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Group of Experts on Action
against Trafficking in Human Beings

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

Second evaluation round

Reply submitted on 14 September 2020

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

A. Follow-up questions

First of all, it should be noted that in accordance with the Law of the Republic of Belarus of January 7, 2012 No. 350 "On combating trafficking in human beings" (hereinafter – the Law on combating THB), crimes related to trafficking in human beings include not only crimes stipulated by Article 181 of the Criminal Code (human trafficking), but also

- the use of prostitution or the creation of conditions for prostitution (Article 171 of the Criminal Code);
- involvement in prostitution or coercion to continue prostitution (Article 171-1 of the Criminal Code);
- the use of slave labor (Article 181-1 of the Criminal Code);
- kidnapping (Article 182 of the Criminal Code);
- illegal actions aimed at the employment of persons abroad (Article 187 of the Criminal Code);
- production and distribution of pornographic materials or objects of a pornographic nature with the image of an under-age (Article 343-1 of the Criminal Code).

These crimes will be discussed in the response to the questionnaire.

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

Measures to combat trafficking in human beings in Belarus are complex and built into a clear system in the following areas: improving national legislation; activities of state bodies, international organizations, public associations and their coordination; personnel training; international efforts and cooperation.

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

The main forms of human trafficking in the country have remained virtually unchanged since 2000 – these are crimes committed for the purpose of sexual or labor exploitation (the only fact when human trafficking took place for the removal of organs was revealed in 2010). The most widespread type of exploitation of victims of human trafficking in Belarus is sexual exploitation. For this purpose traffickers move people mainly to Russia, as well as to the countries of the European Union and the Middle East, but internal sexual exploitation prevails over external. For the purpose of labor exploitation Belarusians, as a rule, are taken to Russia and Poland, but this type of trafficking is also more widespread within the republic (controlled begging has attracted attention). In most of the cases of exploitation of citizens, Belarus was the country of origin of the "human commodities". Traffickers are mostly citizens of Belarus, to a lesser extent – foreign citizens.

Traffickers' criminal methods are changing along with the active development of information and communication technologies. An acute problem of our time is the movement of illegal activities on the Internet, which allows criminals to disguise

themselves well and remotely commit crimes without direct contact with potential victims or accomplices.

State Border Committee information

Analysis of the information received, as well as the results of the operational and service activities of the border service of the Republic of Belarus shows that the category of vulnerable persons and the main forms of human trafficking have not undergone significant changes at present.

It should be noted that an important factor that had a significant impact on illegal activities related to trafficking in human beings (various forms of exploitation) is the epidemiological situation both within the country and in foreign countries (countries of destination of potential victims of trafficking in human beings). The closure of borders (suspension of international traffic) has led to a decrease in the number of passengers travelling across the state border.

In 2019 – early 2020, the risks of organizing channels for human trafficking and carrying out other related illegal activities were concentrated mainly in the area of responsibility of the border control unit “Minsk” (National Airport “Minsk”).

The main categories of citizens who may be involved in the indicated illegal activity include:

to leave the Republic of Belarus:

female citizens of the Republic of Belarus, the Russian Federation, Ukraine and the Republic of Moldova, aged from 16 to 35, who fly both independently and accompanied by third parties who are not able to provide a detailed explanation of the purpose of their departure from the Republic of Belarus, following flights : "Minsk – Istanbul", "Minsk – Abu Dhabi", "Minsk – Beirut", "Minsk – Tel Aviv", "Minsk – Larnaca", "Minsk – Frankfurt", "Minsk – Paris", "Minsk – Rome".

to enter the Republic of Belarus:

female citizens of the Republic of Belarus, the Russian Federation, Ukraine and the Republic of Moldova, aged from 16 to 35 years, traveling to the Republic of Belarus without documents for the right to cross the state border, on expired national passports, as well as on certificates of return by flights: “Istanbul – Minsk "," Beirut – Minsk "," Abu Dhabi – Minsk "," Tel Aviv – Minsk "," Larnaca – Minsk "," Paris – Minsk "," Rome – Minsk "," Kiev – Minsk ";

male citizens of the Republic of Belarus of working age, travelling to the Republic of Belarus on certificates of return (with documents of release from places of detention) or on expired national passports, following flights from the Russian Federation;

citizens of the states of Central Asia (mainly the Republic of Uzbekistan) of working age, male, travelling to the Republic of Belarus for the purpose of employment in the construction sector or carrying out agricultural activities.

- any changes in your country’s laws and regulations relevant to action against THB;

At the beginning of 2015 at the initiative of the Ministry of Internal Affairs amendments and additions were made to the Law on Combating THB which determined the basis for identifying victims of human trafficking.

In pursuance of the Law on Combating THB and the Council of Europe Convention on Combating Trafficking in Human Beings state bodies involved together with international and non-governmental organizations have developed a National Mechanism for the identification and referral of victims of trafficking in human beings for rehabilitation, approved by the Government (the Council of Ministers Resolution No. 485 "On the identification of victims of human trafficking", which entered into force on June 22, 2015) (hereinafter – Council of Ministers Resolution No. 485). The created mechanism assumes participation in identification not only of state bodies, but also of international and non-governmental organizations. In addition, there are a number of other regulatory legal acts aimed at improving the provision of rehabilitation assistance to victims of trafficking in human beings.

Information about citizens who could have suffered from human trafficking or related crimes, about identified victims of human trafficking, as well as about the crime rate in the area are summarized and posted on the official website of the Ministry of Internal Affairs (exclusively statistical data).

Taking into account the accumulated practice the Ministry of Internal Affairs prepared and on the May 22, 2020 sent to the Council of Ministers of the Republic of Belarus a draft amendment to this resolution, which are aimed at simplifying the procedure for identifying and rehabilitating victims of trafficking in human beings in a number of cases, as well as introducing the possibility of suspending the identification procedure for a period necessary for the execution of international requests (while maintaining the basic 30-day identification period provided by the Law). These changes were adopted by the Resolution of the Council of Ministers of the Republic of Belarus No. 439 of July 29, 2020 (the original title of the resolution, which was previously called “On approval of the Regulation on the procedure for identifying victims of trafficking in human beings, the procedure for filling out and the form of the questionnaire of a person who could have suffered from trafficking in human beings or related crimes, the procedure for providing the information contained therein”, was also changed).

At the initiative of the Ministry of Internal Affairs, amendments and additions were made to the Criminal Code of the Republic of Belarus in 2005, 2008 and 2015 and as the result seven corpus delicti are in force in the country today, covering all types and forms of "modern slavery" (this is human trafficking itself and six more corpus delicti concerning controlled prostitution, slave labor, illegal employment abroad, kidnapping for the purpose of exploitation). However, the Ministry of Internal Affairs, the Investigative Committee and other law enforcement agencies continue to come up with initiatives to amend legislation in the field of combating trafficking in children.

Since the beginning of the second evaluation round of the implementation of the Council of Europe Convention (15.05.2014), the criminal legislation on the issue under consideration has undergone the following changes.

The Law of the Republic of Belarus of January 5, 2015 No. 241 "On Additions and Amendments to the Criminal, Criminal Procedure, Criminal Executive Codes of the Republic of Belarus, the Code of the Republic of Belarus on Administrative Offenses and the Procedural and Executive Code of the Republic of Belarus on Administrative Offenses" (hereinafter – Law 2015), which entered into force on January 28, 2015, the following changes were made to Art. 171, 171-1.181 and 181-1 of the Criminal Code.

The list of acts constituting a corpus delicti under Art. 171 of the Criminal Code (the use of prostitution or the creation of conditions for prostitution) was extended, since in investigative and judicial practice there were facts when a pimp had maintained a "staff" of persons engaged in prostitution with the distribution of specific functions to provide services to clients, so that the organization of such a "business" was not recognized as using prostitution if the fact of money transfer from a prostitute to a pimp had not been recorded. This gap was eliminated by the introduction to the disposition of Part 1 of Art. 171 of the Criminal Code of the words "organization and (or)".

In view of the discussions emerged in the law enforcement practice regarding the qualification of acts related to the export of people abroad for the purpose of sexual exploitation, it was necessary to distinguish clearly between human trafficking and the use of prostitution. In this regard, in the footnote to Art. 171 of the Criminal Code the concept of "use of prostitution." is defined as the extraction by a person of material or other benefits from the voluntary provision of sexual services for reward by another person.

The Art. 181 of the Criminal Code was worded in new edition:

the definition of “trafficking in human beings” was brought in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, and the Council of Europe Convention («trafficking in human beings – the recruitment, transportation, transfer, harbouring or receipt of a person for purposes of exploitation, by means of deception, or abuse of trust, or the use of force not dangerous for the life or health of the victim, or by threat of the use of force»);

the words “use of prostitution” have been excluded from the concept of “exploitation”. These changes were aimed at eliminating the ambiguity in the qualification of acts related to the export of people abroad for the purpose of sexual exploitation, since there was competition between the norms of Art. 171 and 181 of the Criminal Code.

A number of changes introduced by the Law of 2015 and the Law of the Republic of Belarus of January 9, 2019 No. 171 "On Amendments and Additions to Certain Codes of the Republic of Belarus" were aimed at adjusting the sanctions of Articles 171, 171-1, 181 and 181 -1 of the Criminal Code. In connection with the exclusion from the Criminal Code of confiscation of property as an additional type of punishment in part 2 of Art. 171, parts 1-3 of Art. 181, part 3 of Art. 181-1 of the Criminal Code, confiscation of property was replaced by a fine. For the same reason, in part 2 of Art. 181-1 of the Criminal Code the additional punishment "with or without confiscation of property" was replaced with "with or without a fine." Sanctions of part 1 of Art. 171, parts 1-3 of Art. 171-1, part 1 of Art. 181-1 of the Criminal Code began to provide for

additional punishment in the form of a fine. Part 2 of Art. 171, parts 1-2 of Art. 181 of the Criminal Code lowered the lower limit of punishment in the form of imprisonment.

The National Action Plan for the Improvement of the Situation of Children and the Protection of Their Rights for 2017-2021 was approved by the Council of Ministers of the Republic of Belarus Resolution of September 22, 2017 No. 710. Paragraphs 78 - 83 of the Plan are aimed at realizing the right of children to protection from violence, the threat of human trafficking and exploitation.

In accordance with the National Statistical Committee of the Republic of Belarus Resolution of October 25, 2018 No. 116, a form of state statistical reporting of the 1-orphanage (Ministry of Health) "Report of the orphanage" of annual frequency was introduced, within the framework of section II of which the number of children who appeared victims of human trafficking is recorded.

The Regulation on modeling activities was approved by the Council of Ministers of the Republic of Belarus Resolution of February 19, 2020 No. 98 "On the implementation of the President of the Republic of Belarus Decree of November 21, 2019 No. 423". In accordance with part two of paragraph 4 of the Regulation the competitive selection of candidates (casting) for participation in advertising projects either their subsequent employment is carried out by modeling agencies, taking into account the requirements of Article 15 of the Law on combating THB.

The Investigative Committee basing on its own experience of law enforcement and identified problems, initiated a number of changes in the legislation, which are currently under consideration.

For example, proposals to amend Art. 221 of the Code of Criminal Procedure with part 4, which establishes the duty of an official conducting an inquiry or preliminary investigation to interrogate a minor victim or witness under the age of 14 with the obligatory use of sound and video recording has been included to the draft Law "On Amendments to Codes on Criminal Liability" at the initiative of the Investigative Committee.

This proposal is due to the practice of investigating crimes committed against minors, in particular about sexual abuse of children, their use in the manufacture of pornographic products, and aims to reduce the number of situations that traumatize children.

In the context of the abovementioned proposals, part 1 of Art. 333 of the Criminal Procedure Code will be supplemented by clause 2-1, which establishes the possibility of reading out the testimony of a minor victim or witness under the age of 14, provided that the case file contains sound and video recordings of their interrogations, given during the preliminary investigation. In this case, the summons of minors of this category to the court and their interrogation are not mandatory for the court, which will also help to reduce the repeated or secondary victimization of the child and provide additional protection of his rights and legal interests.

The initiative of the Ministry of Internal Affairs on administrative responsibility for storage for the purpose of distribution or advertising, or distribution, advertising of pornographic materials, printed publications, images, films, video films or scenes of pornographic content, other items of a pornographic nature and the corresponding

changes on the prejudice in Art. 343 of the Criminal Code also was supported by the Investigative Committee (included in the project under consideration).

The problems of inadequate training of crisis educators-psychologists, high-quality psychological support of juvenile participants in criminal proceedings (victims, witnesses) and their legal representatives in criminal cases of trafficking in human beings and related crimes, the shortage of specialists in this category are very relevant for pre-trial proceedings and consideration of criminal cases in a court.

In this regard, the Investigative Committee is working on the issue of adjusting the Council of Ministers of the Republic of Belarus Resolution "On Approval of the Regulation on the Procedure for Involving a Teacher (Psychologist) to Participate in Criminal Proceedings" of October 24, 2001 No. 1533 regarding the need to regulate the involvement of psychologists (teachers) in criminal proceedings social and pedagogical centers, centers of correctional and developmental education and crisis rooms of territorial centers of social services for the population. Work in this direction is currently being carried out at the level of agreement of the participants of the interdepartmental working group.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

Interaction and coordination of state structures with non-governmental organizations in the field of combating trafficking in human beings is carried out within the framework of international technical assistance projects (ITA project). Currently, together with the IOM Representative Office, the ITA project “Strengthening the National Referral Mechanism for Victims of Trafficking in Human Beings” is being implemented in the Republic of Belarus for 2017-2020.

Plans for cooperation between the Ministry of Internal Affairs and UNICEF are also being implemented.

At the regional level, cooperation in this area is built within the framework of the activities of interdisciplinary groups, which include representatives of the police, border guards, prosecutors, courts, the Investigative Committee, educational organizations, health care, labor and social protection, the international and public sectors.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

Continuing the initiatives of the Ministry of Internal Affairs, proposed to the interested participants since 2015, for more effective counteraction to sexual violence and exploitation of children, their protection, improvement of early detection and prevention of crimes of these categories draft comprehensive measures were considered in December 2019 at a meeting of the republican coordination meeting on combating crime and corruption. As the result a plan of organizational, analytical,

practical and other measures to protect minors from sexual violence and exploitation for 2020 – 2022 was approved on January 28, 2020 by the Council of Ministers of the Republic of Belarus. A number of proposals of the Ministry of Internal Affairs, which were not included in the plan, have been integrated into the new Program to Combat Crime and Corruption for 2020 – 2022, which includes, among other things. measures to prevent and combat human trafficking.

The Ministry of Internal Affairs initiated measures to form 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 activities, national and international experience of law enforcement in this area was summarized. Representatives of the Investigative Committee also took part in these events.

In order to increase the effectiveness of countering crimes against sexual inviolability and sexual freedom of minors, human trafficking and related crimes, including child pornography, on November 6, 2019 proposals were made to the Presidential Administration of the Republic of Belarus to improve activities in the field of protecting children from criminal offenses and to increase the effectiveness of combating trafficking in human beings and related crimes against minors. The Administration of the President of the Republic of Belarus initiated and held a meeting on the above issues on November 15, 2019.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Ministry of Labor and Social Protection information:

In order to ensure gender equality, the country has formed and operates a national mechanism for the development and implementation of gender policy.

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

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

Since 2000, the Republic has a National Council for Gender Policy under the Council of Ministers, which is a permanent body on state policy in the field of gender equality, coordinating gender policy in the Republic of Belarus (the Council of Ministers of the Republic of Belarus Resolution of May 17, 2000 No. 698).

The National Council is headed by the Minister of Labor and Social Protection of the Republic of Belarus. The National Council is formed from representatives of legislative, executive, judicial authorities, local executive and administrative bodies,

scientific organizations, as well as members of public associations and international organizations. Meetings of the Council are held at least twice a year.

In its activities the National Council also strives to support efforts to disseminate timely and reliable information on the situation of women in the republic; maintaining constant contact with key institutions and organizations dealing with gender issues.

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

Currently, the country is implementing the fifth National Action Plan for Ensuring Gender Equality in the Republic of Belarus for 2017 – 2020 (hereinafter referred to as the National Plan), approved by the Resolution of the Council of Ministers of the Republic of Belarus of February 17, 2017 No. 149.

The purpose of the National Plan is to develop mechanisms for introducing a gender approach into the development and implementation of public policy measures in various spheres of society. One of the sections of the National Plan is "Combating Domestic Violence and Human Trafficking".

In order to strengthen the rights and opportunities of women and girls in the country, measures are being taken to strengthen social protection of especially vulnerable categories, thanks to which Belarus maintains a consistently low income inequality ratio. The share of the low-income population in the total population at the end of 2019 is 5%. At the same time, the proportion of low-income women is lower than the proportion of low-income men – 4.9 against 5.2%.

A comprehensive system of state support for families raising children has been created in the republic. So, during the period of birth and upbringing of children, an extensive system of state allowances operates in the republic.

For reference. The system of state allowances includes 11 types of allowances. At present the system of allowances covers 469.7 thousand children (25.1% of their total number), including childcare allowances for children under three years of age covering 90.9% of children of this age.

The system of allowances is constantly being improved. In 2013 the size of the allowance for taking care of a child under the age of 3 was tied to the average monthly wage of workers in the republic, which made it possible to double it (for the first child – 35% of the average monthly wage in the republic; for the second and subsequent children – 40%; for a disabled child under 3 years old – 45%); social protection of families raising disabled children has been strengthened (the categories of recipients of allowances for taking care of a disabled child have been expanded, a temporary disability allowance has been introduced for the period of medical rehabilitation of a disabled child, etc.).

In 2015 a new allowance was introduced – for children between the ages of 3 and 18 during the period of raising a child under the age of 3 (in the amount of 100% of the subsistence minimum budget).

Since July 1, 2017, parents of disabled children who receive a child care allowance for a disabled child have the opportunity to work part-time and at the same time receive a child care allowance in full. In families where disabled children with the

most severe forms of disability (3 and 4 degrees of health loss) are brought up, the allowance for caring for a disabled child has been increased from 100 to 120% of the cost of living budget.

One of the main problems in the context of preventing human trafficking is the difficult economic situation of people, which makes them an easy target for traffickers.

Employment is one of the main conditions for the economic viability and well-being of women and men. Promotion of employment of the population in the Republic of Belarus is carried out within the framework of the State Program on Social Protection and Promotion of Employment of the Population for 2016 – 2020 (hereinafter – the State Program).

In 2019, almost 179 thousand people applied to the labor, employment and social protection authorities for assistance in employment (more than 88% to the corresponding period of 2018), of which more than 92 thousand people were registered as unemployed (more than 79%). In the total number of registered unemployed the share of women is more than 33% or 31 thousand people.

For reference. In 2019 labor, employment and social protection authorities provided assistance in the employment of more than 22 thousand unemployed women or 63% of women in need of employment (in 2016 – 54% from women in need of employment).

In 2019 more than 37% of the total number of unemployed people aimed at vocational training, retraining and advanced training were unemployed women or 2.1 thousand people, which is three percentage points higher than in 2016. In addition to the unemployed 71 women taking care of a child under 3 years old were sent for training (in 2016 – 11 women taking care of a child under 3 years old).

The bodies for labor, employment and social protection provide assistance to the unemployed in organizing entrepreneurial activities, providing services in the field of agroecotourism, craft activities, in organizational and methodological support, as well as in financial support. At the same time, there has been a steady increase in the number of women who organized their own business using financial support in the form of a subsidy. If in 2016 the share of women in the total number of unemployed who received a subsidy was 38.8%, then in 2019 – 44.1% (in 2016 – 38.8%, in 2017 – 41.1%, in 2018 – 44.3%).

For reference. In 2019 at the expense of the budget of the state non-budgetary fund for social protection of the population of the Republic of Belaru, support was provided to 767 unemployed women for starting their own business, including for organizing entrepreneurial activities – 617 people, craft activities – 145 people, organizing activities to provide services in the sphere of agroecotourism – 5 people, a private unitary enterprise was organized by 3 unemployed women, a peasant (farm) enterprise – 2.

Employment of people in particular need of social protection and unable to compete on equal terms in the labor market is carried out in accordance with Article 11 of the Law of the Republic of Belarus of 15.06.2006 No. 125 “On Employment of the Population of the Republic of Belarus”.

In total in 2019 almost 21 thousand people in particular need of social protection applied to the labor, employment and social protection authorities and were registered

as unemployed; assistance was provided in the employment of almost 14 thousand people of this category, including more than 6 thousand people that were employed for booked account, financial assistance was provided to more than 1 thousand people. The share of employed people of this category in 2019 was 56.9% (in 2016 – 40.7%, in 2017 – 45.8%, in 2018 – 51.5%).

For reference. For 2019 21,426 jobs were booked for hiring people, who are provided with additional guarantees in the field of promoting employment of the population, including for the recruitment of disabled people – 2,374 jobs; young people looking for a job for the first time under the age of 21 – 3,762; parents in large and single-parent families – 3,992; orphans – 243; servicemen dismissed from military service – 2,320; persons of pre-retirement age – 2,004; persons released from places of deprivation of liberty – 5,652 jobs.

A technology for organizing the adaptation of disabled people to work has been developed in the Republic of Belarus for the purpose of rehabilitation and further employment of disabled people. In 2019 537 people with disabilities were sent for adaption to work, 182 of which were women.

Thus, as a result of the implementation of measures to ensure employment of the population under the implementation of the State Program the employment rate of the working-age population increased from 80.9% in 2016 to 83.4% in 2019, including for men – from 79.3 % to 82.1%, for women – from 82.7% to 84.7%.

At the same time, the level of general unemployment in the working age decreased by 1.8 percentage points and amounted to 4.2% in 2019 (6% in 2016). A similar trend is observed in 2019 with the level of general unemployment among men and women of working age: for men – 5.1%, for women – 3.2%, the decrease in relation to 2016 was 2.4 and 1 percentage point, respectively.

In order to provide material support to older women, the pension system of Belarus includes special measures – a guaranteed minimum pension, as well as softer conditions for the appointment and calculation of pensions (in relation to conditions for men).

As a result, older women are practically fully covered by state pensions (the share of women over working age receiving a pension in the total number of women in this age group in 2019 was 97.7%, men – 97.5%). There is practically no gender gap in the level of pension provision: the ratio of the average size of assigned pensions for women to the average size of assigned pensions for men since 2014 is about 98% (at the end of 2019 – 99.5%).

In general, older men and women are actually removed from the category of the poor: less than 1% of the total number of recipients have a pension below the subsistence level of a pensioner (0.6% in 2019). Moreover, there are more men among citizens with such a pension (54.5%).

Removing older citizens from the low-income which means economically vulnerable persons can also be considered in the context of preventing human trafficking.

In order to provide social support to low-income families (people) in difficult life situations in the Republic of Belarus, there is a system of state targeted social

assistance. The criterion for classifying families (people) as low-income is the cost of living budget average per capita.

The system of state targeted social assistance (hereinafter – social assistance) functioning since 2001 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 of January 19, 2019 No. 41 "On State Targeted Social Assistance", social assistance is provided in the form of 4 social payments: monthly social allowance, one-time social allowance, food provision for children in the first two years of life and social allowance for reimbursement of expenses for the purchase of diapers (absorbent panties), absorbent sheets (diapers), urological pads (liners).

Monthly social allowance is a state-guaranteed payment to increase the objectively low incomes of citizens and families to the level of the cost of living budget per capita on average. Monthly social benefits are provided to low-income people (families) for a period of 1 to 12 months in an amount that is the positive difference between the cost of living budget and the average per capita income of a person.

The one-time social allowance is aimed at helping families and people to get out of a difficult life situation, provided that their average per capita income is no more than 150% of the cost of living budget. The maximum amount of such allowance is 10 cost of living budget.

Free food is provided to families raising children under two years of age, with an average per capita income for objective reasons lower than the cost of living budget, as well as families when twins or more children are born and raised, regardless of the income level. This type of social assistance is provided in kind for every 6 months until the child reaches the age of two.

Social allowance to reimburse the cost of purchasing diapers are provided to disabled children under the age of 18 with a 4 degree loss of health and disabled people of group I on the basis of a medical certificate on the need for diapers and documents confirming the cost of their purchase, regardless of the size of the average per capita family (citizen) income. The amount of the allowance is set on the basis of documented actual costs in an amount not exceeding 1.5 times the size of the cost of living budget effective as of the date of the decision to grant the social assistance. This allowance is paid four times during the calendar year, but not more than once a month. The total amount of the allowance in a calendar year is 6 cost of living budgets.

For reference. In 2019 295 thousand people became recipients of social assistance, the amount of assistance amounted to 94 million roubles[1]. In January – March 2020 social assistance was provided to 87 thousand people in the amount of 27 million roubles[2].

Ministry of Health Information:

Pursuant to the Resolution of the Council of Ministers of the Republic of Belarus of September 22, 2017 No. 710 "On approval of the National Action Plan to improve the situation of children and protect their rights for 2017–2021" and the Resolution of

[1] Average official exchange rate of the Belarusian rouble against euro in 2019 was 2.34
[2] Average official exchange rate of the Belarusian rouble against euro in January-March 2020 was 2.47

the Council of Ministers of the Republic of Belarus of February 17, 2017 No. 149 "On the approval of the National Action Plan for Ensuring Gender Equality in the Republic of Belarus for 2017–2020" measures are being taken to combat domestic violence and human trafficking, ensure gender-oriented health care, conduct information campaigns on the sexual and reproductive health of adolescents, and a counselling system for student youth on family planning, sexual and reproductive health, contraception methods, self-preservation behaviour, formation and development of healthy lifestyle skills.

