



Convention on the Rights of the Child

Distr.: General
14 January 2011
English
Original: Russian

Committee on the Rights of the Child

Fifty-sixth session

17 January–4 February 2011

Written replies by the Government of the Republic of Belarus to the list of issues (CRC/C/OPSC/BLR/Q/1) to be taken up in connection with the consideration of the initial report of the Republic of Belarus submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BLR/1)*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Replies by the Republic of Belarus to the list of issues regarding new and additional information related to the consideration of the initial report (CRC/C/OPSC/BLR/1)

Reply to the questions raised in paragraph 1, subparagraphs (a) and (b), of the list of issues (CRC/C/OPSC/BLR/Q/1)

1. From 2007 to 2009 the courts heard criminal cases related to the sale of children, child prostitution and child pornography involving 74 victims who were minors (19 in 2007, 30 in 2008 and 25 in 2009). Detailed information is presented in the table below:

<i>Article of the Criminal Code</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>Total number of victims</i>
Coercion to perform sexual acts (art. 170)	2	-	1	3
Making use of prostitution or promoting prostitution (art. 171)	4	14	8	26
Enticement to engage in prostitution or compulsion to continue to engage therein (art. 171-1)	5	12	3	20
Human trafficking (art. 181)	6	5	8	17
Production and distribution of pornographic materials and items (art. 343)	2	1	3	6
Production and distribution of pornographic materials and items of a pornographic nature depicting minors (art. 343-1)			2	2
Total number of victims who were minors	19	30	25	74

In 2007 the law enforcement agencies established that 23* minors had been victims of human trafficking, including 22 who had been drawn into sexual exploitation and 1 into labour exploitation. In 2008 they found 103* such minors (all of whom had been drawn into sexual exploitation), of whom 42 were female and 61 male. In 2009 they found 35* (all drawn into sexual exploitation), all of whom were female.

Reply to questions raised in paragraph 2 of the list of issues

2. The 2008–2010 Government Programme on Combating Trafficking in Human Beings, Illegal Migration and Other Types of Associated Illegal Action is currently being implemented in Belarus. For 2011–2013, a new programme has been drawn up. Funding for assistance programmes for child victims is provided under the general budget for social programmes and also from local budgets. A legislative bill on combating trafficking in human beings contains provisions for the payment of targeted assistance to victims of human trafficking.

* Age at the time of the offence.

Reply to questions raised in paragraph 3 of the list of issues

3. The media, educational, labour and social welfare institutions and community organizations carry and disseminate information on the prevention of the modern slave trade. Further training for professionals is provided by the Institute for the Retraining and Further Training of Judges and Officials of the Procurator's Office, the Courts and Other Institutions in the System of Justice, by the National Academy of Postgraduate Education of the Ministry of Education and by the Academy of the Ministry of Internal Affairs.
4. One form of further training is participation by professional groups in seminars and conferences, as has taken place in the framework of the 2008–2010 Government Programme on Combating Trafficking in Human Beings, Illegal Migration and Other Types of Associated Illegal Action. With coordination by the Ministry of Internal Affairs, the following international technical assistance projects are being implemented to combat human trafficking: with the International Organization for Migration (IOM), "Combating human trafficking: Republic of Belarus"; and with the European Union, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), "Preventing, Fighting and Addressing the Social Consequences of Trafficking in Human Beings in the Republic of Belarus". The projects include measures to improve the professional qualifications of staff of the law enforcement and judicial agencies and educational and social welfare institutions as they combat human trafficking, and to provide for the safety and social protection and rehabilitation of trafficking victims.
5. As part of these projects, from 2007 to 2009 the International Training Centre for Migration and Combating Human Trafficking of the Academy of the Ministry of Internal Affairs held nine courses entitled "Combating human trafficking: Systematic analysis, international cooperation and means of improving law enforcement practices" for specialists combating trafficking from the law enforcement agencies of the member countries of the Commonwealth of Independent States and a number of other States.
6. In 2009, the International Training Centre, working with UNICEF, held courses for social workers on helping child victims of trafficking.

Reply to questions raised in paragraph 4 of the list of issues

7. A bill has now been drawn up on combating trafficking in human beings. One of the principles on which it is founded is the defence of the rights of child victims of human trafficking. The bill establishes standards for bringing persons and organizations to justice for such activities. Specifically, it calls for the mandatory prosecution of persons who organize or carry out human trafficking. The most important guarantee that the culprits will be punished is a provision that states that unwillingness (or inability) on the part of victims of human trafficking to correct their antisocial behaviour cannot be invoked to exempt those involved in such trafficking from liability, nor can it be considered to be an extenuating circumstance. It is forbidden for organizations to carry out activities related to human trafficking. The bill will also prohibit the activities of foreign and international organizations linked to human trafficking. No cases of trade in children's organs or the use of children in forced labour have been registered in Belarus.

Reply to questions raised in paragraph 5 of the list of issues

8. Article 6 of the Criminal Code establishes that citizens and stateless persons permanently resident in Belarus who commit crimes outside the country are subject to

prosecution under the Code if their acts are crimes in the State where they are committed and if they have not faced criminal prosecution in that State.

9. When such persons are convicted, a sanction is applied within the limits of the penalties set by the corresponding article of the Code. However, the sanction may not exceed the most severe penalty set by the law of the State where the crime was committed. Foreign citizens and stateless persons not permanently resident in Belarus who have committed crimes outside Belarus are subject to prosecution in the event of especially serious crimes committed against the interests of Belarus. In respect of a number of crimes, including trafficking in persons (art. 181), the Belarusian Criminal Code is applicable regardless of the criminal law of the place where the act is committed. Persons who have committed such crimes, if they have not been convicted in the foreign State, are liable under the Code and face criminal prosecution in Belarus.

