

Trafficking in children for sexual purposes

Country report Belarus

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The Joint East West research project on trafficking in children for sexual purposes in Europe: the sending countries, has been co-financed by the European Commission STOP II programme and the OAK Foundation

ECPAT EUROPE LAW ENFORCEMENT GROUP

Report on trafficking in children in Belarus

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I. Methodology of the research.

This survey on “Trafficking in children for sexual exploitation in Belarus” was carried out between August and October 2003. The researchers were members of two NGOs - “Children – Not For Abuse” and the “YWCA of Belarus”. The principal methods of scientific analysis were:

- Identification and review of documentation and statistics available from various sources.
- Inventory and analysis of the available information.
- Interviews and personal meetings with selected experts. The experts selected for the research were representatives of government bodies, non-governmental organizations, and international organizations, who deal with the problem of trafficking in general, and have practical experience of combating trafficking in human beings.
- Interviews with experts were held using the agreed questionnaire. The answers were recorded on audio-cassette. Some of the experts interviewed wished not to be identified in the report. The researchers guaranteed their right to remain anonymous.

The research team is extremely grateful to the government bodies and non-governmental organisations listed below that provided them with valuable information and data:

- Ministry of Internal Affairs, Anti-Vice and Anti-Drugs Department;
- Department of Family Policy and Gender Problems of the Ministry of Labour and Social Welfare;
- Labour Migration Office of the Migration Department of the Ministry of Labour and Social Welfare
- Ministry of Education;
- National Institute of Education of the Ministry of Education;
- City Reception Centre for Minors;
- State Committee of Border Guards of Belarus ;
- Minsk Centre for Social Assistance to families and children;
- NGO “Children – Not For Abuse”;
- NGO “Young Women’s Christian Association”, La Strada Programme;
- «To the Children of Chernobyl» Fund, Centre “Malinovka” for young women and girls;
- International Association for Humanitarian Cooperation;
- NGO “Radislava” and Women’s Crisis Centre;
- NGO “League of voluntary youth labour”

The researchers concentrated on the issue of international trafficking in children; the authors analyzed various aspects of child trafficking from Belarus to other countries, and also information about trafficking of foreign minors within Belarus for the purpose of subsequent exploitation.

II. Is trafficking in children a problem in Belarusian society?

Trafficking in persons is not a new problem in the Republic of Belarus – either for the government authorities or for civil society. However, so far there has been no research done that has produced statistical data on the problem of trafficking in persons, and it is therefore difficult to make an objective assessment.

The researchers experienced difficulties while collecting information on the problem. Unfortunately, there were no statistics that could give information, either directly or indirectly, about cases of trafficking in children from the Republic of Belarus. Experts knew about individual cases and facts; however the data was not adequate to enable conclusions to be drawn on the full scale of the export of minors from Belarus to other countries for the purpose of sexual or other exploitation. The experts' knowledge on the issue is based on information about trafficking in women, the causes and factors of the problem in general, and the methods of recruitment, trafficking routes, and consequences for the victims of trafficking, in particular. The main target group of the current local, national and international counter-trafficking programmes in Belarus is women. The problem of trafficking in persons is mainly considered as a problem of trafficking in women for the purpose of sexual exploitation. Cases of child trafficking are individual single cases, and have not been studied in detail.

The majority of experts interviewed agreed about the lack of information on trafficking in children. One of the experts,¹ who represented a state body, denied that there was a problem as such, and referred to the progressiveness of the Belarusian legislation on the rights of the child. NGO experts unanimously confirmed that trafficking of children from Belarus was a fact, and gave examples from own experiences as NGOs, as well as second-hand information.

The lack of information about trafficking in children is also explained by the fact that law enforcement practice on combating trafficking in persons is only beginning. Thus, for instance, prior to the year 2000 there was no crime identified as “Trafficking in human beings” in the legislation of Belarus. According to an undeclared “tradition” of state policy, the absence of laws regulating any phenomenon means that the problem doesn't exist.

On the whole, the information obtained in the course of the research allows us to say that the problem of trafficking in children is not recognized at national level by the state authorities, is invisible and understudied. Recognising the progress that has been made in the field of research on the issue of trafficking in women, the researchers are concerned at the low level of interest shown by the social institutions and the law-enforcement bodies on the theme of trafficking in children.

III. Overview of the general situation: social and economic aspects, factors contributing to trafficking.

The population of Belarus was 99,509,000 at the beginning of 2002. Of those, the age group of 5 to 9 years numbered 5,394,000; 10 to 14 years numbered 750,000; and 15 to 19 years numbered 8,392,000.² At the beginning of 2001 more than 30,000 women in the age group of 14 to 25 did not have a job and were not involved in education.³

There has been a rapid increase of the process of disintegration of families, as a result of which many single women or single men are the sole earners and providing for the education of their children. Where there are single-parent families, the risk of poverty increases. In the year 2000 there were 23,000 single-parent families in Belarus, where the sole parent was the father. There are 300,000 single-parent families in total in Belarus.⁴

The processes that lead to the feminization of poverty and unemployment and directly influence migration trends in the population as a whole, and among young people in particular, are increasing over the past few years in the country. According to data from the Ministry of Labour and Social Welfare in Belarus, the average unemployed Belarusian is a woman under 30 years of age, with only a general secondary education. The most vulnerable category for unemployment is women without a profession or work experience. Every second unemployed person is under 30 years of age. Every fifth unemployed person is a school graduate.⁵

In terms of human development indicators, Belarus has one of the highest among the other countries of the CIS.⁶ The country wasn't involved in any armed conflicts, and that fact creates a positive, developing image of Belarus as a European country, compared to other republics of the former Soviet Union. This encourages citizens of the CIS countries to migrate to Belarus, and encourages others to use the country as a temporary base during migration to the countries of Western Europe.

After the collapse of the Soviet Union, Belarus gradually turned into a transit territory used for the transfer of illegal migrants and refugees to the countries of Western Europe and America. According to data from the State Committee of Border Guards they number from 20,000 to 100,000 persons.⁷ Most of the illegal migrants are from Afghanistan, India, Pakistan, Sri Lanka, Vietnam and China, as well as from the former USSR Trans-Caucasian region, Central Asia, and Chechnya.

