



**Moving from Words to Actions: Improving the System of Child Trafficking  
Prevention in Belarus**

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## List of Acronyms

UNCRC	United Nations Convention on the Rights of the Child
ISS	Institute of Social Studies
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
RBA	Rights-Based Approach
HRBA	Human Rights-Based Approach
CRBA	Child Rights-Based Approach
NATM	National Anti-Trafficking Model
IOM	International Organization for Migration
US	United States of America
EU	European Union
MDG	Millennium Development Goals
ECPAT	End Child Prostitution/Pornography and Trafficking
NGO	Non-Governmental Organization
IGO	Inter-Governmental Organization
UDHR	Universal Declaration on Human Rights
UNHCR	United Nations High Commissioner for Refugees
OHCHR	Office of the High Commissioner for Human Rights
ILO	International Labour Organization
UNESCO	United Nations Educational Scientific and Cultural Organization
UNAIDS	Joint United Nations Programme on HIV/AIDS
OSCE	Organization for Security and Cooperation in Europe

## **Abstract**

This research concerns the problem of trafficking in children within Belarus and to other countries from Belarus. In order to understand how the problem of trafficking in children can be solved, in this paper a system of anti-trafficking actions is taken as an object of analysis.

The researcher takes the preventive measures of an anti-trafficking framework and analyzes how it is constructed and operates with regard to children, i.e. to what extent do governmental and non-governmental organizations of Belarus, which work on the problem, respect, protect and fulfill the rights of a child. More specifically, the paper strives to analyze whether the anti-trafficking system manages/could manage to incorporate the child rights-based approach, into programming.

By this paper, the researcher wants to defend an argument that the national anti-trafficking model (NATM) can be strengthened with regard to children if a child rights-based approach (CRBA) was applied in it.

## **Relevance to Development Studies**

“The CRC and children’s rights form an important part of the strategies designed to achieve the Millennium Development Goals and of the national Poverty Reduction Strategy processes” (UNICEF, 2005: xii).

The fulfillment of children’s rights has a direct connection to development studies. CRBA entails the fulfillment of children’s rights as a final goal of development, considers children’s rights as an integral part of human rights, a necessary tool for human rights’ application in reality, the achievement of human’s well-being, and the eradication of poverty, discrimination, sufferings and inequality in the world.

Basically, the researcher adopts the vision of development as the introduction and implementation of rights-based programs and policies, which seek to improve the lives of people, and especially those who suffer from inequality and discrimination, i.e. from violations of human rights.

Accordingly in this research, development features are the results of respecting, protecting and fulfilling children’s rights.

## **Keywords**

Children’s Rights, Human Rights, Belarus, Trafficking in Children, Child Rights-Based Approach.



# Chapter 1: Introduction and Problem Statement

*This chapter introduces the research topic. It describes the research problem and justifies the choice for Belarus as a case study. This chapter also presents the objectives of the research, the main research question and sub-questions, the methods of the research, challenges during the research process, ethical issues, and a reflectivity statement.*

“Over the last two decades, trafficking in human beings, often called ‘a contemporary form of slavery’, has become a major international concern” (Roth, 2012: 1). Children are trafficked for the purposes of sexual exploitation and forced labor as well as for the commercial marriage market, for selling of organs, and for adoption (ibid.). Currently, the United Nations ranks trafficking among the top three revenue sources of organized crime, after trafficking in illegal narcotics and small arms. Estimates of the yearly turn-over of the crime vary from 100 million euro to several billion Euros (Lehti, 2003: 6).

By trafficking it is meant a process of abduction or recruitment of a person in the country of origin, then transferring through transit zones and exploitation in countries of destination (UNODC, 2008: 1). Sometimes these three steps are organized within one country; the processes of recruitment or abductions and transportation vary greatly, as do forms of exploitation (ibid.).

According to the Universal Declaration of Human Rights (UDHR, 1948), trafficking in persons is one of the most severe violations of human rights. UDHR Art.4 declares that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms, - trafficking in person is claimed to be a severe violation of basic Human Rights”.

The causes of the problem of trafficking are really diverse, complex and multilateral. Usually they reinforce one another and underpin the existence of the problem both on the supply and demand sides. On the supply side, a lot of factors encourage minors to get into trafficking directly or indirectly. These include poverty; lack of employment opportunities; structural inequality in society; gender discrimination; search for livelihood and higher standards of living; violence against children (boys and girls); discrimination against minors; political and economic instabilities; governmental ineffectiveness and corruption; armed conflicts; or other forms of natural or constructed disasters (US Department of State, 2006: 16). These factors are both of micro- and macro-nature, mutually influential and interdependent (ibid.). These causes compose the most common vision of a victim of trafficking as young, in most cases from rural areas, poor, and female (Garrard, 2007: 7).

However, it is vital to realize that the above-mentioned circumstances in themselves do not cause the problem directly (Kempadoo at all, 2005: 7). In

“Trafficking and Prostitution Reconsidered” Kempadoo (ibid: 7) argued that these factors “merely exacerbate the vulnerability of marginalized and disadvantaged groups and render them increasingly more susceptible to a variety of harms”. These factors create conditions under which children appear to be more vulnerable, forming a potential supply of victims of trafficking. Of course, the supply on the side of victims is contingent upon demand from diverse sectors and places of the world to either satisfy the needs of those on the side of demand, or to maximize profit (Kempadoo, 2005: 7). Thus, usually this demand is satisfied with the most vulnerable members of society “and therefore the most exploitable and controllable” (ibid.). And children constitute a big proportion in this.

Listing the negative impacts trafficking has, it is important to point out that it has diverse and multilevel negative effects on children’s well-being. Trafficking hurts children physically, emotionally, morally, and psychologically (UNICEF 2005: 17). Children who experience inappropriate type of relations (sexual, labor exploitation, abuse or deception) are psychologically impacted by a combination of the assault itself with the distorted information abusers use to justify their behavior (Barnitz L.1998: pp.10-13). Experiencing stigmatization, betrayal and powerlessness leads to behavior that hampers the escape and reintegration of children (ibid). A trafficked child may internalize feelings of guilt and shame about her or his participation in ‘abnormal’ processes. Drug addiction is common among them in many countries. “Some children are not sweet”, said Breault. “They’re rough around the edges, but that does not mean they don’t deserve our help. They are children first” (Barnitz L.1998: pp.10-13). So, children appear more vulnerable and less powerful and strong, in contrast with adults, to resist the negative consequences of these harmful practices, which can result in deep life-threatening and long-term traumas of all kinds for the rest of their lives (Garrard, V. 2007: 167-168).

### *1.1 - Situation with trafficking in children in Belarus*

Official data on the number of trafficking victims in Belarus exist only since 2002, the year in which Belarus ratified a range of international conventions and started to incorporate them into its national legislation and policies.

Table 1. The number of victims of trafficking in children that was defined by the Ministry of Interior between 2002 and 2012 (Ministry of Interior 2012)

		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Type of exploitation	sexual	-	-	-	59	213	22	103	35	26	22	45
	labor	-	-	-	2	9	1	0	0	0	0	0
	organs	-	-	-	0	0	0	0	0	0	0	0

Sex	female	-	-	-	-	-	-	-	35	26	19	40
	male	-	-	-	-	-	-	-	0	0	3	5
<b>Total</b>		-	-	-	<b>61</b>	<b>222</b>	<b>23</b>	<b>103</b>	<b>35</b>	<b>26</b>	<b>22</b>	<b>45</b>

According to the data presented (?) by the Ministry of Interior, the minor victims of trafficking amount to around 20 per cent of all identified victims, depending on the year. The majority of trafficked children is female and is trafficked for sexual exploitation (more than 98 per cent) (Ministry of Interior 2012). Mostly (in 90% of the cases), the age of victims starts at 10 years for porno production and sex industry (ibid.). But in general the most popular age for child trafficking in/from Belarus is between 15 and 18 (La Strada 2012). Trafficking happens inside Belarus as well as abroad. In 2011 the division was almost equal, while in 2012 this happened more in Belarus than outside (Ministry of Interior 2012). According to the latest available statistics, for eight months of 2013 11 minor victims of trafficking were identified. This constitutes 11.8 per cent of all identified victims. All of them were victims of sexual exploitation (ibid.). The majority of the victims are children that come from a single-parent, dysfunctional or problematic family; and from small cities or villages (La Strada 2012). The number of children involved might seem low, but even if one child is exploited it is too much and the problem should be addressed (Barnitz L. 1998: p.9).

The countries to which children often are trafficked from Belarus are: Russia, Israel, Poland, Turkey, Germany, Belarus (Ministry of Interior, 2012). The major flow of trafficked persons goes to Russia (almost 60 per cent). It is worth mentioning that there is no border between Belarus and Russia because of the existence of a Federal State, which unites Belarus and the Russian Federation (Government of Belarus, n.d.).

All mentioned above calls for necessity of better organized actions to combat trafficking in children from Belarus to other countries and within it. For this purpose, the researcher analyzes the workings of the national anti-trafficking model (NATM) of Belarus from the point of how the rights of children are fulfilled, respected and protected by the duty bearers within the NATM of Belarus. In other words, the research is constructed in a way that helps understand to what extent the NATM is child rights-based and incorporates the principles of non-discrimination, the best interests and participation i.e. a child rights-based approach (CRBA).

This paper does not have an aim to criticize the work of anti-traffickers, who give all their energy, skills and time to solve the problem, as a lot of really good and useful improvements have already been done in relation to children. Rather, it has the positive aim to improve the effectiveness of already functioning anti-trafficking system.

## 1.2 – *The National Anti-Trafficking Model (NATM) of Belarus and justification for analyzing it*

After serious analysis of the problem of trafficking, of actions and schemes created to combat trafficking, of the main actors in the sphere and their roles and responsibilities, and of a wide range of documents, research and publications on national and international levels, this paper proposes the view of how the anti-trafficking system is organized and functions in Belarus.

A National Model of Combating Trafficking in Children in Belarus consists of: 1) the legal system of Belarus that is devoted to the issues connected with trafficking and children's rights on national and international levels (ratified International Conventions, the Constitution of the Republic of Belarus, the laws connected with Children and Trafficking, the Presidential Acts, the Penal Code) – read Appendix C; 2) mechanisms and schemes for the legal system's implementation to combat trafficking: national anti-trafficking programs plans; 3) governmental agencies responsible for implementing into reality all legal obligations, anti-trafficking programs and plans; and 4) non-governmental agencies (NGOs and IGOs) that work in collaboration with the government on the problem of trafficking in children.

Of course, there are a lot of other actors involved in the process of combating trafficking, and thus, constitute. They are: children and the parents of the children; social workers and teachers; the media; and people directly involved in the trafficking, i.e. traffickers and intermediaries. But in this work the researcher looks only at the governmental and non-governmental agencies, involved in the process of combating trafficking in children.

Governmental agencies are analyzed in the paper because of the role they play in the sphere of trafficking. These actors are obliged by international and national laws to combat trafficking in children. According to Arts and Popovski (2006: 9), “International Criminal Accountability mechanisms have mainly responded to crimes that occurred in times of armed conflict”. But violations of child rights such as trafficking also occur in non-conflict situations. As “international human rights law has only limited enforcement instruments, it is primarily the national legal system of the ‘sovereign’ states that is supposed to deal with these problems” (Ibid.). Also according to the CRC (Art.35), “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”. According to Art.11 “The state shall combat child trafficking” (UNCRC, 1989). This means that the State is a main bearer of responsibility for the protection, fulfillment and promotion of child rights.