In order to provide timely assistance to adolescents in difficult life situations, the health authorities of the Republic of Belarus, together with the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), has organized the work of 53 adolescent-friendly centers on the basis of health organizations.

The activities of the adolescent-friendly centers are aimed at developing healthy lifestyle skills among adolescents and young people, also in terms of issues of sexual culture, preparation for family life.

In order to improve the system for monitoring and assessing the quality of medical services in the field of maternal and child health, the State Institution “Republican Scientific and Practical Center “Mother and Child” is actively working on the organization of monitoring, information and training events aimed at optimizing and increasing the efficiency of the processes of providing medical services.

Work is being continued to strengthen the methodological base of the adolescent-friendly centers, improve the knowledge and skills of the centers’ specialists and develop intersectoral interaction when working with adolescents at risk. An informational and methodological manual "Schemes of interaction in assisting adolescents" was developed and published for specialists of adolescent-friendly centers for interdepartmental interaction in providing assistance to adolescents who practice risky behavior.

Activities are being carried out to improve work with adolescents and young people, including adolescents at risk, on the formation of healthy lifestyle skills, physical activity, strengthening family values, and responsible parenting.

The representatives of health authorities of the Republic of Belarus have participated in the meeting of the working group on the study and improvement of national legislation in the field of combating domestic violence in accordance with international obligations and standards; a meeting of the coordinating council of the project “Strengthening national capacities in combating gender-based violence in the Republic of Belarus”; in seminars “Accession of the Republic of Belarus to the Council of Europe Convention on Combating Trafficking in Human Beings, Monitoring Mechanism”; "Inclusion of the issue of domestic violence and gender education in training, retraining and professional development programs for specialists"; "Development and institutionalization of mechanisms of interdepartmental interaction in the field of combating domestic violence".

The conference “Health and Health Care in Gender Dimension” was held.

Taking into account the gender aspect the **Ministry of Internal Affairs** keeps records of victims of human trafficking and criminals by sex (men/women) and age (adults/minors) when compiling reporting statistics. Equal rights and opportunities for women and men for their protection and support are provided for in the Resolution of the Council of Ministers of the Republic of Belarus No.485.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

According to article 22 of the Constitution of the Republic of Belarus "Everyone is equal before the law and has the right for equal protection of rights and legitimate interests without any discrimination".

Members of ethnic minorities have equal rights along with other citizens of the country.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

According to the Law on Combating THB:

"Article 22. Suspension of expulsion and deportation of victims of trafficking in human beings

1. In case when a foreign citizen or stateless person (hereinafter referred to as foreigners) is a victim of human trafficking, as well as witnesses in criminal cases of human trafficking or crimes related to human trafficking, or provide assistance to the bodies carrying out operational-search activities, at the reasoned request of such bodies or the body conducting the criminal proceedings, the expulsion or deportation of these persons is suspended pending a decision (sentencing) in the criminal case against persons guilty of trafficking in human beings or committing a crime related to trafficking in human beings. At the same time, a person who is a victim of human trafficking is registered with the registration authority at the place of actual temporary stay in accordance with the legislative acts of the Republic of Belarus, regardless of the circumstances of his entry into the Republic of Belarus.

2. A foreign citizen or a stateless person who is a victim of human trafficking and actively contributes to the investigation of a criminal case on trafficking in human beings or a crime related to trafficking in human beings whose period of stay in the territory of the Republic of Belarus has expired, the internal affairs bodies of the Republic of Belarus issue permits for temporary residence in the Republic of Belarus upon a reasoned request of the body carrying out operational-search activities or the body conducting the criminal proceedings, in the manner prescribed by the legislation of the Republic of Belarus. As a rule the permits are for a period of not more than one year for their participation in criminal proceedings, social protection and rehabilitation".

The Law of the Republic of Belarus of January 4, 2010 No. 105 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" contains

the grounds for extending temporary stay to foreigners in the Republic of Belarus, as well as issuance of a temporary residence permit to them (if a foreigner is a victim of human trafficking, as well as a witness in a criminal case on human trafficking or a crime related to human trafficking, organization of illegal migration, or provides assistance to bodies carrying out operational-search activities).

In accordance with part three of Article 40 of the Law on the Legal Status of Foreign Citizens and Stateless Persons "if a foreigner is a victim of human trafficking, 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 bodies carrying out operational-search activities, at a reasoned request of such bodies or the body conducting the criminal procedure, the temporary stay of a foreigner in the Republic of Belarus is extended until a decision (sentencing) is made in a criminal case against persons guilty of trafficking in human beings or committing a crime connected with human trafficking, organization of illegal migration ". And according to the third part of Article 48 of the above-mentioned Law: "At the reasoned request of the body carrying out operational-search activities, or the body conducting the criminal procedure, a temporary residence permit is issued to a foreigner who is a victim of human trafficking and actively contributes to the investigation of a criminal case of human trafficking or a crime related to human trafficking, organization of illegal migration, whose period 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".

If necessary, temporary residence can be issued again, if the grounds for obtaining it have not disappeared.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Two categories of people, regardless of gender, have the right to receive rehabilitation assistance in the Republic of Belarus: 1) victims of trafficking in human beings and 2) persons who may have suffered from trafficking in human beings or related crimes. Victims of human trafficking are given the opportunity to receive assistance for an indefinite period, however, certain types of assistance can be provided for 1 year (with an extension of this period if necessary). The procedure for obtaining this or that type of assistance is regulated by departmental regulatory legal acts of the Ministry of Health, the Ministry of Education, the Ministry of Labor and Social Protection.

Today Belarus provides for the following types of gratuitous state aid to victims of human trafficking: 1) provision of temporary places of stay, including sleeping places and meals; 2) legal aid, including free one, which is provided by the bar associations; 3) medical assistance (determined by the list of the Ministry of Health), including in stationary conditions, regardless of the victim's place of residence; 4) psychological assistance; 5) the establishment of the families of minor victims or their placement for education in other families, and in the absence of such an opportunity – in children's boarding schools; 6) assistance in finding a permanent job; 7) material support. In addition, within the framework of criminal proceedings, by a court decision,

the victim is entitled to receive compensation from the trafficker for the damage caused by the crime (civil claim procedure).

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Ministry of Internal Affairs information

The educational institution "Academy of the Ministry of Internal Affairs of the Republic of Belarus" (MIA Academy) has been training specialists in combating human trafficking for the criminal police since 2005.

The MIA Academy teaches the discipline "International Law" (including the discipline "International Humanitarian Law") within the framework of which topic "International cooperation in combating illegal migration, trafficking in human beings" is studied including the concept of trafficking in human beings and related crimes, international experience in crime prevention in the field of trafficking in human beings, international legal documents on combating trafficking in human beings, areas of cooperation between law enforcement agencies of the Republic of Belarus and law enforcement agencies of other states in countering illegal migration, trafficking in human beings.

Also in the course of teaching the discipline "International public law" (for specialty "Public administration and law") in topic "International criminal law. International legal regulation of cooperation in the fight against crime" the following issues are studied:

international crimes and criminal offenses of an international nature;

cooperation of states in the fight against international crimes;

the institution of criminal responsibility of individuals for committing international crimes;

the legal mechanism for combating international crime, universal conventions on the fight against certain types of criminal offenses, agreements on legal assistance, on the extradition of criminals.

The International Training Center (ITC) for training, advanced training, retraining of personnel in the field of migration and combating human trafficking, which is the basic institution for specialized training of specialists from the Commonwealth of Independent States (CIS) member states, has been operating with the assistance of IOM since 2007.

Educational courses have been developed with the assistance of international experts. The courses devoted combating not only human trafficking, but also illegal migration, combating child pornography on the Internet, as well as the field of rehabilitation and reintegration of victims.

Specialists of the Ministry of Internal Affairs and other competent state bodies regularly take part in training events and exchange of experience, including those taking place in other states.

State Border Committee information

Representatives of the border service bodies take part in preparatory courses, training seminars and simulation exercises, which results (in terms of the best practices of foreign law enforcement agencies in the area under consideration) are introduced into the territorial subdivisions of the border service bodies, and are also used in the State Educational Institution "Institute of the Border Guard Service of the Republic of Belarus" for training (retraining) employees working with potential victims of human trafficking.

For reference: within the framework of the EU/UNDP international technical assistance project "Supporting the Republic of Belarus in solving the problems of irregular migration and protecting the human rights of vulnerable groups of migrants" funded by the EU with co-funding from UNDP, UNHCR, IOM, the State Border Committee, prepared and adopted as methodological recommendations Standard operating procedures for officers of the border service on the issues of identification and referral of victims of trafficking in human beings, victims of sexual and gender-based violence among foreigners detained for illegal crossing of the state border, as well as persons seeking shelter and subsidiary protection;

a manual for teachers has been introduced and is being used: "Training of border guards in the field of combating human trafficking", developed by FRONTEX (in paper and electronic form), etc.

Investigative Committee information

The Investigative Committee pays great attention to improving the professional level of employees, participating in scientific and scientific-practical events on improving the activities of law enforcement and regulatory bodies in the field of combating trafficking in human beings and related crimes.

In 2019 representatives of the Investigative Committee became participants of the following educational programs of the ITC of Ministry of Internal Affairs:

- advanced training "Interaction of competent authorities of the Republic of Belarus in the field of combating human trafficking. Revealing and documenting crimes related to human trafficking, illegal movement of migrants and other related crimes" (25.02-01.03.2019);

- advanced training "Identification and documentation of crimes related to trafficking in human beings for the purpose of labor exploitation" (5-7.06.2019);

Certain issues related to the investigation of crimes of human trafficking and related crimes, domestic violence, as well as those related to the prevention of crimes of this category, assistance to victims of violence and human trafficking were considered within the educational programs of educational institutions of the Russian Federation, in which employees of the Investigative Committee improved their qualifications in exchange order.

Thus at the Institute for Advanced Studies of the St. Petersburg Academy of the Investigative Committee of the Russian Federation, one investigator completed the educational program «Investigation of Crimes Against the Person and Crimes Committed against Minors or Committed by Minors» (11-29.03.2019).

In the branch of the abovementioned educational institution in Rostov-on-Don one head of the investigative unit and one investigator studied advanced training educational program "Investigation of Crimes against the Person" (02-13.12.2019), and in the branch located in Nizhny Novgorod, two investigators improved their qualifications having studied a similar educational program (02-13.12.2019).

In addition representatives of the Investigative Committee as part of the educational process conduct training sessions on the topic under consideration in other educational institutions. For example, within the framework of training events, employees of the central office of the department conducted a number of lectures for 125 representatives of state bodies (advanced training) at the International University "Minsk Institute of Labour and Sosial Relations (MITSO)" (Minsk) on the topic "Trafficking in human beings as a threat to common European security" (19.04.2019, 18.06.2019, 19.08.2019, 28.08.2019 and 10.09.2019), as well as with the 4th year cadets of the investigative and expert faculty of the MIA Academy on the topic “Problematic aspects of the production of certain procedural actions based on the materials of inspections and criminal cases on the production and distribution of pornographic materials on the Internet”(05.12.2019).

Also in 2019 the Investigative Committee organized and carried out the following scientific and practical measures to improve the activities of law enforcement and regulatory bodies, including the sphere of combating trafficking in human beings and related crimes, as well as other crimes of a sexual nature against minors:

- International Scientific and Practical Conference "Formation of an effective criminal policy and an optimal model of pre-trial proceedings – a priority task of legal science and practice" (25-26.04.2019, Minsk);

- International scientific and practical conference "Theoretical and applied issues of the development of pre-trial proceedings in criminal cases at the present stage" (26-27.09.2019, Novopolotsk);

- Republican educational and methodological seminar on ensuring the effective participation of a teacher and a psychologist in pre-trial proceedings in criminal cases (24.10.2019, Minsk);

- International training seminar "Features of pre-trial criminal proceedings with the participation of minors" (21.11.2019, Minsk).

Information about these events is posted in the departmental scientific and practical journal "Preliminary investigation" No. 1 and 2 (2019), on the websites of the said journal and the Investigative Committee.

Also, employees of the Committee took part in the following forums on the topic under consideration:

- training "International practices in ensuring the legitimate interests of victims of trafficking in human beings" (05.02.2019, Minsk);

- national seminar "Development of an effective referral mechanism for vulnerable migrants and victims of trafficking" (14.03.2019, Minsk);

- 19th Conference of the Alliance against Trafficking in Human Beings "The use of technologies in combating human trafficking: from problem to solution" (7-9.04.2019, Vienna, Republic of Austria);

- international Conference on Restorative Justice (15-17.04.2019, Tbilisi, Georgia);

- II International Conference "Restorative Juvenile Justice" (23.05.2019, Minsk);

- international training (simulation exercise) on combating human trafficking along migration flows (16-29.06.2019, Nur-Sultan, Republic of Kazakhstan);

- training seminar “Interaction of the competent authorities of the Republic of Belarus in the field of identifying, documenting and investigating crimes related to human trafficking for the purpose of sexual exploitation of minors on the Internet” (07-10.07.2019, Grodno);

- seminar-training “Protecting a child from violence on the Internet: procedural and social aspects” (01.08.2019, Minsk);

- interdepartmental round table “Prevention of trafficking in children, including on the Internet. Measures taken in Belarus to combat sexual violence against children. New challenges and threats" (26-27.09.2019, Minsk);

- international round table "Strengthening the potential for effective cooperation in combating trafficking in human beings" (26-27.09.2019, Shymkent, Republic of Kazakhstan).

In addition in 2017 and 2019 at the initiative of the NGO "Club of Business Women" the Investigative Committee developed methodologies for examinations of employees of the said public organization, who maintain a hotline on combating trafficking in human beings and related crimes, as well as illegal migration and sexual violence against minors. The corresponding testing programs were used in the activities of the NGO "Club of Business Women".

Supreme Court information

As part of the planned and systematic advanced training judges and employees of the apparatus of courts of general jurisdiction of the Republic of Belarus receive training on prevention and counteraction to human trafficking, gender-based violence, and also participate in thematic events within the framework of international cooperation.

In particular, representatives of the system of courts of general jurisdiction of the Republic of Belarus took part in the following international events:

conference “Access of women victims of violence to justice”, which took place in Strasbourg from 18 to 19 October 2018;

conference "Non-discrimination as one of the basic values of modern society" in Chisinau from 17 to 18 December 2018;

training course on mentoring of the Council of Europe project "Women's Access to Justice – Implementation of the Istanbul Convention and Other European Standards for Gender Equality" in Budapest from 21 to 22 October 2019.

Within the framework of the project “Supporting the Civil Justice Reform and Strengthening the Judicial System”, the Council of Europe has prepared a brochure for justice professionals “Gender Equality and Justice in the Republic of Belarus”, which will be used in training judges in terms of awareness of international legal approaches

and provisions of national legislation on women's rights, including those related to human trafficking.

Ministry of Education information

The educational programs for advanced training of management personnel of educational institutions include the following topics: "Migration legislation of the Republic of Belarus in the field of employment of citizens of the Republic of Belarus abroad and combating trafficking in human beings", "Countering trafficking in human beings", lectures "Socio-economic and labor protection of workers' rights through the conclusion of a collective contract ".

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

Attaching reasonably high importance to protecting the rights and interests of under-age victims of trafficking in human beings, as well as basing on the meaning of international treaties and the Law on combating THB the Ministry of Internal Affairs believes that the use of prostitution of a knowingly under-age[3] (part 2 of Article 171 of the Criminal Code), the involvement of an under-age in prostitution (parts 2 and 3 of Article 171-1 of the Criminal Code), the use of slave labor of a knowingly under-age (part 2 of Article 181-1 of the Criminal Code) and the use of a under-age/minor[4] in pornography (parts 2 and 3 of Article 3431 of the Criminal Code) should be excluded from the abovementioned articles and qualified under Article 181 of the Criminal Code "Trafficking in Human Beings" or separated into an independent corpus delicti, proposed as Article 181-2 "Trafficking in Children". After all, recruiting, transporting, transferring, harboring or receiving an under-age for the purpose of exploitation is considered human trafficking even if it is not associated with the use of any means of influence.

Despite the presence of this principle-norm in the legislation, in Belarus such actions are fragmented under various articles of the Criminal Code (the sanctions of which are often disproportionate to the severity and social danger of trafficking in human beings). The Ministry of Internal Affairs has been initiating issues of amendments and additions to the Criminal Code on the subject of separate criminalization of trafficking in children as any use of a child, regardless of the use of means of influence since 2017. Unfortunately this initiative has not been supported to date.

The body responsible for combating trafficking in human beings within the structure of the Ministry of Internal Affairs is a specialized department – the Chief Department for Drug Control and Combating Trafficking in Human Beings (Chief Department for Combating THB) of the criminal police. The department consists of operational subdivisions of three levels: republican, regional (and Minsk-city) and district.

The Minister of Internal Affairs has been entrusted with the functions of the National Rapporteur which makes it possible to inform international structures promptly about the efforts being made in Belarus to eradicate modern slavery.

Also the Ministry of Internal Affairs coordinates the implementation in Belarus of the National Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings for Rehabilitation (acting within the framework of the Resolution of the Council of Ministers of the Republic of Belarus No. 485), a number of international projects in the field of combating human trafficking.

[3] According to the Criminal Code of Belarus «Under-age» means a child under 18 y.o.
[4] According to the Criminal Code of Belarus «Minor» means a child under 14 y.o.

There are various forms of coordination mechanisms between ministries in the country. These include interdepartmental working groups that are created to solve specific problems, meetings, councils, organizing committees, etc.

The coordinating role in ensuring the protection of the rights and legitimate interests of children belongs to the National Commission on the Children's Rights. In accordance with the Regulation on the National Commission (approved by the Decree of the President of the Republic of Belarus of November 16, 2006 No. 675) it monitors and analyzes the activities of state bodies and other organizations that ensure the protection of the rights and legitimate interests of children, the implementation of state programs to support children and families.

Coordination of the activities of all state bodies involved in the fight against crime (including in combating trafficking in children, child prostitution and child pornography) is carried out by republican and local coordination meetings on the fight against crime and corruption operating under the General Prosecutor's Office of the Republic of Belarus and territorial bodies of the prosecutor's office respectively.

The categories of children at risk are included in legislation and procedures to prevent trafficking in human beings. In development of the provisions of the Law on combating THB numerous normative legal acts have been adopted, which define in detail a comprehensive system of legal and practical measures to prevent trafficking in human beings among children.

It is noted that a system of organs and organizations for the protection of children has been created and is successfully functioning in the Republic of Belarus. This system is multi-level and complex, and is legally regulated.

Under-age children who are victims of trafficking in children, child prostitution and child pornography are subject to a comprehensive mechanism for systematically collecting, analyzing and monitoring data and providing assistance.

The activities of the National Action Plan to improve the situation of children and protect their rights for 2017–2021, approved by the Resolution of the Council of Ministers of the Republic of Belarus of September 22, 2017 No. 710, are being implemented.

The implementation of the activities of the National Plan is carried out by republican government bodies, local executive and administrative bodies with the involvement of scientific and religious organizations, public associations.

The plan implements measures to protect children from violence, human trafficking, and all types of exploitation.

In the context of the issue under consideration, preference is given to the issues of preventing the ill-being of children from various reasons and above all the prevention of family trouble.

Particular attention is also paid to the work on protecting the rights of children left without parental care when transferring them for international adoption.

The legislation of the Republic of Belarus in the field of trafficking in human beings provides for a number of measures to reduce the vulnerability of children to trafficking in human beings and create a protective environment for them:

registration of all children born on the territory of the Republic of Belarus;

access to education and health care;

preventing sexual exploitation of children associated with the tourism industry;

measures to prevent human trafficking and related crimes in the information sphere;

training of specialists working with children.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment[5] for them, including through:

The Ministry of Internal Affairs is taking operational-search and preventive measures aimed at identifying, suppressing and preventing the facts of human trafficking and related crimes.

a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

The Decree of the Ministry of Health of the Republic of Belarus of December 16, 2010 No. 168 "On the establishment of the forms "Medical certificate of birth", "Medical certificate of death (stillbirth)" and approval of instructions on how to fill them out" has established the procedure for issuing a "Medical certificate of birth" as document confirming the birth of a living child.

A medical certificate of birth is issued to persons who, in accordance with legislative acts, are entitled to make an application for registration of birth in accordance with clause 7.3 of the list of administrative procedures carried out by state bodies and other organizations at the request of citizens, approved by Decree of the President of the Republic of Belarus of April 26, 2010 No. 200 "On administrative procedures carried out by state bodies and other organizations upon applications from citizens".

The Code of the Republic of Belarus on Marriage and Family No. 278 of July 9, 1999 (Family Code) (Chapter 19 Registration of Birth) has established the procedure and terms for registration of birth.

Birth registration is carried out in the bodies registering acts of civil status at the place of birth of children or at the place of residence of the parents or one of them.

An application for registration of birth is made by the parents or one of them, and in case of illness, death of the parents, evasion of parents from filing an application or the impossibility for them for other reasons to make a statement – by close relatives of the parents, the custody and guardianship authority, the administration of the health organization in which the mother left the child after birth, or by other persons.

The birth registration application must be made no later than three months from the date of birth of the child, and in the case of the birth of a still child – no later than three days from the date of birth.

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5 The concept of a protective environment, as promoted by UNICEF, has eight key components:
- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

b. raising awareness of THB through education;

In all educational institutions, legal information corners have been drawn up and systematically updated, where materials for students and their parents are posted on the legal status of minors, on the observance of personal safety, on the problems of human trafficking, safe employment abroad, illegal migration, as well as information on the possibility of obtaining psychological, medical, social and legal assistance, memo, helpline numbers, photographs and necessary information about the inspectors for juvenile affairs, details of the Children's Legal Site.

Educational institutions are provided with access to the information and legal search system "ETALON", have electronic and printed legal resources. Work on the study of the Children's legal site "Learn rights, learn, play – all this on mir.pravo.by", "Landmark – legal site" has been organized.

There are links to legal websites of the Republic of Belarus, as well as to departmental websites on the websites of education departments, education divisions of district and city executive committees.

Weeks, decades, months and thematic events on legal and moral education are held every year in educational institutions, speeches are organized for students of law enforcement officers "Work today: truth and fiction", "Work abroad".

The legal status of foreigners in the Republic of Belarus, the procedure for the departure of minors of the Republic of Belarus abroad are discussed during information and classroom hours, trainings on safe travel abroad are organized, talks devoted to counteracting the recruitment of people, search of work abroad and the rights of working migrants are held. During the classroom on the subject of "Social Studies" students consider the rights and obligations of citizens, the system of international relations, the problems of coexistence and interaction of countries and peoples.

In higher education institutions providing training on "Law" public reception offices have been created and operate to provide legal assistance to the population – «legal clinics» the main form of work of which is to provide consultations and provide free information and legal assistance to the population on the current legislation of the Republic Belarus.

In 2019 the Ministry of Internal Affairs, together with the Ministry of Education and the Representative Office of the United Nations Children's Fund (UNICEF) in the Republic of Belarus put into operation the information resource "kids.pomogut.by", which is intended to provide online consultations and useful information on the safe behavior of children on the Internet. It is planned to integrate this resource into the educational process.

c. training professionals working with children.

Investigative Committee information

In 2017 the Investigative Committee in cooperation with the NGO "Club of Business Women" implemented the project "Conducting joint events with the Investigative Committee of the Republic of Belarus to protect the rights and legitimate interests of children who have suffered from sexual violence and child trafficking in the Republic of Belarus" assumed by the US Department of State through the Small

Grants Program of the Information, Education and Cultural Section of the US Embassy in the Republic of Belarus.

Within the framework of this project, five regional seminars and information campaigns were held, as well as a final seminar on the stated topic, which took place on October 19, 2017 on the basis of the central office of the Investigative Committee.

The final event was attended by First Deputy Chairman of the Investigative Committee of the Republic of Belarus, First Secretary of the US Embassy in the Republic of Belarus, and assistants of this embassy.

In order to implement the project an algorithm has been developed to prove the illegal actions of persons involved in child pornography and pedophilia, as well as information materials on the problem of ensuring the safety of children from sexual abuse, including on the Internet – a booklet with Internet Safety Rules for employees of educational institutions and a calendar with Recommendations for parents.

Guidelines on the specifics of detecting and investigating crimes of child pornography, redirecting victims for assistance, protecting their rights and legitimate interests were developed and published as a result of the project (for use by law enforcement officers in their official activities).

Also, the Investigative Committee together with the Representative Office of the United Nations Children's Fund (UNICEF) in Belarus organized and conducted in 2018-2019 training seminars "Counteracting child pornography on the global Internet: legal aspects and technical possibilities" in all regional centers and in Minsk.

The events were attended by representatives of the Investigative Committee, internal affairs bodies and the prosecutor's office. The final training seminar, held on October 22, 2019 in Minsk, was attended by the Chairman of the Investigative Committee of the Republic of Belarus and UNICEF Representative in Belarus.

The program of these training events included not only theoretical issues related to the investigation of criminal cases of child pornography and pedophilia, but also practical exercises using specialized search engines and software products.

The training seminar on the problems of child pornography on the Internet contributed to the improvement of mechanisms for protecting the rights and legitimate interests of children who have suffered from sexual violence, involving them in the production and distribution of child pornography, as well as updating the system of proving crimes of this category, their prevention and suppression.

The experts were the employees of the central office of the Investigative Committee, the Ministry of Internal Affairs, the ITC and a representative of the civil society NGO "Club of Business Women".

