery or practices similar to slavery.

In addition, in accordance with paragraphs 2 and 6 of part 1 of Article 64 of the Criminal Code the commission of a crime against a knowingly child, an elderly person, a person in a helpless state, in material, official or other dependence on the guilty person are recognized as aggravating circumstances.

GRETA’s argument about the need to fix the legally indefinite term “abuse of a position of vulnerability” in the definition of trafficking in human beings due to the lack of its unified understanding by the law enforcer does not correspond to one of the basic requirements of the law-making technique regarding the need to ensure the completeness of legal regulation of the relevant legal relations.

At the same time, we draw attention to the fact that, according to Article 2 of the Law of the Republic of Belarus dated January 7, 2012 No. 350 “On Combating Trafficking in Human Beings” (hereinafter – the Law on combating THB), the legislation of the Republic of Belarus on combating trafficking in human beings consists of acts of legislation of the Republic of Belarus, **including international agreements of the Republic of Belarus**. If an international agreement establishes rules other than those contained

in this Law, then the rules of the international agreement shall be applied. Thus, the concept of "abuse of a position of vulnerability" is included in the legislation of the Republic of Belarus, and, if necessary, the law enforcer is not limited in its use.

The Republic of Belarus intends to continue and improve work in this direction.

2. GRETA urges the Belarusian authorities to take legislative measures to fully align the definition of THB with the provisions of the Convention as regards trafficking in children by removing the requirement of "prior knowledge that the person is a child".

This recommendation is unacceptable for the criminal legal system of the Republic of Belarus, since it directly contradicts such a fundamental principle of criminal law as the prohibition of objective incrimination.

Distorting or repealing this principle for declarative purposes grossly violates the human right to fair justice. According to the provisions of paragraph 5 of Article 3 of the Criminal Code, a person is subject to criminal liability only for those socially dangerous acts (inaction) that he has committed and the socially dangerous consequences that have arisen, provided for by the Criminal Code, in respect of which his guilt that is intent or negligence has been established. Criminal liability for innocent harm is not permitted.

Trafficking in human beings is characterized by guilt in the form of direct intent, and the commission of this crime against children between 14 and 18 and minors under 14 entails increased criminal liability under parts 2 and 3 of Art. 181 of the Criminal Code (respectively). At the same time, the presence of any of the qualifying features in accordance with Article 89 of the Criminal Procedure Code of the Republic of Belarus is included in the ultimate fact in a criminal case and, accordingly, the qualification of actions under part 2 or part 3 of article 181 of the Criminal Code is possible only under the condition of proof of the guilt's awareness of such an age of the victim.

We would like to note that intentionality (as a condition for the criminalization of trafficking in human beings) is provided in article 18 of the Convention. Consequently, the responsibility for committing trafficking in human beings against a child (which implies a harsher punishment) should only occur if these actions are intentional (the intent is aimed specifically at committing a crime against a child) and this was proved during the criminal process.

In practice, situations are possible when a person who has not reached the age of eighteen, is physiologically and behaviourally perceived as an adult and does not report his age, and there are no other ways to find it out. Thus, without the knowledge of the trafficker about the victim's minority, it's impossible to impose intent on him to commit a crime specifically against the child and, accordingly, find him guilty of such actions.

At the same time, we consider it necessary to draw attention to the fact that the sanction of part 1 of article 181 of the Criminal Code provides with the punishment from three to seven years of imprisonment, so when a crime is committed against a child or a minor in the absence of evidence of qualifying features, the punishment imposed is maximum allowable by part 1.

In our opinion, the approach of the legislator in this part does not contradict the Convention.

Thus, we believe that the exclusion of these provisions from the Criminal Code will be contrary to the fundamental principles of the criminal legislation of the Republic of Belarus.

3. GRETA therefore invites the Belarusian authorities to specify in the Criminal Code and the regulations on the identification of victims of trafficking the irrelevance of victim's consent to the intended exploitation when any of the means are used with a view to ensuring the effective application of this principle in practice.

We believe that this recommendation has already been implemented in the national legislation of the Republic of Belarus.

Paragraph 8 of Article 1 of the Law on combating THB stipulates that a person's consent to the planned exploitation is not taken into account if any of the means of influence was used: recruitment,

transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, committed by deception or abuse of trust, either the use of violence or the threat of violence.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered trafficking in human beings even if they are not associated with the use of any of the listed means of influence.

At the same time part 2 of Article 27 of the Law on combating THB determines that the behaviour of the victim of trafficking in human beings expressed in the reluctance or inability to change their antisocial behaviour caused by trafficking in human beings or related crime, does not exclude the liability of persons who committed trafficking in human beings or related crimes, as well as cannot be considered as a circumstance mitigating their responsibility.

The absence in the content of Article 181 of the Criminal Code of a separate consolidation of the principle that the consent of the victim to intentional exploitation is not taken into account if any of the means of influence was used does not mean that this principle of the Convention is not accepted by the criminal law of the Republic of Belarus.

The note to article 181 of the Criminal Code discloses the contents of the exploitation which is understood as "... unlawful coercion of a person ... if he/she for reasons beyond his/her control cannot refuse to perform the work (services) ...". Therefore, the use of forced consent is also recognized as exploitation.

When using a person's voluntary consent to provide services, such as sexual services, and in the absence of signs of coercion (exploitation), the actions of the perpetrator do not constitute trafficking in human beings but are qualified under article 171 (exploitation or facilitation of prostitution) of the Criminal Code.

These provisions are fully consistent with subparagraphs b) and c) of Article 4 of the Convention.

Implementation of these norms into the Criminal Code and the Regulation on identification of victims of trafficking in human beings, completing the identification form for possible victims of trafficking in human beings and related offences, and the handling of information contained therein, approved by the Decree of the Council of Ministers of the Republic of Belarus of June 11, 2015 No. 485 (hereinafter – the Regulation on identification) is redundant, since the disposition of Article 181 of the Criminal Code is of a blanket (reference) nature, and paragraph 2 of the Regulation establishes that for the purposes of the Regulation terms and their definitions are used within the meaning of the Law on combating THB.

4. GRETA invites the Belarusian authorities to examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.

Considering the issue of creating mechanism for monitoring the anti-trafficking activities of State institutions, improving the National Rapporteur's institution, the establishment of the post of National Co-ordinator on action against THB and other institutional transformations in this field the Republic of Belarus proceeds primarily from the criterion of the effectiveness of these mechanisms, which includes the issue of authority and financial resources.

The Republic of Belarus is actively studying the experience of the institution of the National Rapporteur and the coordination systems operating in other States parties to the Convention and will be grateful to the Council of Europe for its assistance in studying international experience and good practices in this field.

At the same time, we believe that the current information and coordination system in the field of combating trafficking in human beings built in Belarus provides a centralized and objective nature of the analysis and assessment of information and allows for effective enough solution to the issues of ensuring the interaction of the Republic of Belarus with other states and their law enforcement bodies as well as international and foreign organizations engaged in activities in the field of combating trafficking in human beings, which is of paramount importance.

According to the Article 26 of the Law on combating THB the Minister of Internal Affairs is defined as the National Rapporteur on combating trafficking in human beings in the Republic of Belarus. In addition, the Law has established the powers of state bodies, international and public organizations in this area.

The Ministry of Internal Affairs represented by the Minister not only acts as the National Rapporteur on the combating against human trafficking, but also coordinates the work of state bodies and organizations, public associations, international and foreign organizations to identify victims of human trafficking. This is due to the fact that among the subjects of combating trafficking in human beings functioning in Belarus only the Ministry of Internal Affairs is equally active in identifying victims and in directly combating crimes related to trafficking in human beings. The assignment of the functions of the National Rapporteur on combating trafficking in human beings to an authority or organization that does not have sufficient competence in both or one of these components will entail the incompleteness and bias of the generalization and analysis of information.

Comprehensive approach and co-ordination

5. GRETA considers that the Belarusian authorities should consolidate the co-ordination of anti-trafficking activities at the national level by ensuring regular exchange of information between all public bodies involved in prevention of THB, identification and assistance to victims, and prosecution of traffickers. GRETA considers that the establishment of the post of National Co-ordinator on action against THB, supported by a dedicated office, would significantly strengthen co-ordination.

Coordination of the activities of all law enforcement agencies involved in the fight against crime (including in combating trafficking in human beings) in accordance with Article 12 of the Law on combating THB is implemented by the republican and local coordination meetings on combating crime and corruption, operating under the General Prosecutor's Office of the Republic of Belarus and the territorial bodies of the prosecutor's office, respectively.

In addition, we consider it necessary to note the coordinating role of the Program to Combat Crime and Corruption, which is implemented in the Republic of Belarus on an ongoing basis (the Program for 2017-2019 is in operation, the program for 2020-2022 is under development). This program is aimed at implementing an integrated, coherent and consistent policy of the Republic of Belarus based on planning and coordination of activities of state bodies and other organizations in the field of combating crime, including human trafficking (separate section of the Program devoted).

State bodies (organizations) indicated first in the column "Executors" of the Program are responsible executors and ensure timely and high-quality implementation of measures, including coordination of actions of their co-executors. If necessary, state bodies and other organizations, which are not listed among the co-executors but are competent to resolve relevant issues, may be involved in the implementation of certain measures.

The co-executors of the Program provide information on the progress in the implementation of these measures according to the results of the year to the responsible executor who analyzes and summarizes it. Responsible executors send information on the implementation of the relevant points of the Program to the Prosecutor General's Office. The Prosecutor General's Office and the Council of Ministers of the Republic of Belarus summarize information on the implementation of the Program's activities and annually send the results of the synthesis to the secretariat of the republican coordination meeting on combating crime and corruption.

Also, certain issues related to combating human trafficking and protecting its victims are included in the Interagency Plan for the implementation of recommendations adopted by the Republic of Belarus following the second cycle of the universal periodic review of the United Nations Human Rights Council, and recommendations addressed to the Republic of Belarus by human rights treaty bodies, for 2016 - 2019 years, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated October 24, 2016 No.860.

Thus, the comprehensive, professionally competent and independent nature of the generalization of information and coordination in various areas of the fight against human trafficking is achieved precisely through the distribution of relevant functions between the competent state authorities.

6. GRETA also considers that the authorities should further develop co-ordination between public bodies and civil society actors engaged in anti-trafficking action, and increase involvement of specialised NGOs and other relevant civil society actors in the planning, drafting, implementing and evaluating of national anti-trafficking policies.

A positive example of coordination in Belarus is the creation of multidisciplinary groups (MDG) that operate in all regions of Belarus. The MDGs were created at the initiative of the Belarusian Red Cross Society in 2011. Members of the MDG are representatives of all state structures of the regional level involved in the fight against human trafficking, IOM representatives and non-governmental organizations working in the field of human trafficking. Between members of the MDG Memorandums of Cooperation are signed. The work of the MDG in the regions allows to intensify the work on rendering assistance to victims of human trafficking at the regional level, to strengthen interaction between all interested parties.

Also the Advisory Council and the Planning and Coordination Group for Cooperation of the International Technical Assistance Project "Strengthening in the Republic of Belarus the National Referral Mechanism for the Victims of THB" implemented by the International Organization for Migration are a good platform for discussing specific issues in the field of combating THB which unites all the subjects involved in combating THB including NGOs.

In the framework of increasing coordination of state bodies and non-governmental organizations to combat human trafficking at the republican and regional levels the following meetings were held in 2018-2019:

at the first meeting of the Advisory Council on the implementation of the international technical assistance project "Strengthening in the Republic of Belarus of the national referral mechanism for victims of human trafficking" (February 15, 2018, Minsk);

in a working meeting to discuss the Report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (May 28, 2018, Minsk);

at the second meeting of the Advisory Council on the implementation of the international technical assistance project "Strengthening in Belarus the national referral mechanism for trafficking in human beings" (February 22, 2019, Minsk).

We support the GRETA proposal to further develop coordination between government bodies and civil society actors involved in the fight against human trafficking, as well as expand the participation of civil society actors in the planning, development, implementation and evaluation of national anti-trafficking policies.

7. Moreover, GRETA urges the Belarusian authorities to take further steps to ensure that national action to combat THB is comprehensive, and in particular to:

- **strengthen action to combat THB for the purpose of labour exploitation by introducing measures to prevent this form of trafficking, by involving all relevant actors (labour inspectors, trade unions, employment agencies, businesses and civil society), and improving the identification of and assistance to victims of THB for the purpose of labour exploitation;**
- **address the particular vulnerability to trafficking of children and persons from groups affected by unfavourable social and economic conditions;**
- **take steps to address internal trafficking.**

A comprehensive approach to combating trafficking in human beings (including intensifying efforts to combat labor exploitation with the involvement of all necessary participants, taking into account the special vulnerability of children and certain social groups to trafficking in human beings, and taking steps to combat internal trafficking in human beings) is implemented in the course of everyday activities of anti-trafficking entities.

So, one of the areas of activity of the State Border Committee and the border service of the Republic of Belarus in combating human trafficking and related illegal acts in accordance with its competence is the exchange of information with internal affairs authorities, other competent authorities involved in countering the illegal activities, on potential victims of human trafficking (labor and sexual exploitation) detected by the border service, consumers of their services, traffickers and possible organizers of this illegal activity, as well as foreign organizations involved in the recruitment of citizens of the Republic of Belarus on the Internet for work in the field of consummation and the provision of sexual services.

In 2018-2019 the State Border Committee in the framework of organized interaction sent to the Chief Department for Drug Control and Combating of Trafficking in Human Beings of the Criminal Police of the Ministry of Internal Affairs of the Republic of Belarus the following information for operational use and further verification measures:

information on foreign organizations engaged in the recruitment of citizens of the Republic of Belarus on the Internet for work in the field of consummation and the provision of sexual services – 1 legal entity (Republic of Cyprus);

information about individuals who are possibly recruiters of citizens of the Republic of Belarus for their involvement in the "sex industry" in Belarus and foreign countries – 5 persons (Iraq and Belarus – 2 each, Kazakhstan – 1);

information on consumers of services of potential victims of human trafficking in the Republic of Belarus – 2 (Iraq and Iran);

information on persons who may be labor migrants involved in the "sex industry" on the territory of the Republic of Belarus and foreign countries – 29 persons (Belarus).

In addition in 2019 at the initiative of the border service an exchange of information was organized with the citizenship and migration departments of the Internal Affairs Departments of the regional executive committees, the Chief Department of Internal Affairs of the Minsk City Executive Committee regarding foreign citizens arriving in the Republic of Belarus for work, in order to identify potential victims of human trafficking among them.

Dealing with intensifying efforts to combat trafficking in human beings for the purpose of labor exploitation with the involvement of employment agencies, we inform that the activities of legal entities and individual entrepreneurs related to employment outside the Republic of Belarus are regulated by the Law of the Republic of Belarus "On External Labor Migration" and the Regulation on Licensing of certain types of activities, approved by the Decree of the President of the Republic of Belarus dated 01.09.2010 No. 450 "On licensing of certain types of activities".

In order to prevent illegal employment of citizens of the Republic of Belarus abroad, to prevent their involvement in human trafficking for the purpose of labor exploitation, the Ministry of Internal Affairs of the Republic of Belarus assesses the conformity of the capabilities of the license applicant to the license requirements and conditions. Requests for the provision of necessary information and documents are sent to the territorial divisions for citizenship and migration of the Internal Affairs Departments of the regional executive committees and the Chief Department of Internal Affairs of the Minsk City Executive Committee, which, when drawing up a conclusion on the possibility of issuing a license:

check in a unified state database of offenses the availability of information on the lack of a criminal record of the founders and employees of the applicant which has not been withdrawn or cancelled;

apply with a request for the presence (absence) of information that impedes the issuance of a license to the state security bodies, the drug control and anti-trafficking departments, the economic crime control department of the Chief Internal Affairs Department of the Minsk City Executive Committee, the Internal Affairs Departments of the regional executive committees, which within their competence provide relevant information to the shortest possible deadlines.

Based on the results of the assessment the Ministry of Internal Affairs draws up a conclusion on the conformity or non-compliance of the capabilities of the license applicant with the licensing requirements and conditions.

If necessary, prior to drawing up an opinion, relevant information about a foreign partner, foreign employer or foreign intermediary organization is requested at the NCB Interpol in the Republic of Belarus and/or the Ministry of Foreign Affairs, which sends a request for additional information about the foreign partner, foreign employer or foreign intermediary organization to the diplomatic mission or a consular post of the Republic of Belarus in a foreign country or a diplomatic mission and consular institutions of foreign states in the Republic of Belarus and informs the MIA Department on Citizenship and Migration on the received data.

When issuing a license, its applicant or his authorized representative is familiarized with the legislation that defines the licensing requirements and conditions for the implementation of activities for employment outside the Republic of Belarus, as indicated in the license. After obtaining a license, the licensee is obliged to comply with them. If their violations are found, the licensee is brought to administrative responsibility in the manner prescribed by the Code of the Republic of Belarus on administrative offenses.