However, the work of the governmental anti-traffickers is closely associated with the work of diverse non-governmental organizations, whose anti-trafficking activities are done in a constant collaboration with and mutual support of the government of

Belarus, and are registered in diverse presidential acts and the law “On Combating Trafficking in Human Beings” (Government of Belarus, 2012). That is why, doing this research, it is impossible to omit the non-governmental agencies and not to take into consideration their influence on the situation with trafficking in children in Belarus.

At this moment in Belarus there are two NGOs that work in the sphere of trafficking. They are “La Strada” and “Children – not for Abuse”. The NGO “Children – not for Abuse” works directly with and for children on all types of child abuse and violence. But a lot of attention in its work is paid to the problem of trafficking in children. Also the anti-trafficking work of the NGO “La Strada” is taken into consideration in this research, because it works directly on the problem of trafficking, and especially on trafficking in women (La Strada, 2012).

UNDP, UNICEF, UNHCR, OHCHR, the Committee on the Rights of the Child, the World Bank offices in Minsk, ILO, UNESCO, UNAIDS, OSCE, IOM, ECPAT (ICAT 2010) has some activities aimed to combat trafficking. They also work in deep collaboration with the Belarusian government. Also the work of the US Department of State<sup>1</sup> plays a very important role in the process of NATM’s formation.

But according to the opinion of a researcher, the most active participants are the NGOs “La Strada” and “Children – not for Abuse”; and IGOs UNICEF, IOM, the US Department of State, and ECPAT.

### *1.3 – CRBA and its importance as a basis for intervention*

The nature of the problem of trafficking is inherently complex and multilevel, combined with little data about it on one side, and huge efforts to rectify this problem on the other side. This resulted in fast and very often over-enthusiastic actions to combat trafficking in children (Kempadoo, 2005: 21-22). Unfortunately, these actions in major cases have not achieved the aim of solving the problem of trafficking in children (ibid.). This brings the necessity to reconsider the whole process of anti-trafficking activities in relation to children in order to understand what parts of the entire system of policies and legislative responses do not have positive effects on the process of addressing the problem, and why.

To do that, a child rights-based approach (CRBA), if applied fully and thoughtfully, is seen as one possible tool to analyze the NATM’s effectiveness, its strengths and weaknesses in relation to children. Also it is seen as a framework for child-related

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<sup>1</sup> The US Department of State is the US organization that aims to build a decent and happy life for Americans and the international community; seeks to achieve more democratic, secure, peaceful, and prosperous world, to eliminate poverty, and improve responsibility notion. They play one of the most important roles in the process of combating trafficking in people by developing standards for trafficking eliminations, making other countries be responsible for implementation of these standards, and monitoring and evaluating processes of standards’ implementation - <http://www.state.gov/> (US Department of States , 2013)

activities, and a solution to realize children's rights in such an important, difficult and dangerous sphere as trafficking in children.

To introduce the framework, it is worth mentioning that a child rights-based approach was developed after the creation of the UN Convention on the Rights of a Child (UNCRC) in 1989, and is based on the principles and rights articulated in the UNCRC. A CRBA aims at ensuring the realization of children's rights (Garrard, 2007: 127). More concretely, it combines three crucial elements, or CRC general principles: best interest of the child, non-discrimination and participation. A child rights based approach is seen as bringing these three principles in a triangular relationship with each other. Following and respecting these principles is likely to contribute to the survival and development of children (Arts, 2006: 10). In details these principles will be elaborated in the second chapter of the paper.

Coming back to the notion of a CRBA's importance for the NATM, Jonsson argued (2005: 59-60) that a human/child rights-based approach has many advantages in comparison to other approaches. And the usefulness of a CRBA can be classified into two categories: ethical and normative (Cornwall, Nyamu-Musembi, 2004: 1416).

The normative justification is connected to the creation of direct obligations: ratification of the UNCRC obliges countries to realize it as the UNCRC provides a normative framework for all activities in relation to children. According to the Office of the UN High Commissioner for Human Rights, the emphasis on accountability in all actions that have impact on children is considered to be one of the most vital source of added value in the CRBA: "Rights imply duties, and duties demand accountability" (UNHCHR, n.d.). Practically, it means that the government of Belarus has direct obligations to incorporate a CRBA into the NATM, for children constitute rather a big part of all identified trafficked persons and are also touched upon by the anti-trafficking activities. In spite of the fact that a CRBA engages the power of law, it does not rely on the legal system only, understanding justice as a social construct, not just a legal one. It shifts paradigm from assistance based on charity ideas to the ideas of clear and explicit legal and political obligations, which are to be fulfilled (Jonsson, 2005: 12). Thus, it facilitates new forms of governance relationships by incorporating a rights-duties binary in all spheres of work, taking social contracts based on the notion of human rights into account (Jonsson, 2005: 59-60). By this, prevention of child trafficking becomes a legal obligation for the government of Belarus, which it has to meet.

UNICEF also argued for great importance of a CRBA for improving the effectiveness of anti-trafficking activities. According to UNICEF, "the best way to protect children from trafficking is to prevent violations of their rights from occurring in the first place" (UNICEF 2012). And the implementation of a child rights-based approach into the counter-trafficking policy guarantees the realization of children's

rights; it insures children's recognition "as social agents with the right and capacity to be consulted on matters that affect them, to express their opinions freely and to have them taken into account, to seek, receive and impart information, and to be given the opportunity to influence social policies and measures that address trafficking" (ibid). Through child-rights based policy children are listened to and fully taken into consideration, which constitutes the basis for creating effective preventive mechanisms to combat trafficking in children.

Taking an ethical dimension, in general, it is important to mention that it lies within the values that a CRBA seeks to protect: this approach is a powerful instrument to defend the fundamental human values of dignity and respect (Gasper, 2007: 9). It calls "for existing resources to be shared more equally and for assisting the marginalized children to assert their rights to those resources" (ibid.). More concretely, a CRBA brings together the best ideas of what is needed for a child not only to survive, but also to live a healthy, decent and happy life. Specifically, a child rights-based approach guarantees that all undertaken actions will embrace anti-poverty, non-discrimination, welfare, well-being and gender strategies, and encourage participation, meaning that a child is a subject, not an object of development (Collins, 2008: 1). These are very important value-added characteristics of a CRBA, as very often there aspects, which influence children's well-being, are not taken into account and omitted in the anti-trafficking work when solving the structural causes of the problem and preventing children from being trafficked (ibid.). In other words, applied, a CRBA solves the structural causes of the problem of trafficking in children by providing all necessary conditions for a high quality of a child's life.

Also it gives priority to severe child rights' violations no matter how few children experience severe cases of violations, shifting the focus from only those violations that affect a bigger amount of children and, thus, justifying the necessity to act ignoring the number of victims (Cornwall, Nyamu-Musembi, 2004: 1418). It is a very important advantage of a CRBA, for it legitimizes the necessity to act, even if only a few trafficked children are identified, i.e. it justifies and gives green line to all the anti-trafficking activities even if there are much less children suffering from trafficking than from domestic violence, for example. So this is the combination of both "ethical aspiration" and "management thinking" (Gasper, 2007: 16).

That is why this approach is seen as a leverage of change in the system of anti-trafficking activities in relation to children. It argues that anti-trafficking activities should incorporate the CRBA, which will improve the effectiveness of prevention trafficking in children.

#### *1.4 – Research Objectives*

There are three main objectives of the research:

- 1) To attract the attention to the situation of children in Belarus as there is little research has been done on the problem of trafficking in children in this country;
- 2) To contribute to making a step further in the process of realization of the main CRC objectives of the development and survival of children in the national anti-trafficking system in Belarus, by applying the child rights-based approach;
- 3) To contribute to the body of knowledge about counter-trafficking work with regard to children if aiming to improve the position of a child and realize child's rights;

#### *1.5 – Research Questions*

##### Main Research Question –

To what extent do the governmental and non-governmental organizations adhere to a child rights-based approach in their interventions to prevent child trafficking?

##### Research sub-questions –

What are the implications of a CRBA for combating trafficking of girls and boys in Belarus? How are these implications translated into the national anti-trafficking model, if at all?

#### *1.6 – Why Belarus (Minsk) is chosen as a case study*

According to the latest estimate of the International Organization for Migration (IOM) from 2000 to 2010 there were identified 46544 cases of trafficking (IOM, 2010: 6). The region of Europe constitutes the most popular place of trafficking origin and destination: more than half of all identified cases of trafficking occurred in Europe – 21892 cases (ibid.). Geographically situated in Europe, Belarus is a country of trafficked people's origin and destination (US Department of States, 2013: 75); and it is among the top ten countries of origin for victims in the world, together with Ukraine, Haiti, Yemen, Laos, Uzbekistan, Cambodia, Kyrgyzstan, Afghanistan, and Ethiopia (ibid.). Minors constitute approximately 22 per cent of all identified victims; female victims – 64 per cent, and male – 25 per cent of all identified victims (ibid.). So women vividly outnumbered men almost two times.



According to the research done by Bettio and Nandi (2010: 17) on estimating the role of a country of origin and destination of trafficked people in violations of human rights, it was found out that a location and a country play a huge role in rights' enforcement and in the problem's occurrence. According to it, Belarus (together with Ukraine, Albania, and Italy) "is significantly associated with increased probability of the worst restrictions on important rights" (Bettio, Nandi, 2010: 31). Also it was found out that the nationals of Belarus (and Ukraine) do not consider the problem of trafficking as an important and dangerous issue; they have much lower awareness about it (ibid: 32). Thus, they simply tolerate the existence of a problem and violations of human rights, and "foster ignorance about such violations and thus reduce the pressure on traffickers (ibid: 32).

That is why Belarus has been chosen as a case study to research how the problem of trafficking in children is tackled there.

Minsk was chosen as a central place for conducting the research due to the fact that all relevant organizations (governmental and non-governmental) are situated there, as well as all persons engaged in this issue, and all sorts of published materials about the problem of trafficking in children for sexual exploitation.

### *1.7 - Research Methods*

The research is based on a literature review, which was carried out to gather information about the problem of trafficking in children in Belarus. National and international laws and conventions; presidential acts, programs, policies, and plans; reports made by Belarusian authorities and international experts, both academic and popular media articles and books, and statistical information connected with the notion of trafficking in children in Belarus were reviewed. Special attention was paid to national documents: the law on "Combating Trafficking in Human Beings" 2012; the National Plan of Action to Combat Trafficking for 2010-2013; the Report on Undertaken Anti-Trafficking Activities till 2013; the law on the "Rights of the Child" of 1993; the concluding observation of the Committee on the Rights of the Child of 2010; the State-Party report on the UNCRC of 2010; UNICEF research on children and women's well-being 2012; the reports on the MDGs achievements till 2010; and the US Department of States' reports of 2013 were all reviewed. With these materials, the focus was on the different arguments performed by the US Department of State, Commission on the Rights of the Child, the government of Belarus, and the UN, and on what power-knowledge relations have been formed and reformed by these arguments. It was analyzed whether these documents represented the principles underlined by a child rights-based framework.