An additional factor, which increases the number of women and children exported to the Russian Federation for forced sexual service and the making of pornography is the transparent nature of the border between Belarus and Russia. Statistics available from the law-enforcement bodies and data from public organizations confirm that Russia has become one of the main destination countries for the use of minors in the sex industry and for begging.

It is possible to identify the following basic preconditions for the trafficking of human beings in general, and trafficking of children in particular:

- The opening of borders and the fall of the «Iron Curtain» made it easier to travel to other countries;
- The gap between «poor» and «rich», «developed» and «developing» countries is constantly increasing in terms of economic and human development;
- The globalization processes as a whole, and the internationalization of the «shadow» economy in particular;
- The formation of international criminal gangs;
- Corruption in state bodies, and links between organized criminality and the state structures.

Belarus plays two main roles in human trafficking. It is both a country of origin and a country of transit. Many Belarusian citizens look for the chance to get a job abroad, with a view not only to advancing their career, but also to improve the material situation of their family. In 1995 the number

of people who had gone abroad on temporary work assignments amounted to 1,692 men,⁸ but by 2001 more than 4,000 men had been issued with labour contracts by foreign employers. In 2002 this figure had increased to nearly 5,000 people. However the figures for labour migration in 2001 showed that 90% were engaged in physical work and only 10% in intellectual forms of work.

The largest risk group consists of young people between 16 and 30 years of age. This is the most mobile category of the population, those who are active and able-bodied and/or receiving education. On the one hand young people do not have practical experience; on the other hand, they are constantly looking for interesting and highly-paid work, including work abroad. Young people want to see the world, to gain knowledge and experience, and to try a new way of life. Of the Belarusian labour migrants who went abroad in 2001, young people under the age of 24 accounted for about 70% of them.

The risk group includes children from families with different kinds of problems:

- Children from single-parent families (usually a mother);
- Children, whose parents have been deprived of their parental rights or are in prison or detention;
- Children who have experienced domestic violence, either directed against them or witnessing it in the family – by the father (partner) against the mother;
- Children who have grown up in a dysfunctional environment, where the parents abuse alcohol, or where they themselves have used alcohol, drugs, or other toxic substances;
- Children who have been involved in petty crime and have been in remedial detention centres;
- Children from low-income families, or from families where the parents are unemployed;
- Children who have been brought up in children's homes or state boarding schools.

Economic conditions are, of course, not the sole determining factor. Other factors include a low level of information about rights and freedoms, relating both to the country and to the international labour market, the lack of a rights-based culture in society as a whole, and also illusions about life abroad, which are frequently very different from the reality. In the beginning of the 1990s, sociologists noticed some changes in the values of school-going young people. The results of sociological surveys in those years showed that the profession of «prostitute» and «banker» were in first place, while «doctor» and «teacher» were missing from the list of professions that young people considered of value. Now, as was the case ten years ago, young people want to find 'quick-fix' solutions to their problems.

Trafficking in children occurs against a general background of consumerism which is promoted by the mass media. Television encourages a simplistic notion of intimate sexual relations, promotes the reduction of moral values and idealises the western way of life, - none of which helps children to develop in a positive way.

The sociological research, which was carried out by the Institute of Sociology of the National Academy of Sciences of the Republic of Belarus and commissioned by the Committee on Migration of the Ministry of Labour in Belarus in 1998, is of interest. Its results are not directly related to the problem of trafficking in persons; however, the data collected enables the assertion to be made that there is a danger of potential migrants becoming real victims of human trafficking. This research has shown that only about 4.3% of all those wishing to leave the country had adequate information relating to employment outside of Belarus.

The transformation of Belarus into a destination country for criminal organizations involved in human trafficking began in the 21st century. In 2001 and 2002 non-governmental organizations identified cases involving women from Ukraine and Moldova in the sex industry in the border regions of Belarus. It is not known whether their work was voluntary or compulsory. In 2002, for the first time, the law-enforcement authorities took criminal proceedings relating to the involvement of minor girls from Moldova in begging and the production of pornography in Belarus.⁹

NGO representatives expressed concern that Belarus could become a destination country after Poland becomes a full member of the European Union in 2004, and Belarus will then be a border country of the European Union. It can be expected that the methods of recruitment, and the means and channels of transportation will change, and that organized criminal gangs will take advantage of the geopolitical situation of the country to make more money.

Overview of National and International Legislation.

Trafficking in women from the Eastern European countries and former Soviet Union increased rapidly after the fall of the Berlin wall and the collapse of the USSR at the beginning of the 1990s. During the ten years when this problem was developing, most of the post-soviet countries, including Belarus, did not introduce any legislation directed at combating trafficking in human beings. However rules regulating aspects of trafficking in persons, are incorporated in various legislative acts in Belarus, including the criminal, administrative, and migration legislation, and legislation on the rights of women and children.

In January 2001 the new Penal Code of the Republic of Belarus came into force¹⁰, which for the first time defines “Trafficking in human beings” as a crime and inserts two new articles in the section on “Crimes against personal freedom, honour and dignity”, providing penalties for the following sort of actions:

- Article 181 “Trafficking in human beings” identifies trafficking as a specific offence in the criminal code. The definition of trafficking does not include the list of acts, the means, and purposes of trafficking which are included in the UN Protocol definition. Article 181 prohibits any action in which the intent is to sell, purchase or "undertake other types of activities regarding the acquiring or handing over of a dependent person," and these activities are then referred to in parentheses as trafficking in people.
 - If the offence is committed against someone the perpetrator knows to be a juvenile, the penalty increases to a minimum of 5 years and a maximum of 10 years imprisonment, with the option of property confiscation.
 - If, as a result of any of these actions, the victim sustains severe bodily injury or dies, the minimum prison sentence is 8 years and the maximum is 15 years, again with the possibility of property confiscation. Article 181 does not address the issue of the protection of trafficked victims.¹¹
- Article 187 “Recruitment of persons for exploitation” describes the penalty for recruitment by deceit of persons for the purpose of sexual or other exploitation. The penalty varies from detention for up to 6 months to imprisonment for up to 10 years with or without confiscation of the property of the criminal.

