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**On Amending Certain Codes of the Republic of Belarus to Increase Liability for Human Trafficking and Other Related Offences**

Passed by the House of Representatives on 7 April 2005  
Approved by the Council of Republic on 18 April 2005

Article 1. To amend the Criminal Code of the Republic of Belarus of 9 July 1999 (the National Register of Legal Acts of Belarus, 1999, No76, 2/50; 2003, No8, 2/922, No83, 2/974) as follows:

1. Re-word paragraph two, article 168, as follows:

“are punishable by restraint of liberty for a term of two to four years or imprisonment for a term of two to five years.”

2. In article 169:

re-word paragraph two of part one as follows:

“are punishable by detention for up to six months or imprisonment for a term of one to three years.”;

provide paragraph two of part two with the following wording:

“are punishable by imprisonment for a term of three to six years.”.

3. Re-word paragraph two of part two, article 170, as follows:

“are punishable by imprisonment for a term of three to six years.”.

4. Provide article 171 with the following wording:

“Article 171. Exploitation of prostitution or creating conditions for prostitution

1. Exploitation of prostitution by another person or provision of premises (location) for monetary gain by a person, who knew beyond doubt that these premises (location) will be used for prostitution or establishment and/or upkeep of a brothel for the engagement in prostitution when signs of a graver offense are lacking -

are punishable by imprisonment for a term of three to five years.

2. Similar actions involving removal of a person outside of the country for the engagement in prostitution or committed by an officer of state with the abuse of power or by a person with prior convictions for offences under this article and articles 171-1 or 181 of this Code or with the use of persons known to be under age for prostitution or committed by an organized group -

are punishable by imprisonment for a term of seven to ten years with the confiscation of property.”.

5. To supplement the Code with Art. 171-1 framed as follows:

“Article 171-1. Involving into prostitution and forcing into a continuation of prostitution

1. Involving into prostitution or forcing into a continuation of prostitution -

are punishable by imprisonment for a term of one to three years.

2. Similar actions committed repetitively or with the use of force or the threat or by a person with prior convictions for offences under articles 171 or 181 of this Code or by a person who reached the age of 18 against a person known to be under age, -

are punishable by imprisonment for a term of three to five years.

3. Actions specified by parts one and two of this article committed by a parent, teacher or other person performing parenting functions with regard to a minor against a person known to be under age or by an organized group, -

are punishable by imprisonment for a term of seven to ten years.”.

6. Remove ‘or into prostitution’ from paragraph one of part one, article 173.

7. Provide article 181 with the following wording:

"Article 181. Human trafficking

1. The buying/selling of a person or other transactions committed against a person as well as recruitment, transportation, transfer, harbouring or receipt of a person (human trafficking) committed for exploitation purposes -

are punishable by imprisonment for a term of five to seven years with the confiscation of property.

2. Similar actions committed:

1) against a person known to be under age;

2) against two or more persons;

3) for the purposes of sexual exploitation;

4) to remove organs or tissues of a victim for transplantation;

5) by a group of persons by previous concert;

6) by an officer of state through the abuse of power;

7) by a person who previously committed offences under this article, articles 171 or 171-1 of this Code;

8) for the purpose of transporting a victim outside of the country;

9) taking advantage of a victim’s vulnerability (concatenation of difficult personal, family or other circumstances);

10) by deception, abuse of confidence or combined with the use of force, the threat or other forms of coercion, -

are punishable by imprisonment for a term of ten to twelve years with the confiscation of property.

3. Actions stipulated by parts one or two of this article resulting in reckless death of a victim or infliction of grievous bodily injuries or other grave consequences or committed by an organized group, -

are punishable by imprisonment for a term of twelve to fifteen years with the confiscation of property.

Note:

1. For the purpose of this article, articles 182 and 187 of this Code exploitation of a person implies illegal forcing of a person into labour or provision of services in case he/she is unable to refuse this work (services) for reasons beyond their control, including slavery or slavery-like practices.

2. For the purpose of this article, articles 182 and 187 of this Code sexual exploitation is understood as gaining from acts of a sexual nature performed by another person, including exploitation of prostitution”.

8. Re article 182:

state part one as follows:

"1. Illegal capture of a person – secret, open, by deception or the abuse of confidence or combined with the use of force or the threat or other forms of coercion – in the absence of signs of an offence under article 291 of this Code (abduction), -

is punishable by imprisonment for a term of five to seven years with or without the confiscation of property.”;

in part two:

Remove ‘or by an organized group’ from subparagraph 6;

Remove ‘or without confiscation’ from the last paragraph;

state part three as follows:

"3. Actions stipulated by parts one or two of this article resulting in reckless death of a victim or infliction of grievous bodily injuries or other grave consequences or committed by an organized group, -

are punishable by imprisonment for a term of ten to fifteen years with the confiscation of property."