10. Under article 7 of the Criminal Code, Belarusian citizens may not be extradited to a foreign State unless stipulated otherwise by international treaties to which Belarus is a party. A foreign citizen or a stateless person who has committed a crime outside of Belarus and who is in Belarus may be extradited, in accordance with an international treaty to which Belarus is a party, to a foreign State to face criminal prosecution or to serve a sentence. In the absence of such an international treaty, such persons may be extradited to a foreign State on the basis of the principle of reciprocity, provided the requirements of Belarusian law are observed. From 2007 to November 2010 there were no extraditions to or from Belarus of persons wanted by the International Criminal Police Organization (INTERPOL) in connection with crimes against minors.

Reply to questions raised in paragraph 6 of the list of issues

11. Under Presidential Decree No. 60 of 1 February 2010 on measures to improve the use of the national segment of the Internet, in order to ensure State security and citizens' safety, as from 1 July 2010 Internet service providers have been identifying their user interfaces and have kept records and stored information about such interfaces and the services provided to them.

12. The Decree for the first time established regulations for mechanisms that limit Internet access at the request of service users. For example, service providers are now obliged, at the request of users, to exclude from the user's interface the dissemination of pornographic material or propaganda for violent, cruel or other acts prohibited by law.

Reply to questions raised in paragraph 7 of the list of issues

13. Under Presidential Decree No. 352 of 8 August 2005 on the prevention of the consequences of trafficking in human beings, it is the social adaptation and rehabilitation units of the regional social services centres and social-pedagogical educational institutions that provide for the social protection and rehabilitation of victims of human trafficking.

14. The Ministry of Labour and Social Protection has 156 regional social services centres with 144 social adaptation and rehabilitation units that provide assistance to victims of human trafficking, including by means of telephone hotlines.

15. Social protection and rehabilitation services for trafficking victims are provided free of charge and include the provision of temporary accommodation for up to 30 days in "crisis units" (similar to shelters) set up at the regional social services centres, along with legal and psychological assistance and help in finding permanent employment.

16. So far, 30 crisis units have been set up (1 in the city of Minsk, and as follows in the provinces: 5 in Brest, 2 in Vitsyebsk, 3 each in Homyel and Minsk and 16 in Mahilyow). The 141 socio-educational establishments of the Ministry of Education provide for the rehabilitation and social reintegration of children between the ages of 3 and 15 who are victims of human trafficking. This service is provided free of charge and includes provision of a temporary place of residence at a children's shelter. Minors living in socio-educational establishments (at children's shelters) are provided with food, clothing, shoes and other basic necessities free of charge, in accordance with duly stipulated standards.

17. In 2009, institutions under the Ministry of Education received four victims of human trafficking (three in Brest Province and one in Vitsyebsk Province). To prevent possible sexual exploitation of minors, the Ministry of Education monitors study abroad by students in the education system, adoptions and the activities of modelling agencies. The rehabilitation of child victims of human trafficking under 3 years of age is the responsibility of the Ministry of Health. For children up to the age of 3, rehabilitation can be provided in 10 children's homes run by the Ministry (no cases have been detected involving children in that age group).

18. Voluntary organizations actively take part in this work. For example, with the support of Ponimanie [understanding], an international voluntary organization, an interview room has been set up in Minsk. Specially trained psychologists provide comprehensive assistance to child victims of sexual, physical and other forms of violence and of human trafficking. The organization has a programme that provides the following services free of charge to child crime victims and child witnesses: psychological preparation for questioning; psychological and psychotherapeutic rehabilitation; and reintegration and, if necessary, services for parents and other family members.

Reply to questions raised in paragraph 8 of the list of issues

19. Measures to defend child victims and child witnesses and to provide financial compensation are governed by Presidential Decree No. 352 of 8 August 2005 on the prevention of the consequences of trafficking in human beings. They have also been reflected in the policy framework for the protection of victims of criminal activity that was adopted by Council of Ministers Decision No. 74 of 20 January 2006, and in the 2008–2010 Government Programme on Combating Trafficking in Human Beings, Illegal Migration and Other Types of Associated Illegal Action.

20. In accordance with paragraph 9 of Presidential Decree No. 352 of 8 August 2005 on the prevention of the consequences of trafficking in human beings, the measures to protect victims of human trafficking are funded from the penalties imposed on those who have committed crimes related to human trafficking as a result of court action taken by local authorities and administrative bodies, by regional social services centres, by children's shelters or by a procurator. The new law on combating trafficking in human beings will provide victims of human trafficking with targeted social assistance (compensation).

Reply to questions raised in paragraph 9 of the list of issues

21. If a minor is a victim of a crime, then protective measures may be taken if necessary, as set out in chapter 8 of the Code of Criminal Procedure. Under article 8.7 of the Code of Administrative Offences, physical persons who have committed administrative offences are exonerated from administrative responsibility if they have done so as a result of acts committed against them that are punishable under article 181 of the Criminal Code (Human trafficking), or are aimed at using them for sexual or other exploitation, and are punishable

under articles 171 (Making use of prostitution or promoting prostitution), 171-1 (Enticement to engage in prostitution or compulsion to continue to engage therein), 181-1 (Use of slave labour), 182 (Abduction) or 187 (Unlawful acts related to the employment of citizens abroad) of the Criminal Code.

22. The legislation currently in force contains no provisions for the prosecution of minors who are victims of crimes involving human trafficking, child prostitution or child pornography.