There is no definition in the article of the kinds of deceit used in recruitment that would constitute the crime. Investigations of crimes connected with trafficking in human beings show that cases mainly involve the recruitment of women for the purposes of sexual exploitation. Up to now there have been no convictions in cases where the recruitment of persons was for other purposes, such as forced labour.

Many experts who were interviewed believed that it was necessary to increase sentences where the crime involved trafficking in children. From data provided by IOM,¹² the terms currently imposed for crimes connected to trafficking in women do not exceed 7 years imprisonment.

It should be noted that the term ‘children’ does not feature in the Penal Code of Belarus. The terms used in the criminal legislation are: “juvenile” – for children under 14 years of age, and “minor” – for children under 18 years of age.

Puberty for men and women begins at 16 years of age, according to the criminal legislation of Belarus. Sexual exploitation of a person under 18 years of age is, however, recognized as an aggravating circumstance, leading to increased penalties, compared to the same acts committed against a person of full legal age. Sexual exploitation of persons under 16 is also an aggravating circumstance.

A person over the age of 18 deliberately involving a minor in activities connected to the manufacture of pornography attracts a criminal penalty and is covered under Part 1, Art.173 of the Penal Code (“Involving a minor in anti-social behavior”). The same deed, if committed with the use or threat of violence, or if committed by a parent, tutor, or other person in charge of the education of the minor, is covered under Part 2, Art.173 of the Code. The penalty under Part 1 is detention for up to 6 months, or imprisonment for up to three years and under Part 2 the penalty is imprisonment for from one to five years, with or without deprivation of the right to hold certain positions and exercise certain responsibilities.

The manufacture or storage for the purpose of distribution or advertising, or the distribution or advertisement itself, of pornographic materials, including printed materials, images, or any other objects of a pornographic character, if committed within one year of the original offence, are punishable as well under Article 343 of the Penal Code. The penalties provided in the article include community service, a fine, or correctional work for up to 2 years, or detention for 3 months, or imprisonment for up to 1 year.

One of the law-enforcement experts noted that a gap in the child protection legislation is the absence of responsibility for the making and distribution of child pornography. “The responsibility for distribution of child porn is a gap for us. We do not allocate responsibility for such activities, although many foreign countries do.”¹³

In general the Belarusian legislation on children’s rights can be divided into 2 categories:

- National legislation
- The international treaties ratified by the Government of the Republic of Belarus and, accordingly, accepted as mandatory.

The first category consists of the following main documents:

1. The Law of the Republic of Belarus “On the Rights of the Child” (adopted 19 November 1993). Clause 9 of this law states that « the State...protects the child against all kinds of exploitation, including sexual, physical and/or emotional violence, severe, rough or offensive treatment, sexual abuse, whether such abuse is inflicted by parents or guardians or relatives... from imposed prostitution or begging... or actions connected to the manufacture of materials or subjects of a pornographic character».

2. The Presidential Programme “Children of Belarus” for the period 2001-2005 seeks to develop additional measures relating to the observance of children’s rights, including their protection from violence.¹⁴

3. An important tool for providing assistance to the victims of trafficking is the Law of the Republic of Belarus “On social service”, which came into force on 22 May 2000. The Law defines social service as “the activities of legal and physical persons in providing social support, the granting of domestic, medical, psycho-pedagogical, legal services and the provision of material help, and the creation of conditions for social adaptation and rehabilitation of citizens and families who find

themselves in difficult circumstances.” The spectrum of social and rehabilitation service provision is wide, and covers medical, professional, employment, psychological, and pedagogical rehabilitation and adaptation; it covers the basic kinds of help which victims of trafficking require. The Law also provides for emergency services, including assistance in establishing and expanding connections between persons, families and social institutions, and contacts between them.

4. The State Programme on enhancing activities to combat crime for the years 2001 to 2003. One of the articles in this programme describes measures aimed at “disclosing, preventing and suppressing the illegal sexual exploitation of women and children, and the activities of the manufacturers and distributors of pornography”.

5. The State Programme «On complex measures to counteract trafficking in human beings and the spread of prostitution for the years 2002-2007», which is an action plan on the part of the Belarusian government directed at combating trafficking in human beings. More than 20 ministries and governmental structures are designated to carry out the Programme. NGOs can also take part in its implementation.¹⁵

6. Law of the Republic of Belarus of 31 May 2003 «On the provision of a system for the prevention of child neglect and juvenile crime». According to this Law, more than 15 state bodies have been tasked with the establishment of a system that will prevent child neglect and juvenile offences. These efforts will help to prevent the involvement of minors in prostitution and trafficking in human beings.

The development of a National Plan of Action to implement the rights of children is now underway at state level; one of the targets of the plan is the protection of children from abuse, violence, trafficking and exploitation.

The development of the concept of juvenile justice also began in 2000. The participants in a working group on the subject hope that their work will develop an essentially new approach to the problem of juvenile crime and offences against minors.

A secondary level of national legislation includes:

1. Decree of the President of Belarus of 18 March 1996 «On the creation of a National Commission on the rights of the child». The objectives of the Commission are: 1) implementation of the state policy on support for the rights and interests of children; 2) management of the rights of children contained in the Convention on the Rights of the Child and in Belarusian legislation; 3) coordination of the activities of state bodies and public organizations for the protection of the rights and interests of children; 4) proposing the development of programmes aimed at the support of children to the President and Government; 5) adoption of the periodical national reports on the protection of children's rights to be presented to the UN Committee on the Rights of the Child; 6) coordination of the development and adoption of legislative and other normative acts for the protection of the rights and interests of children; 7) implementation of measures supporting children in difficult circumstances; 8) widespread dissemination of information about the UN Convention on the Rights of the Child, the Law "On the rights of the child", and other legislation, among children, parents, the public, and promotion of their study in educational institutions.

However there are no public funds to support the functions of the Commission, and therefore its activities are limited.¹⁶

2. Order of the Ministry of Education and Science of Belarus of 10 July 1996 «On the creation of a database of orphans and children who are without parental care».