The Law on External Labor Migration stipulates that licensees are required:

to ensure the conclusion by foreign employers of labor contracts with emigrant workers or the conclusion of employment contracts with such emigrant workers on behalf of a foreign employer on their own behalf;

to issue to immigrant workers before leaving for the state of employment one copy of the relevant labor contract registered in the citizenship and migration unit;

to inform a citizen who has expressed a desire to get a job outside the Republic of Belarus about the provisions of the legislation of the Republic of Belarus on external labor migration, the procedure for leaving the Republic of Belarus and entering the Republic of Belarus, the provisions of the legislation of the state of employment in the field of external labor migration, the location and phone numbers of the Department of Citizenship and Migration of the Ministry of Internal Affairs, units of citizenship and migration, location and telephone numbers of diplomatic missions or consular institutions of the Republic of Belarus in the State of employment (if any), and international organizations engaged in the protection of rights, freedoms and legitimate interests of emigrant workers;

to provide in the prescribed manner with the information about emigrant workers employed outside the Republic of Belarus with the assistance of the licensee;

to inform immediately the Ministry of Internal Affairs about the facts of misrepresentation by the foreign employer of emigrant workers, the threat of death of emigrant workers or damage to their health.

In order to prevent cases of labor exploitation, the Ministry of Internal Affairs together with territorial divisions holds round tables with licensees to discuss problematic issues, report information on organizations that provide such services illegally, and improve the quality of cooperation between the law enforcement agency and private individuals. For the period 2018-2019 5 such meetings were held.

The Department of State Labor Inspection of the Ministry of Labor and Social Protection of the Republic of Belarus whose tasks are to oversee compliance with labor legislation and labor protection as well as detect and combat violations of labor legislation and labor protection interacts with specially authorized state bodies of supervision and control, republican government bodies, other state organizations subordinate to the Government of Republic of Belarus, local executive and administrative bodies, the Investigative Committee of the Republic of Belarus, the State Committee of the Republic of Belarus of legal expertise, prosecutors, trade unions.

In accordance with Article 17-1 of the Law on combating Trafficking in Human Beings, if a person who may have suffered from human trafficking or related crimes labor, employment and social protection bodies may initiate identification procedure of trafficking in human beings' victims.

The state policy in the field of employment promotion is regulated by the Law of the Republic of Belarus of June 15, 2006 No. 125 "On the employment of the population of the Republic of Belarus" (hereinafter referred to as the Employment Act).

Employment legislation applies for citizens, and dealing with the issue of employment – for foreign citizens and stateless persons applying for refugee status or additional protection or asylum in the Republic of Belarus, and foreign citizens and stateless persons who are granted additional protection in the Republic of Belarus, unless otherwise not provided for by the Constitution of the Republic of Belarus, legislative acts or international treaties of the Republic of Belarus.

In accordance with Article 10 of the Employment Act, state policy in the field of employment promotion is directed on:

ensuring equal opportunities for all citizens independently from sex, race, nationality, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or official position, age, place of residence, physical or mental deficiencies, if they do not interfere with the performance of relevant labor duties, other circumstances not related to business qualities and not determined by the specifics of the labor function or status of the employee, in the exercise of the right to work, which means the right to choose a profession, occupation and work in accordance with vocation, abilities, education, training and taking into account social needs, as well as healthy and safe working conditions; promotion of full, productive and freely chosen employment; the provision of additional guarantees of employment to citizens especially in need of social protection and unable to compete on equal terms in the labor market; international cooperation in solving employment problems etc.

The implementation of an active employment policy is ensured through the implementation of the following activities of the subprogram "Promotion of employment" of the State program on social protection and promoting employment for 2016-2020, approved by the Decree of the Council of Ministers of the Republic of Belarus of January 30, 2016 No. 73:

employment with the assistance of labor, employment and social protection authorities for created jobs and available vacancies;

vocational training, retraining, advanced training and mastering the content of the educational program of training courses;

rendering assistance in the resettlement of unemployed and their families in connection with moving to another locality to a new place of residence and work with payment of funds in the manner and on conditions determined by the Ministry of Labor and Social Protection of the Republic of Belarus;

the opportunity to participate in paid public works;

assistance in organizing entrepreneurial activities, activities for the provision of services in the field of agroecotourism, craft activities;

assistance in gaining practical experience.

Information provided by NGOs

In 2019, the NGO Gender Perspectives /La Strada Program conducted a campaign "Ask while you are here" to prevent labor exploitation and violation of the rights of labor migrants from Belarus to Poland, as Poland is the second most popular destination country for labor migrants from Belarus. Target audience of the campaign: men and women planning to leave or have already left for employment in Poland, as well as those labor migrants who have faced some kind of violation by Polish employers. As part of the campaign, thematic articles were published in the media, on the website for potential migrants www.lastrada.by, web banners were prepared, a YouTube channel for safe migration was opened, where videos were posted on the rules of safe employment, preventing labor exploitation, protecting the rights of labor migrants. Campaign coverage: more than 90,000 potential migrants and migrants faced with labor rights violations.

Also to prevent human trafficking for the purpose of labor exploitation and restitution of labor migrants, the NGO Gender Perspectives / La Strada Program provides assistance to labor migrants who face full or partial non-payment of wages, labor exploitation. The organization's lawyers help labor migrants prepare appeals to labor inspectorates, law enforcement agencies of the Republic of Poland, and the

Russian Federation in the language of the country of destination. In 2017-2019 about 200 labor migrants who faced irregularities applied to the organization, 179 of them agreed with the support of the organization to assert their rights. The result of work on one of the cases was the initiation of a criminal case in Poland on trafficking in persons for the purpose of labor exploitation.

Training of relevant professionals

8. GRETA welcomes the setting up of the International Training Centre on Migration and Combating Trafficking in Human Beings and invites the Belarusian authorities to use this training platform to disseminate information about legislative changes, new trends and the application of the new National Referral Mechanism.

With the assistance of international experts, educational courses that address the counteraction not only of human trafficking, but also of illegal migration and child pornography in Internet, as well as the rehabilitation and reintegration of victims are developed and conducted at the International Training Center for Training, Continuing Education, Retraining of Personnel in the Field of Migration and Combating Trafficking in Human Beings of the Academy of the Ministry of Internal Affairs (hereinafter - ITC). During these courses and other events, topical issues and changes in legislation, law enforcement practice, the use of the redirection and identification mechanism, new challenges and threats in the field of trafficking and ways to overcome them are considered.

Since its opening in 2007 the ITC has conducted more than 100 continuing education courses, during which about 2.5 thousand people were trained, and more than 420 other educational events (seminars, forums, round tables) with the participation of more than 4 thousand people from more than 30 countries of the world.

In particular from 2017 to October 2019 the following events dedicated to combating trafficking in human beings and related crimes were held at ITC:

1. February 20–22, 2017 - advanced training course "Coordination of interagency cooperation in the field of protecting children from violence";
2. March 27–29, 2017 - advanced training course "Prevention, detection, documentation and investigation of crimes in the field of sexual violence against minors";
3. October 15–19, 2018 - advanced training course "Countering the sexual exploitation of minors on the Internet";
4. November 15-16, 2018 - training for social workers and psychologists on working with victims of trafficking in persons and related crimes who suffer from mental and behavioural disorders and are prone to suicide and aggressive behaviour;
5. December 1–6, 2018 - advanced training course "Combating crimes against the sexual integrity of minors on the Internet";
6. February 19, 2019 - workshop "Actual issues of identifying and documenting crimes against the sexual integrity of minors";
7. February 26–28, 2019 - advanced training course "Interaction of the competent authorities of the Republic of Belarus in the field of combating human trafficking. Detection and documentation of crimes related to human trafficking, illegal movement of migrants and other related crimes";
8. March 12-14, 2019 - coordination meeting of experts on combating trafficking in human beings with the support of the Organization for Security and Cooperation in Europe;
9. April 23–26, 2019 - advanced training course "Detection and documentation of crimes related to trafficking in human beings for the purpose of sexual exploitation of minors on the Internet";
10. May 27–31, 2019 - advanced training course "The state legal mechanism for the protection of minors and the specifics of administering justice for minors in the Republic of Belarus";

11. June 5–7, 2019 - advanced training course "Detection and documentation of crimes related to trafficking in human beings for the purpose of labor exploitation";

12. September 9–13, 2019 - advanced training course "Countering trafficking in human beings for the purpose of sexual exploitation of children and violence against children on the Internet".

The staff of the Investigative Committee are regular participants in educational programs organized on the basis of the ITC. In 2018, employees of the Committee took part in the following educational programs of the ITC, including the issues of combating trafficking in human beings and related crimes, identifying victims of crimes of this category, and their rehabilitation:

seminar "International cooperation in combating crime in the field of high technology";

advanced training course "Combating the sexual exploitation of minors on the Internet";

refresher course "Combating crimes against sexual inviolability of minors on the Internet."

Representatives of the Investigative Committee in the framework of the educational course "Interaction of the competent authorities of the Republic of Belarus in the field of combating human trafficking. Detection and documentation of crimes related to human trafficking, illegal movement of migrants and other related crimes" on the basis of the ITC made a presentation on the topic "Review of law enforcement practice in investigating criminal cases of human trafficking and related crimes"; and also within the framework of advanced training for the employees of the Ministry of Internal Affairs "Detection and documentation of crimes related to trafficking in human beings for the purpose of labor exploitation", a training session on the topic "Evidence system of crimes related to trafficking for labor exploitation" was held at the ITC; as well as during the training seminar "Interaction of the competent authorities of the Republic of Belarus in the field of detection, documentation and investigation of crimes related to trafficking in human beings for the purpose of sexual exploitation of minors on the Internet" on the topics "Tactical operations to identify, suppress and prevention of the spread of child pornography on the Internet", "Features of the disclosure and investigation of the facts of the spread of child pornography on the Internet" and "Overview of law enforcement practice in investigation of criminal cases of sexual abuse of minors and child pornography on the Internet."

In addition, since 2005 the Academy of the Ministry of Internal Affairs has been training specialists for the criminal police to combat human trafficking and related crimes.

The Department of Constitutional and International Law of the Academy of the Ministry of Internal Affairs has developed and since the academic year 2018/2019 has been operating the curriculum of the institution of higher education in the discipline "International Law". Theme 11 "International cooperation in combating illegal migration, trafficking in human beings" addresses, inter alia, issues related to combating human trafficking and related crimes, as well as the main areas of cooperation between law enforcement agencies of the Republic of Belarus and law enforcement agencies of other states in combating human trafficking.

Data collection and research

9. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Belarusian authorities should develop and maintain a comprehensive statistical system on trafficking in human beings by compiling reliable statistical data on presumed and formally identified victims of THB from all main actors, including specialised NGOs and international organisations, as well as on the investigation, prosecution and adjudication of human trafficking cases, allowing disaggregation concerning sex, age, type of exploitation, and country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

The system of statistical reporting existing in the Republic of Belarus and the analytical information of state bodies and institutions in the field of human trafficking make it possible to assess the state of affairs in this area objectively.

Within implementation of the provisions of Regulation on identification the Ministry of Internal Affairs maintains an electronic database of victims of human trafficking and persons who may have suffered from human trafficking or related crimes. In order to keep track of the questionnaires for which work has been completed, a card file of questionnaires for victims of human trafficking and persons who may have suffered from human trafficking or related crimes is being kept. Information placed in the data bank is stored indefinitely. Profiles placed in the card file of profiles are stored for 5 years from the date of placement. The safety and protection of information contained in the data bank and card file of questionnaires, including personal data of victims of human trafficking and persons who may have suffered from human trafficking or related crimes, are ensured by the Ministry of Internal Affairs in accordance with the law.

The disclosure of the information contained in the questionnaire is possible only with the written consent of the victim of trafficking in human beings, a person who may have suffered from trafficking in human beings or related crimes, a representative (if any), except in cases of their participation in the criminal process. Information contained in the databank and card file of questionnaires is provided to state bodies, state or other organizations, public associations, international and foreign organizations on the basis of a written request in accordance with the requirements of the Regulation on identification.

Information on persons suspected (accused) of committing trafficking in human beings and related crimes is compiled and stored in the Unified State Database on Offenses, which is administered by the Ministry of Internal Affairs. Information of the Database is available only to holders of licenses for its use. Such information is provided to other entities on the basis of written requests in accordance with the law.

For the generalization, storage and operational use of information about persons and facts related to human trafficking and of operational interest, the automated information system "Drugs. Morals. "

Statistical information on detected crimes, established by suspects and victims, blocked traffic channels are annually posted on the official website of the Ministry of Internal Affairs in the form of a review.

Judicial statistics in the courts of general jurisdiction of the Republic of Belarus are compiled basing on the results of work for six months and a year according to the number of persons brought to criminal responsibility and measures of criminal punishment, as well as the composition of convicts, the place and time of the crime, indicating the sex, age and citizenship of the convicted person.

Statistics on alleged and officially identified victims of trafficking in human beings, as well as on sentences in the field of trafficking in human beings with information on gender, age, type of exploitation and country of origin and/or destination, are not kept in courts of general jurisdiction.

At the same time, as part of the modernization of the automated information system of courts of general jurisdiction, it is possible to generate statistical information about victims in criminal cases.

10. GRETA considers that the Belarusian authorities should conduct and support research on THB issues as an important source of information for the evaluation of current programmes and for planning future policy measures. More research is needed in order to shed light on new trends of human trafficking in Belarus and inform policy makers, to establish root causes and groups most vulnerable to THB, including among foreign nationals, the extent and characteristics of trafficking for the purpose of labour exploitation, as well as the misuse of the Internet for the commission of THB, including through social networks.

Belarus was one of the first to present its best practices on combating trafficking in human beings using the capabilities of the Internet at the OSCE sites. Research in the field of human trafficking is carried out by the Academy of the Ministry of Internal Affairs and the Scientific and Practical Center for Strengthening the Law and Order of the General Prosecutor's Office of the Republic of Belarus.

In 2017-2018 the professional and teaching staff of the Academy of the Ministry of Internal Affairs carried out 3 research works in the field of human trafficking:

“Features of the manifestation of certain types of crime in the territory of the CIS member states and their prevention in modern conditions” (in accordance with the work plan of the Association of Universities of the Ministry of Internal Affairs (police) of the CIS member states on the training, retraining and advanced training of senior officers of the police (police) for 2017);

“Operationally-search support for criminal cases initiated on facts of drug trafficking and human trafficking” (in accordance with the plan of the research activities of the Academy of the Ministry of Internal Affairs for 2017);

“International cooperation of the Republic of Belarus in countering the illicit trafficking of narcotic substances and their precursors, illegal migration, human trafficking” (in accordance with the plan of the research activity of the Academy of the Ministry of Internal Affairs for 2018).

The results of the studies published in 10 scientific papers:

- the collective monograph “Problems of Prevention of Certain Types of Crime” (section “Crime Related to Trafficking in Human Beings and Other Forms of Human Exploitation”);
- 2 scientific articles in publications included by the Higher Attestation Commission of the Republic of Belarus in the List of scientific publications for publication of the results of dissertation research;
- 7 abstracts of reports (materials) of scientific and practical conferences.

Since 2017 the employees of the Academy of the Ministry of Internal Affairs have prepared the following scientific publications on anti-trafficking:

- Crime related to human trafficking and other forms of human exploitation;
- Criminal legal regulation of liability for trafficking in human beings in the legislation of the countries of the Commonwealth of Independent States;
- Criminal legal regulation of liability for child pornography in the Republic of Belarus;
- Features of the subjective side of the crime under Art. 187 of the Criminal Code of the Republic of Belarus (note - Illegal actions aimed at employment of citizens abroad);
- Responsibility for the trafficking in children in the legislation of the post-Soviet countries;
- Methods of investigation of trafficking in human beings;
- International legal aspects of operational-search activities to combat human trafficking;

Certain aspects of combating trafficking in human beings were discussed in the framework of the republican scientific-practical conference “Actual issues of operational-search activity”, held at the Academy of the Ministry of Internal Affairs on June 2, 2017.

Under the guidance of teachers, students of the Academy of the Ministry of Internal Affairs are involved in research activities on the problem of combating human trafficking. According to the Order of the Ministry of Education of the Republic of Belarus dated March 26, 2019 No. 237 “On the Results of the XXV Republican Competition of Students' Scientific Works”, 3 scientific works of cadets on the criminal law and organizational-tactical aspects of combating trafficking in human beings were included in the list of winners (they were awarded the second category).

The Prosecutor General's Office annually plans and conducts thematic summaries of the implementation of legislation on combating trafficking in human beings. The results of these generalizations and checks are used in supervisory activities in order to increase work efficiency.

For example pursuant to paragraph 10 of the work plan of the General Prosecutor's Office for the second half of 2017 the practice of prosecutorial supervision over the implementation of the law when considering applications and messages about the production and distribution of materials or objects of a pornographic nature, including with the image of a minor, as well as the practice of supervision over investigation of criminal cases of this category was examined and generalized.

A copy of the report based on the results of the generalization was sent to the State Forensic Committee, the Investigative Committee, the Ministry of Internal Affairs, as well as prosecutors of the regions and the city of Minsk for consideration and implementation of the proposals in accordance with the competence.

Currently examination of legislation observance by law enforcement agencies in detecting and combating crimes committed using computer systems, telecommunication networks, as well as the global Internet is being carried out, in which special attention is paid to the detection of crimes in the field of human trafficking.

In 2017 the Investigative Committee in cooperation with the NGO Club of Business Women implemented the project "Conducting joint activities with the Investigative Committee of the Republic of Belarus to protect the rights and legitimate interests of children victims of sexual violence and child trafficking in the Republic of Belarus", the funding of which was undertaken by the US State Department through the Small Grants Program of the Department of Information, Education and Culture of the US Embassy in the Republic of Belarus.

Within the framework of this project 5 regional seminars and information campaigns were held, as well as a final seminar on the stated topics which was held on October 19, 2017 on the basis of the central apparatus of the Investigative Committee.