In July and August 2013, three in-depth interviews with the representatives of the NGO sector and UN Office for Refugees working with the government and other agencies (public schools, universities, social institutions, international community, etc.) were conducted in Minsk, Belarus. The aim was to understand and analyze what principles the organizations used when worked with and for children, if any. It was researched how two main actors (the Ministry of Interior and the NGO “Children – not for Abuse”) organized their activities to combat trafficking in children: what did their activities consist of, what needed to be improved in their activities, how did they see their role in that process, whether (or not) they oriented their work towards children and why, what were their main principles of working with children; were their activities based on the CRBA framework? Two interviews were conducted with representatives of the NGO “Children – not for Abuse” and with a psychologist who worked mostly with victims of trafficking (both adults and children), in collaboration with the NGO “La Strada”, and assisted the NGO “Children – not for Abuse” to create different child-oriented programs. The third interview was held with a former lawyer from one of the departments of the UN Refugee Agency in Minsk.

Representatives of the “Children – not for Abuse” were interviewed for their experience in the sphere of combating trafficking in children.

### *1.8 - Problems faced during field work, and limitations*

The research topic is rather sensitive, involves a lot of diverse actors and consists of diverse components. But it was chosen to concentrate only on the agencies that worked on different levels to prevent child trafficking, among which there were chosen governmental organizations, NGOs, INGOs, and IGOs.

As it was necessary to meet with the representatives of these organizations, the main difficulty was to arrange meetings. In general, the specificity here in Belarus is that it is rather difficult to arrange this kind of interviews without proper connections. As the researcher did not have any connections either in governmental departments or in non-governmental, there were written a lot of e-mails with the request of meetings with a wide range of actors. Unfortunately, only two persons from two NGOs replied – NGOS “La Strada” and “Children – not for Abuse”. From other actors (some Ministries and IGOs) no single reply was got.

Unfortunately, in Belarus there is such a situation when governmental officials are afraid of meeting with researchers or with people from outside. According to the opinion of the researcher, fear to meet with a researcher from The Hague as a person from outside was one of the main reasons to refuse to meet. Together with the fear to meet a researcher (“true-speaker”, who may open up all the “wounds” of the

governmental work), there is a neglect to an unknown young researcher, who basically does not have any power to make officials to meet with her.

More or less the same situation was observed with the NGOs and IGOs. Despite the fact that they are more open to share and meet, i.e. more “friendly”, no IGO or has replied<sup>2</sup>. Two NGOs replied, but only one of them finally agreed to meet – “Children – not for Abuse”. “La Strada” representatives refused again and again having no time for that during several months, in spite of the fact that it was promised well in advance to devote some time for an interview with a researcher. And it is still a big question why the representatives of “La Strada” had time to reply with huge electronic letters, but did not find any single hour to meet “physically”.

In general, all organizations in Belarus are rather conservative and are afraid of opening up in front of an outsider, even despite the fact that inherently she is a person from inside having a Belarusian citizenship.

That is why this research was limited to only 3 in-depth interviews with NGO representatives. The other limitation concerns not involving the children, who are the recipients of assistance, in the process of understanding to what extent the NATM is child rights-based. So these limitations can be a matter of interest for further research to continue the process of the NATM’s improvement with regard to children.

### *1.9 – Ethical challenges*

The main ethical challenge during the research was not to do any harm to the subjects of this research, by making wrong conclusions, putting an image of them under hesitation, and not to discourage them in front of the government. The aim of the research is to bring positive changes to the model, if any. For this purpose, in many cases the names of interviewees stayed hidden, as well as full interviewed bodies.

### *1.10 – Structure of the Paper*

First chapter is devoted to the introduction to the problem of child trafficking and explains the current problem. The second chapter introduces the framework of the paper – a child rights-based approach – and how it is applied in the research. The third chapter gives information about what is done by diverse agencies to prevent child trafficking. The fourth one analyzes these interventions from the child rights-based perspective; when the fifth chapter forms conclusions on the basis of the interventions’ analysis.

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<sup>2</sup> These actors work in deep collaboration with the government of Belarus, so they have more or less the same reasons for even not replying. Also the reason lies in fact that same Belarusian people work in NGOs, IGOs, and INGOs: people, bound by totalitarian way of ruling, combined with constant intimidation of closure.

## Chapter 2: A Child Rights-Based Approach as a theoretical framework

*This chapter introduces the theoretical framework for this research paper – a child rights based approach. More concretely, it describes what this framework means, from what it is constituted, and what the connection is between CRBA and trafficking in children. For this purposes, the anti-trafficking framework for actions (anti-trafficking mechanisms), based on the United Nations Trafficking Protocol, will be introduced and explained.*

The term "rights-based" has appeared to designate activities connected to international human rights standards, and has become significant within the formation of human rights discourse. However, based on the standards and values underlined by human rights, a rights-based approach is a part of a broader paradigm that relates to "nature, source and content of human rights and the processes through which these rights are realized" (Lundy, McEvoy, 2012: 1). Dworkin argued that the concept of human rights refers to "the vague but powerful idea of human dignity" being a central part of the contemporary vision of human rights and international human rights law (ibid.). Basically, this underpinning paradigm states that all people should be treated in a respectful way, are valuable and free. The notion of human rights and the rights-based approaches derived from them are not limited to moral norms. They create obligations on the side of duty-bearers (often in any case the state) to respect, protect and fulfill these rights, thus, gives a chance for these moral values, norms and standards to be achieved (ibid.).

In this paper application of a human rights-based approach to the problem of trafficking in children is based on the United Nations Convention on the Rights of the Child (UNCRC), which forms a special child rights-based approach aimed at ensuring the realization of children's rights (Garrard, 2007: 127).

### *2.1 – Framing a child rights-based approach*

The framework used in this paper combines three elements, or the UNCRC general principles: best interest of the child, non-discrimination and participation. Following and respecting these principles is likely to contribute to the survival and development of children (Arts, 2006: 10), which is depicted in the figure below.

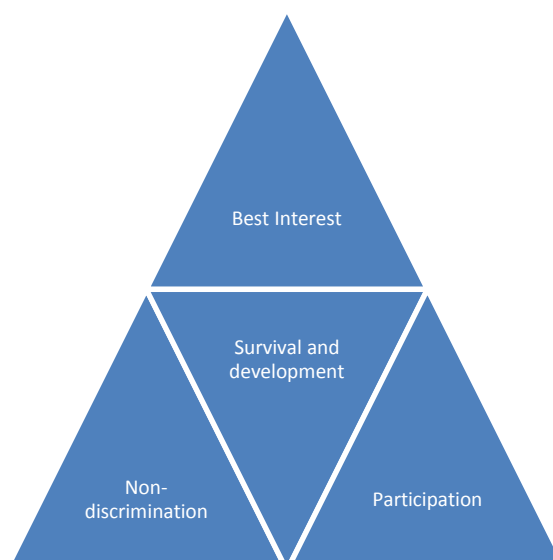


Figure 1: What constitutes a child rights-based approach (ibid.).

The CRBA and the UNCRC are very often criticized for being pro-Western in their values and norms, without taking into account the traditional cultural and social context (Save the Children 2005: p.17). The UNCRC is based on the values of respect to cultural contexts and visions of childhood of each country; and it is a matter of how the convention and the CRBA are translated and applied in order for these principles to be culturally relevant. However, the local contexts and practices must not be a cause of the children rights' violations, i.e. the three main principles of the CRBA should work in order to protect children from harmful practices. And there is no justification for abusing practices under the guise of tradition and culture (ibid.).

### *2.1.1 – Principle of non-discrimination*

The principle of non-discrimination, according to Art.2 of the CRC, means that the State Parties should treat all children and members of their families equally, without discrimination of any kind and without taking race, religion, language, sex, social origin, etc. into consideration while making decisions that concern children (UN, 1989). In other words, a non-discrimination principle “prohibits treating differently similar situations without an objective justification” (Besson, 2005: 435). According to the CRC Committee the main aim of this principle’s implementation is to reduce discrimination in three main spheres: “against individual children; against specific groups of children such as children with disability, and iii) against the population group as a whole (i.e. to stop children from being treated worse than adults)” (Save the Children 2005: 16).

This principle requires paying special attention to the most vulnerable groups of children and most marginalized, as often these children face double discrimination, or discrimination of several types of identity: as being children, and as belonging to

specific group (age, gender, sexual identification, of particular religion, ethnicity, etc.) (Besson, 2005: 443). This would imply better understanding of how activities are constructed with regard to diverse children's life situations to reveal the multiple systems of discrimination involved into any type of activities (Save the children, 2005: 16); whether these activities have any discriminatory effect on some groups of children or not; and how they should be changed and improved. Although this principle seeks to achieve equal treatment, non-discrimination is not about taking every child as same creatures (ibid). It is rather about distinguishing the peculiarities and differences of every child, i.e. the treats that make the children unequal in some ways, and to take these "inequalities" into account, to accept them, and to act with regard to these peculiarities.

So this principle is designed to tackle all types of discriminations on all levels and upon all spheres of the life of a child. That is why it is an essential component to be taken into consideration when solving the problem of trafficking, for, as it has been mentioned earlier in the paper, usually the causes of the problem (structural in most cases) are connected to diverse forms of social, political and economic inequality and discrimination in society.

As the principle of non-discrimination is the foundation of the children well-being, and is an uncontested condition to have a just society (Demuijnck, 2009: 83), it should be applied irrespectively of budget restrictions or allocations (Vandenhole, 2005: 27).

### *2.1.2 – Principle of the best interests of a child*

Despite the fact that the principle of the best interests of a child is very broad and has several forms of interpretation, it can be defined as a combination of factors that a child needs and mechanisms "that will sustain his or her adjustment and development" (Kelly, 1997: 378).

In the CRC, Art. 3 states that "in all decisions towards children undertaken by the state, other public or private organizations, the best interest of the child should be the basic and defining principle for these decisions" (UN 1989). Basically, the best interests' principle means that all decisions taken on behalf of children must be based on their wishes, i.e. these wishes should be carefully scrutinized and understood before taking any decision, and not weighted less than adults' interests, as well as impacts of every decision should be well-assessed (Appell, Boyer, 1995: 74; UNICEF 2007: 37). And it concerns not only a decision itself, but also the process of making and realizing this decision (who is doing what, how and for what purposes).

A great advantage of this principle is that it demands that every child is to be treated individually according to her or his psychological and developmental demands in order not to homogenize one particular child with the rest (Kelly, 1997: 385). Such

flexibility is necessary “to allow each case to be treated on its own merits” (Kline, 1992: 393). But in order to be implemented well into reality, this principle requires having as diverse knowledge as possible about the situation of a particular child (Parker, 1994: 29).

Very often this principle is criticized for the fact that there is no clarity about it: what does it mean in the reality? How to implement it? How to define it? But these questions can be answered quite coherently on the basis of already existing examples of the best interests principle’s implementation into reality (Save the children, 2005: 26).