3. Order of the Ministry of Education and the Ministry of Health of 14 July 1998 «On additional measures relating to adoption procedures», which describes in the introduction the problem areas related to the adoption of Belarusian children by foreign nationals: «The decisions of local administrative bodies related to international adoptions are not always made in the presence of

foreign adopters. Thus, the Administration of the Frunze Executive Committee of Minsk considered 16 cases of adoption of children by foreigners; the children were at that time under the responsibility of the local department of education; but the future parents were not present at the sessions of the Committee, and there were no notes in the minutes of the session. The departments of education can provide information about children available for adoption, and about the condition of their health, to individuals and non-governmental organizations. Information about Belarusian children, their photos and information about their health can even be found in Swedish newspapers, and Swedes can choose children from their photos in the press. Thus, Swedish citizens have chosen some children from children's homes in the area of Vitebsk and Minsk and in Grodno from photographs and medical information provided».

4. Decision of the Council of Ministers of Belarus of 28 October 1999 «Ruling on the adoption of children and the establishment of guardianship over them by foreigners, persons without citizenship, and citizens of Belarus permanently residing abroad»;

5. Decision of the Council of Ministers of Belarus of 28 October 1999 «Ruling on reception families»;

6. Decision of the Council of Ministers of Belarus of 28 October 1999 «Ruling on guardianship in Belarus»;

7. Decision of the Council of Ministers of Belarus of 22 August 2002 «Ruling on the sending abroad of Belarusian minors, who are without parental care for education and treatment».

The Chernobyl nuclear station disaster, which happened in 1986 in the Ukraine, has had a huge adverse effect on the health of the Belarusian population as a whole, and on the health of children in particular. For more than 15 years, many charitable international and private organisations operate programmes to give thousands of children from the polluted Belarusian territories an opportunity to take part in health improvement programmes and treatment abroad for weeks and even months. Belarusian organisations involved in rehabilitation programmes for children in foreign countries are subject to licensing. Children are obliged to have a notarised permission from both parents to cross the border. The organisers of such activities carry total responsibility for the children. However, according to information obtained from non-governmental organisations, some children who were participating in health rehabilitation programmes abroad and living with families were exposed to sexual violence.¹⁷ And although it is not possible to describe these cases strictly as cases of trafficking in children, the facts about the violence used against the children are worrying.

8. Decision of the Council of the Republic of the National Assembly of Belarus of 20 December 2002 «On the recommendations following parliamentary hearings on the theme of 'The rights of children and their implementation in national legislation. Results from law-enforcement practices.'».

In general the state experts noted that the current legislation in the field of adoption functions well in practice and is not open to abuse. Adoption was not considered to be a channel for trafficking in minors.

The second category of legislation on the rights of the child results from international conventions, ratified by the government of Belarus:

1. Convention on the Rights of the Child, in force since 31 October 1990. Article 35 stipulates that "State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".

2. Hague Convention of 1980 on the Civil Aspects of International Child Abduction (in force in Belarus since 1 April 1998).

2. Recognizing the vulnerability and special needs of children, Belarus acceded on 3 December 2001 to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

3. International Labour Organization Convention ? 182 on the Elimination of the Worst Forms of Child Labour entered into force in Belarus on 31 October 2001.

4. On 3 May 2003 the UN Convention against Transnational Organised Crime and two of its supplemental Protocols were ratified by the Government of the Republic of Belarus.

The bilateral and multilateral agreements in the field of combating organized crime, which have been signed by the Republic of Belarus, are important for the promotion of mutual cooperation and cooperation between law-enforcement bodies. Bilateral interdepartmental agreements on cooperation between law-enforcement bodies in various areas have been signed between the Ministry of Internal Affairs of Belarus and the Ministries of Interior of Ukraine, Turkmenistan, Moldova, Armenia, Georgia, Kazakhstan, Tajikistan, Kyrgyzstan, Russia, Uzbekistan, Azerbaijan, Lithuania, Latvia, Poland, Bulgaria, Romania, Turkey, Israel, Vietnam, and China.

Bilateral cooperation is also being developed between the law-enforcement bodies of Belarus and some countries of destination, including Germany, Austria, Great Britain, Scotland, Sweden, and Spain. However there are some problems in law-enforcement practice in the implementation of the agreements, which relate to the training of experts from the specialised law-enforcement divisions on the issue of human trafficking, information exchange, and joint investigations of trafficking cases.

The only agreement mentioned by the experts on multilateral cooperation in the sphere of children's rights relates to the return of minors to their states of permanent residence. This agreement was signed on 24 September 1992 and is on cooperation between the CIS states for the return of minors to their states of permanent residence.

In spite of the fact that the Belarusian government devotes a lot of attention to consideration, amendment and development of legislative norms on the rights of the child, the implementation mechanisms of the laws is not good, responsibility for their performance is vested in many state bodies, so it is inefficient and inadequately co-ordinated. "As long as there is no concrete mechanism, and as long as the functions of protection are assigned to all and to nobody particularly, it will not be possible to say that there is a serious mechanism for the protection of children from all forms of violence, including sexual." ¹⁸

Law-enforcement.

A specialized Anti-Vice department was set up in the Ministry of Internal Affairs (MIA) of Belarus in 2000. The task of this Department is the investigation of cases of drug trafficking, trafficking in persons, and the prevention of prostitution. Unfortunately, the fact that trafficking in persons and prostitution are both dealt with under one roof frequently results in over-simplification of the issues, and a blurring of the difference between the sex industry and trafficking in persons.