To implement the project an algorithm has been developed to prove the unlawful actions of persons involved in child pornography and paedophilia, as well as information materials on the issue of ensuring the safety of children from sexual assault, including the Internet – a booklet with Internet Safety Rules for educational institutions and a calendar with recommendations for parents.

In relation to pre-trial proceedings, methodological recommendations on the specifics of identifying and investigation crimes of child pornography, referring victims to provide assistance, protecting their rights and legitimate interests (for use by law enforcement officials in official activities) have also been developed and published.

Together with the Representation of the United Nations Children's Fund (UNICEF) in Belarus and the Ministry of Foreign Affairs, on November 1, 2018, an international round table was organized and held in Minsk on "Combating the crimes against children on the Internet: the best world experience". The event was attended by representatives of interested state bodies, a wide range of non-governmental public and international organizations. The moderator of this International Roundtable was an employee of the central office of the Investigative Committee.

During the preparation of the event, information on the structure of the Belarusian national mechanism to combat human trafficking, illegal migration, child pornography and prostitution was generalized and systematized. The reports based on the results "System to Combat Crimes against Children on the Internet in the Republic of Belarus" and "Implementation of an Integrated Approach to Combating Crimes against Children on the Internet in the Republic of Belarus (on the example of the Investigative Committee of the Republic of Belarus)" were prepared, included in the program of the indicated International round table and brought to the participants by the staff of the central office of the Investigative Committee.

The forum revealed the potential for the development of further cooperation, improving cooperation in combating crimes against children and counteracting the involvement of minors in illegal activities.

At the interagency level representatives of the Investigative Committee took part in activities initiated by the Ministry of Internal Affairs to improve legislation and introduce amendments and additions to the Criminal Code and the Code on Administrative Offenses, as well as the formation of a national "Road Map" to improve the fight against crimes against sexual inviolability or sexual freedom of minors; trafficking in child pornography and human trafficking. Within the framework of these measures, national and international experience in this area of law enforcement activity is summarized.

In addition, the Department of the Investigative Committee of the Republic of Belarus for the Grodno Region analysed the practice that has been formed over 9 months of 2017 for considering applications (messages) in the investigation units of the region about the production and distribution of pornographic

materials or objects of a pornographic nature, including portraying minors. The prosecutor's office of the Grodno region was informed about the results of the generalization and the identified problems of proof.

In 2019 an examination testing methodology on issues of combating trafficking in human beings and related crimes was developed for employees of the NGO Club of Business Women. The program was directed to the initiator.

Representatives of the Investigative Committee participated in a meeting of the national interagency working group to discuss legislative innovations in the field of protecting children from sexual violence and exploitation.

Information on the work of the Investigative Committee in the field of combating trafficking in human beings in 2018 was prepared and sent to the Prosecutor General's Office to prepare a report to the Head of the State.

The implementation of these measures is consistent with the national legislation and international obligations of the Republic of Belarus, national interests and the current state policy in the field of combating trafficking in human beings, as well as combating crime against minors.

In addition, domestic violence is seen as the root cause of trafficking. In order to increase the effectiveness of the fight against domestic violence in the reporting period, the following studies were carried out in the Republic of Belarus:

The national study on assessing the situation of violence against children in the Republic of Belarus, which was conducted from October 2016 to March 2018 with the participation of interested departments, organizations and institutions of the Republic of Belarus, including the Ministry of Education, the Ministry of Health, the Ministry of the Interior, the Ministry of labor and social protection, regional and district government bodies, school administrations and other children's institutions where the survey was conducted, with the support of the UNICEF Office in Belarus;

"An analysis of the experience of working with male aggressors who show violence against their relatives in the Republic of Belarus" was carried out in 2018 as part of the international technical assistance project "Strengthening national capacities to combat gender-based violence (with a focus on domestic violence) in Republic of Belarus";

"A study of family safety in the Republic of Belarus" was carried out by the State Scientific Institution "Institute of Sociology" of the National Academy of Sciences of Belarus. The research materials of the international technical assistance project "Strengthening National Capacities to Combat Gender-Based Violence (Focusing on Domestic Violence) in the Republic of Belarus" with the support of the United Nations Population Fund (UNFPA) in the Republic of Belarus were published in 2019 in the form of a brochure "The prevalence of violence against women in the Republic of Belarus."

International co-operation

11. GRETA commends the efforts of the Belarusian authorities to develop international co-operation in the field of action against THB and invites them to continue these efforts with a view to preventing THB, providing assistance to Belarusian and foreign victims of trafficking, and prosecuting traffickers.

Belarusian authorities have established cooperation with such influential international organizations as the United Nations Development Program (UNDP), the United Nations Children's Fund (UNICEF), the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration (IOM), the Office on Drugs and Crime UN (UNODC) and others.

Belarus initiated the second high-level meeting of the UN General Assembly in 2017 to review progress in implementing the Global Plan of Action to Combat Trafficking in Human Beings (the first was held in 2013).

The resolution on improving the coordination of efforts to combat human trafficking on the proposal of Belarus is adopted by the UN General Assembly on a biennial basis. The next resolution will be presented at the 74th session of the UN General Assembly in 2019.

Belarus continues to coordinate the activities of the Group of Friends, united in the fight against human trafficking, operating at the UN headquarters in New York, the UN offices in Vienna and Geneva, as well as within the framework of UNESCO in Paris. Today, the Group of Friends unites 23 states from different regions of the world. The 5th Ministerial Group of Friends meeting will be held in September 2019 in New York.

At the 27th session the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) adopted the resolution "Prevention and Combating of Trafficking in Human Beings Using Technological Tools", which was submitted by Belarus.

In 2019 Belarus officially joined the information campaign of the UN Office on Drugs and Crime (UNODC) "Blue Heart" to raise awareness of the international community about human trafficking and support efforts to combat this problem at all levels.

In 2018-2019 with the leading role of Belarus, a high-level meeting of the Inter-Agency Coordination Group on Combating Trafficking in Human Beings (ICAT) took place in London, special ICAT briefings for UN member states took place in New York and Vienna, as well as thematic events to combat child trafficking in New York were held in Vienna and Geneva.

Belarus maintains close cooperation with the OSCE Special Representative/Coordinator for Combating Trafficking in Human Beings and actively participates in the work of the Alliance Against Trafficking in Human Beings.

In 2018, Belarus made a voluntary contribution to the OSCE extrabudgetary project to combat trafficking in human beings along migration flows.

As part of the fight against human trafficking Belarus pays special attention to protecting the most vulnerable groups, including such an aspect of the problem as trafficking in children in cyberspace.

In September 2017 Belarus together with the states of a Group of Friends united in the fight against human trafficking organized a thematic dialogue at the UN headquarters, in which politicians and experts, representatives of civil society discussed issues of combating the trafficking in children, child prostitution and pornography, including over the Internet. Representatives of the US Congress, leaders of the OSCE and UNODC, leaders of a number of international and American non-governmental organizations spoke at the event.

In autumn of 2018, during the visit to Belarus of the Special Representative of the UN Secretary General on Violence against Children, M. Santos Pais, an international round table was held on "Combating crimes against children on the Internet: the best world experience".

In April 2019 as a part of the activities of the Alliance against Trafficking in Human Beings in Vienna, Belarus together with Italy, the USA, UNODC and IOM organized a thematic round table on combating the trafficking in children using new technologies.

On July 30-31, 2019 an OSCE regional seminar for law enforcement officials (Belarus, Latvia, Ukraine, Moldova) on combating sexual exploitation and trafficking in human beings in the light of new technologies was held in Minsk, in which experts from Italy, the UK and the USA took part.

Together with international organizations, international technical assistance projects are annually implemented in the field of combating trafficking in human beings, in particular on the referral and identification of persons affected by it.

The international technical assistance project "Strengthening in the Republic of Belarus the National Referral Mechanism for the Victims of THB", funded by the IOM Representative Office in the Republic of Belarus (designed for 2017-2020), is currently being implemented. A series of training events on the rehabilitation of victims of trafficking in human beings, improving the efficiency and coordination of activities in the field of anti-trafficking and the fight against the sexual exploitation of children on the Internet has been carried out at the ITC of the MIA Academy as a part of the international technical

assistance project. The project funded the participation of the Ministry of Internal Affairs in a series of international training seminars on new trends in trafficking, combating sex tourism and child prostitution.

The Ministry of Internal Affairs together with UNICEF have approved and are implementing a Cooperation Plan for 2019-2020, under which a special anti-trafficking site is currently being developed.

Together with UNODC, a series of training events on combating trafficking in human beings was held as part of the «Glo.Act» project.

The positions of Belarus in the field of combating human trafficking in the international arena are upheld by representatives of the Ministry of Internal Affairs and the Ministry of Foreign Affairs, Permanent Missions of the Republic of Belarus to international organizations.

Regarding cooperation with countries where Belarusian citizens are most often exploited, it should be noted that the most popular countries for leaving Belarusians to work are traditionally the Russian Federation, the Republic of Poland, the Republic of Lithuania, as well as the Czech Republic, China, the UAE, etc.

In order to protect the rights of citizens of the Republic of Belarus working in these and other countries, to exclude the facts of their labor exploitation the Ministry of Internal Affairs with the assistance of the Ministry of Foreign Affairs through the embassies of the Republic of Belarus interacts with foreign competent authorities.

Cooperation with Russia on this issue is carried out both directly with the Ministry of Internal Affairs of Russia, and within the framework of:

- the Union State: meetings of the Interstate Interdepartmental Working Group are regularly held, a draft Concept of Migration Policy is currently being developed, which implies coordination of activities and interaction between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the Republic of Belarus, including on issues of protecting citizens' rights in the field of labor and employment and increasing control over labor migration and combating illegal labor;
- Eurasian Economic Union: meetings of the Advisory Committee on Migration Policy are held;
- CIS: meetings of the Council of Heads of Migration Bodies and other relevant bodies are held.

The parties may also initiate working meetings if such a need arises.

For prompt response to cases of violation of the rights of Belarusian citizens working in Poland, the Ministry of Internal Affairs of the Republic of Belarus has established direct contact with an officer for international relations of the police of the Embassy of the Republic of Poland in the Republic of Belarus and the Border Guard Service of Poland. In case of appeals of victim-citizens on the territory of Poland, the Ministry of Internal Affairs sends relevant information to the Polish side through the mentioned channels for response. Leaflets on legal employment in Poland distributed by the Embassy of the Republic of Poland in the Republic of Belarus were distributed in the Republic. Bilateral meetings are held annually to discuss these issues. The last meeting with the Polish side took place as part of the visit of the delegation of the Border Guard Service of the Republic of Poland to the Republic of Belarus on May 23-24, 2019. The issue of implementing a joint project under the Partnership for Mobility to prevent cases of labor exploitation of Belarusian citizens in Poland with non-governmental organizations operating in Poland.

Direct contact has been established with the Migration Department of the Ministry of Internal Affairs of the Republic of Lithuania (work is underway to prepare for the signing of the Agreement on Cooperation in the Field of Migration) to solve the necessary problems in this area. Also at the Embassy of the Republic of Belarus in the Republic of Lithuania is the official representative of the Ministry of Internal Affairs of the Republic of Belarus, who, if necessary, assists in resolving issues requiring the interference of the Belarusian side.

A memorandum on the employment of Belarusian citizens in the UAE is being prepared, which will minimize the risks of their labor exploitation by emirate employers by establishing clear rules for sending

Belarusian workers to the UAE, carrying out their labor activities and returning to the Republic of Belarus under the control of the relevant state bodies of the Republic of Belarus and UAE

Regarding cooperation with the Chinese competent authorities, close cooperation with the PRC Ministry of Public Security on migration issues should be noted. It is also worth noting the active role of the diplomatic and consular institutions of the Republic of Belarus in the PRC, which, in the event of the establishment of facts of unlawful activity against Belarusian citizens working in China, take part in the proceedings of such cases together with Chinese state bodies, facilitate the return of Belarusians to the Republic of Belarus, send relevant information in the Ministry of Internal Affairs of the Republic of Belarus for further work to clarify the circumstances of the incident and implement measures of response.

In the framework of increasing coordination of state bodies and non-governmental organizations to combat human trafficking at the international level **representatives of the border service** in 2018-2019 took part in the following main events:

in a seminar on training interviewing methods for border officials, conducted as part of a European Union-funded project to build the capacity of Integrated Border Management for the Eastern Partnership countries (March 4-10, 2018, Kiev);

in the round table "What are the results on the detention of particularly vulnerable categories of migrants. Humanitarian and legal consequences" (April 23-25, 2018, Moscow);

in the regional course for employees of the operational units of the border departments of the Eastern Partnership countries on combating human trafficking (May 14-18, 2018, Tbilisi);

in the International seminar "The role of criminal prosecution bodies in the field of combating trafficking in human beings" (April 3-4, 2019, Baku);

in the second Russian-language simulation training on countering global threats in the field of human trafficking (June 24--28, 2019, Nur-Sultan).

In 2018 within the framework of international cooperation the Investigative Committee interacted in a number of criminal cases on human trafficking and related crimes.

In criminal cases initiated under Article 181 of the Criminal Code, the Belarusian side has sent 7 requests (instructions) for international legal assistance (2 of them in total under Article 343-1 of the Criminal Code for child pornography) to the United States of America, Turkey, Ukraine, Russian Federation.

From Ukraine the Belarusian side received 1 request for international legal assistance in criminal cases of this category.

4 more requests for international legal assistance were sent to Greece, Turkey, Ukraine and Mexico in criminal cases brought under article 171 of the Criminal Code, and 1 was received from Israel.

1 request for international legal assistance was sent to the United States of America in a criminal case under article 171-1 of the Criminal Code.

For 7 months of 2019 1 request was sent to Ukraine for the provision of international legal assistance in the criminal case brought under Art. 181 of the Criminal Code. In criminal cases of trafficking in human beings 1 similar request was received from Poland and Moldova.

In criminal cases brought under article 343-1 of the Criminal Code the Belarusian side has sent 10 requests (instructions) for international legal assistance (6 of them to the Russian Federation, 3 to Ukraine and 1 to the United States of America).

Persons accused of committing human trafficking or related crimes were not extradited to the Republic of Belarus during this period.

The Investigative Committee as a part of international cooperation in the field of combating trafficking in human beings and related crimes, takes an active part in the periodic preparation of the following information:

for GRETA on the implementation by the Republic of Belarus of the Council of Europe Convention and the fight against human trafficking;

on the project of the UN Office on Drugs and Crime "Global Program for the Prevention and Combating of Trafficking in human beings and the Smuggling of Migrants";

for Charge d'Affaires of the United States in the Republic of Belarus on a humanitarian project in the field of combating child pornography and paedophilia.

In addition from 2017 to July 2019, representatives of the Investigative Committee:

took part in a Foreign Ministry briefing on World Anti-Trafficking Day;

took part in the international seminar "Best practices and problematic issues in the field of combating paedophilia on the Internet" (Minsk);

took part in an international seminar within the framework of the TAIEX program dedicated to the issues of legal regulation in the EU of responsibility for sexual harassment of children on the Internet and European experience in investigating these crimes (Minsk);

participated in a HELP-training organized by the Council of Europe on combating trafficking in human beings and domestic violence (Minsk);

took part in the international simulation exercise (training) "Combating trafficking in human beings on migration routes" (Astana, Republic of Kazakhstan);

prepared and sent to the Ministry of Foreign Affairs proposals on the participation of the Investigative Committee in the project "Effective Strategies and Practices of Criminal Justice to Combat Gender Based Domestic Violence in Belarus" including in the field of combating paedophilia and crimes against sexual freedom and sexual inviolability of minors;

studied 3-4 summary report of the UN Committee on the Rights of the Child on the situation in the Republic of Belarus and prepared and sent to the Ministry of Foreign Affairs information for the preparation of the 5-6 periodic report for consideration by the UN Committee on the Rights of the Child (in relation to trafficking in human beings and related crimes, including child pornography and paedophilia).

carried out monitoring of the practice of resolving statements (reports) on crimes provided for in Articles 371, 371-1 and 371-2 of the Criminal Code. The results of the generalization were sent to the General Prosecutor's Office of the Republic of Belarus for use during the interstate round table on illegal migration, including labor;

participated in a working meeting under the auspices of UNICEF on the possibilities of implementing an international project on violence against minors in the territory of the Republic of Belarus;

participated in a working meeting of the interagency committee on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings;

took part in a round table to discuss with the Council of Europe representatives further measures to implement the GRETA report and the recommendations of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Belarus, with a presentation of the measures taken and planned by the Investigative Committee to implement these recommendations;

organized a workshop with UNICEF management on the development of a long-term plan of cooperation;

organized a bilateral meeting of the Chairman of the Investigative Committee I.Noskevich and UNICEF Representative in Belarus Sarwar R.M. on issues of long-term cooperation;

participated in a working meeting of representatives of UNICEF and state bodies of Belarus on the prospects for cooperation for 2019-2020;

developed a draft plan of cooperation between UNICEF and the Investigative Committee for 2019-2020;

participated in the training "International Practices in Ensuring the Legal Interests of Victims of Trafficking in Human Beings" (Minsk);

studied the draft of the methodological manual "Specifics of the Protection of Minors Victims of Sexual Offenses, including Trafficking in human beings", the development of which was initiated by the Representative Office of the International Organization for Migration in the Republic of Belarus. Comments and additions are sent to the developer. A review of the draft manual was prepared and sent to the NGO Club of Business Women;

took part in the national seminar «Development of an effective referral mechanism for vulnerable migrants and victims of human trafficking» organized by the IOM Representative Office in Belarus, and made a report on the problems of improving the referral mechanism for underage migrants and victims of human trafficking (Minsk);

participated in the 19th conference of the Alliance against Trafficking in Human Beings on the topic "Use of technologies in combating trafficking in human beings: from problem to solution" with a thesis on the activities of the Investigative Committee in this field (Vienna, Austria);

participated in a study visit to Vienna (Republic of Austria) on combating trafficking in human beings and related crimes.