On the basis of the central office of the Investigative Committee,on October 24, 2019 a republican interdepartmental educational and methodological seminar was held on the issues of ensuring the effective participation of a teacher and a psychologist in pre-trial proceedings in criminal cases.

Psychologists from educational institutions and socio-pedagogical centers were invited to participate in the seminar besides the investigators of the Investigative Committee. Leading Belarusian legal scholars and psychologists, representatives of the Ministry of Education, the Ministry of Labor and Social Protection, and the State Committee for Forensic Expertise spoke to the assembled audience. Thanks to this

format of the meeting, the participants of the event received the opportunity to discuss the existing problems of law enforcement practice and possible ways to solve them in a working environment.

During the seminar the issues of organizing work with juvenile participants in criminal proceedings were highlighted, foreign experience in psychological support of minors at the stage of preliminary investigation and the organization of interaction between educational institutions and law enforcement agencies, etc were discussed.

One of the topics of discussion was the initiative of the Investigative Committee to amend the legislation regulating the procedure for involving a teacher and a psychologist in criminal proceedings. In this regard, the dialogue with representatives of the Ministry of Education and the leadership of the Republican Center for Psychological Assistance, created this year, has become very productive.

Employees of the Investigative Committee are regular participants in the educational programs of the MIA ITC. For example in 2019 – the first half of 2020, representatives of the department became participants in the following projects of the specified training center, dedicated to the training of specialists working with children:

seminar-meeting "Topical issues of identifying and documenting crimes against sexual inviolability of minors" (19.02.2019);

advanced training "Combating trafficking in human beings for the purpose of sexual exploitation of children and violence against children on the Internet" (10-13.09.2019);

interdepartmental training "Protecting children from sexual exploitation and countering the spread of pornography on the Internet" with a presentation on the topic "An integrated approach to training specialists in combating human trafficking" (11.02.2020 and 25.02.2020, Minsk).

The UNICEF office and the educational institution “Institute for Retraining and Advanced Training of Judges, Prosecutors, Courts and Justice Institutions of the Belarusian State University” developed and implemented on the basis of the latter a training course for investigators specializing in the investigation of criminal cases of crimes committed by juvenile and against juvenile. The advanced training program provides for the consideration of a number of issues related to the investigation of crimes of pedophilia and sexual violence against minors. In 2019 50 employees of the Investigative Committee passed out training on the specified educational program.

The Investigative Committee employees also took part in the preparation and review of the methodological manual “Specificity of protection of minors who have suffered from sexual crimes, including those related to human trafficking”, the development of which was initiated by the Representative Office of the International Organization for Migration in the Republic of Belarus (hereinafter – IOM). The developer took into account the comments and additions in full.

General Prosecutor's Office information

For the purpose of training through the IOM Office in the Republic of Belarus in October 2019 employees of the General Prosecutor's Office took part in the regional dialogue "Protection of the rights of the child in the context of return and reintegration" held in Kiev. In February 2020 they took part in a round table on the topic "Protecting

and ensuring the safety of children on the Internet", held in Chisinau with the support of the international technical assistance project "Strengthening the national referral mechanism for victims of trafficking in Belarus". In February 2020, employees of the General Prosecutor's Office delivered lectures at trainings for members of interdisciplinary working groups responsible for identification, reintegration and rehabilitation of victims of trafficking on the topic "Protecting children from sexual exploitation and countering the spread of pornography on the Internet."

Ministry of Health Information

The following events were organized and carried out:

- 7 regional round tables were held in regional centers and the city of Minsk in order to provide expert and methodological support for the activities of interdepartmental councils for the prevention of child injuries at the national and regional levels (224 specialists from various departments of the Republic of Belarus took part);

- 6 regional round tables were held on the issues of development of algorithms and the dissemination of experience of interagency interaction in the provision of medical, psychological, pedagogical and social assistance to adolescents who practice risky behavior. (210 specialists from various departments in the Republic of Belarus took part);

- 13 3-day seminars were held on the basis of the Republican Scientific and Practical Center “Mother and Child” in order to improve the knowledge and skills of doctors, nurses and psychologists in counseling adolescents at risk on healthy lifestyles, cessation smoking, drug use, alcohol and other risky behaviors that lead to trauma. (265 medical workers were trained);

- 7 regional training seminars were held in Minsk to train doctors and nurses on interagency cooperation in helping adolescents who practice risky behavior. (119 medical workers were trained);

In order to improve the provision of multidisciplinary assistance to adolescents who survived crisis situations a seminar was organized and conducted to train specialists of the adolescent-friendly centers on issues of suicidal behavior of adolescents.

A two-day republican training seminar was held on the topic “Mental health, psychological state of adolescents. Prevention of bullying, suicidal behavior of adolescents, including on the Internet, Internet safety".

Educational information on the forms and methods of helping children with suicidal tendencies is included in the training, retraining, and advanced training programs for specialists working with children. Such information is posted on the National Education Portal.

Currently there are 10 model centers for training parents to create conditions for the safe living of children organized on the basis of healthcare organizations of the Republic of Belarus (Healthcare Institution "Clinical Maternity Hospital of Minsk Region, State Institution "Republican Scientific and Practical Center "Mother and Child", obstetric institutions in Vitebsk, Molodechno, Borisov, Soligorsk, Gomel, Grodno, Brest, Minsk).

In 2019 14326 people were trained in model centers of the Republic of Belarus, of which: pregnant women – 9.1%, parents of children under 3 years old – 31.1%, medical workers – 59.3%, employees of educational institutions – 0,5 %. In addition active work is carried out to reduce the rates of child injuries and deaths as a result of manageable causes, not only within the framework of the model centers, but also at the interdepartmental, regional and national levels of the Republic of Belarus, including work to increase the level of knowledge and skills of specialists, and public awareness of injuries.

In 2019 regional round tables were held on the topic "Issues of interdepartmental interaction and the work of councils for the prevention of child injuries at the national and regional levels in the Republic of Belarus". They were attended by pediatricians, traumatologists and orthopedists, heads (employees) of health care institutions responsible for the work of centers friendly to adolescents, specialists of the health and education committees, employees of educational institutions, specialists from the traffic police departments of the Minsk city Chief Department of Internal Affairs, the Ministry of Emergencies of Belarus, OSVOD organizations of the Water Rescue Society. A total number of people took part in the round tables is 240.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

To verify and establish the age of the alleged human trafficking victim, whose age is not determined, a judicial medical examination may be assigned while conducting a check and criminal proceeding.

Establishing age at different periods of life is based on assessing the severity of the signs of evolution and involution of the organism. Assessment of signs in the forensic medical examination of age requires knowledge from a wide variety of medical specialties and biomedical disciplines: pediatrics, endocrinology, radiology, dentistry and many others. Therefore, experts with such knowledge are involved in the age determination examination.

Among the studied signs, one can conditionally distinguish anthroposcopic, anthropometric, dental, and radiological.

To determine the biological age of a child an assessment of the development of such traits that reflect new qualitative signs during the process of biological maturation or have a high degree of correlation with biological maturation is used. The simplest markers of biological age of adolescent children may be signs or stages of puberty.

According to Article 2 of the Law on combating THB, the legislation of the Republic of Belarus on combating human trafficking consists of acts of legislation of the Republic of Belarus, including international treaties of the Republic of Belarus. If an international treaty establishes other rules than those contained in this Law, then the rules of the international treaty are applied.

In accordance with the Law of the Republic of Belarus of July 12, 2013 No. 40 “On the accession of the Republic of Belarus to the Council of Europe Convention on Combating Trafficking in Human Beings” Belarus joined the said Convention, thus the Convention became part of the legislation of the Republic of Belarus.

Part 3 of Article 10 “Identification of victims” of the Convention provides:

«Whent the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age».

Thus a victim of human trafficking whose age is not determined, can be considered a child if there are other reasons to consider him as such.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests[6] are duly taken into consideration, in particular when it comes to:

A system of bodies and organizations for the protection of children has been created and is successfully functioning in the Republic of Belarus. This system is multi-level, complex and legally regulated.

In the context of the issue under consideration preference is given to the issues of prevention of children ill-being for various reasons and the prevention of family trouble above all.

The legislation of the Republic of Belarus in the field of trafficking in human beings provides for a number of measures to reduce the vulnerability of children to human trafficking and create a protective environment for them:

registration of all children born on the territory of the Republic of Belarus;

access to education and health care;

prevention of sexual exploitation of children, including one associated with the tourism industry;

measures to prevent human trafficking and related crimes in the information sphere;

training of specialists working with children and other measures.

In the period of 2012 – 2016. Belarus has implemented the National Action Plan for the Improvement of the Situation of Children and the Protection of Their Rights for 2012-2016. (hereinafter referred to as the National Plan). The results of its implementation as well as the recommendations of the Committee on the Rights of the Child, were taken into account when developing the National Plan for 2017-2021. The activities of the National Plan are aimed at creating the most favorable conditions for children, strengthening their health, developing healthy lifestyle skills, improving the quality of life of children, promoting a positive image of a modern family, motherhood and fatherhood, etc., as well as further improving legislation and law enforcement practice, assistance in the implementation of international obligations in the field of ensuring the protection of the rights and legitimate interests of the child. Financing of the activities of the National Plan is carried out within the limits of funds allocated to government bodies, local executive and administrative bodies from the republican and local budgets, as well as other sources not prohibited by law. The Ministry of Education coordinates the implementation of the National Plan. Its implementation is monitored by the National Commission on the Rights of the Child.

6 “The best interests of the child” means that any situation should be looked at from the child’s own perspective, seeking to take the child’s views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

In order to implement the National Plan fully and effectively a reporting mechanism is envisaged according to which the main executors of the plan's activities send information to the Ministry of Education which submits a final report to the Council of Ministers of the Republic of Belarus on time (annually by March 20).

Guarantees to protect the rights of children affected by human trafficking are gratuitous and comprehensive:

- a system of state institutions has been created in which victims of human trafficking are provided with a place for 24-hour stay and meals. Children under three years old can be placed in health care organizations and children at the age of three to eighteen years – in social and educational centers for up to six months or in centers for the protection of victims of trafficking in human beings and providing them with assistance;
- legal assistance is provided;
- medical assistance is provided;
- psychological assistance is provided in the form of psychological counseling, psychological correction, psychological prevention;
- parents (relatives) of under-age victims and the location of the child's family are established. In the absence of a family, they can be placed in foster families or in children's boarding institutions.

In addition, the families of victims of trafficking in human beings may also receive assistance from centers for the protection of victims of trafficking in human beings, territorial centers of social services to the population in conjunction with local executive and administrative bodies in "crisis" rooms or in the premises of other organizations.

a. identification of child victims of trafficking;

The identification of children who have suffered from exploitation is carried out within the framework of the National Mechanism for the Identification and Referral of Victims of Trafficking in human beings for Rehabilitation, fixed in the Regulation on the Procedure for Identifying Victims of Trafficking in human beings, the procedure for filling out and the form of the questionnaire of a person who may have suffered from trafficking in human beings or related crimes, the procedure providing the information contained in it" (approved by the Resolution of the Council of Ministers No. 485).

b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
c. locating the child's family;

In accordance with Art. 20 of the Law on combating THB social protection and rehabilitation of human trafficking victims includes the location of the family of the under-age victims or placing them in foster families or in absence of such an opportunity in children's boarding institutions.

The protection of the rights and legitimate interests of children under the age of fourteen is carried out by their legal representatives.

In accordance with article 32 of the Civil Code guardianship is established over minors, as well as over people recognized by the court as incapable due to mental disorder (mental illness or dementia). Guardians are representatives of the wards by virtue of the law (legal representatives) and make all necessary transactions on their behalf and in their interests.

According to Article 34 of the Civil Code, guardians are appointed in the manner prescribed by law, and act in defense of the rights and interests of their wards in relations with any persons and organizations, including in courts, without special powers.

The procedure for appointing a legal guardian, organization or body that will act in the best interests of minors (including issues regarding the purposes of establishing guardianship, determining the bodies establishing guardianship, the procedure for appointing a guardian, requirements for persons who can be appointed as guardians, the procedure and the conditions for the fulfillment by guardians of their duties, the grounds for the release or removal of guardians from the performance of their duties) is determined in accordance with the Family Code (Chapter 14 Custody and Guardianship) and Resolution of the Council of Ministers of the Republic of Belarus No. 637 of May 20, 2006. "On approval of the Regulations on the procedure for organizing work on the establishment and implementation of custody (guardianship) over under-age children".

In accordance with Art. 116 of the Family Code protection of the rights and interests of children in cases of death of parents, deprivation of their parental rights, restriction of parental rights, recognition as incapacitated, illness, prolonged absence, evasion of raising children or protecting their rights and interests, including refusal to take their children from educational, medical and prophylactic institutions, institutions of social protection of the population and other similar institutions, as well as in other cases of lack of parental care, is assigned to the custody and guardianship authorities. The custody and guardianship authorities identify children left without parental care, keep records of them and, basing on the specific circumstances of the loss of parental care choose the form of placement of these children, and also exercise subsequent control over the conditions of their maintenance, upbringing and education.

Guardianship (custody) over orphans and children left without parental care is established for the upbringing, protection of personal and property rights and legal interests of children by decision of the custody and guardianship body (local executive and administrative body) at the place of residence (location) of the child (children) subject to guardianship (custody), or at the place of residence of the candidate for guardians (custodian) if it corresponds to the interests of the ward.

Children left without parental care are subject to foster care (adoption), custody, guardianship, foster family), and in the absence of such an opportunity – to state and non-state children's boarding institutions for foster care.

In accordance with article 151 of the Family Code a guardian can be appointed only with his consent. A guardian must be appointed no later than one month from the moment when the custody and guardianship authorities became aware of the need to establish custody or guardianship. One guardian can be appointed to several wards, if their interests do not conflict. Individuals who are not married to each other cannot be

appointed guardians of the same ward. Based on the decision of the custody and guardianship body on the appointment of a person as a guardian he is issued a certificate for the right to represent the interests of the ward, the procedure for issuing which is determined by the Government of the Republic of Belarus.

According to Article 152 of the Family Code when choosing a guardian his personal qualities, the ability to perform the duties of a guardian, the relationship existing between him, his family members and a person in need of guardianship, as well as, if possible, the desire of the ward, must be taken into account.

Guardians in accordance with Article 153 of the Family Code may be adults of both sexes, as well as under-age children who have acquired full legal capacity in accordance with the law, with the exception of:

1) persons recognized by the court as incapable or partially incapacitated;

2) persons who cannot exercise the rights and fulfill the duties of a guardian for health reasons;

3) persons deprived of parental rights by a court;

4) former adoptive parents if the adoption was canceled due to improper performance by the adoptive parent of his duties;

5) persons removed from the duties of a guardian for improper performance of the duties assigned to them;

6) persons with an outstanding or unexpunged conviction for intentional crimes as well as persons convicted of intentional grave and especially grave crimes against a person;

7) persons whose children were found to be in need of state protection because of non-fulfillment or improper fulfillment by these persons of their responsibilities for the upbringing and maintenance of children in accordance with part 1 of article 85-1 of the Family Code.

The list of diseases in the presence of which persons cannot be guardians and custodians is established by the Ministry of Health of the Republic of Belarus.

When several persons wish to become guardians (custodians) of the same ward the preferential right is granted to the ward's relatives, subject to the mandatory compliance with the requirements of Articles 152 and 153 of the Family Code as well as the interests of the ward.

The legislation provides that in the temporary absence of parents, it is not necessary to do this if the child is being raised by relatives. When father and mother are absent for a long period – more than six months, then custody or guardianship is established if this is in the interests of the children.

When placing a child left without parental care his ethnic origin, belonging to a particular religion and culture, native language, the possibility of ensuring continuity in upbringing and education, family ties must be taken into account.

Particular attention is paid to the legislative regulation of the issues of protecting the rights of children left without parental care, when transferring them for international adoption in order to exclude the possibility of trafficking in children. National legislation guarantees effective protection of the rights of children transferred for adoption to foreign citizens.

To consider the issue of international adoption of a particular child, candidates for adoptive parents must prepare the following documents:

- an application of intention to adopt a child in the form established by law, addressed to the regional court at the place of residence (location) of the child, and in Minsk – to the Minsk city court. The application must indicate the last name, first name, patronymic, date of birth, place of residence (location) of this child and circumstances justifying the request of candidates for adoptive parents for international adoption of this child. Also the application indicates the surname, first name, patronymic, which should be assigned to the child after international adoption, as well as whether the date and place of birth of the child should be changed within the limits established by the legislation of the Republic of Belarus;
- a copy of the identity document;
- a copy of the marriage certificate or another document replacing it in case of international adoption of a child by a married couple;
- medical certificates on the state of health of candidates for adoptive parents;
- a certificate of the place of work, service and position held by candidates for adoptive parents;
- a certificate of the amount of salary (monetary allowance) of candidates for adoptive parents or a copy of the income statement or other document on income for the year preceding the international adoption;
- a copy of the document confirming the right to use the living quarters by the candidates for adoptive parents or the ownership of the living quarters;
- written permission of the relevant competent authority of the state of residence of the candidate for adoptive parents for entry and permanent residence of the adopted child (except in cases of international adoption of the child by the stepfather (stepmother));
- written permission from the competent authority of the state in whose territory the candidates for adoptive parents permanently reside for the international adoption of a child;
- written permission of the competent authority of the state of which the child is a citizen, and, if it is required in accordance with the legislation of a foreign state, the child's consent to international adoption in case of international adoption of a child who is a foreign citizen residing in the territory of the Republic of Belarus;
- a document-conclusion of the relevant competent authorities (organizations) of the state of residence of candidates for adoptive parents on the social and psychological readiness of candidates for adoptive parents to fulfill the responsibilities of raising children, the availability of necessary housing conditions and the ability of candidates for adoptive parents to properly raise and provide materially for the adopted child;
- a document from the relevant competent authorities (organizations) of the state of residence of candidates for adoptive parents on their absence of a criminal record;
- a document of the competent authorities (organizations) of the state of residence of candidates for adoptive parents, containing information about whether they were deprived of parental rights or were limited in them, whether they were recognized as incapacitated or partially capable, whether they were removed from the duties of a guardian, curator for improper performance of their duties, whether adoption

was canceled earlier in relation to them, whether the children of candidates for adoptive parents were recognized as in need of state protection;

- a document-guarantee of the competent authority (organization) of the state of residence of candidates for adoptive parents on the submission of information to the National Center for Adoption about the living conditions and upbringing of an adopted child annually for five years after his international adoption by candidates for adoptive parents (except for cases of international adoption by the stepfather (stepmother) of the child);

- copies of documents confirming the relationship between the candidates for adoptive parents and the child in case of international adoption of the child by his relatives;

- written consent of the mother (father) for the adoption of the child by the spouse in the prescribed form in case of international adoption of the child by the stepfather (stepmother);

- a copy of the child's birth certificate in case of international adoption of a child by a stepfather (stepmother);

- a document confirming that the child does not have one of the parents (copies of a death certificate or a court decision to deprive a parent of parental rights, to declare a parent incapacitated, missing, to declare the parent dead, or a document confirming the record of information about the parent, a copy of the parent's statement of consent to international adoption of a child if the parent abandons the child) when the child is adopted by a stepfather (stepmother);

- written consent of the child for international adoption, if he has reached the age of ten, certified in accordance with the established procedure, in case of international adoption of the child by the stepfather (stepmother);

- a medical certificate on the state of health of the adopted child in case of international adoption of a child by a stepfather (stepmother).

These documents (copies of documents) must be properly certified by the organizations issuing them, or certified by a notary, and also legalized in the prescribed manner, unless otherwise provided by international treaties of the Republic of Belarus, and translated into Russian (Belarusian) language.

The translation of these documents can be certified in accordance with the established procedure in the country of residence of candidates for adoptive parents, in a diplomatic mission or consular office of the Republic of Belarus, or notarized in the Republic of Belarus.

The signatures of candidates for adoptive parents must be certified by a notary, the signature of the adopted child – by a notary, or by a diplomatic mission or consular office of the Republic of Belarus, or by an official of the guardianship and trusteeship body.

Medical certificates on the state of health of candidates for adoptive parents, as well as on the state of health of the adopted child (in case of international adoption of the child by the stepfather (stepmother)) are recognized as valid for one year from the date of their preparation (issue).

The diplomatic mission or consular office of the Republic of Belarus sends the submitted documents, duly executed, by the nearest diplomatic mail through the

Ministry of Foreign Affairs of the Republic of Belarus to the National Center for Adoption.

The National Center for Adoption, on the basis of documents submitted by candidates for adoptive parents, as well as by the district (city) administration (department) of education of the local executive and administrative body (hereinafter – the department of education) at the place of residence (location) of the child, prepares an opinion on the expediency of an international adoption of a child (in case of international adoption of a child by relatives or stepfather (stepmother)) and receives a written permission from the Minister of Education of the Republic of Belarus for this international adoption.

In case of obtaining a written permission from the Minister of Education of the Republic of Belarus for international adoption, the National Adoption Center, within 5 days, notifies the candidates for adoptive parents of the need to pay the state fee for considering the application in court and submitting a receipt.

Within 3 days from the date of submission of a receipt for payment of the state fee the National Adoption Center sends documents on international adoption to the appropriate regional court, and in Minsk to the Minsk City Court for consideration and decision.

In accordance with the current legislation, prior to making a decision on international adoption the candidates for adoptive parents are required to visit the relevant department of education at the place of residence (location) of the child personally to conduct an interview with a representative of the custody and guardianship authority and communicate with the child in the presence of a representative of the custody and guardianship authority; take part in the court session; get a decision on international adoption; pick up the child from his place of residence (location) after receiving the decision on international adoption.

The international adoption of a child, established by a court decision, is subject to mandatory registration with the civil registry authority. On the basis of the record of the act on international adoption, appropriate changes are made to the record of the act on the birth of the child and the adoptive parents are issued an adoption certificate, as well as a new birth certificate of the adopted child. Certificates of adoption and birth of an adopted child are legalized at the Ministry of Foreign Affairs of the Republic of Belarus.

Thus, cooperation in the field of international adoption is carried out only with states whose competent state bodies, in accordance with the established procedure, have agreed on the procedure for international adoption with the Republic of Belarus and guaranteed mandatory control over the living conditions and upbringing of children in the families of foreign adoptive parents.

The decision to send the case on international adoption for consideration to the court is taken personally by the Minister of Education of the Republic of Belarus.

The National Center for Adoption, as well as consular offices and diplomatic missions of the Republic of Belarus, exercise control over the living conditions and upbringing of children in the families of foreign adoptive parents until their majority.

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

The guarantees of the rights and interests of child victims of human trafficking in the course of their identification are observed within the framework of the Resolution of the Council of Ministers of the Republic of Belarus No. 485. The same Resolution provides for measures to ensure confidentiality of the identification data of victims of trafficking in human beings. The responsible body for compliance with these measures is the Ministry of Internal Affairs. Acting in the interests of children's safety, information about them is strictly limited from entering the media or unauthorized persons.

Competent professionals should ensure that information about a victim is not shared with family members, the local community, or the media.

Disclosure of information about the victim is possible only with the written consent of the victim of trafficking in human beings or her representative (if any), except for cases of their participation in the criminal process.

At the same time, the media does not have the right to disclose information in disseminated messages and materials that directly or indirectly indicates the identity of the victim of human trafficking, without her consent, and in relation to the child victim – without the consent of the child himself, his legal representative, as well as the guardianship and guardianship authorities.

In addition, measures to improve the situation of child victims of exploitation and sexual abuse and their protection were initiated by the Ministry of Internal Affairs in the new Program to Combat Crime and Corruption for 2020-2022, as well as in the action plan to protect minors from sexual abuse and exploitation for 2020 – 2022 developed by the Ministry of Internal Affairs and approved by the Government in 2020.

e. access to appropriate and secure accommodation, education and health care;

Ministry of Health information

The availability of medical care is guaranteed by the Law of the Republic of Belarus "On Health Care" of June 20, 2008 No. 363. Article 4. ensures the rights of citizens of the Republic of Belarus to affordable medical care and Article 14. provides for basis of organization of medical care.

The Decree of the Ministry of Health of the Republic of Belarus of November 2, 2005 No. 44 "On the procedure for informing the population about the provision of medical care in health care organizations and on the procedure for referral to receive medical care", approved the Instructions on the procedure for referring patients to receive medical care in a health care organization.

Implementing the constructive position of the Republic of Belarus in the field of combating trafficking in human beings the Ministry of Health is actively involved in

solving the problems of medical psychological rehabilitation of victims of trafficking in human beings.

At present, all medical and diagnostic capabilities of healthcare organizations of the Republic of Belarus are involved in this direction and they are fully ready to provide medical services to people who have the status of victims of trafficking in human beings.

Within the framework of the Law on combating THB and in order to protect and rehabilitate victims of trafficking in human beings, to provide them with medical assistance, the Resolution of the Ministry of Health of the Republic of Belarus of April 28, 2012 No. 41 «On establishing a list of necessary medical services provided by state healthcare organizations, including in stationary conditions, to victims of human trafficking, regardless of their place of permanent residence».

The list includes:

1. Diagnostic services (clinical, instrumental and laboratory research methods, methods of radiation diagnostics) with the prescription of district doctors, general practitioners and specialist doctors.

2. Treatment on an outpatient and inpatient basis for acute and exacerbation of chronic diseases, as well as home treatment in cases of impossibility of the patient's attendance at an appointment or posing a threat to the health and life of the patient himself or others.

3. Carrying out preventive vaccinations according to epidemic indications.

4. Psychiatric examination.

5. Mental health care:

diagnosis and treatment of mental disorders (diseases);

medical rehabilitation.