According to information from the MIA expert on law-enforcement "Responsibility for crimes against minors which relate to immoral behavior or which involve the participation of minors is divided. There are employees who are engaged only in investigating crimes connected with trafficking of children abroad." ¹⁹

The expert representative of the Department gave information in an interview which allows us to see how the process of recruitment and exploitation of children for the Russian market occurs: "In one of the regional centres in the Minsk area we found a case where a group of persons was engaged in the recruitment of females, including minors, for trafficking to the Russian Federation for the purpose of

sexual exploitation, to Moscow and the region around Moscow. There were 10 to 12 victims in the age category of 11 to 18 years. Recruitment and transportation were arranged in the same way as we told you about earlier. There were those who went voluntarily, and those who went with the aim of making easy money, and those who were made unconscious by alcoholic drink. They were deserted in the bus and were taken out. Some of them were forced to run; we returned some of them, and some are still missing.”²⁰

In 2002, this department uncovered 443 crimes, including two crimes of trafficking in persons, 20 crimes of recruitment of persons for sexual exploitation, 342 crimes involving the maintenance of secret brothels, pimping (including 90 cases of pimping for the purposes of trafficking abroad), 30 crimes involving the distribution of pornographic materials, 47 crimes involving minors in public order offences, and two crimes of kidnapping. In the same year, the Department apprehended ten organized criminal groups that were recruiting women for the purpose of sexual exploitation and pimping. Out of these cases, a total of 47 persons were convicted in 2002 for crimes connected with trafficking in persons. However for the period 2001-2002 there were no criminal cases or convictions related to trafficking in children.²¹ The researchers have no data for the year 2003.

From an interview with employees of the "Malinovka" centre:

" ... The girl was returned to her mothers after her (the girl's) disappearance from Baranovichi for 2 years. She was brought back by an unknown woman and given to the mother. When the mother asked what had happened, the stranger answered that it would be better for her not to know, and not to ask anything. We assume that she was a woman from an organization which combats trafficking in persons. They had somehow managed to rescue that girl from the hands of the dealers, and they delivered the child to her mother. But these people, naturally, want to remain anonymous in order not to put their families or themselves in danger. The girl was in brothels all the time. First in Germany, then in Turkey. She was in a very dangerous mental state, and at first, for something like a year, she could not speak about her experiences at all."

Child care/protection system. Prevention programmes.

The most important governmental structures in the sphere of child rights' protection are the following:

1. National Commission on the Rights of the Child, established in 1996.

The National Commission has the right to check on the actions of ministries, other central and local governmental bodies, and public associations in relation to their observance of the UN Convention on the Rights of the Child and of Belarusian legislation on the protection of the rights and interests of children; and to receive from the ministries, other republican and local government bodies, and public associations, information and data related to the rights and interests of children, in response to its enquiries.

The National Commission could not be considered an Ombudsman. The Commission itself has admitted as much since it has requested the introduction of the post of Ombudsman on the rights of children in the Republic. The National Commission has authorized the National Institute of Education to prepare a draft law on a Representative for children's rights. Another project is being prepared by the National Law Centre under the President of the Republic of Belarus, namely a law "On alterations and additions to the Law of the Republic of Belarus 'On the rights of the child'" with a section about a Representative on the rights of the child. There is currently a discussion on the following themes: what model, what structure would be most suitable for Belarus, and from

what sources will it be financed, taking into account the difficult economic situation in the Republic.

The Republic of Belarus has twice presented its periodic reports on implementation of the UN Convention on the Rights of the Child. On the whole there was a positive assessment by the Committee about the situation of children's rights resulting from its consideration of the second periodic report (on 27 May 2002). However, the following comments were made: "The Committee is alarmed about the information that Belarus is a country where trafficking in children exists and that it is a transit country for trafficking, and especially that girls are used for the purpose of sexual and other kinds of exploitation. ... The Committee recommends that research be undertaken into the question of trafficking in children and other interconnected problems, ... and the development and adoption of a national plan of action against commercial and sexual exploitation of children...".

2. A National Adoption Centre under the Department of Education has been established, and now regulates the adoption of children who are without parents or guardians. The centre carries out psycho-pedagogical assessments, and provides legal assistance to the persons proposing to adopt. It also coordinates the activities of regional and municipal bodies for the protection of childhood in relation to national and international adoptions. The National Adoption Centre closely cooperates with similar bodies in other states.

3. Commissions for Children, which ensure the coordination of the state bodies, establishments and other organizations in their areas that have responsibilities under the legislation for children.

4. State education bodies and educational establishments, which are responsible for the prevention of child neglect and abuse.

5. Specialized establishments for minors needing social help and rehabilitation. Children's shelters and other establishments provide specialized social assistance and rehabilitation services to minors.

6. Child Inspectorates which have the following responsibilities:

- Identification of the persons who involve minors in crimes or other anti-social activities or who commit offences against minors, and also the parents, adopters, or guardians of minors, or other persons who do not carry out, or who carry out badly, their duties in relation to the education, training and maintenance of minors, and seek to have them comply with their duties as stipulated in the legislation;
- Seek to identify missing children or minors requiring help from the state, and direct them to the appropriate bodies or establishments responsible for the prevention of neglect and abuse of minors or offences against minors.

NGOs play a significant role in the prevention of trafficking in children in Belarus. It was non-governmental and international organisations that took the initiative to introduce the problem of trafficking in human beings into the modern political agenda. Up to 2001, when the new Penal Code of the Republic of Belarus came into force, and the problem of trafficking in persons was officially recognized by the state, all the anti-trafficking activities in the field of prevention and awareness-raising were conducted by non-governmental organizations.

One of the organizations engaged in the prevention of commercial sexual exploitation (CSE) and in particular in the prevention of trafficking in children in Belarus is a public association for the prevention of severe abuse of children "Children – Not For Abuse". Since December 2000, this organization is an affiliate member of the international organization ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). Experts from this organization have developed and implement a programme entitled "Let's stop the relay race of evil", which is directed at the prevention of CSE. A booklet on "Safety" and an information leaflet for children,

“Internet Safety Rules” have been developed and disseminated in the framework of this programme. Now a project entitled “Your choice – your life” has been prepared and submitted to UNICEF. The purpose of the project is the prevention of prostitution among girl students at Minsk vocational schools, and of their exploitation in pornography. «Children – Not for Abuse” is a participant in the ECPAT joint project between countries of East and West Europe on the prevention of trafficking in children.

The first anti-trafficking project, which began in 1998 on a voluntary basis, was initiated by the NGO "Young Women’s Christian Association of Belarus". The project was preventive and aimed at the distribution of information among risk groups, namely young female students. Since January 2002 the programme entitled "La Strada: Prevention of Traffic in Women in Central and Eastern Europe", has begun. “La Strada” is run by the YWCA, and is implemented with the support of the ? ? ? RA programme of the Ministry of Foreign Affairs of The Netherlands and other Dutch charitable foundations. The “La Strada” programme has three main components: raising public and political awareness on the issue of trafficking in women and attracting serious mass-media attention to it; informing potential victims about the risks of trafficking in women, and providing victims of trafficking with adequate services or referring them to assistance networks. The national hotline “La Strada” is operated on a daily basis for 12 hours per day.