In addition reports on the status of combating trafficking in human beings and related crimes in the Republic of Belarus in 2017 and 2018 were prepared and sent to the Ministry of Foreign Affairs to inform the US State Department.

The draft of the combined 5th and 6th periodic report on the implementation by Belarus of the provisions of the Convention on the Rights of the Child and two optional protocols to it has been studied. Basing on the results an information letter was prepared and sent to the Ministry of Foreign Affairs.

The Investigative Committee is actively involved in training specialists involved in the fight against human trafficking in foreign educational institutions, as well as in the framework of international educational trainings.

Certain issues of the investigation of crimes of human trafficking and related crimes, domestic violence, the prevention of crimes of this category, assistance to victims of violence and human trafficking were addressed in the educational programs of educational institutions of the Russian Federation, in which the staff of the Investigative Committee upgraded their skills through interstate exchange.

2 employees of the Committee were trained at the Institute for Advanced Studies of the Federal State Budgetary Educational Institution of Higher Education "Moscow Academy of the Investigative Committee of the Russian Federation" on the educational program "Investigation of crimes against the person and crimes committed against minors or committed by minors", and at the Institute for Further Training St. Petersburg Academy of the Investigative Committee of the Russian Federation" on the educational program "Investigation of crimes against person".

UNICEF and the educational institution "Institute for the Retraining and Further Training of Judges, Prosecutors, Courts and Justice Institutions Employees of the Belarusian State University" have developed and introduced a special training course for investigators specializing in the investigation of criminal cases of juvenile crimes and against minors. The continuing education program provides for a number of training sessions on issues related to the investigation of crimes of pedophilia and sexual violence against minors. In 2018 75 employees of the Investigative Committee underwent training on this educational program, and in June 2019 – 25.

Also together with UNICEF in 2018-2019 for the staff of the Investigative Committee, the Ministry of Internal Affairs and the prosecution authorities in Brest, Mogilev, Vitebsk, Gomel and Grodno a series of training seminars "Combating child pornography on the global Internet: legal aspects and technical capabilities" was held.

The experts were the employees of the central apparatus of the Investigative Committee, the Ministry of Internal Affairs, the educational institution "Academy of the Ministry of Internal Affairs of the Republic of Belarus" and the NGO Club of Business Women.

The program of the training seminar included not only theoretical issues related to the investigation of criminal cases of child pornography and paedophilia, work to protect victims of trafficking and related crimes, but also practical exercises using specialized search engines and software products.

The training seminar on the problem of child pornography on the global Internet has helped to improve the mechanisms for protecting the rights and legitimate interests of children who are victims of sexual violence, involvement in the production and distribution of child pornography, as well as updating the system for proving crimes of this category, their prevention and suppression.

Measures to raise awareness

12. GRETA considers that the Belarusian authorities should continue their efforts to prevent THB, in particular for the purpose of labour exploitation, in co-operation with countries where Belarusian nationals are exploited. Future awareness-raising measures should be designed in the light of the assessment of previous measures, focussing on the needs identified and new trends.

The Ministry of Internal Affairs continues to carry out active information work to inform people about safe employment abroad in order to prevent cases of labor exploitation:

- relevant articles are published in the media and representatives of the Ministry take part in thematic TV programs;
- leaflets on the safe employment abroad are updated and subsequently distributed on information boards of bus / train stations and airports of the republic, territorial divisions of citizenship and migration, employment centers, housing and communal services of districts, village councils, secondary and higher education institutions, tourism organizations, diplomatic missions and consular posts Republic of Belarus abroad, etc.;
- information on licensees, as well as on the protection of the rights of migrant workers is updated quarterly in the newspapers, as well as on the website of the Ministry of Internal Affairs of the Republic of Belarus;
- in order to better awareness and increase access to relevant and useful information the Department of Citizenship and Migration of the Ministry of Internal Affairs since 2007 has been operating a hotline telephone for safe work abroad which is contacted by more than a thousand people annually. Also the "hot line" with the short number 113 created with the assistance of the Ministry of Communications and Informatization is called for the same purpose, and calls are operated by non-governmental organizations (the International Public Association "Gender Perspectives" and the public association "Club of Business Women").
- on the territory of the republic including in the city of Minsk, information on the functioning of the Department's "hot line" is posted on the outdoor advertising stands and information boards of citizenship and migration units.

On an ongoing basis on the official MIA website (<http://mvd.gov.by>) under the headings "Drug control and combating trafficking in human beings" and "Citizenship and migration" updated information materials are posted, including posters, flyers, videos on combating trafficking in human beings, safe employment outside the Republic of Belarus with contact numbers of competent authorities, information on the basic rights and obligations of victims of trafficking in human beings, possibilities for compensation for harm caused by crimes, on providing rehabilitation assistance, phone numbers of organizations, representing gratis help.

In addition, the official website of the Ministry of Internal Affairs regularly updates statistics reflecting the situation in the field of labor migration, publishes facts of the closure of channels for delivering people abroad, places banners and active links to websites of other government bodies and institutions, and specialized information and legal resources.

In the reporting period the media actively covered press events dedicated to World Anti-Trafficking Day, held at the State Institution "National Press Center of the Republic of Belarus" (July 26, 2018), the

Ministry of Foreign Affairs of the Republic of Belarus (07/30/2018; 30/07/2019), in the Belteleradiocompany (08/31/2019) and on Sputnik Belarus radio (08/30/2019), as well as thematic trainings on the issue.

The preventive measures taken by the Ministry of Internal Affairs helped stabilize the situation related to the labor exploitation of Belarusian citizens. Annually, no more than 10 crimes related to labor exploitation are identified. Activities in the field of employment abroad are under the control of the Ministry of Internal Affairs and require special permission (license). Moreover, if in 2011 – 2013 there was an increase in the number of administrative offenses related to illegal employment of citizens abroad, later there was a downward trend in this area.

Information on the activities of the Investigative Committee including activities in the field of combating trafficking in human beings and related crimes is available on its official website. The results of the investigation of high-profile criminal cases of crimes of this category are brought to the public. Official messages posted on the Investigative Committee website are repeatedly quoted by various media and Internet resources and a number of stories for television news programs have been prepared on their basis.

Among them, for example:

the publication of July 10, 2019 "For Money and Food. The Investigative Committee has completed an investigation into the trafficking in children for sexual exploitation".

For reference: A criminal case against a 40-year-old man for a number of crimes including crimes under Articles 167, 169, 181 of the Criminal Code. According to one of the episodes in June 2016 the accused provided a resident of one of the Middle Eastern states who arrived in Belarus for remuneration with young girls for the purpose of sexual exploitation and video recording;

the publication of February 5, 2019 "The Minsk inhabitant was detained on suspicion of producing child pornography", the publication of February 8, 2019, "Child pornography production case: the detainee was charged", and the publication of July 1st, 2019 "the Investigative Committee completed an investigation into the distribution of pornography".

For reference. A criminal case against a 40-year-old man who, according to the investigation, was involved in creating scripts for pornographic films. In these scenarios, a married couple from Ukraine has been making photos and videos since 2016 with the participation of their young daughter, who at the time of the detention of the spouses in 2018 was five years old. Subsequently, the captured photo and video materials were posted on specialized sites for the purpose of their sale.

Information about the working meeting with the OSCE representatives in the central office of the Investigative Committee was put on the web-resources of the Committee. During the meeting promising areas of cooperation in the fight against human trafficking and related crimes were also discussed. The meeting took place on July 30, 2019 on World Anti-Trafficking Day.

In addition, information and public relations units of the Committee are working to cover this topic in the regional media.

For example, in the newspaper "Evening Gomel" a joint project of the Gomel region Investigative Committee Department and the publishing house "Evening Gomel Media" called "Sovetskaya, 34" was launched.

As part of the project, on July 4, 2019, an article under the heading "When they trample on childhood" was published. The article is about crimes under investigation in the Gomel region against sexual freedom and sexual integrity of minors. The article provides an example of the use by the head of the children's hobby group "Schoolchildren's Rooms" of a minor resident of the city of Gomel for the production of pornographic video files.

On August 7, 2019, the newspaper "Evening Gomel" published an article under the heading "Taboo on the body trade" on crimes under investigation in the Gomel Region, provided for in Articles 171 and 171-1 of the Criminal Code. The publication, among other things, provides examples of specific criminal cases, clarifies the criminal liability for organizing prostitution and engaging in prostitution.

In 2017 the Investigative Committee established the departmental scientific and practical journal "Preliminary Investigation". Each issue of the journal reflects information on international cooperation with law enforcement agencies and international organizations in the fight against crime, including in the field of combating trafficking in human beings.

In 2017-2019 information on the implementation of a joint project with NGO "Club of Business Women" named "Conducting joint events with the Investigative Committee of the Republic of Belarus to protect the rights and legitimate interests of children victims of sexual violence and child trafficking in the Republic of Belarus" was published in the publication, as well as information about the six regional seminars held in the framework of the project, the international simulation training "Combating trafficking in human beings on migration routes" (Astana, the Republic of Kazakhstan), the International round table "Counteraction crimes against children on the Internet: the best world experience", (Minsk), and regional training seminars "Combating child pornography on the global Internet: legal aspects and technical capabilities", organized by the Investigative Committee in conjunction with UNICEF.

Information on these activities is also available on the website of the scientific and practical journal "Preliminary Investigation" pr.gov.by.

The official website of the Investigative Committee and the website of the departmental publication posted materials on holding training seminars in the Brest, Vitebsk, Gomel, Grodno and Mogilev region Investigative Committee Departments on the topic "Combating child pornography on the global Internet; legal aspects and technical capabilities", organized as part of the cooperation of the Investigative Committee and UNICEF.

The named departmental mass media are open for public.

In addition taking part in educational programs of continuing education for adults in June-August 2019 held on the initiative of the International University "International Institute of Labor and Social Relations" a representative of the Investigative Committee spoke three times to advanced training students - representatives of trade union organizations in the field of education on the topic "Human trafficking as a threat to general European security".

The main measures taken by border guards to increase the information content of Belarusian and foreign citizens following through checkpoints across the state border of the Republic of Belarus on the risks associated with their possible involvement in labor, sexual and other types of exploitation abroad include:

demonstration at the Minsk National Airport of a video warning passengers departing from the Republic of Belarus about the risks associated with their possible involvement in labor, sexual and other types of exploitation abroad;

informing people who go through checkpoints and falling under the risk profile about the line of behaviour abroad in case of falling into various types of dependence on third parties and contact telephone numbers by which you can ask for help;

explanatory work among people applying to the State Border Committee by telephone hotline on issues of safe travel abroad, etc.

At the stands of the bodies for labor, employment and social protection relevant information regarding safe employment outside the Republic of Belarus is posted.

In order to increase public awareness about dangerous situations in which potential victims of human trafficking may be found, about measures taken by the state to protect citizens from illegal actions, about responsibility for human trafficking, the following informational materials are placed information boards of labor, employment and social protection departments of city and district executive committees: "LA-STRADA", "What is human trafficking?", "Combating human trafficking in the Republic of Belarus", "Human trafficking or illegal import of migrants? ", "Violence is many-sided and diverse", " Do familiar companies offer you work abroad?", "You are not a commodity!", "Caution! Trafficking in human beings or how not to become its victim", "In order not to fall into slavery", "On safe travel abroad "STOP – trafficking", all the materials contain phone numbers, addresses and names of organizations providing consulting services to those wishing to go abroad with the aim employment. These materials also

contain information about helplines and contact details of institutions and organizations that can provide comprehensive rehabilitation assistance to victims of trafficking.

Specialists of the labor, employment and social protection authorities, within their competence, introduce citizens registered as unemployed with the procedure for going abroad to work, about the consequences of illegal labor migration, they are informed about the hot line phones, the websites of the citizenship and migration departments of the internal affairs bodies, on which the necessary information is posted.

In order to increase the effectiveness of the activities of general secondary education institutions, the curriculum content on the subject "Fundamentals of Life Safety" for the II – VIII grades has been updated.

For reference.

The working group to update the content of the curriculum included a representative of the Chief Department for Drug Control and Combating of Trafficking in Human Beings of the Criminal Police of the Ministry of Internal Affairs of the Republic of Belarus, which allowed the inclusion in the curriculum of issues aimed at preventing trafficking in human beings, prostitution, child pornography and paedophilia.

By the beginning of the academic year 2019/2020 all the institutions of vocational and secondary specialized education, regardless of their subordination and form of ownership, were provided with information on the rigorous implementation of the norms of the Law of the Republic of Belarus of 04.01.2010 No. 105 "On the legal status of foreign citizens and stateless persons in the Republic of Belarus".

In educational institutions information campaign on combating human trafficking and improving the legal culture of students is organized. In order to raise awareness of dangerous situations in which potential victims of human trafficking, the risk of exploitation, violence and illegal migration may be found, in educational institutions conversations, class hours, hours of information, disputes, training sessions, discussions, round tables, film lectures take place, within which the issues of preventing students from getting into any form of exploitation, illegal migration and related illegal acts are discussed.

The issues of combating human trafficking, prostitution, child pornography and paedophilia, as well as safe travel outside the Republic of Belarus are regularly considered in the framework of advanced training, retraining and methodological measures of the inter-course period for teachers.

The educational programs for advanced training of managers of educational institutions include topics: "Migration legislation of the Republic of Belarus in the field of employment of citizens of the Republic of Belarus", "Combating trafficking in human beings", "Socio-economic and labor protection of workers' rights through collective bargaining".

These issues were discussed at the republican thematic consultation "Actual directions of psychological prevention in institutions of general secondary education", a meeting of the republican creative group "Introducing effective methods of providing psychological assistance in the practice of educational psychologists of educational institutions".

In order to generalize and disseminate effective pedagogical experience, e-mail conferences were held: "Improving the psychological culture of participants in the educational process" and "The system of interaction between the socio-pedagogical and psychological service specialists and courts for the protection of the rights of minors", which addressed issues of combating trafficking in human beings, prostitution, and child pornography .

For reference.

The experience of educational institutions, presented in the materials of the e-mail conference is used during consultations for teachers, is introduced during the development of continuing education programs and during the inter-course period.

As part of the educational programs for retraining specialists in the specialties 1-03 04 71 "Social Pedagogy" and 1-03 04 72 "Practical Psychology", work experience on combating trafficking in human

beings, prostitution, child pornography and paedophilia was discussed, as well as issues of ensuring safe travel outside the Republic of Belarus.

Information provided by NGOs

Non-governmental organizations in the Republic of Belarus are actively conducting awareness-raising activities to prevent trafficking in human beings. In 2017 – 2019 non-governmental organizations held more than 1,037 events (lectures, trainings, actions, etc.) with the following risk groups: high school students, students of colleges and schools, students of higher education, the unemployed, children left without parental care, and labor groups. There were also activities for parents in schools to prevent the involvement of minors in sexual exploitation, including through the Internet. In total more than 16,200 people took part in the events [1 Information is provided by the Public Association "Gender Perspectives" / La Strada Program, Public Association "Club of Business Women", Public Association "Club of Business Women "South-West", Public Association "Club of Business Women "Bona", NGO "Province", institution "Center for Social help and support of risk groups "Stimulus to success", NGO "Belarussian Association of Young Christian Women", NGO "Children are not for violence", "Belarusian Red Cross Society", charity social-information institution "Space of success"].

In Belarus there are hot lines for safe migration and combating trafficking in human beings on the basis of the NGO Gender Perspectives /La Strada Program and the Club of Business Women, where you can get advice by phone (113 and 8 801 201 5555), by email and online. In 2017 – 2019 over 21,740 consultations for citizens were provided on the hotlines.

NGO Gender Perspectives / La Strada Program administers a site for potential migrants, which contains information on various aspects of legal and safe migration, algorithms for dealing with crisis situations abroad, and in cases of labor and sexual exploitation. In 2017-2019, it was visited by more than 630,000 users. In 2019, the YouTube Channel for Safe Migration was launched as part of the La Strada Program.

In 2017 - 2019 non-governmental organizations conducted information campaigns to prevent human trafficking both at the regional level (for example, the NGO "Belarussian Association of Young Christian Women" in the city of Smorgon and the Smorgon region, the institution "Stimulus for success" and the NGO "Province" in the city of Borisov) and at the national level.

Examples of information campaigns at the national level:

In 2018 the Belarusian Red Cross Society conducted an information campaign called "Preventing Trafficking in Human Beings". Audience of the campaign: the population of the Republic of Belarus. As part of the campaign, informational events for target groups, flash mobs were held, articles were published in the media, a press conference was held, and printed materials (leaflets, bookmarks, calendars, etc.) were prepared and distributed. Reaching more than 3,000,000 people.

NGO "Gender Perspectives" / La Strada Program in partnership with the NGO Club of Business Women and the Ministry of Internal Affairs, continues the campaign to promote the nationwide number of information line 113 on safe migration and combating human trafficking. To popularize the 113 hotline, the campaign "Going abroad - call" is held. Billboards, lightboxes, A4 leaflets are placed on the stands of the citizenship and migration departments, stands of educational institutions, territorial centers of social services for the population, 3 videos have been shot for television as part of the campaign. It should be noted the great contribution of the Ministry of Internal Affairs to the implementation of this campaign, since outdoor advertising (billboards, lightboxes) and commercials on state television channels were placed with the support of the Ministry of Internal Affairs as a social advertisement for free. The state contribution to this campaign in 2017-2019 amounted to about 320,000 US dollars (in-kind contribution).