In the sphere of trafficking, this principle is vital to be taken into consideration. Wishing to solve the problem, it is crucial to know the reasons of children getting into it. But before getting into the dangerous situation, something motivates a child to step on a “shaky ground” (start talking to a stranger; find a new acquaintance in the Internet, etc.). Of course, a child can be simply abducted by a trafficker. But this does not happen that often, according to the latest statistics, as for the last several years the methods of traffickers have changed dramatically from direct abduction to the indirect – in most cases through getting to know a child, fake friendship, keeping contact, promising a lot of profit of diverse types, etc. (ECPAT, 2012). And children do participate to some extent in the process of her or his “recruitment” (Interview 1, 2013). The motives to start something new (sometimes extremely dangerous for children’s lives) are deeply connected to their wishes, interests, and desires, or inability to get what a child needs: very often feeling lonely a child tries to compensate it by, for example, finding new friends, who are not all the time trustworthy. But every time wishes can be different and depend on diverse forms of reasons. Thus, causes of being trafficked are also diverse. That is why in order to be able to prevent children from being trafficked, it is extremely important to understand what children need and want from their lives, i.e. what motivates them to start doing things that can be dangerous or what pushes them into the problem. Knowing the interests of a child helps to construct a proper assistance, policy or program, to make a right decision in relation to a child, wishing to help her or him and save from getting into the problem. The concept of the best interests, being omitted, can cause a discrepancy between what children need and what adults think children need. If these needs, or wishes, are identified wrongly, the whole anti-trafficking program can fail and do not reach its aims.

### *2.1.3 – Principle of participation*

The principle of participation (Art. 12 of the CRC) declares that children are capable of forming their own views; thus, they should be given respect and a possibility to be heard (UN 1989). Participation is “the process of sharing decisions that affect one’s

life and the life of the community in which one lives” (UNICEF 2005: 50). It means that every child has the right to get information, to be able to express her (his) opinions, to take part in the decision-making that affects her/him (at homes, in schools, orphanages, community, media, etc.), and to create or take part in associations (ibid.). This principle strengthens the right of every single child to be given a voice and the right to be heard (Hart, 1992: 7). As a multidimensional notion, participation includes a wide range of activities for diverse age groups of children: “seeking information, expressing the desire to learn even at a very young age, forming views, expressing ideas; taking part in activities and processes; being informed and consulted in decision-making; initiating ideas, processes, proposals and projects; analyzing situations and making choices; respecting others and being treated with dignity” (Bellamy, C. 2002: 4).

According to Matthews (1998: 1), children form rather marginalized and less powerful group in a society. That is why the concept of participation plays a very important role in any type of child-related activities. Participation enhances the position of a child as a right holder, who is able not only to affect her/his life but also to influence the lives of others (Ensor, J. 2005: 157). After the ratification of the UNCRC a child is no longer considered to be a pure object of care and protection, whose life is fully shaped by parental care and decisions, laws, and institutions. The notion of a child has been reconsidered and a child was recognized as an active participant in forming their lives, preferences, and future (Percy-Smith, 2009: xx). This principle also means that children can confront adults’ authority, question their decisions and challenge their assumptions about children.

So, a great role of participation principle is that when implemented and taken into account it shifts the power relations between children and adults, brings support to children to challenge the existent social structure and by this influence the changes and life around by being able to take part in decision-making (Ensor, J. 2005: 157). This is a new form of adults-children relations, which not only strengthens their position in society but also improves children’s perceptions, knowledge about the world, makes children feel more confident and needed in society, develop their abilities to think, analyze and act (ibid).

Back to the issue of trafficking, this notion has deep sense in the process of combating trafficking in children. Trafficking in children can be tackled in a more successful and effective way, when children are involved in the anti-trafficking process with their ideas, views, and suggestions. Cavet argued that “services, programs and policies that have direct impacts on young people (and especially those intended to benefit them as ‘clients’) will be more efficient and effective if young people's perspectives are engaged in the planning, delivery and evaluation of services” (Head, 2011: 543).



In reality the notion of child participation remains one of the biggest problems in terms of how to implement, how to actively facilitate children's participation and realize their right to be able to contribute to decision-making. Very often children do not have enough skills in some spheres of life, so the question of how participation can be organized in a sensitive and appropriate way is acute (UNICEF 2005: 48).

#### *2.1.4 – Survival, development, and accountability*

All these three principles are built to assure the realization of children's rights to survival and development. According to Art.6 of the UNCRC "Every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child" (UN 1989). This article speaks not only about the children's right to life but also about the right to provide children with all that is necessary for a decent life of a child, "so that children can contribute to a peaceful, tolerant society" (Save the Children 2005: 17). In this context, well-being should include not only physical aspects, but mental, social, cultural, ecological, political, and other aspects as well. So basically it speaks about the conditions where children would be able to realize their potential fully and freely. These conditions are essential to be met when working on child trafficking prevention, for it is an absence of well-being stimulates in a negative way a child or her/his family to be trafficked for any purposes.

Also it is vital to bear in mind that these general principles – non-discrimination, the best interests and participation, which form the core of CRBAs and seek achieving survival and development of a child – should work together in combination: if one of the principles is missing, the possibility for the two others, and the overall aim of survival and development of the child, to be realized decreases significantly (UNICEF 2007: 20).

Principles that constitute the core of a CRBA (non-discrimination, the best interests, participation for survival and development) are senseless without the notion of accountability. As the system of power relations has been constructed in a way that adults exercise more power and have more access to all types of resources, the possibility for children to exercise participation depends on adults' good-will; and unfortunately, adults systematically underestimate children's capacities (Bellamy, C. 2002: 4). Unless the children's rights are delivered to children, unless the responsibility for implementing this approach by adults is identified, there will be no step further into the direction of the realization of these rights and making children rights holders (Save the Children 2005: p.34).

## *2.2 – Connecting a child rights-based approach to the problem of child trafficking*

In this paper, the main connection between CRBA and trafficking in children lies within the system of combating trafficking in children, and how this system is organized and operates with regard to children. More specifically, the framework of analysis (CRBA) is used to analyze whether the NATM adheres to the principles of CRBA.

According to the United Nations Office on Drugs and Crime (UNODC 2009: 3) the anti-trafficking system as a “legal response” to human trafficking should be based on the “Four P Approach Strategy”. This involves: 1. the prevention of trafficking (raising awareness, providing trainings, protect vulnerable groups in society, etc.); 2. The protection of victims; 3. The prosecution of perpetrators (investigation, criminalization, etc.); and 4. Partnership (how all involved bodies organizations and persons responsible for solving the problem collaborate with one another on local, national and international levels) (Roth, 2012: 10). This framework is based on the United Nations Trafficking Protocol; is constructed with regard to other international instruments, political commitments, guidelines and good practices (UNODC 2009: 3).

According to the child rights-based approach in particular, all actions undertaken to solve the problem of trafficking at all levels should be guided by the principles of non-discrimination, best interests, and participation of a child, as well as protection and respect for other children’s rights set in the UNCRC. This approach constitutes a guiding framework of how to work with and for children in this sphere in order to achieve the best results (ibid.).

The Framework for Action (UNODC 2009: 13) argues that the implementation of the 4-P framework together with the guiding CRBA will guarantee an effective and comprehensive response to the problem of trafficking in children on the national and international levels (ibid.).

According to the UNODC (2009: 11) prevention of trafficking is “one of the most important aspects of an effective anti-human trafficking response”. The preventive part of the anti-trafficking model includes a wide spectrum of activities: creation of international standards to prevent children from being trafficked; establishments of comprehensive policies, programs and plans to prevent trafficking; organization of measures such as media campaign, other types of information initiatives in cooperation with non-governmental agencies; introduction of measures that make children less vulnerable and increase chances for them not to be involved into trafficking; improvement of border control; ensuring high quality of travel and identification documents; and promotion of a proper cooperation among governmental institutions and non-governmental organizations together with civil society and children (ibid.).

### *2.3 – CRBA as a tool to transform power relations*

In his works, Foucault argues that "Power is not something that is acquired, seized or shared, something one holds on to or allows to slip away" (Foucault 1981: 94). In other words, power is relational, not static; it is "seen" when being exercised. In this regard, power is associated more with processes and practices of it being exercised rather than with institutions per se. According to Foucault, power is embedded in all levels and through all dimensions. That is why it is senseless to ask "what has power, or where is it and what does it do?" Foucault rather raised questions about the "how" of power: how is it exercised (technologies of power)? (Townley, 1993: 520). Power is seen "as the core relation from which morality emerges rather than from universal principles of truth or transcendental values" (Turkel, 1990: 172). And domination discourse is generated by diverse forms of thought, associations, action, and language, allied with "processes of differentiation, exclusion, physical and social isolation," and various regimes of purification, reason and scientific enquiry (ibid.). Foucault does not separate the concept of knowledge formation from power arguing that power and knowledge are mutually dependent: the exercise of power produces and reproduces new knowledge and "new bodies of information"; and conversely, knowledge all the time induces power's results (Townley, 1993: 521). Thus, it is impossible for power to be exercised without knowledge, and for knowledge – to exist without power and not to engender it (Foucault, 1980: 52).

It is worth mentioning in this regard that for Foucault, power is productive and something positive:

"Power is the desire to know. Power is not negative; on the contrary, it is creative. We must cease once and for all to describe the effects of power in negative terms: it "excludes," it "represses," it "censors," it "abstracts," it "masks," it "conceals." In fact, power produces; it produces reality; it produces domains of objects and rituals of truth" (Townley, 1993: 521).

By this creative notion of power, Foucault introduces a key element of power: the concept of individual, who is not static as well, but rather is a product of social techniques of power and power relations (ibid.). A child is seen then as a social construct, but this construct is not fixed: identity is contingent; it is the process of constantly changing relations, and is always seen and understood "to be something in relation to something else" (Townley, 1993: 522).

Thus, as a result of historically created power-knowledge relations, it is not children who take decisions and influence the processes concerning this group, but adults, i.e. governmental officials, development agencies, personnel of diverse departments and organizations. They have much more capacities, and thus power, to influence processes, undertake decisions, etc. (Ensor, 2005: 173). At the same time these

officials are those who are responsible for children's well-being. Children do not have enough capabilities to change anything in the issues concerning them when there is something they do not agree with (Collins, 2008: 1).

But as power and knowledge are not static, productive and positive, present at all levels and mutually form and transform each other (Foucault 1980: 52) all the time there is the possibility to change the dominant discourse, or constructed power relations. In this regard, children's rights (and CRBA) are seen as a political as well as a legal tool to transform the system of relations between adults and children (ibid.).

"A child rights-based approach can also serve as an opportunity to reflect more broadly on the power dynamics inherent in the practices." (Cornwall, Nyamu-Musembi, 2004: 1418). Going back to the anti-trafficking model, this approach helps shifting the dominant ideas about who is trafficked, why and for what: in most cases it is a view that adults constitute the victims of trafficking. This dominant vision (produced knowledge) is then turned out into anti-trafficking actions where orientation towards adults dominates. Thus, this approach would mean little if it has no potential to transform power relations in a more positive direction (Cornwall, Nyamu-Musembi, 2004: 1432). Eyben argued that "talk of rights is the talk about power and about the obligations of those involved in development assistance; ... talk that restores to people a sense of their agency and their rightful claim to dignity and voice" (ibid.). A lot of agencies who have already started to use human/child rights-based language still do not realize fully the whole potential of the discursive power of this concept. This CRB language is the language of politics, power and social justice, which provides a framework for advancing respect towards children and "improving effectiveness and sustainability of efforts" (Collins 2007: 1).