The Belarusian charitable fund “For the Children of Chernobyl" has experience of trafficking prevention activities for the past 4 years. Trainers from the Fund work with school graduates, vocational schools, institutes, and universities, and carry out ‘training of trainers’ educational seminars. There are 32 youth centres throughout the Republic supported by the Fund, where lecturers and teachers are working. In 1998 the Fund opened the centre "Malinovka" for women and girls suffering from violence. Prevention consultations are provided mainly for the people of Minsk, and help is also given for reintegration to Belarusian women who have come back to Belarus after being trafficked.

Trafficking in children – description of the process: Methods of recruitment, trafficking channels, purposes of trafficking, and countries of destination.

The information on the use of children, the methods of recruitment used by traffickers, their routes and channels of operation, and the methods used to enforce compliance is based on a study of the phenomenon of trafficking in women, and on some (few) data provided by the experts who were interviewed.

As the Penal Code of the Republic of Belarus does not contain a complete definition of the concept «trafficking in human beings», the researchers used the definition in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime. There the definition of trafficking in persons means:

...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits...

The majority of the experts questioned agree that children from single-parent and dysfunctional families in the age range of 11 to 18 years, mainly from villages and small towns, are the basic risk group. Cases of trafficking in children from 10 years of age for pornographic photos and video-shootings were known; however it is less widespread. Girls more often are the victims of traffickers and pimps than boys.

Most traffickers are male. However according to the law-enforcement bodies, in the overall situation of trafficking in persons, approximately half the traffickers are women. Some of them do it under instruction from male traffickers, by enlisting new girls instead of themselves. Others do it on their own account, in order to make money on “live goods”. The experts knew of cases where the recruiter of minors was a girl of the same age as the victims, who showed off expensive jewelry and clothes, ostensibly bought on her earnings.

The NGO “League of voluntary youth labour” reported a case where: “The oldest boy was 13 years of age, and he recruits around ten boys who are 10 and 11 years old. A girl of 16 recruits girls of 13 and 14 years of age. Sometimes children make themselves out to be older than they are in reality. We had a girl of 13 who had a lot of experience in the porno-industry from the age of 12; she danced in bars and prostituted herself, she looked like a 15-year-old”.

Traffickers operate at youth clubs, at various youth meetings, in pubs, in student hostels in large and small cities. The mass media is not used as a vehicle for the recruitment of minors; personal recruitment on the streets and probably also via the Internet, is more common.

The methods used by traffickers for the recruitment of children are similar to the methods used to recruit women. It is, first of all, the offer of highly-paid work in another country, the offer of easy earnings – you will earn money, have nice clothes, help your family.

Representatives from non-governmental organizations also notice that 14-15 year old teenagers receive offers of training abroad with subsequent employment, for example, in Poland.²² It means that these involve illegal departures, since citizens of Belarus can only receive a civil passport when they reach the age of 16; before that they cannot cross the border without permission from a responsible adult or without having legally notarized travel documents.

Along with the false promises of easy earnings, recruitment can also be quite openly for the sex industry, when the character of the work does not need to be concealed from the child. As a rule, such kinds of offer are discussed with children who are already sexually experienced, and/or who have experience of prostituting themselves in Belarus. Frequently a trafficker is well informed about the family of the child (or about the lack of family) and his problems; this allows him (the trafficker) to manipulate the will and desires of a potential victim.

A widespread method of recruitment is for the trafficker to pretend that he is in love with the girl (love stories). The main ingredient is for the trafficker to give the girl a lot of attention, of which many teenagers are deprived. The pimp and the girl will date for a short while, then the man suggests a visit to another country (for example, Russia or Poland), or they start living together first and he promises to marry her. The disappearance of two 17-year old girls in 2001 followed such a scenario, as was discovered by members of the Gomel police. Another trafficker from Grodno was known for his white «Mercedes» and wealthy lifestyle. Quite often girls receive small gifts (perfumes, small sums of money), that they are subsequently forced to repay.

Cases of kidnapping of children are less widespread. Sometimes minors are transported to other cities or countries under the pretext of “giving a lift in the car”. There were cases where children were forced to consume alcohol, including one where a child woke up only when he was already in Russia. NGO representatives know of cases where close relatives (parents, grandparents) have been involved in the process of recruitment.

The case of the recruitment of a 16-year old girl, ostensibly for the purpose of training in the hotel business in Poland, was described in 1998 in the Belarusian press. A Russian woman was the trafficker, and she got permission from the parents for the girl to leave. The main purpose of the trafficking was to export virgin girls for exploitation in Poland.

Experts from the official government educational institutions doubted that children who were leaving for health treatment were being trafficked, since the current legislation has very strict rules

and there are a limited number of organisations authorised for these activities. They also excluded adoption as a means of trafficking. However, the State Committee of Border Guards has data to show that “their legal parents with the ostensible purpose of further adoption» can traffic children²³ Representatives of the above-mentioned Committee also recalled a case from 1996-1997 in which a man who operated an elaborate child trafficking network, under the guise of adoptions, was arrested.

Some of the experts mentioned the use of children for begging, but concrete cases and facts were not provided.

Children are mostly transported by car or by train. None of the experts interviewed mentioned air travel as a channel for trafficking. This is firstly because of the expense of air tickets, and secondly because of the strict border controls at airports. Use of a vehicle is less expensive, and in the case of trafficking of children to Russia, the transparency of the border allows for unhindered crossing of the frontier, and little fear that the child’s documents will be checked.

It is important to mention cases of trafficking of children to Muslim countries, when the father of the child is a citizen of such country. In these cases the child does not become a victim of trafficking in its strict sense; however the mother loses her right to see her children and to bring them up. So, for example, according to the law of Syria, the right of the mother to bring up her child ends when a daughter reaches the age of 11, or a son reaches the age of 9. Lack of knowledge of the law on the part of parents, or deliberate concealment of subtleties in foreign legislation, result in children becoming instruments for mutual blackmail, and claims being made by one parent against the other. Such cases have not been fully studied as methods of trafficking; however they have a certain interest because of the lack of statistics and factual information.