Measures to discourage demand

13. GRETA considers that the Belarusian authorities should enhance their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with NGOs, trade unions, international organisations and the private sector.

14. Further, GRETA invites the Belarusian authorities to consider establishing as a criminal offence the use of services which are the object of exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings.

Recommendations on counteracting the demand for any services of victims of trafficking in human beings and on criminalizing actions to use the services of a person known for the guilty to be victim of trafficking in human beings are considered to be worthy of attention, but remain in the discussion field.

Belarusian legislation has already provided responsibility if a person knows about the crime (including crime of trafficking in human beings) and does nothing to counteract it. For example, if a person knows that he is using the services of a person who is a victim of trafficking in human beings, he can be prosecuted in accordance with article 16 of the Criminal Code for complicity in a crime. Also, if proved, such a person can be prosecuted under article 406 of the Criminal Code for failure to report a gravest (high) crime that has been committed or is being prepared.

Talking about the criminalization of the purchase of sexual services, we've studied the situation in different countries. Swedes and Scandinavians as a whole are very actively promoting their model, but the question arises about evidence of effectiveness.

Firstly, not many countries in Europe have implemented this model.

Secondly, there is an example of the introduction of criminalization of the purchase of sexual services, which showed that the introduction of such provisions in the legislation does not solve the problem of reducing demand. The good thing is that argumentation is based on research.

The example is Northern Ireland, which criminalized the purchase of sexual services in 2015 as part of the new anti-trafficking legislation. Before the introduction of this legislation, an assessment was made of the situation in the country. After three years of using this law, a study was conducted by Queen's University of Belfast at the request of the Department of Justice of Northern Ireland to find out how the criminalization of the purchase of sexual services affected the situation in the country [2 The whole report is available on the web-site of the Department of Justice of Northern Ireland <https://www.justice-ni.gov.uk/publications/assessment-impact-criminalisation-purchasing-sexual-services>].

Findings:

- There was no decrease in demand for sexual services and the number of people working in the sex business did not decrease. At first there was a slight decline in the number of people working in the sex business, but then there was an increase and the number of people working in the sex business increased compared to 2015, when legislative amendments were introduced.
- There is no effect on the prevalence of trafficking for the purpose of sexual exploitation.
- The purpose of the law was to reduce demand and improve the situation for sex workers. More than half of sex workers reported that the law made their work more dangerous. The number of threats and violence against sex workers has increased.
- The police report difficulties in investigating cases of buying sexual services, many say that resources should be spent on investigating more serious crimes, such as human trafficking

So despite the innovative nature of such legislative measures in a number of European countries (which have been carefully studied by the Ministry of Internal Affairs), Belarusian law enforcement experts do not have a consolidated position on the need to criminalize the actions of people consuming services of victims of trafficking in human beings. There are fears that such measures will lead to the fact that the corresponding act "will go underground", its latency will increase, which in turn will lead to an increase in the vulnerability of victims. Today the issue remains open and will be subsequently considered by the

Ministry of Internal Affairs taking into account the dynamics of the development of legislation and law enforcement practice, as well as expediency.

Social, economic and other initiatives for groups vulnerable to THB

15. GRETA considers that the Belarusian authorities should further strengthen the prevention of THB through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the root causes of THB (economic and social conditions, gender inequality, gender-based violence, vulnerability of children, and absence of employment opportunities) and should aim to decrease and ultimately eliminate these causes.

The Government of the Republic of Belarus is taking measures aimed at reducing the level of poverty.

State minimum social standard in the field of labor remuneration is in force, which the employer is obliged to apply as the lower limit of the remuneration of workers for work under normal conditions – the minimum wage. The size of the minimum wage since January 1, 2019 is 330 bel. rubles [*Average euro exchange rate in 2019 is 1 euro = 2.35 bel. rubles*], which exceeds the budget of the subsistence minimum on average per capita – the national border of low-income is 230.91 bel. ruble (from August 1, 2019).

All types of pensions and benefits are regularly paid to families raising children. Some types of pensions and benefits are recalculated quarterly in connection with the growth of the budget of the subsistence minimum.

In order to provide social support to low-income and difficult families (citizens) in the Republic of Belarus, a system of state targeted social assistance is functioning. The criterion for classifying families (citizens) as poor is the budget of the subsistence minimum.

Operating since 2001, the state targeted social assistance system is being improved taking into account economic changes and the needs of the population.

In accordance with the Decree of the President of the Republic of Belarus dated January 19, 2019 No. 41 "On State Targeted Social Assistance," assistance is provided in the form of 4 social payments:

- a monthly social allowance is a payment guaranteed by the state to a family (citizen) to maintain its objectively low incomes at the budget of the subsistence minimum level.

Monthly social benefits are provided for a period of one to 12 months.

The size of this allowance is a positive difference between the criterion of need and the average per capita income of the family (citizen). With an increase in the criterion of need in the period of the provision of monthly social benefits, its amount is recounted;

- a lump-sum social allowance is provided to families (citizens) who find themselves in difficult life situations that objectively violate normal life activities, provided that their average per capita income does not exceed 150 percent of the need criterion.

A lump sum social benefit is provided, as a rule, once per calendar year in the amount of up to 10 budgets of the subsistence minimum;

- food provision for children of the first two years of life is provided to families raising children under the age of two years, having objective per capita income below the criterion of need, and also without taking into account the level of income – to families at the birth and raising of twins or more children.

State targeted social assistance in the form of providing food for children of the first two years of life is provided in kind for every 6 months until the child reaches the age of two years;

- a social allowance for reimbursement of the cost of purchasing diapers is provided to children with disabilities under the age of 18 years who have an IV degree of loss of health and group I invalids on the basis of a medical report on the need for diapers and documents confirming the costs of their

purchase, regardless of the average per capita income family (citizen). The amount of benefits per year is 6 budgets of the subsistence minimum.

For reference.

In 2018, 302.3 thousand people became recipients of state targeted social assistance in the amount of 92.5 million rubles.

A monthly social allowance was assigned to 87.7 thousand people in the amount of 23.8 million bel. rubles; one-time social allowance - 43.9 thousand people in the amount of 5.1 million bel. rubles; social allowance for the reimbursement of the cost of purchasing diapers 146.7 thousand people in the amount of 42 million bel. rubles; food products provided to more than 24 thousand children in the amount of 21.5 million bel. rubles.

For 6 months of 2019, 152.5 thousand people became the recipients of state targeted social assistance in the amount of almost 47 million bel. rubles.

A monthly social allowance was assigned to 35.5 thousand people in the amount of 10 million bel. rubles; one-time social allowance - 21.3 thousand people in the amount of 2.8 million bel. rubles; social benefits for the reimbursement of the cost of purchasing diapers - 81 thousand recipients in the amount of 24.9 million bel. rubles; 14.7 thousand children were provided with food products in the amount of 9.3 million bel. rubles.

In order to increase the efficiency and accessibility of social support for certain categories of citizens in 2017 amendments to the legislation on targeted assistance were introduced. The procedure for providing citizens with rehabilitation facilities has been simplified.

The list of hygiene items, the purchase costs of which are compensated as part of the payment of social benefits to reimburse the costs of purchasing diapers has been expanded, as well as strengthened government support measures for individual families raising minor children.

In accordance with the President Decree of August 29, 2016 No. 322 "On the provision of non-cash housing subsidies" a system for providing needy citizens with non-cash housing subsidies for partial payment of housing and communal services has been in place since October 1, 2016.

The current mechanism for providing non-cash housing subsidies allows targeted support to low-income citizens or families when paying for housing and communal services, if their costs for these purposes exceed 20 percent of total family income in the city and 15 percent in rural areas, provided that the volume of consumption of these services are within the limits established by law.

The Republic of Belarus has created a comprehensive system of state support for families raising children. So, in the period of birth and upbringing of children, the republic has an extensive system of state benefits.

For reference.

The system of state benefits includes 11 types of benefits. Currently, the benefits system covers 505.3 thousand children (27 percent of their total number), including 95.3 percent of children of this age coverage with childcare allowances for children under three years of age.

The benefits system is constantly being improved. In 2013, the amount of the allowance for caring for a child under the age of 3 is linked to the average monthly wage of workers in the republic, which made it possible to double it (for the first child – 35 percent of the average monthly wage in the republic; for the second and subsequent children – 40 percent; on a disabled child under the age of 3 years – 45 percent); The social protection of families raising children with disabilities has been strengthened (the categories of recipients of benefits for caring for a disabled child have been expanded, a temporary disability benefit has been introduced for the period of medical rehabilitation of a disabled child, etc.).

In 2015, a new allowance was introduced – for children aged 3 to 18 years old during the period of raising a child under the age of 3 years (in the amount of 100 percent of budget of the subsistence minimum).

Starting July 1, 2017 parents of children with disabilities who receive the allowance for caring for a disabled child are given the opportunity to work on a part-time basis and at the same time receive a full allowance for caring for a disabled child. In families where children with disabilities with the most severe disabilities (III and IV degree of loss of health) are brought up, the allowance for caring for a disabled child is increased from 100 to 120 percent of budget of the subsistence minimum.

Measures are being taken in the country to strengthen social protection of particularly vulnerable categories, thanks to which Belarus has a stable low-income inequality rate. The share of the low-income population in the total population at the end of 2018 is 5.6 percent. At the same time, the proportion of low-income women is lower than the proportion of low-income men – 5.4 versus 6 percent.

In order to ensure gender equality in the country, a national mechanism for the development and implementation of gender policies has been formed and operates. Its elements include:

National Council on Gender Policy under the Council of Ministers of the Republic of Belarus (hereinafter – the National Council);

The Standing Committee of the Council of the Republic of the National Assembly of the Republic of Belarus on Education, Science, Culture and Social Development;

Standing Commissions of the House of Representatives of the National Assembly of the Republic of Belarus on Health, Physical Culture, Family and Youth Policy; on labor and social issues;

Department of Education and the socio-cultural sphere of the Office of the Council of Ministers of the Republic of Belarus.

Issues of gender equality are within the competence of various republican government bodies, which within their competence carry out functions to ensure gender equality in various spheres of life.

The structure of the Ministry of Labor and Social Protection of the Republic of Belarus has a population, gender and family policy department. The Department ensures the fulfilment of the tasks entrusted to the Ministry for the implementation of the main directions of state policy on ensuring equal rights and opportunities for men and women, and carries out the functions of organizational, technical and informational support for the activities of the National Council.

At the regional level (under the regional executive committees and the Minsk city executive committee), expert working groups have been created on the implementation of gender policy, which includes representatives of legislative, executive, judicial authorities, and NGOs.

The National Council is a permanent body on state policy issues in the field of gender equality, coordinating the gender policy in the Republic of Belarus since 2000 (Decree of the Council of Ministers of the Republic of Belarus dated May 17, 2000 No. 698).

The National Council is led by the Minister of Labor and Social Protection. The National Council is composed of representatives of legislative, executive, judicial authorities, local executive and administrative bodies, scientific organizations,

as well as members of public associations and international organizations. Council meetings are held at least twice a year.

In its activities the National Council also seeks to support efforts to disseminate timely and reliable information on the situation of women in the republic; liaising constantly with key institutions and organizations working with gender issues.

At the meetings of the National Council, the most pressing issues of ensuring gender equality are considered, including issues of improving legislation, the results of scientific and sociological studies, concepts, examinations conducted in order to study the situation in the field of gender equality.

Currently, the fifth National Plan of Action for Gender Equality in the Republic of Belarus for 2017-2020 (hereinafter referred to as the National Plan), approved by the Decree of the Council of Ministers of the Republic of Belarus dated February 17, 2017 No. 149, is being implemented in the country.

The purpose of the National Plan is the development of mechanisms for introducing a gender approach into the process of developing and implementing public policy measures in various areas of society. One of the sections of the National Plan is "Combating Domestic Violence and Human Trafficking".

Over the past five years, significant work has been done to improve the system of providing comprehensive assistance to victims of domestic violence.

A mechanism has been established for interagency cooperation between all structures involved in the system of assistance to victims (health, education, internal affairs, social protection, public associations), in all regions of the republic, interagency protocols for providing assistance to victims of domestic violence have been approved.

In accordance with Article 11 of the Law of the Republic of Belarus dated June 15, 2006 No. 125 "On Employment of the Population of the Republic of Belarus", the state provides additional guarantees in the field of promoting employment for the following citizens who are particularly in need of social protection and unable to compete on equal terms in the labor market: orphans, children left without parental care, persons from among orphans and children left without parental care; parents in large and single-parent families, as well as raising children with disabilities; disabled people; released from prison; first time job seekers under the age of 21; persons of pre-retirement age (two years before the onset of age, which gives the right to an old-age pension on a common basis); war veterans on the territory of other states, etc.

Additional guarantees in the field of promoting employment for citizens are provided by creating additional jobs and specialized organizations (including organizations for the work of disabled people), establishing reservations for hiring people, providing vocational guidance services, as well as organizing training and other measures.

In addition, it should be noted that the Republic of Belarus signed and ratified the Convention on the Rights of Persons with Disabilities in 2015 (Law of the Republic of Belarus dated October 18, 2016 No. 424 "On Ratification of the Convention on the Rights of Persons with Disabilities").

In order to ensure coordinated actions for the implementation of the Convention by a resolution of the Council of Ministers of the Republic of Belarus dated June 13, 2017 No. 451, the National Action Plan for the implementation of the provisions of the Convention in the Republic of Belarus was approved and is being implemented on the rights of persons with disabilities for 2017 – 2025 (hereinafter - the National Plan), aimed at the formation of legal, organizational and institutional conditions for ensuring the equal rights of persons with disabilities and protection against discrimination on the basis of disability, creating conditions for the integration of people with disabilities in all spheres of society, as well as strengthening the respect for the rights, freedoms and dignity of people with disabilities in the public consciousness.

Paragraph 5.3 of the measures of the National Plan provides until 2025 the adoption of organizational measures to provide psychological, legal and other assistance to persons with disabilities, including children with disabilities who are victims of violence and abuse. These activities will contribute to the physical and psychological recovery, rehabilitation and social reintegration of persons with disabilities who have suffered from violence and discrimination.

Border measures to prevent THB

16. GRETA invites the Belarusian authorities to continue their efforts to detect and prevent THB through border control measures, and to enable migration to take place legally.

On the basis of Article 27 of the Law of the Republic of Belarus dated July 21, 2008 No. 419 "On the State Border of the Republic of Belarus", border control agencies at checkpoints carry out control measures for persons falling under the risk profile of potential victims of human trafficking.

For reference, control measures include: verification of documents, during which the checkpoint officer pays attention to the marks in passports (setting data, age, marital status, dependence of minor children, place of residence, number of crossings of the state border, departure direction (according to

the marks of date-numerators), the number of days of stay abroad, denial of entry to third countries and other marks of operational interest);

a brief interview of people crossing the state border (route, purpose and frequency of trips, the following persons together, return tickets, planned type of activity during the stay abroad).

If the checkpoint staff detects a potential victim of trafficking in human beings, further verification activities (interviews) are carried out by an operational officer of the border service. During the examination of this category of citizens, operationally significant information is sent to the anti-trafficking units of the internal affairs agencies as a part of an organized interaction.

An analysis of the incoming information, the results of the operational and official activities of the border guards and other law enforcement bodies of the Republic of Belarus shows that in 2018-2019, the risks of organizing human trafficking channels were concentrated mainly in the area of responsibility of the border control unit «Minsk» at Minsk National Airport and was characterized by:

to leave Belarus:

citizens of Belarus, Russia, Ukraine and Moldova (female) aged 16 to 35 years old, flying on their own or accompanied by third persons who are not able to give a detailed explanation of the purpose of their departure from the republic, following the Minsk-Istanbul flights, Minsk-Abu Dhabi, Minsk-Beirut, Minsk-Tel Aviv, Minsk-Larnaca, Minsk-Frankfurt, Minsk-Paris, Minsk-Rome;

to enter Belarus:

citizens of the aforementioned states, aged 16 to 35, who are traveling to Belarus without documents for the right to cross the state border, as well as on certificates of return or on expired passports with the flights Istanbul - Minsk, Abu Dhabi - Minsk, Beirut-Minsk, Tel Aviv-Minsk, Larnaca-Minsk, Frankfurt-Minsk, Paris-Minsk, Rome-Minsk, Kiev-Minsk;

Belarusian citizens of working age, male, traveling to the republic on the basis of certificates of return (with documents on their release from prison) or on expired passports with flights from Russia;

citizens of Central Asian states (Uzbekistan) male of working age traveling to Belarus with flights from these countries for employment in construction or agriculture.

In addition to the organizational and preventive activities border service authorities are implementing operational investigative measures to prevent, detect and combat crimes related to trafficking in human beings within the framework of powers granted by the Law of the Republic of Belarus dated July 15, 2015 No. 307 "On operational and search activity".

In 2018-2019 according to the materials of the border guards transferred to the interacting bodies, as well as during joint measures 4 criminal cases were initiated on the grounds of the elements of crimes provided for in part 3 of Article 167, part 1, Article 14 and part 3 Article 181, part 3 Article 181, part 2 Article 343-1 of the Criminal Code of the Republic of Belarus against 3 persons.