That is why by researching whether anti-trafficking activities are child rights-based, it is possible to understand what the power-knowledge relations are in this sphere, what the taken-for-granted assumptions of knowledge are, and how these can be questioned and changed. And what is more important, with the help of Foucault theory of power-knowledge relations it is vivid that any situation (whether it is positive or negative) is changeable. In further chapters this will be more elaborated.

#### *2.4 – Positive example of child rights-based practices*

Speaking about positive child rights-based practices, it is worth telling that such examples are not well known and not reported on a proper level, despite the fact there is a lot of such child rights-based practice (Arts, 2013: 1). "If documented and shared more widely, such examples could become powerful resources for practitioners, policy makers and academics alike"(ibid.).

One of such examples can be the CRBA-based intervention practice of the NGO Plan Philippines, which focuses on all types of violence against children, including trafficking in children. Plan sees violence against children as a violation of children's rights, and the state as a primary duty bearer there, based on its engagement to perform the role of duty-bearer (ibid.).

Arts argues that in Plan Philippines “there was a clear display of the main features of CRBA across this practice, evolving around taking the UN Convention on the Right of the Child as a main framework for action and set of substantive goals to pursue; working by the general principles of the Convention (non-discrimination, best interest of the child and participation); and striving for structural solutions brought about by combined efforts of governmental and non-governmental actors” (Arts, 2013: 1).

This particular child rights-based project was well operationalized, based on fruitful collaboration between NGOs and state agencies, paid proper attention to gender aspects taking the notion of multilevel forms of discrimination into consideration, and asked for solutions for the root causes. Despite the fact that once being applied, CRBA starts a “complex and lengthy process, the progress of which is very much determined by the particular context in which it takes shape”, and this process is quite new, unknown and under-researched, this child rights-based project is regarded to be a successful intervention (ibid.). The CRC played a very important role there and was a successful framework for Plan's work, which aimed to contribute “to breaking the silence around violence against children, which is a crucial start for the process of changing mindsets and norm socialization” (Ibid: 169).

## Chapter 3: Case study of a National Anti-Trafficking Model in Belarus

*This chapter is devoted to the description of anti-trafficking interventions of governmental and non-governmental organizations. It explains how the NATM functions and helps to understand better the Belarusian model of child trafficking prevention. This helps to analyze these interventions from the perspective of a CRBA in a subsequent chapter.*

### *3.1 – What is done by the government to prevent child trafficking?*

The efforts done by the Belarusian government in collaboration with NGOs and IGOs to tackle the problem deserve deep respect and appreciation: in the last 12 years a lot of progress has been achieved to prevent trafficking (Government of Belarus, 2013; Interview 1, 2013).

Gradual development of an anti-trafficking activities in Belarus resulted in the creation of the *State Program on Countering Trafficking in Human Beings, Irregular Migration and Related Illicit Activities for the periods 2007-2010 and 2010-2013*, and then in adoption of a new law on “Combating Trafficking in Human Beings” in January 2012 (Government of Belarus, 2012). These actions are considered to be very important tools to prevent trafficking in human beings (thus, as well in children for there is no separate program to combat trafficking in children in Belarus) (Government of Belarus 2010).

According to the anti-trafficking law and state programs to prevent trafficking, a lot of diverse governmental departments became involved in the process. They are: the Ministry of Interior; the State Security Bodies, the Border Control Department, the Nationality and Migration Department, the Ministry of Foreign Affairs, and the President of Belarus. The activities outlined by the documents aimed to prevent child trafficking (but in original laws and in all other documents the words “people” and “person” are used, not a word “child”) consist of: controlling migration flows through the Belarusian borders; controlling cyberspace; doing hidden operational tracing activities; and checking companies involved into the model and entertainment business (US Department of State, 2012). As well, the government is involved in data collection of people going in and out of the country and children adopted by foreigners or Belarusians, who live abroad (Government of Belarus, 2012).

Also governmental agencies support NGOs and IGOs in their activities to prevent child trafficking by assisting technically in the processes of conferences’ organization, social advertisements’ creation and allocation, provision of experts, and sharing experience (Interview 1, 2013).

In order to improve the effectiveness of all preventive activities listed above and especially connected to law-enforcement ones, the Ministry of Interior has provided partial funding for the anti-trafficking training center in Minks, which has trained 47 Belarusian and foreign law enforcement officers and officials (US Department of State 2010).

But all these measures (anti-trafficking laws, programs and plans) do not deal with children rights' protection and salvation of structural causes of the problem of child trafficking.

Taking closer look at the child care and protection activities outside anti-trafficking discourse, there can be found some measures, which aim to protect children in general (read Appendix C). The mechanisms of child protection and well-being are important to be analyzed, as they are to be constructed to solve structural injustices, poverty, discrimination and inequality, which are the main causes of trafficking in children (US Department of State, 2006: 16). The responsibility for realization of children's rights and achievements of child-related goals lies on the Ministry of Health, the Ministry of Education, the Ministry of Labor and Social Protection, and the president of Belarus.

Despite the existence of diverse laws and programs aiming to prevent trafficking or to protect children's rights in general, the mechanisms for these rights' realization were developed only partially. The National Plan on Child Rights Realization and the program 'The Children of Belarus', which were developed in 1996, are highly criticized by the Committee on the Rights of The Child as few of it has been implemented into reality; there are no concrete mechanisms of their implementation into reality, no checking mechanisms and concrete evaluative indexes (UN 2011). That is why it can be concluded that activities, being "outside" the anti-trafficking system of laws, plans, acts, and programs, and thus, aimed at improving children's well-being and solving structural causes of the problem of trafficking in children, need a lot of improvements.

To sum up all written above about preventive anti-trafficking actions by the governmental agencies, it is evident that though awareness-raising activities and mechanisms for the identification of trafficking are partially included in the anti-trafficking agenda, much more attention is paid to law enforcement agencies (Program against Human Trafficking in Eastern and South Eastern Europe, 2012). Of course, law enforcement components are extremely important when preventing children from being trafficked, for criminalization of illicit activities and more rigid punishments very often stop child traffickers (Interview 1, 2013). But awareness-raising activities, if not realized and taken into consideration, may have dramatic negative effects on society's ignorance about the problem's existence and severity, as

well as it may cause tolerance towards the problem and towards violations of children's rights in general (Bettio, Nandi, 2010: 34).

These activities do not cover the whole spectrum of necessary anti-trafficking interventions to prevent children from being trafficked. They do not deal at all with solving structural causes of the problem that were mentioned in the first chapter. According to these departments' responsibilities listed in diverse documents (anti-trafficking law, presidential acts and anti-trafficking programs and reports) there is no such issue on the anti-trafficking agenda as general improvement of children's lives and well-being, i.e. structural causes of the problem are not seen as being important components to deal with when preventing child trafficking. Also these departments do not distinguish children as a special group of risk, which needs a different approach when working on prevention of child trafficking.

### *3.2 – What is done by NGOs and IGOs to prevent child trafficking?*

The problem of trafficking is a “popular” topic among diverse organizations that work in Belarus. In Belarus there are several NGOs and IGOs that directly or indirectly work on this issue. In the sphere of prevention the most active agencies are: the NGOs “La Strada”, “Children - not for Abuse”; such IGOs as UNICEF, IOM in Minsk, and the Red Cross (ICAT, 2010). These organizations work in deep collaboration with the Belarusian government. Among all listed organizations only the NGO “La Strada” works fully and only on the problem of trafficking; others do not prioritize this problem among all other ones they deal with in daily work (ibid).

The US Department of State is one of the main world players in the sphere of combating trafficking. There is a separate policy issue for this problem and a department is responsible for monitoring and combating trafficking in persons (US Department of States, 2013). Under its supervision a lot of counter-trafficking activities are done. But the main components are about developing narratives that are to be implemented by all countries to combat trafficking successfully; and then monitoring to what extent other countries follow these standards. It asks to develop preventive measures in order to combat trafficking in people, in most cases – to criminalize trafficking. But it does not give any particular tools or explanations of what concretely should be done by the government to prevent trafficking. Also the US Department of State does not separate children as special group; there is no single mentioning about human rights-based approach (as all documents and reports relate to human beings in general). Also it does not bring any principles under which any program should be constructed and planned (US Department of State, 2006-2013).

Analyzing the work done by the Committee on the Rights of the Child, the main activity is connected to critical evaluation of the government's compliance with the



UNCRC. By this the Committee wants to fulfill, protect and respect children's rights in all activities in relation to children, articulated in the UNCRC, to further the respect for the UNCRC, and to facilitate the process of the convention's implementation to the national legal systems, plans and activities. It specifies the necessity to take into consideration the principles of non-discrimination, participation and the best interests of a child when working with and for children (UN 2011: 5-6). Basically, the Committee on the Rights of the Child gives critical remarks about the work of the government of Belarus in relation to children. And this is a very important role, as now there is no other body that speaks in favor of a CRBA and children's rights in Belarus.

Taking UNICEF's activities, it is engaged in the anti-trafficking work by assisting the government and NGOs to attract attention to the problem of trafficking in children; by conducting research on children's well-being in Belarus; by assisting different actors in the work with children with special needs, disabled, orphans, and children from the Chernobyl zone (UNICEF, n.d.). But there is no special policy issue devoted to the problem of child trafficking. In all its produced materials in Belarus, there was found no mentioning about a CRBA: UNICEF mentioned that activities should have been Human Rights-Based, even not child rights-based.

IOM as well as the Red Cross also assist the government in the preventive anti-trafficking activities (Interview 1 and 2, 2013). But the problem of child trafficking does not have any special priority in its activities: it is rather something that these IGOs are aware of and ready to assist other agencies.

The NGO "La Strada" works directly on the problem of trafficking. The main achievement of the organization is that it has created a hot line where anyone can call and ask questions about a wide range of issues: safe migration, working and studying abroad, marriages with foreigners, etc. Also the organization organizes trainings for a wide range of people (students, pupils, and teachers) to inform them about the dangers of being trafficked (ibid.). But their main target group is adults and their aim is to help prevent trafficking in adults (Patsanovich, 2013). It was one of the reasons to refuse to meet with the researcher, for the topic she introduces was connected to child trafficking. It was answered by a member-staff that "we work with adults; that is why we will be able to provide you with information you would need" (ibid). So it is evident that this NGO does not have any approach towards children at all in their work.

The NGO "Children – not for Abuse" is the main actor from the non-governmental sphere who works directly with and for children in Belarus. It is the only organization in Belarus that works on the issues of all types of child abuse and violence and aims to stop violence against children, paying a lot of attention to the

problem of trafficking in children (“Children – not for Abuse”, 2013). That is why main attention in this paper is paid to the work of this organization.

This NGO is highly trusted and supported by the Belarusian government, as it has been working in Belarus for 15 years already and has done a lot for children (ibid.). According to the conducted interviews, the organization has been lobbying the interests of children, promoting the necessity to work with and for children, constantly claiming that children should have been paid attention to, should get assistance and help (Interview 1, 2013). It took several years for this NGO to prove the existence of violence in relation to children as well as the existence of the problem of trafficking in children (Interview 1, 2013). And finally, it managed to ‘persuade’ government officials in it and start working together on such issues, as child abuse, child trafficking and violence against children. This fact shows a great potential the NGO has in influencing the government’s decisions and perceptions, and in advocating children’s rights.