9. Re-word article 187 in the following manner:

“Article 187. Illegal acts directed towards foreign employment of Belarusian citizens

1. Illegal acts directed towards foreign employment of citizens, if, as a result of such acts, persons who have been secured employment abroad were subjected to sexual or other exploitation against the will of a person in the absence of signs of the offence stipulated by article 181 of this Code (illegal acts directed towards foreign employment of citizens), -

are punishable by imprisonment for a term of three to five with the revocation of the right to hold certain offices or pursue certain activities.

2. Illegal acts directed towards foreign employment of citizens committed repetitively or by a person with prior convictions for offences provided by articles 171, 171-1 or 181 of this Code, -

are punishable by imprisonment for a term of four to six years with the revocation of the right to hold certain offices or pursue certain activities.

3. Illegal acts directed towards foreign employment of citizens of Belarus committed by an organized group, -

are punishable by imprisonment for a term of six to eight years with the confiscation of property and with the revocation of the right to hold certain offices or pursue certain activities".

10. In article 343:

in paragraph one:

replace ‘production or’ with ‘1. Production or’, and ‘films and videofilms’ with ‘films or videofilms’;

delete ‘committed within a year of the imposition of disciplinary action for similar acts’;

delete from paragraph two ‘or restriction of liberty for a term of up to one year’;

supplement the article with parts two and three as follows:

“2. Production or possession for the purpose of distribution or advertising, or distribution or advertising of pornographic materials, printed matters, images or other items of a pornographic nature containing images of minors, or demonstration of pornographic films or videofilms to minors committed by a person who reached the age of 18, -

are punishable by imprisonment for a term of one to three years.

3. Actions stipulated by parts one and two of this article committed by a group of persons by previous concert or by an organized group, -

are punishable by imprisonment for a term of two to four years.”.

Article 2. To amend article 182 of the Code of Criminal Proceedings of the Republic of Belarus of 16 July 1999 (National Register of Legal Acts of Belarus, 2000, No 77-78, 2/71; 2003, No 8, 2/922, No 83, 2/974) as follows:

in part two:

after ‘171,’ add ‘171-1,’;

after ‘part two of article 340,’ add ‘part three of article 343,’;

in part 12 replace ‘articles 341 and 343’ with ‘article 341, parts one and two of article 343’.

Article 3. To delete article 164 of the Code of Administrative Offences of the Republic of Belarus adopted by the Supreme Council of the Republic of Belarus on 6 December 1984 (Compiled Laws of BSSR, 1984, No 35, art.505; National Register of Legal Acts of Belarus, 2001, No 67, 2/790).

Article 4. Amend the Code of Administrative Offences of the Republic of Belarus of 21 April 2003 (National Register of Legal Acts of Belarus, 2003, No 63, 2/946, No 87, 2/980) as follows:

1. Add article 9.23 with the following wording to the Code:

“Article 9.23. Breach of rules and terms of foreign employment of citizens of Belarus

1. Failure by a legal entity or individual entrepreneur to draw up a written contract with a citizen concerning assistance in securing employment with a foreign employer outside of Belarus as well as the drawing up of a contract with disregard for proper statutory requirements for such a contract, - result in a fine of fifty to two hundred base units for an individual entrepreneur and five hundred to one thousand base units for a legal entity.

2. Misrepresentation of a nature of a future job for citizens and violation of a foreign employment procedure committed by an official of a legal entity or an individual entrepreneur engaged in foreign employment activities, if these actions do not form *corpus delicti*, - result in a fine of fifty to one hundred base units, for an individual entrepreneur – from fifty to one hundred base units with the confiscation of proceeds gained from this activity, and the revocation of the right to pursue certain activities, and for a legal entity – from one hundred to two hundred base units with the confiscation of proceeds gained from this activity, and the revocation of the right to pursue certain activities.”.

2. Supplement article 12.7 with part five as follows:

"5. Acts directed towards foreign employment of citizens effected without a special permit (license) or in breach of rules and terms applied to such activities stipulated in a special permit (license), if these actions do not form *corpus delicti*, -

result in a fine of fifty to two hundred base units with the confiscation of proceeds gained from this activity, and the revocation of the right to pursue certain activities, and for a legal entity – from five hundred to one thousand base units with the confiscation of proceeds gained from this activity, and the revocation of the right to pursue certain activities.”.

3. Delete article 17.7.

4. Add article 23.65 to the Code as follows:

"Article 23.65. Illegal castings

Unlawful organizing, conducting or creating conditions for competitive selection of candidates for promotional projects or with a view to their subsequent engagement (casting) -

result in a fine of fifty to one hundred base units, for an individual entrepreneur – from fifty to two hundred base units, and for a legal entity – from one hundred to five hundred base units.”.

Article 5. This Law becomes effective ten days after its official publication, except for article 4 which enters into force since the day the Code of Administrative Offences of the Republic of Belarus of 21 April 2003 took effect.

President of the Republic of Belarus

A. Lukashenko