For reference:

In April 2018 as part of an investigation in a criminal case initiated under part 1 of art. 371-1 of the Criminal Code of the Republic of Belarus, information was received confirming the involvement of a citizen of Cameroon, born in 1981, a student of the Belarusian State Technological University (Minsk), in the production and distribution on the Internet of pornographic materials depicting minors, i.e. commission of criminal offenses under Part 2 of Art. 343-1 of the Criminal Code of the Republic of Belarus.

On July 20, 2018 basing on the results of operational support by the border service authorities of the verification materials in cooperation with the Chief Department for Drug Control and Combating of Trafficking in Human Beings of the Criminal Police of the Ministry of Internal Affairs and Chief Investigative Department of the Investigative Committee of the Republic of Belarus, criminal cases were initiated under Part 3 of Art. 167 of the Criminal Code (violent acts of a sexual nature against a knowingly minor) and under Part 3 of Art. 181 of the Criminal Code against a citizen of Belarus born in 1993, who together with a citizen of Belarus born in 1984, during the period of 26.01 - 09.02.2018

intentionally, acting out of mercenary motives and abusing the trust of her young daughters born in 2013 and born in 2011, handed them over to an Iraqi citizen born in 1992 for several nights for exploitation, expressed in satisfying him and other persons with perverted sexual needs, including through the production of pornographic materials with the image of deliberately minors.

In June 2019, as a result of joint operational-search measures by the Chief Department for Drug Control and Combating of Trafficking in Human Beings of the Ministry of Internal Affairs of the Republic of Belarus and the border control unit "Minsk", the investigating authorities started a criminal case on the grounds of corpus delicti, provided for in Part 1 of Art. 14 and Part 3 Art. 181 of the Criminal Code of the Republic of Belarus, against a citizen of Belarus born in 1978, who, through instant messengers and various electronic mailboxes that were in sole use, intentionally, acting out of mercenary motives, offered for sexual exploitation of two knowingly minor girls born in 2011 and 2013, for which he posted and sent various files containing images of pornographic and erotic content of obviously juveniles.

Identification of victims of trafficking in human beings

17. GRETA urges the Belarusian authorities to take further steps to improve the identification of victims of THB, in accordance with the provisions of Article 10 of the Convention, and in particular to:

The given series of recommendations is established in national law and is actively implemented in law enforcement practice.

- ensure that, in practice, the determination of reasonable grounds to believe that a person is a victim of human trafficking does not depend on the presence of elements to prove a criminal offence of THB or related offence;

The recommendation is implemented by fixing this principle in the Law on combating THB and the Regulation on identification, as well as by introducing into the activity of the interested state bodies and public associations. According to clauses 7, 12 and 14 of the Regulation state bodies, state or other organizations, public associations, international and foreign organizations (subjects of identification by competence) inform a citizen of his right to apply for measures for protection and rehabilitation of victims of trafficking in human beings, provided for in article 18 of the Law, as well as the right to apply for measures for protection and rehabilitation, regardless of his participation in the criminal process.

This fully ensures the implementation by the Republic of Belarus of the provisions of the Convention on the issue under consideration, which is verified by statistics (in particular, in 2018 260 people passed identification and were provided with assistance and only 142 of them participated in the criminal process, in 2019 the numbers are 101 and 62 people respectively).

- promote a multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, taking account of the findings and expertise of all relevant organisations and entities, including labour, employment and social protection services and public associations;

The recommendation was implemented by fixing in the Regulation on identification the right to initiate identification for diplomatic missions and consular offices, labor, employment and social protection authorities, educational institutions, government health organizations, centers for protection and assistance to victims of human trafficking, as well as for public associations, international and foreign organizations acting in the field of combating human trafficking. These entities are authorized to independently identify the alleged victims of trafficking in human beings and send them for identification to law enforcement agencies. The decision on whether a person is a victim of human trafficking or will remain in the status of a citizen who may have suffered from human trafficking or related crimes is taken by the law enforcement authority, which identifies taking into account information received from its initiator. In practice, such an algorithm is clearly manifested in the activities of multidisciplinary groups created at the regional level on the basis of memorandums of cooperation concluded between local authorities, territorial law enforcement agencies, regional public associations and the IOM Representative Office in the Republic of Belarus.

The border guard authorities reported that in 2018-2019, as part of the implementation of the provisions of Decree №485 (Regulation on identification) they carried out measures to identify persons falling under the procedure for identifying victims of trafficking in human beings, as a result of which no persons of this category were identified.

The main problem for the border service in identifying this category of people is the establishment of psychological contact with potential victims (especially those who have been sexually exploited), since the majority of victims who have returned to the country are psychologically not ready to open themselves to law enforcement agencies. In an interview with employees of a checkpoint this category of people, as a rule, expresses a steady intention to return home as soon as possible, in a familiar safe environment, and refuses to conduct a dialogue. In such cases, border guards, not wanting to aggravate the already stressful state of potential victims of human trafficking, inform them of the possibility of further contacting law enforcement and other bodies of the Republic of Belarus, non-governmental organizations at the place of residence in order to start the identification procedure. In addition, the border guard authority shall inform the territorial internal affairs bodies at the place of registration of persons about the identification of such a category of citizens.

- introduce a procedure for the identification of child victims of trafficking which takes into account the special circumstances and needs of child victims of THB, involves child specialists, includes outreach activities and ensures that the best interests of the child are the primary consideration;

The recommendation was implemented by establishing the specifics of working with children in national legislation. The identification of juvenile victims is covered by the procedure established by the Regulation on identification, moreover for children allegedly affected by trafficking in human beings participation of the legal representative in the identification is mandatory. In all situations of identification, as well as subsequent protection and rehabilitation, the work is built taking into account the best interests of the child.

- provide frontline staff (in particular police officers, border guards, social workers and health-care professionals) with operational indicators, manuals and instructions which are regularly updated in order to reflect the changing nature of human trafficking and types of exploitation;

The recommendation has also been implemented, standard operating procedures (hereinafter referred to as SOPs) have been introduced for identifying victims of trafficking in human beings for border guards and public associations interacting with them. On the initiative of the Ministry of Internal Affairs a manual entitled "Identification of victims of human trafficking as a key element in the activities of state bodies, public associations, international and foreign organizations to combat human trafficking and related crimes" was created which is intended for all interested and covers not only the issues of identification and referral of victims, but also qualifications of facts of human trafficking and related crimes.

Representatives of the border guard service participated in a range of preparatory courses, training seminars and simulation exercises.

For reference:

in the continuing education course "Interaction of the competent authorities of the Republic of Belarus in the field of combating human trafficking. Detection and documentation of crimes related to human trafficking, illegal movement of migrants and other related crimes" (February 26-28, 2019, Minsk);

in the national seminar "Development of an effective referral mechanism for vulnerable migrants and victims of human trafficking" (March 14, 2019, Minsk);

in the preparatory meeting of the expert group of developers of the international simulation exercise to combat human trafficking and the presentation of this exercise (March 14, 2019, Minsk).

and others mentioned above.

According to the results of the participation in the seminars the best practices of foreign law enforcement agencies in the considered area are being implemented in the territorial divisions of the border guards, and are also used in the State Institution "Institute of the Border Guard of the Republic of Belarus" for training (retraining) of employees working with potential victims of human trafficking. These manuals are, for example, the manual for teachers "Training of border guards in the field of combating trafficking in human beings", developed by FRONTEX (in paper and electronic form) and guidelines (standard operating procedures) for border guards on identification and referral of victims of trafficking in human beings, victims of sexual and gender-based violence among foreigners detained for illegally crossing the state border or illegally staying on the territory of the republic, as well as asylum seekers and additional protection, etc.

- pay increased attention to detecting victims of THB among asylum seekers and persons detained as irregular migrants and provide additional training to staff who come in contact with such persons. In this context, GRETA stresses the importance of providing presumed victims of THB with access to interpretation and information on their rights, in a language they can understand, from the early stages of the procedure.

The procedure for considering applications of foreigners for granting refugee status, additional protection or asylum in the Republic of Belarus (hereinafter – the application for protection) is regulated by the Law of the Republic of Belarus "On granting foreign citizens and stateless persons refugee status, additional protection, asylum and temporary protection in the Republic of Belarus". In accordance with this legislative act, a foreigner is obliged to personally apply for protection to the citizenship and migration unit, where a personal interview will be conducted with him.

According to the legislation in the field of forced migration an interview with a foreigner is carried out by an employee of the citizenship and migration unit in an isolated room without the admission of unauthorized persons with the provision, if necessary, of an interpreter. An interview with an unaccompanied minor alien is conducted in the presence of his tutor or guardian, if necessary, a psychologist, a representative of UNHCR and other persons whose presence is necessary in order to ensure the best interests of the child may present at the interview.

Part four of paragraph 49 of the Instruction on the organization of work when considering applications for refugee status, additional protection or asylum in the Republic of Belarus, applications for extending the period for providing additional protection in the Republic of Belarus, applications for assistance in family reunification, making decisions on loss, cancellation of refugee status or additional protection in the Republic of Belarus and preparation of proposals on the need for decisions on the loss or deprivation of asylum in the Republic of Belarus, approved by Decree of the Council of Ministers of the Republic of Belarus dated June 22, 2017 No. 173 provides that the interview with an alien applying for protection and identified as a victim of trafficking in human beings, taking into account the opinion of the alien, is conducted by an executive and a translator of the same sex.

According to paragraph 61 of the aforementioned Instruction, if the information on unlawful activity of persons who organized or supervised or facilitated the illegal entry into the Republic of Belarus, stay on the territory of the Republic of Belarus or departure from the Republic of Belarus of an alien applying for protection is detected during consideration an application for the protection, citizenship and migration unit informs about this the relevant unit of the internal affairs bodies in writing.

Also the Protocol on the intentions to cooperate between the Ministry of Internal Affairs of the Republic of Belarus, the Office of the United Nations High Commissioner for Refugees in the Republic of Belarus, the Office of the International Organization for Migration in the Republic of Belarus, the Republican Public Association "Belarusian Red Cross" and the Public Association "Belarusian Movement of Medical Workers" on the issue of monitoring the access of foreign citizens and stateless persons to the procedure for granting refugee status, additional protection or asylum in the Republic of Belarus was signed on 01.24.2013.

In accordance with this protocol, representatives of the parties to the Protocol have the right to visit detained foreigners in order to inform them about the procedure for granting refugee status, additional protection or asylum, their legal status in the Republic of Belarus, the possibility of voluntary return to

their homeland, and receiving emergency assistance in need (products, clothes, medicines), medical advice and other types of assistance.

Thus, at the initial stage, foreigners gain access to legal assistance, where they can report that they are victims of human trafficking, as well as receive psychological and medical support.

Assistance to victims

18. GRETA considers that the Belarusian authorities should enhance their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that assistance is provided for as long as needed to presumed and formally identified victims of trafficking and is not discontinued if no criminal proceedings are initiated;

The recommendation has been implemented by fixing the relevant norms in the Law on Combating THB and the Regulation on identification. Two categories of citizens have the right to receive rehabilitation assistance in the Republic of Belarus: 1) victims of human trafficking and 2) persons who may have suffered from human trafficking or related crimes. A citizen who may have suffered from human trafficking or related crimes has the right to apply for protection and rehabilitation measures within 30 days from the date of filling out the questionnaire, regardless of his participation in the criminal process (this is the period during which identification is carried out). This approach is due to the limitedness and accountability of state funds allocated for rehabilitation, as well as the need to exclude cases of intentional abuse of the opportunity to receive assistance from people who in fact have not been affected by trafficking in human beings. In addition, the 30-day period for providing assistance to alleged victims of trafficking is consistent with the requirements laid down in article 13 of the Convention. Officially identified victims of trafficking are given the opportunity to receive assistance indefinitely, however, certain types of assistance can be provided during the year (with the extension of this period if necessary). The procedure for receiving this or that type of assistance from the state is regulated by departmental normative legal acts of the Ministry of Health, the Ministry of Education, the Ministry of Labor and Social Protection. Public associations, international and foreign organizations engaged in activities in the field of combating trafficking in human beings are entitled to rehabilitate alleged and identified victims of trafficking in human beings over the specified time in accordance with their charters.

- ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs or other non-state actors as service providers, the State has an obligation to provide adequate financing and ensure the quality of the services delivered by the NGOs;

The Law of the Republic of Belarus on Social Services has been in force since 2000. It regulates the provision of social services, including to victims of trafficking. In 2017 a new version of the Law entered into force, which made it possible to increase the availability of social services and satisfy the demand of citizens in difficult life situations for social services; to develop innovative forms of social services aimed at solving socially significant problems.

The law opened up opportunities for state financing of public associations working in the field of social services through the introduction of a state social order mechanism.

According to this law there is a state social order funded by paying for state purchases of social services, and a state social order funded by providing subsidies to non-governmental non-profit organizations for the provision of social services and the implementation of social projects.

The formation of the state social order is carried out by local executive and administrative bodies, local Councils of Deputies on the basis of activities of state programs.

A number of issues related to the functioning of the state order mechanism are regulated by Decree of the Council of Ministers of the Republic of Belarus dated December 27, 2012 No. 1219 "On Some Issues of the State Social Order" (amended on May 25, 2018 No. 396), which determines the procedure for the

formation of the state social order and approved the Regulation on competition for the implementation of the state social order, funded by providing non-governmental non-profit organizations with subsidies and Regulation on the procedure and conditions of the provision of subsidies and the form of contracts for the implementation of the state social contract.

By the beginning of 2019 Belarus has concluded 82 state social contract agreements with non-governmental non-profit organizations, their financing from local budgets is estimated at about 260,000 euros. One of the organizations with which the contract is concluded is the Belarusian Red Cross Society. The funds go to pay for staff.

- provide appropriate and safe accommodation with a sufficient number of places for victims of trafficking, including men and children, in the light of the assessment of trafficking trends in Belarus;

- ensure that the services available are adapted to the specific needs of trafficking victims and that minimum standards are guaranteed when victims of trafficking are accommodated in structures not specifically designed them;

- facilitate the reintegration of victims of trafficking into society and prevent re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market;

Recommendations are fully carried out by fixing the relevant norms in the Law on Combating THB and the Regulation on identification (according to which, when a victim is identified, the types of assistance necessary for a person are ascertained) and other regulatory legal acts.

In accordance with article 20 of the Law on Combating Trafficking in Human Beings, social protection and rehabilitation of victims of trafficking in human beings is free of charge and includes:

legal assistance (including clarification of their rights and obligations stipulated by the legislation of the Republic of Belarus), including free legal assistance;

medical assistance provided by state health organizations in the form of necessary medical services in accordance with the list approved by the Ministry of Health, including inpatient settings, regardless of the place of permanent residence of the trafficked person;

psychological assistance in the form of psychological counseling, psychological correction, psychological prevention, as well as social and educational assistance;

the identification of families of minor victims of trafficking in human beings or their placement in other families, and in the absence of such an opportunity, in children's boarding schools, in the health care system of the orphanage;

Also, on February 6, 2012, the Council of Ministers of the Republic of Belarus adopted Resolution No. 122 "On the procedure for reimbursing the costs of lawyers for providing legal assistance to victims of trafficking in human beings and persons affected by an act of terrorism", according to which legal aid of lawyers is paid for at the expense of Republican budget funds.

Since July 25, 2012, the Decree of the Ministry of Health of the Republic of Belarus dated April 28, 2012 No. 41 "On establishing a list of necessary medical services provided by state healthcare organizations, including inpatient settings, to victims of trafficking in human beings regardless of their place of residence" has been in force.

Since 2013, the state social order mechanism has been introduced, which is established in the Law of the Republic of Belarus "On Amendments and Additions to Some Laws of the Republic of Belarus on Social Services".

Decree of the Council of Ministers of the Republic of Belarus dated December 27, 2012 No. 1219 defined the procedure for the formation of the state social order, approved the Regulation on the competition for the implementation of the state social order, financed by providing non-governmental non-profit organizations with subsidies, the Regulation on the procedure and conditions for the provision of subsidies and the form of contracts for implementation of the state social order.

In 2014, the Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons" was supplemented with new grounds for extending to foreign citizens and stateless persons (hereinafter - foreigners) a temporary stay in the Republic of Belarus, as well as issuing them a permission for temporary residence (in case if the foreigner is a victim of trafficking in human beings, as well as a witness in a criminal case on trafficking in human beings or a crime related to trafficking in human beings, organization of illegal migration, or provides assistance to the authorities carrying out operatively-search activity).

The Republic of Belarus has created a state infrastructure for the provision of social services to people in difficult situations (which include victims of human trafficking). There are 146 territorial centers of social services for the population and 2 city centers for social services for families and children. This ensures the stability of financing and the functioning of the system, uniform access to the full range of social services in all regions of the republic, the availability of qualified personnel in sufficient numbers, as well as a capable mechanism of interagency cooperation.

The state minimum social standards in the field of social services for citizens in difficult situations, including those affected by human trafficking, are:

the list of free and publicly available social services of state institutions of social services (regulated by the Decree of the Council of Ministers of the Republic of Belarus of December 27, 2012 No. 1218);

norms and standards of providing citizens with services of state institutions of social services (in accordance with the Decree of the Council of Ministers of the Republic of Belarus dated May 30, 2003 No. 724 "On measures to implement a system of state social standards for servicing the population of the republic", a network of non-stationary institutions of social services is presented; each administrative district by the territorial center of social services);

norms and standards of material, personnel and technical support of state institutions of social services of various types and forms.

Territorial centers of social services for citizens affected by trafficking in human beings provide social services free of charge.