In the sphere of trafficking, “Children – not for Abuse” is almost fully supported by ECPAT<sup>3</sup> that defines, directs and supports all that is done by the Belarusian NGO. The usual duration of a project varies from 7 to 12 months. In most cases projects have educational aims of how not to get into the problem (Interview 1, 2013). Within specific projects aimed at tackling all forms of violence against children (where the problem of trafficking is also raised), this NGO publishes different types of awareness raising materials and conducts research. Also it initiates diverse round tables, discussions, and conferences on the national and international level about the problems of trafficking in children, in collaboration with governmental and other non-governmental agencies. The organization’s staff members work as consultants and experts of how to work with and for children with UNICEF, government, IOM and other organizations (ibid). Also it works with all groups of children (from 4 to 18 years), with their parents, teachers, social workers, etc. But the most “difficult” group to work with was parents, who did not want to spend time to participate in meetings devoted to the issue of child trafficking (Interview 1, 2013).

Being registered as a Minsk region organization, this NGO holds its activities in most cases within the Minsk region. Sometimes it organizes trainings and events in other regions of Belarus, but this does not happen on a regular basis (Interview 1, 2013). That is why the “Child – not for Abuse” covers only limited amount of places, leaving other regions and cities “untouched”.

For example, according to the organization’s report, 1416 children, parents, and specialists took part in diverse activities (trainings, discussions, seminars, round table,

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<sup>3</sup> ECPAT is an international network of organizations that work to end child prostitutions, child pornography and trafficking in children for sexual exploitation (ECPAT, 2013). It seeks to ensure children’s rights realization and protection of children from all types of commercial sexual exploitation.

and conferences) organized by the “Children – not for Abuse” in 2012 (Children – not for Abuse, 2012).

To sum up the scope of this NGO’s activities aimed to prevent child trafficking, it should be mentioned that in most cases it organizes awareness-raising events about the problem of child trafficking among children, parents, social workers, teachers, students, governmental officials and some other groups of citizens. The lowest effectiveness of activities is observed when working with parents, for in most cases parents do not appear and do not want to be engaged in any type of such activities. In most cases these awareness-raising activities are held in Minsk region, omitting other 5 regions of Belarus. Trying to reach as much educational establishment as possible and as much children under risk as possible, still it is impossible to arrange even a meeting in orphanages in Belarus; no Roma community, boarding schools for children with special needs, special institutions for children committed juvenile delinquency have been contacted.

Other agencies either do not work with children (“La Strada”), or do not prioritize the problem of child trafficking at all.

## Chapter 4: Analyzing the Belarusian Model of Child Trafficking Prevention from the perspective of a Child Rights-Based Approach

*This chapter is devoted to the analysis of anti-trafficking preventive interventions in Belarus at current stage. The governmental and non-governmental anti-trafficking activities are analyzed from the perspective of their adherence to a CRBA. For this purpose, also there will be analyzed the power-knowledge relations that underpin, and in many cases play a leading role in the formation of the NATM with regard to children.*

### *4.1 – Analysis of the governmental interventions to prevent child trafficking*

10 years ago the governmental officials did not realize there were any problems in connection to children: “Do children have any problems? Are you sure they are abused, face violence and other problems? Everything is all right, we do not have any problems with it’ –that was what they were saying at that period of time (Interview 1, 2013). It took the NGO “Children – not for Abuse” more than 6 years to persuade the government to include children in their agenda about combating violence against children (ibid). A lot has been changed since that time: now state officials understand the necessity to work with and for children. There is clear vision of the fact that children can experience all forms of violence and these harmful practices are widely spread in Belarusian society (Interview 1, 2013). What concerns the problem of trafficking in children, the governmental officials are also aware of it (ibid.).

But despite all the efforts done by the government of Belarus, the system of child trafficking prevention has a lot of room for improvements.

#### *4.1.1 - Principle of non-discrimination*

In general, there is little said specifically about children in anti-trafficking laws, national plans of actions, annual reports on combating trafficking in human beings and plan’s fulfillment. In the anti-trafficking law the word “child” is mentioned only two times. In the opinion of the Committee on the Rights of the Child (UN 2011), the legal system does not separate children as a special target group for traffickers and as a group of victims of trafficking (UN 2010). Moreover, the term ‘child’ is almost not mentioned in the following documents: the Penal Code of Belarus, the Law on Combating Trafficking in Human Beings, Presidential Acts on National Anti-Trafficking Programs, and the Constitution of the Republic of Belarus (Parliament of Belarus 2012).

The state officials do not work with children directly; rather, this responsibility is put on the NGOs, which play the main role in this process. This strict division of responsibilities between the government and NGOs is partially due to the anti-trafficking law. Since the adoption of the law in 2012 almost all awareness-raising activities are to be committed by non-governmental agencies. So children are discriminated by the government by, first, omitting this group of risk from all national documents, and secondly, refusing to work with them directly and to create state coherent programs of how to raise awareness about the problem and prevent children from the danger of being trafficked. It can be concluded that the government shifts its responsibilities for child trafficking prevention to the NGOs' 'shoulders' giving them a lot of freedom in actions but almost no financial support. It also means that the NGO activities are bound by what the donors say and have only one source for survival that is situated outside the country (Interview 1, 2013).

Solving structural causes of trafficking in children, the governmental actions exclude a wide range of issues and do not cover all aspect of the UNCRC and its two optional protocols (UN 2010). The rights of Roma children, children without parents, children of other nationalities, ethnic groups, and religions are not reflected in this law. In this law there is nothing said about the right to psychological assistance and well-being, which is an extremely important aspect to take into consideration when trying to prevent children from being trafficked: usually children constitute the biggest group of risk (Interview 2, 2013).

According to the Committee on the Right of the Child (2011), budgetary allocations for children are still insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing structural problems. The government's priorities with respect to child rights issues still are not clear in order to ensure that funds are allocated in the best ways.

The Belarusian government in cooperation with UNICEF in Minsk every year conducts diverse research where children and women are still clustered together: the whole research is devoted to measuring the well-being of "children and women" (UNICEF 2012). In the samples the age of interviewees started from 14 years only. Even conducting research under the UNICEF supervision in Belarus is discriminatory towards children of different ages by not seeing them as separate groups with separate needs that need to be researched, understood and whose opinions are to be taken into consideration.

Unfortunately, neither laws, no programs mention children's age, sex, gender, ethnicity and what these peculiarities should bring into the anti-trafficking activities to be child rights-based (non-discriminative, considering the child's best interests, participatory). Putting all children under 18 together as a homogeneous group does not take into consideration the evolving capacity of a child: a child of 16 or 17 may

have different level of agency or capacity when compared to a child of 8 or 9 (UNICEF 2010).

Positive and distinguishing characteristic of the legal part of the prevention is that trafficking in human beings (including children) for any purposes has been criminalized. According to the opinions of the experts working with these issues the criminalization and in general improvement of the legal system with regard to children has changed and improved a lot the preventive system, as it has become more dangerous for traffickers to deal with minor trafficked and many of them simple do not want to connect their criminal affairs with children (Ministry of Interior, 2012; Interview 1, 2013).

But in general it can be concluded that the principle of non-discrimination is not fully applied into the governmental preventive activities.

#### *4.1.2 – Principle of the best interests of a child*

This principle is not identified neither in the legal part of anti-trafficking system, nor is it developed in the law “On the Rights of the Child” and in the plans of child well-being’s improvement. According to Starovoitov, professor of International law in Belarusian State University, the law ‘On the Rights of the Child’ of 1993 does not reflect the principle of the best interests of a child (BSU, 2004).

In general, the researcher did not manage to find any mentioning about this principle’s vision, analysis or incorporation in the NATM.

#### *4.1.3 – Principle of Participation*

The Anti-trafficking model of Belarus occupies a level of non-participation (Hart, 1992: 8)<sup>4</sup>, because the component of participation is fully missing from the NATS. None of the documents concerning children or trafficking contains developed norms, conditions and system of children’s inclusion in decision making processes that are connected to child trafficking prevention. It is hardly possible to “hear a voice of a child” there, no matter whether it is a law, presidential act, report on done work, press- and post-realizes of anti-trafficking events, awareness-raising information on bill-boards, a program on TV or an article in any newspaper. Also no single child has

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<sup>4</sup> According to Hart, the model of participation can be seen as an 8-level ladder, where first 4 levels are occupied by non-participation models, ranging from manipulation, decoration, and tokenism to the next 5 levels present degrees of participation, where children have some level of participation - assigned but informed, consulted and informed, adult-initiated shared decisions with children, child-initiated and directed, and child-initiated, shared decisions with adults - Find out more about it Hart, R.A. (1992) *Children's participation: From tokenism to citizenship*. < [http://www.unicef-irc.org/publications/pdf/childrens\\_participation.pdf](http://www.unicef-irc.org/publications/pdf/childrens_participation.pdf)>

ever been present at any related to trafficking meeting, round tables, conferences, TV programs or printed awareness-raising posters.

It can be concluded that children do not participate either physically in any activity related to the problem of trafficking in children or indirectly by their opinions, decisions and views. Given the ability to participate, children start not only knowing their rights, which is not enough for the rights to be realized, but also know how to exercise their rights (Barnitz, 1988: 29).

To sum up all written above, unfortunately, national legislation and other types of documents in relation to children miss comprehensive in-depth plan of children rights' protection and fulfillment in order to prevent them from being trafficked. But according to diverse governmental reports on anti-trafficking activities and on children rights' realization, all activities are done in almost a perfect way (Government of Belarus, n.d.). At the same time the Committee on the Right of the Child in its several concluding observations based on national reports also concluded that there was no child rights-based approach implementation in any child-related activities in Belarus (UN, 2010). State departments responsible for fulfillment and protection of children's rights - ministries of education, health, social protection, prosecutor's office, etc. – cannot handle it in a descent way: there is a lack of unified child policy and activities; there are no controlling mechanisms and complex approach to child-related actions (ibid.).

#### *4.2 – Analysis of the NGO “Children – not for Abuse” intervention to prevent child trafficking*

By analyzing the activities of NGOs there was no attempt to judge anyone or anything from the organization, as it was obvious for the researcher after the field work that the organization had been doing a lot of extremely useful, needed and priceless work for children's well-being. After the interviews conduction it became clear that the main motivation for this NGO is to improve children's lives, assist their security and well-being. Interviews concerned the ways of working with and for children, the main principles and, in the end, the CRBA and children's rights. It was done in order to understand to what extent people who directly and quite actively worked with and for children were aware of the CRBA, whether they had ever heard of it, used it or planned to use.

But unfortunately, the interviews conducted in Minsk in July 2013 gave additional support to the fact that the principles of non-discrimination, participation, and the best interests, i.e. the CRBA, were not fully applied to the NATM of Belarus.

According to the interviews conducted in Minsk with the NGO's representatives, it has always been rather difficult to advocate children's rights in Belarus (Interview 1, 2013). It took the NGO “Children – not for Abuse” more than 6 years to persuade

the government to include children in their agenda on combating trafficking and in general on combating violence against children (ibid.). But finally, they succeeded and managed to prove their ideas.