The prosecution experiences of the Ministry of Internal Affairs and the experience of NGOs shows that recruitment of children takes place in all regions of the country, and especially at regional centres. It is possible to name such «dangerous» cities as Borisov, Zhodino, Molodechno, and Stolbtsi in the Minsk area; in border areas near Grodno and Brest - Novogrudok, Slonim, Baranovichi, and Pinsk, Malorita, Pruzhani are the same. The routes from cities in the Vitebsk area (Verhnedvinsk, Novopolotsk) go mainly towards the Russian Federation. In the Gomel area, traffickers work in Kalinkovichi and Petrikov, in Mogilyov - in Bobruisk and Kirovsk. Belarus is divided up among various criminal gangs, and thus trafficking in women and in minors follows «geographical» trends: from the areas bordering on Russia towards Russia, and from the western regions towards the countries of Western Europe.

...For the purpose of use in such situations of exploitation as exploitation of the prostitution of others (pimping, procuring) or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The most widespread purpose of exploitation of children is sexual exploitation – the obligatory provision of sexual services, and the production of pornographic videos and of printed pornography. The majority of the experts do not consider that there is trafficking in children from Belarus for the purpose of organ transplantation.

Girls are used more often in the sex industry; they work secretly in massage parlors, and in rented apartments to which clients come. The trafficking of boys occurs, for example, to Russia for the purpose of their use in pornographic video production. «On arrival in the country of destination the teenager is given a place to live, where he will be, a trafficker, for whom he will work, and who will provide him with habitation, clothes, hair coloring, condoms and a place where he will work. He (the teenager) is exploited, however safety is also provided; some persons will control him, so that he, on the one hand, does not appropriate the money, and on the other hand, to protect him from being taken over by other pimps. In cases of disobedience, physical and emotional punishments are meted out: he is beaten, raped, they use threats, or beat others in his presence as a deterrent».²⁴

There is also information on the involvement of minor girls in prostitution on the motorways between Russia and Belarus – «many girls stand on the roads, 150 persons or more could be standing there. There are certain places on the roads, where adults with cars drop by, and choose or order the one they want. There are certain places where different groups gather, the girls have their particular “mother”, as they call her, who sells them. Certainly, all this is very terrible, but from the stories of the girls, they get used to these conditions.»²⁵.

The majority of the experts interviewed named Russia as the usual country of destination for trafficked children from Belarus. Cases where minor children from Belarus had been trafficked were identified in the following Russian cities - Moscow, Himki, Ryazan, Saratov. Individual cases of child trafficking were identified in the Czech Republic, Israel, Turkey, and Poland, according to data from the Ministry of Internal affairs and the State Committee of Border Guards. And, as representatives of the State Committee of Border Guards noted, after the Presidential Decree came into force which regulated the travel of minor citizens abroad, attempts at the illegal transportation of children have practically stopped.

According to data from the IOM expert, minor victims of trafficking amount to 6% to 7% of the total number of people (over 40 persons) who have received help from that organization. However in the opinion of the researchers, these figures are indicative, not of the fact that there is little trafficking in children, but of the lack of knowledge on the part of the state and public institutions about the problem, and also of the need for the development of specialised programmes to study specifically the trafficking of children and to provide specialised professional help.

Reintegration and rehabilitation assistance/programmes.

All the experts who were questioned, except for one, said that minors are not considered as criminals in relation to trafficking, and are not liable to prosecution by the authorities. However specialized programmes directed towards the rehabilitation of minor victims, are neither developed by the state authorities, nor by the non-governmental and international organizations.

The Ministry of Labour and Social Welfare of the Republic of Belarus in compliance with the programme “Children of Belarus” and with “The National Action Plan on Gender Equality for the years 2001-2005” is working to establish a network of social service institutions providing medico-social, psychological and pedagogical, socio-legal and other kinds of social services. So far 108 centres have been opened countrywide, including 24 centres providing social services to families and children. These centres employ professional lawyers and psychologists. Apart from those, in Mozyr, in the Region of Gomel, a Crisis Centre for women and children who have suffered domestic violence and human trafficking abuse has been established. The long-term perspective is for the social services to participate in the reintegration of victims of trafficking. But the specialists from such structures need to be trained in gender sensitivity, and their awareness on women’s human rights and trafficking issues needs to be raised. “There is no specialisation for those who work with such children, there is no educational institution to train them, to design the qualifications, to carry out retraining on how to work with child victims of sexual violence or sexual exploitation, and with child victims of trafficking in general”.²⁶

The reception centres for minors are among the first governmental bodies, together with the law-enforcement authorities, that make contact with children who have returned from abroad. These reception centers for minors, within the limits of their powers:

- Provide all-day reception and temporary maintenance to delinquent minors with the objective of protecting their lives and health and preventing repeat offences;

- Carry out prevention work on an individual basis with minors, finding out the reasons and conditions for their neglect, offences or other anti-social actions committed by the minors, and pass the information to the interested bodies, establishments and other organizations.

During 2002-2003 IOM has been implementing a programme entitled "Combating the trafficking in women in Belarus" with financial support from the Swedish International Development Agency (SIDA) and the United States State Department. The principal goal of the project is to assist the governmental bodies to solve the problem of trafficking in human beings within the framework of the State Programme "Complex measures to counteract trafficking in persons and the spread of prostitution for the years 2002-2007". The IOM project focuses on three complex and interconnected aspects of the phenomenon: prevention, by means of the distribution of information with the objective of further increasing public awareness about trafficking in persons; cooperation with the law-enforcement bodies of Belarus to achieve more effective prosecution and punishment of the traffickers; granting of support to trafficked victims for reintegration, and assistance in the return of missing persons. Within the framework of the programme, technical support to law-enforcement structures and non-governmental organizations is provided.