6. Ambulance (emergency) medical aid.

In accordance with the Law of the Republic of Belarus "On the provision of psychological assistance" (Article 17) psychological assistance is provided free of charge or on a reimbursable basis.

The provision of psychological assistance on a gratuitous basis is provided by state healthcare organizations to people at their place of residence (place of stay) or to patients when providing free medical care on the basis of state minimum social standards in the field of healthcare.

Patients, depending on their state of health, medical indications and medical contraindications, receive medical assistance in the following forms:

emergency;

planned medical care.

For children under the age of 3 years, rehabilitation is provided in the children's homes of the Ministry of Health.

The presence of psychiatrists-narcologists, doctors-psychotherapists and psychologists in health care organizations makes it possible to provide comprehensive assistance in a multidisciplinary form by a team of specialists.

Among the tasks of healthcare organizations providing medical care to children is the protection of the rights and legitimate interests of minors, early detection of family problems, abuse in the family, factors that threaten the health and life of

children, the provision of medical and social assistance to children in a socially dangerous situation, in accordance with requirements of regulatory documents and timely informing of interested services and departments.

In healthcare organizations, in accordance with the established procedure, there is a round-the-clock reception and maintenance of minors left without parental care who need state protection to undergo a medical examination before being placed in a state institution.

Along with medical assistance, assistance is actively provided within the framework of interdepartmental plans to protect the rights and legitimate interests of minors recognized as in need of state protection.

Ministry of Education information

The legislation of the Republic of Belarus provides that social assistance to children who have suffered from human trafficking is carried out by social and educational institutions. There are 140 social and pedagogical centers (hereinafter – SPC) in the country, 103 of which are with a structural unit of a children's social shelter.

SPCs carry out social and pedagogical rehabilitation of children between the ages of three and eighteen who find themselves in a difficult life situation. The admission of minors to children's social shelters is carried out around the clock. Foster children of the children's social shelter are given the right to be provided with free food, clothing, footwear and other essential items from the moment of admission in accordance with the norms established by the legislation of the Republic of Belarus.

All conditions have been created for the unhindered education of children of this category at all levels of the educational process and in its various forms.

f. issuing residence permits for child victims of trafficking;

The issue of issuing a temporary residence permit in the Republic of Belarus for under-age victims of human trafficking is resolved in a general manner in accordance with the Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" and the Law of the Republic of Belarus "On Combating Trafficking in Human Beings" (described in the answer to questions 39-41).

g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

In accordance with the Resolution of the Council of Ministers No. 485, when identifying a person who could have suffered from trafficking in human beings or related crimes, the state bodies that identify victims of trafficking in human beings:

- find out whether a person (regardless of age) needs the services of an interpreter and provide such services if necessary;

- find out whether a person requires the participation of his legal representative, and provide such participation if necessary.

According to Article 20 of the Law on combating THB, social protection and rehabilitation of victims of trafficking in human beings is carried out free of charge and includes legal assistance (including clarification of their rights and obligations under the legislation of the Republic of Belarus), including free legal assistance provided by the bar associations. Legal assistance to victims of trafficking in human beings under the age of fourteen is provided to their legal representatives.

By virtue of Part 3 of Article 44 of the Criminal Code, the conviction of a person who has committed a crime is the basis for recovering from him both property damage, income obtained by criminal means, and material compensation for moral damage.

According to Part 1 of Article 149 of the Criminal Procedure Code, an individual who has suffered harm from a crime, or their representatives have the right to bring a civil claim against the accused or persons who are financially responsible for his actions, from the moment a criminal case is initiated until the end of the judicial investigation. Part 5 of this provision provides that a person who has not filed a civil claim in a criminal proceeding has the right to bring it in a civil procedure.

The plaintiff upon filing a civil claim in a criminal proceeding is exempt from paying the state fee.

h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

The IOM office in the Republic of Belarus implements the Program for Assisting Voluntary Return and Reintegration, including for particularly vulnerable foreigners, such as victims of human trafficking and/or unaccompanied minors, persons in need of medical assistance (described in detail in the answer to question № 45).

As part of the implementation of this program in 2019, a Protocol of Intent on Cooperation was signed between the Ministry of Internal Affairs of the Republic of Belarus, the State Border Committee of the Republic of Belarus and the Representative Office of the International Organization for Migration in the Republic of Belarus in the field of facilitating the voluntary return of foreigners to the country of origin or permanent residence, in which it is recognized that the return of persons must be carried out with respect for their human dignity and human rights, and in the event of the return of minors, in compliance with the principle of the best interests of the child, guided by the UN Convention on the Rights of the Child, adopted on November 20, 1989.

As part of the implementation of the program, the MOM representative office at the stage of departure of a foreigner from the territory of the Republic of Belarus provides him/her with support if necessary, especially in cases involving unaccompanied minors.

i. special protection measures for children.

In accordance with Article 27 of the Law "On the Rights of Child" every child has the right to protection of his honor and dignity, protected by the Constitution of the

Republic of Belarus. According to Article 4 of the Law "On the Rights of Child" the state protects life of a child from any illegal encroachments.

In accordance with Art.184 of the Family Code all the children have the right to health protection and free medical assistance from the State. They are under dispensary supervision in state health care institutions.

In accordance with Art. 5 of the Law "On the Rights of Child" every child has an inalienable right to protection and promotion of health. The state creates appropriate conditions for the mother to protect her health in the prenatal and postnatal periods, ensures the healthy development of the child, provides children with free medical care, including medical diagnostics, treatment and prophylactic care, rehabilitation and sanatorium treatment. Children are provided with medicines and medications according to the prescriptions of the physicians free of charge in the manner prescribed by the legislation of the Republic of Belarus.

In accordance with Article 9 of the Law on the Rights of the Child, every child has the right to protection of his or her personality from any kind of exploitation and violence. The state ensures the inviolability of the child's personality, protects him from all types of exploitation, including sexual exploitation, from physical and (or) mental violence, cruel, rough or abusive treatment, sexual harassment, including from parents or persons substituting for them and relatives, from involvement in criminal activities, exposure to alcoholic beverages, non-medical use of narcotic, toxic, psychotropic and other potent, intoxicating substances, coercion into prostitution, begging, gambling or the commission of actions related to the production of materials or objects of a pornographic nature.

In accordance with Article 9 of the Law on the Rights of the Child persons who become aware of the facts of cruel treatment, physical and (or) mental violence against a child, posing a threat to his health and development, must immediately report this to the competent state body.

Art. 186 of the Family Code establishes a provision according to which all children have the right to receive free general secondary and vocational education in state educational institutions, to choose an educational institution and receive education.

Currently, within the framework of the implementation of the Decree of the President of the Republic of Belarus of November 24, 2006 No. 18 "On additional measures for state protection of children in disadvantaged families", the Council of Ministers of the Republic of Belarus has adopted a resolution of January 15, 2019 No. 22 "On recognizing children as being in socially dangerous situation" and developed guidelines for interagency interaction between government agencies, government and other organizations in identifying an unfavorable situation for children, conducting a social investigation, organizing work with families where children are found to be in a socially dangerous situation, approved by the Ministry of Education of the Republic of Belarus dated 01.10. 2019. A consistent logical scheme of actions of prevention actors to protect the rights and legitimate interests of children has been built.

Information on all the identified signs of family trouble, including the systematic failure to comply with the recommendations of medical workers on the diagnosis, treatment and (or) medical rehabilitation of the child (children), which may result in a

threat to the life and health of the child, is sent by health organizations to the custody and guardianship authorities to initiate a social investigation.

In case of confirmation of the deliberate improper fulfillment by the parents of their responsibilities for the upbringing and maintenance of children, measures are taken to protect the rights and legitimate interests of the child in accordance with the requirements of regulatory legal acts.

The facts of illegal taking of children abroad are revealed on the basis of any reliable information coming from the competent state bodies, persons' appeals, information in the media, etc.

The peculiarities of the departure of under-age children from the Republic of Belarus are regulated by the norms of the Law of the Republic of Belarus "On the procedure for leaving the Republic of Belarus and entry into the Republic of Belarus of citizens of the Republic of Belarus" as well as by the departmental instructions of the Ministry of Internal Affairs, the State Customs Committee, the State Border Committee of the Republic of Belarus.

So if one of the parents travels with their child abroad then one of the following documents confirming the status of the legal representative of this child must be presented when passing the border control:

passport containing a mark about children;

child's birth certificate;

certificate of adoption;

a copy of the decision of the custody and guardianship authority on the establishment of custody or guardianship over an under-age child and the appointment of a person as a custodian or guardian of an under-age child, etc.

If the second parent is against the child's departure abroad he can apply to the court with a corresponding statement. The court may make a decision to change the procedure for the child's departure abroad. Information on the new procedure for the child's departure (if it is limited) is entered into the data bank on persons whose right to leave the Republic of Belarus is temporarily limited.

If a child travels abroad not with his parents but accompanied by third parties, for example with a grandmother, grandfather, accompanied by a class teacher, then as a general rule the child or the person accompanying him presents the written consent of both parents to the border control officer.

The written consent of the parent(s) to leave the Republic of Belarus must be certified:

- by a notary;
- or by another official entitled to perform such a notarial act;
- either by an official of the division for citizenship and migration of the internal affairs body of the Republic of Belarus at the place of residence of the legal representative or an under-age child;
- either by a competent authority or an official of a foreign state.

Written consent in such a situation is also possible from one parent if it is impossible to obtain the consent of both parents (for example, when the other parent has been deprived of parental rights, died).

In addition to written consent a document is also required confirming the reason for the impossibility of obtaining consent from the second parent:

- a copy of the court decision to deprive the other parent of parental rights;
- certificate that another parent is wanted by the police;
- a copy of the death certificate;
- a copy of a certificate from the registry office stating that the record of the child's father was made at the direction of the unmarried mother.

The notarized consent of the parents when the child is taken out by third parties must contain information on the country where the departure is carried out, if the departure covers several countries each country must be listed, the period of departure of the child abroad and the period of stay abroad, the period of stay in each country, the purpose of departure, in particular, medical treatment, tourism, recreation, vacations, visiting relatives, participation in competitions, etc. other data.

Regardless of who the child travels with he must have a passport of a citizen of the Republic of Belarus. The presence of a passport upon departure is mandatory for children of any age (3 months, 5 years, 13 years, etc.).

The activity on the procedure for the departure of under-age citizens of the Republic of Belarus for international rehabilitation within the framework of humanitarian programs provided by foreign states, international organizations and individuals is regulated by the Decree of the President of the Republic of Belarus of 18.02.2004 No. 98 "On the organization of rehabilitation abroad, carried out on the basis of foreign gratuitous assistance".

Under-age children freely travel to foreign countries with which appropriate agreements have been reached or international treaties have been concluded that guarantee not only the conditions for the temporary stay of children outside the Republic of Belarus, but also their timely return to the Republic of Belarus.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

The legislation of the Republic of Belarus provides for a special procedure for considering applications for the granting of refugee status, subsidiary protection or asylum in the Republic of Belarus to unaccompanied minor foreigners including their immediate transfer to the custody and guardianship authorities which ensures the protection of their rights and legitimate interests. There were no cases of identification of victims of THB among unaccompanied minor foreigners. The Ministry of Internal Affairs does not have information on cases of involuntary return of children who have become victims of human trafficking.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Ministry of Education information

A wide range of legislative and practical measures are being implemented to ensure control over children living in disadvantaged families. Recognition of children

as being in a socially dangerous situation in need of state protection creates legal grounds for constant monitoring of such families and helps to protect children from attempts by disadvantaged parents to involve their children into the sphere of human trafficking.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

Ministry of Internal Affairs and the General Prosecutor's Office information

In law enforcement practice there were cases of different assessment of evidence in the qualification of criminal activity by the preliminary investigation and prosecutor's office on the one hand and the court on the other.

The work conducted in 2017-2018 has pointed to new challenges and threats in the field of labor exploitation, which were previously overlooked due to high latency. The spread of organized begging was noted as the main one. The peculiarities of this relatively new form of exploitation for Belarus often entail ambiguity in the practice of investigating and considering by the courts crimes related to organized begging.

For example: In June 2018 in the city of Mogilev, the criminal activity of a representative of the "Roma" ethnic group from the Gomel region was suppressed. The man having no constant source of income for selfish motives under the pretext of performing construction and household work recruited and exported residents of his region (a total of 8 people) in a difficult financial situation to other regions of Belarus, forcing them to engage in begging under his control. A number of criminal cases have been initiated against him under paragraphs 1, 2, 3 part 2 Art. 181 (recruitment, transportation and harboring of a person for the purpose of exploitation, committed by deception and the use of violence that is not dangerous to the life and health of the victim and with the threat of such violence (trafficking in human beings), committed against two or more persons, with the threat of violence, dangerous to the life and health of the victim, out of selfish motives), paragraphs 2 and 6 part 2 Art. 181-1 (use of another form of human exploitation in the absence of signs of a crime under Article 181 of the Criminal Code, committed against two or more persons by a person who has previously committed a crime under Article 181 of the Criminal Code), part 1 of Art. 208 (extortion) of the Criminal Code, which, however, were re-qualified in court under Article 185 of the Criminal Code "Compulsion" (not related to human trafficking). The perpetrator was sentenced to 3 years in prison with a fine.

In November 2017 a criminal case was initiated against a spouses who are Roma diaspora representatives living in the city of Zhodino, Minsk region. Since 2015 the spouses through the use of deception, violence and threats of violence, as well as false promissory notes, had been forcing the resident of the Minsk region who is inclined to abuse alcohol to the gratuitous performance of household work, as well as begging in the city of Zhodino and the city of Minsk, using these activities for personal enrichment. It is noteworthy that the exploited woman categorically refused to recognize herself as a victim. A criminal case was initiated under Part 2 of Article 181-1 of the Criminal Code of the Republic of Belarus. During the operational support of the criminal case another victim of the trafficker was identified who was an epileptic disabled person

and was also used for forced begging during 2017, after which he was sold to representatives of the Roma diaspora from another region for a similar purpose. As a result of the preliminary investigation, the criminal case was dropped.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

The Republic of Belarus is actively studying the experience of other states in terms of bringing national legislation in line with the provisions of the Convention, including in terms of inclusion of the concept of "abuse of a position of vulnerability" in it. At the same time the Belarusian criminal legal system uses its own established legal language and in case of its distortion the structure of legal norms and a normative legal act as a whole, as well as its compliance with the rest of the legislation may be violated.

In the criminal legislation of Belarus the abuse of a position of vulnerability as a qualifying sign of trafficking in human beings has clearly defined, concretized forms, which excludes an ambiguous interpretation of the provisions of the Convention under consideration. These qualifying signs include illegal actions committed by a person using his official powers (paragraph 5 of part 2 of Article 181 of the Criminal Code, against a woman who is known for the guilty to be pregnant (paragraph 7 of part 2 of Article 181 of the Criminal Code), with taking a person out of the state (paragraph 8 of part 2 of Article 181 of the Criminal Code), against a knowingly under-age[7], regardless of the use of any of the means of influence specified in part 1 of Article 181 of the Criminal Code (paragraph 9 of Part 2 of Article 181 of the Criminal Code), or against a knowingly minor[8] (part 3 of Article 181 of the Criminal Code).

It should be noted that trafficking in human beings committed against a knowingly under-age or minor, regardless of the use of any of the means of influence specified in Part 1 of Art. 181 of the Criminal Code, entails criminal liability under paragraph 9 of part 2 of Art. 181 of the Criminal Code or part 3 of Art. 181 of the Criminal Code, respectively.

The form of the "vulnerable position" was also partially reflected in the norms of the Criminal Code that criminalize crimes related to human trafficking – the use of slave labor (Article 181-1), kidnapping for the purpose of exploitation (paragraph 4 of Part 2 of Article 182 of the Criminal Code).

In accordance with the footnote to article 181 of the Criminal Code, exploitation in this article, as well as in articles 181-1, 182 and 187 of the Criminal Code means illegal coercion of a person to work or provide services (including sexual acts, surrogate motherhood, fence a person's organs and (or) tissues) in the event that he cannot refuse to perform work (services) for reasons beyond his control, including slavery or customs similar to slavery.

In addition the commission of a crime against a knowingly minor, elderly or a person who is in a helpless state (paragraph 2 of part 1 of article 64 of the Criminal Code), or the commission of a crime against a person who is financially, professionally

[7] According to the Criminal Code of Belarus «Under-age» means a child under 18 y.o.
[8] According to the Criminal Code of Belarus «Minor» means a child under 14 y.o.

or otherwise dependents on the perpetrator (paragraph . 6 h. 1 article 64 of the Criminal Code) are circumstances aggravating responsibility and are taken into account when determining the measure of responsibility of the perpetrator.

As one of the latest examples we can cite the criminal activities of 2 residents of Novopolotsk, who in the period 2015-2018 acting out of selfish motives transferred their young daughters to a resident of Minsk for sexual exploitation. The latter similarly handed over one of these young girls for sexual exploitation to an Iraqi citizen. As a result, the perpetrators were convicted under Part 3 of Article 181 of the Criminal Code (on the basis of a minor) to 20 years in prison under a high security regime.

In January 2018 a resident of the Minsk region was detained. The man had been forcing an unemployed fellow countryman to work free of charge at his personal plot for 2 years with the use of violence and threats and also had been holding him there chaining. In case of the exploited person's escape, the perpetrator sought him out and returned to slave labor through physical violence and threats (including the use of firearms), as well as abductions (by forcibly moving him in the trunk of his car). A number of criminal cases were initiated under parts 1, 2 of Article 181-1 and paragraph 4 of Part 2 of Article 182 of the Criminal Code, the perpetrator was sentenced to 6 years in prison with confiscation of property and a fine.

In November 2017 two residents of Vitebsk acting in a group of persons by prior conspiracy, during their acquaintance in a nightclub persuaded to drink alcohol and then deceived (under the pretext of bringing them home)and put two local residents in their car, after which they were forcibly taken away to the territory of Russia for the purpose of transportation to an unidentified destination (that is, they were abducted) for sexual exploitation, but were detained during the transportation of the victims. The perpetrators were convicted under paragraph 4 of part 2 of Article 182 of the Criminal Code to 7 years in prison.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

In cases when forced marriage or illegal adoption was a way of getting a person for the purpose of his exploitation such acts constitute a crime stipulated by Article 181 of the Criminal Code (human trafficking).

In addition, Art. 177-1 of the Criminal Code provides for liability for actions on the selection and transfer of children for adoption (adoption) on behalf of or in the interests of persons wishing to adopt (adopt) them, carried out by a person not authorized to do so by the legislation of the Republic of Belarus, committed within a year after the imposition of an administrative penalties for the same violation, as well as persuading this person to consent to the adoption (adoption) of children for mercenary motives.

A case of using fictitious marriages to transport women abroad for exploitation was identified in 2014. A native of Minsk, who has Australian citizenship, in 2005 entered into a fictitious marriage with a citizen of Belarus, took her to Australia, where she was involved in prostitution in brothels in Melbourne. In the period of 2013-2014

being in Minsk he picked up three more Belarusian girls for prostitution. Originally, the Australian was a pimp in Minsk. Later he entered into a fictitious marriage with one of the girls to export her to Australia. Two of his accomplices were to come from Australia to conclude similar fictitious marriages with two other girls.

In addition to human trafficking, the defendant was engaged in drug trafficking with accomplices from Belarus. In November 2014 during their arrest more than 250 grams of cocaine and almost 18 kilograms of hashish were seized from them for a total of about USD 1,000,000. The drug trafficker was sentenced in Belarus to nine and a half years in prison.

Also, a case of illegal adoption for the purpose of exploitation was revealed in 2016 in the Vitebsk region, when a resident of the Polotsk district in the period of 2012-2016 carried out the export of a minor to Italy, acting together with an unidentified group of persons by prior conspiracy out of mercenary motives by deception for the purpose of transportation and transfer for exploitation for material compensation.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

According to the legislation of Belarus, forced begging is considered one of the forms of labor exploitation, based on the concept of exploitation, defined in the footnote to Article 181 of the Criminal Code.

In Belarus cases of the use of children in begging by their parents were recorded, however, these actions were qualified by the investigating authorities under Article 173 of the Criminal Code (as involving a minor in antisocial behavior, namely, begging). There were no cases when children were trafficked for compulsory begging during the analyzed period in judicial practice.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

One of the ways to commit human trafficking according to disposition of Article 181 of the Criminal Code is recruitment, which means hiring, recruiting for any kind of work, attraction to any activities, including those prohibited by law. In connection with the above use of criminal activity as a target of trafficking in human beings in accordance with the legislation of the Republic of Belarus can be considered as a target of human trafficking.

It should also be noted that in accordance with the provisions of Parts 4, 5 and 7 of Article 16 of the Criminal Code, the person who organized the commission of the crime or led it, as well as the person who persuaded another person to commit the crime, is liable under the same article of the Criminal Code as person who committed a crime. In such circumstances, the trafficker may be held liable for a combination of crimes, for human trafficking and for a crime the victim of human trafficking was forced to commit.

There were no such examples in judicial practice.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

The Chief Department for Combating THB conducts intradepartmental assessments and analyzes of measures taken to combat human trafficking. The results of such assessments make it possible to predict the development of the situation in the field of combating human trafficking, to pay attention to certain or new forms of exploitation, as well as existing problematic issues in the implementation of interaction.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

Ministry of the Internal Affairs information

Support and funding of research in the field of combating trafficking in human beings is carried out within the framework of the ITA project “Strengthening the national referral mechanism for victims of trafficking in human beings in the Republic of Belarus” implemented jointly with the IOM Office.

In addition in 2017-2018 the teaching staff of the educational institution "Academy of the Ministry of Internal Affairs of the Republic of Belarus" carried out 3 research projects in the field of human trafficking: "Features of the manifestation of certain types of crime on the territory of the CIS member states and their prevention in modern conditions”, “Operational and investigative support of criminal cases initiated on the facts of illegal drug trafficking and human trafficking”, “International cooperation of the Republic of Belarus in combating illegal trafficking in drugs and their precursors, illegal migration, human trafficking”. The results of the research are published in 10 scientific studies.

The Department of Constitutional and International Law of the Academy of the Ministry of Internal Affairs conducts research work on the topic "International cooperation of the Republic of Belarus in countering modern challenges and threats in the field of law and order" (in accordance with the Prospective plan of research activities of the MIA Academy of Belarus for 2016-2020). In the course of this study, the following stage was carried out: “International cooperation of the Republic of Belarus in countering the illegal circulation of narcotic drugs, psychotropic substances, their analogue precursors, illegal migration, human trafficking”. The results of this study have been introduced into the activities of the Standing Commission on National Security of the House of Representatives of the National Assembly of the Republic of Belarus (lower House of Parliament), and also into the practical activities of the internal affairs bodies of the Republic of Belarus.

In addition the academic staff of the Academy periodically publishes the results of scientific research on the designated topic in various sources. Since 2014 about 64 scientific publications have been made.

Investigative Committee information

An example of the latest research in the field of combating trafficking in human beings and related crimes is the 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 criminal proceedings in a friendly environment” (hereinafter – Project), implemented in 2019. It confirms the close cooperation between the Investigative Committee and the NGO "Club of Business Women" (a representative of civil society) in countering sexual violence against minors. The project was carried out with the financial support of the Small Grants Program of the US Embassy in Belarus.

The project provides for a study of the effectiveness of the use of child-friendly interview rooms created in the Republic of Belarus for the purpose of conducting investigative and other procedural actions, including sound and video recording of the child's testimony during the preliminary investigation for further use in the criminal process, as well as providing reintegration assistance. The relevance of the chosen topic is due to the recommendations of GRETA, adopted at the 21st meeting of the Committee of the Parties.

A study of 24 child-friendly interrogation rooms and a questioning of 758 employees of the Investigative Committee (investigators and their principals) were carried out, which made it possible to obtain the most reliable information about the activities of the interrogation rooms, friendly to children, the need to create new such rooms, their equipment, problems of the functioning of such premises.

Within the framework of this project, from September to October 2019, the Investigative Committee organized and conducted five regional round tables in regional centers “Increasing the efficiency of using child-friendly interview rooms in pre-trial proceedings”. The final seminar was held on November 12, 2019 at the central office of the Investigative Committee, attended by the Deputy Chairman of the Investigative Committee of the Republic of Belarus and the Charge d'Affaires of the United States in Belarus.

The participants in these events were employees of the Investigative Committee, the State Committee for Forensic Expertise, the internal affairs bodies and the prosecutor's office, judges, representatives of educational institutions and public organizations.

The experts were employees of the central office of the Investigative Committee, the ITC, representatives of civil society – NGO "Club of Business Women", Minsk City Public Association for the Prevention of Cruelty to Children "Children are not for violence" and the Bar (Brest Bar Association).

The implementation of the project contributed to the improvement of mechanisms for the protection of the rights and legitimate interests of children who have suffered from sexual violence, involvement in the production and distribution of child pornography, updating the system of proving crimes of this category, their prevention and suppression, as well as improving the quality of interaction between investigators and employees of internal affairs bodies, authorities, the prosecutor's office for criminal cases of this category with other interested parties.