#### *4.2.1 – Principle of Non-discrimination*

The principle of non-discrimination is present partially in the activities of the NGO “Children – not for Abuse”, who orients its work exactly towards children of all ages. First of all, they have different programs and approaches to children of different ages: from a kindergarten to high school (Interview 1, 2013). But despite their desire to work everywhere around Belarus, they are physically not able to cover all educational establishments and reach all children. Annually, around 120-1400 people (children, teachers, social workers, parents, and other specialists from this sphere) take part in their activities (“Children – not for Abuse”, 2008-2012). In most cases activities cover only Minsk region, when there are more five regions in Belarus with more than a 1,500,000 children staying “uncovered” (Ministry of Statistics, 2012). That is why some children are simply not reached. Also this NGO does not have access to the orphanages because of the reluctance of the orphanages’ administration to it (Interview 1, 2013). The NGO does not work with Roma children, children with disabilities and other special needs. Annually, they cover several schools of some particular region. But there is no special comprehensive plan for this kind of work that would work systematically and for all children in Belarus.

As the government shifts the responsibility of direct work with actors (children, teachers, social workers, etc.), the main argument here stands for the inaccuracy of this division: donor funding can be ended at any moment and this important part of the whole NATM will become a real problematic area. Of course, the NGO will never recognize this fact and the fact that four persons from main staff and 15 volunteers are not enough to reach all the children and not to discriminate anyone.

So, it can be concluded, that the awareness-raising program of the NGO “Children- not for Abuse” does not apply the principle of non-discrimination in its full meaning. The work work is organized a bit chaotically based on staffs’ thoughts of what places they can reach, where they have any contacts to organize any event, what educational establishment is worth visiting, etc (Interview 1, 2013). By this, the NGO discriminates a lot of “unreached” children in Belarus. Also the organization is not involved in the process of solving structural causes of child trafficking; basically it is out of the NGO’s agenda.



#### *4.2.2 – Principle of the best interests of a child*

The best interests of children are also taken partially by the NGOs who work with children. Answering the questions “DO you listen to children’s opinions; try to understand what the best is for them, etc.?” positive answers were received. Staff members try to adapt the programs for the children’s needs and demands, try to listen to children and understand what they really want, need or have problems with (Interview 1, 2013). Sometimes it is difficult and challenging to deliver these ideas to the governmental officials and make them understand this (ibid).

But during the interviews it became clear that there had never been a proper well-thought off attempt to understand what motives rule children’s desires to find friends in the Internet, for example, or any other activities, which could lead to the problem; what underpinned that first step of getting into trafficking, and what interests, thus, should be met and how in order to meet children’s needs and by this to prevent them from being trafficked.

#### *4.2.3 – Principle of participation*

Speaking about the participation principle, it should be said that this issue is fully missing. Asking the question “Do children participate anyhow in the organization of your activities? If yes, how?” it was answered by interviewees that they tried to incorporate as many participatory techniques as possible when holding trainings. Also they tried to listen to children’s views, whether they liked trainings or not, whether the methods were effective or not. And there is any shortcoming, they change everything in order to adapt trainings to particular groups of children and make it as comprehensive as possible.

But all this is connected to physical notion of participation: children participate only by their physical presence at the trainings. But recollecting the discrimination of some children according to geographical remoteness from Minsk region, it is seen that even physically not all children can participate. There was said nothing about any example of a child’s participation in the NGO’s decision making process concerning the formation of the preventive program or any other activity aimed at preventing child trafficking. So it was evident that the NGO’s staff did not see the issue of participation as an important component to be incorporated into their work.

But this notion is extremely important and cannot be omitted. It was proven that without allowing children to participate in decision-making process that affects their daily lives, children’s lives “would have little meaning, order or purpose” (Matthews at all, 1998: 2).

#### *4.2.4 – General Application of the Child Rights-Based Approach by the NGO “Children – not for Abuse”*

Asking diverse questions about a CRBA, the answers showed that the organization’s staff was not aware of the existence of a CRBA. When representatives of the NGO were asked whether in general their activities were bound by any principles of working with and for children, they smiled and first thing they told was “this idea of principles seems to be very popular in western countries. They like a lot such things” (Interview 1, 2013). They did not answer the question directly but it was clear that they did not apply to “such things” and did take that notion seriously. But in general the interviewees accepted this question in a positive way.

Asking whether “Children – not for Abuse” had any special its own principles of working with children, it was answered that in general all the activities were based on three main principles: “Do no harm; do not scare or intimidate children; do not bring negative information to children in order not to discourage them” (ibid.). These principles can be considered as components of the best interests of a child because they highlight the necessity to think of children and their interests, first of all, and do not do such activities that can be harmful for them, children would not appreciate or the results of which would bring negative consequences for children’s lives and well-being. These principles appeared as a result of the organization work with and for children for many years, not after making this decision together with children. Children took part in this principles’ creation indirectly without any awareness about it, rather than directly and consciously.

During the second interview the organization’s representatives talked about the future plans. They planned to hold a project aimed to develop a very practical code of rules of how to work with and for children. That code was aimed to cover all spheres of activities devoted to children (Interview 2, 2013). According to the interviewees, no such code exists and it is important to have concrete principles of working with and for children, practical advices, recommendations, examples, etc. (ibid.). They could not give any concrete examples of these principles, for “it should be developed and worked out by us in the nearest future” (Interview 1, 2013). Asking “why do you want to do this project and how did this idea come to you?” it was answered that “this is a free niche and it seems to be very popular, so there is a great possibility for this project to be supported. If we do catch this idea, someone else will catch it” (ibid.). Definitely, this is the aim that deserves respect, but there was nothing told about the fact that it should have corresponded with the UNCRC and the developed CRBA, as a framework for working with and for children, and a tool for the children rights’ realization – interviewees simply did not know exactly how it would look like, they just knew that the future code would accumulate their experience and practical

advices of working with and for children for almost 15 years. So, unfortunately, at this moment of time they are not aware of the CRBA, and do not plan to apply the child rights-based principles into their activities according to the UNCRC recommendations.

To sum up all the findings, after the conduction of interviews it was concluded that there was no awareness about the notion of CRBA: partially it was present there just because it happened like this, without deliberate attempt or decision to incorporate the UNCRC principles. The principle of non-discrimination is covered by the NGO, but not fully; the principle of the best interests of a child is also present partially and rather intuitively; and the principle of participation is developed in a way that children are listened very carefully only during the trainings the NGO organizes for them. This leads to the absence of one systemized well-accepted and clear system of working with and for children.

Orienting on their own approach they managed to achieve great changes. But if this NGO adopted the CRBA into its activities, the work would attain very clear structure; it would be able to measure and monitor the effectiveness of its work, to understand whether its work is really non-discriminative, participatory and incorporating the best interests of a child; whether activities that this NGO does improve children's well-being and decreases the possibility of children to get into the problem of trafficking. At this stage it is almost impossible to evaluate the effectiveness of the NGOs' activities and whether they help to prevent children from being trafficked.

#### *4.3 - Analysis of UNICEF and US Department of State's intervention to prevent child trafficking*

##### *4.3.1 – Analysis of UNICEF activities to prevent child trafficking*

Taking critically the work done by UNICEF in Belarus, it is worth mentioning the absence of systematic approach in their work with and for children in order to prevent child trafficking (direct awareness-raising and structural causes' salvation). Based on what is published on their Internet page (reports, documents, aims, achievements, news, current and former projects), in most cases UNICEF arranges direct assistance to some group of children at risk by providing clothes, medicines, technical help (UNICEF, n.d.). Sometimes it gets finances for any particular projects (to prevent trafficking, for example), but projects last very limited amount of months and after the end of such a project UNICEF "looses all the interest in working on the particular problem that was tried to be tackled during that project" (Interview X, 2013).

As it was mentioned earlier in this chapter, UNICEF in Belarus still cluster children together with women; conducts research on the basis of this outdated perception and

makes conclusions of how to improve the living of “children and women”, which is not only discriminatory for both groups but also is not objective. Doing research, UNICEF very often omit a lot of children: for example, in their research of “children and women’s well-being” there were interviewed children till 5 years, and then people from 15 till 59 years (UNICEF, 2012: 35). This research on well-being of children is rather discriminatory because some groups of children have not been taken into account; and in most cases adults of both sexes were interviewed about happiness, domestic violence in relation to children but not children themselves (ibid). Thus, all work of UNICEF is under a big question mark from the perspective of the principles of non-discrimination, the best interests, and participation towards children.

And in general there can be a lot of critiques towards UNICEF office in Minsk, but here it is the main aim –to show the fact when some children organizations do not work properly, the burden of responsibility for advocating children’s rights in Belarus is put on other organizations that very often have less financial support, power and legitimacy than UNICEF. This in the end may have rather negative effects on child well-being, which can become a reason for a child to get into trafficking.

#### *4.3.2 – Analysis of the US Department of State’s activities to prevent child trafficking*

Taking the US Department of State’s report on Belarus (2013), only several lines at the end of it are devoted to what has been done in the sphere of prevention of trafficking, when much more space is devoted to prosecution and protection. In the opinion of the researcher, it might be connected to the general narratives developed by the US Department of State in relation to trafficking, which are to be met by the government to fight trafficking and concentrate more on other parts of anti-trafficking model.

According to this organization, it estimates country’s success in combating trafficking on the basis of 9 narratives, four of which are devoted to law enforcement procedures and open the list of all narratives, next four – to victims’ protection, and only one narrative is devoted to government actions to prevent trafficking (ibid: 42-43). It is listed last in the line of these nine narratives, and underlines more the measures aimed at curbing “contributing factors to human trafficking, such as employers’ confiscation of foreign workers’ passports and allowing labor recruiters to charge prospective migrants recruitment or placement fees” (ibid: 43). Thus, it underestimates other components of trafficking prevention: awareness-raising and solving structural causes of the problem of trafficking. It is not mentioned anywhere in the report that all activities should be rights-based, moreover nothing is said about principles of work with children as a special group (ibid). So, the US Department of State leaves for Belarusian government to decide on how to work with diverse groups

in risk, how the anti-trafficking model should work and what principles should guide the prevention of trafficking in children.

That is why it can be concluded that despite the fact that this organization does pay attention to child trafficking and understands the severity of the problem of child trafficking, the US Department of State's anti-trafficking framework still excludes the child rights' discourse and the necessity to apply the child rights-based principles in the NATM; it excludes the obligations to organize and commit anti-trafficking activities oriented towards children.

## Chapter 5: Conclusion

*The concluding chapter will come through the general implications of each chapters of this research paper: the notion of CRBA and its connection to the NATS in Belarus, why it is crucial to take it into account, to what extent it is present in the preventive activities of the NATM; and what can be done in order to strengthen child trafficking prevention in Belarus.*

The problem of trafficking in children is a severe violation of children's rights that hurts children physically, morally, emotionally, and psychologically. In Belarus a lot of efforts to prevent child trafficking have been undertaken, but still the problem is not solved fully. Looking for answers of how to prevent child trafficking, the first step to be done is to analyze and critically assess the anti-trafficking system in order to understand what can be changed and improved for anti-trafficking preventive activities to be more effective.

For this purpose, a conceptual framework of a child rights-based approach was chosen, with the help of which the preventive part of the national anti-trafficking system was analyzed. The reason for choosing a CRBA as an analytical framework is due to its capability to help understand to what extent diverse agencies, involved in the prevention of child trafficking, incorporate children's rights into their work, i.e. to what extent children's best interests, principle of non-discrimination and participation are taken into consideration when preventing child trafficking. These principles are seen as crucial elements to be applied in the preventive activities in order for them to be more effective. This approach makes the system more just, inclusive, and participatory, change power relations between children and adults making children more influential, understandable and vivid, which increase the chances to prevent child trafficking on a higher and more effective level.