A second aspect of the IOM project in Belarus is support for the initiatives of non-governmental organizations working in the field of prevention, the training of specialists and professionals, work with the mass media, and grants towards reintegration services. Within the framework of the programme "Combating trafficking in women in Belarus" in January 2003 in Brest a regional hotline for the prevention of trafficking was set by the NGO "Business and Professional Women's Club".

Only one centre in Belarus can offer shelter and over-night facilities to women and children who are the victims of domestic violence and trafficking. That Crisis Centre is administered by the NGO «Radislava» and is in Minsk. However many non-governmental organizations of Belarus specialize in the provision of intermediary services to victims, helping them to establish contact with social institutions and specialists.

The NGO "Young Women's Christian Association of Belarus" in the framework of the "La Strada Programme" provides assistance to the victims of trafficking and their relatives. However there is no specialized NGO providing reintegration and rehabilitation to minor victims of trafficking.

Conclusions and recommendations.

This research is the first attempt to gather the current knowledge and information related to trafficking in children. Analysis of the data available on the problem of trafficking in persons in general confirms the uniqueness of the information, collected within the framework of the research, and demonstrates the under-studied character of the theme of trafficking in children for the purpose of their exploitation in the sex industry, as well as other kinds of trafficking.

On the whole, the information collected allows us to say that the problem of trafficking in children is not recognised at national level by the state structures, but is invisible and unstudied. Minors are not defined as a special target group of victims in most programmes, whether they are state programmes or the programmes of international or non-governmental organisations.

The Republic of Belarus has no special legislation on trafficking in persons; its various elements are incorporated into a number of legislative acts. A specialised anti-vice department was created within the Ministry of Internal affairs; however no criminal cases on trafficking in children were prosecuted in the years 2001 or 2002.

The Belarusian government has bilateral agreements with many countries on cooperation between law-enforcement authorities; however, in the opinion of the researchers, this process should be

directed more actively towards cooperation with Western European states, since they are the main destination countries for the trafficking networks.

Nevertheless, the Belarusian government does give significant attention to the review, amendment and development of national legislation relating to the rights of children. But the implementation mechanisms of the said laws are not strong; responsibility for performance is vested in many state bodies, which makes for inefficiencies and inadequate co-ordination. As the experience of states which have Ombudsmen for Children shows, such an institution is one of the most important protection mechanisms for the rights and interests of children. This is because they are independent bodies, with the right to act on behalf of children, and at the same time focusing actively on the protection of their interests.

The majority of experts interviewed named Russia as the main country of destination for children trafficked from Belarus. Individual cases of children trafficked to the Czech Republic, Israel, Turkey, and Poland were mentioned.

In analyzing the state and effectiveness of the preventive measures to combat trafficking, the researchers realised that all existing prevention efforts and rehabilitation measures only cover women as the main risk group. Up to now minors have not been identified as a specific target group, with its own particularities and needs. NGOs do develop programmes for teenagers; however their efforts are not sufficiently co-ordinated, and do not have adequate state support.

¹ Interview with an expert of the Ministry of Education of the Republic of Belarus.

² Short statistical book "The Republic of Belarus in Figures". Minsk, 2002.

³ Report of the Ministry of Internal Affairs of Belarus to the Council of Ministers "On the implementation of the State programme of complex measures to counteract trafficking in persons and the spread of prostitution, 2002-2007", submitted in 2002

⁴ Combined action plan of the Government of the Republic of Belarus and UNICEF for 2000-2001.

⁵ «All professions are important, but no-one needs them». Newspaper «Arguments and Facts in Belarus», ? 35, 2002.

⁶ UN Human Development Report, 2003.

⁷ Report of Lieutenant-General A.Pavlovskiy, Chairman of the State Committee of Border Guards of the Republic of Belarus at the European conference «Prevention and combating trafficking in persons – global challenge of the XXI century», 18-20 September 2002 ?, Brussels, Belgium. Non-official translation from English by NGO «YWCA of Belarus».

⁸ Andarillo M.I. External Labour Migration: present situation and perspectives//Sociology, 1998. p. 82.

⁹ Seminar Report of the Anti-vice Department in the Gomel region, April, 2003.

¹⁰ On 18 July 2000 the Law of the Republic of Belarus "On the enactment of the Penal Code of the Republic of Belarus" came into force and nominated the date of entry into force of the new Penal Code, namely 1st January 2001.

¹¹ ABA/CEELI Survey of Legislative Frameworks for Combating Trafficking in Persons by Kristi Severance, 2003

¹² From an interview with Zhak N., Programme Manager, International Organization for Migration, Minsk office.

¹³ From an interview with an expert from the Anti-vice department of the Ministry of Internal Affairs of Belarus.

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- ¹⁴ The Presidential Programme “Children of Belarus” adopted by Presidential Decree on 5 February 1997
- ¹⁵ “State programme of complex measures to counteract trafficking in persons and the spread of prostitution for the years 2002-2007”, adopted by Decision of the Council of Ministers of the Republic of Belarus ? 1636 on 8 November 2001.
- ¹⁶ “International relations” Magazine, 2001
- ¹⁷ From an interview with Pryahina M. And Kozlova G., representatives of the NGO “Children - Not For Abuse.”
- ¹⁸ From an interview with Smagina L.I., drafts person of the law “On the rights of the child”, National Institute of Education of the Ministry of Education of the Republic of Belarus.
- ¹⁹ From an interview with an expert from the Anti-vice department of the Ministry of Internal Affairs of Belarus
- ²⁰ Ibid.
- ²¹ From written information from the Anti-vice department of the Ministry of Internal Affairs of Belarus, put at the disposition of the researchers.
- ²² From an interview with Alkhovka I., NGO “YWCA of Belarus”, “La Strada Programme”.
- ²³ Report of Lieutenant-General A.Pavlovskiy, Chairman of the State Committee of Border Guards of the Republic of Belarus at the European conference «Prevention and combating trafficking in persons – global challenge of the XXI century», 18-20 September 2002 ?, Brussels, Belgium Non-official translation from English by NGO «YWCA of Belarus».
- ²⁴ From an interview with an anonymous representative.
- ²⁵ From an interview with an anonymous representative.
- ²⁶ From an interview with Ananenko, A., NGO “League of voluntary youth labour”