Basing on the results of the study an algorithm was developed for the interaction of law enforcement agencies, non-governmental public organizations and other

interested parties in identifying the facts of sexual violence against minors and (or) involvement in child pornography. Recommendations for law enforcement agencies and other interested parties have been developed and published to improve the efficiency of using child-friendly interview rooms.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

In order to prevent human trafficking and labor exploitation by providing opportunities for legal migration, the Republic of Belarus is constantly improving legislation in the field of external labor migration. Thus, proposals were made to the National Center for Legislation and Legal Research on amendments and additions to the Law of the Republic of Belarus "On External Labor Migration" dealing with:

exemption of employers from the obligation to issue special permits for the right to engage in labor activity in the Republic of Belarus in relation to foreigners who are students;

providing family members of immigrant workers with equal guarantees and opportunities to stimulate their entry with subsequent residence in the territory of the Republic of Belarus;

adjusting the rights and obligations of employers of the Republic of Belarus and migrant workers;

granting immigrant workers the right to join the employer's trade unions, regardless of whether this is provided for by the employer's statutes;

adjustments to the term "foreign employer", in terms of the mandatory indication that it is prohibited to employ citizens of the Republic of Belarus with employers who are not direct;

revising the obligations of licensees, including in terms of strengthening responsibility for providing inaccurate information about the future employer and the nature of work;

introduction of a qualification exam for applicants for a license to carry out activities related to employment outside the Republic of Belarus, to confirm the knowledge of the requirements of regulatory legal acts regulating employment outside the Republic of Belarus.

In general, information on the policy of the Republic of Belarus in the field of external labor migration was sent earlier as part of the preparation of the report on the implementation of the GRETA recommendations (in October 2019).

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;
b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;
c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

In the Republic of Belarus, the legal regulation of transplantation of human organs and tissues is carried out within the framework of the Law of the Republic of Belarus dated March 4, 1997 No. 28 "On transplantation of human organs and tissues" (with amendments and additions introduced by the Laws of the Republic of Belarus dated 09.01.2007 N 207, dated 13.07.2012 N 407, dated 01.01.2015 N 232, dated 18.06.2019 N 199).

The provisions of the Law are aimed at improving public relations in the field of transplantation of human organs and tissues, protecting the life and health of people.

Thus according to the part 1 of Article 5 of the aforementioned Law transplantation can be performed only when it is impossible to save the patient's life or restore his health by other methods of providing medical care, and is carried out in accordance with the conclusion about the need for transplantation and on the basis of clinical protocols approved by the Ministry of Health.

The collection of organs for transplantation from a living donor is permitted under the following conditions:

a written warning of the living donor by the doctor in charge of the state health organization about a possible deterioration in his health in connection with the collection of organs for transplantation;

a voluntary consent of the living donor to organ collection expressed in writing and certified by a notary;

medical examination of the living donor and the presence of a conclusion of the medical and consulting commission of the state health organization on the possibility of collecting organs from him for transplantation;

mandatory written notification by the state health organization of the Ministry of Internal Affairs of the upcoming organ collection for transplantation from a living donor;

The collection of bone marrow, hematopoietic stem cells from a minor who has not acquired full legal capacity is carried out with the written consent of his legal representative, certified by a notary, and the custody and guardianship authority. With a written or oral objection from a minor the collection of bone marrow, hematopoietic stem cells is not allowed.

From a living donor for transplantation, only one of the paired organs, a fragment of an unpaired organ, tissue, the absence of which does not cause irreversible processes in the body, can be taken.

Forcing a person to consent to the collection of organs from him is prohibited.

Living donors cannot be:

• persons who are not the spouse or relatives of the recipient (except for the cases of bone marrow collection, hematopoietic stem cells, cross transplantation);

• minors (except for cases of bone marrow, hematopoietic stem cells);

• persons recognized as legally incapable, as well as persons suffering from mental disorders (diseases);

• persons who have been diagnosed with diseases that are dangerous to the life and health of the recipient;

• pregnant women;

• orphans and children left without parental care.

A living donor has the right to receive complete and objective information about his health status and the consequences that may occur in connection with the organ donation before organ donation.

Consent to organ collection can be revoked at any time, except for cases when specialist doctors have already started organ collection and its termination or return to its original state is impossible or associated with a threat to the life or health of a living donor, in the manner prescribed by law.

A living donor after organ collection from him has the right to:

receiving compensation for expenses related to the need to restore his health in connection with organ collection. The procedure for issuing and the amount of this compensation is determined by the Council of Ministers of the Republic of Belarus (Resolution of the Council of Ministers of the Republic of Belarus dated July 16, 2007 No. 904 as amended on December 23, 2008 No. 2010);

receiving temporary disability benefits in the amount of 100 percent of earnings for the period of incapacity for work due to organ collection.

The disability of a living donor due to organ harvesting is equated to disability due to an industrial accident or occupational disease.

Also, a number of issues in this area are regulated by the resolutions of the Ministry of Health of the Republic of Belarus:

- Resolution dated January 4, 2010 No. 2 “On approval of the Instruction on the procedure for the collection of organs and (or) tissues from a deceased donor from the moment of death”;

- Resolution dated August 29, 2012 No. 134 "On some issues of transplantation of human organs and tissues";

- Resolution dated March 18, 2013 No. 19 "On approval of the Instruction on the procedure for creating and maintaining the Unified Transplant Register";

- Resolution dated December 29, 2012 No. 216 "On approval of the Instruction on the procedure for medical examination of living donors".

The Criminal Code of the Republic of Belarus provides for liability for violation of the procedure for carrying out transplantation (article 164 of the Criminal Code) and illegal removal of organs or tissues from a deceased donor (article 348 of the Criminal Code).

The state body responsible for the supervision and control of medical care, the recovery of donors and recipients, as well as the management and control over the list of organs awaiting transplantation is the Ministry of Health of the Republic of Belarus. In accordance with article 10-2. (Unified Register of Transplantation) of the Law of the Republic of Belarus "On the Transplantation of Human Organs and Tissues" in order to monitor the use of human organs and (or) tissues, as well as to provide prompt medical care to persons in need of transplantation, a Unified Transplant Register has been created since 2012. The procedure for creating and maintaining the Unified Transplant Register is determined by the Council of Ministers of the Republic of Belarus.

The Unified Transplant Registry includes information:

about the persons who received the transplant;

about persons who in accordance with the procedure established by the Law declared their disagreement with the collection of organs for transplantation after death;

about persons whose organs have been collected.

Regarding measures to prevent trafficking in human beings for the purpose of the removal of organs this aspect is included in the general awareness-raising activities carried out by the Ministry of Internal Affairs and the Ministry of Health.

There was only one case of trafficking in human beings for the removal of organs in Belarus in 2010 (described in the answer to question 52).

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

a. educational programmes;
b. information campaigns and involvement of the media;
c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
d. involvement of the private sector.

Ministry of Internal Affairs information

One of the most important strategic directions in the prevention of trafficking in human beings is information and educational work. It is carried out by informing the population about the problem of human trafficking, the risks associated with illegal employment abroad, through the organization and holding of conferences, seminars, as well as the mass media.

In order to raise awareness of the population about dangerous situations in which potential victims of trafficking in human beings may find themselves, measures taken by the state to protect people from illegal actions, responsibility for trafficking in human beings and the spread of prostitution, specialists of adolescent-friendly and socio-pedagogical centers conduct lectures, training sessions, talks, round tables, thematic sessions at the Social Worker Schools and at club meetings.

The centers have information stands, corners containing recommendations on personal safety, indicating the required telephone numbers of state institutions, public organizations, which can be contacted in a difficult life situation.

Informing the public, especially young people, occupies one of the key places in solving the problem of human trafficking. Hotlines for safe travel abroad are functioning throughout Belarus. The country's TV channels broadcast videos with social advertising on safe travel and stay abroad, safe behavior on the Internet, and prevention of sexual abuse of children. In the building of the "Minsk-Passenger" railway station, as well as in the carriages of the Minsk metro advertising and informational materials about the work of the infoline "113" – a "hot line" for combating human trafficking and related acts are posted.

The state bodies of the Republic of Belarus with the assistance of international and non-governmental organizations publish a wide list of booklets, brochures and memos containing recommendations on safe travel abroad, indicating the contact numbers of Belarusian diplomatic missions and foreign non-governmental

organizations providing assistance to victims of trafficking in human beings. These materials are primarily distributed among the citizens of Belarus planning trips abroad. Information materials on combating human trafficking and safe employment outside the country are regularly posted and updated at the stands in the citizenship and migration departments of the internal affairs bodies, both on their own and with the support of public associations.

The Citizenship and Migration page of the Ministry of Internal Affairs website constantly updates information about licensees and licensing of activities related to employment outside the Republic of Belarus, collection and dissemination (including on the Internet) of information about individuals for the purpose of meeting them.

At all airports of the republic, there is a system of continuous information for passengers using audio and video equipment about the rules for safe employment abroad.

On the website of the Ministry of Internal Affairs of Belarus on the Internet (www.mvd.gov.by) the relevant section contains an information and analytical review of the measures taken in the republic to combat trafficking in human beings with statistical and other useful information, the information is quarterly renewed.

The Belarusian media pays serious attention to the problem. The materials highlight the work of law enforcement agencies to detain criminals, as well as the activities of rehabilitation institutions that provide assistance to people caught in the traffickers' networks and subjected to exploitation or violence. On television in the inter-program blocks of TV channels "Belarus-1", "Belarus-2", "NTV-Belarus", "ONT", "STV", "RTR-Belarus" and other regional TV channels social videos devoted to the problems human trafficking and related acts are regularly on the air.

The leading republican state print media also publish thematic publications.

Within the framework of the international technical assistance projects implemented by the Ministry of Internal Affairs together with the Representative Office of the International Organization for Migration in the Republic of Belarus (hereinafter – IOM) visual campaigning and production of printed and video products on the issues of human trafficking, sexual abuse of children and safe travel abroad (social videos, booklets, leaflets, brochures, etc.) are renewed on a regular basis.

In order to draw public attention to the problem of sexual abuse of children and the existence of a toll-free hotline "8 801 201 5555" on ensuring the safety of children from sexual assault, the Ministry of Internal Affairs, in cooperation with the IOM, prepared a video with a social advertisement entitled "Prevention of sexual abuse and exploitation of children" and "Child safety on the Internet". The broadcast of these videos was carried out on the air of central and regional television and radio companies in 2018-2019.

In addition the Ministry of Internal Affairs together with the IOM Office in the Republic of Belarus (with the financial support of international donors) within the framework of the ITA project "Strengthening the National Referral Mechanism for Victims of Trafficking in Human Beings in the Republic of Belarus" an information campaign entitled "Teach Children to See Lies" was carried out in July-October 2019 with an outdoor social advertisement aimed at informing the population about the problems of sexual violence and exploitation of children.

A presentation of the work and possibilities of the second branch of the site with the network address "kids.pomogut.by" intended for the prevention and prevention of crimes against the sexual inviolability of minors, was held in 2019, as well as its launch into operation. In December 2019 an employee of the Chief Department for Combating THB took part in a live broadcast of the «Goodmorning, Belarus» TV program which highlighted the work of the kids.pomogut.by branch and drew public attention to it.

The work on the creation of the branch was carried out by the GUNiPTL Chief Department for Combating THB in conjunction with the UN Children's Fund (UNICEF) in Belarus with financial support from the Ministry of Foreign Affairs of the Republic of Poland with the involvement of specialists from limited liability company «BelHard Development» and the Ministry of Education. It is also planned to integrate this resource into the educational process.

In cooperation with the United Nations Development Program Office in the Republic of Belarus billboards were placed in places of concentration of persons engaged in prostitution, as well as the production of thematic videos on the risks of becoming victims of human trafficking.

Ministry of Labor and Social Protection information

Information materials on the safe employment of people outside the Republic of Belarus, including information from the MIA Department of Citizenship and Migration on problems of human trafficking, the telephone numbers of hot lines, information on the most common recruitment channels, statistical data are put on the stands of city and regional executive committees and territorial centers of social services in order to inform the population.

Every year the specialists of centers of social services develop and update information booklets on the problems of human trafficking, safe employment outside the Republic of Belarus and safe travel.

For example in 2019 booklets, memos, brochures were developed for distribution among the population: “Problems of human trafficking in the Republic of Belarus”, “Hotline on safe travel abroad, we will not advise you badly”, “No to human trafficking!”, “Going abroad – call”, “Your ticket home”, “21st century – the problem of slavery and human trafficking”, “Make sure that your work abroad is not a roulette”, “When looking for a job abroad, you can easily fall into slavery networks...”, “What is human trafficking?”, “Combating human trafficking in the Republic of Belarus”, “Looking for a job? Caution!”, “Human trafficking or how not to become a victim”, “Before it's too late”. These information materials contain information about helplines and contact details of institutions and organizations that can provide comprehensive rehabilitation assistance to victims of human trafficking.

Among the recipients of social services in the centers of social services informational brochures provided by the public association "Gender Perspectives" are distributed: the "La Strada" program, "Human trafficking", "Going to work abroad?"

Issues on the prevention of human trafficking are covered within the framework of club activities of the centers of social services, including explanatory work with orphans and children left without parental care.

Ministry of Health information

Training courses (seminars, workshops, trainings) for workers in the field of social protection, education, health care, internal affairs, jurisprudence on the implementation of gender policy are conducted. Specialists of health care institutions participate in holding a permanent seminar for teachers of educational institutions "Formation of behavioral norms of students – the basis of health". Seminars for employees of outpatient clinics were held on the algorithm for alertness actions and actions in the presence of signs of domestic violence and THB.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

Ministry of Internal Affairs information

Measures to prevent trafficking in human beings for the purpose of forced labor or services through employment agencies (licensees) initiated by the Ministry of Internal Affairs are set out above in the answer to question 20. Also in 2019 a number of round tables were organized and held with licensees to clarify the legislation regarding the direction of Belarusian citizens to work abroad, answers to their questions.

Ministry of Labor and Social Protection information

The Department of State Labor Inspection of the Ministry of Labor and Social Protection of the Republic of Belarus, whose tasks are to monitor compliance with labor legislation and labor protection, as well as to identify and suppress violations of labor legislation and labor protection, in its activities interacts with specially authorized state bodies supervision and control, republican government bodies, other state organizations subordinated to the Government of the Republic of Belarus, local executive and administrative bodies, the Investigative Committee of the Republic of Belarus, the State Committee for Forensic Expertise of the Republic of Belarus, prosecutors, trade unions.

In order to regulate the activities of employment agencies since January 1, 2017 the provision of services to assist in the employment of citizens on the territory of the Republic of Belarus may be carried out by legal entities and individual entrepreneurs included in the Register of Employment Agencies (hereinafter – the Register).

The provision of employment assistance services by legal entities and individual entrepreneurs not included in the Register is prohibited.

The Register is formed and maintained by the Ministry of Labor and Social Protection of the Republic of Belarus.

For reference. As for June 1, 2020, 181 agencies are included in the Register and operate, 108 of which are legal entities and 73 are individual entrepreneurs.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

a. identification of possible victims of THB in the context of border control;
b. identification of possible perpetrators of THB offences;
c. gathering of first-line information from victims and perpetrators;
d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

In accordance with Article 27 of the Law of the Republic of Belarus of July 21, 2008 No. 419 "On the State Border of the Republic of Belarus", the border service authorities on an ongoing basis carry out at checkpoints control activities in relation to persons falling under the existing risk profiles of potential victims of human trafficking.

For reference:

Control activities for this category of persons include:

- verification of documents, during which the officer of the border service pays attention to the marks in the passports (setting data, age, marital status, the presence of dependent children, registration address, number of border crossings, direction of departure, number of days of stay in foreign countries, the presence of marks of refusal to enter third countries and other marks of interest);

- a brief survey of a person crossing the state border (purpose and frequency of departures, route of travel, information regarding jointly following persons, availability of return tickets, planned type of activity during the period of stay in the territory of a foreign state).

In future when a potential victim of human trafficking is identified by an employee of the border control unit, subsequent verification activities (in the form of an interview) are carried out by an employee of the operational units of the border service.

The obtained operatively significant information about possible facts of involvement of persons in illegal activities related to human trafficking, as well as to persons possibly involved in the organization of this type of activity, within the framework of organized interaction, is sent to the anti-trafficking units of the internal affairs bodies.

Officers of the border service also carry out at checkpoints a set of measures aimed at increasing the awarenessof citizens of the Republic of Belarus and foreign citizens on the issue of trafficking in human beings and related illegal acts.

For reference:

at the National Airport "Minsk" video materials are shown, warning persons on their way to departure from the Republic of Belarus about the risks associated with possible involvement in labor, sexual and other types of exploitation during their stay on the territory of foreign states;

informing is organized and carried out on an ongoing basis to persons traveling through checkpoints and falling under the risk profile regarding the line of conduct during their stay on the territory of foreign countries in case of becoming dependent on third parties with the provision of contact numbers in order to seek help;

explanatory work is carried out with persons contacting the State Border Committee on hotlines on issues of traveling abroad (hot line).

In addition to organizational and preventive measures, the border service authorities within their competence carry out operational-search measures aimed at preventing, detecting and suppressing crimes related to human trafficking (in accordance with the Law of the Republic of Belarus dated July 15, 2015 No. 307 "On the operational-search activity").

At the same time, at present, there are problematic issues of identifying potential victims of trafficking in human beings in the context of border control, the main one of which is the establishment of psychological contact with a potential victim of trafficking in human beings (especially those who have been subjected to sexual exploitation).

This circumstance is due to the fact that the victims of this illegal activity, having arrived in the country of citizenship, based on a number of psychological factors, are not ready to "open up" to a law enforcement representative, refusing to conduct a dialogue and thereby provide information about the fact of involvement in various types of exploitation, and also provide information regarding persons who have involved and use various forms of exploitation of the victim.

In these cases, due to the stressful state of the potential victim and his/her desire to return to the place of residence (comfort zone) as soon as possible, the person is informed about the subsequent possibility of contacting law enforcement agencies, other state bodies and non-governmental organizations in order to start the identification procedure.

In 2019-2020 officers of the border service carried out at checkpoints work to identify in the passenger traffic persons deported from the territory of foreign states, transferred by border authorities from the territory of neighboring states, returning to the territory of Belarus on certificates of return in order to identify potential victims of trafficking in human beings among them, notably women between the ages of 18 and 35.

Basing on the results of the measures taken information was sent to the internal affairs bodies regarding 62 persons of this category, identified when crossing the state border.

In addition in 2019-2020 within the framework of organized interaction the following information was sent to the Chief Department on Combating THB of the Ministry of Internal Affairs for operational use and further verification activities:

- about persons who may be labor migrants involved in the "sex industry" on the territory of foreign states and the Republic of Belarus – 22 persons (citizens of the Republic of Belarus);

- on persons who may be recruiters of citizens of the Republic of Belarus for their involvement in the "sex industry" on the territory of foreign states and Belarus – 4 persons (citizen of the Republic of Belarus (3) and the Republic of Iraq (1));

- about persons who are possibly consumers of sexual services on the territory of the Republic of Belarus – 2 persons (citizen of the Islamic Republic of Iran and the Republic of Iraq).

Also on the initiative of the border service an exchange of information was organized with the Citizenship and Migration Divisions of the Internal Affairs Departments of the regional executive committees and the Chief Internal Affairs Department of the Minsk City Executive Committee regarding foreign citizens arriving to Belarus to carry out labor activities in order to identify potential victims of human trafficking among them.

In 2019-2020 in the course of joint activities with the internal affairs bodies one criminal case was initiated on the grounds of a crime under Part 1 of Art. 14 (Abortive crime) and part 3 of Art. 181 (Human trafficking) of the Criminal Code against one person.

For reference:

As a result of joint operational and search activities of the Chief Departmant on Combating THB of the Ministry of Internal Affairs and the Department of Operational Activities of the Border Control Unit "Minsk" on June 4, 2019, the investigating authorities initiated a criminal case under Part 1 of Art. 14 and part 3 of Art. 181 of the Criminal Code against a citizen of the Republic of Belarus born in 1978, who through instant messengers and various electronic mailboxes, which were in sole use, deliberately, acting out of mercenary motives, offered two young girls born in 2011 and 2013 for sexual exploitation, for which he posted and send various files containing images of pornographic and erotic content, obviously minors.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

In pursuance of the appeal of the Assembly of the International Civil Aviation Organization (Resolution A40-15) to the ICAO Member States on combating human trafficking as well as paragraphs 8.47 and 8.48 of Annex 9 to the Convention on the International Civil Aviation Organization Guidelines for identifying victims of trafficking in persons and Guidance on cabin crew training in detecting and responding to human trafficking (Circular 352) prepared by the MIA Chief Department on Combating THB were distributed on May 26, 2020 to enterprises and aviation organizations of civil aviation (public corporation Belavia Air Company, republican unitary enterprise “National Airport Minsk”, state enterprise “Belaeronavigation”, close corporation “BySky”) by the Aviation Department of the Ministry of Transport and Communications of the Republic of Belarus for the use in daily activities.

If necessary training on combating human trafficking can be organized with the involvement of employees of the Ministry of Internal Affairs as experts to highlight the most pressing issues on the specified topic.

The ICAO Aviation Security Training Center has been established and operates since July 2015 at the “National Airport Minsk”. On August 3, 2020 the management of the Aviation Department agreed and approved the Curriculum of the training courses "Aviation Safety for Flight Crew Members of Passenger Aircraft", which provides for the study of special activities (profiling) by the students for organizing passenger’s observation, study of his behavior, study of documents, as well as a survey in order to

identify suspicious persons in the passenger traffic, to whom additional control measures are applied in the interests of safety, including in order to identify victims of human trafficking.

For reference: The profiling procedures used in civil aviation are provided for by the National Program for the Protection of Civil Aviation from Acts of Unlawful Interference, approved by the Government of the Republic of Belarus.

The personnel of airports and aircraft who come into direct contact with passengers have knowledge of direct and indirect signs of human trafficking, if they are detected the appropriate law enforcement agencies should be notified in a timely manner.

Also as part of the implementation of measures to combat crime and corruption for 2017-2019 and 2020-2022 video materials of social advertising on combating human trafficking and printed information materials on the problems of trafficking in persons were posted on the relevant stands at railway stations.

In general the work to study legislation in the field of combating trafficking in persons has been organized and is being carried out in the system of the Ministry of Transport and Communications.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Within the implementation of the international technical assistance project "Improving the efficiency of protecting the green and water state border between the Republic of Belarus and Ukraine (SURKAP-2)" and in order to develop and improve the process of information exchange on countering manifestations of cross-border crime, on December 14, 2016 a Protocol was signed between the State Border Committee of the Republic of Belarus and the Administration of the State Border Service of Ukraine on the pilot contact point "Pinsk-Zhitomir".

One of the tasks solved within the framework of this project is the exchange of information about illegal migrants detained in border controlled areas and checkpoints on the Belarusian-Ukrainian section of the state border, including about signs of detection of transnational human trafficking.

In addition at present within the preparation process for the World Ice Hockey Championship in Minsk in 2021 an agreement has been reached on the organization and functioning of the contact points "Daugavpils-Polotsk" and "Riga-Minsk" (air traffic). In the course of their functioning it is envisaged to solve the problem of timely exchange of information between the relevant units of the Belarusian and Latvian sides on the issues of taking measures to combat cross-border threats.

At the same time, we would like to inform you that for the current period of time there have been no examples of using the channel of the contact point “Pinsk-Zhitomir” within the framework of the exchange of information on signs and facts of violation of the state legislation in respect of human trafficking.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

Belarus has a National Mechanism for Identification and Referral of Victims of Trafficking in Human Beings for Rehabilitation, approved by Resolution of the Council of Ministers No. 485. The created mechanism presupposes participation in identification not only of state bodies, but also of international and non-governmental organizations. Under this mechanism, both citizens of the country and foreigners have the right to receive assistance.

The identification of victims of trafficking in human beings is carried out by the internal affairs bodies, state security bodies, border service bodies, prosecutors, and the Investigative Committee. These state bodies carry out the identification of victims of human trafficking in the event that a citizen is identified who could have suffered from human trafficking or related crimes.

Public associations, international and foreign organizations carrying out activities in the field of combating trafficking in human beings may also participate in the identification of victims of trafficking in human beings and have the right to identify victims of trafficking in human beings, including jointly with state bodies, state or other organizations, and initiate the identification of victims of trafficking in human beings in front of the abovementioned government agencies.

Public associations, international and foreign organizations work with victims of human trafficking and citizens who may have suffered from human trafficking or related crimes in accordance with their statutes.

The identification of victims of trafficking in human beings can also be initiated by diplomatic missions and consular institutions of the Republic of Belarus, labor, employment and social protection bodies, educational institutions, state health organizations, centers for the protection of victims of trafficking in human beings and providing assistance to them.

The Ministry of Foreign Affairs ensures the return of trafficked persons to their home countries, including with the assistance of the International Organization for Migration.

The procedure for obtaining this or that type of assistance is regulated by departmental regulatory legal acts of the Ministry of Health, the Ministry of Education, the Ministry of Labor and Social Protection. They are entrusted with the functions of rehabilitation of victims of human trafficking. The Ministry of Labor and Social Protection carries out the rehabilitation of victims over the age of 18 (city centers for social services for families and children and territorial centers for social services for the population operate within its structure, most of which have “crisis rooms”). Ministry of Education rehabilitates victims between the ages of 3 and 18 (in its structure there are social and pedagogical centers, most of which have children's social shelters). For children under the age of 3 rehabilitation is provided in the children's

homes of the Ministry of Health (it should be noted that there have been no cases of trafficking in children of this age in Belarus).