In order to increase the availability of services provided by the bodies of labor, employment and social protection, the following work was carried out.

Amendments were made to the Instruction on the procedure and conditions for the provision of social services by state institutions of social services (Decree of the Ministry of Labor and Social Protection of the Republic of Belarus dated December 1, 2017 No. 83) (hereinafter referred to as the Instruction).

Since 2018, a simplified procedure for the provision of temporary shelter services has been introduced (the possibility of moving into a "crisis" room at the place of treatment regardless of the place of registration (place of residence) and in the absence of an identity document on the basis of a written application), a round-the-clock work schedule of crisis rooms has been established.

To improve the quality of social services, the Requirements for the content and quality of social services provided within the framework of state minimum social standards in the field of social services were approved (Decree No. 84 of the Ministry of Labor and Social Protection of the Republic of Belarus of December 1, 2017).

In the centers, citizens in difficult situations are provided with various types of social services, including a temporary shelter service.

In order to increase the availability of temporary shelter services for victims of domestic violence, a network of "crisis" rooms was developed. So, since 2014, their number has increased by almost 2 times - from 74 in 2014 to 132 in 2018.

The temporary shelter service is provided on the basis of the "crisis" room and includes: the provision of a separate sleeping place, a set of sleeping accessories and other basic necessities; providing food or hot meals (if necessary).

Currently there are 132 "crisis" rooms, which means almost in every area. The total number of places in the "crisis" rooms is 349, including 140 for children.

The temporary shelter service is provided to citizens over 18 years. When a family with children addresses in a "crisis" room, the children stay with the parent.

The stay of citizens in the "crisis" room, household and other conditions of their life are based on the principles of self-service. Citizens' nutrition, purchase of medicines, personal hygiene products and other items needed during their stay in the "crisis" room are carried out at the expense of citizens' own funds, and, if necessary, at the expense of local budgets, gratuitous (sponsor) assistance, other sources, not prohibited by law.

In addition to temporary shelter services, all applicants are also provided with psychological and information-consulting services.

If necessary, assistance is provided in finding employment, finding housing, establishing family ties and more. Interaction with internal affairs bodies, education and healthcare departments, public associations is established.

As a result, the number of calls to the "crisis" rooms increased significantly (almost 4 times). So, in 2014, 175 people stayed there, and in 2018 –679 people.

For reference.

In 2018, 679 people stayed in the "crisis" rooms, including 457 victims of domestic violence (274 women, 49 men, 134 children).

In the first half of 2019 in the bodies of labor, employment and social protection assistance was provided to 1 citizen who may have suffered from human trafficking or related crimes, in 2018 - 5 citizens, in 2017 - 2 citizens.

For reference.

The applicants received temporary shelter services, humanitarian assistance, information and consulting services, social and psychological services, assistance in finding employment, as well as in vocational training.

- provide regular training to all professionals responsible for implementing assistance measures for victims of trafficking.

Officials of labor, employment and social protection bodies and territorial social service centers receive training on the prevention of trafficking in human beings and rehabilitation of victims of trafficking in human beings at the State Institution "Republican Institute for Advanced Training and Retraining of Employees of the Ministry of Labor and Social Protection of the Republic of Belarus". They also take part in trainings organized at the International Training Center for Migration and Combating Trafficking in Human Beings of the Academy of the Ministry of Internal Affairs of the Republic of Belarus, as well as in training events organized by the International Organization for Migration (IOM).

19. Further, GRETA urges the Belarusian authorities to take steps to provide for specific assistance for child victims of trafficking which takes into account their specific circumstances and the best interests of the child, and to train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs.

The recommendation is established in the national legislation and is actively implemented in practice.

The issue has already been partially disclosed in the comments on the recommendations set forth above. Article 20 of the Law on Combating THB details the types of assistance for minor victims of trafficking in human beings as well as information about authorized state bodies, public associations, international and foreign organizations that provide such assistance. In the rest when implementing the considered recommendation the state is guided by the Law of the Republic of Belarus "On the Rights of the Child" and the departmental normative legal acts of the Ministry of Education and the Ministry of Health based on the given Law, which adequately regulate the provision of assistance to children.

Victims of trafficking in human beings under the age of three are sent by criminal prosecution bodies to state healthcare organizations subordinate to local executive and administrative bodies for the implementation of social protection and rehabilitation measures (provision of temporary places of stay, including sleeping places and meals; medical assistance; psychological assistance in form of psychological counselling, psychological correction, psychological prevention, as well as social and educational assistance).

In accordance with the Decree of the Ministry of Health of the Republic of Belarus dated March 20, 2017 No. 25 "On Approving the Instruction on the Procedure and Conditions for Placement of Children in the Child's House and Extracts from it", children under three years of age who are victims of trafficking in human beings are placed in the child's house for state support in the manner prescribed by law.

Also, in accordance with the departmental reporting form "On the number of injuries, accidents and poisonings registered for the first time in the service area of healthcare organization", the Ministry collects data on the number of injuries, including violent ones, among adults and children.

Health organizations of the Republic of Belarus are carrying out outreach activities aimed at increasing the legal awareness of the population, including minors, in the field of combating human trafficking. Information stands show helpline numbers.

When patronage is carried out by specialist doctors, children in a socially dangerous situation are identified, information about the children is transmitted to the competent authorities for action. In the event that violence against children is detected, departments of the interior and education departments of the districts are immediately informed.

Every year, as part of the Common Health Days, information and educational work is carried out to prevent domestic violence, strengthen family values, responsible parenthood, and prevent sexually transmitted infections, including HIV infection.

In order to ensure the availability of assistance to adolescents and youths, 48 teenage friendly centers have been created on the basis of territorial health organizations, where, under conditions of confidentiality and goodwill, psychological counselling of adolescents is carried out and specialist doctors carry out consultations.

The healthcare system has a 24-hour children's telephone line for emergency psychological assistance.

The country has 139 social-pedagogical centers, 103 of which have children's social shelters in their structure.

For reference.

In Brest region, shelter operate in 12 out of 19 social-pedagogical centers, in Vitebsk - in 18 out of 23 social-pedagogical centers, in Gomel - in 18 out of 22, in Grodno - in 18 out of 18; in Minsk city - in 6 out of 9, in Minsk region - in 22 out of 23, in Mogilev - in 9 out of 25.

The social-pedagogical centers have a central place in the system of protecting the rights and legitimate interests of minors, preventing family troubles and social orphanhood, and provide for the creation of a comprehensive system of psychological assistance and social and pedagogical support for minors and their legal representatives in the territory of the corresponding administrative-territorial unit.

In accordance with the Law on Combating Trafficking in Human Beings, social-pedagogical centers implement the following social protection and rehabilitation measures:

providing temporary places of stay, including sleeping places and meals, to victims of trafficking in human beings from three to eighteen years of age and rendering assistance to them;

legal assistance to victims of trafficking in human beings who have reached the age of 14, and to victims of trafficking in human beings under the age of 14, their legal representatives;

medical assistance;

psychological assistance in the form of psychological counselling, psychological correction, psychological prevention, as well as social and educational assistance;

the identification of families of minor victims of trafficking in human beings or their placement in other families.

Minors placed in the children's social shelter are fully supported by the state and are provided with food, clothing, shoes, soft equipment free of charge.

Recovery and reflection period

20. GRETA urges the Belarusian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law and that possible victims of THB, especially those at threat of expulsion from the country, are systematically informed of the possibility to use a recovery and reflection period and are effectively granted such a period.

The recommendation has been fully implemented in accordance with article 13 of the Convention. According to the Regulation on identification, when identifying a citizen who may have suffered from human trafficking or related crimes, the latter shall be obligatorily informed of his right to apply for protection and rehabilitation measures, as well as the right to apply for protection and rehabilitation measures within 30 days from the date of filling out the questionnaire, regardless of his participation in the criminal process (as well as regardless of the identification results). This is the period for a person to think about his current situation, during which he is guaranteed to receive the necessary assistance from the state. However, we note that not all alleged victims agree to accept rehabilitation assistance. And in accordance with paragraph 7 of Article 12 of the Convention, assistance cannot be provided by force (only on a voluntary basis).

Residence permits

21. GRETA considers that the Belarusian authorities should take additional steps to ensure that victims of human trafficking can effectively benefit from the right to obtain a renewable residence permit, as specified in Article 14 of the Convention, without prejudice to the right to seek and enjoy asylum. The relevant legislation should be amended to provide for the issuing of residence permits for child victims of trafficking, when legally necessary, in accordance with the best interests of the child and, where appropriate, renewed under the same conditions (Article 14, paragraph 2, of the Convention).

22. Further, GRETA invites the Belarusian authorities to consider granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.

The legislation of the Republic of Belarus on the legal status of foreign citizens and stateless persons (hereinafter referred to as foreigners) lacks the concepts of "renewable residence permit" («возобновляемый вид на жительство») and "temporary residence permit" («временный вид на жительство»).

A **residence permit** in the Republic of Belarus is a document proving the identity of a foreigner in the territory of the Republic of Belarus and confirming that a foreigner has received a **permit for permanent residence** in the Republic of Belarus (hereinafter – permanent residence permit).

In accordance with the provisions of the Law of the Republic of Belarus dated January 4, 2010 No. 105 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus", foreigners can **temporarily stay, temporarily and permanently reside** in the Republic of Belarus.

Today the legislation of Belarus has already implemented the possibility of obtaining a **permission for temporary residence** («разрешение на временное проживание» in fact temporary residence permit) for victims of trafficking in human beings, including children, as well as the possibility of obtaining a new permit (renewal) if the permission for temporary residence expires.

Thus, in accordance with paragraph 2 of Article 22 of the Law on Combating THB it is established that a foreign citizen or stateless person who is a victim of trafficking in human beings and who is actively contributing to the investigation of a criminal case of trafficking in human beings or a crime related to trafficking in human beings whose duration of stay in the territory of the Republic of Belarus has expired, is provided with a permission for temporary residence in the Republic of Belarus issued by the internal affairs bodies of the Republic of Belarus at the motivated request of the body conducting operational-search activities, or the body conducting the criminal investigation process, in accordance with the legislation of the Republic of Belarus. The permission for temporary residence is issued as a rule for a period not exceeding one year for their participation in criminal proceedings, social protection and rehabilitation.

A similar norm is contained in the third part of Article 48 of the Law on the legal status of foreign citizens and stateless persons in the Republic of Belarus – at the motivated request of the investigating agency or the criminal investigating authority, a permission for temporary residence is issued to an alien who is a victim of trafficking in human beings and who actively contributes to the investigation of a criminal case on human trafficking or a crime related to trafficking in human beings, organization of illegal migration, whose term of stay in the Republic of Belarus has expired – for the period of his participation in criminal proceedings, social protection and rehabilitation, but not more than one year.

Thus, a permission for temporary residence will be issued to foreigners who are victims of human trafficking, as long as such conditions as the participation of the foreigner in the criminal process, the need for social protection and rehabilitation remain relevant.

Compensation and legal redress

23. GRETA considers that the Belarusian authorities should adopt further measures to facilitate access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;

During the criminal investigation the investigators shall mandatory inform the victims on the reasonability of filing a claim for compensation for harm caused by the crime (both material and moral), including in the framework of the criminal proceedings.

Also during criminal investigations aggrieved persons who are victims of trafficking in human beings and related crimes are informed of the available options for assistance, as well as the possibility of obtaining qualified assistance in rehabilitation institutions of state bodies, international organizations and public associations.

- **enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim compensation and by including the issue of victim compensation into training programmes for law enforcement officials, prosecution and the judiciary.**

In accordance with article 4 of the Law of the Republic of Belarus "On advocacy and advocatory activity in the Republic of Belarus" (hereinafter – the Law on advocacy) the principles of advocacy are, inter alia, the availability of legal assistance and ensuring the quality of legal assistance.

Clause 2 of Article 28 of the Law on advocacy stipulates that legal assistance on issues of social protection and rehabilitation for victims of trafficking in human beings, and if they are under the age of fourteen for their legal representatives, as well as for persons who have suffered as a result of an act of terrorism, is provided at the expense of the republican budget.

According to subparagraph 1.2 of paragraph 1 of Article 20 of the Law on Combating THB, social protection and rehabilitation of victims of trafficking in human beings is free of charge and includes legal assistance (including clarification of their rights and obligations stipulated by the legislation of the Republic of Belarus), including free legal assistance provided by bar associations. Legal assistance to

victims of trafficking in human beings under the age of fourteen is provided to their legal representatives.

Decree of the Council of Ministers of the Republic of Belarus dated February 6, 2012 No. 122 "On the procedure for reimbursing the costs of labor of lawyers for providing legal assistance to victims of trafficking in human beings, persons who suffered as a result of an act of terrorism" has established a mechanism for reimbursing the costs of lawyers' labor while providing legal assistance at the expense of the republican budget.

So nowadays the legislation of the Republic of Belarus regulates the issues of providing effective legal assistance to victims of trafficking are.

In order to strengthen the capacity of lawyers providing legal assistance to victims of trafficking in human beings, professional development is carried out for these persons at the educational institution "Institute for Retraining and Advanced Training of Judges, Prosecutors, Courts and Justice Institutions of the Belarusian State University", including improving knowledge courses in the areas of constitutional law, human rights, international public law.

Also in this educational institution, a planned and systematic professional development of judges is carried out, including issues of clarifying the legislation of the Republic of Belarus aimed at combating trafficking in human beings and related crimes. The educational process is provided by highly qualified specialists of the Institute, as well as of the Law Faculty of the Belarusian State University, other educational institutions and scientific organizations, judges of the Constitutional Court of the Republic of Belarus and the Supreme Court of the Republic of Belarus, employees of the General Prosecutor's Office of the Republic of Belarus, the Ministry of Justice of the Republic of Belarus, and other state bodies and organizations.

24. Further, GRETA urges the Belarusian authorities to set up a State compensation scheme accessible to victims of THB, regardless of their citizenship and residence status.

25. GRETA also invites the Belarusian authorities to collect statistical information concerning compensation awarded to victims of THB and related offences.

The Republic of Belarus is actively studying the experience of other states in the field of setting up a State compensation scheme accessible to victims of THB. The issue requires detailed examination on various levels of State authorities, which is due to the limitedness and accountability of state funds.

The fact that the compensation scheme has not been set up in Belarus yet doesn't mean that victims of THB have no right for compensation.

Funds spent on measures to protect and rehabilitate victims of trafficking in human beings are recovered from persons guilty of trafficking in human beings or crimes related to trafficking in human beings in a judicial proceeding.

According to article 20 of the Law "On Combating Trafficking in Human Beings" material support can be provided to victims of trafficking in accordance with the legislation of the Republic of Belarus.

As part of the criminal process, by decision of the court, the victim receives compensation from the traffic agent for the damage caused by the crime (within the procedure of civil justice).

In accordance with Articles 29-30 of the Law on Combating Trafficking in Human Beings if the Supreme Court of the Republic of Belarus adopts a decision recognizing an organization registered in the territory of the Republic of Belarus or a foreign or international organization registered outside the Republic of Belarus involved in trafficking in human beings, prohibiting its activities in the territory of the Republic of Belarus with its liquidation or termination of activities of a representative office of a foreign or international organization located in the territory of the Republics of Belarus, its property remaining after satisfaction of creditors' claims (provided that they are not involved in human trafficking) are confiscated.

Funds received from the sale of the property are allocated to:

- compensation of damage (harm) in accordance with the legislation of the Republic of Belarus to victims of human trafficking;
- ensuring the implementation of state programs in the field of combating trafficking in human beings, as well as supporting organizations that provide assistance in the rehabilitation of victims of trafficking in human beings.

Repatriation and return of victims

26. GRETA urges the Belarusian authorities to take steps to:

- **review the legal and procedural framework for the return of victims of THB in order to ensure that it is conducted with due regard for the rights, safety and dignity of the person and the status of any legal proceedings related to the fact that the person is a victim, is preferably voluntary and complies with the obligation of non-refoulement(Article 40(4) of the Convention);**
- **develop co-operation with the authorities and relevant NGOs in countries of origin of victims of trafficking in order to ensure proper risk assessment prior to the return/repatriation of the victims, and their rehabilitation and reintegration;**
- **ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return.**

The IOM Representative Office in the Republic of Belarus implements the Program for the Promotion of Voluntary Return and Reintegration (hereinafter referred to as the Voluntary Return Program), for particularly vulnerable foreigners, including victims of human trafficking and/or unaccompanied minors, people in need of medical care. A prerequisite for the ongoing Program is voluntariness.

The Voluntary Return Program includes providing foreigners with information on the possibility of voluntary return and assistance to those who wish to return to their country of origin or permanent residence.

The Voluntary Return Program is applied to persons whose application for refugee status, additional protection or asylum has been rejected or who have withdrawn their application for asylum for some reasons, as well as to persons who do not have legal grounds for staying in the Republic of Belarus, which gives the possibility of extending this program to victims of human trafficking from among other foreign citizens.

Within the framework of the project of international technical assistance "Assistance to the Republic of Belarus in resolving issues related to the increase in the number of irregular migrants", funded by the EU and implemented by IOM together with the Ministry of Internal Affairs and the State Border Committee, a protocol of intentions of cooperation between the Ministry of Internal Affairs of the Republic of Belarus and the State Border Committee of the Republic of Belarus and the Representative Office of the International Organization for Migration in the Republic of Belarus has been developed, which deals with the field of assistance to voluntary returning of foreigners to their country of origin or permanent residence. The Protocol was signed on October 9, 2019.