After the analysis of diverse actors' anti-trafficking actions (the government of Belarus, NGOs, and IGOs) and their adherence to the CRBA in the child trafficking preventive actions, it became evident that the child rights-based approach is not fully applied into the anti-trafficking preventive system, i.e. the principles of non-discrimination, participation, and the best interests of a child are not incorporated into it to their full extent.

Governmental agencies adhere to the CRBA only partially. The principle of non-discrimination is present only partially and very randomly, without taking children as a special group that needs different approach when trying to prevent child trafficking. And in general children are not present vividly in any of the preventive laws, programs or plans aimed to combat trafficking. The principles of the best interests of a child and participation are not developed at all.

Taking NGOs and IGOs, it should be mentioned that they do not exclude children from the anti-trafficking agenda; vice versa, they actively promote the necessity to orient anti-trafficking activities towards children. But in general, the principle of non-discrimination is not fully applied: their activities exclude wide ranges of children on the basis of sex, origin, gender, age, nationality, geographical location, and special needs; and very often they cluster children and women together. The principles of the best interests of a child is taken partially by the NGO “Children – not for Abuse (do not harm, do not intimidate and discourage children); when the principle of participation is missing fully.

Moreover, there is no awareness about this approach among diverse actors. It means that in most cases children are absent from the anti-trafficking agenda and, thus, not protected; when according to national reports on children well-being, children are fully protected by the government of Belarus. This notion leads to even more severe exclusions of particular vulnerable and suffering groups of children. Incorporation of the principle of participation, non-discrimination and the best interests in the preventive activities will be the first step to orientation of the system of prevention towards children. That is why it is necessary to re-frame this discourse of “everything is perfect (on a paper)” towards the discourse of “children rights’ fulfillment needs huge improvements and changes in order to be fully realized, with the help of a CRBA”. It will result in the involvement of children and their families in the processes of creation, implementation, monitoring and evaluation of anti-trafficking programs, which will reform the power-knowledge relations and improve the system itself.

But children rights’ realization and child rights-based work have always been a very difficult process, which demands collaboration and engagement of governmental and non-governmental actors. That is why striving to prevent child trafficking, in-depth changes should be introduced, among which child rights’ advocacy, child involvement in all decision-makings, and comprehensive policy response to all types of violence against children take the leading position and are to be prioritized. “Lobby and advocacy will often be crucial elements of rights-based interventions, e.g. to achieve law reform (at all levels including the local) and adoption of policy instruments”, for it raises awareness and breaks the silence around children rights’ violations (Arts, K. 2013: 150). NGOs and IGOs play a very important role in these processes. They should assist and encourage those responsible to meet their obligations and duties (Save the Children 2005: p.36).

On the example of the NGO “Children – not for Abuse”, which was struggling for a lot of years to make children visible when it came to the problem of trafficking, it is seen that years of advocacy, constant dialogue and persuasion in a positive way were spent to ‘budge’ the process of including children’s issues, needs and particularities

into the governmental agenda of combating trafficking and violence (Interview 1, 2013).

This fact clearly shows how power relations between the government of Belarus and this NGO are mutually dependent and influence each other all the time. According to Foucault theory of power-knowledge relations (see chapter 2), the process of change happens all the time; power is a positive and creative notion, not static, interconnected with knowledge, which are impossible to exist without each other. Having managed to persuade the government that children also had problems (experienced violence, abuse, could be trafficked, etc.), people from the NGO “Children – not for Abuse” seized some power from within in relation to child issues and shared it with the government. Having some “other” knowledge (different from the government’s vision about children’s lives, needs and problems), they managed to exercise their power, and by this – again to reproduce knowledge about children and to generate new blocks of information. Thus, they generated a new discourse about children, their problems, lives and ways of working with them.

That is why it is possible to make a CRBA “alive”, if this idea is constantly lobbied and defended, if this alternative knowledge is promoted by such a “wind mill” as power of an individual, in this case – a power of “Children – not for Abuse” staff members. After this research it is clear that this NGO, having a lot of trust from and influence on the government of Belarus and from other agencies, can change power-knowledge relations and shift the existing anti-trafficking discourse to a new one, which will incorporate a CRBA into it. Also during the interviews representatives of “Children – not for Abuse” expressed the desire to work on the code of principles of working with and for children. So why not to start working on it from the point of a CRBA and the UNCRC?

In any other case the CRBA will simple stay unknown by the main duty bearers (the government) and there will be no sense to wait for the government to start implementing the approach into the NATS. So, the NGO “Children – not for Abuse” has the potential to change existent power relations and equalize children’s position in the anti-trafficking system.

Advocacy is also deeply connected with public education and awareness rising as responsible parties for the CRBA application and other members of society in general should know about the notion of children’s rights and what the ratification of the UNCRC applies for.

But NGOs and in many cases IGOs are bound by close relations with the government that does not give full freedom of actions and critique. That is why the creation of an independent institute of Ombudsperson in relation to children’s rights in Belarus is a necessary step in the realization of children’s rights by constant advocacy, monitoring, and independent evaluation and in many cases – critique.



Just budgeting should be allocated for the processes of preventing children from being trafficked, for the salvation of the problem demands a lot of human, technical, time resources, which cannot be acquired without decent finances. Now neither governmental, no donor funding are accumulated for such activities.

Despite this, there should be developed an in-depth preventive strategy, or one comprehensive national anti-trafficking program, based on the CRBA's principles and values, which will protect children on all levels, ensure children's participation in decision-making, incorporate all responsible departments in a coherent way, and tackle the root causes of trafficking in children – all types of child's vulnerabilities, social inequality, discrimination and marginalization. In practical terms, an independent committee (or group of experts outside the government "body") should be formed in order to monitor and coordinate the creation and implementation of this unified strategy.

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## **Appendix A**

*Basic definitions*

According to the Convention on the Right of the Child **a Child** is person under 18 years old (UN 1989). In some countries the age can be shifted a bit according to national background, but in Belarus this convention's definition is fully followed and supported by national legislation (Government of Belarus 1993).

In the paper the researcher will use the definition of trafficking in person that was introduced in the Palermo Protocol: “**Trafficking in persons** means the recruitment, transportation, transfer, harboring 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 to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN 2000: p.3). But also it is mentioned there that “The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in person” even if this does not involve any of the means set forth in the previous definition of trafficking of this Article 3” (ibid.).

The most authoritative definition of trafficking under International Law is spelled out in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. According to this instrument, **Child Trafficking** can be defined as "the recruitment, transportation, transfer, harboring or receipt of a girl or boy of less than 18 year of age for the purpose of exploitation” (UN 2000: p.3). As the topic of trafficking is concerned with sexual exploitation, in this research it is helpful to say about the concept of sexual exploitation itself. **Commercial sexual exploitation** consists of the business of prostitution, pornography and trafficking for sexual purposes, i.e. practices that are demeaning, degrading and many times life-threatening to children (UN 2000). According to the Optional Protocol to the UNCRC Art.2 “Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes” (UN 2000).

## Appendix B

*Contextual background where the national anti-trafficking model (NATM) emerged and developed*



Belarus is characterized by stable social and political context, without wars, natural or constructed disasters (Government of Belarus 2012). Geographically being a part of Europe, Belarus was a part of the USSR since 1920. And it became independent after the collapse of the USSR in 1991 (Government of Belarus). Since that time Belarus is a social-democratic legal republic (Government of Belarus 1994).

It is worth mentioning that citizens, the media, and NGOs in Belarus are often subjected to government intimidation and strict control, which limited open discussion about the trafficking situation in the country (UNHCR 2011). There is fear to critique the state's actions as there is a totalitarian regime. After the first presidential elections in 1994 Alexander Lukashenko became its president, who is still taking the presidential post in his fourth term (Government of Belarus 2013). The president himself characterized his way of ruling as an "authoritarian ruling style" (Lukashenko, 2007). The main idea of how the country is to be run is hidden in the statement of the president in one of the interviews with him: "You need to control the country, and the main thing is not to ruin people's lives." (Lukashenko, 2003). In practice it means that administrative ruling based on strict presidential acts is the predominant style of running the country, where everything depends on a 'word' of a president, his opinions and decisions. All spheres of life in Belarus are under the presidential control and depend on his will. All policies, programs, laws and other changes have a top-down character: the moment the president expresses the necessity to change something, this wish, or desire or order, is turned into some new amendments to existing legislation, new presidential acts, policies, and budget allocations for these activities. Unless the president is 'interested' in any process, this process will not be touched upon by governmental actions.

Coming back to the problem of trafficking in children, the process of combating trafficking in persons in Belarus also, like many other positive and negative changes, got started and gained respectful scope and attention on a governmental level after the Lukashenko's speech during the UN summit in 2005 where he expressed his concern about the problem of trafficking and said that "measures need to be beefed up to prevent human trafficking" (Lukashenko, 2005).

Also the economic situation influences a lot the situation with trafficking: the worse the economic situation is the higher the rate of trafficking becomes. Since 2009 Belarus has come into deep economic crisis that has been enlarging the level of poverty every year adding up to the risks of trafficking in child, accordingly (Ministry of Economy n.d.). But unfortunately it is impossible either to monitor or to control this phenomenon as there have been no reports under the ICESCR since 1997 (UN 1973). But how to fulfill child's rights and protect them from being trafficked in particular if there is no analysis of economic situation, no attention to economic problems and a lot of laws based on financial assistance to the families that are under

the risk of poverty become impossible and unreal to implement and fulfill as there is no resources for it?

## Appendix C

*Legal obligation of the Republic of Belarus on national and international levels in relation to the problem of trafficking in children*

Taking the legal part of the NATM, on the international level, in October 1990 Belarus ratified the Convention on the Right of the Child (the rest see Appendix C). Belarus is a State Party to: the Hague Convention of 1980 on the Civil Aspects of International Child Abduction; two Optional Protocols to the Convention on the Rights of the Child; the International Labour Organization Convention on the Elimination of the Worst Forms of Child Labour; the UN Convention against Transnational Organized Crime and two of its supplemental Protocols the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the “Palermo Protocol”), the ILO Convention concerning Forced or Compulsory Labour. Belarus has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

On the national level the Child’s Rights Law was created in 1993 (The government of Belarus 1993). The National Commission on the Rights of the Child was created in 1996. Also in 1996 the National Plan on Child Rights Realization was developed and the program “The Children of Belarus” started its work. In January 2001 the new Penal Code of the Republic of Belarus came into force, 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, honor and dignity”. Also the Constitution of Belarus reflects some principles recognized in the CRC and human rights in general (Alston, Tobin, 2005: 20-30). Art. 32 guarantees the protection of childhood, prescribes protection of children from exploitation, exploitative labor, abuse and violence (The Government of Belarus 1994). In 2005 the Penal Code was amended by new articles N. 171, 171-1, 181, 181-1, 182, 187, 343, 343-1, which provide punishments to crimes connected to trafficking in human beings (Ministry of Interior, 2013). Since 2007 two presidential acts on creation an anti-trafficking program were adopted (ibid). In January 2012, the Belarusian government adopted a new law to address human trafficking.