Taking into account the accumulated practice the Ministry of Internal Affairs prepared and on the May 22, 2020 sent to the Council of Ministers of the Republic of Belarus a draft amendment to this resolution, which are aimed at simplifying the procedure for identifying and rehabilitating victims of trafficking in human beings in a number of cases, as well as introducing the possibility of suspending the identification procedure for a period necessary for the execution of international requests (while maintaining the basic 30-day identification period provided by the Law). These changes were adopted by the Resolution of the Council of Ministers of the Republic of Belarus No. 439 of July 29, 2020.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

There are indicators for the identification of victims of trafficking in human beings in Belarus, which are widely used by specialized bodies and NGOs in practice. In particular, the Ministry of Internal Affairs in 2019 developed methodological recommendations for the use of direct and indirect indicators for the identification of victims of human trafficking by specialists from state bodies and NGOs.

Also in 2019 IOM in cooperation and with the support of the Ministry of Internal Affairs, began creating a training video instruction on tactics and methods for identifying victims of trafficking in human beings, including using characteristic indicators, which is scheduled to be completed in 2020.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon “reasonable grounds”? Please provide examples from practice.

In accordance with the National Mechanism, two categories of people have the right to receive rehabilitation assistance in the Republic of Belarus: 1) victims of trafficking in human beings and 2) persons who may have suffered from trafficking in human beings or related crimes.

The first category includes persons in relation to whom the signs of exploitation are directly confirmed (reliably established). The second category includes persons in relation to whom there are indirect signs indicating exploitation.

The competence of the authorities in identifying victims of trafficking in human beings is reflected in question No. 27.

Regarding the concept of “reasonable grounds”, when carrying out identification, a competent specialist needs to compare the indicators of an act committed against a person with the features that characterize the elements of the definition of human trafficking. It is advisable to find out, first, what action took place (recruiting, transporting, transferring, harboring or receiving a person); secondly, what means / methods of influence were used in this case (deception, abuse of confidence, use of violence or threat of use of violence); thirdly, what kind of exploitation the person was subjected to (sexual or labor exploitation, removal of organs or tissues,

slavery, being in a state similar to slavery, etc.). Having established the presence of all these signs, we can confidently say that this is a victim of human trafficking.

At the same time in practice there is often a situation when the specialist who carries out the identification cannot immediately obtain enough information about the signs of the crime committed to be sure that this person is a victim of human trafficking indeed. This can happen for various reasons, for example, when the alleged victim does not want or cannot tell the whole truth, because he is afraid, or his psychological state does not allow doing it. Sometimes information may come not from the victim himself, but from relatives or friends who do not have the full completeness of the information. In such cases, a competent professional needs to be able to use some indirect indicators of trafficking in human beings, based on elements of international norms that are not included in national legislation, signs of crimes related to trafficking in human beings, international best practices, various scientific studies and the specialist's personal experience.

Thus all indicators (signs) by which it is possible to identify a victim of human trafficking (or a person who could have suffered from human trafficking or related crimes) should be divided into two groups: direct indicators and indirect indicators.

Direct indicators of trafficking in human beings are consistent with the features and elements of the national definition of trafficking in human beings. First of all, they are enshrined in article 181 of the Criminal Code, as well as in article 1 of the Law on Combating THB.

The presence of a set of direct indicators (action, means, goal) indicates that we are facing a victim of human trafficking. The identification of direct indicators by law enforcement agencies presupposes the initiation of a criminal case on the basis of a crime under article 181 of the Criminal Code.

Indirect indicators of trafficking in human beings are based on international best practice; various scientific research; personal experience of the specialist conducting the identification; elements of international norms not included in national legislation; signs of crimes related to human trafficking.

Using indirect indicators, a competent specialist is guaranteed to determine that he is facing a person who could have suffered from human trafficking or related crimes, and this will allow the person to start receiving immediate assistance provided within a 30-day period. At the same time, only direct indicators will confirm the status of a victim of human trafficking, and will also allow criminal prosecution of criminals for committing acts provided for in Article 181 of the Criminal Code.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The Chief Department on Combating THB of MIA does not have information on measures to encourage self-identification of victims of trafficking in human beings.

The identified victims of trafficking in human beings are entitled to provide them with gratuitous state assistance, including: 1) provision of temporary places of stay, including sleeping places and meals; 2) legal aid, including free one, which is provided by the bar associations; 3) medical assistance (determined by the list of the Ministry of Health), including in stationary conditions, regardless of the victim's place of

residence; 4) psychological assistance; 5) the establishment of the families of minor victims or their placement for education in other families, and in the absence of such an opportunity – in children's boarding schools; 6) assistance in finding a permanent job; 7) financial support. In addition, within the framework of criminal proceedings the victim may be entitled by a court decision to receive compensation from the trafficker for the damage caused by the crime (civil claim procedure).

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

In accordance with part four of clause 49 of the Instruction on the procedure for organizing work when considering an application for refugee status, subsidiary protection or asylum in the Republic of Belarus, an application for extending the period for granting subsidiary protection in the Republic of Belarus, an application for assistance in family reunification, decisions on loss, cancellation of status refugee or subsidiary protection in the Republic of Belarus and the preparation of proposals on the need to make decisions on the loss or deprivation of asylum in the Republic of Belarus, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 173 dated June 22, 2017, it is provided that an interview with a foreigner applying for protection and identified as a victim of human trafficking, taking into account the opinion of a foreigner, is carried out by an employee and translator of the same gender.

According to clause 61 of the aforementioned Instruction if during the consideration of a petition for the protection information on illegal activities of persons who organized or led or facilitated illegal entry into the Republic of Belarus, stay on the territory of the Republic of Belarus or exit from the Republic of Belarus of a foreigner applying for protection is identified the division for citizenship and migration shall inform the relevant department of the internal affairs bodies in writing.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

While implementing the instructions of the National Mechanism for Identification the Ministry of Internal Affairs maintains an electronic database of victims of trafficking in human beings and people who may have suffered from trafficking in human beings or related crimes. In order to keep track of the questionnaires on which the work has been completed a card index of the questionnaires of victims of human trafficking and people who may have suffered from human trafficking or related crimes is being kept. Information placed in the data bank is stored for indefinite period of time. The questionnaires placed in the questionnaire

card index are stored for 1 year from the date of placement. The safety and protection of information contained in the databank and questionnaire file, including personal data of victims of trafficking in human beings and people who may have suffered from trafficking in human beings or unrelated crimes, are provided by the Ministry of Internal Affairs in accordance with the law.

The information contained in the questionnaire is not subject to disclosure and is protected by 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 or her representative (if any), except for cases of their participation in the criminal process. The information contained in the databank and questionnaire file can be provided to state bodies, state or other organizations, public associations, international and foreign organizations only on the basis of a written request in strict accordance with the requirements of the Regulations.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

a. funding;
b. victim's safety and protection;
c. standards of assistance and their implementation in practice;
d. access to medical treatment, psychological assistance, counselling and information;
e. translation and interpretation, where appropriate?

The mechanism of the state social order in the field of social services has been implemented in the Republic of Belarus since 2013. It is defined as a mechanism for attracting nongovernmental non-profit organizations, legal entities and individual entrepreneurs to the provision of social services and the implementation of social projects (Article 1 of the Law of the Republic of Belarus of May 22, 2000 No. 395 "On social services"). One of the aims of the mechanism is state financing of NGOs providing assistance to victims of human trafficking.

Local executive and administrative bodies, local Councils of Deputies act as state customers.

The executor of the state social order is non-governmental non-profit organizations.

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

The provision of funds from local budgets for the implementation of the state social order is carried out by providing subsidies to non-state non-profit organizations for the provision of social services and the implementation of social projects.

The choice of the state social order executor from among non-governmental non-profit organizations is carried out by the state customer on a competitive basis.

Subsidies are provided:

- when providing social services:

to reimburse the costs of wages and payroll charges to employees of non-governmental non-profit organizations providing social services;

to pay the amount of remuneration under civil law contracts for the provision of social services concluded by non-governmental non-profit organizations with individuals providing social services;

- when implementing social projects – for partial (up to 50%) reimbursement of expenses for the implementation of social projects.

For reference.

In 2019, 115 contracts were executed, the total amount of wage subsidies and payroll accruals of 165.85 rates for employees of non-governmental non-profit organizations providing social services amounted to 754 thousand rubles[9]*. Services were received by 4,695 people.*

[9] Average official exchange rate of the Belarusian rouble against euro in 2019 was 2.34

As of July 1, 2020, 95 contracts on providing of social services concluded between local executive and regulatory authorities with nongovernmental non-profit organizations were fulfilled, the total amount of subsidies for wages and payroll accruals of 142 rates for employees of non-governmental non-profit organizations providing social services amounted to 311,3 *thousand rubles*[10]*. Services were received by* 3,8 thousand *people.*

The local executive and administrative bodies of the state social order for the provision of social services to victims of human trafficking were not formed.

The Ministry of Labor and Social Protection taking into account the practice of application the legislation governing the state social order is working on its adjusting aimed at creating conditions for attracting nongovernmental non-profit organizations to the provision of social services. As a result of the work done 20 nongovernmental non-profit organizations providing social services to people in difficult life situations took part in the implementation of the state social order, (in 2013 it was only 1 organization – the Belarusian Red Cross Society).

The unified procedure for identification of victims of human trafficking, the procedure for filling out and the form of the questionnaire of a person who may have suffered from human trafficking or related crimes, the procedure for providing the information contained in it are determined by the Regulation approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 485.

In accordance with the Regulation, upon identification of a person who could have suffered from human trafficking or related crimes, state bodies, state or other organizations:

- find out whether the person needs the services of an interpreter, and provide such services if necessary;
- find out whether the person requires the participation of a representative, and provide such participation if necessary;
- interview the person;
- fill in the questionnaire with the information, during which:

inform the person about his right to take protection and rehabilitation measures, as well as about tprotection and rehabilitation procedures, about state and other organizations that are authorized to apply protection and rehabilitation measures, the need to transfer data about him to these organizations in case of application of protection and rehabilitation measures for him;

- find out what types of assistance the person needs, determine state or other organizations that provide appropriate assistance, send and, if necessary, accompany the person to these organizations.

For reference. In order to refer victims of trafficking in human beings and persons who may have suffered from human trafficking or related crimes for the application of protection and rehabilitation measures for them to state and other organizations they are given a referral for the application of measures of protection and rehabilitation.

[10] Average official exchange rate of the Belarusian rouble against euro in January-March 2020 was 2.47

Sending a victim of trafficking in persons to government or other organizations for the application of protection and rehabilitation measures is carried out only with their consent or the consent of a representative (if any).

Thus the country has a mechanism for redirecting victims of human trafficking for the application of protection and rehabilitation measures between state and other organizations.

So within the framework of this referral mechanism people are sent by public associations

to the bodies for labor, employment and social protection, territorial centers of social services for the population in order to provide temporary shelter services, information and consulting, social and psychological services, assistance in employment, referral to vocational training.

In 2019 assistance was provided to 1 person who could have suffered from human trafficking or related crimes, in 2018 – 5 persons, in 2017 – 2 persons, in 2016 – 12 persons.

Persons applied personally and with the refferal of the Belarusian Red Cross Society, the public association “Club of Business Women”, the charitable social and information institution “Space for Success”.

Thus state organizations ensure compliance with the obligations under Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings when non-state organizations provide assistance to victims by providing a range of services on the referral of non-state organizations.

To establish standards for the provision 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 (Resolution of the Ministry of Labor and Social Protection of the Republic of Belarus dated 01.12.2017 No. 84) were approved. The Requirements describe in detail what each social service should include, what needs of a person to satisfy, as well as the requirements for the specialists who provide it. These Requirements are mandatory for state social service institutions, but they can also be used in the work of public associations.

Within the framework of the Law on combating THB and with the aim of protecting and rehabilitating victims of trafficking in human beings, providing them with medical assistance, the Resolution 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 in stationary conditions, to victims of human trafficking, regardless of their place of permanent residence" is in force.

In accordance with the said Resolution, this list includes the following medical services:

1. Diagnostic services (clinical, instrumental and laboratory research methods, methods of radiation diagnostics) with the prescription of district doctors, general practitioners and specialist doctors.

2. Treatment on an outpatient and inpatient basis for acute and exacerbation of chronic diseases, as well as home treatment in cases of impossibility of the patient's

attendance at an appointment or posing a threat to the health and life of the patient himself or others.

3. Carrying out preventive vaccinations according to epidemic indications.

4. Psychiatric examination.

5. Mental health care: diagnostics and treatment of mental disorders (diseases), as well as medical rehabilitation.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

The position that the identification of a victim of trafficking in human beings, and, accordingly, the provision of assistance in Belarus is closely related to the need for cooperation in the investigation of a crime or mandatory participation in the criminal process, is erroneous. According to the current legislation, the status of a victim of trafficking in human beings is in no way tied to the procedural status of a person participating in a criminal proceeding.

If there are signs of exploitation, the person in any case will have the right to undergo the identification procedure and to be rehabilitated according to the National Mechanism, as well as to obtain a permit for temporary stay in the country, if necessary.

According to clauses 7, 12 and 14 of the Regulation on the procedure for identifying victims of trafficking in human beings, the procedure for filling out and filling out the questionnaire of a citizen who may have suffered from trafficking in human beings or related crimes, the procedure for providing information contained in it, approved by Resolution of the Council of Ministers No. 485, state bodies, state or other organizations, public associations, international and foreign organizations (subjects of identification by competence) inform the person about his right to take the measures for the protection and rehabilitation of victims of trafficking in human beings provided for in Article 18 of the Law, as well as the right take protection and rehabilitation measures, regardless of his participation in the criminal process.

In addition according to the Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons" this category of people is allowed temporary residence if the person 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 human trafficking, or provides assistance to bodies carrying out operational-search activities. At the same time, it should be noted that in practice there have been no cases when the issuance of a temporary permit to stay in the country would be a condition for the victim of trafficking in human beings to participate in the criminal process.

This fully ensures the implementation by the Republic of Belarus of the provisions of the Council of Europe Convention on the issue under consideration, which is confirmed by the practice of identifying victims of trafficking in human beings and related crimes. The number of identified victims of trafficking in human beings and related crimes is significantly higher than the number of victims in criminal cases of this category.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

The provision of temporary places of stay, including sleeping places and meals, is one of the main types of gratuitous state aid. The Republic of Belarus has created a state infrastructure for the provision of social services to persons in difficult life situations, including victims of human trafficking. There are 146 territorial centers for social services for the population and 2 city centers for social services for families and children. This guarantees the stability of financing and the functioning of the system, equal access to the full range of social services in all regions of the republic, the availability of qualified personnel in sufficient quantity, as well as a capable mechanism of interdepartmental interaction.

The Ministry of Labor and Social Protection provides assistance to victims over the age of 18, including their accommodation if necessary (city centers for social services for families and children and territorial centers for social services for the population operate in its structure, most of which have "crisis rooms" created). The Ministry of Education provides assistance to victims at the age from 3 to 18 years, including their accommodation if necessary (in its structure there are social and educational centers, most of which have children's social shelters). For children under the age of 3 years the accommodation is provided in the children's homes of the Ministry of Health (it should be noted that there have been no cases of trafficking in children of this age in Belarus).

The state minimum social standards in the field of social services for citizens in difficult life situations, including victims of trafficking in human beings, are:

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

norms and standards for the provision of people with services of state social service institutions (in accordance with the Resolution of the Council of Ministers of the Republic of Belarus dated May 30, 2003 No. 724 "On measures to introduce a system of state social standards for servicing the population of the republic", there is a network of non-stationary social service institutions represented in each administrative area);

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

Social services are provided to people who have suffered from human trafficking free of charge at the territorial centers for social services.

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

Amendments have been made to the Instruction on the procedure and conditions for the provision of social services by state social service institutions (Resolution of the Ministry of Labor and Social Protection of the Republic of Belarus No.83 dated 01.12.2017) (hereinafter referred to as the Instruction).

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 (Resolution of the Ministry of Labor and Social Protection of the Republic of Belarus dated 01.12.2017 No. 84).

In territorial centers for social services people in difficult life situations are provided with various types of social services, including a temporary shelter service.

In order to increase the availability of the temporary shelter service, a network of "crisis" rooms was developed. Their number has increased from 109 in 2014 to 136 in 2020.

As of April 1, 2020, 136 "crisis" rooms function in the country, including 18 in the Brest region, in the Vitebsk region – 27, in the Gomel region – 21, in the Grodno region – 17, in the Minsk region – 28, in the Mogilev region – 24, in Minsk – 1. There are 394 beds in total in "crisis" rooms, including 142 for children.

Most of the "crisis" rooms 73 (53.7%) are located on the basis of the territorial centers for social services, including in the round-the-clock stays for elderly people and day care units for the disabled. Also "crisis" rooms operate on the basis of apartments and houses – 20 (14.7%), hotels –- 12 (8.8%), hostels – 15 (11%), healthcare organizations – 5 (3.7%), institutions education – 8 (5.9%), religious organizations – 2 (1.5%), nursing home for the elderly – 1 (in the Grodno region).

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

Since 2018 a simplified procedure for the provision of a temporary shelter service has been in effect (the possibility of settling in a "crisis room" at the place of appeal, regardless of the place of registration (place of residence) and in the absence of a person's identity document, on the basis of a written application), a round-the-clock work mode of “crisis rooms” has been established.

The period of stay in the "crisis" room of citizens is determined in the contract and can be extended taking into account the circumstances of a particular life situation.

In accordance with article 31 of the Law of the Republic of Belarus dated 05.22.2000 No. 395 "On social services" social services are provided on a reimbursable basis to foreign citizens and stateless persons temporarily staying and temporarily residing in the Republic of Belarus, with the exception of foreign citizens and stateless persons who have been granted refugee status or asylum in the Republic of Belarus, unless otherwise provided by legislative acts.

According to paragraph 18 of the Instruction, the temporary shelter service is provided by the territorial centers for social services to victims of human trafficking without charging a fee. Thus, the temporary shelter service can be provided to foreign citizens and stateless persons free of charge.

The temporary shelter service is provided to people over 18 years of age. When a family with children goes to a "crisis room", the children are moved in with the parent.

Stay of people in a "crisis" room, their household and other conditions of their life are based on the principles of self-service. Purchase of food, medicines, personal hygiene products and other items necessary during their stay in the "crisis" room is carried out at the expense of persons' own funds and, or, if necessary, at the expense of local budgets, gratuitous (sponsorship) assistance, and other sources, not prohibited by law.

In addition, psychological, informational and consulting services are also provided to all who apply. If necessary, assistance is provided in employment, finding housing, establishing family ties, and more. Interaction has been established with the internal affairs bodies, education and health departments, public associations.

In the first quarter of 2020 169 people were living in "crisis" rooms, including 106 victims of violence.

For reference.

In 2019, 715 people lived were living in "crisis" rooms, including 454 victims of violence, in 2018 – 679 and 457, respectively, in 2017 – 573 and 390, in 2016 – 473 and 313.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

In accordance with the provisions of Chapter 7 of the National Mechanism, a person who may have suffered from human trafficking or related crimes has the right to enjoy protection and rehabilitation measures within 30 days from the date of filling out the questionnaire, regardless of his participation in the criminal process.

Sending victims of trafficking in human beings (person who may have suffered from human trafficking or related crimes) to government or other organizations for the application of protection and rehabilitation measures is carried out only with their consent or the consent of their representatives (if any). The consent of a victim of trafficking in human beings, a person who may have suffered from human trafficking or related crimes, a representative (if any) to the application of protection and rehabilitation measures should be taken only after they have been fully explained the protection and rehabilitation procedures.

In order to refer victims of trafficking in human beings (persons who may have suffered from human trafficking or related crimes) for the application of protection and rehabilitation measures, state bodies, government or other organizations, public associations, international and foreign organizations, issue a referral to victims of trafficking in human beings for the application of measures of protection and rehabilitation.

When filling out the application for protection and rehabilitation measures it is prohibited to use the definitions of “victim of trafficking in human beings”, “person who may have suffered from trafficking in human beings or related crimes” and other formulations from which it follows that a person is or may be a victim of human trafficking.

Moreover, in case of referral of:

1) victims of trafficking in human beings for the application of protection and rehabilitation measures the term for the application of such measures is not specified;

2) a person who could have suffered from human trafficking or related crimes – the period for applying such measures is indicated, its beginning is the date of filling out the questionnaire, and the end is the expiration date of 30 days from the date of filling out the questionnaire.

Ministry of Labor and Social Protection information

In accordance with the Instruction on the procedure and conditions for the provision of social services by state institutions of social services (Resolution of the Ministry of Labor and Social Protection of the Republic of Belarus No. 83 dated 01.12.2017), social services are provided by territorial centers for social services on the basis of an oral or written application and an agreement for the free provision of social services by state organizations that provide social services, that is, on a voluntary basis.

If a person does not want to receive social services, including a temporary shelter, the contract is terminated by agreement of the parties.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

In accordance with Article 28 of the Law of the Republic of Belarus of May 22, 2000 No. 395 "On Social Services" social services are provided to people in difficult life situations including victims of human trafficking.

At the territorial centers of social services people in difficult life situations are provided with various types of social services, including the service of a temporary shelter.

Thus, victims of human trafficking can continue to receive social services after the completion of the criminal case if necessary taking into account their specific needs.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

According to the National Mechanism upon identification of a person who could have suffered from human trafficking or related crimes he/she must be informed of his right to enjoy protection and rehabilitation measures, as well as the right to enjoy 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 results of identification). This is the period for a person to think over his current situation, during which he is guaranteed to receive the necessary assistance for restoration 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 permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?
41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

39-41

Article 48 of the Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" stipulates that, upon a reasoned request from the body carrying out operational search activities, or the body conducting criminal proceedings, a temporary residence permit is issued to a foreigner who is a victim of trafficking people and is actively contributing to the investigation of a criminal case on trafficking in human beings or a crime related to trafficking in human beings or organization of illegal migration, whose period of stay in the Republic of Belarus has expired. This temporary residence permit is issued for the period of his participation in the criminal process, social protection and rehabilitation, but not more than one year.

A similar provision is also established in paragraph 2 of Article 22 of the Law on combating THB.

In addition, it should be noted that in accordance with Article 40 of the Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" if a foreigner is a victim of human trafficking, as well as a witness in a criminal case on human trafficking or a crime related to human trafficking or organization of illegal migration, or provides assistance to the bodies carrying out operational-search activities, at the reasoned request of such bodies or the body conducting criminal proceedings, the temporary stay of a foreigner in the Republic of Belarus is extended until a decision (sentencing) is made in a criminal case against persons guilty of trafficking in human beings or committing a crime related to trafficking in human beings, organizing illegal migration.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
b. access to free legal assistance and legal aid during investigations and court proceedings;
c. compensation from the perpetrator;
d. compensation from the state;
e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

Access to information on relevant judicial and administrative procedures for victims of trafficking in human beings, providing them free legal protection and legal assistance in the process of investigations and litigation are settled by clause 1.2 of part 1 of Article 20 of the Law on combating THB.

Investigators during the investigation of criminal cases are obliged to inform the victims about the advisability of filing a claim for compensation for harm caused by the crime (both material and moral), including in the framework of criminal proceedings.

Also during the investigation of criminal cases, the victims of human trafficking and related crimes are informed about 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.

Compensation for harm by a criminal is regulated by part 3 of article 44 of the Criminal Code.

According to part 1 of article 148 of the Criminal Procedure Code in criminal proceedings, civil claims are considered for compensation for physical, property or moral harm caused by a crime.

The procedure for filing a civil claim in criminal proceedings for the recovery of material damage and monetary compensation for moral harm is regulated by Article 149 of the Criminal Procedure Code.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

The prosecuting authority is obliged to ensure victim access to justice and take measures to ensure compensation for damage caused.

An individual is recognized as a civil plaintiff if there are sufficient grounds to believe that harm subject to compensation in the manner prescribed by the Criminal Procedure Code, has been caused to him by a socially dangerous act stipulated by the criminal law. To be recognized as a civil plaintiff an individual should file a statement

of claim in the course of the criminal proceedings and the body conducting criminal proceedings should issued a resolution (ruling) recognizing him as a civil plaintiff.

A civil defendant is a natural or legal person who, by virtue of the law and in connection with a claim brought in the course of criminal proceedings, may be liable for the actions of an accused who has caused harm as a result of committing a socially dangerous act provided for by the criminal law, and who is issued a resolution (ruling) recognizing him as a civil defendant by the body conducting the criminal proceedings.

In order to ensure compensation for damage (harm) caused by a crime, a civil claim, and other property penalties, the body conducting the criminal process has the right to seize the property of the suspect, the accused or persons legally liable for their actions.

The body of inquiry or an investigator with the sanction of the prosecutor or his deputy, the prosecutor or his deputy, the court may seize property owned by other persons to verify its actual ownership, sources of origin and the legality of alienation, if there are sufficient grounds to believe that it is the property was alienated by the suspect, the accused in order to conceal the ownership or sources of origin of such property.

During the preliminary investigation, in order to ensure compensation for the damage (harm) caused, the following may be carried out:

- the seizure of property in a home or other legal possession;
- seizure of funds on accounts or in deposits in banks or non-bank financial institutions, as well as electronic money.

The search for property is carried out by conducting investigative and procedural actions – examinations, searches, seizures, sending inquiries to banking institutions, non-bank financial institutions, depositories, bodies that carry out state registration of property, etc.

A person who has not filed a civil claim in a criminal proceeding, as well as a person whose claim has been left without consideration by the court, has the right to bring it under civil procedure.

In cases where this is required by the protection of the rights of people, legal entities, state or public interests, the prosecutor has the right to bring a civil claim in criminal proceedings.