The purpose of this Protocol is to create a mechanism for long-term cooperation and determine the obligations of the Parties in the field of facilitating the voluntary return of foreigners to their country of origin or permanent residence.

According to the Protocol, the Parties recognize that the return of persons must be carried out with respect for their human dignity and human rights, and in case of the return of minors in accordance with the principle of the best interests of the child; the Parties express their commitment to the principle of humane treatment of irregular migrants and facilitation of their return to the country of origin, as well as the sustainable reintegration of migrants upon return; the Parties strive to ensure an orderly and humane migration process, including the protection of the rights of irregular migrants.

As part of the Voluntary Return Program, IOM Representation:

- will immediately inform the Ministry of the Interior or the State Border Committee about the foreigner, if the foreigner submits an application for participation in the Voluntary Return Program ongoing by the IOM Representation.
- conducts an interview with a foreigner who has filed a petition for voluntary return and / or assistance in reintegration, and establishes the fact of voluntariness.
- organizes the departure of a foreigner from the territory of the Republic of Belarus, including:
 - receives and verifies the authenticity of voluntary return and reintegration applications;
 - provides the foreigners with information and advises;
 - assists in obtaining travel documents;
 - assesses the situation in the country of origin in terms of the possibility of ensuring safe return;
 - organizes a trip;
 - coordinates with IOM Offices and provides assistance in transit countries;
 - if necessary, provides escort, especially in cases involving unaccompanied minors or persons with appropriate medical conditions, as well as persons who are not able to travel on their own for some reasons;
 - organizes the arrival and, if necessary, accompanies the foreigner to the place of residence;
- within the framework of available financial resources, provides reintegration support to an alien in his / her country of origin, if such assistance is requested and it is determined that the person meets the criteria for receiving such assistance.

For the effective implementation of the Voluntary Return Program, the IOM Representative Office organizes lectures and training seminars on the Voluntary Return issues for employees of the Ministry of the Interior and the State Border Committee.

Ministry of Internal Affairs and State Border Committee:

- inform foreigners about the possibility of voluntary return to the country of origin or permanent residence and receiving assistance in reintegration;
- inform the IOM Representation about foreigners who have expressed a desire to voluntarily return to their country of origin;
- provide the IOM Representative Office with the opportunity to access and interview foreigners detained in accordance with the migration laws of the Republic of Belarus.

Substantive criminal law

27. GRETA considers that the Belarusian authorities should conduct a thorough and comprehensive assessment of the effectiveness of the criminal law provisions concerning THB and related offences, with a view to clarifying the differences between trafficking offences and offences related to organising or facilitating prostitution, on the one hand, and between trafficking and illegal acts to send people for work abroad, on the other hand. The authorities should be prepared to readjust on the basis of such an assessment the content and/or the application of the relevant provisions with a view to addressing any shortcoming identified.

At the initiative of the Ministry of Internal Affairs in 2005, 2008 and 2015. the Criminal Code has been amended and supplemented, thanks to which there are seven offenses in the republic covering all types and forms of "modern slavery". These corpus delicti are provided in the Criminal Code:

- 1) Article 171 "Organization and / or use of prostitution or creation of conditions for prostitution";
- 2) Article 1711 "Involvement in prostitution or coercion to continue prostitution";

- 3) article 181 "Trafficking in human beings";
- 4) article 181-1 "Use of slave labor";
- 5) Article 182 "Abduction of a person" (if acts are committed with a view to exploiting people);
- 6) article 187 "Unlawful actions aimed at the employment of citizens abroad" (if this led to the exploitation of a person abroad);
- 7) Article 343-1 "Production and distribution of pornographic materials or pornographic items depicting a minor" (in cases where a child is used as a "model" or "actor" for pornography).

The national definition of trafficking in human beings is brought to international standards (this is the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, committed by deception, or breach of trust, or the use of violence, or under the threat of violence). To eliminate competition of norms, a definition has been given to the use of prostitution (this is the receipt by a person of material or other benefits from the voluntary provision by another person of sexual service (sexual intercourse, sodomy, lesbianism and other sexual acts). These norms and definitions clearly distinguish between these types of crimes.

The main sign by which the actions of the perpetrator are qualified as human trafficking is the existence of exploitation (which is understood as unlawful coercion of a person to perform work or provide services, including sexual acts, surrogate motherhood, removal of organs and (or) tissues from a person if, for reasons beyond his control, he cannot refuse to perform work (services), including slavery or customs similar to slavery). Moreover, a mandatory condition for qualifying a crime as human trafficking is that the guilty person has a direct intention to exploit another person.

Please note that the national definition of trafficking covers all types of trafficking (both acts committed for the purpose of sexual exploitation and actions committed for the purpose of labor exploitation). It seems inexpedient and ineffective to separate independent actions committed for sexual or labor exploitation from article 181 of the Criminal Code as a separate rule.

The Law of the Republic of Belarus of January 9, 2019 No. 171 "On Amendments and Additions to Some Codes of the Republic of Belarus" excluded confiscation as a form of punishment from the Criminal Code. In connection with this Law, amendments were also made to the sanctions provided for in paragraph 2 of Article 171 of the Criminal Code, Article 181 of the Criminal Code, Parts 2 and 3 of Article 181-1 of the Criminal Code, Article 182 of the Criminal Code, Part 3 of Article 187 of the Criminal Code, Parts 2 and 3 of Article 343 -1 of the Criminal Code regarding the replacement of the penalty of "confiscation" by "fine".

Currently, the competent authorities are preparing a draft Law of the Republic of Belarus "On changing codes on administrative and criminal liability".

In accordance with legislative initiatives, work is underway on the prospects of criminalizing the incitement of a person under the age of sixteen to engage in sexual acts or to produce pornographic materials or objects of a pornographic nature, to amend article 343 of the Criminal Code "Production and distribution of pornographic materials or objects of a pornographic nature", as well as separation of trafficking in children as an independent offense. In addition, the introduction of administrative responsibility for the storage and distribution of pornographic materials or objects of a pornographic nature is being worked out.

The Supreme Court within its competence implements the principle of the inevitability of punishment for perpetrators of crimes related to trafficking in human beings, by conducting work aimed at creating a uniform judicial practice both in terms of the correctness of qualification of crimes related to trafficking in human beings and the imposition of a punishment proportionate the severity of these crimes.

The study of judicial practice and theoretical issues discussed at seminars and other events on the problems of combating trafficking in human beings allows us to state the sufficiency of the norms of national criminal law for the successful fight against trafficking in human beings and related crimes.

Non-punishment of victims of trafficking in human beings

28. GRETA urges the Belarusian authorities to take additional measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, in pursuance to Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision, including with regard to criminal offences. Further, the Belarusian authorities should examine the possibility of repealing administrative sanctions imposed against victims of THB and providing compensation or reimbursement of fines paid by victims of THB.

The Code of the Republic of Belarus on Administrative Offenses has a separate provision providing for the exemption from administrative liability of victims of trafficking in human beings (Article 8.7). A person who has committed an administrative offense due to circumstances arising from the commission against him/her of trafficking in human beings or other acts aimed at using him/her for the purpose of sexual or other exploitation (organization and / or use of prostitution, involvement in prostitution or coercion to prostitution, the use of slave labor, kidnapping, illegal actions aimed at finding employment abroad) is exempted from administrative liability. The possibility for a victim of trafficking in human beings to receive compensation from a trafficker, as well as compensation for fines is provided for within the procedure of civil lawsuit. At the same time, the principles of exempting a trafficked person from administrative responsibility and receiving compensation are implemented selectively with the mandatory study of all the circumstances of each particular case and subject to the proof of the fact of exploitation of the person. As in reality not any offender is a victim of trafficking in human beings (this is especially true for persons engaged in prostitution).

In accordance with article 34 of the Criminal Code ("Necessary defence"), every citizen, including a victim of human trafficking, has the right for protection from a socially dangerous encroachment. This right belongs to a person, regardless of the possibility of avoiding an encroachment or seeking help from other persons or authorities. An act is not a crime when it has been committed in the state of necessary defence, that is when protecting life, health, the rights of the defender or another person, the interests of society or the state from a socially dangerous encroachment by causing harm to the encroaching, if the limits of necessary defence have not been exceeded.

According to the article 36 of the Criminal Code ("Extreme Necessity") an act is not a crime when it has been committed in a state of emergency, that is to prevent or eliminate the danger that directly threatens the person, the rights and legitimate interests of the person or other persons, the interests of society or the state, if the danger under the given circumstances could not be eliminated by other means and if the damage caused is less significant than the prevented one. This is also applied to forced victims of trafficking.

In addition, in accordance with article 20 of the Criminal Code a participant of a criminal organization or gang (except for the organizer or leader) who voluntarily declared the existence of a criminal organization or gang and contributed to their exposure, is exempted from criminal liability for participation in a criminal organization or gang and crimes committed by him as part of a criminal organization or a gang, with the exception of especially grave or grave crimes associated with an encroachment on human life or health.

Article 69-1 of the Criminal Code provides for the principle of sentencing in the event of a pre-trial agreement on cooperation. The procedure for criminal proceedings in respect of a suspect (accused) with which a pre-trial agreement on cooperation has been concluded is established by Chapter 49-1 of the Code of Criminal Procedure of the Republic of Belarus (hereinafter - the CPC).

Thus, in the Republic of Belarus there are legal mechanisms for exempting victims of trafficking from administrative and criminal liability, for offenses and crimes resulting from coercion.

Investigation, prosecution and procedural law

29. GRETA considers that the Belarusian authorities should take further measures to ensure that THB offences are prosecuted as such, and lead to effective, proportionate and dissuasive sanctions, including by:

- identifying gaps in the investigation and prosecution of THB cases;
- reviewing the existing legal provisions and court rulings on THB and related offences;
- carrying out proactive investigations of alleged cases of THB for the purpose of labour exploitation, including through co-operation with other countries;
- training investigators, prosecutors and judges on the rights of victims of THB and developing further their capacity and specialisation to deal with THB cases.

While presenting prosecution on behalf of a state on cases of crimes related to trafficking in human beings, prosecutors guided by the principles of legality, equality of citizens in the face of the law, the inevitability of punishment, personal guilty liability, justice and humanism.

The practice of imposing penalties and applying other measures of criminal responsibility is formed taking into account the public danger of crimes of this category and the personality characteristics of the perpetrators.

For information, according to the statistics of the Supreme Court of the Republic of Belarus in 2018 under Art. 181, 181-1 of the Criminal Code, persons were not convicted.

According to Art. 171 of the Criminal Code 28 persons were convicted, of which 10 persons were convicted on the aggregate of crimes provided for by Article 171, 171-1 of the Criminal Code.

According to Part 1 of Art. 171 of the Criminal Code 7 persons were convicted, of which 2 persons – to punishment in the form of imprisonment, 5 persons – with the application of Art. 77 of the Criminal Code with a delay in the execution of sentences of imprisonment.

According to Part 2 of Art. 171 of the Criminal Code 21 people were convicted, of which 18 people were sentenced to imprisonment, 3 persons - using Article.77 of the Criminal Code with a deferral of execution of the sentence of imprisonment.

According to Art. 182 of the Criminal Code with elements of a crime consistent with the definition of trafficking in the Palermo Protocol, 2 persons were sentenced to imprisonment.

According to Art. 187 of the Criminal Code for the analysed period, the persons were not convicted.

There were no facts of changes in the sentences in connection with the discrepancy of the punishment imposed by the court or other criminal measures applied, the gravity of the crime and the identity of the accused.

Protection of victims and witnesses

30. GRETA considers that the Belarusian authorities should make full use of the available measures to protect victims, including children, and to prevent intimidation during the investigation and during and after the court proceedings.

According to paragraph 1 of Article 19 of the Law of the Republic of Belarus dated January 7, 2012 No. 350 "On Combating Trafficking in Human Beings" ensuring the safety of victims of trafficking in human beings, including members of their families, close relatives and other persons whom they reasonably consider close, and also their property is carried out in the manner prescribed by the Code of Criminal Procedure (CPC) to ensure the safety of participants in criminal proceedings, other persons and their property.

In accordance with Chapter 8 of the CPC, in respect of any participant in the criminal process protecting his/her or represented by him/her rights and interests, as well as another participant in the criminal

process, his family members and relatives in connection with his participation in the criminal process, measures prescribed by law may be taken to ensure the safety of these persons and their property.

According to Article 66 of the Code of Criminal Procedure, procedural security measures (non-disclosure of identity information, exemption from attendance at a court session, closed court session) or other security measures (the use of technical means of control, listening to negotiations conducted using technical means of communication, and other negotiations, personal security, protection of housing and property, change of passport data and replacement of documents, prohibition the issuance of the information) can be applied to participants in criminal proceedings, including when considering a criminal case in court.

Taking into account the nature and degree of danger to life, health, property and other rights of protected persons, other safety measures may be taken that do not contradict the Criminal Procedure Code and other laws of the Republic of Belarus.

Security measures can be taken after the person's petition is filed if there are sufficient grounds provided for by law (if there is sufficient evidence to indicate that there is a real threat of murder, violence, destruction or damage to property, and other unlawful actions against a party to criminal process).

If there are grounds for taking security measures, the body conducting the criminal process must, within 24 hours, decide on their application or on refusal to use it. A motivated resolution (determination) is issued about the decision that is immediately sent for execution to the body of internal affairs or state security at the place of residence, work or study of the protected person.

Officials of the body conducting the criminal process and the body providing the application of security measures, as well as officials of law enforcement bodies, enterprises, institutions, organizations, associations who are guilty of not taking or improperly implementing security measures or of disclosing information about protected persons, are liable for in accordance with the legislation of the Republic of Belarus.

Decree of the Council of Ministers of the Republic of Belarus of January 20, 2006 No. 74 approved the Concept of protection of victims of criminal activity.

Peculiarities of interrogation of minor victims are established by article 332 of the CPC. According to parts 1 and 3 of the said norm, a teacher or psychologist is involved in the interrogation of victims under the age of fourteen, and at the discretion of the court and during the interrogation of these persons from fourteen to sixteen years old, and parents or other legal representatives of the minor may also participate. At the request of the parties or at the initiative of the court, the interrogation of a victim who has not reached the age of eighteen years may be carried out in the absence of the accused, about which the court makes a decision (order).

31. GRETA also considers that the "green rooms" should be used systematically to interview children and other vulnerable victims of THB, and to use the testimony given in such rooms in court, thus avoiding repeated questioning of victims. The Belarusian authorities should issue national guidance on the use of the "green rooms" with a view to clarifying and harmonising the procedure.

Surveys and interrogations of minors and other vulnerable victims of trafficking in the "green rooms" are systematically carried out by employees of the internal affairs bodies and the Investigative Committee.

Surveys of minor victims of human trafficking, as well as children affected by sexual violence, are carried out in rooms that are friendly to children ("green rooms" in GRETA terminology), which are created on the basis of social and educational centers, health organizations, international organizations and public associations. Other vulnerable groups of victims are interviewed in crisis rooms on the basis of territorial centers of social services for the population and public associations.

Taking into account the specifics of the Ministry of Internal Affairs the mandatory use child-friendly rooms and crisis rooms by units for combating trafficking in human beings is established by departmental acts. Priority is given to surveys in such specialized rooms of underage victims. The results of surveys of victims in specialized rooms can be used as evidence in criminal proceedings. However, the

current legislation of the Republic of Belarus does not allow completely exclude re-victimization of respondents by giving the investigator, prosecutor, judge the right to interrogate victims to the extent and in the amount necessary for solving the tasks of the criminal process.

In 2017, representatives of the Investigative Committee took part in a round table devoted to the activities of survey rooms friendly to children affected by violence at «SOS-Children's Village «Borovlyany» in Minsk.

In 2018 the practice of using child-friendly survey rooms in the criminal process for the year 2017 and the first half of 2018 was generalized. Based on the results of the generalization, an information letter was sent to the Chief Investigative Department of the central apparatus of the Investigative Committee and the Department of the Investigative Committee of the Republic of Belarus for the regions and the city of Minsk with recommendations on improving the efficiency of using these specialized premises in the criminal process.

This year the Investigative Committee, together with the NGO Club of Business Women, has been developed and is implemented a project "Conducting joint activities with the Investigative Committee of the Republic of Belarus aimed at harmonizing the procedure for the participation of children victims of sexual violence and child pornography in a criminal process under friendly conditions".

The US State Department took over the financing of the project through the Small Grants Program of the Department of Information, Education and Culture of the US Embassy in the Republic of Belarus.

The project provides for the study of issues of the effectiveness of using the child-friendly survey rooms created in the Republic of Belarus for the purpose of conducting investigative and other procedural actions, including video recording of the child's testimony during the preliminary investigation for further use in the criminal process, as well as the provision of reintegration assistance.

The project program provides for questioning on the effectiveness of the use of child-friendly survey rooms created in the Republic of Belarus, as well as anonymous questioning of investigators and heads of investigation units on the use of child-friendly survey rooms in the Republic of Belarus. The results of the questionnaire will allow to evaluate the effectiveness of the use by employees of the Committee of such rooms and begin work on their creation on the basis of investigative units (if there is interest).

Based on the results of the study, an algorithm will be developed for the interaction of law enforcement agencies, non-governmental public organizations and other interested parties in identifying facts of sexual abuse of a minor and (or) involvement in child pornography. The results of the study and the proposed algorithm will be the subject of discussion during regional round tables on the declared topics in the regions and in Minsk. Based on the results of the measures taken, it is planned to develop recommendations for law enforcement agencies and other interested parties to improve the efficiency of using survey rooms that are friendly to children.