A civil claim in a criminal proceeding is considered by a court together with a criminal case. If the civil claim remains unannounced, the court, when deciding on the verdict, has the right, on its own initiative, to resolve the issue of compensation for the harm caused by the crime.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

In accordance with the legislation of the Republic of Belarus victims of human trafficking have the right to recover the harm caused to them in civil proceedings or to file a civil claim in criminal proceedings in our country. There are no relevant examples from investigative practice.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

Such issues are not covered by the national legislation of Belarus. At the same time, in accordance with Article 2 of the Law of the Republic of Belarus on combating THB if an international treaty establishes other rules than those contained in the Law, then the rules of the international treaty are applied. So the provisions of Article 16 of the Convention will be applied in such a situation.

In addition, paragraph 1 of Article 22 of the Law on combating THB provides for the suspension of the expulsion or deportation of victims of trafficking in human beings, witnesses in criminal cases of trafficking in human beings or crimes related to trafficking in human beings, persons who provide assistance to bodies carrying out operational-search activities. The suspension of expulsion or deportation is carried out at the reasoned request of operational-search bodies or the body conducting the criminal proceedings until a decision (sentencing) in the criminal case is adopted.

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.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

State Authorities of the Republic of Belarus which contributed to responding to this questionnaire don't keep informed about such cases.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Ministry of Internal Affairs information

In 2018 within the framework of the liberalization of the current legislation, on behalf of the Government, the previously existing administrative liability associated with illegal actions for the employment of people abroad without special permission for legal entities was abolished (without the approval of the Ministry of Internal Affairs).

Currently liability comes under part 1^1 of Article 12.7 of the Code of Administrative Offenses of the Republic of Belarus (entrepreneurial activity carried out without state registration or without state registration and special permission (license), as well as in some cases under Articles 9.23 "Violation of the procedure and conditions for employment outside the Republic of Belarus of citizens of the Republic Belarus, foreign citizens and stateless persons permanently residing in the Republic of Belarus" and 23.16 "Failure to submit documents, reports and other materials" of the Code of Administrative Offenses.

The Ministry of Internal Affairs during 2018-2020 has repeatedly come out with initiatives to amend legislation in the field of labor exploitation of people, including with the establishment of independent administrative responsibility for the abovementioned illegal acts, however, it has not found a response and support.

One of the fundamental principles of the national legislation of the Republic of Belarus is the principle of personal guilty responsibility (article 26 of the Constitution of the Republic of Belarus, part 1 of article 3 of the Criminal Code). Only individuals who committed crimes directly or who participated in them as co-perpetrators, organizers, instigators or accomplices are subject to criminal liability. In this regard, legal entities in the Republic of Belarus are not subject to criminal liability.

The Law on combating THB provides that:

the activities of an organization registered on the territory of the Republic of Belarus and involved in human trafficking is prohibited and such an organization is liquidated on the basis of a decision of the Supreme Court of the Republic of Belarus (Articles 28 and 29);

the activities of international and foreign organizations involved in human trafficking are also prohibited on the territory of the Republic of Belarus (Article 30).

In accordance with part 3 of article 8 of the Law on combating THB the prosecutor's office of the Republic of Belarus upon detection of facts of violation of the legislation of the Republic of Belarus on combating trafficking in human beings,

as well as upon receipt of information from state bodies engaged in combating trafficking in human beings, other organizations and citizens about such facts make an order to eliminate such facts which is mandatory for execution by the relevant state bodies, other organizations, officials and other citizens, including individual entrepreneurs; or in accordance with the procedure established by this Law suspend the activities of organizations and submit an application to the Supreme Court of the Republic of Belarus for recognition of organizations involved in human trafficking, the prohibition of their activities on the territory of the Republic of Belarus and the liquidation of such organizations registered on the territory of the Republic of Belarus, or on the termination of the activities of representative offices of such foreign or international organizations located on the territory of the Republic of Belarus, and also carry out criminal prosecution of persons who have committed trafficking in human beings or related crimes, and also perform other powers in accordance with the legislation of the Republic of Belarus.

The procedure for suspending the activities of an organization, recognizing an organization as involved in human trafficking, prohibiting their activities and liquidating them is regulated by Articles 28, 29 of the Law on combating THB.

If the Supreme Court of the Republic of Belarus makes a decision on the recognition of an organization (including international or foreign) as involved in human trafficking, prohibiting its activities on the territory of the Republic of Belarus and its liquidation (termination of the activities of the representative office of such a foreign or international organization located on the territory of the Republic of Belarus) the property belonging to it (its representative office), which remained after the creditors' claims are satisfied (provided they were not involved in human trafficking), is confiscated (paragraph 2 of Article 29 and paragraph 3 of Article 30 of the Law on Combating Human Trafficking).

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.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

During the analyzed period in practice of the Ministry of Internal Affairs and the General Prosecutor's Office there were no facts of convictions for trafficking in human beings and crimes related to trafficking in human beings on the basis of the commission of these crimes by officials using their official powers.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

In the Code of Administrative Offenses of the Republic of Belarus there is a separate norm providing for the exemption from administrative responsibility of victims of trafficking in human beings (Article 8.7). A person who has committed an administrative offense due to circumstances caused by the commission 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, use of slave labor, kidnapping, illegal actions aimed at employment abroad) is released from administrative liability.

The possibility for a victim of trafficking in human beings to receive compensation from the trafficker as well as to reimburse her fines is provided in the framework of the civil suit procedure. At the same time the principles of releasing a victim of trafficking in human beings from administrative responsibility and receiving compensation are implemented selectively with the obligatory study of all the circumstances of each specific case and subject to the fact of exploitation of the person. As in reality not every offender is a victim of human trafficking (this is especially applicable to persons engaged in prostitution).

In accordance with article 34 of the Criminal Code ("Necessary Defence") a victim of human trafficking has the right to protection from socially dangerous encroachment. This right belongs to a person regardless of the possibility of avoiding encroachment or seeking help from other persons or authorities. An act committed in a state of necessary defence, which means while protecting the life, health, rights of a defender or another person, the interests of society or the state from socially dangerous encroachment by causing harm to the infringer, is not a crime if the limits of necessary defence were not exceeded.

According to Article 36 of the Criminal Code ("Extreme Necessity") an act committed in a state of extreme necessity, which means to prevent or eliminate a danger directly threatening the person, the rights and legal interests of the person or other persons, the interests of society or the state, is not a crime if the danger under these circumstances could not been eliminated by other means and if the harm caused is less significant than the prevented one. This also applies to coerced victims of trafficking.

Moreover in accordance with Article 20 of the Criminal Code a member of a criminal organization or gang (other than the organizer or leader) who has voluntarily declared the existence of a criminal organization or gang and has contributed to their exposure is exempt from criminal liability for participation in a criminal organization or gang and crimes committed by him as part of criminal organization or gang with the exception of grave or especially grave crimes involving encroachment on human life or health.

Thus in the Republic of Belarus there are legal mechanisms to release victims of trafficking in human beings from administrative and criminal liability for offenses and crimes resulting from coercion. It is impossible to provide details of the procedures for

releasing victims of trafficking in human beings from liability since the disclosure of information about the victims is prohibited and protected under Belarusian law.

In addition article 69-1 of the Criminal Code provides for the principle of imposing punishment in the event of a pre-trial cooperation agreement. The procedure for criminal proceedings against a suspect (accused) with whom a pre-trial cooperation agreement has been concluded is established by Chapter 49-1 of the Criminal Procedure Code.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

The legislation of Belarus makes it possible to ensure the possibility of investigating these cases, since human trafficking in accordance with paragraph 8-1 of part 3 of article 6 of the Criminal Code has the principle of extraterritoriality and it does not matter where the information about the committed crime has come from.

In such a case, criminal prosecution may be carried out on the basis of a request from a foreign state for providing international legal assistance in a criminal case in accordance with an international treaty of the Republic of Belarus or based on the principle of reciprocity.

Direct receipt by the competent authority of the Republic of Belarus of a statement of a foreign citizen about the commission of a crime in the territory of the Republic of Belarus is also the basis for criminal prosecution.

The Ministry of Internal Affairs has no information about these cases for the last 3-5 years.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;
b. exchange of information with, and obtaining evidence from, other parties;
c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;
d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;
e. financial investigations to disrupt criminal money flows and ensure asset recovery;
f. use of joint investigation teams (JITs).

The Investigative Committee has a specialization in the investigation of crimes related to sexual violence against minors on the Internet. The implementation of this task falls within the competence of a specialized subdivision in the structure of the Chief Investigation Department of the Central Office of the Investigative Committee and corresponding units in the investigation departments of the departments for the regions and the city of Minsk of the Investigative Committee (hereinafter referred to as the Investigative Committee departments for the regions and the city of Minsk).

Investigation of all other crimes of this category is also carried out by the most trained employees, mainly investigators of the central office of the Investigative Committee and the investigative departments of the Investigative Committee departments in the regions and the city of Minsk.

The Agreement on the procedure for the establishment and operation of joint investigative and operational teams in the territories of member states of the Commonwealth of Independent States (signed in the village of Burabay of the Republic

of Kazakhstan on October 16, 2015) was ratified by the Law of the Republic of Belarus dated June 13, 2016.

The purpose of this Agreement is to regulate the creation, operation and termination of activities of joint investigative and operational groups in the territories of the Parties for the disclosure and investigation of interrelated crimes in criminal cases in the proceedings of the competent authorities of the Parties, associated with the need to provide evidence or conduct procedural actions and (or) operational-search activities in the territories of two or more Parties.

Investigation, as a rule, is carried out through information exchange with competent international organizations, law enforcement agencies of states, as well as by sending instructions for the provision of legal assistance.

We believe it is expedient to cite the following criminal cases as examples of cooperation with other countries in international investigations.

In 2019 the Chief Investigation Department sent to the court a criminal case on charges of three persons (A, B and C) of committing crimes under

part 2 of Art. 343 (Production and distribution of pornographic materials or objects of a pornographic nature) (as amended on May 4, 2005),

part 3 of Art. 343-1 (Production and distribution of pornographic materials or objects of a pornographic nature with the image of an under-age),

part 1 of Art. 169 (Depraved actions),

part 3 of Art. 166 (Rape),

part 3 of Art. 167 (Coercive actions of sexual nature),

part 6 of Art. 16 (Accompliceship) and part 3 of Art. 167 (Coercive actions of sexual nature),

part 1 of Art. 14 (Abortive crime) and part 3 of Art. 181 (Human trafficking),

part 3 of Art. 181 (Human trafficking),

part 1 of Art. 328 (Drug trafficking),

part 6 of Art. 16 (Accompliceship), part 3 Art. 343-1 (Production and distribution of pornographic materials or objects of a pornographic nature with the image of an under-age),

part 6 of Art. 16(Accompliceship), part 3 Art. 166 (Rape),

part 6 of Art. 16 (Accompliceship) part 3 Art. 167 (Coercive actions of sexual nature) of the Criminal Code of the Republic of Belarus, in total there are 54 episodes of criminal activity related to the production and distribution of pornographic materials with the participation of minors, rape, the commission of coercive acts of a sexual nature, the commission of depraved actions, and trafficking in human beings – children.

Information about the production of pornographic videos on the territory of the Republic of Belarus with the use of knowingly minors – girls was received by the internal affairs bodies of the Republic of Belarus in June 2018 from the law enforcement agencies of the Russian Federation. The employees of the Ministry of Internal Affairs identified a citizen of the country who organized the shooting of porn videos – person A.

The activity of the accused in the production and distribution of pornographic materials was of a systemic nature and was well hidden by means of cryptographic

encryption of information and passwords, and since 2003 it has acquired an international character. Together with a US citizen, while in the Kingdom of Cambodia, he committed sexual crimes against minor and under-age girls.

In 2006 a US citizen was sentenced by the United States District Court for the Middle District of Florida to 30 years in prison for producing child pornography.

In 2016 person A involved persons B and C in his criminal activities, together with them he began to exploit sexually (which means human trafficking) their knowingly young daughters born in 2011. and in 2013. A citizen of the Republic of Iraq was also identified who also took part with them in committing crimes against children on the territory of the Republic of Belarus, born on July 31, 1992, a native of Baghdad, who is currently arrested in the Republic of Iraq and a criminal case has been initiated against him according to documents provided by the Chief Investigation Department.

In January 2019 representatives of the Interpol central bureau from France visited the central office of the Investigative Committee in order to work together to expose persons who acquired pornographic materials from the accused and wished to come to the territory of the Republic of Belarus for the sexual exploitation of knowingly minors. Together with the Interpol employees the involvement of person A in the distribution of pornographic videos to a married couple on the territory of Germany and the involvement of a Spanish citizen in criminal activities. The latter were detained in Germany for the sexual exploitation of children.

According to the materials transferred by the Investigative Committee to the Central Bureau of Interpol, another two citizens of the Federal Republic of Germany are being checked for their involvement in the production, distribution and storage of materials with child pornography.

In addition within the criminal case interaction was carried out on the basis of international orders with law enforcement agencies of the United States – 2 orders, Ukraine – 2 orders and the Russian Federation – 2 orders. On the part of the law enforcement agencies of Ukraine (the department for combating crimes related to human trafficking, the Main Directorate of the National Police in the Kharkiv region of Ukraine) the instructions were executed as soon as possible – the injured citizen of Ukraine was identified and questioned.

As part of the investigation of this criminal case a method was established to receive funds from abroad bypassing banking institutions of the Republic of Belarus – transfers of various amounts of money to subscriber numbers of cell phones and subsequent withdrawal of money through bookmakers, as well as cashing out cryptocurrency – bitcoins.

Four citizens of the Republic of Belarus (girls) and a citizen of Ukraine were recognized as victims in the criminal case; the age of the victims at the time of the crimes was from 2 to 14 years old.

By the verdict of the court, persons A, B and C were found guilty of committing all the episodes of criminal activity brought against them and sentenced to 20 years in prison each.

Also in 2019 the Chief Investigation Department completed the investigation of a criminal case on charges against person X of committing crimes under Part 2 of Art.

343 (as amended on November 10, 2008), part 2 of Art. 343, part 3 of Art. 343-1 of the Criminal Code.

From 2012 to February 5, 2019 on the territory of Minsk and Vileika of Minsk region, person X, acting with other persons, produced and disseminated on the Internet pornographic materials, including images of a knowingly minor.

The criminal activity of person X was documented in cooperation with the Chief Department for Combating THB of the Ministry of Internal Affairs of the Republic of Belarus and the Kiev Cyber Police Department of the National Police of Ukraine.

During the pre-trial investigation of the criminal case by the cyber police of the National Police of Ukraine, Mr. and Mrs. Z were identified and detained, who have been sexually exploiting their minor daughter for three years, have been filming pornographic content with the participation of her, and then have sold it to Internet users.

One of the customers for the production by them of pornographic materials with images of a knowingly minor was person X.

In pursuance of instructions and scenarios received from person X, Mr. and Mrs. Z committed sexual act and other actions of a sexual nature with a knowingly minor while making photo-video recording of this illegal activity. They sent the produced pornographic materials to person X, who, in turn, posted it on specialized Internet resources (forums) with the names Magic Kingdom, Forbidden Fruit and other resources.

After the detention of the abovementioned persons on the territory of Ukraine, person X took the necessary measures to destroy traces on his computer equipment that could help to indicate his involvement in the production and distribution of pornographic materials.

During the preliminary investigation person X denied his involvement in the crimes committed, while putting forward various versions regarding communication with persons Z and the distribution of pornographic materials. Despite the denial of involvement in the crimes committed during the preliminary investigation it was possible to obtain sufficient evidence of his criminal activities. Taking into account the evidence obtained by the investigation, person X fully admitted guilt in the charge and gave detailed testimony about the circumstances of the crimes he had committed.

By the verdict of the Sovetsky District Court of Minsk, person X was found guilty of committing the incriminated episodes of criminal activity and sentenced to 6 years 6 months in prison.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

There was only one case of trafficking in human beings for the removal of organs in Belarus in 2010.

During the criminal investigation the Belarusian authorities identified three victims of THB with the aim of removing organs (kidneys). A joint operation was carried out in 2010-2012 by Belarusian law enforcement agencies in cooperation with

the Ukrainian and Israeli police and EULEX Kosovo (the so-called Medicus Clinic case, which was related to human trafficking for the extraction of kidneys in a clinic in Pristina) (The case has been considered in paragraph 124 of GRETA report on the results of the first monitoring round).

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

In accordance with Chapter 8 of the Criminal Procedure Code any participant in the criminal process defending his or the represented 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 may enjoy measures provided for by law to ensure the safety of these persons and their property.

The obligation of the body conducting the criminal procedure to adopt of measures to ensure security is established by Article 65 of the Criminal Procedure Code.

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

In addition by virtue of Part 3 of Article 68 of the Criminal Procedure Code the interrogation of the protected person can be carried out when he is outside the courtroom using video technical means that ensure his unrecognizability.

In accordance with Articles 224-1, 343-1 of the Criminal Procedure Code interrogation of the victim, witness, confrontation, presentation for identification of persons and (or) objects with the participation of the victim or witness during the preliminary investigation, as well as interrogation of the participants in the process, identification during the trial can be carried out using video conferencing systems. One of the reasons for this is the need to ensure the safety of participants in criminal proceedings and others.

Taking into account the nature and degree of danger to life, health, property and other rights of protected persons, other security 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 by authorities conducting criminal proceedings, both at the request of the victim and on their own initiative if there are sufficient grounds provided for by law (if there is sufficient evidence indicating that there is a real threat of murder, violence, destruction or damage to property, or other illegal actions against a participant in criminal proceedings).

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

It should be noted that the Criminal Code provides for liability for obstructing the appearance of a witness, a victim in court, the bodies of preliminary investigation or inquiry, or their testimony (Article 403 of the Criminal Code); coercion of a witness, victim or expert to refuse to give evidence or an opinion, or to give false evidence or an opinion (Article 404 of the Criminal Code).

The Criminal Code also provides for criminal liability for the deliberate disclosure of data from an inquiry, preliminary investigation or a closed court session by a person warned in accordance with the procedure established by law of the inadmissibility of their disclosure, without the permission of the person conducting the inquiry, the investigator, the prosecutor or the court (Article 407 of the Criminal Code).

Within the framework of the preliminary investigation, the measures of assistance and protection provided for victims of transnational trafficking in human beings and for victims of trafficking in human beings at the national level who are participants in the criminal process (victims, witnesses) are identical and do not differ.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

The current legislation provides for various measures to facilitate the participation of trafficked persons and witnesses in criminal proceedings for the purpose of objective and comprehensive investigation and consideration of a criminal case.

In accordance with the Law of the Republic of Belarus of 30.12.2011 No. 334 "On the Bar and Advocacy in the Republic of Belarus" victims of trafficking in human beings (or their legal representatives in case they do not reach the age of fourteen) are provided with legal assistance on social protection and rehabilitation at the expense of the republican budget. The same provisions are enshrined in the profile Law on combating THB.

Lawyers in criminal proceedings participate as representatives of victims or as a lawyer for a witness, while exercising the powers granted to them by law, including providing legal assistance, participating in investigative actions, submitting complaints and petitions, reviewing the protocols of investigative actions, etc.

Article 332 of the Criminal Procedure Code defines the procedure for interrogating juvenile victims and witnesses.

So, when interrogating victims and witnesses under the age of fourteen, and at the discretion of the court and when interrogating these persons between the ages of fourteen and sixteen, a teacher or psychologist is involved, and parents or other legal representatives of an under-age can also participate.

At the request of the parties or at the initiative of the court the interrogation of the victim and witness under the age of eighteen may be carried out in the absence of the accused, about which the court issues a ruling. After the accused returns to the courtroom, the testimonies of these persons must be communicated to him and he must be given the opportunity to ask them questions.

The victim and the witness who have not reached the age of sixteen shall be removed from the courtroom at the end of their interrogation, unless the court finds their further presence necessary.

The legal representatives of the victim are their parents, adoptive parents, guardians or trustees, who represent the interests of under-age children or incapacitated participants in the criminal process, respectively, in criminal proceedings. Persons recognized as legally incompetent cannot be legal representatives.

If the victim does not have a legal representative from among the specified persons, the body conducting the criminal procedure shall recognize the body of custody and guardianship as their legal representative.

Victims of trafficking in human beings may be accompanied by a social worker, psychologist and/or an NGO representative during the pre-trial proceedings as a specialist in accordance with Article 62 of the Criminal Procedure Code. At the same time a specialist is a person who is not interested in the outcome of a criminal case and has special knowledge in science, technology, art, craft and other areas of activity, invited by the body conducting the criminal process to participate and assist in the production of investigative and other procedural actions. A teacher or psychologist who is involved in the interrogation of a juvenile suspect, accused, victim, witness is also a specialist.

In accordance with Art. 224-1 of the Criminal Procedure Code, interrogation of the victim, witness, confrontation or presentation for identification of persons and (or) objects with the participation of the victim or witness can be carried out remotely using video conferencing systems in the following cases:

1) the impossibility of the arrival of a participant in the process for production investigative action for health reasons or other valid reasons;

2) the need to ensure the safety of participants of criminal proceedings and other persons;

3) if the victim, the witness are under-age.

If security measures are applied to a person participating in investigative actions he may be interrogated or a face-to-face confrontation or identification of a person may be carried out with his participation using videoconferencing systems with appropriate changes in appearance and (or) voice, ensuring the unrecognizability of the protected person.

The practice of prosecutorial supervision shows that, as a rule, investigators follow the methods of interrogating juvenile victims and witnesses. Repeated interrogations, confrontations with the participation of under-age victims are carried out only if it is necessary to collect additional evidence, to check new information obtained during the investigation of a criminal case.

The practice of interviewing and interrogating minors in specialized rooms friendly to children (including those provided by the international public association

"Understanding") continues to be spread with the involvement of specialists in the field of psychology and psychiatry, as a rule, state forensic experts, which makes it possible to minimize psychological trauma and other negative consequences.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

The legislation of the Republic of Belarus has established the universal principle of the operation of the criminal law in space in relation to crimes of trafficking in human beings.

The jurisdiction of the Republic of Belarus extends to crimes of trafficking in human beings regardless of the criminal law of the place where the crime was committed. For these crimes, persons are subject to responsibility under the Criminal Code of the Republic of Belarus if they have not been convicted in a foreign state and are brought to criminal responsibility on the territory of the Republic of Belarus (parts 3 and 4 article 6 of the Criminal Code).

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Ministry of the Interior information

At present under the coordinating role of the Ministry of Internal Affairs of the Republic of Belarus, the IOM Office in the Republic of Belarus and the UN Children's Fund (UNICEF) are implementing an international technical assistance project "Strengthening the national mechanism for referring victims of trafficking in the Republic of Belarus" (2017 – 2021).

The project was developed in accordance with the UN international instrument – the UN Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children.

Within the project's boundaries:

- support is provided for the functioning of the "hot line" on issues of safe travel and stay abroad;

- the operation of the IOM rehabilitation center is supported;

- partner public associations conduct information campaigns and other activities to prevent human trafficking;

- partner public associations carry out the identification of victims of trafficking in human beings and related crimes. The victims, including under-age ones, are provided with the following types of assistance: social and psychological, medical,

legal assistance, vocational training courses, accommodation, assistance in finding a job, etc .;

- a mechanism for referral of victims of human trafficking has been developed and is being improved;

- a new Internet resource http://kids.pomogut.by dedicated to the issues of preventing and combating the exploitation of children on the Internet with the provision of an opportunity to receive online help was opened in 2019. The new resource contains information on safe behavior on the Internet, mechanisms for protecting a child from cyberbullying, sexual exploitation and other forms of violence;

- training courses, trainings, seminars for representatives of government agencies and institutions, the media, non-governmental organizations on the topic of combating human trafficking and rehabilitation of victims are organized and conducted.

In addition, the National Central Bureau of Interpol provides informational interaction of law enforcement agencies of the Republic of Belarus with the competent authorities of foreign states within the framework of the International Criminal Police Organization – Interpol during inspections and investigations of criminal cases. Subdivisions of the Investigative Committee of the Republic of Belarus and the Chief Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs of the Republic of Belarus actively use the capabilities of Interpol in their activities. Experts of the General Secretariat of Interpol are invited to participate in courses, seminars and trainings devoted to various areas of law enforcement, organized on the basis of the International Training Center for training, advanced training and retraining of personnel in the field of migration and combating trafficking in human beings of the Academy of the Ministry of Internal Affairs of the Republic of Belarus.

Information of the Ministry of Foreign Affairs on Belarus' international initiatives to combat human trafficking

1. The Republic of Belarus is the initiator of the UN General Assembly resolution “Improving the coordination of efforts to combat trafficking in human beings” which is adopted by consensus on a biennial basis. Currently, the UN General Assembly has adopted seven resolutions.

The practical results of the Belarusian initiative to improve coordination of efforts to combat human trafficking are as follows:

• On July 30, 2010 the UN Global Action Plan to Combat Trafficking in Human Beings was adopted by consensus.

• Two high-level meetings of the UN General Assembly were held in 2013 and 2017to review progress in the implementation of the Global Plan of Action against Trafficking in human beings.

• The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) has been established with 22 member organizations and one partner organization. The UN Office on Drugs and Crime (UNODC) is the coordinator of ICAT. The ICAT chairmanship is carried out on a rotating basis. In 2020, ICAT is co-chaired by the OSCE and the UN Women.

• At the UN headquarters in New York, the UN offices in Vienna and Geneva, as well as in the framework of UNESCO in Paris, there is a Group of Friends united in the fight against human trafficking. Today, the Group of Friends unites 23 states from different regions of the world. Belarus coordinates its work, including holding ministerial meetings at the sessions of the UN General Assembly.

• July 30 has been celebrated as World Day against Trafficking in Human Beings since 2014.

• There is a Trust Fund for the Protection of Victims of Trafficking in human beings, Especially Women and Girls, managed by the United Nations Office on Drugs and Crime (UNODC). The Fund provides targeted financial assistance directly to victims of human trafficking. Belarus has made a voluntary contribution to the Fund three times.

• The United Nations Office on Drugs and Crime (UNODC) issues thematic reports on the situation of human trafficking in the world. The next UNODC report will be published at the end of 2020.

2. Within the framework of the work of the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna, the Republic of Belarus regularly draws attention to new trends and challenges in the fight against human trafficking.

• In 2014 and 2016 on the initiative of Belarus, the CCPCJ adopted resolutions that emphasize the issue of combating trafficking in human organs and trafficking in human beings for the removal of organs.

• In 2018 the CCPCJ adopted a resolution on Preventing and Combating Trafficking in Human Beings Using Technological Means.

3. Belarus is an active participant in anti-trafficking cooperation within the framework of the Organization for Security and Cooperation in Europe (OSCE). In 2018 Belarus made a voluntary contribution to the OSCE extrabudgetary project to combat human trafficking along migration flows.

Initiatives to improve coordination of international efforts to combat trafficking in human beings are unifying and consensual in nature and contribute constructively to enhancing the effectiveness of the collaboration of all stakeholders in the eradication of modern slavery.

State Border Committee information

In 2019-2020 representatives of the border service took part in activities aimed at increasing the coordination of state bodies and non-governmental organizations in combating trafficking in human beings, held at the international, republican and regional levels.

For example representatives of the border service authorities took part:

- in the preparatory meeting of the expert group of developers of the international simulation exercise on combating trafficking in human beings and the presentation of this exercise (14.03.2019, Minsk);

- in the national seminar "Development of an effective mechanism for the referral of vulnerable migrants and victims of human trafficking" (14.03.2019, Minsk);

- in a simulation training on the exchange of experience and coordination of joint actions in the field of combating crimes related to trafficking in human beings (22-29.06.2019, Nur-Sultan);

- in a round table devoted to the revision of the Resolution of the Council of Ministers of the Republic of Belarus of June 11, 2015 No. 485 “On approval of the Regulation on the procedure for identifying victims of trafficking in human beings, the procedure for filling out and the form of the questionnaire of a person who could have suffered from trafficking in human beings or related crimes, the procedure for providing the information contained therein” (12.12.2019, Minsk).

Investigative Committee information

The International Round Table "Combating Crime against Children on the Internet: the Best World Experience" was organized and held on November 1, 2018 in Minsk together with the UNICEF Representative Office and the Ministry of Foreign Affairs. The event was attended by the Deputy Head of the Presidential Administration of the Republic of Belarus, Chairman of the Investigative Committee of the Republic of Belarus, Special Representative of the UN Secretary General on Violence against Children, UN Resident Coordinator in Belarus, UNICEF Representative, as well as representatives of involved government bodies, non-governmental public and international organizations.

The event was attended by representatives of 14 government agencies, 7 international organizations, 15 non-governmental public organizations and associations, as well as 5 IT companies.

During the preparation of the event information on the structure of the Belarusian national mechanism for combating human trafficking, illegal migration, child pornography and prostitution was summarized and systematized. Reports “The system of combating crimes against children on the Internet in the Republic of Belarus” and “Implementation of an integrated approach in 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 basing on the results of the analysis, included in the program of the said International round table and brought to the attention of the participants by the employees of the central office of the Investigative Committee.

An employee of the Ministry of Foreign Affairs shared information about the presence of successful projects of the Republic of Belarus on the international arena in promoting the protection of children from violence, including on the Internet.

A representative of limited (liability) company «Mobile TeleSystems» informed about the experience of implementing social projects for children.

The UN Secretary General's Special Representative on Violence against Children shared with the participants information on global problems, challenges and threats, as well as global best practices in countering online violence against children.

During the discussion of the problem all the parties involved expressed their opinion, representatives of six public non-governmental organizations are among them.

The held forum revealed the potential for the development of further cooperation, improvement of interaction in the suppression of crimes against children and counteraction to the involvement of minors in illegal activities.

The event was highly appreciated by the participants, which is confirmed by the letter of gratitude from the Special Representative of the UN Secretary General on violence against children, which was sent to the Chairman of the Investigative Committee of the Republic of Belarus.

In 2018 representatives of the central office of the Investigative Committee took part in the HELP-training organized by the Council of Europe on combating human trafficking and domestic violence (Minsk), and in the International Simulation Exercise (Training) "Combating Human Trafficking on Migration Routes" (Astana, the Republic of Kazakhstan).

In addition in 2019 cooperation with US government agencies in the field of combating crime continued.

A regular visit of the employees of the US Federal Bureau of Investigation took place in April 2019, it was dedicated to cooperation in the field of information security, including on the Internet.

On August 2, 2019 the Investigative Committee was visited by representatives of the Office of the Immigration and Customs Service of the US Department of Homeland Security in Frankfurt am Main in order to identify promising areas of cooperation with Belarusian colleagues on combating human trafficking and related crimes, drug trafficking, financing of terrorism, document forgery in obtaining US visas and passports.

On November 20, 2019 a cooperation protocol was signed between the Investigative Committee and the American Express international payment system.

On October 24, 2019 the First Deputy Chairman of the Investigative Committee of the Republic of Belarus received a visit from the Senior Deputy Director of the Office for Monitoring and Combating Trafficking in human beings of the US Department of State. The meeting was also attended by employees of the US Embassy in Belarus, headed by the US Charge d'Affaires in Belarus.

On November 12, 2019 the Chairman of the Investigative Committee of the Republic of Belarus received the Charge d'Affaires of the United States in Belarus with a working visit. Prospects for expanding cooperation between the Committee and US government agencies in the field of combating human trafficking and related crimes, sexual abuse of children, combating cybercrime and illegal drug trafficking were discussed during the meeting.

On 30 July 2019 representatives of the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe paid a working visit to the Investigative Committee. During the meeting the sides discussed promising areas of interaction and the possibility of participation of employees of the Investigative Committee in events held under the auspices of the Organization for Security and Cooperation in Europe.

With the UNICEF support in 2019 and in 2020 the employees of the Committee took part in visits to the Republic of Austria (twice) as well as to Bosnia and Herzegovina. The visits were dedicated to the issues of international counteraction to

violence against children and restorative justice. Also in 2020 a visit on the topic under consideration was carried out to the Republic of Moldova with the support of IOM.

In pursuance of the activities of the Program for the Development of International Cooperation of the Investigative Committee of the Republic of Belarus for 2019-2021 the following international acts of an interdepartmental nature which provide for cooperation in the field of combating crime including human trafficking were concluded in the past year:

- Cooperation Agreement between the Investigative Committee of the Republic of Belarus and the General Prosecutor's Office of the Republic of Azerbaijan dated March 14, 2019,
- Cooperation Agreement between the Investigative Committee Of the Republic of Belarus and the General Prosecutor's Office of the Republic of Tajikistan dated June 28, 2019
- the Agreement on Cooperation between the Investigative Committee of the Republic of Belarus and the General Prosecutor's Office of the Republic of Kazakhstan dated October 25, 2019.

The Investigative Committee and UNICEF jointly approved the Cooperation Plan of the United Nations Children's Fund (UNICEF) and the Investigative Committee of the Republic of Belarus for 2019-2020. In addition to the implementation of the activities provided for by this plan working meetings are held on a regular basis between leaders and other representatives of the stakeholders. The last working meeting was held on 07.07.2020 at the level of the Chairman of the Investigative Committee of the Republic of Belarus and the Representative of UNICEF.

In addition the preparation and submission of reports on the state of combating trafficking in human beings and related crimes in the Republic of Belarus to the Ministry of Foreign Affairs for informing the US State Department is carried out annually on a systematic basis.

The implementation of these measures is in accordance 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 and related crimes, as well as combating juvenile delinquency.

International legal assistance

The principles of international cooperation in the field of combating human trafficking are defined in article 25 of the Law on combating THB.

International cooperation in criminal cases related to trafficking in human beings is ensured in accordance with international treaties of the Republic of Belarus or on the basis of the principle of reciprocity (Article 2 of the Law of the Republic of Belarus of May 18, 2004 No. 284 "On international legal assistance in criminal matters").

Apart from the Council of Europe Convention on Action against Trafficking in Human Beings the Republic of Belarus is a party to the most important international instruments in the field of combating human trafficking:

- the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of May 25, 2000;

- Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime of November 15, 2000;

- UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of others, signed in New York on December 2, 1949.

In addition our country provides mutual legal assistance in criminal cases of trafficking in human beings and related crimes in accordance with bilateral and multilateral international treaties in the criminal law field.

The Republic of Belarus has bilateral treaties on legal assistance in criminal matters which entered into force with the Republic of Lithuania, the Republic of Latvia, the Republic of Estonia, the Republic of Poland, the Czech Republic, the Slovak Republic, Hungary, the People's Republic of China, the Socialist Republic of Vietnam, the Republic of India, the Islamic Republic of Iran, Republic of Cuba, Republic of Cyprus, Republic of Bulgaria, Bolivarian Republic of Venezuela, Republic of Serbia, Syrian Arab Republic, Democratic Socialist Republic of Sri Lanka, Republic of Turkey, United Arab Emirates, Mongolia.

For reference:

Since the beginning of the second evaluation round (since 15.05.2014) the Republic of Belarus has concluded the following international agreements regarding the provision of international legal assistance:

- Agreement between the Republic of Belarus and the United Arab Emirates on mutual legal assistance in criminal matters dated 22.10.2014. Entered into force on December 16, 2016;

- Agreement between the Republic of Belarus and the United Arab Emirates on extradition dated 10.22.2014. Entered into force on December 16, 2016;

- Agreement between the Republic of Belarus and Mongolia on mutual legal assistance in criminal cases dated 04.06.2018. Entered into force on July 26, 2019;

- Agreement between the Republic of Belarus and Mongolia on extradition dated 04.06.2018. Entered into force on June 27, 2019;

- Agreement between the Republic of Belarus and the Arab Republic of Egypt on extradition dated 15.01.2017. Entered into force on September 28, 2018;

- Agreement between the Republic of Belarus and the Federative Republic of Brazil on mutual legal assistance in criminal matters dated 18.06.2018. Has not entered into force.

In addition the previously concluded agreements entered into force:

- Agreement between the Republic of Belarus and the Syrian Arab Republic on legal assistance in civil and criminal cases dated 23.09.2008; Entered into force on March 10, 2015;

- Agreement between the Republic of Belarus and the Democratic Socialist Republic of Sri Lanka on Mutual Legal Assistance in Criminal Matters dated 26.08.2013. Entered into force on June 12, 2016;

- Agreement between the Republic of Belarus and the Republic of Turkey on legal assistance in civil, economic and criminal cases of 13.03.2012. Entered into force on April 19, 2018.

The main instruments for providing legal assistance in criminal cases within the CIS are the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases dated 01.22.1993 (applied between the Republic of Belarus and the Republic of Moldova, the Russian Federation, Turkmenistan, the Republic of Uzbekistan, Ukraine , as well as Georgia formally seceded from the CIS) and the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases dated 07.10.2002 (applied between the Republic of Belarus and the Republic of Azerbaijan, the Republic of Armenia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan).

In the absence of an appropriate international treaty, legal assistance in criminal matters is provided on the basis of the principle of reciprocity in the manner prescribed by section. XV of the Criminal Procedure Code.

The main forms of international legal assistance in criminal matters include: 1) extradition of persons to another state for criminal prosecution or for the execution of a court sentence (extradition); 2) extradition of persons to another state for a while for the production of procedural actions with their participation as an accused (extradition for a time); 3) transit carriage through the territory of the requested state of persons transferred between third states (transit); 4) conducting investigative and other procedural actions on the territory of a foreign state (searches, seizures, interrogations, service of documents, etc.); 5) implementation of criminal prosecution against its own citizens (transfer of criminal prosecution); 6) the transfer of persons sentenced to imprisonment for serving their sentences in the state of which they are citizens (transfer of convicted persons).

In the course of pre-trial proceedings, the Investigative Committee interacts with the competent authorities of other states on issues of mutual legal assistance.

For example, in 2019 the Investigative Committee sent 21 requests to the competent authorities of foreign states for legal assistance in criminal cases of trafficking in human beings and related crimes (13b to the Russian Federation, 5 to Ukraine, 2 to the Republic of Poland and 1 to the USA).

In turn the Belarusian side received 3 requests from the competent authorities of foreign states for legal assistance in criminal cases related to crimes of this category (one each from the Republic of Poland, the Republic of Moldova and the Russian Federation). They have been fully implemented.

In addition the fight against human trafficking is a separate area of cooperation within the framework of international agreements on the fight against crime, which regulate the procedure for international cooperation, in particular information exchange, prior to the initiation of a criminal case.

The Republic of Belarus has multilateral and bilateral intergovernmental agreements on cooperation in the fight against crime within the CIS, as well as with the Russian Federation, the Republic of Uzbekistan, Turkmenistan, Georgia, the Republic of Serbia, the Republic of Poland, the Republic of Lithuania, the Republic of Latvia, the Bolivarian Republic of Venezuela, Syrian Arab Republic, Arab Republic of Egypt, State of Qatar, Republic of Mozambique, Republic of Namibia.

Thus the international legal framework existing in the Republic of Belarus makes it possible to consider effectively requests from foreign states for international legal assistance, including those related to human trafficking.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

In the cases described information is transmitted through the Ministry of Foreign Affairs or through Interpol channels.

In accordance with the National Mechanism these persons are provided with various types of assistance. Today in Belarus the following types of gratuitous state aid are provided: 1) provision of temporary places of stay, including sleeping places and meals; 2) legal aid, including free one, which is provided by the bar associations; 3) medical assistance, including in stationary conditions, regardless of the victim's place of residence; 4) psychological assistance; 5) the establishment of the families of under-age victims or their placement for upbringing in other families, and in the absence of such an opportunity – in children's boarding schools; 6) assistance in finding a job; 7) material support.

Practical examples of interaction:

In 2018 at the National Airport "Minsk" a resident of the Grodno region was detained red-handed, , who since 2017 as part of an international criminal group from among residents of Turkey, Belarus, Russia, Moldova has used deceit to recruit and organize the departure of Belarusian women to Istanbul to engage in prostitution under the control of her lover and his accomplices. 9 citizens of Belarus recruited by the accused have been identified. At the same time, two of them subsequently, seeking to improve their situation, began to assist traffickers in using the prostitution of their compatriots. In addition, one of the Belarusian women, controlled by the traffickers, died under unclear circumstances as a result of falling from a window while visiting a client. It was the information that served as the basis for starting an operational check. During the investigation we repeatedly interacted with Turkey by sending international instructions.

During a joint international operation with the Israeli police in 2018, the activities of a criminal group were suppressed and the supply channel to Tel Aviv of 7 Belarusian women for sexual exploitation was blocked. An Israeli resident recruiter was detained in Belarus and 7 organizers and other accomplices were simultaneously detained in Israel.

Interpol channels are used to transmit information, including those requiring an immediate response regarding victims, witnesses, or cooperation with competent authorities of foreign states in matters related to human trafficking. An example is the use case Interpol channels for interaction with the police of the Republic Cyprus and the Republic of Turkey on return in February 2020 to the Republic of Belarus Mrs. K born in 1998 who was forcibly held in a nightclub in the Northern Cyprus for the purpose of forced sexual exploitation. We should note that practical interaction through official channels with the authorities performing the functions of law enforcement on

territories with a special administrative and legal status, due to a number of objective reasons seem to be very difficult.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The interaction of the criminal investigation units in the search for missing people (including under-age children) with the competent authorities of the CIS member states is carried out within the framework of the Agreement on the interstate search for persons, signed in Moscow on December 10, 2010 and the Regulations of the competent authorities for the implementation of interstate search for persons approved by the Decision of the Council of Heads of Governments of the Commonwealth of Independent States (Dushanbe, October 30, 2015) (hereinafter – the Regulation). With other states interaction is carried out using the capabilities of the National Central Bureau of Interpol in the Republic of Belarus.

In accordance with the Agreement on the interstate search for persons the competent authorities of the Parties carry out an interstate search for persons who are missing or have lost contact with relatives.

The competent authorities of the Parties cooperate in the following main forms:

- execution of requests for the conduct of measures for the interstate search for persons;

- exchange of operational, search, operational and reference, forensic and other information about wanted persons;

- participation in the formation and maintenance of a centralized information database of interstate search for persons.

The organization of the interstate search for persons is carried out through the requests and other appeals provided for by the Agreement, sent by the competent authorities of the requesting Party to the competent authorities of the requested Party.

to Another Party may be provided with the information without a request if there are reasons to believe that it is of interest to that Party.

The formation and maintenance of the centralized information database of interstate search for persons is carried out by the Chief Information and Analytical Center of the Ministry of Internal Affairs of the Russian Federation within the framework of the Interstate Information Bank.

The Regulation defines a unified procedure for interaction between bodies authorized to carry out search for persons in accordance with national legislation.

The exchange of operational and search information the execution of requests for operational and search activities, the search for missing persons when there is reason to believe that they have become victims of human trafficking, are also some of the forms of cooperation of the competent authorities provided for by the Agreement on Cooperation of member-States of the Commonwealth of Independent States in the

fight against trafficking in human beings, human organs and tissues (Moscow, November 25, 2005).

The National Central Bureau of Interpol ensures interaction between law enforcement agencies of the Republic of Belarus and foreign member states on the organization in various areas of combating crime, including combating trafficking in children. In particular, in order to organize an international search for missing persons, the General Secretariat of Interpol on the initiative of the member countries, issues specialized notifications with a “yellow corner”.

Also, at the initiative of the General Secretariat of Interpol since 2019 employees of the Chief Department for Combating THB have access to the database of victims of sexual exploitation of children (ICSE).

The MIA Chief Criminal Investigation Department has developed and since 2011 introduced into practice a system of immediate notification of the republic's internal affairs bodies about missing persons from the moment information about their disappearance arrives.

The Ministry of Internal Affairs has no information about the abduction (disappearance) of children in the republic for the purpose of trafficking in them. This type of crime is not typical for our state.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

The Advisory Council and the group for planning and coordinating cooperation of the international technical assistance project “Strengthening the national mechanism for referring victims of Human Trafficking ” of the International Organization for Migration is the platform for discussion of the issues of combating THB, which unites all the actors involved in combating THB, including NGOs. The project cooperates with 15 non-governmental organizations, which, in varyious degrees, are involved in conducting information campaigns and preventive measures in educational institutions and labor collectives to prevent human trafficking.

Within the framework of the project, partner non-governmental organizations provide legal, medical and psychological assistance to victims of trafficking in human beings, assistance in employment through employment centers, assistance in the recovery of lost identity documents, etc.

Also within the framework of the project the NGO "Club of Business Women" in Brest and the international public association "Gender Perspectives" administer and operate a "hot line" for safe travel and stay abroad 8 801 201 5555 and short number 113.

In order to develop and strengthen partnerships, as well as taking into account the importance of cooperation and joint activities aimed at developing the humanitarian

sphere a Protocol on Cooperation was signed between the Ministry of Internal Affairs of the Republic of Belarus and the Belarusian Red Cross Society on March 6, 2018.

In accordance with clause 4 of the Protocol, the Ministry of Internal Affairs and the Belarusian Red Cross Society intend to continue cooperation in the field of providing assistance to victims of trafficking in human beings and related crimes by organizing and conducting information and preventive measures, as well as measures aimed at providing support and assistance to victims of trafficking in human beings (psychosocial support, mediation in the provision of free medical assistance, humanitarian aid, social support, assistance in vocational education and employment, etc.).

Another positive example of coordination in Belarus is the creation of multidisciplinary groups (MDGs) that operate in all regions of Belarus. MDGs were created at the initiative of the Belarusian Red Cross Society in 2011. The members of the groups are representatives of all state structures at the regional level involved in combating human trafficking, representatives of the IOM and non-governmental organizations working in the field of human trafficking. Memorandums of cooperation have been concluded between the members of the groups. The work of the groups in the regions has made it possible to intensify the work on rendering assistance to victims of trafficking in human beings at the regional level, to strengthen the interaction between all stakeholders.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

In addition to international agreements on international legal assistance in criminal matters (described in the answer to question 56) the Republic of Belarus has concluded a number of international agreements on cooperation in the field of combating human trafficking.

This type of international treaties differs from treaties on legal assistance by subject of regulation. Thus, international treaties on cooperation in the field of combating trafficking in human beings, as a rule, provide for a number of measures to prevent crimes related to trafficking in human beings, as well as to protect and rehabilitate its victims. At the same time, international treaties on legal assistance in criminal matters mainly regulate the procedure for interaction between the competent authorities of states in the field of criminal justice.

The Republic of Belarus is a party to the following international treaties concerning cooperation in the field of combating trafficking in human beings:

The Agreement of the Member States of the Commonwealth of Independent States on Cooperation in the Fight against Trafficking in Human Beings, Human Organs and Tissues (Moscow, November 25, 2005);

The Agreement of the Ministries of Internal Affairs (Police) of the Member States of the Commonwealth of Independent States on Cooperation in the Fight against Human Trafficking (St. Petersburg, September 17, 2010);

Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Internal Affairs of the Republic of Turkey on cooperation in the field of combating human trafficking and illegal migration (Minsk, July 28, 2004) (interdepartmental international agreement);

Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Belarus and the National Committee for Combating Trafficking in human beings of the United Arab Emirates on cooperation in combating trafficking in human beings, (signed remotely July 20, 2020 in Abu Dhabi and July 31, 2020 in Minsk, is not an international treaty, but an instrument of international nature concluded with the aim of strengthening and developing cooperation between the Parties).

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

In the Republic of Belarus, there are no cases of applications for refugee status, subsidiary protection or asylum of foreign citizens and stateless persons who are victims or potential victims of human trafficking. There were also no cases of identification of victims of trafficking in human beings during the examination of applications for protection.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

1. Ministry of the Internal Affairs
2. Ministry of Foreign Affairs
3. Ministry of Health
4. Ministry of Education
5. Ministry of Labor and Social Protection
6. General Prosecutor's Office
7. State Border Committee
8. Investigative Committee
9. Supreme Court

Non-governmental organizations, as well as the representative office of the International Organization for Migration in the Republic of Belarus expressed their intention to send their answers to the questionnaire on their own.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

Diana Ilyashevich, contact person for interaction with GRETA (International Cooperation Department of the Ministry of Internal Affairs).

E. Statistics on THB (per year, starting with 2016)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Information is presented in Table 1 of Appendix 1.

Number of presumed victims whom the competent authorities had "reasonable grounds" to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Information is presented in Table 2 of Appendix 1.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Information is presented in Table 2 of Appendix 1.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

The information available to the Ministry of Internal Affairs is partially presented in Table 2 of Appendix 1.

According to the Ministry of Labor and Social Protection:

In the first half of 2020 victims of human trafficking and persons who could have suffered from human trafficking or related crimes did not apply to the labor, employment and social protection authorities. In 2019 assistance was provided to 1 person who could have suffered from human trafficking or related crimes, in 2018 – 5 persons, in 2017 - 2 persons, in 2016 - 12 persons.

Those who applied were provided with the services of a temporary shelter, humanitarian aid, information and consulting services, social and psychological services, assistance in finding a job, and referral to vocational training.

All applicants are men of working age who have been subjected to labor exploitation. They applied personally and with the redirection of the Belarusian Red Cross Society, the public association "Club of Business Women", the charitable social and information institution "Space for Success".

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

The competent authorities of Belarus keep records of residence permit granted, but without specification who of the applicants is a victim of human trafficking.

Number of victims given refugee status and subsidiary/complementary protection.

In the Republic of Belarus, there are no cases of applications for granting refugee status, subsidiary protection or asylum of foreign citizens and stateless persons who are victims or potential victims of human trafficking. There were also no cases of identification of victims of trafficking in human beings during the consideration of applications for protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

The Republic of Belarus is actively studying the experience of other states in the field of collecting statistical information concerning compensation awarded to victims of THB and related offences.

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 (within the procedure of civil justice). A person who has not filed a civil claim in a criminal proceeding has the right to bring it under civil procedure.

So, taking into account the existing compensation scheme state authorities are working out the mechanism of data collecting.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

The information will be provided by the IOM Office.

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

The information will be provided by the IOM Office.

Number of investigations into THB cases.

According to the Ministry of Internal Affairs

152 criminal cases were initiated on crimes related to human trafficking in 2016 (1 of which was human trafficking itself), 107/1 in 2017, 136/6 in 2018, 93/4 in 2019.

Number of prosecutions of THB cases.

Judicial statistics in the courts of general jurisdiction of the Republic of Belarus is formed 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 (form 10), as well as by the composition of convicts, the place and time of the commission of crimes, indicating sex, age and citizenship of the convict (form 11) – information is presented in Appendix 2.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

According to the Ministry of Internal Affairs

59 persons were convicted in 2016, 28 persons in 2017 (to imprisonment 27), 41 persons in 2018, 39 persons in 2019. All of the sentences imposed have been executed.

The information is also presented in table 1 (form 10) of Appendix 2 (statistics of the Supreme Court).

Number of judgments resulting in the confiscation of assets.

The information is presented in table 1 (form 10) of appendix 2 (statistics of the Supreme Court).

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

According to the information of the Ministry of Internal Affairs in 2016-2020. these decisions were not made.

Number of convictions for the use of services of a victim of THB.

According to the Ministry of Internal Affairs there is no responsibility for the use of the services of victims of trafficking in human beings in the Republic of Belarus (meaning responsibility for consumers of sex services).